

ASSEMBLY BILL

No. 2928

Introduced by Assembly Member Spitzer

February 22, 2008

An act to amend Section 18171 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2928, as introduced, Spitzer. Income tax deduction: depreciation.

The Personal Income Tax Law provides for modified conformity to specified federal income tax laws relating to the tax treatment of "additional depreciation."

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 18171 of the Revenue and Taxation Code
2 is amended to read:
3 18171. Section 1250(b) of the Internal Revenue Code, relating
4 to additional depreciation, is modified as follows:
5 (a) "Depreciation adjustments," as defined in Section 1250(b)(3)
6 of the Internal Revenue Code, ~~do~~ shall not include the following:
7 (1) For taxable years beginning on or after January 1, 1983,
8 amortization under Section 17251 or under Section 188 of the
9 Internal Revenue Code.

- 1 (2) For taxable years beginning prior to January 1, 1983,
- 2 amortization under former Section 17226, relating to pollution
- 3 control facilities, or former Section 17227, relating to trademarks.
- 4 (b) “Additional depreciation,” as defined in Section 1250(b)(4)
- 5 of the Internal Revenue Code, includes the following:
- 6 (1) For taxable years beginning on or after January 1, 1983,
- 7 amortization under Section 167(k) of the Internal Revenue Code.
- 8 (2) For taxable years beginning before January 1, 1983,
- 9 amortization under former Section 17211.7, relating to low-income
- 10 rental housing, or former Section 17228.5, relating to certified
- 11 historic structures.