



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

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Executive Secretary
No. 83/48

April 8, 1983

STATE ASSESSEES, PRIVATE RAILROAD CAR
TAXPAYERS, COUNTY ASSESSORS, COUNTY
COUNSELS, AND OTHER INTERESTED PARTIES:

PROPERTY TAXES RULES
904, 905, and 1002

On July 27, 1982, following a scheduled public hearing, the Board of Equalization adopted amendments to the following-listed property taxes rules. The amendments were effective February 10, 1983.

- 904 Unitary and Nonunitary Property Value
 Determinations and Petitions for Reassessment
- 905 Hearing on Petitions
- 1002 Petitions for Reassessment, Private Railroad
 Cars

Enclosed for your information is a final printed copy of the rules.

Sincerely,

Janice Masterton
Assistant to Executive Secretary

JM:ms
Enclosures

BOARD OF EQUALIZATION

PROPERTY TAX RULES

Chapter 1. State Board of Equalization – Property Tax
Subchapter 9. State Assesseees

Rule 901. PROPERTY STATEMENT

References: Section 826, Revenue and Taxation Code.
Section 15620, Government Code.

The property statement pertaining to state-assessed property provided for in section 826 of the Revenue and Taxation Code shall be filed with the board between the lien date and 5 p.m. on April 1; provided that, on a showing of good cause and pursuant to a request made prior to April 1, the due date may be extended by the board for a period not exceeding 30 days.

History: Adopted October 8, 1968, effective November 9, 1968.

Rule 901.5. BOARD SCHEDULE

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

No later than November 30 each year the Executive Secretary shall provide to the Board a proposed schedule of dates that will govern the actions to be taken pursuant to sections 902 through 905 for the following calendar year. On Board approval, but no later than January 30 next following, the Executive Secretary shall inform all state assesseees of the schedule adopted by the Board.

History: Adopted February 8, 1979, effective March 25, 1979.

Rule 902. UNITARY PROPERTY VALUE INDICATORS AND STAFF DISCUSSIONS

Reference: Sections 721, 722, 723, 724, 725, Revenue and Taxation Code.

Each year the Valuation Division shall make capitalization rate studies and develop value indicators applicable to the unitary property of each state assessee. A copy of the appropriate capitalization rate study and a summary of the calculations of the value indicators shall be provided by the Chief, Valuation Division, to the affected assessee on request. The assessee shall be informed that the staff will be available to discuss the data supplied.

History: Adopted January 7, 1976, effective February 8, 1976.

Rule 903. DISCUSSION WITH BOARD OF UNITARY PROPERTY VALUE INDICATORS

Reference: Sections 721, 722, 723, 724, 725, Revenue and Taxation Code.

State assessees will, at the discretion of the Board, be afforded an opportunity to discuss the value of their unitary property at a public meeting. The discussion may relate to any information bearing on the value of the property as well as the staff-calculated value indicators. For the purposes of this discussion, the staff will not be required to provide value recommendations.

History: Adopted January 7, 1976, effective February 8, 1976.

Rule 904. UNITARY AND NONUNITARY PROPERTY VALUE DETERMINATIONS AND PETITIONS FOR REASSESSMENT

Reference: Sections 721, 722, 723, 724, 725, Revenue and Taxation Code.

(a) As soon as practical, the staff shall transmit unitary-value recommendations to the Board. Following this, but no later than May 31 each year, the Board will make and publicly announce individual value determinations. The Chief of the Valuation Division will notify the state assessees of the values determined by the Board and the fact that they have 20 days from the date of the mailing of the notice to file their declaration of intent to petition for reassessment. The notice will also inform each assessee that if a declaration of intent is timely filed, the assessee has 30 days from the deadline for filing a declaration of intent to file a petition for reassessment. The notice shall be accompanied by a copy of an appraisal data sheet containing the staff value indicators and value recommendation to the Board.

(b) As soon as practical on or before the last day of July, the Chief of the Valuation Division will notify the state assessees of the values of nonunitary property. This notice shall inform the assessees that they each have 20 days from the date of the mailing of their individual notice to file a declaration of intent to petition for reassessment. The notice will also inform each assessee that if a declaration of intent is timely filed, the assessee has 30 days from the deadline for filing a declaration of intent to file a petition for reassessment.

(c) On or before July 31 the Board shall transmit notices of allocated assessed unitary values to each assessee. This notice will inform each assessee that it has 10 days from the date of the mailing of the notice to petition the Board for reallocation of unitary values and that said petitions will be set for hearing and decisions rendered no later than August 19 each year.

History: Adopted January 7, 1976, effective February 8, 1976.

Amended June 29, 1978, effective August 6, 1978.

Amended July 27, 1982, effective February 10, 1983.

Rule 905. HEARING ON PETITIONS

Reference: Sections 721, 722, 723, 724, 725, Revenue and Taxation Code.

The Board shall hear petitions for reassessment of unitary or nonunitary values between the date of receipt of a timely filed petition for reassessment and December 31 and render its decisions on individual petitions no later than December 31 each year.

History: Adopted January 7, 1976, effective February 8, 1976.

Amended June 29, 1978, effective August 6, 1978.

Amended July 27, 1982, effective February 10, 1983.

Rule 906. FILING OF PETITIONS

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

Petitions for reassessment of unitary values, of nonunitary values and for correction of allocated values of public utilities shall be in writing and shall state the name of the petitioner, the petitioner's opinion of value, and the precise elements of the Board's valuation to be contested. The petition shall indicate whether an oral hearing is desired, and if so, petitioner's estimate of the time necessary therefor. The petition must be signed by the petitioner or his authorized representative and shall be addressed and mailed to the Board at Post Office Box 1799, Sacramento, California, 95808, or shall be deposited personally at the Board's office at 1020 N Street, Sacramento.

History: Adopted February 8, 1979, effective March 25, 1979. Rule No. 906 adopted January 7, 1976, effective February 8, 1976 has been adopted on February 8, 1979 as Rule No. 901.5 effective March 25, 1979.

Rule 907. TIMELINESS

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

A petition will be timely if it is mailed to the Board within the time specified by the particular statute pursuant to which the petition is filed. If the petition is not timely, it shall be dismissed. If it is incomplete, as through omission of any of the requirements specified in section 906, it may be dismissed.

History: Adopted February 8, 1979, effective March 25, 1979.

Rule 908. ORAL HEARING: WAIVER

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

A petition shall be set for oral hearing if requested in the manner set forth in section 906. An oral hearing may consist of any unsworn presentation by the petitioner or a formal evidentiary hearing. An oral hearing may be waived and the matter submitted for decision on the basis of the written petition or the written petition and points and authorities.

History: Adopted February 8, 1979, effective March 25, 1979.

Rule 909. SCOPE OF HEARING

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

An oral hearing shall be limited to consideration of the value and the precise elements set forth in the petition, except that the Board may inquire into relevant new matters and afford the parties an opportunity to respond. The Board shall permit the filing of post-hearing briefs and points and authorities on any matters considered.

History: Adopted February 8, 1979, effective March 25, 1979.

Rule 910. PLACE OF HEARING: TIME ALLOWED

Reference Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

Unless otherwise indicated, hearings will be held in Sacramento and, subject to the Board's schedule, consideration will be given to petitioners' estimates of the time requested for their presentations.

History Adopted February 8, 1979, effective March 25, 1979.
Amended June 6, 1979, effective June 7, 1979.

Rule 911. HEARING PROCEDURE

Reference Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

The hearing will ordinarily proceed in the following manner. A member of the staff of the Board will introduce the matter and offer the Board's valuation into evidence. The petitioner will then either make a presentation or make an opening statement and present evidence including sworn testimony in the case of a formal evidentiary hearing. The staff of the Board will then respond accordingly. The petitioner shall be afforded the opportunity to rebut.

History Adopted February 8, 1979 effective March 25, 1979.

Rule 912. EXAMINATION OF PETITIONER

Reference Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

In the case of an oral hearing, no reduction of an assessment shall be made unless the petitioner, represented by an owner, employee or authorized representative, attends the hearing and, when requested by the Board, answers upon oath or affirmation all questions pertinent to the petition.

History Adopted February 8, 1979 effective March 25, 1979.

Rule 913. EVIDENCE

Reference Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

In the case of a formal evidentiary hearing:

- (a) Oral evidence will be taken only on oath or affirmation.
- (b) Each party (i.e., the petitioner and the staff) may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, attempt to impeach any witness regardless of which party first called him to testify, and rebut the evidence against it.
- (c) Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of the valuation of similar properties.
- (d) Petitioner's appraisal reports, financial studies and other materials relevant to value shall not be admissible unless provided to the Board at the time of filing of the petition. Upon a showing of good cause, the Board may grant an extension of time for filing such materials. The appropriate staff capitalization rate study and final calculations of the value indicators shall be made available, between the time that the Board values the subject property, and the deadline for filing a petition, to any state assessee submitting a written request therefor.

History Adopted February 8, 1979, effective March 25, 1979.

Rule 914. BURDEN OF PROOF

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code

The burden of proof will ordinarily be upon the petitioner as to all issues of fact. In any proceeding involving a penalty or the issue of whether or not a petitioner has been guilty of fraud with intent to evade tax, the burden of proof as to such issues will be upon the staff of the Board.

History: Adopted February 8, 1979, effective March 25, 1979.

Rule 915. DECISION

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

After a petition is submitted or, in the case of oral hearing, after the hearing, the matter may be taken under submission. A written notice of decision and, if requested in the petition, written findings and decision will be rendered and sent to the petitioner.

History: Adopted February 8, 1979, effective March 25, 1979.

Rule 916. RECONSIDERATION AND REHEARING

Reference: Sections 731, 732, 741, 742, 743, 744, 747, 748, 749, 11338, 11339, 11353,
Revenue and Taxation Code.

The decision of the Board upon a petition is final. The Board shall not reconsider or rehear a petition.

History: Adopted February 8, 1979, effective March 25, 1979.

BOARD OF EQUALIZATION

PROPERTY TAX RULES

Chapter 1. State Board of Equalization – Property Tax
Subchapter 10. Private Railroad Car Tax

Rule 1001. ANNUAL REPORT

Reference: Section 11271, Revenue and Taxation Code.

The report required by Section 11271 of the Revenue and Taxation Code of all persons whose private railroad cars are operated upon the railroads in this State at any time during a calendar year shall be filed on or before the thirtieth day of April of the following year.

History: Originally adopted December 13, 1945 as section 2300, Subchapter 5, Chapter 2, title 18,
California Administrative Code, renumbered as above March 27, 1968, effective April 28, 1968.
Amended March 28, 1979, effective March 30, 1979.

Rule 1002. PETITIONS FOR REASSESSMENT, PRIVATE RAILROAD CARS

Reference: Sections 11338, 11339, 11340, 11353, Revenue and Taxation Code.

The rules of procedure and evidence applicable to state assessees as specified in Subchapter 9 shall be appropriately applied to petitions for reassessment of private railroad cars; however, the timing of petitions for reassessment shall be as required by Sections 11338, 11339, and 11340 of the Revenue and Taxation Code.

History: Adopted February 8, 1979, effective March 25, 1979.
Amended July 27, 1982, effective February 10, 1983.

Rule 1003. MISSING PRIVATE RAILROAD CAR COUNT DATA

Reference: Section 11293, Revenue and Taxation Code.

In determining the private railroad car count averages required by statute the Board may substitute for missing border crossing information the average length of stay in the state experienced by private railroad cars of the same class and assessee during the calendar year immediately preceding the year in which the tax is imposed. Border crossing information shall be deemed missing only when it cannot be submitted by the assessee.

History: Adopted March 28, 1979, effective March 30, 1979.