



BOARD OF EQUALIZATION

CUSTOMER SERVICES AND ADMINISTRATIVE EFFICIENCY COMMITTEE MEETING MINUTES

HONORABLE CLAUDE PARRISH, COMMITTEE CHAIR
450 N STREET, SACRAMENTO

OCTOBER 31, 2000, 1:30 PM

(AMENDMENT).

ACTION ITEMS & STATUS REPORT ITEMS

Agenda Item No: 1

Title: Amendments to the Rules of Practice (Issue Paper)

Issue/Topic:

Shall the Board authorize publication of the amendments to the Rules of Practice?

Committee Discussion:

Regulation 5023

The Board discussed whether to place a time limit on issuing Decision and Recommendations. The conclusion was that the Decision and Recommendation should be completed within 60 days “after the information gathering process is complete.” The Chief Counsel may extend the time in “extraordinary circumstances.” One example of such an extraordinary circumstance would be bankruptcy. Another example would be a pending regulation that may affect the outcome of the Decision and Recommendation. The proposed amendment to this regulation will be changed to reflect this 60-day time limit.

Regulation 5075.1

Mr. Andal asked why the staff was seeking authority for additional briefing. Mr. Jeff Vest explained that the Board staff already has authority to ask for additional briefing and that the purpose of this amendment was to seek authority to request the submission of evidence. Mr. Andal asked for an example of why this amendment is necessary. Mr. Derick Brannan provided an example of a case where the taxpayer made it clear that they had evidence that they would be presenting at the hearing. Such situation does not provide the Franchise Tax Board with an opportunity to adequately brief and does not provide the Board with information in a timely manner. Based on this example, the proposed amendment to this regulation was accepted by the Board.

Regulation 5094

Mr. Andal said that there are a very limited number of Taxpayer Bill of Rights cases each year and therefore those seeking a Taxpayer Bill of Rights hearing should not have to go through the additional step of asking for an oral hearing. The Regulation will delete that requirement and will be amended to reflect that there is no longer a bifurcated process.

Committee Action/Recommendation/Direction:

The Board authorized publication of the Rules of Practices with the changes discussed above. The attached proposed amendments to the Rules of Practice reflect those changes.

Agenda Item No: 2

Title: Additional 2001-02 Budget Change Proposals (BCPs)

BCP No. 9 (Fuel Tax Evasion Projects)

BCP No. 12 (AB 2114 – Motor Vehicle Fuel Tax Law)

BCP No. 13 (SB 876 – Tire Recycling Fee Increase)

BCP No. 14 (AB 1002 – Natural Gas Surcharge)

Issue/Topic:

Additional 2001-02 BCPs

Committee Discussion:

The Committee discussion began with James Speed, Executive Director, presenting four additional BCPs associated with enacted legislation (Nos. 12, 13, and 14) and federally funded fuel tax evasion projects (No. 9) to the Members. The Members then asked clarifying questions and took action on the BCPs individually.

Committee Action/Recommendation/Direction:

The Committee approved three of the four BCPs and left the fourth (BCP No. 13) open for further discussion.

Agenda Item No: 3

Title: Taxpayers' Rights Advocate's presentation of the *Business Taxpayers' 1999-00 Bill of Rights Annual Report*

Issue/Topic:

Business Taxpayers' 1999-00 Bill of Rights Annual Report

