

CONSENSUS RULE MAKING DETERMINATION

DEPARTMENT OF TAXATION AND FINANCE

The Department of Taxation and Finance has considered the proposed amendments to section 157.2(a) of Title 20 NYCRR and has determined that no person is likely to object to the rule as written, because these amendments merely conform the provisions relating to automatic extensions of time to file income tax returns to reflect current federal treatment under the IRC and related regulations.

The amendments conform to federal treatment regarding the period of automatic extensions to file tax returns for partnerships, estates, and trusts by reducing the duration of the automatic extension of time to file for certain pass-through entities (partnerships, estates and trusts) from six months to five months. This shorter extension period for pass-through entities will give taxpayers time to receive information from those entities in order to file their own tax returns in a timely manner. These amendments provide for uniform treatment under New York State and federal law, avoiding the confusion that could result from disparate state and federal filing deadlines.

The following organizations were notified that the Department was considering developing a rule to conform with federal treatment and were given the opportunity to participate in its development: the National Federation of Independent Businesses; the Division for Small Business of Empire State Development; the New York State Association of Counties; the Association of Towns of New York State; the New York Association of Convenience Stores; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York State Conference of Mayors and Municipal Officials; the Office of Local Government and Community Services of the New York State Department of State; the Tax Section of the New York State Bar Association; the National Tax Committee for the National Conference of CPA Practitioners

(NCCPAP); and the New York State Society of CPAs. The NCCPAP urged the Department to adopt amendments to conform to the federal treatment. No other comments were received.