

[Senate Bill 668](#) (McGuire)

Date: 04/20/17

Program: Property Taxes

Sponsor: Author

Government Code Section 15620

Effective: January 1, 2018

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Summary: Allows the Board of Equalization (BOE) at its regular meetings to extend report filing deadlines from 30 days to 40 days for good cause.

Purpose: To allow BOE Members to further extend existing filing deadline extensions granted by “minute order.”

Fiscal Impact Summary: None.

Existing Law: Government Code (GC) Section 15620 allows the BOE, when meeting as a board, to extend the time fixed for filing any BOE-required report for up to 30 days “by order entered upon its minutes and for good cause shown.” As a practical matter, this law is obsolete. BOE staff handles these requests administratively pursuant to other provisions of law.¹

Proposed Law: This bill extends the “minute order” 30-day period to 40 days.

In General: State assesses. The minute order requirement to extend a report filing deadline was enacted in 1917. Today, the minute order requirement of GC Section 15620 generally relates to property statements state assesses must file each March 1.² The only reference to GC Section 15620 in the Revenue and Taxation Code relates to state assessee property statements.³ Additionally, the only BOE regulation that bases its authority on Section 15620 relates to state assessee property statements.⁴ In this regard, BOE staff handles state assessee deadline extension requests for good cause pursuant to the administrative regulation without a BOE minute order.

Other reports and returns. Specific Revenue and Taxation Code⁵ provisions authorize late-filed BOE-required reports (or returns) where good cause is shown. Generally, these laws allow the BOE for good cause to extend deadlines “not to exceed one month.” Thus, these specific provisions generally align with the existing 30-day period in the Government Code and do not require a BOE minute order. BOE staff handles these requests administratively pursuant to the law.

Assessor-related acts. The Revenue and Taxation Code provides that the time fixed for the performance of any assessor- or appeals board-required act therein may be extended by the BOE Members or its executive director for not more than 30 days, or, in case of public calamity, 40 days. If the executive director extends the deadline, which is the general administrative practice, the law requires that he inform the BOE Members at its next regular meeting.⁶

Background: GC Section 15620 was added in 1951 without subsequent amendments (Stats. 1951, Ch. 6550). Previously, its substance was contained in Political Code 3667c added in 1917 without subsequent amendments (Stats. 1917, Ch. 214). In *Hobart Estate Co. v. Waters* (1934) 220 Cal. 669, the court stated that “while the language of the section is somewhat ambiguous, a reading of the sections preceding leads to the conclusion that all reports required by the board upon which it must base its actions and conclusions, are included within the meaning of section 3667c of the Political Code.”

¹ Revenue and Taxation Code (RTC) Sections 155, 6459, 7656, 8754, 11272, 30185, 32253, 38405, 40065, 41054, 43154, 45152,

² RTC [Section 826](#).

³ RTC [Section 830.1](#).

⁴ Property Tax [Rule 901](#), adopted in 1968.

⁵ Revenue and Taxation Code Sections 155,

⁶ RTC Section 155.

This staff analysis is provided to address various administrative, cost, revenue and policy issues; it is not to be construed to reflect or suggest the BOE’s formal position.

Last year, BOE-sponsored [AB 1559](#) (Ch. 257, Stats. 2016, Dodd) amended various statutes related to BOE-administered taxes, fees, and surcharges to allow the BOE to extend deadlines for up to a three month period in the case of disaster.

Commentary:

1. **Effect of the bill.** This bill has limited impact given other, more specific superseding laws in the Revenue and Taxation Code that allow BOE staff to extend deadlines for good cause. However, to the extent applicable, it would allow the BOE Members meeting as a board to give any person or entity an extra 10 days for good cause by minute order.
2. **State Assessee Property Statements.** The BOE minute order action originates from 1917. Today, the “report” referenced in the Government Code is limited to “property statements” state assessees (public utilities) must file by March 1. BOE staff use these statements to develop value indicators. At the May board meeting, the BOE Members vote to set the assessed value of state assessee property by formally adopting values reflected in board meeting minutes.

Costs: This bill would result in minor absorbable costs to update publications, however if the BOE’s computer systems are impacted, additional costs may be incurred.

Revenue Impact: This bill has no revenue impact.