

**BOARD OF EQUALIZATION
LEGISLATIVE COMMITTEE MEETING AGENDA
HONORABLE JEROME HORTON, CHAIR
450 N STREET, SACRAMENTO, ROOM 121
DECEMBER 15, 2009 9:30 AM**

----- Minutes -----

I. 2010 Legislative Proposals

PROPERTY TAXES

2010 Legislative Proposals

Set forth below are suggestions for Property Taxes legislation to be sponsored by the Board in the second year of the 2009-10 Legislative Session (see attachments). Additional suggestions will be included on the agenda for January 2010.

**Suggestion
Number**

1-6

CONSENT

Repeal Revenue and Taxation Code Sections 1624.3, 1636.2, and 1636.5 which were made redundant by recent legislation. (Technical – Maintenance of the Codes)

Source: Legislative Section

Revenue Impact: None

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

1-7

Amend Revenue and Taxation Code Section 401.10 to extend for five years the assessment valuation methodology for intercounty pipeline rights-of-way which are otherwise scheduled to sunset.

Source: Legislative Section

Revenue Impact: None

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

1-8
CONSENT **Amend Revenue and Taxation Code Section 1604 to clarify that the two year period that an assessment appeals board has to decide appeals before a property owner's opinion of value becomes controlling applies to supplemental and escape assessment appeals.**

Source: Legal Department

Revenue Impact: None

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

1-9
CONSENT **Amend Revenue and Taxation Code Section 4831 to clarify the provisions related to assessment roll corrections.**

Source: Legal Department

Revenue Impact: None

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

BUSINESS TAXES

2010 Legislative Proposals

Set forth below are suggestions for Business Taxes legislation to be sponsored by the Board in the second year of the 2009-10 Legislative Session (see attachments). Additional suggestions will be included on the agenda for January 2010.

Suggestion Number

2-1

Amend Revenue and Taxation Code Section 6829 of the Sales and Use Tax Law to include imposition of personal liability on responsible persons of a closely held corporation or closely held limited liability company (LLC) for liabilities arising during a period of suspension of that closely held corporation or closely held LLC, but only if the corporation or LLC is not revived within 60 days of the imposition of the suspension. Further, to add statutes comparable to Section 6829, as amended, to those Board-administered Special Taxes and Fees programs where circumstances would warrant the imposition of personal liability on an officer, partner, member, manager, or other person having control or supervision of, or who is charged with the responsibility for the filing of returns or the payment of taxes or fees for a corporation, partnership, limited partnership, limited liability partnership, or LLC that has been terminated, dissolved or abandoned or on a responsible person of a closely held corporation or closely held LLC that has been suspended without being timely revived.

Source: Legal Department, Sales and Use Tax Department, and Property and Special Taxes Department.

Revenue Impact: Undeterminable

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

BUSINESS TAXES SPECIAL TAXES AND FEES

2010 Legislative Proposals

Set forth below are suggestions for Special Taxes and Fees legislation to be sponsored by the Board in the second year of the 2009-10 Legislative Session (see attachments). Additional suggestions will be included on the agenda for January 2010.

Suggestion Number

- 4-2** Amend Business and Professions Code Sections 22971, 22980.2, and 22980.3 to (1) prohibit a licensee from gifting or displaying cigarettes or tobacco products during a period when the license is suspended or after a license has been revoked and (2) provide that cigarettes or tobacco products displayed during a license suspension or after a license has been revoked are presumed to be displayed for sale.

Source: Excise Taxes Division

Revenue Impact: None

**COMMITTEE RECOMMENDATION: Motion to Adopt, as Amended—
Passed (5-0)**

- 4-3** Amend Unemployment Insurance Code Section 1095 to authorize the Board to admit the Employment Development Department's confidential employment tax information as evidence into the Board's administrative hearings for feepayer appeals and in court proceedings.

Source: Environmental Fees Division

Revenue Impact: None

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

- 4-4** Add Sections 7304.1, 7304.2 and 7360.1 to, amend Sections 7304, 7326 and 7402 of, and repeal Sections 8651.8 and 8657 of, the Revenue and Taxation Code to reclassify alcohol fuel, commonly know as E85, from the Use Fuel Tax Law to the Motor Vehicle Fuel Tax Law in order to conform the reporting requirements with those for gasoline and diesel fuel.

Source: Fuel Taxes Division

Revenue Impact: Undeterminable

COMMITTEE RECOMMENDATION: Motion to Adopt – Passed (5-0)

**II. TABLE OF SECTIONS SCHEDULED TO SUNSET BY
JANUARY 1, 2011**

**Notification of law sections administered by the Board that will sunset by
January 1, 2011**

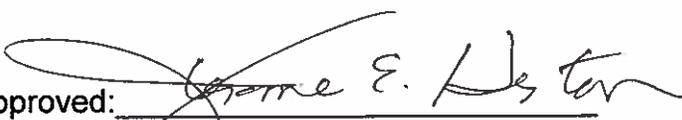
**BOARD OF EQUALIZATION
BOARD COMMITTEE ON LEGISLATION
December 15, 2009**

**Attending: Honorable Jerome Horton, Chair - Honorable Betty T. Yee, Honorable Bill Leonard, Honorable Michelle Steel,
and Marcy Jo Mandel**

<u>Suggestion No.</u>	<u>Horton</u>	<u>Yee</u>	<u>Leonard</u>	<u>Steel</u>	<u>Chiang/ Mandel</u>	<u>Committee Recommendation</u>
PROPERTY TAXES						
1-6	CONSENT					ADOPT (5-0)
1-7	Y	Y	Y	Y	Y	ADOPT (5-0)
1-8	CONSENT					ADOPT (5-0)

<u>Suggestion No.</u>	<u>Horton</u>	<u>Yee</u>	<u>Leonard</u>	<u>Steel</u>	<u>Chiang/Mandel</u>	<u>Committee Recommendation</u>
PROPERTY TAXES						
1-9	CONSENT					ADOPT (5-0)
BUSINESS TAXES SALES AND USE TAXES						
2-1	Y	Y	Y	Y	Y	ADOPT (5-0)

<u>Suggestion No.</u>	<u>Horton</u>	<u>Yee</u>	<u>Leonard</u>	<u>Steel</u>	<u>Chiang/Mandel</u>	<u>Committee Recommendation</u>
BUSINESS TAXES SPECIAL TAXES AND FEES						
4-2	Y	Y	Y	Y	Y	ADOPT, AS AMENDED (5-0)
4-3	Y	Y	Y	Y	Y	ADOPT (5-0)
4-4	Y	Y	Y	Y	Y	ADOPT (5-0)

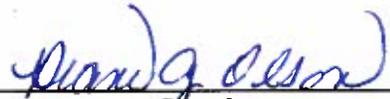
Approved: 

Mr. Jerome Horton, Chair
Board Member
Board Legislative Committee


Ramon J. Hirsig, Executive Director

BOARD APPROVED

at the December 16, 2009 Board Meeting


Diane Olson, Chief
Board Proceedings Division