Chair Malia Cohen, as you recall from the March Board meeting my public comment asked one question:

"What's the downside of having a reporting form for Revenue and Tax Code 61(b)?"

As your recall the Chair specifically asked Chief Council Henry Nanjo this question, and the Chief Council did not have an answer. After consulting with Chief David Yeung they stated a reporting form was **not necessary**. Chief Council said, he will follow up with a more meaningful answer.

Chair Cohen, based on the Chief Council preliminary response that a reporting form for 61(b) was not necessary; this response begs a more important question in protecting public revenue:

Are the BOE duties articulated in Government Code 15606 "Mandatory" or "Optional"?

Chair Cohen, at the bottom of Government Code 15606 subsection (H) the regulation states,

<u>"This Section is Mandatory"</u> there seems to be <u>confusion</u> as the whether "This Section is Mandatory" means only to subsection (H) or whether the words "This Section is Mandatory" is <u>applicable</u> to all of <u>sections of Government Code 15606</u> A through H are mandatory?

Does Government Code 15606(f) specifically require a reporting form that articulates the <u>different "kinds"</u> of private grants on public property per Revenue and Tax Code 61(b)?

Government Code 15606(f) states, "Subdivisions **(c)**, **(d)** and **(e)** shall include, but are not limited to, rules, regulations, instructions, and forms relating to classifications of kinds of property and evaluation procedures".

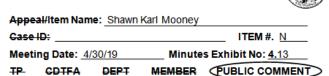
Chair Cohen, when the legislation used the term "Shall" does this mean the BOE duties are

"Mandatory" or "Optional"?

Does Government Code 15606(c)(d)(f)(g) mandate a reporting form for the following ten types of private grants that create private taxable "change of ownerships" on public property pursuant to Revenue and Tax Code 61(b)?

- 1) Private License agreements ?
- 2) Private Concession agreements ?
- 3) Private Use permits ?
- 4) Private Special events permits ?
- 5) Private Vendor permits ?
- 6) Private Merchandise Display permits ?
- 7) Private Encroachment permits ?
- 8) Private Advertisement fixtures permits ?
- 9) Private Trade fixtures permits ?
- 10) Private Leases agreements ?

STATE BOARD OF EQUALIZATION



Does Government Code 15606(c)(d)(f)(g) apply to Revenue and Tax Code 61(b)? Does Government Code 15606(c)(d)(f)(g) apply to Revenue and Tax Code 480.5?

Signed, Shawn Karl Mooney