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AB-2197 Personal income taxes: Protect Our Coast and Oceans Voluntary Tax Contribution Fund. (2023-2024)

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Assembly Bill No. 2197

CHAPTER 150

An act to amend Section 18748 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

[Approved by Governor July 18, 2024. Filed with Secretary of State July 18, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2197, Addis. Personal income taxes: Protect Our Coast and Oceans Voluntary Tax Contribution Fund.

Existing law allows an individual, until January 1, 2025, to designate on their personal income tax return that a specified amount in excess of their tax liability be contributed to the California Beach and Coastal Enhancement Account under a space on the tax return titled "Protect Our Coast and Oceans Voluntary Tax Contribution Fund." Existing law requires these moneys to be continuously appropriated and allocated to the Franchise Tax Board, the Controller, and the California Coastal Commission to support eligible programs awarded grants under the selection criteria established by the California Coastal Commission for the Whale Tail Grants Program. Existing law repeals these provisions on December 1, 2025, or on December 1 of the year that the minimum contribution amount of \$250,000 is not met, as specified.

This bill would extend the operation of the fund provisions until January 1, 2032, unless the minimum contribution amount of \$250,000 is not met, as specified. By extending the operation of a continuously appropriated fund, the bill would make an appropriation.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18748 of the Revenue and Taxation Code is amended to read:

18748. (a) Except as otherwise provided in subdivision (b), this article shall remain in effect only until January 1, 2032, and is repealed as of December 1 of that year.

(b) (1) By September 1 of the 2018 calendar year and each calendar year thereafter that the Protect Our Coast and Oceans Voluntary Tax Contribution Fund appears on the 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 the minimum contribution amount for the calendar year pursuant to paragraph (3). 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) If the Franchise Tax Board determines that the amount of the 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 inoperative with respect to taxable years beginning on or after January 1 of that calendar year, and shall be repealed on December 1 of that calendar year.

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