

STATE OF NEW YORK

9009--B

IN ASSEMBLY

January 14, 2016

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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (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 the tax law, in relation to extending the empire state commercial production tax credit (Part J); to amend the tax law, in relation to the credit for companies who provide transportation to individuals with disabilities; and 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 cred-

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

LBD12674-03-6

it, 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 (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); intentionally omitted (Part S); to amend the tax law, in relation to establishing a tax credit for New York state thruway tolls for farm vehicles (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); intentionally omitted (Part AA); intentionally omitted (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 provisions 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); 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); 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); in relation to enacting the empire state apprenticeship program; to amend the labor law, in relation to establishing the empire state apprenticeship tax credit program and granting the commissioner of the department of labor the power to administer such program; and to amend the tax law, in relation to the empire state apprenticeship tax credit (Subpart A); to amend the labor law, in relation to establishing the empire state apprenticeship grant program for small business and not-for-profit corporations (Subpart B) (Part LL); to amend the tax law, in relation to providing a tax credit for universal visitability; and providing for the repeal of such provisions upon the expiration thereof (Part MM); to amend the tax law, in relation to the earned income credit (Subpart A); and to amend the tax law, in relation to income tax rates; and to repeal certain provisions of such law relating thereto (Subpart B) (Part NN); to amend the tax law, in relation to QEZE tax reduction credits (Part OO); to amend the economic development law and the tax law, in relation to tax credits for upstate reinvestment zones (Part PP); to amend the tax law, in relation to establishing a credit for geothermal energy systems (Part QQ); to amend the tax law, in relation to exempting commercial fuel cell electricity generating systems and electricity generated by such equipment from the sales tax imposed by article 28 of the tax law and omitting such exemption from the taxes imposed pursuant to the authority of article 29 of the tax law (Part RR); to amend the tax law, in relation to farm savings accounts (Part SS); to amend the tax law, in relation to the imposition of an occupancy tax in the village of Tuckahoe; and providing for the repeal of such provisions upon expiration thereof (Title A); to amend the tax law, in relation to the imposition of an occupancy tax in the town of North Castle; and providing for the repeal of such provisions upon expiration thereof (Title B); to amend the tax law, in relation to the imposition of an occupancy tax in the village of Harrison; and providing for the repeal of such provisions upon expiration thereof (Title C); to amend the tax law, in relation to authorizing the town of Greenburgh to adopt a local law to impose a hotel/motel occupancy tax for hotels not located in a village; authorizing specified villages in the towns of Greenburgh and Mount Pleasant to adopt a local law to impose a hotel/motel occupancy tax in such villages; and providing for the repeal of such provisions upon expiration thereof (Title D); to amend the tax law, in relation to the imposition of a hotel and motel tax in



the town of Woodbury; and providing for the repeal of such provisions upon expiration thereof (Title E); to amend the tax law, in relation to the imposition of an occupancy tax in the village of Mamaroneck; and providing for the repeal of such provisions upon expiration thereof (Title F); and to amend the tax law, in relation to authorizing the imposition of an occupancy tax in the village of Port Chester; and providing for the repeal of such provisions upon expiration thereof (Title G) (Subpart A); and to amend the tax law, in relation to the imposition of hotel and motel taxes in towns and villages (Subpart B) (Part TT); to amend the state finance law and chapter 453 of the laws of 2015 amending the state finance law relating to tax check-off funds, in relation to making technical corrections to language relating to report recipients (Part UU); to amend the real property tax law, in relation to farm waste energy systems (Part VV); to amend part U of chapter 55 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to extending the effectiveness thereof, in relation to extending reimbursements; and to amend section 4 of chapter 129 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities, in relation to extending the effectiveness thereof (Part WW); to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part XX); to amend the racing, pari-mutuel wagering and breeding law, in relation to health insurance for jockeys (Part YY); to amend the tax law and the economic development law, in relation to the creation of the empire state music production credit; and to repeal subdivision 11 of section 352 of the economic development law relating thereto (Part ZZ); and to amend the tax law, in relation to sales and compensating use taxes (Part AAA)

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 AAA. The effective date for each partic-
 5 ular provision contained within such Part is set forth in the last
 6 section of such Part. Any provision in any section contained within a
 7 Part, including the effective date of the Part, which makes a reference
 8 to a section "of this act", when used in connection with that particular
 9 component, shall be deemed to mean and refer to the corresponding
 10 section of the Part in which it is found. Section three of this act sets
 11 forth the general effective date of this act.

12 PART A

13 Intentionally Omitted

14 PART B

15 Intentionally Omitted

1

PART C

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

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

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

50 (B) In the case of a city of one million or more, the assessor shall
51 forward to the department [of taxation and finance], in the time and
52 manner required by the department, information identifying the persons
53 [who have elected to participate in the STAR income verification
54 program] who are enrolled in the STAR income verification program estab-
55 lished by this paragraph. The department shall advise the assessor of

1 its findings in the manner provided by the agreement executed pursuant
2 to section one hundred seventy-one-o of the tax law. After receiving
3 such response or responses, the assessing authority shall cause notices
4 to be mailed to participants as provided by paragraph (b) of subdivision
5 five of this section. Information provided to the department identifying
6 such persons, and responses obtained from such department shall be
7 confidential and shall not be subject to disclosure under article six of
8 the public officers law.

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

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

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

19 (C) Applications that would allow an enhanced exemption to resume
20 after having been discontinued, unless the enhanced exemption was
21 discontinued due to the department advising the assessor that the appli-
22 cable income eligibility requirements have not been met;

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

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

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

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

45 § 3. This act shall take effect immediately and shall apply to the
46 administration of the enhanced STAR exemption authorized by subdivision
47 4 of section 425 of the real property tax law beginning with final
48 assessment rolls to be completed in 2017.

49 PART D

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

52 (a-2) Notwithstanding any provision of law to the contrary, where a
53 renewal application for the "enhanced" STAR exemption authorized by
54 subdivision four of this section has not been filed on or before the

1 taxable status date, and the owner believes that good cause existed for
2 the failure to file the renewal application by that date, the owner may,
3 no later than the last day for paying school taxes without incurring
4 interest or penalty, submit a written request to the commissioner asking
5 him or her to extend the filing deadline and grant the exemption. Such
6 request shall contain an explanation of why the deadline was missed, and
7 shall be accompanied by a renewal application, reflecting the facts and
8 circumstances as they existed on the taxable status date. After consult-
9 ing with the assessor, the commissioner may extend the filing deadline
10 and grant the exemption if the commissioner is satisfied that (i) good
11 cause existed for the failure to file the renewal application by the
12 taxable status date, and that (ii) the applicant is otherwise entitled
13 to the exemption. The commissioner shall mail notice of his or her
14 determination to such owner and the assessor. If the determination
15 states that the commissioner has granted the exemption, the assessor
16 shall thereupon be authorized and directed to correct the assessment
17 roll accordingly, or, if another person has custody or control of the
18 assessment roll, to direct that person to make the appropriate
19 corrections. If the correction is not made before school taxes are
20 levied, the failure to take the exemption into account in the computa-
21 tion of the tax shall be deemed a "clerical error" for purposes of title
22 three of article five of this chapter, and shall be corrected accord-
23 ly.

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

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

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



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

3 (eee) School tax reduction credit for residents of a city with a popu-
4 lation over one million. (1) For taxable years beginning after two thou-
5 sand fifteen, a school tax reduction credit shall be allowed to a resi-
6 dent individual of the state who is a resident of a city with a
7 population over one million, as provided below. The credit shall be
8 allowed against the taxes authorized by this article reduced by the
9 credits permitted by this article. If the credit exceeds the tax as so
10 reduced, the excess shall be treated as an overpayment of tax to be
11 credited or refunded in accordance with the provisions of section six
12 hundred eighty-six of this article, provided however, that no interest
13 will be paid thereon. For purposes of this subsection, no credit shall
14 be granted to an individual with respect to whom a deduction under
15 subsection (c) of section one hundred fifty-one of the internal revenue
16 code is allowable to another taxpayer for the taxable year.

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

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

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

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

34 § 2. Paragraphs 1 and 2 of subsection (e) of section 1310 of the tax
35 law, paragraph 1 as amended by section 3 of part A of chapter 56 of the
36 laws of 1998, paragraph 2 as amended by section 1 of part R of chapter
37 57 of the laws of 2008 and subparagraphs (A) and (B) of paragraph 2 as
38 amended by section 4 of part M of chapter 57 of the laws of 2009, are
39 amended to read as follows:

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

52 (2) The amount of the credit under this paragraph shall be determined
53 based upon the taxpayer's income as defined in subparagraph (ii) of
54 paragraph (b) of subdivision four of section four hundred twenty-five of
55 the real property tax law. For the purposes of this paragraph, any
56 taxpayer under subparagraphs (A) and (B) of this paragraph with income

1 of more than two hundred fifty thousand dollars shall not receive a
2 credit.

3 Beginning in the two thousand ten tax year and each tax year thereaft-
4 er through two thousand fifteen, the "more than two hundred fifty thou-
5 sand dollar" income limitation shall be adjusted by applying the
6 inflation factor set forth herein, and rounding each result to the near-
7 est multiple of one hundred dollars. The department shall establish the
8 income limitation to be associated with each subsequent tax year by
9 applying the inflation factor set forth herein to the figures that
10 define the income limitation that were applicable to the preceding tax
11 year, as determined pursuant to this [subdivision] subsection, and
12 rounding each result to the nearest multiple of one hundred dollars.
13 Such determination shall be made no later than March first, two thousand
14 ten and each year thereafter.

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

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

21 For taxable years beginning:	The credit shall be:
22 in 2001-2005	\$125
23 in 2006	\$230
24 in 2007-2008	\$290
25 in 2009 [and after] - <u>2015</u>	\$125

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

28 For taxable years beginning:	The credit shall be:
29 in 2001-2005	\$62.50
30 in 2006	\$115
31 in 2007-2008	\$145
32 in 2009 [and after] - <u>2015</u>	\$62.50

33 § 3. Paragraphs 1 and 2 of subsection (c) of section 11-1706 of the
34 administrative code of the city of New York, paragraph 1 as amended by
35 section 6 of part A of chapter 56 of the laws of 1998, paragraph 2 as
36 amended by section 2 of part R of chapter 57 of the laws of 2008 and
37 subparagraphs (A) and (B) of paragraph 2 as amended by section 5 of part
38 M of chapter 57 of the laws of 2009, are amended to read as follows:

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

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

1 Beginning in the two thousand ten tax year and each tax year thereaft-
 2 er through two thousand fifteen, the "more than two hundred fifty thou-
 3 sand dollar" income limitation shall be adjusted by applying the
 4 inflation factor set forth herein, and rounding each result to the near-
 5 est multiple of one hundred dollars. The department shall establish the
 6 income limitation to be associated with each subsequent tax year by
 7 applying the inflation factor set forth herein to the figures that
 8 define the income limitation that were applicable to the preceding tax
 9 year, as determined pursuant to this [subdivision] subsection, and
 10 rounding each result to the nearest multiple of one hundred dollars.
 11 Such determination shall be made no later than March first, two thousand
 12 ten and each year thereafter.

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

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

19 For taxable years beginning:	The credit shall be:
20 in 2001-2005	\$125
21 in 2006	\$230
22 in 2007-2008	\$290
23 in 2009 [and after]- 2015	\$125

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

26 For taxable years beginning:	The credit shall be:
27 in 2001-2005	\$62.50
28 in 2006	\$115
29 in 2007-2008	\$145
30 in 2009 [and after]- 2015	\$62.50

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

33

PART F

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

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

53 § 2. This act shall take effect immediately.

1

PART G

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

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

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

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

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

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

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

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

39 (c) sections fourteen-a and fifteen-a of this act shall take effect
40 September 15, 2011 and expire and be deemed repealed December 31, 2012
41 but shall take effect only if the commissioner of taxation and finance
42 has reported in the report required by section seventeen-b of this act
43 that the percentage of individual taxpayers electronically filing their
44 2010 income tax returns is eighty-five percent or greater[;

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

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

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



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

8 (2) If an income tax preparer takes a position on any return that
9 either understates the tax liability or increases the claim for a refund
10 and the understatement of the tax liability or the increased claim for
11 refund is due to the preparer's reckless or intentional disregard of the
12 law, rules or regulations, such preparer shall pay a penalty of between
13 five hundred and five thousand dollars. The amount of the penalty paya-
14 ble by any person by reason of this paragraph shall be reduced by the
15 amount of the penalty paid by such person by reason of paragraph (1) of
16 this subsection.

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

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

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

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

43 (2) Failure to furnish identifying number. If any identifying number
44 required to be included on any return or claim for refund pursuant to
45 paragraph two of subsection (g) of section six hundred fifty-eight of
46 this article is not so included, the person who is the tax return
47 preparer but it not subject to the requirements under section thirty-two
48 of this chapter with respect to such return or claim for refund, shall
49 be subject to a penalty of one hundred dollars for each such failure,
50 unless it is shown that such failure is due to reasonable cause and not
51 willful neglect. The maximum penalty imposed under this paragraph on any
52 tax return preparer with respect to returns filed during any calendar
53 year must not exceed two thousand five hundred dollars; provided, howev-
54 er, that if a tax return preparer has been penalized under this para-
55 graph for a preceding calendar year and again fails to include the iden-
56 tifying number on one or more returns during a subsequent calendar year,

1 then the penalty under this paragraph for each failure will be two
2 hundred fifty dollars, and no annual cap will apply.

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

6

PART H

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

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

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

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

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

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

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

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

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

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

53 § 6. This act shall take effect immediately; provided, however,
54 section two of this act shall take effect April 1, 2017; section three

1 of this act shall take effect April 1, 2018; section four of this act
2 shall take effect April 1, 2019 and section five of this act shall take
3 effect April 1, 2020.

4

PART I

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

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

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

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

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

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

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

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

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

50 (A) who served on active duty in the United States army, navy, air
51 force, marine corps, coast guard or the reserves thereof, or who served
52 in active military service of the United States as a member of the army
53 national guard, air national guard, New York guard or New York naval

1 militia; who was released from active duty by general or honorable
2 discharge after September eleventh, two thousand one;

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

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

10 § 3. Paragraphs 1 and 2 of subdivision (g-1) of section 1511 of the
11 tax law, as added by section 5 of part AA of chapter 59 of the laws of
12 2013, are amended to read as follows:

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

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

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

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

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

39 § 4. This act shall take effect immediately.

40

PART J

41 Section 1. Paragraph 1 of subdivision (a) of section 28 of the tax
42 law, as amended by section 1 of part O of chapter 59 of the laws of
43 2014, is amended to read as follows:

44 (1) A taxpayer which is a qualified commercial production company, or
45 which is a sole proprietor of a qualified commercial production company,
46 and which is subject to tax under article nine-A or twenty-two of this
47 chapter, shall be allowed a credit against such tax, pursuant to the
48 provisions referenced in subdivision (c) of this section, to be computed
49 as provided in this section. Provided, however, to be eligible for such
50 credit, at least seventy-five percent of the production costs (excluding
51 post production costs) paid or incurred directly and predominantly in
52 the actual filming or recording of the qualified commercial must be
53 costs incurred in New York state. The tax credit allowed pursuant to

1 this section shall apply to taxable years beginning before January
2 first, two thousand [seventeen] nineteen.

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

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

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

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

18 § 4. This act shall take effect immediately.

19

PART K

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

23 § 5. This act shall take effect immediately and shall remain in effect
24 until December 31, 2016 when upon such date it shall be deemed repealed;
25 provided that this act shall be deemed to have been in full force and
26 effect on December 31, 2010; [and] provided further that this act shall
27 apply to all tax years commencing on or after January 1, 2011; and
28 provided further that sections one and two of this act shall remain in
29 effect until December 31, 2022 when upon such date such sections shall
30 be deemed repealed.

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

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

46 § 3. This act shall take effect immediately.

47

PART L

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

1 § 2. This act shall take effect immediately and shall apply to taxable
2 years beginning on or after January 1, 2006 [and before January 1,
3 2017].

4 § 2. This act shall take effect immediately.

5

PART M

6 Section 1. Section 12 of part N of chapter 61 of the laws of 2005,
7 amending the tax law relating to certain transactions and related infor-
8 mation and relating to the voluntary compliance initiative, as amended
9 by section 1 of part B of chapter 61 of the laws of 2011, is amended to
10 read as follows:

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

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

32 (iii) provided, further, that the provisions of this act, except
33 section five of this act, shall expire and be deemed repealed July 1,
34 2015; provided, that, such expiration and repeal shall not affect any
35 requirement imposed pursuant to this act].

36 § 2. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after July 1, 2015; provided,
38 however that notwithstanding the provisions of article 5 of the general
39 construction law, the provisions of section 25, paragraph 11 of
40 subsection (c) of section 683, subsections (p), (p-1), (x), (y), (z),
41 (aa) and (bb) of section 685, paragraph 11 of subsection (c) of section
42 1083, subsections (k), (k-1), (p), (q), (r), (s) and (t) of section 1085
43 of the tax law, and section 11 of Part N of chapter 61 of the laws of
44 2005, are hereby revived and shall continue in full force and effect as
45 such provisions existed on July 1, 2015.

46

PART N

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

50 (a) General. A taxpayer shall be allowed a credit against the tax
51 imposed by this article. Such credit, to be computed as hereinafter
52 provided, shall be allowed for bioheat, used for space heating or hot

1 water production for residential purposes within this state purchased
 2 before January first, two thousand [seventeen] twenty. Such credit shall
 3 be \$0.01 per percent of biodiesel per gallon of bioheat, not to exceed
 4 twenty cents per gallon, purchased by such taxpayer.

5 § 2. Paragraph 1 of subsection (mm) of section 606 of the tax law, as
 6 amended by chapter 193 of the laws of 2012, is amended to read as
 7 follows:

8 (1) A taxpayer shall be allowed a credit against the tax imposed by
 9 this article. Such credit, to be computed as hereinafter provided, shall
 10 be allowed for bioheat, used for space heating or hot water production
 11 for residential purposes within this state and purchased on or after
 12 July first, two thousand six and before July first, two thousand seven
 13 and on or after January first, two thousand eight and before January
 14 first, two thousand [seventeen] twenty. Such credit shall be \$0.01 per
 15 percent of biodiesel per gallon of bioheat, not to exceed twenty cents
 16 per gallon, purchased by such taxpayer.

17 § 3. This act shall take effect immediately.

18

PART O

19 Section 1. Section 359 of the economic development law, as amended by
 20 section 3 of part C of chapter 68 of the laws of 2013, is amended to
 21 read as follows:

22 § 359. Cap on tax credit. The total amount of tax credits listed on
 23 certificates of tax credit issued by the commissioner for any taxable
 24 year may not exceed the limitations set forth in this section. One-half
 25 of any amount of tax credits not awarded for a particular taxable year
 26 in years two thousand eleven through two thousand twenty-four may be
 27 used by the commissioner to award tax credits in another taxable year.

28 Credit components in the aggregate	With respect to taxable
29 shall not exceed:	years beginning in:

30	\$ 50 million	2011
31	\$ 100 million	2012
32	\$ 150 million	2013
33	\$ 200 million	2014
34	\$ 250 million	2015
35	\$ 200 million	2016
36	\$ 200 million	2017
37	\$ 200 million	2018
38	\$ 200 million	2019
39	\$ 200 million	2020
40	\$ 200 million	2021
41	\$ 150 million	2022
42	\$ 100 million	2023
43	\$ 50 million	2024

44 Twenty-five percent of tax credits shall be allocated to businesses
 45 accepted into the program under subdivision four of section three
 46 hundred fifty-three of this article and seventy-five percent of tax
 47 credits shall be allocated to businesses accepted into the program under
 48 subdivision three of section three hundred fifty-three of this article.

49 Provided, however, if by September thirtieth of a calendar year, the
 50 department has not allocated the full amount of credits available in
 51 that year to either: (i) businesses accepted into the program under

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

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

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

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

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

53 § 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. Paragraphs (a) and (b) of subdivision 9 of section 210-B of the
26 tax law, as added by section 17 of part A of chapter 59 of the laws of
27 2014, are 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 (b) Carryover. In no event shall the credit herein provided for be
45 allowed in an amount which will reduce the tax payable to less than the
46 fixed dollar minimum amount prescribed in paragraph (d) of subdivision
47 one of section two hundred ten of this article. If, however, the amount
48 of credit allowable under this subdivision for any taxable year, includ-
49 ing any credit carried over from a prior taxable year, reduces the tax
50 to such amount or if the taxpayer otherwise pays tax based on the fixed
51 dollar minimum amount, any amount of credit not deductible in such taxa-
52 ble year may be carried over to the following year or years and may be
53 deducted from the taxpayer's tax for such year or years. For taxable
54 years beginning on or after January first, two thousand fifteen, in lieu
55 of carrying over, to the following year or years, the unused portion of
56 credits attributable to special additional mortgage recording tax with

1 respect to such mortgages, which is due and paid in any of such taxable
2 years, the taxpayer may elect to treat such unused portion as an over-
3 payment of tax to be credited or refunded in accordance with the
4 provisions of section ten hundred eighty-six of this chapter except that
5 no interest shall be paid on such overpayment.

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

9 45. Order of credits. [(a)] Credits allowable under this article which
10 cannot be carried over and which are not refundable shall be deducted
11 first. [The credit allowable under subdivision six of this section shall
12 be deducted immediately after the deduction of all credits allowable
13 under this article which cannot be carried over and which are not
14 refundable, whether or not a portion of such credit is refundable.]
15 Credits allowable under this article which can be carried over, and
16 carryovers of such credits, shall be deducted next [after the deduction
17 of the credit allowable under subdivision six of this section], and
18 among such credits, those whose carryover is of limited duration shall
19 be deducted before those whose carryover is of unlimited duration. Cred-
20 its allowable under this article which are refundable [(other than the
21 credit allowable under subdivision six of this section)] shall be
22 deducted last.

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

26 (a) Subject to the provisions of paragraph (c) of subdivision two of
27 this section, a taxpayer may elect to treat as its combined group all
28 corporations that meet the ownership requirements described in paragraph
29 (a) of subdivision two of this section (such corporations collectively
30 referred to in this subdivision as the "commonly owned group"). If that
31 election is made, the commonly owned group shall calculate the combined
32 business income, combined capital, and fixed dollar minimum bases of all
33 members of the group in accordance with [paragraph] subdivision four of
34 this [subdivision] section, whether or not that business income or busi-
35 ness capital is from a single unitary business.

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

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

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

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

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

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

52 the tax imposed by subdivision one of section 11-603 of this subchap-
53 ter shall be the greater of the tax on entire net income computed under
54 clause one of subparagraph (a) of paragraph E of this subdivision and
55 the fixed dollar minimum tax specified in clause four of subparagraph
56 (a) of paragraph E of this subdivision.

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

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

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

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

14 2. Each reference in the tax law or this code to subchapters two or
15 three of this chapter, or any of the provisions thereof, shall be deemed
16 a reference also to this subchapter, and any of the applicable
17 provisions thereof, where appropriate and with all necessary modifica-
18 tions.

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

22 (a) The term "investment capital" means investments in stocks that:
23 (i) satisfy the definition of a capital asset under section 1221 of the
24 internal revenue code at all times the taxpayer owned such stocks during
25 the taxable year; (ii) are held by the taxpayer for investment for more
26 than one year; (iii) the dispositions of which are, or would be, treated
27 by the taxpayer as generating long-term capital gains or losses under
28 the internal revenue code; (iv) for stocks acquired on or after January
29 first, two thousand fifteen, at any time after the close of the day in
30 which they are acquired, have never been held for sale to customers in
31 the regular course of business; and (v) before the close of the day on
32 which the stock was acquired, are clearly identified in the taxpayer's
33 records as stock held for investment in the same manner as required
34 under section 1236(a)(1) of the internal revenue code for the stock of a
35 dealer in securities to be eligible for capital gain treatment (whether
36 or not the taxpayer is a dealer of securities subject to section 1236),
37 provided, however, that for stock acquired prior to October first, two
38 thousand fifteen that was not subject to section 1236(a) of the internal
39 revenue code, such identification in the taxpayer's records must occur
40 before October first, two thousand fifteen. Stock in a corporation that
41 is conducting a unitary business with the taxpayer, stock in a corpo-
42 ration that is included in a combined report with the taxpayer pursuant
43 to the commonly owned group election in subdivision three of section
44 11-654.3 of this subchapter, and stock [used] issued by the taxpayer
45 shall not constitute investment capital. For purposes of this subdivi-
46 sion, if the taxpayer owns or controls, directly or indirectly, less
47 than twenty percent of the voting power of the stock of a corporation,
48 that corporation will be presumed to be conducting a business that is
49 not unitary with the business of the taxpayer.

50 § 12. Subparagraph 2 of paragraph (a) of subdivision 18 of section
51 11-654 of the administrative code of the city of New York, as added by
52 section 1 of part D of chapter 60 of the laws of 2015, is amended to
53 read as follows:

54 (2) The amount determined in this subparagraph is the product of (i)
55 the excess of (A) the tax computed under clause (i) of subparagraph one
56 of paragraph (e) of subdivision one of this section, without allowance

1 of any credits allowed by this section, over (B) the tax so computed,
2 determined as if the corporation had no such distributive share or guar-
3 anteed payments with respect to the unincorporated business, and (ii) a
4 fraction, the numerator of which is four and the denominator of which is
5 eight and eighty-five one hundredths, [provided however,] except that in
6 the case of a financial corporation as defined in clause (i) of subpara-
7 graph one of paragraph (e) of subdivision one of this section, such
8 denominator is nine, and in the case of a taxpayer that is subject to
9 paragraph (j) or (k) of subdivision one of this section, such denomina-
10 tor shall be the rate of tax as determined by such paragraph (j) or (k)
11 for the taxable year; [and,] provided[, however,] that the amounts
12 computed in subclauses (A) and (B) of clause (i) of this subparagraph
13 shall be computed with the following modifications:

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

17 (B) if, prior to taking into account any distributive share or guaran-
18 teed payments from any unincorporated business or any net operating loss
19 carryforward or carryback, the entire net income of the partner is less
20 than zero, such entire net income shall be treated as zero; and

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

25 § 13. Subparagraph 1 of paragraph (b) of subdivision 18 of section
26 11-654 of the administrative code of the city of New York, as added by
27 section 1 of part D of chapter 60 of the laws of 2015, is amended to
28 read as follows:

29 (1) Notwithstanding anything to the contrary in paragraph (a) of this
30 subdivision, in the case of a corporation that, before the application
31 of this subdivision or any other credit allowed by this section, is
32 liable for the tax on business income under clause (i) of subparagraph
33 one of paragraph (e) of subdivision one of this section, the credit or
34 the sum of the credits that may be taken by such corporation for a taxa-
35 ble year under this subdivision with respect to an unincorporated busi-
36 ness or unincorporated businesses in which it is a partner shall not
37 exceed the tax so computed, without allowance of any credits allowed by
38 this section, multiplied by a fraction the numerator of which is four
39 and the denominator of which is eight and eighty-five one-hundredths
40 [provided, however], except that in the case of a financial corporation
41 as defined in clause (i) of subparagraph one of paragraph (e) of subdi-
42 vision one of this section, such denominator is nine, and in the case of
43 a taxpayer that is subject to paragraph (j) or (k) of subdivision one of
44 this section, such denominator shall be the rate of tax as determined by
45 such paragraph (j) or (k) for the taxable year. If the credit allowed
46 under this subdivision or the sum of such credits exceeds the product of
47 such tax and such fraction, the amount of the excess may be carried
48 forward, in order, to each of the seven immediately succeeding taxable
49 years and, to the extent not previously taken, shall be allowed as a
50 credit in each of such years. In applying the provisions of the preced-
51 ing sentence, the credit determined for the taxable year under paragraph
52 (a) of this subdivision shall be taken before taking any credit carry-
53 forward pursuant to this paragraph and the credit carryforward attribut-
54 able to the earliest taxable year shall be taken before taking a credit
55 carryforward attributable to a subsequent taxable year.

1 § 14. Subparagraph 8 of paragraph (a) of subdivision 21 of section
2 11-654 of the administrative code of the city of New York, as added by
3 section 1 of part D of chapter 60 of the laws of 2015, is amended to
4 read as follows:

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

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

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

17 § 16. The opening paragraph of paragraph (a) of subdivision 5 of
18 section 11-654.2 of the administrative code of the city of New York, as
19 added by section 1 of part D of chapter 60 of the laws of 2015, is
20 amended to read as follows:

21 A financial instrument is a "nonqualified financial instrument" if it
22 is not a qualified financial instrument. A qualified financial instru-
23 ment means a financial instrument that is of a type described in any of
24 clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two
25 of this paragraph and that has been marked to market in the taxable year
26 by the taxpayer under section 475 or section 1256 of the internal reven-
27 ue code. Further, if the taxpayer has in the taxable year marked to
28 market a financial instrument of the type described in any of clause
29 (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of
30 this paragraph, then any financial instrument within that type described
31 in the above specified clause or clauses that has not been marked to
32 market by the taxpayer under section 475 or section 1256 of the internal
33 revenue code is a qualified financial instrument in the taxable year.
34 Notwithstanding the two preceding sentences, (i) a loan secured by real
35 property shall not be a qualified financial instrument, (ii) if the only
36 loans that are marked to market by the taxpayer under section 475 or
37 section 1256 of the internal revenue code are loans secured by real
38 property, then no loans shall be qualified financial instruments, [and]
39 (iii) stock that is investment capital as defined in paragraph (a) of
40 subdivision [4] four of section 11-652 of this subchapter shall not be a
41 qualified financial instrument, and (iv) stock that generates other
42 exempt income as defined in subdivision five-a of section 11-652 of this
43 subchapter and that is not marked to market under section 475 or section
44 1256 of the internal revenue code shall not constitute a qualified
45 financial instrument with respect to the income from that stock that is
46 described in such subdivision five-a. If a corporation is included in a
47 combined report, the definition of qualified financial instrument shall
48 be determined on a combined basis.

49 § 17. This act shall take effect immediately; provided however that
50 sections one, two, three, four, five, six, seven and eight of this act
51 shall be deemed to have been in full force and effect on the same date
52 and in the same manner as part A of chapter 59 of the laws of 2014, took
53 effect, and sections nine, ten, eleven, twelve, thirteen, fourteen,
54 fifteen and sixteen of this act shall be deemed to have been in full
55 force and effect on the same date and in the same manner as part D of
56 chapter 60 of the laws of 2015, took effect.

1

PART Q

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

5 5. The report covering the tax surcharge which must be calculated
6 pursuant to this section based upon the tax reportable on the report due
7 by March fifteenth of any year under section one hundred eighty-three of
8 this article, for taxable years beginning before January first, two
9 thousand sixteen, and on the report due by April fifteenth of any year
10 under section one hundred eighty-three of this article, for taxable
11 years beginning on or after January first, two thousand sixteen, shall
12 be filed on or before March fifteenth of the year next succeeding such
13 year, for taxable years beginning before January first, two thousand
14 sixteen, and on or before April fifteenth of the year next succeeding
15 such year, for taxable years beginning on or after January first, two
16 thousand sixteen. An extension pursuant to section one hundred ninety-
17 three of this article shall be allowed only if a taxpayer files with the
18 commissioner an application for extension in such form as said commis-
19 sioner may prescribe by regulation and pays on or before the date of
20 such filing in addition to any other amounts required under this arti-
21 cle, either ninety percent of the entire tax surcharge required to be
22 paid under this section for the applicable period, or not less than the
23 tax surcharge shown on the taxpayer's report for the preceding year, if
24 such preceding year consisted of twelve months. The tax surcharge
25 imposed by this section shall be payable to the commissioner in full at
26 the time the report is required to be filed, and such tax surcharge or
27 the balance thereof, imposed on any taxpayer which ceases to exercise
28 its franchise or be subject to the tax surcharge imposed by this section
29 shall be payable to the commissioner at the time the report is required
30 to be filed, provided such tax surcharge of a domestic corporation which
31 continues to possess its franchise shall be subject to adjustment as the
32 circumstances may require; all other tax surcharges of any such taxpay-
33 er, which pursuant to the foregoing provisions of this section would
34 otherwise be payable subsequent to the time such report is required to
35 be filed, shall nevertheless be payable at such time. All of the
36 provisions of this article presently applicable to section one hundred
37 eighty-three of this article are applicable to the tax surcharge imposed
38 by this section except for section one hundred ninety-two of this arti-
39 cle.

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

42 4. Every utility subject to tax hereunder shall file, on or before
43 March fifteenth of each year, a return for the year ended on the preced-
44 ing December thirty-first, for taxable years beginning before January
45 first, two thousand sixteen, except that the year ended on December
46 thirty-first, nineteen hundred seventy-six shall be deemed, for the
47 purposes of this subdivision, to have commenced on June first, nineteen
48 hundred seventy-six, and shall file, on or before April fifteenth of
49 each year, a return for the year ended on the preceding December thir-
50 ty-first, for taxable years beginning on or after January first, two
51 thousand sixteen, including any period for which the tax imposed hereby
52 or by any amendment hereof is effective, each of which returns shall
53 state the gross income or gross operating income for the period covered
54 by each such return. Returns shall be filed with the commissioner of
55 taxation and finance on a form to be furnished by the commissioner for

1 such purpose and shall contain such other data, information or matter as
2 the commissioner may require to be included therein. Notwithstanding the
3 foregoing provisions of this subdivision, the commissioner may require
4 any utility to file an annual return, which shall contain any data spec-
5 ified by the commissioner, regardless of whether the utility is subject
6 to tax under this section; and the commissioner may require a landlord
7 selling to a tenant gas, electric, steam, water or refrigeration or
8 furnishing gas, electric, steam, water or refrigerator service, where
9 the same has been subjected to tax under this section on the sale to
10 such landlord, to file, on or before the fifteenth day of March of each
11 year, for taxable years beginning before January first, two thousand
12 sixteen, and on or before the fifteenth day of April of each year, for
13 taxable years beginning on or after January first, two thousand sixteen,
14 an information return for the year ended on the preceding December thir-
15 ty-first, covering such year in such form and containing such data as
16 the commissioner may specify. Every return shall have annexed thereto a
17 certification by the head of the utility making the same, or of the
18 owner or of a co-partner thereof, or of a principal officer of the
19 corporation, if such business be conducted by a corporation, to the
20 effect that the statements contained therein are true.

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

23 6. Returns. Every provider of telecommunication services subject to
24 tax under this section shall file, on or before March fifteenth of each
25 year, for taxable years beginning before January first, two thousand
26 sixteen, and on or before April fifteenth of each year, for taxable
27 years beginning on or after January first, two thousand sixteen, a
28 return for the year ended on the preceding December thirty-first, and
29 pay the tax due, which return shall state the gross receipts for the
30 period covered by each such return and the resale exclusions during such
31 period. Returns shall be filed with the commissioner on a form to be
32 furnished by the commissioner for such purpose and shall contain such
33 other data, information or matter as the commissioner may require to be
34 included therein. Notwithstanding the foregoing provisions of this
35 subdivision, the commissioner may require any provider of telecommuni-
36 cation services to file an annual return, which shall contain any data
37 specified by the commissioner, regardless of whether such provider is
38 subject to tax under this section. Every return shall have annexed ther-
39 eto a certification by the head of the provider of telecommunication
40 services making the same, or of the owner or of a partner or member
41 thereof, or of a principal officer of the corporation, if such business
42 be conducted by a corporation, to the effect that the statements
43 contained therein are true.

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

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



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

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

6 1. Corporations paying franchise tax. Every corporation, association
7 or joint-stock company liable to pay a tax under section one hundred
8 eighty-three of this chapter shall, on or before March fifteenth in each
9 year, for taxable years beginning before January first, two thousand
10 sixteen, and on or before April fifteenth in each year, for taxable
11 years beginning on or after January first, two thousand sixteen, make a
12 written report to the [tax commission] commissioner of its condition at
13 the close of its business on the preceding December thirty-first, stat-
14 ing the amount of its authorized capital stock, the amount of stock paid
15 in, the date and rate per centum of each dividend paid by it during the
16 year ending with such day, the entire amount of the capital of such
17 corporation, and the capital employed by it in this state during such
18 year.

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

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



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

4 (a) For taxable years beginning on or after January first, nineteen
5 hundred seventy-seven, every taxpayer subject to tax under section one
6 hundred eighty-two, one hundred eighty-two-a, former section one hundred
7 eighty-two-b, one hundred eighty-four, one hundred eighty-six-a or one
8 hundred eighty-six-e of this article, must pay in each year an amount
9 equal to (i) twenty-five percent of the tax imposed under each of such
10 sections for the preceding taxable year if the preceding year's tax
11 exceeded one thousand dollars but was equal to or less than one hundred
12 thousand dollars, or (ii) forty percent of the tax imposed under any of
13 these sections for the preceding taxable year if the preceding year's
14 tax exceeded one hundred thousand dollars. If the preceding year's tax
15 under section one hundred eighty-four, one hundred eighty-six-a or one
16 hundred eighty-six-e of this article exceeded one thousand dollars and
17 the taxpayer is subject to the tax surcharge imposed by section one
18 hundred eighty-four-a or one hundred eighty-six-c of this article,
19 respectively, the taxpayer must also pay in each such year an amount
20 equal to (i) twenty-five percent of the tax surcharge imposed under such
21 section for the preceding taxable year if the preceding year's tax
22 exceeded one thousand dollars but was equal to or less than one hundred
23 thousand dollars, or (ii) forty percent of the tax surcharge imposed
24 under that section for the preceding taxable year if the preceding
25 year's tax exceeded one hundred thousand dollars. The amount or amounts
26 must be paid with the return or report required to be filed with respect
27 to the tax or tax surcharge for the preceding taxable year or with an
28 application for extension of the time for filing the return or report,
29 for taxable years beginning before January first, two thousand sixteen,
30 and must be paid on or before the fifteenth day of the third month
31 following the close of the taxable year, for taxable years beginning on
32 or after January first, two thousand sixteen.

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

36 (a) For the privilege of exercising its corporate franchise, or of
37 doing business, or of employing capital, or of owning or leasing proper-
38 ty in this state in a corporate or organized capacity, or of maintaining
39 an office in this state, or of deriving receipts from activity in this
40 state, for all or any part of each of its fiscal or calendar years,
41 every domestic or foreign corporation, except corporations specified in
42 subdivision four of this section, shall annually pay a franchise tax,
43 upon the basis of its business income base, or upon such other basis as
44 may be applicable as hereinafter provided, for such fiscal or calendar
45 year or part thereof, on a report which shall be filed, except as here-
46 inafter provided, on or before the fifteenth day of March next succeed-
47 ing the close of each such year, for taxable years beginning before
48 January first, two thousand sixteen, and on or before the fifteenth day
49 of April next succeeding the close of each such year, for taxable years
50 beginning on or after January first, two thousand sixteen, or, in the
51 case of a corporation which reports on the basis of a fiscal year, with-
52 in two and one-half months after the close of such fiscal year, for
53 taxable years beginning before January first, two thousand sixteen, and
54 on or before the fifteenth day of the fourth month after the close of
55 such fiscal year, for taxable years beginning on or after January first,
56 two thousand sixteen, and shall be paid as hereinafter provided.



1 § 9. Subdivision 1 of section 211 of the tax law, as amended by chap-
2 ter 436 of the laws of 1974, the opening paragraph as amended by chapter
3 190 of the laws of 1990 and the second undesignated paragraph as amended
4 by chapter 542 of the laws of 1985, is amended to read as follows:

5 1. Every taxpayer[, as well as every foreign corporation having an
6 employee, including any officer, within the state,] shall annually on or
7 before March fifteenth, for taxable years beginning before January
8 first, two thousand sixteen, and annually on or before April fifteenth,
9 for taxable years beginning on or after January first, two thousand
10 sixteen, transmit to the [tax commission] commissioner a report in a
11 form prescribed by [it] the commissioner (except that a corporation
12 which reports on the basis of a fiscal year shall transmit its report
13 within two and one-half months after the close of its fiscal year, for
14 taxable years beginning before January first, two thousand sixteen, and
15 on or before the fifteenth day of the fourth month after the close of
16 its fiscal year, for taxable years beginning on or after January first,
17 two thousand sixteen, and except, also, that a corporation which is a
18 DISC shall transmit its report on or before the fifteenth day of the
19 ninth month following the close of its calendar or fiscal year), setting
20 forth such information as the [tax commission] commissioner may
21 prescribe and every taxpayer which ceases to exercise its franchise or
22 to be subject to the tax imposed by this article shall transmit to the
23 [tax commission] commissioner a report on the date of such cessation or
24 at such other time as the [tax commission] commissioner may require
25 covering each year or period for which no report was theretofore filed.
26 In the case of a termination year of an S corporation, the S short year
27 and the C short year shall be treated as separate short taxable years,
28 provided, however, the due date of the report for the S short year shall
29 be the same as the due date of the report for the C short year. Every
30 taxpayer shall also transmit such other reports and such facts and
31 information as the [tax commission] commissioner may require in the
32 administration of this article. The [tax commission] commissioner may
33 grant a reasonable extension of time for filing reports whenever good
34 cause exists.

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

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

44 (a) First installments for certain taxpayers.--In privilege periods of
45 twelve months ending at any time during the calendar year nineteen
46 hundred seventy and thereafter, every taxpayer subject to the tax
47 imposed by section two hundred nine of this chapter must pay with the
48 report required to be filed for the preceding privilege period, or with
49 an application for extension of the time for filing the report, for
50 taxable years beginning before January first, two thousand sixteen, and
51 must pay on or before the fifteenth day of the third month of such priv-
52 ilege periods, for taxable years beginning on or after January first,
53 two thousand sixteen, an amount equal to (i) twenty-five percent of the
54 preceding year's tax if the preceding year's tax exceeded one thousand
55 dollars but was equal to or less than one hundred thousand dollars, or
56 (ii) forty percent of the preceding year's tax if the preceding year's

1 tax exceeded one hundred thousand dollars. If the preceding year's tax
2 under section two hundred nine of this chapter exceeded one thousand
3 dollars and the taxpayer is subject to the tax surcharge imposed by
4 section two hundred nine-B of this chapter, the taxpayer must also pay
5 with the tax surcharge report required to be filed for the preceding
6 privilege period, or with an application for extension of the time for
7 filing the report, for taxable years beginning before January first, two
8 thousand sixteen, and must pay on or before the fifteenth day of the
9 third month of such privilege periods, for taxable years beginning on or
10 after January first, two thousand sixteen, an amount equal to (i) twen-
11 ty-five percent of the tax surcharge imposed for the preceding year if
12 the preceding year's tax was equal to or less than one hundred thousand
13 dollars, or (ii) forty percent of the tax surcharge imposed for the
14 preceding year if the preceding year's tax exceeded one hundred thousand
15 dollars.

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

18 (f) The preceding year's tax defined.-- As used in this section, "the
19 preceding year's tax" means the tax imposed upon the taxpayer by section
20 two hundred nine of this chapter for the preceding calendar or fiscal
21 year, or, for purposes of computing the first installment of estimated
22 tax when either the mandatory first installment is paid pursuant to
23 subdivision (a) of this section or an application has been filed for
24 extension of the time for filing the report required to be filed for
25 such preceding calendar or fiscal year, the amount properly estimated
26 pursuant to section two hundred thirteen of this chapter as the tax
27 imposed upon the taxpayer for such calendar or fiscal year.

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

31 (1) Partnerships. Every partnership having a resident partner or
32 having any income derived from New York sources, determined in accord-
33 ance with the applicable rules of section six hundred thirty-one as in
34 the case of a nonresident individual, shall make a return for the taxa-
35 ble year setting forth all items of income, gain, loss and deduction and
36 such other pertinent information as the commissioner may by regulations
37 and instructions prescribe. Such return shall be filed on or before the
38 fifteenth day of the fourth month following the close of each taxable
39 year, for taxable years beginning before January first, two thousand
40 sixteen, and on or before the fifteenth day of the third month following
41 the close of each taxable year, for taxable years beginning on or after
42 January first, two thousand sixteen, except that the due date for the
43 return of a partnership consisting entirely of nonresident aliens shall
44 be the date prescribed for the filing of its federal partnership return
45 for the taxable year. For purposes of this paragraph, "taxable year"
46 means a year or a period which would be a taxable year of the partner-
47 ship if it were subject to tax under this article.

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

51 (A) Every subchapter K limited liability company, every limited
52 liability company that is a disregarded entity for federal income tax
53 purposes, and every partnership which has any income derived from New
54 York sources, determined in accordance with the applicable rules of
55 section six hundred thirty-one of this article as in the case of a
56 nonresident individual, shall[, within sixty days after the last day of

1 the taxable year,] on or before the fifteenth day of the third month
2 following the close of each taxable year make a payment of a filing fee.
3 The amount of the filing fee is the amount set forth in subparagraph (B)
4 of this paragraph. The minimum filing fee is twenty-five dollars for
5 taxable years beginning in two thousand eight and thereafter. Limited
6 liability companies that are disregarded entities for federal income tax
7 purposes must pay a filing fee of twenty-five dollars for taxable years
8 beginning on or after January first, two thousand eight.

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

11 (i) Prepaid tax.--For purposes of this section, any tax paid by the
12 taxpayer before the last day prescribed for its payment (including any
13 amount paid by the taxpayer as estimated tax for a taxable year) shall
14 be deemed to have been paid by it on the fifteenth day of the third
15 month following the close of the taxable year the income of which is the
16 basis for tax under article nine-a, [nine-b or nine-c,] or on the last
17 day prescribed in article nine for the filing of a final return for such
18 taxable year, or portion thereof, determined in all cases without regard
19 to any extension of time granted the taxpayer, for taxable years begin-
20 ning before January first, two thousand sixteen, and on the fifteenth
21 day of the fourth month following the close of the taxable year the
22 income of which is the basis for tax under article nine-a, or on the
23 last day prescribed in article nine for the filing of a final return for
24 such taxable year, or portion thereof, determined in all cases without
25 regard to any extension of time granted the taxpayer, for taxable years
26 beginning on or after January first, two thousand sixteen.

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

30 (3) Such amount or amounts described in paragraphs one and two of this
31 subdivision shall be paid with the return required to be filed with
32 respect to such tax or tax surcharge for such preceding taxable year or
33 with an application for extension of the time for filing such return,
34 for taxable years beginning before January first, two thousand sixteen,
35 and shall be paid on or before the fifteenth day of the third month of
36 each taxable year, for taxable years beginning on or after January
37 first, two thousand sixteen.

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

41 (f) The preceding year's tax defined. As used in this section, "the
42 preceding year's tax" means, for taxpayers subject to tax under subdivi-
43 sion (b) of section fifteen hundred ten of this article, the taxes
44 imposed upon the taxpayer by sections fifteen hundred one and fifteen
45 hundred ten of this article from the preceding taxable year or as other-
46 wise determined by subdivision (b) of section fifteen hundred five of
47 this article, and for taxpayers subject to tax under section fifteen
48 hundred two-a of this article, the tax imposed upon the taxpayer by such
49 section fifteen hundred two-a of this article from the preceding year,
50 or for purposes of computing the first installment of estimated tax when
51 either the mandatory first installment is paid pursuant to subdivision
52 (a) of this section or an application has been filed for extension of
53 the time for filing the return required to be filed for such preceding
54 taxable year, the amount properly estimated pursuant to paragraph one of
55 subdivision (b) of section fifteen hundred sixteen of this article as
56 the tax imposed upon the taxpayer for such taxable year.

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

4 (a) Every taxpayer and every other foreign and alien insurance corpo-
5 ration having an employee, including any officer, in this state or
6 having an agent or representative in this state, shall annually, on or
7 before the fifteenth day of the third month following the close of its
8 taxable year, for taxable years beginning before January first, two
9 thousand sixteen, and on or before the fifteenth day of the fourth month
10 following the close of its taxable year, for taxable years beginning on
11 or after January first, two thousand sixteen, transmit to the [tax
12 commission] commissioner a return in a form prescribed by [it] the
13 commissioner setting forth such information as the [tax commission]
14 commissioner may prescribe and every taxpayer which ceases to exercise
15 its franchise or to be subject to the tax imposed by this article shall
16 transmit to the [tax commission] commissioner a return on the date of
17 such cessation or at such other time as the [tax commission] commission-
18 er may require covering each year or period for which no return was
19 theretofore filed. A copy of each return required under this subdivision
20 shall also be transmitted to the superintendent of financial services at
21 or before the times specified for filing such returns with the [tax
22 commission] commissioner.

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

26 (a) General. [On or before the fifteenth day of the fourth month
27 following the close of a taxable year, an] An unincorporated business
28 income tax return shall be made and filed, and the balance of any tax
29 shown on the face of such return, not previously paid as installments of
30 estimated tax, shall be paid, on or before the fifteenth day of the
31 fourth month following the close of a taxable year for taxable years
32 beginning before January first, two thousand sixteen, and on or before
33 the fifteenth day of the third month following the close of a taxable
34 year for taxable years beginning on or after January first, two thousand
35 sixteen:

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

42 (2) by or for every partnership, for taxable years beginning after
43 nineteen hundred ninety-six but before two thousand nine, having unin-
44 corporated business gross income, determined for purposes of this subdi-
45 vision without any deduction for the cost of goods sold or services
46 performed, of more than twenty-five thousand dollars, or having unincor-
47 porated business taxable income of more than fifteen thousand dollars;

48 (3) by or for every unincorporated business other than a partnership,
49 for taxable years beginning after nineteen hundred ninety-six but before
50 two thousand nine, having unincorporated business gross income, deter-
51 mined for purposes of this subdivision without any deduction for the
52 cost of goods sold or services performed, of more than seventy-five
53 thousand dollars, or having unincorporated business taxable income of
54 more than thirty-five thousand dollars; and

55 (4) by or for every unincorporated business, for taxable years begin-
56 ning after two thousand eight, having unincorporated business gross

1 income, determined for purposes of this subdivision without any
2 deduction for the cost of goods sold or services performed, of more than
3 ninety-five thousand dollars.

4 (b) Decedents. The return for any deceased individual shall be made
5 and filed by his or her executor, administrator, or other person charged
6 with his or her property. If a final return of a decedent is for a frac-
7 tional part of a year, the due date of such return shall be, for taxable
8 years beginning before January first, two thousand sixteen, the
9 fifteenth day of the fourth month following the close of the twelve-
10 month period [which] that began with the first day of such fractional
11 part of the year, and, for taxable years beginning on or after January
12 first, two thousand sixteen, the fifteenth day of the third month
13 following the close of the twelve-month period that began with the first
14 day of such fractional part of the year.

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

17 (i) Prepaid tax. For purposes of this section, any tax paid by the
18 taxpayer before the last day prescribed for its payment and any amount
19 paid by the taxpayer as estimated tax for a taxable year shall be deemed
20 to have been paid by the taxpayer, for taxable years beginning before
21 January first, two thousand sixteen, on the fifteenth day of the fourth
22 month following the close of his or her taxable year with respect to
23 which such amount constitutes a credit or payment, and, for taxable
24 years beginning on or after January first, two thousand sixteen, on the
25 fifteenth day of the third month following the close of his or her taxa-
26 ble year with respect to which such amount constitutes a credit or
27 payment.

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

31 (a) For the privilege of doing business, or of employing capital, or
32 of owning or leasing property in the city in a corporate or organized
33 capacity, or of maintaining an office in the city, for all or any part
34 of each of its fiscal or calendar years, every domestic or foreign
35 corporation, except corporations specified in subdivision four of this
36 section, shall annually pay a tax, upon the basis of its business
37 income, or upon such other basis as may be applicable as hereinafter
38 provided, for such fiscal or calendar year or part thereof, on a report
39 [which] that shall be filed, except as hereinafter provided, for taxable
40 years beginning before January first, two thousand sixteen, on or before
41 the fifteenth day of March next succeeding the close of each such calen-
42 dar year, or, in the case of a taxpayer [which] that reports on the
43 basis of a fiscal year, within two and one-half months after the close
44 of each such fiscal year, and for taxable years beginning on or after
45 January first, two thousand sixteen, on or before the fifteenth day of
46 April next succeeding the close of each such calendar year, or, in the
47 case of a taxpayer that reports on the basis of a fiscal year, within
48 three and one-half months after the close of each such fiscal year, and
49 shall be paid as hereinafter provided.

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

53 1. Every corporation having an officer, agent or representative within
54 the city, shall, annually on or before March fifteenth for taxable years
55 beginning before January first, two thousand sixteen, and annually on or
56 before April fifteenth for taxable years beginning on or after January

1 first, two thousand sixteen, transmit to the commissioner of finance a
2 report, in a form prescribed by the commissioner of finance [(except
3 that a corporation which reports on the basis of a fiscal year shall
4 transmit its report within two and one-half months after the close of
5 its fiscal year)], setting forth such information as the commissioner of
6 finance may prescribe, [and every] except that a corporation that
7 reports on the basis of a fiscal year shall transmit such report, for
8 taxable years beginning before January first, two thousand sixteen,
9 within two and one-half months after the close of its fiscal year, and,
10 for taxable years beginning after January first, two thousand sixteen,
11 within three and one-half months after the close of its fiscal year.
12 Every taxpayer [which] that ceases to do business in the city or to be
13 subject to the tax imposed by this subchapter shall transmit to the
14 commissioner of finance a report on the date of such cessation or at
15 such other time as the commissioner of finance may require covering each
16 year or period for which no report was theretofore filed. Every taxpayer
17 shall also transmit such other reports and such facts and information as
18 the commissioner of finance may require in the administration of this
19 subchapter. The commissioner of finance may grant a reasonable extension
20 of time for filing reports whenever good cause exists.

21 An automatic extension of six months for the filing of its annual
22 report shall be allowed any taxpayer if, within the time prescribed by
23 the preceding paragraph, whichever is applicable, such taxpayer files
24 with the commissioner of finance an application for extension in such
25 form as the commissioner of finance may prescribe by regulation and pays
26 on or before the date of such filing the amount properly estimated as
27 its tax.

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

31 1. [Every] For taxable years beginning before January first, two thou-
32 sand sixteen, every taxpayer subject to the tax imposed by section
33 11-653 of this subchapter shall pay with the report required to be filed
34 for the preceding privilege period, if any, or with an application for
35 extension of the time and filing such report, an amount equal to twen-
36 ty-five per centum of the preceding year's tax if such preceding year's
37 tax exceeded one thousand dollars. For taxable years beginning on or
38 after January first, two thousand sixteen, such amount shall be paid on
39 or before the fifteenth day of March next succeeding the close of each
40 such calendar year, or, in the case of a taxpayer that reports on the
41 basis of a fiscal year, within two and one-half months after the close
42 of each such fiscal year.

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

46 6. As used in this section, "the preceding year's tax" means the tax
47 imposed upon the taxpayer by section 11-653 of this subchapter for the
48 preceding calendar or fiscal year, or, for purposes of computing the
49 first installment of estimated tax when either the mandatory first
50 installment is paid pursuant to subdivision one of this section or an
51 application has been filed for extension of the time for filing the
52 report required to be filed for such preceding calendar or fiscal year,
53 the amount properly estimated pursuant to section 11-657 of this
54 subchapter as the tax imposed upon the taxpayer for such calendar or
55 fiscal year.

1 § 24. This act shall take effect immediately provided, however, that
2 section five of this act shall take effect on the same date and in the
3 same manner as section 26 of part S of chapter 59 of the laws of 2014,
4 takes effect, and that section five of this act shall apply to taxable
5 years beginning on or after January 1, 2018 and that section thirteen of
6 this act shall apply to taxable years beginning on or after January 1,
7 2016.

8

PART R

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

12 (iv) (A) for taxable years beginning before January first, two thou-
13 sand sixteen, if the business income base is not more than two hundred
14 ninety thousand dollars the amount shall be six and one-half percent of
15 the business income base; if the business income base is more than two
16 hundred ninety thousand dollars but not over three hundred ninety thou-
17 sand dollars the amount shall be the sum of (1) eighteen thousand eight
18 hundred fifty dollars, (2) seven and one-tenth percent of the excess of
19 the business income base over two hundred ninety thousand dollars but
20 not over three hundred ninety thousand dollars and (3) four and thirty-
21 five hundredths percent of the excess of the business income base over
22 three hundred fifty thousand dollars but not over three hundred ninety
23 thousand dollars;

24 (B) for taxable years beginning on or after January first, two thou-
25 sand seventeen, if the business income base is not more than two hundred
26 ninety thousand dollars the amount shall be four percent of the business
27 income base; if the business income base is more than two hundred ninety
28 thousand dollars but not over three hundred ninety thousand dollars the
29 amount shall be the sum of (1) eleven thousand six hundred dollars, (2)
30 six and one-half percent of the excess of the business income base over
31 two hundred ninety thousand dollars but not over three hundred ninety
32 thousand dollars and (3) eighteen and thirteen hundredths percent of the
33 excess of the business income base over three hundred fifty thousand
34 dollars but not over three hundred ninety thousand dollars;

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

38 (39) (A) In the case of a taxpayer who is a small business or a
39 taxpayer who is a member, partner, or shareholder of a limited liability
40 company, partnership, or New York S corporation, respectively, that is a
41 small business, who or which has business income and/or farm income as
42 defined in the laws of the United States, an amount equal to [three]
43 fifteen percent of the net items of income, gain, loss and deduction
44 attributable to such business or farm entering into federal adjusted
45 gross income, but not less than zero[, for taxable years beginning after
46 two thousand thirteen, an amount equal to three and three-quarters
47 percent of the net items of income, gain, loss and deduction attribut-
48 able to such business or farm entering into federal adjusted gross
49 income, but not less than zero, for taxable years beginning after two
50 thousand fourteen, and an amount equal to five percent of the net items
51 of income, gain, loss and deduction attributable to such business or
52 farm entering into federal adjusted gross income, but not less than
53 zero, for taxable years beginning after two thousand fifteen].



1 (B) (i) For the purposes of this paragraph, the term small business
2 shall mean: (I) a sole proprietor [or a farm business] who employs one
3 or more persons during the taxable year and who has net business income
4 or net farm income of less than two hundred fifty thousand dollars, or
5 (II) a limited liability company, partnership or New York S corporation
6 that during the taxable year employs one or more persons and has New
7 York gross business income attributable to a non-farm business that is
8 greater than zero but less than one million five hundred thousand
9 dollars or net farm income attributable to a farm business that is
10 greater than zero but less than two hundred fifty thousand dollars.

11 (ii) For purposes of this paragraph, the term New York gross business
12 income shall mean: (I) in the case of a limited liability company or a
13 partnership New York source gross income as defined in subparagraph (B)
14 of paragraph three of subsection (c) of section six hundred fifty-eight
15 of this article, and, (II) in the case of a New York S corporation, New
16 York receipts included in the numerator of the apportionment factor
17 determined under section two hundred ten-A of this chapter for the taxa-
18 ble year.

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

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

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

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

54 (ii) For purposes of this paragraph, the term New York gross business
55 income shall mean: (I) in the case of a limited liability company or a
56 partnership, New York source gross income as defined in subparagraph (B)



1 of paragraph three of subsection (c) of section six hundred fifty-eight
2 of article twenty-two of the tax law, and, (II) in the case of a New
3 York S corporation, New York receipts included in the numerator of the
4 apportionment factor determined under section two hundred ten-A of arti-
5 cle nine-A of the tax law for the taxable year.

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

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

14 PART S

15 Intentionally Omitted

16 PART T

17 Section 1. Intentionally omitted.

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

20 49. New York state thruway tolls tax credit. (a) A taxpayer that oper-
21 ates a farm vehicle in connection with farm operations, on the New York
22 state thruway, and pays New York state thruway tolls through an E-ZPass
23 account, shall be allowed a credit, as hereinafter provided, against the
24 tax imposed by this article for taxable years beginning on or after
25 January first, two thousand sixteen but before January first, two thou-
26 sand nineteen. The credit allowed under this subdivision for any taxable
27 year may not reduce the tax due for that year to less than the amount
28 prescribed in paragraph (d) of subdivision one of section two hundred
29 ten of this article. However, if the amount of credit allowed under this
30 subdivision for any taxable year reduces the tax to such amount, or if
31 the taxpayer otherwise pays tax based on the fixed dollar minimum
32 amount, any amount of credit thus not deductible in that taxable year
33 shall be carried forward to the following year or years and may be
34 deducted from the taxpayer's tax for such year or years.

35 (b) For purposes of this subdivision, the following definitions shall
36 apply:

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

39 (2) "Farm vehicle" means a motor vehicle having a gross vehicle weight
40 rating of not more than twenty-six thousand pounds that is owned by a
41 person primarily engaged in production by means of (i) the planting,
42 cultivation and harvesting of agricultural, vegetable and food products
43 of the soil, including horticultural specialties such as nursery stock,
44 ornamental shrubs, ornamental trees and flowers, (ii) the raising, feed-
45 ing and care of livestock, bees, and poultry, or (iii) dairy farming.
46 Such farm vehicle shall be principally used for the transportation of
47 agricultural or dairy commodities or supplies, or used in conjunction
48 with lumbering operations connected with but only incidental to the
49 operation of a farm.

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



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

4 (c)(1) The credit for a taxpayer owning and operating a farm vehicle
5 and holding an E-ZPass business or commercial account or accounts shall
6 be in an amount equal to one hundred percent of the sum of all New York
7 state thruway tolls paid by the taxpayer through such an account or
8 accounts during the taxable year for that farm vehicle, provided the
9 qualifying New York state thruway tolls were incurred in connection with
10 farm operations.

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

16 (d) 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 receipt records created and maintained by the enti-
19 ty authorized to issue the E-ZPass account and made available to, and
20 upon request by, the department for this purpose.

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

23 (ccc) New York state thruway tolls tax credit. (1) A taxpayer that
24 operates a farm vehicle in connection with farm operations, on the New
25 York state thruway, and pays New York state thruway tolls through an
26 E-ZPass account, shall be allowed a credit, as hereinafter provided,
27 against the tax imposed by this article for taxable years beginning on
28 or after January first, two thousand sixteen but before January first,
29 two thousand nineteen. If the amount of credit allowable under this
30 subsection for any taxable year exceeds the taxpayer's tax for such
31 year, any amount of credit not deductible in such taxable year shall be
32 carried forward to the following year or years and may be deducted from
33 the taxpayer's tax for such year or years.

34 (2) For purposes of this section, the following definitions shall
35 apply:

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

38 (b) "Farm vehicle" means a motor vehicle having a gross vehicle weight
39 rating of not more than twenty-six thousand pounds that is owned by a
40 person primarily engaged in production by means of (i) the planting,
41 cultivation and harvesting of agricultural, vegetable and food products
42 of the soil, including horticultural specialties such as nursery stock,
43 ornamental shrubs, ornamental trees and flowers, (ii) the raising, feed-
44 ing and care of livestock, bees, and poultry, or (iii) dairy farming.
45 Such farm vehicle shall be principally used for the transportation of
46 agricultural or dairy commodities or supplies, or used in conjunction
47 with lumbering operations connected with but only incidental to the
48 operation of a farm.

49 (c) "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 (d) "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 owning and operating a farm vehicle
56 and holding an E-ZPass business or commercial account or accounts shall

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

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

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

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

23 § 5. Intentionally omitted.

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

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

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

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

34 § 8. Intentionally omitted.

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 subdivi-
15 sion (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. This act shall take effect immediately, provided that sections
19 one, two and seven of this act shall take effect April 1, 2017; provided
20 further that sections three, four, five and six of this act shall take
21 effect December 1, 2017; and provided further that if section 19 of part
22 W1 of chapter 109 of the laws of 2006 shall not have expired on or
23 before such date then section four of this act shall take effect on the
24 same date as the reversion of paragraph 1 of subdivision (a) of section
25 1102 of the tax law, pursuant to such chapter.

26 PART AA

27 Intentionally Omitted

28 PART BB

29 Intentionally Omitted

30 PART CC

31 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-
32 ing law, as amended by section 1 of part Y of chapter 58 of the laws of
33 2012, is amended to read as follows:

34 § 308. Officials at harness horse race meetings. 1. At all harness
35 race meetings licensed by the [state racing and wagering board] gaming
36 commission in accordance with the provisions of sections two hundred
37 twenty-two through seven hundred five of this chapter qualified judges
38 and starters shall be designated by the [state racing and wagering
39 board] gaming commission. Such officials shall enforce the rules and
40 regulations of the [state racing and wagering board] gaming commission
41 and shall render regular written reports of the activities and conduct
42 of such race meetings to the [state racing and wagering board] gaming
43 commission.

44 2. The licensed racing corporations shall reimburse the [state racing
45 and wagering board] gaming commission for the per diem cost to the
46 [board] commission to employ one associate judge and the starter to
47 serve at harness race meetings. The [board] commission shall notify each
48 such licensed racing [corporations] corporation of the per diem cost of
49 the associate judge and the starter [prior to the beginning] at the
50 track of such licensed racing corporation within sixty days of the end

1 of each month. Payment of the reimbursement required by this section
2 shall be made to the [board] commission by each entity required to make
3 such payments [on the last business day of each month] within thirty
4 days of such notification by the commission and shall cover all the
5 costs incurred during that month. A penalty of five percent of payment
6 due, and interest at the rate of one percent per month calculated from
7 such [last day of each month] date that payment is due to the date of
8 the payment of the per diem cost shall be payable in case any per diem
9 cost imposed by this subdivision is not paid when due. The [board]
10 commission shall promulgate rules and regulations to ensure the proper
11 reimbursement of such costs.

12 3. The [board] commission shall pay into the racing regulation
13 account, as defined in section ninety-nine-i of the state finance law,
14 under the joint custody of the comptroller and the [board] commission,
15 the total amount of the reimbursements collected pursuant to this
16 section. With the approval of the director of the budget, monies
17 [utilized] used to pay the costs and expenses of the operations of the
18 [board] commission shall be paid out of such account on the audit and
19 warrant of the comptroller on vouchers, certified and approved by the
20 director of the division of the budget or his or her duly designated
21 official.

22 4. Any associate judge and starter whose per diem costs are reimbursed
23 by a licensed racing corporation shall remain employees of the [state
24 racing and wagering board] gaming commission and shall retain all the
25 rights and privileges of their current civil service jurisdictional
26 classification and status and collective bargaining unit representation.

27 § 2. This act shall take effect immediately.

28

PART DD

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

32 (G-2) Notwithstanding any provision to the contrary, when a vendor
33 track is located within region six of development zone two as defined by
34 section thirteen hundred ten of the racing, pari-mutuel wagering and
35 breeding law and is located within Ontario county, such vendor track
36 shall receive an additional commission at a rate equal to the percentage
37 of revenue wagered at the vendor track after payout for prizes pursuant
38 to this chapter, which percentage shall be one hundred, less the sum of
39 the percentages of net revenue wagered at the vendor track retained by
40 the commission for operation, administration, and procurement purposes;
41 and the vendor's fee, marketing allowance and capital award paid to the
42 vendor track pursuant to this chapter; and the effective tax rate paid
43 on all gross gaming revenue paid by a gaming facility within Seneca or
44 Wayne counties pursuant to section thirteen hundred fifty-one of the
45 racing, pari-mutuel wagering and breeding law, provided, however, such
46 additional commission shall be applied to revenue wagered at the vendor
47 track after payout for prizes only while a gaming facility in Seneca or
48 Wayne counties is open and operational pursuant to an operation certif-
49 icate issued pursuant to section thirteen hundred thirty-one of the
50 racing, pari-mutuel wagering and breeding law. The additional commission
51 set forth in this clause shall be paid to the vendor track within sixty
52 days after the conclusion of the state fiscal year based on the calcu-
53 lated percentage during the previous fiscal year.



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

3

PART EE

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

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

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

17

PART FF

18 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the
19 racing, pari-mutuel wagering and breeding law, as amended by section 1
20 of part NN of chapter 59 of the laws of 2015, is amended to read as
21 follows:

22 (a) Any racing association or corporation or regional off-track
23 betting corporation, authorized to conduct pari-mutuel wagering under
24 this chapter, desiring to display the simulcast of horse races on which
25 pari-mutuel betting shall be permitted in the manner and subject to the
26 conditions provided for in this article may apply to the commission for
27 a license so to do. Applications for licenses shall be in such form as
28 may be prescribed by the commission and shall contain such information
29 or other material or evidence as the commission may require. No license
30 shall be issued by the commission authorizing the simulcast transmission
31 of thoroughbred races from a track located in Suffolk county. The fee
32 for such licenses shall be five hundred dollars per simulcast facility
33 and for account wagering licensees that do not operate either a simul-
34 cast facility that is open to the public within the state of New York or
35 a licensed racetrack within the state, twenty thousand dollars per year
36 payable by the licensee to the commission for deposit into the general
37 fund. Except as provided in this section, the commission shall not
38 approve any application to conduct simulcasting into individual or group
39 residences, homes or other areas for the purposes of or in connection
40 with pari-mutuel wagering. The commission may approve simulcasting into
41 residences, homes or other areas to be conducted jointly by one or more
42 regional off-track betting corporations and one or more of the follow-
43 ing: a franchised corporation, thoroughbred racing corporation or a
44 harness racing corporation or association; provided (i) the simulcasting
45 consists only of those races on which pari-mutuel betting is authorized
46 by this chapter at one or more simulcast facilities for each of the
47 contracting off-track betting corporations which shall include wagers
48 made in accordance with section one thousand fifteen, one thousand
49 sixteen and one thousand seventeen of this article; provided further
50 that the contract provisions or other simulcast arrangements for such
51 simulcast facility shall be no less favorable than those in effect on
52 January first, two thousand five; (ii) that each off-track betting



1 corporation having within its geographic boundaries such residences,
2 homes or other areas technically capable of receiving the simulcast
3 signal shall be a contracting party; (iii) the distribution of revenues
4 shall be subject to contractual agreement of the parties except that
5 statutory payments to non-contracting parties, if any, may not be
6 reduced; provided, however, that nothing herein to the contrary shall
7 prevent a track from televising its races on an irregular basis primari-
8 ly for promotional or marketing purposes as found by the commission. For
9 purposes of this paragraph, the provisions of section one thousand thir-
10 teen of this article shall not apply. Any agreement authorizing an
11 in-home simulcasting experiment commencing prior to May fifteenth, nine-
12 teen hundred ninety-five, may, and all its terms, be extended until June
13 thirtieth, two thousand [sixteen] seventeen; provided, however, that any
14 party to such agreement may elect to terminate such agreement upon
15 conveying written notice to all other parties of such agreement at least
16 forty-five days prior to the effective date of the termination, via
17 registered mail. Any party to an agreement receiving such notice of an
18 intent to terminate, may request the commission to mediate between the
19 parties new terms and conditions in a replacement agreement between the
20 parties as will permit continuation of an in-home experiment until June
21 thirtieth, two thousand [sixteen] seventeen; and (iv) no in-home simul-
22 casting in the thoroughbred special betting district shall occur without
23 the approval of the regional thoroughbred track.

24 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
25 1007 of the racing, pari-mutuel wagering and breeding law, as amended by
26 section 2 of part NN of chapter 59 of the laws of 2015, is amended to
27 read as follows:

28 (iii) Of the sums retained by a receiving track located in Westchester
29 county on races received from a franchised corporation, for the period
30 commencing January first, two thousand eight and continuing through June
31 thirtieth, two thousand [sixteen] seventeen, the amount used exclusively
32 for purses to be awarded at races conducted by such receiving track
33 shall be computed as follows: of the sums so retained, two and one-half
34 percent of the total pools. Such amount shall be increased or decreased
35 in the amount of fifty percent of the difference in total commissions
36 determined by comparing the total commissions available after July twen-
37 ty-first, nineteen hundred ninety-five to the total commissions that
38 would have been available to such track prior to July twenty-first,
39 nineteen hundred ninety-five.

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

44 The provisions of this section shall govern the simulcasting of races
45 conducted at thoroughbred tracks located in another state or country on
46 any day during which a franchised corporation is conducting a race meet-
47 ing in Saratoga county at Saratoga thoroughbred racetrack until June
48 thirtieth, two thousand [sixteen] seventeen and on any day regardless of
49 whether or not a franchised corporation is conducting a race meeting in
50 Saratoga county at Saratoga thoroughbred racetrack after June thirtieth,
51 two thousand [sixteen] seventeen. On any day on which a franchised
52 corporation has not scheduled a racing program but a thoroughbred racing
53 corporation located within the state is conducting racing, every off-
54 track betting corporation branch office and every simulcasting facility
55 licensed in accordance with section one thousand seven (that have
56 entered into a written agreement with such facility's representative

1 horsemen's organization, as approved by the commission), one thousand
2 eight, or one thousand nine of this article shall be authorized to
3 accept wagers and display the live simulcast signal from thoroughbred
4 tracks located in another state or foreign country subject to the
5 following provisions:

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

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

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

18 The provisions of this section shall govern the simulcasting of races
19 conducted at thoroughbred tracks located in another state or country on
20 any day during which a franchised corporation is not conducting a race
21 meeting in Saratoga county at Saratoga thoroughbred racetrack until June
22 thirtieth, two thousand [sixteen] seventeen. Every off-track betting
23 corporation branch office and every simulcasting facility licensed in
24 accordance with section one thousand seven that have entered into a
25 written agreement with such facility's representative horsemen's organ-
26 ization as approved by the commission, one thousand eight or one thou-
27 sand nine of this article shall be authorized to accept wagers and
28 display the live full-card simulcast signal of thoroughbred tracks
29 (which may include quarter horse or mixed meetings provided that all
30 such wagering on such races shall be construed to be thoroughbred races)
31 located in another state or foreign country, subject to the following
32 provisions; provided, however, no such written agreement shall be
33 required of a franchised corporation licensed in accordance with section
34 one thousand seven of this article:

35 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel
36 wagering and breeding law, as amended by section 6 of part NN of chapter
37 59 of the laws of 2015, is amended to read as follows:

38 Notwithstanding any other provision of this chapter, for the period
39 July twenty-fifth, two thousand one through September eighth, two thou-
40 sand [fifteen] sixteen, when a franchised corporation is conducting a
41 race meeting within the state at Saratoga Race Course, every off-track
42 betting corporation branch office and every simulcasting facility
43 licensed in accordance with section one thousand seven (that has entered
44 into a written agreement with such facility's representative horsemen's
45 organization as approved by the commission), one thousand eight or one
46 thousand nine of this article shall be authorized to accept wagers and
47 display the live simulcast signal from thoroughbred tracks located in
48 another state, provided that such facility shall accept wagers on races
49 run at all in-state thoroughbred tracks which are conducting racing
50 programs subject to the following provisions; provided, however, no such
51 written agreement shall be required of a franchised corporation licensed
52 in accordance with section one thousand seven of this article.

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

1 § 32. This act shall take effect immediately and the pari-mutuel tax
2 reductions in section six of this act shall expire and be deemed
3 repealed on July 1, [2016] 2017; provided, however, that nothing
4 contained herein shall be deemed to affect the application, qualifica-
5 tion, expiration, or repeal of any provision of law amended by any
6 section of this act, and such provisions shall be applied or qualified
7 or shall expire or be deemed repealed in the same manner, to the same
8 extent and on the same date as the case may be as otherwise provided by
9 law; provided further, however, that sections twenty-three and twenty-
10 five of this act shall remain in full force and effect only until May 1,
11 1997 and at such time shall be deemed to be repealed.

12 § 8. Section 54 of chapter 346 of the laws of 1990, amending the
13 racing, pari-mutuel wagering and breeding law and other laws relating to
14 simulcasting and the imposition of certain taxes, as amended by section
15 8 of part NN of chapter 59 of the laws of 2015, is amended to read as
16 follows:

17 § 54. This act shall take effect immediately; provided, however,
18 sections three through twelve of this act shall take effect on January
19 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
20 ing law, as added by section thirty-eight of this act, shall expire and
21 be deemed repealed on July 1, [2016] 2017; and section eighteen of this
22 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
23 two of this act shall take effect as of the same date as chapter 772 of
24 the laws of 1989 took effect.

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

28 (a) The franchised corporation authorized under this chapter to
29 conduct pari-mutuel betting at a race meeting or races run thereat shall
30 distribute all sums deposited in any pari-mutuel pool to the holders of
31 winning tickets therein, provided such tickets be presented for payment
32 before April first of the year following the year of their purchase,
33 less an amount which shall be established and retained by such fran-
34 chised corporation of between twelve to seventeen per centum of the
35 total deposits in pools resulting from on-track regular bets, and four-
36 teen to twenty-one per centum of the total deposits in pools resulting
37 from on-track multiple bets and fifteen to twenty-five per centum of the
38 total deposits in pools resulting from on-track exotic bets and fifteen
39 to thirty-six per centum of the total deposits in pools resulting from
40 on-track super exotic bets, plus the breaks. The retention rate to be
41 established is subject to the prior approval of the gaming commission.
42 Such rate may not be changed more than once per calendar quarter to be
43 effective on the first day of the calendar quarter. "Exotic bets" and
44 "multiple bets" shall have the meanings set forth in section five
45 hundred nineteen of this chapter. "Super exotic bets" shall have the
46 meaning set forth in section three hundred one of this chapter. For
47 purposes of this section, a "pick six bet" shall mean a single bet or
48 wager on the outcomes of six races. The breaks are hereby defined as the
49 odd cents over any multiple of five for payoffs greater than one dollar
50 five cents but less than five dollars, over any multiple of ten for
51 payoffs greater than five dollars but less than twenty-five dollars,
52 over any multiple of twenty-five for payoffs greater than twenty-five
53 dollars but less than two hundred fifty dollars, or over any multiple of
54 fifty for payoffs over two hundred fifty dollars. Out of the amount so
55 retained there shall be paid by such franchised corporation to the
56 commissioner of taxation and finance, as a reasonable tax by the state

1 for the privilege of conducting pari-mutuel betting on the races run at
2 the race meetings held by such franchised corporation, the following
3 percentages of the total pool for regular and multiple bets five per
4 centum of regular bets and four per centum of multiple bets plus twenty
5 per centum of the breaks; for exotic wagers seven and one-half per
6 centum plus twenty per centum of the breaks, and for super exotic bets
7 seven and one-half per centum plus fifty per centum of the breaks. For
8 the period June first, nineteen hundred ninety-five through September
9 ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be
10 three per centum and such tax on multiple wagers shall be two and one-
11 half per centum, plus twenty per centum of the breaks. For the period
12 September tenth, nineteen hundred ninety-nine through March thirty-
13 first, two thousand one, such tax on all wagers shall be two and six-
14 tenths per centum and for the period April first, two thousand one
15 through December thirty-first, two thousand [sixteen] seventeen, such
16 tax on all wagers shall be one and six-tenths per centum, plus, in each
17 such period, twenty per centum of the breaks. Payment to the New York
18 state thoroughbred breeding and development fund by such franchised
19 corporation shall be one-half of one per centum of total daily on-track
20 pari-mutuel pools resulting from regular, multiple and exotic bets and
21 three per centum of super exotic bets provided, however, that for the
22 period September tenth, nineteen hundred ninety-nine through March thir-
23 ty-first, two thousand one, such payment shall be six-tenths of one per
24 centum of regular, multiple and exotic pools and for the period April
25 first, two thousand one through December thirty-first, two thousand
26 [sixteen] seventeen, such payment shall be seven-tenths of one per
27 centum of such pools.

28 § 10. This act shall take effect immediately.

29

PART GG

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

33 (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of
34 this subparagraph, the track operator of a vendor track shall be eligi-
35 ble for a vendor's capital award of up to four percent of the total
36 revenue wagered at the vendor track after payout for prizes pursuant to
37 this chapter, which shall be used exclusively for capital project
38 investments to improve the facilities of the vendor track which promote
39 or encourage increased attendance at the video lottery gaming facility
40 including, but not limited to hotels, other lodging facilities, enter-
41 tainment facilities, retail facilities, dining facilities, events
42 arenas, parking garages and other improvements that enhance facility
43 amenities; provided that such capital investments shall be approved by
44 the division, in consultation with the state racing and wagering board,
45 and that such vendor track demonstrates that such capital expenditures
46 will increase patronage at such vendor track's facilities and increase
47 the amount of revenue generated to support state education programs. The
48 annual amount of such vendor's capital awards that a vendor track shall
49 be eligible to receive shall be limited to two million five hundred
50 thousand dollars, except for Aqueduct racetrack, for which there shall
51 be no vendor's capital awards. Except for tracks having less than one
52 thousand one hundred video gaming machines, and except for a vendor
53 track located west of State Route 14 from Sodus Point to the Pennsylva-
54 nia border within New York, each track operator shall be required to

1 co-invest an amount of capital expenditure equal to its cumulative
2 vendor's capital award. For all tracks, except for Aqueduct racetrack,
3 the amount of any vendor's capital award that is not used during any one
4 year period may be carried over into subsequent years ending before
5 April first, two thousand [sixteen] seventeen. Any amount attributable
6 to a capital expenditure approved prior to April first, two thousand
7 [sixteen] seventeen and completed before April first, two thousand
8 [eighteen] nineteen; or approved prior to April first, two thousand
9 [twenty] twenty-one and completed before April first, two thousand
10 [twenty-two] twenty-three for a vendor track located west of State Route
11 14 from Sodus Point to the Pennsylvania border within New York, shall be
12 eligible to receive the vendor's capital award. In the event that a
13 vendor track's capital expenditures, approved by the division prior to
14 April first, two thousand [sixteen] seventeen and completed prior to
15 April first, two thousand [eighteen] nineteen, exceed the vendor track's
16 cumulative capital award during the five year period ending April first,
17 two thousand [sixteen] seventeen, the vendor shall continue to receive
18 the capital award after April first, two thousand [sixteen] seventeen
19 until such approved capital expenditures are paid to the vendor track
20 subject to any required co-investment. In no event shall any vendor
21 track that receives a vendor fee pursuant to clause (F) or (G) of this
22 subparagraph be eligible for a vendor's capital award under this
23 section. Any operator of a vendor track which has received a vendor's
24 capital award, choosing to divest the capital improvement toward which
25 the award was applied, prior to the full depreciation of the capital
26 improvement in accordance with generally accepted accounting principles,
27 shall reimburse the state in amounts equal to the total of any such
28 awards. Any capital award not approved for a capital expenditure at a
29 video lottery gaming facility by April first, two thousand [sixteen]
30 seventeen shall be deposited into the state lottery fund for education
31 aid; and
32 § 2. This act shall take effect immediately.

33

PART HH

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

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

41 § 2. Clause (G) of subparagraph (ii) of paragraph 1 of subdivision b
42 of section 1612 of the tax law, as added by chapter 174 of the laws of
43 2013, is amended to read as follows:

44 (G) Notwithstanding any provision to the contrary, when a vendor track
45 is located within regions one, two, or five of development zone two as
46 defined by section thirteen hundred ten of the racing, pari-mutuel
47 wagering and breeding law, such vendor track shall receive an additional
48 commission at a rate equal to the percentage of revenue wagered at the
49 vendor track after payout for prizes pursuant to this chapter, which
50 percentage shall be one hundred, less [ten percent] the sum of the
51 percentages of net revenue wagered at the vendor track retained by the
52 commission for operation, administration, and procurement purposes; and
53 [payment of] the vendor's fee, marketing allowance[,] and capital award
54 paid to the vendor track pursuant to this chapter; and the effective tax

1 rate paid on all gross gaming revenue paid by a gaming facility within
2 the same region pursuant to section thirteen hundred fifty-one of the
3 racing, pari-mutuel wagering and breeding law, provided, however, such
4 additional commission shall be applied to revenue wagered at the vendor
5 track after payout for prizes only while a gaming facility in the same
6 region is open and operational pursuant to an operation certificate
7 issued pursuant to section thirteen hundred thirty-one of the racing,
8 pari-mutuel wagering and breeding law. The additional commission set
9 forth in this clause shall be paid to the vendor track within sixty days
10 after the conclusion of the state fiscal year based on the calculated
11 percentage during the previous fiscal year.

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

14

PART II

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

17 1. Except in accordance with proper judicial order or as in this
18 section or otherwise provided by law, it shall be unlawful for the
19 commissioner, any officer or employee of the department, or any officer
20 or person who, pursuant to this section, is permitted to inspect any
21 return or report or to whom a copy, an abstract or a portion of any
22 return or report is furnished, or to whom any information contained in
23 any return or report is furnished, or any person engaged or retained by
24 such department on an independent contract basis or any person who in
25 any manner may acquire knowledge of the contents of a return or report
26 filed pursuant to this article to divulge or make known in any manner
27 the contents or any other information relating to the business of a
28 distributor, owner or other person contained in any return or report
29 required under this article. The officers charged with the custody of
30 such returns or reports shall not be required to produce any of them or
31 evidence of anything contained in them in any action or proceeding in
32 any court, except on behalf of the state, the state department of
33 health, or the commissioner in an action or proceeding under the
34 provisions of this chapter or on behalf of the state or the commissioner
35 in any other action or proceeding involving the collection of a tax due
36 under this chapter to which the state or the commissioner is a party or
37 a claimant or on behalf of any party to any action or proceeding under
38 the provisions of this article, when the returns or the reports or the
39 facts shown thereby are directly involved in such action or proceeding,
40 or in an action or proceeding relating to the regulation or taxation of
41 medical marihuana on behalf of officers to whom information shall have
42 been supplied as provided in subdivision two of this section, in any of
43 which events the court may require the production of, and may admit in
44 evidence so much of said returns or reports or of the facts shown there-
45 by as are pertinent to the action or proceeding and no more. Nothing
46 herein shall be construed to prohibit the commissioner, in his or her
47 discretion, from allowing the inspection or delivery of a certified copy
48 of any return or report filed under this article or of any information
49 contained in any such return or report by or to a duly authorized offi-
50 cer or employee of the state department of health; or by or to the
51 attorney general or other legal representatives of the state when an
52 action shall have been recommended or commenced pursuant to this chapter
53 in which such returns or reports or the facts shown thereby are directly
54 involved; or the inspection of the returns or reports required under



1 this article by the comptroller or duly designated officer or employee
2 of the state department of audit and control, for purposes of the audit
3 of a refund of any tax paid by a registered organization or other person
4 under this article; nor to prohibit the delivery to a registered organ-
5 ization, or a duly authorized representative of such registered organ-
6 ization, a certified copy of any return or report filed by such regis-
7 tered organization pursuant to this article, nor to prohibit the
8 publication of statistics so classified as to prevent the identification
9 of particular returns or reports and the items thereof. This section
10 shall also not be construed to prohibit the disclosure, for tax adminis-
11 tration purposes, to the division of the budget and the office of the
12 state comptroller, of information aggregated from the returns filed by
13 all the registered organizations making sales of, or manufacturing,
14 medical marihuana in a specified county, whether the number of such
15 registered organizations is one or more. Provided further that, notwith-
16 standing the provisions of this subdivision, the commissioner may, in
17 his or her discretion, permit the proper officer of any county entitled
18 to receive an allocation, following appropriation by the legislature,
19 pursuant to this article and section eighty-nine-h of the state finance
20 law, or the authorized representative of such officer, to inspect any
21 return filed under this article, or may furnish to such officer or the
22 officer's authorized representative an abstract of any such return or
23 supply such officer or such representative with information concerning
24 an item contained in any such return, or disclosed by any investigation
25 of tax liability under this article.

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

31 PART JJ

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

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

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

53 (i) in order for the recoupment procedure to be considered timely, the
54 notice required by subparagraph (ii) of this paragraph must be mailed no

1 later than three years after the conclusion of the school year for which
2 the exemption in question was granted, or in the case of an exemption
3 that was granted for the two thousand twelve--two thousand thirteen
4 school year, no later than September thirtieth, two thousand sixteen;

5 (ii) prior to directing that an improperly granted exemption be
6 recouped pursuant to this subdivision, the commissioner shall provide
7 the owners with notice and an opportunity to show the commissioner that
8 the exemption was properly granted. If the owners fail to respond to
9 such notice within forty-five days from the mailing thereof, or if their
10 response does not show to the commissioner's satisfaction that the
11 eligibility requirements were in fact satisfied, the commissioner shall
12 proceed with the recoupment of the improperly granted exemption in
13 accordance with the provisions of this subdivision; and

14 [(ii)] (iii) notwithstanding the provisions of paragraph (b) of subdi-
15 vision six of this section, neither an assessor nor a board of assess-
16 ment review has the authority to consider an objection to the recoupment
17 of an exemption pursuant to this subdivision, nor may such an action be
18 reviewed in a proceeding to review an assessment pursuant to title one
19 or one-A of article seven of this chapter. Such an action may only be
20 challenged before the department. If an owner is dissatisfied with the
21 department's final determination, the owner may appeal that determi-
22 nation to the board in a form and manner to be prescribed by the commis-
23 sioner. Such appeal shall be filed within forty-five days from the issu-
24 ance of the department's final determination. If dissatisfied with the
25 board's determination, the owner may seek judicial review thereof pursu-
26 ant to article seventy-eight of the civil practice law and rules. The
27 owner shall otherwise have no right to challenge such final determi-
28 nation in a court action, administrative proceeding, including but not
29 limited to an administrative proceeding pursuant to article forty of the
30 tax law, or any other form of legal recourse against the commissioner,
31 the department, the board, the assessor, or any other person, state
32 agency, or local government.

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

38 (d) In the event that a revocation of prior exemption pursuant to
39 subdivision twelve of this section or a voluntary renunciation of the
40 STAR exemption pursuant to section four hundred ninety-six of this
41 [chapter] article has occurred, the provisions of this subdivision shall
42 not be applicable to the exemptions so revoked or voluntarily renounced.

43 § 2. This act shall take effect immediately.

44

PART KK

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

49 a. Each carrier shall apply to the commissioner for a certificate of
50 registration for each motor vehicle operated or to be operated by [him]
51 such carrier on the public highways in this state. Application shall be
52 made upon a form prescribed by such commissioner and shall set forth the
53 gross and unloaded weight of each motor vehicle, license plate informa-
54 tion for each motor vehicle and such other information as the commis-



1 sioner may require. Such weights shall be subject to audit and approval
2 by the commissioner. [The application shall be accompanied by a fee of
3 fifteen dollars for each motor vehicle listed in the application.] The
4 commissioner shall issue [without further charge] a certificate of
5 registration for each motor vehicle or a consolidated certificate of
6 registration for all or any portion of such vehicles of such carrier
7 which shall contain such information and be in such form as the commis-
8 sioner shall prescribe. In the case of the loss, mutilation or
9 destruction of a certificate of registration, the commissioner shall
10 issue a duplicate thereof [upon payment of a fee of two dollars]. Any
11 such certificate of registration shall not be transferable, except as
12 hereinafter provided, and shall be valid until revoked, suspended or
13 surrendered. Such certificate of registration shall be maintained in the
14 carrier's regular place of business. In the event of an increase in the
15 gross or unloaded weight of any motor vehicle subject to this article,
16 application for a corrected certificate of registration shall be made
17 upon a form prescribed by such commissioner setting forth the previous
18 gross or unloaded weight, the new gross or unloaded weight and such
19 other information as the commissioner may require. In the event of a
20 decrease in the gross or unloaded weight of any motor vehicle subject to
21 this article, application may be made for a corrected certificate of
22 registration in a similar manner, provided that any such application on
23 the basis of a decrease in the gross or unloaded weight of any motor
24 vehicle may be made only during the month of January. In the event of a
25 decrease in the gross or unloaded weight of any motor vehicle subject to
26 this article, an application to cancel a certificate of registration on
27 the basis of such decrease may be made during any month. The corrected
28 gross or unloaded weight shall be subject to audit and approval by the
29 commissioner. In the event of a change to the license plate information
30 of any motor vehicle subject to this article, an application for a
31 corrected certificate of registration shall be made upon a form
32 prescribed by the commissioner setting forth the previous license plate
33 information, the new license plate information and such other informa-
34 tion as the commissioner may require. Upon surrendering the certificate
35 of registration previously issued, the commissioner shall[, without
36 further charge,] issue a corrected certificate of registration.

37 b. Every automotive fuel carrier shall apply to the commissioner for a
38 special certificate of registration, in place of the certificate of
39 registration described in paragraph a of this subdivision, for each
40 motor vehicle operated or to be operated by [him] such carrier on the
41 public highways in this state to transport automotive fuel. Provided,
42 however, a special certificate of registration shall not be required
43 under this paragraph for a tractor or other self-propelled device which,
44 except with respect to the fuel in the ordinary fuel tank intended for
45 its propulsion, transports automotive fuel solely by means of a trailer,
46 dolly or other device drawn by such tractor or other self-propelled
47 device if a certificate of registration prescribed by paragraph a of
48 this subdivision has been issued for the self-propelled device. Applica-
49 tion shall be made upon an application form prescribed by the commis-
50 sioner. [The application shall be accompanied by a fee of fifteen
51 dollars for each trailer, semi-trailer, dolly or other device listed in
52 the application.] The commissioner shall issue [without further charge]
53 such special certificate of registration for each motor vehicle listed
54 in the application or a consolidated certificate of registration for all
55 or any portion of such vehicles of such carrier. All of the provisions
56 of this article with respect to certificates of registration shall be

1 applicable to the special certificates of registration issued to automo-
2 tive fuel carriers under this paragraph as if those provisions had been
3 set forth in full in this paragraph and expressly referred to the
4 special certificates of registration required by this paragraph except
5 to the extent that any such provision is either inconsistent with a
6 provision of this paragraph or not relevant to the certificates of
7 registration required by this paragraph. Any certificate of registration
8 shall not be transferable, and shall be valid until revoked, suspended
9 or surrendered. Such special certificate of registration shall be main-
10 tained in the carrier's regular place of business. Nothing contained in
11 this paragraph shall in any way exempt an automotive fuel carrier from
12 payment of the taxes imposed pursuant to this article.

13 § 2. Paragraphs a and b of subdivision 6 of section 502 of the tax
14 law, as added by section 1 of part K-1 of chapter 57 of the laws of
15 2009, are amended to read as follows:

16 a. The commissioner may require the use of decals as evidence that a
17 carrier has a valid certificate of registration for each motor vehicle
18 operated or to be operated on the public highways of this state as
19 required by paragraph a of subdivision one of this section. If the
20 commissioner requires the use of decals, the commissioner shall issue
21 for each motor vehicle with a valid certificate of registration a decal
22 that shall be of a size and design and containing such information as
23 the commissioner prescribes. [The fee for any decal issued pursuant to
24 this paragraph is four dollars.] In the case of the loss, mutilation, or
25 destruction of a decal, the commissioner shall issue a new decal upon
26 proof of the facts [and payment of four dollars]. The decal shall be
27 firmly and conspicuously affixed upon the motor vehicle for which it is
28 issued as closely as practical to the registration or license plates and
29 at all times be visible and legible. No decal is transferable. A decal
30 shall be valid until it expires or is revoked, suspended, or surren-
31 dered.

32 b. The commissioner may require the use of special decals as evidence
33 that an automotive fuel carrier has a valid special certificate of
34 registration for each motor vehicle operated or to be operated on the
35 public highways of this state to transport automotive fuel as required
36 by paragraph b of subdivision one of this section. If the commissioner
37 requires the use of special decals, the commissioner shall issue for
38 each motor vehicle with a valid special certificate of registration a
39 special decal that shall be distinctively colored and of a size and
40 design and containing such information as the commissioner prescribes.
41 [The fee for any special decal issued pursuant to this paragraph is four
42 dollars.] In the case of the loss, mutilation, or destruction of a
43 special decal, the commissioner shall issue a new special decal upon
44 proof of the facts [and payment of four dollars]. The special decal
45 shall be firmly and conspicuously affixed upon the motor vehicle for
46 which it is issued pursuant to the rules and regulations prescribed by
47 the commissioner to enable the easy identification of the automotive
48 fuel carrier certificate of registration number and at all times be
49 visible and legible. No special decal is transferable and shall be valid
50 until it expires or is revoked, suspended, or surrendered.

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

53 § 502-a. Certificate of registration and decal fees. The application
54 for a certificate of registration and decal described in paragraph a of
55 subdivision one and paragraph a of subdivision six of section five
56 hundred two of this article, or a special certificate of registration



1 and special decal as described in paragraph b of subdivision one and
2 paragraph b of subdivision six of such section, shall be accompanied by
3 a fee of one dollar and fifty cents. In the case of the loss, mutila-
4 tion or destruction of any such documents, the commissioner shall issue
5 a duplicate set thereof upon payment of a fee of one dollar and fifty
6 cents. Provided, however, there shall be no additional charge for the
7 issuance of a corrected certificate of registration pursuant to para-
8 graph a of subdivision one of section five hundred two of this article.

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

12 8. To issue replacement certificates of registration or decals at such
13 times as the commissioner may deem necessary for the proper and effi-
14 cient enforcement of the provisions of this article, but not more often
15 than once every year and to require the surrender of the then outstand-
16 ing certificates of registration and decals. All of the provisions of
17 this article with respect to certificates of registration and decals
18 shall be applicable to replacement certificates of registration and
19 decals issued hereunder, except that the replacement certificate of
20 registration or decal shall be issued upon payment of a fee of [fifteen
21 dollars] one dollar and fifty cents for each motor vehicle and for any
22 trailer, semi-trailer, dolly or other device drawn thereby for which a
23 certificate of registration or decal is required to be issued under this
24 article;

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

27 § 515. Disposition of revenues. All taxes, interest, penalties and
28 fees collected or received pursuant to this article shall be deposited
29 daily in one account with such responsible banks, banking houses or
30 trust companies as may be designated by the comptroller, and to the
31 credit of the comptroller on account of the dedicated highway and bridge
32 trust fund established pursuant to section eighty-nine-b of the state
33 finance law. Such an account may be established in one or more of such
34 depositories and such deposits shall be kept separate and apart from all
35 other moneys in the possession of the comptroller. The comptroller shall
36 require adequate security from all such depositories.

37 Of the revenues so deposited, the comptroller shall retain in his
38 hands such amount as the commissioner of taxation and finance may deter-
39 mine to be necessary for refunds or reimbursements of the taxes
40 collected or received pursuant to this article to which taxpayers shall
41 be entitled under the provisions of this article, out of which amount
42 the comptroller shall pay any refunds or reimbursements of the taxes
43 collected or received pursuant to this article to which taxpayers shall
44 be entitled under such provisions. The comptroller, after reserving the
45 amount to pay such refunds or reimbursements, shall, on or before the
46 last day of each month, pay the balance of the revenue so deposited
47 during such month into the dedicated highway and bridge trust fund
48 established pursuant to section eighty-nine-b of the state finance law.

49 Notwithstanding the foregoing or any other law to the contrary, the
50 comptroller shall deposit all monies collected on account of the regis-
51 tration fees imposed pursuant to section five hundred two-a and subdivi-
52 sion eight of section five hundred nine of this article into the highway
53 use tax administration account established pursuant to section ninety-
54 nine-y of the state finance law. The monies deposited in such account
55 shall be available to the commissioner for the costs of issuing the
56 certificates of registration and highway use tax decals required by this

1 article and for any other costs of administering the provisions of
2 sections five hundred two, five hundred two-a and five hundred nine of
3 this article. Any moneys not used in a given year shall be returned to
4 such account and be added to the total funds available for disbursement
5 in the succeeding year.

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

8 § 99-y. Highway use tax administration account. 1. There is hereby
9 established in the joint custody of the state comptroller and the
10 commissioner of the department of taxation and finance a special account
11 to be known as the "highway use tax administration account".

12 2. The highway use tax administration account shall consist of all
13 monies collected from the highway use tax registration and decal fees
14 collected pursuant to sections five hundred two-a and five hundred nine
15 of the tax law, and any other monies deposited into the account pursuant
16 to law.

17 3. Monies of the account, following appropriation by the legislature,
18 shall be used for the costs of the commissioner of taxation and finance
19 in administering sections five hundred two, five hundred two-a and five
20 hundred nine of the tax law, and expended for the purposes set forth in
21 section five hundred fifteen of the tax law.

22 § 7. This act shall take effect immediately.

23

PART LL

24 Section 1. This act shall be known and may be cited as the "empire
25 state apprenticeship program".

26 § 2. This act enacts into law components of legislation relating to
27 the empire state apprenticeship program. Each component is wholly
28 contained within a Subpart identified as Subparts A through B. The
29 effective date for each particular provision contained within such
30 Subpart is set forth in the last section of such Subpart. Any provision
31 in any section contained within a Subpart, including the effective date
32 of the Subpart, which makes reference to a section "of this act", when
33 used in connection with that particular component, shall be deemed to
34 mean and refer to the corresponding section of the Subpart in which it
35 is found. Section four of this act sets forth the general effective date
36 of this act.

37

SUBPART A

38 Section 1. The labor law is amended by adding a new section 25-c to
39 read as follows:

40 § 25-c. Power to administer the empire state apprenticeship tax credit
41 program. (a) The commissioner is authorized to establish and administer
42 the empire state apprenticeship tax credit program to provide tax incen-
43 tives to qualified and certified employers for employing qualified
44 apprentices pursuant to an apprenticeship agreement registered with the
45 department pursuant to paragraph (d) of subdivision one of section eight
46 hundred eleven of this chapter. The commissioner is authorized to
47 provide tax credits to be allocated up to ten million dollars of tax
48 credits annually, beginning taxable year two thousand sixteen and ending
49 before taxable year two thousand twenty. Any unused allocation of the
50 credit shall be made available in each of the subsequent taxable years
51 for all eligible years of the apprenticeship allowed under subdivision
52 (c) of this section.



1 (b) Definitions. (1) The term "apprenticeship agreement" means the
2 agreement as defined by section eight hundred sixteen of this chapter.

3 (2) The term "qualified employer" means an employer that has entered
4 into a registered apprenticeship agreement. For the purposes of this
5 section a "qualified employer" shall not include an employer that is a
6 contractor or subcontractor who is a partnership, firm, corporation,
7 limited liability company, association or other legal entity permitted
8 by law to do business within the state who engages in construction as
9 defined in this section and whose apprenticeship agreement includes
10 skills related to the construction industry.

11 (3) For purposes of this section, the term "construction" means
12 constructing, reconstructing, altering, maintaining, moving, rehabili-
13 tating, repairing, renovating, fabricating, servicing, or demolition of
14 any building, structure, or improvement, or component, or relating to
15 the excavation of or other development or improvement to land.

16 (4) The term "certified employer" means a qualified employer that has
17 been certified as eligible by the commissioner to participate in the
18 empire state apprenticeship tax credit program established in this
19 section.

20 (5) The term "qualified apprentice" means an individual employed in a
21 full time position for at least six months of a taxable year and who has
22 entered into an agreement with a qualified employer pursuant to section
23 eight hundred sixteen of this chapter.

24 (6) The term "mentor" means an individual who provides instruction,
25 guidance, and support to the apprentice on a regular basis throughout
26 their apprenticeship until the completion of their apprenticeship and
27 for the year after they complete their apprenticeship as the apprentice
28 seeks employment in the field or industry of their apprenticeship. The
29 goal of the mentor is to help train the apprentice in his or her trade
30 and to help the apprentice successfully complete the apprenticeship and
31 to secure and retain employment.

32 (c) (1) A certified employer shall be entitled to a tax credit against
33 income tax for each qualified apprentice for tax year equal to: (A) the
34 lesser of two thousand dollars or the total amount of wages paid for the
35 first year of the apprenticeship; (B) the lesser of three thousand
36 dollars or the total amount of wages paid for the second year of the
37 apprenticeship; and (C) the lesser of four thousand dollars or the total
38 amount of wages paid for each of the third, fourth, and fifth years of
39 the apprenticeship.

40 (2) A certified employer shall be entitled to an enhanced tax credit
41 if the employer can show that the apprentice for which the employer
42 received the tax credit pursuant to this subdivision is being trained in
43 his or her trade by a mentor as defined in this section. The enhanced
44 credit shall be an additional five hundred dollars for each year of the
45 apprenticeship in addition to the base tax credit described in paragraph
46 one of this subdivision.

47 (d) To participate in the program established under this section, a
48 qualified employer must submit an application (in a form prescribed by
49 the commissioner) to the commissioner after January first, but no later
50 than November thirtieth of each year during taxable years the credit is
51 allocated. The qualified apprentices must start their employment on or
52 after January first but no later than December thirty-first, of the year
53 for which the qualified employer seeks the tax credit.

54 (e) As part of such application, each qualified employer must:

55 (1) Agree to allow the department of taxation and finance to share its
56 tax information with the department. However, any information shared as

1 a result of this agreement shall not be available for disclosure or
2 inspection under the state freedom of information law.

3 (2) Allow the department and its agents access to any and all books
4 and records the department may require to monitor compliance.

5 (f) The commissioner shall establish guidelines and criteria that
6 specify requirements for qualified employers to participate in the
7 program including criteria for certifying qualified apprentices. Any
8 regulations that the commissioner determines are necessary and are
9 consistent with the purpose of this article may be adopted on an emer-
10 gency basis notwithstanding any provisions to the contrary in the state
11 administrative procedure act. The commissioner may give preference to
12 qualified employers that are engaged in demand occupations or indus-
13 tries, or in regional growth sectors, including those identified by the
14 department, such as clean energy, health care, advanced manufacturing
15 and conservation.

16 (g) (i) If, after reviewing the application submitted by a qualified
17 employer, the commissioner determines that such qualified employer is
18 eligible to participate in the program established under this section,
19 the commissioner shall issue the qualified employer a certificate within
20 ninety days of application of eligibility that establishes the qualified
21 employer as a certified employer. The certificate of eligibility shall
22 specify the maximum amount of tax credit that the certified employer
23 will be allowed to claim.

24 (ii) For each subsequent application submitted by a qualified employer
25 who was certified by the commissioner in a prior tax year, the commis-
26 sioner may consider the following factors when determining if the quali-
27 fied employer should be re-certified:

28 (A) the length of the apprenticeship agreement the employer has
29 entered into;

30 (B) how many apprentices have graduated from the apprenticeship
31 program to which the qualified apprentice employed by the employer
32 belongs;

33 (C) how many apprentices in the first, second, third, fourth, or fifth
34 year of an apprenticeship program the qualified employer has hired; and

35 (D) any other factors the commissioner deems relevant.

36 (h) Certified employers that employ a qualified apprentice pursuant to
37 an apprenticeship agreement as defined by section eight hundred sixteen
38 of this article that requires the apprentice to be taught trade or craft
39 divisions by more than one employer shall be eligible for the credit
40 based on the total number of hours such apprentice is employed by each
41 such employer if the total number of hours employed exceeds the minimum
42 number of hours required to be a qualified apprenticeship under para-
43 graph five of subdivision (b) of this section, as determined pursuant to
44 regulations of the department.

45 (i) The commissioner shall annually publish a report within one
46 hundred eighty days of the close of the tax year. Such report must
47 contain the names and addresses of any certified employer issued a
48 certificate of eligibility under this section, and the maximum amount of
49 empire state apprenticeship tax credit allowed to the certified employer
50 as specified on such certificate of eligibility. The commissioner shall
51 include in such report recommendations for legislative or other action
52 to further the intent and purpose of the empire state apprenticeship tax
53 credit program.

54 (j) The commissioner shall promote, publish and disseminate informa-
55 tion concerning the empire state apprenticeship tax credit and other

1 available funding, particularly targeting industries and fields of busi-
2 ness not currently taking advantage of apprenticeships.

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

5 49. Empire state apprenticeship tax credit. (a) A taxpayer that has
6 been certified by the commissioner of labor as a certified employer
7 pursuant to section twenty-five-c of the labor law shall be allowed a
8 credit against the tax imposed by this article, for each qualified
9 apprentice, up to (i) two thousand five hundred dollars for the first
10 year of the apprenticeship; (ii) three thousand five hundred dollars for
11 the second year of the apprenticeship; (iii) four thousand five hundred
12 dollars for the third year of the apprenticeship; (iv) four thousand
13 five hundred dollars for the fourth year of the apprenticeship; and (v)
14 four thousand five hundred dollars for the fifth year of the apprentice-
15 ship. For purposes of this subdivision, the term "qualified apprentice"
16 shall have the same meaning as set forth in subdivision (b) of section
17 twenty-five-c of the labor law. The portion of the credit described in
18 subparagraphs (i) through (v) of this paragraph shall be allowed for the
19 taxable years in which the wages are paid to the qualified apprentice.

20 (b) The credit allowed under this subdivision for any taxable year may
21 not reduce the tax due for that year to less than the amount prescribed
22 in paragraph (d) of subdivision one of section two hundred ten of this
23 article. However, if the amount of the credit allowed under this subdivi-
24 vision for any taxable year reduces the tax to that amount or if the
25 taxpayer otherwise pays tax based on the fixed dollar minimum amount,
26 any amount of credit not deductible in that taxable year will be treated
27 as an overpayment of tax to be credited or refunded in accordance with
28 the provisions of section one thousand eighty-six of this chapter.
29 Provided, however, no interest will be paid thereon.

30 (c) The taxpayer shall be required to attach to its tax return its
31 certificate of eligibility issued by the commissioner of labor pursuant
32 to section twenty-five-c of the labor law. In no event shall the taxpay-
33 er be allowed a credit greater than the amount of the credit listed on
34 the certificate of eligibility. Notwithstanding any provision of this
35 chapter to the contrary, the commissioner and the commissioner's desig-
36 nees shall release the names and addresses of any taxpayer claiming this
37 credit and the amount of the credit earned by the taxpayer. Provided,
38 however, if a taxpayer claims this credit because it is a member of a
39 limited liability company or a partner in a partnership, only the amount
40 of credit earned by the entity and not the amount of credit claimed by
41 the taxpayer may be released.

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

44 (vvv) Empire state apprenticeship tax credit. (1)(A) A taxpayer that
45 has been certified by the commissioner of labor as a certified employer
46 pursuant to section twenty-five-c of the labor law shall be allowed a
47 credit against the tax imposed by this article, for each qualified
48 apprentice, up to (i) two thousand five hundred dollars for the first
49 year of the apprenticeship; (ii) three thousand five hundred dollars for
50 the second year of the apprenticeship; (iii) four thousand five hundred
51 dollars for the third year of the apprenticeship; (iv) four thousand
52 five hundred dollars for the fourth year of the apprenticeship; and (v)
53 four thousand five hundred dollars for the fifth year of the apprentice-
54 ship.

55 (B) A taxpayer that is a partner in a partnership, member of a limited
56 liability company or shareholder in an S corporation that has been

1 certified by the commissioner of labor as a certified employer pursuant
 2 to section twenty-five-c of the labor law shall be allowed its pro rata
 3 share of the credit earned by the partnership, limited liability company
 4 or S corporation.

5 (C) For purposes of this subsection, the term "qualified apprentice"
 6 shall have the same meaning as set forth in subdivision (b) of section
 7 twenty-five-c of the labor law. The portion of the credit described in
 8 clause (i) through (v) of subparagraph (A) of this paragraph shall be
 9 allowed for the taxable years in which the wages are paid to the quali-
 10 fied apprentice.

11 (2) If the amount of the credit allowed under this subsection exceeds
 12 the taxpayer's tax for the taxable year, any amount of credit not deduc-
 13 tible in that taxable year will be treated as an overpayment of tax to
 14 be credited or refunded in accordance with the provisions of section six
 15 hundred eighty-six of this article. Provided, however, no interest will
 16 be paid thereon.

17 (3) The taxpayer shall be required to attach to its tax return its
 18 certificate of eligibility issued by the commissioner of labor pursuant
 19 to section twenty-five-c of the labor law. In no event shall the taxpay-
 20 er be allowed a credit greater than the amount of the credit listed on
 21 the certificate of eligibility. Notwithstanding any provision of this
 22 chapter to the contrary, the commissioner and the commissioner's desig-
 23 nees shall release the names and addresses of any taxpayer claiming this
 24 credit and the amount of the credit earned by the taxpayer. Provided,
 25 however, if a taxpayer claims this credit because it is a member of a
 26 limited liability company, a partner in a partnership, or a shareholder
 27 in a subchapter S corporation, only the amount of credit earned by the
 28 entity and not the amount of credit claimed by the taxpayer may be
 29 released.

30 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 31 of the tax law is amended by adding a new clause (xlirii) to read as
 32 follows:

33 (xlirii) Empire state apprenticeship Amount of credit under
 34 tax credit under subsection subdivision forty-nine of
 35 (vvv) section two hundred ten-B

36 § 5. This act shall take effect immediately and shall apply to taxable
 37 years commencing on or after January 1, 2016.

38

SUBPART B

39 Section 1. The labor law is amended by adding a new article 23-D to
 40 read as follows:

41 ARTICLE 23-D

42 EMPIRE STATE APPRENTICESHIP GRANT PROGRAM FOR SMALL
 43 BUSINESS AND NOT-FOR-PROFIT CORPORATIONS

44 Section 833. Empire state apprenticeship grant program for small busi-
 45 ness and not-for-profit corporations.

46 § 833. Empire state apprenticeship grant program for small business
 47 and not-for-profit corporations. 1. The department shall establish a
 48 grant program designed to encourage the adoption of apprenticeships
 49 administered by small businesses and not-for-profit corporations. The
 50 department shall provide grants within available appropriations, on a
 51 competitive basis, in response to a request for proposal from eligible
 52 entities. The program shall provide one to one state matching funds to
 53 eligible entities not to exceed fifty thousand dollars annually. An
 54 eligible entity shall include a business employing and/or training an



1 apprentice pursuant to an apprenticeship agreement registered with the
2 department pursuant to paragraph (d) of subdivision one of section eight
3 hundred eleven of this chapter which is resident in this state, inde-
4 pendently owned and operated, and employs twenty-five or less persons,
5 or a not-for-profit organization employing and/or training an apprentice
6 pursuant to an apprenticeship agreement as defined by section eight
7 hundred sixteen of this chapter and registered with the department. An
8 eligible entity shall not include an employer who is a contractor or
9 subcontractor who is a partnership, firm, corporation, limited liability
10 company, association or other legal entity permitted by law to do busi-
11 ness within the state who engages in construction. For purposes of this
12 section, the term "construction" means constructing, reconstructing,
13 altering, maintaining, moving, rehabilitating, repairing, renovating,
14 fabricating, servicing, or demolition of any building, structure, or
15 improvement, or component, or relating to the excavation of or other
16 development or improvement to land. The department may use grant funds
17 only for costs related to apprenticeship programs for capital and/or
18 operating expenses, and to support dedicated mentors for apprentices.
19 The commissioner is directed to establish guidelines and an application
20 process. Total statewide expenditures for the grant program shall not
21 exceed two million five hundred thousand dollars per year.

22 2. The state apprenticeship and training council shall review requests
23 for proposals and will recommend project applications deemed to meet the
24 intent of the program to the department.

25 3. The department shall report on or before October first, two thou-
26 sand seventeen and annually thereafter to the governor, temporary presi-
27 dent of the senate, speaker of the assembly, and chairs of the assembly
28 committee on labor and the legislative commission on skills development
29 and career education on activities and progress of the grant. Such
30 report shall contain the names, addresses and descriptions of any eligi-
31 ble entity issued a grant under this section, the amount of the grant
32 allowed to the employer, for what purposes, the number of apprentices
33 and their trade or trades, and whether each apprenticeship is a new job
34 created after being issued a grant pursuant to this program.

35 § 2. This act shall take effect immediately.

36 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by any court of
38 competent jurisdiction to be invalid, such judgment shall not affect,
39 impair, or invalidate the remainder thereof, but shall be confined in
40 its operation to the clause, sentence, paragraph, subdivision, section
41 or part thereof directly involved in the controversy in which such judg-
42 ment shall have been rendered. It is hereby declared to be the intent of
43 the legislature that this act would have been enacted even if such
44 invalid provisions had not been included herein.

45 § 4. This act shall take effect immediately provided, however, that
46 the applicable effective date of Subparts A through B of this part shall
47 be as specifically set forth in the last section of such Subparts.

48

PART MM

49 Section 1. Section 606 of the tax law is amended by adding a new
50 subsection (ccc) to read as follows:

51 (ccc) Universal visitability tax credit. 1. For taxable years begin-
52 ning on or after January first, two thousand seventeen, until December
53 thirty-first, two thousand twenty-one, a taxpayer shall be allowed a
54 credit against the tax imposed by this article for a portion of the



1 total purchase price paid by such taxpayer for a principal residence
2 attributable to universal visitability or the total amount expended by a
3 taxpayer to retrofit an existing principal residence to achieve
4 universal visitability provided that the principal residence or the
5 retrofitting of the existing principal residence is located within this
6 state and designed to provide universal visitability as defined through
7 the eligibility requirements established by guidelines developed by the
8 division of code enforcement and administration within the department of
9 state. For the purpose of this subsection, principal residence shall
10 mean such residence pursuant to section one hundred twenty-one of the
11 internal revenue code.

12 2. The credit shall be allowed for the taxable year in which the resi-
13 dence has been purchased or constructed, or the retrofitting or reno-
14 vation of the residence or residential unit has been completed. The
15 credit allowed under this section shall not exceed (i) twenty-seven
16 hundred fifty dollars for the purchase of a new residence, or (ii) fifty
17 percent of the total amount expended, but not to exceed twenty-seven
18 hundred fifty dollars for the retrofitting or renovation of each exist-
19 ing residence or unit.

20 3. No credit shall be allowed under this section for the purchase,
21 retrofitting or renovation of residential rental property.

22 4. If the amount of the credit allowable under this subsection shall
23 exceed the taxpayer's tax for such year, the excess may be carried over
24 to the following year or years and may be deducted from the taxpayer's
25 tax for such year or years.

26 5. Eligible taxpayers shall apply for the credit by making application
27 to the division of code enforcement and administration within the
28 department of state. The division of code enforcement and administration
29 within the department of state shall issue a certification for an
30 approved application to the taxpayer. The taxpayer shall submit the
31 certification together with their personal income return.

32 6. (A) The aggregate amount of tax credits allowed pursuant to the
33 authority of this subsection shall be one million dollars each year
34 during the period two thousand seventeen through two thousand twenty-
35 one. Such aggregate amounts of credits shall be allocated by the depart-
36 ment of state among taxpayers in order of priority based upon the date
37 of filing an application for allocation of credit with the division of
38 code enforcement and administration. If the total amount of allocated
39 credits applied for in any particular year exceeds the aggregate amount
40 of tax credits allowed for such year under this section, such excess
41 shall be treated as having been applied for on the first day of the
42 subsequent year.

43 (B) The secretary of state, after consulting with the commissioner,
44 shall promulgate regulations by October thirty-first, two thousand
45 sixteen to establish procedures for the allocation of tax credits as
46 required by this subparagraph. Such rules and regulations shall include
47 provisions describing the application process, the due days for such
48 applications, the standards which shall be used to evaluate the applica-
49 tions, the documentation that will be provided to taxpayers to substan-
50 tiate to the department the amount of tax credits allocated to such
51 taxpayers, and such other provisions as deemed necessary and appropri-
52 ate. Notwithstanding any other provisions to the contrary in the state
53 administrative procedure act, such rules and regulations may be adopted
54 on an emergency basis if necessary to meet such October thirty-first,
55 two thousand sixteen deadline.



1 7. The department of state shall submit to the governor, the temporary
2 president of the senate, and the speaker of the assembly, an annual
3 report to be submitted by February first of each year evaluating the
4 effectiveness of the universal visitability tax credit provided by this
5 section. Such report shall be based on data available from the applica-
6 tion filed with the division of code enforcement and administration for
7 universal visitability credits. Notwithstanding any provision of law to
8 the contrary, the information contained in the report shall be public
9 information. The report may also include any recommendations of changes
10 in the calculation or administration of the credit, and any other recom-
11 mendation of the commissioner of the department of state or the division
12 of code enforcement and administration regarding continuing modifica-
13 tion, repeal of such act, and such other information regarding the act
14 as the division may feel useful and appropriate.

15 § 2. This act shall take effect immediately and shall expire and be
16 deemed repealed December 31, 2021.

17 PART NN

18 Section 1. This act enacts into law major components of legislation
19 relating to income tax. Each component is wholly contained within a
20 Subpart identified as Subparts A through B. The effective date for each
21 particular provision contained within such Subpart is set forth in the
22 last section of such Subpart. Any provision in any section contained
23 within a Subpart, including the effective date of the Subpart, which
24 makes a reference to a section "of this act", when used in connection
25 with that particular component, shall be deemed to mean and refer to the
26 corresponding section of the Subpart in which it is found. Section three
27 of this act sets forth the general effective date of this act.

28 SUBPART A

29 Section 1. Paragraph 1 of subsection (d) of section 606 of the tax
30 law, as amended by section 1 of part Q of chapter 63 of the laws of
31 2000, is amended to read as follows:

32 (1) General. A taxpayer shall be allowed a credit as provided herein
33 equal to (i) the applicable percentage of the earned income credit
34 allowed under section thirty-two of the internal revenue code for the
35 same taxable year, (ii) reduced by the credit permitted under subsection
36 (b) of this section.

37 The applicable percentage shall be (i) seven and one-half percent for
38 taxable years beginning in nineteen hundred ninety-four, (ii) ten
39 percent for taxable years beginning in nineteen hundred ninety-five,
40 (iii) twenty percent for taxable years beginning after nineteen hundred
41 ninety-five and before two thousand, (iv) twenty-two and one-half
42 percent for taxable years beginning in two thousand, (v) twenty-five
43 percent for taxable years beginning in two thousand one, (vi) twenty-
44 seven and one-half percent for taxable years beginning in two thousand
45 two, and (vii) thirty percent for taxable years beginning in two thou-
46 sand three, and (viii) thirty-two and one-half percent for the taxable
47 year beginning in two thousand eighteen, and (ix) thirty-five percent
48 for taxable years beginning in two thousand nineteen and thereafter.
49 Provided, however, that if the reversion event, as defined in this para-
50 graph, occurs, the applicable percentage shall be twenty percent for
51 taxable years ending on or after the date on which the reversion event
52 occurred. The reversion event shall be deemed to have occurred on the

1 date on which federal action, including but not limited to, administra-
 2 tive, statutory or regulatory changes, materially reduces or eliminates
 3 New York state's allocation of the federal temporary assistance for
 4 needy families block grant, or materially reduces the ability of the
 5 state to spend federal temporary assistance for needy families block
 6 grant funds for the earned income credit or to apply state general fund
 7 spending on the earned income credit toward the temporary assistance for
 8 needy families block grant maintenance of effort requirement, and the
 9 commissioner of the office of temporary and disability assistance shall
 10 certify the date of such event to the commissioner of taxation and
 11 finance, the director of the division of the budget, the speaker of the
 12 assembly and the temporary president of the senate.

13 § 2. This act shall take effect immediately and shall apply to taxable
 14 years beginning on or after 2018.

15

SUBPART B

16 Section 1. Paragraph 1 of subsection (a) of section 601 of the tax
 17 law, as amended by section 1 of part FF of chapter 59 of the laws of
 18 2013, is amended to read as follows:

19 (1) (A) For taxable years beginning after two thousand seventeen, the
 20 following brackets and dollar amounts shall apply, as adjusted by the
 21 cost of living adjustment prescribed in section six hundred one-a of
 22 this part for taxable years two thousand thirteen and thereafter:

23 <u>If the New York taxable income is:</u>	<u>The tax is:</u>
24 <u>Not over \$16,000</u>	<u>4% of taxable income</u>
25 <u>Over \$16,000 but not over \$22,000</u>	<u>\$640 plus 4.5% of excess over</u>
26	<u>\$16,000</u>
27 <u>Over \$22,000 but not over \$26,000</u>	<u>\$910 plus 5.25% of excess over</u>
28	<u>\$22,000</u>
29 <u>Over \$26,000 but not over \$40,000</u>	<u>\$1,120 plus 5.90% of excess over</u>
30	<u>\$26,000</u>
31 <u>Over \$40,000 but not over \$150,000</u>	<u>\$1,946 plus 6.25% of excess over</u>
32	<u>\$40,000</u>
33 <u>Over \$150,000 but not over \$300,000</u>	<u>\$8,821 plus 6.65% of excess over</u>
34	<u>\$150,000</u>
35 <u>Over \$300,000 but not over \$1,000,000</u>	<u>\$18,796 plus 6.85% of excess over</u>
36	<u>\$300,000</u>
37 <u>Over \$1,000,000 but not over</u>	<u>\$66,746 plus 8.82% of excess over</u>
38 <u>\$5,000,000</u>	<u>\$1,000,000</u>
39 <u>Over \$5,000,000 but not over</u>	<u>\$419,546 plus 9.32% of excess over</u>
40 <u>\$10,000,000</u>	<u>\$5,000,000</u>
41 <u>Over \$10,000,000</u>	<u>\$885,546 plus 9.82% of excess over</u>
42	<u>\$10,000,000</u>

43 (B) For taxable years beginning after two thousand eleven and before two
 44 thousand eighteen:

45 If the New York taxable income is:	The tax is:
46 Not over \$16,000	4% of taxable income
47 Over \$16,000 but not over \$22,000	\$640 plus 4.5% of excess over
48	\$16,000
49 Over \$22,000 but not over \$26,000	\$910 plus 5.25% of excess over
50	\$22,000
51 Over \$26,000 but not over \$40,000	\$1,120 plus 5.90% of excess over

1		\$26,000
2	Over \$40,000 but not over \$150,000	\$1,946 plus 6.45% of excess over
3		\$40,000
4	Over \$150,000 but not over \$300,000	\$9,041 plus 6.65% of excess over
5		\$150,000
6	Over \$300,000 but not over \$2,000,000	\$19,016 plus 6.85% of excess over
7		\$300,000
8	Over \$2,000,000	\$135,466 plus 8.82% of excess over
9		\$2,000,000

10 [(B) For taxable years beginning after two thousand seventeen, the
 11 following brackets and dollar amounts shall apply, as adjusted by the
 12 cost of living adjustment prescribed in section six hundred one-a of
 13 this part for tax years two thousand thirteen through two thousand
 14 seventeen:

15	If the New York taxable income is:	The tax is:
16	Not over \$16,000	4% of taxable income
17	Over \$16,000 but not over \$22,000	\$640 plus 4.5% of excess over
18		\$16,000
19	Over \$22,000 but not over \$26,000	\$910 plus 5.25% of excess over
20		\$22,000
21	Over \$26,000 but not over \$40,000	\$1,120 plus 5.90% of excess over
22		\$26,000
23	Over \$40,000	\$1,946 plus 6.85% of excess over
24		\$40,000]

25 § 2. Paragraph 1 of subsection (b) of section 601 of the tax law, as
 26 amended by section 2 of part FF of chapter 59 of the laws of 2013, is
 27 amended to read as follows:

28 (1) (A) For taxable years beginning after two thousand seventeen, the
 29 following brackets and dollar amounts shall apply, as adjusted by the
 30 cost of living adjustment prescribed in section six hundred one-a of
 31 this part for taxable years two thousand thirteen and thereafter:

32	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
33	<u>Not over \$12,000</u>	<u>4% of taxable income</u>
34	<u>Over \$12,000 but not over \$16,500</u>	<u>\$480 plus 4.5% of excess over</u>
35		<u>\$12,000</u>
36	<u>Over \$16,500 but not over \$19,500</u>	<u>\$683 plus 5.25% of excess over</u>
37		<u>\$16,500</u>
38	<u>Over \$19,500 but not over \$30,000</u>	<u>\$840 plus 5.90% of excess over</u>
39		<u>\$19,500</u>
40	<u>Over \$30,000 but not over \$100,000</u>	<u>\$1,460 plus 6.25% of excess over</u>
41		<u>\$30,000</u>
42	<u>Over \$100,000 but not over \$250,000</u>	<u>\$5,835 plus 6.65% of excess over</u>
43		<u>\$100,000</u>
44	<u>Over \$250,000 but not over \$1,000,000</u>	<u>\$15,810 plus 6.85% of excess over</u>
45		<u>\$250,000</u>
46	<u>Over \$1,000,000 but not over</u>	<u>\$67,185 plus 8.82% of excess over</u>
47	<u>\$5,000,000</u>	<u>\$1,000,000</u>
48	<u>Over \$5,000,000 but not over</u>	<u>\$419,985 plus 9.32% of excess over</u>
49	<u>\$10,000,000</u>	<u>\$5,000,000</u>
50	<u>Over \$10,000,000</u>	<u>\$885,985 plus 9.82% of excess over</u>
51		<u>\$10,000,000</u>

1 (B) For taxable years beginning after two thousand eleven and before two
2 thousand eighteen:

3 If the New York taxable income is:	The tax is:
4 Not over \$12,000	4% of taxable income
5 Over \$12,000 but not over \$16,500	\$480 plus 4.5% of excess over
6	\$12,000
7 Over \$16,500 but not over \$19,500	\$683 plus 5.25% of excess over
8	\$16,500
9 Over \$19,500 but not over \$30,000	\$840 plus 5.90% of excess over
10	\$19,500
11 Over \$30,000 but not over \$100,000	\$1,460 plus 6.45% of excess over
12	\$30,000
13 Over \$100,000 but not over \$250,000	\$5,975 plus 6.65% of excess over
14	\$100,000
15 Over \$250,000 but not over \$1,500,000	\$15,950 plus 6.85% of excess over
16	\$250,000
17 Over \$1,500,000	\$101,575 plus 8.82% of excess over
18	\$1,500,000

19 [(B) For taxable years beginning after two thousand seventeen, the
20 following brackets and dollars amounts shall apply, as adjusted by the
21 cost of living adjustment prescribed in section six hundred one-a of
22 this part for tax years two thousand thirteen through two thousand
23 seventeen:

24 If the New York taxable income is:	The tax is:
25 Not over \$12,000	4% of taxable income
26 Over \$12,000 but not over \$16,500	\$480 plus 4.5% of excess over
27	\$12,000
28 Over \$16,500 but not over \$19,500	\$683 plus 5.25% of excess over
29	\$16,500
30 Over \$19,500 but not over \$30,000	\$840 plus 5.90% of excess over
31	\$19,500
32 Over \$30,000	\$1,460 plus 6.85% of excess over
33	\$30,000]

34 § 3. Paragraph 1 of subsection (c) of section 601 of the tax law, as
35 amended by section 3 of part FF of chapter 59 of the laws of 2013, is
36 amended to read as follows:

37 (1) (A) For taxable years beginning after two thousand seventeen, the
38 following brackets and dollar amounts shall apply, as adjusted by the
39 cost of living adjustment prescribed in section six hundred one-a of
40 this part for taxable years two thousand thirteen and thereafter:

41 <u>If the New York taxable income is:</u>	<u>The tax is:</u>
42 <u>Not over \$8,000</u>	<u>4% of taxable income</u>
43 <u>Over \$8,000 but not over \$11,000</u>	<u>\$320 plus 4.5% of excess over</u>
44	<u>\$8,000</u>
45 <u>Over \$11,000 but not over \$13,000</u>	<u>\$455 plus 5.25% of excess over</u>
46	<u>\$11,000</u>
47 <u>Over \$13,000 but not over \$20,000</u>	<u>\$560 plus 5.90% of excess over</u>
48	<u>\$13,000</u>
49 <u>Over \$20,000 but not over \$75,000</u>	<u>\$973 plus 6.25% of excess over</u>

1		<u>\$20,000</u>
2	<u>Over \$75,000 but not over \$200,000</u>	<u>\$4,411 plus 6.65% of excess over</u>
3		<u>\$75,000</u>
4	<u>Over \$200,000 but not over \$1,000,000</u>	<u>\$12,723 plus 6.85% of excess over</u>
5		<u>\$200,000</u>
6	<u>Over \$1,000,000 but not over</u>	<u>\$67,523 plus 8.82% of excess over</u>
7	<u>\$5,000,000</u>	<u>\$1,000,000</u>
8	<u>Over \$5,000,000 but not over</u>	<u>\$420,323 plus 9.32% of excess over</u>
9	<u>\$10,000,000</u>	<u>\$5,000,000</u>
10	<u>Over \$10,000,000</u>	<u>\$886,323 plus 9.82% of excess over</u>
11		<u>\$10,000,000</u>

12 (B) For taxable years beginning after two thousand eleven and before
13 two thousand eighteen:

14	If the New York taxable income is:	The tax is:
15	Not over \$8,000	4% of taxable income
16	Over \$8,000 but not over \$11,000	\$320 plus 4.5% of excess over
17		\$8,000
18	Over \$11,000 but not over \$13,000	\$455 plus 5.25% of excess over
19		\$11,000
20	Over \$13,000 but not over \$20,000	\$560 plus 5.90% of excess over
21		\$13,000
22	Over \$20,000 but not over \$75,000	\$973 plus 6.45% of excess over
23		\$20,000
24	Over \$75,000 but not over \$200,000	\$4,521 plus 6.65% of excess over
25		\$75,000
26	Over \$200,000 but not over \$1,000,000	\$12,833 plus 6.85% of excess over
27		\$200,000
28	Over \$1,000,000	\$67,633 plus 8.82% of excess over
29		\$1,000,000

30 [(B) For taxable years beginning after two thousand seventeen, the
31 following brackets and dollars amounts shall apply, as adjusted by the
32 cost of living adjustment prescribed in section six hundred one-a of
33 this part for tax years two thousand thirteen through two thousand
34 seventeen:

35	If the New York taxable income is:	The tax is:
36	Not over \$8,000	4% of taxable income
37	Over \$8,000 but not over \$11,000	\$320 plus 4.5% of excess over
38		\$8,000
39	Over \$11,000 but not over \$13,000	\$455 plus 5.25% of excess over
40		\$11,000
41	Over \$13,000 but not over \$20,000	\$560 plus 5.90% of excess over
42		\$13,000
43	Over \$20,000	\$973 plus 6.85% of excess over
44		\$20,000]

45 § 4. Subsection (a) of section 601-a of the tax law, as amended by
46 section 10 of part FF of chapter 59 of the laws of 2013, is amended to
47 read as follows:

48 (a) For tax year two thousand thirteen, the commissioner, not later
49 than September first, two thousand twelve, shall multiply the amounts
50 specified in subsection (b) of this section for tax year two thousand
51 twelve by one plus the cost of living adjustment described in subsection

1 (c) of this section. For tax year two thousand fourteen, the commission-
2 er, not later than September first, two thousand thirteen, shall multi-
3 ply the amounts specified in subsection (b) of this section for tax year
4 two thousand thirteen by one plus the cost of living adjustment. For
5 each succeeding tax year after tax year two thousand fourteen and
6 [before tax year two thousand eighteen] thereafter, the commissioner,
7 not later than September first of such tax year, shall multiply the
8 amounts specified in subsection (b) of this section for such tax year by
9 one plus the cost of living adjustment described in subsection (c) of
10 this section for such tax year.

11 § 5. Subsection (d-2) of section 601 of the tax law is REPEALED and a
12 new subsection (d-2) is added to read as follows:

13 (d-2) Alternative tax table benefit recapture. Notwithstanding the
14 provisions of subsections (d) and (d-1) of this section, for taxable
15 years beginning after two thousand seventeen and thereafter, there is
16 hereby imposed a supplemental tax in addition to the tax imposed under
17 subsections (a), (b) and (c) of this section for the purpose of recap-
18 turing the benefit of the tax tables contained in such subsections.
19 During these taxable years, any reference in this chapter to subsection
20 (d) of this section shall be read as a reference to this subsection.

21 (1) For resident married individuals filing joint returns and resident
22 surviving spouses, the supplemental tax shall be an amount equal to the
23 sum of the tax table benefits described in subparagraphs (A), (B), (C),
24 (D), (E) and (F) of this paragraph multiplied by their respective frac-
25 tions in such subparagraphs.

26 (A) The tax table benefit is the difference between (i) the amount of
27 taxable income set forth in the tax table in paragraph one of subsection
28 (a) of this section not subject to the 6.25 percent rate of tax for the
29 taxable year multiplied by such rate and (ii) the dollar denominated tax
30 for such amount of taxable income set forth in the tax table applicable
31 to the taxable year in paragraph one of subsection (a) of this section.
32 The fraction for this subparagraph is computed as follows: the numerator
33 is the lesser of fifty thousand dollars or the excess of New York
34 adjusted gross income for the taxable year over one hundred thousand
35 dollars and the denominator is fifty thousand dollars.

36 (B) The tax table benefit is the difference between (i) the amount of
37 taxable income set forth in the tax table in paragraph one of subsection
38 (a) of this section not subject to the 6.65 percent rate of tax for the
39 taxable year multiplied by such rate and (ii) the dollar denominated tax
40 for such amount of taxable income set forth in the tax table applicable
41 to the taxable year in paragraph one of subsection (a) of this section
42 less the tax table benefit in subparagraph (A) of this paragraph. The
43 fraction for this subparagraph is computed as follows: the numerator is
44 the lesser of fifty thousand dollars or the excess of New York adjusted
45 gross income for the taxable year over one hundred fifty thousand
46 dollars and the denominator is fifty thousand dollars. Provided, howev-
47 er, this subparagraph shall not apply to taxpayers who are not subject
48 to the 6.65 percent tax rate.

49 (C) The tax table benefit is the difference between (i) the amount of
50 taxable income set forth in the tax table in paragraph one of subsection
51 (a) of this section not subject to the 6.85 percent rate of tax for the
52 taxable year multiplied by such rate and (ii) the dollar denominated tax
53 for such amount of taxable income set forth in the tax table applicable
54 to the taxable year in paragraph one of subsection (a) of this section
55 less the sum of the tax table benefit in subparagraphs (A) and (B) of
56 this paragraph. The fraction for this subparagraph is computed as

1 follows: the numerator is the lesser of fifty thousand dollars or the
2 excess of New York adjusted gross income for the taxable year over three
3 hundred thousand dollars and the denominator is fifty thousand dollars.
4 Provided, however, this subparagraph shall not apply to taxpayers who
5 are not subject to the 6.85 percent tax rate.

6 (D) The tax table benefit is the difference between (i) the amount of
7 taxable income set forth in the tax table in paragraph one of subsection
8 (a) of this section not subject to the 8.82 percent rate of tax for the
9 taxable year multiplied by such rate and (ii) the dollar denominated tax
10 for such amount of taxable income set forth in the tax table applicable
11 to the taxable year in paragraph one of subsection (a) of this section
12 less the sum of the tax table benefits in subparagraphs (A), (B) and (C)
13 of this paragraph. The fraction for this subparagraph is computed as
14 follows: the numerator is the lesser of fifty thousand dollars or the
15 excess of New York adjusted gross income for the taxable year over one
16 million dollars and the denominator is fifty thousand dollars.

17 (E) The tax table benefit is the difference between (i) the amount of
18 taxable income set forth in the tax table in paragraph one of subsection
19 (a) of this section not subject to the 9.32 percent rate of tax for the
20 taxable year multiplied by such rate and (ii) the dollar denominated tax
21 for such amount of taxable income set forth in the tax table applicable
22 to the taxable year in paragraph one of subsection (a) of this section
23 less the sum of the tax table benefits in subparagraphs (A), (B), (C)
24 and (D) of this paragraph. The fraction for this subparagraph is
25 computed as follows: the numerator is the lesser of fifty thousand
26 dollars or the excess of New York adjusted gross income for the taxable
27 year over five million dollars and the denominator is fifty thousand
28 dollars.

29 (F) The tax table benefit is the difference between (i) the amount of
30 taxable income set forth in the tax table in paragraph one of subsection
31 (a) of this section not subject to the 9.82 percent rate of tax for the
32 taxable year multiplied by such rate and (ii) the dollar denominated tax
33 for such amount of taxable income set forth in the tax table applicable
34 to the taxable year in paragraph one of subsection (a) of this section
35 less the sum of the tax table benefits in subparagraphs (A), (B), (C),
36 (D) and (E) of this paragraph. The fraction for this subparagraph is
37 computed as follows: the numerator is the lesser of fifty thousand
38 dollars or the excess of New York adjusted gross income for the taxable
39 year over ten million dollars and the denominator is fifty thousand
40 dollars.

41 (G) Provided, however, the total tax prior to the application of any
42 tax credits shall not exceed the highest rate of tax set forth in the
43 tax tables in subsection (a) of this section multiplied by the taxpay-
44 er's taxable income.

45 (2) For resident heads of households, the supplemental tax shall be an
46 amount equal to the sum of the tax table benefits described in subpara-
47 graphs (A), (B), (C), (D) and (E) of this paragraph multiplied by their
48 respective fractions in such subparagraphs.

49 (A) The tax table benefit is the difference between (i) the amount of
50 taxable income set forth in the tax table in paragraph one of subsection
51 (b) of this section not subject to the 6.65 percent rate of tax for the
52 taxable year multiplied by such rate and (ii) the dollar denominated tax
53 for such amount of taxable income set forth in the tax table applicable
54 to the taxable year in paragraph one of subsection (b) of this section.
55 The fraction for this subparagraph is computed as follows: the numerator
56 is the lesser of fifty thousand dollars or the excess of New York

1 adjusted gross income for the taxable year over one hundred thousand
2 dollars and the denominator is fifty thousand dollars.

3 (B) The tax table benefit is the difference between (i) the amount of
4 taxable income set forth in the tax table in paragraph one of subsection
5 (b) of this section not subject to the 6.85 percent rate of tax for the
6 taxable year multiplied by such rate and (ii) the dollar denominated tax
7 for such amount of taxable income set forth in the tax table applicable
8 to the taxable year in paragraph one of subsection (b) of this section
9 less the tax table benefit in subparagraph (A) of this paragraph. The
10 fraction for this subparagraph is computed as follows: the numerator is
11 the lesser of fifty thousand dollars or the excess of New York adjusted
12 gross income for the taxable year over two hundred fifty thousand
13 dollars and the denominator is fifty thousand dollars. Provided, howev-
14 er, this subparagraph shall not apply to taxpayers who are not subject
15 to the 6.85 percent tax rate.

16 (C) The tax table benefit is the difference between (i) the amount of
17 taxable income set forth in the tax table in paragraph one of subsection
18 (b) of this section not subject to the 8.82 percent rate of tax for the
19 taxable year multiplied by such rate and (ii) the dollar denominated tax
20 for such amount of taxable income set forth in the tax table applicable
21 to the taxable year in paragraph one of subsection (b) of this section
22 less the sum of the tax table benefits in subparagraphs (A) and (B) of
23 this paragraph. The fraction for this subparagraph is computed as
24 follows: the numerator is the lesser of fifty thousand dollars or the
25 excess of New York adjusted gross income for the taxable year over one
26 million dollars and the denominator is fifty thousand dollars.

27 (D) The tax table benefit is the difference between (i) the amount of
28 taxable income set forth in the tax table in paragraph one of subsection
29 (b) of this section not subject to the 9.32 percent rate of tax for the
30 taxable year multiplied by such rate and (ii) the dollar denominated tax
31 for such amount of taxable income set forth in the tax table applicable
32 to the taxable year in paragraph one of subsection (b) of this section
33 less the sum of the tax table benefits in subparagraphs (A), (B) and (C)
34 of this paragraph. The fraction for this subparagraph is computed as
35 follows: the numerator is the lesser of fifty thousand dollars or the
36 excess of New York adjusted gross income for the taxable year over five
37 million dollars and the denominator is fifty thousand dollars.

38 (E) The tax table benefit is the difference between (i) the amount of
39 taxable income set forth in the tax table in paragraph one of subsection
40 (b) of this section not subject to the 9.82 percent rate of tax for the
41 taxable year multiplied by such rate and (ii) the dollar denominated tax
42 for such amount of taxable income set forth in the tax table applicable
43 to the taxable year in paragraph one of subsection (b) of this section
44 less the sum of the tax table benefits in subparagraphs (A), (B), (C)
45 and (D) of this paragraph. The fraction for this subparagraph is
46 computed as follows: the numerator is the lesser of fifty thousand
47 dollars or the excess of New York adjusted gross income for the taxable
48 year over ten million dollars and the denominator is fifty thousand
49 dollars.

50 (F) Provided, however, the total tax prior to the application of any
51 tax credits shall not exceed the highest rate of tax set forth in the
52 tax tables in subsection (b) of this section multiplied by the taxpay-
53 er's taxable income.

54 (3) For resident unmarried individuals, resident married individuals
55 filing separate returns and resident estates and trusts, the supple-
56 mental tax shall be an amount equal to the sum of the tax table benefits

1 described in subparagraphs (A), (B), (C), (D) and (E) of this paragraph
2 multiplied by their respective fractions in such subparagraphs.

3 (A) The tax table benefit is the difference between (i) the amount of
4 taxable income set forth in the tax table in paragraph one of subsection
5 (c) of this section not subject to the 6.65 percent rate of tax for the
6 taxable year multiplied by such rate and (ii) the dollar denominated tax
7 for such amount of taxable income set forth in the tax table applicable
8 to the taxable year in paragraph one of subsection (c) of this section.
9 The fraction is computed as follows: the numerator is the lesser of
10 fifty thousand dollars or the excess of New York adjusted gross income
11 for the taxable year over one hundred thousand dollars and the denomina-
12 tor is fifty thousand dollars.

13 (B) The tax table benefit is the difference between (i) the amount of
14 taxable income set forth in the tax table in paragraph one of subsection
15 (c) of this section not subject to the 6.85 percent rate of tax for the
16 taxable year multiplied by such rate and (ii) the dollar denominated tax
17 for such amount of taxable income set forth in the tax table applicable
18 to the taxable year in paragraph one of subsection (c) of this section
19 less the tax table benefit in subparagraph (A) of this paragraph. The
20 fraction for this subparagraph is computed as follows: the numerator is
21 the lesser of fifty thousand dollars or the excess of New York adjusted
22 gross income for the taxable year over two hundred thousand dollars and
23 the denominator is fifty thousand dollars. Provided, however, this
24 subparagraph shall not apply to taxpayers who are not subject to the
25 6.85 percent tax rate.

26 (C) The tax table benefit is the difference between (i) the amount of
27 taxable income set forth in the tax table in paragraph one of subsection
28 (c) of this section not subject to the 8.82 percent rate of tax for the
29 taxable year multiplied by such rate and (ii) the dollar denominated tax
30 for such amount of taxable income set forth in the tax table applicable
31 to the taxable year in paragraph one of subsection (c) of this section
32 less the sum of the tax table benefits in subparagraphs (A) and (B) of
33 this paragraph. The fraction for this subparagraph is computed as
34 follows: the numerator is the lesser of fifty thousand dollars or the
35 excess of New York adjusted gross income for the taxable year over one
36 million dollars and the denominator is fifty thousand dollars.

37 (D) The tax table benefit is the difference between (i) the amount of
38 taxable income set forth in the tax table in paragraph one of subsection
39 (c) of this section not subject to the 9.32 percent rate of tax for the
40 taxable year multiplied by such rate and (ii) the dollar denominated tax
41 for such amount of taxable income set forth in the tax table applicable
42 to the taxable year in paragraph one of subsection (c) of this section
43 less the sum of the tax table benefits in subparagraphs (A), (B) and (C)
44 this paragraph. The fraction for this subparagraph is computed as
45 follows: the numerator is the lesser of fifty thousand dollars or the
46 excess of New York adjusted gross income for the taxable year over five
47 million dollars and the denominator is fifty thousand dollars.

48 (E) The tax table benefit is the difference between (i) the amount of
49 taxable income set forth in the tax table in paragraph one of subsection
50 (c) of this section not subject to the 9.82 percent rate of tax for the
51 taxable year multiplied by such rate and (ii) the dollar denominated tax
52 for such amount of taxable income set forth in the tax table applicable
53 to the taxable year in paragraph one of subsection (c) of this section
54 less the sum of the tax table benefits in subparagraphs (A), (B), (C)
55 and (D) of this paragraph. The fraction for this subparagraph is
56 computed as follows: the numerator is the lesser of fifty thousand

1 dollars or the excess of New York adjusted gross income for the taxable
2 year over ten million dollars and the denominator is fifty thousand
3 dollars.

4 (F) Provided, however, the total tax prior to the application of any
5 tax credits shall not exceed the highest rate of tax set forth in the
6 tax tables in subsection (c) of this section multiplied by the taxpay-
7 er's taxable income.

8 § 6. Subsection (f) of section 614 of the tax law, as amended by
9 section 11 of part FF of chapter 59 of the laws of 2013, is amended to
10 read as follows:

11 (f) Adjusted standard deduction. For taxable years beginning after two
12 thousand seventeen, the standard deductions set forth in this section
13 shall be the amounts set forth in this section adjusted by the cost of
14 living adjustment prescribed in section six hundred one-a of this part
15 for tax years two thousand thirteen [through two thousand seventeen] and
16 thereafter.

17 § 7. Notwithstanding any provision of law to the contrary, the method
18 of determining the amount to be deducted and withheld from wages on
19 account of taxes imposed by or pursuant to the authority of article 22
20 of the tax law in connection with the implementation of the provisions
21 of this act shall be prescribed by regulations of the commissioner of
22 taxation and finance with due consideration to the effect such withhold-
23 ing tables and methods would have on the receipt and amount of revenue.
24 The commissioner of taxation and finance shall adjust such withholding
25 tables and methods in regard to taxable years beginning in 2018 and
26 after in such manner as to result, so far as practicable, in withholding
27 from an employee's wages an amount substantially equivalent to the tax
28 reasonably estimated to be due for such taxable years as a result of the
29 provisions of this act. Any such regulations to implement a change in
30 withholding tables and methods for tax year 2018 shall be adopted and
31 effective as soon as practicable and the commissioner of taxation and
32 finance may adopt such regulations on an emergency basis notwithstanding
33 anything to the contrary in section 202 of the state administrative
34 procedure act. The commissioner of taxation and finance, in carrying out
35 the duties and responsibilities under this section, may accompany such a
36 rule making procedure with a similar procedure with respect to the taxes
37 required to be deducted and withheld by local laws imposing taxes pursu-
38 ant to the authority of articles 30, 30-A and 30-B of the tax law, the
39 provisions of any other law in relation to such a procedure to the
40 contrary notwithstanding.

41 § 8. This act shall take effect immediately and shall apply to taxable
42 years beginning on or after January 1, 2018.

43 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
44 sion, section or part of this act shall be adjudged by any court of
45 competent jurisdiction to be invalid, such judgment shall not affect,
46 impair, or invalidate the remainder thereof, but shall be confined in
47 its operation to the clause, sentence, paragraph, subdivision, section
48 or part thereof directly involved in the controversy in which such judg-
49 ment shall have been rendered. It is hereby declared to be the intent of
50 the legislature that this act would have been enacted even if such
51 invalid provisions had not been included herein.

52 § 3. This act shall take effect immediately provided, however, that
53 the applicable effective date of Subparts A through B of this act shall
54 be as specifically set forth in the last section of such Subparts.

1 Section 1. Paragraph 1 of subdivision (f) of section 16 of the tax
2 law, as amended by section 34 of part A of chapter 59 of the laws of
3 2014, is amended to read as follows:

4 (1) General. The tax factor shall be, in the case of article nine-A of
5 this chapter, the amount of tax determined for the taxable year under
6 paragraph (a) of subdivision one of section two hundred ten of such
7 article. The tax factor shall be, in the case of article twenty-two of
8 this chapter, the tax determined for the taxable year under subsections
9 (a) through (d) of section six hundred one of such article. Provided
10 however, taxpayers filing under article twenty-two of this chapter shall
11 include for the purposes of the tax factor all business income attribut-
12 able to a QEZE business which is taxable under article twenty-two of
13 this chapter. The tax factor shall be, in the case of article thirty-
14 three of this chapter, the larger of the amounts of tax determined for
15 the taxable year under paragraphs one and three of subdivision (a) of
16 section fifteen hundred two of such article.

17 § 2. This act shall take effect immediately.

18

PART PP

19 Section 1. The economic development law is amended by adding a new
20 article 23 to read as follows:

ARTICLE 23

UPSTATE REINVESTMENT ZONES

23 Section 460. Power to administer the upstate reinvestment zones tax
24 credit.

25 § 460. Power to administer the upstate reinvestment zones tax credit.

26 (a) The commissioner is authorized to administer the upstate reinvest-
27 ment zones tax credit program to provide tax incentives to businesses
28 for the qualified purchase of a building or buildings or qualified reha-
29 bilitation expenditures in such zone. The commissioner is authorized to
30 allocate up to ten million dollars of tax credits under this program per
31 year. The amount of credit shall be twenty percent of the qualified
32 purchase and qualified rehabilitation expenditures of buildings and
33 rehabilitations, as such amount is computed pursuant to section forty-
34 two of the tax law.

35 (b) Definitions. (1) The term "upstate reinvestment zone" shall mean
36 an area: (i) that, according to the most recent American community
37 survey by the United States census bureau, lies within a census tract
38 with a poverty rate equal to or greater than twenty percent or an unem-
39 ployment rate that is equal to or greater than one and one-half times
40 the national average unemployment rate and (ii) is within the incorpo-
41 rated boundaries of a village, town or city having a population of less
42 than one million.

43 (2) The term "qualified purchase" shall mean the cost or other basis
44 for federal income tax purposes of acquisition cost of any building for
45 which depreciation is allowed under section one hundred sixty-seven of
46 the internal revenue code and is acquired by purchase as defined in
47 section one hundred seventy-nine (d) (2) of the internal revenue code.

48 (3) The term "qualified rehabilitation expenditures" shall mean quali-
49 fied expenditures as defined in paragraph (2) of subsection (c) of
50 section forty-seven of the internal revenue code other than the quali-
51 fied purchase made in paragraph two of this subdivision.

52 (c) Allocation of credits. (1) The aggregate amount of tax credits
53 allowed under this subdivision in any taxable year shall be ten million
54 dollars. Such aggregate amount of credits shall be allocated by the

1 commissioner among taxpayers in the order in which applications are
2 received. If the total amount of allocated credits applied for in any
3 particular year exceeds the aggregate amount of tax credits allowed for
4 such year under this section, such excess shall be treated as having
5 been applied for on the first day of the subsequent year.

6 (2) The commissioner shall promulgate regulations by December thirty-
7 first, two thousand sixteen to establish procedures for the allocation
8 of tax credits as required. Such rules and regulations shall include
9 provisions describing the application process, the due dates for such
10 applications, the standards which shall be used to evaluate the applica-
11 tions, the documentation that will be provided to taxpayers to substan-
12 tiate to the commissioner the amount of tax credits allocated to such
13 taxpayers, and such other provisions as deemed necessary and appropri-
14 ate. Notwithstanding any other provisions to the contrary in the state
15 administrative procedure act, such rules and regulations may be adopted
16 on an emergency basis if necessary to meet such December thirty-first,
17 two thousand sixteen deadline.

18 (d) In order to be eligible for the tax credits, a taxpayer must
19 submit an application (in a form prescribed by the commissioner) to the
20 commissioner. The commissioner shall establish guidelines and criteria
21 for a designation of upstate reinvestment zones.

22 (e) If, after reviewing the application submitted by the taxpayer, the
23 commissioner determines that such qualified purchase of the building or
24 qualified rehabilitation expenditures were made in an upstate reinvest-
25 ment zone, then the commissioner shall issue the taxpayer a certificate
26 of eligibility that establishes the taxpayer as a qualified taxpayer.

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

29 § 42. Upstate reinvestment zones tax credit. (a) A taxpayer shall be
30 allowed a credit, to be computed as hereinafter provided, against the
31 tax imposed by articles nine-A and twenty-two of this chapter for the
32 development to upstate reinvestment zones including, but not limited to,
33 the qualified purchase of buildings and qualified rehabilitation expend-
34 itures of buildings in such zones where at least fifty percent of the
35 square footage of such buildings, at the time of purchase or rehabili-
36 tation, is vacant or otherwise unused. The amount of the credit shall be
37 twenty percent of the qualified purchase and qualified rehabilitation
38 expenditures of buildings and rehabilitations in such zones with such
39 credit subject to restrictions set forth in subdivision (d) of this
40 section. This credit will not be allowed if the qualified purchase of
41 buildings and qualified rehabilitation expenditures of buildings that
42 are the basis for this credit are included in the calculation of another
43 credit claimed by the taxpayer under this chapter.

44 (b) For the purpose of this section, the term "qualified purchase"
45 shall mean the cost or other basis for federal income tax purposes of
46 acquisition cost of any building for which depreciation is allowed under
47 section one hundred sixty-seven of the internal revenue code and is
48 acquired by purchase as defined in section one hundred seventy-nine
49 (d) (2) of the internal revenue code. The term "qualified rehabilitation
50 expenditures" shall mean qualified expenditures as defined in paragraph
51 (2) of subsection (c) of section forty-seven of the internal revenue
52 code.

53 (c) For the purpose of this section, the term "upstate reinvestment
54 zones" shall mean an area: (i) that, according to the most recent Amer-
55 ican community survey by the United States census bureau, lies within a
56 census tract with a poverty rate equal to or greater than twenty percent

1 or an unemployment rate that is equal to or greater than one and one-
2 half times the national average unemployment rate and (ii) is within the
3 incorporated boundaries of a village, town or city having a population
4 of less than one million.

5 (d) The sum of all tax credits granted pursuant to the provisions of
6 this section shall not exceed five hundred thousand dollars for any one
7 taxpayer including such party's affiliates and related entities for a
8 taxable year. If the taxpayer is a partner in a partnership, member of
9 a limited liability company or shareholder of a New York S corporation,
10 then the annual limit by the preceding sentence shall be applied at the
11 entity level, so that the aggregate credit allowed to all the partners,
12 members or shareholders of each such entity in the taxable year does not
13 exceed the five hundred thousand dollar annual limit.

14 (e) (1) The aggregate amount of tax credits allowed under this
15 section, in any taxable year shall be ten million dollars. Such aggre-
16 gate amount of credits shall be allocated by the commissioner of econom-
17 ic development among taxpayers in the order in which applications are
18 received. If the total amount of allocated credits applied for in any
19 particular year exceeds the aggregate amount of tax credits allowed for
20 such year under this section, such excess shall be treated as having
21 been applied for on the first day of the subsequent year.

22 (2) The commissioner of the department of economic development shall
23 promulgate regulations by December thirty-first, two thousand sixteen to
24 establish procedures for the allocation of tax credits as required
25 pursuant to section four hundred sixty of the economic development law.
26 Such rules and regulations shall include provisions describing the
27 application process, the due dates for such applications, the standards
28 which shall be used to evaluate the applications, the documentation that
29 will be provided to taxpayers to substantiate to the department the
30 amount of tax credits allocated to such taxpayers, and such other
31 provisions as deemed necessary and appropriate.

32 (f) The credit allowed under this section for any taxable year shall
33 not reduce the tax due for such year to less than the amount prescribed
34 in paragraph (d) of subdivision one of section two hundred ten of this
35 chapter. Provided, however, that if the amount of the credit allowable
36 under this section for any taxable year reduces the tax to such amount,
37 the excess shall be treated as an overpayment of tax to be credited or
38 refunded in accordance with the provisions of section one thousand
39 eighty-six of this chapter. Provided further, the provisions of
40 subsection (c) of section one thousand eighty-eight of this chapter
41 notwithstanding, no interest shall be paid thereon.

42 (g) The taxpayer may be required to attach to its tax return its
43 certificate of eligibility issued by the commissioner of economic devel-
44 opment pursuant to section four hundred sixty of the economic develop-
45 ment law.

46 (h) Cross-references. For application of the credit provided for in
47 this section, see the following provisions of this chapter:

48 (1) Article 9A: section 210-B, subdivision 51.

49 (2) Article 22: section 606, subsection (i), paragraph (1), subpara-
50 graph (B), clause (xli).

51 (3) Article 22: section 606, subsection (ccc).

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

54 51. Upstate reinvestment zones tax credit. (a) Allowance of credit. A
55 taxpayer shall be allowed a credit, to be computed as provided in

1 section forty-two of this chapter, against the tax imposed by this arti-
2 cle.

3 (b) Application of credit. The credit allowed under this subdivision
4 for any taxable year may not reduce the tax due for such year to less
5 than the amount prescribed in paragraph (d) of subdivision one of
6 section two hundred ten of this article. However, if the amount of cred-
7 it allowed under this subdivision for any taxable year reduces the tax
8 to such amount, any amount of credit thus not deductible in such taxable
9 year will be treated as an overpayment of tax to be credited or refunded
10 in accordance with the provisions of section one thousand eighty-six of
11 this chapter. Provided, however, the provisions of subsection (c) of
12 section one thousand eighty-six of this chapter notwithstanding, no
13 interest will be paid thereon.

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

16 (22) The amount of any federal deductions for qualified purchase and
17 qualified expenditure to the extent such deductions are used as the
18 basis of the calculation of the upstate reinvestment zones tax credit
19 under subdivision fifty-one of section two hundred ten-B of this arti-
20 cle.

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

23 (ccc) Upstate reinvestment zones tax credit. (a) Allowance of credit.
24 A taxpayer shall be allowed a credit, to be computed as provided in
25 section forty-two of this chapter, against the tax imposed by this arti-
26 cle.

27 (b) Application of credit. If the amount of the credit allowed under
28 this subsection exceeds the taxpayer's tax for the taxable year, any
29 amount of credit not deductible in that taxable year will be treated as
30 an overpayment of tax to be credited or refunded in accordance with the
31 provisions of section six hundred eighty-six of this article. Provided,
32 however, no interest will be paid thereon.

33 § 6. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
34 of the tax law is amended by adding a new clause (xli) to read as
35 follows:

36 <u>(xli) Upstate reinvestment</u>	<u>Amount of the credit under</u>
37 <u>zones tax credit under</u>	<u>subdivision fifty-one of section</u>
38 <u>subsection (ccc)</u>	<u>two hundred ten-B</u>

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

41 (43) The amount of any federal deductions for qualified purchase and
42 qualified expenditures to the extent such deductions are used as the
43 basis of the calculation of the upstate reinvestment zones tax credit
44 under subsection (ccc) of section six hundred six of this article.

45 § 8. This act shall take effect immediately and apply to taxable years
46 beginning on or after January 1, 2017. The commissioner of taxation and
47 finance is authorized to issue regulations and guidance necessary to
48 implement this act on or before such effective date.

49 PART QQ

50 Section 1. Section 606 of the tax law is amended by adding a new
51 subsection (g-3) to read as follows:

52 (g-3) Geothermal energy systems credit. (1) General. An individual
53 taxpayer shall be allowed a credit against the tax imposed by this arti-
54 cle equal to twenty-five percent of qualified geothermal energy system

1 expenditures, except as provided in subparagraph (D) of paragraph two of
2 this subsection. This credit shall not exceed five thousand dollars for
3 a qualified geothermal energy system placed in service on or after Janu-
4 ary first, two thousand sixteen.

5 (2) Qualified geothermal energy systems expenditures. (A) The term
6 "qualified geothermal energy system expenditures" means expenditures
7 for:

8 (i) the purchase of geothermal energy system equipment which is
9 installed in connection with residential property which is (I) located
10 in this state and (II) which is used by the taxpayer as his or her prin-
11 cipal residence at the time the geothermal energy system equipment is
12 placed in service;

13 (ii) the lease of geothermal energy system equipment under a written
14 agreement that spans at least ten years where such equipment owned by a
15 person other than the taxpayer is installed in connection with residen-
16 tial property which is (I) located in this state and (II) which is used
17 by the taxpayer as his or her principal residence at the time the geoth-
18 ermal energy system equipment is placed in service; or

19 (iii) the purchase of power under a written agreement that spans at
20 least ten years whereunder the power purchased is generated by geother-
21 mal energy system equipment owned by a person other than the taxpayer
22 which is installed in connection with residential property which is (I)
23 located in this state and (II) used by the taxpayer as his or her prin-
24 cipal residence at the time the geothermal energy system equipment is
25 placed in service.

26 (B) Such qualified expenditures shall include expenditures for materi-
27 als, labor costs properly allocable to on-site preparation, assembly and
28 original installation, architectural and engineering services, and
29 designs and plans directly related to the construction or installation
30 of the geothermal energy system equipment.

31 (C) Such qualified expenditures for the purchase of geothermal energy
32 system equipment shall not include interest or other finance charges.

33 (D) Such qualified expenditures for the lease of geothermal energy
34 system equipment or the purchase of power under an agreement described
35 in clause (ii) or (iii) of subparagraph (A) of this paragraph shall
36 include an amount equal to all payments made during the taxable year
37 under such agreement. Provided, however, such credits shall only be
38 allowed for fourteen years after the first taxable year in which such
39 credit is allowed. Provided further, however, the twenty-five percent
40 limitation in paragraph one of this subsection shall only apply to the
41 total aggregate amount of all payments to be made pursuant to an agree-
42 ment referenced in clause (ii) or (iii) of subparagraph (A) of this
43 paragraph, and shall not apply to individual payments made during a
44 taxable year under such agreement except to the extent such limitation
45 on an aggregate basis has been reached.

46 (3) Geothermal energy system equipment. The term "geothermal energy
47 system equipment" shall mean a system whose original use begins with the
48 taxpayer; which meets the eligibility criteria, if any, prescribed by
49 the department; and which is a ground coupled solar thermal system that
50 utilizes the solar thermal energy stored in the ground or in bodies of
51 water to produce heat, and which is commonly known as or referred to as
52 a ground source heat pump system.

53 (4) Multiple taxpayers. Where geothermal energy system equipment is
54 purchased and installed in a principal residence shared by two or more
55 taxpayers, the amount of the credit allowable under this subsection for
56 each such taxpayer shall be prorated according to the percentage of the

1 total expenditure for such geothermal energy system equipment contrib-
2 uted by each taxpayer.

3 (5) Proportionate share. Where geothermal energy system equipment is
4 purchased and installed by a condominium management association or a
5 cooperative housing corporation, a taxpayer who is a member of the
6 condominium management association or who is a tenant-stockholder in the
7 cooperative housing corporation may for the purpose of this subsection
8 claim a proportionate share of the total expense as the expenditure for
9 the purposes of the credit attributable to his principal residence.

10 (6) Grants. For purposes of determining the amount of the expenditure
11 incurred in purchasing and installing geothermal energy system equip-
12 ment, the amount of any federal, state or local grant received by the
13 taxpayer, which was used for the purchase and/or installation of such
14 equipment and which was not included in the federal gross income of the
15 taxpayer, shall not be included in the amount of such expenditures.

16 (7) When credit allowed. The credit provided for herein shall be
17 allowed with respect to the taxable year, commencing after two thousand
18 sixteen, in which the geothermal energy system equipment is placed in
19 service.

20 (8) Carryover of credit. If the amount of the credit, and carryovers
21 of such credit, allowable under this subsection for any taxable year
22 shall exceed the taxpayer's tax for such year, such excess amount may be
23 carried over to the five taxable years next following the taxable year
24 with respect to which the credit is allowed and may be deducted from the
25 taxpayer's tax for such year or years.

26 § 2. This act shall take effect immediately and shall apply to taxable
27 years commencing on and after January 1, 2016.

28

PART RR

29 Section 1. Section 1115 of the tax law is amended by adding a new
30 subdivision (kk) to read as follows:

31 (kk) The following shall be exempt from tax under this article: (1)
32 Receipts from the retail sale of, and consideration given or contracted
33 to be given for, or for the use of, commercial fuel cell electricity
34 generating systems equipment and the service of installing such systems.
35 For the purposes of this subdivision, "fuel cell electricity generating
36 systems equipment" shall mean an electricity generating arrangement or
37 combination of components installed upon non-residential premises that
38 utilize a solid oxide, molten carbonate, proton exchange membrane or
39 phosphoric acid fuel cell or linear generator that is manufactured,
40 installed, operated and located in this state. Such arrangement or
41 components shall not include equipment that is part of a non-fuel cell
42 energy system.

43 (2) Receipts from the sale of electricity by a person primarily
44 engaged in the sale of fuel cell electricity generating system equipment
45 and/or electricity generated by such equipment pursuant to a written
46 agreement under which the electricity is generated by commercial fuel
47 cell electricity generating system equipment that is: (A) owned by a
48 person other than the purchaser of such electricity; (B) installed on
49 the non-residential premises of the purchaser of such electricity; (C)
50 placed in service; and (D) located in this state to provide heating,
51 cooling, hot water or electricity to such premises.

52 § 2. Paragraphs 1 and 4 of subdivision (a) of section 1210 of the tax
53 law, as amended by section 3 of part Z of chapter 59 of the laws of
54 2015, is amended to read as follows:

1 (1) Either, all of the taxes described in article twenty-eight of this
2 chapter, at the same uniform rate, as to which taxes all provisions of
3 the local laws, ordinances or resolutions imposing such taxes shall be
4 identical, except as to rate and except as otherwise provided, with the
5 corresponding provisions in such article twenty-eight, including the
6 definition and exemption provisions of such article, so far as the
7 provisions of such article twenty-eight can be made applicable to the
8 taxes imposed by such city or county and with such limitations and
9 special provisions as are set forth in this article. The taxes author-
10 ized under this subdivision may not be imposed by a city or county
11 unless the local law, ordinance or resolution imposes such taxes so as
12 to include all portions and all types of receipts, charges or rents,
13 subject to state tax under sections eleven hundred five and eleven
14 hundred ten of this chapter, except as otherwise provided. (i) Any local
15 law, ordinance or resolution enacted by any city of less than one
16 million or by any county or school district, imposing the taxes author-
17 ized by this subdivision, shall, notwithstanding any provision of law to
18 the contrary, exclude from the operation of such local taxes all sales
19 of tangible personal property for use or consumption directly and
20 predominantly in the production of tangible personal property, gas,
21 electricity, refrigeration or steam, for sale, by manufacturing, proc-
22 essing, generating, assembly, refining, mining or extracting; and all
23 sales of tangible personal property for use or consumption predominantly
24 either in the production of tangible personal property, for sale, by
25 farming or in a commercial horse boarding operation, or in both; and,
26 unless such city, county or school district elects otherwise, shall omit
27 the provision for credit or refund contained in clause six of subdivi-
28 sion (a) or subdivision (d) of section eleven hundred nineteen of this
29 chapter. (ii) Any local law, ordinance or resolution enacted by any
30 city, county or school district, imposing the taxes authorized by this
31 subdivision, shall omit the residential solar energy systems equipment
32 and electricity exemption provided for in subdivision (ee), the commer-
33 cial solar energy systems equipment and electricity exemption provided
34 for in subdivision (ii), the commercial fuel cell electricity generating
35 systems equipment and electricity generated by such equipment exemption
36 provided for in subdivision (kk) and the clothing and footwear exemption
37 provided for in paragraph thirty of subdivision (a) of section eleven
38 hundred fifteen of this chapter, unless such city, county or school
39 district elects otherwise as to [either] such residential solar energy
40 systems equipment and electricity exemption, such commercial solar ener-
41 gy systems equipment and electricity exemption, commercial fuel cell
42 electricity generating systems equipment and electricity generated by
43 such equipment exemption or such clothing and footwear exemption.

44 (4) Notwithstanding any other provision of law to the contrary, any
45 local law enacted by any city of one million or more that imposes the
46 taxes authorized by this subdivision (i) may omit the exception provided
47 in subparagraph (ii) of paragraph three of subdivision (c) of section
48 eleven hundred five of this chapter for receipts from laundering, dry-
49 cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining;
50 (ii) may impose the tax described in paragraph six of subdivision (c) of
51 section eleven hundred five of this chapter at a rate in addition to the
52 rate prescribed by this section not to exceed two percent in multiples
53 of one-half of one percent; (iii) shall provide that the tax described
54 in paragraph six of subdivision (c) of section eleven hundred five of
55 this chapter does not apply to facilities owned and operated by the city
56 or an agency or instrumentality of the city or a public corporation the

1 majority of whose members are appointed by the chief executive officer
2 of the city or the legislative body of the city or both of them; (iv)
3 shall not include any tax on receipts from, or the use of, the services
4 described in paragraph seven of subdivision (c) of section eleven
5 hundred five of this chapter; (v) shall provide that, for purposes of
6 the tax described in subdivision (e) of section eleven hundred five of
7 this chapter, "permanent resident" means any occupant of any room or
8 rooms in a hotel for at least one hundred eighty consecutive days with
9 regard to the period of such occupancy; (vi) may omit the exception
10 provided in paragraph one of subdivision (f) of section eleven hundred
11 five of this chapter for charges to a patron for admission to, or use
12 of, facilities for sporting activities in which the patron is to be a
13 participant, such as bowling alleys and swimming pools; (vii) may
14 provide the clothing and footwear exemption in paragraph thirty of
15 subdivision (a) of section eleven hundred fifteen of this chapter, and,
16 notwithstanding any provision of subdivision (d) of this section to the
17 contrary, any local law providing for such exemption or repealing such
18 exemption, may go into effect on any one of the following dates: March
19 first, June first, September first or December first; (viii) shall omit
20 the exemption provided in paragraph forty-one of subdivision (a) of
21 section eleven hundred fifteen of this chapter; (ix) shall omit the
22 exemption provided in subdivision (c) of section eleven hundred fifteen
23 of this chapter insofar as it applies to fuel, gas, electricity, refrigeration
24 and steam, and gas, electric, refrigeration and steam service of
25 whatever nature for use or consumption directly and exclusively in the
26 production of gas, electricity, refrigeration or steam; (x) shall omit,
27 unless such city elects otherwise, the provision for refund or credit
28 contained in clause six of subdivision (a) or in subdivision (d) of
29 section eleven hundred nineteen of this chapter; (xi) shall provide that
30 section eleven hundred five-C of this chapter does not apply to such
31 taxes, and shall tax receipts from every sale, other than sales for
32 resale, of gas service or electric service of whatever nature, including
33 the transportation, transmission or distribution of gas or electricity,
34 even if sold separately, at the rate set forth in clause one of subpara-
35 graph (i) of the opening paragraph of this section; (xii) shall omit,
36 unless such city elects otherwise, the exemption for residential solar
37 energy systems equipment and electricity provided in subdivision (ee) of
38 section eleven hundred fifteen of this chapter; [and] (xiii) shall omit,
39 unless such city elects otherwise, the exemption for commercial solar
40 energy systems equipment and electricity provided in subdivision (ii) of
41 section eleven hundred fifteen of this chapter; and (xiv) shall omit,
42 unless such city elects otherwise, the exemption for commercial fuel
43 cell electricity generating systems equipment and electricity generated
44 by such equipment provided in subdivision (kk) of section eleven hundred
45 fifteen of this chapter. Any reference in this chapter or in any local
46 law, ordinance or resolution enacted pursuant to the authority of this
47 article to former subdivisions (n) or (p) of this section shall be
48 deemed to be a reference to clauses (xii) [or], (xiii) or (xiv) of this
49 paragraph, respectively, and any such local law, ordinance or resolution
50 that provides the exemptions provided in such former subdivisions (n)
51 and/or (p) shall be deemed instead to provide the exemptions provided in
52 clauses (xii) [and/or], (xiii) and/or (xiv) of this paragraph.

53 § 3. Paragraph 1 of subdivision (b) of section 1210 of the tax law, as
54 amended by section 4 of part Z of chapter 59 of the laws of 2015, is
55 amended to read as follows:

1 (1) Or, one or more of the taxes described in subdivisions (b), (d),
2 (e) and (f) of section eleven hundred five of this chapter, at the same
3 uniform rate, including the transitional provisions in section eleven
4 hundred six of this chapter covering such taxes, but not the taxes
5 described in subdivisions (a) and (c) of section eleven hundred five of
6 this chapter. Provided, further, that where the tax described in subdivi-
7 sion (b) of section eleven hundred five of this chapter is imposed,
8 the compensating use taxes described in clauses (E), (G) and (H) of
9 subdivision (a) of section eleven hundred ten of this chapter shall also
10 be imposed. Provided, further, that where the taxes described in subdivi-
11 sion (b) of section eleven hundred five are imposed, such taxes shall
12 omit: (A) the provision for refund or credit contained in subdivision
13 (d) of section eleven hundred nineteen of this chapter with respect to
14 such taxes described in such subdivision (b) of section eleven hundred
15 five unless such city or county elects to provide such provision or, if
16 so elected, to repeal such provision; (B) the exemption provided in
17 paragraph two of subdivision (ee) of section eleven hundred fifteen of
18 this chapter unless such county or city elects otherwise; [and] (C) the
19 exemption provided in paragraph two of subdivision (ii) of section elev-
20 en hundred fifteen of this chapter, unless such county or city elects
21 otherwise; and (D) the exemption provided in paragraph two of subdivi-
22 sion (kk) of section eleven hundred fifteen of this chapter, unless such
23 county or city elects otherwise.

24 § 4. Subdivision (d) of section 1210 of the tax law, as amended by
25 section 4-a of part Z of chapter 59 of the laws of 2015, is amended to
26 read as follows:

27 (d) A local law, ordinance or resolution imposing any tax pursuant to
28 this section, increasing or decreasing the rate of such tax, repealing
29 or suspending such tax, exempting from such tax the energy sources and
30 services described in paragraph three of subdivision (a) or of subdivi-
31 sion (b) of this section or changing the rate of tax imposed on such
32 energy sources and services or providing for the credit or refund
33 described in clause six of subdivision (a) of section eleven hundred
34 nineteen of this chapter, or electing or repealing the exemption for
35 residential solar equipment and electricity in subdivision (ee) of
36 section eleven hundred fifteen of this article, or the exemption for
37 commercial solar equipment and electricity in subdivision (ii) of
38 section eleven hundred fifteen of this article, or electing or repealing
39 the exemption for commercial fuel cell electricity generating systems
40 equipment and electricity generated by such equipment in subdivision
41 (kk) of section eleven hundred fifteen of this article must go into
42 effect only on one of the following dates: March first, June first,
43 September first or December first; provided, that a local law, ordinance
44 or resolution providing for the exemption described in paragraph thirty
45 of subdivision (a) of section eleven hundred fifteen of this chapter or
46 repealing any such exemption or a local law, ordinance or resolution
47 providing for a refund or credit described in subdivision (d) of section
48 eleven hundred nineteen of this chapter or repealing such provision so
49 provided must go into effect only on March first. No such local law,
50 ordinance or resolution shall be effective unless a certified copy of
51 such law, ordinance or resolution is mailed by registered or certified
52 mail to the commissioner at the commissioner's office in Albany at least
53 ninety days prior to the date it is to become effective. However, the
54 commissioner may waive and reduce such ninety-day minimum notice
55 requirement to a mailing of such certified copy by registered or certi-
56 fied mail within a period of not less than thirty days prior to such

1 effective date if the commissioner deems such action to be consistent
2 with the commissioner's duties under section twelve hundred fifty of
3 this article and the commissioner acts by resolution. Where the
4 restriction provided for in section twelve hundred twenty-three of this
5 article as to the effective date of a tax and the notice requirement
6 provided for therein are applicable and have not been waived, the
7 restriction and notice requirement in section twelve hundred twenty-
8 three of this article shall also apply.

9 § 5. Subdivision (a) of section 1212 of the tax law, as amended by
10 section 6 of part Z of chapter 59 of the laws of 2015, is amended to
11 read as follows:

12 (a) Any school district which is coterminous with, partly within or
13 wholly within a city having a population of less than one hundred twen-
14 ty-five thousand, is hereby authorized and empowered, by majority vote
15 of the whole number of its school authorities, to impose for school
16 district purposes, within the territorial limits of such school district
17 and without discrimination between residents and nonresidents thereof,
18 the taxes described in subdivision (b) of section eleven hundred five
19 (but excluding the tax on prepaid telephone calling services) and the
20 taxes described in clauses (E) and (H) of subdivision (a) of section
21 eleven hundred ten, including the transitional provisions in subdivision
22 (b) of section eleven hundred six of this chapter, so far as such
23 provisions can be made applicable to the taxes imposed by such school
24 district and with such limitations and special provisions as are set
25 forth in this article, such taxes to be imposed at the rate of one-half,
26 one, one and one-half, two, two and one-half or three percent which rate
27 shall be uniform for all portions and all types of receipts and uses
28 subject to such taxes. In respect to such taxes, all provisions of the
29 resolution imposing them, except as to rate and except as otherwise
30 provided herein, shall be identical with the corresponding provisions in
31 such article twenty-eight of this chapter, including the applicable
32 definition and exemption provisions of such article, so far as the
33 provisions of such article twenty-eight of this chapter can be made
34 applicable to the taxes imposed by such school district and with such
35 limitations and special provisions as are set forth in this article. The
36 taxes described in subdivision (b) of section eleven hundred five (but
37 excluding the tax on prepaid telephone calling service) and clauses (E)
38 and (H) of subdivision (a) of section eleven hundred ten, including the
39 transitional provision in subdivision (b) of such section eleven hundred
40 six of this chapter, may not be imposed by such school district unless
41 the resolution imposes such taxes so as to include all portions and all
42 types of receipts and uses subject to tax under such subdivision (but
43 excluding the tax on prepaid telephone calling service) and clauses.
44 Provided, however, that, where a school district imposes such taxes,
45 such taxes shall omit the provision for refund or credit contained in
46 subdivision (d) of section eleven hundred nineteen of this chapter with
47 respect to such taxes described in such subdivision (b) of section elev-
48 en hundred five unless such school district elects to provide such
49 provision or, if so elected, to repeal such provision, and shall omit
50 the exemptions provided in paragraph two of subdivision (ee) and para-
51 graph two of subdivision (ii) of section eleven hundred fifteen of this
52 chapter unless such school district elects otherwise, and shall omit the
53 exemption provided in paragraph two of subdivision (kk) of section elev-
54 en hundred fifteen of this chapter unless such school district elects
55 otherwise.



1 § 6. Section 1224 of the tax law is amended by adding a new subdivi-
2 sion (c-2) to read as follows:

3 (c-2) Notwithstanding any other provision of law: (1) Where a county
4 containing one or more cities with a population of less than one million
5 has elected the exemption for commercial fuel cell electricity generat-
6 ing systems equipment and electricity generated by such equipment
7 provided in subdivision (kk) of such section eleven hundred fifteen, a
8 city within such county shall have the prior right to impose tax on such
9 exempt equipment and/or electricity to the extent of one half of the
10 maximum rates authorized under subdivision (a) of section twelve hundred
11 ten of this article;

12 (2) Where a city of less than one million has elected the exemption
13 for commercial fuel cell electricity generating systems equipment and
14 electricity generated by such equipment provided in subdivision (kk) of
15 such section eleven hundred fifteen, the county in which such city is
16 located shall have the prior right to impose tax on such exempt equip-
17 ment and/or electricity to the extent of one half of the maximum rates
18 authorized under subdivision (a) of section twelve hundred ten of this
19 article.

20 § 7. This act shall take effect June 1, 2016; and this act shall apply
21 in accordance with the applicable transitional provisions in sections
22 1106 and 1217 of the tax law.

23

PART SS

24 Section 1. The tax law is amended by adding a new section 42 to read
25 as follows:

26 § 42. Farm savings accounts. 1. Definitions. (a) Qualified farmer. For
27 purposes of this section, the term "qualified farmer" means, with
28 respect to any taxable year, a taxpayer who, during such year, primarily
29 engages in and derives income from a farm business.

30 (b) Farm savings account. A farm savings account may be created by a
31 taxpayer. For purposes of this section, the term "farm savings account"
32 means a trust created or organized in the United States as a farm
33 savings account exclusively for the purpose of making qualified distrib-
34 utions for purposes of farm sustainability, but only if the written
35 governing instrument creating the trust meets the following require-
36 ments:

37 (i) No contribution will be accepted unless it is in cash;

38 (ii) The trustee is a bank, credit union or other appropriate institu-
39 tion that demonstrates administration of the trust in a manner that is
40 consistent with the requirements of this section;

41 (iii) The assets of the trust will not be commingled with other prop-
42 erty except in a common trust fund or common investment fund;

43 (iv) The interest of an individual in the balance in his or her
44 account is non-forfeitable; and

45 (v) Such account is a resident trust as defined in paragraph three of
46 subsection (b) of section six hundred five of this chapter.

47 (c) Qualified distribution. The term "qualified distribution" means
48 any amount paid from a farm savings account to the account beneficiary
49 exclusively for purposes of farm sustainability to the extent it is
50 allowed under this section.

51 (d) Account beneficiary. The term "account beneficiary" means the
52 taxpayer or farm business on whose behalf the farm savings account is
53 established.



1 (e) Non-qualified distribution. The term "non-qualified distribution"
2 means any distributions and any other conditions set forth in paragraphs
3 (c) and (d) of this subdivision other than the qualified distribution.

4 2. Program description. (a) Deductions allowed. In the case of a qual-
5 ified farmer, there shall be allowed as a deduction for the taxable year
6 an amount equal to the aggregate amount paid in cash during such taxable
7 year by or on behalf of such account beneficiary to a farm savings
8 account of such beneficiary.

9 (b) Contribution requirement. There shall be a maximum contribution
10 limit of eleven thousand dollars per taxable year and such amount shall
11 be limited at a tax entity level. In addition, such annual contributions
12 may not exceed New York gross farm income attributable to farming during
13 the taxable year.

14 (c) Tax treatment of accounts. A farm savings account shall be subject
15 to taxation under this chapter if such account has ceased to be a farm
16 savings account.

17 (d) Termination of accounts. If the account beneficiary ceases to
18 engage in farm business, the farm savings account of such beneficiary
19 shall cease to be such account and the balance of such account shall be
20 treated as (i) distributed to such beneficiary and (ii) not paid in a
21 qualified distribution.

22 (e) Tax treatment of distributions. (i) General. In general, any qual-
23 ified distributions from a farm savings account shall be included in
24 taxable income.

25 (ii) Additional tax on non-qualified distributions. (1) In addition to
26 any other tax imposed by this chapter, any non-qualified distribution
27 from a farm savings account shall be subject to a fifteen percent
28 surcharge on the amount of such non-qualified distribution.

29 (2) Clause one of this subparagraph shall not apply if the payment or
30 distribution is made after the account beneficiary becomes disabled or
31 dies. For purposes of this clause "disabled" shall have the same meaning
32 as set forth in section 223(d)(1) of the Social Security Act.

33 (iii) Rollover contributions. For purposes of this section, any amount
34 paid or distributed from a farm savings account to the account benefi-
35 ciary shall be treated as a qualified distribution to the extent the
36 amount received is paid into a farm savings account for the benefit of
37 such beneficiary not later than the sixtieth day after the day on which
38 the beneficiary receives the payment or distribution.

39 (iv) Transfer of account incident to divorce. The transfer of an indi-
40 vidual's interest in a farm savings account to an individual's spouse or
41 former spouse under a divorce or separation instrument shall not be
42 considered a taxable transfer made by such individual notwithstanding
43 any other provision of this section, and such interest shall, after such
44 transfer, be treated as a farm savings account with respect to which
45 such spouse is the account beneficiary.

46 (v) Treatment after death of account beneficiary. (1) Treatment if
47 designated beneficiary is spouse. If the account beneficiary's surviving
48 spouse acquires such beneficiary's interest in a farm savings account by
49 reason of being the designated beneficiary of such account at the death
50 of the account beneficiary, such farm savings account shall be treated
51 as if the spouse were the account beneficiary.

52 (vi) Other cases. If, by reason of the death of the account benefi-
53 ciary, any person acquires the account beneficiary's interest in a farm
54 savings account in a case to which clause one of this subparagraph does
55 not apply:

1 (A) such account shall cease to be a farm savings account as of the
2 date of death, and

3 (B) an amount equal to the fair market value of the assets in such
4 account on such date shall be included in such person's taxable income
5 for the taxable year which includes such date if such person is not the
6 estate of such beneficiary; or if such person is the estate of such
7 beneficiary, in such beneficiary's gross income for the last taxable
8 year of such beneficiary.

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

11 (43) Any qualified distributions and non-qualified distributions made
12 from a farm savings account under section forty-two of this chapter to
13 the extent such distributions and non-distributions are taxable under
14 section forty-two of this chapter.

15 § 2-a. Paragraph (b) of subdivision 9 of section 208 of the tax law is
16 amended by adding a new subparagraph 22 to read as follows:

17 (22) Any qualified distributions and non-qualified distributions made
18 from a farm savings account under section forty-two of this chapter to
19 the extent such distributions and non-distributions are taxable under
20 section forty-two of this chapter.

21 § 3. Subsection (c) of section 612 of the tax law is amended by adding
22 a new paragraph 44 to read as follows:

23 (44) An amount equal to any qualified contribution to a farm savings
24 account established pursuant to section forty-two of this chapter.

25 § 4. Subdivision 4 of section 209 of the tax law, as separately
26 amended by section 2 of part FF-1 of chapter 57 of the laws of 2008 and
27 section 5 of part A of chapter 59 of the laws of 2014, is amended to
28 read as follows:

29 4. Corporations liable to tax under sections one hundred eighty-three
30 to one hundred eighty-five, inclusive, corporations taxable under arti-
31 cle thirty-three of this chapter, any trust company organized under a
32 law of this state all of the stock of which is owned by not less than
33 twenty savings banks organized under a law of this state, a captive REIT
34 or a captive RIC filing a combined return under subdivision (f) of
35 section fifteen hundred fifteen of this chapter, and housing companies
36 organized and operating pursuant to the provisions of article two or
37 article five of the private housing finance law and housing development
38 fund companies organized pursuant to the provisions of article eleven of
39 the private housing finance law, and a farm savings account properly
40 established under section forty-two of this chapter to the extent such
41 account meets the conditions set forth in such section, shall not be
42 subject to tax under this article.

43 § 5. Subdivision 4 of section 209 of the tax law, as amended by
44 section 5 of part A of chapter 59 of the laws of 2014, is amended to
45 read as follows:

46 4. Corporations liable to tax under sections one hundred eighty-three
47 to one hundred eighty-four-a, inclusive, corporations taxable under
48 article thirty-three of this chapter, any trust company organized under
49 a law of this state all of the stock of which is owned by not less than
50 twenty savings banks organized under a law of this state, a captive REIT
51 or a captive RIC filing a combined return under subdivision (f) of
52 section fifteen hundred fifteen of this chapter, and housing companies
53 organized and operating pursuant to the provisions of article two or
54 article five of the private housing finance law and housing development
55 fund companies organized pursuant to the provisions of article eleven of
56 the private housing finance law, and a farm savings account properly

1 established under section forty-two of this chapter to the extent such
2 account meets the conditions set forth in such section, shall not be
3 subject to tax under this article.

4 § 6. Section 601 of the tax law is amended by adding a new subsection
5 (g-1) to read as follows:

6 (g-1) Farm savings account. A farm savings account properly estab-
7 lished under section forty-two of this chapter shall not be subject to
8 tax under this article to the extent such account meets the conditions
9 set forth in such section.

10 § 7. This act shall take effect immediately and shall apply to taxable
11 years commencing on and after January 1, 2016; provided, however, that
12 section five of this act shall take effect on the same date and in the
13 same manner as section 27 of part S of chapter 59 of the laws of 2014,
14 takes effect. Effective immediately, the commissioner of taxation and
15 finance may add, amend, or repeal any rule or regulation necessary to
16 timely implement the provisions of this act on its effective date.

17 PART TT

18 Section 1. This act enacts into law major components of legislation
19 which are necessary to implement legislation relating to the imposition
20 of hotel and motel occupancy taxes in towns and villages. Each component
21 is wholly contained within a Subpart identified as Subparts A through B.
22 The effective date for each particular provision contained within such
23 Subparts is set forth in the last section of each Subpart. Any provision
24 in any section contained within a Subpart, including the effective date
25 of the Subpart, which makes a reference to a section "of this act", when
26 used in connection with that particular component, shall be deemed to
27 mean and refer to the corresponding section of the Subpart in which it
28 is found. Section three of this act sets forth the general effective
29 date of this act.

30 SUBPART A

31 Section 1. This act enacts into law major components of legislation
32 which are necessary to implement legislation relating to the imposition
33 of hotel and motel occupancy taxes in certain towns and villages. Each
34 component is wholly contained within a Title identified as Titles A
35 through G. The effective date for each particular provision contained
36 within such Titles is set forth in the last section of such Title. Any
37 provision in any section contained within a Title, including the effec-
38 tive date of the Title, which makes a reference to a section "of this
39 act", when used in connection with that particular component, shall be
40 deemed to mean and refer to the corresponding section of the Title in
41 which it is found. Section three of this subpart sets forth the general
42 effective date of this subpart.

43 TITLE A

44 Section 1. The tax law is amended by adding a new section 1202-z-1 to
45 read as follows:

46 § 1202-z-1. Occupancy tax in the village of Tuckahoe. (1) Notwith-
47 standing any other provision of law to the contrary, the village of
48 Tuckahoe, in the county of Westchester, is hereby authorized and
49 empowered to adopt and amend local laws imposing in such village a tax,
50 in addition to any other tax authorized and imposed pursuant to this

1 article, such as the legislature has or would have the power and author-
2 ity to impose upon persons occupying any room for hire in any hotel. For
3 the purposes of this section, the term "hotel" shall mean a building or
4 portion of it which is regularly used and kept open as such for the
5 lodging of guests. The term "hotel" includes an apartment hotel, a motel
6 or a boarding house, whether or not meals are served. The rate of such
7 tax shall not exceed three percent of the per diem rental rate for each
8 room whether such room is rented on a daily or longer basis.

9 (2) Such taxes may be collected and administered by the chief fiscal
10 officer of the village of Tuckahoe by such means and in such manner as
11 other taxes which are now collected and administered by such officer or
12 as otherwise may be provided by such local law.

13 (3) Such local laws may provide that any taxes imposed shall be paid
14 by the person liable therefor to the owner of the room for hire in the
15 tourist home, inn, club, hotel, motel or other similar place of public
16 accommodation occupied or to the person entitled to be paid the rent or
17 charge for the room for hire in the tourist home, inn, club, hotel,
18 motel or other similar place of public accommodation occupied for and on
19 account of the village of Tuckahoe imposing the tax and that such owner
20 or person entitled to be paid the rent or charge shall be liable for the
21 collection and payment of the tax; and that such owner or person enti-
22 tled to be paid the rent or charge shall have the same right in respect
23 to collecting the tax from the person occupying the room for hire in the
24 tourist home, inn, club, hotel, motel or other similar place of public
25 accommodation, or in respect to nonpayment of the tax by the person
26 occupying the room for hire in the tourist home, inn, club, hotel, motel
27 or similar place of public accommodation, as if the taxes were a part of
28 the rent or charge and payable at the same time as the rent or charge;
29 provided, however, that the chief fiscal officer of the village, speci-
30 fied in such local laws, shall be joined as a party in any action or
31 proceeding brought to collect the tax by the owner or by the person
32 entitled to be paid the rent or charge.

33 (4) Such local laws may provide for the filing of returns and the
34 payment of the taxes on a monthly basis or on the basis of any longer or
35 shorter period of time.

36 (5) This section shall not authorize the imposition of such tax upon
37 any of the following:

38 a. The state of New York, or any public corporation (including a
39 public corporation created pursuant to agreement or compact with another
40 state or the dominion of Canada), improvement district or other poli-
41 tical subdivision of the state;

42 b. The United States of America, insofar as it is immune from taxa-
43 tion; or

44 c. Any corporation or association, or trust, or community chest, fund
45 or foundation organized and operated exclusively for religious, charita-
46 ble or educational purposes, or for the prevention of cruelty to chil-
47 dren or animals, and no part of the net earnings of which inures to the
48 benefit of any private shareholder or individual and no substantial part
49 of the activities of which is carrying on propaganda, or otherwise
50 attempting to influence legislation; provided, however, that nothing in
51 this paragraph shall include an organization operated for the primary
52 purpose of carrying on a trade or business for profit, whether or not
53 all of its profits are payable to one or more organizations described
54 in this paragraph.

55 d. A permanent resident of a hotel or motel. For the purposes of this
56 section, the term "permanent resident" shall mean a natural person occu-

1 pying any room or rooms in a hotel or motel for at least thirty consec-
2 utive days.

3 (6) Any final determination of the amount of any tax payable hereunder
4 shall be reviewable for error, illegality or unconstitutionality or any
5 other reason whatsoever by a proceeding under article seventy-eight of
6 the civil practice law and rules if application therefor is made to the
7 supreme court within thirty days after the giving of notice of such
8 final determination, provided, however, that any such proceeding under
9 article seventy-eight of the civil practice law and rules shall not be
10 instituted unless:

11 a. The amount of any tax sought to be reviewed, with such interest and
12 penalties thereon as may be provided for by local laws or regulations
13 shall be first deposited and there shall be filed an undertaking, issued
14 by a surety company authorized to transact business in this state and
15 approved by the superintendent of financial services of this state as to
16 solvency and responsibility, in such amount as a justice of the supreme
17 court shall approve to the effect that if such proceeding be dismissed
18 or the tax confirmed the petitioner will pay all costs and charges which
19 may accrue in the prosecution of such proceeding; or

20 b. At the option of the petitioner, such undertaking may be in a sum
21 sufficient to cover the taxes, interests and penalties stated in such
22 determination plus the costs and charges which may accrue against it in
23 the prosecution of the proceeding, in which event the petitioner shall
24 not be required to pay such taxes, interest or penalties as a condition
25 precedent to the application.

26 (7) Where any taxes imposed hereunder shall have been erroneously,
27 illegally or unconstitutionally collected and application for the refund
28 therefor duly made to the proper fiscal officer or officers, and such
29 officer or officers shall have made a determination denying such refund,
30 such determination shall be reviewable by a proceeding under article
31 seventy-eight of the civil practice law and rules, provided, however,
32 that such proceeding is instituted within thirty days after the giving
33 of the notice of such denial, that a final determination of tax due was
34 not previously made, and that an undertaking is filed with the proper
35 fiscal officer or officers in such amount and with such sureties as a
36 justice of the supreme court shall approve to the effect that if such
37 proceeding be dismissed or the taxes confirmed, the petitioner will pay
38 all costs and charges which may accrue in the prosecution of such
39 proceeding.

40 (8) Except in the case of a willfully false or fraudulent return with
41 intent to evade the tax, no assessment of additional tax shall be made
42 after the expiration of more than three years from the date of the
43 filing of a return, provided, however, that where no return has been
44 filed as provided by law the tax may be assessed at any time.

45 (9) All revenues resulting from the imposition of the tax under the
46 local laws shall be paid into the treasury of the village of Tuckahoe
47 and shall be credited to and deposited in the general fund of the
48 village. Such revenues may be used for any lawful purpose.

49 (10) Each enactment of such a local law may provide for the imposition
50 of a hotel or motel tax for a period of time no longer than three years
51 from the date of its enactment. Nothing in this section shall prohibit
52 the adoption and enactment of local laws, pursuant to the provisions of
53 this section, upon the expiration of any other local law adopted pursu-
54 ant to this section.

55 (11) If any provision of this section or the application thereof to
56 any person or circumstance shall be held invalid, the remainder of this

1 section and the application of such provision to other persons or
2 circumstances shall not be affected thereby.

3 § 2. This act shall take effect immediately and shall expire and be
4 deemed repealed September 1, 2019.

5

TITLE B

6 Section 1. The tax law is amended by adding a new section 1202-z-2 to
7 read as follows:

8 § 1202-z-2. Occupancy tax in the town of North Castle. (1) Notwith-
9 standing any other provision of law to the contrary, the town of North
10 Castle, in the county of Westchester, is hereby authorized and empowered
11 to adopt and amend local laws imposing in such town a tax, in addition
12 to any other tax authorized and imposed pursuant to this article, such
13 as the legislature has or would have the power and authority to impose
14 upon persons occupying any room for hire in any hotel. For the purposes
15 of this section, the term "hotel" shall mean a building or portion of it
16 which is regularly used and kept open as such for the lodging of guests.
17 The term "hotel" includes an apartment hotel, a motel or a boarding
18 house, whether or not meals are served. The rate of such tax shall not
19 exceed three percent of the per diem rental rate for each room whether
20 such room is rented on a daily or longer basis.

21 (2) Such taxes may be collected and administered by the chief fiscal
22 officer of the town of North Castle by such means and in such manner as
23 other taxes which are now collected and administered by such officer or
24 as otherwise may be provided by such local law.

25 (3) Such local laws may provide that any taxes imposed shall be paid
26 by the person liable therefor to the owner of the room for hire in the
27 tourist home, inn, club, hotel, motel or other similar place of public
28 accommodation occupied or to the person entitled to be paid the rent or
29 charge for the room for hire in the tourist home, inn, club, hotel,
30 motel or other similar place of public accommodation occupied for and on
31 account of the town of North Castle imposing the tax and that such owner
32 or person entitled to be paid the rent or charge shall be liable for the
33 collection and payment of the tax; and that such owner or person enti-
34 tled to be paid the rent or charge shall have the same right in respect
35 to collecting the tax from the person occupying the room for hire in the
36 tourist home, inn, club, hotel, motel or other similar place of public
37 accommodation, or in respect to nonpayment of the tax by the person
38 occupying the room for hire in the tourist home, inn, club, hotel, motel
39 or similar place of public accommodation, as if the taxes were a part of
40 the rent or charge and payable at the same time as the rent or charge;
41 provided, however, that the chief fiscal officer of the town, specified
42 in such local laws, shall be joined as a party in any action or proceed-
43 ing brought to collect the tax by the owner or by the person entitled to
44 be paid the rent or charge.

45 (4) Such local laws may provide for the filing of returns and the
46 payment of the taxes on a monthly basis or on the basis of any longer or
47 shorter period of time.

48 (5) This section shall not authorize the imposition of such tax upon
49 any of the following:

50 a. The state of New York, or any public corporation (including a
51 public corporation created pursuant to agreement or compact with another
52 state or the dominion of Canada), improvement district or other poli-
53 tical subdivision of the state;



1 b. The United States of America, insofar as it is immune from taxa-
2 tion; or

3 c. Any corporation or association, or trust, or community chest, fund
4 or foundation organized and operated exclusively for religious, charita-
5 ble or educational purposes, or for the prevention of cruelty to chil-
6 dren or animals, and no part of the net earnings of which inures to the
7 benefit of any private shareholder or individual and no substantial part
8 of the activities of which is carrying on propaganda, or otherwise
9 attempting to influence legislation; provided, however, that nothing in
10 this paragraph shall include an organization operated for the primary
11 purpose of carrying on a trade or business for profit, whether or not
12 all of its profits are payable to one or more organizations described in
13 this paragraph.

14 d. A permanent resident of a hotel or motel. For the purposes of this
15 section, the term "permanent resident" shall mean a natural person occu-
16 pying any room or rooms in a hotel or motel for at least thirty consec-
17 utive days.

18 (6) Any final determination of the amount of any tax payable hereunder
19 shall be reviewable for error, illegality or unconstitutionality or any
20 other reason whatsoever by a proceeding under article seventy-eight of
21 the civil practice law and rules if application therefor is made to the
22 supreme court within thirty days after the giving of notice of such
23 final determination, provided, however, that any such proceeding under
24 article seventy-eight of the civil practice law and rules shall not be
25 instituted unless:

26 a. The amount of any tax sought to be reviewed, with such interest and
27 penalties thereon as may be provided for by local laws or regulations
28 shall be first deposited and there shall be filed an undertaking, issued
29 by a surety company authorized to transact business in this state and
30 approved by the superintendent of financial services of this state as to
31 solvency and responsibility, in such amount as a justice of the supreme
32 court shall approve to the effect that if such proceeding be dismissed
33 or the tax confirmed the petitioner will pay all costs and charges which
34 may accrue in the prosecution of such proceeding; or

35 b. At the option of the petitioner, such undertaking may be in a sum
36 sufficient to cover the taxes, interests and penalties stated in such
37 determination plus the costs and charges which may accrue against it in
38 the prosecution of the proceeding, in which event the petitioner shall
39 not be required to pay such taxes, interest or penalties as a condition
40 precedent to the application.

41 (7) Where any taxes imposed hereunder shall have been erroneously,
42 illegally or unconstitutionally collected and application for the refund
43 therefor duly made to the proper fiscal officer or officers, and such
44 officer or officers shall have made a determination denying such refund,
45 such determination shall be reviewable by a proceeding under article
46 seventy-eight of the civil practice law and rules, provided, however,
47 that such proceeding is instituted within thirty days after the giving
48 of the notice of such denial, that a final determination of tax due was
49 not previously made, and that an undertaking is filed with the proper
50 fiscal officer or officers in such amount and with such sureties as a
51 justice of the supreme court shall approve to the effect that if such
52 proceeding be dismissed or the taxes confirmed, the petitioner will pay
53 all costs and charges which may accrue in the prosecution of such
54 proceeding.

55 (8) Except in the case of a willfully false or fraudulent return with
56 intent to evade the tax, no assessment of additional tax shall be made

1 after the expiration of more than three years from the date of the
2 filing of a return, provided, however, that where no return has been
3 filed as provided by law the tax may be assessed at any time.

4 (9) All revenues resulting from the imposition of the tax under the
5 local laws shall be paid into the treasury of the town of North Castle
6 and shall be credited to and deposited in the general fund of the town.
7 Such revenues may be used for any lawful purpose.

8 (10) Each enactment of such a local law may provide for the imposition
9 of a hotel or motel tax for a period of time no longer than three years
10 from the date of its enactment. Nothing in this section shall prohibit
11 the adoption and enactment of local laws, pursuant to the provisions of
12 this section, upon the expiration of any other local law adopted pursu-
13 ant to this section.

14 (11) If any provision of this section or the application thereof to
15 any person or circumstance shall be held invalid, the remainder of this
16 section and the application of such provision to other persons or
17 circumstances shall not be affected thereby.

18 § 2. This act shall take effect immediately and shall expire and be
19 deemed repealed September 1, 2019.

20

TITLE C

21 Section 1. The tax law is amended by adding a new section 1202-z-3 to
22 read as follows:

23 § 1202-z-3. Occupancy tax in the village of Harrison. (1) Notwith-
24 standing any other provision of law to the contrary, the village of
25 Harrison, in the county of Westchester, is hereby authorized and
26 empowered to adopt and amend local laws imposing in such village a tax,
27 in addition to any other tax authorized and imposed pursuant to this
28 article, such as the legislature has or would have the power and author-
29 ity to impose upon persons occupying any room for hire in any hotel. For
30 the purposes of this section, the term "hotel" shall mean a building or
31 portion of it which is regularly used and kept open as such for the
32 lodging of guests. The term "hotel" includes an apartment hotel, a motel
33 or a boarding house, whether or not meals are served. The rate of such
34 tax shall not exceed three percent of the per diem rental rate for each
35 room whether such room is rented on a daily or longer basis.

36 (2) Such taxes may be collected and administered by the chief fiscal
37 officer of the village of Harrison by such means and in such manner as
38 other taxes which are now collected and administered by such officer or
39 as otherwise may be provided by such local law.

40 (3) Such local laws may provide that any taxes imposed shall be paid
41 by the person liable therefor to the owner of the room for hire in the
42 tourist home, inn, club, hotel, motel or other similar place of public
43 accommodation occupied or to the person entitled to be paid the rent or
44 charge for the room for hire in the tourist home, inn, club, hotel,
45 motel or other similar place of public accommodation occupied for and on
46 account of the village of Harrison imposing the tax and that such owner
47 or person entitled to be paid the rent or charge shall be liable for the
48 collection and payment of the tax; and that such owner or person enti-
49 tled to be paid the rent or charge shall have the same right in respect
50 to collecting the tax from the person occupying the room for hire in the
51 tourist home, inn, club, hotel, motel or other similar place of public
52 accommodation, or in respect to nonpayment of the tax by the person
53 occupying the room for hire in the tourist home, inn, club, hotel, motel
54 or similar place of public accommodation, as if the taxes were a part of



1 the rent or charge and payable at the same time as the rent or charge;
2 provided, however, that the chief fiscal officer of the village, speci-
3 fied in such local laws, shall be joined as a party in any action or
4 proceeding brought to collect the tax by the owner or by the person
5 entitled to be paid the rent or charge.

6 (4) Such local laws may provide for the filing of returns and the
7 payment of the taxes on a monthly basis or on the basis of any longer or
8 shorter period of time.

9 (5) This section shall not authorize the imposition of such tax upon
10 any of the following:

11 a. The state of New York, or any public corporation (including a
12 public corporation created pursuant to agreement or compact with another
13 state or the dominion of Canada), improvement district or other poli-
14 tical subdivision of the state;

15 b. The United States of America, insofar as it is immune from taxa-
16 tion; or

17 c. Any corporation or association, or trust, or community chest, fund
18 or foundation organized and operated exclusively for religious, charita-
19 ble or educational purposes, or for the prevention of cruelty to chil-
20 dren or animals, and no part of the net earnings of which inures to the
21 benefit of any private shareholder or individual and no substantial part
22 of the activities of which is carrying on propaganda, or otherwise
23 attempting to influence legislation; provided, however, that nothing in
24 this paragraph shall include an organization operated for the primary
25 purpose of carrying on a trade or business for profit, whether or not
26 all of its profits are payable to one or more organizations described in
27 this paragraph.

28 d. A permanent resident of a hotel or motel. For the purposes of this
29 section, the term "permanent resident" shall mean a natural person occu-
30 pying any room or rooms in a hotel or motel for at least thirty consec-
31 utive days.

32 (6) Any final determination of the amount of any tax payable hereunder
33 shall be reviewable for error, illegality or unconstitutionality or any
34 other reason whatsoever by a proceeding under article seventy-eight of
35 the civil practice law and rules if application therefor is made to the
36 supreme court within thirty days after the giving of notice of such
37 final determination, provided, however, that any such proceeding under
38 article seventy-eight of the civil practice law and rules shall not be
39 instituted unless:

40 a. The amount of any tax sought to be reviewed, with such interest and
41 penalties thereon as may be provided for by local laws or regulations
42 shall be first deposited and there shall be filed an undertaking, issued
43 by a surety company authorized to transact business in this state and
44 approved by the superintendent of financial services of this state as to
45 solvency and responsibility, in such amount as a justice of the supreme
46 court shall approve to the effect that if such proceeding be dismissed
47 or the tax confirmed the petitioner will pay all costs and charges which
48 may accrue in the prosecution of such proceeding; or

49 b. At the option of the petitioner, such undertaking may be in a sum
50 sufficient to cover the taxes, interests and penalties stated in such
51 determination plus the costs and charges which may accrue against it in
52 the prosecution of the proceeding, in which event the petitioner shall
53 not be required to pay such taxes, interest or penalties as a condition
54 precedent to the application.

55 (7) Where any taxes imposed hereunder shall have been erroneously,
56 illegally or unconstitutionally collected and application for the refund

1 therefor duly made to the proper fiscal officer or officers, and such
2 officer or officers shall have made a determination denying such refund,
3 such determination shall be reviewable by a proceeding under article
4 seventy-eight of the civil practice law and rules, provided, however,
5 that such proceeding is instituted within thirty days after the giving
6 of the notice of such denial, that a final determination of tax due was
7 not previously made, and that an undertaking is filed with the proper
8 fiscal officer or officers in such amount and with such sureties as a
9 justice of the supreme court shall approve to the effect that if such
10 proceeding be dismissed or the taxes confirmed, the petitioner will pay
11 all costs and charges which may accrue in the prosecution of such
12 proceeding.

13 (8) Except in the case of a willfully false or fraudulent return with
14 intent to evade the tax, no assessment of additional tax shall be made
15 after the expiration of more than three years from the date of the
16 filing of a return, provided, however, that where no return has been
17 filed as provided by law the tax may be assessed at any time.

18 (9) All revenues resulting from the imposition of the tax under the
19 local laws shall be paid into the treasury of the village of Harrison
20 and shall be credited to and deposited in the general fund of the
21 village. Such revenues may be used for any lawful purpose.

22 (10) Each enactment of such a local law may provide for the imposition
23 of a hotel or motel tax for a period of time no longer than three years
24 from the date of its enactment. Nothing in this section shall prohibit
25 the adoption and enactment of local laws, pursuant to the provisions of
26 this section, upon the expiration of any other local law adopted pursu-
27 ant to this section.

28 (11) If any provision of this section or the application thereof to
29 any person or circumstance shall be held invalid, the remainder of this
30 section and the application of such provision to other persons or
31 circumstances shall not be affected thereby.

32 § 2. This act shall take effect immediately and shall expire and be
33 deemed repealed September 1, 2019.

34

TITLE D

35 Section 1. The tax law is amended by adding a new section 1202-dd to
36 read as follows:

37 § 1202-dd. Hotel or motel taxes in the town of Greenburgh and speci-
38 fied villages therein and in the town of Mount Pleasant. (1) Notwith-
39 standing any other provisions of law to the contrary, the town of Green-
40 burgh, Westchester county, is hereby authorized and empowered to adopt
41 and amend local laws imposing in those portions of such town not located
42 within a village, and the villages of Tarrytown, Irvington, Ardsley,
43 Elmsford, Dobbs Ferry, Hastings-on-Hudson and Sleepy Hollow in the towns
44 of Greenburgh and Mount Pleasant, Westchester county are hereby author-
45 ized and empowered to adopt and amend local laws imposing in such
46 villages a tax, in addition to any other tax authorized and imposed
47 pursuant to this article, as the legislature has or would have the power
48 and authority to impose upon persons occupying rooms in hotels or motels
49 in such towns or villages therein. For the purposes of this section, the
50 term "hotel" shall mean a building or portion of it which is regularly
51 used and kept open as such for the lodging of guests. The term "hotel"
52 includes an apartment hotel, a motel or a boarding house, whether or not
53 meals are served. The rate of such tax shall not exceed three percent of



1 the per diem rental rate for each room whether such room is rented on a
2 daily or longer basis.

3 (2) Such tax may be collected and administered by the commissioner of
4 finance or other fiscal officer of the town of Greenburgh or of any
5 specified village therein or in the town of Mount Pleasant, as the case
6 may be, by such means and in such manner as other taxes which are now
7 collected and administered by such officers in accordance with the town
8 or village charter or as otherwise may be provided by such local law.

9 (3) Such local laws may provide that any tax imposed shall be paid by
10 the person liable therefor to the owner of the hotel or motel room occu-
11 pied or to the person entitled to be paid the rent or charge for the
12 hotel or motel room occupied for and on account of the town of Green-
13 burgh or of any specified village therein or in the town of Mount Pleas-
14 ant imposing the tax, and that such owner or person entitled to be paid
15 the rent or charge shall be liable for the collection and payment of the
16 tax; and that such owner or person entitled to be paid the rent or
17 charge shall have the same right in respect to collecting the tax from
18 the person occupying the hotel or motel room, or in respect to nonpay-
19 ment of the tax by the person occupying the hotel or motel room, as if
20 the tax were a part of the rent or charge and payable at the same time
21 as the rent or charge; provided, however, that the commissioner of
22 finance or other fiscal officers of such towns or villages, specified in
23 such local law, shall be joined as a party in any action or proceeding
24 brought to collect the tax by the owner or by the person entitled to be
25 paid the rent or charge.

26 (4) Such local laws may provide for the filing of returns and the
27 payment of the tax on a monthly basis or on the basis of any longer or
28 shorter period of time.

29 (5) This section shall not authorize the imposition of such tax upon
30 the following:

31 a. The state of New York, or any public corporation, including a
32 public corporation created pursuant to agreement or compact with another
33 state or the dominion of Canada, improvement district or other political
34 subdivision of the state;

35 b. The United States of America, insofar as it is immune from taxa-
36 tion;

37 c. Any corporation or association, or trust, or community chest, fund
38 or foundation organized and operated exclusively for religious, charita-
39 ble or educational purposes, or for the prevention of cruelty to chil-
40 dren or animals, and no part of the net earnings of which inures to the
41 benefit of any private shareholder or individual and no substantial part
42 of the activities of which is carrying on propaganda, or otherwise
43 attempting to influence legislation; provided, however, that nothing in
44 this paragraph shall include an organization operated for the primary
45 purpose of carrying on a trade or business for profit, whether or not
46 all of its profits are payable to one or more organizations described in
47 this paragraph; and

48 d. A permanent resident of a hotel or motel. For the purposes of this
49 section, the term "permanent resident" shall mean a natural person occu-
50 pying any room or rooms in a hotel or motel for at least thirty consec-
51 utive days.

52 (6) Any final determination of the amount of any tax payable hereunder
53 shall be reviewable for error, illegality or unconstitutionality or any
54 other reason whatsoever by a proceeding under article seventy-eight of
55 the civil practice law and rules if application therefor is made to the
56 supreme court within thirty days after giving of the notice of such

1 final determination, provided, however, that any such proceeding under
2 article seventy-eight of the civil practice law and rules shall not be
3 instituted unless:

4 a. The amount of any tax sought to be reviewed, with such interest and
5 penalties thereon as may be provided for by local law or regulation
6 shall be first deposited and there is filed an undertaking, issued by a
7 surety company authorized to transact business in this state and
8 approved by the superintendent of insurance of this state as to solvency
9 and responsibility, in such amount as a justice of the supreme court
10 shall approve to the effect that if such proceeding be dismissed or the
11 tax confirmed the petitioner will pay all costs and charges which may
12 accrue in the prosecution of such proceeding; or

13 b. At the option of the petitioner such undertaking may be in a sum
14 sufficient to cover taxes, interest and penalties stated in such deter-
15 mination plus the costs and charges which may accrue against it in the
16 prosecution of the proceeding, in which event the petitioner shall not
17 be required to pay such taxes, interest or penalties as a condition
18 precedent to the application.

19 (7) Where any tax imposed hereunder shall have been erroneously, ille-
20 gally or unconstitutionally collected and application for the refund
21 thereof duly made to the proper fiscal officer or officers, and such
22 officer or officers shall have made a determination denying such refund,
23 such determination shall be reviewable by a proceeding under article
24 seventy-eight of the civil practice law and rules, provided, however,
25 that such proceeding is instituted within thirty days after the giving
26 of the notice of such denial, that a final determination of tax due was
27 not previously made, and that an undertaking is filed with the proper
28 fiscal officer or officers in such amount and with such sureties as a
29 justice of the supreme court shall approve to the effect that if such
30 proceeding be dismissed or the tax confirmed, the petitioner will pay
31 all costs and charges which accrue in the prosecution of such proceed-
32 ing.

33 (8) Except in the case of a willfully false or fraudulent return with
34 intent to evade the tax, no assessment of additional tax shall be made
35 after the expiration of more than three years from the date of the
36 filing of a return, provided, however, that where no return has been
37 filed as provided by law the tax may be assessed at any time.

38 (9) Revenues resulting from the imposition of tax authorized by this
39 section shall be paid into the treasury of the town of Greenburgh or of
40 the specified village therein or in the town of Mount Pleasant, and
41 shall be credited to and deposited in the general fund of such town or
42 village; and may thereafter be allocated at the discretion of the board
43 of legislators of the town of Greenburgh or of the specified village
44 therein or in the town of Mount Pleasant for any town or village
45 purpose.

46 (10) Each enactment of such a local law may provide for the imposition
47 of a hotel or motel tax for a period of time no longer than three years
48 from the date of its enactment. Nothing in this section shall prohibit
49 the adoption and enactment of local laws, pursuant to the provisions of
50 this section, upon the expiration of any other local law adopted pursu-
51 ant to this section.

52 (11) If any provision of this section or the application thereof to
53 any person or circumstance shall be held invalid, the remainder of this
54 section and the application of such provision to other persons or
55 circumstances shall not be affected thereby.

1 § 2. This act shall take effect immediately and shall expire and be
2 deemed repealed three years after such date.

3

TITLE E

4 Section 1. The tax law is amended by adding a new section 1202-ee to
5 read as follows:

6 § 1202-ee. Hotel or motel taxes in the town of Woodbury. (1) Notwith-
7 standing any other provisions of law to the contrary, the town of Wood-
8 bury, in the county of Orange, is hereby authorized and empowered to
9 adopt and amend local laws imposing in such town a tax, in addition to
10 any other tax authorized and imposed pursuant to this article such as
11 the legislature has or would have the power and authority to impose upon
12 persons occupying hotel or motel rooms in such town. For the purposes of
13 this section, the term "hotel" or "motel" shall mean and include any
14 facility consisting of rentable units and providing lodging on an over-
15 night basis and shall include those facilities designated and commonly
16 known as "bed and breakfast" and "tourist" facilities. The rates of such
17 tax shall not exceed five percent of the per diem rental rate for each
18 room, provided however, that such tax shall not be applicable to a
19 permanent resident of a hotel or motel. For the purposes of this section
20 the term "permanent resident" shall mean a person occupying any room or
21 rooms in a hotel or motel for at least ninety consecutive days.

22 (2) Such tax may be collected and administered by the chief fiscal
23 officer of the town of Woodbury by such means and in such manner as
24 other taxes which are now collected and administered by such officer or
25 as otherwise may be provided by such local law.

26 (3) Such local laws may provide that any tax imposed shall be paid by
27 the person liable therefor to the owner of the hotel or motel room occu-
28 pied or to the person entitled to be paid the rent or charge for the
29 hotel or motel room occupied for and on account of the town of Woodbury
30 imposing the tax and that such owner or person entitled to be paid the
31 rent or charge shall be liable for the collection and payment of the
32 tax; and that such owner or person entitled to be paid the rent or
33 charge shall have the same right in respect to collecting the tax from
34 the person occupying the hotel or motel room, or in respect to nonpay-
35 ment of the tax by the person occupying the hotel or motel room, as if
36 the tax were a part of the rent or charge and payable at the same time
37 as the rent or charge; provided, however, that the chief fiscal officer
38 of the town, specified in such local law, shall be joined as a party in
39 any action or proceeding brought to collect the tax by the owner or by
40 the person entitled to be paid the rent or charge.

41 (4) Such local laws may provide for the filing of returns and the
42 payment of the tax on a monthly basis or on the basis of any longer or
43 shorter period of time.

44 (5) This section shall not authorize the imposition of such tax upon
45 any transaction, by or with any of the following in accordance with
46 section twelve hundred thirty of this chapter:

47 a. The state of New York, or any public corporation (including a
48 public corporation created pursuant to agreement or compact with another
49 state or the Dominion of Canada), improvement district or other poli-
50 tical subdivision of the state;

51 b. The United States of America, insofar as it is immune from taxa-
52 tion;

53 c. Any corporation or association, or trust, or community chest, fund
54 or foundation organized and operated exclusively for religious, charita-

1 ble or educational purposes, or for the prevention of cruelty to chil-
2 dren or animals, and no part of the net earnings of which inures to the
3 benefit of any private shareholder or individual and no substantial part
4 of the activities of which is carrying on propaganda, or otherwise
5 attempting to influence legislation; provided, however, that nothing in
6 this paragraph shall include an organization operated for the primary
7 purpose of carrying on a trade or business for profit, whether or not
8 all of its profits are payable to one or more organizations described in
9 this paragraph.

10 (6) Any final determination of the amount of any tax payable hereunder
11 shall be reviewable for error, illegality or unconstitutionality or any
12 other reason whatsoever by a proceeding under article seventy-eight of
13 the civil practice law and rules if application therefor is made to the
14 supreme court within thirty days after the giving of the notice of such
15 final determination, provided, however, that any such proceeding under
16 article seventy-eight of the civil practice law and rules shall not be
17 instituted unless:

18 a. The amount of any tax sought to be reviewed, with such interest and
19 penalties thereon as may be provided for by local law shall be first
20 deposited and there is filed an undertaking, issued by a surety company
21 authorized to transact business in this state and approved by the super-
22 intendent of insurance of this state as to solvency and responsibility,
23 in such amount as a justice of the supreme court shall approve to the
24 effect that if such proceeding be dismissed or the tax confirmed the
25 petitioner will pay all costs and charges which may accrue in the prose-
26 cution of such proceeding; or

27 b. At the option of the petitioner such undertaking may be in a sum
28 sufficient to cover the taxes, interests and penalties stated in such
29 determination plus the costs and charges which may accrue against it in
30 the prosecution of the proceeding, in which event the petitioner shall
31 not be required to pay such taxes, interest or penalties as a condition
32 precedent to the application.

33 (7) Where any tax imposed hereunder shall have been erroneously, ille-
34 gally or unconstitutionally collected and application for the refund
35 thereof duly made to the proper fiscal officer or officers, and such
36 officer or officers shall have made a determination denying such refund,
37 such determination shall be reviewable by a proceeding under article
38 seventy-eight of the civil practice law and rules, provided, however,
39 that such proceeding is instituted within thirty days after the giving
40 of the notice of such denial, that a final determination of tax due was
41 not previously made, and that an undertaking is filed with the proper
42 fiscal officer or officers in such amount and with such sureties as a
43 justice of the supreme court shall approve to the effect that if such
44 proceeding be dismissed or the tax confirmed, the petitioner will pay
45 all costs and charges which may accrue in the prosecution of such
46 proceeding.

47 (8) Except in the case of a wilfully false or fraudulent return with
48 intent to evade the tax, no assessment of additional tax shall be made
49 after the expiration of more than three years from the date of the
50 filing of a return, provided, however, that where no return has been
51 filed as provided by law the tax may be assessed at any time.

52 (9) All revenues resulting from the imposition of the tax under the
53 local laws shall be paid into the treasury of the town of Woodbury and
54 shall be credited to and deposited in the general fund of the town. Such
55 revenues may be used for any lawful purpose.

1 (10) If any provision of this section or the application thereof to
2 any person or circumstance shall be held invalid, the remainder of this
3 section and the application of such provision to other persons or
4 circumstances shall not be affected thereby.

5 § 2. This act shall take effect immediately and shall expire and be
6 deemed repealed 3 years after such date.

7 TITLE F

8 Section 1. The tax law is amended by adding a new section 1202-ff to
9 read as follows:

10 § 1202-ff. Occupancy tax in the village of Mamaroneck. (1) Notwith-
11 standing any other provision of law to the contrary, the village of
12 Mamaroneck, in the county of Westchester, is hereby authorized and
13 empowered to adopt and amend local laws imposing in such village a tax,
14 in addition to any other tax authorized and imposed pursuant to this
15 article, such as the legislature has or would have the power and author-
16 ity to impose upon persons occupying any room for hire in any hotel. For
17 the purposes of this section, the term "hotel" shall mean a building or
18 portion of it which is regularly used and kept open as such for the
19 lodging of guests. The term "hotel" includes an apartment hotel, a motel
20 or a boarding house, whether or not meals are served. The rate of such
21 tax shall not exceed three percent of the per diem rental rate for each
22 room whether such room is rented on a daily or longer basis.

23 (2) Such taxes may be collected and administered by the chief fiscal
24 officer of the village of Mamaroneck by such means and in such manner as
25 other taxes which are now collected and administered by such officer or
26 as otherwise may be provided by such local law.

27 (3) Such local laws may provide that any taxes imposed shall be paid
28 by the person liable therefore to the owner of the room for hire in the
29 tourist home, inn, club, hotel, motel or other similar place of public
30 accommodation occupied or to the person entitled to be paid the rent or
31 charge for the room for hire in the tourist home, inn, club, hotel,
32 motel or other similar place of public accommodation occupied for and on
33 account of the village of Mamaroneck imposing the tax and that such
34 owner or person entitled to be paid the rent or charge shall be liable
35 for the collection and payment of the tax; and that such owner or person
36 entitled to be paid the rent or charge shall have the same right in
37 respect to collecting the tax from the person occupying the room for
38 hire in the tourist home, inn, club, hotel, motel or other similar place
39 of public accommodation, or in respect to nonpayment of the tax by the
40 person occupying the room for hire in the tourist home, inn, club,
41 hotel, motel or similar place of public accommodation, as if the taxes
42 were a part of the rent or charge and payable at the same time as the
43 rent or charge; provided, however, that the chief fiscal officer of the
44 village, specified in such local laws, shall be joined as a party in any
45 action or proceeding brought to collect the tax by the owner or by the
46 person entitled to be paid the rent or charge.

47 (4) Such local laws may provide for the filing of returns and the
48 payment of the taxes on a monthly basis or on the basis of any longer or
49 shorter period of time.

50 (5) This section shall not authorize the imposition of such tax upon
51 any of the following:

52 a. The state of New York, or any public corporation (including a
53 public corporation created pursuant to agreement or compact with another

1 state or the dominion of Canada), improvement district or other poli-
2 tical subdivision of the state;

3 b. The United States of America, insofar as it is immune from taxa-
4 tion; or

5 c. Any corporation or association, or trust, or community chest, fund
6 or foundation organized and operated exclusively for religious, charita-
7 ble or educational purposes, or for the prevention of cruelty to chil-
8 dren or animals, and no part of the net earnings of which inures to the
9 benefit of any private shareholder or individual and no substantial part
10 of the activities of which is carrying on propaganda, or otherwise
11 attempting to influence legislation; provided, however, that nothing in
12 this paragraph shall include an organization operated for the primary
13 purpose of carrying on a trade or business for profit, whether or not
14 all of its profits are payable to one or more organizations described in
15 this paragraph.

16 d. A permanent resident of a hotel or motel. For the purposes of this
17 section, the term "permanent resident" shall mean a natural person occu-
18 pying any room or rooms in a hotel or motel for at least thirty consec-
19 utive days.

20 (6) Any final determination of the amount of any tax payable hereunder
21 shall be reviewable for error, illegality or unconstitutionality or any
22 other reason whatsoever by a proceeding under article seventy-eight of
23 the civil practice law and rules if application therefor is made to the
24 supreme court within thirty days after the giving of notice of such
25 final determination, provided, however, that any such proceeding under
26 article seventy-eight of the civil practice law and rules shall not be
27 instituted unless:

28 a. The amount of any tax sought to be reviewed, with such interest and
29 penalties thereon as may be provided for by local laws or regulations
30 shall be first deposited and there shall be filed an undertaking, issued
31 by a surety company authorized to transact business in this state and
32 approved by the superintendent of financial services of this state as to
33 solvency and responsibility, in such amount as a justice of the supreme
34 court shall approve to the effect that if such proceeding be dismissed
35 or the tax confirmed the petitioner will pay all costs and charges which
36 may accrue in the prosecution of such proceeding; or

37 b. At the option of the petitioner, such undertaking may be in a sum
38 sufficient to cover the taxes, interests and penalties stated in such
39 determination plus the costs and charges which may accrue against it in
40 the prosecution of the proceeding, in which event the petitioner shall
41 not be required to pay such taxes, interest or penalties as a condition
42 precedent to the application.

43 (7) Where any taxes imposed hereunder shall have been erroneously,
44 illegally or unconstitutionally collected and application for the refund
45 therefor duly made to the proper fiscal officer or officers, and such
46 officer or officers shall have made a determination denying such refund,
47 such determination shall be reviewable by a proceeding under article
48 seventy-eight of the civil practice law and rules, provided, however,
49 that such proceeding is instituted within thirty days after the giving
50 of the notice of such denial, that a final determination of tax due was
51 not previously made, and that an undertaking is filed with the proper
52 fiscal officer or officers in such amount and with such sureties as a
53 justice of the supreme court shall approve to the effect that if such
54 proceeding be dismissed or the taxes confirmed, the petitioner will pay
55 all costs and charges which may accrue in the prosecution of such
56 proceeding.



1 (8) Except in the case of a willfully false or fraudulent return with
2 intent to evade the tax, no assessment of additional tax shall be made
3 after the expiration of more than three years from the date of the
4 filing of a return, provided, however, that where no return has been
5 filed as provided by law the tax may be assessed at any time.

6 (9) All revenues resulting from the imposition of the tax under the
7 local laws shall be paid into the treasury of the village of Mamaroneck
8 and shall be credited to and deposited in the general fund of the
9 village. Such revenues may be used for any lawful purpose.

10 (10) Each enactment of such a local law may provide for the imposition
11 of a hotel or motel tax for a period of time no longer than three years
12 from the date of its enactment. Nothing in this section shall prohibit
13 the adoption and enactment of local laws, pursuant to the provisions of
14 this section, upon the expiration of any other local law adopted pursu-
15 ant to this section.

16 (11) If any provision of this section or the application thereof to
17 any person or circumstance shall be held invalid, the remainder of this
18 section and the application of such provision to other persons or
19 circumstances shall not be affected thereby.

20 § 2. This act shall take effect immediately and shall expire and be
21 deemed repealed three years after such date.

22

TITLE G

23 Section 1. The tax law is amended by adding a new section 1202-gg to
24 read as follows:

25 § 1202-gg. Occupancy tax in the village of Port Chester. (1) Notwith-
26 standing any other provision of law to the contrary, the village of Port
27 Chester, in the county of Westchester, is hereby authorized and
28 empowered to adopt and amend local laws imposing in such village a tax,
29 in addition to any other tax authorized and imposed pursuant to this
30 article, such as the legislature has or would have the power and author-
31 ity to impose upon persons occupying any room for hire in any hotel. For
32 the purposes of this section, the term "hotel" shall mean a building or
33 portion of it which is regularly used and kept open as such for the
34 lodging of guests. The term "hotel" includes an apartment hotel, a motel
35 or a boarding house, whether or not meals are served. The rate of such
36 tax shall not exceed three percent of the per diem rental rate for each
37 room whether such room is rented on a daily or longer basis.

38 (2) Such taxes may be collected and administered by the chief fiscal
39 officer of the village of Port Chester by such means and in such manner
40 as other taxes which are now collected and administered by such officer
41 or as otherwise may be provided by such local law.

42 (3) Such local laws may provide that any taxes imposed shall be paid
43 by the person liable therefor to the owner of the room for hire in the
44 tourist home, inn, club, hotel, motel or other similar place of public
45 accommodation occupied or to the person entitled to be paid the rent or
46 charge for the room for hire in the tourist home, inn, club, hotel,
47 motel or other similar place of public accommodation occupied for and on
48 account of the village of Port Chester imposing the tax and that such
49 owner or person entitled to be paid the rent or charge shall be liable
50 for the collection and payment of the tax; and that such owner or person
51 entitled to be paid the rent or charge shall have the same right in
52 respect to collecting the tax from the person occupying the room for
53 hire in the tourist home, inn, club, hotel, motel or other similar place
54 of public accommodation, or in respect to nonpayment of the tax by the

1 person occupying the room for hire in the tourist home, inn, club,
2 hotel, motel or similar place of public accommodation, as if the taxes
3 were a part of the rent or charge and payable at the same time as the
4 rent or charge; provided, however, that the chief fiscal officer of the
5 village, specified in such local laws, shall be joined as a party in any
6 action or proceeding brought to collect the tax by the owner or by the
7 person entitled to be paid the rent or charge.

8 (4) Such local laws may provide for the filing of returns and the
9 payment of the taxes on a monthly basis or on the basis of any longer or
10 shorter period of time.

11 (5) This section shall not authorize the imposition of such tax upon
12 any of the following:

13 a. The state of New York, or any public corporation (including a
14 public corporation created pursuant to agreement or compact with another
15 state or the dominion of Canada), improvement district or other poli-
16 tical subdivision of the state;

17 b. The United States of America, insofar as it is immune from taxa-
18 tion; or

19 c. Any corporation or association, or trust, or community chest, fund
20 or foundation organized and operated exclusively for religious, charita-
21 ble or educational purposes, or for the prevention of cruelty to chil-
22 dren or animals, and no part of the net earnings of which inures to the
23 benefit of any private shareholder or individual and no substantial part
24 of the activities of which is carrying on propaganda, or otherwise
25 attempting to influence legislation; provided, however, that nothing in
26 this paragraph shall include an organization operated for the primary
27 purpose of carrying on a trade or business for profit, whether or not
28 all of its profits are payable to one or more organizations described in
29 this paragraph.

30 d. A permanent resident of a hotel or motel. For the purposes of this
31 section, the term "permanent resident" shall mean a natural person occu-
32 pying any room or rooms in a hotel or motel for at least thirty consec-
33 utive days.

34 (6) Any final determination of the amount of any tax payable hereunder
35 shall be reviewable for error, illegality or unconstitutionality or any
36 other reason whatsoever by a proceeding under article seventy-eight of
37 the civil practice law and rules if application therefor is made to the
38 supreme court within thirty days after the giving of notice of such
39 final determination, provided, however, that any such proceeding under
40 article seventy-eight of the civil practice law and rules shall not be
41 instituted unless:

42 a. The amount of any tax sought to be reviewed, with such interest and
43 penalties thereon as may be provided for by local laws or regulations
44 shall be first deposited and there shall be filed an undertaking, issued
45 by a surety company authorized to transact business in this state and
46 approved by the superintendent of financial services of this state as to
47 solvency and responsibility, in such amount as a justice of the supreme
48 court shall approve to the effect that if such proceeding be dismissed
49 or the tax confirmed the petitioner will pay all costs and charges which
50 may accrue in the prosecution of such proceeding; or

51 b. At the option of the petitioner, such undertaking may be in a sum
52 sufficient to cover the taxes, interest and penalties stated in such
53 determination plus the costs and charges which may accrue against it in
54 the prosecution of the proceeding, in which event the petitioner shall
55 not be required to pay such taxes, interest or penalties as a condition
56 precedent to the application.

1 (7) Where any taxes imposed hereunder shall have been erroneously,
2 illegally or unconstitutionally collected and application for the refund
3 therefor duly made to the proper fiscal officer or officers, and such
4 officer or officers shall have made a determination denying such refund,
5 such determination shall be reviewable by a proceeding under article
6 seventy-eight of the civil practice law and rules, provided, however,
7 that such proceeding is instituted within thirty days after the giving
8 of the notice of such denial, that a final determination of tax due was
9 not previously made, and that an undertaking is filed with the proper
10 fiscal officer or officers in such amount and with such sureties as a
11 justice of the supreme court shall approve to the effect that if such
12 proceeding be dismissed or the taxes confirmed, the petitioner will pay
13 all costs and charges which may accrue in the prosecution of such
14 proceeding.

15 (8) Except in the case of a willfully false or fraudulent return with
16 intent to evade the tax, no assessment of additional tax shall be made
17 after the expiration of more than three years from the date of the
18 filing of a return, provided, however, that where no return has been
19 filed as provided by law the tax may be assessed at any time.

20 (9) All revenues resulting from the imposition of the tax under the
21 local laws shall be paid into the treasury of the village of Port Ches-
22 ter and shall be credited to and deposited in the general fund of such
23 village. Such revenues may be used for any lawful purpose.

24 (10) Each enactment of such a local law may provide for the imposition
25 of a hotel or motel tax for a period of time no longer than three years
26 from the date of its enactment. Nothing in this section shall prohibit
27 the adoption and enactment of local laws, pursuant to the provisions of
28 this section, upon the expiration of any other local law adopted pursu-
29 ant to this section.

30 (11) If any provision of this section or the application thereof to
31 any person or circumstance shall be held invalid, the remainder of this
32 section and the application of such provision to other persons or
33 circumstances shall not be affected thereby.

34 § 2. This act shall take effect immediately and shall expire and be
35 deemed repealed three years after such date.

36 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by any court of
38 competent jurisdiction to be invalid, such judgment shall not affect,
39 impair, or invalidate the remainder thereof, but shall be confined in
40 its operation to the clause, sentence, paragraph, subdivision, section
41 or part thereof directly involved in the controversy in which such judg-
42 ment shall have been rendered. It is hereby declared to be the intent of
43 the legislature that this act would have been enacted even if such
44 invalid provisions had not been included herein.

45 § 3. This act shall take effect immediately; provided, however, that
46 the applicable effective date of Titles A through G of this subpart
47 shall be as specifically set forth in the last section of such Titles.

48 SUBPART B

49 Section 1. The tax law is amended by adding a new section 1202-zz to
50 read as follows:

51 § 1202-zz. Hotel and motel taxes imposed by towns and villages. (1)
52 Notwithstanding any other provisions of any laws to the contrary, any
53 towns or villages shall be authorized and empowered to adopt and amend
54 local laws imposing tax upon persons occupying any room for hire in any

1 hotel or motel under this subpart, to the extent such town or village
2 has a prior right over the other village or town within its tax juris-
3 isdiction. Provided, however, such town or village shall be only author-
4 ized and empowered to impose such tax by enacting a resolution in the
5 manner and form set forth in subdivisions two and three of this section
6 and to the extent such tax is authorized under this section. For the
7 purposes of this section, the term "hotel or motel" shall mean and
8 include any facility providing lodging on an overnight basis and shall
9 include those facilities designated and commonly known as "bed and
10 breakfast", "inn", "housekeeping cottages with four or more units", and
11 "tourist facilities".

12 (2) Such town and village, acting through its local legislative body,
13 is hereby authorized and empowered to impose such tax by enacting a
14 resolution in the form set forth in subdivision three of this section,
15 whereupon such enactment of such resolution shall be deemed to incorpo-
16 rate into such town or village's local law, ordinance, or resolution as
17 if it had been duly enacted by the state legislature and approved by the
18 governor.

19 (3) Form of resolution: Be it enacted by the (town or village) of
20 (insert locality's name) as follows:

21 Section one: The (town or village) of (insert locality's name) hereby
22 impose the hotel tax upon person occupying any room for hire in any
23 hotel or motel to the extent such tax is authorized under section twelve
24 hundred two-xx of the tax law.

25 Section two: This resolution shall take effect on or after ninety days
26 from the enacting resolution and shall expire three years from the
27 effective date of such resolution.

28 (4) a. For purposes of this section, "the prior right" shall mean the
29 preferential right to impose the hotel tax authorized under this section
30 and to preempt such tax and to preclude another town or village from
31 imposing or continuing the imposition of such tax to the extent such
32 right is exercised. The right of preemption shall only apply within the
33 territorial limits of the taxing jurisdiction having the right of
34 preemption.

35 b. If a village, which is located within a town or towns, has enacted
36 the hotel tax authorized under this section prior to an enactment of the
37 hotel tax by such town or towns, such town or towns shall be precluded
38 to impose such tax within the territory of such village. If a town has
39 enacted the hotel tax authorized under this section, a village which is,
40 partially or entirely, located within such town shall be precluded to
41 impose the hotel tax to the extent such village is located within such
42 town.

43 (5) The rate of such tax shall not exceed three percent of the per
44 diem rental rate for each room whether such room is rented on a daily
45 basis or for a longer period of time. Provided, however, that such tax
46 shall not be applicable to a permanent resident of such hotel or motel.
47 For the purposes of this section, the term "permanent resident" shall
48 mean a natural person occupying any room or rooms in a hotel or motel
49 for at least thirty consecutive days.

50 (6) Such tax may be collected and administered by the finance adminis-
51 trator or other fiscal officer of such county by such means and in such
52 manner as other taxes which are now collected and administered by such
53 officer or as otherwise may be provided by such local law.

54 (7) Such local laws may provide that any taxes imposed shall be paid
55 by the person liable therefor to the owner of the hotel or motel room
56 occupied or to the person entitled to be paid the rent or charge the

1 hotel or motel room occupied for and on account of such town or village
2 within the county imposing the tax and that such owner or person enti-
3 tled to be paid the rent or charge shall be liable for the collection
4 and payment of the tax; and that such owner or person entitled to be
5 paid the rent or charge shall have the same right in respect to collect-
6 ing the tax from the person occupying the hotel or motel room, or in
7 respect to nonpayment of the tax by the person occupying the hotel or
8 motel room as if the taxes were a part of the rent or charge and payable
9 at the same time as the rent or charge; provided however, that such
10 finance administrator or other fiscal officers of the county, specified
11 in such local laws, shall be joined as a party in any action or proceed-
12 ing brought to collect the tax by the owner or by the person entitled to
13 be paid the rent or charge.

14 (8) This section shall not authorize the imposition of such tax upon
15 any of the following:

16 a. The state of New York, or any public corporation (including a
17 public corporation created pursuant to agreement or compact with another
18 state or the dominion of Canada), improvement district or other poli-
19 tical subdivision of the state;

20 b. The United States of America, insofar as it is immune for taxation;
21 or

22 c. Any corporation or association, or trust, or community chest, fund
23 or foundation organized and operated exclusively for religious, charita-
24 ble or education purposes, or for the prevention of cruelty to children
25 or animals, and no part of the net earnings of which inures to the bene-
26 fit of any private shareholder or individual and no substantial part of
27 the activities of which is carrying on propaganda, or otherwise attempt-
28 ing to influence legislation; provided, however, that nothing in this
29 paragraph shall include an organization operated for the primary purpose
30 of carrying on a trade or business for profit, whether or not all of its
31 profits are payable to one or more organizations described in this para-
32 graph.

33 (9) Any final determination of the amount of any tax payable hereunder
34 shall be reviewable for error, illegality or unconstitutionality or any
35 other reason whatsoever by a proceeding under article seventy-eight of
36 the civil practice law and rules if application therefor is made to the
37 supreme court within thirty days after the giving of notice of such
38 final determination, provided, however, that any such proceeding under
39 article seventy-eight of the civil practice law and rules shall not be
40 instituted unless:

41 a. The amount of any tax sought to be reviewed, with such interest and
42 penalties thereon as may be provided for by local laws or regulations
43 shall be first deposited and there shall be filed an undertaking, issued
44 by a surety company authorized to transact business in this state and
45 approved by the superintendent of insurance of this state as to solvency
46 and responsibility, in such amount as a justice of the supreme court
47 shall approve to the effect that if such proceeding be dismissed or the
48 tax confirmed the petitioner will pay all costs and charges which may
49 accrue in the prosecution of such proceeding; or

50 b. At the option of the petitioner, such undertaking may be in a sum
51 sufficient to cover the taxes, interests and penalties stated in such
52 determination plus the costs and charges which may accrue against it in
53 the prosecution of the proceeding, in which event the petitioner shall
54 not be required to pay such taxes, interest or penalties as a condition
55 precedent to the application.

1 (10) Where any taxes imposed hereunder shall have been erroneously,
2 illegally or unconstitutionally collected and application for the refund
3 therefor duly made to the proper fiscal officer or officers, and such
4 officer or officers shall have made a determination denying such refund,
5 such determination shall be reviewable by a proceeding under article
6 seventy-eight of the civil practice law and rules, provided, however,
7 that such proceeding is instituted within thirty days after the giving
8 of the notice of such denial, that a final determination of tax due was
9 not previously made, and that an undertaking is filed with the proper
10 fiscal officer or officers in such amount and with such sureties as a
11 justice of the supreme court shall approve to the effect that if such
12 proceeding be dismissed or the taxes confirmed, the petitioner will pay
13 all costs and charges which may accrue in the prosecution of such
14 proceeding.

15 (11) Except in the case of a willfully false or fraudulent return with
16 intent to evade the tax, no assessment of additional tax shall be made
17 after the expiration of more than three years from the date of the
18 filing of a return, provided, however, that where no return has been
19 filed as provided by law the tax may be assessed at any time.

20 (12) Revenues resulting from the imposition of the tax on hotels or
21 motels located within a town or village shall be credited to and depos-
22 ited in the general fund of such town or village; and may thereafter be
23 allocated at the discretion of the governing board of such town or
24 village.

25 (13) Each enactment of such a local law may provide for the imposition
26 of a hotel or motel tax for a period of time no longer than three years
27 from the date of its enactment. Nothing in this section shall prohibit
28 the adoption and enactment of local laws, pursuant to the provisions of
29 this section, upon the expiration of any other local law adopted pursu-
30 ant to this section.

31 (14) If any provision of this section or the application thereof to
32 any person or circumstance shall be held invalid, the remainder of this
33 section and the application of such provision to other persons or
34 circumstances shall not be affected thereby.

35 (15) Any town or village that enacts a hotel or motel tax pursuant to
36 this section shall send a certified copy of such law, ordinance or
37 resolution by registered mail to the state comptroller at its office in
38 Albany on or at least thirty days prior to the effective date of this
39 section.

40 (16) At the conclusion of the town or village's fiscal year, the chief
41 fiscal officer shall submit a report to the comptroller at its office in
42 Albany that contains the amount of annual receipts received pursuant to
43 this section.

44 (a) Each town or village having a population, as shown by the latest
45 preceding decennial federal census, of less than nineteen thousand nine
46 hundred ninety-nine, shall file their respective reports with the comp-
47 troller within ninety days after the close of the fiscal year of such
48 town or village. Upon written request from the chief fiscal officer of
49 such a town or village, the comptroller may extend such ninety day peri-
50 od for an additional thirty days.

51 (b) Each town or village having a population, as shown by the latest
52 preceding decennial federal census, of twenty thousand or more, and all
53 cities and counties, irrespective of their populations, shall file their
54 respective reports with the comptroller within one hundred twenty days
55 after the close of the fiscal year of such town or village.

1 (17) By August first of each year, the state comptroller shall issue a
2 report to the governor, the temporary president of the senate, the
3 speaker of the assembly, and the public, identifying the local govern-
4 ments that have enacted hotel and motel taxes pursuant to this section.
5 The report shall also contain the rate of such tax and the amount of
6 annual revenues collected by each town or village that has been reported
7 within the past year. The report may contain other information deemed
8 relevant to local hotel and motel taxes by the comptroller.

9 § 2. This act shall take effect on the ninetieth day after it shall
10 have become a law.

11 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
12 sion, section or part of this act shall be adjudged by any court of
13 competent jurisdiction to be invalid, such judgment shall not affect,
14 impair, or invalidate the remainder thereof, but shall be confined in
15 its operation to the clause, sentence, paragraph, subdivision, section
16 or part thereof directly involved in the controversy in which such judg-
17 ment shall have been rendered. It is hereby declared to be the intent of
18 the legislature that this act would have been enacted even if such
19 invalid provisions had not been included herein.

20 § 3. This act shall take effect immediately; provided, however, that
21 the applicable effective date of Subparts A through B of this Part shall
22 be as specifically set forth in the last section of such Subparts.

23

PART UU

24 Section 1. The opening paragraph of paragraph 1-a of subdivision (a)
25 of section 83 of the state finance law, as added by chapter 453 of the
26 laws of 2015, is amended to read as follows:

27 On or before the first day of February each year, the commissioner of
28 the department of environmental conservation shall provide a written
29 report to the temporary president of the senate, speaker of the assem-
30 bly, chair of the senate finance committee, chair of the assembly ways
31 and means committee, chair of the senate committee on [health] environ-
32 mental conservation, chair of the assembly [health] environmental
33 conservation committee, the state comptroller and the public. Such
34 report shall include how the monies of the fund received pursuant to
35 section six hundred twenty-five of the tax law were utilized during the
36 preceding calendar year, and shall include:

37 § 2. The opening paragraph of subdivision 2-a of section 84 of the
38 state finance law, as added by chapter 453 of the laws of 2015, is
39 amended to read as follows:

40 On or before the first day of February each year, the chairperson of
41 the New York state Olympic regional development authority shall provide
42 a written report to the temporary president of the senate, speaker of
43 the assembly, chair of the senate finance committee, chair of the assem-
44 bly ways and means committee, chair of the senate committee on [health]
45 cultural affairs, tourism, parks and recreation, chair of the assembly
46 [health] tourism, parks, arts and sports development committee, the
47 state comptroller and the public. Such report shall include how the
48 monies of the fund were utilized during the preceding calendar year, and
49 shall include:

50 § 3. The opening paragraph of subdivision 2-a of section 97-~~mmmm~~ of
51 the state finance law, as added by chapter 453 of the laws of 2015, is
52 amended to read as follows:

53 On or before the first day of February each year, the director of the
54 New York state division of veterans' affairs shall provide a written

1 report to the temporary president of the senate, speaker of the assem-
2 bly, chair of the senate finance committee, chair of the assembly ways
3 and means committee, chair of the senate committee on [health] veterans,
4 homeland security and military affairs, chair of the assembly [health]
5 veterans' affairs committee, the state comptroller and the public. Such
6 report shall include how the monies of the fund were utilized during the
7 preceding calendar year, and shall include:

8 § 4. The opening paragraph of subdivision 2-a of section 99-v of the
9 state finance law, as added by chapter 453 of the laws of 2015, is
10 amended to read as follows:

11 On or before the first day of February each year, the director of the
12 New York state division of veterans' affairs shall provide a written
13 report to the temporary president of the senate, speaker of the assem-
14 bly, chair of the senate finance committee, chair of the assembly ways
15 and means committee, chair of the senate committee on [health] veterans,
16 homeland security and military affairs, chair of the assembly [health]
17 veterans' affairs committee, the state comptroller and the public. Such
18 report shall include how the monies of the fund were utilized during the
19 preceding calendar year, and shall include:

20 § 5. The opening paragraph of subdivision 2-a of section 92-w of the
21 state finance law, as added by chapter 453 of the laws of 2015, is
22 amended to read as follows:

23 On or before the first day of February each year, the director of the
24 division of criminal justice services shall provide a written report to
25 the temporary president of the senate, speaker of the assembly, chair of
26 the senate finance committee, chair of the assembly ways and means
27 committee, chair of the senate committee on [health] codes, chair of the
28 assembly [health] codes committee, the state comptroller and the public.
29 Such report shall include how the monies of the fund were utilized
30 during the preceding calendar year, and shall include:

31 § 6. The opening paragraph of subdivision 2-a of section 79 of the
32 state finance law, as added by chapter 453 of the laws of 2015, is
33 amended to read as follows:

34 On or before the first day of February each year, the chairman of the
35 board of directors of the World Trade Center memorial foundation shall
36 provide a written report to the temporary president of the senate,
37 speaker of the assembly, chair of the senate finance committee, chair of
38 the assembly ways and means committee, [chair of the senate committee on
39 health, chair of the assembly health committee,] the state comptroller
40 and the public. Such report shall include how the monies of the fund
41 were utilized during the preceding calendar year, and shall include:

42 § 7. The opening paragraph of subdivision 2-a of section 99-q of the
43 state finance law, as added by chapter 453 of the laws of 2015, is
44 amended to read as follows:

45 On or before the first day of February each year, the state fire
46 administrator shall provide a written report to the temporary president
47 of the senate, speaker of the assembly, chair of the senate finance
48 committee, chair of the assembly ways and means committee, chair of the
49 senate committee on [health] local government, chair of the assembly
50 [health] local government committee, the state comptroller and the
51 public. Such report shall include how the monies of the fund were
52 utilized during the preceding calendar year, and shall include:

53 § 8. Subdivision 2 of section 71-b of the state finance law, as added
54 by chapter 453 of the laws of 2015, is amended to read as follows:

55 2. The head of the agency or entity administering the expenditure of
56 tax check-off monies shall report annually on the use of such monies to

1 the temporary president of the senate, speaker of the assembly, chair of
2 the senate finance committee, chair of the assembly ways and means
3 committee, chair of the [senate committee on health, chair of the assem-
4 bly health committee,] appropriate committee in the senate or assembly,
5 the state comptroller and the public. Such report shall include the
6 amount of money dispersed from the fund and the award process used for
7 such disbursements, recipients of awards from the fund, the amount
8 awarded to each, the purposes for which such awards were granted, and a
9 summary financial plan for such monies which shall include estimates of
10 all receipts and all disbursements for the current and succeeding fiscal
11 years, along with the actual results from the prior fiscal year.

12 § 9. Section 95-e of the state finance law, as added by chapter 301 of
13 the laws of 2004, is amended by adding a new subdivision 2-a to read as
14 follows:

15 2-a. On or before the first day of February each year, the commission-
16 er of health shall provide a written report to the temporary president
17 of the senate, speaker of the assembly, chair of the senate finance
18 committee, chair of the assembly ways and means committee, chair of the
19 senate committee on health, chair of the assembly health committee, the
20 state comptroller and the public. Such report shall include how the
21 monies of the fund were utilized during the preceding calendar year, and
22 shall include:

23 (i) the amount of money disbursed from the fund and the award process
24 used for such disbursements;

25 (ii) recipients of awards from the fund;

26 (iii) the amount awarded to each;

27 (iv) the purposes for which such awards were granted; and

28 (v) a summary financial plan for such monies which shall include esti-
29 mates of all receipts and all disbursements for the current and succeed-
30 ing fiscal years, along with the actual results from the prior fiscal
31 year.

32 § 10. Section 14 of chapter 453 of the laws of 2015 amending the state
33 finance law relating to tax check-off funds, is amended to read as
34 follows:

35 § 14. This act shall take effect immediately; provided, however, that
36 the provisions of section thirteen of this act shall apply to funds
37 established on and after such date and funds for which a tax check-off
38 is a source of monies in such funds.

39 § 11. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect on the same date and in the same
41 manner as chapter 453 of the laws of 2015, took effect.

42

PART VV

43 Section 1. Paragraph (e) of subdivision 1, and subdivisions 2 and 9 of
44 section 487 of the real property tax law, paragraph (e) of subdivision 1
45 as amended by chapter 272 of the laws of 2013, subdivision 2 as amended
46 by chapter 515 of the laws of 2002, subdivision 9 as added by chapter
47 608 of the laws of 2002 and paragraph (a) of subdivision 9 as amended by
48 chapter 344 of the laws of 2014, are amended to read as follows:

49 (e) "Farm waste electric generating equipment" means equipment that
50 generates electric energy from biogas produced by the anaerobic
51 digestion of agricultural waste, such as livestock manure, farming waste
52 and food processing wastes [with a rated capacity of not more than one
53 thousand kilowatts] that is (i) manufactured, installed and operated in
54 accordance with applicable government and industry standards, (ii)

1 connected to the electric system and operated in conjunction with an
2 electric corporation's transmission and distribution facilities, (iii)
3 operated in compliance with the provisions of section sixty-six-j of the
4 public service law, (iv) fueled at a minimum of ninety percent on an
5 annual basis by biogas produced from the anaerobic digestion of agricul-
6 tural waste such as livestock manure materials, crop residues and food
7 processing wastes, and (v) fueled by biogas generated by anaerobic
8 digestion with at least fifty percent by weight of its feedstock being
9 livestock manure materials on an annual basis.

10 2. (a) Real property which includes a solar or wind energy system or
11 farm waste energy system approved in accordance with the provisions of
12 this section shall be exempt from taxation to the extent of any increase
13 in the value thereof by reason of the inclusion of such solar or wind
14 energy system or farm waste energy system for a period of fifteen years.
15 When a solar or wind energy system or components thereof or farm waste
16 energy system also serve as part of the building structure, the increase
17 in value which shall be exempt from taxation shall be equal to the
18 assessed value attributable to such system or components multiplied by
19 the ratio of the incremental cost of such system or components to the
20 total cost of such system or components.

21 (b) A county, city, town, village or school district, except a school
22 district under article fifty-two of the education law, that has not
23 acted to remove the exemption under this section may pass a local law or
24 resolution providing that upon the expiration of the fifteen year
25 exemption for farm waste energy systems, such systems shall:

26 (i) remain exempt, provided the eligibility requirements of this
27 section continue to be met; or

28 (ii) be subject to a payment in lieu of a tax agreement pursuant to
29 subdivision nine of this section.

30 9. (a) A county, city, town, village or school district, except a
31 school district under article fifty-two of the education law, that has
32 not acted to remove the exemption under this section may require the
33 owner of a property which includes a solar or wind energy system which
34 meets the requirements of subdivision four of this section, to enter
35 into a contract for payments in lieu of taxes. A county, city, town,
36 village or school district, except a school district under article
37 fifty-two of the education law, that has not acted to remove the
38 exemption under this section and has passed a local law or resolution
39 extending the benefit period for farm waste energy systems in accordance
40 with subparagraph (ii) of paragraph (b) of subdivision two of this
41 section, shall require the owner of a property which includes a farm
42 waste energy system which meets the requirements of subdivision four of
43 this section, to enter into a contract for payments in lieu of taxes.
44 Such contract may require annual payments in an amount not to exceed the
45 amounts which would otherwise be payable but for the exemption under
46 this section. If the owner or developer of such a system provides writ-
47 ten notification to a taxing jurisdiction of its intent to construct
48 such a system, then in order to require the owner or developer of such
49 system to enter into a contract for payments in lieu of taxes, such
50 taxing jurisdiction must notify such owner or developer of its intent to
51 require a contract for payments in lieu of taxes within sixty days of
52 receiving the written notification or, in the case of an owner or devel-
53 oper of a farm waste energy system, one year prior to the expiration of
54 the fifteen year exemption provided in paragraph (a) of subdivision two
55 of this section.



1 (b) The payment in lieu of a tax agreement for a solar or wind energy
2 system shall not operate for a period of more than fifteen years,
3 commencing in each instance from the date on which the benefits of such
4 exemption first become available and effective.

5 (c) The payment in lieu of a tax agreement for a farm waste energy
6 system shall commence and operate upon the expiration of the fifteen
7 year exemption provided in paragraph (a) of subdivision two of this
8 section.

9 § 2. This act shall take effect immediately.

10

PART WW

11 Section 1. Section 4 of part U of chapter 55 of the laws of 2014,
12 amending the real property tax law relating to the tax abatement and
13 exemption for rent regulated and rent controlled property occupied by
14 senior citizens, is amended to read as follows:

15 § 4. This act shall take effect July 1, 2014, and sections one and two
16 of this act shall expire and be deemed repealed [2 years after the
17 effective date thereof] June 30, 2018; provided that the amendment to
18 section 467-b of the real property tax law made by section one of this
19 act shall not affect the expiration of such section and shall be deemed
20 to expire therewith.

21 § 2. Section 3 of part U of chapter 55 of the laws of 2014, amending
22 the real property tax law relating to the tax abatement and exemption
23 for rent regulated and rent controlled property occupied by senior citi-
24 zens, is amended to read as follows:

25 § 3. The state shall reimburse the city of New York for the difference
26 between the amount of real property tax revenue abated for the period
27 beginning July 1, 2014 and ending June 30, [2016] 2018 pursuant to the
28 income threshold established by sections one and two of this act and the
29 amount of real property tax revenue that would have been abated for the
30 period beginning July 1, 2014 and ending June 30, [2016] 2018 pursuant
31 to the income thresholds that were in effect immediately prior to the
32 income threshold increases established by sections one and two of this
33 act. Prior to any payment, the city shall provide attestation to the
34 director of the New York state division of the budget and the state
35 comptroller as to the actual amount of real property tax revenue abated
36 pursuant to the income thresholds established by sections one and two of
37 this act for the city fiscal years beginning July 1, 2014 [and], July 1,
38 2015, July 1, 2016 and July 1, 2017 and the actual amount of real prop-
39 erty tax revenue that would have been abated pursuant to the income
40 thresholds that were in effect immediately prior to the income threshold
41 increases established by sections one and two of this act for the city
42 fiscal years beginning July 1, 2014 [and], July 1, 2015, July 1, 2016
43 and July 1, 2017. The information contained within such attestation may
44 be subject to the audit and verification by the state comptroller.

45 § 3. Section 4 of chapter 129 of the laws of 2014, amending the real
46 property tax law relating to the tax abatement and exemption for rent
47 regulated and rent controlled property occupied by persons with disabil-
48 ities, is amended to read as follows:

49 § 4. This act shall take effect July 1, 2014 provided, however, that:

50 (a) the amendments to paragraph b of subdivision 3 of section 467-b of
51 the real property tax law made by section one of this act shall be
52 subject to the expiration and reversion of such subdivision pursuant to
53 section 17 of chapter 576 of the laws of 1974, as amended, when upon



1 such date the provisions of section two of this act shall take effect;
2 and

3 (b) nothing contained in this act shall be construed so as to extend
4 the provisions of this act beyond [July 1, 2016] June 30, 2018, when
5 upon such date this act shall expire and the provisions contained in
6 this act shall be deemed repealed.

7 § 4. This act shall take effect immediately.

8

PART XX

9 Section 1. The opening paragraph of subdivision 7 of section 221 of
10 the racing, pari-mutuel wagering and breeding law, as amended by section
11 1 of part VV of chapter 59 of the laws of 2015, is amended to read as
12 follows:

13 In order to pay the costs of the insurance required by this section
14 and by the workers' compensation law and to carry out its other powers
15 and duties and to pay for any of its liabilities under section four-
16 teen-a of the workers' compensation law, the New York Jockey Injury
17 Compensation Fund, Inc. shall ascertain the total funding necessary and
18 establish the sums that are to be paid by all owners and trainers
19 licensed or required to be licensed under section two hundred twenty of
20 this article, to obtain the total funding amount required annually. In
21 order to provide that any sum required to be paid by an owner or trainer
22 is equitable, the fund shall establish payment schedules which reflect
23 such factors as are appropriate, including where applicable, the
24 geographic location of the racing corporation at which the owner or
25 trainer participates, the duration of such participation, the amount of
26 any purse earnings, the number of horses involved, or such other factors
27 as the fund shall determine to be fair, equitable and in the best inter-
28 ests of racing. In no event shall the amount deducted from an owner's
29 share of purses exceed two per centum; provided, however, for two thou-
30 sand sixteen the New York Jockey Injury Compensation Fund, Inc. may use
31 up to two million dollars from the account established pursuant to
32 subdivision nine of section two hundred eight of this article to pay the
33 annual costs required by this section and the funds from such account
34 shall not count against the two per centum of purses deducted from an
35 owner's share of purses. The amount deducted from an owner's share of
36 purses shall not exceed one per centum after April first, two thousand
37 seventeen. In the cases of multiple ownerships and limited racing
38 appearances, the fund shall equitably adjust the sum required.

39 § 2. Paragraph (a) of subdivision 9 of section 208 of the racing,
40 pari-mutuel wagering and breeding law, as added by chapter 18 of the
41 laws of 2008, is amended to read as follows:

42 (a) The franchised corporation shall maintain a separate account for
43 all funds held on deposit in trust by the corporation for individual
44 horsemen's accounts. Purse funds shall be paid by the corporation as
45 required to meet its purse payment obligations. Funds held in horsemen's
46 accounts shall only be released or applied as requested and directed by
47 the individual horseman. For two thousand sixteen the New York Jockey
48 Injury Compensation Fund, Inc. may use up to two million dollars from
49 the account established pursuant to this subdivision to pay the annual
50 costs required by section two hundred twenty-one of this article.

51 § 3. This act shall take effect immediately.

52

PART YY



1 Section 1. Section 221-a of the racing, pari-mutuel wagering and
2 breeding law, as added by section 3 of part 00 of chapter 59 of the laws
3 of 2014, is amended to read as follows:

4 § 221-a. Health insurance for jockeys. 1. A franchised corporation
5 shall, as a condition of racing, establish a program to administer the
6 purchase of health insurance for eligible jockeys.

7 Such program shall be funded through the deposit of one and one-half
8 percent of the gross purse enhancement amount from video lottery gaming
9 at a thoroughbred track pursuant to paragraph two of subdivision b and
10 paragraph one of subdivision f of section sixteen hundred twelve of the
11 tax law. The franchised corporation shall establish a segregated account
12 for the receipt of these monies and these monies shall remain separate
13 from any other funds. Any corporation or association licensed pursuant
14 to this article shall pay into such account any amount due within ten
15 days of the receipt of revenue pursuant to section sixteen hundred
16 twelve of the tax law. Any portion of such funding to the account unused
17 during a calendar year, less an amount sufficient to cover anticipated
18 premium liabilities over the next sixty days, shall be returned on a pro
19 rata basis in accordance with the amounts originally contributed and
20 shall be used for the purpose of enhancing purses at such tracks.
21 Provided, however, if a corporation or association licensed pursuant to
22 this article provides an alternative source of funding for this program,
23 an amount equal to this alternative funding, but not in excess of the
24 amount originally contributed during the year from the gross purse
25 enhancement amount from video lottery gaming attributable to such corpo-
26 ration or association, shall be returned to the corporation or associ-
27 ation and used for the purpose of enhancing purses at such track.
28 Provided, further, any such alternative source of funding must be
29 approved by the gaming commission.

30 2. The franchised corporation shall enter into a memorandum of under-
31 standing with the jockey's organization that represents at least fifty-
32 one percent of eligible active jockeys establishing a plan of operation
33 for the program, provided that such memorandum of understanding shall be
34 approved by the gaming commission upon a determination that such memo-
35 randum of understanding meets the statutory requirements of this section
36 and is in the best interest of racing and shall include, but not be
37 limited to, the following conditions:

38 a. health insurance policies must be purchased on an American health
39 benefit exchange established pursuant to 42 U.S.C. § 18031(b) by the
40 insured;

41 b. health insurance policies eligible to be purchased under the
42 program shall be any policy that is silver level of coverage or lower as
43 defined by 42 U.S.C. § 18022(d). Provided, however, the insured may elect
44 to purchase a gold level or platinum level of coverage as defined by 42
45 U.S.C. § 18022(d) if the insured pays the difference in premiums between
46 such policy and the premium for the silver level policy offered by the
47 same insurer. Such payments shall be paid into the account established
48 in subdivision one of this section and shall be governed by the terms of
49 the memorandum of understanding required by this section;

50 c. notwithstanding the conditions set forth in paragraphs a and b of
51 this subdivision, a memorandum of understanding with the jockeys organ-
52 ization that represents at least fifty-one percent of the eligible
53 active jockeys may be approved by the commission upon a determination
54 that such memorandum of understanding is in the best interest of racing
55 that creates a jockeys health trust to be administered by the franchised
56 corporation for the purpose of obtaining jockey health benefits from a

1 health insurance provider that covers jockeys and their dependents with
2 a health insurance policy that is not purchased on an American health
3 benefit exchange established pursuant to 42 U.S.C. § 18031(b) but does
4 provide silver level coverage or lower as defined by 42 U.S.C. §
5 18022(d);

6 [c.]d. the payment of premiums pursuant to this section shall be made
7 on behalf of eligible jockeys pursuant to paragraph [d] e of this subdivi-
8 sion by the franchised corporation from monies in the account estab-
9 lished in subdivision one of this section directly to the health plan
10 selected pursuant to paragraph b or c of this subdivision;

11 [d.]e. to be eligible to receive health insurance through this
12 program, an individual must meet one of the following requirements:

13 (i) have ridden in at least two hundred fifty races conducted by the
14 franchised corporation during the prior calendar year or in at least one
15 hundred fifty races conducted by any other corporation or association
16 licensed pursuant to this article during the prior calendar year;
17 provided, however, if an individual qualified for coverage in any prior
18 year and fails to meet the qualification due to an injury not resulting
19 in a permanent disability, that individual shall be deemed to have met
20 the qualification; or

21 (ii) have retired from racing on or after January first, two thousand
22 ten after having ridden in at least seventy-five hundred races conducted
23 by any corporation or association licensed pursuant to this article. For
24 the purposes of this section, an individual shall be considered retired
25 from racing if they have ridden in fewer than fifty races at any track
26 in the nation licensed to conduct thoroughbred racing during the calen-
27 dar year; or

28 (iii) have become permanently disabled due to a racing accident while
29 eligible to receive benefits or would become eligible to receive bene-
30 fits in the following year pursuant to subparagraph (i) of this para-
31 graph; provided, however, if an individual fails to meet the qualifica-
32 tion of such subparagraph (i) due to an injury resulting in a permanent
33 disability, that individual shall be deemed to have met the qualifica-
34 tion; and

35 [e.]f. the gaming commission shall have the following powers:

36 (i) to rule on eligibility in the event of a denial of coverage pursu-
37 ant to paragraph [d] e of this subdivision. In the event of a denial of
38 coverage, such individual denied eligibility may appeal to the gaming
39 commission;

40 (ii) to make a determination if an individual would have qualified
41 pursuant to subparagraph (i) of paragraph [d] e of this subdivision in
42 the event that the individual suffers an injury and contends that he or
43 she would have qualified had they not suffered such injury; and

44 (iii) to audit the books and records of the program.

45 § 2. This act shall take effect immediately.

46

PART ZZ

47 Section 1. The tax law is amended by adding a new section 42 to read
48 as follows:

49 § 42. Empire state music production credit. (a) Allowance of credit.
50 (1) A taxpayer which is a music production entity engaged in qualified
51 music production, or who is a sole proprietor of or a member of a part-
52 nership, which is a music production entity engaged in qualified music
53 production, and is subject to tax under article nine-A or twenty-two of

1 this chapter, shall be allowed a credit against such tax to be computed
2 as provided herein.

3 (2) The amount of the credit shall be the product (or pro rata share
4 of the product, in the case of a member of a partnership or limited
5 liability company) of twenty-five percent and the eligible production
6 costs of one or more qualified music productions.

7 (3) Eligible production costs for a qualified music production
8 incurred and paid in this state but outside such metropolitan commuter
9 transportation district shall be eligible for a credit of ten percent of
10 such eligible production costs in addition to the credit specified in
11 paragraph two of this subdivision.

12 (4) No eligible production costs claimed by a taxpayer as the basis
13 for the credit under this section shall be used by such taxpayer to
14 claim any other credit pursuant to this chapter.

15 (b) Allocation of credit. The aggregate amount of tax credits allowed
16 under this section, subdivision forty-nine of section two hundred ten-B
17 and subsection (ccc) of section six hundred six of this chapter in any
18 taxable year shall be twenty-five million dollars. Such aggregate amount
19 of credits shall be allocated by the empire state development corpo-
20 ration among taxpayers in order of priority based upon the date of
21 filing an application for allocation of music production credit with
22 such office. If the total amount of allocated credits applied for in any
23 particular year exceeds the aggregate amount of tax credits allowed for
24 such year under this section, such excess shall be treated as having
25 been applied for on the first day of the subsequent taxable year.

26 (c) Definitions. As used in this section:

27 (1) "Music production" means the creation of a sound recording and any
28 related music video, either of which is intended for commercial release.
29 A "music production" does not include recordings that are primarily
30 spoken word or wildlife or nature sounds, or produced for instructional
31 use or advertising or promotional purposes.

32 (2) "Qualified music production" is a music production in which eligi-
33 ble production costs equal to or are in excess of seven thousand five
34 hundred dollars if incurred and paid in this state in the twelve months
35 preceding the date on which the credit is claimed. Provided, however, if
36 such production costs are incurred and paid outside the metropolitan
37 commuter transportation district in this state, such production costs
38 shall be equal to or in excess of three thousand seven hundred fifty
39 dollars to be a qualified music production for the purposes of this
40 paragraph.

41 (3) "Eligible production costs for a qualified music production" are
42 costs incurred and paid in this state for tangible property and services
43 used in the production of qualified music production, as determined by
44 the department of economic development, including, but not limited to;
45 (i) studio rental fees and related costs, (ii) instrument and equipment
46 rental fees, (iii) production session fees for programmers, engineers,
47 and technicians, (iv) mixing and mastering services, and (v) local
48 transportation expenditures directly related to music production and
49 provided at or to the site of such music production. Eligible production
50 costs shall not include; (i) costs for tangible property or services
51 used or performed outside of this state, (ii) performance fees for
52 artists, (iii) salaries or related compensation for producers or song-
53 writers;, (iv) composer, artist or producer residual royalties or
54 advances, (v) licensing fees for samples, (vi) interpolations or other
55 music clearance costs, (vii) mastering or post-production expenditures
56 for projects that were not principally tracked and recorded in this

1 state, or (viii) any costs associated with manufacturing, duplication,
 2 packaging, distribution, promotion, marketing or touring not specif-
 3 ically outlined in this subparagraph. With respect to the production of
 4 a music video, eligible production costs are those defined in paragraph
 5 two of subdivision (b) of section twenty-four of this article. Such
 6 total production costs incurred and paid in this state shall be equal to
 7 or exceed seventy-five percent of total cost of an eligible production
 8 incurred and paid within and without this state.

9 (d) Reporting. The department of economic development shall submit an
 10 annual report, on or before December first of each year, to the gover-
 11 nor, the director of the division of the budget, the temporary president
 12 of the senate, and the speaker of the assembly, including, but not
 13 limited to, the following information regarding the previous calendar
 14 year regionally, for activity within and without the metropolitan commu-
 15 ter transportation district; the total dollar amount of credits allo-
 16 cated, the name and address of each eligible music production entity
 17 allocated credits under this section, and the total amount of credits
 18 allocated to each eligible music production entity. The report may also
 19 include any recommendations for changes in the calculation or adminis-
 20 tration of the credit, and any other information regarding this credit
 21 as may be useful and appropriate.

22 (e) Cross-references. For application of the credit provided for in
 23 this section, see the following provisions of this chapter:

24 (1) Article nine-A: section two hundred ten-B, subdivision forty-nine.

25 (2) Article twenty-two: section six hundred six, subsection (i), para-
 26 graph one, subparagraph (B), clause (xli).

27 (3) Article twenty-two: section six hundred six, subsection (ccc).

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

30 49. Empire state music production credit. (a) Allowance of credit. A
 31 taxpayer who is eligible pursuant to section forty-two of this chapter
 32 shall be allowed a credit to be computed as provided in such section
 33 forty-two against the tax imposed by this article.

34 (b) Application of credit. The credit allowed under this subdivision
 35 for any taxable year shall not reduce the tax due for such year to less
 36 than the amount prescribed in paragraph (d) of subdivision one of
 37 section two hundred ten of this article. Provided, however, that if the
 38 amount of the credit allowable under this subdivision for any taxable
 39 year reduces the tax to such amount, the excess shall be treated as an
 40 overpayment of tax to be credited or refunded in accordance with the
 41 provisions of section one thousand eighty-six of this chapter, provided,
 42 however, no interest shall be paid thereon.

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

46 <u>(xli) Empire state music</u>	<u>Amount of credit</u>
47 <u>production credit under</u>	<u>under subdivision</u>
48 <u>subsection (ccc)</u>	<u>forty-nine of section two hundred</u>
49	<u>ten-B</u>

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

52 (ccc) Empire state music production credit. (1) Allowance of credit. A
 53 taxpayer who is eligible pursuant to section forty-two of this chapter
 54 shall be allowed a credit to be computed as provided in such section
 55 forty-two against the tax imposed by this article.

1 (2) Application of credit. If the amount of the credit allowable under
2 this subsection for any taxable year exceeds the taxpayer's tax for such
3 year, the excess shall be treated as an overpayment of tax to be credit-
4 ed or refunded as provided in section six hundred eighty-six of this
5 article, provided, however, that no interest shall be paid thereon.

6 § 5. Subdivision 11 of section 352 of the economic development law is
7 REPEALED.

8 § 6. Subdivisions 1, 3 and 5 of section 353 of the economic develop-
9 ment law, as amended by section 2 of part K of chapter 59 of the laws of
10 2015, are amended to read as follows:

11 1. To be a participant in the excelsior jobs program, a business enti-
12 ty shall operate in New York state predominantly:

13 (a) as a financial services data center or a financial services back
14 office operation;

15 (b) in manufacturing;

16 (c) in software development and new media;

17 (d) in scientific research and development;

18 (e) in agriculture;

19 (f) in the creation or expansion of back office operations in the
20 state;

21 (g) in a distribution center;

22 (h) in an industry with significant potential for private-sector
23 economic growth and development in this state as established by the
24 commissioner in regulations promulgated pursuant to this article. In
25 promulgating such regulations the commissioner shall include job and
26 investment criteria;

27 (i) as an entertainment company[; or

28 (j) in music production].

29 3. For the purposes of this article, in order to participate in the
30 excelsior jobs program, a business entity operating predominantly in
31 manufacturing must create at least ten net new jobs; a business entity
32 operating predominately in agriculture must create at least five net new
33 jobs; a business entity operating predominantly as a financial service
34 data center or financial services customer back office operation must
35 create at least fifty net new jobs; a business entity operating predomi-
36 nantly in scientific research and development must create at least five
37 net new jobs; a business entity operating predominantly in software
38 development must create at least five net new jobs; a business entity
39 creating or expanding back office operations must create at least fifty
40 net new jobs; [a business entity operating predominately in music
41 production must create at least five net new jobs;] a business entity
42 operating predominantly as an entertainment company must create or
43 obtain at least one hundred net new jobs; or a business entity operating
44 predominantly as a distribution center in the state must create at least
45 seventy-five net new jobs, notwithstanding subdivision five of this
46 section; or a business entity must be a regionally significant project
47 as defined in this article; or

48 5. A not-for-profit business entity, a business entity whose primary
49 function is the provision of services including personal services, busi-
50 ness services, or the provision of utilities, and a business entity
51 engaged predominantly in the retail or entertainment industry, other
52 than a business operating as an entertainment company as defined in this
53 article [and other than a business entity engaged in music production],
54 and a company engaged in the generation or distribution of electricity,
55 the distribution of natural gas, or the production of steam associated

1 with the generation of electricity are not eligible to receive the tax
2 credit described in this article.

3 § 7. The state commissioner of economic development, after consulting
4 with the state commissioner of taxation and finance, shall promulgate
5 regulations by October 31, 2016 to establish procedures for the allo-
6 cation of tax credits as required by subdivision (a) of section 42 of
7 the tax law. Such rules and regulations shall include provisions
8 describing the application process, the due dates for such applications,
9 the standards which shall be used to evaluate the applications, the
10 documentation that will be provided to taxpayers substantiate to the New
11 York state department of taxation and finance the amount of tax credits
12 allocated to such taxpayers, under what conditions all or a portion of
13 this tax credit may be revoked, and such other provisions as deemed
14 necessary and appropriate. Notwithstanding any other provisions to the
15 contrary in the state administrative procedure act, such rules and regu-
16 lations may be adopted on an emergency basis if necessary to meet such
17 October 31, 2016 deadline.

18 § 8. This act shall take effect immediately and shall apply to taxable
19 years beginning on or after January 1, 2016.

20

PART AAA

21 Section 1. Subdivision (a) of section 1115 of the tax law is amended
22 by adding a new paragraph 44 to read as follows:

23 (44) School buses as such term is defined in section one hundred
24 forty-two of the vehicle and traffic law, and parts, equipment, lubri-
25 cants and fuel purchased and used in their operation.

26 § 2. This act shall take effect on the first day of a quarterly sales
27 tax period, as set forth in subdivision (b) of section 1136 of the tax
28 law, next succeeding April 1, 2016. Provided, however, that the commis-
29 sioner of taxation and finance may take any action necessary for the
30 timely implementation of this act on or before the date on which it
31 shall have become a law.

32 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
33 sion, section or part of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent of
39 the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 § 3. This act shall take effect immediately provided, however, that
42 the applicable effective date of Parts A through AAA of this act shall
43 be as specifically set forth in the last section of such Parts.

