

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2205

Introduced by Assembly Member Charles Calderon

February 18, 2010

An act to ~~amend~~ *add* Section ~~17048~~ of the Revenue and Taxation Code, relating to ~~taxation~~ *state finance*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2205, as amended, Charles Calderon. ~~Income taxes: tax tables. State finance: line-item veto.~~

Under the California Constitution, the Governor may exercise "line-item" veto authority by reducing or eliminating one or more items of appropriation in a bill while approving other portions of the bill.

This bill would provide that, for purposes of the California Constitution, the term "items of appropriation" does not include reductions made in a bill to previously enacted items of appropriation. The bill would also provide that it is the intent of the Legislature to supersede a specified court decision.

~~The Personal Income Tax Law imposes specified taxes based upon gross income, and, among other things, provides for the computation of taxes in accordance with tax tables prescribed by the Franchise Tax Board.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12017.5 is added to the Government Code,
2 to read:

3 12017.5. For purposes of Section 10 of Article IV of the
4 California Constitution, “item of appropriation” does not include
5 a reduction to an item of appropriation contained in a previously
6 enacted statute.

7 SEC. 2. In enacting this act, it is the intent of the Legislature
8 to supersede the Court of Appeal of the State of California, First
9 Appellate District’s decision, filed on March 2, 2010, in *St. John’s*
10 *Well Child and Family Center, et al. v. Schwarzenegger, et al.*
11 (2010) Case No. A125750.

12 SECTION 1. Section 17048 of the Revenue and Taxation Code
13 is amended to read:

14 17048. (a) In lieu of the tax imposed under Section 17041,
15 individuals with taxable income of such amounts as prescribed by
16 the Franchise Tax Board, shall compute their taxes under tax tables
17 prescribed by the Franchise Tax Board. The tax tables shall reflect
18 the tax imposed under Section 17041 in income progressions of
19 not less than one hundred dollars (\$100) taking into account the
20 marital or other status of the individual. For purposes of this part,
21 the tax imposed by this section shall be treated as tax imposed by
22 Section 17041.

23 (b) Subdivision (a) shall not apply to any of the following:

24 (1) An individual to whom subdivision (b) of Section 17504
25 (relating to the tax on lump-sum distributions) applies for the
26 taxable year.

27 (2) An individual making a return under Section 443(a)(1) of
28 the Internal Revenue Code for a period of less than 12 months on
29 account of a change in annual accounting period.

30 (3) An estate or trust.