

AMENDED IN SENATE AUGUST 22, 2011

AMENDED IN ASSEMBLY MAY 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 563

Introduced by Assembly Member Furutani

February 16, 2011

An act to amend Section 408 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 563, as amended, Furutani. Property taxation: assessor: disclosure: appraisal information.

Existing property tax law requires the assessor to disclose certain appraisal information to specified state and local agencies, including, among others, the county recorder when conducting an investigation to determine whether a documentary transfer tax is imposed, *and requires certain state agencies to reimburse the assessor for any costs incurred in disclosing this information.*

This bill would expand the list of local agencies the assessor is required to disclose certain appraisal information to, to include designated employees of a city's finance office when conducting an investigation to determine whether a documentary transfer tax should be imposed for an unrecorded change in control or ownership of property, *and would also require the city to reimburse the assessor for any costs incurred in disclosing this information.* This bill would require the designated employee of a city's finance office to certify to the assessor, under penalty of perjury, that he or she needs the information to assist with the preparation and enforcement of the Documentary

Transfer Tax Act and that the information provided to him or her that is not public record and that is not open to public inspection shall not become public record and shall not be open to public inspection.

By expanding the crime of perjury, and by imposing additional duties on county officials with respect to the disclosure of certain information, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 408 of the Revenue and Taxation Code
2 is amended to read:

3 408. (a) Except as otherwise provided in subdivisions (b), (c),
4 (d), and (e), any information and records in the assessor's office
5 that are not required by law to be kept or prepared by the assessor,
6 disabled veterans' exemption claims, and homeowners' exemption
7 claims, are not public documents and shall not be open to public
8 inspection. Property receiving the homeowners' exemption shall
9 be clearly identified on the assessment roll. The assessor shall
10 maintain records which shall be open to public inspection to
11 identify those claimants who have been granted the homeowners'
12 exemption.

13 (b) (1) The assessor may provide any appraisal data in his or
14 her possession to the assessor of any county.

1 The assessor shall disclose information, furnish abstracts, or
2 permit access to all records in his or her office to law enforcement
3 agencies, the county grand jury, the board of supervisors or their
4 duly authorized agents, employees, or representatives when
5 conducting an investigation of the assessor's office pursuant to
6 Section 25303 of the Government Code, the county recorder when
7 conducting an investigation to determine whether a documentary
8 transfer tax is imposed, designated employees of a city's finance
9 office when conducting an investigation to determine whether a
10 documentary transfer tax should be imposed for an unrecorded
11 change in control or ownership of property, the Controller,
12 employees of the Controller for property tax postponement
13 purposes, probate referees, employees of the Franchise Tax Board
14 for tax administration purposes only, staff appraisers of the
15 Department of Financial Institutions, the Department of
16 Transportation, the Department of General Services, the State
17 Board of Equalization, the State Lands Commission, the State
18 Department of Social Services, the Department of Child Support
19 Services, the Department of Water Resources, and other duly
20 authorized legislative or administrative bodies of the state pursuant
21 to their authorization to examine the records. ~~Whenever the
22 assessor discloses information, furnishes abstracts, or permits
23 access to records in his or her office to staff appraisers of the
24 Department of Financial Institutions, the Department of
25 Transportation, the Department of General Services, the State
26 Lands Commission, or the Department of Water Resources
27 pursuant to this section, the department shall reimburse the assessor
28 for any costs incurred as a result thereof. records.~~

29 (2) Upon the written request of a designated employee of a city's
30 finance office, the assessor shall provide to the designated
31 employee of a city's finance office information for the preparation
32 and enforcement of Part 6.7 (commencing with Section 11901) of
33 Division 2. The information provided by the assessor shall not
34 include social security numbers. The designated employee of a
35 city's finance office shall, under penalty of perjury, certify to the
36 assessor that he or she needs the information to assist with the
37 preparation and enforcement of Part 6.7 (commencing with Section
38 11901) of Division 2 and that the information provided pursuant
39 to this subdivision that is not public record and that is not open to

1 public inspection shall not become public record and shall not be
2 open to public inspection.

3 (3) *Whenever the assessor discloses information, furnishes*
4 *abstracts, or permits access to records in his or her office to staff*
5 *appraisers of the Department of Financial Institutions, the*
6 *Department of Transportation, the Department of General Services,*
7 *the State Lands Commission, or the Department of Water*
8 *Resources, or to designated employees of a city's finance office,*
9 *pursuant to this subdivision, the department or city shall reimburse*
10 *the assessor for any costs incurred as a result thereof.*

11 (c) Upon the request of the tax collector, the assessor shall
12 disclose and provide to the tax collector information used in the
13 preparation of that portion of the unsecured roll for which the taxes
14 thereon are delinquent. The tax collector shall certify to the assessor
15 that he or she needs the information requested for the enforcement
16 of the tax lien in collecting those delinquent taxes. Information
17 requested by the tax collector may include social security numbers,
18 and the assessor shall recover from the tax collector his or her
19 actual and reasonable costs for providing the information. The tax
20 collector shall add the costs described in the preceding sentence
21 to the assessee's delinquent tax lien and collect those costs subject
22 to subdivision (e) of Section 2922.

23 (d) The assessor shall, upon the request of an assessee or his or
24 her designated representative, permit the assessee or representative
25 to inspect or copy any market data in the assessor's possession.
26 For purposes of this subdivision, "market data" means any
27 information in the assessor's possession, whether or not required
28 to be prepared or kept by him or her, relating to the sale of any
29 property comparable to the property of the assessee, if the assessor
30 bases his or her assessment of the assessee's property, in whole
31 or in part, on that comparable sale or sales. The assessor shall
32 provide the names of the seller and buyer of each property on
33 which the comparison is based, the location of that property, the
34 date of the sale, and the consideration paid for the property, whether
35 paid in money or otherwise. However, for purposes of providing
36 market data, the assessor may not display any document relating
37 to the business affairs or property of another.

38 (e) (1) With respect to information, documents, and records,
39 other than market data as defined in subdivision (d), the assessor
40 shall, upon request of an assessee of property, or his or her

1 designated representative, permit the assessee or representative to
2 inspect or copy all information, documents, and records, including
3 auditors' narrations and workpapers, whether or not required to
4 be kept or prepared by the assessor, relating to the appraisal and
5 the assessment of the assessee's property, and any penalties and
6 interest thereon.

7 (2) After enrolling an assessment, the assessor shall respond to
8 a written request for information supporting the assessment,
9 including, but not limited to, any appraisal and other data requested
10 by the assessee.

11 (3) Except as provided in Section 408.1, an assessee, or his or
12 her designated representative, may not be permitted to inspect or
13 copy information and records that also relate to the property or
14 business affairs of another, unless that disclosure is ordered by a
15 competent court in a proceeding initiated by a taxpayer seeking to
16 challenge the legality of the assessment of his or her property.

17 (f) (1) Permission for the inspection or copying requested
18 pursuant to subdivision (d) or (e) shall be granted as soon as
19 reasonably possible to the assessee or his or her designated
20 representative.

21 (2) If the assessee, or his or her designated representative,
22 requests the assessor to make copies of any of the requested
23 records, the assessee shall reimburse the assessor for the reasonable
24 costs incurred in reproducing and providing the copies.

25 (3) If the assessor fails to permit the inspection or copying of
26 materials or information as requested pursuant to subdivision (d)
27 or (e) and the assessor introduces any requested materials or
28 information at any assessment appeals board hearing, the assessee
29 or his or her representative may request and shall be granted a
30 continuance for a reasonable period of time. The continuance shall
31 extend the two-year period specified in subdivision (c) of Section
32 1604 for a period of time equal to the period of continuance.

33 SEC. 2. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution for certain
35 costs that may be incurred by a local agency or school district
36 because, in that regard, this act creates a new crime or infraction,
37 eliminates a crime or infraction, or changes the penalty for a crime
38 or infraction, within the meaning of Section 17556 of the
39 Government Code, or changes the definition of a crime within the

1 meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 ~~However, if the Commission on State Mandates determines that~~
4 ~~this act contains other costs mandated by the state, reimbursement~~
5 ~~to local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code.~~

8 *Moreover, for certain other costs that may be incurred by a local*
9 *agency, in that regard, this act provides for reimbursement to a*
10 *local agency in the form of additional revenues that are sufficient*
11 *in amount to fund the new duties established by this act, within*
12 *the meaning of Section 17556 of the Government Code.*