



# Instructions for Form CT-33

## Life Insurance Corporation Franchise Tax Return

**CT-33-I**

**Important reminder to file a complete return:** You must complete all required schedules and forms that make up your return, and include **all pages** of those forms and schedules when you file. Returns that are missing required pages or that have pages with missing entries are considered incomplete and cannot be processed, and may subject taxpayers to penalty and interest.

### Up-to-date information affecting your tax return

Visit our Web site for tax law changes or forms corrections that occurred after the forms and instructions were printed (see *Need help?* on page 8).

### Changes for 2006

**Limitation on tax for life insurance corporations** — Effective for tax years beginning on or after January 1, 2006, when calculating the limitation on tax under Tax Law section 1505(a)(2), life insurance corporations that receive more than 95% of their premiums from annuity contracts, or from policies and insurance described in Tax Law section 1510(c)(2), now include the amount of such premiums that exceed 95% of all premiums received. Prior to the amendment, these life insurance corporations included all premiums received from annuity contracts, or from policies and insurance described in Tax Law section 1510(c)(2) when calculating the limitation on tax under Tax Law section 1505(a)(2). For more information, see instructions for line 87.

**Fuel cell electric generating equipment credit** — For tax years beginning on or after January 1, 2005, taxpayers are allowed a credit against tax for qualified expenditures for fuel cell electric generating equipment. Taxpayers subject to tax under Article 9 (section 183, 184, and 185), 9-A, 32, and 33 may claim the credit for the tax year in which the fuel cell electric generating equipment is placed in service. However, this credit is not available for taxpayers subject to tax under Article 9, section 183, 184, and 185, who are substantially engaged in the commercial generation, distribution, transmission, or servicing of energy and energy products. For more information, see Form CT-259, *Claim for Fuel Cell Electric Generating Equipment Credit*, and Form CT-259-I, *Instructions for Form CT-259*.

**Security officer training tax credit** — A new credit is available for qualified building owners subject to tax under Article 9, 9-A, 32, or 33 who employ qualified security officers. Taxpayers must file an application with the New York State Office of Homeland Security to receive an allocation of the credit. For more information, visit the New York State Office of Homeland Security Web site at [www.security.state.ny.us](http://www.security.state.ny.us) and see Form CT-631, *Claim for Security Officer Training Tax Credit*, and Form CT-631-I, *Instructions for Form CT-631*.

**Entering dates** — Unless you are specifically directed to use a different format, enter dates in the *mm-dd-yy* format (using dashes and not slashes).

### Important information

**Transferability of certified capital company (CAPCO) tax credits** — The Tax Law has been amended to allow an insurance company that is a certified investor to transfer or sell their unused CAPCO tax credits, in whole or in part, to any affiliate within an affiliated group of taxpayers who are subject to tax under Article 33. The insurance corporation making the transfer or sale of the credit must notify the Tax Department and the Insurance Department within 45 days of the transfer or sale of the credit. This amendment applies to all credits transferred on or after August 1, 2003. For more information, see TSB-M-05(3)C, *Summary of Corporation Tax Legislative Changes Enacted in 2005*, TSB-M-06(2)C, *Transfer of certified capital company (CAPCO) credits for Article 33 (Insurance Corporations)*, and Form CT-33.1, *Claim for CAPCO credit*.

**Filing fees for disregarded limited liability companies (LLCs)** — For tax years beginning in 2005 and 2006, the filing fee has been restored for every LLC that is a disregarded entity for federal income tax purposes, and has income derived from New York sources.

Form IT-204-LL, *Limited Liability Company/Limited Liability Partnership Filing Fee Payment Form*, must be filed by these disregarded LLCs within 30 days after the last day of its tax year. For more information, see TSB-M-05(3)C and Form IT-204-LL.

**Reporting requirements for tax shelters** — The Tax Law requires taxpayers to report information about transactions that present the potential for tax avoidance (tax shelters). There are separate reporting requirements for those who use tax shelters and for those who promote the use of tax shelters. These reporting requirements are similar to the tax shelter disclosure requirements for federal income tax purposes. For more information, see TSB-M-05(2)C (for business taxes) or TSB-M-05(4)I (for personal income tax), *Disclosure of Certain Transactions and Related Information Regarding Tax Shelters*; TSB-M-05(2.1)C (for business taxes) or TSB-M-05(4.1)I (for personal income tax), *Supplement to the Disclosure of Certain Transactions and Related Information Regarding Tax Shelters*; and TSB-M-05(2.2)C (for business taxes) or TSB-M-05(4.2)I (for personal income tax), *Additional Supplement to the Disclosure of Certain Transactions and Related Information Regarding Tax Shelters*.

### Who must file Form CT-33

- Domestic life insurance corporations for the privilege of exercising a corporate franchise;
- Foreign and alien life insurance corporations doing business, employing capital, owning or leasing property, or maintaining an office in this state;
- Any life insurance company whose *Certificate of Authority* from the Superintendent of Insurance has expired, or that ceases to transact new business in this state, but has business remaining in force in this state;
- Life insurance corporations exempt from federal income tax but that conduct business in New York State;
- An unauthorized life insurance corporation that is affiliated with an insurer licensed in New York State and is operating from an office within the state pursuant to New York State Insurance Law sections 1101(b)(5) and 2117(i). See TSB-M-00(1)C, *Amended Definition of Insurance Corporation*, for additional information.

**Exceptions:** Life insurance corporations specifically exempted by Tax Law section 1512 do not have to file Form CT-33. Captive insurance companies must file Form CT-33-C, *Captive Insurance Company Franchise Tax Return*.

**Definition of insurance corporation** — An *insurance corporation* as defined by Tax Law, Article 33, section 1500 is any corporation, association, joint stock company or association, person, society, aggregation, or partnership, doing an insurance business.

**Definition of life insurance corporation** — A *life insurance corporation* is any insurance corporation that is authorized to transact the business of life insurance in New York State under a certificate of authority from the Superintendent of Insurance of the New York State Insurance Department.

### When and where to file

File your return within 2½ months after the end of your reporting period. If you are reporting for the calendar year, file your return on or before March 15. If your filing date falls on a Saturday, Sunday, or legal holiday, then you must file your return on or before the next business day.

If you cannot meet this filing deadline, you may request a six-month extension of time to file by filing Form CT-5, *Request for Six-Month Extension to File*.

Mail returns to: **NYS CORPORATION TAX  
PROCESSING UNIT  
PO BOX 22038  
ALBANY NY 12201-2038**

Also mail a copy to: **NYS INSURANCE DEPARTMENT  
ONE COMMERCE PLAZA  
ALBANY NY 12257**

**Private delivery services** — If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your return and tax payment. However, if, at a later date, you need to establish the date you filed your return or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* on page 8 of these instructions for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. If you use **any** private delivery service, whether it is a designated service or not, send the forms covered by these instructions to: State Processing Center, 431C Broadway, Albany NY 12204-4836. You must also mail a copy to the NYS Insurance Department at the address listed above.

## Specific instructions

### Metropolitan transportation business tax (MTA surcharge) section 1505-a

Any insurance corporation taxable under Article 33 that does business, employs capital, owns or leases property, or maintains an office in the Metropolitan Commuter Transportation District (MCTD) must file Form CT-33-M, *Insurance Corporation MTA Surcharge Return*, and pay the MTA surcharge imposed by section 1505-a. The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. Corporations not doing business in the MCTD must disclaim liability for the tax surcharge by answering *No* to the question on page 1 of Form CT-33. They are not required to file Form CT-33-M.

### Amended return

If you are filing an amended return, mark an **X** in the *Amended return* box on the top of Form CT-33.

### Reporting period

All filers must complete the beginning and ending tax period boxes in the upper right corner on page 1 of the form.

Your tax year for New York State must be the same as your federal tax year. Use this tax return for both calendar and fiscal tax years beginning in 2006, and for short periods beginning in 2007 and ending before December 31, 2007.

### Important identifying information

To process your corporation tax forms, we must have the necessary identifying information. Enter your employer identification number (EIN) and file number. If you use a paid preparer or accounting firm, make sure they use your complete and accurate identifying information when completing all forms.

### Change of address

If your address has changed, enter your new address in the appropriate area and mark an **X** in the box below the address so that we can update your address for this tax type. Do not mark an **X** in this box for any change of business information other than for your address.

### Change in business information

You must report any changes in your business name, ID number, mailing address, physical address, telephone number, or owner/officer information on Form DTF-95, *Business Tax Account Update*. If only your address has changed, you may use Form DTF-96, *Report of Address Change for Business Tax Accounts*, to correct your address for this and all other tax types. You can get these forms from our Web site, or by fax or phone. See *Need help?* on page 8.

## NAICS code and principal business activity

Enter your six-digit NAICS business activity code number and principal business activity. The NAICS codes may be found in Publication 910, *NAICS Codes for Principal Business Activity for New York State Tax Purposes*, and on the department's Web site (see *Need help?* on page 8).

## Computerized returns

We will accept computer-produced corporation tax returns if they meet our printing specifications. For information, see Publication 76, *Specifications for Reproduction of New York State Corporation Tax Forms*.

## Third-party designee

If you want to authorize another person (third-party designee) to discuss this tax return with the New York State Tax Department, mark an **X** in the *Yes* box in the *Third-party designee* area of your return. Also enter the designee's name, phone number, and any five-digit number the designee chooses as his or her personal identification number (PIN). If you want to authorize the paid preparer who signed your return to discuss the return with the Tax Department, enter **Preparer** in the space for the designee's name. You do not have to provide the other information requested.

If you mark the *Yes* box, you are authorizing the Tax Department to discuss with the designee any questions that may arise during the processing of your return. You are also authorizing the designee to:

- give the Tax Department any information that is missing from your return;
- call the Tax Department for information about the processing of your return or the status of your refund or payment(s); and
- respond to certain Tax Department notices that you shared with the designee about math errors, offsets, and return preparation. The notices will not be sent to the designee.

You are not authorizing the designee to receive your refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want the designee to perform those services for you, you must file Form POA-1, *Power of Attorney*, making that designation with the Tax Department. Copies of statutory tax notices or documents (such as a *Notice of Deficiency*) will only be sent to your designee if you file Form POA-1.

You cannot revoke the third-party designee authorization or change the PIN. However, the authorization will automatically end on the due date (without regard to extensions) for filing your next year's tax return.

## Signature

The return must be certified by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other officer authorized by the taxpayer.

If an outside individual or firm prepared the return, the signature of the person and the name of the firm must be included.

## Whole dollar amounts

You may elect to show amounts in whole dollars rather than in dollars and cents. Round any amount from 50 cents through 99 cents to the next higher dollar. Round any amount less than 50 cents to the next lower dollar.

## Negative amounts

Show any negative amounts with a minus (-) sign.

## Percentages

When computing allocation percentages, convert decimals into percentages by moving the decimal point two spaces to the right. Round percentages to four decimal places.

**Example:**  $5,000/7,500 = 0.6666666 = 66.6667\%$ .

## Line instructions

**Line A** — Make your check or money order payable in United States funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

## Computation of tax and installment payments of estimated tax

**Line 1** — Multiply the allocated entire net income (ENI) from line 82 by 7½% (.075).

**Line 3** — To compute the alternative tax measured by ENI plus compensation:

- A. Add the unallocated ENI from line 81 and the total salaries and compensation paid to the officers and stockholders from line 61. If line 81 is a loss, subtract it from line 61.
- B. Deduct \$15,000 (or a proportionate part if the return is for a period of less than one year) from the amount computed at item A above.
- C. Multiply the result of item B above by 30% (.3).
- D. Multiply the amount computed at item C above by the allocation percentage from line 45.
- E. Enter the result of item D above in the first box on line 3, and multiply the result by 9% (.09) to compute the tax.

**Line 7** — Add the amount from line 1, 2, 3, or 4, whichever is the greatest, plus the subsidiary capital base tax on line 5, and the premiums tax on line 6, and enter the result on this line.

**Line 9b** — Enter the amount of Empire Zone (EZ) and Zone Equivalent Area (ZEA) tax credits being claimed on line 100. These credits **must** be subtracted from the tax on line 9a and **not** from the tax on line 11.

**Line 9c** — Subtract line 9b from line 9a and enter the result on this line. The amount after EZ and ZEA tax credits claimed may not reduce the tax due on line 9c below the minimum tax of \$250.

**Line 11** — Enter the tax determined under section 1505(a)(2) (line 10), or the tax determined under sections 1501 and 1510 (line 9c), whichever is less.

**Line 12** — Enter the total amount of tax credits claimed from line 101. A special rule applies to taxpayers claiming EZ and ZEA tax credits which may **not** be subtracted from the tax calculated under section 1505(a)(2).

**Line 14b** — If the tax is more than \$1,000, and you did not file Form CT-5, you must pay a mandatory first installment for the period following that covered by this return. Enter 40% (.4) of the tax shown on line 13; otherwise, enter 0.

**Line 16** — Enter the total of all prepayments of estimated tax from line 99.

**Line 19** — If you do not pay the tax due on or before the original due date (**without** regard to any extension of time for filing), you must pay interest on the amount of underpayment (line 13 minus line 16) from the original due date to the date paid. Exclude from the interest computation any amount shown on line 14a or 14b, first installment of estimated tax for next period.

**Line 20** — Compute additional charges for late filing and late payments on the amount of tax minus any payment made on or before the due date (**with** regard to any extension of time for filing) (line 13 minus line 16). Exclude from the penalty computation any amount shown on line 14a or 14b, first installment of estimated tax for next period.

- A. If you do not file a return when due or if the request for extension is invalid, add to the tax 5% per month up to 25% (section 1085(a)(1)(A)).
- B. If you do not file a return within 60 days of the due date, the addition to tax in item A above cannot be less than the smaller of \$100 or 100% of the amount required to be shown as tax (section 1085(a)(1)(B)).
- C. If you do not pay the tax shown on a return, add to the tax ½% per month up to 25% (section 1085(a)(2)).
- D. The total of the additional charges in items A and C above may not exceed 5% for any one month except as provided for in item B above (section 1085(a)).

If you think you are not liable for these additional charges, attach a statement to your return explaining reasonable cause for the delay in filing, payment, or both (section 1085).

**Note:** You may compute your penalty and interest by accessing our Web site and clicking on *Electronic Services*, or you may call, and we will compute the penalty and interest for you (see *Need help?* on page 8).

**Lines 27a and 27b** — If you request a refund of unused tax credits, enter the total amount on line 27a. If you request tax credits to be credited as an overpayment to next year's tax return, enter the total on line 27b. Attach the appropriate tax credit forms.

**Collection of debts from your refund or overpayment** — We will keep all or part of your refund or overpayment if you owe a past-due, legally enforceable debt to a New York State agency, or if you owe a New York City tax warrant judgment debt. We may also keep all or part of your refund or overpayment if you owe a past-due legally enforceable debt to another state, provided that state has entered into a reciprocal agreement with New York State. If we keep your refund or overpayment, we will notify you.

A New York State agency includes any state department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other entity performing a governmental or proprietary function for the state or a social services district. We will refund or apply as an overpayment any amount over your debt.

If you have any questions about whether you owe a past-due, legally enforceable debt to a state agency, or to another state, or whether you owe a New York City tax warrant judgment debt, contact the state agency, the other state, or the New York City Department of Finance.

For New York State tax liabilities only, call 1 800 835-3554 (from areas outside the U.S. and outside Canada, call (518) 485-6800) or write to: NYS Tax Department, Tax Compliance Division, W A Harriman Campus, Albany NY 12227.

For New York City tax liabilities only, call (212) 232-3550.

## Schedule A — Allocation of reinsurance premiums when location of risks cannot be determined

Complete this schedule to allocate reinsurance premiums to New York State when the location or residence of the property or risks covered by the reinsurance cannot be determined. This schedule must be completed for premiums assumed from authorized companies.

**Column C** — Enter the percentage each ceding corporation's New York premiums bear to its total premiums for the preceding tax year (reinsurance allocation percentage). You may obtain this percentage from tax service publications or by calling the Corporation Tax Information Center (see *Need help?* on page 8). If the ceding corporation did not do business in New York State during the preceding year and therefore did not file a New York State tax return, the percentage is zero.

## Schedule B — Computation of allocation percentage

A taxpayer doing business both inside and outside New York State may allocate its business and investment capital, ENI, and ENI plus compensation.

Compute the income allocation percentage by adding the percentages of the taxpayer's premiums allocated to New York State (multiplied by nine) and payroll allocated to New York State, and dividing the total by ten. For both the numerator and denominator of the premium allocation percentage, the term *premium* includes all amounts received as consideration for insurance, reinsurance and annuity contracts, including premium deposits, assessments, policy fees, membership fees, and all other compensation for such contracts.

**Line 31** — Enter the total New York taxable premiums received from life insurance from Schedule H, column A, line 86, plus any additional premiums on these types of policies that were written, procured, or received in New York on business that cannot be specifically assigned as located or resident in any other state or states that were not included on line 86 (attach schedules for such additional premiums). Do not include in this amount any separate costs assessed by the insurance corporation upon its policyholders. See Tax Law section 1504(b)(2)(A).

Include any New York premiums for long-term care insurance policies under United States Code Title 5, Chapter 90, and any New York premiums for federal group life insurance policies under United States Code Title 5, Chapter 87, when computing the premium percentage.

**Line 32** — Enter the total ocean marine premiums written, procured, or received on property or risks located or resident in New York State, plus ocean marine premiums written within New York State on property or risks that cannot be specifically assigned as located or resident in any other state or country. See Tax Law section 1504(b)(2)(C).

**Line 33** — Enter the total of premiums for annuity contracts and insurance for the elderly that are written, procured, or received on risks located or resident in New York State, and those premiums for annuity contracts and insurance for the elderly written, procured, or received in New York State on business that cannot be specifically assigned as located or resident in any other state or states.

**Line 34** — Enter the total New York premiums on reinsurance assumed from authorized companies. Include premiums allocated to New York State where the location of the risk cannot be determined (Schedule A, line 30) and premiums from risks located in New York State. Also include reinsurance premiums assumed from unauthorized companies that relate to transactions authorized under Insurance Law section 2105 and that are subject to the premiums tax on excess-lines brokers under Insurance Law section 2118.

**Line 36** — Enter the total amount of New York premiums included on line 35 that were ceded to other insurance companies.

**Attach a separate schedule showing the computation of New York premiums included on lines 31 through 36.**

**Line 38** — You must report total premiums on a written or paid-for basis, consistent with the basis required by the annual statement filed with the Superintendent of Insurance.

**Attach a separate schedule showing the computation of total premiums included on line 38.**

First, determine total gross premiums, deposit premiums, and assessments, less returns thereon, on **all** policies, annuity contracts, certificates, renewals, policies subsequently canceled, and insurance and reinsurance executed, issued, or delivered on property or risks, including premiums for reinsurance assumed. Include **only** those special risk premiums written, procured, or received in New York State on risks located or resident in New York State.

From the total amount determined, deduct dividends on total premiums and premiums on reinsurance ceded. When computing the dividend deduction, include unused or unabsorbed portions of premium deposits paid or credited to policyholders, but not deferred dividends paid in cash to policyholders on maturing policies or cash surrender values.

**Lines 41 and 42** — Enter total wages, salaries, personal service compensation, and commissions for the tax year of employees, agents, and representatives regularly connected with or working out of an office or place of business maintained within New York State on line 41. It does not matter where the services were performed.

Enter total wages, salaries, personal service compensation, and commissions for the tax year of all employees, agents, and representatives on line 42.

Include on both lines any commissions or personal service compensation derived from policies for a long-term care insurance policy under United States Code Title 5, Chapter 90, and from policies for federal group life insurance under United States Code Title 5, Chapter 87, when computing the payroll percentage.

**Attach a separate schedule indicating how you computed the amounts shown on lines 41 and 42 and where these amounts are shown on the federal return.**

**Line 45** — If the premiums factor is missing from line 39, the income allocation percentage is the payroll factor percentage on line 43. If the payroll factor is missing from line 43, the income allocation percentage is the premium factor percentage on line 39. A factor is missing if both its numerator and denominator are zero. If the numerator is zero and the denominator has a positive figure, the factor has an allocation value of 0% and is included in the computation of the allocation percentage.

## Schedules C and D — Computation and allocation of subsidiary capital and business and investment capital

**Subsidiary capital** — A subsidiary is a corporation of which over 50% of the voting stock is owned by the taxpayer. The term *subsidiary capital* means all investments in the capital stock of subsidiary corporations plus all indebtedness from subsidiary corporations (other than accounts receivable acquired in the ordinary course of trade or business for services rendered, or for sales of property held primarily for sale to customers). When computing the amount of indebtedness owed to the taxpayer by its subsidiaries, consider each subsidiary separately. Loans and advances from the parent to the subsidiary may be offset by loans and advances from the same subsidiary to the parent, but may not be reduced to less than zero. Loans and advances from a subsidiary to the parent may not offset the parent's investment in the stock of the subsidiary, or offset loans and advances from the parent to any other subsidiary.

This indebtedness, whether or not evidenced by bonds or other written instruments, qualifies as subsidiary capital as long as the subsidiary does not claim and deduct the interest for the purpose of taxation under any Tax Law article. Each item of subsidiary capital must be reduced by any liabilities of the taxpayer (parent) payable by their terms on demand or not more than one year from the date incurred. These liabilities do not include loans or advances outstanding for more than a year, as of any date during the year covered by the return.

**Definition of capital** — *Total capital* is the average fair market value of all the corporation's assets minus its average current liabilities. It does not include assets that are held to maintain reserves of an insurance corporation as required under New York State Insurance Law sections 1303, 1304, and 1305.

**Valuation of capital** — *Business and investment capital* is total capital minus subsidiary capital. In computing business and investment capital, you are normally required to value assets at fair market value. But in valuing real and tangible personal property, you may elect to substitute book values for these assets; that is, the value established and regularly kept on the books of the company. If you make this election you must so indicate on each return. Once you have made the election, it is binding for all subsequent tax years and cannot be changed without prior permission. You must value stocks, bonds, and other securities at fair market value.

**Average fair market value** — The *fair market value* of an asset is the price (without deduction of any encumbrance) at which a willing seller will sell and a willing buyer will buy. The fair market value, on any date, of stocks, bonds, and other securities regularly traded on an exchange or in the over-the-counter market is the mean between the highest and lowest selling prices on that date. Average value is generally computed quarterly if your usual accounting practice permits it. However, you may use a more frequent basis such as monthly, weekly, or daily. If your usual accounting practice does not permit a quarterly or more frequent computation of the average value of assets, you may use a semiannual or annual computation if no distortion of average fair market value results.

**Current liabilities** — Include **only** liabilities maturing in one year or less from the date originally incurred. Do not include loans or advances outstanding for more than a year as of any date during the year covered by this return, notes payable that are renewed from year to year, or the current portion of a long-term liability. Do not include reserves required under New York State Insurance Law sections 1303, 1304, and 1305. Use the same method of averaging used to determine average fair market value of assets.

**Issuer's allocation percentage** — For Schedule C, column F, enter the percentage of the entire capital or the issued capital stock or the gross direct premiums or net income of each issuing corporation allocable to New York State as determined on the corporation's New York State tax return for the preceding tax year. If the issuing corporation did not do business in New York State during the preceding year and therefore did not file a New York State tax return, the percentage is zero. Issuer's allocation percentages are available on the Tax Department's Web site and from many online and printed tax services. You may also obtain up to three issuer's allocation percentages by calling toll free (see *Need help?* on page 8).

**Line 50** — Attach copies of your *Assets Schedule* of the *Annual Statement* reflecting admitted and nonadmitted assets for both the previous tax year and the current tax year.

**Lines 52 and 56** — Attach copies of your *Liabilities, Surplus and Other Funds Schedule* of the *Annual Statement*.

### Schedule E — Computation of adjustment for gains or losses on disposition of property acquired before January 1, 1974

Tax Law section 1503(b)(5) details the adjustments you must make when reporting the gain or loss from sale or exchange of property acquired before January 1, 1974.

**Columns B, D, and F** — Enter the amounts used in computing federal taxable income (FTI).

**Column C** — The *fair market price or value* is the price at which a willing seller will sell and a willing buyer will buy.

#### Column E

- If **both** the amounts entered in columns **B** and **C** are less than the amount entered in column **D**, a New York gain is realized. Enter in column **E** the difference between column **D** and the higher of column **B** or **C**.
- If **both** the amounts entered in columns **B** and **C** are more than the amount entered in column **D**, a New York loss is sustained. Enter in column **E** (use a minus (-) sign) the difference between column **D** and the lower of column **B** or **C**.
- If only one of the amounts entered in column **B** or **C** is more than the amount entered in column **D**, no New York gain is realized. Enter **0** in column **E**.
- If only one of the amounts entered in column **B** or **C** is less than the amount entered in column **D**, no New York loss is sustained. Enter **0** in column **E**.

### Schedule G — Computation and allocation of entire net income

**Line 62** — Enter the amount of life insurance company taxable income (LICTI), or taxable income as reported to the U.S. Treasury Department, for the tax year (including, in the case of a stock life insurance company, distributions to shareholders from an existing policyholder's surplus account). Life insurance companies who file federal Form 1120-L must enter on this line the total of LICTI per Schedule A, plus the operations loss deduction included in LICTI. Life insurance companies filing federal Form 1120-PC must enter the total of taxable income per Schedule A, plus any net operating loss (NOL) included in taxable income. Corporations exempt from federal income tax but subject to tax under Article 33 must enter the taxable income which would have been required to be reported to the U.S. Treasury Department.

#### Additions

**Line 64** — Enter all interest and dividend income, received or accrued, that was exempt from federal income tax and not included in line 62, minus interest expense, bond premium amortization, and other ordinary and necessary expenses, paid or incurred, attributable to this income.

**Line 65** — Enter interest paid or accrued on indebtedness directly or indirectly owed to any stockholder (including subsidiaries of a corporate stockholder) or members of his or her immediate family that own more than 5% of the issued capital stock of the taxpayer. *Immediate family* includes brothers and sisters of whole or half blood, a spouse, ancestors, and descendants. If no such interest was paid or accrued, enter **0**.

**Line 67** — Enter all capital losses from sales and exchanges of subsidiary capital, all other losses and bad debts, interest expense (direct or indirect), foreign taxes, and any carrying charge attributable to subsidiary capital deducted in computing FTI.

**Line 68** — Enter the amount of New York State franchise taxes, including the MTA surcharge, imposed by Article 33 and deducted on your federal return.

**Line 69a** — Enter any amount claimed as a deduction in computing FTI solely as a result of an election made under the provision of Internal Revenue Code (IRC) section 168(f)(8) (safe harbor lease, as it was in effect for agreements entered into before January 1, 1984).

**Line 69b** — Enter any amount you would have been required to include in the computation of FTI had you not made the election permitted by the provisions of IRC section 168(f)(8) (safe harbor lease, as it was in effect for agreements entered into before January 1, 1984).

**Line 70** — Use this line if:

- the corporation claims the federal ACRS/MACRS deduction for property placed in service either **in or outside** New York State after 1980, in tax periods beginning before 1985; or
- the corporation claims the federal ACRS/MACRS deduction for property placed in service **outside** New York State in tax periods beginning after 1984, and before tax periods beginning in 1994, and the corporation made the election to continue using the IRC section 167 depreciation modification for the property (see TSB-M-99(1)(C), *New York Depreciation for Property Placed in Service Outside New York State in Tax Years 1985-1993*); or
- the corporation claims the 30%/50% federal special depreciation under IRC section 168(k) for qualified property (excluding qualified resurgence zone property described in Tax Law, Article 9-A, section 208.9(q) or qualified New York liberty zone property described in IRC section 1400L(b)(2)) placed in service on or after June 1, 2003, in tax years beginning after December 31, 2002; or
- the corporation disposes this year of either ACRS/MACRS property, or property for which you claimed the 30%/50% federal special depreciation, and the New York depreciation modifications applied to the property in any prior years.

If this line applies, complete Form CT-399, *Depreciation Adjustment Schedule*. Include from Form CT-399, line 3, column E, the amount of your federal deduction that must be added back to FTI, or, if you disposed of property this year, use the amount from CT-399, line 10, column A.

**Line 71** — Other additions:

- A-1** The portion of the special additional mortgage recording tax claimed as a credit that was claimed as a deduction in arriving at FTI. The gain or loss on the sale of real property on which the special additional mortgage recording tax credit was claimed must be increased in the case of a gain, or decreased in the case of a loss, when any portion of the credit was also used in the basis for computing the federal gain.
- A-2** Qualified Emerging Technology Investments (QETI) — If you elected to defer the gain from the sale of QETI, then **you must** add to FTI the amount previously deferred when the reinvestment in the New York qualified emerging technology company which qualified you for that deferral is sold. See subtraction S-3 under line 79.
- A-3** Enter the amount deducted from federal gross income on Form 1120-PC as a result of IRC section 847(1).
- A-4** Enter the amount of unearned premiums on outstanding business at the end of the preceding tax year excluded from premiums earned as a result of IRC sections 832(b)(4)(B), 832(b)(7)(B)(i), and 832(b)(8)(A)(i).
- A-5** Enter the difference between the amount of discounted unpaid losses at the end of the preceding tax year used in the computation of losses incurred as a result of IRC section 832(b)(5)(A), and the amount of unpaid losses at the end of the preceding tax year that would have been used in such computation if such losses were not discounted for federal income tax purposes. Provide a copy of the loss reserves discount summary schedule used to compute discounted unpaid losses from federal Form 1120-PC and a copy of Schedule P, *Analysis of Losses and Loss Expenses, Part 1 Summary*, from the prior year's *Annual Statement*.
- A-6** Amount of related member royalty expense required to be added back pursuant to Tax Law section 1503(b)(14).

**A-7** If you are claiming an environmental remediation insurance credit, you must include on this line the amount of premiums paid for environmental remediation insurance and deducted in determining FTI, to the extent of the amount of the credit allowed under Tax Law sections 23 and 1511(w).

**Subtractions**

**Line 73** — Enter interest and dividend income from subsidiary capital and capital gains from sales and exchanges of subsidiary capital. This deduction **cannot** exceed the amount used to compute FTI.

**Line 74** — Enter 50% of dividend income from corporations that are not subsidiaries. A life insurance company may enter only 50% of the company's share (IRC section 812(a)(1)) of such dividend income.

**Line 75** — Enter any income or gain from installment sales of real or personal property made before January 1, 1974, that was used to compute FTI.

**Line 76** — Enter New York State operations losses or NOLs. Attach a separate schedule showing the details of the application of the federal and New York State losses.

In determining the operations loss or NOL of any given year, the following rules apply:

- Federal operations losses (IRC section 810) or NOLs (IRC section 172) must be adjusted in accordance with Article 33, section 1503(b).
- The operations losses incurred may be carried back three years and carried forward 15 years for all periods.
- If the life insurance company is a new company for the loss year, the operations loss may be carried forward 18 years (see IRC section 810(b)(1)(C)).
- For NOLs incurred, refer to IRC section 172 for carryback and carryforward periods.
- If you have elected for federal purposes to relinquish the carry back of an operations loss or NOL, you may not carry back an operations loss or NOL for state purposes, and you must submit a copy of your federal election.
- The New York State operations loss deduction or NOL deduction for any particular year is limited to the federal operations loss deduction (IRC section 810) or NOL deduction (IRC section 172) for that year.
- No deduction is allowed for an operations loss or NOL sustained during any year in which the corporation was not subject to tax under Article 33.

**Line 77a** — Enter any amount included in federal income solely as a result of an election made under the provisions of IRC section 168(f)(8) (safe harbor lease, as it was in effect for agreements entered into before January 1, 1984).

**Line 77b** — Enter any amount that you could have deducted from FTI had you not made an election under IRC section 168(f)(8) (safe harbor lease, as it was in effect for agreements entered into before January 1, 1984). For additional information on safe harbor leases, see TSB-M-82(15)C, *1982 Legislation - Safe Harbor Leases*.

**Line 78** — In place of the disallowed deduction entered on line 70, a New York State depreciation deduction is allowed under Article 33, sections 1503(b)(10), 1503(b)(14), 1503(b)(15), and 1503(b)(16). For additional information, see Form CT-399-I, *Instructions for Form CT-399*.

Use this line if:

- the corporation claims the federal ACRS/MACRS deduction for property placed in service either **in or outside** New York State after 1980, in tax periods beginning before 1985; or
- the corporation claims the federal ACRS/MACRS deduction for property placed in service **outside** New York State in tax periods beginning after 1984, and before tax periods beginning in 1994, and the corporation made the election to continue using the IRC section 167 depreciation modification for the property (see TSB-M-99(1)(C)); or

- the corporation claims the 30%/50% federal special depreciation under IRC section 168(k) for qualified property (excluding qualified resurgence zone property described in Tax Law, Article 9-A, section 208.9(q) or qualified New York liberty zone property described in IRC section 1400L(b)(2)) placed in service on or after June 1, 2003, in tax years beginning after December 31, 2002; or
- the corporation disposes this year of either ACRS/MACRS property, or property for which you claimed the 30%/50% federal special depreciation and the New York depreciation modifications applied to the property in any prior years.

If this line applies, complete Form CT-399. Include the amount from Form CT-399, line 3, column I, or, if you disposed of property this year, use the amount from CT-399, line 10, column B.

**Line 79** — Other subtractions:

- S-1** Include the amount of wages disallowed under IRC section 280C in the computation of your FTI because you claimed a federal credit. Attach a copy of the appropriate federal credit form.
- S-2** Interest deductions under section 1503(b)(3) to the extent not deducted on line 64.
- S-3** You may defer the gain on the sale of QETI that are held for more than 36 months and rolled over into the purchase of a QETI within 365 days. You must purchase the replacement QETI within the 365-day period beginning on the date of sale. Gain is not deferred and must be recognized to the extent that the amount realized on the sale of the original QETI exceeds the cost of a replacement QETI. The gain deferral applies to any QETI sold on or after March 12, 1998, that meets the holding-period criteria. You must add back the gain deferred in the year the replacement QETI is sold.  
  
If you elect the gain deferral, deduct from FTI the amount of the gain deferral (to the extent the gain is included in FTI). If purchase of the replacement QETI within the 365-day period occurs in the same tax year as the sale of the original QETI, or in the following tax year and before the date the corporation's franchise tax return is filed, take the deduction on that return. If purchase of the replacement QETI within the 365-day period occurs in the following tax year and on or after the date the corporation's franchise tax return is filed, you must file an amended return to claim the deduction. For more information, see TSB-M-98(7)C, *1998 Summary of Corporation Tax Legislative Changes*, pages 5 and 6.
- S-4** Victims or targets of Nazi persecution: Include the amount received (including accumulated interest) from an eligible settlement fund, or from an eligible grantor trust established for the benefit of these victims or targets, if included in your FTI. Do not include amounts received from assets acquired with such assets or with the proceeds from the sale of such assets (Tax Law section 13).
- S-5** Enter the amount included in federal gross income as a result of IRC sections 847(5) and 847(6).
- S-6** Enter the amount of unearned premiums on outstanding business at the end of the tax year included in premiums earned as a result of IRC sections 832(b)(4)(B), 832(b)(7)(B)(i) and 832(b)(8)(A)(i).
- S-7** Enter the difference between the amount of discounted unpaid losses at the end of the tax year used in the computation of losses incurred as a result of IRC section 832(b)(5)(A), and the amount of unpaid losses at the end of the tax year that would have been used in such computation if such losses were not discounted for federal income tax purposes. Provide a copy of the loss reserves discount summary schedule used to compute discounted unpaid losses from federal Form 1120-PC, and a copy of *Schedule P, Analysis of Losses and Loss Adjustment Expenses, Part 1, Summary*, from the current year's *Annual Statement*.
- S-8** Enter the amount by which losses incurred were reduced as a result of IRC section 832(b)(5)(B).
- S-9** Amount of related member royalty income required to be subtracted pursuant to Tax Law section 1503(b)(14).

## Schedule H — Computation of premiums

Any life insurance corporation subject to Tax Law Article 33 is subject to the additional premiums tax under section 1510, the limitation on tax under section 1505(a)(2) and the floor limitation on tax under section 1505(b). For more information on the floor limitation on tax, see TSB-M-03(9)C, *Summary of Insurance Corporation Tax Legislative Changes Enacted in 2003*.

Use Schedule H to compute premiums due under sections 1510, 1505(a)(2), and 1505(b) and transfer them to the appropriate boxes on page 2. Report direct premiums on a written or paid-for basis, consistent with the basis required by the annual statement filed with the Superintendent of Insurance. For purposes of computing Schedule H, the term *premium* includes all amounts received as consideration for insurance or reinsurance contracts (except annuity contracts), including premium deposits, assessments, policy fees, membership fees, any separate costs by carriers assessed upon their policyholders, and all other consideration for such contracts. Exclude premiums for federal long-term care insurance policies under United States Code Title 5, Chapter 90, and any premium under United States Code Title 5, Chapter 87.

*Taxable premiums* include gross direct premiums minus return premiums, reinsurance premiums, and dividends paid or credited.

**Gross direct premiums** — Include total gross premiums, deposit premiums and assessments, less returns thereon, on all policies, certificates, renewals subsequently canceled, insurance and reinsurance executed, issued, or delivered on property or risks located or resident in New York State, and premiums written, procured, or received in New York State on business that cannot be specifically allocated or apportioned and reported as taxable premiums or which have not been used as a measure of a tax on business of any other state or states. Also include special risk premiums written, procured, or received in New York State on risks located or resident in New York State. When computing taxable premiums in column A, do not include premiums on annuity contracts, ocean marine insurance, and policies issued under Insurance Law section 4236. Also exempt from the tax on premiums are premiums on risks located outside the United States which were written, procured, or received in New York State, **except** for insurance written by foreign and alien title insurance corporations and accident and health insurance.

**Line 87** — For tax years beginning on or after January 1, 2006, life insurance corporations that received more than 95% of their premiums from annuity contracts, ocean marine insurance, and policies issued under Insurance Law section 4236, enter **only** the New York portion of the amount of such premiums that **exceeds 95%** of all premiums received, if applicable. Life insurance corporations receiving 95% or less of their premiums from annuity contracts, ocean marine insurance, and policies issued under Insurance Law section 4236, enter **0** on line 87.

### Deductions from gross direct premiums

- **Reinsurance premiums** — When computing gross direct premiums, you may deduct (1) reinsurance premiums, minus return premiums, that have been received by way of reinsurance from corporations or other insurers authorized to transact business in this state, and (2) reinsurance premiums assumed from unauthorized companies that relate to transactions authorized under Insurance Law section 2105 and that are subject to the premiums tax on excess-lines brokers under Insurance Law section 2118.
- **Dividends paid or credited** — You may deduct dividends on direct premiums and unused or unabsorbed portions of premium deposits paid or credited to policyholders. This deduction does not include deferred dividends paid in cash to policyholders on maturing policies or cash surrender values.

## Schedule I — Computation of issuer's allocation percentage

Complete this schedule by entering New York gross direct premiums on line 89 and total gross direct premiums on line 90 as reported in your

annual statement filed with the Superintendent of Insurance for the tax year.

Tax Law section 1085(a) provides for a penalty of \$500 for failure to provide information needed to compute your issuer's allocation percentage.

## Schedule J — Composition of prepayments

**Lines 92 through 99** — If you need more space, write **see attached** in this section and attach a separate sheet showing all relevant prepayment information. Transfer the total shown on the attached sheet to line 16.

**Line 97** — Include overpayment credited from prior years. You may also include from last year's return any amount of refundable tax credits you chose to be credited as an overpayment.

## Summary of tax credits claimed against current year's franchise tax

Summary of tax credits claimed against current year's franchise tax; see instructions for lines 9b and 12.

**Ordering of credits** — Tax credits under Article 33 must be applied in the following order:

1. EZ capital tax credit.
2. EZ and ZEA wage tax credits.
3. Noncarryover credits that are not refundable.
4. Carryover credits that are of limited duration.
5. Carryover credits that are of unlimited duration.
6. Refundable credits.

**Line 100** — Enter the total EZ capital tax credit and EZ and ZEA wage tax credits claimed that were used to reduce the tax due. The amount of these credits may not reduce the tax to less than the minimum tax of \$250. Enter in the appropriate boxes the total amount of the EZ and ZEA tax credits claimed. If you are required to recapture the EZ capital tax credit that was allowed in a previous reporting period, and the result is a negative credit amount on your credit claim form, enter this negative amount with a minus (-) sign in the applicable box.

**Empire zone wage tax credit** — Attach your completed Form CT-601, *Claim for EZ Wage Tax Credit*.

**ZEA wage tax credit** — Attach your completed Form CT-601.1, *Claim for ZEA Wage Tax Credit*.

**Empire zone capital tax credit** — Attach your completed Form CT-602, *Claim for EZ Capital Tax Credit*.

**Line 101** — Enter the total tax credits claimed, **excluding** the EZ and ZEA tax credits claimed on line 100, that were used to reduce the tax due. Generally, these credits may not reduce the tax below the \$250 minimum tax. However, the retaliatory tax credits and the fire insurance premiums tax credit may further reduce the tax due to zero. Enter in the appropriate boxes the total amount of each tax credit claimed. If you are required to recapture a tax credit that was allowed in a previous reporting period, and the result is a negative credit amount on your credit form, enter this negative amount with a minus (-) sign in the applicable box.

**Fire insurance premiums tax credit** — Credit for taxes on premiums for any insurance on loss or damage by fire under Insurance Law sections 9104 and 9105 or under the charters of the cities of Buffalo or New York. These taxes must have been paid or accrued during the tax year covered by this return. The fire insurance premiums tax credit is limited to the amount reported on line 11 less the EZ capital tax credit, EZ or ZEA wage tax credits, and any non carryover credits that are not refundable that are being claimed before this credit. The credit cannot be carried over to any other year. Attach the *Report of Premiums*, including *Supplementary Schedules I and II*, when claiming this credit.

**Retaliatory tax credits** — Attach Form CT-33-R, *Claim for Retaliatory Tax Credits*, to claim these credits. Do not claim the MTA surcharge retaliatory tax credit on this form.

**CAPCO credit** — Attach Form CT-33.1, *Claim for CAPCO Credit*.

**Credit for employment of persons with disabilities** — Attach Form CT-41, *Claim for Credit for Employment of Persons with Disabilities*.

**Special additional mortgage recording tax credit** — Attach Form CT-43, *Claim for Special Additional Mortgage Recording Tax Credit*.

**Investment tax credit for the financial services industry** — Attach Form CT-44, *Claim for Investment Tax Credit for the Financial Services Industry*.

**Long-term care insurance credit** — Attach Form CT-249, *Claim for Long-Term Care Insurance Credit*.

**Defibrillator credit** — Attach Form CT-250, *Credit for Purchase of an Automated External Defibrillator*.

**Fuel cell electric generating equipment credit** — Attach Form CT-259, *Claim for Fuel Cell Electric Generating Equipment Credit*.

**QEZE tax reduction credit** — Attach Form CT-604, *Claim for QEZE Tax Reduction Credit*.

**QEZE credit for real property taxes** — Attach Form CT-606, *Claim for QEZE Credit for Real Property Taxes*.

**Brownfield redevelopment tax credit** — Attach Form CT-611, *Claim for Brownfield Redevelopment Tax Credit*.

**Remediated brownfield credit for real property taxes** — Attach Form CT-612, *Claim for Remediated Brownfield Credit for Real Property Taxes*.

**Environmental remediation insurance credit** — Attach Form CT-613, *Claim for Environmental Remediation Insurance Credit*.

**Security officer training tax credit** — Attach Form CT-631, *Claim for Security Officer Training Tax Credit*.

**Low-income housing credit** — Attach Form DTF-624, *Claim for Low-Income Housing Credit*.

**Green building credit** — Attach Form DTF-630, *Claim for Green Building Credit*.

Enter in the *Other credits* box any credits being claimed on line 12 that are not specifically listed above and attach the appropriate form(s).

**Line 102** — Enter the total amount of refund eligible tax credits claimed on line 101. The retaliatory tax credits, QEZE credit for real property taxes, the brownfield redevelopment tax credit, the remediated brownfield credit for real property taxes, the environmental remediation insurance credit, the security officer training tax credit, and the ITC for the financial services industry (if a qualified new business) are the only refund eligible credits.

## Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

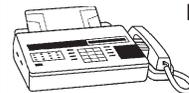
Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

## Need help?



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**Corporation Tax Information Center:** 1 888 698-2908  
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**Hotline for the hearing and speech impaired:** If you  
have access to a telecommunications device for the  
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