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Extent of BOE Authority Under Section 155 to Extend Filing Deadlines

I. Issue

Should the Board of Equalization, consistent with legislative intent and historical precedent, continue to exercise its authority under RTC Section 155 to *extend deadlines for the performance of any acts by assessors and county boards* – including their enforcement of taxpayer deadlines?

II. Alternative 1 - Chair and Vice Chair Recommendation

Yes. Section 155 grants BOE authority to extend deadlines for the performance of “*any acts*” by assessors and county boards (AABs), including their compliance with enforcement of taxpayer deadlines.

III. Alternative 2 – Executive Director Recommendation

No. Section 155 grants the BOE authority to extend only self-enforced deadlines for only those *acts* by assessors and county boards (AABs) that do not affect taxpayers (e.g., roll extensions).

IV. Expanded Summary of Issue

The key words in Section 155 state: “*The time fixed in this division for the performance of any act by the assessor or county board may be extended by the board or its executive director for not more than 30 days, or, in case of public calamity, 40 days.*” The consistent application of the statute by prior Boards for 148 years and by all prior Executive Directors for 55 years has been as follows:

- a. “*The time fixed in this division*” means all “time fixed” – all deadlines – in Division 1. Property Taxation Sections 50 – 5911.

- b. “...for the performance of any acts by the assessor or county board” means the performance of all “acts” (actions) in property tax statutes that the assessors or county boards/AABs must perform as part of their duties – including acts to ensure taxpayer compliance.

Alternative 1 proponents contend: the words “the performance of any acts by the assessor or county board” include *any acts* assessors and county boards are required to perform in Sections 50-5911, including: (1) *acts* to enforce taxpayer compliance (e.g., adding penalties for a late filed property statement, invalidating a late-filed application for appeal) and (2) “acts” assessors and county boards must perform for their own compliance (e.g., completing the roll).

Alternative 2 proponents contend: the words “the performance of any acts by the assessor or county board” include only the *acts* assessors and county boards are required to perform for their own compliance (e.g., completing the roll), and do not include acts assessors and county boards are required to perform to enforce taxpayer compliance.

- c. **The word “taxpayer” is not included** – and never has been included in the phrase, “for the performance of any act by the assessor or county board.”

Alternative 1 proponents contend: the word “taxpayers” is not included, as it is unnecessary. The deadlines referred to are deadlines that assessors and county boards are required by statute to meet – both to enforce taxpayer compliance (e.g., adding penalties if a taxpayer’s property statement is not timely filed, or invalidating a late-filed application for appeal) and to self-enforce for their own compliance (e.g., completing the roll).

Alternative 2 proponents contend: the word “taxpayers” is not included in order to limit the Board’s authority to extend only those deadlines that assessors and county boards must meet for their own compliance (completing the roll), and to deny the Board the authority to extend assessor and county board deadlines that enforce taxpayer compliance.

Question. The question before the Board is whether Section 155 authorizes BOE to extend all deadlines applicable to the performance of “any acts” by assessors and county boards’ acts, including compliance acts to enforce deadlines against taxpayers.

V. Legal Foundation.

Legal Context for Section 155. Section 155 is a *compliance* statute authorizing the extension of tax assessment deadlines. As such, it cannot be properly understood taken out of this context. The following discussion appropriately places it in context with other compliance statutes.

“Deadlines” are the core of compliance in every tax system – to ensure that taxpayers and the government tax officials *comply* with the law. If taxpayers miss the deadline, the government

“enforces” it by imposing penalties, fines, suspensions, liens, garnishment of wages, etc.¹ Since the beginning of California’s property tax system, the assessors and county boards have been the “enforcers” of all deadlines – and without them, no taxpayer compliance is assured, and tax revenue is at risk.

BOE and other California tax agencies refer to this system as “*voluntary compliance*.” It is “voluntary” only in the sense that the taxpayer can choose to meet the deadline or not. But when the taxpayer does not meet the deadline, the assessor’s enforcement action is mandated – a penalty, fine, or suspension of a right, etc. will be imposed.² Because of consistent enforcement, most taxpayers are motivated to comply – which increases voluntary compliance, and consequently decreases the cost of administering the tax system.³

In the property tax context, courts have long held that statutory requirements (relating to deadlines) for the assessment of taxes are designed primarily for the convenience of the officers concerned. “The time provisions relative to the assessment and collection of taxes, found in the various sections of the Political Code, are designed for the convenience of the officers, and furnish a fit and orderly plan by which the successive duties imposed upon them may be performed without clash or interference the one with the other.” *Buswell v. Board of Supervisors* 116 Cal. 351 (1897) Accordingly, if a deadline is *extended* (due to a public calamity or for any reason), it is not for the direct benefit of the taxpayer, but for the tax official. Since deadlines are the official’s enforcement tool to increase taxpayer compliance, all tax systems provide authority for extending deadlines – generally in circumstances where it is obvious that an event has interfered with voluntary compliance. For example:

- Under Section 441(b), the taxpayer must file a Business Property Statement *no later than 5 pm* on May 7. If the taxpayer fails to file by 5 pm on May 7, Section 463 requires the Assessor to add a 10 percent penalty to the roll. The deadline for the assessor to impose the penalty is *after 5 pm* on May 7, which generally means May 8. The deadline for the assessor’s enforcement action is distinct from the taxpayer’s deadline. If the Board grants a 40 day extension under Section 155, and the assessor chooses to use it, the assessor has an additional 40 days to accept the taxpayer’s property statement without applying the penalty – thus, increasing the likelihood that recovery from the calamity occurs, voluntary compliance will increase.
- Likewise, Section 1605(b)(1) requires a taxpayer in many counties to file an appeal (Application for Changed Assessment) on a supplemental or escape assessment *no later than 60 days after the date of mailing on the notice of assessment or the postmark date, whichever is later*. If the taxpayer sends the application after this deadline (without an affidavit verifying he/she did not receive the notice), the county board (AAB) clerk

¹ Enforcing tax laws helps the Internal Revenue Service (IRS) collect revenue from noncompliant taxpayers and, perhaps more importantly, promotes voluntary compliance by giving taxpayers confidence that others are paying their fair share. Internal Revenue Service, GAO-18-39 Enforcement of Tax Laws – High Risk Issue.

² The U.S. Supreme Court stated, “in assessing income taxes, the Government relies primarily upon the disclosure by the taxpayer of the relevant facts...in his annual return. To ensure honest disclosure and to discourage attempts to evade the tax, the Government imposes [either criminal or civil] sanctions.” *Helvering v. Mitchell* 303 U.S. 391, 399 (1938), IRS “Anti-Tax Law Evasion Schemes – Law and Arguments” 1/6/2020.

³ Over 97% of all revenue the IRS brings in every year is from “voluntary” compliance (neither directly assessed nor audited by the agency). Only about 2.86% comes from “enforced compliance (audits and penalties). J.T. Manhire, *There is No Spoon; Reconsidering the Tax Compliance Puzzle*, 17 FLA. TAX Rev. 623-625 (2015).

notifies the taxpayer that the application is invalid per Rule 305(c)(4). If the Board grants an extension of 40 days under Section 155 (as it did in LTA No. 2002/063), and the AAB chooses to use it, the AAB clerk has an additional 40 days to accept the taxpayer's application without declaring it invalid.

The rationale is that in a public calamity situation, a short extension of the tax official's deadline (to impose penalties, declare applications for appeal invalid, etc.) is often the most efficient solution, as more time will enable more taxpayers to comply. *Time extensions for acts of assessors and county boards are appropriately used to increase voluntary compliance in such circumstances.* The greater the level of voluntary compliance, the lower the costs of tax administration – and the greater the net revenue to the government as discussed. (This is also consistent with the mission of most tax officials for fair, effective and efficient tax administration.)

When an extension is needed, Section 155 authorizes the BOE to extend “any” deadlines imposed on assessors and county boards – both self-enforcing deadlines for the assessor to complete the roll and taxpayer deadlines requiring the assessor to take enforcement action against a delinquent taxpayer. An assessor or county board for one or more counties may ask the Board to extend a deadline (e.g., in counties impacted by wildfires) or the Board may, based on information it receives and compliance concerns, extend a deadline to all counties when appropriate. The extension of deadlines by the Board under Section 155 is not mandatory and the use of any time extensions granted to assessors and county boards is not mandatory.

VI. Legislative History and Statutory Intent.

Historical Legislative Context for the Original Section 155. The following discussion is necessary to place Section 155 in its appropriate historical context and thereby understand why the Legislature – beginning in 1872 to the present – gave the Board the authority to grant all time extensions, rather than the assessors and county boards who enforce them.

In March 1872, the “Political Code” was enacted, and our current Section 155 was enrolled as Political Code Section 3705. The Political Code was in response to “the wild confusion” of California's statutes, whereby “no person, not versed in law, can, with any correctness ...ascertain what the law is.” (Governor Leland Stanford, 1863). The wild confusion the Governor referred to related primarily to property tax statutes adopted between 1850 and 1863 to implement the state's property tax system under Article XI, Section 13, of the Constitution of 1849, that stated: “*Taxation shall be equal and uniform throughout the state. All property in this state shall be taxed in proportion to its value, to be ascertained as directed by law; but assessors and collectors of town, county, and state taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for state, county, or town purposes is situated.*”

Though the Constitution gave the Legislature its powers to establish property taxation, the laws were unclear. The property tax system enacted in March 1850 required that “all property, real and personal within this State, shall be liable to taxation...”; without even a definition of “full cash value”. (*Statutes of California*. 1850, Chapter 52, p. 135.)

In addition, economic and historical conditions at the time severely challenged the state's system:

- Property tax was the major source of all state revenue, between 65-70%. Every Governor from 1851 to 1890 complained in his annual message to the Legislature about the disparities and lack of compliance in the property tax system. Governor Peter H. Burnett told the Legislature in 1852 that “During the past year, the agricultural counties, with a population of 79,778, paid \$246,247.71 in state taxes, while the mining counties, with a population of 119,917 paid only \$21,253.66.” Ten years later, Governor Leland Stanford gave a similar message, “In 1861 the commercial and agricultural counties, with a voting population at the last election of 58,933, paid \$444,913.95 for the support of the state government, while the mining counties, with a voting population of 60,797, paid only \$168,425.26.”⁴
- State Controller George Oulton (1863-1867) reported extensively on property tax revenue disparities. In some counties, large landowners of uncultivated land held by them for speculation were favored by local assessors and assessed at much lower tax rates than the small landholders. Many assessors undervalued property (with board of supervisors' knowledge) in order to shift the tax burden to taxpayers in other counties. In some counties, all property was underassessed at one-third or one-fourth of its value. In addition, assessment practices were in disarray. Some reports indicated that assessors were neglecting to enforce deadlines against taxpayers required to report their property, or granting continuous time extensions, or never making a demand. Taxable property was frequently “escaping” assessment and not enrolled. In 1867, Controller Oulton recommended the creation of *a state board of equalization with advisory and supervisorial power over assessors and assessment practices*.
- Governor Henry H. Haight urged the creation of a board in his message to the Legislature in 1869. The Legislature passed a bill on April 4, 1870, creating a *State Board of Equalization*, consisting of the State Controller, and two members to be appointed by the Governor. The Board's task was to produce assessment uniformity and equalization among counties through oversight and supervision of assessors (and county boards). While the Board undertook this task with zeal, they were unsuccessful in correcting the inequities in assessment. Counties were often unwilling to cooperate, and the statutes did not give the Board sufficient power or clarity to enforce its decisions.
- The Legislature solved this problem for the Board by enacting the *Political Code of 1872*. It superseded all prior revenue laws. It more clearly defined the law for the Board and also extended and augmented its powers. It authorized the Board to “...enforce the revenue law in a uniform and equal manner; to prescribe rules and regulations governing supervisors when equalizing assessments, and assessors when assessing property; to prepare and enforce the use of forms used for the assessment of property; to equalize the valuation of property of the several counties...; to fix the state rate of taxation ...; to visit as a board or as individual members the different counties ... to ascertain how property was being assessed; to issue subpoenas for the attendance of witnesses or the production of public records ... of county officers, and to report annually to the Governor the assessed acreage in each county, the valuation per acre, the

⁴ BOE Publication 216, *The First 100 Years*, p.4.

valuation of town and city lots, the value of each kind of personal property, and any other information relative to the assessment of property and the collection of revenue.”

- Among the new statutes adopted in the Political Code of 1872 was Section 3705 (currently Section 155) that stated: *The State Board of Equalization may, by an order entered upon its minutes, and certified to the County Auditor of any county, extend, for not exceeding thirty days, the time fixed in this Title for the performance of any act.* Its purpose was to put the Board in control of all deadlines – hence, stopping some of the abuses by some assessors to avoid enforcing deadlines (in part through the use of extensions) and allowing property to be undervalued or not enrolled.

Historical Legislative Context for the 1895 Amendment to Section 155.

Despite the new Board and the new Political Code of 1872, many assessors still opposed the Board and its power to “raise and lower assessments” and refused to answer questions about their practices or show they corrected them. The Board inspected assessors’ offices in several counties and found chaotic practices – in one county all property was assessed at only 15% of its value.

Then the creation of the Board and its powers were challenged by litigation. And in 1874, the Supreme Court held that Political Code Section 3696, authorizing the Board to raise or lower assessments, violated the Constitution. The Court held that the Constitution required assessors to be elected by the voters of the counties where the property was located; and that since the Board members were not elected by the people; they did not have the power to fix the state rate of taxation in any county. *Houghton et. al. v. Austin* (47 Cal. 646) 1874. The Board was functionally disabled.

In response, the Legislature passed a bill, signed by Governor William Irwin (1875-1880), calling for a Constitutional Convention. Delegates were elected by the people in June 1878. After much debate, particularly on revenue and taxation, the delegates adopted a Constitution that included the creation of a “*State Board of Equalization, consisting of one member from each congressional district in this State, ... elected by the qualified electors of their respective districts... and the State Controller shall be ex-officio a member.*” The new Constitution was ratified by the voters on May 7, 1879.

Once again, the power of the Board was challenged. As soon as the new Board undertook its duties under Article XIII, Section 9 and ordered individuals to appear before it and show cause why their assessments should not be increased, vehement opposition arose. Wells Fargo and Company and several other firms filed writs of prohibition to prevent the Board from making increases in their assessments. The Supreme Court held that under the Constitution, the Board is authorized to increase or lower the entire assessment roll of any county but has no authority over individual assessments on the roll. (*Wells Fargo & Co. v. State Board of Equalization* (1880) 56 Cal. 194, 1880.)

The Board responded to the decision by not raising any assessments in 1880; but continued asserting authority to lower or increase county assessment rolls in subsequent years through 1910, annually reporting to the Governor and Legislature on its progress. The Board corrected the rolls in some counties for up to eleven years; only nine of the 58 counties were not issued “*equalization orders*” by the Board. While the decision in the *Wells Fargo* case proved relatively

insignificant, it did clarify that the Board had direct authority over assessors and county boards, but not over local individual assessments.

- Accordingly, the purpose of the amendment to Political Code Section 3705 (Section 155) in 1895 was primarily ministerial – to clarify that the Board had authority to grant time extensions for *any acts performed by the county assessor, county auditor, or county boards of equalization*, but not acts performed by individual taxpayers.
- Based on Board reports to the Governor/Legislature, the amendment was consistent with what the Board was already doing to correct and ensure uniform assessment practices among assessors and county boards. Though Section 155 was only a small part of the larger purpose to equalize assessments and produce uniformity, it was nevertheless an important one; as the Board’s authority over time extensions prevented the misuse of deadlines at the local level by assessors and thereby encouraged the performance of their enforcement and compliance duties.

Subsequent legislative changes to Section 155 after 1895 to the present. Only two noteworthy amendments occurred – both in the 1965 legislation.

- In 1939, Section 155 was adopted giving the Board authority to extend the time fixed for the performance of *any acts of the assessor, auditor or county board for not more than 20 days, or in the case of public calamity, 40 days.*
- In 1958 (1st Ex. Sess. Chap 51, p.255), Section 155 was amended to add the “tax collector” and change the 20 days to 30 days:

“.. the time fixed in this division for the performance of any act by the assessor, auditor, tax collector, or county board may be extended by the board for not more than 30 days, or, in the case of public calamity, 40 days.

- In 1965 (Chap 370, Sec. 1, p. 1476), Section 155 was amended to (1) delete the method by which the Board would grant extensions and (2) authorize the Board’s “secretary” (executive director) to grant extensions subject to specific duties:

“The time fixed in this division for the performance of any act by the assessor, auditor, tax collector, or county board may be extended by the board or its secretary for not more than 30 days, or, in the case of public calamity, 40 days. If an extension of time is granted, the secretary of the board shall give written notice thereof to the county auditor and to the officer or board to whom the extension is granted. The secretary shall inform the board at its next regular meeting of any action with respect to extensions taken by him.”

- (1) The language requiring the Board to grant time extensions “*by an order entered upon its minutes*” was deleted; and no other alternative requirement was added.
- (2) The “secretary” (executive director) was added and authorized to grant extensions, provided that the Executive Director (ED) gave written notice to the county auditor and officials impacted and informed the Board at its next regular

meeting. Based on the legislative history, it appears that many extensions were issued each year for a variety of justifiable reasons, such that it was administratively prudent for the Board to ask the Legislature to delegate the authority to the ED subject to the limitation stated.

- In 1980 (Chap. 411, sec. 5, p. 801), Section 155 deleted “auditor and tax collector”:

“The time fixed in this division for the performance of any act by the assessor or county board may be extended by the board or its secretary for not more than 30 days, or, in the case of public calamity, 40 days.

- In 2003, SB 1462 (2003, Rev and Tax Committee Bill, omnibus proposal sponsored by BOE) Section 155 was amended to make clerical, non-controversial corrections. The Assembly bill analysis indicates it was a clean-up bill.

VII. Board Methodology and Practice for Granting Time Extensions

Documentation of Extensions Granted.

For a period of 93 years, from 1872 until 1965, the language in the Section 155 (Political Code Section 3705) directed that any time extensions are granted by the Board, they be executed “*by an order entered upon its minutes*” as previously indicated. Based on this requirement and on comments entered in the Journals of the Senate, Section 155 was, by 1965, an unquestioned and long-standing administrative provision, and each “order” was no doubt well documented in the Board’s minutes.

It was not until 1965, after the passage of AB 1083 (Alquist), that the Board had the latitude to change the method of issuing time extensions. However, that legislation gave the Board’s ED the authority to grant the extensions *if the ED gives written notice to the county auditor and to the officer or board to whom the extension is granted and informs the Board at its next regular meeting of any such action*. Because of this requirement, as various EDs assumed this task, they informed the respective county (or counties) by formal letter, copies of which were then distributed to the Board Members and reported at the following meeting.

Even after the Board began the system of issuing Letters to Assessors in the late 1970’s, every ED (or the authorized Deputy) issued time extensions under Section 155 by formal letter. It was the only method by which the ED’s or Deputy’s official signature could be shown and the best method for ensuring that the record of the extension was documented. Formal correspondence by the ED or Deputy generally continued to be the standard protocol for EDs until electronic communications became acceptable. A search of the ED’s or Deputy’s archival records would further demonstrate the use of Section 155.

The method of issuing LTAs commenced in the 1970s and significantly expanded during and after the passage of Proposition 13 in 1978, as well as the adoption of Government Code Section 15606 in 1985. Government Code Section 15606 mandates that the Board “*prepare and issue instructions to assessors designed to promote uniformity throughout the state and its local taxing jurisdictions in the assessment of property for the purposes of property taxation.*” However, the method of using LTAs to grant time extensions under Section 155 did not become fully

institutionalized until the 2000's. The following LTAs extending a variety of deadlines are currently on BOE's website:

- LTA No. 2017/009 – *Extension of Time for Accepting Claims for Property Tax Exemption*
- LTA No. 2001/063 – *Extension of Time for Accepting Applications for Reduction in Assessment under RTC Sections 1603 and 1605*
- LTA No. 2001/077 – *Time for Filing Applications for Reduced Assessment Due to Misfortune or Calamity under RTC Section 170*
- LTA No. 2017/009 – *Extension of Time for Accepting Claims for Property Tax Exemption*
- LTA No. 1978/205 – *Failure to File Penalty Applies to Aircraft Statement* – established a uniform deadline for assessors to send out aircraft property statements and a 30-day time period for taxpayers to return it before the assessor applies the 10% penalty – even though the statute gave discretion for deadlines to assessors. (*Although Section 155 is not cited, the Board was confident of its authority to designate a deadline to enable the assessors to enforce taxpayer compliance.)
- LTA No. 1980/090 – *Statute of Limitations Extension for Refund Claims*

VIII. Discussion

As stated above, the key issue regarding the Board's interpretation of Section 155 is compliance. The extensive and well documented history and legislative intent of the property tax statutes establish that the assessors and county boards – not taxpayers – enforce taxpayer compliance by performing specific "acts" at fixed dates and times – e.g., imposing penalties, canceling exemptions, invalidating appeals, etc. – if the taxpayer does not comply. By constitutional mandate, the Board oversees this, and by statute (Section 155) the Board exercises the authority to extend the fixed dates by which the assessor or county board must act. While the practical effect is to extend the deadline, the legal act is to extend the time fixed by which the assessor must enforce the penalty.

As a compliance statute, Section 155 is part of the reason the Board of Equalization was created, in the sense that it reflects the unique relationship between the elected state oversight body and the 58 county assessors (and county boards) working in tandem to enhance voluntary compliance and protect property tax revenue. The benefit of this coordinated effort between the Board and assessors and county boards is most clearly demonstrated when a public calamity occurs, and an extension of the deadline for the assessor to impose penalties or the deadline for the AAB to invalidate applications for appeal would increase voluntary taxpayer compliance, thereby reducing the administrative costs to both local and ultimately state government.

If it is determined that the Board is no longer allowed to use the full compliance purpose of Section 155 for extending deadlines that assessors and county boards are required by statute to enforce against taxpayers, then the Board's oversight role for such compliance, as well as the

efficiencies realized, would be reduced, which is contrary to the legislative intent and the administrative best practices for all concerned.

The Governor's office has indicated that if a remedy or means of extending a deadline is currently available by use of a state agency's administrative power, that authority should be exercised before requesting an Executive Order. The Board's consistent interpretation and application of Section 155 for the past 148 years affirms this authority. "Equality and uniformity in the imposition of the burden of taxation upon property throughout the state, and that all property be taxed in proportion to its value to be ascertained as directed by law, have always been the dominant goals of the Constitution in the field of taxation; and [for that purpose] the State Board of Equalization was created...." (*Savings & Loan Society v. Austin*, 46 Cal. 415, 474-475.)

IX. Alternative 1 - Chair and Vice Chair Recommendation

A. Description of Alternative 1

The legislative purpose and historical documentation as well as the board's consistent application for 148 years establish that Section 155 grants BOE the authority to extend deadlines for the performance of "*any acts*" by assessors and county assessment appeals boards (AABs), including acts to enforce taxpayer deadlines.

B. Pros of Alternative 1

- The Board's role in assuring compliance through its oversight and control of the extension of deadlines would continue.
- Disparate requests to the Governor or the Legislature from 58 counties for various time extensions are avoided, controlling administrative costs and budget increases.
- The Governor's office has indicated that if a remedy or means of extending a deadline is available by use of a state agency's administrative power, that authority should be exercised before requesting an Executive Order.
- The public's concern for transparency is preserved, since all time extensions granted by the Board or Executive Director are made public.
- Time extensions granted by the Board (currently by means of Letters to Assessors) are not mandatory on assessors or county boards – the choice of whether to implement a time extension or not is up to the individual assessor or county board.
- It will affirm the Board's correct interpretation of Section 155 for 148 years.

C. Cons of Alternative 1

- One or more assessors may commence litigation against the Board through a Section 538 action; however, it is likely a court would dismiss it since time extensions granted by the Board are not mandatory.

- One or more assessors may seek legislation to amend Section 155 and limit or remove the Board’s authority for time extensions.

D. Operational/Administrative Impact of Alternative 1

1. Cost Impact

None. Status quo.

2. Revenue Impact

None. Status quo.

E. Taxpayer/Customer Impact of Alternative 1

Positive benefit to taxpayers as the Board’s current application of Section 155 protects transparency.

F. Critical Time Frames of Alternative 1

The Board has received substantial information from taxpayers, assessors and county boards concerning the negative impacts of COVID-19 on the property tax system. If the Board approves Alternative 1, no delays will be necessary if additional time extensions need to be granted.

X. Alternative 2. Executive Director Approved Recommendation

A. Description of Alternative

Based on the absence of the word “taxpayers” in the language, Section 155 grants the BOE authority to extend deadlines for *only* those *acts* by assessors and county boards (AABs) that do not affect taxpayers – such as the assessors’ deadline for completing the roll.

B. Pros of Alternative

- The risk of litigation in a Section 538 action by one or more assessors who oppose Alternative 1 is removed.
- The risk of one or more assessors seeking legislation to amend Section 155 and limit or remove the Board’s authority for time extensions is reduced.
- The Board corrects 148 years of misinterpretation.

C. Cons of Alternative

- Disparate requests to the Governor or the Legislature from 58 counties for various time extensions would occur, potentially increasing both BOE and local administrative costs.
- The Board's role in assuring compliance through its oversight and control of the extension of deadlines would cease, making it slightly more difficult for the Board to perform its duties.
- The public's concern for transparency is jeopardized, since all time extensions affecting taxpayers would be discussed and approved or disapproved in private conversation with the Governor's office.
- Time extensions granted by the Governor's office (by Executive Order) would generally be mandatory on assessors or county boards.
- The Governor's office has indicated that if a remedy or means of providing a time extension is available by use of a state agency's administrative power, that authority should be exercised before requesting an Executive Order.

D. Operational/Administrative Impact of Alternative

Slight increase in workload for the Board, Executive Director and staff to track and respond to disparate requests to the Governor or the Legislature by 58 assessors and county boards. Based on the more extensive and longer time frame for this process, a budget increase may be required.

1. Cost Impact

Slight (see above)

2. Revenue Impact

Unknown.

G. Taxpayer/Customer Impact of Alternative

Taxpayer transparency would be reduced.

H. Critical Time Frames of Alternative

Due to the workload demands and priorities of the Governor's office, significant time is often required to obtain approval for extending deadlines.

Preparer/Reviewer Information

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