

**New York State Department of Taxation and Finance  
Taxpayer Services Division  
Technical Services Bureau**

TSB-M-84 (1)C  
Corporation Tax  
January 31, 1984

1983 Amendments to the Tax Law

Article 9

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
182	TSB-M-83(18)C	Chapter 18	Provides for the expiration of the tax at end of 1982 calendar year or end of 1983 fiscal year. Also deals with sale for resale, allocation, repeal of Section 182.11, interest and deficiency.
182-b	TSB-M-83(18)C	Chapter 18	Deals with pass-through of tax to customers, sale for resale, allocation and estimated payments.
183-a	TSB-M-83(2)C	Chapter 11-Sec 1	Technical changes to the wording or the Law.
184-a	TSB-M-83(2)C	Chapter 11-Sec 2-6	Technical changes.
186-a	TSB-M-83(15)C	Chapter 15-Sec 1	Allocation of Gross Earnings by Telephone and Telegraph Corporations subject to tax under Section 186-a of the Tax Law.
186-b	TSB-M-83(3)C	Chapter 11-Sec 7	Technical changes.
186-c	TSB-M-83(4)C	Chapter 11-Sec 8	Technical changes.

Article 9-A

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
208.9(a)(9)& 208.9(a)(10)	TSB-M-83(14)C	Chapter 15-Sec 59	Safe harbor lease modifications applicable to taxable years beginning in 1982 and 1983 also applicable to taxable years beginning in 1984 under agreements entered into prior to 1/1/84.

Article 9-A

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
208.9(a)(11)	TSB-M-83(17)C	Chapter 15-Sec 60	Provides for allowing a deduction from entire net income for depreciation which would have been allowed under Sec. 167 I.R.C. which would have applied to property placed in service on 12/31/80.
208.9(a)(12)	TSB-M-83(17)C	Chapter 15-Sec 60	Upon disposition of ACRS property upon which a taxpayer was allowed an IRC Sec. 167 deduction, a deduction will be allowed for the excess of ACRS deductions over the Sec. 167 deductions.
208.9(b)(8) & 208.9(b)(9)	TSB-M-83(14)C	Chapter 15-Sec 61	Safe harbor lease modifications applicable to taxable years beginning in 1982 and 1983, also applicable to taxable years beginning in 1984, under agreements entered into prior to 1/1/84.
208.9(b)(11)	TSB-M-83(17)C	Chapter 15-Sec 62	Upon the disposition of ACRS property an addback will be required where allowable Sec. 167 IRC deductions exceeded ACRS deductions.
208.9(j)	TSB-M-83(17)C	Chapter 15-Sec. 63	For taxable years beginning in 1982, 1983 and 1984 where a taxpayer was required to addback the ACRS deduction, and where the deduction has not been excluded from the determination of entire net income, because of a "safe harbor lease" transaction, a taxpayer will be allowed a deduction which would have applied under Section 167 of the IRC to property placed in service on 12/31/80.

Article 9-A

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
210. 11(a)	TSB-M-83(11)C	Chapter 15-Sec. 64	On or after 4/1/83 the eligible business facility credit will only be allowed where a taxpayer has received a certificate of eligibility, or a renewal or extension thereof, for such facility from the Job Incentive Board prior to 4/1/83, or has received a certificate of eligibility or a renewal or extension thereof, from the State Tax Commission subsequent to 4/1/83.
210.11(b)(1)& 210.(b)(2)	TSB-M-83(11)C	Chapter 15-Sec 65	Eliminates reference to Job Incentive Board.
210.11(d)(ii)	TSB-M-83(11)C	Chapter 15-Sec 66	Technical changes.
210.11(f) & 210.11(g)	TSB-M-83(11)C	Chapter 15-Sec 67	Eliminates reference to Commerce Law and Job Incentive Board.
210.11(h)	TSB-M-83(11)C	Chapter 15-Sec 68	On or after 4/1/83 the State Tax Commission will be empowered to issue a certificate of eligibility to a taxpayer for an eligible business facility with regard to which the taxpayer has prior to 7/1/83, received the JIB initial approval of an application for such certificate, or a letter of intent. The State Tax Commission will also be empowered to renew, extend, revoke or modify a certificate of eligibility for tax credits as was issued under section 120 of the Commerce Law as such section existed on 3/31/83.
210.12(a)&(e), 210.13(a), 210.17(a), 210.18(a) & 210.19	TSB-M-83(19)C	Chapter 285-Sec 1-5	Application of Tax Credits.

Article 9-A

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
210.12(d)	TSB-M-83(14)C	Chapter 15-Sec 69	Provisions pertaining to Investment Tax Credit on leased property applicable to safe harbor leases apply to agreements entered into prior to 1/1/84.
210.18(d)	TSB-M-83(14)C	Chapter 15-Sec 70	Provisions pertaining to credit for research and development property in safe harbor leases extended to apply to agreements entered into prior to 1/1/84.

Article 13-A

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
13-A	TSB-M-83(22)C	Chapter 400	Created Article 13-A

Article 27

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1084(d)	TSB-M-83(10)C TSB-M-83(21)C	Chapter 15-Sec 86	Provisions providing for no interest on interest repealed. Sec. 96 of bill provides for new section 1096(e)(3) providing for daily compounding of interest (see Bill Sec. 96 applicable to interest accruing on or after 9/1/83).
1084(f)	TSB-M-83(10)C	Chapter 15-Sec 87	Tax reduced by carryback
1085(c)	TSB-M-83(10)C	Chapter 15-Sec 88	Changes in estimated tax payments.
1085(d)(3)(A)	TSB-M-83(10)C	Chapter 15-Sec 89	Section pertaining to additions for underpayment of estimated tax amended to reflect change to 90% from prior 80% requirement (for years beginning after 12/31/82).
1085(d)(3)(B)	TSB-M-83(10)C	Chapter 15-Sec 89	New provisions for annualizing items of receipts, income and expenses for purpose of estimated tax (for years beginning after 12/31/82).

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<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1085(e)	TSB-M-83(10)C	Chapter 15-Sec 90	Technical changes. Requirements for estimated tax from large corporations.
1085(h)(i) and (j)	TSB-M-83(10)C	Chapter 15-Sec 91	Technical changes.
1085(k)	TSB-M-83(10)C	Chapter 15-Sec 92	Penalty for substantial underpayment of tax liability.
1088(a)(3)	TSB-M-83(10)C	Chapter 15-Sec 93	Pertains to computation of interest on overpayments on late returns. Determined with regard to extensions, no interest will be allowed or paid for any day before the date on which the return is filed (applicable to returns filed on or after 9/1/83).
1088(d)	TSB-M-83(10)C	Chapter 15-Sec 94	The amendment provides that any overpayment of tax resulting from a carryback of a net operating loss, or a net capital loss, shall be deemed not to have been made prior to the filing date for the taxable year of the loss. Such filing date shall be determined without regard to extensions of time to file. The amendment also provides that for the purpose of Section 1088(c) (tax refund within 3 months of due date of tax) any overpayment of tax due to a net operating loss or capital loss carryback will be treated as an overpayment for the loss year and the provisions of Section 1088(c) will apply to the overpayment by treating the return for the loss year as not being filed before the claim for the overpayment based on the net operating

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<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1088(d)			loss or capital loss carryback was filed. The term "loss year" means the taxable year in which the loss arises. Under these provisions no interest will be allowed if the overpayment is refunded within 3 months after the claim for refund was filed (applicable to taxable years beginning after 12/31/82, for interest accruing on or after 9/1/83).
1088(e)	TSB-M-83(10)C	Chapter 15-Sec 95	No interest on overpayment until return is in processible form (applicable to returns filed on or after 9/1/83). Technical changes.
1092(j)(3)	TSB-M-83(25)C	Chapter 558	Life of the statutory lien for unpaid Corporate Taxes.
1096(e)(3)	TSB-M-83(10)C	Chapter 15-Sec 96	Provides for daily compounding of interest except on payments of estimated tax under Sec. 1085(c) (Effective 9/1/83 for interest accruing on or after 9/1/83).

Article 32

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1455-B	TSB-M-83(6)C	Chapter 11-Sec 10	Technical changes.
1452(a)(4) & 1452(b)	TSB-M-83(27)C	Chapter 377	Removed the word "mutual" from "Federal mutual savings bank" so term "Federal savings bank" will include both Federal mutual savings bank and Federal stock savings bank.

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<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1453(b)(7) & 1453(b)(8)	TSB-M-83(14)C	Chapter 15-Sec 99	Safe harbor lease modifications applicable to taxable years beginning in 1982 and 1983 also applicable to taxable years beginning in 1984 under agreements entered into prior to 1/1/84.
1453(b)(9)	TSB-M-83(30)C	Chapter 15-Sec 99	ACRS modification applicable to taxable years beginning in 1982 and 1983 also applicable to taxable years beginning in 1984.
1453(b)(10)	TSB-M-83(30)C	Chapter 15-Sec 100	Modification upon disposition of recovery property where a taxpayer may have claimed depreciation for New York purposes in excess of ACRS deduction for Federal.
1453(e)(5) & 1453(e)(6)	TSB-M-83(14)C	Chapter 15-Sec 101	Safe harbor lease modifications applicable to taxable years beginning in 1982 and 1983, also applicable to taxable years beginning in 1984, under agreements entered into prior to 1/1/84.
1453(e)(7)	TSB-M-83(30)C	Chapter 15-Sec 101	For taxable years beginning in 1982, 1983, and 1984, where a taxpayer was required to add back the ACRS deduction, a taxpayer will be allowed a deduction which would have applied under Sec. 167 of the I.R.C. to property placed in service on 12/31/80.
1453(e)(8)	TSB-M-83(30)C	Chapter 15-Sec 102	Modification upon disposition of recovery property; the excess of the ACRS deductions over the depreciation allowed for New York purposes will be deductible in computing ENI.

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<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1454, 1455(b)(2) & 1455(b)(3)(i)	TSB-M-83(27)C	Chapter 377	Savings bank or savings and loan association may allocate interest and dividends credited to depositors or shareholders.
1456(b)	TSB-M-83(11)C	Chapter 15-Sec 103	On or after 4/1/83 on eligible business facility credit will only be allowed where a taxpayer has received a certificate of eligibility, or renewal, or extension for such facility from the Job Incentive Board prior to 4/1/83, or has received a certificate of eligibility, or renewal, or extension thereof, from the State Tax Commission subsequent to 4/1/83.
1456(b)(2)(A) & 1456(b)(2)(B)	TSB-M-83(11)C	Chapter 15-Sec 104	Technical changes to Commerce Law as it existed on 3/31/83.
1456(b)(4)(B)	TSB-M-83(11)C	Chapter 15-Sec 105	Technical changes to Commerce Law as it existed on 3/31/83.
1456(b)(6) & 1456(b)(7)	TSB-M-83(11)C	Chapter 15-Sec 106	Technical changes eliminating references to Commerce Law and Job Incentive Board.
1456(b)(8)	TSB-M-83(11)C	Chapter 15-Sec 107	On or after 4/1/83, State Tax Commission will be empowered to issue certificate of eligibility for tax credits for an eligible business facility, for which taxpayer has received initial approval or letter of intent from Job Incentive Board prior to 7/1/83.
1456(c)(1) 1456(e)	TSB-M-83(19)C TSB-M-83(19)C	Chapter 285 Chapter 285	Application of Tax Credits Application of Tax Credits

Article 33

<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1503(b)(1)(F) & 1503(b)(1)(G)	TSB-M-83(14)C	Chapter 15-Sec 108	Safe harbor lease modifications applicable to taxable years beginning in 1982 and 1983, also applicable to taxable years beginning in 1984, under agreements entered into prior to 1/1/84.
1503(b)(1)(H)	TSB-M-83(30)C	Chapter 15-Sec 109	Allows a deduction for depreciation under IRC Sec. 167 (ADR) rules for recovery property.
1503(b)(1)(I)	TSB-M-83(30)C	Chapter 15-Sec 109	Upon the disposition of ACRS property, where the ACRS deductions were larger than the New York deductions, a deduction from ENI will be allowed for the excess of the ACRS deductions over the New York deductions.
1503(b)(2)(K) & 1503(b)(2)(L)	TSB-M-83(14)C	Chapter 15-Sec 110	Safe harbor lease modifications applicable to taxable years beginning in 1982 and 1983, also applicable to taxable years beginning in 1984 under agreements entered into prior to 1/1/84.
1503(b)(2)(M)	TSB-M-83(30)C	Chapter 15-Sec 110	ACRS modification applicable to taxable years beginning in 1982 and 1983 also applicable to taxable years beginning in 1984.
1503(b)(2)(N)	TSB-M-83(30)C	Chapter 15-Sec 111	Upon the disposition of ACRS property for which a taxpayer claimed the deductions which would have been allowable under Sec 167 I.R.C. for New York purposes, an addback will be required for the excess of the New York deductions claimed by the taxpayer over the ACRS deductions.

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<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1503(b)(10)	TSB-M-83(30)C	Chapter 15-Sec 112	For taxable years beginning in 1982, 1983 and 1984, where a taxpayer was required to addback the ACRS deduction, and where the deduction has not been excluded from the determination of ENI, because of a "safe harbor lease transaction", a taxpayer will be allowed a deduction which would have applied under Sec. 167 of the IRC (ADR) to property placed in service on 12/31/80.
1505-a	TSB-M-83(7)C	Chapter 11-Sec 11	Technical changes.
1511(d)(1)(A)	TSB-M-83(11)C	Chapter 15-Sec 113	After 4/1/83 an eligible business facility credit will be allowed only where a taxpayer has received a certificate of eligibility or renewal or extension from the Job Incentive Board prior to 4/1/83, or has received a certificate of eligibility, extension or renewal from the State Tax Commission subsequent to 4/1/83.
1511(d)(2)(A) & 1511(d) (2) (B)	TSB-M-83(11)C	Chapter 5-Sec 114	Technical changes.
1511(d)(4)(B)	TSB-M-83(11)C	Chapter 15-Sec 115	Technical changes.
1511(d)(6) & 1511(d) (7)	TSB-M-83(11)C	Chapter 15-Sec 116	Technical changes.

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<u>Law Section</u>	<u>Reference to TSB</u>	<u>Chapter Bill Section</u>	<u>Summary</u>
1511(d)(8)	TSB-M-83(11)C	Chapter 15-Sec 117	State Tax Commission will be empowered, an or after 4/1/83, to issue a certificate of eligibility for tax credits for an eligible business facility, for which a taxpayer has, prior to 7/1/83, received from the Job Incentive Board initial approval or a letter of intent. After 7/1/83 the State Tax Commission will be empowered to renew, extend, revoke or modify certificates of eligibility issued prior to 3/31/83.
1511(e)(1) & 1511(f)	TSB-M-83(19)C	Chapter 285- Sec 8 & 9	Application of Tax Credits.