

Foreign Corporations Included in Combined Reports
Minimum Tax Liability

Article 9-A Regulations Section 3-5.2 states, in part, that all corporations included in a combined report, other than the taxpayer paying the combined tax, are required to pay the minimum tax.

On October 27, 1983, Section 3-5.2 was amended to exempt from payment of the minimum tax, a foreign corporation who would not otherwise be taxable in New York State (see: Reg. Section 1-3.2, 1-3.3 or 1-3.4) except for its inclusion in a combined report.

This regulation change is effective for all taxable periods for which the statute of limitations, as defined in Section 1087(a) of Article 27 of the Tax Law, has not expired.