



STATE BOARD OF EQUALIZATION

BOARD PROCEEDINGS DIVISION (MIC: 81)
450 N STREET, SACRAMENTO, CALIFORNIA
(P. O. BOX 942879, SACRAMENTO, CA 94279-0001)
TELEPHONE (916) 445-6479
FAX (916) 324-3984
www.boe.ca.gov

JOHAN KLEHS
First District, Hayward

DEAN ANDAL
Second District, Stockton

CLAUDE PARRISH
Third District, Torrance

JOHN CHIANG
Fourth District, Los Angeles

KATHLEEN CONNELL
State Controller, Sacramento

PUBLIC AGENDA NOTICE
STATE BOARD OF EQUALIZATION MEETING
MARCH 28-29, 2001
450 N STREET, CAPITOL SQUARE, SACRAMENTO

JAMES E. SPEED
Executive Director

WEDNESDAY, MARCH 28, 2001 - BOARD COMMITTEE MEETINGS*

Board Committees Convene at 9:30 a.m.

***Legislative Committee - Mr. Klehs, Chair - Room 122**

Ms. Margaret Shedd, Staff - (916) 322-2376

Pending and Proposed Legislation Affecting Board Programs

***Customer Services & Administrative Efficiency Committee - Mr. Chiang, Chair- Room 121**

Ms. Delena Bratton, Staff - (916) 445-6188

Expansion of the Electronic Filing (E-Filing) Program; Program Review: Recruitment, Outreach and Workforce Diversity

***Business Taxes Committee Mr. Parrish, Chair – Room 121**

Mr. Ramon Hirsig, Staff - (916) 445-1441

Proposed Regulatory Changes to Clarify Application of Tax to Vending Machine Sales (Regulation 1574, Vending Machine Operators); Proposed Regulatory Changes Regarding Procedures for Granting Equitable Relief to an Innocent Spouse (Regulation 1705.1, Innocent Spouse Relief from Liability)

- Special Presentations: Presentation of Retirement Resolution; Presentation of Board Resolution

Board Convenes Upon Adjournment of the Business Taxes Committee

- Corporate Franchise and Personal Income Tax Appeals Hearings

Board Committee Convenes at 1:30 p.m.

***Property Tax Committee – Dr. Connell, Chair - Room 121**

Mr. Richard Johnson, Staff - (916) 445-1516

Assessment Jurisdiction of Wireless Communication Tower Sites

Board Convenes Upon Adjournment of the Property Tax Committee

- Public Hearings

Proposed Amendment of Sales and Use Tax Regulation 1525.2, Manufacturing Equipment - Regulation 1525.2, Manufacturing Equipment, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6377. Amendments are proposed to delete the \$250.00 threshold; to provide that the qualified manufacturer's treatment of property for income tax purposes as having a useful life of less than one year provides a rebuttable presumption that said property qualifies as "consumables" for the purpose of this regulation; that a retailer who accepts an exemption certificate from a qualified person and who has no direct knowledge that the person is not using the property in specified activities accepts the certificate in good faith, and to correct clerical errors.

Proposed Amendment of Sales and Use Tax Regulation 1620, Interstate and Foreign Commerce - Regulation 1620, Interstate and Foreign Commerce, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6352. Amendments are proposed to provide that intermodal cargo containers will be regarded as also being first functionally used outside of this state if specified conditions are met, and to correct clerical errors.

Proposed Amendment of Sales and Use Tax Regulation 1668, Resale Certificates - Regulation 1668, Resale Certificates, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6091. Amendments are proposed to incorporate (1) a suggested specific resale certificate for auto body repair and paint shops, and (2) a warning statement regarding the improper use of a resale certificate into the general resale certificate.

Proposed Adoption of Regulations 2240, 2241, 2242, 2250 and 2255, Oil Spill Response, Prevention and Administrative Fees Law - The Oil Spill Response, Prevention, and Administration Fees Regulations 2240, 2241, 2242, are proposed to add definitions of "petroleum products", "barrel of crude oil" and "barrel of petroleum products" clarifying references in the law. Regulation 2250 clarifies and interprets the relief from liability for tax when the fee payer has relied upon written advice of the Board of Equalization and Regulation 2255 clarifies and interprets the recordkeeping provisions in the law.

- Business Taxes Appeals Hearings

THURSDAY, MARCH 29, 2001 - BOARD MEETING****Board Convenes at 9:30 a.m. - Room 121**

- CLOSED SESSION: Settlements (R & T Code § 7093.5, 7093.5(b)(3), 30459.1 and 50156.11); Personnel Matters (Govt. Code § 11126 (a))
- Administrative Session: Executive Director's Report; Proposed Contracts Over \$1 Million; Board Committee Reports; **CONSENT:** Retirement Resolutions; Adoption of Board Meeting Minutes; Board Meeting Date Change; Proposed Non-Substantive Revisions to Audit Manual Chapters 1, 2, 3, 4, 5, 6, 7 and 10
- Special Presentation: Presentation of Board Resolution

- Chief Counsel Matters: Rule 468, Oil and Gas Producing Properties (Section 100 Change); Rule 469, Mining Properties (Section 100 Change); Rule 473, Geothermal Properties (Section 100 Change); Adoption of Rules of Practice Heard February 14, 2001; Property Tax Matters: State Assessee Petitions for Reassessment of Unitary Value-Findings and Decisions
- Business Taxes Non-Appearance Matters: Action on Matters Previously Heard or Submitted for Decision Without Hearing; Redeterminations; Credits, Cancellations or Claims for Refunds; Relief of Penalty; Petitions for Rehearing
- Corporate Franchise and Personal Income Tax Non-Appearance Matters: Action on Matters Previously Heard or Submitted for Decision Without Hearing; Petitions for Rehearing
- Homeowner and Renter Property Tax Assistance Matters: Decisions
- Special Taxes Matters: Credits, Cancellations or Claims for Refunds; Redeterminations
- Property Taxes Non-appearance Matters: Petition for Reassessment of Unitary Escape Assessment; Petition for Reassessment and Penalty Abatement on Unitary Escape Assessment; Audits; Unitary and Nonunitary Escaped Assessments; Private Railroad Car Penalty Cancellations
- Business Taxes Appeals Hearings

Judy Newton, Chief
Board Proceedings Division

*Public comment on any committee agenda item will be accepted at the beginning of the committee meeting.

**Public comment on any agenda item, other than a Closed Session item or an item which has already been considered by a Board Committee, will be accepted at that meeting.

If substantial revisions to the published text of the regulations are approved at the hearing, the regulations will be re-published for a new hearing date. If only revisions sufficiently related to the published text of the regulations are approved, a notice containing these revisions will be mailed to those persons that commented orally or in writing or that asked to be informed of such revisions. The notice will be mailed at least 15 days prior to the scheduled Board adoption of the regulations to allow them time for additional comments.

Agenda items occur sequentially. When circumstances warrant, the Chairman may modify the order of items as they appear on the agenda. Any committee agenda item may be brought to the Board at its next meeting. The hearing location is accessible to the disabled. If you require special assistance, please contact Gary Evans at (916) 445-4394 to make special arrangements.

This Public Agenda Notice is available on the Internet. The Board's Website: <http://www.boe.ca.gov>