

Franchise Tax Board

ANALYSIS OF ORIGINAL BILL

Author: Harman Analyst: Jahna Carlson Bill Number: SB 1171

Related Bills: None Telephone: 845-5683 Introduced Date: February 22, 2012

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Code Maintenance

SUMMARY

This bill would make numerous technical, non-substantive changes as a matter of code maintenance to various California codes, including to the Revenue and Taxation Code (R&TC).

This analysis is limited to discussion of the changes that would affect provisions of the R&TC administered by the Franchise Tax Board.

RECOMMENDATION AND SUPPORTING ARGUMENTS

No position.

PURPOSE OF THE BILL

It appears that the purpose of this bill is to prevent confusion in applying state law by correcting cross-references, repealing obsolete provisions contained in state law, and amending provisions to reflect the current style for drafting legislation.

EFFECTIVE/OPERATIVE DATE

If enacted before September 30, 2012, this bill would become effective and operative on January 1, 2013, unless another act chaptered in 2012 that takes effect on or before January 1, 2013, amends or repeals a provision that would be amended or repealed by this bill, in which case, the changes made by the other act shall prevail and nullify the changes made by this bill.

ANALYSIS

STATE LAW

As sections of state law are amended, references to those sections in other parts of the law are sometimes not updated to reflect the amendment. In addition, certain provisions of the law become obsolete through the passage of time but are not eliminated from the law. Finally, provisions enacted in earlier years may not reflect the current legislative style for drafting legislation.

Incorrect cross-references, obsolete or duplicate-numbered provisions, and terminology that is inconsistent with the current style for drafting legislation can create confusion for taxpayers and the department when applying state law.

Board Position:	Executive Officer	Date
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THIS BILL

This bill would make the changes shown in the following table to correct cross-references, repeal obsolete provisions contained in state law, and amend provisions to reflect the current style for drafting legislation.

R&TC Section	Cross reference	Duplicate Provision #	Terminology
17053.85	X		
17085			X
17131.10		X	
17282			X
19191			X
24436.1			X

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact the department.

FISCAL IMPACT

No departmental costs are associated with this proposal.

ECONOMIC IMPACT

This bill would have no affect on state income tax revenues.

SUPPORT/OPPOSITION¹

Support: None identified.

Opposition: None identified.

ARGUMENTS

Pro: Technical code maintenance increases the ease of understanding the state's laws.

Con: Correcting technical problems leaves systemic problems with the state's laws unexamined.

LEGISLATIVE STAFF CONTACT

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¹ As reported on the Legislative Counsel's website at <http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1171&sess=CUR&house=B&author=harman>[as of March 14, 2012].