

AMENDED IN SENATE MARCH 19, 1996

AMENDED IN SENATE MARCH 12, 1996

AMENDED IN SENATE MARCH 4, 1996

AMENDED IN ASSEMBLY MAY 3, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1624

Introduced by Assembly Member Kuehl
(Principal coauthor: Assembly Members Katz and
McDonald)

(Coauthors: Assembly Members *Alpert, Archie-Hudson,*
Baca, Caldera, Cunneen, Davis, Friedman, Gallegos,
House, Isenberg, Knox, Lee, Machado, Mazzoni, Kevin
Murray, Willard Murray, Napolitano, Setencich, Sher,
Sweeney, Tucker, Vasconcellos, and Villaraigosa)

(Coauthors: Senators *Hayden, Hughes, Hurtt, Johnson,*
Johnston, Killea, Kopp, Marks, Petris, Polanco, Rosenthal,
Solis, Thompson, and Watson)

February 24, 1995

An act to add Section 17155 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1624, as amended, Kuehl. Income taxes: exclusions: German property claims.

The Personal Income Tax Law allows various exclusions in computing the income that is subject to the taxes imposed by that law.

This bill would enact the Holocaust Victim Compensation Relief Act to authorize an exclusion under that law for any amount received as compensation in any taxable year by a taxpayer pursuant to the German Act Regulating Unresolved Property Claims, as specified.

This bill would make a specified legislative declaration regarding the statewide public purpose of this bill.

This bill would take effect immediately as a tax levy.

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

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

1 SECTION 1. This act shall be known~~as~~, and may be
2 cited, as the Holocaust Victim Compensation Relief Act.
3 SEC. 2. Section 17155 is added to the Revenue and
4 Taxation Code, to read:
5 17155. (a) Gross income shall not include any
6 amount, including any interest or property, that is
7 received as compensation in any taxable year by a
8 taxpayer pursuant to the German Act Regulating
9 Unresolved Property Claims, as amended (Gesetz zur
10 Regelung offener Vermögensfragen).
11 (b) The basis of any property received pursuant to the
12 German Act Regulating Unresolved Property Claims
13 shall be the fair market value of the property at the time
14 of receipt by the taxpayer.
15 SEC. 3. (a) The changes made by this act shall apply
16 to any taxable year in which any amount is received
17 pursuant to the German Act Regulating Unresolved
18 Property Claims (Gesetz zur Regelung offener
19 Vermögensfragen).
20 (b) The Legislature finds and declares that this act
21 serves a statewide public purpose as the Legislature did
22 not intend, and does not intend, to tax amounts received
23 as compensation pursuant to the German Act Regulating



1 Unresolved Property Claims (Gesetz zur Regelung
2 offener Vermögensfragen) because both of the following:

3 (1) Any amount received represents compensation for
4 property located in the former East Germany that the
5 National Socialist Regime confiscated or subjected to
6 forced sale prior to or during World War II.

7 (2) Pursuant to the United~~—States—~~Federal
8 *States-Federal* Republic of Germany Income Tax
9 Convention, August 29, 1989, S. Treaty Doc. No. 10, 101st
10 Cong. Sess. (1990), the amount received is exempt from
11 federal taxation. That treaty, however, is not applicable
12 to any state taxation.

13 SEC. 4. This act provides for a tax levy within the
14 meaning of Article IV of the Constitution and shall go into
15 immediate effect.

