



STATE BOARD OF EQUALIZATION

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Executive Secretary

No. 83/102

September 20, 1983

TO COUNTY ASSESSORS:

SUMMARY OF PROPOSED LEGISLATION NUMBER 14

Following are brief summaries of legislation introduced during the 1983-84 regular session of the Legislature. These measures relate to the Revenue and Taxation Code and otherwise to the assessing function.

AB 322

Author: Assemblyman Roos  
Action: Amended in Senate  
Date: August 25, 1983

Affected Code Sections: Adds Section 5141.5 to, and amends Section 5098.6 of, the Revenue and Taxation Code.

This bill would modify the contingency procedure for implementing the Armstrong v. San Mateo County and Barrett v. Santa Clara County superior court decision. It would do the following:

- (1) Allow persons other than the present assessee to claim refunds pursuant to an appropriate decision by a higher court, provided that such persons actually paid the taxes for which the refund is claimed and that the present assessee receives concurrent notice of the claim;
- (2) Allow the refund to be applied as a credit against the future property taxes, unless the property has changed ownership, in which case there would be a refund to the person who paid the taxes;
- (3) Suspend, with reference to any claims filed prior to April 5, 1983, the six-month limitation on actions by the county board or city council relating to claims for refund.

AB 399

Author: Assemblyman Hannigan

Action: Amended in Senate

Date: September 1, 1983

Affected Code Sections: In relevant part, adds, amends or repeals Sections 75, 75.5, 75.11, 75.12, 75.14, 75.20, 75.21, 75.22, 75.23, 75.30, 75.31, 75.40, 75.41, 75.42, 75.54, 75.55, 75.70, 75.8 and 217.1 of the Revenue and Taxation Code. Urgency statute.

This, the "clean-up" bill for Senate Bill 813, would make many clarifying changes in the supplemental assessment statutes. Among the more significant points of this bill are the following:

- (1) It would specify that the application for exclusion from supplemental assessment for newly constructed property built for sale must be submitted within 45 days of July 29, 1983;
- (2) It states that all property subject to Article XIII A, and only such property, shall be subject to supplemental assessment;
- (3) It clarifies the calculation of pro rata taxes due by eliminating the fractional equivalents from the table of factors and by specifying that the date of reckoning is the first day of the month following the actual date of the change in ownership or completion of new construction.
- (4) It provides for 5% of all proceeds to go to the county for implementation costs plus an additional \$10,000,000 in a statewide pool to cover costs in counties with excess costs.
- (5) It requires that ownership changes and construction completions between March 1 and June 30 will experience the addition of the inflation factor one year earlier than under present law.

This bill would also exempt from taxation aircraft donated to or made available for display in aerospace museums which are either publicly owned or owned by a nonprofit corporation and regularly open to the public.

AB 548

Author: Assemblyman Harris

Action: Enrolled and sent to the Governor

Date: August 26, 1983

Affected Code Sections: Amends Section 1152 of the Revenue and Taxation Code. Urgency statute.

As enrolled, this bill revised the allocation formula used for assessing certificated aircraft. It would exclude the arrival immediately preceding the

period of ground time in excess of 168 hours when a certificated aircraft has spent 720 or more consecutive hours on the ground. It would also exclude from the arrivals and departures factor all arrivals and departures of an aircraft prior to its entry into the revenue service of the air carrier controlling it on lien date.

AB 689

Author: Assemblyman Costa  
Action: Amended in Senate  
Date: August 29, 1983  
Affected Code Sections: Amends Sections 51283 and 51284 of the Government Code. Urgency statute.

As amended, this bill would allow city councils or county boards to extend the time for paying cancellation fees pursuant to cancellation of a Williamson Act contract. It would also create in the General Fund a "Farmlands Mapping Account," and require that the first \$450,000 in cancellation fees collected be deposited therein. This account would be available to help the Department of Conservation in its farmland mapping and monitoring program. Each June 30, any funds remaining would be returned to the General Fund.

AB 779

Author: Assemblyman Robinson  
Action: Amended in Senate  
Date: August 26, 1983  
Affected Code Sections: Adds Section 51280.1 to the Government Code.

This bill, dealing with requirements for approving cancellation of open-space contracts, is no longer an urgency statute, and, further, its provisions would apply only to San Diego County.

AB 800

Author: Assemblyman Sher  
Action: Amended in Senate  
Date: September 1, 1983  
Affected Code Sections: In pertinent part, adds Chapter 3.3 to Part 10.5 of Division 2 of the Revenue and Taxation Code.

As amended, this bill allows qualified senior citizens to postpone property taxes on mobilehomes they own and occupy. For qualified claimants who filed in 1983, the household income limit has been increased from \$33,600 to \$34,000.

AB 1098

Author: Assemblyman Connelly  
Action: Enrolled and sent to the Governor  
Date: August 26, 1983  
Affected Code Sections: Amends Section 68 of the Revenue and Taxation Code. Urgency statute.

AB 1098 (Contd.)

This bill would implement the exclusion from change in ownership approved by the voters in the November 1982, general election, for property acquired to replace real property taken by eminent domain, judgment of inverse condemnation or acquisition by a public entity. It would provide that the adjusted base year value of the replacement property would be the lower of its fair market value or the sum of (1) the adjusted base year value of the property taken, and (2) the amount, if any, by which the full cash value of the replacement property exceeds 120 percent of the amount received for the taken property.

AB 1136

Author: Assemblyman Klehs

Action: Enrolled and sent to the Governor

Date: August 26, 1983

Affected Code Sections: Many sections of many codes as requested by the Board.

The version of this bill sent to the Governor makes changes to the law in the following pertinent areas:

- (1) Timberland production zones
- (2) Various nonsubstantive corrections of obsolete cross references (base year values, exemptions, assessment appeals hearings, disaster relief for mobilehomes, low-valued vessels, and others)
- (3) Waivers of statute of limitation on escapes assessed by the State Board of Equalization
- (4) Extended filing period for reinstatement of mobilehomes to vehicle license fee status (for delinquencies between July 1, 1980, and March 1, 1982).

AB 1345

Author: Assemblyman Waters

Action: Amended in Senate

Date: August 25, 1983

Affected Code Sections: Adds Section 51230.1 to, and adds and repeals Section 51256 of, the Government Code.

As amended, this bill now requires a written agreement between a landowner and an immediate family member specifying that the agricultural preserve land will continue in agricultural use under joint management for the duration of the open-space contract.

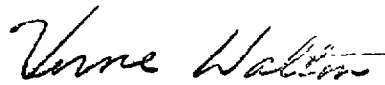
SB 622

Author: Senator Davis  
Action: Enrolled and sent to the Governor  
Date: August 26, 1983  
Affected Code Sections: Amends 723 of the Revenue and Taxation Code.

This bill would require the State Board of Equalization, when valuing the non-unitary property of a state assessee, to consider information provided by the county assessor relating to the current market value of comparable properties.

Copies of each of these measures are enclosed for your information.

Sincerely,



Verne Walton, Chief  
Assessment Standards Division

VW:bjb  
Enclosures  
AL-04B-1814A