

**Assembly Bill No. 2212**

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Passed the Assembly    May 18, 2000

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*Chief Clerk of the Assembly*

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Passed the Senate    August 28, 2000

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add Chapter 8.5 (commencing with Section 1350) to Division 6 of the Military and Veterans Code, and to add and repeal Article 1 (commencing with Section 18701) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to veterans.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2212, Frusetta. Veterans: National World War II Veterans Memorial.

Existing law relating to the administration of personal income taxes allows individual taxpayers to contribute amounts in excess of their tax liability to various funds and accounts established for special purposes.

This bill would allow individual taxpayers to contribute amounts in excess of their tax liability to a National World War II Veterans Memorial. However, the bill would provide that a voluntary contribution designation for this purpose cannot be added on the tax return until another voluntary contribution designation is removed. This bill would provide that all contributed amounts, net of administrative costs, be deposited in the National World War II Veterans Memorial Trust Fund, which would be established by this bill. This bill would specify that all moneys in that fund are, upon appropriation by the Legislature, allocated to the American Battle Monuments Commission for the construction of a National World War II Veterans Memorial as described by a certain provision of law.

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

SECTION 1. Chapter 8.5 (commencing with Section 1350) is added to Division 6 of the Military and Veterans Code, to read:



CHAPTER 8.5. NATIONAL WORLD WAR II VETERANS  
MEMORIAL TRUST FUND

1350. There is hereby established the National World War II Veterans Memorial Trust Fund to receive those moneys transferred in accordance with Section 18702 of the Revenue and Taxation Code. Upon appropriation by the Legislature, the moneys in the trust fund shall be allocated to the American Battle Monuments Commission for the construction and maintenance of the World War II Memorial described in Section 1 of Chapter 864 of the Statutes of 1999.

SEC. 2. Article 1 (commencing with Section 18701) is added to Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, to read:

Article 1. National World War II Veterans Memorial  
Funding

18701. (a) Any individual may designate on the tax return that a contribution in excess of tax liability, if any, be made to the National World War II Veterans Memorial Trust Fund, established pursuant to Section 1350 of the Military and Veterans Code.

(b) A contribution shall be in a full dollar amount and may be made individually by each signatory on a joint return.

(c) A designation made under subdivision (a) shall be made for any taxable year on the initial return for that taxable year, and once made shall be irrevocable. In the event that payments and credits reported on the return, together with any other credits associated with the taxpayer's account do not exceed the tax liability, if any, shown thereupon, the return shall be treated as though no designation had been made. In the event that no designee is specified, the contribution shall, after reimbursement of the direct actual costs of the Franchise Tax Board for the collection and administration of funds under the article, be transferred to the General Fund.



(d) If an individual designates a contribution to more than one account, and the amount available is insufficient to satisfy the total amount designated, the contribution shall be allocated among the designated accounts on a pro rata basis.

(e) The Franchise Tax Board shall revise the form of the return to include a space labeled the “National World War II Veterans Memorial” to allow for the designation permitted under subdivision (a). The Franchise Tax Board shall state in the accompanying tax information booklet that the contributions will be for use on the World War II Memorial in Washington, D.C.

(f) Notwithstanding any other provision, a voluntary contribution designation for the National World War II Veterans Memorial Trust Fund shall not be added on the tax return until another voluntary contribution designation is removed.

(g) A deduction shall be allowed under Article 6 (commencing with Section 17201) of Chapter 3 of Part 10 for the amount of any contribution made under subdivision (a).

18702. (a) The Franchise Tax Board shall annually determine the total amount designated pursuant to subdivision (a) of Section 18701 and notify the Controller of that amount.

(b) The Controller shall transfer the amount determined under subdivision (a), less the direct, actual costs of the Franchise Tax Board for the collection and administration of funds under this article, to the National World War II Veterans Memorial Trust Fund, established pursuant to Section 1350 of the Military and Veterans Code, for use on the World War II Memorial in Washington, D.C. Upon appropriation by the Legislature, the Controller shall transfer the amount of reimbursement for direct actual costs incurred by the Franchise Tax Board and the Office of the Controller in the administration of this fund.

18703. This article creates an additional source of funding for a specified purpose. The funds generated by this article shall not be used in place of funds from other



sources that are available for appropriation to the National World War II Veterans Memorial Trust Fund.

18704. (a) This article shall remain in effect only until January 1 of the third taxable year following the first appearance of the National World War II Veterans Memorial Trust Fund on the tax return and as of that date is repealed, unless a later enacted statute, that is enacted before the applicable date, deletes or extends that date.

(b) If, in any calendar year after the first taxable year the National World War II Veterans Memorial Trust Fund appears on the tax return, the Franchise Tax Board estimates by September 1 that contributions described in this article made on returns filed in that calendar year will be less than two hundred fifty thousand dollars (\$250,000), or the adjusted amount specified in subdivision (c) for subsequent taxable years, as may be applicable, then this article is repealed with respect to taxable years beginning on or after January 1 of that calendar year. The Franchise Tax Board shall estimate the annual contribution amount by September 1 of each year using the actual amounts known to be contributed and an estimate of the remaining year's contribution.

(c) For each calendar year, beginning with the second calendar year the National World War II Veterans Memorial Trust Fund appears on the tax return, the Franchise Tax Board shall adjust, on or before September 1 of that calendar year, the minimum estimated contribution amount specified in subdivision (b) as follows:

(1) The minimum estimated contribution amount for the calendar year shall be an amount equal to the product of the minimum estimated contribution amount for the prior September 1 multiplied by the inflation factor adjustment as specified in paragraph (2) of subdivision (h) of Section 17041, rounded off to the nearest dollar.

(2) The inflation factor adjustment used for the calendar year shall be based on the figures for the percentage change in the California Consumer Price Index received on or before August 1 of the calendar year



pursuant to paragraph (1) of subdivision (h) of Section 17041.

(d) Notwithstanding the repeal of this article, any contribution amounts designated pursuant to this article prior to its repeal shall continue to be transferred and disbursed in accordance with this article as in effect immediately prior to that repeal.



Approved \_\_\_\_\_, 2000

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*Governor*

