



**BOARD OF EQUALIZATION
LEGISLATIVE COMMITTEE MEETING AGENDA
HONORABLE JUDY CHU, CHAIRWOMAN
450 N STREET, SACRAMENTO, ROOM 121
JUNE 9, 2009 9:30 AM**

----- Minutes -----

2009 LEGISLATIVE PROPOSAL

**ADMINISTRATION
2009 Legislative Proposal**

Set forth below is a suggestion for legislation to be sponsored by the Board in the first year of the 2009-2010 Legislative Session (see attachment).

**Suggestion
Number**

- 5-4** Add Chapter 11 (commencing with Section 30491) to Part 13 of Division 2 to the Revenue and Taxation Code to limit litigation costs, including attorneys' fees, under the Cigarette and Tobacco Products Tax Law in the same manner that litigation costs are limited under the Sales and Use Tax Law. This same provision would be added to the property tax law, the Franchise and Income Tax Law, and all of the Board-administered special tax and fee programs. In addition, Section 7156 of the Sales and Use Tax Law would be moved to its own chapter.

Source: Legal Department

Revenue Impact: Potentially millions of dollars in savings

COMMITTEE RECOMMENDATION: Motion to adopt, as amended to:

- (1) Provide the amount of attorney's fees shall be the same as R&T Code, section 19717, for the FTB and
- (2) Remove the retroactive application.

Passed (3-2)

June 9, 2009

Attending: Honorable Judy Chu, Chair - Honorable Betty T. Yee, Honorable Bill Leonard, Honorable Michelle Steel, and Marcy Jo Mandel

<u>Bill No.</u>	<u>Chu</u>	<u>Yee</u>	<u>Leonard</u>	<u>Steel</u>	<u>Chiang/Mandel</u>	<u>Committee Recommendation</u>
I. Board-sponsored bills:						
5-4	Yes	Yes	No	No	Yes	Motion to adopt, as amended to: (1) Provide the amount of attorney's fees shall be the same as R&T Code, section 19717, for the FTB and (2) Remove the retroactive application. Passed (3-2)

Approved: Judy Chu
Ms. Judy Chu, Ph.D., Chair
Board Legislative Committee

Ramon J. Hirsig
Ramon J. Hirsig, Executive Director

BOARD APPROVED
at the June 9, 2009 Board Meeting

Diane G. Olson
Diane Olson, Chief
Board Proceedings Division