

2009-10 Executive Budget
30-Day AMENDMENTS
January 15, 2009

**Amendments to Senate 60; Assembly 160
(Revenue Article VII Bill)**

Part E, relating to collection and offset agreements with the United States Treasury Department or other states is amended to:

- Conform to IRS guidelines removing restrictions on offsets of debts older than 10 yrs.

Part K, relating to enacting reforms to the Empire Zones Program is amended to:

- Conform the Empire Zones reform proposal to the local sales tax law and clarify that QEZE sales tax exemptions don't apply to the luxury tax.

Part L, relating to the State low income housing credit is amended to:

- Conform the State low income housing credit to recently enacted changes to the Federal credit.

Part N, relating to the treatment of income received by nonresident partners for performing investment management services as New York source income is amended to:

- Clarify the exemptions and the business allocation rules.

Part O, relating to providing tax credits for research and development expenditures is amended to:

- Clarify that a taxpayer cannot use expenditures to claim both the R&D credit and the QETC credit, and that credits will be computed on a separate company basis.

Part R, relating to the tobacco products and cigarette taxes to remedy various compliance and enforcement problems and in relation to taxing cigars by unit rather than by a percentage of the wholesale price is amended to:

- Make conforming amendments to the New York City Code and make other technical corrections.

Part T, relating to the investment of lottery moneys available and retained on deposit for the payment of lottery prizes is amended to:

- Authorize the Division of the Lottery to invest in the same manner as is authorized for the pension fund.

Part W, relating to the operation of video lottery gaming and approving the construction and alteration of any facility housing video lottery gaming is amended to:

- Clarify the Division of the Lottery's authority to license certain VLT facility operators.

Part CC, relating to the taxation of digital products is amended to:

- Conform a cross reference in section 186-e of the Tax Law to a provision of the Sales Tax and also change an incorrect reference to the IRS code.

Part QQ, relating to fees for replacement of highway use tax credentials, is amended to:

- Include automotive fuel carriers in the fee increase as originally intended.

Part RR, relating to imposing an additional rate of sales tax on certain luxury property, is amended to:

- Exclude emergency vehicles and clarify that QEZE sales tax exemptions do not apply to the luxury tax.

Part SS - Subpart F, relating to the expedited hearing process contained in the tax compliance package, is amended to:

- Make technical corrections to clarify that expedited hearings would apply in all cases involving fraud penalties, but would not apply to sales tax re-registration cases.