

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1278**

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**Introduced by Assembly Member Pan**

February 18, 2011

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~~An act to amend Section 58608.1 of the Food and Agricultural Code, relating to marketing.~~ *An act to add and repeal Sections 17053.82 and 23628 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1278, as amended, Pan. ~~Marketing of agricultural commodities; educational programs; definition~~ *Income and corporation tax credits; volunteer services; school.*

*The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws.*

*This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2012, and before January 1, 2019, in an amount equal to specified wages paid to employees that perform volunteer services at a qualified school, as defined.*

*This bill would take effect immediately as a tax levy.*

~~Existing law defines an “educational program” for purposes of the California Marketing Act of 1937 as a program that provides for the planning and implementation of activities to inform the general public of the processes of producing agricultural commodities and to foster cooperation between urban and rural sectors.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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

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

1     SECTION 1. Section 17053.82 is added to the Revenue and  
2     Taxation Code, to read:

3     17053.82. (a) For each taxable year beginning on or after  
4     January 1, 2012, and before January 1, 2019, there shall be  
5     allowed as a credit against the “net tax,” as defined in Section  
6     17039, an amount equal to any wages, salary, or other  
7     compensation paid or incurred by a taxpayer during the taxable  
8     year to an employee of the taxpayer for each day, not to exceed  
9     two, that the employee performs volunteer services at a qualified  
10    school.

11    (b) For purposes of this section, “qualified school” means any  
12    school in this state that provides instruction for any grade from  
13    kindergarten through 12th and enrolls a child of the employee  
14    with respect to whom a credit is claimed under this section..

15    (c) In the case where the credit allowed by this section exceeds  
16    the “net tax,” the excess may be carried over to reduce the “net  
17    tax” in the following year, and the succeeding seven years if  
18    necessary, until the credit is exhausted.

19    (d) This section shall remain in effect only until January 1, 2019,  
20    and as of December 1, 2019 is repealed. However, any unused  
21    credit may continue to be carried forward, as provided in  
22    subdivision (c), until the credit is exhausted.

23    SEC. 2. Section 23628 is added to the Revenue and Taxation  
24    Code, to read:

25    23628. (a) For each taxable year beginning on or after  
26    January 1, 2012, and before January 1, 2019, there shall be  
27    allowed as a credit against the “tax,” as defined in Section 23036,  
28    an amount equal to any wages, salary, or other compensation paid  
29    or incurred by a taxpayer during the taxable year to an employee  
30    of the taxpayer for each day, not to exceed two, that the employee  
31    performs volunteer services at a qualified school.

32    (b) For purposes of this section, “qualified school” means any  
33    school in this state that provides instruction for any grade from  
34    kindergarten through 12th and enrolls a child of the employee  
35    with respect to whom a credit is claimed under this section.

1 (c) In the case where the credit allowed by this section exceeds  
2 the “tax,” the excess may be carried over to reduce the “tax” in  
3 the following year, and the succeeding seven years if necessary,  
4 until the credit is exhausted.

5 (d) This section shall remain in effect only until January 1, 2019,  
6 and as of December 1, 2019 is repealed. However, any unused  
7 credit may continue to be carried forward, as provided in  
8 subdivision (c), until the credit is exhausted.

9 SEC. 3. This act provides for a tax levy within the meaning of  
10 Article IV of the Constitution and shall go into immediate effect.

11 SECTION 1. ~~Section 58608.1 of the Food and Agricultural~~  
12 ~~Code is amended to read:~~

13 ~~58608.1. “Educational program,” unless otherwise defined in~~  
14 ~~this chapter, means a program established by the director pursuant~~  
15 ~~to this chapter that provides for the planning and implementation~~  
16 ~~of activities designed to inform the general public of the processes~~  
17 ~~used in producing agricultural commodities and designed to foster~~  
18 ~~cooperation and understanding between urban and rural sectors of~~  
19 ~~society.~~