

STATEMENT OF NECESSITY

DEPARTMENT OF TAXATION AND FINANCE

Specific reasons underlying the finding of necessity: The Commissioner is required, pursuant to Tax Law section 209-B(1)(f), to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

Because the statutory minimum public comment period has been extended from 45 days to 60 days, this rule is being readopted on an emergency basis in order to have the rates for tax year 2018 remain effective until the permanent rule becomes effective when published in the State Register, to enable taxpayers to properly estimate the taxes due for tax year 2018 and reflect these estimated taxes in their financial statements.