



**BOARD OF EQUALIZATION  
LEGISLATIVE COMMITTEE MEETING AGENDA  
HONORABLE JEROME HORTON, CHAIR  
450 N STREET, SACRAMENTO, ROOM 121  
DECEMBER 18, 2012 10:00 AM**

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**----- Committee Report and Action Summary -----**

**2013 LEGISLATIVE PROPOSALS**

**BUSINESS TAXES**

**2013 Legislative Proposals**

Set forth below are suggestions for Business Taxes legislation to be sponsored by the Board of Equalization (BOE) in the first year of the 2013-14 Legislative Session (see attachments).

**Suggestion  
Number**

2-1 Amend Revenue and Taxation Code (RTC) Section 7094 of the Sales and Use Tax Law and amend comparable statutes in BOE special tax and fee programs to allow the BOE to increase the levy amount the Taxpayers' Rights Advocate is authorized to release or return, from \$1,500 to \$3,500, to adjust for inflation.

Source: Honorable Jerome E. Horton

Revenue Impact: The revenue impact is estimated to be minimal, approximately \$7,000.

**COMMITTEE RECOMMENDATION: Adopt, as amended to change the amount from \$1,500 to \$2,300 to account for the California inflation factor from the time of enactment, January 1, 1996, to the current date, and also provide a mechanism for future inflationary adjustments. (5-0)**

**Suggestion  
Number**

2-2 Amend RTC Sections 7096, 9274, 30459.4, 32474, 40214, 41174, 43525, 45870, 46625, 50156.14, 55335, and 60633.1 to waive for reasonable cause the requirement that a taxpayer file a claim for reimbursement of bank charges and third party check charges within 90 days from the date of the BOE's erroneous levy or notice to withhold, erroneous processing action, or erroneous collection action. Also amend the above-specified special tax and fee sections to allow a taxpayer to file a claim for reimbursement of bank charges and third party check charges incurred by the taxpayer as the direct result of an erroneous processing action or erroneous collection action by the BOE under the various special taxes and fees programs in conformity with the Sales and Use Tax Law. (Housekeeping)

Consent Source: Taxpayers' Rights Advocate  
Revenue Impact: Negligible.

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

**BUSINESS TAXES  
SPECIAL TAXES AND FEES  
2013 Legislative Proposals**

Set forth below are suggestions for Special Taxes and Fees legislation to be sponsored by the BOE in the first year of the 2013-14 Legislative Session (see attachments).

**Suggestion  
Number**

4-1 Amend Health and Safety Code Section 25299.43 and RTC Section 55001 to make non-substantive, technical reference corrections, and amend RTC Section 55332.5 to incorporate language inadvertently omitted. (Technical)

Consent Source: Legislative and Research Division  
Revenue Impact: None.

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

**BOARD OF EQUALIZATION  
BOARD COMMITTEE ON LEGISLATION  
December 18, 2012**

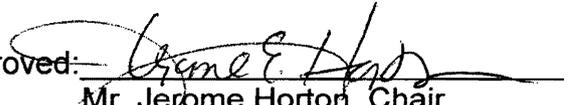
**Attending: Honorable Jerome Horton, Chair - Honorable Betty T. Yee, , Honorable Michelle Steel, and Marcy Jo Mandel**

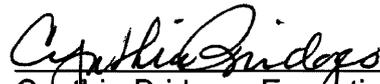
<u>Suggestion No.</u>	<u>Horton</u>	<u>Yee</u>	<u>Runner</u>	<u>Steel</u>	<u>Chiang/Mandel</u>	<u>Committee Recommendation</u>
<b>BUSINESS TAXES</b>						
2-1	Y	Y	Y	Y	Y	<b>ADOPT AS AMENDED (5-0)</b>
2-2	<b>CONSENT</b>					<b>ADOPT (5-0)</b>

**BOARD OF EQUALIZATION  
BOARD COMMITTEE ON LEGISLATION  
December 18, 2012**

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

<u>Suggestion No.</u>	<u>Horton</u>	<u>Yee</u>	<u>Runner</u>	<u>Steel</u>	<u>Chiang/ Mandel</u>	<u>Committee Recommendation</u>
<b>BUSINESS TAXES SPECIAL TAXES AND FEES</b>						
4-1	CONSENT					ADOPT (5-0)

Approved:   
Mr. Jerome Horton, Chair  
Board Member  
Board Legislative Committee

  
Cynthia Bridges, Executive Director

BOARD APPROVED

at the December 19, 2012 Board Meeting

  
Joann Richmond, Chief  
Board Proceedings Division