

Notice of Modifications to Text of Proposed Regulation 23334

On June 21, 2002, proposed amendments to California Code of Regulations, title 18, section 23334 (hereinafter Regulation 23334), were noticed in the California Regulatory Notice Register. Pursuant to the terms of that notice, the Franchise Tax Board did not hold a public hearing regarding this regulation because no public hearing was requested at least 15 days before the close of the public comment period, which closed on August 5, 2002. During the public comment period, one comment was received that required minor modifications of the proposed text of Regulation 23334. Pursuant to the requirements of Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44, the Franchise Tax Board is providing notice of changes made to proposed Regulation 23334, relating to tax clearance certificates.

These proposed changes constitute sufficiently related changes within the meaning of Government Code section 11346.8. The changes provided by this notice are reflected by double strikeout or by double underscore. The amendments to Regulation 23334 as initially proposed are reflected by single strikeout or by single underscore. The proposed changes covered by this notice may be summarized as follows:

Subsection (e) (1) of Regulation 23334 is amended to correct a typographical error. The typographical error improperly used the word "Interstate" instead of "Intrastate" in the title of the form that a qualified foreign corporation must file with the Secretary of State to surrender the corporation's right to transact intrastate commerce in this state. The proposed change would correctly reference the form.

Subsection (g) (2) (B) of Regulation 23334 is amended to clarify that all organizations, regardless of which provision of the Revenue and Taxation Code requires the organization to file a return, must file a final return. The proposed change would delete the reference to Revenue and Taxation Code section 18601, which only applies to corporations, and modify the language to refer to any applicable code section under which the particular organization is required to file a California tax return.

These sufficiently related changes are being made available to the public for the 15 day period required by Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44. Written comments regarding these changes will be accepted until 5:00 pm on November 15, 2002. The Franchise Tax Board is sending a copy of the proposed amendments to Regulation 23334 to all individuals who requested notification of such changes, as well as those who commented in writing to the previously noticed proposed amendments to Regulation 23334.

All inquiries and written comments concerning this notice should be directed to Colleen Berwick (916) 845-3306, FAX (916) 845-3648, E-Mail colleen.berwick@ftb.ca.gov, or by mail to the Legal Branch, Attn: Colleen Berwick, P.O. Box 1720, Rancho Cordova, CA 95741-1720. The notice and the proposed amendments will also be made available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.