

1708

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GRISANTI, MAZIARZ -- read twice and ordered printed,
and when printed to be committed to the Committee on Investigations
and Government Operations

AN ACT to amend the tax law, in relation to brownfield site cleanup; and
to repeal section 31 of part H of chapter 1 of the laws of 2003 amend-
ing the tax law relating to brownfield redevelopment tax credits,
relating thereto

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

1 Section 1. Paragraph 6 of subdivision (b) of section 21 of the tax
2 law, as amended by section 1 of part H of chapter 577 of the laws of
3 2004, subparagraph (B) and the closing paragraph as amended by section 1
4 of part G of chapter 62 of the laws of 2006, is amended to read as
5 follows:
6 (6) Environmental zones (EN-Zones). An "environmental zone" shall mean
7 an area designated as such by the commissioner of economic development.
8 Such areas so designated are areas which are census tracts and block
9 numbering areas which, as of the [two thousand] MOST RECENT census,
10 satisfy either of the following criteria:
11 (A) areas that have both:
12 (i) a poverty rate of at least twenty percent for the year to which
13 the data relate; and
14 (ii) an unemployment rate of at least one and one-quarter times the
15 statewide unemployment rate for the year to which the data relate, or;
16 (B) areas that have a poverty rate of at least two times the poverty
17 rate for the county in which the areas are located for the year to which
18 the data relate [provided, however, that a qualified site shall only be
19 deemed to be located in an environmental zone under this subparagraph
20 (B) if such site was the subject of a brownfield site cleanup agreement

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

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1 pursuant to section 27-1409 of the environmental conservation law that
2 was entered into prior to September first, two thousand ten].

3 Such designation shall be made and a list of all such environmental
4 zones shall be established by the commissioner of economic development
5 no later than December thirty-first, two thousand [four provided, howev-
6 er, that a qualified site shall only be deemed to be located in an envi-
7 ronmental zone under subparagraph (B) of this paragraph if such site was
8 the subject of a brownfield site cleanup agreement pursuant to section
9 27-1409 of the environmental conservation law that was entered into
10 prior to September first, two thousand ten] THIRTEEN.

11 S 2. Paragraph 5 of subdivision (a) of section 22 of the tax law, as
12 amended by section 4 of part H of chapter 577 of the laws of 2004,
13 subparagraph (B) and the closing paragraph as amended by section 2 of
14 part G of chapter 62 of the laws of 2006, is amended to read as follows:

15 (5) Environmental zones (EN-Zones). An "environmental zone" shall mean
16 an area designated as such by the commissioner of economic development.
17 Such areas so designated are areas which are census tracts and block
18 numbering areas which, as of the [two thousand] MOST RECENT census,
19 satisfy either of the following criteria:

20 (A) areas that have both:

21 (i) a poverty rate of at least twenty percent for the year to which
22 the data relate;

23 (ii) an unemployment rate of at least one and one-quarter times the
24 statewide unemployment rate for the year to which the data relate, or;

25 (B) areas that have a poverty rate of at least two times the poverty
26 rate for the county in which the areas are located for the year to which
27 the data relate[, provided, however, that a qualified site shall only be
28 deemed to be located in an environmental zone under this subparagraph
29 (B) if such site was the subject of a brownfield site cleanup agreement
30 pursuant to section 27-1409 of the environmental conservation law that
31 was entered into prior to September first, two thousand ten].

32 Such designation shall be made and a list of all such environmental
33 zones shall be established by the commissioner of economic development
34 no later than December thirty-first, two thousand [four provided, howev-
35 er, that a qualified site shall only be deemed to be located in an envi-
36 ronmental zone under subparagraph (B) of this paragraph if such site was
37 the subject of a brownfield site cleanup agreement pursuant to section
38 27-1409 of the environmental conservation law that was entered into
39 prior to September first, two thousand ten] THIRTEEN.

40 S 3. Subdivision (a) of section 23 of the tax law, as amended by
41 section 10 of part H of chapter 577 of the laws of 2004, is amended to
42 read as follows:

43 (a) Allowance of credit. General. A taxpayer subject to tax under
44 article nine, nine-A, twenty-two, thirty-two or thirty-three of this
45 chapter shall be allowed a credit against such tax, pursuant to the
46 provisions referenced in subdivision (e) of this section. The amount of
47 such credit shall be equal to the lesser of [thirty] NINETY thousand
48 dollars or fifty percent of the premiums paid on or after the date of
49 the brownfield site cleanup agreement executed by the taxpayer and the
50 department of environmental conservation pursuant to section 27-1409 of
51 the environmental conservation law by the taxpayer for environmental
52 remediation insurance issued with respect to a qualified site.

53 S 4. Section 31 of part H of chapter 1 of the laws of 2003 amending
54 the tax law relating to brownfield redevelopment tax credits, is
55 REPEALED.

56 S 5. This act shall take effect immediately.