

AMENDED IN SENATE JULY 13, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 94

**Introduced by Assembly Member Evans
(Coauthor: Assembly Member Monning)**

January 6, 2009

An act to amend Section 7260 of the Government Code, to amend Sections 37002, 37022, 37034, and 37035 of the Public Resources Code, and to amend Sections 17053.30 and 23630 of the Revenue and Taxation Code, relating to conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 94, as amended, Evans. Natural Heritage Preservation Tax Credit Act of 2000.

(1) Under the Natural Heritage Preservation Tax Credit Act of 2000, property may be contributed to departments, as defined, any local government, or any nonprofit organization designated by a local government or department, based on specified criteria, in order to provide for the protection of wildlife habitat, open space, and agricultural lands. The act defines “donee” as a department within the Natural Resources Agency to which a donor has applied to donate property, a local government requesting approval of a donation of property to it, or a designated nonprofit organization.

This bill would expand the definition of “donee” to include a local government that has submitted an application directly to the Wildlife Conservation Board. The bill would make related changes.

(2) The act limits the total amount of tax credits to \$100,000,000 and prohibits tax credits from being awarded after the 2007–08 fiscal year without further statutory authorization.

This bill, instead, would prohibit tax credits from being awarded after the 2018–19 fiscal year without further statutory authorization, and would delete the monetary limit on the award of tax credits pursuant to the act.

(3) Existing law provides that, whenever a program or project to be undertaken by a public entity will result in the displacement of a person, the displaced person, as defined, is entitled to payment for actual moving and related expenses as the public entity determines to be reasonable and necessary.

This bill would exclude as a displaced person, for those purposes, a person displaced by willingly donating or selling his or her property for the purposes of protecting fish and wildlife habitat, providing recreation areas, or preserving cultural or agricultural resources and open space, or any person who occupies on a rental basis the property donated or sold. The bill would provide that this exclusion does not apply when a sale is in response to an eminent domain proceeding.

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 7260 of the Government Code is amended
- 2 to read:
- 3 7260. As used in this chapter:
- 4 (a) “Public entity” includes the state, the Regents of the
- 5 University of California, a county, city, city and county, district,
- 6 public authority, public agency, and any other political subdivision
- 7 or public corporation in the state or any entity acting on behalf of
- 8 these agencies when acquiring real property, or any interest therein,
- 9 in any city or county for public use, and any person who has the
- 10 authority to acquire property by eminent domain under state law.
- 11 (b) “Person” means any individual, partnership, corporation,
- 12 limited liability company, or association.
- 13 (c) (1) “Displaced person” means both of the following:
- 14 (A) Any person who moves from real property, or who moves
- 15 his or her personal property from real property, either:

1 (i) As a direct result of a written notice of intent to acquire, or
2 the acquisition of, the real property, in whole or in part, for a
3 program or project undertaken by a public entity or by any person
4 having an agreement with, or acting on behalf of, a public entity.

5 (ii) As a direct result of the rehabilitation, demolition, or other
6 displacing activity, as the public entity may prescribe under a
7 program or project undertaken by a public entity, of real property
8 on which the person is a residential tenant or conducts a business
9 or farm operation, if the public entity determines that the
10 displacement is permanent. For purposes of this subparagraph,
11 “residential tenant” includes any occupant of a residential hotel
12 unit, as defined in subdivision (b) of Section 50669 of the Health
13 and Safety Code, and any occupant of employee housing, as
14 defined in Section 17008 of the Health and Safety Code, but does
15 not include any person who has been determined to be in unlawful
16 occupancy of the displacement dwelling.

17 (B) Solely for the purposes of Sections 7261 and 7262, any
18 person who moves from real property, or moves his or her personal
19 property from real property, either:

20 (i) As a direct result of a written notice of intent to acquire, or
21 the acquisition of, other real property, in whole or in part, on which
22 the person conducts a business or farm operation for a program or
23 project undertaken by a public entity.

24 (ii) As a direct result of the rehabilitation, demolition, or other
25 displacing activity as the public entity may prescribe under a
26 program or project undertaken by a public entity, of other real
27 property on which the person conducts a business or farm
28 operation, in any case in which the public entity determines that
29 the displacement is permanent.

30 (2) This subdivision shall be construed so that persons displaced
31 as a result of public action receive relocation benefits in cases
32 where they are displaced as a result of an owner participation
33 agreement or an acquisition carried out by a private person for, or
34 in connection with, a public use where the public entity is otherwise
35 empowered to acquire the property to carry out the public use.

36 (3) Except for persons or families of low and moderate income,
37 as defined in Section 50093 of the Health and Safety Code, who
38 are occupants of housing that was made available to them on a
39 permanent basis by a public agency and who are required to move

1 from the housing, a “displaced person” shall not include any of
2 the following:

3 (A) Any person who has been determined to be in unlawful
4 occupancy of the displacement dwellings.

5 (B) Any person whose right of possession at the time of moving
6 arose after the date of the public entity’s acquisition of the real
7 property.

8 (C) Any person who has occupied the real property for the
9 purpose of obtaining assistance under this chapter.

10 (D) In any case in which the public entity acquires property for
11 a program or project (other than a person who was an occupant of
12 the property at the time it was acquired), any person who occupies
13 the property for a period subject to termination when the property
14 is needed for the program or project.

15 (E) Any person who donates or willingly sells his or her property
16 for the purposes of protecting fish and wildlife habitat, providing
17 recreational areas, or preserving cultural or agricultural resources
18 and open space, or any person who occupies that property on a
19 rental basis. This subparagraph does not apply when a sale is in
20 response to an eminent domain proceeding.

21 (d) “Business” means any lawful activity, except a farm
22 operation, conducted for any of the following:

23 (1) Primarily for the purchase, sale, lease, or rental of personal
24 and real property, and for the manufacture, processing, or
25 marketing of products, commodities, or any other personal
26 property.

27 (2) Primarily for the sale of services to the public.

28 (3) Primarily by a nonprofit organization.

29 (4) Solely for the purpose of Section 7262 for assisting in the
30 purchase, sale, resale, manufacture, processing, or marketing of
31 products, commodities, personal property, or services by the
32 erection and maintenance of an outdoor advertising display,
33 whether or not the display is located on the premises on which any
34 of the above activities are conducted.

35 (e) “Farm operation” means any activity conducted solely or
36 primarily for the production of one or more agricultural products
37 or commodities, including timber, for sale or home use, and
38 customarily producing these products or commodities in sufficient
39 quantity to be capable of contributing materially to the operator’s
40 support.

1 (f) “Affected property” means any real property that actually
2 declines in fair market value because of acquisition by a public
3 entity for public use of other real property and a change in the use
4 of the real property acquired by the public entity.

5 (g) “Public use” means a use for which real property may be
6 acquired by eminent domain.

7 (h) “Mortgage” means classes of liens that are commonly given
8 to secure advances on, or the unpaid purchase price of, real
9 property, together with the credit instruments, if any, secured
10 thereby.

11 (i) “Comparable replacement dwelling” means any dwelling
12 that is all of the following:

13 (1) Decent, safe, and sanitary.

14 (2) Adequate in size to accommodate the occupants.

15 (3) In the case of a displaced person who is a renter, within the
16 financial means of the displaced person. A comparable replacement
17 dwelling is within the financial means of a displaced person if the
18 monthly rental cost of the dwelling, including estimated average
19 monthly utility costs, minus any replacement housing payment
20 available to the person, does not exceed 30 percent of the person’s
21 average monthly income, unless the displaced person meets one
22 or more of the following conditions, in which case the payment
23 of the monthly rental cost of the comparable replacement dwelling,
24 including estimated average monthly utility costs, minus any
25 replacement housing payment available to the person, shall not
26 exceed 25 percent of the person’s average monthly income:

27 (A) Prior to January 1, 1998, the displaced person received a
28 notice to vacate from a public entity, or from a person having an
29 agreement with a public entity.

30 (B) The displaced person resides on property that was acquired
31 by a public entity, or by a person having an agreement with a public
32 entity, prior to January 1, 1998.

33 (C) Prior to January 1, 1998, a public entity, or a person having
34 an agreement with a public entity, initiated negotiations to acquire
35 the property on which the displaced person resides.

36 (D) Prior to January 1, 1998, a public entity, or a person having
37 an agreement with a public entity, entered into an agreement to
38 acquire the property on which the displaced person resides.

1 (E) Prior to January 1, 1998, a public entity, or a person having
2 an agreement with a public entity, gave written notice of intent to
3 acquire the property on which the displaced person resides.

4 (F) The displaced person is covered by, or resides in an area or
5 project covered by, a final relocation plan that was adopted by the
6 legislative body prior to January 1, 1998, pursuant to this chapter
7 and the regulations adopted pursuant to this chapter.

8 (G) The displaced person is covered by, or resides in an area or
9 project covered by, a proposed relocation plan that was required
10 to have been submitted prior to January 1, 1998, to the Department
11 of Housing and Community Development or to a local relocation
12 committee, or for which notice was required to have been provided
13 to occupants of the property prior to January 1, 1998, pursuant to
14 this chapter and the regulations adopted pursuant to this chapter.

15 (H) The displaced person is covered by, or resides in an area or
16 project covered by, a proposed relocation plan that was submitted
17 prior to January 1, 1998, to the Department of Housing and
18 Community Development or to a local relocation committee, or
19 for which notice was provided to the public or to occupants of the
20 property prior to January 1, 1998, pursuant to this chapter and the
21 regulations adopted pursuant to this chapter, and the person is
22 eventually displaced by the project covered in the proposed
23 relocation plan.

24 (I) The displaced person resides on property for which a contract
25 for acquisition, rehabilitation, demolition, construction, or other
26 displacing activity was entered into by a public entity, or by a
27 person having an agreement with a public entity, prior to January
28 1, 1998.

29 (J) The displaced person resides on property where an owner
30 participation agreement, or other agreement between a public entity
31 and a private party that will result in the acquisition, rehabilitation,
32 demolition, or development of the property or other displacement,
33 was entered into prior to January 1, 1998, and the displaced person
34 resides in the property at the time of the agreement, provides
35 information to the public entity, or person having an agreement
36 with the public entity, showing that he or she did reside in the
37 property at the time of the agreement and is eventually displaced
38 by the project covered in the agreement.

39 (4) Comparable with respect to the number of rooms, habitable
40 space, and type and quality of construction. Comparability under

1 this paragraph shall not require strict adherence to a detailed,
2 feature-by-feature comparison. While a comparable replacement
3 dwelling need not possess every feature of the displacement
4 dwelling, the principal features shall be present.

5 (5) In an area not subject to unreasonable adverse environmental
6 conditions.

7 (6) In a location generally not less desirable than the location
8 of the displaced person's dwelling with respect to public utilities,
9 facilities, services, and the displaced person's place of employment.

10 (j) "Displacing agency" means any public entity or person
11 carrying out a program or project which causes a person to be a
12 displaced person for a public project.

13 (k) "Appraisal" means a written statement independently and
14 impartially prepared by a qualified appraiser setting forth an
15 opinion of defined value of an adequately described property as
16 of a specific date, supported by the presentation and analysis of
17 relevant market information.

18 (l) "Small business" means a business as defined in Part 24 of
19 Title 49 of the Code of Federal Regulations.

20 (m) "Lead agency" means the Department of Housing and
21 Community Development.

22 SEC. 2. Section 37002 of the Public Resources Code is
23 amended to read:

24 37002. As used in this division, the following terms have the
25 following meanings:

26 (a) "Approval" or "approval for acceptance" means the board's
27 approval of the granting of a tax credit for a donation of property
28 pursuant to the program.

29 (b) "Board" means the Wildlife Conservation Board created
30 pursuant to Article 2 (commencing with Section 1320) of Chapter
31 4 of Division 2 of the Fish and Game Code.

32 (c) "Conservation easement" means a conservation easement,
33 as defined by Section 815.1 of the Civil Code, that is contributed
34 in perpetuity.

35 (d) "Department" means any entity created by statute within
36 the Natural Resources Agency and authorized to hold title to land,
37 or the Natural Resources Agency.

38 (e) (1) "Designated nonprofit organization" means a nonprofit
39 organization qualified under Section 501(c)(3) of Title 26 of the
40 United States Code that has as a principal purpose the conservation

1 of land and water resources and that is designated by a local
2 government or a department to accept property pursuant to this
3 division in lieu of the local government or a department. In order
4 to be eligible to receive a donation of property pursuant to this
5 division, a nonprofit organization shall have experience in land
6 conservation.

7 (2) If bond funds are used pursuant to Chapter 7 (commencing
8 with Section 37030), the designated nonprofit organization shall
9 also meet the eligibility requirements specified in the relevant
10 provision of the applicable bond act, for a nonprofit organization.

11 (f) “Donee” means any of the following:

12 (1) A department to which a donor has applied to donate
13 property.

14 (2) A local government that has submitted a joint application
15 with a department requesting approval of a donation of property
16 to that local government.

17 (3) A local government that has submitted an application directly
18 to the board.

19 (4) A designated nonprofit organization.

20 (g) “Donor” means a property owner that donates, or submits
21 an application to donate, property pursuant to the program.

22 (h) (1) “Local government” means any city, county, city and
23 county, or any district, as defined in Section 5902 or in Division
24 26 (commencing with Section 35100), or any joint powers authority
25 made up of one or more of those entities or those entities and
26 departments.

27 (2) If bond funds are used pursuant to Chapter 7 (commencing
28 with Section 37030), “local government” also includes any other
29 local governmental entity eligible to receive bond funds pursuant
30 to the relevant provision of the applicable bond act.

31 (i) “Program” means the Natural Heritage Preservation Tax
32 Credit Program authorized by this division.

33 (j) “Property” means any real property, and any perpetual
34 interest therein, including land, conservation easements, and land
35 containing water rights, as well as water rights.

36 (k) “Secretary” means the Secretary of the Natural Resources
37 Agency.

38 SEC. 3. Section 37022 of the Public Resources Code is
39 amended to read:

1 37022. (a) Tax credits may be awarded pursuant to this division
2 only if the amount of all lost revenue resulting from the award of
3 tax credits is reimbursed by transfer to the General Fund of moneys
4 that are not from the General Fund. Tax Credits shall not be
5 awarded subsequent to the 2018–19 fiscal year without further
6 statutory authorization.

7 (b) For purposes of this section, “moneys that are not from the
8 General Fund” means any of the following:

9 (1) State bond funds as described in Section 37032.

10 (2) State funds available for the purposes of this division, other
11 than funds specified in Section 37014.

12 (3) Court settlements.

13 (4) Private or public donations.

14 (5) Local government funds of any type.

15 (6) Federal funds available for the purposes of this division.

16 SEC. 4. Section 37034 of the Public Resources Code is
17 amended to read:

18 37034. (a) (1) If a department determines that property is
19 available for acquisition by donation, and that the acquisition of
20 the property would comply with the requirements of an applicable
21 bond provision specified in subdivision (c) of Section 37032 and
22 any applicable guidelines developed for that bond provision by
23 the administering agency, and the department believes the
24 acquisition of the property would comply with the requirements
25 of this division, the department may request the prospective donor
26 of the property to submit an application pursuant to Section 37010.
27 If the prospective donor agrees to submit that application, the
28 department may apply for approval of the donation pursuant to the
29 requirements of this division.

30 (2) If a local government determines that property is available
31 for acquisition by donation, and that the acquisition of the property
32 would comply with the requirements of an applicable bond
33 provision specified in subdivision (c) of Section 37032 and any
34 applicable guidelines developed for that bond provision by the
35 administering agency, and the local government believes that the
36 acquisition of the property would comply with the requirements
37 of this division, the local government may request the department
38 that allocated to it the relevant bond funds to determine whether
39 it agrees with the local government’s determinations and beliefs
40 made pursuant to this paragraph. If the department agrees with the

1 local government and gives its approval for the acquisition with
2 bond funds that it has allocated to the local government, the local
3 government may request the prospective donor of the property to
4 submit an application pursuant to Section 37010. If the prospective
5 donor agrees to submit the application, the local government may
6 apply for approval of the donation pursuant to the requirements
7 of this division.

8 (3) In addition to the requirements of Section 37011, the
9 application shall include, and shall not be accepted if it does not
10 include, a signed authorization by the donor, in a form and manner
11 mutually agreeable to the board and the Franchise Tax Board, for
12 the disclosure of the information necessary to make the payment
13 as required by subdivision (b). For purposes of subdivision (b) of
14 Section 1798.24 of the Civil Code, the signed authorization shall
15 be the donor's voluntary consent to the disclosure of the
16 information.

17 (b) (1) If the board gives approval, the department or local
18 government may acquire the property pursuant to this division.
19 Through the process outlined in this section, the department shall
20 reimburse the General Fund for the tax credit claimed pursuant to
21 this chapter under Section 17053.30 or 23630 of the Revenue and
22 Taxation Code by transferring bond funds identified under
23 subdivision (c) of Section 37032 to the Natural Heritage
24 Preservation Tax Credit Reimbursement Account, on the basis of
25 information provided to the department under Section 37040
26 regarding credit claimed for a qualified contribution under Section
27 17053.30 or 23630 of the Revenue and Taxation Code in that tax
28 year.

29 (2) If a local government applies directly to the board for
30 acceptance of a qualified donation, the board may provide
31 conditional approval for the local government to acquire the
32 property pursuant to this division. Through the process outlined
33 in this section, the local government shall reimburse the General
34 Fund for the tax credit claimed pursuant to this chapter under
35 Section 17053.30 or 23630 of the Revenue and Taxation Code by
36 transferring funds in the full amount of the approved tax credit to
37 the board for deposit into the Natural Heritage Preservation Tax
38 Credit Reimbursement Account.

39 (3) (A) Upon approval by the board, and prior to the time the
40 department, local government, or designated nonprofit organization

1 receives the property, the department shall encumber bond funds
2 identified under subdivision (c) of Section 37032 in an amount
3 necessary to pay for the tax credit as provided in Section 17053.30
4 or 23630, as applicable, of the Revenue and Taxation Code.

5 (B) If a local government applies directly to the board for
6 acceptance of a qualified donation, and the board provides
7 conditional approval of the qualified donation, the local
8 government shall have 60 days to transfer to the board the full
9 amount of funds necessary to reimburse the General Fund. Upon
10 receipt of the funds necessary to reimburse the General Fund, the
11 board shall provide the donor and the local government with a
12 notice of final approval of the tax credit. A tax credit is not
13 approved until such time as the donor and local government receive
14 a final notification from the board that sufficient funds have been
15 received to reimburse the General Fund for the loss of revenue
16 associated with the tax credit.

17 (C) The acquisition agreement or any other document that
18 clearly delineates the commitment pursuant to this division shall
19 be the only documentation required for the department to encumber
20 the bond funds as required by this paragraph.

21 (D) Except as prohibited by the relevant bond act,
22 notwithstanding Section 13340 of the Government Code or any
23 other provision of law, the encumbrance shall be available without
24 regard to fiscal years to allow payments to the Natural Heritage
25 Preservation Tax Credit Reimbursement Account for the tax credit
26 due the donor of the property under Section 17053.30 or 23630,
27 as applicable, of the Revenue and Taxation Code.

28 (4) The Franchise Tax Board shall provide the board information
29 pursuant to subdivision (a) of Section 19560 of the Revenue and
30 Taxation Code on tax credits claimed. The information shall
31 include the tax year for which the credit was claimed. The board
32 shall provide the information required by Section 37040 to the
33 relevant department. Upon notification that a qualified tax credit
34 has been claimed, the department, pursuant to paragraph (1), shall
35 transfer bond funds in the amount of the tax credit for that tax year
36 to the Natural Heritage Preservation Tax Credit Reimbursement
37 Account within 60 days of receipt of the notification. The
38 department shall notify the board of this transfer.

39 (5) The board shall forward the information it receives pursuant
40 to paragraph (4) to the Controller and the Department of Finance,

1 which shall use the information for the purpose of attributing the
2 budgetary impact of the credit and bond fund transfer to the
3 appropriate tax and fiscal year.

4 SEC. 5. Section 37035 of the Public Resources Code is
5 amended to read:

6 37035. (a) (1) If a department determines that a designated
7 nonprofit organization, in lieu of the department, should accept
8 property that the department applies to acquire pursuant to
9 paragraph (1) of subdivision (a) of Section 37034, and determines
10 that the acceptance by the designated nonprofit organization would
11 comply with the purpose of the applicable bond provision specified
12 in subdivision (c) of Section 37032, the department may, upon
13 that determination and upon making the determinations and having
14 the belief required by paragraph (1) of subdivision (a) of Section
15 37034, apply to acquire the property for that designated nonprofit
16 organization pursuant to this division. The department shall not
17 make that application until the prospective donor agrees to submit
18 an application pursuant to Section 37010 and paragraph (3) of
19 subdivision (a) of Section 37034 and the designated nonprofit
20 organization agrees to accept the property if it is acquired pursuant
21 to this division.

22 (2) If a local government determines that a designated nonprofit
23 organization, in lieu of the local government, should accept
24 property that the local government applies to acquire pursuant to
25 paragraph (2) of subdivision (a) of Section 37034, and determines
26 that the acceptance by the designated nonprofit organization would
27 comply with the purpose of the applicable bond provision specified
28 in subdivision (c) of Section 37032, the local government may,
29 upon that determination and making the determinations and having
30 the belief required by paragraph (2) of subdivision (a) of Section
31 37034, request the department that allocated to it the relevant bond
32 funds to determine whether it agrees with the local government's
33 determinations made pursuant to this paragraph. If the department
34 agrees with the local government, gives its approval for the
35 designated nonprofit organization's acceptance of the property,
36 and gives its approval pursuant to paragraph (2) of subdivision (a)
37 of Section 37034, the local government may apply to acquire the
38 property for that designated nonprofit organization pursuant to this
39 division. The local government shall not make that application
40 until the prospective donor agrees to submit an application pursuant

1 to Section 37010 and paragraph (3) of subdivision (a) of Section
2 37034 and the designated nonprofit organization agrees to accept
3 the property if it is acquired pursuant to this division.

4 (b) If a department or local government applies for a designated
5 nonprofit organization to acquire property, pursuant to subdivision
6 (a), the department and donor, and the local government, if
7 applicable, shall comply with all requirements of this division that
8 apply to the department and donor, and to the local government,
9 if applicable, when the department or local government otherwise
10 applies to acquire property pursuant to this division.

11 (c) If a local government applies for a designated nonprofit
12 organization to acquire and accept donated property, the local
13 government shall comply with all requirements of this division
14 that apply to the local government transferring funds to the board
15 necessary to reimburse the General Fund.

16 SEC. 6. Section 17053.30 of the Revenue and Taxation Code
17 is amended to read:

18 17053.30. (a) There shall be allowed as a credit against the
19 “net tax,” as defined in Section 17039, an amount equal to 55
20 percent of the fair market value of any qualified contribution made
21 on or after January 1, 2000, *and not later than June 30, 2008, and*
22 *on or after January 1, 2010*, and not later than June 30, 2019, by
23 the taxpayer during the taxable year to the state, any local
24 government, or any designated nonprofit organization, pursuant
25 to Division 28 (commencing with Section 37000) of the Public
26 Resources Code.

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

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

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

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

8 SEC. 7. Section 23630 of the Revenue and Taxation Code is
9 amended to read:

10 23630. (a) There shall be allowed as a credit against the “tax,”
11 as defined in Section 23036, an amount equal to 55 percent of the
12 fair market value of any qualified contribution made on or after
13 January 1, 2000, *and not later than June 30, 2008, and on or after*
14 *January 1, 2010*, and not later than June 30, 2019, by the taxpayer
15 during the taxable year to the state, any local government, or any
16 designated nonprofit organization, pursuant to Division 28
17 (commencing with Section 37000) of the Public Resources Code.

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

23 (c) In the case of any passthrough entity, the fair market value
24 of any qualified contribution approved for acceptance under
25 Division 28 (commencing with Section 37000) of the Public
26 Resources Code shall be passed through to the partners or
27 shareholders of the passthrough entity in accordance with their
28 interest in the passthrough entity as of the date of the qualified
29 contribution. For purposes of this subdivision, the term
30 “passthrough entity” means any partnership or “S” corporation.

31 (d) If the credit allowed by this section exceeds the “tax,” the
32 excess may be carried over to reduce the “tax” in the following
33 year, and the succeeding seven years if necessary, until the credit
34 is exhausted.

35 (e) This credit shall be in lieu of any other credit or deduction
36 that the taxpayer may otherwise claim pursuant to this part with
37 respect to the property or any interest therein that is contributed.

1
2 CORRECTIONS:
3 Text—Page 8.
4

O