



SEN. GEORGE RUNNER (RET.)

MEMBER
STATE BOARD OF EQUALIZATION
CALIFORNIA'S TAX BOARD

August 30, 2012

Governor Jerry Brown
State Capitol
Sacramento, CA 95814

RE: Request to VETO AB 2323 (Perea)

Dear Governor Brown:

I am writing to request your veto of Assembly Bill 2323.

AB 2323 would mandate the Board of Equalization to, within 90 days, publish a formal written opinion, written memorandum opinion, or a written summary opinion for every decision in which the amount of controversy is \$500,000 or more. The arbitrary \$500,000 threshold is bad public policy, since many cases under that threshold deserve publication and some above that threshold would not merit publication.

Additionally, this bill creates an ongoing cost to the State of California of approximately \$400,000 to \$600,000 per year. If the BOE is going to spend taxpayer dollars on publishing opinions, cases should be published on their individual merits, not automatically because an appeal is above an arbitrary dollar amount.

I fully support publishing more written opinions; however, the best public policy is to allow the elected members of the BOE to continue to review all cases and determine when publishing will provide necessary clarity for the taxpayer and the state's tax agencies. This flexible approach saves resources and avoids confusion that could be created by duplicative or conflicting opinions.

Thank you in advance for considering my concerns regarding this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Runner".

GEORGE RUNNER