Senate Bill No. 91

CHAPTER 29

An act to amend Section 18724 of the Revenue and Taxation Code, relating to taxpayer contributions.

[Approved by Governor August 5, 2009. Filed with Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 91, Correa. Income taxes: designated contributions: senior citizens.

Existing law allows taxpayers, until January 1, 2010, to contribute amounts in excess of their personal income tax liability for the support of the California Fund for Senior Citizens. Existing law repeals the contribution provisions for this fund either on the September 1 following the calendar year for which the Franchise Tax Board estimates that the minimum contribution amount will be less than a prescribed amount or on January 1, 2010, whichever occurs first.

This bill would, under this latter limit, extend the operation of those contribution provisions until January 1, 2015.

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

SECTION 1. Section 18724 of the Revenue and Taxation Code is amended to read:

18724. (a) This article shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2015, deletes that date.

(b) (1) By September 1, 2006, and by September 1 of each subsequent calendar year that the California Fund for Senior Citizens appears on a tax return, the Franchise Tax Board shall determine whether the amount of contributions estimated to be received during the calendar year will equal or exceed two hundred fifty thousand dollars ($250,000). The Franchise Tax Board shall estimate the amount of contributions to be received by using the actual amounts received and an estimate of the contributions that will be received by the end of that calendar year.

(2) The Franchise Tax Board shall provide written notification to the California Senior Legislature of the amount determined pursuant to paragraph (1).

(3) If the Franchise Tax Board determines the amount of contributions estimated to be received during a calendar year will not at least equal the minimum contribution amount for the calendar year, this article is repealed for taxable years beginning on or after January 1 of that calendar year.

(4) For purposes of this section, the minimum contribution amount for a calendar year means two hundred fifty thousand dollars ($250,000).

(c) 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.

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