

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 454

Introduced by Assembly Member ~~Berryhill~~ Members *Berryhill and Evans*
(Principal coauthor: Senator Wiggins)

February 20, 2007

~~An act to amend Section 55322 of the Revenue and Taxation Code, relating to taxation.~~ *An act to add Sections 17251.6 and 24537.11 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 454, as amended, ~~Berryhill. Taxpayers' Rights Advocate. Income and corporation taxes: conservation easements.~~

The Personal Income Tax Law and the Corporation Tax Law, in specified conformity to federal income tax law, allow a deduction for a charitable contribution of a qualified conservation easement, as defined, but, among other things, provide for specified percentage limitations on the amount deductible and limit the carryover period for excess contributions.

This bill would provide further conformity to federal law, including an increase in the specified percentage limitations (50% and 100% in the case of farmers) and extending the allowance carryover period to the 15 succeeding taxable years until used, as provided.

This bill would take effect immediately as a tax levy.

~~Existing law establishes the position of the Taxpayers' Rights Advocate, with respect to specified fees administered by the State Board of Equalization, and specifies his or her responsibilities.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17251.6 is added to the Revenue and
2 Taxation Code, to read:

3 17251.6. *Qualified conservation contributions as described in*
4 *Section 170(h)(2)(C) of the Internal Revenue Code, made on or*
5 *after January 1, 2007, shall be treated in accordance with Section*
6 *170(b)(1)(E) of the Internal Revenue Code.*

7 SEC. 2. Section 24537.11 is added to the Revenue and Taxation
8 Code, to read:

9 24537.11. *Qualified conservation contribution, as described*
10 *in clause (iii) of paragraph (2) of subdivision (a) of Section*
11 *24537.7, made on or after January 1, 2007, shall be treated in*
12 *accordance with Section 170(b)(2) of the Internal Revenue Code.*

13 SEC. 3. *This act provides for a tax levy within the meaning of*
14 *Article IV of the Constitution and shall go into immediate effect.*

15 SECTION 1. ~~Section 55322 of the Revenue and Taxation Code~~
16 ~~is amended to read:~~

17 ~~55322. (a) The board shall establish the position of the~~
18 ~~Taxpayers' Rights Advocate. The advocate, or his or her designee,~~
19 ~~shall be responsible for facilitating resolution of taxpayer~~
20 ~~complaints and problems, including any taxpayer complaints~~
21 ~~regarding unsatisfactory treatment of taxpayers by board~~
22 ~~employees, and staying actions where taxpayers have suffered or~~
23 ~~will suffer irreparable loss as the result of those actions. Applicable~~
24 ~~statutes of limitation shall be tolled during the pendency of a stay.~~
25 ~~Any penalties and interest that would otherwise accrue shall not~~
26 ~~be affected by the granting of a stay.~~

27 ~~(b) The advocate shall report directly to the executive officer~~
28 ~~of the board.~~

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