

STATEMENT IN LIEU OF A REGULATORY

FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES AND LOCAL GOVERNMENTS

DEPARTMENT OF TAXATION AND FINANCE

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this rule because the rule will not impose any adverse economic impact or any reporting, recordkeeping, or other compliance requirements on small businesses or local governments beyond those required by statute. The rule allows certain New York State farm wineries, micro-wineries, and out-of-state direct wine shippers to file annual alcoholic beverage tax returns rather than monthly returns as currently required. In addition, the rule reflects that out-of-state direct wine shippers are not required to report certain inventory information on their alcoholic beverage tax returns, which conforms to current department policy.

Representatives from Wine America, The Wine Institute, and the New York State Wine and Grape Foundation reviewed and support the draft proposal. In addition, the following organizations were notified that the Department was in the process of developing this rule and were given an opportunity to participate in its development: the Small Business Council of the New York State Business Council, the Division for Small Business of Empire State Development, the National Federation of Independent Businesses, the Retail Council of New York State, the New York State Association of Counties, the Association of Towns of New York State, the New York Conference of Mayors and Municipal Officials, and the Office of Local Government and Community Services of the New York State Department of State. The notified groups did not submit any comments concerning the rule.

Once the rule has been adopted, the department intends to issue a technical memorandum explaining the changes to affected parties, along with the revised application for annual filing, Form MT-38.