

SHORT TITLE	EXECUTIVE BUDGET – S.6610-A/A.9710-A	SENATE BUDGET RESOLUTION	ASSEMBLY BUDGET BILL - A.9710-B
-----REVENUE ARTICLE VII BILL-----			
<i>Notes:</i>			
Natural gas severance tax	Part A – Imposes a new tax on the extraction of natural gas from the Marcellus or Utica Shale formations using a horizontal drilling technique. Tax rate is 3% rate on the market value of gas extracted.	No Similar Provisions	No Similar Provisions
Increase the cigarette excise tax	Part B – Increases the cigarette excise tax by \$1 per pack, from \$2.75 to \$3.75 per pack.	No Similar Provisions	Part A - Same as Executive Budget
Impose a new tax on syrups and soft drinks	Part C – Imposes a new excise tax on syrups, bottled/canned soft drinks and powdered mixes containing more than 10 calories per 8 ounces. The tax rates would be \$7.68 per gallon for beverage syrups or simple syrups; and \$1.28 per gallon for bottled or powdered soft drinks.	No Similar Provisions	No Similar Provisions
Equalize treatment of corporations & unincorporated businesses for biofuel and QETC FOTC credits	Part D – These two credits are capped at \$2.5m and \$250K, respectively. However, the caps apply to ‘taxpayers.’ Thus, projects structured as flow-thru entities can circumvent this limitation. This proposal would impose the credit limit at the entity level to achieve parity with corporate entities.	Same as Executive Budget	Part B - Same as Executive Budget
Treat compensation for past services as taxable to nonresidents	Part E – Make termination pay, covenants not to compete, and any other employment related compensation for past services items of New York Source income and taxable to nonresidents.	Same as Executive Budget	Part C - Same as Executive Budget

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Treat S-corp gains and installment income as taxable to nonresidents	Part F – Modify Section 632(a)(2) of the Tax Law to specifically require that IRC Sections 453(h)(1)(A) and 338(h)(10) gains be allocated to New York by nonresident shareholders to the extent that the S Corporation conducted business in New York. In addition, it requires that shareholders accrue certain S-Corp installment income derived from the sale on New York assets and the termination of nexus with the state.	Same as Executive Budget	Part D - Same as Executive Budget
Close resident trust loophole	Part G – Amend Section 605(b)(3) of the Tax Law regarding the definition of a resident trust as well as eliminate the 3 part test for exemption from taxation for resident trusts.	No Similar Provisions	No Similar Provisions
Credit card information sharing	Part H – Proposal provides for credit/debit card information reporting. Mirrors federal requirements in IRC section 6050W. Financial institutions would also file annual information returns with the state regarding amounts of credit/debit card settlements and third party network transactions.	Same as Executive Budget	Part E - Same as Executive Budget
Authorize statistical sampling audit methods for sales tax	Part I – Authorizes the Commissioner to use generally accepted statistical sampling techniques to perform audits for sales tax purposes.	Same as Executive Budget	No Similar Provisions

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Expand e-file participation	<p>Part J – (1) Eliminates taxpayer opt-out from e-filing as automatic grounds for abatement of the penalty imposed on tax preparers who fail to e-file tax returns and other documents when required to do so by law, (2) Authorizes the Commissioner to establish correction periods for electronic filings and payments not accepted for processing, and (3) Prohibits tax return preparers and software companies from charging separately for e-filing of New York tax documents.</p> <p>Effective for tax returns and other documents required to be e-filed by tax preparers on or after December 31, 2010 except for (2) which applies to electronic returns and payments made for tax years beginning after December 31, 2010.</p>	Same as Executive Budget	Part F – Same as Executive Budget except Assembly bill omits section 3 that prohibits tax return preparers and software companies from charging separately for e-filing of New York tax documents.
Tax Notice Mailings	Part K - Allows the department of taxation and finance to use alternative means by which tax notices and other documents are communicated to addresses, specifically e-mail and other electronic means.	No Similar Provisions	No Similar Provisions

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<p>Expand Tax Department Offer in Compromise Program</p>	<p>Part L – Amend the Offer in Compromise program of the Department of Taxation and Finance by authorizing the Commissioner to consider an increased pool of applicants for a potential offer. Acceptance of offers could be based not only on the tax debtor's status as having been discharged in bankruptcy or having been proven to be insolvent, but also on situations where there is undue economic hardship or other exceptional mitigating circumstance.</p> <p>Additionally, the bill would authorize the Commissioner to compromise such fixed and final tax liabilities as long as the amount payable in compromise reasonably reflects collection potential or is otherwise justified by proofs submitted by the taxpayer. The commissioner would be prohibited from accepting an amount in compromise that would undermine compliance with the taxes or would be adverse to the best interests of the State.</p>	<p>Same as Executive Budget</p>	<p>No Similar Provisions</p>

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Telecom tax study	Part M– Direct the Department’s Office of Tax Policy Analysis, in consultation with the Department of Public Service and the Office of Real Property Services, to prepare a report that makes recommendations about reforming and modernizing state and local taxes on various communications services. The report is due to the Governor and the Legislature on or before 245 days after enactment of the Budget (December 1, 2010 assuming enactment on April 1 st).	Same as Executive Budget	No Similar Provisions
Quick Draw - Part N	-----No DTF Impact-----		
VLTs - Part O	-----No DTF Impact-----		
Include co-ops in MRT	Part P – Expand the scope of the Mortgage Recording Tax (MRT) to include the filing of financing statements securing loans for the purchase of an ownership interest in a cooperative housing unit. Would apply to financing statements filed on or after the first day of the third month after it becomes law.	No Similar Provisions	No Similar Provisions

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Property tax circuit breaker	Part Q –Creates a new, refundable property tax circuit breaker credit which would be allowed in years where moneys are available in the property tax circuit breaker reserve fund. Qualified taxpayers would be allowed a credit equal to the excess amount of net school taxes paid over the maximum school tax amount applicable to the taxpayer, multiplied by a fixed percentage. The fixed percentage would be determined by the commissioner of taxation and finance, in consultation with the budget director, and be set equal to the value which would result in full utilization of the moneys available in the reserve fund. An adjustment factor which functions in lieu of a property tax growth cap would ensure that the benefits of a circuit breaker credit do not disproportionately accrue to jurisdictions who have allowed per pupil tax levies to rise the fastest. The credit would be available in tax years beginning on or after January 1, 2011.	No Similar Provisions	No Similar Provisions
Extend married tax filing provisions to same sex couples	Part R – Would clarify the tax treatment of marriages recognized by New York State but not by Federal Law. Specifically, the proposal would allow taxpayers in recognized same-sex marriages performed in other states to file jointly and be treated as married for purposes of New York’s personal income tax and estate tax. The change is effective for tax years beginning on or after January 1, 2010.	Same as Executive Budget	Part H - Same as Executive Budget

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Affiliate nexus	Part S – Amends 2009-10 budget legislation to clarify the activities of a New York entity that would create nexus for an out-of-state affiliate.	Same as Executive Budget	No Similar Provisions
Wine in Grocery Stores	Part T – Amends the State alcoholic beverage control (ABC) law to allow retailers (grocery stores, convenient stores, drug stores) who have SLA licenses for off-premises beer sales to also obtain off-premises licenses for wine sales. To obtain the wine license, retailers would be required to pay a “one-time” franchise fee, to the SLA.	No Similar Provisions	No Similar Provisions
Authorize additional \$4 million SLIHC	Part U – Allows the Division of Housing and Community Renewal to issue an additional \$4m in low-income housing credit annually for 10 years.	Same as Executive Budget	Part I - Same as Executive Budget
Modify, extend, and expand film production credit	Part V – This part adds certain additional participation requirements to the credit, such as requiring at least 75% of post production costs to be incurred in New York to qualify for credit. It also extends the credit by one year through 2014 and authorizes an additional \$420m per year in 2010 through 2014.	Same as Executive Budget	Part J - Same as Executive Budget

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Establish Excelsior Jobs Program	<p>Part W – Creates replacement program for EZs consisting of 3 credits, each available for 5 years:</p> <ul style="list-style-type: none"> • Jobs component - \$2,500-\$10,000 per new job; • 2% refundable ITC for wider range of property; • Refundable R&D credit equal to 10% of federal credit. <p>Program administered by ESD, which can issue \$50m in new credit each year from 2011-2015. Participants must create 50 new jobs and be a targeted industry (generally high-tech, financial services, or manufacturers).</p>	Modified - no details	<p>Part W - Creates “Empire Innovation Zones Program,” which generally restores much of the EZ program while also adopting elements of the Excelsior Program. Key elements or differences with Excelsior include:</p> <ul style="list-style-type: none"> • Credits are available as-of-right and refundable; • Creates new class of zones - Innovation Zones; • Restores local administrative boards; • Covers similar industries, with some exceptions; • Requires 5 net new jobs, unless RSP, which have same requirements as existing RSP law; • Allows the EZ-WTC; • Creates a real property tax credit; • Creates similar R&D credit, although not tied to expenses incurred in NYS; • Creates 10% ITC; • Allows QETC WTC
Empire Zones technical corrections	<p>Part X – Makes the following technical amendments:</p> <ul style="list-style-type: none"> • Clarifies that decertifications resulting from the retention certificate process are first effective in the 2008 tax year; • Allows qualified investment projects to earn ITC and EIC for a full 10-year benefit period in spite of the sunset of the EZ Program in 2010. • Allows certified EZ businesses to earn the EZ-ITC until April 1, 2014 and EZ-EIC for the full 3-year period following an EZ-ITC claim. 	Same as Executive Budget	Part K - Same as Executive Budget

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Continue the Bank Tax and GLBA Provisions	Part Y – Extends for one year certain provisions of the Tax Law and the Administrative Code of the City of New York relating to the taxation of banking corporations and extends for one year the applicability of the transitional provisions relating to the enactment and implementation of the federal Gramm-Leach-Bliley Act.	Same as Executive Budget	Part L - Same as Executive Budget
Tax Crimes	Part Z – Subpart A – Adds two new sections of Tax Law, numbers 1808 and 1809 creating new felony acts of failing to file income tax or corporate tax returns for three consecutive years and amends the effective date clause of Chapter 57 of the laws of 2009 which amended the Criminal Procedure Law, Penal Law and Tax Law in relation to creating the criminal offense of "tax fraud act."	Same as Executive Budget	Part M Subpart A – Similar to Executive Budget
Tax avoidance schemes	Part Z – Subpart B – Prevents tax avoidance schemes that exploit transactions involving aircraft and vessels between affiliated parties that are excluded from the definition of retail sale.	Same as Executive Budget	Part M Subpart B -Same as Executive Budget
IDA reporting for sales tax	Part Z – Subpart C – Renews the requirements of industrial development agencies (IDAs) to file statements with the Tax Department of the appointment of agents and project operators.	Same as Executive Budget	Part M Subpart C -Same as Executive Budget
Pari-mutuel tax extension	Part AA - Extends the expiring lower pari-mutuel tax rates and simulcasting rules and provisions for 1 year.	Same as Executive Budget	No Similar Provisions

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Estate tax unified credit technical correction	Part BB – Would eliminate the reference to the unified credit in effect in the Internal Revenue Code on the decedent’s date of death and fix the credit at the amount that would be allowed if the federal unified credit did not exceed the tax due on an estate of \$1 million.	Same as Executive Budget	Part N - Same as Executive Budget
MCTD taxicab ride tax	Part CC - replaced by Part EE in 21-day amendments	NA	NA
Apply brownfield redevelopment credit cap retroactively to certain projects	Part DD – Applies the \$35 million/3x costs and \$45 million/6x costs caps on the tangible property component of the brownfield redevelopment credit to sites for which a request for participation was accepted by DEC before 6/23/08 and a COC was issued after 2/9/2010.	Same as Executive Budget	No Similar Provisions
MCTD taxicab ride tax	Part EE – Makes technical corrections to Article 29-A by moving the incidence of the tax to medallion owners and amending certain definitions.	Same as Executive Budget	Part O - Same as Executive Budget
Mobility tax reforms (MTA)	Part FF – The MTA mobility tax imposed on employers with workers assigned within the MTA region would be raised from 0.34% to 0.54% of payroll expense in MTA counties comprising New York City and reduced to 0.17% in the remaining MTA counties. In addition, the corresponding tax levied on self-employment income allocated to work performed inside the MTA region by sole proprietors and partners in partnerships is raised from \$10,000 to \$100,000.	No change in tax rates, but would create a business tax credit for a portion of the tax paid by businesses with a credit rate graduated by county usage of the MTA system.	No Similar Provisions

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Empire State film post- production credit	No Similar Provisions	Creates new credit for film post-production; details unknown	No Similar Provisions
Livery Exemption	No Similar Provisions	Exempts liveries from the sales tax on transportation services.	No Similar Provisions
Transmission and Distribution of Energy	No Similar Provisions	No Similar Provisions	Part P – Repeals the sales and use tax exemption for gas and electricity transmission and distribution services that are purchased separately from the commodity.
Little cigars	No Similar Provisions	Under the tobacco products tax, increases the tax on little cigars to the cigarette excise tax rate	Part Q - Under the tobacco products tax, increases the tax on little cigars to the cigarette excise tax rate (Same as Senate)
Promotional Materials	No Similar Provisions	No Similar Provisions	Part R – Repeals the sales and use tax exemptions for printed promotional materials distributed by mail and for promotional materials (printed or otherwise) purchased in New York for out-of-state distribution. Also repeals the exemptions for related services. Effective June 1, 2010.
Vending Machines	No Similar Provisions	No Similar Provisions	Part S – Repeals the sales and use tax exemptions for vending machine sales of hot drinks and candy and soft-drinks costing less than 75 cents.
Modification of New York Itemized Deduction	No Similar Provisions	No Similar Provisions	Part T – Amends the modifications reducing federal itemized deductions for purposes of the New York itemized deduction to include state and local general sales taxes as defined in IRC 164(b).

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Online travel companies	No Similar Provisions	Require online travel companies to collect sales tax on their charges to their customers for hotel room occupancy.	Part U - Require online travel companies to collect sales tax on their charges to their customers for hotel room occupancy.
Hazardous Waste Assessment	No Similar Provisions	No Similar Provisions	Part V – Changes structure of hazardous waste assessment to impose a fee on waste disposed of in New York landfills. Requires portion of fee to be allocated to county in which the landfill is located.
Expand and Clarify the Rehabilitation of Historic Properties and Historic Homes Credits	No Similar Provisions	No Similar Provisions	Part X – This provision would make clarifying amendments to the credits for the rehabilitation of historic properties and historic homes and extends the historic properties credit to bank and insurance taxpayers.

SHORT TITLE	EXECUTIVE BUDGET – S.6606-A/A.9706-A	SENATE BUDGET RESOLUTION	ASSEMBLY BUDGET BILL -
-----PUBLIC PROTECTION & GENERAL GOVERNMENT ARTICLE VII BILL-----			
<i>Notes:</i>			
Public safety communication surcharge	Part B - Creates Division of Homeland Security and Emergency Services (DHSES), and amends Tax Law Section 186-f, primarily as to distribution of the revenues.	The Senate modifies the Executive's proposal to allow the Office of Homeland Security, State Emergency Management Office, the State 911-Board, the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC), and the Office of Fire Prevention and Control to merge into a single newly created State Agency named the Division of Homeland Security and Emergency Services (DHSES); however, it is unknown if changes to Tax Law Section 186-f would be included.	Same as Executive Budget
Procurement fee repeal	Part P - Repeals the fee effective immediately	Same as Executive Budget	Part P – Same as Executive Budget
ORPS Merger	Part W – Office of Real Property Service would be merged into the Tax Department. The Board of Real Property Services functions would be moved to the Tax Appeals Tribunal.	Same as Executive Budget (except would retain Board functions)	Part W – Same as Executive Budget (except would retain Board functions)
RETT e-file	Part X – Promotes more efficient and cost-effective tax administration by authorizing electronic reporting of property assessment information and real estate transfer tax data to ORPS and DTF.	Same as Executive Budget	Part X – Same as Executive Budget
Local GRT rates	Part HH - Allows a top rate of 3 percent for all cities and villages.	No Similar Provisions	No Similar Provisions

SHORT TITLE	EXECUTIVE BUDGET – S.6606-A/A.9706-A	SENATE BUDGET RESOLUTION	ASSEMBLY BUDGET BILL -
-----PUBLIC PROTECTION & GENERAL GOVERNMENT ARTICLE VII BILL-----			
STAR program	No Similar Provisions	Proposes to add \$291 million to restore the Middle Class School Property Tax Relief (STAR) Rebate check program for senior citizens using the SFY 2008-09 eligibility formula.	No Similar Provisions
Employee Classification	No Similar Provisions	No Similar Provisions	Part SS – Requires that the determination of the employment status of an individual in the construction industry for state personal income tax purposes be made in accordance with the provisions of §861-c of the Labor Law rather than the provisions of the Internal Revenue Code to which the Tax Law currently conforms.

SHORT TITLE	EXECUTIVE BUDGET – S.6607-A/A.9707-A	SENATE BUDGET RESOLUTION	ASSEMBLY BUDGET BILL -
-----EDUCATION, LABOR, & FAMILY ASSISTANCE ARTICLE VII BILL-----			
<i>Notes:</i>			
NYHELPS Student loan interest deduction	Part S – This provision would amend the NY Higher Education Student Loan Program.	Unknown	Part S – Same as Executive Budget.
NYC PIT STAR restructuring	Part X – This provision would cap the New York City personal income tax rate reduction related to the STAR program for individuals with taxable income in excess of \$250,000.	No Similar Provision	No Similar Provisions
OTDA public assistance income verification	Part KK – Authorizes the Office of Temporary and Disability Assistance (OTDA) to access wage reporting data on former public assistance recipients in order to evaluate the effectiveness of public assistance employment programs and to determine the continued eligibility of recipients for transitional benefits such as child care and/or food stamps for a period of three years and six months after the closure of the recipient's public assistance case.	Same as Executive Budget	No Similar Provisions

SHORT TITLE	EXECUTIVE BUDGET – S.6608/A.9708	SENATE BUDGET RESOLUTION	ASSEMBLY BUDGET BILL -
-----HEALTH & MENTAL HYGIENE ARTICLE VII BILL-----			
<i>Notes:</i>			
DOH early intervention program income verification	Part B – Tax Department would verify income eligibility for determining the level of parental fees for Health Department’s early intervention program for children.	Unknown	No Similar Provisions

SHORT TITLE	EXECUTIVE BUDGET – S.6609-A/A.9709-A	SENATE BUDGET RESOLUTION	ASSEMBLY BUDGET BILL -
-----TRANSPORTATION, ECONOMIC DEVELOPMENT, & EN-CON ARTICLE VII BILL-----			
<i>Notes:</i>			
Eliminate IDA Exemption for Additional Mortgage Recording Tax (MRT)	Part D - Eliminates the ability of an Industrial Development Agency (IDA) to grant an exemption on the additional portion of the Mortgage Recording Tax (MRT) that is dedicated to transit systems.	No Similar Provision	Part D – Same as Executive Budget
Combative sporting events. (Boxing and Wrestling tax)	Part W – Authorizes combative sporting events in New York and, among other things, imposes an 8.5% tax on event admissions and a 3% tax on event broadcast revenues with a cap on broadcast revenue taxes of \$50,000 per event.	Modified - no details	No Similar Provisions
Waste tire management fee extension	Part DD – Eliminates the sunset of the Waste Tire Management and Recycling Fee; expands the authorized purposes of the Waste Tire Management and Recycling Fund; and renames the fund the Waste Management and Cleanup Fund.	Modified - no details	Part DD – Extends Waste Tire Management and Recycling Fee until December 31, 2012 and directs 20% of the fees collected to be deposited to the Environmental Protection Fund established in section 92-s of the State Finance Law.
Real estate transfer tax revenue deposits into the Environmental Protection Fund	Part FF –This provision would reduce the amount of real estate transfer tax (RETT) revenue deposited into the Environmental Protection Fund (EPF) beginning in fiscal year 2010-11 from \$199.3 million to \$132.3 million.	Increases the amount of revenue to be deposited in the EPF for fiscal year 2010-11 to \$222 million.	Part FF – Same as Executive Budget