

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 this rule will not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments. The rule does not distinguish between different types and sizes of regulated parties. The rule does not distinguish between regulated parties located in different geographical areas. The rule will include limited participation in a trade show or shows as an activity that is deemed insufficient to subject a foreign corporation to tax under Article 9-A of the Tax Law. This rule also amends the regulations to reflect various statutory and non-substantive technical changes.

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 of 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, the Office of Local Government and Community Services of the New York State Department of State, Director of Tax Policy (Technical Services) of New York State Society of CPA's, the Business Council of New York State, Chair of State and Local Taxation of Association of the Bar of the City of New York, and Chair of Tax Section of New York State Bar Association.

Comments were received from the Tax Section of the New York State Bar Association. The comments did not address any specific issues or concerns of small businesses or local governments. A brief discussion of the comments is included in the "Alternatives" section of the Regulatory Impact Statement.