

# STATE OF NEW YORK

---

S. 6409--A

A. 9009--A

## SENATE - ASSEMBLY

January 14, 2016

---

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law and the tax law, in relation to transitioning the school tax relief (STAR) exemption into a personal income tax credit, and to repeal subdivision 5 of section 520 of the real property tax law relating thereto (Part A); to amend the real property tax law, in relation to the maximum amount of tax savings allowable under the STAR program (Part B); to amend the real property tax law in relation to making the income verification program mandatory (Part C); to amend the real property tax law, in relation to allowing applications for exemptions to be filed after the taxable status date in certain cases (Part D); to amend the tax law and the administrative code of the city of New York, in relation to establishing a new school tax reduction credit for residents of a city with a population over one million (Part E); to amend the real property tax law, in relation to authorizing the commissioner of taxation and finance to make direct payments of STAR tax savings to property owners in certain cases (Part F); to amend the tax law, in relation to making permanent, provisions relating to mandatory electronic filing of tax documents, improving sales tax compliance and updating tax preparer penalties; to amend chapter 61 of the laws of 2011, amending the real property tax law and other laws relating to establishing standards for electronic tax administration, in relation to the effectiveness thereof; and to repeal certain provisions of the tax law and the administrative code of the city of New York relating thereto (Part G); to amend the public housing law, in relation to extending the credit against income tax for persons or entities investing in low-income housing (Part H); to amend the tax law, in relation to extending the hire a veteran credit for an additional two years (Part I); to amend

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD12674-02-6



the tax law, in relation to extending the empire state commercial production tax credit (Part J); to amend chapter 604 of the laws of 2011, amending the tax law relating to the credit for companies who provide transportation to people with disabilities, in relation to extending the expiration of such provision (Part K); to amend part I of chapter 58 of the laws of 2006, amending the tax law relating to providing an enhanced earned income tax credit, in relation to making the enhanced earned income tax credit permanent (Part L); to amend part N of chapter 61 of the laws of 2005 amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to permanently extending the disclosure and penalty provisions for transactions that present the potential for tax avoidance (Part M); to amend the tax law, in relation to extending the clean heating fuel credit for three years and updating the credit to reflect new minimum biodiesel fuel thresholds (Part N); to amend the economic development law and the tax law, in relation to extending the excelsior jobs program for five years (Part O); to amend the tax law and the administrative code of the City of New York in relation to making corrections to the corporate tax reform provisions (Part P); to amend the tax law and the administrative code of the city of New York, in relation to the time for filing reports (Part Q); to amend the tax law and the administrative code of the city of New York, in relation to the business income base rate and expanding the small business subtraction modification (Part R); to amend the education law and the tax law, in relation to enacting the "parental choice in education act" (Part S); to amend the tax law, in relation to establishing a tax credit for New York state thruway tolls (Part T); to amend chapter 109 of the laws of 2006 amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, in relation to extending the alternative fuels tax exemptions for five years (Part U); to amend the tax law, in relation to exempting from alcoholic beverage tax certain alcoholic beverages furnished at no charge by certain licensees to customers or prospective customers at a tasting held in accordance with the alcoholic beverage control law, and to expand the beer production credit to include wine, liquor and cider (Part V); to amend the tax law, in relation to authorizing jeopardy assessments on cigarette and tobacco product taxes assessed under article 20 thereof (Part W); to amend the tax law and the administrative code of the city of New York, in relation to allowing room remarketers to purchase occupancies from hotel operators exempt from sales tax under certain circumstances (Part X); to amend the tax law, in relation to charitable contributions and charitable activities being considered in determining domicile for estate tax purposes (Part Y); to amend the state finance law, in relation to creating the aviation purpose account and ensuring that the funds deposited in the aviation purpose account are used for airport improvement projects; to amend the tax law, in relation to provide for the distribution of revenues under section 301-e of such law; to exempt sales of fuel sold for use in commercial aircraft and general aviation aircraft from the prepayment of sales tax imposed pursuant to the authority of section 1102(a) (1) (ii) of such law; and to exclude sales of fuel sold for use in commercial aircraft and general aviation aircraft from the operation of sales and use taxes imposed pursuant to the authority of section 1210(a) of such law (Part Z); to amend the racing, pari-mutuel wagering and breeding law, in relation to equine lab testing provider



restrictions removal (Part AA); to amend the racing, pari-mutuel wagering and breeding law and the tax law, in relation to reducing purse amounts paid from the VLT program and to increasing racing regulatory fee (Part BB); to amend the racing, pari-mutuel wagering and breeding law, in relation to the timing of harness track reimbursements and other technical amendments (Part CC); to amend the tax law, in relation to the payment of vendors' fees (Part DD); to amend the tax law, in relation to vendor fees at vendor tracks (Part EE); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provision thereof; and to amend the racing, pari-mutuel and breeding law, in relation to extending certain provisions thereof (Part FF); to amend the tax law, in relation to capital awards to vendor tracks (Part GG); and to amend the state finance law, in relation to allocations from the commercial gaming revenue fund; to amend the tax law, in relation to commissions payable to certain vendor racetracks (Part HH); to amend the tax law, in relation to further clarifying disclosure procedures regarding medical marihuana (Part II); to amend the real property tax law, in relation to STAR recoupment program (Part JJ); and to amend the tax law and the state finance law, in relation to the fees associated with a certificate of registration and decal imposed by article 21 of the tax law for certain vehicles operating on public highways in New York state (Part KK)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation  
 2 which are necessary to implement the state fiscal plan for the 2016-2017  
 3 state fiscal year. Each component is wholly contained within a Part  
 4 identified as Parts A through KK. The effective date for each particular  
 5 provision contained within such Part is set forth in the last section of  
 6 such Part. Any provision in any section contained within a Part, includ-  
 7 ing the effective date of the Part, which makes a reference to a section  
 8 "of this act", when used in connection with that particular component,  
 9 shall be deemed to mean and refer to the corresponding section of the  
 10 Part in which it is found. Section three of this act sets forth the  
 11 general effective date of this act.

12 PART A

13 Section 1. Paragraph (a) of subdivision 6 of section 425 of the real  
 14 property tax law, as amended by chapter 6 of the laws of 2010, and as  
 15 further amended by subdivision (b) of section 1 of part W of chapter 56  
 16 of the laws of 2010, is amended to read as follows:

17 (a) Generally. All owners of the property who primarily reside thereon  
 18 and who are not subject to the provisions of subdivision sixteen of this

1 section must jointly file an application for exemption with the assessor  
2 on or before the appropriate taxable status date. Such application may  
3 be filed by mail if it is enclosed in a postpaid envelope properly  
4 addressed to the appropriate assessor, deposited in a post office or  
5 official depository under the exclusive care of the United States postal  
6 service, and postmarked by the United States postal service on or before  
7 the applicable taxable status date. Each such application shall be made  
8 on a form prescribed by the commissioner, which shall require the appli-  
9 cant or applicants to agree to notify the assessor if their primary  
10 residence changes while their property is receiving the exemption. The  
11 assessor may request that proof of residency be submitted with the  
12 application. If the applicant requests a receipt from the assessor as  
13 proof of submission of the application, the assessor shall provide such  
14 receipt. If such request is made by other than personal request, the  
15 applicant shall provide the assessor with a self-addressed postpaid  
16 envelope in which to mail the receipt.

17 § 2. Section 425 of the real property tax law is amended by adding a  
18 new subdivision 16 to read as follows:

19 16. Transition to personal income tax credit. (a) Beginning with  
20 assessment rolls used to levy school district taxes for the two thousand  
21 sixteen--two thousand seventeen school year, no application for an  
22 exemption under this section may be filed or approved unless at least  
23 one of the applicants held title to the property on the taxable status  
24 date of the assessment roll that was used to levy school district taxes  
25 for the two thousand fifteen--two thousand sixteen school year and the  
26 property was granted an exemption pursuant to this section on that  
27 assessment roll. In the event that an application is submitted to the  
28 assessor that cannot be approved due to this restriction, the assessor  
29 shall notify the applicant that he or she is required by law to deny the  
30 application, but that, in lieu of a STAR exemption, the applicant may  
31 claim the personal income tax credit authorized by subsection (eee) of  
32 section six hundred six of the tax law if eligible, and that the appli-  
33 cant may contact the department of taxation and finance for further  
34 information. The commissioner shall provide a form for assessors to  
35 use, at their option, when making this notification. No STAR exemption  
36 may be granted on the basis of an application that is not approvable due  
37 to this restriction.

38 (b) If the owners of a parcel that is receiving the STAR exemption  
39 authorized by this section want to claim the personal income tax credit  
40 authorized by subsection (eee) of section six hundred six of the tax law  
41 in lieu of such exemption, they all must renounce that exemption in the  
42 manner provided by section four hundred ninety-six of this chapter, and  
43 must pay any required taxes, interest and penalties, on or before Decem-  
44 ber thirty-first of the taxable year for which they want to claim the  
45 credit. Any such renunciation shall be irrevocable.

46 (c) The provisions of this subdivision shall apply to all applications  
47 for STAR exemptions beginning with assessment rolls used to levy school  
48 district taxes for the two thousand sixteen--two thousand seventeen  
49 school year, including those submitted prior to the effective date of  
50 this subdivision. If any application was approved prior to the effective  
51 date of this subdivision that is not approvable hereunder, such approval  
52 shall be deemed void, and the assessor shall provide the applicant with  
53 the notice required by paragraph (a) of this subdivision.

54 § 3. Subdivision 2 of section 496 of the real property tax law, as  
55 added by section 3 of part N of chapter 58 of the laws of 2011, is  
56 amended to read as follows:

1 2. An application to renounce an exemption shall be made on a form  
2 prescribed by the commissioner and shall be filed with the county direc-  
3 tor of real property tax services no later than ten years after the levy  
4 of taxes upon the assessment roll on which the renounced exemption  
5 appears. The county director, after consulting with the assessor as  
6 appropriate, shall compute the total amount owed on account of the  
7 renounced exemption as follows:

8 (a) For each assessment roll on which the renounced exemption appears,  
9 the assessed value that was exempted shall be multiplied by the tax rate  
10 or rates that were applied to that assessment roll. Interest shall then  
11 be added to each such product at the rate prescribed by section nine  
12 hundred twenty-four-a of this chapter or such other law as may be appli-  
13 cable for each month or portion thereon since the levy of taxes upon  
14 such assessment roll.

15 (b) The sum of the calculations made pursuant to paragraph (a) of this  
16 subdivision with respect to all of the assessment rolls in question  
17 shall be determined.

18 (c) A processing fee of five hundred dollars shall be added to the sum  
19 determined pursuant to paragraph (b) of this subdivision, unless the  
20 provisions of paragraph (d) of this subdivision are applicable.

21 (d) If the applicant is renouncing a STAR exemption in order to quali-  
22 fy for the personal income tax credit authorized by subsection (eee) of  
23 section six hundred six of the tax law, and no other exemptions are  
24 being renounced on the same application, no processing fee shall be  
25 applicable.

26 § 4. Subdivision 3 of section 520 of the real property tax law, as  
27 added by chapter 635 of the laws of 1978, is amended to read as follows:

28 3. For purposes of any fiscal year or years during which title to such  
29 property is transferred, such property shall be deemed to have been  
30 omitted and the assessed value thereof shall be entered on the assess-  
31 ment roll to be used for the next tax levy by or for each municipal  
32 corporation in which such property is located in the same manner as  
33 provided by title three of article five of this chapter with respect to  
34 a parcel omitted from the assessment roll of the previous year. A pro  
35 rata tax shall be extended against the property for the unexpired  
36 portion of each fiscal year. Such real property shall be taxed at the  
37 tax rate or tax rates for the fiscal year during which the transfer  
38 occurred. The amount of tax or taxes levied pursuant to this subdivi-  
39 sion shall be deducted from the aggregate amount of taxes to be levied  
40 for the fiscal year immediately succeeding the fiscal year during which  
41 the transfer occurred; provided, however, that where the property is  
42 receiving a school tax relief (STAR) exemption authorized by section  
43 four hundred twenty-five of this chapter, the portion of the tax or  
44 taxes levied that equals the recovered STAR tax savings shall be applied  
45 to reduce the amount of aid payable to the school district under subdi-  
46 vision three of section thirteen hundred six-a of this chapter.

47 § 5. Subdivision 5 of section 520 of the real property tax law is  
48 REPEALED.

49 § 6. Section 606 of the tax law is amended by adding a new subsection  
50 (eee) to read as follows:

51 (eee) School tax relief (STAR) credit. (1) Definitions. For purposes  
52 of this subsection:

53 (A) "Qualified taxpayer" means a resident individual of the state, who  
54 maintained his or her primary residence in this state on December thir-  
55 ty-first of the taxable year, who was an owner of that property on that  
56 date, who cannot receive the STAR exemption on that property either



1 because (i) he or she is precluded from filing an application for the  
2 STAR exemption on that property pursuant to paragraph (a) of subdivision  
3 sixteen of section four hundred twenty-five of the real property tax  
4 law, or because (ii) he or she has irrevocably renounced his or her  
5 claim to such exemption in conjunction with all other owners pursuant to  
6 paragraph (b) of such subdivision, and who is required or chooses to  
7 file a return under this article.

8 (B) "Affiliated income" shall mean the combined income of all of the  
9 owners of the parcel who resided primarily thereon as of December thir-  
10 ty-first of the taxable year, and of any owners' spouses residing prima-  
11 rially thereon as of such date; provided that the income to be so combined  
12 shall be the "adjusted gross income" for the taxable year as reported  
13 for federal income tax purposes, or that would be reported as adjusted  
14 gross income if a federal income tax return were required to be filed,  
15 reduced by distributions, to the extent included in federal adjusted  
16 gross income, received from an individual retirement account and an  
17 individual retirement annuity.

18 (C) "Associated fiscal year" means the school district fiscal year  
19 that began on July first of the taxable year or, in the case of a city  
20 school district that is subject to article fifty-two of the education  
21 law, the city fiscal year that began on July first of the taxable year.

22 (D) "Owner" means:

23 (i) a person who owns a parcel in fee simple absolute or as a tenant  
24 in common, a joint tenant or a tenant by the entirety,

25 (ii) an owner of a present interest in a parcel under a life estate,

26 (iii) a vendee in possession under an installment contract of sale,

27 (iv) a beneficial owner under a trust,

28 (v) a tenant-stockholder of a cooperative apartment corporation who  
29 resides in a portion of real property owned by such cooperative apart-  
30 ment corporation, to the extent represented by his or her share or  
31 shares of stock in such corporation as determined by its or their  
32 proportional relationship to the total outstanding stock of the corpo-  
33 ration, including that owned by the corporation,

34 (vi) a resident of a farm dwelling that is owned either by a corpo-  
35 ration of which the resident is a shareholder, a partnership of which  
36 the resident is a partner, or by a limited liability company of which  
37 the resident is an owner, or

38 (vii) a resident of a dwelling, other than a farm dwelling, that is  
39 owned by a limited partnership of which the resident is a partner,  
40 provided that the limited partnership that holds title to the property  
41 does not engage in any commercial activity, that the limited partnership  
42 was lawfully created to hold title solely for estate planning and asset  
43 protection purposes, and that the partner or partners who primarily  
44 reside thereon personally pay all of the real property taxes and other  
45 costs associated with the property's ownership.

46 (E) "Qualifying taxes" means the school district taxes that were  
47 levied upon the taxpayer's primary residence for the associated fiscal  
48 year that were actually paid by the taxpayer during the taxable year;  
49 or, in the case of a city school district that is subject to article  
50 fifty-two of the education law, the combined city and school district  
51 taxes that were levied upon the taxpayer's primary residence for the  
52 associated fiscal year that were actually paid by the taxpayer during  
53 the taxable year. In no case shall the term "qualifying taxes" be  
54 construed to include penalties or interest.



1 (F) "STAR exemption" means the school tax relief (STAR) exemption  
2 authorized by section four hundred twenty-five of the real property tax  
3 law.

4 (G) "STAR tax savings" means the tax saving attributable to the STAR  
5 exemption within a portion of a school district, as determined by the  
6 commissioner pursuant to subdivision two of section thirteen hundred  
7 six-a of the real property tax law.

8 (H) "STAR tax savings figure" means the average of the STAR tax  
9 savings in the various portions of a school district in the associated  
10 fiscal year, as determined by the commissioner. Two STAR tax savings  
11 figures shall be determined for each school district, one relating to  
12 the basic STAR exemption, and the other relating to the enhanced STAR  
13 exemption.

14 (2) Allowance of credit. A qualified taxpayer shall be allowed a cred-  
15 it as provided in paragraph three or four of this subsection, whichever  
16 is applicable, against the taxes imposed by this article reduced by the  
17 credits permitted by this article, provided that the requirements set  
18 forth in the applicable subsection are satisfied. If the credit exceeds  
19 the tax as so reduced for such year under this article, the excess shall  
20 be treated as an overpayment, to be credited or refunded, without inter-  
21 est. If a qualified taxpayer is not required to file a return pursuant  
22 to section six hundred fifty-one of this article, a qualified taxpayer  
23 may nevertheless receive the full amount of the credit to be credited or  
24 repaid as an overpayment, without interest.

25 (3) Determination of basic STAR credit. (A) Beginning with taxable  
26 years after two thousand fifteen, a basic STAR credit shall be available  
27 to a qualified taxpayer if the affiliated income of the parcel that  
28 serves as the taxpayer's primary residence is less than or equal to five  
29 hundred thousand dollars.

30 (B) Subject to the provisions of subparagraph (C) of this paragraph,  
31 such basic STAR credit shall be the lesser of:

- 32 (i) the basic STAR tax savings figure for the school district, or  
33 (ii) the taxpayer's qualifying taxes.

34 (C) If the qualifying taxes paid by the taxpayer constituted only a  
35 portion of the total school district taxes that were levied upon the  
36 taxpayer's primary residence for the associated fiscal year or, in the  
37 case of a city school district that is subject to article fifty-two of  
38 the education law, if the qualifying taxes paid by the taxpayer consti-  
39 tuted only a portion of the total combined city and school district  
40 taxes that were levied upon the taxpayer's primary residence for the  
41 associated fiscal year, the credit allowable to such taxpayer shall be  
42 equal to the amount determined pursuant to subparagraph (B) of this  
43 paragraph multiplied by the percentage that such portion represents.

44 (4) Determination of enhanced STAR credit. (A) Beginning with taxable  
45 years after two thousand fifteen, an enhanced STAR credit shall be  
46 available to a qualified taxpayer where both of the following conditions  
47 are satisfied:

48 (i) All of the owners of the parcel that serves as the taxpayer's  
49 primary residence are at least sixty-five years of age as of December  
50 thirty-first of the taxable year or, in the case of property owned by a  
51 married couple or by siblings, at least one of the owners is at least  
52 sixty-five years of age as of that date. The terms "siblings" as used  
53 herein shall have the same meaning as set forth in section four hundred  
54 sixty-seven of the real property tax law. In the case of property owned  
55 by a married couple, one of whom is sixty-five years of age or over, the  
56 credit, once allowed, shall not be disallowed because of the death of



1 the older spouse so long as the surviving spouse is at least sixty-two  
2 years of age as of December thirty-first of the taxable year.

3 (ii) The affiliated income of the parcel that serves as the taxpayer's  
4 primary residence is less than or equal to the income standard for the  
5 taxable year established by the commissioner for the corresponding  
6 "income tax year" pursuant to clause (C) of subparagraph (i) of para-  
7 graph (b) of subdivision four of section four hundred twenty-five of the  
8 real property tax law for purposes of the enhanced STAR exemption.

9 (B) Subject to the provisions of subparagraph (C) of this paragraph,  
10 such credit shall be the lesser of:

11 (i) the enhanced STAR tax savings figure for the school district, or

12 (ii) the taxpayer's qualifying taxes.

13 (C) If the qualifying taxes paid by the taxpayer constituted only a  
14 portion of the total school district taxes that were levied upon the  
15 taxpayer's primary residence for the associated fiscal year or, in the  
16 case of a city school district that is subject to article fifty-two of  
17 the education law, if the qualifying taxes paid by the taxpayer consti-  
18 tuted only a portion of the total combined city and school district  
19 taxes that were levied upon the taxpayer's primary residence for the  
20 associated fiscal year, the credit allowable to such taxpayer shall be  
21 equal to the amount determined pursuant to subparagraph (B) of this  
22 paragraph multiplied by the percentage that such portion represents.

23 (5) Disqualification. A taxpayer shall not qualify for the credit  
24 authorized by this subsection if the parcel that serves as the taxpay-  
25 er's primary residence received the STAR exemption on the assessment  
26 roll upon which school district taxes for the associated fiscal year  
27 where levied. Provided, however, that the taxpayer may remove this  
28 disqualification by renouncing the exemption and making any required  
29 payments by December thirty-first of the taxable year, as provided by  
30 subdivision sixteen of section four hundred twenty-five of the real  
31 property tax law.

32 (6) Special cases. (A) In the case of property consisting of a cooper-  
33 ative apartment corporation that is described by paragraph (k) of subdi-  
34 vision two of section four hundred twenty-five of the real property tax  
35 law, the amount of the credit allowable with respect to a cooperative  
36 apartment shall be equal to sixty percent of the basic STAR tax savings  
37 figure for the school district, or sixty percent of the enhanced STAR  
38 tax savings figure for the school district, whichever is applicable.  
39 Provided, however, that in the case of a cooperative apartment corpo-  
40 ration that is described by subparagraph (iv) of paragraph (k) of subdi-  
41 vision two of section four hundred twenty-five of the real property tax  
42 law, the credit allowable with respect to a cooperative apartment shall  
43 be equal to twenty percent of such figure.

44 (B) In the case of property consisting of a mobile home that is  
45 described in paragraph (1) of subdivision two of section four hundred  
46 twenty-five of the real property tax law, the amount of the credit  
47 allowable with respect to such mobile home shall be equal to twenty-five  
48 percent of the basic STAR tax savings figure for the school district,  
49 or twenty-five percent of the enhanced STAR tax savings figure for the  
50 school district, whichever is applicable.

51 (C) In the case of a primary residence that is located in two or more  
52 school districts, the applicable basic or enhanced STAR tax savings  
53 figure shall be determined as follows:

54 (i) determine the sum of the total school district taxes that were  
55 levied upon the taxpayer's primary residence for the associated fiscal  
56 year by each of the school districts in which the residence is located;



1 (ii) for each such school district, divide the total school district  
2 taxes that were levied upon the taxpayer's primary residence by that  
3 school district for the associated fiscal year by the sum determined in  
4 clause (i) of this subparagraph. Express the result as a percentage with  
5 two decimal places;

6 (iii) for each such school district, multiply the percentage deter-  
7 mined in clause (ii) of this subparagraph by the basic or enhanced STAR  
8 tax savings figure, whichever is applicable; and

9 (iv) add the products determined in clause (iii) of this subparagraph.

10 (7) Disclosure of incomes. Where the commissioner has denied a taxpay-  
11 er's claim for the credit authorized by this subsection in whole or in  
12 part on the grounds that the affiliated income of the parcel in question  
13 exceeds the applicable limit, the commissioner shall have the authority  
14 to reveal to that taxpayer the names and incomes of the other taxpayers  
15 whose incomes were included in the computation of such affiliated  
16 income.

17 (8) Proof of claim. The commissioner may require a qualified taxpayer  
18 to furnish the following information in support of his or her claim for  
19 credit under this subsection: affiliated income, the total school  
20 district taxes levied on the property for the associated fiscal year or,  
21 in the case of a city school district that is subject to article fifty-  
22 two of the education law, the total combined city and school district  
23 taxes levied on the property for the associated fiscal year, the quali-  
24 fying taxes paid by the taxpayer, the names and taxpayer identification  
25 numbers of all owners of the property and spouses who primarily reside  
26 on the property, the parcel identification number and all other informa-  
27 tion that may be required by the commissioner to determine the credit.

28 (9) Returns. If a qualified taxpayer is not required to file a return  
29 pursuant to section six hundred fifty-one of this article, a claim for a  
30 credit may be taken on a return filed with the commissioner within three  
31 years from the time it would have been required that a return be filed  
32 pursuant to such section had the qualified taxpayer had a taxable year  
33 ending on December thirty-first. Returns under this paragraph shall be  
34 in such form as shall be prescribed by the commissioner, who shall make  
35 available such forms and instructions for filing such returns.

36 (10) Administration. The provisions of this article, including the  
37 provisions of sections six hundred fifty-three, six hundred fifty-eight,  
38 and six hundred fifty-nine of this article and the provisions of part  
39 six of this article relating to procedure and administration, including  
40 the judicial review of the decisions of the commissioner, except so much  
41 of section six hundred eighty-seven of this article that permits a claim  
42 for credit or refund to be filed after the period provided for in para-  
43 graph nine of this subsection and except sections six hundred fifty-sev-  
44 en, six hundred eighty-eight and six hundred ninety-six of this article,  
45 shall apply to the provisions of this subsection in the same manner and  
46 with the same force and effect as if the language of those provisions  
47 had been incorporated in full into this subsection and had expressly  
48 referred to the credit allowed or returns filed under this subsection,  
49 except to the extent that any such provision is either inconsistent with  
50 a provision of this subsection or is not relevant to this subsection. As  
51 used in such sections and such part, the term "taxpayer" shall include a  
52 qualified taxpayer under this subsection and, notwithstanding the  
53 provisions of subsection (e) of section six hundred ninety-seven of this  
54 article, where a qualified taxpayer has protested the denial of a claim  
55 for credit under this subsection and the time to file a petition for  
56 redetermination of a deficiency or for refund has not expired, he or she



1 shall, subject to such conditions as may be set by the commissioner,  
2 receive such information (A) that is contained in any return filed under  
3 this article by a member of his or her household for the taxable year  
4 for which the credit is claimed, and (B) that the commissioner finds is  
5 relevant and material to the issue of whether such claim was properly  
6 denied.

7 (11) In the case of a taxpayer who has itemized deductions from feder-  
8 al adjusted gross income, and whose federal itemized deductions include  
9 an amount for real estate taxes paid, the New York itemized deduction  
10 otherwise allowable under section six hundred fifteen of this chapter  
11 shall be reduced by the amount of the credit claimed under this  
12 subsection.

13 § 7. The opening paragraph of subparagraph (a) of paragraph 2 of  
14 subsection (n-1) of section 606 of the tax law, as added by section 1 of  
15 subpart B of part C of chapter 20 of the laws of 2015, is amended to  
16 read as follows:

17 To be eligible for the credit, the taxpayer (or taxpayers filing joint  
18 returns) on the personal income tax return filed for the taxable year  
19 two years prior, must have (i) been a resident, (ii) owned and primarily  
20 resided in real property receiving either the STAR exemption authorized  
21 by section four hundred twenty-five of the real property tax law or the  
22 school tax relief credit authorized by subsection (eee) of this section,  
23 and (iii) had qualified gross income no greater than two hundred seven-  
24 ty-five thousand dollars. Provided, however, that no credit shall be  
25 allowed if any of the following apply:

26 § 8. This act shall take effect immediately, provided, however, that  
27 sections six and seven of this act shall apply to taxable years begin-  
28 ning on or after January 1, 2016.

29

PART B

30 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of  
31 section 1306-a of the real property tax law, as amended by section 6 of  
32 part N of chapter 58 of the laws of 2011, is amended to read as follows:

33 (i) The tax savings for each parcel receiving the exemption authorized  
34 by section four hundred twenty-five of this chapter shall be computed by  
35 subtracting the amount actually levied against the parcel from the  
36 amount that would have been levied if not for the exemption, provided  
37 however, that [beginning with] for the two thousand eleven-two thousand  
38 twelve through two thousand fifteen-two thousand sixteen school [year]  
39 years, the tax savings applicable to any "portion" (which as used herein  
40 shall mean that part of an assessing unit located within a school  
41 district) shall not exceed the tax savings applicable to that portion in  
42 the prior school year multiplied by one hundred two percent, with the  
43 result rounded to the nearest dollar; and provided further that begin-  
44 ning with the two thousand sixteen-two thousand seventeen school year,  
45 the tax savings applicable to any portion shall not exceed the tax  
46 savings for the prior year. The tax savings attributable to the basic  
47 and enhanced exemptions shall be calculated separately. It shall be the  
48 responsibility of the commissioner to calculate tax savings limitations  
49 for purposes of this subdivision.

50 § 2. This act shall take effect immediately.

51

PART C

1 Section 1. Subparagraphs (iv), (v) and (vi) of paragraph (b) of subdi-  
2 vision 4 of section 425 of the real property tax law, subparagraph (iv)  
3 as amended by chapter 451 of the laws of 2015, subparagraph (v) as  
4 amended by section 10 of part W of chapter 56 of the laws of 2010,  
5 subparagraph (vi) as amended by section 3 of part (E) of chapter 83 of  
6 the laws of 2002, and clause (E) of subparagraph (vi) as further amended  
7 by section 1 of part W of chapter 56 of the laws of 2010, are amended to  
8 read as follows:

9 (iv) Effective with applications for the enhanced exemption on final  
10 assessment rolls to be completed in two thousand [three] seventeen, the  
11 application form shall indicate that the owners of the property and any  
12 owners' spouses residing on the premises [may] must enroll in the STAR  
13 income verification program administered by the department in order for  
14 the property to be eligible for an enhanced exemption pursuant to this  
15 subdivision. To enroll therein, they must authorize the assessor to have  
16 their income eligibility verified annually thereafter by the [state]  
17 department [of taxation and finance, in lieu of furnishing copies of the  
18 applicable income tax return or returns with the application. If the  
19 owners of the property and any owners' spouses residing on the premises  
20 elect to participate in this program, which shall be known as the STAR  
21 income verification program, they] and must furnish their taxpayer iden-  
22 tification numbers in order to facilitate matching with records of the  
23 department. Thereafter, their income eligibility shall be verified annu-  
24 ally by the department and the assessor shall not request income  
25 documentation from them, unless such department advises the assessor  
26 that they do not satisfy the applicable income eligibility requirements,  
27 or that it is unable to determine whether they satisfy those require-  
28 ments, or unless one or more of the owners or spouses in question were  
29 not required to file a New York income tax return for the applicable  
30 income tax year and did not do so. All applicants for the enhanced STAR  
31 exemption and all assessing units shall be required to participate in  
32 this program.

33 (v) (A) Except in the case of a city with a population of one million  
34 or more, the assessor shall forward to the department, in the time and  
35 manner required by the department, information identifying the persons  
36 [who have elected to participate in the STAR income verification  
37 program] who are enrolled in the STAR income verification program estab-  
38 lished by this paragraph. After receiving the department's response or  
39 responses, the assessing authority shall cause notices to be mailed to  
40 participants as provided by paragraph (b) of subdivision five of this  
41 section. Information provided to the department identifying such  
42 persons, and responses obtained from such department shall be confiden-  
43 tial and shall not be subject to disclosure under article six of the  
44 public officers law.

45 (B) In the case of a city of one million or more, the assessor shall  
46 forward to the department [of taxation and finance], in the time and  
47 manner required by the department, information identifying the persons  
48 [who have elected to participate in the STAR income verification  
49 program] who are enrolled in the STAR income verification program estab-  
50 lished by this paragraph. The department shall advise the assessor of  
51 its findings in the manner provided by the agreement executed pursuant  
52 to section one hundred seventy-one-o of the tax law. After receiving  
53 such response or responses, the assessing authority shall cause notices  
54 to be mailed to participants as provided by paragraph (b) of subdivision  
55 five of this section. Information provided to the department identifying  
56 such persons, and responses obtained from such department shall be



1 confidential and shall not be subject to disclosure under article six of  
2 the public officers law.

3 (vi) Notwithstanding the provisions of subparagraphs (iv) and (v) of  
4 this paragraph, which establish a STAR income verification program,  
5 income documentation must be submitted to the assessor in connection  
6 with each of the following:

7 (A) Initial applications for the enhanced STAR exemption;

8 (B) Renewal applications [submitted by a person or persons who have  
9 not elected to participate in the STAR income verification program]  
10 where one or more of the owners or spouses in question were not required  
11 to file a New York income tax return for the applicable income tax year  
12 and did not do so;

13 (C) Applications that would allow an enhanced exemption to resume  
14 after having been discontinued;

15 (D) Applications submitted by a person or persons who had previously  
16 qualified for the enhanced exemption but not in the assessing unit in  
17 question; and

18 (E) Applications with respect to which the department [of taxation and  
19 finance] has advised the assessor [through the commissioner] that it is  
20 unable to determine whether a participant or participants in the STAR  
21 income verification program satisfy the income eligibility requirements.

22 § 2. Paragraph (c) of subdivision 6 of section 425 of the real proper-  
23 ty tax law, as amended by chapter 570 of the laws of 1998, is amended to  
24 read as follows:

25 (c) Senior citizens exemption. When property is eligible for the  
26 senior citizens exemption authorized by section four hundred sixty-seven  
27 of this article, it shall also be deemed to be eligible for the enhanced  
28 exemption authorized by this section for certain senior citizens,  
29 provided, where applicable, that the age requirement established by a  
30 municipal corporation pursuant to subdivision five of section four  
31 hundred sixty-seven of this article is satisfied, and no separate appli-  
32 cation need be filed therefor. Provided however, that beginning with  
33 final assessment rolls completed in two thousand seventeen, such proper-  
34 ty shall not be eligible for such enhanced exemption unless the owners  
35 and any owners' spouses residing thereon have enrolled in the income  
36 verification program established by subdivision four of this section.

37 § 3. This act shall take effect immediately and shall apply to the  
38 administration of the enhanced STAR exemption authorized by subdivision  
39 4 of section 425 of the real property tax law beginning with final  
40 assessment rolls to be completed in 2017.

41 PART D

42 Section 1. Subdivision 6 of section 425 of the real property tax law  
43 is amended by adding a new paragraph (a-2) to read as follows:

44 (a-2) Notwithstanding any provision of law to the contrary, where a  
45 renewal application for the "enhanced" STAR exemption authorized by  
46 subdivision four of this section has not been filed on or before the  
47 taxable status date, and the owner believes that good cause existed for  
48 the failure to file the renewal application by that date, the owner may,  
49 no later than the last day for paying school taxes without incurring  
50 interest or penalty, submit a written request to the commissioner asking  
51 him or her to extend the filing deadline and grant the exemption. Such  
52 request shall contain an explanation of why the deadline was missed, and  
53 shall be accompanied by a renewal application, reflecting the facts and  
54 circumstances as they existed on the taxable status date. After consult-

1 ing with the assessor, the commissioner may extend the filing deadline  
 2 and grant the exemption if the commissioner is satisfied that (i) good  
 3 cause existed for the failure to file the renewal application by the  
 4 taxable status date, and that (ii) the applicant is otherwise entitled  
 5 to the exemption. The commissioner shall mail notice of his or her  
 6 determination to such owner and the assessor. If the determination  
 7 states that the commissioner has granted the exemption, the assessor  
 8 shall thereupon be authorized and directed to correct the assessment  
 9 roll accordingly, or, if another person has custody or control of the  
 10 assessment roll, to direct that person to make the appropriate  
 11 corrections. If the correction is not made before school taxes are  
 12 levied, the failure to take the exemption into account in the computa-  
 13 tion of the tax shall be deemed a "clerical error" for purposes of title  
 14 three of article five of this chapter, and shall be corrected accordin-  
 15 ly.

16 § 2. Section 467 of the real property tax law is amended by adding a  
 17 new subdivision 8-a to read as follows:

18 8-a. Notwithstanding any provision of law to the contrary, the local  
 19 governing body of a municipal corporation that is authorized to adopt a  
 20 local law pursuant to subdivision eight of this section is further  
 21 authorized to adopt a local law providing that where a renewal applica-  
 22 tion for the exemption authorized by this section has not been filed on  
 23 or before the taxable status date, and the owner believes that good  
 24 cause existed for the failure to file the renewal application by that  
 25 date, the owner may, no later than the last day for paying taxes without  
 26 incurring interest or penalty, submit a written request to the assessor  
 27 asking him or her to extend the filing deadline and grant the exemption.  
 28 Such request shall contain an explanation of why the deadline was  
 29 missed, and shall be accompanied by a renewal application, reflecting  
 30 the facts and circumstances as they existed on the taxable status date.  
 31 The assessor may extend the filing deadline and grant the exemption if  
 32 he or she is satisfied that (i) good cause existed for the failure to  
 33 file the renewal application by the taxable status date, and that (ii)  
 34 the applicant is otherwise entitled to the exemption. The assessor shall  
 35 mail notice of his or her determination to the owner. If the determi-  
 36 nation states that the assessor has granted the exemption, he or she  
 37 shall thereupon be authorized and directed to correct the assessment  
 38 roll accordingly, or, if another person has custody or control of the  
 39 assessment roll, to direct that person to make the appropriate  
 40 corrections. If the correction is not made before taxes are levied, the  
 41 failure to take the exemption into account in the computation of the tax  
 42 shall be deemed a "clerical error" for purposes of title three of arti-  
 43 cle five of this chapter, and shall be corrected accordingly.

44 § 3. This act shall take effect on the sixtieth day after it shall  
 45 have become a law.

46 PART E

47 Section 1. Section 606 of the tax law is amended by adding a new  
 48 subsection (eee) to read as follows:

49 (eee) School tax reduction credit for residents of a city with a popu-  
 50 lation over one million. (1) For taxable years beginning after two thou-  
 51 sand fifteen, a school tax reduction credit shall be allowed to a resi-  
 52 dent individual of the state who is a resident of a city with a  
 53 population over one million, as provided below. The credit shall be  
 54 allowed against the taxes authorized by this article reduced by the

1 credits permitted by this article. If the credit exceeds the tax as so  
 2 reduced, the excess shall be treated as an overpayment of tax to be  
 3 credited or refunded in accordance with the provisions of section six  
 4 hundred eighty-six of this article, provided however, that no interest  
 5 will be paid thereon. For purposes of this subsection, no credit shall  
 6 be granted to an individual with respect to whom a deduction under  
 7 subsection (c) of section one hundred fifty-one of the internal revenue  
 8 code is allowable to another taxpayer for the taxable year.

9 (2) The amount of the credit under this paragraph shall be determined  
 10 based upon the taxpayer's income as defined in subparagraph (ii) of  
 11 paragraph (b) of subdivision four of section four hundred twenty-five of  
 12 the real property tax law. For the purposes of this paragraph, any  
 13 taxpayer under subparagraphs (A) and (B) of this paragraph with income  
 14 of more than two hundred fifty thousand dollars shall not receive a  
 15 credit.

16 (A) Married individuals filing joint returns and surviving spouses. In  
 17 the case of married individuals who make a single return jointly and of  
 18 a surviving spouse, the credit shall be one hundred twenty-five dollars.

19 (B) All others. In the case of an unmarried individual, a head of a  
 20 household or a married individual filing a separate return, the credit  
 21 shall be sixty-two dollars and fifty cents.

22 (3) Part-year residents. If a taxpayer changes status during the taxa-  
 23 ble year from resident to nonresident, or from nonresident to resident,  
 24 the school tax reduction credit authorized by this subsection shall be  
 25 prorated according to the number of months in the period of residence.

26 § 2. Paragraphs 1 and 2 of subsection (e) of section 1310 of the tax  
 27 law, paragraph 1 as amended by section 3 of part A of chapter 56 of the  
 28 laws of 1998, paragraph 2 as amended by section 1 of part R of chapter  
 29 57 of the laws of 2008 and subparagraphs (A) and (B) of paragraph 2 as  
 30 amended by section 4 of part M of chapter 57 of the laws of 2009, are  
 31 amended to read as follows:

32 (1) For taxable years beginning after nineteen hundred ninety-seven,  
 33 and ending before two thousand sixteen, a state school tax reduction  
 34 credit shall be allowed as provided in the following tables. The credit  
 35 shall be allowed against the taxes authorized by this article reduced by  
 36 the credits permitted by this article. If the credit exceeds the tax as  
 37 so reduced, the taxpayer may receive, and the comptroller, subject to a  
 38 certificate of the commissioner, shall pay as an overpayment, without  
 39 interest, the amount of such excess. For purposes of this subsection, no  
 40 credit shall be granted to an individual with respect to whom a  
 41 deduction under subsection (c) of section one hundred fifty-one of the  
 42 internal revenue code is allowable to another taxpayer for the taxable  
 43 year.

44 (2) The amount of the credit under this paragraph shall be determined  
 45 based upon the taxpayer's income as defined in subparagraph (ii) of  
 46 paragraph (b) of subdivision four of section four hundred twenty-five of  
 47 the real property tax law. For the purposes of this paragraph, any  
 48 taxpayer under subparagraphs (A) and (B) of this paragraph with income  
 49 of more than two hundred fifty thousand dollars shall not receive a  
 50 credit.

51 Beginning in the two thousand ten tax year and each tax year thereaft-  
 52 er through two thousand fifteen, the "more than two hundred fifty thou-  
 53 sand dollar" income limitation shall be adjusted by applying the  
 54 inflation factor set forth herein, and rounding each result to the near-  
 55 est multiple of one hundred dollars. The department shall establish the  
 56 income limitation to be associated with each subsequent tax year by

1 applying the inflation factor set forth herein to the figures that  
 2 define the income limitation that were applicable to the preceding tax  
 3 year, as determined pursuant to this [subdivision] subsection, and  
 4 rounding each result to the nearest multiple of one hundred dollars.  
 5 Such determination shall be made no later than March first, two thousand  
 6 ten and each year thereafter.

7 [For purposes of this paragraph, the "inflation factor" shall be  
 8 determined in accordance with the provisions set forth in subdivision  
 9 fifteen of section one hundred seventy-eight of this chapter.]

10 (A) Married individuals filing joint returns and surviving spouses. In  
 11 the case of a husband and wife who make a single return jointly and of a  
 12 surviving spouse:

13	For taxable years beginning:	The credit shall be:
14	in 2001-2005	\$125
15	in 2006	\$230
16	in 2007-2008	\$290
17	in 2009 [and after]- <u>2015</u>	\$125

18 (B) All others. In the case of an unmarried individual, a head of a  
 19 household or a married individual filing a separate return:

20	For taxable years beginning:	The credit shall be:
21	in 2001-2005	\$62.50
22	in 2006	\$115
23	in 2007-2008	\$145
24	in 2009 [and after]- <u>2015</u>	\$62.50

25 § 3. Paragraphs 1 and 2 of subsection (c) of section 11-1706 of the  
 26 administrative code of the city of New York, paragraph 1 as amended by  
 27 section 6 of part A of chapter 56 of the laws of 1998, paragraph 2 as  
 28 amended by section 2 of part R of chapter 57 of the laws of 2008 and  
 29 subparagraphs (A) and (B) of paragraph 2 as amended by section 5 of part  
 30 M of chapter 57 of the laws of 2009, are amended to read as follows:

31 (1) For taxable years beginning after nineteen hundred ninety-seven  
 32 and ending before two thousand sixteen, a state school tax reduction  
 33 credit shall be allowed as provided in the following tables. The credit  
 34 shall be allowed against the taxes authorized by this article reduced by  
 35 the credits permitted by this article. If the credit exceeds the tax as  
 36 so reduced, the taxpayer may receive, and the comptroller, subject to a  
 37 certificate of the commissioner, shall pay as an overpayment, without  
 38 interest, the amount of such excess. For purposes of this [subdivision]  
 39 subsection, no credit shall be granted to an individual with respect to  
 40 whom a deduction under subsection (c) of section one hundred fifty-one  
 41 of the internal revenue code is allowable to another taxpayer for the  
 42 taxable year.

43 (2) The amount of the credit under this paragraph shall be determined  
 44 based upon the taxpayer's income as defined in subparagraph (ii) of  
 45 paragraph (b) of subdivision four of section four hundred twenty-five of  
 46 the real property tax law. For purposes of this paragraph, any taxpayer  
 47 under subparagraphs (A) and (B) of this paragraph with income of more  
 48 than two hundred fifty thousand dollars shall not receive a credit.

49 Beginning in the two thousand ten tax year and each tax year thereaft-  
 50 er through two thousand fifteen, the "more than two hundred fifty thou-  
 51 sand dollar" income limitation shall be adjusted by applying the  
 52 inflation factor set forth herein, and rounding each result to the near-  
 53 est multiple of one hundred dollars. The department shall establish the  
 54 income limitation to be associated with each subsequent tax year by  
 55 applying the inflation factor set forth herein to the figures that  
 56 define the income limitation that were applicable to the preceding tax

1 year, as determined pursuant to this [subdivision] subsection, and  
2 rounding each result to the nearest multiple of one hundred dollars.  
3 Such determination shall be made no later than March first, two thousand  
4 ten and each year thereafter.

5 [For purposes of this paragraph, the "inflation factor" shall be  
6 determined in accordance with the provisions set forth in subdivision  
7 fifteen of section one hundred seventy-eight of the tax law.]

8 (A) Married individuals filing joint returns and surviving spouses. In  
9 the case of a husband and wife who make a single return jointly and of a  
10 surviving spouse:

11	For taxable years beginning:	The credit shall be:
12	in 2001-2005	\$125
13	in 2006	\$230
14	in 2007-2008	\$290
15	in 2009 [and after]- 2015	\$125

16 (B) All others. In the case of an unmarried individual, a head of a  
17 household or a married individual filing a separate return:

18	For taxable years beginning:	The credit shall be:
19	in 2001-2005	\$62.50
20	in 2006	\$115
21	in 2007-2008	\$145
22	in 2009 [and after]- 2015	\$62.50

23 § 4. This act shall take effect immediately and shall apply to taxable  
24 years beginning on or after January 1, 2016.

25 PART F

26 Section 1. Section 425 of the real property tax law is amended by  
27 adding a new subdivision 16 to read as follows:

28 (16) Notwithstanding any provision of law to the contrary, when the  
29 commissioner finds that a property owner was eligible for the STAR  
30 exemption authorized by this section on an assessment roll, but the  
31 exemption was not taken into account in the calculation of the property  
32 owner's school tax bill due to an administrative error, and the property  
33 owner or his or her agent paid an excessive amount of school taxes on  
34 the property as a result, the commissioner of taxation and finance is  
35 authorized to remit directly to the property owner the tax savings that  
36 the STAR exemption would have yielded if the STAR exemption had been  
37 taken into account in the calculation of that taxpayer's school tax  
38 bill. The amounts payable under this section shall be paid from the  
39 account established for the payment of STAR benefits to late registrants  
40 of this section. Where such a payment has been made, neither the proper-  
41 ty owner nor his or her agent shall be entitled to a refund of the  
42 excessive amount of school taxes paid on account of the administrative  
43 error.  
44

45 § 2. This act shall take effect immediately.

46 PART G

47 Section 1. Paragraph 10 of subsection (g) of section 658 of the tax  
48 law is REPEALED.

49 § 2. Paragraph 10 of subdivision (g) of section 11-1758 of the admin-  
50 istrative code of the city of New York is REPEALED.

51 § 3. Paragraph 5 of subsection (u) of section 685 of the tax law is  
52 REPEALED.



1 § 4. Paragraph 5 of subdivision (t) of section 11-1785 of the adminis-  
2 trative code of the city of New York is REPEALED.

3 § 5. Section 23 of part U of chapter 61 of the laws of 2011, amending  
4 the real property tax law and other laws relating to establishing stand-  
5 ards for electronic tax administration, as amended by section 1 of part  
6 H of chapter 59 of the laws of 2013, is amended to read as follows:

7 § 23. This act shall take effect immediately; provided, however, that:

8 (a) the amendments to section 29 of the tax law made by section thir-  
9 teen of this act shall apply to tax documents filed or required to be  
10 filed on or after the sixtieth day after which this act shall have  
11 become a law [and shall expire and be deemed repealed December 31,  
12 2016], provided however that the amendments to paragraph 4 of subdivi-  
13 sion (a) of section 29 of the tax law and paragraph 2 of subdivision (e)  
14 of section 29 of the tax law made by section thirteen of this act with  
15 regard to individual taxpayers shall take effect September 15, 2011 but  
16 only if the commissioner of taxation and finance has reported in the  
17 report required by section seventeen-b of this act that the percentage  
18 of individual taxpayers electronically filing their 2010 income tax  
19 returns is less than eighty-five percent; provided that the commissioner  
20 of taxation and finance shall notify the legislative bill drafting  
21 commission of the date of the issuance of such report in order that the  
22 commission may maintain an accurate and timely effective data base of  
23 the official text of the laws of the state of New York in furtherance of  
24 effectuating the provisions of section 44 of the legislative law and  
25 section 70-b of the public officers law;

26 (b) sections fourteen, fifteen, sixteen and seventeen of this act  
27 shall take effect September 15, 2011 but only if the commissioner of  
28 taxation and finance has reported in the report required by section  
29 seventeen-b of this act that the percentage of individual taxpayers  
30 electronically filing their 2010 income tax returns is less than eight-  
31 y-five percent; and

32 (c) sections fourteen-a and fifteen-a of this act shall take effect  
33 September 15, 2011 and expire and be deemed repealed December 31, 2012  
34 but shall take effect only if the commissioner of taxation and finance  
35 has reported in the report required by section seventeen-b of this act  
36 that the percentage of individual taxpayers electronically filing their  
37 2010 income tax returns is eighty-five percent or greater[;

38 (d) sections fourteen-b, fifteen-b, sixteen-a and seventeen-a of this  
39 act shall take effect January 1, 2017 but only if the commissioner of  
40 taxation and finance has reported in the report required by section  
41 seventeen-b of this act that the percentage of individual taxpayers  
42 electronically filing their 2010 income tax returns is less than eight-  
43 y-five percent; and

44 (e) sections twenty-one and twenty-one-a of this act shall expire and  
45 be deemed repealed December 31, 2016].

46 § 6. Subsection (aa) of section 685 of the tax law is REPEALED and a  
47 new subsection (aa) is added to read as follows:

48 (aa) Tax preparer penalty. -- (1) If an income tax preparer takes a  
49 position on any return that either understates the tax liability or  
50 increases the claim for a refund, and the preparer knew, or reasonably  
51 should have known, that said position was not proper, and such position  
52 was not adequately disclosed on the return or in a statement attached to  
53 the return, such income tax preparer shall pay a penalty of between one  
54 hundred and one thousand dollars.

55 (2) If an income tax preparer takes a position on any return that  
56 either understates the tax liability or increases the claim for a refund



1 and the understatement of the tax liability or the increased claim for  
 2 refund is due to the preparer's reckless or intentional disregard of the  
 3 law, rules or regulations, such preparer shall pay a penalty of between  
 4 five hundred and five thousand dollars. The amount of the penalty paya-  
 5 ble by any person by reason of this paragraph shall be reduced by the  
 6 amount of the penalty paid by such person by reason of paragraph (1) of  
 7 this subsection.

8 (3) For purposes of this subsection, the term "understatement of  
 9 liability" means any understatement of the net amount payable with  
 10 respect to any tax imposed under this article or any overstatement of  
 11 the net amount creditable or refundable with respect to any such tax.

12 (4) This subsection shall not apply if the penalty under subsection  
 13 (r) of this section is imposed on the tax return preparer with respect  
 14 to such understatement.

15 § 7. Subsection (u) of section 685 of the tax law is amended by adding  
 16 two new paragraphs (1) and (2) to read as follows:

17 (1) Failure to sign return or claim for refund. Any individual who is  
 18 a tax return preparer but is not subject to the requirements under  
 19 section thirty-two of this chapter, who is required pursuant to para-  
 20 graph one of subsection (g) of section six hundred fifty-eight of this  
 21 article to sign a return or claim for refund and who fails to comply  
 22 with such requirement with respect to such return or claim for refund,  
 23 shall be subject to a penalty of two hundred fifty dollars for each such  
 24 failure to sign, unless it is shown that such failure is due to reason-  
 25 able cause and not due to willful neglect. The maximum penalty imposed  
 26 under this paragraph on any tax return preparer with respect to returns  
 27 filed during any calendar year by the tax return preparer must not  
 28 exceed ten thousand dollars. Provided, however, that if a tax return  
 29 preparer has been penalized under this paragraph for a preceding calen-  
 30 dar year and again fails to sign his or her name on any return that  
 31 requires the tax return preparer's signature during a subsequent calen-  
 32 dar year, then the penalty under this paragraph for each failure will be  
 33 five hundred dollars, and no annual cap will apply.

34 (2) Failure to furnish identifying number. If any identifying number  
 35 required to be included on any return or claim for refund pursuant to  
 36 paragraph two of subsection (g) of section six hundred fifty-eight of  
 37 this article is not so included, the person who is the tax return  
 38 preparer but it not subject to the requirements under section thirty-two  
 39 of this chapter with respect to such return or claim for refund, shall  
 40 be subject to a penalty of one hundred dollars for each such failure,  
 41 unless it is shown that such failure is due to reasonable cause and not  
 42 willful neglect. The maximum penalty imposed under this paragraph on any  
 43 tax return preparer with respect to returns filed during any calendar  
 44 year must not exceed two thousand five hundred dollars; provided, howev-  
 45 er, that if a tax return preparer has been penalized under this para-  
 46 graph for a preceding calendar year and again fails to include the iden-  
 47 tifying number on one or more returns during a subsequent calendar year,  
 48 then the penalty under this paragraph for each failure will be two  
 49 hundred fifty dollars, and no annual cap will apply.

50 § 8. This act shall take effect immediately; provided, however, that  
 51 section seven of this act shall apply to taxable years commencing on and  
 52 after January 1, 2016.

1 Section 1. Subdivision 4 of section 22 of the public housing law, as  
2 amended by section 2 of part P of chapter 59 of the laws of 2014, is  
3 amended to read as follows:

4 4. Statewide limitation. The aggregate dollar amount of credit which  
5 the commissioner may allocate to eligible low-income buildings under  
6 this article shall be [~~sixty-four~~] seventy-two million dollars. The  
7 limitation provided by this subdivision applies only to allocation of  
8 the aggregate dollar amount of credit by the commissioner, and does not  
9 apply to allowance to a taxpayer of the credit with respect to an eligi-  
10 ble low-income building for each year of the credit period.

11 § 2. Subdivision 4 of section 22 of the public housing law, as amended  
12 by section one of this act, is amended to read as follows:

13 4. Statewide limitation. The aggregate dollar amount of credit which  
14 the commissioner may allocate to eligible low-income buildings under  
15 this article shall be [~~seventy-two~~] eighty million dollars. The limita-  
16 tion provided by this subdivision applies only to allocation of the  
17 aggregate dollar amount of credit by the commissioner, and does not  
18 apply to allowance to a taxpayer of the credit with respect to an eligi-  
19 ble low-income building for each year of the credit period.

20 § 3. Subdivision 4 of section 22 of the public housing law as amended  
21 by section two of this act is amended to read as follows:

22 4. Statewide limitation. The aggregate dollar amount of credit which  
23 the commissioner may allocate to eligible low-income buildings under  
24 this article shall be [~~eighty~~] eighty-eight million dollars. The limita-  
25 tion provided by this subdivision applies only to allocation of the  
26 aggregate dollar amount of credit by the commissioner, and does not  
27 apply to allowance to a taxpayer of the credit with respect to an eligi-  
28 ble low-income building for each year of the credit period.

29 § 4. Subdivision 4 of section 22 of the public housing law, as amended  
30 by section three of this act, is amended to read as follows:

31 4. Statewide limitation. The aggregate dollar amount of credit which  
32 the commissioner may allocate to eligible low-income buildings under  
33 this article shall be [~~eighty-eight~~] ninety-six million dollars. The  
34 limitation provided by this subdivision applies only to allocation of  
35 the aggregate dollar amount of credit by the commissioner, and does not  
36 apply to allowance to a taxpayer of the credit with respect to an eligi-  
37 ble low-income building for each year of the credit period.

38 § 5. Subdivision 4 of section 22 of the public housing law, as amended  
39 by section four of this act, is amended to read as follows:

40 4. Statewide limitation. The aggregate dollar amount of credit which  
41 the commissioner may allocate to eligible low-income buildings under  
42 this article shall be [~~ninety-six~~] one hundred four million dollars. The  
43 limitation provided by this subdivision applies only to allocation of  
44 the aggregate dollar amount of credit by the commissioner, and does not  
45 apply to allowance to a taxpayer of the credit with respect to an eligi-  
46 ble low-income building for each year of the credit period.

47 § 6. This act shall take effect immediately; provided, however,  
48 section two of this act shall take effect April 1, 2017; section three  
49 of this act shall take effect April 1, 2018; section four of this act  
50 shall take effect April 1, 2019 and section five of this act shall take  
51 effect April 1, 2020.

1 Section 1. Paragraphs (a) and (b) of subdivision 29 of section 210-B  
2 of the tax law, as added by section 17 of part A of chapter 59 of the  
3 laws of 2014, are amended to read as follows:

4 (a) Allowance of credit. For taxable years beginning on or after Janu-  
5 ary first, two thousand fifteen and before January first, two thousand  
6 [seventeen] nineteen, a taxpayer shall be allowed a credit, to be  
7 computed as provided in this subdivision, against the tax imposed by  
8 this article, for hiring and employing, for not less than one year and  
9 for not less than thirty-five hours each week, a qualified veteran with-  
10 in the state. The taxpayer may claim the credit in the year in which the  
11 qualified veteran completes one year of employment by the taxpayer. If  
12 the taxpayer claims the credit allowed under this subdivision, the  
13 taxpayer may not use the hiring of a qualified veteran that is the basis  
14 for this credit in the basis of any other credit allowed under this  
15 article.

16 (b) Qualified veteran. A qualified veteran is an individual:

17 (1) who served on active duty in the United States army, navy, air  
18 force, marine corps, coast guard or the reserves thereof, or who served  
19 in active military service of the United States as a member of the army  
20 national guard, air national guard, New York guard or New York naval  
21 militia; who was released from active duty by general or honorable  
22 discharge after September eleventh, two thousand one;

23 (2) who commences employment by the qualified taxpayer on or after  
24 January first, two thousand fourteen, and before January first, two  
25 thousand [sixteen] eighteen; and

26 (3) who certifies by signed affidavit, under penalty of perjury, that  
27 he or she has not been employed for thirty-five or more hours during any  
28 week in the one hundred eighty day period immediately prior to his or  
29 her employment by the taxpayer.

30 § 2. Paragraphs 1 and 2 of subsection (a-2) of section 606 of the tax  
31 law, as added by section 3 of part AA of chapter 59 of the laws of 2013,  
32 are amended to read as follows:

33 (1) Allowance of credit. For taxable years beginning on or after Janu-  
34 ary first, two thousand fifteen and before January first, two thousand  
35 [seventeen] nineteen, a taxpayer shall be allowed a credit, to be  
36 computed as provided in this subsection, against the tax imposed by this  
37 article, for hiring and employing, for not less than one year and for  
38 not less than thirty-five hours each week, a qualified veteran within  
39 the state. The taxpayer may claim the credit in the year in which the  
40 qualified veteran completes one year of employment by the taxpayer. If  
41 the taxpayer claims the credit allowed under this subsection, the  
42 taxpayer may not use the hiring of a qualified veteran that is the basis  
43 for this credit in the basis of any other credit allowed under this  
44 article.

45 (2) Qualified veteran. A qualified veteran is an individual:

46 (A) who served on active duty in the United States army, navy, air  
47 force, marine corps, coast guard or the reserves thereof, or who served  
48 in active military service of the United States as a member of the army  
49 national guard, air national guard, New York guard or New York naval  
50 militia; who was released from active duty by general or honorable  
51 discharge after September eleventh, two thousand one;

52 (B) who commences employment by the qualified taxpayer on or after  
53 January first, two thousand fourteen, and before January first, two  
54 thousand [sixteen] eighteen; and

55 (C) who certifies by signed affidavit, under penalty of perjury, that  
56 he or she has not been employed for thirty-five or more hours during any



1 week in the one hundred eighty day period immediately prior to his or  
2 her employment by the taxpayer.

3 § 3. Paragraphs 1 and 2 of subdivision (g-1) of section 1511 of the  
4 tax law, as added by section 5 of part AA of chapter 59 of the laws of  
5 2013, are amended to read as follows:

6 (1) Allowance of credit. For taxable years beginning on or after Janu-  
7 ary first, two thousand fifteen and before January first, two thousand  
8 [seventeen] nineteen, a taxpayer shall be allowed a credit, to be  
9 computed as provided in this subdivision, against the tax imposed by  
10 this article, for hiring and employing, for not less than one year and  
11 for not less than thirty-five hours each week, a qualified veteran with-  
12 in the state. The taxpayer may claim the credit in the year in which the  
13 qualified veteran completes one year of employment by the taxpayer. If  
14 the taxpayer claims the credit allowed under this subdivision, the  
15 taxpayer may not use the hiring of a qualified veteran that is the basis  
16 for this credit in the basis of any other credit allowed under this  
17 article.

18 (2) Qualified veteran. A qualified veteran is an individual:

19 (A) who served on active duty in the United States army, navy, air  
20 force, marine corps, coast guard or the reserves thereof, or who served  
21 in active military service of the United States as a member of the army  
22 national guard, air national guard, New York guard or New York naval  
23 militia; who was released from active duty by general or honorable  
24 discharge after September eleventh, two thousand one;

25 (B) who commences employment by the qualified taxpayer on or after  
26 January first, two thousand fourteen, and before January first, two  
27 thousand [sixteen] eighteen; and

28 (C) who certifies by signed affidavit, under penalty of perjury, that  
29 he or she has not been employed for thirty-five or more hours during any  
30 week in the one hundred eighty day period immediately prior to his or  
31 her employment by the taxpayer.

32 § 4. This act shall take effect immediately.

33

#### PART J

34 Section 1. Paragraph 1 of subdivision (a) of section 28 of the tax  
35 law, as amended by section 1 of part O of chapter 59 of the laws of  
36 2014, is amended to read as follows:

37 (1) A taxpayer which is a qualified commercial production company, or  
38 which is a sole proprietor of a qualified commercial production company,  
39 and which is subject to tax under article nine-A or twenty-two of this  
40 chapter, shall be allowed a credit against such tax, pursuant to the  
41 provisions referenced in subdivision (c) of this section, to be computed  
42 as provided in this section. Provided, however, to be eligible for such  
43 credit, at least seventy-five percent of the production costs (excluding  
44 post production costs) paid or incurred directly and predominantly in  
45 the actual filming or recording of the qualified commercial must be  
46 costs incurred in New York state. The tax credit allowed pursuant to  
47 this section shall apply to taxable years beginning before January  
48 first, two thousand [seventeen] nineteen.

49 § 2. Paragraph (c) of subdivision 23 of section 210-B of the tax law,  
50 as added by section 17 of part A of chapter 59 of the laws of 2014, is  
51 amended to read as follows:

52 (c) Expiration of credit. The credit allowed under this subdivision  
53 shall not be applicable to taxable years beginning on or after [December  
54 thirty-first] January first, two thousand [seventeen] nineteen.

1 § 3. Paragraph 1 of subsection (jj) of section 606 of the tax law, as  
2 amended by section 4 of part O of chapter 59 of the laws of 2014, is  
3 amended to read as follows:

4 (1) Allowance of credit. A taxpayer that is eligible pursuant to the  
5 provisions of section twenty-eight of this chapter shall be allowed a  
6 credit to be computed as provided in such section against the tax  
7 imposed by this article. The tax credit allowed pursuant to this section  
8 shall apply to taxable years beginning before January first, two thou-  
9 sand [seventeen] nineteen.

10 § 4. This act shall take effect immediately.

11

## PART K

12 Section 1. Section 5 of chapter 604 of the laws of 2011, amending the  
13 tax law relating to the credit for companies who provide transportation  
14 to people with disabilities, is amended to read as follows:

15 § 5. This act shall take effect immediately and shall remain in effect  
16 until December 31, 2016 when upon such date it shall be deemed repealed;  
17 provided that this act shall be deemed to have been in full force and  
18 effect on December 31, 2010; [and] provided further that this act shall  
19 apply to all tax years commencing on or after January 1, 2011; and  
20 provided further that sections one and two of this act shall remain in  
21 effect until December 31, 2022 when upon such date such sections shall  
22 be deemed repealed.

23 § 2. Paragraph (c) of subdivision 38 of section 210-B of the tax law,  
24 as added by section 17 of part A of chapter 59 of the laws of 2014, is  
25 amended to read as follows:

26 (c) Application of credit. In no event shall the credit allowed under  
27 this subdivision for any taxable year reduce the tax due for such year  
28 to less than the amount prescribed in paragraph (d) of subdivision one  
29 of section two hundred ten of this article. However, if the amount of  
30 credit allowed under this subdivision for any taxable year reduces the  
31 tax to such amount or if the taxpayer otherwise pays tax based on the  
32 fixed dollar minimum amount, any amount of credit thus not deductible in  
33 such taxable year shall be carried over to the following year or years,  
34 and may be deducted from the taxpayer's tax for such year or years. The  
35 tax credit allowed pursuant to this subdivision shall not apply to taxa-  
36 ble years beginning on or after January first, two thousand twenty-  
37 three.

38 § 3. This act shall take effect immediately.

39

## PART L

40 Section 1. Section 2 of part I of chapter 58 of the laws of 2006,  
41 relating to providing an enhanced earned income tax credit, as amended  
42 by section 1 of part G of chapter 59 of the laws of 2014, is amended to  
43 read as follows:

44 § 2. This act shall take effect immediately and shall apply to taxable  
45 years beginning on or after January 1, 2006 [and before January 1,  
46 2017].

47 § 2. This act shall take effect immediately.

48

## PART M

49 Section 1. Section 12 of part N of chapter 61 of the laws of 2005,  
50 amending the tax law relating to certain transactions and related infor-



1 mation and relating to the voluntary compliance initiative, as amended  
2 by section 1 of part B of chapter 61 of the laws of 2011, is amended to  
3 read as follows:

4 § 12. This act shall take effect immediately; provided, however, that  
5 (i) section one of this act shall apply to all disclosure statements  
6 described in paragraph 1 of subdivision (a) of section 25 of the tax  
7 law, as added by section one of this act, that were required to be filed  
8 with the internal revenue service at any time with respect to "listed  
9 transactions" as described in such paragraph 1, and shall apply to all  
10 disclosure statements described in paragraph 1 of subdivision (a) of  
11 section 25 of the tax law, as added by section one of this act, that  
12 were required to be filed with the internal revenue service with respect  
13 to "reportable transactions" as described in such paragraph 1, other  
14 than "listed transactions", in which a taxpayer participated during any  
15 taxable year for which the statute of limitations for assessment has not  
16 expired as of the date this act shall take effect, and shall apply to  
17 returns or statements described in such paragraph 1 required to be filed  
18 by taxpayers (or persons as described in such paragraph) with the  
19 commissioner of taxation and finance on or after the sixtieth day after  
20 this act shall have become a law; and

21 (ii) sections two through four and seven through nine of this act  
22 shall apply to any tax liability for which the statute of limitations on  
23 assessment has not expired as of the date this act shall take effect[;  
24 and

25 (iii) provided, further, that the provisions of this act, except  
26 section five of this act, shall expire and be deemed repealed July 1,  
27 2015; provided, that, such expiration and repeal shall not affect any  
28 requirement imposed pursuant to this act].

29 § 2. This act shall take effect immediately and shall be deemed to  
30 have been in full force and effect on and after July 1, 2015; provided,  
31 however that notwithstanding the provisions of article 5 of the general  
32 construction law, the provisions of section 25, paragraph 11 of  
33 subsection (c) of section 683, subsections (p), (p-1), (x), (y), (z),  
34 (aa) and (bb) of section 685, paragraph 11 of subsection (c) of section  
35 1083, subsections (k), (k-1), (p), (q), (r), (s) and (t) of section 1085  
36 of the tax law, and section 11 of Part N of chapter 61 of the laws of  
37 2005, are hereby revived and shall continue in full force and effect as  
38 such provisions existed on July 1, 2015.

39

## PART N

40 Section 1. Paragraph (a) of subdivision 25 of section 210-B of the tax  
41 law, as added by section 17 of part A of chapter 59 of the laws of 2014,  
42 is amended to read as follows:

43 (a) General. A taxpayer shall be allowed a credit against the tax  
44 imposed by this article. Such credit, to be computed as hereinafter  
45 provided, shall be allowed for bioheat, used for space heating or hot  
46 water production for residential purposes within this state purchased  
47 before January first, two thousand [seventeen] twenty. Such credit shall  
48 be \$0.01 per percent of biodiesel per gallon of bioheat, not to exceed  
49 twenty cents per gallon, purchased by such taxpayer. Provided, however,  
50 that on or after January first, two thousand seventeen, this credit  
51 shall not apply to bioheat that is less than six percent biodiesel per  
52 gallon of bioheat.







1 (ii) businesses accepted into the program under subdivision three of  
 2 section three hundred fifty-three of this article, the commissioner may  
 3 allocate any remaining tax credits to businesses referenced in [para-  
 4 graphs (i) and (ii) of this section] this paragraph as needed; provided,  
 5 however, that under no circumstances may the aggregate statutory cap for  
 6 all program years be exceeded. One hundred percent of the unawarded  
 7 amounts remaining at the end of two thousand twenty-four may be allo-  
 8 cated in subsequent years, notwithstanding the fifty percent limitation  
 9 on any amounts of tax credits not awarded in taxable years two thousand  
 10 eleven through two thousand twenty-four. Provided, however, no tax cred-  
 11 its may be allowed for taxable years beginning on or after January  
 12 first, two thousand thirty.

13 § 2. Subdivision 5 of section 354 of the economic development law, as  
 14 amended by section 2 of part C of chapter 68 of the laws of 2013, is  
 15 amended to read as follows:

16 5. A participant may claim tax benefits commencing in the first taxa-  
 17 ble year that the business enterprise receives a certificate of tax  
 18 credit or the first taxable year listed on its preliminary schedule of  
 19 benefits, whichever is later. A participant may claim such benefits for  
 20 the next nine consecutive taxable years, provided that the participant  
 21 demonstrates to the department that it continues to satisfy the eligi-  
 22 bility criteria specified in section three hundred fifty-three of this  
 23 article and subdivision two of this section in each of those taxable  
 24 years, and provided that no tax credits may be allowed for taxable years  
 25 beginning on or after January first, two thousand thirty. If, in any  
 26 given year, a participant who has satisfied the eligibility criteria  
 27 specified in section three hundred fifty-three of this article realizes  
 28 job creation less than the estimated amount, the credit shall be reduced  
 29 by the proportion of actual job creation to the estimated amount,  
 30 provided the proportion is at least seventy-five percent of the jobs  
 31 estimated.

32 § 3. Subdivision (b) of section 31 of the tax law, as added by section  
 33 7 of part G of chapter 61 of the laws of 2011, is amended to read as  
 34 follows:

35 (b) To be eligible for the excelsior jobs program credit, the taxpayer  
 36 shall have been issued a "certificate of tax credit" by the department  
 37 of economic development pursuant to subdivision four of section three  
 38 hundred fifty-four of the economic development law, which certificate  
 39 shall set forth the amount of each credit component that may be claimed  
 40 for the taxable year. A taxpayer may claim such credit for ten consec-  
 41 utive taxable years commencing in the first taxable year that the  
 42 taxpayer receives a certificate of tax credit or the first taxable year  
 43 listed on its preliminary schedule of benefits, whichever is later,  
 44 provided that no tax credits may be allowed for taxable years beginning  
 45 on or after January first, two thousand thirty. The taxpayer shall be  
 46 allowed to claim only the amount listed on the certificate of tax credit  
 47 for that taxable year. Such certificate must be attached to the taxpay-  
 48 er's return. No cost or expense paid or incurred by the taxpayer shall  
 49 be the basis for more than one component of this credit or any other tax  
 50 credit, except as provided in section three hundred fifty-five of the  
 51 economic development law.

52 § 4. This act shall take effect immediately.

1 Section 1. Subdivision (c) of section 24 of the tax law, as added by  
2 section 1 of part P of chapter 60 of the laws of 2004, is amended to  
3 read as follows:

4 (c) Cross-references. For application of the credit provided for in  
5 this section, see the following provisions of this chapter:

6 (1) article 9-A: section [210] 210-B: subdivision [36] 20.

7 (2) article 22: section 606: subsection (gg).

8 § 2. Subdivision (a) and paragraphs 2, 4, and 5 of subdivision (e) of  
9 section 38 of the tax law, as added by section 1 of part EE of chapter  
10 59 of the laws of 2013, are amended to read as follows:

11 (a) A taxpayer that is an eligible employer or an owner of an eligible  
12 employer as defined in subdivision (b) of this section shall be eligible  
13 for a credit against the tax imposed under article nine, nine-A, twen-  
14 ty-two, [thirty-two] or thirty-three of this article, pursuant to the  
15 provisions referenced in subdivision (e) of this section.

16 (2) Article 9-A: Section [210] 210-B, subdivision [46] 40.

17 (4) [Article 32: Section 1456, subsection (z).

18 (5)] Article 33: Section 1511, subdivision (cc).

19 § 3. Paragraph (e) of subdivision 1 of section 209 of the tax law, as  
20 added by section 5 of part A of chapter 59 of the laws of 2014, is  
21 amended to read as follows:

22 (e) At the end of each year, the commissioner shall review the cumula-  
23 tive percentage change in the consumer price index. The commissioner  
24 shall adjust the receipt thresholds set forth in this subdivision if the  
25 consumer price index has changed by ten percent or more since January  
26 first, two thousand fifteen, or since the date that the thresholds were  
27 last adjusted under this subdivision. The thresholds shall be adjusted  
28 to reflect that cumulative percentage change in the consumer price  
29 index. The adjusted thresholds shall be rounded to the nearest one thou-  
30 sand dollars. As used in this paragraph, "consumer price index" means  
31 the consumer price index for all urban consumers (CPI-U) available  
32 [form] from the bureau of labor statistics of the United States depart-  
33 ment of labor. Any adjustment shall apply to tax periods that begin  
34 after the adjustment is made.

35 § 4. The opening paragraph of paragraph (a) of subdivision 5 of  
36 section 210-A of the tax law, as amended by section 23 of part T of  
37 chapter 59 of the laws of 2015, is amended to read as follows:

38 A financial instrument is a "nonqualified financial instrument" if it  
39 is not a qualified financial instrument. A qualified financial instru-  
40 ment means a financial instrument that is of a type described in any of  
41 clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this  
42 paragraph and that has been marked to market in the taxable year by the  
43 taxpayer under section 475 or section 1256 of the internal revenue code.  
44 Further, if the taxpayer has in the taxable year marked to market a  
45 financial instrument of the type described in any of the clauses (A),  
46 (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph,  
47 then any financial instrument within that type described in the above  
48 specified clause or clauses that has not been marked to market by the  
49 taxpayer under section 475 or section 1256 of the internal revenue code  
50 is a qualified financial instrument in the taxable year. Notwithstanding  
51 the two preceding sentences, (i) a loan secured by real property shall  
52 not be a qualified financial instrument, (ii) if the only loans that are  
53 marked to market by the taxpayer under section 475 or section 1256 of  
54 the internal revenue code are loans secured by real property, then no  
55 loans shall be qualified financial instruments, [and] (iii) stock that  
56 is investment capital as defined in paragraph (a) of subdivision five of



1 section two hundred eight of this article shall not be a qualified  
2 financial instrument, and (iv) stock that generates other exempt income  
3 as defined in subdivision six-a of section two hundred eight of this  
4 article and that is not marked to market under section 475 or section  
5 1256 of the internal revenue code shall not constitute a qualified  
6 financial instrument with respect to the income from that stock that is  
7 described in such subdivision six-a. If a corporation is included in a  
8 combined report, the definition of qualified financial instrument shall  
9 be determined on a combined basis.

10 § 5. Paragraph (c) of subdivision 7 of section 210-B of the tax law,  
11 as added by section 17 of part A of chapter 59 of the laws of 2014, is  
12 amended to read as follows:

13 (c) Average number of individuals employed full-time. For the purposes  
14 of this subdivision, average number of individuals employed full-time  
15 shall be computed by adding the number of such individuals employed by  
16 the taxpayer at the end of each quarter during each taxable year or  
17 other applicable period and dividing the sum so obtained by the number  
18 of such quarters occurring within such taxable year or other applicable  
19 period; provided however, except that in computing base year employment,  
20 there shall be excluded therefrom any employee with respect to whom a  
21 credit provided for under subdivision [six of this section is] nineteen  
22 of section two hundred ten of this article, as such subdivision was in  
23 effect on December thirty-first, two thousand fourteen, was claimed for  
24 the taxable year.

25 § 6. Paragraph (a) of subdivision 9 of section 210-B of the tax law,  
26 as added by section 17 of part A of chapter 59 of the laws of 2014, is  
27 amended to read as follows:

28 (a) Application of credit. A taxpayer shall be allowed a credit, to be  
29 credited against the tax imposed by this article, equal to the amount of  
30 the special additional mortgage recording tax paid by the taxpayer  
31 pursuant to the provisions of subdivision one-a of section two hundred  
32 fifty-three of this chapter [or] on mortgages recorded. Provided, howev-  
33 er, no credit shall be allowed with respect to a mortgage of real prop-  
34 erty principally improved or to be improved by one or more structures  
35 containing in the aggregate not more than six residential dwelling  
36 units, each dwelling unit having its own separate cooking facilities,  
37 where the real property is located in one or more of the counties  
38 comprising the metropolitan commuter transportation area. Provided  
39 further, however, no credit shall be allowed with respect to a mortgage  
40 of real property principally improved or to be improved by one or more  
41 structures containing in the aggregate not more than six residential  
42 dwelling units, each dwelling unit having its own separate cooking  
43 facilities, where the real property is located in the county of Erie.

44 § 7. Subdivision 45 of section 210-B of the tax law, as added by  
45 section 17 of part A of chapter 59 of the laws of 2014, is amended to  
46 read as follows:

47 45. Order of credits. [(a)] Credits allowable under this article which  
48 cannot be carried over and which are not refundable shall be deducted  
49 first. [The credit allowable under subdivision six of this section shall  
50 be deducted immediately after the deduction of all credits allowable  
51 under this article which cannot be carried over and which are not  
52 refundable, whether or not a portion of such credit is refundable.]  
53 Credits allowable under this article which can be carried over, and  
54 carryovers of such credits, shall be deducted next [after the deduction  
55 of the credit allowable under subdivision six of this section], and  
56 among such credits, those whose carryover is of limited duration shall

1 be deducted before those whose carryover is of unlimited duration. Cred-  
2 its allowable under this article which are refundable [(other than the  
3 credit allowable under subdivision six of this section)] shall be  
4 deducted last.

5 § 8. Paragraph (a) of subdivision 3 of section 210-C of the tax law,  
6 as added by section 18 of part A of chapter 59 of the laws of 2014, is  
7 amended to read as follows:

8 (a) Subject to the provisions of paragraph (c) of subdivision two of  
9 this section, a taxpayer may elect to treat as its combined group all  
10 corporations that meet the ownership requirements described in paragraph  
11 (a) of subdivision two of this section (such corporations collectively  
12 referred to in this subdivision as the "commonly owned group"). If that  
13 election is made, the commonly owned group shall calculate the combined  
14 business income, combined capital, and fixed dollar minimum bases of all  
15 members of the group in accordance with [paragraph] subdivision four of  
16 this [subdivision] section, whether or not that business income or busi-  
17 ness capital is from a single unitary business.

18 § 9. Paragraph I of subdivision 1 of section 11-604 of the administra-  
19 tive code of the city of New York, as added by chapter 491 of the laws  
20 of 2007, is amended to read as follows:

21 I. Notwithstanding any provision of this subdivision to the contrary,  
22 for taxable years beginning on or after January first, two thousand  
23 seven for any corporation that:

24 (a) has a business allocation percentage for the taxable year, as  
25 determined under paragraph (a) of subdivision three of this section, of  
26 one hundred percent;

27 (b) has no investment capital or income at any time during the taxable  
28 year;

29 (c) has no subsidiary capital or income at any time during the taxable  
30 year; and

31 (d) has gross income, as defined in section sixty-one of the internal  
32 revenue code, less than two hundred fifty thousand dollars for the taxa-  
33 ble year:

34 the tax imposed by subdivision one of section 11-603 of this subchap-  
35 ter shall be the greater of the tax on entire net income computed under  
36 clause one of subparagraph (a) of paragraph E of this subdivision and  
37 the fixed dollar minimum tax specified in clause four of subparagraph  
38 (a) of paragraph E of this subdivision.

39 For purposes of this paragraph, for taxable years beginning before  
40 January first, two thousand fifteen, any corporation for which an  
41 election under subsection (a) of section six hundred sixty of the tax  
42 law is not in effect for the taxable year may elect to treat as entire  
43 net income the sum of:

44 (i) entire net income as determined under section two hundred eight of  
45 the tax law; and

46 (ii) any deductions taken for the taxable year in computing federal  
47 taxable income for New York city taxes paid or accrued under this chap-  
48 ter.

49 § 10. Subdivision 2 of section 11-651 of the administrative code of  
50 the city of New York, as added by section 1 of part D of chapter 60 of  
51 the laws of 2015, is amended to read as follows:

52 2. Each reference in the tax law or this code to subchapters two or  
53 three of this chapter, or any of the provisions thereof, shall be deemed  
54 a reference also to this subchapter, and any of the applicable  
55 provisions thereof, where appropriate and with all necessary modifica-  
56 tions.



1 § 11. Paragraph (a) of subdivision 4 of section 11-652 of the adminis-  
2 trative code of the city of New York, as added by section 1 of part D of  
3 chapter 60 of the laws of 2015, is amended to read as follows:

4 (a) The term "investment capital" means investments in stocks that:  
5 (i) satisfy the definition of a capital asset under section 1221 of the  
6 internal revenue code at all times the taxpayer owned such stocks during  
7 the taxable year; (ii) are held by the taxpayer for investment for more  
8 than one year; (iii) the dispositions of which are, or would be, treated  
9 by the taxpayer as generating long-term capital gains or losses under  
10 the internal revenue code; (iv) for stocks acquired on or after January  
11 first, two thousand fifteen, at any time after the close of the day in  
12 which they are acquired, have never been held for sale to customers in  
13 the regular course of business; and (v) before the close of the day on  
14 which the stock was acquired, are clearly identified in the taxpayer's  
15 records as stock held for investment in the same manner as required  
16 under section 1236(a)(1) of the internal revenue code for the stock of a  
17 dealer in securities to be eligible for capital gain treatment (whether  
18 or not the taxpayer is a dealer of securities subject to section 1236),  
19 provided, however, that for stock acquired prior to October first, two  
20 thousand fifteen that was not subject to section 1236(a) of the internal  
21 revenue code, such identification in the taxpayer's records must occur  
22 before October first, two thousand fifteen. Stock in a corporation that  
23 is conducting a unitary business with the taxpayer, stock in a corpo-  
24 ration that is included in a combined report with the taxpayer pursuant  
25 to the commonly owned group election in subdivision three of section  
26 11-654.3 of this subchapter, and stock [used] issued by the taxpayer  
27 shall not constitute investment capital. For purposes of this subdivi-  
28 sion, if the taxpayer owns or controls, directly or indirectly, less  
29 than twenty percent of the voting power of the stock of a corporation,  
30 that corporation will be presumed to be conducting a business that is  
31 not unitary with the business of the taxpayer.

32 § 12. Subparagraph 2 of paragraph (a) of subdivision 18 of section  
33 11-654 of the administrative code of the city of New York, as added by  
34 section 1 of part D of chapter 60 of the laws of 2015, is amended to  
35 read as follows:

36 (2) The amount determined in this subparagraph is the product of (i)  
37 the excess of (A) the tax computed under clause (i) of subparagraph one  
38 of paragraph (e) of subdivision one of this section, without allowance  
39 of any credits allowed by this section, over (B) the tax so computed,  
40 determined as if the corporation had no such distributive share or guar-  
41 anteed payments with respect to the unincorporated business, and (ii) a  
42 fraction, the numerator of which is four and the denominator of which is  
43 eight and eighty-five one hundredths, [provided however,] except that in  
44 the case of a financial corporation as defined in clause (i) of subpara-  
45 graph one of paragraph (e) of subdivision one of this section, such  
46 denominator is nine, and in the case of a taxpayer that is subject to  
47 paragraph (j) or (k) of subdivision one of this section, such denomina-  
48 tor shall be the rate of tax as determined by such paragraph (j) or (k)  
49 for the taxable year; [and,] provided[, however,] that the amounts  
50 computed in subclauses (A) and (B) of clause (i) of this subparagraph  
51 shall be computed with the following modifications:

52 (A) such amounts shall be computed without taking into account any  
53 carryforward or carryback by the partner of a net operating loss or a  
54 prior net operation loss conversion subtraction;

55 (B) if, prior to taking into account any distributive share or guaran-  
56 teed payments from any unincorporated business or any net operating loss

1 carryforward or carryback, the entire net income of the partner is less  
2 than zero, such entire net income shall be treated as zero; and

3 (C) if such partner's net total distributive share of income, gain,  
4 loss and deductions of, and guaranteed payments from, any unincorporated  
5 business is less than zero, such net total shall be treated as zero. The  
6 amount determined in this subparagraph shall not be less than zero.

7 § 13. Subparagraph 1 of paragraph (b) of subdivision 18 of section  
8 11-654 of the administrative code of the city of New York, as added by  
9 section 1 of part D of chapter 60 of the laws of 2015, is amended to  
10 read as follows:

11 (1) Notwithstanding anything to the contrary in paragraph (a) of this  
12 subdivision, in the case of a corporation that, before the application  
13 of this subdivision or any other credit allowed by this section, is  
14 liable for the tax on business income under clause (i) of subparagraph  
15 one of paragraph (e) of subdivision one of this section, the credit or  
16 the sum of the credits that may be taken by such corporation for a taxa-  
17 ble year under this subdivision with respect to an unincorporated busi-  
18 ness or unincorporated businesses in which it is a partner shall not  
19 exceed the tax so computed, without allowance of any credits allowed by  
20 this section, multiplied by a fraction the numerator of which is four  
21 and the denominator of which is eight and eighty-five one-hundredths  
22 [provided, however], except that in the case of a financial corporation  
23 as defined in clause (i) of subparagraph one of paragraph (e) of subdi-  
24 vision one of this section, such denominator is nine, and in the case of  
25 a taxpayer that is subject to paragraph (j) or (k) of subdivision one of  
26 this section, such denominator shall be the rate of tax as determined by  
27 such paragraph (j) or (k) for the taxable year. If the credit allowed  
28 under this subdivision or the sum of such credits exceeds the product of  
29 such tax and such fraction, the amount of the excess may be carried  
30 forward, in order, to each of the seven immediately succeeding taxable  
31 years and, to the extent not previously taken, shall be allowed as a  
32 credit in each of such years. In applying the provisions of the preced-  
33 ing sentence, the credit determined for the taxable year under paragraph  
34 (a) of this subdivision shall be taken before taking any credit carry-  
35 forward pursuant to this paragraph and the credit carryforward attribut-  
36 able to the earliest taxable year shall be taken before taking a credit  
37 carryforward attributable to a subsequent taxable year.

38 § 14. Subparagraph 8 of paragraph (a) of subdivision 21 of section  
39 11-654 of the administrative code of the city of New York, as added by  
40 section 1 of part D of chapter 60 of the laws of 2015, is amended to  
41 read as follows:

42 (8) The credit allowed under this subdivision shall only be allowed  
43 for taxable years beginning before January first, two thousand [sixteen]  
44 nineteen.

45 § 15. Paragraph (c) of subdivision 2 of section 11-654.2 of the admin-  
46 istrative code of the city of New York, as added by section 1 of part D  
47 of chapter 60 of the laws of 2015, is amended to read as follows:

48 (c) Receipts from sales of tangible personal property and electricity  
49 that are traded as commodities as the term "commodity" is defined in  
50 section four hundred seventy-five of the internal revenue code, shall be  
51 included in the receipts fraction in accordance with clause [(i)] (ix)  
52 of subparagraph two of paragraph (a) of subdivision five of this  
53 section.

54 § 16. The opening paragraph of paragraph (a) of subdivision 5 of  
55 section 11-654.2 of the administrative code of the city of New York, as



1 added by section 1 of part D of chapter 60 of the laws of 2015, is  
2 amended to read as follows:

3 A financial instrument is a "nonqualified financial instrument" if it  
4 is not a qualified financial instrument. A qualified financial instru-  
5 ment means a financial instrument that is of a type described in any of  
6 clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two  
7 of this paragraph and that has been marked to market in the taxable year  
8 by the taxpayer under section 475 or section 1256 of the internal reven-  
9 ue code. Further, if the taxpayer has in the taxable year marked to  
10 market a financial instrument of the type described in any of clause  
11 (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of  
12 this paragraph, then any financial instrument within that type described  
13 in the above specified clause or clauses that has not been marked to  
14 market by the taxpayer under section 475 or section 1256 of the internal  
15 revenue code is a qualified financial instrument in the taxable year.  
16 Notwithstanding the two preceding sentences, (i) a loan secured by real  
17 property shall not be a qualified financial instrument, (ii) if the only  
18 loans that are marked to market by the taxpayer under section 475 or  
19 section 1256 of the internal revenue code are loans secured by real  
20 property, then no loans shall be qualified financial instruments, [and]  
21 (iii) stock that is investment capital as defined in paragraph (a) of  
22 subdivision [4] four of section 11-652 of this subchapter shall not be a  
23 qualified financial instrument, and (iv) stock that generates other  
24 exempt income as defined in subdivision five-a of section 11-652 of this  
25 subchapter and that is not marked to market under section 475 or section  
26 1256 of the internal revenue code shall not constitute a qualified  
27 financial instrument with respect to the income from that stock that is  
28 described in such subdivision five-a. If a corporation is included in a  
29 combined report, the definition of qualified financial instrument shall  
30 be determined on a combined basis.

31 § 17. This act shall take effect immediately; provided however that  
32 sections one, two, three, four, five, six, seven and eight of this act  
33 shall be deemed to have been in full force and effect on the same date  
34 and in the same manner as part A of chapter 59 of the laws of 2014, took  
35 effect, and sections nine, ten, eleven, twelve, thirteen, fourteen,  
36 fifteen and sixteen of this act shall be deemed to have been in full  
37 force and effect on the same date and in the same manner as part D of  
38 chapter 60 of the laws of 2015, took effect.

39

## PART Q

40 Section 1. Subdivision 5 of section 183-a of the tax law, as amended  
41 by section 61 of part A of chapter 59 of the laws of 2014, is amended to  
42 read as follows:

43 5. The report covering the tax surcharge which must be calculated  
44 pursuant to this section based upon the tax reportable on the report due  
45 by March fifteenth of any year under section one hundred eighty-three of  
46 this article, for taxable years beginning before January first, two  
47 thousand sixteen, and on the report due by April fifteenth of any year  
48 under section one hundred eighty-three of this article, for taxable  
49 years beginning on or after January first, two thousand sixteen, shall  
50 be filed on or before March fifteenth of the year next succeeding such  
51 year, for taxable years beginning before January first, two thousand  
52 sixteen, and on or before April fifteenth of the year next succeeding  
53 such year, for taxable years beginning on or after January first, two  
54 thousand sixteen. An extension pursuant to section one hundred ninety-

1 three of this article shall be allowed only if a taxpayer files with the  
2 commissioner an application for extension in such form as said commis-  
3 sioner may prescribe by regulation and pays on or before the date of  
4 such filing in addition to any other amounts required under this arti-  
5 cle, either ninety percent of the entire tax surcharge required to be  
6 paid under this section for the applicable period, or not less than the  
7 tax surcharge shown on the taxpayer's report for the preceding year, if  
8 such preceding year consisted of twelve months. The tax surcharge  
9 imposed by this section shall be payable to the commissioner in full at  
10 the time the report is required to be filed, and such tax surcharge or  
11 the balance thereof, imposed on any taxpayer which ceases to exercise  
12 its franchise or be subject to the tax surcharge imposed by this section  
13 shall be payable to the commissioner at the time the report is required  
14 to be filed, provided such tax surcharge of a domestic corporation which  
15 continues to possess its franchise shall be subject to adjustment as the  
16 circumstances may require; all other tax surcharges of any such taxpay-  
17 er, which pursuant to the foregoing provisions of this section would  
18 otherwise be payable subsequent to the time such report is required to  
19 be filed, shall nevertheless be payable at such time. All of the  
20 provisions of this article presently applicable to section one hundred  
21 eighty-three of this article are applicable to the tax surcharge imposed  
22 by this section except for section one hundred ninety-two of this arti-  
23 cle.

24 § 2. Subdivision 4 of section 186-a of the tax law, as amended by  
25 chapter 536 of the laws of 1998, is amended to read as follows:

26 4. Every utility subject to tax hereunder shall file, on or before  
27 March fifteenth of each year, a return for the year ended on the preced-  
28 ing December thirty-first, for taxable years beginning before January  
29 first, two thousand sixteen, except that the year ended on December  
30 thirty-first, nineteen hundred seventy-six shall be deemed, for the  
31 purposes of this subdivision, to have commenced on June first, nineteen  
32 hundred seventy-six, and shall file, on or before April fifteenth of  
33 each year, a return for the year ended on the preceding December thir-  
34 ty-first, for taxable years beginning on or after January first, two  
35 thousand sixteen, including any period for which the tax imposed hereby  
36 or by any amendment hereof is effective, each of which returns shall  
37 state the gross income or gross operating income for the period covered  
38 by each such return. Returns shall be filed with the commissioner of  
39 taxation and finance on a form to be furnished by the commissioner for  
40 such purpose and shall contain such other data, information or matter as  
41 the commissioner may require to be included therein. Notwithstanding the  
42 foregoing provisions of this subdivision, the commissioner may require  
43 any utility to file an annual return, which shall contain any data spec-  
44 ified by the commissioner, regardless of whether the utility is subject  
45 to tax under this section; and the commissioner may require a landlord  
46 selling to a tenant gas, electric, steam, water or refrigeration or  
47 furnishing gas, electric, steam, water or refrigerator service, where  
48 the same has been subjected to tax under this section on the sale to  
49 such landlord, to file, on or before the fifteenth day of March of each  
50 year, for taxable years beginning before January first, two thousand  
51 sixteen, and on or before the fifteenth day of April of each year, for  
52 taxable years beginning on or after January first, two thousand sixteen,  
53 an information return for the year ended on the preceding December thir-  
54 ty-first, covering such year in such form and containing such data as  
55 the commissioner may specify. Every return shall have annexed thereto a  
56 certification by the head of the utility making the same, or of the





1 owner or of a co-partner thereof, or of a principal officer of the  
2 corporation, if such business be conducted by a corporation, to the  
3 effect that the statements contained therein are true.

4 § 3. Subdivision 6 of section 186-e of the tax law, as added by chap-  
5 ter 2 of the laws of 1995, is amended to read as follows:

6 6. Returns. Every provider of telecommunication services subject to  
7 tax under this section shall file, on or before March fifteenth of each  
8 year, for taxable years beginning before January first, two thousand  
9 sixteen, and on or before April fifteenth of each year, for taxable  
10 years beginning on or after January first, two thousand sixteen, a  
11 return for the year ended on the preceding December thirty-first, and  
12 pay the tax due, which return shall state the gross receipts for the  
13 period covered by each such return and the resale exclusions during such  
14 period. Returns shall be filed with the commissioner on a form to be  
15 furnished by the commissioner for such purpose and shall contain such  
16 other data, information or matter as the commissioner may require to be  
17 included therein. Notwithstanding the foregoing provisions of this  
18 subdivision, the commissioner may require any provider of telecommuni-  
19 cation services to file an annual return, which shall contain any data  
20 specified by the commissioner, regardless of whether such provider is  
21 subject to tax under this section. Every return shall have annexed ther-  
22 eto a certification by the head of the provider of telecommunication  
23 services making the same, or of the owner or of a partner or member  
24 thereof, or of a principal officer of the corporation, if such business  
25 be conducted by a corporation, to the effect that the statements  
26 contained therein are true.

27 § 4. Subdivision 1 of section 192 of the tax law, as amended by chap-  
28 ter 96 of the laws of 1976, is amended to read as follows:

29 1. Corporations paying franchise tax. Every corporation, association  
30 or joint-stock company liable to pay a tax under section one hundred  
31 eighty-three or one hundred eighty-five of this chapter shall, on or  
32 before March fifteenth in each year, for taxable years beginning before  
33 January first, two thousand sixteen, and on or before April fifteenth in  
34 each year, for taxable years beginning on or after January first, two  
35 thousand sixteen, make a written report to the [tax commission] commis-  
36 sioner of its condition at the close of its business on the preceding  
37 December thirty-first, stating the amount of its authorized capital  
38 stock, the amount of stock paid in, the date and rate per centum of each  
39 dividend paid by it during the year ending with such day, the entire  
40 amount of the capital of such corporation, and the capital employed by  
41 it in this state during such year.

42 § 5. Subdivision 1 of section 192 of the tax law, as amended by  
43 section 26 of part S of chapter 59 of the laws of 2014, is amended to  
44 read as follows:

45 1. Corporations paying franchise tax. Every corporation, association  
46 or joint-stock company liable to pay a tax under section one hundred  
47 eighty-three of this chapter shall, on or before March fifteenth in each  
48 year, for taxable years beginning before January first, two thousand  
49 sixteen, and on or before April fifteenth in each year, for taxable  
50 years beginning on or after January first, two thousand sixteen, make a  
51 written report to the [tax commission] commissioner of its condition at  
52 the close of its business on the preceding December thirty-first, stat-  
53 ing the amount of its authorized capital stock, the amount of stock paid  
54 in, the date and rate per centum of each dividend paid by it during the  
55 year ending with such day, the entire amount of the capital of such



1 corporation, and the capital employed by it in this state during such  
2 year.

3 § 6. Subdivision 2 of section 192 of the tax law, as amended by chap-  
4 ter 96 of the laws of 1976, is amended to read as follows:

5 2. Transportation and transmission corporations. Every transportation  
6 or transmission corporation, joint-stock company or association liable  
7 to pay an additional franchise tax under section one hundred eighty-four  
8 of this chapter, shall also, on or before March fifteenth of each year,  
9 make a written report to the [tax commission] commissioner of the amount  
10 of its gross earnings subject to the tax imposed by said section for the  
11 year ended on the preceding December thirty-first, for taxable years  
12 beginning before January first, two thousand sixteen, except that the  
13 year ended on December thirty-first, nineteen hundred seventy-six shall  
14 be deemed, for the purposes of this subdivision, to have commenced on  
15 July first, nineteen hundred seventy-six, and shall also, on or before  
16 April fifteenth of each year, make a written report to the commissioner  
17 of the amount of its gross earnings subject to the tax imposed by said  
18 section for the year ended on the preceding December thirty-first, for  
19 taxable years beginning on or after January first, two thousand sixteen.  
20 Any such corporation, joint-stock company or association which ceases to  
21 be subject to the tax imposed by section one hundred eighty-four of this  
22 chapter by reason of a liquidation, dissolution, merger or consolidation  
23 with any other corporation, or any other cause, shall, on the date of  
24 such cessation or at such other time as the [tax commission] commis-  
25 er may require, make a written report to the [tax commission] commis-  
26 sioner of the amount of its gross earnings subject to the tax imposed by  
27 section one hundred eighty-four of this chapter for any period for which  
28 no report was theretofore filed. Any corporation, joint-stock company or  
29 association subject to a tax upon dividends under said section one  
30 hundred eighty-four of this chapter shall also include in its report  
31 under this subdivision required to be filed a statement of the author-  
32 ized capital of the company, the amount of capital stock issued, and the  
33 amount of dividends of every nature paid during the year ended on the  
34 preceding December thirty-first. As to tax payers subject to such tax  
35 upon dividends under said section one hundred eighty-four of this chap-  
36 ter, the year ended on December thirty-first, nineteen hundred seventy-  
37 six shall be deemed, for the purposes of this subdivision, to have  
38 commenced on July first, nineteen hundred seventy-six.

39 § 7. Paragraph (a) of subdivision 1 of section 197-b of the tax law,  
40 as amended by section 1 of part G-1 of chapter 57 of the laws of 2009,  
41 is amended to read as follows:

42 (a) For taxable years beginning on or after January first, nineteen  
43 hundred seventy-seven, every taxpayer subject to tax under section one  
44 hundred eighty-two, one hundred eighty-two-a, former section one hundred  
45 eighty-two-b, one hundred eighty-four, one hundred eighty-six-a or one  
46 hundred eighty-six-e of this article, must pay in each year an amount  
47 equal to (i) twenty-five percent of the tax imposed under each of such  
48 sections for the preceding taxable year if the preceding year's tax  
49 exceeded one thousand dollars but was equal to or less than one hundred  
50 thousand dollars, or (ii) forty percent of the tax imposed under any of  
51 these sections for the preceding taxable year if the preceding year's  
52 tax exceeded one hundred thousand dollars. If the preceding year's tax  
53 under section one hundred eighty-four, one hundred eighty-six-a or one  
54 hundred eighty-six-e of this article exceeded one thousand dollars and  
55 the taxpayer is subject to the tax surcharge imposed by section one  
56 hundred eighty-four-a or one hundred eighty-six-c of this article,



1 respectively, the taxpayer must also pay in each such year an amount  
2 equal to (i) twenty-five percent of the tax surcharge imposed under such  
3 section for the preceding taxable year if the preceding year's tax  
4 exceeded one thousand dollars but was equal to or less than one hundred  
5 thousand dollars, or (ii) forty percent of the tax surcharge imposed  
6 under that section for the preceding taxable year if the preceding  
7 year's tax exceeded one hundred thousand dollars. The amount or amounts  
8 must be paid with the return or report required to be filed with respect  
9 to the tax or tax surcharge for the preceding taxable year or with an  
10 application for extension of the time for filing the return or report,  
11 for taxable years beginning before January first, two thousand sixteen,  
12 and must be paid on or before the fifteenth day of the third month  
13 following the close of the taxable year, for taxable years beginning on  
14 or after January first, two thousand sixteen.

15 § 8. Paragraph (a) of subdivision 1 of section 209 of the tax law, as  
16 amended by section 5 of part A of chapter 59 of the laws of 2014, is  
17 amended to read as follows:

18 (a) For the privilege of exercising its corporate franchise, or of  
19 doing business, or of employing capital, or of owning or leasing proper-  
20 ty in this state in a corporate or organized capacity, or of maintaining  
21 an office in this state, or of deriving receipts from activity in this  
22 state, for all or any part of each of its fiscal or calendar years,  
23 every domestic or foreign corporation, except corporations specified in  
24 subdivision four of this section, shall annually pay a franchise tax,  
25 upon the basis of its business income base, or upon such other basis as  
26 may be applicable as hereinafter provided, for such fiscal or calendar  
27 year or part thereof, on a report which shall be filed, except as here-  
28 inafter provided, on or before the fifteenth day of March next succeed-  
29 ing the close of each such year, for taxable years beginning before  
30 January first, two thousand sixteen, and on or before the fifteenth day  
31 of April next succeeding the close of each such year, for taxable years  
32 beginning on or after January first, two thousand sixteen, or, in the  
33 case of a corporation which reports on the basis of a fiscal year, with-  
34 in two and one-half months after the close of such fiscal year, for  
35 taxable years beginning before January first, two thousand sixteen, and  
36 on or before the fifteenth day of the fourth month after the close of  
37 such fiscal year, for taxable years beginning on or after January first,  
38 two thousand sixteen, and shall be paid as hereinafter provided.

39 § 9. Subdivision 1 of section 211 of the tax law, as amended by chap-  
40 ter 436 of the laws of 1974, the opening paragraph as amended by chapter  
41 190 of the laws of 1990 and the second undesignated paragraph as amended  
42 by chapter 542 of the laws of 1985, is amended to read as follows:

43 1. Every taxpayer[, as well as every foreign corporation having an  
44 employee, including any officer, within the state,] shall annually on or  
45 before March fifteenth, for taxable years beginning before January  
46 first, two thousand sixteen, and annually on or before April fifteenth,  
47 for taxable years beginning on or after January first, two thousand  
48 sixteen, transmit to the [tax commission] commissioner a report in a  
49 form prescribed by [it] the commissioner (except that a corporation  
50 which reports on the basis of a fiscal year shall transmit its report  
51 within two and one-half months after the close of its fiscal year, for  
52 taxable years beginning before January first, two thousand sixteen, and  
53 on or before the fifteenth day of the fourth month after the close of  
54 its fiscal year, for taxable years beginning on or after January first,  
55 two thousand sixteen, and except, also, that a corporation which is a  
56 DISC shall transmit its report on or before the fifteenth day of the



1 ninth month following the close of its calendar or fiscal year), setting  
2 forth such information as the [tax commission] commissioner may  
3 prescribe and every taxpayer which ceases to exercise its franchise or  
4 to be subject to the tax imposed by this article shall transmit to the  
5 [tax commission] commissioner a report on the date of such cessation or  
6 at such other time as the [tax commission] commissioner may require  
7 covering each year or period for which no report was theretofore filed.  
8 In the case of a termination year of an S corporation, the S short year  
9 and the C short year shall be treated as separate short taxable years,  
10 provided, however, the due date of the report for the S short year shall  
11 be the same as the due date of the report for the C short year. Every  
12 taxpayer shall also transmit such other reports and such facts and  
13 information as the [tax commission] commissioner may require in the  
14 administration of this article. The [tax commission] commissioner may  
15 grant a reasonable extension of time for filing reports whenever good  
16 cause exists.

17 An automatic extension of six months for the filing of its annual  
18 report shall be allowed any taxpayer if, within the time prescribed by  
19 the preceding paragraph, such taxpayer files with the [tax commission]  
20 commissioner an application for extension in such form as [said commis-  
21 sion] the commissioner may prescribe by regulation and pays on or before  
22 the date of such filing the amount properly estimated as its tax.

23 § 10. Subdivision (a) of section 213-b of the tax law, as amended by  
24 section 2 of part G-1 of chapter 57 of the laws of 2009, is amended to  
25 read as follows:

26 (a) First installments for certain taxpayers.--In privilege periods of  
27 twelve months ending at any time during the calendar year nineteen  
28 hundred seventy and thereafter, every taxpayer subject to the tax  
29 imposed by section two hundred nine of this chapter must pay with the  
30 report required to be filed for the preceding privilege period, or with  
31 an application for extension of the time for filing the report, for  
32 taxable years beginning before January first, two thousand sixteen, and  
33 must pay on or before the fifteenth day of the third month of such priv-  
34 ilege periods, for taxable years beginning on or after January first,  
35 two thousand sixteen, an amount equal to (i) twenty-five percent of the  
36 preceding year's tax if the preceding year's tax exceeded one thousand  
37 dollars but was equal to or less than one hundred thousand dollars, or  
38 (ii) forty percent of the preceding year's tax if the preceding year's  
39 tax exceeded one hundred thousand dollars. If the preceding year's tax  
40 under section two hundred nine of this chapter exceeded one thousand  
41 dollars and the taxpayer is subject to the tax surcharge imposed by  
42 section two hundred nine-B of this chapter, the taxpayer must also pay  
43 with the tax surcharge report required to be filed for the preceding  
44 privilege period, or with an application for extension of the time for  
45 filing the report, for taxable years beginning before January first, two  
46 thousand sixteen, and must pay on or before the fifteenth day of the  
47 third month of such privilege periods, for taxable years beginning on or  
48 after January first, two thousand sixteen, an amount equal to (i) twen-  
49 ty-five percent of the tax surcharge imposed for the preceding year if  
50 the preceding year's tax was equal to or less than one hundred thousand  
51 dollars, or (ii) forty percent of the tax surcharge imposed for the  
52 preceding year if the preceding year's tax exceeded one hundred thousand  
53 dollars.

54 § 11. Subdivision (f) of section 213-b of the tax law, as amended by  
55 chapter 613 of the laws of 1976, is amended to read as follows:



1 (f) The preceding year's tax defined.-- As used in this section, "the  
2 preceding year's tax" means the tax imposed upon the taxpayer by section  
3 two hundred nine of this chapter for the preceding calendar or fiscal  
4 year, or, for purposes of computing the first installment of estimated  
5 tax when either the mandatory first installment is paid pursuant to  
6 subdivision (a) of this section or an application has been filed for  
7 extension of the time for filing the report required to be filed for  
8 such preceding calendar or fiscal year, the amount properly estimated  
9 pursuant to section two hundred thirteen of this chapter as the tax  
10 imposed upon the taxpayer for such calendar or fiscal year.

11 § 12. Paragraph 1 of subsection (c) of section 658 of the tax law, as  
12 amended by chapter 760 of the laws of 1992, is amended to read as  
13 follows:

14 (1) Partnerships. Every partnership having a resident partner or  
15 having any income derived from New York sources, determined in accord-  
16 ance with the applicable rules of section six hundred thirty-one as in  
17 the case of a nonresident individual, shall make a return for the taxa-  
18 ble year setting forth all items of income, gain, loss and deduction and  
19 such other pertinent information as the commissioner may by regulations  
20 and instructions prescribe. Such return shall be filed on or before the  
21 fifteenth day of the fourth month following the close of each taxable  
22 year, for taxable years beginning before January first, two thousand  
23 sixteen, and on or before the fifteenth day of the third month following  
24 the close of each taxable year, for taxable years beginning on or after  
25 January first, two thousand sixteen, except that the due date for the  
26 return of a partnership consisting entirely of nonresident aliens shall  
27 be the date prescribed for the filing of its federal partnership return  
28 for the taxable year. For purposes of this paragraph, "taxable year"  
29 means a year or a period which would be a taxable year of the partner-  
30 ship if it were subject to tax under this article.

31 § 13. Subparagraph (A) of paragraph 3 of subsection (c) of section 658  
32 of the tax law, as amended by section 18 of part U of chapter 61 of the  
33 laws of 2011, is amended to read as follows:

34 (A) Every subchapter K limited liability company, every limited  
35 liability company that is a disregarded entity for federal income tax  
36 purposes, and every partnership which has any income derived from New  
37 York sources, determined in accordance with the applicable rules of  
38 section six hundred thirty-one of this article as in the case of a  
39 nonresident individual, shall[, within sixty days after the last day of  
40 the taxable year,] on or before the fifteenth day of the third month  
41 following the close of each taxable year make a payment of a filing fee.  
42 The amount of the filing fee is the amount set forth in subparagraph (B)  
43 of this paragraph. The minimum filing fee is twenty-five dollars for  
44 taxable years beginning in two thousand eight and thereafter. Limited  
45 liability companies that are disregarded entities for federal income tax  
46 purposes must pay a filing fee of twenty-five dollars for taxable years  
47 beginning on or after January first, two thousand eight.

48 § 14. Subsection (i) of section 1087 of the tax law, as added by chap-  
49 ter 188 of the laws of 1964, is amended to read as follows:

50 (i) Prepaid tax.--For purposes of this section, any tax paid by the  
51 taxpayer before the last day prescribed for its payment (including any  
52 amount paid by the taxpayer as estimated tax for a taxable year) shall  
53 be deemed to have been paid by it on the fifteenth day of the third  
54 month following the close of the taxable year the income of which is the  
55 basis for tax under article nine-a, [nine-b or nine-c,] or on the last  
56 day prescribed in article nine for the filing of a final return for such



1 taxable year, or portion thereof, determined in all cases without regard  
2 to any extension of time granted the taxpayer, for taxable years begin-  
3 ning before January first, two thousand sixteen, and on the fifteenth  
4 day of the fourth month following the close of the taxable year the  
5 income of which is the basis for tax under article nine-a, or on the  
6 last day prescribed in article nine for the filing of a final return for  
7 such taxable year, or portion thereof, determined in all cases without  
8 regard to any extension of time granted the taxpayer, for taxable years  
9 beginning on or after January first, two thousand sixteen.

10 § 15. Paragraph 3 of subdivision (a) of section 1514 of the tax law,  
11 as amended by section 89 of part A of chapter 389 of the laws of 1997,  
12 is amended to read as follows:

13 (3) Such amount or amounts described in paragraphs one and two of this  
14 subdivision shall be paid with the return required to be filed with  
15 respect to such tax or tax surcharge for such preceding taxable year or  
16 with an application for extension of the time for filing such return,  
17 for taxable years beginning before January first, two thousand sixteen,  
18 and shall be paid on or before the fifteenth day of the third month of  
19 each taxable year, for taxable years beginning on or after January  
20 first, two thousand sixteen.

21 § 16. Subdivision (f) of section 1514 of the tax law, as amended by  
22 section 26 of part H3 of chapter 62 of the laws of 2003, is amended to  
23 read as follows:

24 (f) The preceding year's tax defined. As used in this section, "the  
25 preceding year's tax" means, for taxpayers subject to tax under subdivi-  
26 sion (b) of section fifteen hundred ten of this article, the taxes  
27 imposed upon the taxpayer by sections fifteen hundred one and fifteen  
28 hundred ten of this article from the preceding taxable year or as other-  
29 wise determined by subdivision (b) of section fifteen hundred five of  
30 this article, and for taxpayers subject to tax under section fifteen  
31 hundred two-a of this article, the tax imposed upon the taxpayer by such  
32 section fifteen hundred two-a of this article from the preceding year,  
33 or for purposes of computing the first installment of estimated tax when  
34 either the mandatory first installment is paid pursuant to subdivision  
35 (a) of this section or an application has been filed for extension of  
36 the time for filing the return required to be filed for such preceding  
37 taxable year, the amount properly estimated pursuant to paragraph one of  
38 subdivision (b) of section fifteen hundred sixteen of this article as  
39 the tax imposed upon the taxpayer for such taxable year.

40 § 17. Subdivision (a) of section 1515 of the tax law, as added by  
41 section 649 of the laws of 1974 and as further amended by section 104 of  
42 part A of chapter 62 of the laws of 2011, is amended to read as follows:

43 (a) Every taxpayer and every other foreign and alien insurance corpo-  
44 ration having an employee, including any officer, in this state or  
45 having an agent or representative in this state, shall annually, on or  
46 before the fifteenth day of the third month following the close of its  
47 taxable year, for taxable years beginning before January first, two  
48 thousand sixteen, and on or before the fifteenth day of the fourth month  
49 following the close of its taxable year, for taxable years beginning on  
50 or after January first, two thousand sixteen, transmit to the [tax  
51 commission] commissioner a return in a form prescribed by [it] the  
52 commissioner setting forth such information as the [tax commission]  
53 commissioner may prescribe and every taxpayer which ceases to exercise  
54 its franchise or to be subject to the tax imposed by this article shall  
55 transmit to the [tax commission] commissioner a return on the date of  
56 such cessation or at such other time as the [tax commission] commission-



1 er may require covering each year or period for which no return was  
2 theretofore filed. A copy of each return required under this subdivision  
3 shall also be transmitted to the superintendent of financial services at  
4 or before the times specified for filing such returns with the [tax  
5 commission] commissioner.

6 § 18. Subdivisions (a) and (b) of section 11-514 of the administrative  
7 code of the city of New York, subdivision (a) as amended by chapter 183  
8 of the laws of 2009, are amended to read as follows:

9 (a) General. [On or before the fifteenth day of the fourth month  
10 following the close of a taxable year, an] An unincorporated business  
11 income tax return shall be made and filed, and the balance of any tax  
12 shown on the face of such return, not previously paid as installments of  
13 estimated tax, shall be paid, on or before the fifteenth day of the  
14 fourth month following the close of a taxable year for taxable years  
15 beginning before January first, two thousand sixteen, and on or before  
16 the fifteenth day of the third month following the close of a taxable  
17 year for taxable years beginning on or after January first, two thousand  
18 sixteen:

19 (1) by or for every unincorporated business, for taxable years begin-  
20 ning after nineteen hundred eighty-six but before nineteen hundred nine-  
21 ty-seven, having unincorporated business gross income, determined for  
22 purposes of this subdivision without any deduction for the cost of goods  
23 sold or services performed, of more than ten thousand dollars, or having  
24 any amount of unincorporated business taxable income;

25 (2) by or for every partnership, for taxable years beginning after  
26 nineteen hundred ninety-six but before two thousand nine, having unin-  
27 corporated business gross income, determined for purposes of this subdivi-  
28 sion without any deduction for the cost of goods sold or services  
29 performed, of more than twenty-five thousand dollars, or having unincor-  
30 porated business taxable income of more than fifteen thousand dollars;

31 (3) by or for every unincorporated business other than a partnership,  
32 for taxable years beginning after nineteen hundred ninety-six but before  
33 two thousand nine, having unincorporated business gross income, deter-  
34 mined for purposes of this subdivision without any deduction for the  
35 cost of goods sold or services performed, of more than seventy-five  
36 thousand dollars, or having unincorporated business taxable income of  
37 more than thirty-five thousand dollars; and

38 (4) by or for every unincorporated business, for taxable years begin-  
39 ning after two thousand eight, having unincorporated business gross  
40 income, determined for purposes of this subdivision without any  
41 deduction for the cost of goods sold or services performed, of more than  
42 ninety-five thousand dollars.

43 (b) Decedents. The return for any deceased individual shall be made  
44 and filed by his or her executor, administrator, or other person charged  
45 with his or her property. If a final return of a decedent is for a frac-  
46 tional part of a year, the due date of such return shall be, for taxable  
47 years beginning before January first, two thousand sixteen, the  
48 fifteenth day of the fourth month following the close of the twelve-  
49 month period [which] that began with the first day of such fractional  
50 part of the year, and, for taxable years beginning on or after January  
51 first, two thousand sixteen, the fifteenth day of the third month  
52 following the close of the twelve-month period that began with the first  
53 day of such fractional part of the year.

54 § 19. Subdivision (i) of section 11-527 of the administrative code of  
55 the city of New York is amended to read as follows:



1 (i) Prepaid tax. For purposes of this section, any tax paid by the  
2 taxpayer before the last day prescribed for its payment and any amount  
3 paid by the taxpayer as estimated tax for a taxable year shall be deemed  
4 to have been paid by the taxpayer, for taxable years beginning before  
5 January first, two thousand sixteen, on the fifteenth day of the fourth  
6 month following the close of his or her taxable year with respect to  
7 which such amount constitutes a credit or payment, and, for taxable  
8 years beginning on or after January first, two thousand sixteen, on the  
9 fifteenth day of the third month following the close of his or her taxa-  
10 ble year with respect to which such amount constitutes a credit or  
11 payment.

12 § 20. Paragraph (a) of subdivision 1 of section 11-653 of the adminis-  
13 trative code of the city of New York, as added by section 1 of part D of  
14 chapter 60 of the laws of 2015, is amended to read as follows:

15 (a) For the privilege of doing business, or of employing capital, or  
16 of owning or leasing property in the city in a corporate or organized  
17 capacity, or of maintaining an office in the city, for all or any part  
18 of each of its fiscal or calendar years, every domestic or foreign  
19 corporation, except corporations specified in subdivision four of this  
20 section, shall annually pay a tax, upon the basis of its business  
21 income, or upon such other basis as may be applicable as hereinafter  
22 provided, for such fiscal or calendar year or part thereof, on a report  
23 [which] that shall be filed, except as hereinafter provided, for taxable  
24 years beginning before January first, two thousand sixteen, on or before  
25 the fifteenth day of March next succeeding the close of each such calen-  
26 dar year, or, in the case of a taxpayer [which] that reports on the  
27 basis of a fiscal year, within two and one-half months after the close  
28 of each such fiscal year, and for taxable years beginning on or after  
29 January first, two thousand sixteen, on or before the fifteenth day of  
30 April next succeeding the close of each such calendar year, or, in the  
31 case of a taxpayer that reports on the basis of a fiscal year, within  
32 three and one-half months after the close of each such fiscal year, and  
33 shall be paid as hereinafter provided.

34 § 21. Subdivision 1 of section 11-655 of the administrative code of  
35 the city of New York, as added by section 1 of part D of chapter 60 of  
36 the laws of 2015, is amended to read as follows:

37 1. Every corporation having an officer, agent or representative within  
38 the city, shall, annually on or before March fifteenth for taxable years  
39 beginning before January first, two thousand sixteen, and annually on or  
40 before April fifteenth for taxable years beginning on or after January  
41 first, two thousand sixteen, transmit to the commissioner of finance a  
42 report, in a form prescribed by the commissioner of finance [(except  
43 that a corporation which reports on the basis of a fiscal year shall  
44 transmit its report within two and one-half months after the close of  
45 its fiscal year)], setting forth such information as the commissioner of  
46 finance may prescribe, [and every] except that a corporation that  
47 reports on the basis of a fiscal year shall transmit such report, for  
48 taxable years beginning before January first, two thousand sixteen,  
49 within two and one-half months after the close of its fiscal year, and,  
50 for taxable years beginning after January first, two thousand sixteen,  
51 within three and one-half months after the close of its fiscal year.  
52 Every taxpayer [which] that ceases to do business in the city or to be  
53 subject to the tax imposed by this subchapter shall transmit to the  
54 commissioner of finance a report on the date of such cessation or at  
55 such other time as the commissioner of finance may require covering each  
56 year or period for which no report was theretofore filed. Every taxpayer





1 shall also transmit such other reports and such facts and information as  
2 the commissioner of finance may require in the administration of this  
3 subchapter. The commissioner of finance may grant a reasonable extension  
4 of time for filing reports whenever good cause exists.

5 An automatic extension of six months for the filing of its annual  
6 report shall be allowed any taxpayer if, within the time prescribed by  
7 the preceding paragraph, whichever is applicable, such taxpayer files  
8 with the commissioner of finance an application for extension in such  
9 form as the commissioner of finance may prescribe by regulation and pays  
10 on or before the date of such filing the amount properly estimated as  
11 its tax.

12 § 22. Subdivision 1 of section 11-658 of the administrative code of  
13 the city of New York, as added by section 1 of part D of chapter 60 of  
14 the laws of 2015, is amended to read as follows:

15 1. [Every] For taxable years beginning before January first, two thou-  
16 sand sixteen, every taxpayer subject to the tax imposed by section  
17 11-653 of this subchapter shall pay with the report required to be filed  
18 for the preceding privilege period, if any, or with an application for  
19 extension of the time and filing such report, an amount equal to twen-  
20 ty-five per centum of the preceding year's tax if such preceding year's  
21 tax exceeded one thousand dollars. For taxable years beginning on or  
22 after January first, two thousand sixteen, such amount shall be paid on  
23 or before the fifteenth day of March next succeeding the close of each  
24 such calendar year, or, in the case of a taxpayer that reports on the  
25 basis of a fiscal year, within two and one-half months after the close  
26 of each such fiscal year.

27 § 23. Subdivision 6 of section 11-658 of the administrative code of  
28 the city of New York, as added by section 1 of part D of chapter 60 of  
29 the laws of 2015, is amended to read as follows:

30 6. As used in this section, "the preceding year's tax" means the tax  
31 imposed upon the taxpayer by section 11-653 of this subchapter for the  
32 preceding calendar or fiscal year, or, for purposes of computing the  
33 first installment of estimated tax when either the mandatory first  
34 installment is paid pursuant to subdivision one of this section or an  
35 application has been filed for extension of the time for filing the  
36 report required to be filed for such preceding calendar or fiscal year,  
37 the amount properly estimated pursuant to section 11-657 of this  
38 subchapter as the tax imposed upon the taxpayer for such calendar or  
39 fiscal year.

40 § 24. This act shall take effect immediately provided, however, that  
41 section five of this act shall take effect on the same date and in the  
42 same manner as section 26 of part S of chapter 59 of the laws of 2014,  
43 takes effect, and that section five of this act shall apply to taxable  
44 years beginning on or after January 1, 2018 and that section thirteen of  
45 this act shall apply to taxable years beginning on or after January 1,  
46 2016.

47

## PART R

48 Section 1. Subparagraph (iv) of paragraph (a) of subdivision 1 of  
49 section 210 of the tax law, as amended by section 12 of part A of chap-  
50 ter 59 of the laws of 2014, is amended to read as follows:

51 (iv) (A) for taxable years beginning before January first, two thou-  
52 sand sixteen, if the business income base is not more than two hundred  
53 ninety thousand dollars the amount shall be six and one-half percent of  
54 the business income base; if the business income base is more than two

1 hundred ninety thousand dollars but not over three hundred ninety thou-  
 2 sand dollars the amount shall be the sum of (1) eighteen thousand eight  
 3 hundred fifty dollars, (2) seven and one-tenth percent of the excess of  
 4 the business income base over two hundred ninety thousand dollars but  
 5 not over three hundred ninety thousand dollars and (3) four and thirty-  
 6 five hundredths percent of the excess of the business income base over  
 7 three hundred fifty thousand dollars but not over three hundred ninety  
 8 thousand dollars;

9 (B) for taxable years beginning on or after January first, two thou-  
 10 sand seventeen, if the business income base is not more than two hundred  
 11 ninety thousand dollars the amount shall be four percent of the business  
 12 income base; if the business income base is more than two hundred ninety  
 13 thousand dollars but not over three hundred ninety thousand dollars the  
 14 amount shall be the sum of (1) eleven thousand six hundred dollars, (2)  
 15 six and one-half percent of the excess of the business income base over  
 16 two hundred ninety thousand dollars but not over three hundred ninety  
 17 thousand dollars and (3) eighteen and thirteen hundredths percent of the  
 18 excess of the business income base over three hundred fifty thousand  
 19 dollars but not over three hundred ninety thousand dollars;

20 § 2. Paragraph 39 of subsection (c) of section 612 of the tax law, as  
 21 added by section 1 of part Y of chapter 59 of the laws of 2013, is  
 22 amended to read as follows:

23 (39) (A) In the case of a taxpayer who is a small business or a  
 24 taxpayer who is a member, partner, or shareholder of a limited liability  
 25 company, partnership, or New York S corporation, respectively, that is a  
 26 small business, who or which has business income and/or farm income as  
 27 defined in the laws of the United States, an amount equal to [three]  
 28 fifteen percent of the net items of income, gain, loss and deduction  
 29 attributable to such business or farm entering into federal adjusted  
 30 gross income, but not less than zero[, for taxable years beginning after  
 31 two thousand thirteen, an amount equal to three and three-quarters  
 32 percent of the net items of income, gain, loss and deduction attribut-  
 33 able to such business or farm entering into federal adjusted gross  
 34 income, but not less than zero, for taxable years beginning after two  
 35 thousand fourteen, and an amount equal to five percent of the net items  
 36 of income, gain, loss and deduction attributable to such business or  
 37 farm entering into federal adjusted gross income, but not less than  
 38 zero, for taxable years beginning after two thousand fifteen].

39 (B) (i) For the purposes of this paragraph, the term small business  
 40 shall mean: (I) a sole proprietor [or a farm business] who employs one  
 41 or more persons during the taxable year and who has net business income  
 42 or net farm income of less than two hundred fifty thousand dollars, or  
 43 (II) a limited liability company, partnership or New York S corporation  
 44 that during the taxable year employs one or more persons and has New  
 45 York gross business income attributable to a non-farm business that is  
 46 greater than zero but less than one million five hundred thousand  
 47 dollars or net farm income attributable to a farm business that is  
 48 greater than zero but less than two hundred fifty thousand dollars.

49 (ii) For purposes of this paragraph, the term New York gross business  
 50 income shall mean: (I) in the case of a limited liability company or a  
 51 partnership New York source gross income as defined in subparagraph (B)  
 52 of paragraph three of subsection (c) of section six hundred fifty-eight  
 53 of this article, and, (II) in the case of a New York S corporation, New  
 54 York receipts included in the numerator of the apportionment factor  
 55 determined under section two hundred ten-A of this chapter for the taxa-  
 56 ble year.

1 (C) To qualify for this modification in relation to a non-farm small  
 2 business that is a limited liability company, partnership or New York S  
 3 corporation, the taxpayer's income attributable to the net business  
 4 income from its ownership interests in non-farm limited liability compa-  
 5 nies, partnerships or New York S corporations must be less than two  
 6 hundred fifty thousand dollars.

7 § 3. Paragraph 35 of subdivision (c) of section 11-1712 of the admin-  
 8 istrative code of the city of New York, as added by section 2 of part Y  
 9 of chapter 59 of the laws of 2013, is amended to read as follows:

10 (35) (A) In the case of a taxpayer who is a small business or a  
 11 taxpayer who is a member, partner, or shareholder of a limited liability  
 12 company, partnership, or New York S corporation, respectively, that is a  
 13 small business, who or which has business income and/or farm income as  
 14 defined in the laws of the United States, an amount equal to [three]  
 15 fifteen percent of the net items of income, gain, loss and deduction  
 16 attributable to such business or farm entering into federal adjusted  
 17 gross income, but not less than zero[, for taxable years beginning after  
 18 two thousand thirteen, an amount equal to three and three-quarters  
 19 percent of the net items of income, gain, loss and deduction attribut-  
 20 able to such business or farm entering into federal adjusted gross  
 21 income, but not less than zero, for taxable years beginning after two  
 22 thousand fourteen, and an amount equal to five percent of the net items  
 23 of income, gain, loss and deduction attributable to such business or  
 24 farm entering into federal adjusted gross income, but not less than  
 25 zero, for taxable years beginning after two thousand fifteen].

26 (B) (i) For the purposes of this paragraph, the term small business  
 27 shall mean: (I) a sole proprietor [or a farm business] who employs one  
 28 or more persons during the taxable year and who has net business income  
 29 or net farm income of less than two hundred fifty thousand dollars; or  
 30 (II) a limited liability company, partnership or New York S corporation  
 31 that during the taxable year employs one or more persons and has New  
 32 York gross business income attributable to a non-farm business that is  
 33 greater than zero but less than one million five hundred thousand  
 34 dollars or net farm income attributable to a farm business that is  
 35 greater than zero but less than two hundred fifty thousand dollars.

36 (ii) For purposes of this paragraph, the term New York gross business  
 37 income shall mean: (I) in the case of a limited liability company or a  
 38 partnership, New York source gross income as defined in subparagraph (B)  
 39 of paragraph three of subsection (c) of section six hundred fifty-eight  
 40 of article twenty-two of the tax law, and, (II) in the case of a New  
 41 York S corporation, New York receipts included in the numerator of the  
 42 apportionment factor determined under section two hundred ten-A of arti-  
 43 cle nine-A of the tax law for the taxable year.

44 (C) To qualify for this modification in relation to a non-farm small  
 45 business that is a limited liability company, partnership or New York S  
 46 corporation, the taxpayer's income attributable to the net business  
 47 income from its ownership interests in non-farm limited liability compa-  
 48 nies, partnerships or New York S corporations must be less than two  
 49 hundred fifty thousand dollars.

50 § 4. This act shall take effect immediately and shall apply to taxable  
 51 years beginning on or after January 1, 2017.

52 PART S

53 Section 1. This act shall be known and may be cited as the "parental  
 54 choice in education act".

1 § 2. The education law is amended by adding a new article 25 to read  
2 as follows:

3 ARTICLE 25

4 EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT

5 Section 1209. Short title.

6 1210. Definitions.

7 1211. Approval to issue certificates of receipt.

8 1212. Applications for approval to issue certificates of  
9 receipt.

10 1213. Application approval for certificates of receipt.

11 1214. Revocation of approval to issue certificates of receipt.

12 1215. Reporting and recordkeeping.

13 1216. Joint annual report.

14 1217. Commissioner; powers.

15 § 1209. Short title. This article shall be known and may be cited as  
16 the "education scholarship and program tax credit".

17 § 1210. Definitions. For the purposes of this section, the following  
18 terms shall have the following meanings:

19 1. "Authorized contribution" means the contribution amount that is  
20 listed on the contribution authorization certificate issued to a taxpay-  
21 er.

22 2. "Contribution" means a donation paid by cash, check, electronic  
23 funds transfer, debit card or credit card that is made by a taxpayer  
24 during the taxable year.

25 3. "Educational program" means an academic or similar program of a  
26 public school that enhances the curriculum or academic program of the  
27 public school, or provides a pre-kindergarten program to a public  
28 school. For purposes of this definition, the instruction, materials,  
29 programs and other activities offered by or through an educational  
30 program may include, but are not limited to, the following features: (a)  
31 instruction or materials promoting health, physical education, and fami-  
32 ly and consumer sciences; literary, performing and visual arts; math-  
33 ematics, social studies, technology and scientific achievement; (b)  
34 instruction or programming to meet the education needs of at-risk  
35 students or students with disabilities, including tutoring or coun-  
36 seling; or (c) the use of specialized instructional materials, instruc-  
37 tors or instruction not provided by a public school.

38 4. "Educational scholarship organization" means an entity that:

39 (a) is exempt from taxation under paragraph three of subsection (c) of  
40 section five hundred one of the internal revenue code; (b) uses at least  
41 ninety percent of the qualified contributions received during the calen-  
42 dar year and any income derived from qualified contributions during such  
43 year for scholarships; (c) provides more than fifty percent of its scho-  
44 larships during a calendar year to eligible pupils who reside in a  
45 household that has an income not to exceed one hundred fifty percent of  
46 the income qualification required for the reduced price school lunches  
47 under the national school lunch act, provided however for the purposes  
48 of an educational scholarship organization fulfilling such requirement,  
49 an educational scholarship organization may enter into an agreement with  
50 another educational scholarship organization or organizations to jointly  
51 report their scholarship information to meet such requirement; (d)  
52 deposits and holds qualified contributions and any income derived from  
53 qualified contributions in an account that is separate from the organ-  
54 ization's operating or other funds until such qualified contributions or  
55 income are withdrawn for use; (e) provides scholarships to eligible

1 pupils for use at not fewer than three qualified schools; and (f) is  
2 approved to issue certificates of receipt pursuant to this article.

3 5. "Eligible pupil" means a child who is: (a) a resident of this  
4 state; (b) of school age in accordance with subdivision one of section  
5 thirty-two hundred two of this chapter or who is four years of age on or  
6 before December first of the year in which such child is enrolled in a  
7 pre-kindergarten program; (c) attends or is about to attend a qualified  
8 school; and (d) resides in a household that has a federal adjusted gross  
9 income of two hundred fifty thousand dollars or less, provided however,  
10 for households with three or more dependent children, such income level  
11 shall be increased by ten thousand dollars per dependent child, not to  
12 exceed three hundred thousand dollars.

13 6. "Local education fund" means a not-for-profit entity that: (a) is  
14 exempt from taxation under paragraph three of subsection (c) of section  
15 five hundred one of the internal revenue code; (b) is established for  
16 the purpose of supporting at least one public school or public school  
17 district located in this state; (c) uses at least ninety percent of the  
18 qualified contributions received during the calendar year and any income  
19 derived from qualified contributions during such months to support the  
20 public school or schools or public school district or districts that  
21 such fund has been established to support; (d) deposits and holds quali-  
22 fied contributions and any income derived from qualified contributions  
23 in an account that is separate from the fund's operating or other funds  
24 until such qualified contributions or income are withdrawn for use; and  
25 (e) is approved to issue certificates of receipt pursuant to this arti-  
26 cle.

27 7. "Non-public school" means any not-for-profit pre-kindergarten  
28 program, elementary, or secondary sectarian or nonsectarian school  
29 located in this state, other than a public school, that provides  
30 instruction at one or more locations to an eligible pupil in accordance  
31 with section thirty-two hundred four of this chapter.

32 8. "Public education entity" means a public school district or a  
33 public school in this state, provided that such public school district  
34 or public school: (a) deposits and holds qualified contributions and any  
35 income derived from such qualified contributions in an account that is  
36 separate from the public school or public school district's operating or  
37 other funds until such qualified contributions or income are withdrawn  
38 for use; and (b) is approved to receive authorized contributions and  
39 issue certificates of receipt pursuant to this article.

40 9. "Public school" means any free elementary or secondary school in  
41 this state pursuant to article eleven of the constitution, but shall not  
42 include a charter school authorized by article fifty-six of this chap-  
43 ter.

44 10. "Qualified contribution" means the authorized contribution made by  
45 a taxpayer to a public education entity, school improvement organiza-  
46 tion, local education fund, or educational scholarship organization  
47 listed in the contribution authorization certificate issued to the  
48 taxpayer for which the taxpayer has received a certificate of receipt  
49 from such entity, fund or organization. A contribution does not qualify  
50 if the taxpayer designates the taxpayer's contribution to an entity or  
51 organization for the direct benefit of any particular or specified  
52 student.

53 11. "Qualified school" means a public school or non-public school  
54 located in this state.

55 12. "Scholarship" means an educational scholarship or tuition grant  
56 awarded to an eligible pupil to attend a qualified school in an amount



1 not to exceed the tuition charged to attend such school less any other  
 2 educational scholarship or tuition grant received by such eligible pupil  
 3 or his or her parent, parents, legal guardian, or legal guardians for  
 4 such eligible pupil's tuition; provided, however, in the case of an  
 5 eligible pupil attending a public school of a district of which such  
 6 pupil is not a resident, the amount of the educational scholarship or  
 7 tuition grant awarded may not exceed the tuition charged by the public  
 8 school pursuant to paragraph d of subdivision four of section thirty-two  
 9 hundred two of this chapter, but only if the school district of which  
 10 such pupil is a resident is not required to pay for such tuition.

11 13. "School improvement organization" means a not-for-profit entity  
 12 that: (a) is exempt from taxation under paragraph three of subsection  
 13 (c) of section five hundred one of the internal revenue code; (b) uses  
 14 at least ninety percent of the qualified contributions received during  
 15 the calendar year and any income derived from qualified contributions  
 16 during such months to assist public schools or public school districts  
 17 located in this state in their provision of educational programs, either  
 18 by making contributions to one or more public schools or public school  
 19 districts located in this state or providing educational programs to, or  
 20 in conjunction with, one or more public schools or public school  
 21 districts located in this state; (c) deposits and holds qualified  
 22 contributions and any income derived from qualified contributions in an  
 23 account that is separate from the organization's operating or other  
 24 funds until such qualified contributions or income are withdrawn for  
 25 use; and (d) is approved to issue certificates of receipt pursuant to  
 26 this article. Such term includes a pre-kindergarten program or not-for-  
 27 profit entity that allows the taxpayer to choose to donate to a program  
 28 project or initiative for use in a public school.

29 § 1211. Approval to issue certificates of receipt. 1. Public schools  
 30 and public school districts. All public schools and public school  
 31 districts shall be approved to issue certificates of receipt for quali-  
 32 fied contributions in accordance with section forty-two of the tax law,  
 33 provided, however, that such public school or public school district  
 34 shall not be approved if either: (a) such public school or public school  
 35 district fails to deposit and hold qualified contributions and any  
 36 income derived from qualified contributions in an account that is sepa-  
 37 rate from the school or school district's operating or other funds until  
 38 such qualified contributions or income are withdrawn for use; or (b) the  
 39 commissioner has revoked such approval for such public school or public  
 40 school district pursuant to section twelve hundred fourteen of this  
 41 article.

42 2. School improvement organizations, educational scholarship organiza-  
 43 tions and local education funds. No school improvement organization,  
 44 educational scholarship organization or local education fund shall issue  
 45 any certificates of receipt without filing an application pursuant to  
 46 section twelve hundred twelve of this article and receiving approval  
 47 pursuant to section twelve hundred thirteen of this article.

48 § 1212. Applications for approval to issue certificates of receipt.  
 49 Each school improvement organization, educational scholarship organiza-  
 50 tion and local education fund shall submit an application to the commis-  
 51 sioner for approval to issue certificates of receipt in the form and  
 52 manner prescribed by the commissioner, provided that such application  
 53 shall include: (a) submission of documentation that such school improve-  
 54 ment organization, local education fund or educational scholarship  
 55 organization has been granted exemption from taxation under paragraph  
 56 three of subsection (c) of section five hundred one of the internal

1 revenue code; (b) a list of names and addresses of all members of the  
2 governing board of the school improvement organization, local education  
3 fund or educational scholarship organization; and (c) for an educational  
4 scholarship organization, submission of criteria for the awarding of  
5 scholarships to eligible students.

6 § 1213. Application approval for certificates of receipt. 1. In gener-  
7 al. The commissioner shall review each application to issue certificates  
8 of receipt pursuant to this article. The commissioner shall publish  
9 criteria used to determine selection and establish an appeals process  
10 for applications that are not approved.

11 2. Notification. Applicants shall be notified of the commissioner's  
12 determination within five business days of the determination.

13 § 1214. Revocation of approval to issue certificates of receipt. The  
14 commissioner, in consultation with the commissioner of taxation and  
15 finance, may revoke the approval of a school improvement organization,  
16 educational scholarship organization, local education fund, public  
17 school or public school district to issue certificates of receipt upon a  
18 finding that such organization, fund, school or school district has  
19 violated this article or section forty-two of the tax law. These  
20 violations shall include, but not be limited to, any of the following:  
21 (a) failure to meet the requirements of this article or section forty-  
22 two of the tax law; (b) the failure to maintain full and adequate  
23 records with respect to the receipt of qualified contributions; (c) the  
24 failure to supply such records to the commissioner, the department, or  
25 the department of taxation and finance when requested; or (d) the fail-  
26 ure to provide notice to the department of taxation and finance of the  
27 issuance or non-issuance of certificates of receipt pursuant to section  
28 forty-two of the tax law; provided, however, that the commissioner shall  
29 not revoke approval pursuant to this section based upon a violation of  
30 the tax law unless the commissioner of taxation and finance agrees that  
31 revocation is warranted; and provided further that the commissioner  
32 shall not revoke approval pursuant to this section when the failure to  
33 comply is due to clerical error and not negligence or intentional disre-  
34 gard for the law. Within five days of the determination revoking  
35 approval, the commissioner shall provide notice of such revocation to  
36 the educational scholarship organization, school improvement organiza-  
37 tion, local education fund, public school, or public school district and  
38 to the department of taxation and finance. The commissioner shall estab-  
39 lish an appeals process for determinations revoking approvals.

40 § 1215. Reporting and recordkeeping. 1. Reporting. Each educational  
41 scholarship organization, school improvement organization, local educa-  
42 tion fund, public school and public school district that receives quali-  
43 fied contributions shall report to the commissioner and the department  
44 of taxation and finance by January thirty-first of each calendar year.  
45 Such report shall be in the form and manner prescribed by the commis-  
46 sioner in consultation with the commissioner of taxation and finance.

47 2. Recordkeeping. Each educational scholarship organization, school  
48 improvement organization, local education fund, public school and public  
49 school district that issued at least one certificate of receipt shall  
50 maintain records including: (a) notifications received from the depart-  
51 ment of taxation and finance; (b) notifications made to the department  
52 of taxation and finance; (c) copies of qualified contributions received;  
53 (d) copies of the deposit of such qualified contributions; (e) copies of  
54 issued certificates of receipt; (f) annual financial statements; (g) in  
55 the case of school improvement organizations, educational scholarship  
56 organizations and local education funds, the application submitted



1 pursuant to section twelve hundred twelve of this article and the  
2 approval issued by the commissioner; and (h) any other information  
3 prescribed by the commissioner. Such records shall be maintained by the  
4 entity or organization for five years.

5 § 1216. Joint annual report. On or before the last day of May for  
6 each calendar year, the commissioner of taxation and finance and the  
7 commissioner, jointly, shall submit a written report as provided in  
8 subdivision (k) of section forty-two of the tax law.

9 § 1217. Commissioner; powers. The commissioner shall promulgate on an  
10 emergency basis regulations necessary for the implementation of this  
11 section. The commissioner shall make any forms required to be filed  
12 pursuant to this article available to applicants within sixty days of  
13 the effective date of this article.

14 § 3. The education law is amended by adding a new section 1503-a to  
15 read as follows:

16 § 1503-a. Power to accept and solicit gifts and donations. 1. The  
17 trustees or boards of education of all school districts organized by  
18 special laws or pursuant to the provisions of a general law are hereby  
19 authorized and empowered to accept gifts, donations, and contributions  
20 to the district and to solicit the same.

21 2. Notwithstanding any other provision of this chapter or of any other  
22 general or special law to the contrary, the receipt of such gifts,  
23 donations and contributions made pursuant to article twenty-five of this  
24 chapter, and any income derived therefrom, shall be disregarded for the  
25 purposes of all apportionments, computations, and determinations of  
26 state aid.

27 § 4. The tax law is amended by adding a new section 42 to read as  
28 follows:

29 § 42. Education scholarship and program tax credit. (a) Definitions.  
30 For the purposes of this section, the following terms shall have the  
31 same meanings as provided in section twelve hundred ten of the education  
32 law: "Authorized Contribution", "Contribution", "Educational program",  
33 "Educational scholarship organization", "Eligible pupil", "Local educa-  
34 tion fund", "Non-public school", "Public education entity", "Public  
35 school", "Qualified contribution", "Qualified school", "Scholarship",  
36 and "School improvement organization".

37 (b) Allowance of credit. A taxpayer subject to tax under article  
38 nine-A or twenty-two of this chapter shall be allowed an education scho-  
39 larship and program tax credit against such tax, pursuant to the  
40 provisions referenced in subdivision (1) of this section, with respect  
41 to qualified contributions made during the taxable year.

42 (c) Amount of credit. The amount of the credit shall be the lesser of  
43 seventy-five per cent of the taxpayer's total qualified contributions or  
44 one million dollars. If the taxpayer is a partner in a partnership or  
45 shareholder of a New York S corporation, then the cap imposed by the  
46 preceding sentence shall be applied at the entity level, so that the  
47 aggregate credit allowed to all the partners or shareholders of each  
48 such entity in the taxable year does not exceed one million dollars.

49 (d) Information to be posted on the department's website. Beginning  
50 on the sixteenth day of January of each year, the commissioner shall  
51 maintain on the department's website a running total of the amount of  
52 available credit for which taxpayers may apply pursuant to this section.  
53 Additionally, the commissioner shall maintain on the department's  
54 website a list of the school improvement organizations, local education  
55 funds and educational scholarship organizations approved to issue  
56 certificates of receipt pursuant to article twenty-five of the education



1 law. The commissioner shall also maintain on the department's website a  
2 list of public education entities, school improvement organizations,  
3 local education funds and educational scholarship organizations whose  
4 approval to issue certificates of receipt has been revoked, along with  
5 the date of such revocation.

6 (e) Applications for contribution authorization certificates. Prior to  
7 making a contribution to a public education entity, school improvement  
8 organization, local education fund, or educational scholarship organiza-  
9 tion, the taxpayer shall apply to the department for a contribution  
10 authorization certificate for such contribution. Such application shall  
11 be in the form and manner prescribed by the department. The department  
12 may allow taxpayers to make multiple applications on the same form,  
13 provided that each contribution listed on such application shall be  
14 treated as a separate application and that the department shall issue  
15 separate contribution authorization certificates for each such applica-  
16 tion.

17 (f) Contribution authorization certificates. 1. Issuance of certif-  
18 icates. The commissioner shall issue contribution authorization certif-  
19 icates in two phases. In phase one, which begins on the first day of  
20 January and ends on the fifteenth day of January, the commissioner shall  
21 accept applications for contribution authorization certificates, but  
22 shall not issue any such certificates. Commencing after the sixteenth  
23 day of January, the commissioner shall issue contribution authorization  
24 certificates for applications received during phase one, provided that  
25 if the aggregate total of the contributions for which applications have  
26 been received during phase one exceeds the amount of the credit cap in  
27 subdivision (h) of this section, phase one of the applications shall be  
28 allocated in two steps. In step one, the credit cap shall be divided by  
29 the number of applications to determine a base allocation. Each applica-  
30 tion requesting the base allocation or less shall be approved. In step  
31 two, the remaining funds shall be calculated and allocated among the  
32 other applications on a dollar pro-rata basis. If the credit cap is not  
33 exceeded, phase two commences on January sixteenth and ends on November  
34 first, during which period the commissioner shall issue contribution  
35 authorization certificates on a first-come first-served basis based upon  
36 the date the department received the taxpayer's application for such  
37 certificate; provided, however, that if on any day the department  
38 receives applications requesting contribution authorization certificates  
39 for contributions that in the aggregate exceed the amount of the remain-  
40 ing available credit on such day, the authorized contribution amount  
41 listed in each contribution authorization certificate shall be the  
42 taxpayer's pro-rata share of the remaining available credit. For  
43 purposes of determining a taxpayer's pro-rata share of remaining avail-  
44 able credit, the commissioner shall multiply the amount of remaining  
45 available credit by a fraction, the numerator of which equals the total  
46 contribution amount listed on the taxpayer's application and the denomi-  
47 nator of which equals the aggregate amount of contributions listed on  
48 the applications for contribution authorization certificates received on  
49 such day. Contribution authorization certificates for applications  
50 received during phase one shall be mailed no later than the fifth day of  
51 February. Contribution authorization certificates for applications  
52 received during phase two shall be mailed within twenty days of receipt  
53 of such applications. Provided, however, that no contribution authori-  
54 zation certificates for applications received during phase two shall be  
55 issued until all of the contribution authorization certificates for  
56 applications received during phase one have been issued.



1 2. Contribution authorization certificate contents. Each contribution  
2 authorization certificate shall state: (i) the date such certification  
3 was issued; (ii) the date by which the authorized contribution listed in  
4 the certificate must be made, which shall be no later than November  
5 thirtieth of the year for which the contribution authorization certif-  
6 icate was issued; (iii) the taxpayer's name and address; (iv) the amount  
7 of authorized contributions; (v) the contribution authorization certif-  
8 icate's certificate number; (vi) the name and address of the public  
9 education entity, school improvement organization, local education fund  
10 or educational scholarship organization for which the taxpayer may make  
11 the authorized contribution; and (vii) any other information that the  
12 commissioner deems necessary.

13 3. Notification of the issuance of a contribution authorization  
14 certificate. Upon issuance of a contribution authorization certificate,  
15 the commissioner shall notify the educational scholarship organization,  
16 public education entity, school improvement organization or local educa-  
17 tion fund of the issuance of the contribution authorization certificate  
18 to a taxpayer. Such notification shall include: (i) the taxpayer's name  
19 and address; (ii) the date such certificate was issued; (iii) the date  
20 by which the authorized contribution listed in the notification must be  
21 made by the taxpayer; (iv) the amount of the authorized contribution;  
22 (v) contribution authorization certificate; and (vi) any other informa-  
23 tion that the commissioner deems necessary.

24 (g) Certificate of receipt. 1. In general. No public education entity,  
25 school improvement organization, local education fund, or educational  
26 scholarship organization shall issue a certificate of receipt for any  
27 contribution made by a taxpayer unless such public education entity,  
28 school improvement organization, local education fund, or educational  
29 scholarship organization has been approved to issue certificates of  
30 receipt pursuant to article twenty-five of the education law. No public  
31 education entity, school improvement organization, local education fund,  
32 or educational scholarship organization shall issue a certificate of  
33 receipt for a contribution made by a taxpayer unless such public educa-  
34 tion entity, school improvement organization, local education fund, or  
35 educational scholarship organization has received notice from the  
36 department that the department issued a credit authorization certificate  
37 to the taxpayer for such contribution.

38 2. Timely contribution. If a taxpayer makes an authorized contribution  
39 to the public education entity, school improvement organization, local  
40 education fund, or educational scholarship organization set forth on the  
41 authorization certificate issued to the taxpayer no later than the date  
42 by which such authorized contribution is required to be made, such  
43 public education entity, school improvement organization, local educa-  
44 tion fund, or educational scholarship organization shall, within thirty  
45 days of receipt of the authorized contribution, issue to the taxpayer a  
46 written certificate of receipt; provided, however, that if the taxpayer  
47 contributes an amount that is less than the amount listed on the taxpay-  
48 er's contribution authorization certificate, the taxpayer shall not be  
49 issued a certificate of receipt for such contribution.

50 3. Certificate of receipt contents. Each certificate of receipt shall  
51 state: (i) the name and address of the issuing public education entity,  
52 school improvement organization, local education fund, or educational  
53 scholarship organization; (ii) the taxpayer's name and address; (iii)  
54 the date for each contribution; (iv) the amount of each contribution and  
55 the corresponding contribution authorization certificate number; (v) the

1 total amount of contributions; and (vi) any other information that the  
2 commissioner deems necessary.

3 4. Notification to the department of the issuance of a certificate of  
4 receipt. Upon the issuance of a certificate of receipt, the issuing  
5 public education entity, school improvement organization, local educa-  
6 tion fund, or educational scholarship organization shall, within thirty  
7 days of issuing the certificate of receipt, provide the department with  
8 notification of the issuance of such certificate in the form and manner  
9 prescribed by the department.

10 5. Notification to the department of the non-issuance of a certificate  
11 of receipt. Each public education entity, school improvement organiza-  
12 tion, local education fund, or educational scholarship organization that  
13 received notification from the department pursuant to subdivision (f) of  
14 this section regarding the issuance of a contribution authorization  
15 certificate to a taxpayer shall, within thirty days of the expiration  
16 date for such authorized contribution, provide notification to the  
17 department for each taxpayer that failed to make the authorized contrib-  
18 ution to such public education entity, school improvement organization,  
19 local education fund, or educational scholarship organization in the  
20 form and manner prescribed by the department.

21 6. Failure to notify the department. Within thirty days of discovery  
22 of the failure of any public education entity, school improvement organ-  
23 ization, local education fund, or educational scholarship organization  
24 to comply with the notification requirements prescribed by paragraphs  
25 four and/or five of this subdivision, the commissioner shall issue a  
26 notice of compliance failure to such entity, program fund or organiza-  
27 tion. Such entity, program fund or organization shall have thirty days  
28 from the date of such notice to make the notifications prescribed by  
29 paragraphs four and/or five of this subdivision. Such period may be  
30 extended for an additional thirty days upon the request of the entity,  
31 program fund or organization. Upon the expiration of the period for  
32 compliance set forth in the notice prescribed by this paragraph, the  
33 commissioner shall notify the commissioner of education that such enti-  
34 ty, program fund or organization failed to make the notifications  
35 prescribed by paragraphs four and/or five of this subdivision.

36 (h) Credit cap. The maximum permitted credits under this section  
37 available annually for calendar year two thousand seventeen and all  
38 following years to all taxpayers for qualified contributions to public  
39 education entities, school improvement organizations, and local educa-  
40 tion funds shall be twenty million dollars. The maximum permitted cred-  
41 its under this section available annually for calendar year two thousand  
42 seventeen and all following years to all taxpayers for qualified  
43 contributions to educational scholarship organizations shall be fifty  
44 million dollars.

45 (i) Additions to the credit cap. Unissued certificates of receipt. Any  
46 amounts for which the department receives notification of non-issuance  
47 of a certificate of receipt shall be added to the cap prescribed in  
48 subdivision (h) of this section for the immediately following year.

49 (j) Other requirements; miscellaneous. Record keeping. Each taxpayer  
50 shall, for each taxable year for which the education scholarship and  
51 program tax credit provide for under this section is claimed, maintain  
52 records of the following information: (i) contribution authorization  
53 certificates obtained pursuant to subdivision (f) of this section, and  
54 (ii) certificates of receipt obtained pursuant to subdivision (g) of  
55 this section.



1 (k) Joint annual report. On or before the last day of May for each  
2 calendar year, for the immediately preceding year, the commissioner and  
3 the commissioner of education shall jointly submit a written report to  
4 the governor, the temporary president of the senate, the speaker of the  
5 assembly, the chairman of the senate finance committee and the chairman  
6 of the assembly ways and means committee regarding the credit. Such  
7 report shall contain information for articles nine-A and twenty-two of  
8 this chapter, respectively, regarding: (i) the number of applications  
9 received; (ii) the number of and aggregate value of the contribution  
10 authorization certificates issued for contributions to public education  
11 entities, school improvement organizations, local education funds, and  
12 educational scholarship organizations, respectively (iii) the geograph-  
13 ical distribution by county, to the extent feasible, of (A) the applica-  
14 tions for contribution authorization certificates, and (B) the public  
15 education entities, school improvement organizations, local education  
16 funds, and educational scholarship organizations listed on the issued  
17 contribution authorization certificates; and (iv) information, including  
18 geographical distribution by county, to the extent feasible, of the  
19 number of eligible pupils that received scholarships, the number of  
20 qualified schools attended by eligible pupils that received such schol-  
21 arships, and the average value of scholarships received by such eligible  
22 pupils. The commissioner and designated employees of the department and  
23 the commissioner of education and designated employees of the department  
24 of education shall be allowed and are directed to share and exchange  
25 information regarding the school improvement organizations, local educa-  
26 tion funds and educational scholarship organizations that applied for  
27 approval to be authorized to receive qualified contributions; and the  
28 public education entities, school improvement organizations, local  
29 education funds, and educational scholarship organizations authorized to  
30 issue certificates of receipt, including information contained in or  
31 derived from application forms and reports submitted to the department  
32 of education or the commissioner of education.

33 (1) Cross references. For application of the credit provided for in  
34 this section, see the following provisions of this chapter:

35 1. Article 9-A: section 210-B; subdivision 51; and

36 2. Article 22: section 606, subsection (ccc).

37 § 5. Paragraph (b) of subdivision 9 of section 208 of the tax law is  
38 amended by adding a new subparagraph 22 to read as follows:

39 (22) The amount of any federal deduction for charitable contributions  
40 allowed under section one hundred seventy of the internal revenue code  
41 to the extent such contributions are used as the basis of the calcu-  
42 lation of the education scholarship and program tax credit allowed under  
43 subdivision fifty-one of section two hundred ten-B of this article.

44 § 6. Section 210-B of the tax law is amended by adding a new subdivi-  
45 sion 51 to read as follows:

46 51. Education scholarship and program tax credit. (a) Allowance of  
47 credit. A taxpayer shall be allowed a credit, to be computed as provided  
48 in section forty-two of this chapter, against the tax imposed by this  
49 article.

50 (b) Application of credit. The credit allowed under this subdivision  
51 for any taxable year shall not reduce the tax due for that year to less  
52 than the amount prescribed in paragraph (d) of subdivision one of  
53 section two hundred ten of this article. If the amount of credit allow-  
54 able under this subdivision for any taxable year reduces the tax to such  
55 amount or if the taxpayer otherwise pays tax on the fixed dollar minimum  
56 amount, any amount of credit not deductible in such taxable year may be

1 carried over to the following year or years for up to five years and may  
2 be deducted from the taxpayer's tax for such year or years.

3 § 7. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
4 of the tax law is amended by adding a new clause (xli) to read as  
5 follows:

6 <u>(xli) Education scholarship</u>	<u>Amount of credit under</u>
7 <u>and program tax credit under</u>	<u>subdivision fifty-one of section</u>
8 <u>subsection (ccc).</u>	<u>two hundred ten-B</u>

9 § 8. Section 606 of the tax law is amended by adding a new subsection  
10 (ccc) to read as follows:

11 (ccc) Education scholarship and program tax credit. Allowance of cred-  
12 it. A taxpayer shall be allowed a credit to be computed as provided in  
13 section forty-two of this chapter, against the tax imposed by this arti-  
14 cle. If the amount of credit allowable under this subsection for any  
15 taxable year shall exceed the taxpayer's tax for such year, the excess  
16 allowed for a taxable year may be carried over to the following year or  
17 years for up to five years and may be deducted from the taxpayer's tax  
18 for such year or years.

19 § 9. Subsection (c) of section 615 of the tax law is amended by adding  
20 a new paragraph 9 to read as follows:

21 (9) With respect to a taxpayer who has claimed the education scholar-  
22 ship and program tax credit for qualified contributions pursuant to  
23 subsection (ccc) of section six hundred six of this article, the taxpay-  
24 er's New York itemized deduction shall be reduced by any charitable  
25 contribution deduction allowed under section one hundred seventy of the  
26 internal revenue code with respect to such qualified contributions.

27 § 10. Section 606 of the tax law is amended by adding a new subsection  
28 (v) to read as follows:

29 (v) Instructional materials and supplies credit. (1) A taxpayer shall  
30 be allowed a credit, not to exceed two hundred dollars, that is equal to  
31 the amount paid by the taxpayer during the taxable year for instruc-  
32 tional materials and supplies with respect to classroom based instruc-  
33 tion in a public or non-public elementary or secondary school in this  
34 state, including a charter school authorized by article fifty-six of the  
35 education law, provided, however, the taxpayer must be a teacher or  
36 instructor at such school for at least nine hundred hours during the  
37 taxable year. For purposes of this subsection, the term "materials and  
38 supplies" means instructional materials or supplies that are designated  
39 for classroom use.

40 (2) If the amount of the credit allowed under this subsection for any  
41 taxable year shall exceed the taxpayer's tax for such year, the excess  
42 shall be treated as an overpayment of tax to be credited or refunded in  
43 accordance with the provisions of section six hundred eighty-six of this  
44 article, provided, however, that no interest shall be paid thereon.

45 (3) The maximum amount of credit that shall be allowed annually under  
46 this subsection shall be ten million dollars. In order to claim a credit  
47 under this subsection, a taxpayer shall be required to apply to the  
48 department for approval during the taxable year. The taxpayer shall be  
49 required to submit documentation demonstrating that the taxpayer is a  
50 teacher or instructor as required under this subsection and that the  
51 taxpayer purchased materials and supplies. The department shall review  
52 the application and provide a taxpayer with a certificate that specifies  
53 how much credit the taxpayer is entitled to claim. If required by the  
54 commissioner, the taxpayer must submit that certificate with his or her  
55 tax return. The commissioner shall allocate the credits on a first come

1 first served basis and prescribe the necessary procedures for reviewing  
2 the applications and producing the certificates.

3 § 11. Subsection (b) of section 612 of the tax law is amended by  
4 adding a new paragraph 43 to read as follows:

5 (43) The amount of any federal deduction for certain expenses of  
6 eligible educators pursuant to subparagraph (D) of paragraph two of  
7 subsection (a) of section sixty-two of the internal revenue code to the  
8 extent such expenses are used as the basis of the calculation of the  
9 credit allowed under subsection (v) of section six hundred six of this  
10 article.

11 § 12. Section 606 of the tax law is amended by adding a new subsection  
12 (w) to read as follows:

13 (w) Family choice education credit. (1) General. A resident taxpayer  
14 shall be allowed a credit, to be computed as provided in paragraph four  
15 of this subsection, against the tax imposed by this article, for quali-  
16 fied primary or secondary education tuition expenses.

17 (2) Definitions. For the purposes of this credit:

18 (A) The term "eligible student" shall mean any dependent of the  
19 taxpayer with respect to whom the taxpayer is allowed an exemption under  
20 section six hundred sixteen of this article for the taxable year.

21 (B) The term "qualified primary or secondary education tuition  
22 expenses" shall mean the tuition required for the enrollment or attend-  
23 ance of an eligible student at a public school or a non-public school,  
24 as defined in section forty-two of this chapter. Provided, however,  
25 tuition payments made pursuant to the receipt of any scholarships or  
26 financial aid shall be excluded from the definition of "qualified prima-  
27 ry or secondary education tuition expenses".

28 (3) Eligibility. To be eligible for this credit, the New York adjusted  
29 gross income of the taxpayer for the taxable year, or in the case of a  
30 married couple filing a joint return, the New York adjusted gross income  
31 of the married couple for the taxable year, may not exceed sixty thou-  
32 sand dollars.

33 (4) Amount of credit. The amount of the credit shall be equal to the  
34 lesser of five hundred dollars per eligible student or the actual amount  
35 of qualified primary or secondary education tuition expenses paid by the  
36 taxpayer per eligible student during the taxable year.

37 (5) Refundability. If the amount of the credit allowed under this  
38 subsection for any taxable year shall exceed the taxpayer's tax for such  
39 year, the excess shall be treated as an overpayment of tax to be credit-  
40 ed or refunded in accordance with the provisions of section six hundred  
41 eighty-six of this article, provided, however, that no interest shall be  
42 paid thereon.

43 § 13. Severability. If any provision of this act or the application  
44 thereof to any person or circumstances is held invalid, such invalidity  
45 shall not affect other provisions or applications of the act which can  
46 be given effect without the invalid provision or application, and to  
47 this end the provisions of this act are declared to be severable.

48 § 14. This act shall take effect immediately and shall apply to taxa-  
49 ble years beginning on or after January 1, 2017.

50

PART T

51 Section 1. The tax law is amended by adding a new section 187-t to  
52 read as follows:

53 § 187-t. New York state thruway tolls tax credit. (1) A taxpayer that  
54 operates a motor vehicle on the New York state thruway, and pays New

1 York state thruway tolls through an E-ZPass account, shall be allowed a  
2 credit, as hereinafter provided, against the tax imposed by sections one  
3 hundred eighty-three and one hundred eighty-four of this article for  
4 taxable years beginning on or after January first, two thousand sixteen  
5 but before January first, two thousand nineteen. In no event shall the  
6 credit under this section be allowed in an amount that will reduce the  
7 tax to less than the applicable minimum tax fixed by section one hundred  
8 eighty-three of this article. If, however, the amount of credit allowed  
9 under this section for any taxable year reduces the tax to such amount,  
10 any amount of credit not deductible in such taxable year may be carried  
11 forward to the following year or years and may be deducted from the  
12 taxpayer's tax for such year or years.

13 (2) For purposes of this section, the following definitions shall  
14 apply:

15 (a) "Motor vehicle" means a vehicle as defined in section one hundred  
16 twenty-five of the vehicle and traffic law:

17 (b) "E-ZPass business account" means a prepaid E-ZPass account issued  
18 by an authorized entity in a corporation's or commercial enterprise's  
19 name.

20 (c) "E-ZPass commercial account" means a post-paid E-ZPass account  
21 issued by an authorized entity in a corporation's or commercial enter-  
22 prise's name.

23 (3)(a) The credit for a taxpayer holding an E-ZPass business or  
24 commercial account or accounts shall be in an amount equal to fifty  
25 percent of the sum of all New York state thruway tolls paid by the  
26 taxpayer through such an account or accounts during the taxable year.  
27 To qualify for the credit, the taxpayer must have paid one hundred  
28 dollars or more in New York state thruway tolls through such account or  
29 accounts during the taxable year. A taxpayer that pays ten thousand  
30 dollars or more in New York state thruway tolls through an E-ZPass busi-  
31 ness or commercial account or accounts during the taxable year does not  
32 qualify for the credit in any amount in that taxable year.

33 (b) If a taxpayer has more than one E-ZPass transponder on an account  
34 or has more than one account, all the New York state thruway tolls paid  
35 by the taxpayer for all E-ZPass transponders and all accounts shall be  
36 aggregated for purposes of applying the minimum and maximum amounts of  
37 New York state thruway tolls referenced in paragraph (a) of this subdivi-  
38 vision.

39 (4) Notwithstanding any other law to the contrary, the amount of any  
40 claim made for a New York state thruway tolls tax credit may be verified  
41 through E-ZPass toll receipt records created and maintained by the enti-  
42 ty authorized to issue the E-ZPass account and made available to, and  
43 upon request by, the department for this purpose.

44 § 2. Section 210-B of the tax law is amended by adding a new subdivi-  
45 sion 49 to read as follows:

46 49. New York state thruway tolls tax credit. (a) A taxpayer that oper-  
47 ates a motor vehicle, or a farm vehicle in connection with farm oper-  
48 ations, on the New York state thruway, and pays New York state thruway  
49 tolls through an E-ZPass account, shall be allowed a credit, as herein-  
50 after provided, against the tax imposed by this article for taxable  
51 years beginning on or after January first, two thousand sixteen but  
52 before January first, two thousand nineteen. The credit allowed under  
53 this subdivision for any taxable year may not reduce the tax due for  
54 that year to less than the amount prescribed in paragraph (d) of subdivi-  
55 vision one of section two hundred ten of this article. However, if the  
56 amount of credit allowed under this subdivision for any taxable year



1 reduces the tax to such amount, or if the taxpayer otherwise pays tax  
2 based on the fixed dollar minimum amount, any amount of credit thus not  
3 deductible in that taxable year shall be carried forward to the follow-  
4 ing year or years and may be deducted from the taxpayer's tax for such  
5 year or years.

6 (b) For purposes of this subdivision, the following definitions shall  
7 apply:

8 (1) "Motor vehicle" means a vehicle as defined in section one hundred  
9 twenty-five of the vehicle and traffic law.

10 (2) "Farm vehicle" means a motor vehicle having a gross vehicle weight  
11 rating of not more than twenty-six thousand pounds that is owned by a  
12 person primarily engaged in production by means of (i) the planting,  
13 cultivation and harvesting of agricultural, vegetable and food products  
14 of the soil, including horticultural specialties such as nursery stock,  
15 ornamental shrubs, ornamental trees and flowers, (ii) the raising, feed-  
16 ing and care of livestock, bees, and poultry, or (iii) dairy farming.  
17 Such farm vehicle shall be principally used for the transportation of  
18 agricultural or dairy commodities or supplies, or used in conjunction  
19 with lumbering operations connected with but only incidental to the  
20 operation of a farm.

21 (3) "E-ZPass business account" means a prepaid E-ZPass account issued  
22 by an authorized entity in a corporation's or commercial enterprise's  
23 name.

24 (4) "E-ZPass commercial account" means a post-paid E-ZPass account  
25 issued by an authorized entity in a corporation's or commercial enter-  
26 prise's name.

27 (c) (1) The credit for a taxpayer holding an E-ZPass business or  
28 commercial account or accounts shall be in an amount equal to fifty  
29 percent of the sum of all New York state thruway tolls paid by the  
30 taxpayer through such an account or accounts during the taxable year. To  
31 qualify for the credit, the taxpayer must have paid one hundred dollars  
32 or more in New York state thruway tolls through such account or accounts  
33 during the taxable year. A taxpayer that pays ten thousand dollars or  
34 more in New York state thruway tolls through an E-ZPass business or  
35 commercial account or accounts during the taxable year does not qualify  
36 for the credit in any amount in that taxable year.

37 (2) The credit for a taxpayer owning and operating a farm vehicle and  
38 holding an E-ZPass business or commercial account or accounts shall be  
39 in an amount equal to one hundred percent of the sum of all New York  
40 state thruway tolls paid by the taxpayer through such an account or  
41 accounts during the taxable year for that farm vehicle, provided the  
42 qualifying New York state thruway tolls were incurred in connection with  
43 farm operations.

44 (3) A taxpayer may claim the credit provided for in subparagraph one  
45 or two of this paragraph in a taxable year but may not claim a credit  
46 under both subparagraphs one and two of this paragraph in the same tax-  
47 able year.

48 (4) If a taxpayer has more than one E-ZPass transponder on an account  
49 or has more than one account, all the New York state thruway tolls paid  
50 by the taxpayer for all E-ZPass transponders and all accounts shall be  
51 aggregated for purposes of applying the minimum and maximum amounts of  
52 New York state thruway tolls referenced in subparagraph one of this  
53 paragraph.

54 (d) Notwithstanding any other law to the contrary, the amount of any  
55 claim made for a New York state thruway tolls tax credit may be verified  
56 through E-ZPass toll receipt records created and maintained by the enti-



1 ty authorized to issue the E-ZPass account and made available to, and  
2 upon request by, the department for this purpose.

3 § 3. Section 606 of the tax law is amended by adding a new subsection  
4 (ccc) to read as follows:

5 (ccc) New York state thruway tolls tax credit. (1) A taxpayer that  
6 operates a motor vehicle, or a farm vehicle in connection with farm  
7 operations, on the New York state thruway, and pays New York state thru-  
8 way tolls through an E-ZPass account, shall be allowed a credit, as  
9 hereinafter provided, against the tax imposed by this article for taxa-  
10 ble years beginning on or after January first, two thousand sixteen but  
11 before January first, two thousand nineteen. If the amount of credit  
12 allowable under this subsection for any taxable year exceeds the taxpay-  
13 er's tax for such year, any amount of credit not deductible in such  
14 taxable year shall be carried forward to the following year or years and  
15 may be deducted from the taxpayer's tax for such year or years.

16 (2) For purposes of this section, the following definitions shall  
17 apply:

18 (a) "Motor vehicle" means a vehicle as defined in section one hundred  
19 twenty-five of the vehicle and traffic law.

20 (b) "Farm vehicle" means a motor vehicle having a gross vehicle weight  
21 rating of not more than twenty-six thousand pounds that is owned by a  
22 person primarily engaged in production by means of (i) the planting,  
23 cultivation and harvesting of agricultural, vegetable and food products  
24 of the soil, including horticultural specialties such as nursery stock,  
25 ornamental shrubs, ornamental trees and flowers, (ii) the raising, feed-  
26 ing and care of livestock, bees, and poultry, or (iii) dairy farming.  
27 Such farm vehicle shall be principally used for the transportation of  
28 agricultural or dairy commodities or supplies, or used in conjunction  
29 with lumbering operations connected with but only incidental to the  
30 operation of a farm.

31 (c) "E-ZPass individual account" means a prepaid E-ZPass account  
32 issued by an authorized entity in an individual's name.

33 (d) "E-ZPass business account" means a prepaid E-ZPass account issued  
34 by an authorized entity in a corporation's or commercial enterprise's  
35 name.

36 (e) "E-ZPass commercial account" means a post-paid E-ZPass account  
37 issued by an authorized entity in a corporation's or commercial enter-  
38 prise's name.

39 (3)(a) The credit for a taxpayer holding an E-ZPass individual account  
40 or accounts shall be in an amount equal to fifty percent of the sum of  
41 all New York state thruway tolls paid by the taxpayer through such an  
42 account or accounts during the taxable year. To qualify for the credit,  
43 the taxpayer must have paid at least fifty dollars in New York state  
44 thruway tolls through such account or accounts during the taxable year.

45 (b) The credit for a taxpayer holding an E-ZPass business or commer-  
46 cial account or accounts shall be in an amount equal to fifty percent of  
47 the sum of all New York state thruway tolls paid by the taxpayer through  
48 such an account or accounts during the taxable year. To qualify for the  
49 credit, the taxpayer must have paid one hundred dollars or more in New  
50 York state thruway tolls through such account or accounts during the  
51 taxable year. A taxpayer that pays ten thousand dollars or more in New  
52 York state thruway tolls through an E-ZPass business or commercial  
53 account or accounts during the taxable year does not qualify for the  
54 credit in any amount in that taxable year.

55 (c) The credit for a taxpayer owning and operating a farm vehicle and  
56 holding an E-ZPass business or commercial account or accounts shall be

1 in an amount equal to one hundred percent of the sum of all New York  
2 state thruway tolls paid by the taxpayer through such an account or  
3 accounts during the taxable year for that farm vehicle, provided the  
4 qualifying New York state thruway tolls were incurred in connection with  
5 farm operations.

6 (d) A taxpayer may claim the credit provided for in subparagraph (a),  
7 (b) or (c) of this paragraph in a taxable year but may not claim a cred-  
8 it under more than one subparagraph of this paragraph in the same taxa-  
9 ble year.

10 (e) If a taxpayer has more than one E-ZPass transponder on an account  
11 or has more than one account, all the New York state thruway tolls paid  
12 by the taxpayer for all E-ZPass transponders and all accounts shall be  
13 aggregated for purposes of applying the minimum and maximum amounts of  
14 New York state thruway tolls referenced in subparagraphs (a) and (b) of  
15 this paragraph.

16 (4) Notwithstanding any other law to the contrary, the amount of any  
17 claim made for a New York state thruway tolls tax credit may be verified  
18 through E-ZPass toll receipts records created and maintained by the  
19 entity authorized to issue the E-ZPass account and made available to,  
20 and upon request by, the department of taxation and finance for this  
21 purpose.

22 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
23 of the tax law is amended by adding a new clause (xli) to read as  
24 follows:

25 <u>(xli) New York state</u>	<u>Amount of credit under</u>
26 <u>thruway tolls tax credit</u>	<u>subdivision forty-nine of</u>
27 <u>under subsection (ccc)</u>	<u>section two hundred ten-B</u>

28 § 5. Section 1511 of the tax law is amended by adding a new subdivi-  
29 sion (dd) to read as follows:

30 (dd) New York state thruway tolls tax credit. (1) A taxpayer that  
31 operates a motor vehicle on the New York state thruway, and pays New  
32 York state thruway tolls through an E-ZPass account, shall be allowed a  
33 credit, as hereinafter provided, against the tax imposed by this article  
34 for taxable years beginning on or after January first, two thousand  
35 sixteen but before January first, two thousand nineteen. The credit  
36 allowed under this subdivision for any taxable year may not reduce the  
37 tax due for that year to less than the amount prescribed in paragraph  
38 four of subdivision (a) of section fifteen hundred two of this article,  
39 or two hundred fifty dollars if section fifteen hundred two-a of this  
40 article is applicable. However, if the amount of credit allowed under  
41 this subdivision for any taxable year reduces the tax to such amount,  
42 any amount of credit thus not deductible in that taxable year shall be  
43 carried forward to the following year or years and may be deducted from  
44 the taxpayer's tax for such year or years.

45 (2) For purposes of this section, the following definitions shall  
46 apply.

47 (a) "Motor vehicle" means a vehicle as defined in section one hundred  
48 twenty-five of the vehicle and traffic law.

49 (b) "E-ZPass business account" means a prepaid E-ZPass account issued  
50 by an authorized entity in a corporation's or commercial enterprise's  
51 name.

52 (c) "E-ZPass commercial account" means a post-paid E-ZPass account  
53 issued by an authorized entity in a corporation's or commercial enter-  
54 prise's name.

55 (3) (a) The credit for a taxpayer holding an E-ZPass business or  
56 commercial account or accounts shall be in an amount equal to fifty

1 percent of the sum of all New York state thruway tolls paid by the  
 2 taxpayer through such an account or accounts during the taxable year. To  
 3 qualify for the credit, the taxpayer must have paid one hundred dollars  
 4 or more in New York state thruway tolls through such account or accounts  
 5 during the taxable year. A taxpayer that pays ten thousand dollars or  
 6 more in New York state thruway tolls through an E-ZPass business or  
 7 commercial account or accounts during the taxable year does not qualify  
 8 for the credit in any amount in that taxable year.

9 (b) If a taxpayer has more than one E-ZPass transponder on an account  
 10 or has more than one account, all the New York state thruway tolls paid  
 11 by the taxpayer for all E-ZPass transponders and all accounts shall be  
 12 aggregated for purposes of applying the minimum and maximum amounts of  
 13 New York state thruway tolls referenced in subparagraph (a) of this  
 14 paragraph.

15 (4) Notwithstanding any other law to the contrary, the amount of any  
 16 claim made for a New York state thruway tolls tax credit may be verified  
 17 through E-ZPass toll receipt records created and maintained by the enti-  
 18 ty authorized to issue the E-ZPass account and made available to, and  
 19 upon request by, the department for this purpose.

20 § 6. Paragraph (b) of subdivision 9 of section 208 of the tax law is  
 21 amended by adding a new subparagraph 22 to read as follows:

22 (22) the amount of any New York state thruway tolls used in the calcu-  
 23 lation of any credit allowed under subdivision forty-nine of section two  
 24 hundred ten-B of this article.

25 § 7. Subsection (b) of section 612 of the tax law is amended by adding  
 26 a new paragraph 43 to read as follows:

27 (43) The amount of any New York state thruway tolls used in the calcu-  
 28 lation of any credit allowed under subsection (ccc) of section six  
 29 hundred six of this article.

30 § 8. Paragraph 2 of subdivision (b) of section 1503 of the tax law is  
 31 amended by adding a new subparagraph (W) to read as follows:

32 (W) The amount of any New York state thruway tolls used in the calcu-  
 33 lation of any credit allowed under subdivision (dd) of section fifteen  
 34 hundred eleven of this article.

35 § 9. This act shall take effect immediately.

36 PART U

37 Section 1. Section 19 of Part W-1 of chapter 109 of the laws of 2006  
 38 amending the tax law and other laws relating to providing exemptions,  
 39 reimbursements and credits from various taxes for certain alternative  
 40 fuels, as amended by section 1 of part V of chapter 59 of the laws of  
 41 2014, is amended to read as follows:

42 § 19. This act shall take effect immediately; provided, however, that  
 43 sections one through thirteen of this act shall take effect September 1,  
 44 2006 and shall be deemed repealed on September 1, [2016] 2021 and such  
 45 repeal shall apply in accordance with the applicable transitional  
 46 provisions of sections 1106 and 1217 of the tax law, and shall apply to  
 47 sales made, fuel compounded or manufactured, and uses occurring on or  
 48 after such date, and with respect to sections seven through eleven of  
 49 this act, in accordance with applicable transitional provisions of  
 50 sections 1106 and 1217 of the tax law; provided, however, that the  
 51 commissioner of taxation and finance shall be authorized on and after  
 52 the date this act shall have become a law to adopt and amend any rules  
 53 or regulations and to take any steps necessary to implement the  
 54 provisions of this act; provided further that sections fourteen through

1 sixteen of this act shall take effect immediately and shall apply to  
2 taxable years beginning on or after January 1, 2006.  
3 § 2. This act shall take effect immediately.

4

## PART V

5 Section 1. Section 37 of the tax law, as added by chapter 109 of the  
6 laws of 2012, subdivision (c) as amended by section 52 of part A of  
7 chapter 59 of the laws of 2014, is amended to read as follows:

8 § 37. [Beer] Alcoholic beverage production credit. (a) General. A  
9 taxpayer subject to tax under article nine-A or twenty-two of this chap-  
10 ter, that is registered as a distributor under article eighteen of this  
11 chapter, and that produces sixty million or fewer gallons of beer or  
12 cider, twenty million or fewer gallons of wine, or eight hundred thou-  
13 sand or fewer gallons of liquor in this state in the taxable year, shall  
14 be allowed a credit against such taxes in the amount specified in subdi-  
15 vision (b) of this section and pursuant to the provisions referenced in  
16 subdivision (c) of this section. Provided, however, that no credit shall  
17 be allowed for any beer, cider, wine or liquor produced in excess of  
18 fifteen million five hundred thousand gallons in the taxable year. If  
19 the taxpayer is a partner in a partnership or shareholder of a New York  
20 S corporation, then the cap imposed by the preceding sentence shall be  
21 applied at the entity level, so that the aggregate credit allowed to all  
22 the partners or shareholders of each such entity in the taxable year  
23 does not exceed that cap.

24 (b) The amount of the credit per taxpayer per taxable year (or pro  
25 rata share of earned credit in the case of a partnership) for each  
26 gallon of beer, cider, wine or liquor produced in this state [on or  
27 after April first, two thousand twelve] shall be determined as follows:

28 (1) for the first five hundred thousand gallons of beer, cider, wine  
29 or liquor produced in this state in the taxable year, the credit shall  
30 equal fourteen cents per gallon; and

31 (2) for each gallon of beer, cider, wine or liquor produced in this  
32 state in the taxable year in excess of five hundred thousand gallons,  
33 the credit shall equal four and one-half cents per gallon.

34 (c) Cross-references. For application of the credit provided for in  
35 this section, see the following provisions of this chapter:

36 (1) Article 9-A: Section 210-B, subdivision 39.

37 (2) Article 22: Section 606, subsections (i) and (uu).

38 § 2. Subdivision 39 of section 210-B of the tax law, as added by  
39 section 17 of part A of chapter 59 of the laws of 2014, is amended to  
40 read as follows:

41 39. [Beer] Alcoholic beverage production credit. A taxpayer shall be  
42 allowed a credit, to be computed as provided in section thirty-seven of  
43 this chapter, against the tax imposed by this article. In no event shall  
44 the credit allowed under this subdivision for any taxable year reduce  
45 the tax due for such year to less than the amount prescribed in para-  
46 graph (d) of subdivision one of section two hundred ten of this article.  
47 However, if the amount of credit allowed under this subdivision for any  
48 taxable year reduces the tax to such amount or if the taxpayer otherwise  
49 pays tax based on the fixed dollar minimum amount, any amount of credit  
50 thus not deductible in such taxable year shall be treated as an overpay-  
51 ment of tax to be credited or refunded in accordance with the provisions  
52 of section one thousand eighty-six of this chapter. Provided, however,  
53 the provisions of subsection (c) of section one thousand eighty-eight of  
54 this chapter notwithstanding, no interest shall be paid thereon.



1 § 3. Subdivision 3 of section 420 of the tax law, as amended by chap-  
2 ter 94 of the laws of 1934, is amended to read as follows:

3 3. "Alcoholic beverages" mean and include ciders, as defined by the  
4 alcoholic beverage control law, beers, wines or liquors.

5 § 4. Section 424 of the tax law is amended by adding a new subdivision  
6 6 to read as follows:

7 6. Notwithstanding any other provision of this article, there shall be  
8 exempt from the taxes imposed under this article, alcoholic beverages  
9 furnished by a licensed producer of alcoholic beverages at no charge to  
10 a customer or prospective customer at a tasting held in accordance with  
11 the alcoholic beverage control law for consumption at such tasting.

12 § 5. Clause (xxxiv) of subparagraph (B) of paragraph 1 of subsection  
13 (i) of section 606 of the tax law, as amended by section 68 of part A of  
14 chapter 59 of the laws of 2014, is amended to read as follows:

15 (xxxiv) [Beer] Alcoholic beverage Amount of credit  
16 production credit under under subdivision thirty-nine of  
17 subsection (uu) section two hundred ten-B

18 § 6. Subsection (uu) of section 606 of the tax law, as added by chap-  
19 ter 109 of the laws of 2012, is amended to read as follows:

20 (uu) [Beer] Alcoholic beverage production credit. A taxpayer shall be  
21 allowed a credit, to be computed as provided in section thirty-seven of  
22 this chapter, against the tax imposed by this article. If the amount of  
23 the credit allowed under this subsection for any taxable year shall  
24 exceed the taxpayer's tax for such year, the excess shall be treated as  
25 an overpayment of tax to be credited or refunded in accordance with the  
26 provisions of section six hundred eighty-six of this article, provided,  
27 however, that no interest shall be paid thereon.

28 § 7. Subdivision 13 of section 1118 of the tax law, as added by  
29 section 2 of part U of chapter 59 of the laws of 2015, is amended to  
30 read as follows:

31 (13) In respect to the use of the following items at a tasting held by  
32 a licensed [brewery, farm brewery, cider producer, farm cidery, distil-  
33 lery or farm distillery] producer of alcoholic beverages in accordance  
34 with the alcoholic beverage control law: (i) the alcoholic beverage or  
35 beverages authorized by the alcoholic beverage control law to be  
36 furnished at no charge to a customer or prospective customer at such  
37 tasting for consumption at such tasting; and (ii) bottles, corks, caps  
38 and labels used to package such alcoholic beverages.

39 § 8. This act shall take effect immediately, provided, however, that:  
40 sections one, two, five and six of this act shall apply to taxable years  
41 beginning on or after January 1, 2016; sections three and four of this  
42 act shall apply to taxable periods beginning on or after April 1, 2016;  
43 and section seven of this act shall apply to uses occurring on and after  
44 June 1, 2016.

45

PART W

46 Section 1. The tax law is amended by adding a new section 478-a to  
47 read as follows:

48 § 478-a. Jeopardy assessments. If the commissioner believes that the  
49 collection of any tax will be jeopardized by delay, he or she may deter-  
50 mine the amount of such tax and assess the same, together with all  
51 interest and penalties provided by law, against any person liable there-  
52 for prior to the filing of his or her return and prior to the date when  
53 his or her return is required to be filed. The amount so determined  
54 shall become due and payable to the commissioner by the person against

1 whom such a jeopardy assessment is made, as soon as notice thereof is  
2 given to him or her. The provisions of section four hundred seventy-  
3 eight of this article shall apply to any such determination except to  
4 the extent that they may be inconsistent with the provisions of this  
5 section. The commissioner may abate any jeopardy assessment if he or she  
6 finds that jeopardy does not exist. The collection of any jeopardy  
7 assessment may be stayed by filing with the commissioner a bond issued  
8 by a surety company authorized to transact business in this state and  
9 approved by the superintendent of financial services as to solvency and  
10 responsibility, or such other security acceptable to the commissioner,  
11 conditioned upon payment of the amount assessed and interest thereon, or  
12 any lesser amount to which such assessment may be reduced by the admin-  
13 istrative law judge or the tax appeals tribunal or by a proceeding under  
14 article seventy-eight of the civil practice law and rules as provided in  
15 section four hundred seventy-eight of this article, such payment to be  
16 made when the assessment or any such reduction thereof becomes final and  
17 not subject to further review. If such a bond is filed and thereafter a  
18 proceeding under article seventy-eight of the civil practice law and  
19 rules is commenced as provided in section four hundred seventy-eight of  
20 this article, deposit of the taxes, penalties and interest assessed  
21 shall not be required as a condition precedent to the commencement of  
22 such proceeding. Where a jeopardy assessment is made, any property  
23 seized for the collection of the tax shall not be sold: (1) until expi-  
24 ration of the time to apply for a hearing as provided in section four  
25 hundred seventy-eight of this article, and (2) if such application is  
26 timely filed, until the expiration of the time to file an exception to  
27 the determination of the administrative law judge or, if an exception is  
28 timely filed, until four months after the tax appeals tribunal has given  
29 notice of its decision to the person against whom the assessment is  
30 made; provided, however, such property may be sold at any time if such  
31 person has failed to attend a hearing of which he or she has been duly  
32 notified, or if he or she consents to the sale, or if the commissioner  
33 determines that the expenses of conservation and maintenance will great-  
34 ly reduce the net proceeds, or if the property is perishable.  
35 § 2. This act shall take effect immediately.

36

## PART X

37 Section 1. Paragraph 2 of subdivision (e) of section 1105 of the tax  
38 law, as amended by section 1 of part Q of chapter 59 of the laws of  
39 2012, is amended to read as follows:

40 (2) Except as provided in subdivision (r) of section eleven hundred  
41 eleven of this part, when occupancy is provided, for a single consider-  
42 ation, with property, services, amusement charges, or any other items,  
43 the separate sale of which is not subject to tax under this article, and  
44 the rent paid for such occupancy does not qualify for the exemption in  
45 subdivision (kk) of section eleven hundred fifteen of this article, the  
46 entire consideration shall be treated as rent subject to tax under para-  
47 graph one of this subdivision; provided, however, that where the amount  
48 of the rent for occupancy is stated separately from the price of such  
49 property, services, amusement charges, or other items, on any sales  
50 slip, invoice, receipt, or other statement given the occupant, and such  
51 rent is reasonable in relation to the value of such property, services,  
52 amusement charges or other items, only such separately stated rent will  
53 be subject to tax under paragraph one of this subdivision.



1 § 2. Section 1115 of the tax law is amended by adding a new subdivi-  
2 sion (kk) to read as follows:

3 (kk) Rent paid by a room remarketer to an operator that is not a room  
4 remarketer for an occupancy that the room remarketer intends to provide  
5 to an occupant for rent shall be exempt from the hotel unit fee imposed  
6 by section eleven hundred four of this article and the tax imposed by  
7 subdivision (e) of section eleven hundred five of this article, provided  
8 that such room remarketer furnishes such operator a certificate in such  
9 form and containing such information as may be prescribed by the commis-  
10 sioner. The exemption certificate provided for by this subdivision shall  
11 be administered by the commissioner in conformity with the rules for  
12 exemption or resale certificates in subparagraph (i) of paragraph one of  
13 subdivision (c) of section eleven hundred thirty-two of this article.

14 § 3. Paragraph 4 of subdivision a of section 11-2502 of the adminis-  
15 trative code of the city of New York, as amended by section 4 of part Q  
16 of chapter 59 of the laws of 2012, is amended to read as follows:

17 (4) (i) When occupancy is provided, for a single consideration, with  
18 property, services, amusement charges, or any other items, the separate  
19 sale of which is not subject to tax under this chapter, and the rent  
20 paid for such occupancy does not qualify for the exemption in subdivi-  
21 sion 1 of this section, the entire consideration shall be treated as  
22 rent subject to tax under paragraph one of this subdivision; provided,  
23 however, that where the amount of the rent for occupancy is stated sepa-  
24 rately from the price of such property, services, amusement charges or  
25 other items on any sales slip, invoice, receipt, or other statement  
26 given the occupant and such rent is reasonable in relation to the value  
27 of such property, services, amusement charges, or other items, only such  
28 separately stated rent will be subject to tax under this subdivision.

29 (ii) In regard to the collection of tax on occupancies by remarketers,  
30 when occupancy is provided, for a single consideration, with property,  
31 services, amusement charges, or any other items, whether or not such  
32 other items are taxable, the rent portion of the consideration for such  
33 sale shall be computed as follows: the total consideration for the sale  
34 multiplied by a fraction, the numerator of which shall be the consider-  
35 ation paid to the hotel for the occupancy and the denominator of which  
36 shall be the consideration paid to the hotel for the occupancy plus the  
37 consideration paid to the providers of the other items being sold, or by  
38 any other reasonable method pursuant to which the rent portion of  
39 consideration would be no less than the computation of rent portion of  
40 consideration under subparagraph (i) of this paragraph. Nothing herein  
41 shall be construed to subject to tax or exempt from tax any service or  
42 property or amusement charge or other items otherwise subject to tax or  
43 exempt from tax under this chapter.

44 § 4. Section 11-2502 of the administrative code of the city of New  
45 York is amended by adding a new subdivision 1 to read as follows:

46 1. An occupancy that an operator conveys or furnishes to a room  
47 remarketer that the room remarketer intends to convey or furnish,  
48 directly or indirectly, to an occupant for rent shall be exempt from the  
49 taxes imposed by this section, provided that such room remarketer  
50 furnishes the operator with a certificate in such form and containing  
51 such information as may be prescribed by the commissioner of finance.  
52 The operator shall retain such statement and provide it to the commis-  
53 sioner of finance upon request.

54 § 5. This act shall take effect immediately and apply to rent paid for  
55 occupancies on or after June 1, 2016.



1

PART Y

2 Section 1. The section heading of section 951-a of the tax law, as  
3 added by chapter 190 of the laws of 1990, is amended to read as follows:

4 [Definitions] General provisions and definitions.

5 § 2. Section 951-a of the tax law is amended by adding a new  
6 subsection (f) to read as follows:

7 (f) Tax treatment of charitable contributions for determining domi-  
8 cile. Notwithstanding any other provision of any other law to the  
9 contrary, the making of a financial contribution, gift, bequest,  
10 donation or any other financial instrument or pledge in any amount or  
11 the donation or loan of any object of any value, or the volunteering,  
12 giving or donation of uncompensated time, or any combination of the  
13 foregoing, considered a charitable contribution under subsection (c) of  
14 section one hundred seventy of the internal revenue code, or to a not-  
15 for-profit organization, as defined in subdivision seven of section one  
16 hundred seventy-nine-q of the state finance law, shall not be used in  
17 any manner to determine where an individual is domiciled at the time of  
18 his or her death.

19 § 3. This act shall take effect immediately.

20

PART Z

21 Section 1. Subdivision 2 of section 89-b of the state finance law, as  
22 amended by chapter 56 of the laws of 1993, is amended to read as  
23 follows:

24 2. The dedicated highway and bridge trust fund shall consist of [two]  
25 three accounts: (a) the special obligation reserve and payment account;  
26 [and] (b) the highway and bridge capital account; and (c) the aviation  
27 purpose account. Moneys in each account shall be kept separate and not  
28 commingled with any other moneys in the custody of the comptroller.

29 § 2. Section 89-b of the state finance law is amended by adding a new  
30 subdivision 4-a to read as follows:

31 4-a. (a) The aviation purpose account shall consist of all moneys  
32 required to be deposited by section three hundred twelve of the tax law  
33 and any other moneys credited or transferred thereto from any other  
34 fund, account or source.

35 (b) Moneys in the aviation purpose account shall be utilized for  
36 airports and aviation facilities and equipment and related projects,  
37 including but not limited to the acquisition of real or tangible  
38 personal property, construction, reconstruction, reconditioning, preser-  
39 vation, maintenance or improvement of airport or aviation capital facil-  
40 ities and noise mitigation projects, and any other purpose not prohibit-  
41 ed by federal law.

42 § 3. Section 312 of the tax law, as amended by section 32 of part K of  
43 chapter 61 of the laws of 2011, is amended to read as follows:

44 § 312. Deposit and disposition of revenue.-- (a) Except as otherwise  
45 provided, of all taxes, interest and penalties collected or received on  
46 or after April first, two thousand one, from the taxes imposed by  
47 [sections] section three hundred one-a [and three hundred one-e] of this  
48 article, (i) initially eighty and three-tenths percent shall be deposit-  
49 ed, as prescribed by subdivision (d) of section three hundred one-j of  
50 this article and (ii) nineteen and seven-tenths percent shall be depos-  
51 ited in such mass transportation operating assistance fund to the credit  
52 of the metropolitan mass transportation operating assistance account and  
53 the public transportation systems operating assistance account thereof



1 in the manner provided by subdivision eleven of section one hundred  
2 eighty-two-a of this chapter. Provided, further that on or before the  
3 twenty-fifth day of each month commencing with April, two thousand one,  
4 the comptroller shall deduct the amount of six hundred twenty-five thou-  
5 sand dollars prior to any deposit or disposition of the taxes, interest,  
6 and penalties collected or received pursuant to such [sections] section  
7 three hundred one-a [and three hundred one-e] and shall deposit such  
8 amount in the dedicated fund accounts pursuant to subdivision (d) of  
9 section three hundred one-j of this article. Provided, further, that  
10 commencing January fifteenth, nineteen hundred ninety-one, and on or  
11 before the tenth day of March and the fifteenth day of June and Septem-  
12 ber of such year, the commissioner shall, based on information supplied  
13 by taxpayers and other appropriate sources, estimate the amount of the  
14 utility credit authorized by section three hundred one-d of this article  
15 which has been accrued to reduce tax liability under section one hundred  
16 eighty-six-a of this chapter during the period covered by such estimate  
17 and certify to the state comptroller such estimated amount. The comp-  
18 troller shall forthwith, after receiving such certificate, deduct the  
19 amount of such credit so certified by the commissioner prior to any  
20 deposit or disposition of the taxes, interest and penalties collected or  
21 received pursuant to such [sections] section three hundred one-a [and  
22 three hundred one-e] and shall pay such amount so certified and deducted  
23 into the state treasury to the credit of the general fund. Also, subse-  
24 quently, during the fiscal year when the commissioner becomes aware of  
25 changes or modifications with respect to actual credit usage, the  
26 commissioner shall, as soon as practicable, issue a certification  
27 setting forth the amount of any required adjustment to the amount of  
28 actual credit usage previously certified. After receiving the certifi-  
29 cate of the commissioner with respect to actual credit usage or modifi-  
30 cation of the same, the comptroller shall forthwith adjust general fund  
31 receipts and the revenues to be deposited or disposed of under this  
32 article to reflect the difference so certified by the commissioner. The  
33 commissioner shall not be liable for any overestimate or underestimate  
34 of the amount of the utility credit which has been accrued to reduce tax  
35 liability under such section one hundred eighty-six-a. Nor shall the  
36 commissioner be liable for any inaccuracy in any certificate with  
37 respect to the amount of such credit actually used or any required  
38 adjustment with respect to actual credit usage, but the commissioner  
39 shall as soon as practicable after discovery of any error adjust the  
40 next certification under this section to reflect any such error.

41 Prior to making deposits as provided in this section, the comptroller  
42 shall retain such amount as the commissioner may determine to be neces-  
43 sary, subject to the approval of the director of the budget, for reason-  
44 able costs of the department in administering and collecting the taxes  
45 deposited pursuant to this section and for refunds and reimbursements  
46 with respect to such taxes, out of which the comptroller shall pay any  
47 refunds or reimbursements of such taxes to which taxpayers shall be  
48 entitled.

49 (b) Notwithstanding any other provision of law, all taxes, interest,  
50 and penalties collected or received on or after December first, two  
51 thousand seventeen from the taxes imposed by section three hundred one-e  
52 of this article shall be deposited in the aviation purpose account of  
53 the dedicated highway and bridge trust fund established by section  
54 eighty-nine-b of the state finance law.



1 § 4. Paragraph 1 of subdivision (a) of section 1102 of the tax law, as  
2 amended by chapter 261 of the laws of 1988, is amended to read as  
3 follows:

4 (1) Every distributor of motor fuel shall pay, as a prepayment on  
5 account of the taxes imposed by this article and pursuant to the author-  
6 ity of article twenty-nine of this chapter, a tax on each gallon of  
7 motor fuel (i) which he imports or causes to be imported into this state  
8 for use, distribution, storage or sale in the state or produces,  
9 refines, manufactures or compounds in this state or (ii) if the tax has  
10 not been imposed prior to its sale in this state, which he sells (which  
11 acts shall in regard to motor fuel hereinafter in this article be encom-  
12 passed by the phrase "imported, manufactured or sold"), except when  
13 imported, manufactured or sold under circumstances which preclude the  
14 collection of such tax by reason of the United States constitution and  
15 of the laws of the United States enacted pursuant thereto or when  
16 imported or manufactured by an organization described in paragraph one  
17 or two of subdivision (a) of section eleven hundred sixteen of this  
18 article or a hospital included in the organizations described in para-  
19 graph four of such subdivision for its own use and consumption and  
20 except kero-jet fuel when imported by an airline for use in its  
21 airplanes, and except aviation gasoline sold for use in commercial  
22 aircraft and general aviation aircraft.

23 § 5. Subparagraph (i) of paragraph 1 of subdivision (a) of section  
24 1210 of the tax law, as amended by section 3 of part Z of chapter 59 of  
25 the laws of 2015, is amended to read as follows:

26 (i) Any local law, ordinance or resolution enacted by any city of less  
27 than one million or by any county or school district, imposing the taxes  
28 authorized by this subdivision, shall, notwithstanding any provision of  
29 law to the contrary, exclude from the operation of such local taxes all  
30 sales of tangible personal property for use or consumption directly and  
31 predominantly in the production of tangible personal property, gas,  
32 electricity, refrigeration or steam, for sale, by manufacturing, proc-  
33 essing, generating, assembly, refining, mining or extracting; and all  
34 sales of tangible personal property for use or consumption predominantly  
35 either in the production of tangible personal property, for sale, by  
36 farming or in a commercial horse boarding operation, or in both; and all  
37 sales of fuel sold for use in commercial aircraft and general aviation  
38 aircraft; and, unless such city, county or school district elects other-  
39 wise, shall omit the provision for credit or refund contained in clause  
40 six of subdivision (a) or subdivision (d) of section eleven hundred  
41 nineteen of this chapter.

42 § 6. Subparagraphs (xii) and (xiii) of paragraph 4 of subdivision (a)  
43 of section 1210 of tax law, as amended by section 3 of part Z of chapter  
44 59 of the laws of 2015, are amended and a new subparagraph (xiv) is  
45 added to read as follows:

46 (xii) shall omit, unless such city elects otherwise, the exemption for  
47 residential solar energy systems equipment and electricity provided in  
48 subdivision (ee) of section eleven hundred fifteen of this chapter;  
49 [and] (xiii) shall omit, unless such city elects otherwise, the  
50 exemption for commercial solar energy systems equipment and electricity  
51 provided in subdivision (ii) of section eleven hundred fifteen of this  
52 chapter; and (xiv) shall exclude from the operation of such local taxes  
53 all sales of fuel sold for use in commercial aircraft and general  
54 aviation aircraft. Any reference in this chapter or in any local law,  
55 ordinance or resolution enacted pursuant to the authority of this arti-  
56 cle to former subdivisions (n) or (p) of this section shall be deemed to



1 be a reference to clauses (xii) or (xiii) of this paragraph, respective-  
2 ly, and any such local law, ordinance or resolution that provides the  
3 exemptions provided in such former subdivisions (n) and/or (p) shall be  
4 deemed instead to provide the exemptions provided in clauses (xii)  
5 and/or (xiii) of this paragraph.

6 § 7. Notwithstanding any law to the contrary, the comptroller is here-  
7 by authorized and directed to transfer from the general fund for deposit  
8 into the mass transportation operating assistance fund, pursuant to  
9 section 88-a of the state finance law and the dedicated mass transporta-  
10 tion trust fund, pursuant to section 89-c of the state finance law, upon  
11 request of the director of the budget, on or before March 31 of each  
12 year, an amount equal to the amount of revenue received by the commis-  
13 sioner of taxation and finance during the state fiscal year from petro-  
14 leum business taxes imposed pursuant to the authority of section 301-e  
15 of the tax law that would have otherwise been directed to such funds  
16 pursuant to section 312 of the tax law as such section was in effect on  
17 the day before this act became a law.

18 § 8. Sections one, two and seven of this act shall take effect April  
19 1, 2017; provided however that sections three, four, five and six of  
20 this act shall take effect December 1, 2017; and provided further that  
21 if section 19 of part W1 of chapter 109 of the laws of 2006 shall have  
22 not expired on or before such date then section four of this act shall  
23 take effect on the same date and in the same manner as such chapter of  
24 the laws of 2006 takes effect.

25

## PART AA

26 Section 1. Subdivision 2 of section 228 of the racing, pari-mutuel  
27 wagering and breeding law, as amended by chapter 18 of the laws of 2008,  
28 the opening paragraph as amended by chapter 236 of the laws of 2015, is  
29 amended to read as follows:

30 2. The New York state gaming commission shall, as a condition of  
31 racing, require any franchised corporation and every other corporation  
32 subject to its jurisdiction to withhold one percent of all purses,  
33 except that for the franchised corporation, starting on September first,  
34 two thousand seven and continuing through August thirty-first, two thou-  
35 sand sixteen, two percent of all purses shall be withheld, and, in the  
36 case of the franchised corporation, to pay such sum to the horsemen's  
37 organization or its successor that was first entitled to receive  
38 payments pursuant to this section in accordance with rules of the  
39 commission adopted effective November third, nineteen hundred eighty-  
40 three representing at least fifty-one percent of the owners and trainers  
41 [utilizing] using the facilities of such franchised corporation, on the  
42 condition that such horsemen's organization shall expend [as much as is  
43 necessary, but not to exceed] one-half of one percent of such total  
44 sum[,] to conduct equine drug testing research and to acquire and main-  
45 tain the equipment required to [establish a program at a state college  
46 within this state with an approved equine science program to] test for  
47 the presence of drugs, including but not limited to steroids, in horses  
48 at a suitable laboratory, as the gaming commission may determine in its  
49 discretion, provided further that the qualified organization shall also,  
50 in an amount to be determined by its board of directors, annually  
51 include in its expenditures for benevolence programs, funds to support  
52 an organization providing services necessary to backstretch employees,  
53 and, in the case of every other corporation, to pay such one percent sum  
54 of purses to the horsemen's organization or its successor that was first



1 entitled to receive payments pursuant to this section in accordance with  
2 rules of the commission adopted effective May twenty-third, nineteen  
3 hundred eighty-six representing at least fifty-one percent of the owners  
4 and trainers [utilizing] using the facilities of such corporation.

5 In either case, any other horsemen's organization may apply to the  
6 [board] commission to be approved as the qualified organization to  
7 receive payment of the one percent of all purses by submitting to the  
8 [board] commission proof of both, that (i) it represents more than  
9 fifty-one percent of all the owners and trainers [utilizing] using the  
10 same facilities and (ii) the horsemen's organization previously approved  
11 as qualified by the [board] commission does not represent fifty-one  
12 percent of all the owners and trainers [utilizing] using the same facil-  
13 ities. If the [board] commission is satisfied that the documentation  
14 submitted with the application of any other horsemen's organization is  
15 conclusive with respect to items (i) and (ii) of this paragraph, it may  
16 approve the applicant as the qualified recipient organization.

17 In the best interests of racing, upon receipt of such an application,  
18 the [board] commission may direct the payments to the previously quali-  
19 fied horsemen's organization to continue uninterrupted, or it may direct  
20 the payments to be withheld and placed in interest-bearing accounts for  
21 a period not to exceed ninety days, during which time the [board]  
22 commission shall review and approve or disapprove the application. Funds  
23 held in such manner shall be paid to the organization approved by the  
24 [board] commission. In no event shall the [board] commission accept more  
25 than one such application in any calendar year from the same horsemen's  
26 organization.

27 The funds authorized to be paid by the [board] commission are to be  
28 used exclusively for the benefit of those horsemen racing in New York  
29 state through the administrative purposes of such qualified organiza-  
30 tion, benevolent activities on behalf of backstretch employees, and for  
31 the promotion of equine research.

32 § 2. Section 902 of the racing, pari-mutuel wagering and breeding law,  
33 as amended by chapter 60 of the laws of 1993, subdivision 1 as amended  
34 by chapter 15 of the laws of 2010, and subdivision 2 as amended by chap-  
35 ter 18 of the laws of 2008, is amended to read as follows:

36 § 902. Equine drug testing and expenses. 1. In order to assure the  
37 public's confidence and continue the high degree of integrity in racing  
38 at the pari-mutuel betting tracks, equine drug testing at race meetings  
39 shall be conducted by a [state college within this state with an  
40 approved equine science program] suitable laboratory, as the gaming  
41 commission may determine in its discretion. The [state racing and wager-  
42 ing board] gaming commission shall promulgate any rules and regulations  
43 necessary to implement the provisions of this section, including admin-  
44 istrative penalties of loss of purse money, fines, or denial, suspen-  
45 sion[,] or revocation of a license for racing drugged horses.

46 2. Notwithstanding any inconsistent provision of law, all costs and  
47 expenses of the [state racing and wagering board] gaming commission for  
48 equine drug testing and research shall be paid from an appropriation  
49 from the state treasury, on the certification of the [chairman] chair of  
50 the [state racing and wagering board] gaming commission, upon the audit  
51 and warrant of the comptroller and pursuant to a plan developed by the  
52 [state racing and wagering board] gaming commission as approved by the  
53 director of the budget.

54 § 3. This act shall take effect immediately; provided, however,  
55 section two of this act shall take effect upon expiration of an existing  
56 contract with a New York state college within the state with an approved



1 equine science program, pursuant to section 902 of the racing, pari-mu-  
2 tuel wagering and breeding law; provided that the gaming commission  
3 shall notify the legislative bill drafting commission upon the occur-  
4 rence of the enactment of the legislation provided for in section two of  
5 this act in order that the commission may maintain an accurate and time-  
6 ly effective data base of the official text of the laws of the state of  
7 New York in furtherance of effectuating the provisions of section 44 of  
8 the legislative law and section 70-b of the public officers law.

9

## PART BB

10 Section 1. Subdivision 1 of section 236 of the racing, pari-mutuel  
11 wagering and breeding law, as amended by chapter 18 of the laws of  
12 2008, is amended to read as follows:

13 1. Every corporation authorized under this chapter to conduct pari-mu-  
14 tuel betting at a race meeting on races run thereat, except as provided  
15 in section two hundred thirty-eight of this article with respect to the  
16 franchised corporation, shall distribute all sums deposited in any pari-  
17 mutuel pool to the holders of winning tickets therein, providing such  
18 tickets be presented for payment before April first of the year follow-  
19 ing the year of their purchase, less an amount [which] that shall be  
20 established and retained by such racing corporation of between fourteen  
21 to twenty [per centum] percent of the total deposits in pools resulting  
22 from regular on-track bets and less sixteen to twenty-two [per centum]  
23 percent of the total deposits in pools resulting from multiple on-track  
24 bets and less twenty to thirty [per centum] percent of the total depos-  
25 its in pools resulting from exotic on-track bets and less twenty to  
26 thirty-six [per centum] percent of the total pools resulting from super  
27 exotic on-track bets, plus the breaks. The retention rate to be estab-  
28 lished is subject to the prior approval of the [racing and wagering  
29 board] gaming commission. Such rate may not be changed more than once  
30 per calendar quarter to be effective on the first day of the calendar  
31 quarter. "Exotic bets" and "multiple bets" shall have the meanings set  
32 forth in section five hundred nineteen of this chapter and breaks are  
33 hereby defined as [the odd cents over any multiple of ten, or for exotic  
34 bets over any multiple of fifty, or for super exotic bets, over any  
35 multiple of one hundred, calculated on the basis of one dollar, other-  
36 wise payable to a patron provided, however, that effective after October  
37 fifteenth, nineteen hundred ninety-four breaks are hereby defined as]  
38 the odd cents over any multiple of five for payoffs greater than one  
39 dollar five cents but less than five dollars, over any multiple of ten  
40 for payoffs greater than five dollars but less than twenty-five dollars,  
41 over any multiple of twenty-five for payoffs greater than twenty-five  
42 dollars but less than two hundred fifty dollars, or over any multiple of  
43 fifty for payoffs over two hundred fifty dollars. "Super exotic bets"  
44 shall have the meaning set forth in section three hundred one of this  
45 chapter. Of the amount so retained there shall be paid by such corpo-  
46 ration to the department of taxation and finance as a reasonable tax by  
47 the state for the privilege of conducting pari-mutuel betting on the  
48 races run at the race meeting held by such corporation, which tax is  
49 hereby levied, the following percentages of the total pool, plus fifty-  
50 five [per centum] percent of the breaks; the applicable rates for regu-  
51 lar and multiple bets shall be one and one-half [per centum] percent;  
52 the applicable rates for exotic bets shall be six and three-quarter [per  
53 centum] percent and the applicable rate for super exotic bets shall be  
54 seven and three-quarter [per centum] percent. Effective on and after



1 September first, nineteen hundred ninety-four, the applicable tax rate  
2 shall be one [per centum] percent of all wagers, provided that, an  
3 amount equal to one-half the difference between the taxation rate for  
4 on-track regular, multiple and exotic bets as of December thirty-first,  
5 nineteen hundred ninety-three and the rates on such on-track wagers as  
6 herein provided shall be used exclusively for purses. Provided, however,  
7 that for any twelve-month period beginning on April first in nineteen  
8 hundred ninety and any year thereafter, each of the applicable rates set  
9 forth above shall be increased by one-quarter of one [per centum]  
10 percent on all on-track bets of any such racing corporation that did not  
11 expend an amount equal to at least one-half of one [per centum] percent  
12 of its on-track bets during the immediately preceding calendar year for  
13 enhancements consisting of capital improvements as defined by section  
14 two hundred thirty-seven of this article, repairs to its physical plant,  
15 structures, and equipment used in its racing or wagering operations as  
16 certified by the [state racing and wagering board] gaming commission to  
17 the commissioner of taxation and finance no later than eighty days after  
18 the close of such calendar year, and five special events at each track  
19 in each calendar year, not otherwise conducted in the ordinary course of  
20 business, the purpose of which shall be to encourage, attract and  
21 promote track attendance and encourage new and continued patronage,  
22 which events shall be [approved by the racing and wagering board]  
23 subject to the prior approval of the gaming commission for purposes of  
24 this subdivision. In the determination of the amounts expended for such  
25 enhancements, the [board] gaming commission may consider the immediately  
26 preceding [twelve month] twelve-month calendar period or the average of  
27 the two immediately preceding [twelve month] twelve-month calendar peri-  
28 ods. Provided further, however, that of the portion of the increased  
29 amounts retained by such corporation above those amounts retained in  
30 nineteen hundred eighty-four, an amount of such increase shall be  
31 distributed to purses in the same proportion as commissions and purses  
32 were distributed during nineteen hundred eighty-four as certified by the  
33 [board] gaming commission. Such corporation in the second zone shall  
34 receive a credit against the daily tax imposed by this subdivision in an  
35 amount equal to four-tenths of one [per centum] percent of total daily  
36 pools resulting from the simulcast of such corporation's races to  
37 licensed facilities operated by regional off-track betting corporations  
38 in accordance with section one thousand eight of this chapter, provided  
39 however, that sixty [per centum] percent of the amount of such credit  
40 shall be used exclusively to increase purses for overnight races  
41 conducted by such corporation; and, provided further, that in no event  
42 shall such total daily credit exceed four-tenths of one [per centum]  
43 percent of the total daily pool of such corporation. [Provided, however,  
44 that on and after September first, nineteen hundred ninety-four such  
45 credit shall be four-tenths percent of total daily pools resulting from  
46 such simulcasting and that in no event shall such total daily credit  
47 equal four-tenths percent of the total daily pool of such corporation.]  
48 Such corporation shall pay to the New York state thoroughbred breeding  
49 and development fund one-half of one [per centum] percent of the total  
50 daily on-track pari-mutuel pools from regular, multiple and exotic bets,  
51 and three [per centum] percent of super exotic bets. The corporation  
52 shall receive credit as a reduction of the tax by the state for the  
53 privilege of conducting pari-mutuel betting for the amounts, except  
54 amounts paid from super exotic betting pools, paid to the New York state  
55 thoroughbred breeding and development fund after January first, nineteen  
56 hundred seventy-eight.



1 Such corporation shall distribute to purses an amount equal to fifty  
2 [per centum] percent of any compensation it receives from simulcasting  
3 or from wagering conducted outside the United States. Such corporation  
4 shall pay to the [racing and wagering board] gaming commission as a  
5 regulatory fee, which fee is hereby levied, [fifty hundredths] six-  
6 tenths of one [per centum] percent of the total daily on-track pari-mu-  
7 tuel pools of such corporation.

8 § 2. Paragraph (d) of subdivision 1 of section 238 of the racing,  
9 pari-mutuel wagering and breeding law, as amended by chapter 18 of the  
10 laws of 2008, is amended to read as follows:

11 (d) (i) The pari-mutuel tax rate authorized by paragraph (a) of this  
12 subdivision shall be effective so long as a franchised corporation noti-  
13 fies the [racing and wagering board] gaming commission by August  
14 fifteenth of each year that such pari-mutuel tax rate is effective of  
15 its intent to conduct a race meeting at Aqueduct racetrack during the  
16 months of December, January, February, March and April. For purposes of  
17 this paragraph such race meeting shall consist of not less than ninety-  
18 five days of racing. Not later than May first of each year that such  
19 pari-mutuel tax rate is effective, the [racing and wagering board]  
20 gaming commission shall determine whether a race meeting at Aqueduct  
21 racetrack consisted of the number of days as required by this paragraph.  
22 In determining the number of race days, cancellation of a race day  
23 because of an act of God[, which] that the [racing and wagering board]  
24 gaming commission approves or because of weather conditions that are  
25 unsafe or hazardous which the [racing and wagering board] gaming commis-  
26 sion approves shall not be construed as a failure to conduct a race day.  
27 Additionally, cancellation of a race day because of circumstances beyond  
28 the control of such franchised corporation for which the [racing and  
29 wagering board] gaming commission gives approval shall not be construed  
30 as a failure to conduct a race day. If the [racing and wagering board]  
31 gaming commission determines that the number of days of racing as  
32 required by this paragraph have not occurred then the pari-mutuel tax  
33 rate in paragraph (a) of this subdivision shall revert to the pari-mutu-  
34 el tax rates in effect prior to January first, nineteen hundred ninety-  
35 five.

36 (ii) Such franchised corporation shall pay to the [racing and wagering  
37 board] gaming commission as a regulatory fee, which fee is hereby  
38 levied, [fifty hundredths] six-tenths of one [per centum] percent of the  
39 total daily on-track pari-mutuel pools of such franchised corporation.

40 § 3. Paragraph d of subdivision 1 of section 318 of the racing, pari-  
41 mutuel wagering and breeding law, as amended by section 3 of part B of  
42 chapter 59 of the laws of 2005, is amended to read as follows:

43 d. Every harness racing association or corporation shall pay to the  
44 [board] gaming commission as a regulatory fee, which fee is hereby  
45 levied, [fifty hundredths] six-tenths of one percent of the total daily  
46 on-track pari-mutuel pools of such association or corporation.

47 § 4. The opening paragraph and the opening paragraph of subdivision 1  
48 of section 527 of the racing, pari-mutuel wagering and breeding law, the  
49 opening paragraph as amended by chapter 18 of the laws of 2008 and the  
50 opening paragraph of subdivision 1 as amended by chapter 300 of the laws  
51 of 2015, are amended to read as follows:

52 Each regional corporation conducting off-track betting shall distrib-  
53 ute all sums deposited in any pari-mutuel pool through such corporation  
54 to the holders of winning tickets therein, providing such tickets be  
55 presented for payment prior to April first of the year following the  
56 year of their purchase, less an amount [which] that it shall retain at



1 the same rate established by the track accepting wagers from each such  
2 regional corporation.

3 The disposition of the retained commission from pools resulting from  
4 regular, multiple or exotic bets, as the case may be, whether placed on  
5 races run within a region or outside a region, conducted by racing  
6 corporations, harness racing associations or corporations, quarter horse  
7 racing associations or corporations or races run outside the state shall  
8 be governed by the tables in paragraphs a and b of this subdivision. The  
9 rate denominated "state tax" shall represent the rate of a reasonable  
10 tax imposed upon the retained commission for the privilege of conducting  
11 off-track pari-mutuel betting, which tax is hereby levied and shall be  
12 payable in the manner set forth in this section. Each off-track betting  
13 corporation shall pay to the [racing and wagering board] gaming commis-  
14 sion as a regulatory fee, which fee is hereby levied, [fifty hundredths]  
15 six-tenths of one percent of the total daily pools of such corporation.  
16 Each corporation shall also pay twenty [per centum] percent of the  
17 breaks derived from bets on harness races and fifty [per centum] percent  
18 of the breaks derived from bets on all other races to the agriculture  
19 and New York State horse breeding and development fund and to the  
20 thoroughbred breeding and development fund, the total of such payments  
21 to be apportioned fifty [per centum] percent to each such fund. For the  
22 purposes of this section, the New York city, Suffolk, Nassau, and the  
23 Catskill regions shall constitute a single region and any thoroughbred  
24 track located within the Capital District region shall be deemed to be  
25 within such single region. A "regional meeting" shall refer to either  
26 harness or thoroughbred meetings, or both, except that a franchised  
27 corporation shall not be a regional track for the purpose of receiving  
28 distributions from bets on thoroughbred races conducted by a thorough-  
29 bred track in the Catskill region conducting a mixed meeting. With the  
30 exception of a harness racing association or corporation first licensed  
31 to conduct pari-mutuel wagering at a track located in Tioga or Saratoga  
32 county after January first, two thousand five, racing corporations first  
33 licensed to conduct pari-mutuel racing after January first, nineteen  
34 hundred eighty-six or a harness racing association or corporation first  
35 licensed to conduct pari-mutuel wagering at a track located in Genesee  
36 County after January first, two thousand five, and quarter horse tracks  
37 shall not be "regional tracks"; if there is more than one harness track  
38 within a region, such tracks shall evenly divide payments made pursuant  
39 to the tables in paragraphs a and b of this subdivision when neither  
40 track is running. In the event a track elects to reduce its retained  
41 percentage from any or all of its pari-mutuel pools, the payments to the  
42 track holding the race and the regional track required by paragraphs a  
43 and b of this subdivision shall be reduced in proportion to such  
44 reduction. Nothing in this section shall be construed to authorize the  
45 conduct of off-track betting contrary to the provisions of section five  
46 hundred twenty-three of this article.

47 § 5. Paragraph a of subdivision 1 of section 904 of the racing, pari-  
48 mutuel wagering and breeding law, as amended by chapter 18 of the laws  
49 of 2008, are amended to read as follows:

50 a. The applicable state tax provided for in paragraphs a and b of  
51 subdivision one of section five hundred twenty-seven of this chapter  
52 shall be one-half [per centum] percent for regular, multiple and exotic  
53 bets. Any harness racing or association or corporation, or thoroughbred  
54 racing corporation authorized pursuant to this section shall pay to the  
55 [racing and wagering board] gaming commission as a regulatory fee, which





1 fee is hereby levied, [fifty hundredths] six-tenths of one percent of  
2 the total daily pari-mutuel pools.

3 § 6. Paragraph g of subdivision 3 of section 1007 of the racing, pari-  
4 mutuel wagering and breeding law, as amended by chapter 18 of the laws  
5 of 2008, is amended to read as follows:

6 g. Any harness racing or association or corporation, or thoroughbred  
7 racing corporation authorized pursuant to this section shall pay to the  
8 [racing and wagering board] gaming commission as a regulatory fee, which  
9 fee is hereby levied, [fifty hundredths] six-tenths of one percent of  
10 the total daily pari-mutuel pools.

11 § 7. Paragraph b of subdivision 3 of section 1008 of the racing, pari-  
12 mutuel wagering and breeding law, as amended by section 7 of part B of  
13 chapter 59 of the laws of 2005, is amended to read as follows:

14 b. Of the sums received by the sending track, fifty percent shall be  
15 distributed to purses in addition to moneys distributed pursuant to  
16 section five hundred twenty-seven of this chapter. The off-track betting  
17 corporation shall pay to the [racing and wagering board] gaming commis-  
18 sion as a regulatory fee, which fee is hereby levied, [fifty hundredths]  
19 six-tenths of one percent of the total daily pools.

20 § 8. Paragraph d of subdivision 4 of section 1009 of the racing, pari-  
21 mutuel wagering and breeding law, as amended by section 8 of part B of  
22 chapter 59 of the laws of 2005, is amended to read as follows:

23 d. The operator shall pay to the [racing and wagering board] gaming  
24 commission as a regulatory fee, which fee is hereby levied, [fifty  
25 hundredths] six-tenths of one percent of the total daily pools.

26 § 9. Subparagraph (iv) of paragraph i of subdivision 1 of section 1014  
27 of the racing, pari-mutuel wagering and breeding law, as amended by  
28 chapter 18 of the laws of 2008, is amended to read as follows:

29 (iv) Any thoroughbred racing corporation or harness racing association  
30 or corporation or off-track betting corporation authorized pursuant to  
31 this section shall pay to the [racing and wagering board] gaming commis-  
32 sion as a regulatory fee, which fee is hereby levied, [fifty hundredths]  
33 six-tenths of one percent of all wagering pools.

34 § 10. Paragraph e of subdivision 3 of section 1015 of the racing,  
35 pari-mutuel wagering and breeding law, as amended by chapter 18 of the  
36 laws of 2008, is amended to read as follows:

37 e. Any thoroughbred racing corporation or harness racing association  
38 or corporation or off-track betting corporation authorized pursuant to  
39 this section shall pay to the [racing and wagering board] gaming commis-  
40 sion as a regulatory fee, which fee is hereby levied, [fifty hundredths]  
41 six-tenths of one percent of all wagering pools.

42 § 11. Clause (B) of subparagraph 2 of paragraph b of subdivision 1 of  
43 section 1016 of the racing, pari-mutuel wagering and breeding law, as  
44 amended by chapter 18 of the laws of 2008, is amended to read as  
45 follows:

46 (B) Any harness racing or association or corporation or thoroughbred  
47 racing corporation authorized pursuant to this section shall pay to the  
48 [racing and wagering board] gaming commission as a regulatory fee, which  
49 fee is hereby levied, [fifty hundredths] six-tenths of one percent of  
50 the total daily pari-mutuel pools.

51 § 12. Paragraph b of subdivision 2 of section 1018 of the racing,  
52 pari-mutuel wagering and breeding law, as amended by chapter 18 of the  
53 laws of 2008, is amended to read as follows:

54 b. Any thoroughbred racing corporation or harness racing association  
55 or corporation or off-track betting corporation shall pay to the [racing  
56 and wagering board] gaming commission as a regulatory fee, which fee is

1 hereby levied, [fifty hundredths] six-tenths of one percent of all  
2 wagering pools.

3 § 13. Paragraph 2 of subdivision b of section 1612 of the tax law, as  
4 amended by section 1 of part OO of chapter 59 of the laws of 2014, is  
5 amended to read as follows:

6 2. As consideration for the operation of a video lottery gaming facil-  
7 ity, the division, shall cause the investment in the racing industry of  
8 a portion of the vendor fee received pursuant to paragraph one of this  
9 subdivision in the manner set forth in this subdivision. With the  
10 exception of Aqueduct racetrack or a facility in the county of Nassau or  
11 Suffolk operated by a corporation established pursuant to section five  
12 hundred two of the racing, pari-mutuel wagering and breeding law, each  
13 such track shall dedicate a portion of its vendor fees, received pursu-  
14 ant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph (ii)  
15 of paragraph one of this subdivision, for the purpose of enhancing purs-  
16 es at such track, in an amount equal to eight and three-quarters percent  
17 of the total revenue wagered at the vendor track after [pay out] payout  
18 for prizes. One and six-tenths percent of the gross purse enhancement  
19 amount, as required by this subdivision, shall be paid to the gaming  
20 commission to be used exclusively to promote and ensure equine health  
21 and safety in New York. Any portion of such funding to the gaming  
22 commission unused during a fiscal year shall be returned to the video  
23 lottery gaming operators on a pro rata basis in accordance with the  
24 amounts originally contributed by each operator and shall be used for  
25 the purpose of enhancing purses at such track. One and one-half percent  
26 of the gross purse enhancement amount at a thoroughbred track, as  
27 required by this subdivision, shall be paid to an account established  
28 pursuant to section two hundred twenty-one-a of the racing, pari-mutuel  
29 wagering and breeding law to be used exclusively to provide health  
30 insurance for jockeys. In addition, with the exception of Aqueduct race-  
31 track or a facility in the county of Nassau or Suffolk operated by a  
32 corporation established pursuant to section five hundred two of the  
33 racing, pari-mutuel wagering and breeding law, one and one-quarter  
34 percent of total revenue wagered at the vendor track after [pay out]  
35 payout for prizes, received pursuant to clause (A), (B), (C), (D), (E),  
36 (F), or (G) of subparagraph (ii) of paragraph one of this subdivision,  
37 shall be distributed to the appropriate breeding fund for the manner of  
38 racing conducted by such track.

39 Provided, further, that nothing in this paragraph shall prevent each  
40 track from entering into an agreement, not to exceed five years, with  
41 the organization authorized to represent its horsemen to increase or  
42 decrease the portion of its vendor fee dedicated to enhancing purses at  
43 such track during the years of participation by such track, or to race  
44 fewer dates than required herein.

45 § 14. Paragraph 1 of subdivision f of section 1612 of the tax law, as  
46 amended by section 2 of part OO of chapter 59 of the laws of 2014, is  
47 amended to read as follows:

48 1. [Six] Seven and one-half percent of the total wagered after payout  
49 of prizes for the [first year of] operation of video lottery gaming at  
50 Aqueduct racetrack, [seven percent of the total wagered after payout of  
51 prizes for the second year of operation, and seven and one-half percent  
52 of the total wagered after payout of prizes for the third year of opera-  
53 tion and thereafter,] for the purpose of enhancing purses at Aqueduct  
54 racetrack, Belmont Park racetrack and Saratoga race course. One and  
55 six-tenths percent of the gross purse enhancement amount, as required by  
56 this subdivision, shall be paid to the gaming commission to be used



1 exclusively to promote and ensure equine health and safety in New York.  
2 Any portion of such funding to the gaming commission unused during a  
3 fiscal year shall be returned on a pro rata basis in accordance with the  
4 amounts originally contributed and shall be used for the purpose of  
5 enhancing purses at such tracks. One and one-half percent of the gross  
6 purse enhancement amount, as required by this subdivision, shall be paid  
7 to an account established pursuant to section two hundred twenty-one-a  
8 of the racing, pari-mutuel wagering and breeding law to be used exclu-  
9 sively to provide health insurance for jockeys.  
10 § 15. This act shall take effect immediately.

11

## PART CC

12 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-  
13 ing law, as amended by section 1 of part Y of chapter 58 of the laws of  
14 2012, is amended to read as follows:

15 § 308. Officials at harness horse race meetings. 1. At all harness  
16 race meetings licensed by the [state racing and wagering board] gaming  
17 commission in accordance with the provisions of sections two hundred  
18 twenty-two through seven hundred five of this chapter qualified judges  
19 and starters shall be designated by the [state racing and wagering  
20 board] gaming commission. Such officials shall enforce the rules and  
21 regulations of the [state racing and wagering board] gaming commission  
22 and shall render regular written reports of the activities and conduct  
23 of such race meetings to the [state racing and wagering board] gaming  
24 commission.

25 2. The licensed racing corporations shall reimburse the [state racing  
26 and wagering board] gaming commission for the per diem cost to the  
27 [board] commission to employ one associate judge and the starter to  
28 serve at harness race meetings. The [board] commission shall notify each  
29 such licensed racing [corporations] corporation of the per diem cost of  
30 the associate judge and the starter [prior to the beginning] at the  
31 track of such licensed racing corporation within sixty days of the end  
32 of each month. Payment of the reimbursement required by this section  
33 shall be made to the [board] commission by each entity required to make  
34 such payments [on the last business day of each month] within thirty  
35 days of such notification by the commission and shall cover all the  
36 costs incurred during that month. A penalty of five percent of payment  
37 due, and interest at the rate of one percent per month calculated from  
38 such [last day of each month] date that payment is due to the date of  
39 the payment of the per diem cost shall be payable in case any per diem  
40 cost imposed by this subdivision is not paid when due. The [board]  
41 commission shall promulgate rules and regulations to ensure the proper  
42 reimbursement of such costs.

43 3. The [board] commission shall pay into the racing regulation  
44 account, as defined in section ninety-nine-i of the state finance law,  
45 under the joint custody of the comptroller and the [board] commission,  
46 the total amount of the reimbursements collected pursuant to this  
47 section. With the approval of the director of the budget, monies  
48 [utilized] used to pay the costs and expenses of the operations of the  
49 [board] commission shall be paid out of such account on the audit and  
50 warrant of the comptroller on vouchers, certified and approved by the  
51 director of the division of the budget or his or her duly designated  
52 official.

53 4. Any associate judge and starter whose per diem costs are reimbursed  
54 by a licensed racing corporation shall remain employees of the [state



1 racing and wagering board] gaming commission and shall retain all the  
 2 rights and privileges of their current civil service jurisdictional  
 3 classification and status and collective bargaining unit representation.  
 4 § 2. This act shall take effect immediately.

5 PART DD

6 Section 1. Subparagraph (ii) of paragraph 1 of subdivision b of  
 7 section 1612 of the tax law is amended by adding a new clause (G-2) to  
 8 read as follows:

9 (G-2) Notwithstanding any provision to the contrary, when a vendor  
 10 track is located within region six of development zone two as defined by  
 11 section thirteen hundred ten of the racing, pari-mutuel wagering and  
 12 breeding law and is located within Ontario county, such vendor track  
 13 shall receive an additional commission at a rate equal to the percentage  
 14 of revenue wagered at the vendor track after payout for prizes pursuant  
 15 to this chapter, which percentage shall be one hundred, less the sum of  
 16 the percentages of net revenue wagered at the vendor track retained by  
 17 the commission for operation, administration, and procurement purposes;  
 18 and the vendor's fee, marketing allowance and capital award paid to the  
 19 vendor track pursuant to this chapter; and the effective tax rate paid  
 20 on all gross gaming revenue paid by a gaming facility within Seneca or  
 21 Wayne counties pursuant to section thirteen hundred fifty-one of the  
 22 racing, pari-mutuel wagering and breeding law, provided, however, such  
 23 additional commission shall be applied to revenue wagered at the vendor  
 24 track after payout for prizes only while a gaming facility in Seneca or  
 25 Wayne counties is open and operational pursuant to an operation certif-  
 26 icate issued pursuant to section thirteen hundred thirty-one of the  
 27 racing, pari-mutuel wagering and breeding law. The additional commission  
 28 set forth in this clause shall be paid to the vendor track within sixty  
 29 days after the conclusion of the state fiscal year based on the calcu-  
 30 lated percentage during the previous fiscal year.

31 § 2. This act shall take effect immediately and shall be deemed to  
 32 have been in full force and effect on and after January 1, 2014.

33 PART EE

34 Section 1. Clause (F) of subparagraph (ii) of paragraph 1 of subdivi-  
 35 sion b of section 1612 of the tax law, as amended by section 1 of part  
 36 WW of chapter 59 of the laws of 2015, is amended to read as follows:

37 (F) notwithstanding clauses (A), (B), (C), (D) and (E) of this subpar-  
 38 agraph, when a vendor track, is located in Sullivan county and within  
 39 sixty miles from any gaming facility in a contiguous state such vendor  
 40 fee shall, for a period of [eight] nine years commencing April first,  
 41 two thousand eight, be at a rate of forty-one percent of the total  
 42 revenue wagered at the vendor track after payout for prizes pursuant to  
 43 this chapter, after which time such rate shall be as for all tracks in  
 44 clause (C) of this subparagraph.

45 § 2. This act shall take effect immediately and shall be deemed to  
 46 have been in full force and effect on and after April 1, 2016.

47 PART FF

48 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the  
 49 racing, pari-mutuel wagering and breeding law, as amended by section 1

1 of part NN of chapter 59 of the laws of 2015, is amended to read as  
2 follows:

3 (a) Any racing association or corporation or regional off-track  
4 betting corporation, authorized to conduct pari-mutuel wagering under  
5 this chapter, desiring to display the simulcast of horse races on which  
6 pari-mutuel betting shall be permitted in the manner and subject to the  
7 conditions provided for in this article may apply to the commission for  
8 a license so to do. Applications for licenses shall be in such form as  
9 may be prescribed by the commission and shall contain such information  
10 or other material or evidence as the commission may require. No license  
11 shall be issued by the commission authorizing the simulcast transmission  
12 of thoroughbred races from a track located in Suffolk county. The fee  
13 for such licenses shall be five hundred dollars per simulcast facility  
14 and for account wagering licensees that do not operate either a simul-  
15 cast facility that is open to the public within the state of New York or  
16 a licensed racetrack within the state, twenty thousand dollars per year  
17 payable by the licensee to the commission for deposit into the general  
18 fund. Except as provided in this section, the commission shall not  
19 approve any application to conduct simulcasting into individual or group  
20 residences, homes or other areas for the purposes of or in connection  
21 with pari-mutuel wagering. The commission may approve simulcasting into  
22 residences, homes or other areas to be conducted jointly by one or more  
23 regional off-track betting corporations and one or more of the follow-  
24 ing: a franchised corporation, thoroughbred racing corporation or a  
25 harness racing corporation or association; provided (i) the simulcasting  
26 consists only of those races on which pari-mutuel betting is authorized  
27 by this chapter at one or more simulcast facilities for each of the  
28 contracting off-track betting corporations which shall include wagers  
29 made in accordance with section one thousand fifteen, one thousand  
30 sixteen and one thousand seventeen of this article; provided further  
31 that the contract provisions or other simulcast arrangements for such  
32 simulcast facility shall be no less favorable than those in effect on  
33 January first, two thousand five; (ii) that each off-track betting  
34 corporation having within its geographic boundaries such residences,  
35 homes or other areas technically capable of receiving the simulcast  
36 signal shall be a contracting party; (iii) the distribution of revenues  
37 shall be subject to contractual agreement of the parties except that  
38 statutory payments to non-contracting parties, if any, may not be  
39 reduced; provided, however, that nothing herein to the contrary shall  
40 prevent a track from televising its races on an irregular basis primari-  
41 ly for promotional or marketing purposes as found by the commission. For  
42 purposes of this paragraph, the provisions of section one thousand thir-  
43 teen of this article shall not apply. Any agreement authorizing an  
44 in-home simulcasting experiment commencing prior to May fifteenth, nine-  
45 teen hundred ninety-five, may, and all its terms, be extended until June  
46 thirtieth, two thousand [sixteen] seventeen; provided, however, that any  
47 party to such agreement may elect to terminate such agreement upon  
48 conveying written notice to all other parties of such agreement at least  
49 forty-five days prior to the effective date of the termination, via  
50 registered mail. Any party to an agreement receiving such notice of an  
51 intent to terminate, may request the commission to mediate between the  
52 parties new terms and conditions in a replacement agreement between the  
53 parties as will permit continuation of an in-home experiment until June  
54 thirtieth, two thousand [sixteen] seventeen; and (iv) no in-home simul-  
55 casting in the thoroughbred special betting district shall occur without  
56 the approval of the regional thoroughbred track.



1 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section  
2 1007 of the racing, pari-mutuel wagering and breeding law, as amended by  
3 section 2 of part NN of chapter 59 of the laws of 2015, is amended to  
4 read as follows:

5 (iii) Of the sums retained by a receiving track located in Westchester  
6 county on races received from a franchised corporation, for the period  
7 commencing January first, two thousand eight and continuing through June  
8 thirtieth, two thousand [sixteen] seventeen, the amount used exclusively  
9 for purses to be awarded at races conducted by such receiving track  
10 shall be computed as follows: of the sums so retained, two and one-half  
11 percent of the total pools. Such amount shall be increased or decreased  
12 in the amount of fifty percent of the difference in total commissions  
13 determined by comparing the total commissions available after July twen-  
14 ty-first, nineteen hundred ninety-five to the total commissions that  
15 would have been available to such track prior to July twenty-first,  
16 nineteen hundred ninety-five.

17 § 3. The opening paragraph of subdivision 1 of section 1014 of the  
18 racing, pari-mutuel wagering and breeding law, as amended by section 3  
19 of part NN of chapter 59 of the laws of 2015, is amended to read as  
20 follows:

21 The provisions of this section shall govern the simulcasting of races  
22 conducted at thoroughbred tracks located in another state or country on  
23 any day during which a franchised corporation is conducting a race meet-  
24 ing in Saratoga county at Saratoga thoroughbred racetrack until June  
25 thirtieth, two thousand [sixteen] seventeen and on any day regardless of  
26 whether or not a franchised corporation is conducting a race meeting in  
27 Saratoga county at Saratoga thoroughbred racetrack after June thirtieth,  
28 two thousand [sixteen] seventeen. On any day on which a franchised  
29 corporation has not scheduled a racing program but a thoroughbred racing  
30 corporation located within the state is conducting racing, every off-  
31 track betting corporation branch office and every simulcasting facility  
32 licensed in accordance with section one thousand seven (that have  
33 entered into a written agreement with such facility's representative  
34 horsemen's organization, as approved by the commission), one thousand  
35 eight, or one thousand nine of this article shall be authorized to  
36 accept wagers and display the live simulcast signal from thoroughbred  
37 tracks located in another state or foreign country subject to the  
38 following provisions:

39 § 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering  
40 and breeding law, as amended by section 4 of part NN of chapter 59 of  
41 the laws of 2015, is amended to read as follows:

42 1. The provisions of this section shall govern the simulcasting of  
43 races conducted at harness tracks located in another state or country  
44 during the period July first, nineteen hundred ninety-four through June  
45 thirtieth, two thousand [sixteen] seventeen. This section shall super-  
46 sede all inconsistent provisions of this chapter.

47 § 5. The opening paragraph of subdivision 1 of section 1016 of the  
48 racing, pari-mutuel wagering and breeding law, as amended by section 5  
49 of part NN of chapter 59 of the laws of 2015, is amended to read as  
50 follows:

51 The provisions of this section shall govern the simulcasting of races  
52 conducted at thoroughbred tracks located in another state or country on  
53 any day during which a franchised corporation is not conducting a race  
54 meeting in Saratoga county at Saratoga thoroughbred racetrack until June  
55 thirtieth, two thousand [sixteen] seventeen. Every off-track betting  
56 corporation branch office and every simulcasting facility licensed in

1 accordance with section one thousand seven that have entered into a  
2 written agreement with such facility's representative horsemen's organ-  
3 ization as approved by the commission, one thousand eight or one thou-  
4 sand nine of this article shall be authorized to accept wagers and  
5 display the live full-card simulcast signal of thoroughbred tracks  
6 (which may include quarter horse or mixed meetings provided that all  
7 such wagering on such races shall be construed to be thoroughbred races)  
8 located in another state or foreign country, subject to the following  
9 provisions; provided, however, no such written agreement shall be  
10 required of a franchised corporation licensed in accordance with section  
11 one thousand seven of this article:

12 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel  
13 wagering and breeding law, as amended by section 6 of part NN of chapter  
14 59 of the laws of 2015, is amended to read as follows:

15 Notwithstanding any other provision of this chapter, for the period  
16 July twenty-fifth, two thousand one through September eighth, two thou-  
17 sand [fifteen] sixteen, when a franchised corporation is conducting a  
18 race meeting within the state at Saratoga Race Course, every off-track  
19 betting corporation branch office and every simulcasting facility  
20 licensed in accordance with section one thousand seven (that has entered  
21 into a written agreement with such facility's representative horsemen's  
22 organization as approved by the commission), one thousand eight or one  
23 thousand nine of this article shall be authorized to accept wagers and  
24 display the live simulcast signal from thoroughbred tracks located in  
25 another state, provided that such facility shall accept wagers on races  
26 run at all in-state thoroughbred tracks which are conducting racing  
27 programs subject to the following provisions; provided, however, no such  
28 written agreement shall be required of a franchised corporation licensed  
29 in accordance with section one thousand seven of this article.

30 § 7. Section 32 of chapter 281 of the laws of 1994, amending the  
31 racing, pari-mutuel wagering and breeding law and other laws relating  
32 to simulcasting, as amended by section 7 of part NN of chapter 59 of the  
33 laws of 2015, is amended to read as follows:

34 § 32. This act shall take effect immediately and the pari-mutuel tax  
35 reductions in section six of this act shall expire and be deemed  
36 repealed on July 1, [2016] 2017; provided, however, that nothing  
37 contained herein shall be deemed to affect the application, qualifica-  
38 tion, expiration, or repeal of any provision of law amended by any  
39 section of this act, and such provisions shall be applied or qualified  
40 or shall expire or be deemed repealed in the same manner, to the same  
41 extent and on the same date as the case may be as otherwise provided by  
42 law; provided further, however, that sections twenty-three and twenty-  
43 five of this act shall remain in full force and effect only until May 1,  
44 1997 and at such time shall be deemed to be repealed.

45 § 8. Section 54 of chapter 346 of the laws of 1990, amending the  
46 racing, pari-mutuel wagering and breeding law and other laws relating to  
47 simulcasting and the imposition of certain taxes, as amended by section  
48 8 of part NN of chapter 59 of the laws of 2015, is amended to read as  
49 follows:

50 § 54. This act shall take effect immediately; provided, however,  
51 sections three through twelve of this act shall take effect on January  
52 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-  
53 ing law, as added by section thirty-eight of this act, shall expire and  
54 be deemed repealed on July 1, [2016] 2017; and section eighteen of this  
55 act shall take effect on July 1, 2008 and sections fifty-one and fifty-



1 two of this act shall take effect as of the same date as chapter 772 of  
2 the laws of 1989 took effect.

3 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,  
4 pari-mutuel wagering and breeding law, as amended by section 9 of part  
5 NN of chapter 59 of the laws of 2015, is amended to read as follows:

6 (a) The franchised corporation authorized under this chapter to  
7 conduct pari-mutuel betting at a race meeting or races run thereat shall  
8 distribute all sums deposited in any pari-mutuel pool to the holders of  
9 winning tickets therein, provided such tickets be presented for payment  
10 before April first of the year following the year of their purchase,  
11 less an amount which shall be established and retained by such fran-  
12 chised corporation of between twelve to seventeen per centum of the  
13 total deposits in pools resulting from on-track regular bets, and four-  
14 teen to twenty-one per centum of the total deposits in pools resulting  
15 from on-track multiple bets and fifteen to twenty-five per centum of the  
16 total deposits in pools resulting from on-track exotic bets and fifteen  
17 to thirty-six per centum of the total deposits in pools resulting from  
18 on-track super exotic bets, plus the breaks. The retention rate to be  
19 established is subject to the prior approval of the gaming commission.  
20 Such rate may not be changed more than once per calendar quarter to be  
21 effective on the first day of the calendar quarter. "Exotic bets" and  
22 "multiple bets" shall have the meanings set forth in section five  
23 hundred nineteen of this chapter. "Super exotic bets" shall have the  
24 meaning set forth in section three hundred one of this chapter. For  
25 purposes of this section, a "pick six bet" shall mean a single bet or  
26 wager on the outcomes of six races. The breaks are hereby defined as the  
27 odd cents over any multiple of five for payoffs greater than one dollar  
28 five cents but less than five dollars, over any multiple of ten for  
29 payoffs greater than five dollars but less than twenty-five dollars,  
30 over any multiple of twenty-five for payoffs greater than twenty-five  
31 dollars but less than two hundred fifty dollars, or over any multiple of  
32 fifty for payoffs over two hundred fifty dollars. Out of the amount so  
33 retained there shall be paid by such franchised corporation to the  
34 commissioner of taxation and finance, as a reasonable tax by the state  
35 for the privilege of conducting pari-mutuel betting on the races run at  
36 the race meetings held by such franchised corporation, the following  
37 percentages of the total pool for regular and multiple bets five per  
38 centum of regular bets and four per centum of multiple bets plus twenty  
39 per centum of the breaks; for exotic wagers seven and one-half per  
40 centum plus twenty per centum of the breaks, and for super exotic bets  
41 seven and one-half per centum plus fifty per centum of the breaks. For  
42 the period June first, nineteen hundred ninety-five through September  
43 ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be  
44 three per centum and such tax on multiple wagers shall be two and one-  
45 half per centum, plus twenty per centum of the breaks. For the period  
46 September tenth, nineteen hundred ninety-nine through March thirty-  
47 first, two thousand one, such tax on all wagers shall be two and six-  
48 tenths per centum and for the period April first, two thousand one  
49 through December thirty-first, two thousand [sixteen] seventeen, such  
50 tax on all wagers shall be one and six-tenths per centum, plus, in each  
51 such period, twenty per centum of the breaks. Payment to the New York  
52 state thoroughbred breeding and development fund by such franchised  
53 corporation shall be one-half of one per centum of total daily on-track  
54 pari-mutuel pools resulting from regular, multiple and exotic bets and  
55 three per centum of super exotic bets provided, however, that for the  
56 period September tenth, nineteen hundred ninety-nine through March thir-





1 ty-first, two thousand one, such payment shall be six-tenths of one per  
2 centum of regular, multiple and exotic pools and for the period April  
3 first, two thousand one through December thirty-first, two thousand  
4 [sixteen] seventeen, such payment shall be seven-tenths of one per  
5 centum of such pools.

6 § 10. This act shall take effect immediately.

7

PART GG

8 Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivi-  
9 sion b of section 1612 of the tax law, as amended by section 1 of part  
10 MM of chapter 59 of the laws of 2015, is amended to read as follows:

11 (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of  
12 this subparagraph, the track operator of a vendor track shall be eligi-  
13 ble for a vendor's capital award of up to four percent of the total  
14 revenue wagered at the vendor track after payout for prizes pursuant to  
15 this chapter, which shall be used exclusively for capital project  
16 investments to improve the facilities of the vendor track which promote  
17 or encourage increased attendance at the video lottery gaming facility  
18 including, but not limited to hotels, other lodging facilities, enter-  
19 tainment facilities, retail facilities, dining facilities, events  
20 arenas, parking garages and other improvements that enhance facility  
21 amenities; provided that such capital investments shall be approved by  
22 the division, in consultation with the state racing and wagering board,  
23 and that such vendor track demonstrates that such capital expenditures  
24 will increase patronage at such vendor track's facilities and increase  
25 the amount of revenue generated to support state education programs. The  
26 annual amount of such vendor's capital awards that a vendor track shall  
27 be eligible to receive shall be limited to two million five hundred  
28 thousand dollars, except for Aqueduct racetrack, for which there shall  
29 be no vendor's capital awards. Except for tracks having less than one  
30 thousand one hundred video gaming machines, and except for a vendor  
31 track located west of State Route 14 from Sodus Point to the Pennsylv-  
32 nia border within New York, each track operator shall be required to  
33 co-invest an amount of capital expenditure equal to its cumulative  
34 vendor's capital award. For all tracks, except for Aqueduct racetrack,  
35 the amount of any vendor's capital award that is not used during any one  
36 year period may be carried over into subsequent years ending before  
37 April first, two thousand [sixteen] seventeen. Any amount attributable  
38 to a capital expenditure approved prior to April first, two thousand  
39 [sixteen] seventeen and completed before April first, two thousand [eigh-  
40 teen] nineteen; or approved prior to April first, two thousand [twenty]  
41 twenty-one and completed before April first, two thousand [twenty-two]  
42 twenty-three for a vendor track located west of State Route 14 from  
43 Sodus Point to the Pennsylvania border within New York, shall be eligi-  
44 ble to receive the vendor's capital award. In the event that a vendor  
45 track's capital expenditures, approved by the division prior to April  
46 first, two thousand [sixteen] seventeen and completed prior to April  
47 first, two thousand [eighteen] nineteen, exceed the vendor track's cumu-  
48 lative capital award during the five year period ending April first, two  
49 thousand [sixteen] seventeen, the vendor shall continue to receive the  
50 capital award after April first, two thousand [sixteen] seventeen until  
51 such approved capital expenditures are paid to the vendor track subject  
52 to any required co-investment. In no event shall any vendor track that  
53 receives a vendor fee pursuant to clause (F) or (G) of this subparagraph  
54 be eligible for a vendor's capital award under this section. Any opera-



1 tor of a vendor track which has received a vendor's capital award,  
 2 choosing to divest the capital improvement toward which the award was  
 3 applied, prior to the full depreciation of the capital improvement in  
 4 accordance with generally accepted accounting principles, shall reim-  
 5 burse the state in amounts equal to the total of any such awards. Any  
 6 capital award not approved for a capital expenditure at a video lottery  
 7 gaming facility by April first, two thousand [sixteen] seventeen shall  
 8 be deposited into the state lottery fund for education aid; and  
 9 § 2. This act shall take effect immediately.

10

PART HH

11 Section 1. Paragraph b of subdivision 3 of section 97-nnnn of the  
 12 state finance law, as added by chapter 174 of the laws of 2013, is  
 13 amended to read as follows:

14 b. ten percent of the moneys in such fund, as attributable to a  
 15 specific licensed gaming facility, shall be appropriated or transferred  
 16 from the commercial gaming revenue fund equally between the host munici-  
 17 pality and host county of such facility.

18 § 2. Clause (G) of subparagraph (ii) of paragraph 1 of subdivision b  
 19 of section 1612 of the tax law, as added by chapter 174 of the laws of  
 20 2013, is amended to read as follows:

21 (G) Notwithstanding any provision to the contrary, when a vendor track  
 22 is located within regions one, two, or five of development zone two as  
 23 defined by section thirteen hundred ten of the racing, pari-mutuel  
 24 wagering and breeding law, such vendor track shall receive an additional  
 25 commission at a rate equal to the percentage of revenue wagered at the  
 26 vendor track after payout for prizes pursuant to this chapter, which  
 27 percentage shall be one hundred, less [ten percent] the sum of the  
 28 percentages of net revenue wagered at the vendor track retained by the  
 29 commission for operation, administration, and procurement purposes; and  
 30 [payment of] the vendor's fee, marketing allowance[,] and capital award  
 31 paid to the vendor track pursuant to this chapter; and the effective tax  
 32 rate paid on all gross gaming revenue paid by a gaming facility within  
 33 the same region pursuant to section thirteen hundred fifty-one of the  
 34 racing, pari-mutuel wagering and breeding law, provided, however, such  
 35 additional commission shall be applied to revenue wagered at the vendor  
 36 track after payout for prizes only while a gaming facility in the same  
 37 region is open and operational pursuant to an operation certificate  
 38 issued pursuant to section thirteen hundred thirty-one of the racing,  
 39 pari-mutuel wagering and breeding law. The additional commission set  
 40 forth in this clause shall be paid to the vendor track within sixty days  
 41 after the conclusion of the state fiscal year based on the calculated  
 42 percentage during the previous fiscal year.

43 § 3. This act shall take effect immediately and shall be deemed to  
 44 have been in full force and effect on and after January 1, 2014.

45

PART II

46 Section 1. Subdivision 1 of section 491 of the tax law, as added by  
 47 chapter 90 of the laws of 2014, is amended to read as follows:

48 1. Except in accordance with proper judicial order or as in this  
 49 section or otherwise provided by law, it shall be unlawful for the  
 50 commissioner, any officer or employee of the department, or any officer  
 51 or person who, pursuant to this section, is permitted to inspect any  
 52 return or report or to whom a copy, an abstract or a portion of any

1 return or report is furnished, or to whom any information contained in  
2 any return or report is furnished, or any person engaged or retained by  
3 such department on an independent contract basis or any person who in  
4 any manner may acquire knowledge of the contents of a return or report  
5 filed pursuant to this article to divulge or make known in any manner  
6 the contents or any other information relating to the business of a  
7 distributor, owner or other person contained in any return or report  
8 required under this article. The officers charged with the custody of  
9 such returns or reports shall not be required to produce any of them or  
10 evidence of anything contained in them in any action or proceeding in  
11 any court, except on behalf of the state, the state department of  
12 health, or the commissioner in an action or proceeding under the  
13 provisions of this chapter or on behalf of the state or the commissioner  
14 in any other action or proceeding involving the collection of a tax due  
15 under this chapter to which the state or the commissioner is a party or  
16 a claimant or on behalf of any party to any action or proceeding under  
17 the provisions of this article, when the returns or the reports or the  
18 facts shown thereby are directly involved in such action or proceeding,  
19 or in an action or proceeding relating to the regulation or taxation of  
20 medical marihuana on behalf of officers to whom information shall have  
21 been supplied as provided in subdivision two of this section, in any of  
22 which events the court may require the production of, and may admit in  
23 evidence so much of said returns or reports or of the facts shown there-  
24 by as are pertinent to the action or proceeding and no more. Nothing  
25 herein shall be construed to prohibit the commissioner, in his or her  
26 discretion, from allowing the inspection or delivery of a certified copy  
27 of any return or report filed under this article or of any information  
28 contained in any such return or report by or to a duly authorized offi-  
29 cer or employee of the state department of health; or by or to the  
30 attorney general or other legal representatives of the state when an  
31 action shall have been recommended or commenced pursuant to this chapter  
32 in which such returns or reports or the facts shown thereby are directly  
33 involved; or the inspection of the returns or reports required under  
34 this article by the comptroller or duly designated officer or employee  
35 of the state department of audit and control, for purposes of the audit  
36 of a refund of any tax paid by a registered organization or other person  
37 under this article; nor to prohibit the delivery to a registered organ-  
38 ization, or a duly authorized representative of such registered organ-  
39 ization, a certified copy of any return or report filed by such regis-  
40 tered organization pursuant to this article, nor to prohibit the  
41 publication of statistics so classified as to prevent the identification  
42 of particular returns or reports and the items thereof. This section  
43 shall also not be construed to prohibit the disclosure, for tax adminis-  
44 tration purposes, to the division of the budget and the office of the  
45 state comptroller, of information aggregated from the returns filed by  
46 all the registered organizations making sales of, or manufacturing,  
47 medical marihuana in a specified county, whether the number of such  
48 registered organizations is one or more. Provided further that, notwith-  
49 standing the provisions of this subdivision, the commissioner may, in  
50 his or her discretion, permit the proper officer of any county entitled  
51 to receive an allocation, following appropriation by the legislature,  
52 pursuant to this article and section eighty-nine-h of the state finance  
53 law, or the authorized representative of such officer, to inspect any  
54 return filed under this article, or may furnish to such officer or the  
55 officer's authorized representative an abstract of any such return or  
56 supply such officer or such representative with information concerning



1 an item contained in any such return, or disclosed by any investigation  
2 of tax liability under this article.

3 § 2. This act shall take effect immediately; provided, however, that  
4 the amendments to subdivision 1 of section 491 of the tax law made by  
5 section one of this act shall be deemed to have been in full force and  
6 effect on and after January 1, 2016, and shall not affect the repeal of  
7 such section and shall be deemed to be repealed therewith.

8

## PART JJ

9 Section 1. Subdivision 15 of section 425 of the real property tax law,  
10 as added by section 1 of part E of chapter 59 of the laws of 2015, is  
11 amended to read as follows:

12 15. Recoupment of exemptions by commissioner. (a) Generally. If the  
13 commissioner should determine, based upon data collected under the STAR  
14 registration program, that property improperly received the basic STAR  
15 exemption [on] in the current school year or one or more of the three  
16 preceding [assessment rolls] school years, the commissioner shall treat  
17 the exemption as an improperly granted exemption and proceed in the  
18 manner provided by this subdivision; provided that final assessment  
19 rolls that were filed prior to April first, two thousand eleven shall  
20 not be subject to the provisions of this subdivision.

21 (b) Procedure. The tax savings attributable to each such improperly  
22 granted exemption shall be collected from the owners whose property  
23 improperly received the exemption for the applicable year, together with  
24 interest as specified in this subdivision, by utilizing any of the  
25 procedures for collection, levy, and lien of personal income tax set  
26 forth in article twenty-two of the tax law, any other relevant proce-  
27 dures referenced within the provisions of that article, and any other  
28 law as may be applicable, so far as practicable when recouping the  
29 exemption amount pursuant to this subdivision, except that:

30 (i) in order for the recoupment procedure to be considered timely, the  
31 notice required by subparagraph (ii) of this paragraph must be mailed no  
32 later than three years after the conclusion of the school year for which  
33 the exemption in question was granted, or in the case of an exemption  
34 that was granted for the two thousand twelve-two thousand thirteen  
35 school year, no later than September thirtieth, two thousand sixteen;

36 (ii) prior to directing that an improperly granted exemption be  
37 recouped pursuant to this subdivision, the commissioner shall provide  
38 the owners with notice and an opportunity to show the commissioner that  
39 the exemption was properly granted. If the owners fail to respond to  
40 such notice within forty-five days from the mailing thereof, or if their  
41 response does not show to the commissioner's satisfaction that the  
42 eligibility requirements were in fact satisfied, the commissioner shall  
43 proceed with the recoupment of the improperly granted exemption in  
44 accordance with the provisions of this subdivision; and

45 [(ii)] (iii) notwithstanding the provisions of paragraph (b) of subdi-  
46 vision six of this section, neither an assessor nor a board of assess-  
47 ment review has the authority to consider an objection to the recoupment  
48 of an exemption pursuant to this subdivision, nor may such an action be  
49 reviewed in a proceeding to review an assessment pursuant to title one  
50 or one-A of article seven of this chapter. Such an action may only be  
51 challenged before the department. If an owner is dissatisfied with the  
52 department's final determination, the owner may appeal that determi-  
53 nation to the board in a form and manner to be prescribed by the commis-  
54 sioner. Such appeal shall be filed within forty-five days from the issu-



1 ance of the department's final determination. If dissatisfied with the  
2 board's determination, the owner may seek judicial review thereof pursu-  
3 ant to article seventy-eight of the civil practice law and rules. The  
4 owner shall otherwise have no right to challenge such final determi-  
5 nation in a court action, administrative proceeding, including but not  
6 limited to an administrative proceeding pursuant to article forty of the  
7 tax law, or any other form of legal recourse against the commissioner,  
8 the department, the board, the assessor, or any other person, state  
9 agency, or local government.

10 (c) The amount to be recouped for each improperly received exemption  
11 shall have interest added at the rate prescribed by section nine hundred  
12 twenty-four-a of this chapter or such other law as may be applicable for  
13 each month or portion thereof since the levy of school taxes upon such  
14 assessment roll.

15 (d) In the event that a revocation of prior exemption pursuant to  
16 subdivision twelve of this section or a voluntary renunciation of the  
17 STAR exemption pursuant to section four hundred ninety-six of this  
18 [chapter] article has occurred, the provisions of this subdivision shall  
19 not be applicable to the exemptions so revoked or voluntarily renounced.  
20 § 2. This act shall take effect immediately.

21

## PART KK

22 Section 1. Paragraphs a and b of subdivision 1 of section 502 of the  
23 tax law, paragraph a as amended by section 1 of part E of chapter 60 of  
24 the laws of 2007, and paragraph b as amended by section 1 of part T-1 of  
25 chapter 57 of the laws of 2009, are amended to read as follows:

26 a. Each carrier shall apply to the commissioner for a certificate of  
27 registration for each motor vehicle operated or to be operated by [him]  
28 such carrier on the public highways in this state. Application shall be  
29 made upon a form prescribed by such commissioner and shall set forth the  
30 gross and unloaded weight of each motor vehicle, license plate informa-  
31 tion for each motor vehicle and such other information as the commis-  
32 sioner may require. Such weights shall be subject to audit and approval  
33 by the commissioner. [The application shall be accompanied by a fee of  
34 fifteen dollars for each motor vehicle listed in the application.] The  
35 commissioner shall issue [without further charge] a certificate of  
36 registration for each motor vehicle or a consolidated certificate of  
37 registration for all or any portion of such vehicles of such carrier  
38 which shall contain such information and be in such form as the commis-  
39 sioner shall prescribe. In the case of the loss, mutilation or  
40 destruction of a certificate of registration, the commissioner shall  
41 issue a duplicate thereof [upon payment of a fee of two dollars]. Any  
42 such certificate of registration shall not be transferable, except as  
43 hereinafter provided, and shall be valid until revoked, suspended or  
44 surrendered. Such certificate of registration shall be maintained in the  
45 carrier's regular place of business. In the event of an increase in the  
46 gross or unloaded weight of any motor vehicle subject to this article,  
47 application for a corrected certificate of registration shall be made  
48 upon a form prescribed by such commissioner setting forth the previous  
49 gross or unloaded weight, the new gross or unloaded weight and such  
50 other information as the commissioner may require. In the event of a  
51 decrease in the gross or unloaded weight of any motor vehicle subject to  
52 this article, application may be made for a corrected certificate of  
53 registration in a similar manner, provided that any such application on  
54 the basis of a decrease in the gross or unloaded weight of any motor



1 vehicle may be made only during the month of January. In the event of a  
2 decrease in the gross or unloaded weight of any motor vehicle subject to  
3 this article, an application to cancel a certificate of registration on  
4 the basis of such decrease may be made during any month. The corrected  
5 gross or unloaded weight shall be subject to audit and approval by the  
6 commissioner. In the event of a change to the license plate information  
7 of any motor vehicle subject to this article, an application for a  
8 corrected certificate of registration shall be made upon a form  
9 prescribed by the commissioner setting forth the previous license plate  
10 information, the new license plate information and such other informa-  
11 tion as the commissioner may require. Upon surrendering the certificate  
12 of registration previously issued, the commissioner shall[, without  
13 further charge,] issue a corrected certificate of registration.

14 b. Every automotive fuel carrier shall apply to the commissioner for a  
15 special certificate of registration, in place of the certificate of  
16 registration described in paragraph a of this subdivision, for each  
17 motor vehicle operated or to be operated by [him] such carrier on the  
18 public highways in this state to transport automotive fuel. Provided,  
19 however, a special certificate of registration shall not be required  
20 under this paragraph for a tractor or other self-propelled device which,  
21 except with respect to the fuel in the ordinary fuel tank intended for  
22 its propulsion, transports automotive fuel solely by means of a trailer,  
23 dolly or other device drawn by such tractor or other self-propelled  
24 device if a certificate of registration prescribed by paragraph a of  
25 this subdivision has been issued for the self-propelled device. Applica-  
26 tion shall be made upon an application form prescribed by the commis-  
27 sioner. [The application shall be accompanied by a fee of fifteen  
28 dollars for each trailer, semi-trailer, dolly or other device listed in  
29 the application.] The commissioner shall issue [without further charge]  
30 such special certificate of registration for each motor vehicle listed  
31 in the application or a consolidated certificate of registration for all  
32 or any portion of such vehicles of such carrier. All of the provisions  
33 of this article with respect to certificates of registration shall be  
34 applicable to the special certificates of registration issued to automo-  
35 tive fuel carriers under this paragraph as if those provisions had been  
36 set forth in full in this paragraph and expressly referred to the  
37 special certificates of registration required by this paragraph except  
38 to the extent that any such provision is either inconsistent with a  
39 provision of this paragraph or not relevant to the certificates of  
40 registration required by this paragraph. Any certificate of registration  
41 shall not be transferable, and shall be valid until revoked, suspended  
42 or surrendered. Such special certificate of registration shall be main-  
43 tained in the carrier's regular place of business. Nothing contained in  
44 this paragraph shall in any way exempt an automotive fuel carrier from  
45 payment of the taxes imposed pursuant to this article.

46 § 2. Paragraphs a and b of subdivision 6 of section 502 of the tax  
47 law, as added by section 1 of part K-1 of chapter 57 of the laws of  
48 2009, are amended to read as follows:

49 a. The commissioner may require the use of decals as evidence that a  
50 carrier has a valid certificate of registration for each motor vehicle  
51 operated or to be operated on the public highways of this state as  
52 required by paragraph a of subdivision one of this section. If the  
53 commissioner requires the use of decals, the commissioner shall issue  
54 for each motor vehicle with a valid certificate of registration a decal  
55 that shall be of a size and design and containing such information as  
56 the commissioner prescribes. [The fee for any decal issued pursuant to



1 this paragraph is four dollars.] In the case of the loss, mutilation, or  
2 destruction of a decal, the commissioner shall issue a new decal upon  
3 proof of the facts [and payment of four dollars]. The decal shall be  
4 firmly and conspicuously affixed upon the motor vehicle for which it is  
5 issued as closely as practical to the registration or license plates and  
6 at all times be visible and legible. No decal is transferable. A decal  
7 shall be valid until it expires or is revoked, suspended, or surren-  
8 dered.

9 b. The commissioner may require the use of special decals as evidence  
10 that an automotive fuel carrier has a valid special certificate of  
11 registration for each motor vehicle operated or to be operated on the  
12 public highways of this state to transport automotive fuel as required  
13 by paragraph b of subdivision one of this section. If the commissioner  
14 requires the use of special decals, the commissioner shall issue for  
15 each motor vehicle with a valid special certificate of registration a  
16 special decal that shall be distinctively colored and of a size and  
17 design and containing such information as the commissioner prescribes.  
18 [The fee for any special decal issued pursuant to this paragraph is four  
19 dollars.] In the case of the loss, mutilation, or destruction of a  
20 special decal, the commissioner shall issue a new special decal upon  
21 proof of the facts [and payment of four dollars]. The special decal  
22 shall be firmly and conspicuously affixed upon the motor vehicle for  
23 which it is issued pursuant to the rules and regulations prescribed by  
24 the commissioner to enable the easy identification of the automotive  
25 fuel carrier certificate of registration number and at all times be  
26 visible and legible. No special decal is transferable and shall be valid  
27 until it expires or is revoked, suspended, or surrendered.

28 § 3. The tax law is amended by adding a new section 502-a to read as  
29 follows:

30 § 502-a. Certificate of registration and decal fees. The application  
31 for a certificate of registration and decal described in paragraph a of  
32 subdivision one and paragraph a of subdivision six of section five  
33 hundred two of this article, or a special certificate of registration  
34 and special decal as described in paragraph b of subdivision one and  
35 paragraph b of subdivision six of such section, shall be accompanied by  
36 a fee of one dollar and fifty cents. In the case of the loss, mutila-  
37 tion or destruction of any such documents, the commissioner shall issue  
38 a duplicate set thereof upon payment of a fee of one dollar and fifty  
39 cents. Provided, however, there shall be no additional charge for the  
40 issuance of a corrected certificate of registration pursuant to para-  
41 graph a of subdivision one of section five hundred two of this article.

42 § 4. Subdivision 8 of section 509 of the tax law, as separately  
43 amended by section 3 of part K-1 and section 2 of part T-1 of chapter 57  
44 of the laws of 2009, is amended to read as follows:

45 8. To issue replacement certificates of registration or decals at such  
46 times as the commissioner may deem necessary for the proper and effi-  
47 cient enforcement of the provisions of this article, but not more often  
48 than once every year and to require the surrender of the then outstand-  
49 ing certificates of registration and decals. All of the provisions of  
50 this article with respect to certificates of registration and decals  
51 shall be applicable to replacement certificates of registration and  
52 decals issued hereunder, except that the replacement certificate of  
53 registration or decal shall be issued upon payment of a fee of [fifteen  
54 dollars] one dollar and fifty cents for each motor vehicle and for any  
55 trailer, semi-trailer, dolly or other device drawn thereby for which a



1 certificate of registration or decal is required to be issued under this  
2 article;

3 § 5. Section 515 of the tax law, as added by chapter 329 of the laws  
4 of 1991, is amended to read as follows:

5 § 515. Disposition of revenues. All taxes, interest, penalties and  
6 fees collected or received pursuant to this article shall be deposited  
7 daily in one account with such responsible banks, banking houses or  
8 trust companies as may be designated by the comptroller, and to the  
9 credit of the comptroller on account of the dedicated highway and bridge  
10 trust fund established pursuant to section eighty-nine-b of the state  
11 finance law. Such an account may be established in one or more of such  
12 depositories and such deposits shall be kept separate and apart from all  
13 other moneys in the possession of the comptroller. The comptroller shall  
14 require adequate security from all such depositories.

15 Of the revenues so deposited, the comptroller shall retain in his  
16 hands such amount as the commissioner of taxation and finance may deter-  
17 mine to be necessary for refunds or reimbursements of the taxes  
18 collected or received pursuant to this article to which taxpayers shall  
19 be entitled under the provisions of this article, out of which amount  
20 the comptroller shall pay any refunds or reimbursements of the taxes  
21 collected or received pursuant to this article to which taxpayers shall  
22 be entitled under such provisions. The comptroller, after reserving the  
23 amount to pay such refunds or reimbursements, shall, on or before the  
24 last day of each month, pay the balance of the revenue so deposited  
25 during such month into the dedicated highway and bridge trust fund  
26 established pursuant to section eighty-nine-b of the state finance law.

27 Notwithstanding the foregoing or any other law to the contrary, the  
28 comptroller shall deposit all monies collected on account of the regis-  
29 tration fees imposed pursuant to section five hundred two-a and subdivi-  
30 sion eight of section five hundred nine of this article into the highway  
31 use tax administration account established pursuant to section ninety-  
32 nine-y of the state finance law. The monies deposited in such account  
33 shall be available to the commissioner for the costs of issuing the  
34 certificates of registration and highway use tax decals required by this  
35 article and for any other costs of administering the provisions of  
36 sections five hundred two, five hundred two-a and five hundred nine of  
37 this article. Any moneys not used in a given year shall be returned to  
38 such account and be added to the total funds available for disbursement  
39 in the succeeding year.

40 § 6. The state finance law is amended by adding a new section 99-y to  
41 read as follows:

42 § 99-y. Highway use tax administration account. 1. There is hereby  
43 established in the joint custody of the state comptroller and the  
44 commissioner of the department of taxation and finance a special account  
45 to be known as the "highway use tax administration account".

46 2. The highway use tax administration account shall consist of all  
47 monies collected from the highway use tax registration and decal fees  
48 collected pursuant to sections five hundred two-a and five hundred nine  
49 of the tax law, and any other monies deposited into the account pursuant  
50 to law.

51 3. Monies of the account, following appropriation by the legislature,  
52 shall be used for the costs of the commissioner of taxation and finance  
53 in administering sections five hundred two, five hundred two-a and five  
54 hundred nine of the tax law, and expended for the purposes set forth in  
55 section five hundred fifteen of the tax law.

56 § 7. This act shall take effect immediately.





1 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
2 sion, section or part of this act shall be adjudged by any court of  
3 competent jurisdiction to be invalid, such judgment shall not affect,  
4 impair, or invalidate the remainder thereof, but shall be confined in  
5 its operation to the clause, sentence, paragraph, subdivision, section  
6 or part thereof directly involved in the controversy in which such judg-  
7 ment shall have been rendered. It is hereby declared to be the intent of  
8 the legislature that this act would have been enacted even if such  
9 invalid provisions had not been included herein.

10 § 3. This act shall take effect immediately provided, however, that  
11 the applicable effective date of Parts A through KK of this act shall be  
12 as specifically set forth in the last section of such Parts.

