

**Amend various sections in the State Constitution to rename the Board of Equalization as the “California Tax Board.”**

**Source: Honorable Bill Leonard**

**Existing Law**

The State Board of Equalization (Board) was created in 1879 by a constitutional amendment. At that time, its original mandate was to ensure that property tax assessments were uniform and equal across all counties in the state. However, as the state’s need for revenues to support programs, infrastructure, and services grew, the agency assumed a broader role. In 1911, a voter-approved constitutional amendment directed the Board to levy four new taxes, including insurance and corporation franchise taxes. In 1933, the Great Depression caused a tremendous drop in property tax revenues, which in turn led to the most significant change in the Board’s duties—the creation of the sales tax. Shortly afterward, in 1935, the use tax was established to protect California businesses from tax-free, out-of-state competition. Since that time the Board has been given the responsibility for administering a number of additional business and property taxes and fees, including fuel, alcohol, and tobacco.

**This Proposal**

This proposal would rename the Board as the California Tax Board. The purpose of this proposal is to provide this agency with a name that more accurately reflects the duties with which it is charged. The name, “California Tax Board” is far more readily identifiable to taxpayers. It’s a name within the tax paying community that everyone can understand and provides residents a better idea of just what this agency does.

*Subdivision (b) Section 14 of Article II of the California Constitution is amended to read:*

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, members of the Assembly, members of the ~~Board of Equalization~~ California Tax Board, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

*Subdivision (l) of Section 8 of Article III of the California Constitution is amended to read:*

(l) “State officer,” as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, member of the ~~State Board of Equalization~~ California Tax Board, and Member of the Legislature.

*Subdivision (b) of Section 18 of Article IV of the California Constitution is amended to read:*

(b) State officers elected on a statewide basis, members of the ~~State Board of Equalization~~ California Tax Board, and judges of state courts are subject to impeachment for misconduct in office. Judgment may extend only to removal from office and disqualification to hold any office under the State, but the person convicted or acquitted remains subject to criminal punishment according to law.

*Subdivision (b) of Section 5 of Article V of the California Constitution is amended to read:*

(b) Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the ~~State Board of Equalization~~ California Tax Board, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly, and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that , if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

*Subdivision (f) of Section 14 of Article V of the California Constitution is amended to read:*

(f) "State officer," as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, and member of the ~~State Board of Equalization~~ California Tax Board.

*Subdivision (a) of Section 10 of Article VII of the California Constitution is amended to read:*

(a) No person who is found liable in a civil action for making libelous or slanderous statements against an opposing candidate during the course of an election campaign for any federal, statewide, ~~Board of Equalization~~ California Tax Board, or legislative office or for any county, city and county, city, district, or any other local elective office shall retain the seat to which he or she is

elected, where it is established that the libel or slander was a major contributing cause in the defeat of an opposing candidate.

A libelous or slanderous statement shall be deemed to have been made by a person within the meaning of this section if that person actually made the statement or if the person actually or constructively assented to, authorized, or ratified the statement. "Federal office," as used in this section, means the office of United States Senator and Member of the House of Representatives; and to the extent that the provisions of this section do not conflict with any provision of federal law, it is intended that candidates seeking the office of United States Senator or Member of the House of Representatives comply with this section.

*Subdivision (j) of Section 3 of Article XIII of the California Constitution is amended to read:*

(j) (1) Immature forest trees planted on lands not previously bearing merchantable timber , or planted or of natural growth on lands from which the merchantable original growth timber stand , to the extent of 70 percent of all trees over 16 inches in diameter, has been removed. Forest trees or timber shall be considered mature at such time after 40 years from the time of planting or removal of the original timber when so declared by a majority vote of a board consisting of a representative from the State Board of Forestry, a representative from the ~~State Board of Equalization~~ California Tax Board, and the assessor of the county in which the trees are located. The Legislature may supersede the foregoing provisions with an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation. Any alternative system or systems shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions. Nothing in this paragraph shall be construed to exclude timberland from the provisions of Section 8 of this article.

*Subdivision (g) of Section 11 of Article XIII of the California Constitution is amended to read:*

(g) Any assessment made pursuant to Section 11(a) to 11(d), inclusive, of this Article shall be subject to review, equalization, and adjustment by the ~~State Board of Equalization~~ California Tax Board, but an adjustment shall conform to the provisions of these Sections.

*Section 17 of Article XIII of the California Constitution is amended to read:*

SEC. 17. (a) The ~~Board of Equalization~~ California Tax Board consists of 5 voting members: the Controller and 4 members elected for 4-year terms at gubernatorial elections. The State shall be divided into four ~~Board of Equalization~~ California Tax Board districts with the voters of each district electing one member. No member may serve more than 2 terms.

*Subdivision (h) of Section 28 of Article XIII of the California Constitution is amended to read:*

(h) The taxes provided for by this section shall be assessed by the ~~State Board of Equalization~~ California Tax Board.

*The ninth paragraph of subdivision (d) of Section 22 of Article XX of the California Constitution is amended to read:*

The ~~State Board of Equalization~~ California Tax Board shall assess and collect such excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation and sale of alcoholic beverages in this State.

*The heading of Article XXI of the California Constitution is amended to read:*

ARTICLE XXI  
REAPPORTIONMENT OF SENATE, ASSEMBLY, CONGRESSIONAL, AND  
~~BOARD OF EQUALIZATION~~ CALIFORNIA TAX BOARD DISTRICTS

*Section 1 of Article XXI of the California Constitution is amended to read:*

SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and ~~Board of Equalization~~ California Tax Board districts in conformance with the following standards:

- (a) Each member of the Senate, Assembly, Congress, and the ~~Board of Equalization~~ California Tax Board shall be elected from a single-member district.
- (b) The population of all districts of a particular type shall be reasonably equal.
- (c) Every district shall be contiguous.
- (d) Districts of each type shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.
- (e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.

This measure shall become operative on the first day of the sixth calendar month commencing after this measure is approved by the voters.