

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1071

Introduced by Assembly Member Fuentes

February 18, 2011

~~An act to add Section 18511 to the Revenue and Taxation Code, relating to taxation. An act to add Section 17053.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1071, as amended, Fuentes. ~~Taxpayer identification numbers: filing of returns. Personal income taxes: credits: qualified school supplies.~~

The Personal Income Tax Law authorizes various credits against the taxes imposed by that law.

This bill would allow a credit for each taxable year beginning on and after January 1, 2012, and before January 1, 2015, an amount equal to 20% of the amount paid or incurred during a specified period in August during the taxable year for qualified school supplies, as defined, by a credentialed teacher, as defined, that are purchased for use by the credentialed teacher's pupils at a qualified educational institution, as defined.

This bill would take effect immediately as a tax levy.

~~The Franchise Tax Board administers personal income and corporations tax laws and also is responsible for administering other nontax programs and collecting specified delinquent debt.~~

~~This bill would require the Franchise Tax Board to establish a system to generate, apply for, and issue state taxpayer identification numbers for persons in this state that may be used by an individual on returns required to be filed pursuant to the Personal Income Tax Law. This bill would prohibit the Franchise Tax Board, and any other state or local agency, from providing federal, state, and local law enforcement agencies with any identifying information associated with a state taxpayer identification number, as provided.~~

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

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

1 SECTION 1. Section 17053.15 is added to the Revenue and
 2 Taxation Code, to read:
 3 17053.15. (a) For each taxable year beginning on and after
 4 January 1, 2012, and before January 1, 2015, there shall be
 5 allowed as a credit against the “net tax” (as defined in Section
 6 17039) for the taxable year an amount equal to 20 percent of the
 7 amount paid or incurred during the three-day period beginning
 8 at 12:01 a.m. on the first Friday of August and ending at 12:00
 9 midnight on the first Monday of August during the taxable year
 10 for qualified school supplies by a credentialed teacher that are
 11 purchased for use by the credentialed teacher’s pupils at a
 12 qualified educational institution.
 13 (b) For purposes of this section, the following definitions shall
 14 apply:
 15 (1) “Credentialed teacher” means a person who holds a
 16 teaching credential issued by the Commission on Teacher
 17 Credentialing pursuant to Chapter 2 (commencing with Section
 18 44200) of Part 25 of Division 2 of Title 2 of the Education Code
 19 and who teaches at a qualifying educational institution.
 20 (2) “Qualifying educational institution” means any elementary,
 21 secondary, or career-technical school located in this state
 22 providing education for pupils in kindergarten or any of grades 1
 23 to 12, inclusive. “Qualifying educational institution” includes an
 24 agency or instrumentality of the federal government providing
 25 education for pupils in kindergarten or any of grades 1 to 12,
 26 inclusive, at any location within this state, including an Indian
 27 reservation or a military installation located within the

1 *geographical borders of this state, where a credentialed teacher*
2 *is employed by the federal government or an agency or*
3 *instrumentality thereof. “Qualifying educational institution”*
4 *includes any elementary, secondary, or career-technical school*
5 *located in California, that files an affidavit pursuant to Sections*
6 *33190 and 33191 of the Education Code, and provides education*
7 *for pupils in kindergarten or any of grades 1 to 12, inclusive.*

8 (3) *“Qualified school supplies” means pens, paper, pencils,*
9 *binders, notebooks, school textbooks, book bags, backpacks,*
10 *lunchboxes, and calculators.*

11 *SEC. 2. This act provides for a tax levy within the meaning of*
12 *Article IV of the Constitution and shall go into immediate effect.*

13 ~~SECTION 1. Section 18511 is added to the Revenue and~~
14 ~~Taxation Code, to read:~~

15 ~~18511. (a) The Franchise Tax Board shall establish a system~~
16 ~~to generate, apply for, and issue state taxpayer identification~~
17 ~~numbers for persons in this state that may be used by an individual~~
18 ~~on returns required to be filed pursuant to Part 10.~~

19 ~~(b) The Franchise Tax Board shall revise the returns required~~
20 ~~to be filed pursuant to this article, and the accompanying~~
21 ~~instructions for filing those returns, to allow a person to report and~~
22 ~~pay income tax in accordance with Part 10 using a state taxpayer~~
23 ~~identification number in lieu of a social security number or~~
24 ~~federally generated taxpayer identification number.~~

25 ~~(c) To the extent permitted under state and federal law, the~~
26 ~~Franchise Tax Board and any other state or local government~~
27 ~~agency, shall not provide federal, state, and local law enforcement~~
28 ~~agencies with any identifying information associated with a state~~
29 ~~taxpayer identification number unless that information is required~~
30 ~~to enforce a liability that arises out of this code or the Family Code.~~