

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN ASSEMBLY MAY 27, 2014

AMENDED IN SENATE MAY 13, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 355

Introduced by Senator Beall

February 20, 2013

An act to amend Sections 17053.30 and 23630 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

SB 355, as amended, Beall. Income taxes: credit: conservation.

The Natural Heritage Preservation Tax Credit Act of 2000 requires the Wildlife Conservation Board to implement a program under which property, as defined, may be contributed to the state, any local government, as defined, or to any nonprofit organization designated by a local government, based on specified criteria, in order to provide for the protection of wildlife habitat, open space, and agricultural lands.

The Personal Income Tax Law and the Corporation Tax Law allow a credit against the taxes imposed by those laws in the amount equal to 55% of the fair market value of any qualified contribution, defined as

a contribution of property that has been approved for acceptance by the Wildlife Conservation Board, that is made no later than June 30, 2015, during the taxable year pursuant to the Natural Heritage Preservation Tax Credit Act of 2000, as provided. Those laws allow the credit to be carried over for 8 years if necessary.

This bill would extend the period for when a qualified contribution is made for which a tax credit would be allowed to June 30, 2020. This bill would also extend the carryover period to 15 years for a qualified contribution made on or after January 1, 2015.

This bill would take effect immediately as a tax levy.

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 17053.30 of the Revenue and Taxation
2 Code is amended to read:
3 17053.30. (a) There shall be allowed as a credit against the
4 “net tax,” as defined in Section 17039, an amount equal to 55
5 percent of the fair market value of any qualified contribution made
6 on or after January 1, 2000, and not later than June 30, 2008, and
7 on or after January 1, 2010, and not later than June 30, 2020, by
8 the taxpayer during the taxable year to the state, any local
9 government, or any designated nonprofit organization, pursuant
10 to Division 28 (commencing with Section 37000) of the Public
11 Resources Code.
12 (b) For purposes of this section, “qualified contribution” means
13 a contribution of property, as defined in Section 37002 of the Public
14 Resources Code, that has been approved for acceptance by the
15 Wildlife Conservation Board pursuant to Division 28 (commencing
16 with Section 37000) of the Public Resources Code.
17 (c) In the case of any pass-thru entity, the fair market value of
18 any qualified contribution approved for acceptance under Division
19 28 (commencing with Section 37000) of the Public Resources
20 Code shall be passed through to the partners or shareholders of
21 the pass-thru entity in accordance with their interest in the pass-thru
22 entity as of the date of the qualified contribution. For purposes of
23 this subdivision, the term “pass-thru entity” means any partnership,
24 “S” corporation, or limited liability company treated as a
25 partnership.

1 (d) (1) For a qualified contribution made on or after January
2 1, 2000, and before January 1, 2015, if the credit allowed by this
3 section exceeds the “net tax,” the excess may be carried over to
4 reduce the “net tax” in the following year, and the succeeding
5 seven years if necessary, until the credit is exhausted.

6 (2) For a qualified contribution made on or after January 1,
7 2015, if the credit allowed by this section exceeds the “net tax,”
8 the excess may be carried over to reduce the “net tax” in the
9 following year, and the succeeding 14 years if necessary, until the
10 credit is exhausted.

11 (e) This credit shall be in lieu of any other credit or deduction
12 ~~which~~ that the taxpayer may otherwise claim pursuant to this part
13 with respect to the property or any interest therein that is
14 contributed.

15 SEC. 2. Section 23630 of the Revenue and Taxation Code is
16 amended to read:

17 23630. (a) There shall be allowed as a credit against the “tax,”
18 as defined in Section 23036, an amount equal to 55 percent of the
19 fair market value of any qualified contribution made on or after
20 January 1, 2000, and not later than June 30, 2008, and on or after
21 January 1, 2010, and not later than June 30, 2020, by the taxpayer
22 during the taxable year to the state, any local government, or any
23 designated nonprofit organization, pursuant to Division 28
24 (commencing with Section 37000) of the Public Resources Code.

25 (b) For purposes of this section, “qualified contribution” means
26 a contribution of property, as defined in Section 37002 of the Public
27 Resources Code, that has been approved for acceptance by the
28 Wildlife Conservation Board pursuant to Division 28 (commencing
29 with Section 37000) of the Public Resources Code.

30 (c) In the case of any pass-thru entity, the fair market value of
31 any qualified contribution approved for acceptance under Division
32 28 (commencing with Section 37000) of the Public Resources
33 Code shall be passed through to the partners or shareholders of
34 the pass-thru entity in accordance with their interest in the pass-thru
35 entity as of the date of the qualified contribution. For purposes of
36 this subdivision, the term “pass-thru entity” means any partnership
37 or “S” corporation.

38 (d) (1) For a qualified contribution made on or after January
39 1, 2000, and before January 1, 2015, if the credit allowed by this
40 section exceeds the “tax,” the excess may be carried over to reduce

1 the “tax” in the following year, and the succeeding seven years if
2 necessary, until the credit is exhausted.

3 (2) For a qualified contribution made on or after January 1,
4 2015, if the credit allowed by this section exceeds the “tax,” the
5 excess may be carried over to reduce the “tax” in the following
6 year, and the succeeding 14 years if necessary, until the credit is
7 exhausted.

8 (e) ~~This credit or a grant under Section 37006 of the Public~~
9 ~~Resources Code~~ shall be in lieu of any other credit or deduction
10 that the taxpayer may otherwise claim pursuant to this part with
11 respect to the property or any interest therein that is contributed.

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