



STATE OF CALIFORNIA

**STATE BOARD OF EQUALIZATION**

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**March 21, 2008**

**To Interested Parties:**

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS  
AND ADDITION OF DOCUMENT RELIED UPON  
BY THE  
STATE BOARD OF EQUALIZATION**

On November 15, 2007, the State Board of Equalization (BOE) held a public hearing on Proposed Alcoholic Beverage Tax Regulation 2558, *Distilled Spirits*; Regulation 2559, *Presumption – Distilled Spirits*; Regulation 2559.1, *Rebuttable Presumption – Distilled Spirits*; Regulation 2559.3, *Internet List*; and Regulation 2559.5, *Correct Classification* (hereafter, collectively, Regulations). On December 10, 2007, the Regulations were submitted to the Office of Administrative Law (OAL) for approval and subsequently withdrawn from OAL on January 24, 2008.

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the State Board of Equalization is providing notice of changes made to the proposed Regulations. These changes are in response to comments received regarding the proposed Regulations. Enclosed is a revised underscore and strikeout version of the proposed Regulations.

In accordance with Government Code Section 11346.8(c), the revised version of the proposed Regulations are being placed in the rulemaking file and mailed today to interested parties who commented orally or in writing, or who asked to be informed of such revisions.

Additionally, pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, the Board of Equalization is providing notice that a document, which the agency has relied upon in adopting the proposed Regulations, has been added to the rulemaking file and is available for public inspection and comment.

The document added to the rulemaking file is as follows:

Board of Equalization Formal Issue Paper No. 07-007 and Exhibits 1-4  
dated August 3, 2007

This document is available for public inspection at the Board's office located at 450 N Street, Sacramento, CA 95814 from the date of this notice through April 5, 2008, and on the Board's website [www.boe.ca.gov/sptaxprog/pdf/fmb.pdf](http://www.boe.ca.gov/sptaxprog/pdf/fmb.pdf).

If you wish to review the rulemaking file, it is available for your inspection at the State Board of Equalization, 450 N Street, Sacramento, CA 95814. The proposed Regulations will be placed on the April 8, 2008, Chief Counsel Matters for the Board's consideration for approval.

Questions regarding the substance of the proposed Regulations should be directed to Ms. Monica Brisbane (916) 322-0438, at 450 N Street, Sacramento, CA 95814, e-mail [Monica.Brisbane@boe.ca.gov](mailto:Monica.Brisbane@boe.ca.gov) or MIC:82, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0082.

The State Board of Equalization will consider written comments on the modified proposed Regulations and the document added to the rulemaking file for fifteen days after the date on which the modified proposed Regulations and the document added are made available to the public. The public comment period will commence from the date of this notice and will end on April 5, 2008. Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Mira Tonis, Regulations Coordinator, telephone (916) 319-9518, fax (916) 324-3984, e-mail [Mira.Tonis@boe.ca.gov](mailto:Mira.Tonis@boe.ca.gov) or by mail at State Board of Equalization, Attn: Mira Tonis, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

Sincerely,



Diane G. Olson, Chief  
Board Proceedings Division

DGO:mnt

Enclosures