New Jersey State Tax News
A Quarterly Newsletter

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Interest 9% for Fourth Quarter
The interest rate assessed on amounts due for the fourth quarter of 1994 remains at 9%.

The assessed interest rate history is listed below.

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1/94</td>
<td>9%</td>
</tr>
<tr>
<td>4/1/94</td>
<td>9%</td>
</tr>
<tr>
<td>7/1/94</td>
<td>9%</td>
</tr>
<tr>
<td>10/1/94</td>
<td>9%</td>
</tr>
</tbody>
</table>

New Filing Requirements for Partnerships
Partnerships with one or more New Jersey resident partners or deriving income/loss from New Jersey sources are now required to file a New Jersey partnership return, Form NJ-1065. The effective date of this new filing requirement is for tax years ending on or after 12/31/94. The partnership is required to file this new form on or before the fifteenth day of the fourth month following the close of the partnership’s taxable year.

This new filing requirement is for informational purposes only. The partnership is not subject to Gross Income Tax but the individual partners are liable for the payment of Gross Income Tax based upon their distributive share of partnership income/loss.

The New Jersey Gross Income Tax Act does not follow all the Federal income tax provisions for partnerships and/or partners. The proper determination, classification, and reporting of income/loss by the partnership is critical to the proper reporting of a New Jersey income/loss by the individual partners. The partnership information required to be reported on the form is needed to adjust items of Federal income/loss and expense to conform with New Jersey Gross Income Tax statutes and to separate income/loss derived from New Jersey sources from amounts derived from all sources.

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important phone numbers

Taxpayer Hotline .......... 609-588-2200
Recorded Topics ........... 800-323-4400
Speaker Programs ......... 609-984-2402
NJ TaxFax ................... 609-588-4500
Alcoholic Bev. Tax ....... 609-984-4121
Corporate Mergers, Withdrawals & Dissolutions .... 609-292-5323
Corporate Tax Liens .. 609-292-5323
Director’s Office ...... 609-292-5185
Inheritance Tax ......... 609-292-5033
................................. 609-292-5035
................................. 609-292-7147
Local Property Tax .... 609-292-7221
Motor Fuels Tax Refunds
................................. 609-292-7018
Public Utility Tax ...... 609-633-2576
Tax. Registration ....... 609-292-1730
partnerships - from page 1

All choices affecting the computation of income/loss from a partnership are made by the partnership, not each partner. This includes the choice of method of accounting, depreciation, capitalization of organizational fees, and the use of installment sale provisions. It also includes the determination and classification of income/loss and the allocation of income to New Jersey. All partnership elections are equally applicable and binding to all of the partners.

Part of the filing requirements of Form NJ-1065 is the completion of Schedule(s) NJK-1 (Form NJ-1065). A separate Schedule NJK-1 must be completed for each partner in the firm, both residents and nonresidents. Furthermore, a completed Form NJK-1 must be supplied to each partner for use in the filing of his/her personal Gross Income Tax return.

The use of these new forms will standardize the information reporting requirements and simplify the completion of the individual partner’s personal Gross Income Tax return.

The Division is in the process of preparing an information booklet for partners in partnerships and shareholders in S corporations to aid them in filing their personal tax returns. This new booklet entitled Income Received from Partnerships and S Corporations will be ready for the 1994 tax year.

Reinstatement Fees

As a result of clarification in the interpretation of several existing corporate statutes, N.J.S.A. 14A:15-2(7), N.J.S.A. 14A:15-3(15) and N.J.S.A. 54:11-5, the correct reinstatement fee for a voided corporate charter amounts to $70.00, plus any deficiencies and/or delinquencies of tax, penalty and interest that caused the voidance of the corporate charter.

This fee structure became effective April 14, 1988.

CORPORATION TAX

New Jobs Investment Tax Credit

The New Jobs Investment Tax Credit Act (P.L. 1993, c.170), N.J.S.A. 54:10A through 5.15, became effective for tax years beginning on or after July 7, 1993. This credit allows a business tax credit for those corporations who make an investment in new or expanded business facilities that create new jobs in New Jersey.

To qualify for the New Jobs Investment Tax Credit, the investment must create at least 5 new jobs for small businesses (defined as those with annual payrolls of not more than $2,000,000 and annual gross receipts of not more than $6,000,000) and 50 new jobs in the case of large businesses. The median annual compensation for the new jobs must be $27,000. In addition, the investment must be in new or expanded business facilities purchased from an unrelated party during or after the taxpayer’s accounting period beginning on or after July 7, 1993. The property must be employed by the taxpayer in a taxable activity and must not have been in use during the 90 day period prior to purchase.

The credit is based upon a percentage of the cost of the property purchased and is determined based on the expected depreciable life of the property, categorized by 3 year, 5 year, and 7 or more year recovery periods.

The taxpayer cannot claim a credit for a number of new employees that exceeds either the increase in the taxpayer’s average employment for the tax year, or one-half the taxpayer’s average employment for the year. Therefore, in order to qualify for this credit, there must be increases in both New Jersey property and employment. The credit is spread out over a five-year period.

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The credit may not exceed 50% of the corporation business tax liability otherwise due and shall not reduce the tax below the statutory minimum. If the credit exceeds this limitation, the taxpayer is eligible for a refund limited to 50% of the sum of property tax and implicit property tax directly resulting from qualified investment. Any amounts in excess of this amount cannot be carried forward.

This credit can be taken on Form 304. (See Business Incentive Tax Package booklet and Forms 300 through 307 for other tax credits which may be taken on the Corporation Business Tax Return). These forms and the booklet are available upon request from the Forms Distribution Section, CN 269, 50 Barrack Street, Trenton, New Jersey 08646-0269 or by calling 1-800-323-4400.

**INHERITANCE/ESTATE TAX**

**Frequently Asked Questions**

This is the second of three successive issues in which the Transfer Inheritance and Estate Tax Branch will respond to specific inquiries taken from a list of most frequently asked questions.

1. **What is a Form L-8?**
   The Form L-8 is a self-executing waiver which was born of the legislation granting Class “A” beneficiaries full exemption from New Jersey Transfer Inheritance Tax. The form was designed and implemented to accommodate those beneficiaries directly affected by this legislation. The purpose of the form is to allow convenient and expeditious access to assets of a resident decedent which are passing under specified conditions to a Class “A” beneficiary.

2. **What is a Form L-9?**
   Unlike the Form L-8, the Form L-9 is a request for a waiver and is not actually an instrument which may be used as the basis for releasing control of a decedent’s assets.

   The Form L-9 is an application for a waiver for the release of a resident decedent’s interest in New Jersey real estate. Form L-9 is submitted, together with a copy of the decedent’s will, to the Inheritance Tax Branch in Trenton. If warranted, the Branch will then issue the desired waiver. Form L-9 may only be used when all beneficiaries are class “A” and a Transfer Inheritance Tax Return is not required. Instructions and criteria are set forth in Form L-9.

3. **When using the Form L-8 or the Form L-9, does the executor or administrator have to be a Class “A” beneficiary?**
   The relationship of the beneficiary to the decedent is the controlling factor. The beneficiary must be a Class “A” beneficiary. The relationship of an executor or administrator to the decedent is not relevant unless he/she is also a beneficiary.

4. **Is jointly held property part of a decedent’s estate for New Jersey Inheritance Tax purposes? If so, is it taxed at full or one-half the rate of death value?**
   Under provisions of the statute, jointly held property is subject to the tax. For this purpose, the asset is assumed to have belonged entirely to the decedent except that portion that can be proven to have originally belonged to the surviving joint owner(s) and never to have belonged to the decedent.

**Correction**

Editor’s note: There was a typographical error in the last issue of the State Tax News (Fall 1994, Volume 23, Number 3) on page 3. On the Organizational Chart of the Division of Taxation, the phone number for Craig Rook, Chief, Out-of-State Audit should have been (708) 298-9550. We apologize for any inconvenience caused by this mistake.
stances that would normally require a compromise tax offer.

A copy of the new booklet, New Jersey Inheritance Tax Guide for Computation of the Compromise Tax, may be requested by writing to the Transfer Inheritance and Estate Tax Branch, CN 249, 50 Barrack St., Trenton, NJ 08646.

LOCAL PROPERTY TAX
Property Tax Reimbursements

The 1994 State Revenue Sharing Act Distribution for senior and disabled citizens, surviving spouses and veterans was delivered to the State Treasurer on September 15, 1994.

Under the provisions of R.S. 54A:10-1 et seq., as amended, the Director of the Division of Taxation certified to the State Treasurer in this report the amount of revenue sharing funds due each municipality on November 1, 1994.

The total number of property tax deductions for senior and disabled citizens and surviving spouses was 153,556. When compared to tax year 1993, the number of deductions increased 4%, i.e., less than half of 1%.

The total number of veterans’ deductions for 1994 was 378,665. That is a 2% decrease from 1993 to 1994.

LOCAL PROPERTY TAX
Farmland Acreage Decline

A report summarizing data from farmland assessment applications (Form FA-1) has recently been completed. The study shows that total acreage devoted to agricultural or horticultural use in 1993 was 1,166,531 acres for the entire state. The data for tax year 1993 reflect a continued decline in the amount of qualified farmland since enactment of Chapter 48, Laws of 1964 (the “Farmland Assessment Act”). Since 1983, the year in which the highest acreage, i.e., 1.27 million acres, qualified for farmland assessment, the amount of qualified acreage has declined 8.2% or a total of 105,351 acres. 24.27% of New Jersey’s land mass is approved under the Farmland Assessment Act. Hudson County remains the only county without farmland. Essex and Union Counties each report less than 500 acres devoted to agricultural or horticultural use. Conversely, Salem County, with 57%, has the greatest proportion of its land qualified under the Act. Other counties with large percentages of qualified farmland are: Hunterdon, 52%; Warren, 48%; Gloucester, 39%; Mercer, 34%; and Sussex, 33%.

LOCAL PROPERTY TAX
Tax Assessors’ Calendar

January 1–
- Duplicate of tax map approved previous year filed with the County Clerk or County Register of Deeds by taxing district.
- Hearings of added assessment appeals completed by County Tax Board.
- Hearings of assessors’ omitted assessment appeals completed by County Tax Board.

January 10–
- Notice of material depreciation to structure occurring after Oct. 1 and before Jan. 1, given to assessor by taxpayer.
- Copy of Initial Statement and Further Statement filed with County Tax Board.
- Assessment Lists and duplicates filed with County Tax Board.
- Duplicate copy of municipal tax map filed with County Tax Board.
- One copy of each Farmland Assessment application, Form FA-1, forwarded to Property Administration by tax assessor.
- Two copies of Form SR-3A filed with County Tax Board.
- Statement of estimated total amount of approved veteran and property tax deductions filed with County Tax Board.

February 1–
- Notices of current assessment and preceding year’s taxes issued to taxpayer by tax assessor.
- Appeal time, where assessor fails to notify taxpayer of current assessment and preceding year’s taxes, extended by County Tax Board for any taxpayer aggrieved by the assessed valuation of his property or of other property in the county.
- MOD IV Master file sent to Property Administration via magnetic tape.
- Schedule of office hours for assessors summarized by County Tax Administrator and furnished to Director, Division of Taxation.

March 1–
- Post-Tax Year Statement PD5 filed with tax collector by all recipients of property tax deduction.

March 10–
- Equalization table hearings completed by County Tax Board.

LOCAL PROPERTY TAX
Tax Assessor Certificates

The tax assessor examination is held in accordance with the Assessor Certifi-
Certificate and Tenure Act, which requires that anyone taking office as a tax assessor after July 1, 1971, must hold a tax assessor certificate. Twenty-two persons passed the examination for the tax assessor certificate held on September 24, 1994.

Bergen County: Terence J. Cooney, Ridgefield Park Village; Michael S. Filip, Cresskill Borough.

Camden County: Paul J. Breitenstine, Gloucester Township.

Essex County: Edward R. Longo, Cedar Grove Township; Douglas E. Wiedman, Nutley Township; John F. Williams, Belleville Township.

Hudson County: Michael T. DeNoble, Jersey City.

Hunterdon County: Peter H. Mehring, Clinton Township; Marianne S. Busher, Holland Township.

Mercer County: Lee H. Pavel, Princeton Township.

Middlesex County: James Ciacciarelli, Sayreville Borough.

Monmouth County: Peter J. Barnett, Little Silver Borough; Blanche A. Braillard, Highlands Borough; Bernard Friel, Rumson Borough; Robert Gagliano, Tinton Falls Borough; Robert E. Gibney, Middletown Township; Walker J. Matlack, Long Branch City.

Morris County: Joseph H. Cimiluca, Parsippany-Troy Hills Township.

Ocean County: Martin W. Lynch, Seaside Park Borough.

Sussex County: John K. McChesney, Sparta Township.

Union County: Frederick C. Engelmann, Elizabeth City.

The next exam is scheduled for Saturday, March 25, 1995. The last date for accepting applications for this exam will be February 23, 1995. Admission to the exam will be by application only. Individuals retaking the exam must reapply. There is a filing fee of $10.00.

Criminal Enforcement

Criminal Enforcement over the past several months included:

- Dipak C. Shah, president of Mili Liquors, Inc., plead guilty in Essex County court to charges of failing to turn over sales tax collected. Mr. Shah was ordered to serve three years probation and make restitution of $72,287.28.

- A prosecution report has been forwarded to the Division of Criminal Justice for a liquor store and its president pursuant to an investigation revealing the filing of fraudulent sales tax returns wherein $1.4 million in sales was not reported nor was $85,400 of collected tax related to the unreported sales taxable sales remitted.

- An investigation of an auto dealer uncovered the filing of fraudulent sales tax returns and the failure to report $600,082 in taxable sales. In addition, $36,005 of collected tax associated to the unreported sales was not remitted. This case was forwarded for prosecution.

- Fraudulent sales tax returns filed by a tree farm business failed to report $458,233 is taxable sales. Sales tax collected of $27,437 on the unreported taxable sales was not remitted. Prosecution was recommended and the matter forwarded to the prosecutor’s office.

- A taxpayer plead guilty to the charges filed resulting from a cigarette tax investigation. The fines assessed by the court totaled $1,300. Thirteen additional cases were filed in municipalities throughout the State. The court dates have not yet been scheduled. There is an increased incidence of unstamped cigarettes being transported through this State which in part is attributed to some other states’ eliminating the stamping of cigarettes. This situation is of concern and is being monitored closely.

Enforcement Summary

Civil Collection Actions Quarter Ending - September 30, 1994

Following is a summary of enforcement actions for the quarter ending September 30, 1994.

Certificates of Debt
When demands for payment were unsuccessful, Field Investigations docketed 800 Certificates of Debt in Superior Court totaling $21.9 million.

Levies
Executing against 390 bank accounts, Field Investigations collected $2.3 million.

Tax Seizures
After the Division has exhausted all other means to collect the State taxes due from vendors who cannot or will not pay, the business can be “seized” (closed) until some arrangement is made for payment. When a seizure occurs, the Division closes the business and seizes any tangible assets, such as inventory, machinery, furniture, etc.

A total of 45 businesses were scheduled for seizure for the quarter end-
The Division received a request for advice with respect to a fiscal year S corporation with a year end June 30, 1994, that has elected New Jersey S status beginning with its fiscal year July 1, 1994. The S corporation typically pays dividends to its shareholders throughout its tax year. The inquirer asked whether these distributions constitute distributions of current earnings which would be taxable to the shareholders on their calendar year 1995 income tax returns or whether these distributions constitute dividends of 1994 fiscal subchapter C earnings.

The Division stated that distributions by a New Jersey S corporation are made pursuant to the priorities found in IRC 1368, N.J.S.A. 54A:5-14. Distributions from the corporation’s fiscal year beginning July 1, 1993 and ending June 30, 1994 are dividends for New Jersey purposes. Distributions from the corporation’s fiscal year beginning July 1, 1994 and ending June 30, 1995 are tax free to the extent of current period earnings.

The municipal tax assessor, using both the replacement cost and three comparable sales, set the property’s 1993 fair market value for land and improvements at $415,000. He then indicated that the difference in his assessed value determination of $425,000 as compared with his market value determination of $415,000 was acceptable since the property’s assessment to sales ratio of 102.41% fell within the corridor (high 111.81%; low 82.65%) provided under Chapter 123 and that no reduction was warranted.

A brief explanation of Chapter 123 terms and concepts follows:

Chapter 123 Ratio — average ratio for a municipality as determined by Director, Division of Taxation. Common Level Range — range which is plus or minus 15% of the average ratio for a municipality. County Percentage Level — 100% for all 21 counties in New Jersey. Where the ratio of a subject property’s assessed to true value exceeds the upper limit or falls below the lower limit of the common level range, the property’s taxable value shall be revised by applying the average ratio for the municipality to the true value of the property except as follows:

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### Division of Taxation Seizures  
**(July - September 1994)**  

**Note:** Businesses listed may have satisfied their tax liability or otherwise come to agreement with the Division following the date of seizure and may now be reopened:

<table>
<thead>
<tr>
<th>County</th>
<th>Name/Address</th>
<th>Seizure Date</th>
<th>Business Type</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic</td>
<td>Billy Pizza, Inc. T/A Dominos Pizza 200 S. Whitehorse Pike</td>
<td>07-12-94</td>
<td>Pizzeria</td>
<td>Closed</td>
</tr>
<tr>
<td></td>
<td>Hammonton</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>T/A Dominos Pizza</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bergen</td>
<td>E P Distribution, Inc. T/A 1001 Auto Parts 1 Highway 46</td>
<td>07-13-94</td>
<td>Auto Parts &amp; Tires</td>
<td>Bankrupt 07-22-94</td>
</tr>
<tr>
<td></td>
<td>Elmwood Park</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Micott Enterprises, Inc. T/A A &amp; J Sunoco 292 Forest</td>
<td>08-16-94</td>
<td>Gas Station &amp; Auto Repair</td>
<td>Closed</td>
</tr>
<tr>
<td></td>
<td>Avenue Paramus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G &amp; B Foods, Inc. T/A Vanno’s 214 Kinderkamack Rd.</td>
<td>08-23-94</td>
<td>Restaurant &amp; Bar</td>
<td>Reopened 08-25-94</td>
</tr>
<tr>
<td></td>
<td>Emerson</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K V N Corp. T/A Partview Diner 354 Fairview Avenue</td>
<td>09-12-94</td>
<td>Restaurant/Diner</td>
<td>Closed</td>
</tr>
<tr>
<td></td>
<td>Fairview</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camden</td>
<td>Mohawk Mold &amp; Machine 900 Chestnut Street Somerdale</td>
<td>07-13-94</td>
<td>Factory Injection Molding/Plastic Parts</td>
<td>Bankrupt 07-14-94</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Horse Pike Oaklyn</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eaglespeed, Inc. 1300 Collings Ave. Collingswood</td>
<td>08-31-94</td>
<td>Auto, Oil &amp; Lube</td>
<td>Closed</td>
</tr>
<tr>
<td>Cape</td>
<td>George W. Davis T/A G. W. Davis Auto Body 2204 Shore</td>
<td>08-24-94</td>
<td>Auto Body Shop</td>
<td>Closed</td>
</tr>
<tr>
<td>May</td>
<td>Road Whitesboro</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Winship, Inc. T/A Le Bistro 1610 New York Ave. N. Wildwood</td>
<td>09-14-94</td>
<td>Tavern with Food</td>
<td>Closed</td>
</tr>
<tr>
<td>Essex</td>
<td>Auto Express, Inc. 66-68 Prospect Street Newark</td>
<td>07-13-94</td>
<td>Auto Body Shop</td>
<td>Closed</td>
</tr>
</tbody>
</table>

*continued on page 8*
<table>
<thead>
<tr>
<th>County</th>
<th>Name/Address</th>
<th>Seizure Date</th>
<th>Business Type</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essex</td>
<td>Ornellas Pizzeria T/A Puzo’s Family Ristorante 397 Route 46 West Fairfield</td>
<td>08-16-94</td>
<td>Pizzeria</td>
<td>Bankrupt 08-18-94</td>
</tr>
<tr>
<td></td>
<td>Murray/Mende Pest Control Services, Inc. 6 2nd Avenue Pitman</td>
<td>08-30-94</td>
<td>Pest Control</td>
<td>Closed</td>
</tr>
<tr>
<td>Mercer</td>
<td>Bipage, Inc. T/A Ernie’s Pub 13 N. Willow St. Trenton</td>
<td>08-05-94</td>
<td>Bar</td>
<td>Closed</td>
</tr>
<tr>
<td>Middlesex</td>
<td>1001 Auto Parts Distributors, Inc. 1009 St. Georges Ave. Colonia</td>
<td>07-13-94</td>
<td>Auto Parts &amp; Supplies</td>
<td>Closed</td>
</tr>
<tr>
<td></td>
<td>1001 Auto Parts, Inc. 591 Highway 18 East Brunswick</td>
<td>07-13-94</td>
<td>Auto Parts Store</td>
<td>Bankrupt 07-22-94</td>
</tr>
<tr>
<td></td>
<td>Lacey &amp; Sons Service, Inc. Victory Circle South Amboy</td>
<td>09-08-94</td>
<td>Truck Stop &amp; Storage</td>
<td>Reopened 09-20-94</td>
</tr>
<tr>
<td>Monmouth</td>
<td>1001 Auto Parts Keyport, Inc. Keyport</td>
<td>07-13-94</td>
<td>Auto Parts Store</td>
<td>Closed</td>
</tr>
<tr>
<td></td>
<td>Pistol Pete’s, Inc. T/A Pistol Pete’s Ocean &amp; Chelsea Aves. Long Branch</td>
<td>09-01-94</td>
<td>Bar/Restaurant</td>
<td>Reopened 09-06-94</td>
</tr>
<tr>
<td>Morris</td>
<td>Peter’s Boathouse 26 Nolans Point Park Rd. Lake Hopatcong</td>
<td>09-14-94</td>
<td>Bar</td>
<td>Reopened 09-15-94</td>
</tr>
<tr>
<td>Ocean</td>
<td>Karla Callahan T/A Pet Pantry County Line &amp; New Prospect Rds. Jackson</td>
<td>09-14-94</td>
<td>Pet Store</td>
<td>Closed</td>
</tr>
<tr>
<td>Passaic</td>
<td>Dahab Corporation T/A Hewitt House 736 Warwick Tpk. Hewitt</td>
<td>09-08-94</td>
<td>Restaurant/Bar</td>
<td>Released to owner 09-27-94</td>
</tr>
</tbody>
</table>
Where a municipality’s average ratio is below the county percentage level and a subject property’s ratio of assessed to true value exceeds the county percentage level, the property’s taxable value shall be revised by applying the average ratio to its true value.

Where both the municipality’s average ratio and the subject property’s ratio of assessed to true value exceed the county percentage level, the property’s taxable value shall be revised by applying the county percentage level to its true value.

The Court rejected the taxpayers’ contention that the property be valued as vacant land based on their own appraiser’s opinion that the highest and best use of the property was its existing use as a single family dwelling. To value the property as vacant ground, it would have to be proved that the land alone was worth more than the land and building together. To the contrary, when attempting to support his value estimate of $360,000 for the entire subject property, the taxpayers’ appraiser used an unadjusted comparable sale for $360,000 where the improvements had been demolished, saying in effect that the subject property’s improvements were valueless. The vacant lot use was also contradicted by the facts that the taxpayers occupied the property as a second home, maintained it in good condition, did not intend to sell it nor demolish it and rebuild within the new boundary line. In addition, the municipal assessor determined the land value of the property to be $350,000, very close to the taxpayers’ appraiser’s estimate for the entire property using a vacant land sale as a measure. The Court concurred with assessor and affirmed the fair market value of the entire property at $415,000.

However, the Court then went on to disagree with the assessor’s taxable value or assessed valuation of the property stating that he had misconstrued both Chapter 123 statutes and prior case law. The purpose of the Chapter is to ensure that a property’s assessment be equal to or less than its fair market value, but not greater. Even though, as the assessor had indicated, the ratio of assessment to fair market value was within the common level range at 102.41%, it exceeded the county percentage level of 100%. Since the municipality’s average ratio of 97.23% was below the 100% county percentage level, the property’s assessment was revised downward to $403,500 by multiplying the fair market value, $415,000, by the average ratio, 97.23%. The Court further held that the assessor should not deal with the mathematics of Chapter 123, except when calculating the effective tax rate for factoring a capitalization rate in the income approach to value or when advancing a superior ratio. It was the Court’s province to apply Chapter 123 for purposes of discrimination appeals.

Sales and Use Tax
Responsible Party Personally Liable for Tax – Harry Skaperdas/George Skaperdas, and Barry Birkenholtz v. Director, Division of

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The Tax Court heard an appeal from a determination of the Director, Division of Taxation, finding each of three plaintiffs personally liable for unpaid sales and use tax. It was held that performing supervisory functions, reserving and exercising signatory authority, and receiving substantial benefits made two of the officers personally liable for tax under N.J.S.A. 54:32B-2(w) and N.J.S.A. 54:32B-14 of the Sales and Use Tax Act. However, the third officer was not subject to personal liability for the collection and payment of sales tax based on his limited participation in corporate affairs and receipt of only nominal corporate benefits.

Urban Enterprise Zone Promotional Items and Employee Incentives – Fedway Associates, Inc. v. Director, Division of Taxation, Tax Court, Docket No. 16-02-10134-91ST; decided June 1, 1994.

The Tax Court held that a beverage distributor, holding an “Urban Enterprise Exempt Purchase Permit” in accordance with the Urban Enterprise Zone Act, N.J.S.A. 52:31B-1 et seq., is subject to use tax pursuant to the Sales and Use Tax Act (N.J.S.A. 54:32B-6) on goods purchased as either compensation for its salespersons or as promotional items. To be exempt from tax, goods must be exclusively used or consumed within the enterprise zone. Promotional items are not exclusively consumed until they are used by the salesperson to promote the company’s products. Compensation items, though consumed within the enterprise zone when distributed to salespersons, are not exclusively consumed because they retain economic utility to the recipient to use outside the enterprise zone.

In Our Legislature

Gross Income Tax

New Partnership Return — P.L. 1994, c.117 (signed into law on October 12, 1994) revises the partnership reporting requirement under the Gross Income Tax Act. This act requires a New Jersey Partnership Return for taxable years ending on and after December 31, 1994. Each partnership is also required to furnish each person who is a partner or holds an interest as a nominee with an information return as prescribed by the Director. This bill is effective immediately.
### February

#### February 10

| CWIP-1 | Cigarette Tax—Informational report by wholesalers |
| CWIP-2 | Cigarette Tax—Informational report by wholesalers |

#### February 15

| CBT-100 | Corporation Business Tax—Annual return for accounting period ending October 31 |
| CBT-150 | Corporation Business Tax—Installment payment of estimated tax for 4th, 6th, 9th or 12th month of current tax year |

#### February 15 - continued

| GA-1D | Motor Fuels Tax—Distributor’s monthly report of gallons of fuel sold or used |
| GA-1J | Motor Fuels Tax—Jobber's monthly report of gallons of fuel sold or used |
| MFT-10 | Motor Fuels Tax—Monthly report by seller-user of special fuels for sales and/or use in the previous month |
| SCC-5 | Spill Compensation and Control Tax—Monthly return |
| ST-21 | New Jersey/New York Combined State Sales and Use Tax—Monthly return |

#### February 21

| CR-1 & CNR-1 | Cigarette Tax—Monthly report of cigarettes sold or used by distributors, manufacturers, representatives and consumers |
| GA-1D | Motor Fuels Tax—Distributor’s monthly report of gallons of fuel sold or used |
| GA-1J | Motor Fuels Tax—Jobber's monthly report of gallons of fuel sold or used |
| MFT-10 | Motor Fuels Tax—Monthly report by seller-user of special fuels for sales and/or use in the previous month |
| ST-21 | New Jersey/New York Combined State Sales and Use Tax—Monthly return |

### March

#### March 10

| CWIP-1 | Cigarette Tax—Informational report by wholesalers |
| CWIP-2 | Cigarette Tax—Informational report by wholesalers |

#### March 15

| CBT-100 | Corporation Business Tax—Annual return for accounting period ending November 30 |
| CBT-150 | Corporation Business Tax—Installment payment of estimated tax for 4th, 6th, 9th or 12th month of current tax year |

#### March 15 - continued

| NJ-500 | Gross Income Tax—Employer’s semi-monthly and monthly returns |
| GA-1D | Motor Fuels Tax—Distributor’s monthly report of gallons of fuel sold or used |
| GA-1J | Motor Fuels Tax—Jobber's monthly report of gallons of fuel sold or used |
| MFT-10 | Motor Fuels Tax—Monthly report by seller-user of special fuels for sales and/or use in the previous month |
| SCC-5 | Spill Compensation and Control Tax—Monthly return |
| ST-21 | New Jersey/New York Combined State Sales and Use Tax—Monthly return |

#### March 20

| CR-1 & CNR-1 | Cigarette Tax—Monthly report of cigarettes sold or used by distributors, manufacturers, representatives and consumers |
| GA-1D | Motor Fuels Tax—Distributor’s monthly report of gallons of fuel sold or used |
| GA-1J | Motor Fuels Tax—Jobber's monthly report of gallons of fuel sold or used |
| MFT-10 | Motor Fuels Tax—Monthly report by seller-user of special fuels for sales and/or use in the previous month |
| SCC-5 | Spill Compensation and Control Tax—Monthly return |
| ST-21 | New Jersey/New York Combined State Sales and Use Tax—Monthly return |

#### March 20 - continued

| NJ-500 | Gross Income Tax—Employer’s semi-monthly and monthly returns |
| ST-51 | Sales and Use Tax—Monthly return |
| ST-250 | Combined Atlantic City Luxury Tax/State Sales Tax—Monthly return |
| ST-350 | Cape May County Tourism Sales Tax—Monthly return |
| ST-451 | Sales and Use Tax—City of Salem County—Monthly return |
| TP-20 | Tobacco Products Wholesale Sales and Use Tax—Monthly return |
| UZ-50 | Combined State Sales Tax/Urban Enterprise Zone Sales Tax—Monthly return |

#### March 27

| PPT-41 | Petroleum Products Gross Receipts Tax—Monthly return |

#### March 28

| NJ-500 | Gross Income Tax—Employer’s semi-monthly return |

#### March 30

| NJ-500 | Gross Income Tax—Employer’s semi-monthly return |
from the director’s desk

New for 1994 Filing Season

Gross Income Tax Changes

- In addition to tax rate schedules, the 1994 New Jersey income tax instruction booklets for Forms NJ-1040, NJ-1040NR and NJ-1041 will include Tax Tables similar in design to the Federal income tax tables.
- A line for Net Pro Rata Share of S Corporation Income has been added to forms NJ-1040, NJ-1040NR and NJ-1041. Line numbers will change after the insertion of the net pro rata share line.
- A reminder that the minimum income threshold for Gross Income Tax was raised in 1994 from $3,000 to $7,500 for individuals filing as single, head of household, qualifying widow(er) or married, filing joint return, and estates and trusts (and from $1,500 to $3,750 for individuals filing as married, filing separate return). See State Tax News, Volume 23, Number 2, page 1, for more information.

New Forms

- A new business allocation form, Form NJ-NR-A, is available for this tax season. It replaces Forms NJ-1041-A and NJ-1040NR-A.
- Form NJ-1065, New Jersey Partnership Return, is now available for filing by every partnership or limited liability company that has income from New Jersey sources or a partner who is a New Jersey resident, for taxable years ending on or after December 31, 1994.
- Form CBT-100S, New Jersey S Corporation Tax Return, is now available for filing by eligible S corporations.
- A new Application for Registration (Form REG-1) and instructions are available. The registration packet (REG-P) includes new forms such as applications for cigarette and motor fuel licenses and a New Jersey S Corporation Election form.