



BOARD OF EQUALIZATION

**CUSTOMER SERVICES AND ADMINISTRATIVE
EFFICIENCY COMMITTEE MEETING MINUTES**HONORABLE CLAUDE PARRISH, COMMITTEE CHAIR
450 N STREET, SACRAMENTO

MAY 29, 2002, 9:30 A.M.

ACTION ITEMS & STATUS REPORT ITEMS**Agenda Item No: 1****Title: Authorization to Publish Amendment to Regulation 5075, Brief - Revenue Impact Statements/Revenue Estimates****Issue/Topic:**

Shall the Board grant authorization to publish an amendment to Regulation 5075 of the Rules of Practice (18 Cal. Code of Regulations, sections 5010-5095) stating that briefs filed with the Board of Equalization shall not include revenue estimates or statements regarding revenue impact?

Committee Discussion:

Staff presented the proposed amendment to Regulation 5075 of the Rules of Practice for authorization to publish.

Mr. Klehs asked if the Board Members could still ask for revenue information. Mr. Andal responded that this regulation does not preclude Board Members from obtaining revenue information but that such information would not appear in briefs.

Mr. Andal indicated two concerns regarding revenue information: 1) the accuracy of the information is questionable; 2) the information may be prejudicial. He commented that Board decisions are fact specific even though issues may be similar. Mr. Andal said that the judgment of the Board should be based on the merits of the case and that it is unethical to argue the revenue impact.

Mr. Klehs commented that revenue estimates should be accurate and should not be the deciding factor; however, there is value to knowing the long-term implications of the Board's decision.

Mr. Chiang said it would be helpful to know if a regulation violates legislative intent if the statute purported not to raise revenue. He questioned why we would make it more difficult to obtain information in order to evaluate the case.

Four interested parties addressed the board on this item:

Mr. Lenny Goldberg, California Tax Reform Association – spoke in opposition.

Mr. David Doerr, Cal Tax – spoke in support.

Ms. Jean Ross, California Budget Project – spoke in opposition.

Mr. Martin Helmke, Consultant for the Senate Tax Committee – spoke in opposition at the request of Senators Burton and Scott.

Committee Action/Recommendation/Direction:

Board Chair Chiang reopened the Customer Services and Administrative Efficiency Committee. The original vote was expunged and a subsequent vote taken on Mr. Andal's earlier motion to authorize publication of the proposed amendment to Regulation 5075. The subsequent motion did not pass. In a second motion, Mr. Klehs moved to table the item indefinitely. This motion passed.

Approved: /s/ The Honorable Claude Parrish
Honorable Claude Parrish Committee Chair

 /s/ James E. Speed
James E. Speed, Executive Director

BOARD APPROVED

At the May 30, 2002 Board Meeting

 /s/ Deborah Pellegrini
Deborah Pellegrini, Chief
Board Proceedings Division