

5491--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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.

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

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1 974-I. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE AS A  
2 FEDERAL GREEN ENTERPRISE ECONOMIC DEVELOPMENT ZONE.

3 974-J. DIVISION OF TAXES BY GOVERNMENT BODIES.

4 974-K. DISPOSITION OF PROPERTY.

5 974-L. TERMINATION OR REVERSION OF A GREEN ECONOMIC DEVELOPMENT  
6 ZONE.

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

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

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

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

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

34 (C) "GREEN BUSINESS" SHALL MEAN A BUSINESS THAT PRIMARILY OPERATES IN  
35 ONE OR MORE OF FOUR AREAS: PRODUCTION, SERVICE AND REPAIR, RESEARCH AND  
36 DEVELOPMENT AND THE APPLICATION AND INSTALLATION OF GREEN PRODUCTS AND  
37 SERVICES. A GREEN PRODUCTION COMPANY IS A COMPANY DEALING PRIMARILY WITH  
38 THE MANUFACTURING AND DISTRIBUTION OF ENERGY EFFICIENCY TECHNOLOGIES AND  
39 GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES. GREEN PRODUCTION COMPA-  
40 NIES INCLUDE, BUT ARE NOT LIMITED TO, BIO FUEL DEVELOPMENT, SOLAR PANEL  
41 PRODUCTION OR ASSEMBLY, WIND TURBINE PRODUCTION OR ASSEMBLY, CARBON  
42 CAPTURE AND STORAGE MECHANISM, CLEAN FUEL VEHICLES, RENEWABLE ENERGY  
43 DEVELOPMENT, OR ENERGY EFFICIENCY TECHNOLOGIES. GREEN PRODUCTION SHALL  
44 ALSO INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING: (1) GREEN  
45 HOUSE EMISSION REDUCTION TECHNOLOGIES; (2) THE ASSEMBLY OF ESSENTIAL  
46 COMPONENTS FOR A CLEAN-FUELED VEHICLE; OR (3) ENERGY EFFICIENCY TECHNOL-  
47 OGIES; WHERE

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

1 SHALL NOT AT ANY TIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER  
2 THAN 0.05 PERCENT BY WEIGHT; (iii) THE PRODUCTION OF CLEAN-FUELED VEHI-  
3 CLES OR THE CONVERSION OF EXISTING VEHICLES TO CLEAN-FUELED VEHICLES;  
4 AND (iv) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE  
5 CONSUMPTION OF ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT  
6 OF ENVIRONMENTAL CONSERVATION WITH THE NEW YORK STATE ENERGY RESEARCH  
7 AND DEVELOPMENT AUTHORITY;

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

13 (C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT  
14 REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (i)  
15 REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (ii) APPLIANCES AND EQUIP-  
16 MENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN  
17 ARTICLE SIXTEEN OF THE ENERGY LAW; AND (iii) OTHER SUCH MEASURES THAT  
18 WILL REDUCE THE DEMAND FOR AND/OR CONSUMPTION OF ELECTRICITY AS DETER-  
19 MINED BY THE NEW YORK STATE ENERGY AND RESEARCH DEVELOPMENT AUTHORITY;

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

27 (E) "GREEN SERVICE AND REPAIR" SHALL MEAN ANY COMPANY THAT DEALS  
28 PRIMARILY WITH THE PROVISION OF SERVICES TO OTHER COMPANIES OR INDIVID-  
29 UALS IN A SUSTAINABLE OR ENERGY EFFICIENT MANNER. GREEN SERVICE AND  
30 REPAIR COMPANIES INCLUDE, BUT ARE NOT LIMITED TO, THOSE OFFERING SUCH  
31 SERVICES AS GREEN ROOFING, LEED CERTIFICATION AND INSPECTION SERVICES,  
32 USE AND SALE OF LOW VOC PAINTS, LOW ENERGY RADIANT FLOORING, WHITE,  
33 COATED, OR GREEN ROOF INSTALLATION, RECOVERY AND RECYCLING PROCESSING,  
34 REPLACEMENT OF INEFFICIENT TECHNOLOGIES, CLEAN-FUEL VEHICLE SALES AND  
35 REPAIR, COGENERATION TECHNOLOGY INSTALLATION AND REPAIR, AND GREEN LEGAL  
36 AND FINANCIAL SERVICES;

37 (F) "GREEN RESEARCH AND DEVELOPMENT" SHALL MEAN ANY ENTITY THAT WORKS  
38 PRIMARILY TO DISCOVER NEW KNOWLEDGE ABOUT GREEN PRODUCTS, PROCESSES, AND  
39 SERVICES, AND THEN APPLIES THAT KNOWLEDGE TO CREATE NEW AND IMPROVED  
40 GREEN PRODUCTS, PROCESSES, AND SERVICES THAT FILL MARKET NEEDS. GREEN  
41 RESEARCH AND DEVELOPMENT PROJECTS INCLUDE, BUT ARE NOT LIMITED TO,  
42 STUDIES INVOLVING IMPROVEMENTS TO RENEWABLE ENERGY TECHNOLOGY, SUSTAINA-  
43 BLE FARMING OR LANDSCAPING PROCESSES, WATER CONSERVATION TECHNOLOGIES,  
44 ENERGY EFFICIENCY TECHNOLOGY IMPROVEMENTS, ALTERNATIVE FUEL DEVELOPMENT,  
45 COST-BENEFIT ANALYSES OF SUSTAINABLE PRACTICES, ENERGY RETURN ON INVEST-  
46 MENT, GREEN EDUCATION OUTREACH, AND URBAN SUSTAINABILITY PRACTICES; AND

47 (G) "GREEN APPLICATION AND INSTALLATION" IS THE ACT OF A PROPERTY  
48 OWNER OR TENANT INSTALLING OR USING A TYPE OF GREEN TECHNOLOGY THAT  
49 RESULTS IN GREENHOUSE GAS EMISSION REDUCTION OR ANY OTHER ENERGY EFFI-  
50 CIENCY TECHNOLOGIES AND SHALL ALSO INCLUDE CERTAIN WORK PERFORMED BY  
51 NON-MANUFACTURING AND SERVICE COMPANIES. GREEN APPLICATION AND INSTALLA-  
52 TION INCLUDES, BUT IS NOT LIMITED TO, SOLAR PANEL INSTALLATION, COGENER-  
53 ATION TECHNOLOGY RETROFITTING, GREEN ROOF INSTALLATION, LOW FLOW WATER  
54 FIXTURE INSTALLATION, CLEAN-FUEL VEHICLE UTILIZATION, GREENHOUSE GAS  
55 EMISSIONS REDUCTION TECHNOLOGY UTILIZATION, ENERGY EFFICIENCY TECHNOLOGY  
56 UTILIZATION, AND LEED CERTIFICATION.

(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.

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

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

S 974-K. DISPOSITION OF PROPERTY. (A) NOTWITHSTANDING ANY PROVISION OF ANY OTHER LAW TO THE CONTRARY, IN ORDER TO FURTHER THE PURPOSES OF THE GREEN ECONOMIC DEVELOPMENT ZONE, ANY REAL OR PERSONAL PROPERTY LOCATED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE AND OWNED BY ANY LOCAL GOVERNMENTAL ENTITY IN WHOSE JURISDICTION A GREEN ECONOMIC DEVELOPMENT ZONE IS

1 LOCATED, MAY BE SOLD OR LEASED FOR A TERM NOT EXCEEDING NINETY-NINE  
2 YEARS TO A PRIVATE USER, A COMMUNITY-BASED ORGANIZATION, A PUBLIC BENE-  
3 FIT CORPORATION OR ANY OTHER PERSON; PROVIDED, HOWEVER, THAT EACH  
4 CONTRACT FOR SUCH SALE, AND EACH SUCH LEASE, SHALL OBLIGATE THE BUYER OR  
5 LESSEE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE AND THE GREEN  
6 ECONOMIC DEVELOPMENT ZONE PLAN FILED WITH THE COMMISSIONER PURSUANT TO  
7 SECTION NINE HUNDRED SEVENTY-FOUR-G OF THIS ARTICLE. SUCH OBLIGATIONS  
8 CONTAINED IN A CONTRACT FOR THE SALE OF REAL PROPERTY SHALL SURVIVE  
9 DELIVERY OF THE DEED. A BREACH BY THE BUYER OR LESSEE OF A MATERIAL  
10 OBLIGATION OF SUCH CONTRACT OR LEASE SHALL, IN ADDITION TO ANY OTHER  
11 REMEDIES AVAILABLE TO THE SELLER OR LESSOR UNDER THE CONTRACT, TERMINATE  
12 THE ELIGIBILITY OF THE BUYER OR LESSEE FOR ANY BENEFITS PROVIDED IN THIS  
13 ARTICLE.

14 S 974-L. TERMINATION OR REVERSION OF A GREEN ECONOMIC DEVELOPMENT  
15 ZONE. (A) EXCEPT AS PROVIDED IN THIS SECTION, ANY DESIGNATION OF AN AREA  
16 AS A GREEN ECONOMIC DEVELOPMENT ZONE SHALL REMAIN IN EFFECT DURING THE  
17 PERIOD BEGINNING ON THE DATE OF DESIGNATION AND ENDING TEN YEARS THERE-  
18 AFTER. AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET AND THE  
19 COMMISSIONER OF LABOR, THE COMMISSIONER MAY TERMINATE THE DESIGNATION OF  
20 AN AREA AS A GREEN ECONOMIC DEVELOPMENT ZONE UPON A FINDING THAT (1) THE  
21 APPLICANT HAS FAILED SUBSTANTIALLY TO IMPLEMENT THE GREEN ECONOMIC  
22 DEVELOPMENT ZONE DEVELOPMENT PLAN WITHIN THE TIME STATED THEREIN; OR (2)  
23 THERE HAS BEEN NO SUBSTANTIAL BUSINESS DEVELOPMENT OR JOB CREATION WITH-  
24 IN THE AREA DESIGNATED AS A GREEN ECONOMIC DEVELOPMENT ZONE WITHIN FIVE  
25 YEARS AFTER SUCH DESIGNATION; PROVIDED, HOWEVER, THAT NO TERMINATION  
26 SHALL OCCUR UNLESS AND UNTIL WRITTEN NOTICE HAS BEEN GIVEN TO THE APPLI-  
27 CANT AND A PUBLIC HEARING HAS BEEN HELD THIRTY DAYS PRIOR TO THE EFFEC-  
28 TIVE DATE OF SUCH TERMINATION.

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

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

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

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

41 (b) With respect to the abatement zone defined in paragraph (b) OR  
42 (B-1) of subdivision two of this section, premises located in an eligi-  
43 ble building that are (i) occupied or used as offices (including ancil-  
44 lary uses) or are occupied or used for other lawful commercial business  
45 activities, but not premises occupied or used as retail space or for  
46 hotel or residential purposes; or (ii) occupied or used for industrial  
47 and manufacturing activities (including ancillary uses) OR BY A GREEN  
48 BUSINESS IN A GREEN ZONE, but not premises occupied or used for hotel or  
49 residential purposes; and

50 (c) With respect to the abatement zone defined in paragraph (c) of  
51 subdivision two of this section, premises located in an eligible build-  
52 ing that are occupied or used for industrial and manufacturing activ-  
53 ities (including ancillary uses) OR USED BY A GREEN BUSINESS IN A GREEN  
54 ZONE, but not premises occupied or used for hotel or residential  
55 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 PRIMARILY OPERATES IN ONE OR MORE OF FOUR AREAS: PRODUCTION, SERVICE AND REPAIR, RESEARCH AND DEVELOPMENT AND THE APPLICATION AND INSTALLATION OF GREEN PRODUCTS AND SERVICES. A GREEN PRODUCTION COMPANY IS A COMPANY DEALING PRIMARILY WITH THE MANUFACTURING AND DISTRIBUTION OF ENERGY EFFICIENCY TECHNOLOGIES AND GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES. GREEN PRODUCTION COMPANIES INCLUDE, BUT ARE NOT LIMITED TO, BIO FUEL DEVELOPMENT, SOLAR PANEL PRODUCTION OR ASSEMBLY, WIND TURBINE PRODUCTION OR ASSEMBLY, CARBON CAPTURE AND STORAGE MECHANISM, CLEAN FUEL VEHICLES, RENEWABLE ENERGY DEVELOPMENT, OR ENERGY EFFICIENCY TECHNOLOGIES. GREEN PRODUCTION SHALL ALSO INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(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 PYROLOSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF THE ENVIRONMENTAL CONSERVATION LAW OR ELECTRICITY GENERATED FROM NUCLEAR POWER PLANTS.

(E) "GREEN SERVICE AND REPAIR" SHALL MEAN ANY COMPANY THAT DEALS PRIMARILY WITH THE PROVISION OF SERVICES TO OTHER COMPANIES OR INDIVIDUALS IN A SUSTAINABLE OR ENERGY EFFICIENT MANNER. GREEN SERVICE AND REPAIR COMPANIES INCLUDE, BUT ARE NOT LIMITED TO, THOSE OFFERING SUCH SERVICES AS GREEN ROOFING, LEED CERTIFICATION AND INSPECTION SERVICES, USE AND SALE OF LOW VOC PAINTS, LOW ENERGY RADIANT FLOORING, WHITE, COATED, OR GREEN ROOF INSTALLATION, RECOVERY AND RECYCLING PROCESSING, REPLACEMENT OF INEFFICIENT TECHNOLOGIES, CLEAN-FUEL VEHICLE SALES AND REPAIR, COGENERATION TECHNOLOGY INSTALLATION AND REPAIR, AND GREEN LEGAL AND FINANCIAL SERVICES.

(F) "GREEN RESEARCH AND DEVELOPMENT" SHALL MEAN ANY ENTITY THAT WORKS PRIMARILY TO DISCOVER NEW KNOWLEDGE ABOUT GREEN PRODUCTS, PROCESSES, AND SERVICES, AND THEN APPLIES THAT KNOWLEDGE TO CREATE NEW AND IMPROVED GREEN PRODUCTS, PROCESSES, AND SERVICES THAT FILL MARKET NEEDS. GREEN RESEARCH AND DEVELOPMENT PROJECTS INCLUDE, BUT ARE NOT LIMITED TO, STUDIES INVOLVING IMPROVEMENTS TO RENEWABLE ENERGY TECHNOLOGY, SUSTAINABLE FARMING OR LANDSCAPING PROCESSES, WATER CONSERVATION TECHNOLOGIES, ENERGY EFFICIENCY TECHNOLOGY IMPROVEMENTS, ALTERNATIVE FUEL DEVELOPMENT, COST-BENEFIT ANALYSES OF SUSTAINABLE PRACTICES, ENERGY RETURN ON INVESTMENT, GREEN EDUCATION OUTREACH, AND URBAN SUSTAINABILITY PRACTICES.

(G) "GREEN APPLICATION AND INSTALLATION" IS THE ACT OF A PROPERTY OWNER OR TENANT INSTALLING OR USING A TYPE OF GREEN TECHNOLOGY THAT RESULTS IN GREENHOUSE GAS EMISSION REDUCTION OR ANY OTHER ENERGY EFFICIENCY TECHNOLOGIES AND SHALL ALSO INCLUDE CERTAIN WORK PERFORMED BY NON-MANUFACTURING AND SERVICE COMPANIES. GREEN APPLICATION AND INSTALLATION INCLUDES, BUT IS NOT LIMITED TO, SOLAR PANEL INSTALLATION, COGENERATION TECHNOLOGY RETROFITTING, GREEN ROOF INSTALLATION, LOW FLOW WATER FIXTURE INSTALLATION, CLEAN-FUEL VEHICLE UTILIZATION, GREENHOUSE GAS EMISSIONS REDUCTION TECHNOLOGY UTILIZATION, ENERGY EFFICIENCY TECHNOLOGY UTILIZATION, AND LEED CERTIFICATION.

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 GEOTHALS 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 GEOTHALS 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

1 OF ARTHUR KILL ROAD; THENCE RUNNING WEST 14,266.19 FEET ALONG AND  
2 PARALLEL TO THE NORTH SIDE OF ARTHUR KILL ROAD TO THE CENTERLINE OF  
3 ROSSVILLE AVENUE; THENCE RUNNING NORTH 650 FEET ALONG THE LINE OF ROSS-  
4 VILLE AVENUE TO THE POINT OF THE US PIERHEAD AND BULKHEAD LINE; THENCE  
5 RUNNING NORTH 34,553.83 FEET ALONG AND PARALLEL TO THE EAST SIDE OF THE  
6 US PIERHEAD AND BULKHEAD LINE TO THE POINT AND PLACE OF THE BEGINNING.

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

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

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

23 1-C. WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, ELIGI-  
24 BLE BUILDINGS CONTAINING ELIGIBLE PREMISES AS DEFINED IN SUBPARAGRAPH  
25 (II) OF PARAGRAPH (B) OR PARAGRAPH (C) OF SUBDIVISION TEN AND OCCUPIED  
26 BY GREEN BUSINESSES IN A GREEN ZONE AS DEFINED BY SUBDIVISION FOURTEEN-B  
27 OF SECTION FOUR HUNDRED NINETY-NINE-AA OF THIS TITLE OCCUPIED OR USED BY  
28 A TENANT PURSUANT TO A LEASE HAVING A LEASE COMMENCEMENT DATE ON OR  
29 AFTER JULY FIRST, TWO THOUSAND TWELVE WITH AN INITIAL LEASE TERM OF NOT  
30 LESS THAN THREE YEARS, SHALL RECEIVE AN ABATEMENT OF REAL PROPERTY TAXES  
31 FOR EACH YEAR OF THE BENEFIT PERIOD EQUAL TO THE PRODUCT OBTAINED BY (I)  
32 MULTIPLYING THE TENANT'S PERCENTAGE SHARE BY THE NUMBER OF SQUARE FEET  
33 IN THE ELIGIBLE BUILDING, AS LISTED ON THE RECORDS OF THE DEPARTMENT OF  
34 FINANCE, AND (II) MULTIPLYING THE PRODUCT OBTAINED IN PARAGRAPH (I) OF  
35 THIS SUBDIVISION BY THE ABATEMENT BASE.

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

39 (a) "Eligible business" means any person subject to a tax imposed  
40 under a local law enacted pursuant to part two or three of section one,  
41 or section two, of chapter seven hundred seventy-two of the laws of  
42 nineteen hundred sixty-six or a gross receipts tax imposed under a local  
43 law enacted pursuant to subdivision (a) of section twelve hundred one of  
44 the tax law that: (1) has been conducting substantial business oper-  
45 ations at one or more business locations outside an eligible area for  
46 the twenty-four consecutive months immediately preceding the taxable  
47 year during which such eligible business relocates as defined in subdi-  
48 vision (j) of this section OR, IF A GREEN BUSINESS, HAS BEEN CONDUCTING  
49 SUBSTANTIAL BUSINESS OPERATIONS OUTSIDE OF A GREEN ZONE; and (2) on or  
50 after May twenty-seventh, nineteen hundred eighty-seven relocates as  
51 defined in subdivision (j) of this section all or part of such business  
52 operations OR IF A GREEN BUSINESS HAS RELOCATED INTO A GREEN ZONE AFTER  
53 JULY FIRST, TWO THOUSAND TWELVE; and (3) either (i) on or after May  
54 twenty-seventh, nineteen hundred eighty-seven first enters into a  
55 contract to purchase or lease the premises to which it relocates as  
56 defined in subdivision (j) of this section, or a parcel on which will be



constructed such premises, or (ii) as of May twenty-seventh, nineteen hundred eighty-seven owns such parcel or premises and has not prior to such date made application for benefits pursuant to a local law enacted in accordance with title two-D of article four of the real property tax law OR IF A GREEN BUSINESS, ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, ENTERS INTO A CONTRACT TO PURCHASE OR LEASE PREMISES IN A GREEN ZONE.

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

(A-1) "GREEN BUSINESS" MEANS ANY PERSON THAT CONDUCTS ELIGIBLE GREEN ACTIVITIES AS DEFINED IN THIS SUBDIVISION AND IS SUBJECT TO A TAX IMPOSED UNDER A LOCAL LAW ENACTED PURSUANT TO PART TWO OR THREE OF SECTION ONE, OR SECTION TWO, OF CHAPTER SEVEN HUNDRED SEVENTY-TWO OF THE LAWS OF NINETEEN HUNDRED SIXTY-SIX OR A GROSS RECEIPTS TAX IMPOSED UNDER A LOCAL LAW ENACTED PURSUANT TO SUBDIVISION (A) OF SECTION TWELVE HUNDRED ONE OF THE TAX LAW THAT HAS BEEN CONDUCTING SUBSTANTIAL BUSINESS OPERATIONS AT ONE OR MORE BUSINESS LOCATIONS OUTSIDE A GREEN ZONE AS DEFINED IN THIS SECTION AND ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE MOVES INTO THE GREEN ZONE. FOR PURPOSES OF THIS SUBDIVISION ELIGIBLE GREEN ACTIVITIES SHALL INCLUDE: PRODUCTION, SERVICE AND REPAIR, RESEARCH AND DEVELOPMENT AND THE APPLICATION AND INSTALLATION OF GREEN PRODUCTS AND SERVICES. A GREEN PRODUCTION COMPANY IS A COMPANY DEALING PRIMARILY WITH THE MANUFACTURING AND DISTRIBUTION OF ENERGY EFFICIENCY TECHNOLOGIES AND GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES. GREEN PRODUCTION COMPANIES INCLUDE, BUT ARE NOT LIMITED TO, BIO FUEL DEVELOPMENT, SOLAR PANEL PRODUCTION OR ASSEMBLY, WIND TURBINE PRODUCTION OR ASSEMBLY, CARBON CAPTURE AND STORAGE MECHANISM, CLEAN FUEL VEHICLES, RENEWABLE ENERGY DEVELOPMENT, OR ENERGY EFFICIENCY TECHNOLOGIES. GREEN PRODUCTION SHALL ALSO INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(A) "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES" SHALL 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

1 DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHOR-  
2 ITY;

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

10 (E) "GREEN SERVICE AND REPAIR" SHALL MEAN ANY COMPANY THAT DEALS  
11 PRIMARILY WITH THE PROVISION OF SERVICES TO OTHER COMPANIES OR INDIVID-  
12 UALS IN A SUSTAINABLE OR ENERGY EFFICIENT MANNER. GREEN SERVICE AND  
13 REPAIR COMPANIES INCLUDE, BUT ARE NOT LIMITED TO, THOSE OFFERING SUCH  
14 SERVICES AS GREEN ROOFING, LEED CERTIFICATION AND INSPECTION SERVICES,  
15 USE AND SALE OF LOW VOC PAINTS, LOW ENERGY RADIANT FLOORING, WHITE,  
16 COATED, OR GREEN ROOF INSTALLATION, RECOVERY AND RECYCLING PROCESSING,  
17 REPLACEMENT OF INEFFICIENT TECHNOLOGIES, CLEAN-FUEL VEHICLE SALES AND  
18 REPAIR, COGENERATION TECHNOLOGY INSTALLATION AND REPAIR, AND GREEN LEGAL  
19 AND FINANCIAL SERVICES;

20 (F) "GREEN RESEARCH AND DEVELOPMENT" SHALL MEAN ANY ENTITY THAT WORKS  
21 PRIMARILY TO DISCOVER NEW KNOWLEDGE ABOUT GREEN PRODUCTS, PROCESSES, AND  
22 SERVICES, AND THEN APPLIES THAT KNOWLEDGE TO CREATE NEW AND IMPROVED  
23 GREEN PRODUCTS, PROCESSES, AND SERVICES THAT FILL MARKET NEEDS. GREEN  
24 RESEARCH AND DEVELOPMENT PROJECTS INCLUDE, BUT ARE NOT LIMITED TO,  
25 STUDIES INVOLVING IMPROVEMENTS TO RENEWABLE ENERGY TECHNOLOGY, SUSTAINA-  
26 BLE FARMING OR LANDSCAPING PROCESSES, WATER CONSERVATION TECHNOLOGIES,  
27 ENERGY EFFICIENCY TECHNOLOGY IMPROVEMENTS, ALTERNATIVE FUEL DEVELOPMENT,  
28 COST-BENEFIT ANALYSES OF SUSTAINABLE PRACTICES, ENERGY RETURN ON INVEST-  
29 MENT, GREEN EDUCATION OUTREACH, AND URBAN SUSTAINABILITY PRACTICES; AND

30 (G) "GREEN APPLICATION AND INSTALLATION" IS THE ACT OF A PROPERTY  
31 OWNER OR TENANT INSTALLING OR USING A TYPE OF GREEN TECHNOLOGY THAT  
32 RESULTS IN GREENHOUSE GAS EMISSION REDUCTION OR ANY OTHER ENERGY EFFI-  
33 CIENCY TECHNOLOGIES AND SHALL ALSO INCLUDE CERTAIN WORK PERFORMED BY  
34 NON-MANUFACTURING AND SERVICE COMPANIES. GREEN APPLICATION AND INSTAL-  
35 LATION INCLUDES, BUT IS NOT LIMITED TO, SOLAR PANEL INSTALLATION, COGEN-  
36 ERATION TECHNOLOGY RETROFITTING, GREEN ROOF INSTALLATION, LOW FLOW WATER  
37 FIXTURE INSTALLATION, CLEAN-FUEL VEHICLE UTILIZATION, GREENHOUSE GAS  
38 EMISSION REDUCTION TECHNOLOGY UTILIZATION, ENERGY EFFICIENCY TECHNOLOGY  
39 UTILIZATION, AND LEED CERTIFICATION.

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

1 TO THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST  
2 3,114.21 FEET ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE  
3 OF TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL  
4 TO THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE;  
5 THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE  
6 OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING  
7 WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL  
8 ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650  
9 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD  
10 AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARAL-  
11 LEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT  
12 AND PLACE OF THE BEGINNING.

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

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

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

20 (f) "Eligible area" means an area of a city having a population of one  
21 million or more, excluding the area lying south of the center line of  
22 96th Street, in the borough of Manhattan in the city of New York OR IN  
23 THE CASE OF A GREEN BUSINESS RELOCATING AFTER JULY FIRST, TWO THOUSAND  
24 TWELVE, AN ELIGIBLE AREA SHALL INCLUDE A GREEN ZONE.

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

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

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

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

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

46 (D-1) "GREEN BUSINESS." A "GREEN BUSINESS" SHALL BE DEFINED AS ONE  
47 THAT PRIMARILY OPERATES IN ONE OR MORE OF FOUR AREAS: PRODUCTION,  
48 SERVICE AND REPAIR, RESEARCH AND DEVELOPMENT AND THE APPLICATION AND  
49 INSTALLATION OF GREEN PRODUCTS AND SERVICES. A GREEN PRODUCTION COMPANY  
50 IS A COMPANY DEALING PRIMARILY WITH THE MANUFACTURING AND DISTRIBUTION  
51 OF ENERGY EFFICIENCY TECHNOLOGIES AND GREENHOUSE GAS EMISSION REDUCTION  
52 TECHNOLOGIES. GREEN PRODUCTION COMPANIES INCLUDE, BUT ARE NOT LIMITED  
53 TO, BIO FUEL DEVELOPMENT, SOLAR PANEL PRODUCTION OR ASSEMBLY, WIND  
54 TURBINE PRODUCTION OR ASSEMBLY, CARBON CAPTURE AND STORAGE MECHANISM,  
55 CLEAN FUEL VEHICLES, RENEWABLE ENERGY DEVELOPMENT, OR ENERGY EFFICIENCY

1 TECHNOLOGIES. GREEN PRODUCTION SHALL ALSO INCLUDE, BUT SHALL NOT BE  
2 LIMITED TO, THE FOLLOWING:

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

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

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

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

39 (E) "GREEN SERVICE AND REPAIR" SHALL MEAN ANY COMPANY THAT DEALS  
40 PRIMARILY WITH THE PROVISION OF SERVICES TO OTHER COMPANIES OR INDIVID-  
41 UALS IN A SUSTAINABLE OR ENERGY EFFICIENT MANNER. GREEN SERVICE AND  
42 REPAIR COMPANIES INCLUDE, BUT ARE NOT LIMITED TO, THOSE OFFERING SUCH  
43 SERVICES AS GREEN ROOFING, LEED CERTIFICATION AND INSPECTION SERVICES,  
44 USE AND SALE OF LOW VOC PAINTS, LOW ENERGY RADIANT FLOORING, WHITE,  
45 COATED, OR GREEN ROOF INSTALLATION, RECOVERY AND RECYCLING PROCESSING,  
46 REPLACEMENT OF INEFFICIENT TECHNOLOGIES, CLEAN-FUEL VEHICLE SALES AND  
47 REPAIR, COGENERATION TECHNOLOGY INSTALLATION AND REPAIR, AND GREEN LEGAL  
48 AND FINANCIAL SERVICES;

49 (F) "GREEN RESEARCH AND DEVELOPMENT" SHALL MEAN ANY ENTITY THAT WORKS  
50 PRIMARILY TO DISCOVER NEW KNOWLEDGE ABOUT GREEN PRODUCTS, PROCESSES, AND  
51 SERVICES, AND THEN APPLIES THAT KNOWLEDGE TO CREATE NEW AND IMPROVED  
52 GREEN PRODUCTS, PROCESSES, AND SERVICES THAT FILL MARKET NEEDS. GREEN  
53 RESEARCH AND DEVELOPMENT PROJECTS INCLUDE, BUT ARE NOT LIMITED TO,  
54 STUDIES INVOLVING IMPROVEMENTS TO RENEWABLE ENERGY TECHNOLOGY, SUSTAINA-  
55 BLE FARMING OR LANDSCAPING PROCESSES, WATER CONSERVATION TECHNOLOGIES,  
56 ENERGY EFFICIENCY TECHNOLOGY IMPROVEMENTS, ALTERNATIVE FUEL DEVELOPMENT,

1 COST-BENEFIT ANALYSES OF SUSTAINABLE PRACTICES, ENERGY RETURN ON INVEST-  
2 MENT, GREEN EDUCATION OUTREACH, AND URBAN SUSTAINABILITY PRACTICES; AND  
3 (G) "GREEN APPLICATION AND INSTALLATION" IS THE ACT OF A PROPERTY  
4 OWNER OR TENANT INSTALLING OR USING A TYPE OF GREEN TECHNOLOGY THAT  
5 RESULTS IN GREENHOUSE GAS EMISSION REDUCTION OR ANY OTHER ENERGY EFFI-  
6 CIENCY TECHNOLOGIES AND SHALL ALSO INCLUDE CERTAIN WORK PERFORMED BY  
7 NON-MANUFACTURING AND SERVICE COMPANIES. GREEN APPLICATION AND INSTALLA-  
8 TION INCLUDES, BUT IS NOT LIMITED TO, SOLAR PANEL INSTALLATION, COGENER-  
9 ATION TECHNOLOGY RETROFITTING, GREEN ROOF INSTALLATION, LOW FLOW WATER  
10 FIXTURE INSTALLATION, CLEAN-FUEL VEHICLE UTILIZATION, GREENHOUSE GAS  
11 EMISSIONS REDUCTION TECHNOLOGY UTILIZATION, ENERGY EFFICIENCY TECHNOLOGY  
12 UTILIZATION, AND LEED CERTIFICATION.

13 (D-2) "GREEN ZONE". THE AREA OF STATEN ISLAND DEFINED BY THE FOLLOWING  
14 AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING ZONING MAPS:  
15 BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT OF THE  
16 GOETHALS BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING  
17 EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF THE  
18 GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE; THENCE  
19 RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD NORTH;  
20 THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH SIDE  
21 OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE RUNNING  
22 SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH AVENUE TO  
23 THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89 FEET ALONG  
24 AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTERLINE OF  
25 FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND PARALLEL TO  
26 THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS LANE;  
27 THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO THE  
28 INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING SOUTH  
29 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE TO  
30 THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST 3,114.21  
31 FEET ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF  
32 TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO  
33 THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE;  
34 THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE  
35 OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING  
36 WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL  
37 ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650  
38 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD  
39 AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARAL-  
40 LEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT  
41 AND PLACE OF BEGINNING.

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

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

51 S 16. The real property tax law is amended by adding a new section  
52 485-q to read as follows:

53 S 485-Q. GREEN ECONOMIC DEVELOPMENT ZONE EXEMPTION. 1. (A) REAL PROP-  
54 ERTY CONSTRUCTED, ALTERED, INSTALLED OR IMPROVED IN AN AREA DESIGNATED A  
55 GREEN ECONOMIC DEVELOPMENT ZONE PURSUANT TO ARTICLE EIGHTEEN-D OF THE  
56 GENERAL MUNICIPAL LAW SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALO-

1 REM LEVIES BY ANY MUNICIPAL CORPORATION IN WHICH LOCATED, FOR THE PERIOD  
2 AND TO THE EXTENT HEREIN PROVIDED, PROVIDED THAT THE GOVERNING BOARD OF  
3 SUCH MUNICIPAL CORPORATION, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW,  
4 ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

5 (B) FOR EXEMPTIONS COMMENCING IN THE FIRST SEVEN YEARS FROM THE DATE  
6 ON WHICH THE GREEN ECONOMIC DEVELOPMENT ZONE WAS DESIGNATED, THE AMOUNT  
7 OF SUCH EXEMPTION IN ANY OF THESE YEARS SHALL BE ONE HUNDRED PERCENT OF  
8 THE "BASE AMOUNT", DETERMINED PURSUANT TO SUBDIVISION TWO OF THIS  
9 SECTION. IN THE EIGHTH, NINTH AND TENTH YEARS, THE AMOUNT OF THE  
10 EXEMPTION SHALL BE SEVENTY-FIVE PERCENT, FIFTY PERCENT, AND TWENTY-FIVE  
11 PERCENT, RESPECTIVELY, OF SUCH BASE AMOUNT.

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

17 1-A. (A) A MUNICIPAL CORPORATION MAY PROVIDE IN SUCH LOCAL LAW, ORDI-  
18 NANCE OR RESOLUTION, OR IN A SEPARATE LOCAL LAW, ORDINANCE OR RESOLUTION  
19 ADOPTED AFTER PUBLIC HEARING, THAT THE EXEMPTION SO AUTHORIZED SHALL BE  
20 FOR A TERM OF TEN YEARS, NOTWITHSTANDING THAT THE DESIGNATION OF THE  
21 ZONE MAY EXPIRE PRIOR TO THE END OF SUCH TEN YEAR TERM. ANY SUCH LOCAL  
22 LAW, ORDINANCE OR RESOLUTION SHALL BE APPLICABLE ONLY TO EXEMPTIONS  
23 COMMENCING ON ASSESSMENT ROLLS WITH TAXABLE STATUS DATES ON OR AFTER THE  
24 EFFECTIVE DATE OF SUCH LOCAL LAW, ORDINANCE OR RESOLUTION.

25 (B) WHERE SUCH LOCAL LAW, ORDINANCE OR RESOLUTION HAS BEEN ADOPTED,  
26 THE AMOUNT OF SUCH EXEMPTION IN THE FIRST SEVEN YEARS OF ITS TERM SHALL  
27 BE ONE HUNDRED PERCENT OF THE "BASE AMOUNT," DETERMINED PURSUANT TO  
28 SUBDIVISION TWO OF THIS SECTION. THE AMOUNT OF THE EXEMPTION IN THE  
29 EIGHTH, NINTH, AND TENTH YEARS OF ITS TERM SHALL BE SEVENTY-FIVE  
30 PERCENT, FIFTY PERCENT AND TWENTY-FIVE PERCENT, RESPECTIVELY, OF SUCH  
31 BASE AMOUNT.

32 2. (A) THE BASE AMOUNT OF THE EXEMPTION SHALL BE THE EXTENT OF THE  
33 INCREASE IN ASSESSED VALUE ATTRIBUTABLE TO SUCH CONSTRUCTION, ALTER-  
34 ATION, INSTALLATION OR IMPROVEMENT AS DETERMINED IN THE INITIAL YEAR FOR  
35 WHICH APPLICATION FOR EXEMPTION IS MADE PURSUANT TO THIS SECTION. THE  
36 BASE AMOUNT SHALL REMAIN CONSTANT FOR THE AUTHORIZED TERM OF THE  
37 EXEMPTION, SUBJECT TO THE FOLLOWING:

38 (I) IF THERE IS SUBSEQUENT CONSTRUCTION, ALTERATION, INSTALLATION OR  
39 IMPROVEMENT DURING THE TERM OF THE EXEMPTION, THE BASE AMOUNT SHALL BE  
40 REVISED TO INCLUDE THE INCREASE IN ASSESSED VALUE ATTRIBUTABLE TO SUCH  
41 CONSTRUCTION, ALTERATION, INSTALLATION OR IMPROVEMENT.

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

53 (B) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS, PURSUANT TO ARTICLE  
54 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 THE CASE OF A MUNICIPAL CORPORATION WHICH HAS ADOPTED A LOCAL LAW, ORDINANCE OR RESOLUTION PURSUANT TO SUBDIVISION ONE-A OF THIS SECTION, PRIOR IN TIME TO THE EXPIRATION OF SUCH DESIGNATION, SHALL CONTINUE AS IF THE DESIGNATION OF THE GREEN ECONOMIC DEVELOPMENT ZONE HAD NOT BEEN TERMINATED, OR, IF APPLICABLE, HAD NOT EXPIRED; PROVIDED, HOWEVER, THAT ANY FURTHER INCREASE IN THE VALUE ATTRIBUTABLE TO CONSTRUCTION, ALTERATION, INSTALLATION OR IMPROVEMENT COMMENCED SUBSEQUENT TO THE DATE OF TERMINATION, OR, IF APPLICABLE, THE DATE OF EXPIRATION, SHALL NOT BE ELIGIBLE FOR EXEMPTION PURSUANT TO THIS SECTION.

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

11. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY OTHER LAW TO THE CONTRARY, ANY UTILITY (A) WHICH IS SUBJECT TO TAX PURSUANT TO THIS SECTION, AND (B) WHICH IS SUBJECT TO THE SUPERVISION OF THE DEPARTMENT OF PUBLIC SERVICE, SHALL PROVIDE, IN ADDITION TO ANY OTHER

1 DISCOUNT, A REDUCTION OF THREE PERCENT IN THE RATE CHARGED FOR GAS,  
2 ELECTRICITY, STEAM OR WATER SOLD, OR GAS, ELECTRIC, STEAM OR WATER  
3 SERVICE RENDERED, PRIOR TO NINETEEN HUNDRED NINETY-FOUR, FOR ULTIMATE  
4 CONSUMPTION OR USE WITHIN AN AREA DESIGNATED AS A GREEN ECONOMIC DEVEL-  
5 OPMENT ZONE PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW  
6 BY A BUSINESS, WHETHER INCORPORATED OR UNINCORPORATED, OTHER THAN A  
7 RETAIL ENTERPRISE AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION TWELVE OF  
8 SECTION TWO HUNDRED TEN OF THIS CHAPTER BUT WITHOUT REGARD TO SUBPARA-  
9 GRAPH (III) OF SUCH PARAGRAPH, WHICH HAS BEEN CERTIFIED PURSUANT TO  
10 ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, AND WHICH HAS CLAIMED A  
11 CREDIT UNDER SUBDIVISION TWELVE-H OF SECTION TWO HUNDRED TEN, SUBSECTION  
12 (E) OF SECTION FOURTEEN HUNDRED FIFTY-SIX OR SUBDIVISION (G) OF SECTION  
13 FIFTEEN HUNDRED ELEVEN OF THIS CHAPTER DURING THE PREVIOUS FIFTEEN  
14 MONTHS, AS EVIDENCED BY A CERTIFICATE ISSUED BY THE COMMISSIONER TO SUCH  
15 BUSINESS. NINETY-SIX AND ONE-HALF PERCENT OF THE AGGREGATE OF SUCH  
16 REDUCTIONS DURING THE YEAR MAY BE APPLIED AS A CREDIT AGAINST THE TAX  
17 IMPOSED PURSUANT TO THIS SECTION WITH RESPECT TO SUCH YEAR.

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

20 12-H. GREEN ECONOMIC DEVELOPMENT ZONE INVESTMENT TAX CREDIT (GED-ITC).  
21 (A) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN  
22 THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE IF THE TAXPAY-  
23 ER HAS BEEN CERTIFIED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
24 MUNICIPAL LAW. THE AMOUNT OF THE CREDIT SHALL BE TEN PERCENT OF THE  
25 COST OR OTHER BASIS FOR FEDERAL INCOME TAX PURPOSES OF TANGIBLE PERSONAL  
26 PROPERTY AND OTHER TANGIBLE PROPERTY, INCLUDING BUILDINGS AND STRUCTURAL  
27 COMPONENTS OF BUILDINGS, DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION,  
28 WHICH IS LOCATED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATED AS  
29 SUCH PURSUANT TO ARTICLE EIGHTEEN-D OF SUCH LAW, BUT ONLY IF THE ACQUI-  
30 SITION, CONSTRUCTION, RECONSTRUCTION OR ERECTION OF SUCH PROPERTY  
31 OCCURRED OR WAS COMMENCED ON OR AFTER THE DATE OF SUCH DESIGNATION AND  
32 PRIOR TO THE EXPIRATION THEREOF. PROVIDED, HOWEVER, THAT IN THE CASE OF  
33 AN ACQUISITION, CONSTRUCTION, RECONSTRUCTION OR ERECTION WHICH WAS  
34 COMMENCED DURING SUCH PERIOD AND CONTINUED OR COMPLETED SUBSEQUENTLY,  
35 SUCH CREDIT SHALL BE TEN PERCENT OF THE PORTION OF THE COST OR OTHER  
36 BASIS FOR FEDERAL INCOME TAX PURPOSES ATTRIBUTABLE TO SUCH PERIOD, WHICH  
37 PORTION SHALL BE ASCERTAINED BY MULTIPLYING SUCH COST OR BASIS BY A  
38 FRACTION THE NUMERATOR OF WHICH SHALL BE THE EXPENDITURES PAID OR  
39 INCURRED DURING SUCH PERIOD FOR SUCH PURPOSES AND THE DENOMINATOR OF  
40 WHICH SHALL BE THE TOTAL OF ALL EXPENDITURES PAID OR INCURRED FOR SUCH  
41 ACQUISITION, CONSTRUCTION, RECONSTRUCTION OR ERECTION.

42 (B) A CREDIT SHALL BE ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO  
43 TANGIBLE PERSONAL PROPERTY AND OTHER TANGIBLE PROPERTY, INCLUDING BUILD-  
44 INGS AND STRUCTURAL COMPONENTS OF BUILDINGS, WHICH (I) ARE DEPRECIABLE  
45 PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE  
46 CODE, (II) HAVE A USEFUL LIFE OF FOUR YEARS OR MORE, (III) ARE ACQUIRED  
47 BY PURCHASE AS DEFINED IN SECTION ONE HUNDRED SEVENTY-NINE (D) OF THE  
48 INTERNAL REVENUE CODE, (IV) HAVE A SITUS IN A GREEN ECONOMIC DEVELOPMENT  
49 ZONE DESIGNATED AS SUCH PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL  
50 MUNICIPAL LAW, AND (V) ARE (A) PRINCIPALLY USED BY THE TAXPAYER IN THE  
51 PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEMBLING, REFINING,  
52 MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE,  
53 VITICULTURE OR COMMERCIAL FISHING, (B) INDUSTRIAL WASTE TREATMENT FACIL-  
54 ITIES OR AIR POLLUTION CONTROL FACILITIES USED IN THE TAXPAYER'S TRADE  
55 OR BUSINESS, (C) RESEARCH AND DEVELOPMENT PROPERTY, (D) PRINCIPALLY USED  
56 IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS AS A BROKER



1 OR DEALER IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE  
2 BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET,  
3 ASSIGNMENT, TERMINATION, OR TRANSFER) OF STOCKS, BONDS OR OTHER SECURI-  
4 TIES AS DEFINED IN SECTION FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE  
5 INTERNAL REVENUE CODE, OR OF COMMODITIES AS DEFINED IN SECTION FOUR  
6 HUNDRED SEVENTY-FIVE (E) OF THE INTERNAL REVENUE CODE, (E) PRINCIPALLY  
7 USED IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS OF  
8 PROVIDING INVESTMENT ADVISORY SERVICES FOR A REGULATED INVESTMENT COMPA-  
9 NY AS DEFINED IN SECTION EIGHT HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE  
10 CODE, OR LENDING, LOAN ARRANGEMENT, OR LOAN ORIGATION SERVICES TO  
11 CUSTOMERS IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE  
12 BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET,  
13 ASSIGNMENT, TERMINATION OR TRANSFER) OF SECURITIES AS DEFINED IN SECTION  
14 FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE INTERNAL REVENUE CODE, OR (F)  
15 PRINCIPALLY USED IN THE ORDINARY COURSE OF THE TAXPAYER'S BUSINESS AS AN  
16 EXCHANGE REGISTERED AS A NATIONAL SECURITIES EXCHANGE WITHIN THE MEANING  
17 OF SECTIONS 3(A)(1) AND 6(A) OF THE SECURITIES EXCHANGE ACT OF 1934 OR A  
18 BOARD OF TRADE AS DEFINED IN SUBPARAGRAPH ONE OF PARAGRAPH (A) OF  
19 SECTION FOURTEEN HUNDRED TEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AS  
20 AN ENTITY THAT IS WHOLLY OWNED BY ONE OR MORE SUCH NATIONAL SECURITIES  
21 EXCHANGES OR BOARDS OF TRADE AND THAT PROVIDES AUTOMATION OR TECHNICAL  
22 SERVICES THERETO. FOR PURPOSES OF CLAUSES (D), (E) AND (F) OF SUBPARA-  
23 GRAPH (V) OF THIS PARAGRAPH, PROPERTY PURCHASED BY A TAXPAYER AFFILIATED  
24 WITH A REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISER, NATIONAL  
25 SECURITIES EXCHANGE OR BOARD OF TRADE IS ALLOWED A CREDIT UNDER THIS  
26 SUBDIVISION IF THE PROPERTY IS USED BY ITS AFFILIATED REGULATED BROKER,  
27 DEALER, REGISTERED INVESTMENT ADVISER OR NATIONAL SECURITIES EXCHANGE OR  
28 BOARD OF TRADE IN ACCORDANCE WITH THIS SUBDIVISION. FOR PURPOSES OF  
29 DETERMINING IF THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THE  
30 USES BY THE TAXPAYER DESCRIBED IN CLAUSES (D) AND (E) OF SUBPARAGRAPH  
31 (V) OF THIS PARAGRAPH MAY BE AGGREGATED. IN ADDITION, THE USES BY THE  
32 TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER AND REGISTERED INVEST-  
33 MENT ADVISER UNDER EITHER OR BOTH OF THOSE CLAUSES MAY BE AGGREGATED.  
34 PROVIDED, HOWEVER, A TAXPAYER SHALL NOT BE ALLOWED THE CREDIT PROVIDED  
35 BY CLAUSES (D), (E) AND (F) OF THIS SUBPARAGRAPH UNLESS (I) EIGHTY  
36 PERCENT OR MORE OF THE EMPLOYEES PERFORMING THE ADMINISTRATIVE AND  
37 SUPPORT FUNCTIONS RESULTING FROM OR RELATED TO THE QUALIFYING USES OF  
38 SUCH EQUIPMENT ARE LOCATED IN THIS STATE, OR (II) THE AVERAGE NUMBER OF  
39 EMPLOYEES THAT PERFORM THE ADMINISTRATIVE AND SUPPORT FUNCTIONS RESULT-  
40 ING FROM OR RELATED TO THE QUALIFYING USES OF SUCH EQUIPMENT AND ARE  
41 LOCATED IN THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS  
42 CLAIMED IS EQUAL TO OR GREATER THAN NINETY-FIVE PERCENT OF THE AVERAGE  
43 NUMBER OF EMPLOYEES THAT PERFORM THESE FUNCTIONS AND ARE LOCATED IN THIS  
44 STATE DURING THE THIRTY-SIX MONTHS IMMEDIATELY PRECEDING THE YEAR FOR  
45 WHICH THE CREDIT IS CLAIMED, OR (III) THE NUMBER OF EMPLOYEES LOCATED IN  
46 THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED IS  
47 EQUAL TO OR GREATER THAN NINETY PERCENT OF THE NUMBER OF EMPLOYEES  
48 LOCATED IN THIS STATE ON DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINE-  
49 TY-NINE OR, IF THE TAXPAYER WAS NOT A CALENDAR YEAR TAXPAYER IN NINETEEN  
50 HUNDRED NINETY-NINE, THE LAST DAY OF ITS FIRST TAXABLE YEAR ENDING AFTER  
51 DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-NINE. IF THE TAXPAYER  
52 BECOMES SUBJECT TO TAX IN THIS STATE AFTER THE TAXABLE YEAR BEGINNING IN  
53 NINETEEN HUNDRED NINETY-NINE, THEN THE TAXPAYER IS NOT REQUIRED TO  
54 SATISFY THE EMPLOYMENT TEST PROVIDED IN THE PRECEDING SENTENCE OF THIS  
55 SUBPARAGRAPH FOR ITS FIRST TAXABLE YEAR. FOR THE PURPOSES OF CLAUSE  
56 (III) OF THIS SUBPARAGRAPH THE EMPLOYMENT TEST WILL BE BASED ON THE

1 NUMBER OF EMPLOYEES LOCATED IN THIS STATE ON THE LAST DAY OF THE FIRST  
2 TAXABLE YEAR THE TAXPAYER IS SUBJECT TO TAX IN THIS STATE. IF THE USES  
3 OF THE PROPERTY MUST BE AGGREGATED TO DETERMINE WHETHER THE PROPERTY IS  
4 PRINCIPALLY USED IN QUALIFYING USES, THEN EITHER EACH AFFILIATE USING  
5 THE PROPERTY MUST SATISFY THIS EMPLOYMENT TEST OR THIS EMPLOYMENT TEST  
6 MUST BE SATISFIED THROUGH THE AGGREGATION OF THE EMPLOYEES OF THE  
7 TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER, AND REGISTERED  
8 INVESTMENT ADVISER USING THE PROPERTY. FOR THE PURPOSE OF THIS SUBDIVI-  
9 SION, THE TERM "GOODS" SHALL NOT INCLUDE ELECTRICITY. FOR PURPOSES OF  
10 THIS PARAGRAPH, MANUFACTURING SHALL MEAN THE PROCESS OF WORKING RAW  
11 MATERIALS INTO WARES SUITABLE FOR USE OR WHICH GIVES NEW SHAPES, NEW  
12 QUALITY OR NEW COMBINATIONS TO MATTER WHICH ALREADY HAS GONE THROUGH  
13 SOME ARTIFICIAL PROCESS BY THE USE OF MACHINERY, TOOLS, APPLIANCES AND  
14 OTHER SIMILAR EQUIPMENT. PROPERTY USED IN THE PRODUCTION OF GOODS SHALL  
15 INCLUDE MACHINERY, EQUIPMENT OR OTHER TANGIBLE PROPERTY WHICH IS PRINCI-  
16 PALLY USED IN THE REPAIR AND SERVICE OF OTHER MACHINERY, EQUIPMENT OR  
17 OTHER TANGIBLE PROPERTY USED PRINCIPALLY IN THE PRODUCTION OF GOODS AND  
18 SHALL INCLUDE ALL FACILITIES USED IN THE PRODUCTION OPERATION, INCLUDING  
19 STORAGE OF MATERIAL TO BE USED IN PRODUCTION AND OF THE PRODUCTS THAT  
20 ARE PRODUCED. FOR PURPOSES OF THIS PARAGRAPH, THE TERMS "RESEARCH AND  
21 DEVELOPMENT PROPERTY", "INDUSTRIAL WASTE TREATMENT FACILITIES", AND "AIR  
22 POLLUTION CONTROL FACILITIES" SHALL HAVE THE MEANINGS ASCRIBED THERETO  
23 BY CLAUSES (B), (C) AND (D), RESPECTIVELY, OF SUBPARAGRAPH (II) OF PARA-  
24 GRAPH (B) OF SUBDIVISION TWELVE OF THIS SECTION, AND THE PROVISIONS OF  
25 SUBPARAGRAPH (III) OF SUCH PARAGRAPH (B) SHALL APPLY.

26 (C) A TAXPAYER SHALL NOT BE ALLOWED A CREDIT UNDER THIS SUBDIVISION  
27 WITH RESPECT TO ANY TANGIBLE PERSONAL PROPERTY AND OTHER TANGIBLE PROP-  
28 erty, INCLUDING BUILDINGS AND STRUCTURAL COMPONENTS OF BUILDINGS, WHICH  
29 IT LEASES TO ANY OTHER PERSON OR CORPORATION EXCEPT WHERE A TAXPAYER  
30 LEASES PROPERTY TO AN AFFILIATED REGULATED BROKER, DEALER, REGISTERED  
31 INVESTMENT ADVISER, NATIONAL SECURITIES EXCHANGE OR BOARD OF TRADE (OR  
32 OTHER ENTITY DESCRIBED IN CLAUSE (F) OF SUBPARAGRAPH (V) OF PARAGRAPH  
33 (B) OF THIS SUBDIVISION THAT USES SUCH PROPERTY IN ACCORDANCE WITH  
34 CLAUSE (D), (E) OR (F) OF SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS  
35 SUBDIVISION. FOR PURPOSES OF THE PRECEDING SENTENCE, ANY CONTRACT OR  
36 AGREEMENT TO LEASE OR RENT OR FOR A LICENSE TO USE SUCH PROPERTY SHALL  
37 BE CONSIDERED A LEASE. PROVIDED, HOWEVER, IN DETERMINING WHETHER A  
38 TAXPAYER SHALL BE ALLOWED A CREDIT UNDER THIS SUBDIVISION WITH RESPECT  
39 TO SUCH PROPERTY, ANY ELECTION MADE WITH RESPECT TO SUCH PROPERTY PURSU-  
40 ANT TO THE PROVISIONS OF PARAGRAPH EIGHT OF SUBSECTION (F) OF SECTION  
41 ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE CODE, AS SUCH PARAGRAPH  
42 WAS IN EFFECT FOR AGREEMENTS ENTERED INTO PRIOR TO JANUARY FIRST, NINE-  
43 TEEN HUNDRED EIGHTY-FOUR, SHALL BE DISREGARDED.

44 (D) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR  
45 SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF  
46 THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF  
47 THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWED  
48 UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH  
49 AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE  
50 CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE  
51 TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY  
52 SUCH TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF  
53 SUBDIVISION TWELVE OF THIS SECTION MAY ELECT, ON ITS REPORT FOR ITS  
54 TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT  
55 FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX  
56 TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION

1 ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. IN ADDITION, ANY TAXPAYER WHICH  
2 IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIF-  
3 ICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS  
4 PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, ON ITS REPORT  
5 FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, IN  
6 LIEU OF SUCH CARRYOVER, MAY ELECT TO TREAT FIFTY PERCENT OF THE AMOUNT  
7 OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS  
8 SUBDIVISION FOR PROPERTY WHICH IS PART OF SUCH PROJECT AS AN OVERPAYMENT  
9 OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF  
10 SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, SUCH  
11 OWNER SHALL BE ALLOWED SUCH REFUND FOR A MAXIMUM OF TEN TAXABLE YEARS  
12 WITH RESPECT TO SUCH QUALIFIED INVESTMENT PROJECT AND EACH SIGNIFICANT  
13 CAPITAL INVESTMENT PROJECT, STARTING WITH THE FIRST TAXABLE YEAR IN  
14 WHICH PROPERTY COMPRISING SUCH PROJECT IS PLACED IN SERVICE. PROVIDED,  
15 FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOU-  
16 SAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE  
17 PAID THEREON.

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

23 (E) AT THE OPTION OF THE TAXPAYER AIR OR WATER POLLUTION CONTROL  
24 FACILITIES WHICH QUALIFY FOR ELECTIVE DEDUCTIONS UNDER PARAGRAPH (G) OF  
25 SUBDIVISION NINE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE OR AN  
26 ELIGIBLE BUSINESS FACILITY FOR WHICH A CREDIT IS ALLOWED UNDER SUBDIVI-  
27 SION ELEVEN OF THIS SECTION, OR RESEARCH AND DEVELOPMENT FACILITIES  
28 WHICH QUALIFY FOR ELECTIVE DEDUCTION UNDER SUBPARAGRAPHS TWO AND THREE  
29 OF PARAGRAPH (E) OF SUBDIVISION THREE OF THIS SECTION, OR PROPERTY WHICH  
30 QUALIFIES FOR THE CREDIT PROVIDED UNDER SUBDIVISION TWELVE OR EIGHTEEN  
31 OF THIS SECTION MAY BE TREATED AS PROPERTY PRINCIPALLY USED BY THE  
32 TAXPAYER IN THE PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEM-  
33 BLING, REFINING, MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE,  
34 VITICULTURE OR COMMERCIAL FISHING, PROVIDED THE PROPERTY OTHERWISE QUAL-  
35 IFIES UNDER PARAGRAPH (B) OF THIS SUBDIVISION, IN WHICH EVENT A  
36 DEDUCTION SHALL NOT BE ALLOWED UNDER SUCH PARAGRAPH (G), A CREDIT SHALL  
37 NOT BE ALLOWED UNDER SUCH SUBDIVISION ELEVEN AND A DEDUCTION SHALL NOT  
38 BE ALLOWED UNDER SUCH SUBPARAGRAPH THREE OF PARAGRAPH (E) AND A CREDIT  
39 SHALL NOT BE ALLOWED UNDER SUCH SUBDIVISION TWELVE OR EIGHTEEN.

40 (F) (1) WITH RESPECT TO PROPERTY WHICH IS DEPRECIABLE PURSUANT TO  
41 SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE CODE BUT IS NOT  
42 SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF SUCH  
43 CODE AND WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO  
44 THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN, THE  
45 AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED FOR IN  
46 THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALI-  
47 FIED USE BEAR TO THE MONTHS OF USEFUL LIFE. IF PROPERTY ON WHICH CREDIT  
48 HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO  
49 THE END OF ITS USEFUL LIFE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND  
50 THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF  
51 DISPOSITION. PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEAS-  
52 ES TO BE IN QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE  
53 THAN TWELVE CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE  
54 CREDIT AS PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED  
55 FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY  
56 THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE MONTHS OF USEFUL

1 LIFE. FOR PURPOSES OF THIS SUBPARAGRAPH, USEFUL LIFE OF PROPERTY SHALL  
2 BE THE SAME AS THE TAXPAYER USES FOR DEPRECIATION PURPOSES WHEN COMPUT-  
3 ING HIS FEDERAL INCOME TAX LIABILITY.

4 (2) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF  
5 THIS PARAGRAPH APPLIES, WITH RESPECT TO THREE-YEAR PROPERTY, AS DEFINED  
6 IN SUBSECTION (E) OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL  
7 REVENUE CODE, WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE  
8 PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN,  
9 THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED  
10 FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF  
11 QUALIFIED USE BEAR TO THIRTY-SIX. IF PROPERTY ON WHICH CREDIT HAS BEEN  
12 TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END  
13 OF THIRTY-SIX MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE  
14 CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSI-  
15 TION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY  
16 MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALI-  
17 FIED USE BEAR TO THIRTY-SIX.

18 (3) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF  
19 THIS PARAGRAPH APPLIES, WITH RESPECT TO PROPERTY SUBJECT TO THE  
20 PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE  
21 CODE OTHER THAN THREE-YEAR PROPERTY AS DEFINED IN SUBSECTION (E) OF SUCH  
22 SECTION ONE HUNDRED SIXTY-EIGHT WHICH IS DISPOSED OF OR CEASES TO BE IN  
23 QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT  
24 IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE  
25 CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH  
26 THE MONTHS OF QUALIFIED USE BEAR TO SIXTY. IF PROPERTY ON WHICH CREDIT  
27 HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO  
28 THE END OF SIXTY 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 SIXTY.

33 (4) WITH RESPECT TO ANY PROPERTY TO WHICH SECTION ONE HUNDRED  
34 SIXTY-EIGHT OF THE INTERNAL REVENUE CODE APPLIES, WHICH IS A BUILDING OR  
35 A STRUCTURAL COMPONENT OF A BUILDING AND WHICH IS DISPOSED OF OR CEASES  
36 TO BE IN QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE  
37 CREDIT IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF  
38 THE CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO  
39 WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE TOTAL NUMBER OF MONTHS  
40 OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTER-  
41 NAL REVENUE CODE. IF PROPERTY ON WHICH CREDIT HAS BEEN TAKEN IS DISPOSED  
42 OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE PERIOD OVER  
43 WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTERNAL  
44 REVENUE CODE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE CREDIT  
45 ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSITION.  
46 PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEASES TO BE IN  
47 QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE THAN TWELVE  
48 CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE CREDIT AS  
49 PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL  
50 USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO  
51 WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE TOTAL NUMBER OF MONTHS  
52 OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTER-  
53 NAL REVENUE CODE.

54 (5) FOR PURPOSES OF THIS PARAGRAPH, DISPOSAL OR CESSATION OF QUALIFIED  
55 USE SHALL NOT BE DEEMED TO HAVE OCCURRED SOLELY BY REASON OF THE TERMI-

1 NATION OR EXPIRATION OF A GREEN ECONOMIC DEVELOPMENT ZONE'S DESIGNATION  
2 AS SUCH.

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

8 (B) WHERE A BUSINESS ENTERPRISE HAS BEEN DECERTIFIED BASED ON A FIND-  
9 ING PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF  
10 ECONOMIC DEVELOPMENT, THE AMOUNT REQUIRED TO BE ADDED BACK BY REASON OF  
11 THIS PARAGRAPH SHALL BE AUGMENTED BY AN AMOUNT EQUAL TO THE PRODUCT OF  
12 THE AMOUNT OF CREDIT, WITH RESPECT TO PROPERTY WHICH IS DISPOSED OF OR  
13 CEASES TO BE IN QUALIFIED USE, WHICH WAS DEDUCTED FROM THE TAXPAYER'S  
14 TAX OTHERWISE DUE UNDER THIS ARTICLE FOR ALL PRIOR TAXABLE YEARS  
15 (SUBJECT TO THE LIMIT SET FORTH IN THIS SUBPARAGRAPH) AND THE UNDERPAY-  
16 MENT RATE OF INTEREST (WITHOUT REGARD TO COMPOUNDING) SET BY THE COMMIS-  
17 SIONER OF TAXATION AND FINANCE PURSUANT TO SUBSECTION (E) OF SECTION ONE  
18 THOUSAND NINETY-SIX OF THIS CHAPTER, IN EFFECT ON THE LAST DAY OF THE  
19 TAXABLE YEAR. THE LIMIT SHALL BE (I) THE AMOUNT OF CREDIT, WITH RESPECT  
20 TO THE PROPERTY WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE,  
21 WHICH WAS DEDUCTED FROM THE TAXPAYER'S TAX OTHERWISE DUE UNDER THIS  
22 ARTICLE FOR ALL PRIOR TAXABLE YEARS, REDUCED (BUT NOT BELOW ZERO) BY  
23 (II) THE CREDIT ALLOWED FOR ACTUAL USE. FOR PURPOSES OF THIS SUBPARA-  
24 GRAPH, THE ATTRIBUTION TO SPECIFIC PROPERTY OF CREDIT AMOUNTS DEDUCTED  
25 FROM TAX SHALL BE ESTABLISHED IN ACCORDANCE WITH THE DATE OF PLACEMENT  
26 IN SERVICE OF SUCH PROPERTY IN THE GREEN ECONOMIC DEVELOPMENT ZONE.

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

31 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IN THE  
32 CASE OF A BUSINESS ENTERPRISE WHICH HAS BEEN DECERTIFIED, ANY AMOUNT OF  
33 CREDIT ALLOWED WITH RESPECT TO THE PROPERTY OF SUCH BUSINESS ENTERPRISE  
34 LOCATED IN THE ZONE TO WHICH THE DECERTIFICATION APPLIES WHICH IS  
35 CARRIED OVER PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION SHALL NOT BE  
36 CARRIED OVER BEYOND THE SEVENTH TAXABLE YEAR NEXT FOLLOWING THE TAXABLE  
37 YEAR WITH RESPECT TO WHICH THE CREDIT PROVIDED FOR IN THIS SUBDIVISION  
38 WAS ALLOWED.

39 (7) FOR PURPOSES OF THIS PARAGRAPH, WHERE A CREDIT IS ALLOWED WITH  
40 RESPECT TO AN AIR POLLUTION CONTROL FACILITY ON THE BASIS OF A CERTIF-  
41 ICATE OF COMPLIANCE ISSUED PURSUANT TO THE ENVIRONMENTAL CONSERVATION  
42 LAW AND THE CERTIFICATE IS REVOKED PURSUANT TO SUBDIVISION THREE OF  
43 SECTION 19-0309 OF THE ENVIRONMENTAL CONSERVATION LAW, SUCH REVOCATION  
44 SHALL CONSTITUTE A DISPOSAL OR CESSATION OF QUALIFIED USE, EXCEPT WITH  
45 RESPECT TO PROPERTY CONTAINED IN OR COMPRISING SUCH FACILITY WHICH IS  
46 DESCRIBED IN CLAUSE (A), (B) OR (C) OF SUBPARAGRAPH (V) OF PARAGRAPH (B)  
47 OF THIS SUBDIVISION OTHER THAN AS PART OF OR COMPRISING AN AIR POLLUTION  
48 CONTROL FACILITY. ALSO FOR PURPOSES OF THIS PARAGRAPH, THE USE OF AN AIR  
49 POLLUTION CONTROL FACILITY OR AN INDUSTRIAL WASTE TREATMENT FACILITY FOR  
50 THE PRIMARY PURPOSE OF SALVAGING MATERIALS WHICH ARE USABLE IN THE MANU-  
51 FACTURING PROCESS OR ARE MARKETABLE SHALL CONSTITUTE A CESSATION OF  
52 QUALIFIED USE, EXCEPT WITH RESPECT TO PROPERTY CONTAINED IN OR COMPRIS-  
53 ING SUCH FACILITY WHICH IS DESCRIBED IN CLAUSE (A) OR (C) OF SUBPARA-  
54 GRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION.

55 (8) EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH, THIS PARAGRAPH SHALL NOT  
56 APPLY TO A CREDIT ALLOWED BY THIS SUBDIVISION TO A TAXPAYER THAT IS A

1 PARTNER IN A PARTNERSHIP IN THE CASE OF MANUFACTURING PROPERTY;  
2 PROVIDED, AT THE TIME SUCH PROPERTY WAS PLACED IN SERVICE BY SUCH PART-  
3 NERSHIP IN A GREEN ECONOMIC DEVELOPMENT ZONE THE BASIS FOR FEDERAL  
4 INCOME TAX PURPOSES OF SUCH PROPERTY (OR A PROJECT THAT INCLUDES SUCH  
5 PROPERTY) EQUALED OR EXCEEDED THREE HUNDRED MILLION DOLLARS AND SUCH  
6 PARTNER OWNED ITS PARTNERSHIP INTEREST FOR AT LEAST THREE YEARS FROM THE  
7 DATE SUCH PROPERTY WAS PLACED IN SERVICE. IF SUCH PROPERTY CEASES TO BE  
8 IN QUALIFIED USE AFTER IT IS PLACED IN SERVICE, THIS PARAGRAPH SHALL  
9 APPLY TO SUCH PARTNER IN THE YEAR SUCH PROPERTY CEASES TO BE IN QUALIFY-  
10 ING USE.

11 (9) IF A TAXPAYER, WHICH IS APPROVED BY THE COMMISSIONER OF ECONOMIC  
12 DEVELOPMENT AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIF-  
13 ICANT CAPITAL INVESTMENT PROJECT, FAILS TO (A) CREATE AT LEAST THE MINI-  
14 MUM NUMBER OF JOBS AT SUCH PROJECT AS REQUIRED BY THE RULES AND REGU-  
15 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT OR (B)  
16 PLACE IN SERVICE PROPERTY COMPRISING SUCH QUALIFIED INVESTMENT PROJECT  
17 OR SIGNIFICANT CAPITAL INVESTMENT PROJECT WITH A BASIS FOR FEDERAL  
18 INCOME TAX PURPOSES EQUALING OR EXCEEDING THE APPLICABLE MINIMUM  
19 REQUIRED BASIS AS PROVIDED IN SUCH RULES AND REGULATIONS PROMULGATED BY  
20 THE COMMISSIONER OF ECONOMIC DEVELOPMENT, WHICHEVER IS RELEVANT, BY THE  
21 LAST DAY OF THE FIFTH TAXABLE YEAR FOLLOWING THE TAXABLE YEAR IN WHICH A  
22 CREDIT IS FIRST ALLOWED UNDER THIS SUBDIVISION FOR THE PROPERTY WHICH  
23 COMPRISES SUCH QUALIFIED INVESTMENT PROJECT OR SUCH SIGNIFICANT CAPITAL  
24 INVESTMENT PROJECT, THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS  
25 SUBDIVISION FOR ALL TAXABLE YEARS WITH RESPECT TO THE PROPERTY WHICH  
26 COMPRISES SUCH PROJECT WHICH HAS BEEN REFUNDED TO SUCH TAXPAYER SHALL BE  
27 ADDED BACK IN SUCH TAXABLE YEAR.

28 12-I. GREEN ECONOMIC DEVELOPMENT ZONE EMPLOYMENT INCENTIVE CREDIT  
29 (GED-EIC). (A) WHERE A TAXPAYER IS ALLOWED A CREDIT UNDER SUBDIVISION  
30 TWELVE-H OF THIS SECTION, THE TAXPAYER SHALL BE ALLOWED A CREDIT FOR  
31 EACH OF THE THREE YEARS NEXT SUCCEEDING THE TAXABLE YEAR FOR WHICH THE  
32 CREDIT UNDER SUBDIVISION TWELVE-H OF THIS SECTION IS ALLOWED, WITH  
33 RESPECT TO SUCH PROPERTY, WHETHER OR NOT DEDUCTIBLE IN SUCH TAXABLE YEAR  
34 OR IN SUBSEQUENT TAXABLE YEARS PURSUANT TO PARAGRAPH (D) OF SUCH SUBDI-  
35 VISION TWELVE-H, OF THIRTY PERCENT OF THE CREDIT ALLOWABLE UNDER SUCH  
36 SUBDIVISION TWELVE-H; PROVIDED, HOWEVER, THAT THE CREDIT ALLOWABLE UNDER  
37 THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL ONLY BE ALLOWED IF THE AVER-  
38 AGE NUMBER OF EMPLOYEES EMPLOYED BY THE TAXPAYER IN THE GREEN ECONOMIC  
39 DEVELOPMENT ZONE, DESIGNATED PURSUANT TO ARTICLE EIGHTEEN-D OF THE  
40 GENERAL MUNICIPAL LAW, IN WHICH SUCH PROPERTY IS LOCATED DURING SUCH  
41 TAXABLE YEAR IS AT LEAST ONE HUNDRED ONE PERCENT OF THE AVERAGE NUMBER  
42 OF EMPLOYEES EMPLOYED BY THE TAXPAYER IN SUCH GREEN ECONOMIC DEVELOPMENT  
43 ZONE OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTI-  
44 TUTING SUCH ZONE, DURING THE TAXABLE YEAR IMMEDIATELY PRECEDING THE  
45 TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS  
46 SECTION IS ALLOWED AND PROVIDED, FURTHER, THAT IF THE TAXPAYER WAS NOT  
47 SUBJECT TO TAX AND DID NOT HAVE A TAXABLE YEAR IMMEDIATELY PRECEDING THE  
48 TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS  
49 SECTION IS ALLOWED, THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY  
50 TAXABLE YEAR SHALL BE ALLOWED IF THE AVERAGE NUMBER OF EMPLOYEES  
51 EMPLOYED IN SUCH GREEN ECONOMIC DEVELOPMENT ZONE IN SUCH TAXABLE YEAR IS  
52 AT LEAST ONE HUNDRED ONE PERCENT OF THE AVERAGE NUMBER OF SUCH EMPLOYEES  
53 DURING THE TAXABLE YEAR IN WHICH THE CREDIT UNDER SUCH SUBDIVISION  
54 TWELVE-H IS ALLOWED.

55 (B) THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED IN A GREEN ECONOMIC  
56 DEVELOPMENT ZONE, OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSE-

QUENTLY CONSTITUTING SUCH ZONE, IN A TAXABLE YEAR SHALL BE COMPUTED BY ASCERTAINING THE NUMBER OF SUCH EMPLOYEES WITHIN SUCH ZONE, OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTITUTING SUCH ZONE, EXCEPT GENERAL EXECUTIVE OFFICERS, 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 IN THE TAXABLE YEAR, BY ADDING TOGETHER THE NUMBER OF EMPLOYEES ASCERTAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH ABOVE-MENTIONED DATES OCCURRING WITHIN THE TAXABLE YEAR. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" AND THE TERM "GENERAL EXECUTIVE OFFICERS" SHALL MEAN THE SAME AS IN SUBPARAGRAPH THREE OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION.

(C) IN NO EVENT SHALL THE CREDIT PROVIDED FOR IN THIS SUBDIVISION BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT 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. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAYER, WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, MAY ELECT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, IN THE CASE OF SUCH OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT, ONLY FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO PROPERTY WHICH IS PART OF SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR REFUNDED AND SUCH OWNER SHALL BE ALLOWED SUCH CREDIT OR REFUND ONLY FOR THOSE TAXABLE YEARS IN WHICH SUCH OWNER WOULD BE ALLOWED A CREDIT OR REFUND OF THE GREEN ECONOMIC DEVELOPMENT ZONE INVESTMENT TAX CREDIT PURSUANT TO PARAGRAPH (D) OF SUBDIVISION TWELVE-H OF THIS SECTION. PROVIDED, FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(C-1) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE ALLOWED IF AN EMPIRE 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 19. Section 210 of the tax law is amended by adding a new subdivision 45 to read as follows:

45. GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT. (A) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, 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 DESIG-

1 NATED AS A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA  
2 PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, WHERE SUCH  
3 EMPLOYMENT IS IN A JOB CREATED IN THE AREA (I) DURING THE PERIOD OF ITS  
4 DESIGNATION AS A GREEN ECONOMIC DEVELOPMENT ZONE, (II) WITHIN FOUR YEARS  
5 OF THE EXPIRATION OF SUCH DESIGNATION, OR (III) DURING THE TEN YEAR  
6 PERIOD IMMEDIATELY FOLLOWING THE DATE OF DESIGNATION AS A ZONE EQUIV-  
7 ALENT AREA, PROVIDED, HOWEVER, THAT IF THE TAXPAYER'S CERTIFICATION  
8 UNDER ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW IS REVOKED WITH  
9 RESPECT TO A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA,  
10 ANY WAGES PAID BY THE TAXPAYER, ON OR AFTER THE EFFECTIVE DATE OF SUCH  
11 DECERTIFICATION, FOR EMPLOYMENT IN SUCH ZONE SHALL NOT CONSTITUTE EMPIRE  
12 ZONE WAGES.

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

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

32 (3) "AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFI-  
33 CERS, EMPLOYED FULL-TIME" SHALL BE COMPUTED BY ASCERTAINING THE NUMBER  
34 OF SUCH INDIVIDUALS EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF  
35 MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE  
36 THIRTY-FIRST DAY OF DECEMBER DURING EACH TAXABLE YEAR OR OTHER APPLICA-  
37 BLE PERIOD, BY ADDING TOGETHER THE NUMBER OF SUCH INDIVIDUALS ASCER-  
38 TAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE  
39 NUMBER OF SUCH DATES OCCURRING WITHIN SUCH TAXABLE YEAR OR OTHER APPLI-  
40 CABLE PERIOD.

41 (C) THE CREDIT PROVIDED FOR HEREIN SHALL BE ALLOWED ONLY WHERE THE  
42 AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFICERS,  
43 EMPLOYED FULL-TIME BY THE TAXPAYER IN (A) THE STATE AND (B) THE GREEN  
44 ECONOMIC DEVELOPMENT ZONE OR AREA PREVIOUSLY CONSTITUTING SUCH ZONE OR  
45 ZONE EQUIVALENT AREA, DURING THE TAXABLE YEAR EXCEEDS THE AVERAGE NUMBER  
46 OF SUCH INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER IN (A) THE STATE  
47 AND (B) SUCH ZONE OR AREA SUBSEQUENTLY OR PREVIOUSLY CONSTITUTING SUCH  
48 ZONE OR SUCH ZONE EQUIVALENT AREA, RESPECTIVELY, DURING THE FOUR YEARS  
49 IMMEDIATELY PRECEDING THE FIRST TAXABLE YEAR IN WHICH THE CREDIT IS  
50 CLAIMED WITH RESPECT TO SUCH ZONE OR AREA. WHERE THE TAXPAYER PROVIDED  
51 FULL-TIME EMPLOYMENT WITHIN (A) THE STATE OR (B) SUCH ZONE OR AREA  
52 DURING ONLY A PORTION OF SUCH FOUR-YEAR PERIOD, THEN FOR PURPOSES OF  
53 THIS PARAGRAPH THE TERM "FOUR YEARS" SHALL BE DEEMED TO REFER INSTEAD TO  
54 SUCH PORTION, IF ANY.

55 THE CREDIT SHALL BE ALLOWED ONLY WITH RESPECT TO THE FIRST TAXABLE  
56 YEAR DURING WHICH PAYMENTS OF GREEN ECONOMIC DEVELOPMENT ZONE WAGES ARE



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

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

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

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

36 (C) ARE TARGETED EMPLOYEES; AND

37 (2) THE PRODUCT OF FIFTEEN HUNDRED DOLLARS AND THE AVERAGE NUMBER OF  
38 INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS AND INDIVIDUALS  
39 DESCRIBED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH) EMPLOYED FULL-TIME BY  
40 THE TAXPAYER, COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH THREE  
41 OF PARAGRAPH (B) OF THIS SUBDIVISION, WHO RECEIVED GREEN ECONOMIC DEVEL-  
42 OPMENT ZONE WAGES FOR MORE THAN HALF OF THE TAXABLE YEAR.

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

49 (3) FOR PURPOSES OF CALCULATING THE AMOUNT OF THE CREDIT, INDIVIDUALS  
50 EMPLOYED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT  
51 AREA WITHIN THE IMMEDIATELY PRECEDING SIXTY MONTHS BY A RELATED PERSON,  
52 AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF  
53 SUBSECTION (B) OF SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVEN-  
54 UE CODE, SHALL NOT BE INCLUDED IN THE AVERAGE NUMBER OF INDIVIDUALS  
55 DESCRIBED IN SUBPARAGRAPH ONE OR SUBPARAGRAPH TWO OF THIS PARAGRAPH,  
56 UNLESS SUCH RELATED PERSON WAS NEVER ALLOWED A CREDIT UNDER THIS SUBDI-

VISION WITH RESPECT TO SUCH EMPLOYEES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, A "RELATED PERSON" SHALL INCLUDE AN ENTITY WHICH WOULD HAVE QUALIFIED AS A "RELATED PERSON" TO THE TAXPAYER IF IT HAD NOT BEEN DISSOLVED, LIQUIDATED, MERGED WITH ANOTHER ENTITY OR OTHERWISE CEASED TO EXIST OR OPERATE.

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

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

(E) THE CREDIT AND CARRYOVERS 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 HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. 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 PARAGRAPH (D) OF THIS SUBDIVISION, 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 YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF SUBDIVISION TWELVE OF THIS SECTION OR A TAXPAYER WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT MAY ELECT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, IN THE CASE OF SUCH OWNER OF A QUALIFIED INVESTMENT PROJECT OR SIGNIFICANT CAPITAL INVESTMENT PROJECT, ONLY FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR INDIVIDUALS EMPLOYED AT SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR REFUNDED. PROVIDED, FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(E-1) 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.

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

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

(XXXIV) GREEN ECONOMIC DEVELOPMENT ZONE	AMOUNT OF CREDIT UNDER
WAGE TAX CREDIT UNDER SUBSECTION	SUBDIVISION FORTY-FIVE OF
(UU)	SECTION TWO HUNDRED TEN

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

(UU) GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, 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 IN PARAGRAPH FOUR OF THIS SUBSECTION.

(2) FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "GREEN ECONOMIC DEVELOPMENT ZONE WAGES" MEANS WAGES PAID BY THE TAXPAYER FOR FULL-TIME EMPLOYMENT 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 GREEN ECONOMIC DEVELOPMENT ZONE WAGES.

(B) "TARGETED EMPLOYEE" MEANS A NEW YORK RESIDENT WHO RECEIVES GREEN ECONOMIC DEVELOPMENT ZONE WAGES AND WHO IS (I) AN ELIGIBLE INDIVIDUAL UNDER THE PROVISIONS OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE OF THE INTERNAL REVENUE CODE), (II) 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), (III) A RECIPIENT OF PUBLIC ASSISTANCE BENEFITS, (IV) 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 (V) 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 (I), (II), (IV) OR (V) 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 (III) OF THIS SUBPARAGRAPH AT SUCH TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED

1 EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE GREEN ECONOMIC  
2 DEVELOPMENT ZONE WAGES.

3 (C) "AVERAGE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME" SHALL BE  
4 COMPUTED BY ASCERTAINING THE NUMBER OF SUCH INDIVIDUALS EMPLOYED BY THE  
5 TAXPAYER ON THE THIRTY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF JUNE,  
6 THE THIRTIETH DAY OF SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEMBER  
7 DURING EACH TAXABLE YEAR OR OTHER APPLICABLE PERIOD, BY ADDING TOGETHER  
8 THE NUMBER OF SUCH INDIVIDUALS ASCERTAINED ON EACH OF SUCH DATES AND  
9 DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH DATES OCCURRING WITH-  
10 IN SUCH TAXABLE YEAR OR OTHER APPLICABLE PERIOD.

11 (3) THE CREDIT PROVIDED FOR HEREIN SHALL BE ALLOWED ONLY WHERE THE  
12 AVERAGE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER IN (A)  
13 THE STATE AND (B) THE GREEN ECONOMIC DEVELOPMENT ZONE OR AREA PREVIOUSLY  
14 CONSTITUTING SUCH ZONE OR ZONE EQUIVALENT AREA, DURING THE TAXABLE YEAR  
15 EXCEEDS THE AVERAGE NUMBER OF SUCH INDIVIDUALS EMPLOYED FULL-TIME BY THE  
16 TAXPAYER IN (A) THE STATE AND (B) SUCH ZONE OR AREA SUBSEQUENTLY OR  
17 PREVIOUSLY CONSTITUTING SUCH ZONE OR SUCH ZONE EQUIVALENT AREA, RESPEC-  
18 TIVELY, DURING THE FOUR YEARS IMMEDIATELY PRECEDING THE FIRST TAXABLE  
19 YEAR IN WHICH THE CREDIT IS CLAIMED WITH RESPECT TO SUCH ZONE OR AREA.  
20 WHERE THE TAXPAYER PROVIDED FULL-TIME EMPLOYMENT WITHIN (A) THE STATE OR  
21 (B) SUCH ZONE OR AREA DURING ONLY A PORTION OF SUCH FOUR-YEAR PERIOD,  
22 THEN FOR PURPOSES OF THIS PARAGRAPH THE TERM "FOUR YEARS" SHALL BE  
23 DEEMED TO REFER INSTEAD TO SUCH PORTION, IF ANY.

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

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

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

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

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

50 (III) ARE TARGETED EMPLOYEES; AND

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

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

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

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

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

43 (5) IF THE AMOUNT OF THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED  
44 UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S  
45 TAX FOR SUCH YEAR, THE EXCESS, AS WELL AS ANY PART OF THE CREDIT OR  
46 CARRYOVERS OF SUCH CREDIT, OR BOTH, WHICH MAY NOT BE DEDUCTED FROM THE  
47 TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE IN PARAGRAPH FOUR OF  
48 THIS SUBSECTION, MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND  
49 MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU  
50 OF CARRYING OVER ANY SUCH EXCESS, A TAXPAYER WHO QUALIFIES AS AN OWNER  
51 OF A NEW BUSINESS FOR PURPOSES OF PARAGRAPH TEN OF SUBSECTION (A) OF  
52 THIS SECTION MAY, AT HIS OPTION, RECEIVE FIFTY PERCENT OF SUCH EXCESS AS  
53 A REFUND. ANY REFUND PAID PURSUANT TO THIS PARAGRAPH SHALL BE DEEMED TO  
54 BE A REFUND OF AN OVERPAYMENT OF TAX AS PROVIDED IN SECTION SIX HUNDRED  
55 EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE  
56 PAID THEREON.

(5-A) ANY CARRYOVER 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 22. Section 1456 of the tax law is amended by adding a new subsection (z) to read as follows:

(Z) GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, 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 IN PARAGRAPH FOUR OF THIS SUBSECTION.

(2) FOR PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "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.

(B) "TARGETED EMPLOYEE" MEANS A NEW YORK RESIDENT WHO RECEIVES GREEN ECONOMIC DEVELOPMENT ZONE WAGES AND WHO IS (I) AN ELIGIBLE INDIVIDUAL UNDER THE PROVISIONS OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE OF THE INTERNAL REVENUE CODE), (II) 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), (III) A RECIPIENT OF PUBLIC ASSISTANCE BENEFITS, (IV) 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 (V) 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 (I), (II), (IV) OR (V) 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 (III) 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.

(C) "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.

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

THE CREDIT SHALL BE ALLOWED ONLY WITH RESPECT TO THE FIRST TAXABLE YEAR DURING WHICH PAYMENTS OF GREEN ECONOMIC DEVELOPMENT ZONE WAGES ARE MADE AND THE CONDITIONS SET FORTH IN THIS PARAGRAPH ARE SATISFIED, AND WITH RESPECT TO EACH OF THE FOUR TAXABLE YEARS NEXT FOLLOWING (BUT ONLY, WITH RESPECT TO EACH OF SUCH YEARS, IF SUCH CONDITIONS ARE SATISFIED), IN ACCORDANCE WITH PARAGRAPH FOUR OF THIS SUBSECTION. SUBSEQUENT CERTIFICATIONS OF THE TAXPAYER PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, AT THE SAME OR A DIFFERENT LOCATION IN THE SAME GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA OR AT A LOCATION IN A DIFFERENT GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, SHALL NOT EXTEND THE FIVE TAXABLE YEAR TIME LIMITATION ON THE ALLOWANCE OF THE CREDIT SET FORTH IN THE PRECEDING SENTENCE. PROVIDED, FURTHER, HOWEVER, THAT NO CREDIT SHALL BE ALLOWED WITH RESPECT TO ANY TAXABLE YEAR BEGINNING MORE THAN FOUR YEARS FOLLOWING THE TAXABLE YEAR IN WHICH DESIGNATION AS A GREEN ECONOMIC DEVELOPMENT ZONE EXPIRED OR MORE THAN TEN YEARS AFTER THE DESIGNATION AS A ZONE EQUIVALENT AREA.

(4) THE AMOUNT OF THE CREDIT SHALL EQUAL THE SUM OF (A) THE PRODUCT OF THREE THOUSAND DOLLARS AND THE AVERAGE NUMBER OF INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL-TIME BY THE TAXPAYER, COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF PARAGRAPH TWO OF THIS SUBSECTION, WHO (I) RECEIVED GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF OF THE TAXABLE YEAR, (II) RECEIVED, WITH RESPECT TO MORE THAN HALF OF THE PERIOD OF EMPLOYMENT BY THE TAXPAYER DURING THE TAXABLE YEAR, AN HOURLY WAGE WHICH WAS AT LEAST ONE HUNDRED THIRTY-FIVE PERCENT OF THE MINIMUM WAGE SPECIFIED IN SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW, AND (III) ARE TARGETED EMPLOYEES; AND

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

(C) FOR PURPOSES OF CALCULATING THE AMOUNT OF THE CREDIT, INDIVIDUALS EMPLOYED WITHIN A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA WITHIN THE IMMEDIATELY PRECEDING SIXTY MONTHS BY A RELATED PERSON, AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF SUBSECTION (B) OF SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVENUE CODE, SHALL NOT BE INCLUDED IN THE AVERAGE NUMBER OF INDIVIDUALS DESCRIBED IN SUBPARAGRAPH (A) OR SUBPARAGRAPH (B) OF THIS PARAGRAPH, UNLESS SUCH RELATED PERSON WAS NEVER ALLOWED A CREDIT UNDER THIS

1 SUBSECTION WITH RESPECT TO SUCH EMPLOYEES. FOR THE PURPOSES OF THIS  
2 SUBPARAGRAPH, A "RELATED PERSON" SHALL INCLUDE AN ENTITY WHICH WOULD  
3 HAVE QUALIFIED AS A "RELATED PERSON" TO THE TAXPAYER IF IT HAD NOT BEEN  
4 DISSOLVED, LIQUIDATED, MERGED WITH ANOTHER ENTITY OR OTHERWISE CEASED TO  
5 EXIST OR OPERATE.

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

12 (E) THE REQUIREMENT IN THIS PARAGRAPH THAT AN EMPLOYEE MUST RECEIVE  
13 EMPIRE ZONE WAGES FOR MORE THAN HALF THE TAXABLE YEAR SHALL NOT APPLY IN  
14 THE FIRST TAXABLE YEAR OF A TAXPAYER SATISFYING THE CRITERIA SET FORTH  
15 IN THIS SUBPARAGRAPH. IN SUCH A CASE, THE CREDIT ALLOWED UNDER THIS  
16 SUBSECTION SHALL BE COMPUTED BY UTILIZING THE NUMBER OF INDIVIDUALS  
17 (EXCLUDING GENERAL EXECUTIVE OFFICERS) EMPLOYED FULL TIME BY THE TAXPAY-  
18 ER ON THE LAST DAY OF ITS FIRST TAXABLE YEAR. A TAXPAYER SHALL SATISFY  
19 THE FOLLOWING CRITERIA: (I) SUCH TAXPAYER ACQUIRED REAL OR TANGIBLE  
20 PERSONAL PROPERTY DURING ITS FIRST TAXABLE YEAR FROM AN ENTITY WHICH IS  
21 NOT A RELATED PERSON (AS SUCH TERM IS DEFINED IN SUBDIVISION (G) OF  
22 SECTION FOURTEEN OF THIS CHAPTER); (II) THE FIRST TAXABLE YEAR OF SUCH  
23 TAXPAYER SHALL BE A SHORT TAXABLE YEAR OF NOT MORE THAN SEVEN MONTHS IN  
24 DURATION; AND (III) THE NUMBER OF INDIVIDUALS EMPLOYED FULL-TIME ON THE  
25 LAST DAY OF SUCH FIRST TAXABLE YEAR SHALL BE AT LEAST ONE HUNDRED NINETY  
26 AND SUBSTANTIALLY ALL OF SUCH INDIVIDUALS MUST HAVE BEEN PREVIOUSLY  
27 EMPLOYED BY THE ENTITY FROM WHOM SUCH TAXPAYER PURCHASED ITS ASSETS.

28 PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH  
29 RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXA-  
30 BLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGRE-  
31 GATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION FOURTEEN  
32 HUNDRED FIFTY-FIVE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT  
33 PROVIDED FOR UNDER THIS ARTICLE.

34 (5) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS  
35 SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE  
36 TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY SUBSECTION  
37 (B) OF SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE. HOWEVER, IF  
38 THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED  
39 UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH  
40 AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY  
41 NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL  
42 SENTENCE IN PARAGRAPH FOUR OF THIS SUBSECTION, ANY AMOUNT OF CREDIT OR  
43 CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY  
44 BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM  
45 THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

46 (5-A) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
47 ALLOWED IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION CERTIFICATE IS  
48 NOT ISSUED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMIS-  
49 SIONER OF ECONOMIC DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE  
50 ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

51 S 23. Section 1511 of the tax law is amended by adding a new subdivi-  
52 sion (cc) to read as follows:

53 (CC) GREEN ECONOMIC DEVELOPMENT ZONE CAPITAL CREDIT. (1) A TAXPAYER  
54 SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE  
55 AMOUNT OF THE CREDIT SHALL BE EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF  
56 THE FOLLOWING INVESTMENTS AND CONTRIBUTIONS MADE DURING THE TAXABLE YEAR



1 AND CERTIFIED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT: (A) FOR TAXA-  
2 BLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN, QUALI-  
3 FIED INVESTMENTS MADE IN, OR CONTRIBUTIONS IN THE FORM OF DONATIONS MADE  
4 TO, ONE OR MORE GREEN ECONOMIC DEVELOPMENT ZONE CAPITAL CORPORATIONS  
5 PRIOR TO JANUARY FIRST, TWO THOUSAND THIRTEEN, (B) QUALIFIED INVESTMENTS  
6 IN CERTIFIED ZONE BUSINESSES WHICH DURING THE TWELVE MONTH PERIOD IMME-  
7 DIATELY PRECEDING THE MONTH IN WHICH SUCH INVESTMENT IS MADE EMPLOYED  
8 FULL-TIME WITHIN THE STATE AN AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING  
9 GENERAL EXECUTIVE OFFICERS, OF TWO HUNDRED FIFTY OR FEWER, COMPUTED  
10 PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF PARAGRAPH TWO OF  
11 SUBDIVISION (G) OF THIS SECTION, EXCEPT FOR INVESTMENTS MADE BY OR ON  
12 BEHALF OF AN OWNER OF THE BUSINESS, INCLUDING, BUT NOT LIMITED TO, A  
13 STOCKHOLDER, PARTNER OR SOLE PROPRIETOR, OR ANY RELATED PERSON, AS  
14 DEFINED IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF SUBSECTION (B) OF  
15 SECTION FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVENUE CODE, AND (C)  
16 CONTRIBUTIONS OF MONEY TO COMMUNITY DEVELOPMENT PROJECTS AS DEFINED IN  
17 REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.  
18 "QUALIFIED INVESTMENTS" MEANS THE CONTRIBUTION OF PROPERTY TO A CORPO-  
19 RATION IN EXCHANGE FOR ORIGINAL ISSUE CAPITAL STOCK OR OTHER OWNERSHIP  
20 INTEREST, THE CONTRIBUTION OF PROPERTY TO A PARTNERSHIP IN EXCHANGE FOR  
21 AN INTEREST IN THE PARTNERSHIP, AND SIMILAR CONTRIBUTIONS IN THE CASE OF  
22 A BUSINESS ENTITY NOT IN CORPORATE OR PARTNERSHIP FORM IN EXCHANGE FOR  
23 AN OWNERSHIP INTEREST IN SUCH ENTITY. THE TOTAL AMOUNT OF CREDIT ALLOW-  
24 ABLE TO A TAXPAYER UNDER THIS PROVISION FOR ALL YEARS, TAKEN IN THE  
25 AGGREGATE, SHALL NOT EXCEED THREE HUNDRED THOUSAND DOLLARS, AND SHALL  
26 NOT EXCEED ONE HUNDRED THOUSAND DOLLARS WITH RESPECT TO THE INVESTMENTS  
27 AND CONTRIBUTIONS DESCRIBED IN EACH OF SUBPARAGRAPHS (A), (B) AND (C) OF  
28 THIS PARAGRAPH.

29 (2) THE CREDIT AND CARRYOVER OF SUCH CREDIT ALLOWED UNDER THIS SUBDI-  
30 VISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX  
31 DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM FIXED BY PARAGRAPH FOUR OF  
32 SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE OR BY  
33 SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE.  
34 HOWEVER, IF THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH,  
35 ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO  
36 SUCH AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT  
37 MAY NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL  
38 SENTENCE OF THIS PARAGRAPH, ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH  
39 CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO  
40 THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAX FOR SUCH  
41 YEAR OR YEARS. IN ADDITION, THE AMOUNT OF SUCH CREDIT, AND CARRYOVERS OF  
42 SUCH CREDIT TO THE TAXABLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE MAY  
43 NOT, IN THE AGGREGATE, EXCEED FIFTY PERCENT OF (I) IN THE CASE OF  
44 TAXPAYERS SUBJECT TO TAX UNDER SUBDIVISION (B) OF SECTION FIFTEEN  
45 HUNDRED TEN OF THIS ARTICLE, THE LESSER OF (I) THE LIMITATION ON TAX  
46 COMPUTED PURSUANT TO SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED FIVE, OR  
47 (II) THE GREATER OF THE SUM OF THE TAXES IMPOSED UNDER SECTIONS FIFTEEN  
48 HUNDRED ONE AND FIFTEEN HUNDRED TEN OR THE AMOUNT OF TAX COMPUTED PURSU-  
49 ANT TO SUBDIVISION (B) OF SECTION FIFTEEN HUNDRED FIVE, OR (II) FOR ALL  
50 OTHER INSURANCE CORPORATIONS, THE TAX IMPOSED UNDER SECTION FIFTEEN  
51 HUNDRED TWO-A OF THIS ARTICLE, COMPUTED WITHOUT REGARD TO ANY CREDIT  
52 PROVIDED FOR UNDER THIS ARTICLE.

53 (2-A) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE  
54 ALLOWED TO A GREEN ECONOMIC DEVELOPMENT ZONE ENTERPRISE WHICH IS THE  
55 BASIS OF THE CREDIT, IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION

1 CERTIFICATE IS NOT ISSUED TO SUCH ENTITY PURSUANT TO RULES AND REGU-  
2 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

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

10 (4)(A) WHERE A TAXPAYER SELLS, TRANSFERS OR OTHERWISE DISPOSES OF  
11 CORPORATE STOCK, A PARTNERSHIP INTEREST OR OTHER OWNERSHIP INTEREST  
12 ARISING FROM THE MAKING OF A QUALIFIED INVESTMENT WHICH WAS THE BASIS,  
13 IN WHOLE OR IN PART, FOR THE ALLOWANCE OF THE CREDIT PROVIDED FOR UNDER  
14 THIS SUBDIVISION, OR WHERE A CONTRIBUTION OR INVESTMENT WHICH WAS THE  
15 BASIS FOR SUCH ALLOWANCE IS IN ANY MANNER, IN WHOLE OR IN PART, RECOV-  
16 ERED BY SUCH TAXPAYER, AND SUCH DISPOSITION OR RECOVERY OCCURS DURING  
17 THE TAXABLE YEAR OR WITHIN THIRTY-SIX MONTHS FROM THE CLOSE OF THE TAXA-  
18 BLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, SUBPARAGRAPH (B)  
19 OF THIS PARAGRAPH SHALL APPLY.

20 (B) THE TAXPAYER SHALL ADD BACK WITH RESPECT TO THE TAXABLE YEAR IN  
21 WHICH THE DISPOSITION OR RECOVERY DESCRIBED IN SUBPARAGRAPH (A) OF THIS  
22 PARAGRAPH OCCURRED THE REQUIRED PORTION OF THE CREDIT ORIGINALLY  
23 ALLOWED.

24 (C) THE REQUIRED PORTION OF THE CREDIT ORIGINALLY ALLOWED SHALL BE THE  
25 PRODUCT OF (I) THE PORTION OF SUCH CREDIT ATTRIBUTABLE TO THE PROPERTY  
26 DISPOSED OF OR THE PAYMENT OR CONTRIBUTION RECOVERED AND (II) THE APPLI-  
27 CABLE PERCENTAGE.

28 (D) THE APPLICABLE PERCENTAGE SHALL BE:

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

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

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

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

40 12-E. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON APPLICATION OF  
41 A GAS OR ELECTRIC CORPORATION, THE COMMISSION SHALL AUTHORIZE SUCH  
42 CORPORATION TO CHARGE A SPECIAL GREEN ECONOMIC DEVELOPMENT ZONE RATE  
43 EQUAL TO THE INCREMENTAL COST OF PROVIDING SERVICE TO CUSTOMERS CERTI-  
44 FIED AS ELIGIBLE FOR SUCH RATE PURSUANT TO ARTICLE EIGHTEEN-D OF THE  
45 GENERAL MUNICIPAL LAW.

46 S 25. This act shall take effect immediately.