



Instructions for Form DTF-619

Claim for QETC Facilities, Operations, and Training Credit

DTF-619-I

General information

For tax years beginning on or after January 1, 2005, and before January 1, 2012, taxpayers that are qualified emerging technology companies (QETC) and meet the eligibility requirements may claim a tax credit against the corporation franchise (Article 9-A) or personal income (Article 22) tax liability for amounts paid or incurred for certain facilities, operations, and employee training.

Who is eligible

You may claim this credit if you are:

- A corporation that is subject to tax under Article 9-A.
- An individual who is subject to tax under Article 22 including:
 - a sole proprietor (including estates and trusts that are sole proprietors);
 - a partner of a partnership (including a member of a limited liability company (LLC) that is treated as a partnership for federal income tax purposes);
 - a shareholder of a New York S corporation;
 - a beneficiary of an estate or trust where the estate or trust is a sole proprietor, partner in a partnership, or a shareholder of a New York S corporation.

To claim this credit the corporation, individual, sole proprietorship, partnership, or S corporation must:

- be a QETC as defined in section 3102-e of the Public Authorities Law (PAL);
- have 100 full-time employees or less, with at least 75% of those employees employed in New York State;
- have a ratio of research and development funds to net sales which equals or exceeds six percent (6%) during its tax year; **and**
- have gross revenues, along with the gross revenues of its affiliates and related members, that did not exceed twenty million dollars for the immediately preceding tax year.

Credit amount

The amount of credit is the sum of the following amounts (or pro rata share of the sum, in the case of a partnership):

- 18% of research and development property, costs, and fees incurred in connection with emerging technology activities;
- 9% of qualified research expenses paid or incurred by the taxpayer during the tax year; and
- 100% of qualified high-technology training expenses paid or incurred by the taxpayer, limited to \$4,000 per employee per year.

Credit limitation

The total amount of credit allowable to a taxpayer cannot be more than \$250,000 per year.

See Schedule C for computation of credit amounts.

Application of credit

The QETC facilities, operations, and training credit may be claimed for four consecutive tax years; however, a taxpayer

that relocates from an academic incubator facility may claim the credit for five consecutive tax years and may elect to defer the credit to the first tax year after the taxpayer relocates from the incubator facility. For corporations subject to tax under Article 9-A, the credit cannot reduce the tax to an amount less than the tax due on the minimum taxable income base or fixed-dollar minimum, whichever is larger. For both Article 9-A and Article 22 taxpayers, any portion of this credit that cannot be applied to the current year's tax liability may be refunded without interest, or applied as a payment against next year's tax.

Combined filers

A taxpayer filing as a member of a combined group may claim the QETC facilities, operations, and training credit. The credit is computed on a separate basis and applied against the combined tax.

General definitions

A *qualified emerging technology company*, as defined in section 3102-e of the PAL, is a company located in New York State that has total annual product sales of \$10 million or less, and meets **either** of the following criteria:

- Its primary products or services are classified as emerging technologies under section 3102-e(1)(b) of the PAL.
- It has research and development (R&D) activities in New York State, and its ratio of R&D funds to net sales equals or exceeds the average ratio for all surveyed companies classified (as determined by the National Science Foundation (NSF) in the most recently published results from its survey, *Research and Development in Industry: 2004*, or a comparable successor survey as determined by the Tax Department).

There are two average ratios for all surveyed companies classified on the NSF's survey. One average ratio is for companies doing R&D funded by the federal government. The other average ratio is for companies doing R&D without funding from the federal government. The average ratio for all surveyed companies classified is deemed to be the lesser of these ratios.

Currently, the average ratio is 3.6% for companies doing R&D funded by the federal government, and 3.4% for companies doing R&D without funding from the federal government. Single copies of the survey are available free of charge from the Division of Science Resources Statistics, National Science Foundation, 4201 Wilson Boulevard, Suite 965, Arlington VA 22230.

Accordingly, the most recently published average ratio for all surveyed companies classified is determined to be 3.4%. Therefore, at the time these instructions were printed, to qualify as a QETC, a company must have a ratio of R&D funds to net sales of at least 3.4%, as determined on line 7 of Form DTF-619.

A *company located in New York State* means a sole proprietorship, corporation, partnership, LLC, or any other entity that, during the tax year the credit is claimed, owns or rents real property used in its emerging technology primary products or services business, or in its R&D activities in New York State.

Emerging technologies under section 3102-e(1)(b) of the PAL means:

1. Advanced materials and processing technologies that involve the development, modification, or improvement of one or more materials or methods to produce devices and structures

with improved performance characteristics or special functional attributes, or to activate, speed up, or otherwise alter chemical, biochemical, or medical processes. Such technologies include, but are not limited to, the following: metal alloys, metal matrix and ceramic composites, advanced polymers, thin films, membranes, superconductors, electronic and photonic materials, bioactive materials, bioprocessing, genetic engineering, catalysts, waste emissions reduction, and waste processing technologies.

2. Engineering, production, and defense technologies that involve knowledge-based control systems and architectures, advanced fabrication and design processes, equipment, and tools; or propulsion, navigation, guidance, nautical, aeronautical and astronautical ground and airborne systems, instruments, and equipment. Such technologies include, but are not limited to, the following: computer-aided design and engineering, computer-integrated manufacturing, robotics and automated equipment, integrated circuit fabrication and test equipment, sensors, biosensors, signal and image processing, medical and scientific instruments, precision machining and forming, biological and genetic research equipment, and environmental analysis, remediation, control, and prevention equipment; defense command and control equipment, avionics and controls, guided missile and space vehicle propulsion units, military aircraft, and space vehicles; and surveillance, tracking, and defense warning systems.
3. Electronic and photonic devices and components for use in producing electronic, optoelectronic, mechanical equipment, and products of electronic distribution with interactive media content. Such technologies include, but are not limited to, the following: microprocessors, logic chips, memory chips, lasers, and printed circuit board technology; electroluminescent, liquid crystal, plasma, and vacuum fluorescent displays; optical fibers, magnetic and optical information storage, and optical instruments; lenses, and filters, simplex and duplex data bases, and solar cells.
4. Information and communication technologies, equipment and systems that involve advanced computer software and hardware, visualization technologies, and human interface technologies. Such technologies include, but are not limited to, the following: operating and applications software, artificial intelligence, computer modeling and simulation, high-level software languages, neural networks, processor architecture, animation and full-motion video, graphics hardware and software, speech and optical character recognition, high-volume information storage and retrieval, data compression, broadband switching, multiplexing, digital signal processing, and spectrum technologies.
5. *Biotechnologies*, defined as technologies involving the scientific manipulation of living organisms, especially at the molecular or the submolecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research and pharmacological, mechanical, and computational applications and services connected with these improvements. Such activities include, but are not limited to, the following: alternative mRNA splicing; DNA sequence amplification; antigenetic switching; bioaugmentation; bioenrichment; bioremediation; chromosome walking; cytogenetic engineering; DNA diagnosis, fingerprinting, and sequencing; electroporation; gene translocation; genetic mapping; site-directed mutagenesis; biotransduction; biomechanical and bioelectrical engineering; and bioinformatics.
6. *Remanufacturing technologies*, defined as processes whereby eligible commodities are restored to their original performance standards and are thereby diverted from the solid waste stream, retaining the majority of components

that have been through at least one life cycle, and replacing consumable portions to enable such commodities to be restored to their original functions. For the purposes of this subdivision, *eligible commodities* means commodities (excluding paper) used in conjunction with or as a part of equipment performing the functions of facsimile machines, photocopiers, printers, duplication equipment, or any combination thereof, including, but not limited to the following: magnetic ink character recognition cartridges, photo conductor assemblies, electrostatic cartridges, thermal imaging cartridges, toner cartridges, ink jet cartridges, and printer cartridges. *Eligible commodities* also includes equipment used to record single frame images on film, where such equipment and film are marketed and sold as a single integrated consumer product, and where such equipment and film may be submitted in whole to a photograph processor for the purposes of processing.

Total annual product sales means the amount reported, or that should have been reported for federal income tax purposes, as gross receipts or sales from the sale of all products during the tax year that the credit is claimed.

Net sales means total annual product sales minus the amount reported, or that should have been reported for federal income tax purposes, as returns and allowances during the tax year that the credit is claimed.

Primary products or services means that more than 50% of a taxpayer's receipts from products or services are derived from emerging technology products or services during the tax year that the credit is claimed.

Full-time employment means a job consisting of at least 35 hours per week, or two or more jobs that together constitute the equivalent of a job of at least 35 hours per week. A seasonal job that meets these requirements constitutes full-time employment if the job is continuous for at least three months.

Related member or members means a person, corporation, or other entity, including an entity that is treated as a partnership or other pass-through vehicle for purposes of federal taxation, whether such person, corporation, or entity is a taxpayer or not, where one such person, corporation, or entity, or set of related persons, corporations, or entities, directly or indirectly owns or controls a controlling interest in another entity. Such entity or entities may include all taxpayers under Tax Law Articles 9, 9-A, 13, 22, 32, 33, or 33-A.

Controlling interest, in the case of a corporation, means either 30% or more of the total combined voting power of all classes of stock of such corporation, or 30% or more of the capital, profits, or beneficial interest in such voting stock of such corporation; and in the case of a partnership, association, trust, or other entity, 30% or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

Affiliates means those corporations that are members of the same affiliated group (as defined in section 1504 of the Internal Revenue Code) (IRC) as the taxpayer.

Research and development (R&D) property for purposes of the research and development credit component (Schedule C, Part 1) is property that is

- acquired by purchase as defined in IRC section 179(d),
- placed in service during the tax year, and
- used for research and development in the experimental or laboratory sense.

Also include

- the cost or other basis for federal income tax purposes of property used in the testing or inspection of materials and products,

- the costs or expenses associated with quality control of the research and development,
- the fees for use of sophisticated technology facilities and processes, and
- fees for production or eventual commercial distribution of materials and products resulting from emerging technology activities.

The above costs, basis, expenses, or fees cannot be used in the calculation of any other credit.

Do not include property used for the following:

- efficiency surveys
- management studies
- consumer surveys
- advertising
- promotions
- research in connection with literary, historical, or similar projects

Qualified research expenses mean expenses associated with in-house research and processes, and costs associated with the dissemination of the results of the products that directly result from such research and development activities. Such costs do not include advertising or promotion through media. For purposes of the qualified research expenses component, include costs associated with the preparation of patent applications, patent application filing fees, patent research fees, patent examination fees, patent post allowance fees, patent maintenance fees, and grant application expenses and fees. Do not include any expenses for litigation or the challenge of another entity's intellectual property rights, or for contract expenses involving outside paid consultants.

Qualified high-technology training includes a course or courses taken and satisfactorily completed by an employee of the taxpayer at an accredited, degree-granting, post-secondary college or university in New York State that directly relates to emerging technologies and is intended to upgrade, retrain, or improve the productivity or theoretical awareness of the employee. Such course or courses may include, but are not limited to, instruction or research relating to techniques, meta, macro, or microtheoretical or practical knowledge bases or frontiers, or ethical concerns related to such activities. Such course or courses do not include classes in the disciplines of management, accounting, or the law, or any class designed to fulfill the associate, baccalaureate, graduate, or professional level of these disciplines.

Satisfactory completion of a course or courses means the earning and granting of credit or equivalent unit, with the attainment of a grade of *B* or higher in a graduate level course or courses, a grade of *C* or higher in an undergraduate level course or courses, or a similar measure of competency for a course that is not measured according to a standard grade formula.

Qualified high-technology training expenditures include expenses for tuition and mandatory fees, software required by the institution, fees for textbooks or other literature required by the institution offering the course or courses, minus applicable scholarships and tuition or fee waivers not granted by the taxpayer or any affiliates of the taxpayer, that are paid or reimbursed by the taxpayer. Qualified high-technology expenditures do not include room and board, computer hardware or software not specifically assigned for such course or courses, late-charges, fines, or membership dues and similar expenses. Qualified high-technology training expenditures do not include expenses for in-house or shared training outside of a New York State higher education institution or the use of consultants

outside of credit granting courses, whether such consultants function inside of the higher education institution or not.

Academic year means the annual period of sessions of a post-secondary college or university.

Academic incubator facility means a facility providing low-cost space, technical assistance, support services, and educational opportunities, including but not limited to, central services provided by the manager of the facility to the tenants of the facility, to an entity located in New York State. Such entity's primary activity must be an emerging technology as defined on page 1 of these instructions, and such entity must be in the formative stage of development. The academic incubator facility and the entity must act in partnership with an accredited post-secondary college or university located in New York State. An academic incubator facility's mission must be to promote job creation, entrepreneurship, technology transfer, and provide support services to incubator tenants, including but not limited to, business planning, management assistance, financial-packaging, linkages to financing services, and coordinating with other sources of assistance.

Information and definitions from the survey

The following information and definitions are from the NSF's survey, *Research and Development in Industry: 2004*.

R&D includes **all** of the following:

- planned systematic pursuit of new knowledge or understanding toward general application (basic research)
- acquisition of knowledge or understanding to meet a specific, recognized need (applied research)
- application of knowledge or understanding toward the production or improvement of a product, service, process, or method (development)

R&D activities include the following:

- Activities that incorporate
 - basic and applied research in the sciences and engineering,
 - design and development of new products and processes, and
 - enhancement of existing products and processes.
- Activities carried on by persons trained either formally or by experience in
 - biological sciences (such as medicine),
 - computer science,
 - engineering,
 - mathematical and statistical sciences, and
 - physical sciences (such as chemistry and physics).
- Activities that take place in
 - separate R&D organizational units of the company,
 - company laboratories, and
 - technical groups not part of an R&D organization.

The following activities are excluded from R&D:

- R&D from acquired companies prior to acquisition (in process R&D)
- Amortization above the actual cost of property and equipment related to your R&D activities
- Test and evaluation once a prototype becomes a production model
- Routine product testing
- Geological and geophysical exploration activities

- Technical services including
 - quality and quantity control,
 - technical plant sanitation control, and
 - troubleshooting in connection with breakdowns in full-scale production.
- Advertising programs to promote or demonstrate new products or processes
- Assistance in preparation of speeches and publications for persons not engaged in R&D
- Social science R&D includes the following:
 - personnel R&D
 - economic R&D
 - artificial intelligence and expert systems R&D
 - consumer, market, and opinion R&D
 - engineering psychology R&D
 - management and organizational R&D
 - actuarial and demographic R&D
 - educational processes and applications R&D
 - R&D in law

Basic research is the pursuit of new scientific knowledge or understanding that does not have specific immediate commercial objectives; however it may be in fields of present or potential commercial interest.

Applied research applies the findings of basic research or other existing knowledge toward discovering new scientific knowledge that has specific commercial objectives with respect to new products, services, processes, or methods.

Development is the systematic use of the knowledge or understanding gained from research or practical experience directed toward the production or significant improvement of products, services, processes, or methods including the design and development of prototypes, materials, devices, and systems.

Include as development:

- expenditures for designing and conducting clinical trials of drugs, pharmaceuticals, or other products that have not been marketed
- software development including designing or adapting software (or both) if the application has commercial value (exclude software development for internal use); beta versions of software being developed that have potential commercial application; and design and operation of pilot plants and semiwork plants
- engineering activity required to advance the design of a product or process so it meets specific functional and economic requirements
- design, construction, and testing of prototypes and models including test models for defense contracts
- design for special manufacturing equipment and tools
- preparation of reports, drawings, formulas, specifications, standard practice instructions, or operating manuals

Exclude as development:

- software development intended for internal company use only
- routine technical services to customers
- toolmaking and tool tryout
- production of detailed construction drawings and manufacturing blueprints

Filing in your tax forms

For complete information on how to fill in New York State scannable tax forms, see the instructions for your income or franchise tax return.

Line instructions

Instructions for corporations, fiduciaries, and self-employed individuals

If you are a corporation (other than a New York S corporation), a fiduciary, or an individual who is eligible for this credit and have no other QETC facilities, operations, and training credit from pass-through entities (such as partnerships or S corporations), complete Form DTF-619 as follows:

1. Enter your name, taxpayer identification number, and filing period at the top of the form.
2. Complete Schedule A to determine QETC eligibility.
3. Complete Schedule B to determine eligibility for the credit.
4. Complete Schedule C, Schedule E, and if applicable, Schedule D and Schedule F.

If you also have QETC facilities, operations, and training credit from a pass-through entity, see the following instructions.

Instructions for partners (including corporate partners), shareholders of New York S corporations, and beneficiaries of estates or trusts

If a pro rata share of QETC facilities, operations, and training credit was passed through to you from a partnership, a New York S corporation, or an estate or trust, your share of the credit should be calculated by that entity and reported to you. Report your share of this credit on your own Form DTF-619, calculate the limitation and refund that are applicable to you, and attach Form DTF-619 to your tax return. Complete Form DTF-619 as follows:

1. Enter your name, taxpayer identification number, and filing period at the top of Form DTF-619.
2. Enter the name and taxpayer identification number of the partnership, New York S corporation, or estate or trust you are receiving the credit from on line A.

If you are claiming a credit from more than one partnership, New York State S corporation, estate, or trust, attach a list with the name and identification number of each entity.
3. Do not complete Schedules A and B.
4. Complete Schedule C, Schedule E, and if applicable, Schedule D.
5. Article 9-A corporations, complete schedule F.

Instructions for New York S corporations and partnerships

If you are a New York S corporation or partnership, determine eligibility for the credit in Schedule A and Schedule B, compute

the credit in Schedule C, and provide your shareholders or partners with their pro rata share of the credit. The credit is not available to New York S corporations and partnerships. Instead, the credit is passed through to its shareholders and partners. Complete Form DTF-619 as follows:

1. Enter your name, taxpayer identification number, and filing period at the top of the form.
2. Complete Schedule A and Schedule B to determine eligibility for the credit.
3. Complete Schedule C to compute the credit component for the current tax year.
4. Do not complete Schedules D, E, and F.

Schedule A — QETC eligibility requirements

All of the questions in Schedule A pertain to the tax year for which you are claiming the credit.

Part 2 — QETC business activities

Research and development activities

Line 3 — Mark an **X** in the *Yes* or *No* box to indicate if the company has R&D activities in New York State. See *Information and definitions from the survey* beginning on page 3 for an explanation of research and development activities.

Lines 4 through 7: Complete lines 4 through 7 to determine if the R&D funds percentage on line 6 equals or exceeds the average ratio for all surveyed companies as last determined by the NSF (currently 3.4%). For more information, see the definition of a qualified emerging technology company on page 1.

Line 4 — Enter the amount paid or incurred in the conduct of R&D activities. These funds are the same as those used by NSF in its most recent survey and represent expenditures paid or incurred in the conduct of R&D activities during the tax year that the credit is claimed.

Include the following as expenses:

- wages, salaries, and related costs
- materials and supplies consumed
- research and development depreciation
- cost of computer software used in R&D activities
- utilities, such as telephone, telex, electricity, water, and gas
- travel costs and professional dues
- property taxes and other taxes (except income taxes) incurred on account of the R&D organization or the facilities they use
- insurance expenses
- maintenance and repair, including maintenance of buildings and grounds
- company overhead including: personnel, accounting, procurement, and inventory, and salaries of research executives not on the payroll of the R&D organization

Exclude the following as expenses:

- R&D from acquired companies prior to acquisition (in process R&D)
- capital expenditures
- test and evaluation once a prototype becomes a production model
- patent expense
- income taxes and interest

Primary products and services

Line 8 — If the company has products or services that are included in the definition of emerging technologies, mark an **X** in the *Yes* box and enter the description of the company's products or services. If not, mark the *No* box.

Schedule B — Credit eligibility requirements

Part 2 — Research and development activities

Line 18 — Enter the amount paid or incurred in the conduct of research and development activities (see line 4 instructions).

Part 3 — Gross revenues

Line 22 — See *General definitions* on page 2 for definitions of related members and affiliates.

Schedule C — Computation of credit component amounts

Partners, shareholders, and beneficiaries — Do not complete lines 23, 25, and 27.

Partners — obtain the amounts to be entered on lines 24a, 26a, and 28a from the partnership. If you are a partner in more than one partnership, enter the total of all your shares of each credit component received from the partnerships on the appropriate line.

Shareholders — obtain the amounts to be entered on line 24b, 26b, and 28b from the S corporation. If you are a shareholder in more than one S corporation, enter the total of all your shares of each credit component received from the S corporation on the appropriate line.

Beneficiaries — obtain the amounts to be entered on line 24c, 26c, and 28c from the estate or trust. If you are a beneficiary of more than one estate or trust, enter the total of all your shares of each credit component received from the estates or trusts on the appropriate line.

All others — complete all applicable lines. Partnerships, New York S corporations, and estates and trusts must provide their partners, shareholders, and beneficiaries with their shares of each credit component.

Part 1 — Research and development property credit component

Line 23 — Enter in column C the cost or other basis for federal income tax purposes of research and development property as defined on page 2.

Part 2 — Qualified research expenses credit component

Line 25 — Enter in column C the qualified research expenses as defined on page 3 paid or incurred in the tax year.

Part 3 — Qualified high-technology training expenditures credit component

Line 27 — Enter in column E the amount of qualified high-technology training expenditures (as defined on page 3) paid or incurred in the tax year.

The amount of the credit is 100% of the training expenses, subject to a limitation of \$4,000 per employee per year.

Schedule D — Beneficiary's and fiduciary's share of credit

If an estate or trust allocates or assigns the credit to its beneficiaries, base the division on each beneficiary's proportionate share of the income of the estate or trust.

Schedule E — Credit limitation

The total amount of credit allowable to a taxpayer cannot exceed \$250,000 per year.

Line 32 — Enter the lesser of line 30 or line 31 and follow the applicable instructions below line 32.

Schedule F — Application of the QETC facilities, operations, and training credit (Article 9-A only)

Line 34 — If you are claiming more than one credit, see the instructions for Form CT-600, *Ordering of Corporation Tax Credits*, for a listing of the credits and the order that the credits are applied. Then enter the amount of credit(s) being claimed before the QETC facilities, operations, and training credit. If filing as a member of a combined return, include any amount of tax credit(s), including QETC facilities, operations, and training credit(s), claimed by the combined group, (including other members) that you wish to apply before your QETC facilities, operations, and training credit. Otherwise, enter 0.

Lines 40 and 41 — You may not carry over the QETC facilities, operations, and training credit. However, you may receive as a refund without interest any portion of the credit that cannot be applied to the current year's tax liability, or you may apply it as an overpayment against next period's tax. Enter the amount you want refunded on line 40 and Form CT-3, line 99a; or Form CT-3-A, line 100a. Enter the amount you want

applied as an overpayment to next period on line 41 and on Form CT-3, line 99b; or Form CT-3-A, line 100b.

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.

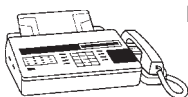
Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

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.

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To order forms and publications: 1 800 462-8100
Corporation Tax Information Center: 1 888 698-2908
Personal Income Tax Information Center: 1 800 225-5829
From areas outside the U.S. and outside Canada: (518) 485-6800



Hotline for the hearing and speech impaired:

If you have access to a telecommunications device for the deaf (TDD), contact us at 1 800 634-2110. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.



Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 972-1233.