

5491

2011-2012 Regular Sessions

I N   S E N A T E

May 25, 2011

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Introduced by Sen. LANZA -- read twice and ordered printed, and when  
printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, the real property tax law,  
the general city law, the tax law and the public service law, in  
relation to enacting the New York state green economic development  
zones act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. This act shall be known and may be cited as the "New York  
2     state green economic development zones act."

3     S 2. The general municipal law is amended by adding a new article 18-D  
4     to read as follows:

5                                 ARTICLE 18-D

6                         GREEN ECONOMIC DEVELOPMENT ZONES

7     SECTION 974. SHORT TITLE.

8                 974-A. LEGISLATIVE FINDINGS AND DECLARATION.

9                 974-B. DEFINITIONS.

10                974-C. CRITERIA FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION.

11                974-D. RESPONSIBILITIES OF THE COMMISSIONER.

12                974-E. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE.

13                974-F. APPLICATION FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIG-  
14                                 NATION.

15                974-G. GREEN ECONOMIC DEVELOPMENT ZONE DEVELOPMENT PLAN.

16                974-H. LOCAL ADMINISTRATION OF GREEN ECONOMIC DEVELOPMENT ZONE.

17                974-I. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE AS A  
18                                 FEDERAL GREEN ENTERPRISE ECONOMIC DEVELOPMENT ZONE.

19                974-J. DIVISION OF TAXES BY GOVERNMENT BODIES.

20                974-K. DISPOSITION OF PROPERTY.

21                974-L. TERMINATION OR REVERSION OF A GREEN ECONOMIC DEVELOPMENT  
22                                 ZONE.

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

LBD04764-01-1

1 S 974. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
2 THE "NEW YORK GREEN ECONOMIC DEVELOPMENT ZONES ACT".

3 S 974-A. LEGISLATIVE FINDINGS AND DECLARATION. IT IS HEREBY FOUND  
4 AND DECLARED THAT THERE EXISTS WITHIN THE STATE THE NEED TO STIMULATE  
5 EMPLOYMENT AND MORE EFFICIENT TRANSPORTATION BY UTILIZING THE EMERGING  
6 GREEN TECHNOLOGY THAT WILL REDUCE THE OUTPUT OF CARBON IN THE ATMOSPHERE  
7 OF THE STATE, IMPROVE THE STATE'S ENVIRONMENTAL QUALITY OF LIFE AND  
8 GENERAL HEALTH OF THE RESIDENTS. THIS NEED REQUIRES THE STATE GOVERNMENT  
9 TO TARGET AREAS FOR EXTRAORDINARY ECONOMIC DEVELOPMENT PROGRAMS IN ORDER  
10 TO STIMULATE PRIVATE INVESTMENT, PRIVATE BUSINESS DEVELOPMENT AND JOB  
11 CREATION. IT IS THE PUBLIC POLICY OF THE STATE TO OFFER SPECIAL INCEN-  
12 TIVES AND ASSISTANCE THAT WILL PROMOTE THE DEVELOPMENT OF NEW GREEN  
13 BUSINESSES AND THE EXPANSION OF EXISTING BUSINESSES WITHIN PRE-DESIGNAT-  
14 ED AREAS AND TO DO SO WITHOUT ENCOURAGING THE RELOCATION OF BUSINESS  
15 INVESTMENT FROM OTHER AREAS OF THE STATE. IT IS FURTHER FOUND AND  
16 DECLARED THAT IT IS THE PUBLIC POLICY OF THE STATE TO ACHIEVE THESE  
17 GOALS THROUGH THE MUTUAL COOPERATION OF ALL LEVELS OF STATE AND LOCAL  
18 GOVERNMENT AND THE BUSINESS COMMUNITY.

19 S 974-B. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS  
20 SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL INDICATE  
21 ANOTHER OR DIFFERENT MEANING OR INTENT:

22 (A) "APPLICANT" SHALL MEAN THE COUNTY, CITY, TOWN OR VILLAGE SUBMIT-  
23 TING AN APPLICATION IN THE MANNER AUTHORIZED BY LOCAL LAW FOR DESIG-  
24 NATION OF AN AREA AS A GREEN ECONOMIC DEVELOPMENT ZONE.

25 (B) "ENTERPRISE" SHALL MEAN A BUSINESS ENTERPRISE THAT IS AUTHORIZED  
26 TO DO BUSINESS IN THIS STATE AND IS INDEPENDENTLY OWNED AND OPERATED AND  
27 FOUND TO COMPLY WITH GREEN ECONOMIC DEVELOPMENT ZONE CRITERIA.

28 (C) "GREEN BUSINESS" SHALL MEAN A BUSINESS THAT HAS ITS PRIMARY SOURCE  
29 OF REVENUE THE PROVISION OF SERVICES IN THE FOLLOWING AREAS: (1) GREEN  
30 HOUSE EMISSION REDUCTION TECHNOLOGIES; (2) THE ASSEMBLY OF ESSENTIAL  
31 COMPONENTS FOR A CLEAN-FUELED VEHICLE; OR (3) ENERGY EFFICIENCY TECHNOL-  
32 OGIES; WHERE

33 (A) "GREENHOUSE EMISSION REDUCTION TECHNOLOGIES" SHALL MEAN AND  
34 INCLUDE, BUT NOT BE LIMITED TO: (I) COGENERATION TECHNOLOGIES, WHICH  
35 SHALL MEAN ANY ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM  
36 ON-SITE ELECTRICAL GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR  
37 HOT WATER TO MEET ON-SITE NEEDS, SUCH AS HEATING AND/OR AIR CONDITIONING  
38 AND WHICH ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE  
39 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CONSIDERING BOTH THERMAL AND  
40 ELECTRICAL PROCESS TOGETHER; (II) FURNACE AND BOILER REPLACEMENTS AND  
41 RETROFITS, PROVIDED THAT THE NEW OR RETROFITTED FURNACES AND BOILERS  
42 SHALL NOT AT ANY TIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER  
43 THAN 0.05 PERCENT BY WEIGHT; (III) THE PRODUCTION OF CLEAN-FUELED VEHI-  
44 CLES OR THE CONVERSION OF EXISTING VEHICLES TO CLEAN-FUELED VEHICLES;  
45 AND (IV) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE  
46 CONSUMPTION OF ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT  
47 OF ENVIRONMENTAL CONSERVATION WITH THE NEW YORK STATE ENERGY RESEARCH  
48 AND DEVELOPMENT AUTHORITY;

49 (B) "CLEAN-FUELED VEHICLE" SHALL MEAN ANY MOTOR VEHICLE AS DEFINED IN  
50 SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, THAT  
51 USES ELECTRICITY, INCLUDING ELECTRICITY EITHER STORED OR GENERATED  
52 ON-BOARD, AS ITS PRIMARY MOTIVE FORCE, OR THAT IS FUELED BY NATURAL GAS,  
53 PROPANE, HYDROGEN OR ANY OTHER NON-CARBON PRODUCING FUEL;

54 (C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT  
55 REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I)  
56 REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIP-

MENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE NEW YORK STATE ENERGY AND RESEARCH DEVELOPMENT AUTHORITY; AND

(D) "RENEWABLE ENERGY DEVELOPMENT" SHALL MEAN THE PURCHASE AND INSTALLATION OF TECHNOLOGIES DESIGNED TO CONVERT RENEWABLE ENERGY INTO ELECTRICITY OR OTHER END USES, WHERE RENEWABLE ENERGY INCLUDES SOLAR, WIND, TIDAL, FUEL CELL, GEOTHERMAL AND HYDROGEN, BUT DOES NOT INCLUDE COMBUSTION OR PYROLYSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF THE ENVIRONMENTAL CONSERVATION LAW OR ELECTRICITY GENERATED FROM NUCLEAR POWER PLANTS.

(D) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

S 974-C. CRITERIA FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION. TO BE ELIGIBLE FOR DESIGNATION AS A GREEN ECONOMIC DEVELOPMENT ZONE THE AREA MUST BE DESIGNATED BY THE FEDERAL GOVERNMENT AS A GREEN ECONOMIC DEVELOPMENT ZONE OR GREEN ENTERPRISE ZONE AND BE DEFINED BY PRE-DESIGNATED BOUNDARIES.

S 974-D. RESPONSIBILITIES OF THE COMMISSIONER. THE COMMISSIONER SHALL:

(A) AFTER CONSULTATION WITH ALL APPROPRIATE DIRECTORS AND COMMISSIONERS OF STATE AGENCIES PROMULGATE REGULATIONS GOVERNING THE CRITERIA OF ELIGIBILITY FOR LOCAL GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATIONS;

(B) RECEIVE AND REVIEW APPLICATIONS FOR DESIGNATION OF AREAS AS LOCAL GREEN ECONOMIC DEVELOPMENT ZONES;

(C) PROMULGATE REGULATIONS, IN CONSULTATION WITH THE COMMISSIONER OF LABOR, FOR PROGRAM EVALUATION AND COORDINATE IMPLEMENTATION OF AN EVALUATION SYSTEM, WHICH IS CAPABLE OF COMPILING AND ANALYZING ACCURATE AND CONSISTENT INFORMATION NECESSARY FOR AN ASSESSMENT OF WHETHER STATUTORY OBJECTIVES AND CRITERIA ARE BEING MET; AND

(D) REVIEW PERFORMANCE OBJECTIVES AND PROGRESS IN MEETING OBJECTIVES.

S 974-E. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE. THE GREEN ECONOMIC DEVELOPMENT ZONE SHALL BE IN COORDINATION AND CORRESPOND WITH THE FEDERAL DESIGNATION OF GREEN ENTERPRISE DEVELOPMENT ZONES.

S 974-F. APPLICATION FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION. A CITY, COUNTY (OTHER THAN A COUNTY WHOLLY CONTAINED WITHIN A CITY), TOWN OR VILLAGE MAY ADOPT A LOCAL LAW AUTHORIZING SUCH MUNICIPAL CORPORATION TO PREPARE AND SUBMIT AN APPLICATION TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR DESIGNATION OF AN AREA THEREIN AS A GREEN ECONOMIC DEVELOPMENT ZONE; AND THE ADOPTION OF SUCH A LOCAL LAW BY THE MUNICIPAL CORPORATION WITHIN WHICH THE PROPOSED GREEN ECONOMIC DEVELOPMENT ZONE IS TO BE LOCATED SHALL BE A PREREQUISITE TO THE SUBMISSION OF AN APPLICATION FOR SUCH DESIGNATION. SUCH LOCAL LAW SHALL ALSO DESIGNATE THE BOUNDARIES OF SUCH AREA.

S 974-G. GREEN ECONOMIC DEVELOPMENT ZONE DEVELOPMENT PLAN. A GREEN ECONOMIC DEVELOPMENT ZONE DEVELOPMENT PLAN SHALL BE FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AND WITH THE LOCAL GREEN ECONOMIC DEVELOPMENT ZONE BODY, AND SHALL DEMONSTRATE THE METHODS BY WHICH THE APPLICANT INTENDS TO PROMOTE THE DEVELOPMENT OF NEW GREEN BUSINESS AND THE EXPANSION OF EXISTING BUSINESS DEVELOPING GREEN TECHNOLOGY WITHIN THE GREEN ECONOMIC DEVELOPMENT ZONE.

S 974-H. LOCAL ADMINISTRATION OF GREEN ECONOMIC DEVELOPMENT ZONE. THE LOCAL GREEN ECONOMIC DEVELOPMENT ZONE CERTIFICATION SHALL BE BY THE LOCAL GREEN ECONOMIC DEVELOPMENT ZONE BODY.

1 S 974-I. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE AS A FEDERAL  
2 GREEN ENTERPRISE ECONOMIC DEVELOPMENT ZONE. (FEDERAL GREEN ENTERPRISE  
3 ECONOMIC DEVELOPMENT ZONE PROPOSED)

4 S 974-J. DIVISION OF TAXES BY GOVERNMENT BODIES. THE GOVERNING BODY OF  
5 ANY CITY, TOWN, VILLAGE OR COUNTY IN WHICH A GREEN ECONOMIC DEVELOPMENT  
6 ZONE IS LOCATED IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT A LOCAL LAW  
7 PROVIDING THAT ANY TAXES LEVIED BY OR ON BEHALF OF SUCH CITY, TOWN,  
8 VILLAGE OR COUNTY UPON TAXABLE REAL PROPERTY IN SUCH ZONE MAY BE EXEMPT  
9 FOR A TEN-YEAR PERIOD.

10 S 974-K. DISPOSITION OF PROPERTY. (A) NOTWITHSTANDING ANY PROVISION OF  
11 ANY OTHER LAW TO THE CONTRARY, IN ORDER TO FURTHER THE PURPOSES OF THE  
12 GREEN ECONOMIC DEVELOPMENT ZONE, ANY REAL OR PERSONAL PROPERTY LOCATED  
13 WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE AND OWNED BY ANY LOCAL GOVERN-  
14 MENTAL ENTITY IN WHOSE JURISDICTION A GREEN ECONOMIC DEVELOPMENT ZONE IS  
15 LOCATED, MAY BE SOLD OR LEASED FOR A TERM NOT EXCEEDING NINETY-NINE  
16 YEARS TO A PRIVATE USER, A COMMUNITY-BASED ORGANIZATION, A PUBLIC BENE-  
17 FIT CORPORATION OR ANY OTHER PERSON; PROVIDED, HOWEVER, THAT EACH  
18 CONTRACT FOR SUCH SALE, AND EACH SUCH LEASE, SHALL OBLIGATE THE BUYER OR  
19 LESSEE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE AND THE GREEN  
20 ECONOMIC DEVELOPMENT ZONE PLAN FILED WITH THE COMMISSIONER PURSUANT TO  
21 SECTION NINE HUNDRED SEVENTY-FOUR-G OF THIS ARTICLE. SUCH OBLIGATIONS  
22 CONTAINED IN A CONTRACT FOR THE SALE OF REAL PROPERTY SHALL SURVIVE  
23 DELIVERY OF THE DEED. A BREACH BY THE BUYER OR LESSEE OF A MATERIAL  
24 OBLIGATION OF SUCH CONTRACT OR LEASE SHALL, IN ADDITION TO ANY OTHER  
25 REMEDIES AVAILABLE TO THE SELLER OR LESSOR UNDER THE CONTRACT, TERMINATE  
26 THE ELIGIBILITY OF THE BUYER OR LESSEE FOR ANY BENEFITS PROVIDED IN THIS  
27 ARTICLE.

28 S 974-L. TERMINATION OR REVERSION OF A GREEN ECONOMIC DEVELOPMENT  
29 ZONE. (A) EXCEPT AS PROVIDED IN THIS SECTION, ANY DESIGNATION OF AN AREA  
30 AS A GREEN ECONOMIC DEVELOPMENT ZONE SHALL REMAIN IN EFFECT DURING THE  
31 PERIOD BEGINNING ON THE DATE OF DESIGNATION AND ENDING TEN YEARS THERE-  
32 AFTER. AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET AND THE  
33 COMMISSIONER OF LABOR, THE COMMISSIONER MAY TERMINATE THE DESIGNATION OF  
34 AN AREA AS A GREEN ECONOMIC DEVELOPMENT ZONE UPON A FINDING THAT (1) THE  
35 APPLICANT HAS FAILED SUBSTANTIALLY TO IMPLEMENT THE GREEN ECONOMIC  
36 DEVELOPMENT ZONE DEVELOPMENT PLAN WITHIN THE TIME STATED THEREIN; OR (2)  
37 THERE HAS BEEN NO SUBSTANTIAL BUSINESS DEVELOPMENT OR JOB CREATION WITH-  
38 IN THE AREA DESIGNATED AS A GREEN ECONOMIC DEVELOPMENT ZONE WITHIN FIVE  
39 YEARS AFTER SUCH DESIGNATION; PROVIDED, HOWEVER, THAT NO TERMINATION  
40 SHALL OCCUR UNLESS AND UNTIL WRITTEN NOTICE HAS BEEN GIVEN TO THE APPLI-  
41 CANT AND A PUBLIC HEARING HAS BEEN HELD THIRTY DAYS PRIOR TO THE EFFEC-  
42 TIVE DATE OF SUCH TERMINATION.

43 (B) UPON THE TERMINATION OF A GREEN ECONOMIC DEVELOPMENT ZONE AS  
44 PROVIDED IN THIS SECTION, THE COMMISSIONER SHALL FILE NOTICE OF SUCH  
45 TERMINATION.

46 S 3. Subdivision 2 of section 499-aa of the real property tax law is  
47 amended by adding a new paragraph (b-1) to read as follows:

48 (B-1) IN ADDITION TO THE ABATEMENT ZONE SET FORTH IN PARAGRAPHS (A)  
49 AND (B) OF THIS SUBDIVISION, IN THE CITY OF NEW YORK THE ABATEMENT ZONE  
50 SHALL INCLUDE A "GREEN ZONE" AS DEFINED IN THIS SECTION.

51 S 4. Paragraphs (b), (c) and (d) of subdivision 10 of section 499-aa  
52 of the real property tax law, paragraphs (b) and (c) as amended and  
53 paragraph (d) as added by chapter 403 of the laws of 2006, are amended  
54 to read as follows:

55 (b) With respect to the abatement zone defined in paragraph (b) OR  
56 (B-1) of subdivision two of this section, premises located in an eligi-

ble building that are (i) occupied or used as offices (including ancillary uses) or are occupied or used for other lawful commercial business activities, but not premises occupied or used as retail space or for hotel or residential purposes; or (ii) occupied or used for industrial and manufacturing activities (including ancillary uses) OR BY A GREEN BUSINESS IN A GREEN ZONE, but not premises occupied or used for hotel or residential purposes; and

(c) With respect to the abatement zone defined in paragraph (c) of subdivision two of this section, premises located in an eligible building that are occupied or used for industrial and manufacturing activities (including ancillary uses) OR USED BY A GREEN BUSINESS IN A GREEN ZONE, but not premises occupied or used for hotel or residential purposes.

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (b) or paragraph (c) of this subdivision, premises located in an eligible building shall not be eligible for the tax abatement granted pursuant to subdivision one-b of section four hundred ninety-nine-bb of this title unless at least fifty percent of the aggregate floor area of such premises is occupied or used for industrial and manufacturing activities (exclusive of ancillary uses) as defined in subdivision fourteen-a of this section OR BY A GREEN BUSINESS AS DEFINED IN SUBDIVISION FOURTEEN-B OF THIS SECTION.

S 5. Section 499-aa of the real property tax law is amended by adding two new subdivisions 14-b and 14-c to read as follows:

14-B. "GREEN BUSINESS." A "GREEN BUSINESS" SHALL BE DEFINED AS ONE THAT HAS AS ITS PRIMARY SOURCE OF REVENUE THE PROVISION OF SERVICES IN THE FOLLOWING AREAS: (I) GREEN HOUSE GAS EMISSION REDUCTION TECHNOLOGIES; (II) THE ASSEMBLY OF ESSENTIAL COMPONENTS FOR A CLEAN-FUELED VEHICLE; OR (III) ENERGY EFFICIENCY TECHNOLOGIES. FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES" SHALL MEAN AND INCLUDE BUT NOT BE LIMITED TO: (I) COGENERATION TECHNOLOGIES, WHICH SHALL MEAN ANY ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM ON-SITE ELECTRICAL GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR HOT WATER TO MEET ON-SITE NEEDS, SUCH AS HEATING AND/OR AIR CONDITIONING AND WHICH ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CONSIDERING BOTH THERMAL AND ELECTRICAL PROCESS TOGETHER; (II) FURNACE AND BOILER REPLACEMENTS AND RETROFITS, PROVIDED THAT NEW OR RETROFITTED FURNACES AND BOILERS SHALL NOT AT ANYTIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER THAN 0.05 PERCENT BY WEIGHT; (III) THE PRODUCTION OF CLEAN-FUELED VEHICLES OR THE CONVERSION OF EXISTING VEHICLES TO CLEAN FUELED VEHICLES; AND (IV) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

(B) "CLEAN-FUELED VEHICLE" SHALL MEAN ANY MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, THAT USES ELECTRICITY, INCLUDING ELECTRICITY EITHER STORED OR GENERATED ON-BOARD, AS ITS PRIMARY MOTIVE FORCE, OR THAT IS FUELED BY NATURAL GAS, PROPANE, OR HYDROGEN.

(C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIPMENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT

WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

(D) "RENEWABLE ENERGY DEVELOPMENT" SHALL MEAN THE PURCHASE AND INSTALLATION OF TECHNOLOGIES DESIGNED TO CONVERT RENEWABLE ENERGY INTO ELECTRICITY OR OTHER END USES, WHERE RENEWABLE ENERGY INCLUDES SOLAR, WIND, TIDAL, FUEL CELL, GEOTHERMAL AND HYDROGEN, BUT DOES NOT INCLUDE COMBUSTION OR PYROLYSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF THE ENVIRONMENTAL CONSERVATION LAW OR ELECTRICITY GENERATED FROM NUCLEAR POWER PLANTS.

14-C. "GREEN ZONE." A GREEN ZONE SHALL BE THE AREA IN THE BOROUGH OF STATEN ISLAND DEFINED BY THE FOLLOWING AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING ZONING MAPS: BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT OF THE GOETHALS BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF THE GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE; THENCE RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD NORTH; THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE RUNNING SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH AVENUE TO THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTERLINE OF FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS LANE; THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO THE INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING SOUTH 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE TO THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST 3,114.21 FEET ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE; THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARALLEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT AND PLACE OF THE BEGINNING.

S 6. Paragraph (b) of subdivision 28 of section 499-aa of the real property tax law, as added by chapter 403 of the laws of 2006, is amended to read as follows:

(b) For eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of this section, the percentage of the eligible building's aggregate floor area allocated to the eligible premises to be occupied or used for industrial and manufacturing activities OR BY A GREEN BUSINESS IN A GREEN ZONE, as defined in [subdivision] SUBDIVISIONS fourteen-a AND FOURTEEN-B, AS THE CASE MAY BE, of this section; provided that where the eligible premises includes expansion premises, the "tenant's percentage share" shall be calculated on the basis of the eligible building's aggregate floor area allocated solely to expansion premises to be occupied or used for industrial and manufacturing activities OR BY THE GREEN BUSINESS IN THE GREEN ZONE.

S 7. Section 499-bb of the real property tax law is amended by adding a new subdivision 1-c to read as follows:

1 1-C. WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, ELIGI-  
2 BLE BUILDINGS CONTAINING ELIGIBLE PREMISES AS DEFINED IN SUBPARAGRAPH  
3 (II) OF PARAGRAPH (B) OR PARAGRAPH (C) OF SUBDIVISION TEN AND OCCUPIED  
4 BY GREEN BUSINESSES IN A GREEN ZONE AS DEFINED BY SUBDIVISION FOURTEEN-B  
5 OF SECTION FOUR HUNDRED NINETY-NINE-AA OF THIS TITLE OCCUPIED OR USED BY  
6 A TENANT PURSUANT TO A LEASE HAVING A LEASE COMMENCEMENT DATE ON OR  
7 AFTER JULY FIRST, TWO THOUSAND ELEVEN WITH AN INITIAL LEASE TERM OF NOT  
8 LESS THAN THREE YEARS, SHALL RECEIVE AN ABATEMENT OF REAL PROPERTY TAXES  
9 FOR EACH YEAR OF THE BENEFIT PERIOD EQUAL TO THE PRODUCT OBTAINED BY (I)  
10 MULTIPLYING THE TENANT'S PERCENTAGE SHARE BY THE NUMBER OF SQUARE FEET  
11 IN THE ELIGIBLE BUILDING, AS LISTED ON THE RECORDS OF THE DEPARTMENT OF  
12 FINANCE, AND (II) MULTIPLYING THE PRODUCT OBTAINED IN PARAGRAPH (I) OF  
13 THIS SUBDIVISION BY THE ABATEMENT BASE.

14 S 8. Subdivision (a) of section 25-y of the general city law, as  
15 amended by chapter 149 of the laws of 1999, is amended to read as  
16 follows:

17 (a) "Eligible business" means any person subject to a tax imposed  
18 under a local law enacted pursuant to part two or three of section one,  
19 or section two, of chapter seven hundred seventy-two of the laws of  
20 nineteen hundred sixty-six or a gross receipts tax imposed under a local  
21 law enacted pursuant to subdivision (a) of section twelve hundred one of  
22 the tax law that: (1) has been conducting substantial business oper-  
23 ations at one or more business locations outside an eligible area for  
24 the twenty-four consecutive months immediately preceding the taxable  
25 year during which such eligible business relocates as defined in subdi-  
26 vision (j) of this section OR, IF A GREEN BUSINESS, HAS BEEN CONDUCTING  
27 SUBSTANTIAL BUSINESS OPERATIONS OUTSIDE OF A GREEN ZONE; and (2) on or  
28 after May twenty-seventh, nineteen hundred eighty-seven relocates as  
29 defined in subdivision (j) of this section all or part of such business  
30 operations OR IF A GREEN BUSINESS HAS RELOCATED INTO A GREEN ZONE AFTER  
31 JULY FIRST, TWO THOUSAND ELEVEN; and (3) either (i) on or after May  
32 twenty-seventh, nineteen hundred eighty-seven first enters into a  
33 contract to purchase or lease the premises to which it relocates as  
34 defined in subdivision (j) of this section, or a parcel on which will be  
35 constructed such premises, or (ii) as of May twenty-seventh, nineteen  
36 hundred eighty-seven owns such parcel or premises and has not prior to  
37 such date made application for benefits pursuant to a local law enacted  
38 in accordance with title two-D of article four of the real property tax  
39 law OR IF A GREEN BUSINESS, ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN,  
40 ENTERS INTO A CONTRACT TO PURCHASE OR LEASE PREMISES IN A GREEN ZONE.

41 S 9. Section 25-y of the general city law is amended by adding two new  
42 subdivisions (a-1) and (a-2) to read as follows:

43 (A-1) "GREEN BUSINESS" MEANS ANY PERSON THAT CONDUCTS ELIGIBLE GREEN  
44 ACTIVITIES AS DEFINED IN THIS SUBDIVISION AND IS SUBJECT TO A TAX  
45 IMPOSED UNDER A LOCAL LAW ENACTED PURSUANT TO PART TWO OR THREE OF  
46 SECTION ONE, OR SECTION TWO, OF CHAPTER SEVEN HUNDRED SEVENTY-TWO OF THE  
47 LAWS OF NINETEEN HUNDRED SIXTY-SIX OR A GROSS RECEIPTS TAX IMPOSED UNDER  
48 A LOCAL LAW ENACTED PURSUANT TO SUBDIVISION (A) OF SECTION TWELVE  
49 HUNDRED ONE OF THE TAX LAW THAT HAS BEEN CONDUCTING SUBSTANTIAL BUSINESS  
50 OPERATIONS AT ONE OR MORE BUSINESS LOCATIONS OUTSIDE A GREEN ZONE AS  
51 DEFINED IN THIS SECTION AND ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN  
52 MOVES INTO THE GREEN ZONE. FOR PURPOSES OF THIS SUBDIVISION ELIGIBLE  
53 GREEN ACTIVITIES SHALL INCLUDE: THE PROVISION OF SERVICES IN THE FOLLOW-  
54 ING AREAS: (1) GREEN HOUSE GAS EMISSION REDUCTION TECHNOLOGIES; (2) THE  
55 ASSEMBLY OF ESSENTIAL COMPONENTS FOR A CLEAN-FUELED VEHICLE; (3) ENERGY  
56 EFFICIENCY TECHNOLOGIES; WHERE

1 (A) "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES: SHALL INCLUDE BUT  
2 NOT BE LIMITED TO: (I) COGENERATION TECHNOLOGIES, WHICH SHALL MEAN ANY  
3 ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM ON-SITE ELEC-  
4 TRICAL GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR HOT WATER TO  
5 MEET ON-SITE NEEDS, SUCH AS HEATING AND/OR AIR CONDITIONING AND WHICH  
6 ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE DEPARTMENT OF  
7 ENVIRONMENTAL CONSERVATION, CONSIDERING BOTH THERMAL AND ELECTRICAL  
8 PROCESS TOGETHER; (II) FURNACE AND BOILER REPLACEMENTS AND RETROFITS,  
9 PROVIDED THAT NEW OR RETROFITTED FURNACES AND BOILERS SHALL NOT AT  
10 ANYTIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER THAN 0.05  
11 PERCENT BY WEIGHT; (III) THE PRODUCTION OF CLEAN-FUELED VEHICLES OR THE  
12 CONVERSION OF EXISTING VEHICLES TO CLEAN-FUELED VEHICLES; AND (IV) OTHER  
13 MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ENER-  
14 GY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL  
15 CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND  
16 DEVELOPMENT AUTHORITY;

17 (B) "CLEAN-FUELED VEHICLE" SHALL MEAN ANY MOTOR VEHICLE AS DEFINED IN  
18 SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, THAT  
19 USES ELECTRICITY, INCLUDING ELECTRICITY EITHER STORED OR GENERATED  
20 ON-BOARD, AS ITS PRIMARY MOTIVE FORCE, OR THAT IS FUELED BY NATURAL GAS,  
21 PROPANE, OR HYDROGEN;

22 (C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT  
23 REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I)  
24 REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIP-  
25 MENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN  
26 ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT  
27 WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS  
28 DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHOR-  
29 ITY; AND

30 (D) "RENEWABLE ENERGY DEVELOPMENT" SHALL MEAN THE PURCHASE AND INSTAL-  
31 LATION OF TECHNOLOGIES DESIGNED TO CONVERT RENEWABLE ENERGY INTO ELEC-  
32 TRICITY OR OTHER END USES, WHERE RENEWABLE ENERGY INCLUDES SOLAR, WIND,  
33 TIDAL, FUEL CELL, GEOTHERMAL AND HYDROGEN, BUT DOES NOT INCLUDE  
34 COMBUSTION OR PYROLOSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF  
35 THE ENVIRONMENTAL CONSERVATION LAW OR ELECTRICITY GENERATED FROM NUCLEAR  
36 POWER PLANTS.

37 (A-2) "GREEN ZONE" MEANS THE AREA OF STATEN ISLAND DEFINED BY THE  
38 FOLLOWING AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING  
39 ZONING MAPS: BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT  
40 OF THE GOETHAL BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE  
41 RUNNING EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTHSIDE OF  
42 THE GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE;  
43 THENCE RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD  
44 NORTH; THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH  
45 SIDE OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE  
46 RUNNING SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH  
47 AVENUE TO THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89  
48 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTER-  
49 LINE OF FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND  
50 PARALLEL TO THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS  
51 LANE; THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO  
52 THE INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING  
53 SOUTH 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE  
54 TO THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST  
55 3,114.21 FEET ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE  
56 OF TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL



1 TO THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE;  
2 THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE  
3 OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING  
4 WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL  
5 ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650  
6 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD  
7 AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARAL-  
8 LEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT  
9 AND PLACE OF THE BEGINNING.

10 S 10. Subdivision (e) of section 25-y of the general city law is  
11 amended by adding a new paragraph 4 to read as follows:

12 (4) IF USED BY A GREEN BUSINESS AFTER JULY FIRST, TWO THOUSAND ELEVEN,  
13 NON-RESIDENTIAL PREMISES LOCATED ENTIRELY IN REAL PROPERTY LOCATED  
14 PARTIALLY OR ENTIRELY IN A GREEN ZONE AS DEFINED IN THIS SECTION.

15 S 11. Subdivision (f) of section 25-y of the general city law, as  
16 added by chapter 331 of the laws of 1987, is amended to read as follows:

17 (f) "Eligible area" means an area of a city having a population of one  
18 million or more, excluding the area lying south of the center line of  
19 96th Street, in the borough of Manhattan in the city of New York OR IN  
20 THE CASE OF A GREEN BUSINESS RELOCATING AFTER JULY FIRST, TWO THOUSAND  
21 ELEVEN, AN ELIGIBLE AREA SHALL INCLUDE A GREEN ZONE.

22 S 12. Subdivision (n) of section 25-y of the general city law, as  
23 added by chapter 261 of the laws of 2000, is amended to read as follows:

24 (n) "Revitalization area" means any area of a city having a population  
25 of one million or more, provided that in the city of New York a revital-  
26 ization area shall mean: (I) any district that is zoned C4, C5, C6, M1,  
27 M2 or M3 in accordance with the zoning resolution of such city in any  
28 area such city except the area lying south of the center line of 96th  
29 Street in the borough of Manhattan, OR (II) IN THE CASE OF A GREEN BUSI-  
30 NESS RELOCATING AFTER JULY FIRST, TWO THOUSAND ELEVEN, A GREEN ZONE.

31 S 13. Subdivision (a) of section 25-s of the general city law is  
32 amended by adding a new paragraph 1-a to read as follows:

33 (1-A) IS A GREEN BUSINESS AND TAKES OCCUPANCY OF NON-RESIDENTIAL PREM-  
34 ISES AFTER JULY FIRST, TWO THOUSAND ELEVEN, FOR WHICH IT HAS, AFTER SUCH  
35 DATE, ENTERED INTO A WRITTEN AGREEMENT TO BUY OR LEASE, PROVIDED THAT  
36 SUCH PREMISES ARE LOCATED IN A GREEN ZONE AND THAT SUCH PREMISES ARE A  
37 REPLACEMENT FOR PREMISES PREVIOUSLY OCCUPIED BY SUCH ENERGY USER FOR A  
38 CONTINUOUS PERIOD OF TWENTY-FOUR MONTHS DURING THE THIRTY MONTH PERIOD  
39 IMMEDIATELY PRECEDING SUCH USER'S TAKING OCCUPANCY, WHICH PREVIOUSLY  
40 OCCUPIED PREMISES WERE OUTSIDE OF THE GREEN ZONE; OR

41 S 14. Section 25-s of the general city law is amended by adding two  
42 new subdivisions (d-1) and (d-2) to read as follows:

43 (D-1) "GREEN BUSINESS." A "GREEN BUSINESS" SHALL BE DEFINED AS ONE  
44 THAT HAS AS ITS PRIMARY SOURCE OF REVENUE THE PROVISION OF SERVICES IN  
45 THE FOLLOWING AREAS: (1) GREEN HOUSE GAS EMISSION REDUCTION TECHNOLO-  
46 GIES, (2) THE ASSEMBLY OF ESSENTIAL COMPONENTS FOR A CLEAN-FUELED VEHI-  
47 CLE; OR (3) ENERGY EFFICIENCY TECHNOLOGIES.

48 FOR PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE  
49 FOLLOWING MEANINGS:

50 (A) "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES" SHALL MEAN AND  
51 INCLUDE BUT NOT BE LIMITED TO: (I) COGENERATION TECHNOLOGIES, WHICH  
52 SHALL MEAN ANY ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM  
53 ON-SITE ELECTRICAL GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR  
54 HOT WATER TO MEET ON-SITE NEEDS, SUCH AS HEATING AND/OR AIR CONDITIONING  
55 AND WHICH ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE  
56 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CONSIDERING BOTH THERMAL AND

1 ELECTRICAL PROCESS TOGETHER; (II) FURNACE AND BOILER REPLACEMENTS AND  
2 RETROFITS, PROVIDED THAT NEW OR RETROFITTED FURNACES AND BOILERS SHALL  
3 NOT AT ANYTIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER THAN  
4 0.05 PERCENT BY WEIGHT; (III) THE PRODUCTION OF CLEAN-FUELED VEHICLES OR  
5 THE CONVERSION OF EXISTING VEHICLES TO CLEAN-FUELED VEHICLES; AND (IV)  
6 OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF  
7 ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL  
8 CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND  
9 DEVELOPMENT AUTHORITY;

10 (B) "CLEAN-FUELED VEHICLE" SHALL MEAN ANY MOTOR VEHICLE AS DEFINED IN  
11 SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, THAT  
12 USES ELECTRICITY, INCLUDING ELECTRICITY EITHER STORED OR GENERATED  
13 ON-BOARD, AS ITS PRIMARY MOTIVE FORCE, OR THAT IS FUELED BY NATURAL GAS,  
14 PROPANE, OR HYDROGEN;

15 (C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT  
16 REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I)  
17 REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIP-  
18 MENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN  
19 ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT  
20 WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS  
21 DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHOR-  
22 ITY; AND

23 (D) "RENEWABLE ENERGY DEVELOPMENT" SHALL MEAN THE PURCHASE AND INSTAL-  
24 LATION OF TECHNOLOGIES DESIGNED TO CONVERT RENEWABLE ENERGY INTO ELEC-  
25 TRICITY OR OTHER END USES, WHERE RENEWABLE ENERGY INCLUDES SOLAR, WIND,  
26 TIDAL, FUEL CELL, GEOTHERMAL AND HYDROGEN, BUT DOES NOT INCLUDE  
27 COMBUSTION OR PYROLOSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF  
28 THE ENVIRONMENTAL CONSERVATION LAW OR ELECTRICITY GENERATED FROM NUCLEAR  
29 POWER PLANTS.

30 (D-2) "GREEN ZONE". THE AREA OF STATEN ISLAND DEFINED BY THE FOLLOWING  
31 AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING ZONING MAPS:  
32 BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT OF THE  
33 GOETHALS BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING  
34 EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF THE  
35 GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE; THENCE  
36 RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD NORTH;  
37 THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH SIDE  
38 OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE RUNNING  
39 SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH AVENUE TO  
40 THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89 FEET ALONG  
41 AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTERLINE OF  
42 FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND PARALLEL TO  
43 THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS LANE;  
44 THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO THE  
45 INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING SOUTH  
46 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE TO  
47 THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST 3,114.21  
48 FEET ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF  
49 TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO  
50 THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE;  
51 THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE  
52 OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING  
53 WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL  
54 ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650  
55 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD  
56 AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARAL-

1 LEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT  
2 AND PLACE OF BEGINNING.

3 S 15. Subdivision (g) of section 25-s of the general city law, as  
4 added by chapter 551 of the laws of 1985, is amended to read as follows:

5 (g) "Eligible areas". Areas of a city designated by local law enacted  
6 pursuant to section twenty-five-t of this article as needing the bene-  
7 fits available under this article as an inducement to economic develop-  
8 ment, provided that the area lying south of the center line of 96th  
9 Street, in the borough of Manhattan in the city of New York, shall not  
10 be so designated. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, A  
11 GREEN ZONE SHALL BE CONSIDERED AN ELIGIBLE AREA.

12 S 16. The real property tax law is amended by adding a new section  
13 485-n to read as follows:

14 S 485-N. GREEN ECONOMIC DEVELOPMENT ZONE EXEMPTION. 1. (A) REAL PROP-  
15 ERTY CONSTRUCTED, ALTERED, INSTALLED OR IMPROVED IN AN AREA DESIGNATED A  
16 GREEN ECONOMIC DEVELOPMENT ZONE PURSUANT TO ARTICLE EIGHTEEN-D OF THE  
17 GENERAL MUNICIPAL LAW SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALO-  
18 REM LEVIES BY ANY MUNICIPAL CORPORATION IN WHICH LOCATED, FOR THE PERIOD  
19 AND TO THE EXTENT HEREIN PROVIDED, PROVIDED THAT THE GOVERNING BOARD OF  
20 SUCH MUNICIPAL CORPORATION, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW,  
21 ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

22 (B) FOR EXEMPTIONS COMMENCING IN THE FIRST SEVEN YEARS FROM THE DATE  
23 ON WHICH THE GREEN ECONOMIC DEVELOPMENT ZONE WAS DESIGNATED, THE AMOUNT  
24 OF SUCH EXEMPTION IN ANY OF THESE YEARS SHALL BE ONE HUNDRED PERCENT OF  
25 THE "BASE AMOUNT", DETERMINED PURSUANT TO SUBDIVISION TWO OF THIS  
26 SECTION. IN THE EIGHTH, NINTH AND TENTH YEARS, THE AMOUNT OF THE  
27 EXEMPTION SHALL BE SEVENTY-FIVE PERCENT, FIFTY PERCENT, AND TWENTY-FIVE  
28 PERCENT, RESPECTIVELY, OF SUCH BASE AMOUNT.

29 (C) FOR EXEMPTIONS COMMENCING IN THE EIGHTH, NINTH AND TENTH YEARS  
30 FROM THE DATE ON WHICH THE GREEN ECONOMIC DEVELOPMENT ZONE WAS DESIG-  
31 NATED, THE AMOUNT OF SUCH EXEMPTION SHALL BE SEVENTY-FIVE PERCENT, FIFTY  
32 PERCENT AND TWENTY-FIVE PERCENT, RESPECTIVELY, OF THE "BASE AMOUNT",  
33 DETERMINED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

34 1-A. (A) A MUNICIPAL CORPORATION MAY PROVIDE IN SUCH LOCAL LAW, ORDI-  
35 NANCE OR RESOLUTION, OR IN A SEPARATE LOCAL LAW, ORDINANCE OR RESOLUTION  
36 ADOPTED AFTER PUBLIC HEARING, THAT THE EXEMPTION SO AUTHORIZED SHALL BE  
37 FOR A TERM OF TEN YEARS, NOTWITHSTANDING THAT THE DESIGNATION OF THE  
38 ZONE MAY EXPIRE PRIOR TO THE END OF SUCH TEN YEAR TERM. ANY SUCH LOCAL  
39 LAW, ORDINANCE OR RESOLUTION SHALL BE APPLICABLE ONLY TO EXEMPTIONS  
40 COMMENCING ON ASSESSMENT ROLLS WITH TAXABLE STATUS DATES ON OR AFTER THE  
41 EFFECTIVE DATE OF SUCH LOCAL LAW, ORDINANCE OR RESOLUTION.

42 (B) WHERE SUCH LOCAL LAW, ORDINANCE OR RESOLUTION HAS BEEN ADOPTED,  
43 THE AMOUNT OF SUCH EXEMPTION IN THE FIRST SEVEN YEARS OF ITS TERM SHALL  
44 BE ONE HUNDRED PERCENT OF THE "BASE AMOUNT," DETERMINED PURSUANT TO  
45 SUBDIVISION TWO OF THIS SECTION. THE AMOUNT OF THE EXEMPTION IN THE  
46 EIGHTH, NINTH, AND TENTH YEARS OF ITS TERM SHALL BE SEVENTY-FIVE  
47 PERCENT, FIFTY PERCENT AND TWENTY-FIVE PERCENT, RESPECTIVELY, OF SUCH  
48 BASE AMOUNT.

49 2. (A) THE BASE AMOUNT OF THE EXEMPTION SHALL BE THE EXTENT OF THE  
50 INCREASE IN ASSESSED VALUE ATTRIBUTABLE TO SUCH CONSTRUCTION, ALTER-  
51 ATION, INSTALLATION OR IMPROVEMENT AS DETERMINED IN THE INITIAL YEAR FOR  
52 WHICH APPLICATION FOR EXEMPTION IS MADE PURSUANT TO THIS SECTION. THE  
53 BASE AMOUNT SHALL REMAIN CONSTANT FOR THE AUTHORIZED TERM OF THE  
54 EXEMPTION, SUBJECT TO THE FOLLOWING:

55 (I) IF THERE IS SUBSEQUENT CONSTRUCTION, ALTERATION, INSTALLATION OR  
56 IMPROVEMENT DURING THE TERM OF THE EXEMPTION, THE BASE AMOUNT SHALL BE

REVISED TO INCLUDE THE INCREASE IN ASSESSED VALUE ATTRIBUTABLE TO SUCH CONSTRUCTION, ALTERATION, INSTALLATION OR IMPROVEMENT.

(II) IF A CHANGE IN LEVEL OF ASSESSMENT OF FIFTEEN PERCENT OR MORE IS CERTIFIED FOR AN ASSESSMENT ROLL PURSUANT TO THE RULES OF THE STATE BOARD, THE BASE AMOUNT SHALL BE ADJUSTED BY SUCH CHANGE IN LEVEL OF ASSESSMENT. THE EXEMPTION ON THAT ASSESSMENT ROLL SHALL THEREUPON BE RECOMPUTED, NOTWITHSTANDING THE FACT THAT THE ASSESSOR RECEIVES THE CERTIFICATION AFTER THE COMPLETION, VERIFICATION AND FILING OF THE FINAL ASSESSMENT ROLL. IN THE EVENT THE ASSESSOR DOES NOT HAVE CUSTODY OF THE ROLL WHEN SUCH CERTIFICATION IS RECEIVED, THE ASSESSOR SHALL CERTIFY THE RECOMPUTED EXEMPTION TO THE LOCAL OFFICERS HAVING CUSTODY AND CONTROL OF THE ROLL, AND SUCH LOCAL OFFICERS ARE HEREBY DIRECTED AND AUTHORIZED TO ENTER THE RECOMPUTED EXEMPTION CERTIFIED BY THE ASSESSOR ON THE ROLL.

(B) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS, PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW:

(1) NOTICE OF THE DESIGNATION OF THE GREEN ECONOMIC DEVELOPMENT ZONE HAS BEEN FILED WITH THE CLERK OF THE ASSESSING UNIT BY THE COMMISSIONER ON OR BEFORE THE APPLICABLE TAXABLE STATUS DATE;

(2) THE CONSTRUCTION, ALTERATION, INSTALLATION OR IMPROVEMENT COMMENCED ON OR AFTER THE DATE THE GREEN ECONOMIC DEVELOPMENT ZONE WAS DESIGNATED; AND

(3) THE DESIGNATION OF THE GREEN ECONOMIC DEVELOPMENT ZONE HAS NOT ENDED AND HAS NOT BEEN TERMINATED BY THE COMMISSIONER ON OR BEFORE THE APPLICABLE TAXABLE STATUS DATE.

(C) FOR PURPOSES OF THIS SECTION THE TERMS CONSTRUCTION, ALTERATION, INSTALLATION AND IMPROVEMENT SHALL NOT INCLUDE ORDINARY MAINTENANCE AND REPAIRS.

(D) NO SUCH EXEMPTION SHALL BE GRANTED CONCURRENT WITH OR SUBSEQUENT TO ANY OTHER REAL PROPERTY TAX EXEMPTION GRANTED TO THE SAME IMPROVEMENTS TO REAL PROPERTY, EXCEPT, WHERE DURING THE PERIOD OF SUCH PREVIOUS EXEMPTION, PAYMENTS IN LIEU OF TAXES OR OTHER PAYMENTS WERE MADE TO THE LOCAL GOVERNMENT IN AN AMOUNT THAT WOULD HAVE BEEN EQUAL TO OR GREATER THAN THE AMOUNT OF REAL PROPERTY TAXES THAT WOULD HAVE BEEN PAID ON SUCH IMPROVEMENTS HAD SUCH PROPERTY BEEN GRANTED AN EXEMPTION PURSUANT TO THIS SECTION. IN SUCH CASE, AN EXEMPTION SHALL BE GRANTED FOR A NUMBER OF YEARS EQUAL TO THE TEN YEAR EXEMPTION GRANTED PURSUANT TO THIS SECTION LESS THE NUMBER OF YEARS THE PROPERTY WOULD HAVE BEEN PREVIOUSLY EXEMPT FROM REAL PROPERTY TAXES.

3. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER OF SUCH REAL PROPERTY ON A FORM PRESCRIBED BY THE STATE BOARD. THE ORIGINAL OF SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF THE ASSESSING UNIT. SUCH ORIGINAL APPLICATION SHALL BE FILED ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH ASSESSING UNIT AND NO LATER THAN ONE YEAR FROM THE DATE OF COMPLETION OF SUCH CONSTRUCTION, ALTERATION, INSTALLATION OR IMPROVEMENT.

4. IF THE ASSESSOR RECEIVES THE NOTICE DESCRIBED IN SUBPARAGRAPH ONE OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION AND AN APPLICATION BY THE OWNER OF THE REAL PROPERTY, HE SHALL APPROVE THE APPLICATION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AS HEREIN PROVIDED COMMENCING WITH THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE REFERRED TO IN SUBDIVISION THREE OF THIS SECTION. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION ENTERED IN A SEPARATE COLUMN.

5. EXEMPTIONS EXISTING PRIOR IN TIME TO THE TERMINATION OF THE DESIGNATION OF A GREEN ECONOMIC DEVELOPMENT ZONE BY THE COMMISSIONER, OR, IN

1 THE CASE OF A MUNICIPAL CORPORATION WHICH HAS ADOPTED A LOCAL LAW, ORDI-  
2 NANCE OR RESOLUTION PURSUANT TO SUBDIVISION ONE-A OF THIS SECTION, PRIOR  
3 IN TIME TO THE EXPIRATION OF SUCH DESIGNATION, SHALL CONTINUE AS IF THE  
4 DESIGNATION OF THE GREEN ECONOMIC DEVELOPMENT ZONE HAD NOT BEEN TERMI-  
5 NATED, OR, IF APPLICABLE, HAD NOT EXPIRED; PROVIDED, HOWEVER, THAT ANY  
6 FURTHER INCREASE IN THE VALUE ATTRIBUTABLE TO CONSTRUCTION, ALTERATION,  
7 INSTALLATION OR IMPROVEMENT COMMENCED SUBSEQUENT TO THE DATE OF TERMI-  
8 NATION, OR, IF APPLICABLE, THE DATE OF EXPIRATION, SHALL NOT BE ELIGIBLE  
9 FOR EXEMPTION PURSUANT TO THIS SECTION.

10 S 17. Section 186-a of the tax law is amended by adding a new subdivi-  
11 sion 11 to read as follows:

12 11. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY OTHER  
13 LAW TO THE CONTRARY, ANY UTILITY (A) WHICH IS SUBJECT TO TAX HEREUNDER,  
14 AND (B) WHICH IS SUBJECT TO THE SUPERVISION OF THE DEPARTMENT OF PUBLIC  
15 SERVICE, SHALL PROVIDE, IN ADDITION TO ANY OTHER DISCOUNT, A REDUCTION  
16 OF THREE PERCENT IN THE RATE CHARGED FOR GAS, ELECTRICITY, STEAM OR  
17 WATER SOLD, OR GAS, ELECTRIC, STEAM OR WATER SERVICE RENDERED, PRIOR TO  
18 NINETEEN HUNDRED NINETY-FOUR, FOR ULTIMATE CONSUMPTION OR USE WITHIN AN  
19 AREA DESIGNATED AS A GREEN ECONOMIC DEVELOPMENT ZONE PURSUANT TO ARTICLE  
20 EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW BY A BUSINESS, WHETHER INCORPO-  
21 RATED OR UNINCORPORATED, OTHER THAN A RETAIL ENTERPRISE AS DEFINED IN  
22 PARAGRAPH (K) OF SUBDIVISION TWELVE OF SECTION TWO HUNDRED TEN OF THIS  
23 CHAPTER BUT WITHOUT REGARD TO SUBPARAGRAPH (III) THEREOF, WHICH HAS BEEN  
24 CERTIFIED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW,  
25 AND WHICH HAS CLAIMED A CREDIT UNDER SUBDIVISION TWELVE-H OF SECTION TWO  
26 HUNDRED TEN, SUBSECTION (E) OF SECTION FOURTEEN HUNDRED FIFTY-SIX OR  
27 SUBDIVISION (G) OF SECTION FIFTEEN HUNDRED ELEVEN OF THIS CHAPTER DURING  
28 THE PREVIOUS FIFTEEN MONTHS, AS EVIDENCED BY A CERTIFICATE ISSUED BY THE  
29 COMMISSIONER TO SUCH BUSINESS. NINETY-SIX AND ONE-HALF PERCENT OF THE  
30 AGGREGATE OF SUCH REDUCTIONS DURING THE YEAR MAY BE APPLIED AS A CREDIT  
31 AGAINST THE TAX IMPOSED PURSUANT TO THIS SECTION WITH RESPECT TO SUCH  
32 YEAR.

33 S 18. Section 210 of the tax law is amended by adding two new subdivi-  
34 sions 12-H and 12-I to read as follows:

35 12-H. GREEN ECONOMIC DEVELOPMENT ZONE INVESTMENT TAX CREDIT (GED-ITC).  
36 (A) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREIN  
37 PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE IF THE TAXPAYER HAS  
38 BEEN CERTIFIED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL  
39 LAW. THE AMOUNT OF THE CREDIT SHALL BE TEN PERCENT OF THE COST OR OTHER  
40 BASIS FOR FEDERAL INCOME TAX PURPOSES OF TANGIBLE PERSONAL PROPERTY AND  
41 OTHER TANGIBLE PROPERTY, INCLUDING BUILDINGS AND STRUCTURAL COMPONENTS  
42 OF BUILDINGS, DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION, WHICH IS  
43 LOCATED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATED AS SUCH  
44 PURSUANT TO ARTICLE EIGHTEEN-D OF SUCH LAW, BUT ONLY IF THE ACQUISITION,  
45 CONSTRUCTION, RECONSTRUCTION OR ERECTION OF SUCH PROPERTY OCCURRED OR  
46 WAS COMMENCED ON OR AFTER THE DATE OF SUCH DESIGNATION AND PRIOR TO THE  
47 EXPIRATION THEREOF. PROVIDED, HOWEVER, THAT IN THE CASE OF AN ACQUISSI-  
48 TION, CONSTRUCTION, RECONSTRUCTION OR ERECTION WHICH WAS COMMENCED  
49 DURING SUCH PERIOD AND CONTINUED OR COMPLETED SUBSEQUENTLY, SUCH CREDIT  
50 SHALL BE TEN PERCENT OF THE PORTION OF THE COST OR OTHER BASIS FOR  
51 FEDERAL INCOME TAX PURPOSES ATTRIBUTABLE TO SUCH PERIOD, WHICH PORTION  
52 SHALL BE ASCERTAINED BY MULTIPLYING SUCH COST OR BASIS BY A FRACTION THE  
53 NUMERATOR OF WHICH SHALL BE THE EXPENDITURES PAID OR INCURRED DURING  
54 SUCH PERIOD FOR SUCH PURPOSES AND THE DENOMINATOR OF WHICH SHALL BE THE  
55 TOTAL OF ALL EXPENDITURES PAID OR INCURRED FOR SUCH ACQUISITION,  
56 CONSTRUCTION, RECONSTRUCTION OR ERECTION.

1 (B) A CREDIT SHALL BE ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO  
2 TANGIBLE PERSONAL PROPERTY AND OTHER TANGIBLE PROPERTY, INCLUDING BUILD-  
3 INGS AND STRUCTURAL COMPONENTS OF BUILDINGS, WHICH (I) ARE DEPRECIABLE  
4 PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE  
5 CODE, (II) HAVE A USEFUL LIFE OF FOUR YEARS OR MORE, (III) ARE ACQUIRED  
6 BY PURCHASE AS DEFINED IN SECTION ONE HUNDRED SEVENTY-NINE (D) OF THE  
7 INTERNAL REVENUE CODE, (IV) HAVE A SITUS IN A GREEN ECONOMIC DEVELOPMENT  
8 ZONE DESIGNATED AS SUCH PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
9 MUNICIPAL LAW, AND (V) ARE (A) PRINCIPALLY USED BY THE TAXPAYER IN THE  
10 PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEMBLING, REFINING,  
11 MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE,  
12 VITICULTURE OR COMMERCIAL FISHING, (B) INDUSTRIAL WASTE TREATMENT FACIL-  
13 ITIES OR AIR POLLUTION CONTROL FACILITIES USED IN THE TAXPAYER'S TRADE  
14 OR BUSINESS, (C) RESEARCH AND DEVELOPMENT PROPERTY, (D) PRINCIPALLY USED  
15 IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS AS A BROKER  
16 OR DEALER IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE  
17 BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET,  
18 ASSIGNMENT, TERMINATION, OR TRANSFER) OF STOCKS, BONDS OR OTHER SECURI-  
19 TIES AS DEFINED IN SECTION FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE  
20 INTERNAL REVENUE CODE, OR OF COMMODITIES AS DEFINED IN SECTION FOUR  
21 HUNDRED SEVENTY-FIVE (E) OF THE INTERNAL REVENUE CODE, (E) PRINCIPALLY  
22 USED IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS OF  
23 PROVIDING INVESTMENT ADVISORY SERVICES FOR A REGULATED INVESTMENT COMPA-  
24 NY AS DEFINED IN SECTION EIGHT HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE  
25 CODE, OR LENDING, LOAN ARRANGEMENT, OR LOAN ORIGATION SERVICES TO  
26 CUSTOMERS IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE  
27 BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET,  
28 ASSIGNMENT, TERMINATION OR TRANSFER) OF SECURITIES AS DEFINED IN SECTION  
29 FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE INTERNAL REVENUE CODE, OR (F)  
30 PRINCIPALLY USED IN THE ORDINARY COURSE OF THE TAXPAYER'S BUSINESS AS AN  
31 EXCHANGE REGISTERED AS A NATIONAL SECURITIES EXCHANGE WITHIN THE MEANING  
32 OF SECTIONS 3(A)(1) AND 6(A) OF THE SECURITIES EXCHANGE ACT OF 1934 OR A  
33 BOARD OF TRADE AS DEFINED IN SUBPARAGRAPH ONE OF PARAGRAPH (A) OF  
34 SECTION FOURTEEN HUNDRED TEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AS  
35 AN ENTITY THAT IS WHOLLY OWNED BY ONE OR MORE SUCH NATIONAL SECURITIES  
36 EXCHANGES OR BOARDS OF TRADE AND THAT PROVIDES AUTOMATION OR TECHNICAL  
37 SERVICES THERETO. FOR PURPOSES OF CLAUSES (D), (E) AND (F) OF SUBPARA-  
38 GRAPH (V) OF THIS PARAGRAPH, PROPERTY PURCHASED BY A TAXPAYER AFFILIATED  
39 WITH A REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISER, NATIONAL  
40 SECURITIES EXCHANGE OR BOARD OF TRADE IS ALLOWED A CREDIT UNDER THIS  
41 SUBDIVISION IF THE PROPERTY IS USED BY ITS AFFILIATED REGULATED BROKER,  
42 DEALER, REGISTERED INVESTMENT ADVISER OR NATIONAL SECURITIES EXCHANGE OR  
43 BOARD OF TRADE IN ACCORDANCE WITH THIS SUBDIVISION. FOR PURPOSES OF  
44 DETERMINING IF THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THE  
45 USES BY THE TAXPAYER DESCRIBED IN CLAUSES (D) AND (E) OF SUBPARAGRAPH  
46 (V) OF THIS PARAGRAPH MAY BE AGGREGATED. IN ADDITION, THE USES BY THE  
47 TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER AND REGISTERED INVEST-  
48 MENT ADVISER UNDER EITHER OR BOTH OF THOSE CLAUSES MAY BE AGGREGATED.  
49 PROVIDED, HOWEVER, A TAXPAYER SHALL NOT BE ALLOWED THE CREDIT PROVIDED  
50 BY CLAUSES (D), (E) AND (F) OF THIS SUBPARAGRAPH UNLESS (I) EIGHTY  
51 PERCENT OR MORE OF THE EMPLOYEES PERFORMING THE ADMINISTRATIVE AND  
52 SUPPORT FUNCTIONS RESULTING FROM OR RELATED TO THE QUALIFYING USES OF  
53 SUCH EQUIPMENT ARE LOCATED IN THIS STATE, OR (II) THE AVERAGE NUMBER OF  
54 EMPLOYEES THAT PERFORM THE ADMINISTRATIVE AND SUPPORT FUNCTIONS RESULT-  
55 ING FROM OR RELATED TO THE QUALIFYING USES OF SUCH EQUIPMENT AND ARE  
56 LOCATED IN THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS

1 CLAIMED IS EQUAL TO OR GREATER THAN NINETY-FIVE PERCENT OF THE AVERAGE  
2 NUMBER OF EMPLOYEES THAT PERFORM THESE FUNCTIONS AND ARE LOCATED IN THIS  
3 STATE DURING THE THIRTY-SIX MONTHS IMMEDIATELY PRECEDING THE YEAR FOR  
4 WHICH THE CREDIT IS CLAIMED, OR (III) THE NUMBER OF EMPLOYEES LOCATED IN  
5 THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED IS  
6 EQUAL TO OR GREATER THAN NINETY PERCENT OF THE NUMBER OF EMPLOYEES  
7 LOCATED IN THIS STATE ON DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINE-  
8 TY-EIGHT OR, IF THE TAXPAYER WAS NOT A CALENDAR YEAR TAXPAYER IN NINE-  
9 TEEN HUNDRED NINETY-EIGHT, THE LAST DAY OF ITS FIRST TAXABLE YEAR ENDING  
10 AFTER DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-EIGHT. IF THE  
11 TAXPAYER BECOMES SUBJECT TO TAX IN THIS STATE AFTER THE TAXABLE YEAR  
12 BEGINNING IN NINETEEN HUNDRED NINETY-EIGHT, THEN THE TAXPAYER IS NOT  
13 REQUIRED TO SATISFY THE EMPLOYMENT TEST PROVIDED IN THE PRECEDING  
14 SENTENCE OF THIS SUBPARAGRAPH FOR ITS FIRST TAXABLE YEAR. FOR THE  
15 PURPOSES OF CLAUSE (III) OF THIS SUBPARAGRAPH THE EMPLOYMENT TEST WILL  
16 BE BASED ON THE NUMBER OF EMPLOYEES LOCATED IN THIS STATE ON THE LAST  
17 DAY OF THE FIRST TAXABLE YEAR THE TAXPAYER IS SUBJECT TO TAX IN THIS  
18 STATE. IF THE USES OF THE PROPERTY MUST BE AGGREGATED TO DETERMINE  
19 WHETHER THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THEN EITHER  
20 EACH AFFILIATE USING THE PROPERTY MUST SATISFY THIS EMPLOYMENT TEST OR  
21 THIS EMPLOYMENT TEST MUST BE SATISFIED THROUGH THE AGGREGATION OF THE  
22 EMPLOYEES OF THE TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER, AND  
23 REGISTERED INVESTMENT ADVISER USING THE PROPERTY. FOR THE PURPOSE OF  
24 THIS SUBDIVISION, THE TERM "GOODS" SHALL NOT INCLUDE ELECTRICITY. FOR  
25 PURPOSES OF THIS PARAGRAPH, MANUFACTURING SHALL MEAN THE PROCESS OF  
26 WORKING RAW MATERIALS INTO WARES SUITABLE FOR USE OR WHICH GIVES NEW  
27 SHAPES, NEW QUALITY OR NEW COMBINATIONS TO MATTER WHICH ALREADY HAS GONE  
28 THROUGH SOME ARTIFICIAL PROCESS BY THE USE OF MACHINERY, TOOLS, APPLI-  
29 ANCES AND OTHER SIMILAR EQUIPMENT. PROPERTY USED IN THE PRODUCTION OF  
30 GOODS SHALL INCLUDE MACHINERY, EQUIPMENT OR OTHER TANGIBLE PROPERTY  
31 WHICH IS PRINCIPALLY USED IN THE REPAIR AND SERVICE OF OTHER MACHINERY,  
32 EQUIPMENT OR OTHER TANGIBLE PROPERTY USED PRINCIPALLY IN THE PRODUCTION  
33 OF GOODS AND SHALL INCLUDE ALL FACILITIES USED IN THE PRODUCTION OPERA-  
34 TION, INCLUDING STORAGE OF MATERIAL TO BE USED IN PRODUCTION AND OF THE  
35 PRODUCTS THAT ARE PRODUCED. FOR PURPOSES OF THIS PARAGRAPH, THE TERMS  
36 "RESEARCH AND DEVELOPMENT PROPERTY", "INDUSTRIAL WASTE TREATMENT FACILI-  
37 TIES", AND "AIR POLLUTION CONTROL FACILITIES" SHALL HAVE THE MEANINGS  
38 ASCRIBED THERETO BY CLAUSES (B), (C) AND (D), RESPECTIVELY, OF SUBPARA-  
39 GRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION TWELVE OF THIS SECTION, AND  
40 THE PROVISIONS OF SUBPARAGRAPH (III) OF SUCH PARAGRAPH (B) SHALL APPLY.

41 (C) A TAXPAYER SHALL NOT BE ALLOWED A CREDIT UNDER THIS SUBDIVISION  
42 WITH RESPECT TO ANY TANGIBLE PERSONAL PROPERTY AND OTHER TANGIBLE PROP-  
43 erty, INCLUDING BUILDINGS AND STRUCTURAL COMPONENTS OF BUILDINGS, WHICH  
44 IT LEASES TO ANY OTHER PERSON OR CORPORATION EXCEPT WHERE A TAXPAYER  
45 LEASES PROPERTY TO AN AFFILIATED REGULATED BROKER, DEALER, REGISTERED  
46 INVESTMENT ADVISER, NATIONAL SECURITIES EXCHANGE OR BOARD OF TRADE (OR  
47 OTHER ENTITY DESCRIBED IN CLAUSE (F) OF SUBPARAGRAPH (V) OF PARAGRAPH  
48 (B) OF THIS SUBDIVISION THAT USES SUCH PROPERTY IN ACCORDANCE WITH  
49 CLAUSE (D), (E) OR (F) OF SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS  
50 SUBDIVISION. FOR PURPOSES OF THE PRECEDING SENTENCE, ANY CONTRACT OR  
51 AGREEMENT TO LEASE OR RENT OR FOR A LICENSE TO USE SUCH PROPERTY SHALL  
52 BE CONSIDERED A LEASE. PROVIDED, HOWEVER, IN DETERMINING WHETHER A  
53 TAXPAYER SHALL BE ALLOWED A CREDIT UNDER THIS SUBDIVISION WITH RESPECT  
54 TO SUCH PROPERTY, ANY ELECTION MADE WITH RESPECT TO SUCH PROPERTY PURSU-  
55 ANT TO THE PROVISIONS OF PARAGRAPH EIGHT OF SUBSECTION (F) OF SECTION  
56 ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE CODE, AS SUCH PARAGRAPH

1 WAS IN EFFECT FOR AGREEMENTS ENTERED INTO PRIOR TO JANUARY FIRST, NINE-  
2 TEEN HUNDRED EIGHTY-FOUR, SHALL BE DISREGARDED.

3 (D) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR  
4 SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF  
5 THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF  
6 THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWED  
7 UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH  
8 AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE  
9 CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE  
10 TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY  
11 SUCH TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF  
12 SUBDIVISION TWELVE OF THIS SECTION MAY ELECT, ON ITS REPORT FOR ITS  
13 TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT  
14 FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX  
15 TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
16 ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. IN ADDITION, ANY TAXPAYER WHICH  
17 IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIF-  
18 ICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS  
19 PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, ON ITS REPORT  
20 FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, IN  
21 LIEU OF SUCH CARRYOVER, MAY ELECT TO TREAT FIFTY PERCENT OF THE AMOUNT  
22 OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS  
23 SUBDIVISION FOR PROPERTY WHICH IS PART OF SUCH PROJECT AS AN OVERPAYMENT  
24 OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF  
25 SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, SUCH  
26 OWNER SHALL BE ALLOWED SUCH REFUND FOR A MAXIMUM OF TEN TAXABLE YEARS  
27 WITH RESPECT TO SUCH QUALIFIED INVESTMENT PROJECT AND EACH SIGNIFICANT  
28 CAPITAL INVESTMENT PROJECT, STARTING WITH THE FIRST TAXABLE YEAR IN  
29 WHICH PROPERTY COMPRISING SUCH PROJECT IS PLACED IN SERVICE. PROVIDED,  
30 FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOU-  
31 SAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE  
32 PAID THEREON.

33 (D-1) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
34 ALLOWED IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION CERTIFICATE IS  
35 NOT ISSUED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMIS-  
36 SIONER OF ECONOMIC DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE  
37 ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

38 (E) AT THE OPTION OF THE TAXPAYER AIR OR WATER POLLUTION CONTROL  
39 FACILITIES WHICH QUALIFY FOR ELECTIVE DEDUCTIONS UNDER PARAGRAPH (G) OF  
40 SUBDIVISION NINE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE OR AN  
41 ELIGIBLE BUSINESS FACILITY FOR WHICH A CREDIT IS ALLOWED UNDER SUBDIVI-  
42 SION ELEVEN OF THIS SECTION, OR RESEARCH AND DEVELOPMENT FACILITIES  
43 WHICH QUALIFY FOR ELECTIVE DEDUCTION UNDER SUBPARAGRAPHS TWO AND THREE  
44 OF PARAGRAPH (E) OF SUBDIVISION THREE OF THIS SECTION, OR PROPERTY WHICH  
45 QUALIFIES FOR THE CREDIT PROVIDED UNDER SUBDIVISION TWELVE OR EIGHTEEN  
46 OF THIS SECTION MAY BE TREATED AS PROPERTY PRINCIPALLY USED BY THE  
47 TAXPAYER IN THE PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEM-  
48 BLING, REFINING, MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE,  
49 VITICULTURE OR COMMERCIAL FISHING, PROVIDED THE PROPERTY OTHERWISE QUAL-  
50 IFIES UNDER PARAGRAPH (B) OF THIS SUBDIVISION, IN WHICH EVENT A  
51 DEDUCTION SHALL NOT BE ALLOWED UNDER SUCH PARAGRAPH (G), A CREDIT SHALL  
52 NOT BE ALLOWED UNDER SUCH SUBDIVISION ELEVEN AND A DEDUCTION SHALL NOT  
53 BE ALLOWED UNDER SUCH SUBPARAGRAPH THREE OF PARAGRAPH (E) AND A CREDIT  
54 SHALL NOT BE ALLOWED UNDER SUCH SUBDIVISION TWELVE OR EIGHTEEN.

55 (F) (1) WITH RESPECT TO PROPERTY WHICH IS DEPRECIABLE PURSUANT TO  
56 SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE CODE BUT IS NOT



1 SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF SUCH  
2 CODE AND WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO  
3 THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN, THE  
4 AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED FOR IN  
5 THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALI-  
6 FIED USE BEAR TO THE MONTHS OF USEFUL LIFE. IF PROPERTY ON WHICH CREDIT  
7 HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO  
8 THE END OF ITS USEFUL LIFE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND  
9 THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF  
10 DISPOSITION. PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEAS-  
11 ES TO BE IN QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE  
12 THAN TWELVE CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE  
13 CREDIT AS PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED  
14 FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY  
15 THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE MONTHS OF USEFUL  
16 LIFE. FOR PURPOSES OF THIS SUBPARAGRAPH, USEFUL LIFE OF PROPERTY SHALL  
17 BE THE SAME AS THE TAXPAYER USES FOR DEPRECIATION PURPOSES WHEN COMPUT-  
18 ING HIS FEDERAL INCOME TAX LIABILITY.

19 (2) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF  
20 THIS PARAGRAPH APPLIES, WITH RESPECT TO THREE-YEAR PROPERTY, AS DEFINED  
21 IN SUBSECTION (E) OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL  
22 REVENUE CODE, WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE  
23 PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN,  
24 THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED  
25 FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF  
26 QUALIFIED USE BEAR TO THIRTY-SIX. IF PROPERTY ON WHICH CREDIT HAS BEEN  
27 TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END  
28 OF THIRTY-SIX MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE  
29 CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSI-  
30 TION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY  
31 MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALI-  
32 FIED USE BEAR TO THIRTY-SIX.

33 (3) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF  
34 THIS PARAGRAPH APPLIES, WITH RESPECT TO PROPERTY SUBJECT TO THE  
35 PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE  
36 CODE OTHER THAN THREE-YEAR PROPERTY AS DEFINED IN SUBSECTION (E) OF SUCH  
37 SECTION ONE HUNDRED SIXTY-EIGHT WHICH IS DISPOSED OF OR CEASES TO BE IN  
38 QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT  
39 IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE  
40 CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH  
41 THE MONTHS OF QUALIFIED USE BEAR TO SIXTY. IF PROPERTY ON WHICH CREDIT  
42 HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO  
43 THE END OF SIXTY MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE  
44 CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSI-  
45 TION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY  
46 MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALI-  
47 FIED USE BEAR TO SIXTY.

48 (4) WITH RESPECT TO ANY PROPERTY TO WHICH SECTION ONE HUNDRED  
49 SIXTY-EIGHT OF THE INTERNAL REVENUE CODE APPLIES, WHICH IS A BUILDING OR  
50 A STRUCTURAL COMPONENT OF A BUILDING AND WHICH IS DISPOSED OF OR CEASES  
51 TO BE IN QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE  
52 CREDIT IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF  
53 THE CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO  
54 WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE TOTAL NUMBER OF MONTHS  
55 OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTER-  
56 NAL REVENUE CODE. IF PROPERTY ON WHICH CREDIT HAS BEEN TAKEN IS DISPOSED

1 OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE PERIOD OVER  
2 WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTERNAL  
3 REVENUE CODE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE CREDIT  
4 ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSITION.  
5 PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEASES TO BE IN  
6 QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE THAN TWELVE  
7 CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE CREDIT AS  
8 PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL  
9 USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO  
10 WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE TOTAL NUMBER OF MONTHS  
11 OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTER-  
12 NAL REVENUE CODE.

13 (5) FOR PURPOSES OF THIS PARAGRAPH, DISPOSAL OR CESSATION OF QUALIFIED  
14 USE SHALL NOT BE DEEMED TO HAVE OCCURRED SOLELY BY REASON OF THE TERMI-  
15 NATION OR EXPIRATION OF A GREEN ECONOMIC DEVELOPMENT ZONE'S DESIGNATION  
16 AS SUCH.

17 (6)(A) FOR PURPOSES OF THIS PARAGRAPH, THE DECERTIFICATION OF A BUSI-  
18 NESS ENTERPRISE WITH RESPECT TO A GREEN ECONOMIC DEVELOPMENT ZONE SHALL  
19 CONSTITUTE A DISPOSAL OR CESSATION OF QUALIFIED USE OF THE PROPERTY ON  
20 WHICH THE CREDIT WAS TAKEN WHICH IS LOCATED IN THE ZONE TO WHICH THE  
21 DECERTIFICATION APPLIES, ON THE EFFECTIVE DATE OF SUCH DECERTIFICATION.

22 (B) WHERE A BUSINESS ENTERPRISE HAS BEEN DECERTIFIED BASED ON A FIND-  
23 ING PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF  
24 ECONOMIC DEVELOPMENT, THE AMOUNT REQUIRED TO BE ADDED BACK BY REASON OF  
25 THIS PARAGRAPH SHALL BE AUGMENTED BY AN AMOUNT EQUAL TO THE PRODUCT OF  
26 THE AMOUNT OF CREDIT, WITH RESPECT TO PROPERTY WHICH IS DISPOSED OF OR  
27 CEASES TO BE IN QUALIFIED USE, WHICH WAS DEDUCTED FROM THE TAXPAYER'S  
28 TAX OTHERWISE DUE UNDER THIS ARTICLE FOR ALL PRIOR TAXABLE YEARS  
29 (SUBJECT TO THE LIMIT SET FORTH IN THIS SUBPARAGRAPH) AND THE UNDERPAY-  
30 MENT RATE OF INTEREST (WITHOUT REGARD TO COMPOUNDING) SET BY THE COMMIS-  
31 SIONER OF TAXATION AND FINANCE PURSUANT TO SUBSECTION (E) OF SECTION TEN  
32 HUNDRED NINETY-SIX OF THIS CHAPTER, IN EFFECT ON THE LAST DAY OF THE  
33 TAXABLE YEAR. THE LIMIT SHALL BE (I) THE AMOUNT OF CREDIT, WITH RESPECT  
34 TO THE PROPERTY WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE,  
35 WHICH WAS DEDUCTED FROM THE TAXPAYER'S TAX OTHERWISE DUE UNDER THIS  
36 ARTICLE FOR ALL PRIOR TAXABLE YEARS, REDUCED (BUT NOT BELOW ZERO) BY  
37 (II) THE CREDIT ALLOWED FOR ACTUAL USE. FOR PURPOSES OF THIS SUBPARA-  
38 GRAPH, THE ATTRIBUTION TO SPECIFIC PROPERTY OF CREDIT AMOUNTS DEDUCTED  
39 FROM TAX SHALL BE ESTABLISHED IN ACCORDANCE WITH THE DATE OF PLACEMENT  
40 IN SERVICE OF SUCH PROPERTY IN THE GREEN ECONOMIC DEVELOPMENT ZONE.

41 (C) IN NO EVENT SHALL THE AMOUNT OF THE CREDIT ALLOWED PURSUANT TO  
42 THIS SUBDIVISION BE RENDERED, SOLELY BY REASON OF CLAUSE (A) OF THIS  
43 SUBPARAGRAPH, LESS THAN THE AMOUNT OF THE CREDIT TO WHICH THE TAXPAYER  
44 WOULD OTHERWISE BE ENTITLED UNDER SUBDIVISION TWELVE OF THIS SECTION.

45 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IN THE  
46 CASE OF A BUSINESS ENTERPRISE WHICH HAS BEEN DECERTIFIED, ANY AMOUNT OF  
47 CREDIT ALLOWED WITH RESPECT TO THE PROPERTY OF SUCH BUSINESS ENTERPRISE  
48 LOCATED IN THE ZONE TO WHICH THE DECERTIFICATION APPLIES WHICH IS  
49 CARRIED OVER PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION SHALL NOT BE  
50 CARRIED OVER BEYOND THE SEVENTH TAXABLE YEAR NEXT FOLLOWING THE TAXABLE  
51 YEAR WITH RESPECT TO WHICH THE CREDIT PROVIDED FOR IN THIS SUBDIVISION  
52 WAS ALLOWED.

53 (7) FOR PURPOSES OF THIS PARAGRAPH, WHERE A CREDIT IS ALLOWED WITH  
54 RESPECT TO AN AIR POLLUTION CONTROL FACILITY ON THE BASIS OF A CERTIF-  
55 ICATE OF COMPLIANCE ISSUED PURSUANT TO THE ENVIRONMENTAL CONSERVATION  
56 LAW AND THE CERTIFICATE IS REVOKED PURSUANT TO SUBDIVISION THREE OF

1 SECTION 19-0309 OF THE ENVIRONMENTAL CONSERVATION LAW, SUCH REVOCATION  
2 SHALL CONSTITUTE A DISPOSAL OR CESSATION OF QUALIFIED USE, EXCEPT WITH  
3 RESPECT TO PROPERTY CONTAINED IN OR COMPRISING SUCH FACILITY WHICH IS  
4 DESCRIBED IN CLAUSE (A), (B) OR (C) OF SUBPARAGRAPH (V) OF PARAGRAPH (B)  
5 OF THIS SUBDIVISION OTHER THAN AS PART OF OR COMPRISING AN AIR POLLUTION  
6 CONTROL FACILITY. ALSO FOR PURPOSES OF THIS PARAGRAPH, THE USE OF AN AIR  
7 POLLUTION CONTROL FACILITY OR AN INDUSTRIAL WASTE TREATMENT FACILITY FOR  
8 THE PRIMARY PURPOSE OF SALVAGING MATERIALS WHICH ARE USABLE IN THE MANU-  
9 FACTURING PROCESS OR ARE MARKETABLE SHALL CONSTITUTE A CESSATION OF  
10 QUALIFIED USE, EXCEPT WITH RESPECT TO PROPERTY CONTAINED IN OR COMPRIS-  
11 ING SUCH FACILITY WHICH IS DESCRIBED IN CLAUSE (A) OR (C) OF SUBPARA-  
12 GRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION.

13 (8) EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH, THIS PARAGRAPH SHALL NOT  
14 APPLY TO A CREDIT ALLOWED BY THIS SUBDIVISION TO A TAXPAYER THAT IS A  
15 PARTNER IN A PARTNERSHIP IN THE CASE OF MANUFACTURING PROPERTY;  
16 PROVIDED, AT THE TIME SUCH PROPERTY WAS PLACED IN SERVICE BY SUCH PART-  
17 NERSHIP IN A GREEN ECONOMIC DEVELOPMENT ZONE THE BASIS FOR FEDERAL  
18 INCOME TAX PURPOSES OF SUCH PROPERTY (OR A PROJECT THAT INCLUDES SUCH  
19 PROPERTY) EQUALED OR EXCEEDED THREE HUNDRED MILLION DOLLARS AND SUCH  
20 PARTNER OWNED ITS PARTNERSHIP INTEREST FOR AT LEAST THREE YEARS FROM THE  
21 DATE SUCH PROPERTY WAS PLACED IN SERVICE. IF SUCH PROPERTY CEASES TO BE  
22 IN QUALIFIED USE AFTER IT IS PLACED IN SERVICE, THIS PARAGRAPH SHALL  
23 APPLY TO SUCH PARTNER IN THE YEAR SUCH PROPERTY CEASES TO BE IN QUALIFY-  
24 ING USE.

25 (9) IF A TAXPAYER, WHICH IS APPROVED BY THE COMMISSIONER OF ECONOMIC  
26 DEVELOPMENT AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIF-  
27 ICANT CAPITAL INVESTMENT PROJECT, FAILS TO (A) CREATE AT LEAST THE MINI-  
28 MUM NUMBER OF JOBS AT SUCH PROJECT AS REQUIRED BY THE RULES AND REGU-  
29 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT OR (B)  
30 PLACE IN SERVICE PROPERTY COMPRISING SUCH QUALIFIED INVESTMENT PROJECT  
31 OR SIGNIFICANT CAPITAL INVESTMENT PROJECT WITH A BASIS FOR FEDERAL  
32 INCOME TAX PURPOSES EQUALING OR EXCEEDING THE APPLICABLE MINIMUM  
33 REQUIRED BASIS AS PROVIDED IN SUCH RULES AND REGULATIONS PROMULGATED BY  
34 THE COMMISSIONER OF ECONOMIC DEVELOPMENT, WHICHEVER IS RELEVANT, BY THE  
35 LAST DAY OF THE FIFTH TAXABLE YEAR FOLLOWING THE TAXABLE YEAR IN WHICH A  
36 CREDIT IS FIRST ALLOWED UNDER THIS SUBDIVISION FOR THE PROPERTY WHICH  
37 COMPRISES SUCH QUALIFIED INVESTMENT PROJECT OR SUCH SIGNIFICANT CAPITAL  
38 INVESTMENT PROJECT, THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS  
39 SUBDIVISION FOR ALL TAXABLE YEARS WITH RESPECT TO THE PROPERTY WHICH  
40 COMPRISES SUCH PROJECT WHICH HAS BEEN REFUNDED TO SUCH TAXPAYER SHALL BE  
41 ADDED BACK IN SUCH TAXABLE YEAR.

42 12-I. GREEN ECONOMIC DEVELOPMENT ZONE EMPLOYMENT INCENTIVE CREDIT  
43 (GED-EIC). (A) WHERE A TAXPAYER IS ALLOWED A CREDIT UNDER SUBDIVISION  
44 TWELVE-H OF THIS SECTION, THE TAXPAYER SHALL BE ALLOWED A CREDIT FOR  
45 EACH OF THE THREE YEARS NEXT SUCCEEDING THE TAXABLE YEAR FOR WHICH THE  
46 CREDIT UNDER SUBDIVISION TWELVE-H OF THIS SECTION IS ALLOWED, WITH  
47 RESPECT TO SUCH PROPERTY, WHETHER OR NOT DEDUCTIBLE IN SUCH TAXABLE YEAR  
48 OR IN SUBSEQUENT TAXABLE YEARS PURSUANT TO PARAGRAPH (D) OF SUCH SUBDI-  
49 VISION TWELVE-H, OF THIRTY PERCENT OF THE CREDIT ALLOWABLE UNDER SUCH  
50 SUBDIVISION TWELVE-H; PROVIDED, HOWEVER, THAT THE CREDIT ALLOWABLE UNDER  
51 THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL ONLY BE ALLOWED IF THE AVER-  
52 AGE NUMBER OF EMPLOYEES EMPLOYED BY THE TAXPAYER IN THE GREEN ECONOMIC  
53 DEVELOPMENT ZONE, DESIGNATED PURSUANT TO ARTICLE EIGHTEEN-D OF THE  
54 GENERAL MUNICIPAL LAW, IN WHICH SUCH PROPERTY IS LOCATED DURING SUCH  
55 TAXABLE YEAR IS AT LEAST ONE HUNDRED ONE PERCENT OF THE AVERAGE NUMBER  
56 OF EMPLOYEES EMPLOYED BY THE TAXPAYER IN SUCH GREEN ECONOMIC DEVELOPMENT

1 ZONE OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTI-  
2 Tuting SUCH ZONE, DURING THE TAXABLE YEAR IMMEDIATELY PRECEDING THE  
3 TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS  
4 SECTION IS ALLOWED AND PROVIDED, FURTHER, THAT IF THE TAXPAYER WAS NOT  
5 SUBJECT TO TAX AND DID NOT HAVE A TAXABLE YEAR IMMEDIATELY PRECEDING THE  
6 TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS  
7 SECTION IS ALLOWED, THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY  
8 TAXABLE YEAR SHALL BE ALLOWED IF THE AVERAGE NUMBER OF EMPLOYEES  
9 EMPLOYED IN SUCH GREEN ECONOMIC DEVELOPMENT ZONE IN SUCH TAXABLE YEAR IS  
10 AT LEAST ONE HUNDRED ONE PERCENT OF THE AVERAGE NUMBER OF SUCH EMPLOYEES  
11 DURING THE TAXABLE YEAR IN WHICH THE CREDIT UNDER SUCH SUBDIVISION  
12 TWELVE-H IS ALLOWED.

13 (B) THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED IN A GREEN ECONOMIC  
14 DEVELOPMENT ZONE, OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSE-  
15 QUENTLY CONSTITUTING SUCH ZONE, IN A TAXABLE YEAR SHALL BE COMPUTED BY  
16 ASCERTAINING THE NUMBER OF SUCH EMPLOYEES WITHIN SUCH ZONE, OR, WHERE  
17 APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTITUTING SUCH ZONE,  
18 EXCEPT GENERAL EXECUTIVE OFFICERS, EMPLOYED BY THE TAXPAYER ON THE THIR-  
19 TY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF  
20 SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEMBER IN THE TAXABLE YEAR, BY  
21 ADDING TOGETHER THE NUMBER OF EMPLOYEES ASCERTAINED ON EACH OF SUCH  
22 DATES AND DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH ABOVE-MEN-  
23 TIONED DATES OCCURRING WITHIN THE TAXABLE YEAR. FOR THE PURPOSES OF THIS  
24 SUBDIVISION, THE TERM "EMPLOYEES" AND THE TERM "GENERAL EXECUTIVE OFFI-  
25 CERS" SHALL MEAN THE SAME AS IN SUBPARAGRAPH THREE OF PARAGRAPH (A) OF  
26 SUBDIVISION THREE OF THIS SECTION.

27 (C) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN  
28 AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE AMOUNT  
29 PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION.  
30 PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS  
31 SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY  
32 AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER  
33 TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S  
34 TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAY-  
35 ER, WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR  
36 A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGU-  
37 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, MAY  
38 ELECT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH  
39 CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRY-  
40 OVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE  
41 WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER.  
42 PROVIDED, HOWEVER, IN THE CASE OF SUCH OWNER OF A QUALIFIED INVESTMENT  
43 PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT, ONLY FIFTY PERCENT  
44 OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT  
45 ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO PROPERTY WHICH IS PART OF  
46 SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR REFUNDED AND SUCH OWNER  
47 SHALL BE ALLOWED SUCH CREDIT OR REFUND ONLY FOR THOSE TAXABLE YEARS IN  
48 WHICH SUCH OWNER WOULD BE ALLOWED A CREDIT OR REFUND OF THE GREEN  
49 ECONOMIC DEVELOPMENT ZONE INVESTMENT TAX CREDIT PURSUANT TO PARAGRAPH  
50 (D) OF SUBDIVISION TWELVE-H OF THIS SECTION. PROVIDED, FURTHER, HOWEVER,  
51 THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF  
52 THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

53 (C-1) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
54 ALLOWED IF AN EMPIRE ZONE RETENTION CERTIFICATE IS NOT ISSUED PURSUANT  
55 TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC

DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

S 19. Section 210 of the tax law is amended by adding a new subdivision 43 to read as follows:

43. GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT. (A) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE WHERE THE TAXPAYER HAS BEEN CERTIFIED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW. THE AMOUNT OF SUCH CREDIT SHALL BE AS PRESCRIBED BY PARAGRAPH (D) OF THIS SUBDIVISION.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "GREEN ECONOMIC DEVELOPMENT ZONE WAGES" MEANS WAGES PAID BY THE TAXPAYER FOR FULL-TIME EMPLOYMENT, OTHER THAN TO GENERAL EXECUTIVE OFFICERS, DURING THE TAXABLE YEAR IN AN AREA DESIGNATED OR PREVIOUSLY DESIGNATED AS A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, WHERE SUCH EMPLOYMENT IS IN A JOB CREATED IN THE AREA (I) DURING THE PERIOD OF ITS DESIGNATION AS A GREEN ECONOMIC DEVELOPMENT ZONE, (II) WITHIN FOUR YEARS OF THE EXPIRATION OF SUCH DESIGNATION, OR (III) DURING THE TEN YEAR PERIOD IMMEDIATELY FOLLOWING THE DATE OF DESIGNATION AS A ZONE EQUIVALENT AREA, PROVIDED, HOWEVER, THAT IF THE TAXPAYER'S CERTIFICATION UNDER ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW IS REVOKED WITH RESPECT TO A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, ANY WAGES PAID BY THE TAXPAYER, ON OR AFTER THE EFFECTIVE DATE OF SUCH DECERTIFICATION, FOR EMPLOYMENT IN SUCH ZONE SHALL NOT CONSTITUTE EMPIRE ZONE WAGES.

(2) "TARGETED EMPLOYEE" MEANS A NEW YORK RESIDENT WHO RECEIVES GREEN ECONOMIC DEVELOPMENT ZONE WAGES AND WHO IS (A) AN ELIGIBLE INDIVIDUAL UNDER THE PROVISIONS OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE OF THE INTERNAL REVENUE CODE), (B) ELIGIBLE FOR BENEFITS UNDER THE PROVISIONS OF THE WORKFORCE INVESTMENT ACT AS A DISLOCATED WORKER OR LOW-INCOME INDIVIDUAL (P.L. 105-220, AS AMENDED), (C) A RECIPIENT OF PUBLIC ASSISTANCE BENEFITS, (D) AN INDIVIDUAL WHOSE INCOME IS BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE UNITED STATES DEPARTMENT OF COMMERCE, OR A MEMBER OF A FAMILY WHOSE FAMILY INCOME IS BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE APPROPRIATE FEDERAL AGENCY OR (E) AN HONORABLY DISCHARGED MEMBER OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES.

AN INDIVIDUAL WHO SATISFIES THE CRITERIA SET FORTH IN CLAUSE (A), (B) OR (D) OF THIS SUBPARAGRAPH AT THE TIME OF INITIAL EMPLOYMENT IN THE JOB WITH RESPECT TO WHICH THE CREDIT IS CLAIMED, OR WHO SATISFIES THE CRITERION SET FORTH IN CLAUSE (C) OF THIS SUBPARAGRAPH AT SUCH TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE GREEN ECONOMIC DEVELOPMENT ZONE WAGES.

(3) "AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFICERS, EMPLOYED FULL-TIME" SHALL BE COMPUTED BY ASCERTAINING THE NUMBER OF SUCH INDIVIDUALS EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEMBER DURING EACH TAXABLE YEAR OR OTHER APPLICABLE PERIOD, BY ADDING TOGETHER THE NUMBER OF SUCH INDIVIDUALS ASCERTAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH DATES OCCURRING WITHIN SUCH TAXABLE YEAR OR OTHER APPLICABLE PERIOD.

1 (C) THE CREDIT PROVIDED FOR HEREIN SHALL BE ALLOWED ONLY WHERE THE  
2 AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFICERS,  
3 EMPLOYED FULL-TIME BY THE TAXPAYER IN (A) THE STATE AND (B) THE GREEN  
4 ECONOMIC DEVELOPMENT ZONE OR AREA PREVIOUSLY CONSTITUTING SUCH ZONE OR  
5 ZONE EQUIVALENT AREA, DURING THE TAXABLE YEAR EXCEEDS THE AVERAGE NUMBER  
6 OF SUCH INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER IN (A) THE STATE  
7 AND (B) SUCH ZONE OR AREA SUBSEQUENTLY OR PREVIOUSLY CONSTITUTING SUCH  
8 ZONE OR SUCH ZONE EQUIVALENT AREA, RESPECTIVELY, DURING THE FOUR YEARS  
9 IMMEDIATELY PRECEDING THE FIRST TAXABLE YEAR IN WHICH THE CREDIT IS  
10 CLAIMED WITH RESPECT TO SUCH ZONE OR AREA. WHERE THE TAXPAYER PROVIDED  
11 FULL-TIME EMPLOYMENT WITHIN (A) THE STATE OR (B) SUCH ZONE OR AREA  
12 DURING ONLY A PORTION OF SUCH FOUR-YEAR PERIOD, THEN FOR PURPOSES OF  
13 THIS PARAGRAPH THE TERM "FOUR YEARS" SHALL BE DEEMED TO REFER INSTEAD TO  
14 SUCH PORTION, IF ANY.

15 THE CREDIT SHALL BE ALLOWED ONLY WITH RESPECT TO THE FIRST TAXABLE  
16 YEAR DURING WHICH PAYMENTS OF GREEN ECONOMIC DEVELOPMENT ZONE WAGES ARE  
17 MADE AND THE CONDITIONS SET FORTH IN THIS PARAGRAPH ARE SATISFIED, AND  
18 WITH RESPECT TO EACH OF THE FOUR TAXABLE YEARS NEXT FOLLOWING (BUT ONLY,  
19 WITH RESPECT TO EACH OF SUCH YEARS, IF SUCH CONDITIONS ARE SATISFIED),  
20 IN ACCORDANCE WITH PARAGRAPH (D) OF THIS SUBDIVISION. SUBSEQUENT CERTIF-  
21 ICATIONS OF THE TAXPAYER PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
22 MUNICIPAL LAW, AT THE SAME OR A DIFFERENT LOCATION IN THE SAME GREEN  
23 ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA OR AT A LOCATION IN A  
24 DIFFERENT GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, SHALL  
25 NOT EXTEND THE FIVE TAXABLE YEAR TIME LIMITATION ON THE ALLOWANCE OF THE  
26 CREDIT SET FORTH IN THE PRECEDING SENTENCE. PROVIDED, FURTHER, HOWEVER,  
27 THAT NO CREDIT SHALL BE ALLOWED WITH RESPECT TO ANY TAXABLE YEAR BEGIN-  
28 NING MORE THAN FOUR YEARS FOLLOWING THE TAXABLE YEAR IN WHICH DESIG-  
29 NATION AS A GREEN ECONOMIC DEVELOPMENT ZONE EXPIRED OR MORE THAN TEN  
30 YEARS AFTER THE DESIGNATION AS A ZONE EQUIVALENT AREA. IN LIEU OF THE  
31 FIVE YEAR TIME PERIOD DESCRIBED IN THE PRECEDING SENTENCES OF THIS PARA-  
32 GRAPH FOR THE ALLOWANCE OF THIS CREDIT, WITH RESPECT TO A BUSINESS  
33 ENTERPRISE WHICH QUALIFIES AS A NEW BUSINESS PURSUANT TO PARAGRAPH FIVE  
34 OF SUBDIVISION (J) OF SECTION FOURTEEN OF THIS CHAPTER, THE CREDIT SHALL  
35 BE ALLOWED WITH RESPECT TO THE FIRST TAXABLE YEAR OF THE BUSINESS ENTER-  
36 PRISE'S BUSINESS TAX BENEFIT PERIOD, AS DETERMINED PURSUANT TO PARAGRAPH  
37 ONE-A OF SUBDIVISION (A) OF SECTION FOURTEEN OF THIS CHAPTER, DURING  
38 WHICH PAYMENTS OF GREEN ECONOMIC DEVELOPMENT ZONE WAGES ARE MADE AND  
39 WITH RESPECT TO EACH OF THE FOUR TAXABLE YEARS NEXT FOLLOWING, IN  
40 ACCORDANCE WITH PARAGRAPH (D) OF THIS SUBDIVISION.

41 (D) THE AMOUNT OF THE CREDIT SHALL EQUAL THE SUM OF (1) THE PRODUCT OF  
42 THREE THOUSAND DOLLARS AND THE AVERAGE NUMBER OF INDIVIDUALS (EXCLUDING  
43 GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL-TIME BY THE TAXPAYER, COMPUTED  
44 PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH THREE OF PARAGRAPH (B) OF  
45 THIS SUBDIVISION, WHO

46 (A) RECEIVED GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF  
47 OF THE TAXABLE YEAR,

48 (B) RECEIVED, WITH RESPECT TO MORE THAN HALF OF THE PERIOD OF EMPLOY-  
49 MENT BY THE TAXPAYER DURING THE TAXABLE YEAR, AN HOURLY WAGE WHICH WAS  
50 AT LEAST ONE HUNDRED THIRTY-FIVE PERCENT OF THE MINIMUM WAGE SPECIFIED  
51 IN SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW, AND

52 (C) ARE TARGETED EMPLOYEES; AND

53 (2) THE PRODUCT OF FIFTEEN HUNDRED DOLLARS AND THE AVERAGE NUMBER OF  
54 INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS AND INDIVIDUALS  
55 DESCRIBED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH) EMPLOYED FULL-TIME BY  
56 THE TAXPAYER, COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH THREE

1 OF PARAGRAPH (B) OF THIS SUBDIVISION, WHO RECEIVED GREEN ECONOMIC DEVEL-  
2 OPMENT ZONE WAGES FOR MORE THAN HALF OF THE TAXABLE YEAR.

3 PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH  
4 RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXA-  
5 BLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGRE-  
6 GATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION TWO HUNDRED  
7 NINE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR  
8 BY THIS ARTICLE.

9 (3) FOR PURPOSES OF CALCULATING THE AMOUNT OF THE CREDIT, INDIVIDUALS  
10 EMPLOYED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT  
11 AREA WITHIN THE IMMEDIATELY PRECEDING SIXTY MONTHS BY A RELATED PERSON,  
12 AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF  
13 SUBSECTION (B) OF SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVEN-  
14 UE CODE, SHALL NOT BE INCLUDED IN THE AVERAGE NUMBER OF INDIVIDUALS  
15 DESCRIBED IN SUBPARAGRAPH ONE OR SUBPARAGRAPH TWO OF THIS PARAGRAPH,  
16 UNLESS SUCH RELATED PERSON WAS NEVER ALLOWED A CREDIT UNDER THIS SUBDI-  
17 VISION WITH RESPECT TO SUCH EMPLOYEES. FOR THE PURPOSES OF THIS SUBPARA-  
18 GRAPH, A "RELATED PERSON" SHALL INCLUDE AN ENTITY WHICH WOULD HAVE QUAL-  
19 IFIED AS A "RELATED PERSON" TO THE TAXPAYER IF IT HAD NOT BEEN  
20 DISSOLVED, LIQUIDATED, MERGED WITH ANOTHER ENTITY OR OTHERWISE CEASED TO  
21 EXIST OR OPERATE.

22 (4) IF A TAXPAYER IS CERTIFIED IN A GREEN ECONOMIC DEVELOPMENT ZONE  
23 DESIGNATED UNDER SECTION NINE HUNDRED SEVENTY-FOUR-C OF THE GENERAL  
24 MUNICIPAL LAW, THE DOLLAR AMOUNTS SPECIFIED UNDER SUBPARAGRAPH ONE OR  
25 TWO OF THIS PARAGRAPH SHALL BE INCREASED BY FIVE HUNDRED DOLLARS FOR  
26 EACH QUALIFYING INDIVIDUAL UNDER SUCH SUBPARAGRAPHS WHO RECEIVED, DURING  
27 THE TAXABLE YEAR, WAGES IN EXCESS OF FORTY THOUSAND DOLLARS.

28 (5) THE REQUIREMENT IN THIS PARAGRAPH THAT AN EMPLOYEE MUST RECEIVE  
29 GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF THE TAXABLE  
30 YEAR SHALL NOT APPLY IN THE FIRST TAXABLE YEAR OF A TAXPAYER SATISFYING  
31 THE CRITERIA SET FORTH IN THIS SUBPARAGRAPH. IN SUCH A CASE, THE CREDIT  
32 ALLOWED UNDER THIS SUBDIVISION SHALL BE COMPUTED BY UTILIZING THE NUMBER  
33 OF INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL TIME  
34 BY THE TAXPAYER ON THE LAST DAY OF ITS FIRST TAXABLE YEAR. A TAXPAYER  
35 SHALL SATISFY THE FOLLOWING CRITERIA: (A) SUCH TAXPAYER ACQUIRED REAL OR  
36 TANGIBLE PERSONAL PROPERTY DURING ITS FIRST TAXABLE YEAR FROM AN ENTITY  
37 WHICH IS NOT A RELATED PERSON (AS SUCH TERM IS DEFINED IN SUBDIVISION  
38 (G) OF SECTION FOURTEEN OF THIS CHAPTER); (B) THE FIRST TAXABLE YEAR OF  
39 SUCH TAXPAYER SHALL BE A SHORT TAXABLE YEAR OF NOT MORE THAN SEVEN  
40 MONTHS IN DURATION; AND (C) THE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME  
41 ON THE LAST DAY OF SUCH FIRST TAXABLE YEAR SHALL BE AT LEAST ONE HUNDRED  
42 NINETY AND SUBSTANTIALLY ALL OF SUCH INDIVIDUALS MUST HAVE BEEN PREVI-  
43 OUSLY EMPLOYED BY THE ENTITY FROM WHOM SUCH TAXPAYER PURCHASED ITS  
44 ASSETS.

45 (E) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS SUBDI-  
46 VISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX  
47 DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN  
48 PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF  
49 THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED  
50 UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH  
51 AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY  
52 NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL  
53 SENTENCE OF PARAGRAPH (D) OF THIS SUBDIVISION, ANY AMOUNT OF CREDIT OR  
54 CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY  
55 BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM  
56 THE TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH

1 TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF SUBDI-  
2 VISION TWELVE OF THIS SECTION OR A TAXPAYER WHICH IS APPROVED AS THE  
3 OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVEST-  
4 MENT PROJECT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE  
5 COMMISSIONER OF ECONOMIC DEVELOPMENT MAY ELECT, ON ITS REPORT FOR ITS  
6 TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT  
7 FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX  
8 TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
9 TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, IN THE CASE  
10 OF SUCH OWNER OF A QUALIFIED INVESTMENT PROJECT OR SIGNIFICANT CAPITAL  
11 INVESTMENT PROJECT, ONLY FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER  
12 WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR  
13 INDIVIDUALS EMPLOYED AT SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR  
14 REFUNDED. PROVIDED, FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C)  
15 OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO  
16 INTEREST SHALL BE PAID THEREON.

17 (E-1) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
18 ALLOWED IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION CERTIFICATE IS  
19 NOT ISSUED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMIS-  
20 SIONER OF ECONOMIC DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE  
21 ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

22 (F) FOR THE INTERACTION OF THIS SUBDIVISION AND SUBDIVISION TWELVE-D  
23 OF THIS SECTION (EMPLOYMENT INCENTIVE CREDIT), SEE PARAGRAPH (B) OF SUCH  
24 SUBDIVISION TWELVE-D.

25 S 20. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
26 of the tax law is amended by adding a new clause (xxxii) to read as  
27 follows:

28 (XXXII) GREEN ECONOMIC DEVELOPMENT ZONE	AMOUNT OF CREDIT UNDER
29 WAGE TAX CREDIT UNDER SUBSECTION	SUBDIVISION FORTY-THREE OF
30 (SS)	SECTION TWO HUNDRED TEN

31 S 21. Section 606 of the tax law is amended by adding a new subsection  
32 (ss) to read as follows:

33 (SS) GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT. (1) A TAXPAYER  
34 SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED,  
35 AGAINST THE TAX IMPOSED BY THIS ARTICLE, WHERE THE TAXPAYER HAS BEEN  
36 CERTIFIED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW.  
37 THE AMOUNT OF SUCH CREDIT SHALL BE AS PRESCRIBED IN PARAGRAPH FOUR OF  
38 THIS SUBSECTION.

39 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL  
40 HAVE THE FOLLOWING MEANINGS: (A) "GREEN ECONOMIC DEVELOPMENT ZONE WAGES"  
41 MEANS WAGES PAID BY THE TAXPAYER FOR FULL-TIME EMPLOYMENT DURING THE  
42 TAXABLE YEAR, IN AN AREA DESIGNATED OR PREVIOUSLY DESIGNATED AS A GREEN  
43 ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA PURSUANT TO ARTICLE  
44 EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, WHERE SUCH EMPLOYMENT IS IN A  
45 JOB CREATED IN THE AREA (I) DURING THE PERIOD OF ITS DESIGNATION AS A  
46 GREEN ECONOMIC DEVELOPMENT ZONE, (II) WITHIN FOUR YEARS OF THE EXPIRA-  
47 TION OF SUCH DESIGNATION, OR (III) DURING THE TEN YEAR PERIOD IMMEDIATE-  
48 LY FOLLOWING THE DATE OF DESIGNATION AS A ZONE EQUIVALENT AREA,  
49 PROVIDED, HOWEVER, THAT IF THE TAXPAYER'S CERTIFICATION UNDER ARTICLE  
50 EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW IS REVOKED WITH RESPECT TO A  
51 GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, ANY WAGES PAID  
52 BY THE TAXPAYER, ON OR AFTER THE EFFECTIVE DATE OF SUCH DECERTIFICATION,  
53 FOR EMPLOYMENT IN SUCH ZONE SHALL NOT CONSTITUTE GREEN ECONOMIC DEVELOP-  
54 MENT ZONE WAGES.

55 (B) "TARGETED EMPLOYEE" MEANS A NEW YORK RESIDENT WHO RECEIVES GREEN  
56 ECONOMIC DEVELOPMENT ZONE WAGES AND WHO IS (I) AN ELIGIBLE INDIVIDUAL



1 UNDER THE PROVISIONS OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE  
2 OF THE INTERNAL REVENUE CODE), (II) ELIGIBLE FOR BENEFITS UNDER THE  
3 PROVISIONS OF THE WORKFORCE INVESTMENT ACT AS A DISLOCATED WORKER OR  
4 LOW-INCOME INDIVIDUAL (P.L. 105-220, AS AMENDED), (III) A RECIPIENT OF  
5 PUBLIC ASSISTANCE BENEFITS, (IV) AN INDIVIDUAL WHOSE INCOME IS BELOW THE  
6 MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE UNITED STATES  
7 DEPARTMENT OF COMMERCE, OR A MEMBER OF A FAMILY WHOSE FAMILY INCOME IS  
8 BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE  
9 APPROPRIATE FEDERAL AGENCY OR (V) AN HONORABLY DISCHARGED MEMBER OF ANY  
10 BRANCH OF THE ARMED FORCES OF THE UNITED STATES.

11 AN INDIVIDUAL WHO SATISFIES THE CRITERIA SET FORTH IN CLAUSE (I),  
12 (II), (IV) OR (V) OF THIS SUBPARAGRAPH AT THE TIME OF INITIAL EMPLOYMENT  
13 IN THE JOB WITH RESPECT TO WHICH THE CREDIT IS CLAIMED, OR WHO SATISFIES  
14 THE CRITERION SET FORTH IN CLAUSE (III) OF THIS SUBPARAGRAPH AT SUCH  
15 TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED  
16 EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE GREEN ECONOMIC  
17 DEVELOPMENT ZONE WAGES.

18 (C) "AVERAGE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME" SHALL BE  
19 COMPUTED BY ASCERTAINING THE NUMBER OF SUCH INDIVIDUALS EMPLOYED BY THE  
20 TAXPAYER ON THE THIRTY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF JUNE,  
21 THE THIRTIETH DAY OF SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEMBER  
22 DURING EACH TAXABLE YEAR OR OTHER APPLICABLE PERIOD, BY ADDING TOGETHER  
23 THE NUMBER OF SUCH INDIVIDUALS ASCERTAINED ON EACH OF SUCH DATES AND  
24 DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH DATES OCCURRING WITH-  
25 IN SUCH TAXABLE YEAR OR OTHER APPLICABLE PERIOD.

26 (3) THE CREDIT PROVIDED FOR HEREIN SHALL BE ALLOWED ONLY WHERE THE  
27 AVERAGE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER IN (A)  
28 THE STATE AND (B) THE GREEN ECONOMIC DEVELOPMENT ZONE OR AREA PREVIOUSLY  
29 CONSTITUTING SUCH ZONE OR ZONE EQUIVALENT AREA, DURING THE TAXABLE YEAR  
30 EXCEEDS THE AVERAGE NUMBER OF SUCH INDIVIDUALS EMPLOYED FULL-TIME BY THE  
31 TAXPAYER IN (A) THE STATE AND (B) SUCH ZONE OR AREA SUBSEQUENTLY OR  
32 PREVIOUSLY CONSTITUTING SUCH ZONE OR SUCH ZONE EQUIVALENT AREA, RESPEC-  
33 TIVELY, DURING THE FOUR YEARS IMMEDIATELY PRECEDING THE FIRST TAXABLE  
34 YEAR IN WHICH THE CREDIT IS CLAIMED WITH RESPECT TO SUCH ZONE OR AREA.  
35 WHERE THE TAXPAYER PROVIDED FULL-TIME EMPLOYMENT WITHIN (A) THE STATE OR  
36 (B) SUCH ZONE OR AREA DURING ONLY A PORTION OF SUCH FOUR-YEAR PERIOD,  
37 THEN FOR PURPOSES OF THIS PARAGRAPH THE TERM "FOUR YEARS" SHALL BE  
38 DEEMED TO REFER INSTEAD TO SUCH PORTION, IF ANY.

39 THE CREDIT SHALL BE ALLOWED ONLY WITH RESPECT TO THE FIRST TAXABLE  
40 YEAR DURING WHICH PAYMENTS OF GREEN ECONOMIC DEVELOPMENT ZONE WAGES ARE  
41 MADE AND THE CONDITIONS SET FORTH IN THIS PARAGRAPH ARE SATISFIED, AND  
42 WITH RESPECT TO EACH OF THE FOUR TAXABLE YEARS NEXT FOLLOWING (BUT ONLY,  
43 WITH RESPECT TO EACH OF SUCH YEARS, IF SUCH CONDITIONS ARE SATISFIED),  
44 IN ACCORDANCE WITH PARAGRAPH FOUR OF THIS SUBSECTION. SUBSEQUENT CERTIF-  
45 ICATIONS OF THE TAXPAYER PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
46 MUNICIPAL LAW, AT THE SAME OR A DIFFERENT LOCATION IN THE SAME GREEN  
47 ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA OR AT A LOCATION IN A  
48 DIFFERENT GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, SHALL  
49 NOT EXTEND THE FIVE TAXABLE YEAR TIME LIMITATION ON THE ALLOWANCE OF THE  
50 CREDIT SET FORTH IN THE PRECEDING SENTENCE. PROVIDED, FURTHER, HOWEVER,  
51 THAT NO CREDIT SHALL BE ALLOWED WITH RESPECT TO ANY TAXABLE YEAR BEGIN-  
52 NING MORE THAN FOUR YEARS FOLLOWING THE TAXABLE YEAR IN WHICH DESIG-  
53 NATION AS A GREEN ECONOMIC DEVELOPMENT ZONE EXPIRED OR MORE THAN TEN  
54 YEARS AFTER THE DESIGNATION AS A ZONE EQUIVALENT AREA.

55 (4) THE AMOUNT OF THE CREDIT SHALL EQUAL THE SUM OF

1 (A) THE PRODUCT OF THREE THOUSAND DOLLARS AND THE AVERAGE NUMBER OF  
2 INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER, COMPUTED PURSUANT TO THE  
3 PROVISIONS OF SUBPARAGRAPH (C) OF PARAGRAPH TWO OF THIS SUBSECTION, WHO

4 (I) RECEIVED GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF  
5 OF THE TAXABLE YEAR,

6 (II) RECEIVED WITH RESPECT TO MORE THAN HALF OF THE PERIOD OF EMPLOY-  
7 MENT BY THE TAXPAYER DURING THE TAXABLE YEAR, AN HOURLY WAGE WHICH WAS  
8 AT LEAST ONE HUNDRED THIRTY-FIVE PERCENT OF THE MINIMUM WAGE SPECIFIED  
9 IN SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW, AND

10 (III) ARE TARGETED EMPLOYEES; AND

11 (B) THE PRODUCT OF FIFTEEN HUNDRED DOLLARS AND THE AVERAGE NUMBER OF  
12 INDIVIDUALS (EXCLUDING INDIVIDUALS DESCRIBED IN SUBPARAGRAPH (A) OF THIS  
13 PARAGRAPH) EMPLOYED FULL-TIME BY THE TAXPAYER, COMPUTED PURSUANT TO THE  
14 PROVISIONS OF SUBPARAGRAPH (C) OF PARAGRAPH TWO OF THIS SUBSECTION, WHO  
15 RECEIVED GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF OF THE  
16 TAXABLE YEAR.

17 PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH  
18 RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXA-  
19 BLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGRE-  
20 GATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION SIX HUNDRED  
21 ONE OF THIS PART COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR  
22 UNDER THIS ARTICLE.

23 (C) FOR PURPOSES OF CALCULATING THE AMOUNT OF THE CREDIT, INDIVIDUALS  
24 EMPLOYED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT  
25 AREA WITHIN THE IMMEDIATELY PRECEDING SIXTY MONTHS BY A RELATED PERSON,  
26 AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF  
27 SUBSECTION (B) OF SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVEN-  
28 UE CODE, SHALL NOT BE INCLUDED IN THE AVERAGE NUMBER OF INDIVIDUALS  
29 DESCRIBED IN SUBPARAGRAPH (A) OR SUBPARAGRAPH (B) OF THIS PARAGRAPH,  
30 UNLESS SUCH RELATED PERSON WAS NEVER ALLOWED A CREDIT UNDER THIS  
31 SUBSECTION WITH RESPECT TO SUCH EMPLOYEES. FOR PURPOSES OF THIS SUBPARA-  
32 GRAPH, A "RELATED PERSON" SHALL INCLUDE AN ENTITY WHICH WOULD HAVE QUAL-  
33 IFIED AS A "RELATED PERSON" TO THE TAXPAYER IF IT HAD NOT BEEN  
34 DISSOLVED, LIQUIDATED, MERGED WITH ANOTHER ENTITY OR OTHERWISE CEASED TO  
35 EXIST OR OPERATE.

36 (D) IF A TAXPAYER IS CERTIFIED IN A GREEN ECONOMIC DEVELOPMENT ZONE  
37 DESIGNATED UNDER SECTION NINE HUNDRED SEVENTY-FOUR-C OF THE GENERAL  
38 MUNICIPAL LAW, THE DOLLAR AMOUNTS SPECIFIED UNDER SUBPARAGRAPH (A) OR  
39 (B) OF THIS PARAGRAPH SHALL BE INCREASED BY FIVE HUNDRED DOLLARS FOR  
40 EACH QUALIFYING INDIVIDUAL UNDER SUCH SUBPARAGRAPHS WHO RECEIVED, DURING  
41 THE TAXABLE YEAR, WAGES IN EXCESS OF FORTY THOUSAND DOLLARS.

42 (E) THE REQUIREMENT IN THIS PARAGRAPH THAT AN EMPLOYEE MUST RECEIVE  
43 GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF THE TAXABLE  
44 YEAR SHALL NOT APPLY IN THE FIRST TAXABLE YEAR OF A TAXPAYER SATISFYING  
45 THE CRITERIA SET FORTH IN THIS SUBPARAGRAPH. IN SUCH A CASE, THE CREDIT  
46 ALLOWED UNDER THIS SUBSECTION SHALL BE COMPUTED BY UTILIZING THE NUMBER  
47 OF INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL-TIME  
48 BY THE TAXPAYER ON THE LAST DAY OF ITS FIRST TAXABLE YEAR. A TAXPAYER  
49 SHALL SATISFY THE FOLLOWING CRITERIA: (I) SUCH TAXPAYER ACQUIRED REAL OR  
50 TANGIBLE PERSONAL PROPERTY DURING ITS FIRST TAXABLE YEAR FROM AN ENTITY  
51 WHICH IS NOT A RELATED PERSON (AS SUCH TERM IS DEFINED IN SUBDIVISION  
52 (G) OF SECTION FOURTEEN OF THIS CHAPTER); (II) THE FIRST TAXABLE YEAR OF  
53 SUCH TAXPAYER SHALL BE A SHORT TAXABLE YEAR OF NOT MORE THAN SEVEN  
54 MONTHS IN DURATION; AND (III) THE NUMBER OF INDIVIDUALS EMPLOYED  
55 FULL-TIME ON THE LAST DAY OF SUCH FIRST TAXABLE YEAR SHALL BE AT LEAST  
56 ONE HUNDRED NINETY AND SUBSTANTIALLY ALL OF SUCH INDIVIDUALS MUST HAVE

1 BEEN PREVIOUSLY EMPLOYED BY THE ENTITY FROM WHOM SUCH TAXPAYER PURCHASED  
2 ITS ASSETS.

3 (5) IF THE AMOUNT OF THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED  
4 UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S  
5 TAX FOR SUCH YEAR, THE EXCESS, AS WELL AS ANY PART OF THE CREDIT OR  
6 CARRYOVERS OF SUCH CREDIT, OR BOTH, WHICH MAY NOT BE DEDUCTED FROM THE  
7 TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE IN PARAGRAPH FOUR OF  
8 THIS SUBSECTION, MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND  
9 MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU  
10 OF CARRYING OVER ANY SUCH EXCESS, A TAXPAYER WHO QUALIFIES AS AN OWNER  
11 OF A NEW BUSINESS FOR PURPOSES OF PARAGRAPH TEN OF SUBSECTION (A) OF  
12 THIS SECTION MAY, AT HIS OPTION, RECEIVE FIFTY PERCENT OF SUCH EXCESS AS  
13 A REFUND. ANY REFUND PAID PURSUANT TO THIS PARAGRAPH SHALL BE DEEMED TO  
14 BE A REFUND OF AN OVERPAYMENT OF TAX AS PROVIDED IN SECTION SIX HUNDRED  
15 EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE  
16 PAID THEREON.

17 (5-A) ANY CARRYOVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
18 ALLOWED IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION CERTIFICATE IS  
19 NOT ISSUED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMIS-  
20 SIONER OF ECONOMIC DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE  
21 ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

22 S 22. Section 1456 of the tax law is amended by adding a new  
23 subsection (x) to read as follows:

24 (X) GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT. (1) A TAXPAYER  
25 SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED,  
26 AGAINST THE TAX IMPOSED BY THIS ARTICLE WHERE THE TAXPAYER HAS BEEN  
27 CERTIFIED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW.  
28 THE AMOUNT OF SUCH CREDIT SHALL BE AS PRESCRIBED IN PARAGRAPH FOUR OF  
29 THIS SUBSECTION.

30 (2) FOR PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE  
31 THE FOLLOWING MEANINGS: (A) "GREEN ECONOMIC DEVELOPMENT ZONE WAGES"  
32 MEANS WAGES PAID BY THE TAXPAYER FOR FULL-TIME EMPLOYMENT, OTHER THAN TO  
33 GENERAL EXECUTIVE OFFICERS, DURING THE TAXABLE YEAR IN AN AREA DESIG-  
34 NATED OR PREVIOUSLY DESIGNATED AS A GREEN ECONOMIC DEVELOPMENT ZONE OR  
35 ZONE EQUIVALENT AREA PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
36 MUNICIPAL LAW WHERE SUCH EMPLOYMENT IS IN A JOB CREATED IN THE AREA (I)  
37 DURING THE PERIOD OF ITS DESIGNATION AS A GREEN ECONOMIC DEVELOPMENT  
38 ZONE, (II) WITHIN FOUR YEARS OF THE EXPIRATION OF SUCH DESIGNATION, OR  
39 (III) DURING THE TEN YEAR PERIOD IMMEDIATELY FOLLOWING THE DATE OF  
40 DESIGNATION AS A ZONE EQUIVALENT AREA, PROVIDED, HOWEVER, THAT IF THE  
41 TAXPAYER'S CERTIFICATION UNDER ARTICLE EIGHTEEN-D OF THE GENERAL MUNICI-  
42 PAL LAW IS REVOKED WITH RESPECT TO A GREEN ECONOMIC DEVELOPMENT ZONE OR  
43 ZONE EQUIVALENT AREA, ANY WAGES PAID BY THE TAXPAYER, ON OR AFTER THE  
44 EFFECTIVE DATE OF SUCH DECERTIFICATION, FOR EMPLOYMENT IN SUCH ZONE  
45 SHALL NOT CONSTITUTE EMPIRE ZONE WAGES.

46 (B) "TARGETED EMPLOYEE" MEANS A NEW YORK RESIDENT WHO RECEIVES GREEN  
47 ECONOMIC DEVELOPMENT ZONE WAGES AND WHO IS (I) AN ELIGIBLE INDIVIDUAL  
48 UNDER THE PROVISIONS OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE  
49 OF THE INTERNAL REVENUE CODE), (II) ELIGIBLE FOR BENEFITS UNDER THE  
50 PROVISIONS OF THE WORKFORCE INVESTMENT ACT AS A DISLOCATED WORKER OR  
51 LOW-INCOME INDIVIDUAL (P.L. 105-220, AS AMENDED), (III) A RECIPIENT OF  
52 PUBLIC ASSISTANCE BENEFITS, (IV) AN INDIVIDUAL WHOSE INCOME IS BELOW THE  
53 MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE UNITED STATES  
54 DEPARTMENT OF COMMERCE, OR A MEMBER OF A FAMILY WHOSE FAMILY INCOME IS  
55 BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE

1 APPROPRIATE FEDERAL AGENCY OR (V) AN HONORABLY DISCHARGED MEMBER OF ANY  
2 BRANCH OF THE ARMED FORCES OF THE UNITED STATES.

3 AN INDIVIDUAL WHO SATISFIES THE CRITERIA SET FORTH IN CLAUSE (I),  
4 (II), (IV) OR (V) OF THIS SUBPARAGRAPH AT THE TIME OF INITIAL EMPLOYMENT  
5 IN THE JOB WITH RESPECT TO WHICH THE CREDIT IS CLAIMED, OR WHO SATISFIES  
6 THE CRITERION SET FORTH IN CLAUSE (III) OF THIS SUBPARAGRAPH AT SUCH  
7 TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED  
8 EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE GREEN ECONOMIC  
9 DEVELOPMENT ZONE WAGES.

10 (C) "AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFI-  
11 CERS, EMPLOYED FULL-TIME" SHALL BE COMPUTED BY ASCERTAINING THE NUMBER  
12 OF SUCH INDIVIDUALS EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF  
13 MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE  
14 THIRTY-FIRST DAY OF DECEMBER DURING EACH TAXABLE YEAR OR OTHER APPLICA-  
15 BLE PERIOD, BY ADDING TOGETHER THE NUMBER OF SUCH INDIVIDUALS ASCER-  
16 TAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE  
17 NUMBER OF SUCH DATES OCCURRING WITHIN SUCH TAXABLE YEAR OR OTHER APPLI-  
18 CABLE PERIOD.

19 (3) THE CREDIT PROVIDED FOR HEREIN SHALL BE ALLOWED ONLY WHERE THE  
20 AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFICERS,  
21 EMPLOYED FULL-TIME BY THE TAXPAYER IN (I) THE STATE AND (II) THE GREEN  
22 ECONOMIC DEVELOPMENT ZONE OR AREA PREVIOUSLY CONSTITUTING SUCH ZONE OR  
23 ZONE EQUIVALENT AREA, DURING THE TAXABLE YEAR EXCEEDS THE AVERAGE NUMBER  
24 OF SUCH INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER IN (I) THE STATE  
25 AND (II) SUCH ZONE OR AREA SUBSEQUENTLY OR PREVIOUSLY CONSTITUTING SUCH  
26 ZONE OR SUCH ZONE EQUIVALENT AREA, RESPECTIVELY, DURING THE FOUR YEARS  
27 IMMEDIATELY PRECEDING THE FIRST TAXABLE YEAR IN WHICH THE CREDIT IS  
28 CLAIMED WITH RESPECT TO SUCH ZONE OR AREA. WHERE THE TAXPAYER PROVIDED  
29 FULL-TIME EMPLOYMENT WITHIN (I) THE STATE OR (II) SUCH ZONE OR AREA  
30 DURING ONLY A PORTION OF SUCH FOUR-YEAR PERIOD, THEN FOR PURPOSES OF  
31 THIS PARAGRAPH THE TERM "FOUR YEARS" SHALL BE DEEMED TO REFER INSTEAD TO  
32 SUCH PORTION, IF ANY.

33 THE CREDIT SHALL BE ALLOWED ONLY WITH RESPECT TO THE FIRST TAXABLE  
34 YEAR DURING WHICH PAYMENTS OF GREEN ECONOMIC DEVELOPMENT ZONE WAGES ARE  
35 MADE AND THE CONDITIONS SET FORTH IN THIS PARAGRAPH ARE SATISFIED, AND  
36 WITH RESPECT TO EACH OF THE FOUR TAXABLE YEARS NEXT FOLLOWING (BUT ONLY,  
37 WITH RESPECT TO EACH OF SUCH YEARS, IF SUCH CONDITIONS ARE SATISFIED),  
38 IN ACCORDANCE WITH PARAGRAPH FOUR OF THIS SUBSECTION. SUBSEQUENT CERTIF-  
39 ICATIONS OF THE TAXPAYER PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
40 MUNICIPAL LAW, AT THE SAME OR A DIFFERENT LOCATION IN THE SAME GREEN  
41 ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA OR AT A LOCATION IN A  
42 DIFFERENT GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, SHALL  
43 NOT EXTEND THE FIVE TAXABLE YEAR TIME LIMITATION ON THE ALLOWANCE OF THE  
44 CREDIT SET FORTH IN THE PRECEDING SENTENCE. PROVIDED, FURTHER, HOWEVER,  
45 THAT NO CREDIT SHALL BE ALLOWED WITH RESPECT TO ANY TAXABLE YEAR BEGIN-  
46 NING MORE THAN FOUR YEARS FOLLOWING THE TAXABLE YEAR IN WHICH DESIG-  
47 NATION AS A GREEN ECONOMIC DEVELOPMENT ZONE EXPIRED OR MORE THAN TEN  
48 YEARS AFTER THE DESIGNATION AS A ZONE EQUIVALENT AREA.

49 (4) THE AMOUNT OF THE CREDIT SHALL EQUAL THE SUM OF (A) THE PRODUCT OF  
50 THREE THOUSAND DOLLARS AND THE AVERAGE NUMBER OF INDIVIDUALS (EXCLUDING  
51 GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL-TIME BY THE TAXPAYER, COMPUTED  
52 PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF PARAGRAPH TWO OF THIS  
53 SUBSECTION, WHO (I) RECEIVED GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR  
54 MORE THAN HALF OF THE TAXABLE YEAR, (II) RECEIVED, WITH RESPECT TO MORE  
55 THAN HALF OF THE PERIOD OF EMPLOYMENT BY THE TAXPAYER DURING THE TAXABLE  
56 YEAR, AN HOURLY WAGE WHICH WAS AT LEAST ONE HUNDRED THIRTY-FIVE PERCENT

1 OF THE MINIMUM WAGE SPECIFIED IN SECTION SIX HUNDRED FIFTY-TWO OF THE  
2 LABOR LAW, AND (III) ARE TARGETED EMPLOYEES; AND

3 (B) THE PRODUCT OF FIFTEEN HUNDRED DOLLARS AND THE AVERAGE NUMBER OF  
4 INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS AND INDIVIDUALS  
5 DESCRIBED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH) EMPLOYED FULL-TIME BY  
6 THE TAXPAYER, COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF  
7 PARAGRAPH TWO OF THIS SUBSECTION, WHO RECEIVED GREEN ECONOMIC DEVELOP-  
8 MENT ZONE WAGES FOR MORE THAN HALF OF THE TAXABLE YEAR.

9 (C) FOR PURPOSES OF CALCULATING THE AMOUNT OF THE CREDIT, INDIVIDUALS  
10 EMPLOYED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT  
11 AREA WITHIN THE IMMEDIATELY PRECEDING SIXTY MONTHS BY A RELATED PERSON,  
12 AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF  
13 SUBSECTION (B) OF SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVEN-  
14 UE CODE, SHALL NOT BE INCLUDED IN THE AVERAGE NUMBER OF INDIVIDUALS  
15 DESCRIBED IN SUBPARAGRAPH (A) OR SUBPARAGRAPH (B) OF THIS PARAGRAPH,  
16 UNLESS SUCH RELATED PERSON WAS NEVER ALLOWED A CREDIT UNDER THIS  
17 SUBSECTION WITH RESPECT TO SUCH EMPLOYEES. FOR THE PURPOSES OF THIS  
18 SUBPARAGRAPH, A "RELATED PERSON" SHALL INCLUDE AN ENTITY WHICH WOULD  
19 HAVE QUALIFIED AS A "RELATED PERSON" TO THE TAXPAYER IF IT HAD NOT BEEN  
20 DISSOLVED, LIQUIDATED, MERGED WITH ANOTHER ENTITY OR OTHERWISE CEASED TO  
21 EXIST OR OPERATE.

22 (D) IF A TAXPAYER IS CERTIFIED IN A GREEN ECONOMIC DEVELOPMENT ZONE  
23 DESIGNATED UNDER SECTION NINE HUNDRED SEVENTY-FOUR-C OF THE GENERAL  
24 MUNICIPAL LAW, THE DOLLAR AMOUNTS SPECIFIED UNDER SUBPARAGRAPH (A) OR  
25 (B) OF THIS PARAGRAPH SHALL BE INCREASED BY FIVE HUNDRED DOLLARS FOR  
26 EACH QUALIFYING INDIVIDUAL UNDER SUCH SUBPARAGRAPHS WHO RECEIVED, DURING  
27 THE TAXABLE YEAR, WAGES IN EXCESS OF FORTY THOUSAND DOLLARS.

28 (E) THE REQUIREMENT IN THIS PARAGRAPH THAT AN EMPLOYEE MUST RECEIVE  
29 EMPIRE ZONE WAGES FOR MORE THAN HALF THE TAXABLE YEAR SHALL NOT APPLY IN  
30 THE FIRST TAXABLE YEAR OF A TAXPAYER SATISFYING THE CRITERIA SET FORTH  
31 IN THIS SUBPARAGRAPH. IN SUCH A CASE, THE CREDIT ALLOWED UNDER THIS  
32 SUBSECTION SHALL BE COMPUTED BY UTILIZING THE NUMBER OF INDIVIDUALS  
33 (EXCLUDING GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL TIME BY THE TAXPAY-  
34 ER ON THE LAST DAY OF ITS FIRST TAXABLE YEAR. A TAXPAYER SHALL SATISFY  
35 THE FOLLOWING CRITERIA: (I) SUCH TAXPAYER ACQUIRED REAL OR TANGIBLE  
36 PERSONAL PROPERTY DURING ITS FIRST TAXABLE YEAR FROM AN ENTITY WHICH IS  
37 NOT A RELATED PERSON (AS SUCH TERM IS DEFINED IN SUBDIVISION (G) OF  
38 SECTION FOURTEEN OF THIS CHAPTER); (II) THE FIRST TAXABLE YEAR OF SUCH  
39 TAXPAYER SHALL BE A SHORT TAXABLE YEAR OF NOT MORE THAN SEVEN MONTHS IN  
40 DURATION; AND (III) THE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME ON THE  
41 LAST DAY OF SUCH FIRST TAXABLE YEAR SHALL BE AT LEAST ONE HUNDRED NINETY  
42 AND SUBSTANTIALLY ALL OF SUCH INDIVIDUALS MUST HAVE BEEN PREVIOUSLY  
43 EMPLOYED BY THE ENTITY FROM WHOM SUCH TAXPAYER PURCHASED ITS ASSETS.

44 PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH  
45 RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXA-  
46 BLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGRE-  
47 GATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION FOURTEEN  
48 HUNDRED FIFTY-FIVE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT  
49 PROVIDED FOR UNDER THIS ARTICLE.

50 (5) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS  
51 SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE  
52 TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY SUBSECTION  
53 (B) OF SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE. HOWEVER, IF  
54 THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED  
55 UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH  
56 AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY

NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE IN PARAGRAPH FOUR HEREOF, ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

(5-A) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE ALLOWED IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION CERTIFICATE IS NOT ISSUED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

S 23. Section 1511 of the tax law is amended by adding a new subdivision (aa) to read as follows:

(AA) GREEN ECONOMIC DEVELOPMENT ZONE CAPITAL CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF THE FOLLOWING INVESTMENTS AND CONTRIBUTIONS MADE DURING THE TAXABLE YEAR AND CERTIFIED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT: (A) FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, QUALIFIED INVESTMENTS MADE IN, OR CONTRIBUTIONS IN THE FORM OF DONATIONS MADE TO, ONE OR MORE GREEN ECONOMIC DEVELOPMENT ZONE CAPITAL CORPORATIONS PRIOR TO JANUARY FIRST, TWO THOUSAND TWELVE, (B) QUALIFIED INVESTMENTS IN CERTIFIED ZONE BUSINESSES WHICH DURING THE TWELVE MONTH PERIOD IMMEDIATELY PRECEDING THE MONTH IN WHICH SUCH INVESTMENT IS MADE EMPLOYED FULL-TIME WITHIN THE STATE AN AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFICERS, OF TWO HUNDRED FIFTY OR FEWER, COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF PARAGRAPH TWO OF SUBDIVISION (G) OF THIS SECTION, EXCEPT FOR INVESTMENTS MADE BY OR ON BEHALF OF AN OWNER OF THE BUSINESS, INCLUDING, BUT NOT LIMITED TO, A STOCKHOLDER, PARTNER OR SOLE PROPRIETOR, OR ANY RELATED PERSON, AS DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF SUBSECTION (B) OF SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVENUE CODE, AND (C) CONTRIBUTIONS OF MONEY TO COMMUNITY DEVELOPMENT PROJECTS AS DEFINED IN REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT. "QUALIFIED INVESTMENTS" MEANS THE CONTRIBUTION OF PROPERTY TO A CORPORATION IN EXCHANGE FOR ORIGINAL ISSUE CAPITAL STOCK OR OTHER OWNERSHIP INTEREST, THE CONTRIBUTION OF PROPERTY TO A PARTNERSHIP IN EXCHANGE FOR AN INTEREST IN THE PARTNERSHIP, AND SIMILAR CONTRIBUTIONS IN THE CASE OF A BUSINESS ENTITY NOT IN CORPORATE OR PARTNERSHIP FORM IN EXCHANGE FOR AN OWNERSHIP INTEREST IN SUCH ENTITY. THE TOTAL AMOUNT OF CREDIT ALLOWABLE TO A TAXPAYER UNDER THIS PROVISION FOR ALL YEARS, TAKEN IN THE AGGREGATE, SHALL NOT EXCEED THREE HUNDRED THOUSAND DOLLARS, AND SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS WITH RESPECT TO THE INVESTMENTS AND CONTRIBUTIONS DESCRIBED IN EACH OF SUBPARAGRAPHS (A), (B) AND (C) OF THIS PARAGRAPH.

(2) THE CREDIT AND CARRYOVER OF SUCH CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE OR BY SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE OF THIS PARAGRAPH, ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAX FOR SUCH

1 YEAR OR YEARS. IN ADDITION, THE AMOUNT OF SUCH CREDIT, AND CARRYOVERS OF  
2 SUCH CREDIT TO THE TAXABLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE MAY  
3 NOT, IN THE AGGREGATE, EXCEED FIFTY PERCENT OF (I) IN THE CASE OF  
4 TAXPAYERS SUBJECT TO TAX UNDER SUBDIVISION (B) OF SECTION FIFTEEN  
5 HUNDRED TEN OF THIS ARTICLE, THE LESSER OF (I) THE LIMITATION ON TAX  
6 COMPUTED PURSUANT TO SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED FIVE, OR  
7 (II) THE GREATER OF THE SUM OF THE TAXES IMPOSED UNDER SECTIONS FIFTEEN  
8 HUNDRED ONE AND FIFTEEN HUNDRED TEN OR THE AMOUNT OF TAX COMPUTED PURSU-  
9 ANT TO SUBDIVISION (B) OF SECTION FIFTEEN HUNDRED FIVE, OR (II) FOR ALL  
10 OTHER INSURANCE CORPORATIONS, THE TAX IMPOSED UNDER SECTION FIFTEEN  
11 HUNDRED TWO-A OF THIS ARTICLE, COMPUTED WITHOUT REGARD TO ANY CREDIT  
12 PROVIDED FOR UNDER THIS ARTICLE.

13 (2-A) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
14 ALLOWED TO A GREEN ECONOMIC DEVELOPMENT ZONE ENTERPRISE WHICH IS THE  
15 BASIS OF THE CREDIT, IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION  
16 CERTIFICATE IS NOT ISSUED TO SUCH ENTITY PURSUANT TO RULES AND REGU-  
17 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

18 (3) WHERE THE STOCK, PARTNERSHIP INTEREST OR OTHER OWNERSHIP INTEREST  
19 ARISING FROM A QUALIFIED INVESTMENT AS DESCRIBED IN SUBPARAGRAPHS (A)  
20 AND (B) OF PARAGRAPH ONE OF THIS SUBDIVISION IS DISPOSED OF, THE TAXPAY-  
21 ER'S ENTIRE NET INCOME SHALL BE COMPUTED, PURSUANT TO REGULATIONS  
22 PROMULGATED BY THE COMMISSIONER, SO AS TO PROPERLY REFLECT THE REDUCED  
23 COST THEREOF ARISING FROM THE APPLICATION OF THE CREDIT PROVIDED FOR  
24 HEREIN.

25 (4)(A) WHERE A TAXPAYER SELLS, TRANSFERS OR OTHERWISE DISPOSES OF  
26 CORPORATE STOCK, A PARTNERSHIP INTEREST OR OTHER OWNERSHIP INTEREST  
27 ARISING FROM THE MAKING OF A QUALIFIED INVESTMENT WHICH WAS THE BASIS,  
28 IN WHOLE OR IN PART, FOR THE ALLOWANCE OF THE CREDIT PROVIDED FOR UNDER  
29 THIS SUBDIVISION, OR WHERE A CONTRIBUTION OR INVESTMENT WHICH WAS THE  
30 BASIS FOR SUCH ALLOWANCE IS IN ANY MANNER, IN WHOLE OR IN PART, RECOV-  
31 ERED BY SUCH TAXPAYER, AND SUCH DISPOSITION OR RECOVERY OCCURS DURING  
32 THE TAXABLE YEAR OR WITHIN THIRTY-SIX MONTHS FROM THE CLOSE OF THE TAXA-  
33 BLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, SUBPARAGRAPH (B)  
34 OF THIS PARAGRAPH SHALL APPLY.

35 (B) THE TAXPAYER SHALL ADD BACK WITH RESPECT TO THE TAXABLE YEAR IN  
36 WHICH THE DISPOSITION OR RECOVERY DESCRIBED IN SUBPARAGRAPH (A) OF THIS  
37 PARAGRAPH OCCURRED THE REQUIRED PORTION OF THE CREDIT ORIGINALLY  
38 ALLOWED.

39 (C) THE REQUIRED PORTION OF THE CREDIT ORIGINALLY ALLOWED SHALL BE THE  
40 PRODUCT OF (I) THE PORTION OF SUCH CREDIT ATTRIBUTABLE TO THE PROPERTY  
41 DISPOSED OF OR THE PAYMENT OR CONTRIBUTION RECOVERED AND (II) THE APPLI-  
42 CABLE PERCENTAGE.

43 (D) THE APPLICABLE PERCENTAGE SHALL BE:

44 (I) ONE HUNDRED PERCENT, IF THE DISPOSITION OR RECOVERY OCCURS WITHIN  
45 THE TAXABLE YEAR WITH RESPECT TO WHICH THE CREDIT IS ALLOWED OR WITHIN  
46 TWELVE MONTHS OF THE END OF SUCH TAXABLE YEAR,

47 (II) SIXTY-SEVEN PERCENT, IF THE DISPOSITION OR RECOVERY OCCURS MORE  
48 THAN TWELVE BUT NOT MORE THAN TWENTY-FOUR MONTHS AFTER THE END OF THE  
49 TAXABLE YEAR WITH RESPECT TO WHICH THE CREDIT IS ALLOWED, OR

50 (III) THIRTY-THREE PERCENT, IF THE DISPOSITION OR RECOVERY OCCURS MORE  
51 THAN TWENTY-FOUR BUT NOT MORE THAN THIRTY-SIX MONTHS AFTER THE END OF  
52 THE TAXABLE YEAR WITH RESPECT TO WHICH THE CREDIT IS ALLOWED.

53 S 24. Section 66 of the public service law is amended by adding a new  
54 subdivision 12-d to read as follows:

55 12-D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON APPLICATION OF  
56 A GAS OR ELECTRIC CORPORATION, THE COMMISSION SHALL AUTHORIZE SUCH

1 CORPORATION TO CHARGE A SPECIAL GREEN ECONOMIC DEVELOPMENT ZONE RATE  
2 EQUAL TO THE INCREMENTAL COST OF PROVIDING SERVICE TO CUSTOMERS CERTI-  
3 FIED AS ELIGIBLE FOR SUCH RATE PURSUANT TO ARTICLE EIGHTEEN-D OF THE  
4 GENERAL MUNICIPAL LAW.

5 S 25. This act shall take effect immediately.