

G.S. 150B-21.3A Report for 17 NCAC 05, CORPORATE FRANCHISE, INCOME, AND INSURANCE TAXES

Agency - Department of Revenue

Comment Period -

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps	
SUBCHAPTER 5B - FRANCHISE TAX	SECTION .0100 - GENERAL INFORMATION	17 NCAC 05B .0104	INACTIVE CORPORATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Select One	Select One	
		17 NCAC 05B .0105	DISSOLUTION OR WITHDRAWAL OF CORPORATE RIGHTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05B .0107	EXTENSION OF FILING DATE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		SECTION .1100 - CAPITAL STOCK: SURPLUS AND UNDIVIDED PROFITS BASE	17 NCAC 05B .1104	EXCLUSION OF RETAINED EARNINGS BY PARENT CORPORATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05B .1105	INVESTMENT IN SUBSIDIARY	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05B .1108	EXCLUSION PROVISION LIMITED TO INDEBTEDNESS OWED	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05B .1109	EQUITY CAPITAL NOT DEDUCTIBLE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05B .1110	RECIPROCAL INDEBTEDNESS BETWEEN AFFILIATES	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		SECTION .1300 - INVESTMENT IN TANGIBLE PROPERTIES IN NORTH CAROLINA BASE	17 NCAC 05B .1302	WHAT IS INCLUDABLE IN THE INVESTMENT BASE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05B .1303	TREATMENT OF CONSTRUCTION IN PROGRESS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One	
	17 NCAC 05B .1309	DETERMINATION OF INCLUSION BY DEPRECIATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One		
	SECTION .1400 - APPRAISED VALUATION OF TANGIBLE AND INTANGIBLE PROPERTY BASE	17 NCAC 05B .1406	INVESTMENT BASE PROPERTY INCLUDED	Readopted Eff. May 1, 2018	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One	
	SECTION .1500 - CHANGE OF INCOME YEAR	17 NCAC 05B .1501	COMPUTATION OF TAX	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05B .1502	COMPUTATION OF TAX WHEN MERGER IS INVOLVED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
SUBCHAPTER 05C - CORPORATE INCOME TAX	SECTION .0100 - CORPORATIONS SUBJECT TO THE TAX: TAX RATE AND ALLOCATION	17 NCAC 05C .0101	DOMESTIC AND FOREIGN CORPORATIONS REQUIRED TO FILE	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05C .0102	DOING BUSINESS DEFINED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		17 NCAC 05C .0103	CORPORATIONS OPERATING IN INTERSTATE COMMERCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
		SECTION .0300 - COMPUTATION OF NET INCOME	17 NCAC 05C .0304	ATTRIBUTION OF EXPENSES TO NONTAXABLE INCOME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One

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Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0400 - INTEREST INCOME ON GOVERNMENT OBLIGATIONS	17 NCAC 05C .0401	NORTH CAROLINA OBLIGATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0402	OBLIGATIONS OF OTHER STATES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0403	U.S. OBLIGATIONS	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0404	SALES OR EXCHANGES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0405	OBLIGATIONS OF FEDERAL NATIONAL MORTGAGE ASSOCIATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0406	MORTGAGE BACKED CERTIFICATE GUARANTEED BY GNMA	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0407	REPURCHASE AGREEMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0600 - TAXABLE IN ANOTHER STATE	17 NCAC 05C .0601	PRELIMINARY STATEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0602	DEFINITION OF TAXPAYER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0604	WHEN A TAXPAYER IS SUBJECT TO TAX	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0605	WHEN A STATE HAS JURISDICTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0700 - APPORTIONABLE AND NONAPPORTIONABLE INCOME	17 NCAC 05C .0701	DIVISION OF INCOME: IN GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .0704	PRORATION OF DEDUCTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0800 - PROPERTY FACTOR	17 NCAC 05C .0801	IN GENERAL	Readopted Eff. May 1, 2018	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0802	PROPERTY USED FOR THE PRODUCTION OF APPORTIONABLE INCOME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0803	CONSISTENCY IN REPORTING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0804	NUMERATOR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0805	VALUATION OF OWNED PROPERTY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
	SECTION .0900 - PAYROLL FACTOR	17 NCAC 05C .0902	PAYROLL ACCOUNTING METHOD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One

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		17 NCAC 05C .0903	COMPENSATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0906	DENOMINATOR OF PAYROLL FACTOR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0907	NUMERATOR OF PAYROLL FACTOR	Readopted Eff. May 1, 2018	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
		17 NCAC 05C .0908	CORPORATIONS UTILIZING COMMON PAYMASTER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Unnecessary	No		Select One	Unnecessary	Select One	Unnecessary and should expire on the first day of the month following the consultation	Select One
	SECTION .1000 - SALES FACTOR	17 NCAC 05C .1001	SALES MADE IN GENERAL BUSINESS OPERATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1002	SALES INCIDENTAL TO GENERAL BUSINESS OPERATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1003	SALES MADE IN OTHER TYPE OF BUSINESS ACTIVITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1004	NUMERATOR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1005	WHAT SALES OF TANGIBLE PERSONAL PROPERTY ARE IN THIS STATE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1006	SALES FACTOR: SALES TO UNITED STATES GOVERNMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1400 - AMORTIZATION OF BOND PREMIUMS	17 NCAC 05C .1401	PRELIMINARY STATEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1402	TAX-EXEMPT BONDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1403	TAXABLE BONDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1404	DEFINITION OF BOND	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1500 - NET ECONOMIC LOSS CARRY-OVER	17 NCAC 05C .1506	CORPORATIONS APPORTIONING THEIR NET INCOME	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1700 - PARTNERSHIPS AND THE CORPORATE PARTNER	17 NCAC 05C .1701	REPORTING PARTNERSHIP NET INCOME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1702	APPORIONABLE INCOME OR NONAPPORIONABLE INCOME	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1900 - FILING OF RETURNS AND PAYMENT OF TAXES	17 NCAC 05C .1904	OVERPAYMENTS APPLIED TO NEXT YEAR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .1905	ELECTRONIC FILING OF CORPORATION INCOME TAX RETURNS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One

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	SECTION .2000 - EXTENSION OF TIME FOR FILING RETURN	17 NCAC 05C .2004	EXTENSION OF FILING DATE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .2100 - DISSOLUTIONS AND WITHDRAWALS	17 NCAC 05C .2101	REQUIREMENTS WHEN CORPORATION ENDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .2400 - DOMESTIC INTERNATIONAL SALES CORPORATION	17 NCAC 05C .2401	DOING BUSINESS ACTIVITIES OF DISC	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .2403	APPORTIONMENT OF DISC NET INCOME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05C .2404	DIVIDENDS RECEIVED FROM DISC	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
SUBCHAPTER 05D - ALTERNATIVE APPOINTMENT METHOD		17 NCAC 05D .0107	PURPOSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0108	WHO MAY SUBMIT REQUEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0109	REQUEST FOR ALTERNATIVE APPOINTMENT FORMULA	Amended Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0110	TIME FOR FILING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0111	NOTICE OF CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0112	WHO SHALL ATTEND THE CONFERENCE	Readopted Eff. May 1, 2018	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0113	CONDUCT OF THE CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0114	REMEDY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05D .0115	FINAL DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
SUBCHAPTER 5E - INSURANCE PREMIUMS TAX AND REGULATORY SURCHARGE	SECTION .0100 - GENERAL PROVISIONS	17 NCAC 05E .0101	REDUCED INSTALLMENT PAYMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05E .0103	PREMIUM FINANCE CHARGES AND OTHER CHARGES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05E .0104	DIVIDENDS APPLIED TO PURCHASE ADDITIONAL PAID-UP LIFE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05E .0106	EMPLOYEE BENEFIT PLAN CONTRIBUTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One

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SUBCHAPTER 05F – SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR TO REQUIRE A COMBINED RETURN	SECTION .0100 – GENERAL	17 NCAC 05F .0101	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0102	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0200 – ECONOMIC SUBSTANCE	17 NCAC 05F .0201	ECONOMIC SUBSTANCE TEST BURDEN OF PROOF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0202	REASONABLE BUSINESS PURPOSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0203	ECONOMIC EFFECTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0204	ECONOMIC SUBSTANCE DOCTRINE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0205	ECONOMIC SUBSTANCE FACTORS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0206	WHEN STATE INCOME TAX BENEFITS ARE CONSIDERED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0207	CENTRALIZED CASH MANAGEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0300 – FAIR MARKET VALUE	17 NCAC 05F .0301	DETERMINATION OF FAIR MARKET VALUE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0400 – ADJUSTMENTS	17 NCAC 05F .0401	ADJUSTMENTS TO STATE NET INCOME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0500 – COMBINED RETURNS	17 NCAC 05F .0501	METHODOLOGY WHEN COMBINED RETURN REQUIRED OR PERMITTED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0502	PROCEDURES FOR FILING A COMBINED INCOME TAX RETURN	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05F .0503	COMBINED RETURN TAX CREDITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
SECTION .0600 – FRANCHISE TAX RETURN	17 NCAC 05F .0601	PROCEDURES FOR FILING A FRANCHISE TAX RETURN	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One	
SUBCHAPTER 05G – MARKET-BASED SOURCING FOR APPORTIONMENT OF INCOME	SECTION .0100 – GENERAL RULES	17 NCAC 05G .0101	SCOPE	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0102	DEFINITIONS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0200 – GENERAL PRINCIPLES OF APPLICATION	17 NCAC 05G .0201	ASSIGNMENT OF RECEIPTS FROM SALES OF OTHER THAN TANGIBLE PERSONAL PROPERTY	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One

G.S. 150B-21.3A Report for 17 NCAC 05, CORPORATE FRANCHISE, INCOME, AND INSURANCE TAXES

Agency - Department of Revenue

Comment Period -

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0300 – RULES OF REASONABLE APPROXIMATION	17 NCAC 05G .0301	IN GENERAL	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0302	APPROXIMATION BASED UPON KNOWN SALES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0303	RELATED ENTITY TRANSACTIONS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0400 – EXCLUSION OF RECEIPTS FROM THE SALES FACTOR	17 NCAC 05G .0401	ALLOCATED GROSS RECEIPTS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0402	UNASSIGNABLE GROSS RECEIPTS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0500 - CHANGES IN METHODOLOGY	17 NCAC 05G .0501	ALTERNATIVE APPORTIONMENT	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0502	ORIGINAL RETURNS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0503	SECRETARY'S AUTHORITY TO ADJUST A TAXPAYER'S RETURN	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0504	TAXPAYER AUTHORITY TO CHANGE A METHOD OF ASSIGNMENT ON A PROSPECTIVE BASIS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0505	SECRETARY AUTHORITY TO CHANGE A METHOD OF ASSIGNMENT ON A PROSPECTIVE BASIS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0600 - FURTHER GUIDANCE	17 NCAC 05G .0601	EXAMPLES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0700 – SALE OF A SERVICE	17 NCAC 05G .0701	IN GENERAL	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0800 – SALE OF IN-PERSON SERVICES	17 NCAC 05G .0801	IN GENERAL	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0802	ASSIGNMENT OF RECEIPTS FROM SALE OF IN-PERSON SERVICES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0803	REASONABLE APPROXIMATION	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .0900 - SERVICES DELIVERED TO A CUSTOMER OR ON BEHALF OF THE CUSTOMER, OR DELIVERED ELECTRONICALLY THROUGH THE CUSTOMER	17 NCAC 05G .0901	IN GENERAL	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0902	ASSIGNMENT OF RECEIPTS FROM SALES OF SERVICES DELIVERED TO THE CUSTOMER OR ON BEHALF OF THE CUSTOMER, OR DELIVERED ELECTRONICALLY THROUGH THE CUSTOMER	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0903	DELIVERY TO OR ON BEHALF OF A CUSTOMER BY PHYSICAL MEANS, WHETHER TO AN INDIVIDUAL OR BUSINESS CUSTOMER	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0904	DELIVERY TO CUSTOMER BY ELECTRONIC TRANSMISSION	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .0905	SERVICES DELIVERED ELECTRONICALLY THROUGH OR ON BEHALF OF AN INDIVIDUAL OR BUSINESS CUSTOMER	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One

G.S. 150B-21.3A Report for 17 NCAC 05, CORPORATE FRANCHISE, INCOME, AND INSURANCE TAXES

Agency - Department of Revenue

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Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .1000 - PROFESSIONAL SERVICES	17 NCAC 05G .1001	IN GENERAL	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1002	OVERLAP WITH OTHER CATEGORIES OF SERVICES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1003	ASSIGNMENT OF RECEIPTS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1004	PROFESSIONAL SERVICES OTHER THAN ARCHITECTURAL OR ENGINEERING SERVICES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1005	ARCHITECTURAL OR ENGINEERING SERVICES WITH RESPECT TO REAL OR TANGIBLE PERSONAL PROPERTY	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1006	RELATED ENTITY TRANSACTIONS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1100 - LICENSE OR LEASE OF INTANGIBLE PROPERTY	17 NCAC 05G .1101	IN GENERAL	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1102	LICENSE OF A MARKETING INTANGIBLE	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1103	LICENSE OF A PRODUCTION INTANGIBLE	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1104	LICENSE OF A MIXED INTANGIBLE	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1105	LICENSE OF INTANGIBLE PROPERTY WHEN SUBSTANCE OF THE TRANSACTION RESEMBLES A SALE OF GOODS OR SERVICES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1200 - SALE OF INTANGIBLE PROPERTY	17 NCAC 05G .1201	ASSIGNMENT OF RECEIPTS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
	SECTION .1300 - SPECIAL RULES	17 NCAC 05G .1301	SOFTWARE TRANSACTIONS	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1302	SALES OR LICENSES OF DIGITAL GOODS AND SERVICES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One
		17 NCAC 05G .1303	TELECOMMUNICATIONS COMPANIES	Eff. January 1, 2020	Necessary	No		Select One	Necessary	Select One	Necessary and must be readopted	Select One