S T A T E O F N E W Y O R K

S. 6409--C A. 9009--C

S E N A T E - A S S E M B L Y

January 14, 2016

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

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

AN ACT to amend the real property tax law and the tax law, in relation to transitioning the school tax relief (STAR) exemption into a personal income tax credit (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the real property tax law, in relation to allowing applications for exemptions to be filed after the taxable status date in certain cases (Part D); to amend the tax law and the administrative code of the city of New York, in relation to establishing a new school tax reduction credit for residents of a city with a population over one million (Part E); to amend the real property tax law, in relation to authorizing the commissioner of taxation and finance to make direct payments of STAR tax savings to property owners in certain cases (Part F); to amend chapter 61 of the laws of 2011, amending the real property tax law and other laws relating to establishing standards for electronic tax administration, in relation to the effectiveness thereof (Part G); to amend the public housing law, in relation to extending the credit against income tax for persons or entities investing in low-income housing (Part H); to amend the tax law, in relation to extending the hire a veteran credit for an additional two years (Part I); to amend the tax law, in relation to extending the empire state commercial production tax credit (Part J);

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

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to amend chapter 604 of the laws of 2011, amending the tax law relating to the credit for companies who provide transportation to people with disabilities, in relation to extending the expiration of such provision; and to amend the tax law, in relation to the application of a credit for companies who provide transportation to individuals with disabilities (Part K); to amend part I of chapter 58 of the laws of 2006, amending the tax law relating to providing an enhanced earned income tax credit, in relation to making the enhanced earned income tax credit permanent (Part L); to amend part N of chapter 61 of the laws of 2005 amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to extending the expiration thereof (Part M); to amend the tax law, in relation to extending the clean heating fuel credit for three years and updating the credit to reflect new minimum biodiesel fuel thresholds (Part N); to amend the economic development law and the tax law, in relation to extending the excelsior jobs program for five years (Part O); to amend the tax law and the administrative code of the city of New York, in relation to making corrections to the corporate tax reform provisions (Part P); to amend the tax law and the administrative code of the city of New York, in relation to the time for filing reports (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend chapter 109 of the laws of 2006 amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, in relation to extending the alternative fuels tax exemptions for five years (Part U); to amend the tax law, in relation to exempting from alcoholic beverage tax certain alcoholic beverages furnished at no charge by certain licensees to customers or prospective customers at a tasting held in accordance with the alcoholic beverage control law, and to expand the beer production credit to include wine, liquor and cider (Part V); intentionally omitted (Part W); to amend the tax law and the administrative code of the city of New York, in relation to allowing room remarketers to purchase occupancies from hotel operators exempt from sales tax under certain circumstances (Part X); to amend the tax law, in relation to charitable contributions and charitable activities being considered in determining domicile for estate tax purposes (Part Y); to amend the state finance law, in relation to creating the aviation purpose account and ensuring that the funds deposited in the aviation purpose account are used for airport improvement projects; to amend the tax law, in relation to providing for the distribution of revenues under section 301-e of such law; to exempt sales of fuel sold for use in commercial aircraft and general aviation aircraft from the prepayment of sales tax imposed pursuant to the authority of section 1102 of such law; and to exclude sales of fuel sold for use in commercial aircraft and general aviation aircraft from the operation of sales and use taxes imposed pursuant to the authority of section 1210 of such law (Part Z); intentionally omitted (Part AA); to amend the racing, pari-mutuel wagering and breeding law, in relation to increasing racing regulatory fee (Part BB); to amend the racing, pari-mutuel wagering and breeding law, in relation to the timing of harness track reimbursements and other technical amendments (Part CC); to amend the tax law, in relation to the payment of vendors' fees (Part DD); to amend the tax law, in relation to vendor fees at vendor tracks (Part EE); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast

facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting, in relation to the effectiveness thereof; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provision thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part FF); to amend the tax law, in relation to capital awards to vendor tracks (Part GG); to amend the state finance law, in relation to allocations from the commercial gaming revenue fund; to amend the tax law, in relation to commissions payable to certain vendor racetracks (Part HH); to amend the tax law, in relation to further clarifying disclosure procedures regarding medical marihuana (Part II); to amend the real property tax law, in relation to STAR recoupment program (Part JJ); to amend the tax law and the state finance law, in relation to the fees associated with a certificate of registration and decal imposed by article 21 of the tax law for certain vehicles operating on public highways in New York state (Part KK); to amend the tax law, in relation to making corrections to the corporate tax reform provisions (Part LL); to amend the tax law, in relation to the real property tax credit for manufacturers (Part MM); to amend the tax law and the administrative code of the city of new York, in relation to the value of leased real property (Part NN); to amend the racing, pari-mutuel wagering and breeding law, in relation to health insurance for jockeys (Part OO); to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part PP); to amend the economic development law and the tax law, in relation to the economic transformation and facility redevelopment program tax credit (Part QQ); to amend the tax law, in relation to creating a farm workforce retention credit (Part RR); to amend the tax law and the racing, pari-mutuel wagering and breeding law, in relation to authorization to operate video lottery terminals and capital awards at certain facilities (Part SS); to amend the tax law, in relation to providing a middle income tax cut under the personal income tax; to repeal subparagraph (B) of paragraph 1 of subsection (a), subparagraph (B) of paragraph 1 of subsection (b) and subparagraph (B) of paragraph 1 of subsection (c) of section 601 of the tax law relating to the imposition of tax; and to repeal subsection (d-2) of section 601 of the tax law relating to tax table benefit recapture for tax years after two thousand seventeen (Part TT); to amend the tax law, in relation to requiring wholesalers of motor fuel to register and file returns (Part UU); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part VV); and to amend the tax law, in relation to exempting commercial fuel cell electricity generating systems and electricity provided by such sources from the sales tax imposed by article 28 of the tax law and omitting such exemption from the taxes imposed pursuant to the authority of article 29 of the tax law, unless a locality elects otherwise (Part WW)

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

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

PART A

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

(a) Generally. All owners of the property who primarily reside thereon AND WHO ARE NOT SUBJECT TO THE PROVISIONS OF SUBDIVISION SIXTEEN OF THIS SECTION must jointly file an application for exemption with the assessor on or before the appropriate taxable status date. Such application may be filed by mail if it is enclosed in a postpaid envelope properly addressed to the appropriate assessor, deposited in a post office or official depository under the exclusive care of the United States postal service, and postmarked by the United States postal service on or before the applicable taxable status date. Each such application shall be made on a form prescribed by the commissioner, which shall require the applicant or applicants to agree to notify the assessor if their primary residence changes while their property is receiving the exemption. The assessor may request that proof of residency be submitted with the application. If the applicant requests a receipt from the assessor as proof of submission of the application, the assessor shall provide such receipt. If such request is made by other than personal request, the applicant shall provide the assessor with a self-addressed postpaid envelope in which to mail the receipt.

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

16. TRANSITION TO PERSONAL INCOME TAX CREDIT. (A) BEGINNING WITH ASSESSMENT ROLLS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO APPLICATION FOR AN EXEMPTION UNDER THIS SECTION MAY BE FILED OR APPROVED UNLESS AT LEAST ONE OF THE APPLICANTS HELD TITLE TO THE PROPERTY ON THE TAXABLE STATUS DATE OF THE ASSESSMENT ROLL THAT WAS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THE PROPERTY WAS GRANTED AN EXEMPTION PURSUANT TO THIS SECTION ON THAT ASSESSMENT ROLL. IN THE EVENT THAT AN APPLICATION IS SUBMITTED TO THE ASSESSOR THAT CANNOT BE APPROVED DUE TO THIS RESTRICTION, THE ASSESSOR SHALL NOTIFY THE APPLICANT THAT HE OR SHE IS REQUIRED BY LAW TO DENY THE APPLICATION, BUT THAT, IN LIEU OF A STAR EXEMPTION, THE APPLICANT MAY CLAIM THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW IF ELIGIBLE, AND THAT THE APPLICANT MAY CONTACT THE DEPARTMENT OF TAXATION AND FINANCE FOR FURTHER

INFORMATION. THE COMMISSIONER SHALL PROVIDE A FORM FOR ASSESSORS TO USE, AT THEIR OPTION, WHEN MAKING THIS NOTIFICATION. NO STAR EXEMPTION MAY BE GRANTED ON THE BASIS OF AN APPLICATION THAT IS NOT APPROVABLE DUE TO THIS RESTRICTION.

(B) IF THE OWNERS OF A PARCEL THAT IS RECEIVING THE STAR EXEMPTION AUTHORIZED BY THIS SECTION WANT TO CLAIM THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW IN LIEU OF SUCH EXEMPTION, THEY ALL MUST RENOUNCE THAT EXEMPTION IN THE MANNER PROVIDED BY SECTION FOUR HUNDRED NINETY-SIX OF THIS CHAPTER, AND MUST PAY ANY REQUIRED TAXES, INTEREST AND PENALTIES, ON OR BEFORE DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR FOR WHICH THEY WANT TO CLAIM THE CREDIT. ANY SUCH RENUNCIATION SHALL BE IRREVOCABLE.

(C) THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL APPLICATIONS FOR STAR EXEMPTIONS BEGINNING WITH ASSESSMENT ROLLS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, INCLUDING THOSE SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION. IF ANY APPLICATION WAS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION THAT IS NOT APPROVABLE HEREUNDER, SUCH APPROVAL SHALL BE DEEMED VOID, AND THE ASSESSOR SHALL PROVIDE THE APPLICANT WITH THE NOTICE REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION. IF AN APPLICATION WAS SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION BUT IS NOT APPROVABLE HEREUNDER, THE APPLICANT MAY APPLY FOR ADVANCE PAYMENT OF THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW FOR THE TWO THOUSAND SIXTEEN TAXABLE YEAR, IF ELIGIBLE, IN THE MANNER PROVIDED BY PARAGRAPH TEN OF SUCH SUBSECTION, NOTWITHSTANDING THE TIME LIMITATIONS CONTAINED IN THAT PARAGRAPH.

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

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

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

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

(c) A processing fee of five hundred dollars shall be added to the sum determined pursuant to paragraph (b) of this subdivision, UNLESS THE PROVISIONS OF PARAGRAPH (D) OF THIS SUBDIVISION ARE APPLICABLE.

(D) IF THE APPLICANT IS RENOUNCING A STAR EXEMPTION IN ORDER TO QUALIFY FOR THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, AND NO OTHER EXEMPTIONS ARE BEING RENOUNCED ON THE SAME APPLICATION, NO PROCESSING FEE SHALL BE APPLICABLE.

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

3. For purposes of any fiscal year or years during which title to such property is transferred, such property shall be deemed to have been omitted and the assessed value thereof shall be entered on the assessment roll to be used for the next tax levy by or for each municipal corporation in which such property is located in the same manner as provided by title three of article five of this chapter with respect to a parcel omitted from the assessment roll of the previous year. A pro rata tax shall be extended against the property for the unexpired portion of each fiscal year. Such real property shall be taxed at the tax rate or tax rates for the fiscal year during which the transfer occurred. The amount of tax or taxes levied pursuant to this subdivision shall be deducted from the aggregate amount of taxes to be levied for the fiscal year immediately succeeding the fiscal year during which the transfer occurred; PROVIDED, HOWEVER, THAT WHERE THE PROPERTY IS RECEIVING A SCHOOL TAX RELIEF (STAR) EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, THE PORTION OF THE TAX OR TAXES LEVIED THAT EQUALS THE RECOVERED STAR TAX SAVINGS SHALL BE APPLIED TO REDUCE THE AMOUNT OF AID PAYABLE TO THE SCHOOL DISTRICT UNDER SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-A OF THIS CHAPTER.

S 5. Subdivision 6 of section 1306-a of the real property tax law is renumbered subdivision 7 and a new subdivision 6 is added to read as follows:

6. WHEN THE COMMISSIONER DETERMINES, AT LEAST THIRTY DAYS PRIOR TO THE LEVY OF SCHOOL DISTRICT TAXES, THAT AN ADVANCE CREDIT OF THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW WILL BE PROVIDED TO THE OWNERS OF A PARCEL IN THAT SCHOOL DISTRICT, HE OR SHE SHALL SO NOTIFY THE AUTHORITIES OF THE SCHOOL DISTRICT, WHO SHALL CAUSE A STATEMENT TO BE PLACED ON THE TAX BILL FOR THE PARCEL IN SUBSTANTIALLY THE FOLLOWING FORM: "A STAR REIMBURSEMENT CHECK OF $ WILL BE MAILED TO YOU UPON ISSUANCE BY THE NYS TAX DEPARTMENT." THE COMMISSIONER SHALL ADVICE THE SCHOOL DISTRICT AUTHORITIES OF THE AMOUNT TO BE ENTERED THEREIN. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN THE EVENT THAT THE PARCEL IN QUESTION HAD BEEN GRANTED A STAR EXEMPTION ON THE ASSESSMENT ROLL UPON WHICH SCHOOL DISTRICT TAXES ARE TO BE LEVIED, SUCH EXEMPTION SHALL BE DEEMED NULL AND VOID AND SHALL BE DISREGARDED WHEN THE PARCEL'S TAX LIABILITY IS DETERMINED.

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

(EEE) SCHOOL TAX RELIEF (STAR) CREDIT. (1) DEFINITIONS. FOR PURPOSES OF THIS SUBSECTION:

(A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL OF THE STATE, WHO MAINTAINED HIS OR HER PRIMARY RESIDENCE IN THIS STATE ON DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, WHO WAS AN OWNER OF THAT PROPERTY ON THAT DATE, WHO CANNOT RECEIVE THE STAR EXEMPTION ON THAT PROPERTY EITHER BECAUSE (I) HE OR SHE IS PRECLUDED FROM FILING AN APPLICATION FOR THE STAR EXEMPTION ON THAT PROPERTY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIXTEEN OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, OR BECAUSE (II) HE OR SHE HAS IRREVOCABLY RENOUNCED HIS OR HER CLAIM TO SUCH EXEMPTION IN CONJUNCTION WITH ALL OTHER OWNERS PURSUANT TO PARAGRAPH (B) OF SUCH SUBDIVISION, AND WHO IS REQUIRED OR CHOOSES TO FILE A RETURN UNDER THIS ARTICLE. A TAXPAYER WHOSE PRIMARY RESIDENCE RECEIVED A STAR EXEMPTION FOR THE ASSOCIATED FISCAL YEAR THAT COMMENCED

AFTER THE ACQUISITION OF SUCH RESIDENCE SHALL NOT BE CONSIDERED A QUALIFIED TAXPAYER FOR PURPOSES OF THIS SUBSECTION.

(B) "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME OF ALL OF THE OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON AS OF DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, AND OF ANY OWNERS' SPOUSES RESIDING PRIMARILY THEREON AS OF SUCH DATE; PROVIDED THAT THE INCOME TO BE SO COMBINED SHALL BE THE "ADJUSTED GROSS INCOME" FOR THE TAXABLE YEAR AS REPORTED FOR FEDERAL INCOME TAX PURPOSES, OR THAT WOULD BE REPORTED AS ADJUSTED GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED, REDUCED BY DISTRIBUTIONS, TO THE EXTENT INCLUDED IN FEDERAL ADJUSTED GROSS INCOME, RECEIVED FROM AN INDIVIDUAL RETIREMENT ACCOUNT AND AN INDIVIDUAL RETIREMENT ANNUITY.

(C) "ASSOCIATED FISCAL YEAR" MEANS THE SCHOOL DISTRICT FISCAL YEAR THAT BEGAN ON JULY FIRST OF THE TAXABLE YEAR OR, IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION LAW, THE CITY FISCAL YEAR THAT BEGAN ON JULY FIRST OF THE TAXABLE YEAR.

(D) "OWNER" MEANS:

(I) A PERSON WHO OWNS A PARCEL IN FEE SIMPLE ABSOLUTE OR AS A TENANT IN COMMON, A JOINT TENANT OR A TENANT BY THE ENTIRETY,

(II) AN OWNER OF A PRESENT INTEREST IN A PARCEL UNDER A LIFE ESTATE,

(III) A VENDEE IN POSSESSION UNDER AN INSTALLMENT CONTRACT OF SALE,

(IV) A BENEFICIAL OWNER UNDER A TRUST,

(V) A TENANT-STOCKHOLDER OF A COOPERATIVE APARTMENT CORPORATION WHO RESIDES IN A PORTION OF REAL PROPERTY OWNED BY SUCH COOPERATIVE APARTMENT CORPORATION, TO THE EXTENT REPRESENTED BY HIS OR HER SHARE OR SHARES OF STOCK IN SUCH CORPORATION AS DETERMINED BY ITS OR THEIR PROPORTIONAL RELATIONSHIP TO THE TOTAL OUTSTANDING STOCK OF THE CORPORATION, INCLUDING THAT OWNED BY THE CORPORATION,

(VI) A RESIDENT OF A FARM DWELLING THAT IS OWNED EITHER BY A CORPORATION OF WHICH THE RESIDENT IS A SHAREHOLDER, A PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER, OR BY A LIMITED LIABILITY COMPANY OF WHICH THE RESIDENT IS AN OWNER, OR

(VII) A RESIDENT OF A DWELLING, OTHER THAN A FARM DWELLING, THAT IS OWNED BY A LIMITED PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER, PROVIDED THAT THE LIMITED PARTNERSHIP THAT HOLDS TITLE TO THE PROPERTY DOES NOT ENGAGE IN ANY COMMERCIAL ACTIVITY, THAT THE LIMITED PARTNERSHIP WAS LAWFULLY CREATED TO HOLD TITLE SOLELY FOR ESTATE PLANNING AND ASSET PROTECTION PURPOSES, AND THAT THE PARTNER OR PARTNERS WHO PRIMARILY RESIDE THEREON PERSONALLY PAY ALL OF THE REAL PROPERTY TAXES AND OTHER COSTS ASSOCIATED WITH THE PROPERTY'S OWNERSHIP.

(E) "QUALIFYING TAXES" MEANS THE SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR THAT WERE ACTUALLY PAID BY THE TAXPAYER DURING THE TAXABLE YEAR; OR, IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION LAW, THE COMBINED CITY AND SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR THAT WERE ACTUALLY PAID BY THE TAXPAYER DURING THE TAXABLE YEAR. IN NO CASE SHALL THE TERM "QUALIFYING TAXES" BE CONSTRUED TO INCLUDE PENALTIES OR INTEREST.

(F) "STAR EXEMPTION" MEANS THE SCHOOL TAX RELIEF (STAR) EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW.

(G) "STAR TAX SAVINGS" MEANS THE TAX SAVINGS ATTRIBUTABLE TO THE STAR EXEMPTION WITHIN A PORTION OF A SCHOOL DISTRICT, AS DETERMINED BY THE COMMISSIONER PURSUANT TO SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED SIX-A OF THE REAL PROPERTY TAX LAW.

(2) ALLOWANCE OF CREDIT. A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT AS PROVIDED IN PARAGRAPH THREE OR FOUR OF THIS SUBSECTION, WHICHEVER IS APPLICABLE, AGAINST THE TAXES IMPOSED BY THIS ARTICLE REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE, PROVIDED THAT THE REQUIREMENTS SET FORTH IN THE APPLICABLE SUBSECTION ARE SATISFIED. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED FOR SUCH YEAR UNDER THIS ARTICLE, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT, TO BE CREDITED OR REFUNDED, WITHOUT INTEREST. IF A QUALIFIED TAXPAYER IS NOT REQUIRED TO FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A QUALIFIED TAXPAYER MAY NEVERTHELESS RECEIVE THE FULL AMOUNT OF THE CREDIT TO BE CREDITED OR REPAID AS AN OVERPAYMENT, WITHOUT INTEREST.

(3) DETERMINATION OF BASIC STAR CREDIT. (A) BEGINNING WITH TAXABLE YEARS AFTER TWO THOUSAND FIFTEEN, A BASIC STAR CREDIT SHALL BE AVAILABLE TO A QUALIFIED TAXPAYER IF THE AFFILIATED INCOME OF THE PARCEL THAT SERVES AS THE TAXPAYER'S PRIMARY RESIDENCE IS LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS.

(B) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS PARAGRAPH, SUCH BASIC STAR CREDIT SHALL BE THE LESSER OF:

(I) THE BASIC STAR TAX SAVINGS APPLICABLE TO THE TAXPAYER'S PRIMARY RESIDENCE, OR

(II) THE TAXPAYER'S QUALIFYING TAXES.

(C) IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTITUTED ONLY A PORTION OF THE TOTAL SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR OR, IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION LAW, IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTITUTED ONLY A PORTION OF THE TOTAL COMBINED CITY AND SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR, THE CREDIT ALLOWABLE TO SUCH TAXPAYER SHALL BE EQUAL TO THE AMOUNT DETERMINED PURSUANT TO SUBPARAGRAPH (B) OF THIS PARAGRAPH MULTIPLIED BY THE PERCENTAGE THAT SUCH PORTION REPRESENTS.

(4) DETERMINATION OF ENHANCED STAR CREDIT. (A) BEGINNING WITH TAXABLE YEARS AFTER TWO THOUSAND FIFTEEN, AN ENHANCED STAR CREDIT SHALL BE AVAILABLE TO A QUALIFIED TAXPAYER WHERE BOTH OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) ALL OF THE OWNERS OF THE PARCEL THAT SERVES AS THE TAXPAYER'S PRIMARY RESIDENCE ARE AT LEAST SIXTY-FIVE YEARS OF AGE AS OF DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR OR, IN THE CASE OF PROPERTY OWNED BY A MARRIED COUPLE OR BY SIBLINGS, AT LEAST ONE OF THE OWNERS IS AT LEAST SIXTY-FIVE YEARS OF AGE AS OF THAT DATE. THE TERMS "SIBLINGS" AS USED HEREIN SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION FOUR HUNDRED SIXTY-SEVEN OF THE REAL PROPERTY TAX LAW. IN THE CASE OF PROPERTY OWNED BY A MARRIED COUPLE, ONE OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER, THE CREDIT, ONCE ALLOWED, SHALL NOT BE DISALLOWED BECAUSE OF THE DEATH OF THE OLDER SPOUSE SO LONG AS THE SURVIVING SPOUSE IS AT LEAST SIXTY-TWO YEARS OF AGE AS OF DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR.

(II) THE AFFILIATED INCOME OF THE PARCEL THAT SERVES AS THE TAXPAYER'S PRIMARY RESIDENCE IS LESS THAN OR EQUAL TO THE INCOME STANDARD FOR THE TAXABLE YEAR ESTABLISHED BY THE COMMISSIONER FOR THE CORRESPONDING "INCOME TAX YEAR" PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW FOR PURPOSES OF THE ENHANCED STAR EXEMPTION.

(B) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS PARAGRAPH, SUCH CREDIT SHALL BE THE LESSER OF:

(I) THE ENHANCED STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, OR

(II) THE TAXPAYER'S QUALIFYING TAXES.

(C) IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTITUTED ONLY A PORTION OF THE TOTAL SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR OR, IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION LAW, IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTITUTED ONLY A PORTION OF THE TOTAL COMBINED CITY AND SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR, THE CREDIT ALLOWABLE TO SUCH TAXPAYER SHALL BE EQUAL TO THE AMOUNT DETERMINED PURSUANT TO SUBPARAGRAPH (B) OF THIS PARAGRAPH MULTIPLIED BY THE PERCENTAGE THAT SUCH PORTION REPRESENTS.

(5) DISQUALIFICATION. A TAXPAYER SHALL NOT QUALIFY FOR THE CREDIT AUTHORIZED BY THIS SUBSECTION IF THE PARCEL THAT SERVES AS THE TAXPAYER'S PRIMARY RESIDENCE RECEIVED THE STAR EXEMPTION ON THE ASSESSMENT ROLL UPON WHICH SCHOOL DISTRICT TAXES FOR THE ASSOCIATED FISCAL YEAR WHERE LEVIED. PROVIDED, HOWEVER, THAT THE TAXPAYER MAY REMOVE THIS DISQUALIFICATION BY RENOUNCING THE EXEMPTION AND MAKING ANY REQUIRED PAYMENTS BY DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, AS PROVIDED BY SUBDIVISION SIXTEEN OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW.

(6) SPECIAL CASES. (A) IN THE CASE OF PROPERTY CONSISTING OF A COOPERATIVE APARTMENT CORPORATION THAT IS DESCRIBED BY PARAGRAPH (K) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, THE AMOUNT OF THE CREDIT ALLOWABLE WITH RESPECT TO A COOPERATIVE APARTMENT SHALL BE EQUAL TO SIXTY PERCENT OF THE BASIC STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, OR SIXTY PERCENT OF THE ENHANCED STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, WHICHEVER IS APPLICABLE. PROVIDED, HOWEVER, THAT IN THE CASE OF A COOPERATIVE APARTMENT CORPORATION THAT IS DESCRIBED BY SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, THE CREDIT ALLOWABLE WITH RESPECT TO A COOPERATIVE APARTMENT SHALL BE EQUAL TO TWENTY PERCENT OF SUCH AMOUNT.

(B) IN THE CASE OF PROPERTY CONSISTING OF A MOBILE HOME THAT IS DESCRIBED IN PARAGRAPH (1) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, THE AMOUNT OF THE CREDIT ALLOWABLE WITH RESPECT TO SUCH MOBILE HOME SHALL BE EQUAL TO TWENTY-FIVE PERCENT OF THE BASIC STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, OR TWENTY-FIVE PERCENT OF THE ENHANCED STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, WHICHEVER IS APPLICABLE.

(C) IN THE CASE OF A PRIMARY RESIDENCE THAT IS LOCATED IN TWO OR MORE SCHOOL DISTRICTS, THE APPLICABLE BASIC OR ENHANCED STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION SHALL BE DETERMINED AS FOLLOWS:

(I) DETERMINE THE SUM OF THE TOTAL SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR BY EACH OF THE SCHOOL DISTRICTS IN WHICH THE RESIDENCE IS LOCATED;

(II) FOR EACH SUCH SCHOOL DISTRICT, DIVIDE THE TOTAL SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE BY THAT SCHOOL DISTRICT FOR THE ASSOCIATED FISCAL YEAR BY THE SUM DETERMINED IN CLAUSE (I) OF THIS SUBPARAGRAPH. EXPRESS THE RESULT AS A PERCENTAGE WITH TWO DECIMAL PLACES;

(III) FOR EACH SUCH SCHOOL DISTRICT, MULTIPLY THE PERCENTAGE DETERMINED IN CLAUSE (II) OF THIS SUBPARAGRAPH BY THE BASIC OR ENHANCED STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, WHICHEVER IS APPLICABLE; AND

(IV) ADD THE PRODUCTS DETERMINED IN CLAUSE (III) OF THIS SUBPARAGRAPH.

(7) DISCLOSURE OF INCOMES. WHERE THE COMMISSIONER HAS DENIED A TAXPAYER'S CLAIM FOR THE CREDIT AUTHORIZED BY THIS SUBSECTION IN WHOLE OR IN

PART ON THE GROUNDS THAT THE AFFILIATED INCOME OF THE PARCEL IN QUESTION EXCEEDS THE APPLICABLE LIMIT, THE COMMISSIONER SHALL HAVE THE AUTHORITY TO REVEAL TO THAT TAXPAYER THE NAMES AND INCOMES OF THE OTHER TAXPAYERS WHOSE INCOMES WERE INCLUDED IN THE COMPUTATION OF SUCH AFFILIATED INCOME.

(8) PROOF OF CLAIM. THE COMMISSIONER MAY REQUIRE A QUALIFIED TAXPAYER TO FURNISH THE FOLLOWING INFORMATION IN SUPPORT OF HIS OR HER CLAIM FOR CREDIT UNDER THIS SUBSECTION: AFFILIATED INCOME, THE TOTAL SCHOOL DISTRICT TAXES LEVIED ON THE PROPERTY FOR THE ASSOCIATED FISCAL YEAR OR, IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION LAW, THE TOTAL COMBINED CITY AND SCHOOL DISTRICT TAXES LEVIED ON THE PROPERTY FOR THE ASSOCIATED FISCAL YEAR, THE QUALIFYING TAXES PAID BY THE TAXPAYER, THE NAMES AND TAXPAYER IDENTIFICATION NUMBERS OF ALL OWNERS OF THE PROPERTY AND SPOUSES WHO PRIMARILY RESIDE ON THE PROPERTY, THE PARCEL IDENTIFICATION NUMBER AND ALL OTHER INFORMATION THAT MAY BE REQUIRED BY THE COMMISSIONER TO DETERMINE THE CREDIT.

(9) RETURNS. IF A QUALIFIED TAXPAYER IS NOT REQUIRED TO FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A CLAIM FOR A CREDIT MAY BE TAKEN ON A RETURN FILED WITH THE COMMISSIONER WITHIN THREE YEARS FROM THE TIME IT WOULD HAVE BEEN REQUIRED THAT A RETURN BE FILED PURSUANT TO SUCH SECTION HAD THE QUALIFIED TAXPAYER HAD A TAXABLE YEAR ENDING ON DECEMBER THIRTY-FIRST. RETURNS UNDER THIS PARAGRAPH SHALL BE IN SUCH FORM AS SHALL BE PRESCRIBED BY THE COMMISSIONER, WHO SHALL MAKE AVAILABLE SUCH FORMS AND INSTRUCTIONS FOR FILING SUCH RETURNS.

(10) ADVANCE PAYMENTS. (A) THE COMMISSIONER SHALL ESTABLISH A MECHANISM BY WHICH A QUALIFIED TAXPAYER WHO HAS ACQUIRED A NEW PRIMARY RESIDENCE BETWEEN JANUARY FIRST AND JULY FIRST OF THE TAXABLE YEAR, INCLUSIVE, MAY APPLY FOR AN ADVANCE PAYMENT OF THE CREDIT AUTHORIZED BY THIS SECTION, PROVIDED THAT:

(I) ANY SUCH APPLICATION MUST BE SUBMITTED TO THE COMMISSIONER BY THE FIRST DAY OF JULY OF THE TAXABLE YEAR, OR SUCH LATER DATE AS MAY BE PRESCRIBED BY THE COMMISSIONER, AND

(II) A QUALIFIED TAXPAYER WHO FAILS TO APPLY FOR AN ADVANCE PAYMENT OF SUCH CREDIT IN A TIMELY MANNER MAY REQUEST AND RECEIVE SUCH CREDIT IN THE MANNER OTHERWISE PROVIDED BY THIS SECTION.

(B) ON OR BEFORE SEPTEMBER FIFTEENTH OF EACH YEAR, OR AS SOON THEREAFTER AS PRACTICABLE, THE COMMISSIONER SHALL DETERMINE THE ELIGIBILITY OF TAXPAYERS FOR THIS CREDIT UTILIZING THE INFORMATION AVAILABLE TO HIM OR HER. FOR THOSE TAXPAYERS WHOM THE COMMISSIONER HAS DETERMINED ELIGIBLE FOR THIS CREDIT, THE COMMISSIONER SHALL ADVANCE A PAYMENT IN THE AMOUNT SPECIFIED IN PARAGRAPH THREE, FOUR OR SIX OF THIS SUBSECTION, WHICHEVER IS APPLICABLE. SUCH PAYMENT SHALL BE ISSUED BY SEPTEMBER THIRTIETH OF THE YEAR THE CREDIT IS ALLOWED, OR AS SOON THEREAFTER AS IS PRACTICABLE. A TAXPAYER WHO HAS FAILED TO RECEIVE AN ADVANCE PAYMENT THAT HE OR SHE BELIEVES WAS DUE TO HIM OR HER, OR WHO HAS RECEIVED AN ADVANCE PAYMENT THAT HE OR SHE BELIEVES IS LESS THAN THE AMOUNT THAT WAS DUE TO HIM OR HER, MAY REQUEST PAYMENT OF THE CLAIMED DEFICIENCY IN A MANNER PRESCRIBED BY THE COMMISSIONER.

(C) AN ADVANCE PAYMENT OF CREDIT PROVIDED PURSUANT TO THIS SUBSECTION THAT EXCEEDS THE TAXPAYER'S QUALIFYING TAXES FOR THAT TAXABLE YEAR SHALL BE ADDED BACK AS TAX ON THE INCOME TAX RETURN FOR THAT TAXABLE YEAR.

(D) IF THE COMMISSIONER DETERMINES AFTER ISSUING AN ADVANCE PAYMENT THAT IT WAS ISSUED IN AN EXCESSIVE AMOUNT OR TO AN INELIGIBLE OR INCORRECT PARTY, THE COMMISSIONER SHALL BE EMPOWERED TO UTILIZE ANY OF THE PROCEDURES FOR COLLECTION, LEVY AND LIEN OF PERSONAL INCOME TAX SET FORTH IN THIS ARTICLE, ANY OTHER RELEVANT PROCEDURES REFERENCED WITHIN

THE PROVISIONS OF THIS ARTICLE, AND ANY OTHER LAW AS MAY BE APPLICABLE, TO RECOUP THE IMPROPERLY ISSUED AMOUNT.

(11) ADMINISTRATION. THE PROVISIONS OF THIS ARTICLE, INCLUDING THE PROVISIONS OF SECTIONS SIX HUNDRED FIFTY-THREE, SIX HUNDRED FIFTY-EIGHT, AND SIX HUNDRED FIFTY-NINE OF THIS ARTICLE AND THE PROVISIONS OF PART SIX OF THIS ARTICLE RELATING TO PROCEDURE AND ADMINISTRATION, INCLUDING THE JUDICIAL REVIEW OF THE DECISIONS OF THE COMMISSIONER, EXCEPT SO MUCH OF SECTION SIX HUNDRED EIGHTY-SEVEN OF THIS ARTICLE THAT PERMITS A CLAIM FOR CREDIT OR REFUND TO BE FILED AFTER THE PERIOD PROVIDED FOR IN PARAGRAPH NINE OF THIS SUBSECTION AND EXCEPT SECTIONS SIX HUNDRED FIFTY-SEVEN, SIX HUNDRED EIGHTY-EIGHT AND SIX HUNDRED NINETY-SIX OF THIS ARTICLE, SHALL APPLY TO THE PROVISIONS OF THIS SUBSECTION IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF THOSE PROVISIONS HAD BEEN INCORPORATED IN FULL INTO THIS SUBSECTION AND HAD EXPRESSLY REFERRED TO THE CREDIT ALLOWED OR RETURNS FILED UNDER THIS SUBSECTION, EXCEPT TO THE EXTENT THAT ANY SUCH PROVISION IS EITHER INCONSISTENT WITH A PROVISION OF THIS SUBSECTION OR IS NOT RELEVANT TO THIS SUBSECTION. AS USED IN SUCH SECTIONS AND SUCH PART, THE TERM "TAXPAYER" SHALL INCLUDE A QUALIFIED TAXPAYER UNDER THIS SUBSECTION AND, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (E) OF SECTION SIX HUNDRED NINETY-SEVEN OF THIS ARTICLE, WHERE A QUALIFIED TAXPAYER HAS PROTESTED THE DENIAL OF A CLAIM FOR CREDIT UNDER THIS SUBSECTION AND THE TIME TO FILE A PETITION FOR REDETERMINATION OF A DEFICIENCY OR FOR REFUND HAS NOT EXPIRED, HE OR SHE SHALL, SUBJECT TO SUCH CONDITIONS AS MAY BE SET BY THE COMMISSIONER, RECEIVE SUCH INFORMATION (A) THAT IS CONTAINED IN ANY RETURN FILED UNDER THIS ARTICLE BY A MEMBER OF HIS OR HER HOUSEHOLD FOR THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED, AND (B) THAT THE COMMISSIONER FINDS IS RELEVANT AND MATERIAL TO THE ISSUE OF WHETHER SUCH CLAIM WAS PROPERLY DENIED.

(12) IN THE CASE OF A TAXPAYER WHO HAS ITEMIZED DEDUCTIONS FROM FEDERAL ADJUSTED GROSS INCOME, AND WHOSE FEDERAL ITEMIZED DEDUCTIONS INCLUDE AN AMOUNT FOR REAL ESTATE TAXES PAID, THE NEW YORK ITEMIZED DEDUCTION OTHERWISE ALLOWABLE UNDER SECTION SIX HUNDRED FIFTEEN OF THIS CHAPTER SHALL BE REDUCED BY THE AMOUNT OF THE CREDIT CLAIMED UNDER THIS SUBSECTION.

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

To be eligible for the credit, the taxpayer (or taxpayers filing joint returns) on the personal income tax return filed for the taxable year two years prior, must have (i) been a resident, (ii) owned and primarily resided in real property receiving EITHER the STAR exemption authorized by section four hundred twenty-five of the real property tax law OR THE SCHOOL TAX RELIEF CREDIT AUTHORIZED BY SUBSECTION (EEE) OF THIS SECTION, and (iii) had qualified gross income no greater than two hundred seventy-five thousand dollars. Provided, however, that no credit shall be allowed if any of the following apply:

S 8. This act shall take effect immediately, provided, however, that sections six and seven of this act shall apply to taxable years beginning on or after January 1, 2016.

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

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

(A-2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHERE A RENEWAL APPLICATION FOR THE "ENHANCED" STAR EXEMPTION AUTHORIZED BY SUBDIVISION FOUR OF THIS SECTION HAS NOT BEEN FILED ON OR BEFORE THE TAXABLE STATUS DATE, AND THE OWNER BELIEVES THAT GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THAT DATE, THE OWNER MAY, NO LATER THAN THE LAST DAY FOR PAYING SCHOOL TAXES WITHOUT INCURRING INTEREST OR PENALTY, SUBMIT A WRITTEN REQUEST TO THE COMMISSIONER ASKING HIM OR HER TO EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION. SUCH REQUEST SHALL CONTAIN AN EXPLANATION OF WHY THE DEADLINE WAS MISSED, AND SHALL BE ACCOMPANIED BY A RENEWAL APPLICATION, REFLECTING THE FACTS AND CIRCUMSTANCES AS THEY EXISTED ON THE TAXABLE STATUS DATE. AFTER CONSULTING WITH THE ASSESSOR, THE COMMISSIONER MAY EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION IF THE COMMISSIONER IS SATISFIED THAT (I) GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THE TAXABLE STATUS DATE, AND THAT (II) THE APPLICANT IS OTHERWISE ENTITLED TO THE EXEMPTION. THE COMMISSIONER SHALL MAIL NOTICE OF HIS OR HER DETERMINATION TO SUCH OWNER AND THE ASSESSOR. IF THE DETERMINATION STATES THAT THE COMMISSIONER HAS GRANTED THE EXEMPTION, THE ASSESSOR SHALL THEREUPON BE AUTHORIZED AND DIRECTED TO CORRECT THE ASSESSMENT ROLL ACCORDINGLY, OR, IF ANOTHER PERSON HAS CUSTODY OR CONTROL OF THE ASSESSMENT ROLL, TO DIRECT THAT PERSON TO MAKE THE APPROPRIATE CORRECTIONS. IF THE CORRECTION IS NOT MADE BEFORE SCHOOL TAXES ARE LEVIED, THE FAILURE TO TAKE THE EXEMPTION INTO ACCOUNT IN THE COMPUTATION OF THE TAX SHALL BE DEEMED A "CLERICAL ERROR" FOR PURPOSES OF TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY.

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

8-A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE LOCAL GOVERNING BODY OF A MUNICIPAL CORPORATION THAT IS AUTHORIZED TO ADOPT A LOCAL LAW PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION IS FURTHER AUTHORIZED TO ADOPT A LOCAL LAW PROVIDING THAT WHERE A RENEWAL APPLICATION FOR THE EXEMPTION AUTHORIZED BY THIS SECTION HAS NOT BEEN FILED ON OR BEFORE THE TAXABLE STATUS DATE, AND THE OWNER BELIEVES THAT GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THAT DATE, THE OWNER MAY, NO LATER THAN THE LAST DAY FOR PAYING TAXES WITHOUT INCURRING INTEREST OR PENALTY, SUBMIT A WRITTEN REQUEST TO THE ASSESSOR ASKING HIM OR HER TO EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION. SUCH REQUEST SHALL CONTAIN AN EXPLANATION OF WHY THE DEADLINE WAS MISSED, AND SHALL BE ACCOMPANIED BY A RENEWAL APPLICATION, REFLECTING THE FACTS AND CIRCUMSTANCES AS THEY EXISTED ON THE TAXABLE STATUS DATE. THE ASSESSOR MAY EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION IF HE OR SHE IS SATISFIED THAT (I) GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THE TAXABLE STATUS DATE, AND THAT (II) THE APPLICANT IS OTHERWISE ENTITLED TO THE EXEMPTION. THE ASSESSOR SHALL MAIL NOTICE OF HIS OR HER DETERMINATION TO THE OWNER. IF THE DETERMINATION STATES THAT THE ASSESSOR HAS GRANTED THE EXEMPTION, HE OR SHE SHALL THEREUPON BE AUTHORIZED AND DIRECTED TO CORRECT THE ASSESSMENT

ROLL ACCORDINGLY, OR, IF ANOTHER PERSON HAS CUSTODY OR CONTROL OF THE ASSESSMENT ROLL, TO DIRECT THAT PERSON TO MAKE THE APPROPRIATE CORRECTIONS. IF THE CORRECTION IS NOT MADE BEFORE TAXES ARE LEVIED, THE FAILURE TO TAKE THE EXEMPTION INTO ACCOUNT IN THE COMPUTATION OF THE TAX SHALL BE DEEMED A "CLERICAL ERROR" FOR PURPOSES OF TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY.

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

PART E

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

(EEE) SCHOOL TAX REDUCTION CREDIT FOR RESIDENTS OF A CITY WITH A POPULATION OVER ONE MILLION. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FIFTEEN, A SCHOOL TAX REDUCTION CREDIT SHALL BE ALLOWED TO A RESIDENT INDIVIDUAL OF THE STATE WHO IS A RESIDENT OF A CITY WITH A POPULATION OVER ONE MILLION, AS PROVIDED BELOW. THE CREDIT SHALL BE ALLOWED AGAINST THE TAXES AUTHORIZED BY THIS ARTICLE REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED HOWEVER, THAT NO INTEREST WILL BE PAID THEREON. FOR PURPOSES OF THIS SUBSECTION, NO CREDIT SHALL BE GRANTED TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER SUBSECTION (C) OF SECTION ONE HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

(2) THE AMOUNT OF THE CREDIT UNDER THIS PARAGRAPH SHALL BE DETERMINED BASED UPON THE TAXPAYER'S INCOME AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW. FOR THE PURPOSES OF THIS PARAGRAPH, ANY TAXPAYER UNDER SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH WITH INCOME OF MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL NOT RECEIVE A CREDIT.

(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN THE CASE OF MARRIED INDIVIDUALS WHO MAKE A SINGLE RETURN JOINTLY AND OF A SURVIVING SPOUSE, THE CREDIT SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS.

(B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN, THE CREDIT SHALL BE SIXTY-TWO DOLLARS AND FIFTY CENTS.

(3) PART-YEAR RESIDENTS. IF A TAXPAYER CHANGES STATUS DURING THE TAXABLE YEAR FROM RESIDENT TO NONRESIDENT, OR FROM NONRESIDENT TO RESIDENT, THE SCHOOL TAX REDUCTION CREDIT AUTHORIZED BY THIS SUBSECTION SHALL BE PRORATED ACCORDING TO THE NUMBER OF MONTHS IN THE PERIOD OF RESIDENCE.

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

(1) For taxable years beginning after nineteen hundred ninety-seven, AND ENDING BEFORE TWO THOUSAND SIXTEEN, a state school tax reduction credit shall be allowed as provided in the following tables. The credit shall be allowed against the taxes authorized by this article reduced by the credits permitted by this article. If the credit exceeds the tax as so reduced, the taxpayer may receive, and the comptroller, subject to a

certificate of the commissioner, shall pay as an overpayment, without interest, the amount of such excess. For purposes of this subsection, no credit shall be granted to an individual with respect to whom a deduction under subsection (c) of section one hundred fifty-one of the internal revenue code is allowable to another taxpayer for the taxable year.

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

Beginning in the two thousand ten tax year and each tax year thereafter THROUGH TWO THOUSAND FIFTEEN, the "more than two hundred fifty thousand dollar" income limitation shall be adjusted by applying the inflation factor set forth herein, and rounding each result to the nearest multiple of one hundred dollars. The department shall establish the income limitation to be associated with each subsequent tax year by applying the inflation factor set forth herein to the figures that define the income limitation that were applicable to the preceding tax year, as determined pursuant to this [subdivision] SUBSECTION, and rounding each result to the nearest multiple of one hundred dollars. Such determination shall be made no later than March first, two thousand ten and each year thereafter.

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

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

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

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

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

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

(1) For taxable years beginning after nineteen hundred ninety-seven AND ENDING BEFORE TWO THOUSAND SIXTEEN, a state school tax reduction credit shall be allowed as provided in the following tables. The credit shall be allowed against the taxes authorized by this article reduced by the credits permitted by this article. If the credit exceeds the tax as so reduced, the taxpayer may receive, and the comptroller, subject to a certificate of the commissioner, shall pay as an overpayment, without

interest, the amount of such excess. For purposes of this [subdivision] SUBSECTION, no credit shall be granted to an individual with respect to whom a deduction under subsection (c) of section one hundred fifty-one of the internal revenue code is allowable to another taxpayer for the taxable year.

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

Beginning in the two thousand ten tax year and each tax year thereafter THROUGH TWO THOUSAND FIFTEEN, the "more than two hundred fifty thousand dollar" income limitation shall be adjusted by applying the inflation factor set forth herein, and rounding each result to the nearest multiple of one hundred dollars. The department shall establish the income limitation to be associated with each subsequent tax year by applying the inflation factor set forth herein to the figures that define the income limitation that were applicable to the preceding tax year, as determined pursuant to this [subdivision] SUBSECTION, and rounding each result to the nearest multiple of one hundred dollars. Such determination shall be made no later than March first, two thousand ten and each year thereafter.

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

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

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

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

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

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

PART F

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

(16) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHEN THE COMMISSIONER FINDS THAT A PROPERTY OWNER WAS ELIGIBLE FOR THE STAR EXEMPTION AUTHORIZED BY THIS SECTION ON AN ASSESSMENT ROLL, BUT THE EXEMPTION WAS NOT TAKEN INTO ACCOUNT IN THE CALCULATION OF THE PROPERTY OWNER'S SCHOOL TAX BILL DUE TO AN ADMINISTRATIVE ERROR, AND THE PROPERTY OWNER OR HIS OR HER AGENT PAID AN EXCESSIVE AMOUNT OF SCHOOL TAXES ON THE PROPERTY AS A RESULT, THE COMMISSIONER OF TAXATION AND FINANCE IS AUTHORIZED TO REMIT DIRECTLY TO THE PROPERTY OWNER THE TAX SAVINGS THAT

THE STAR EXEMPTION WOULD HAVE YIELDED IF THE STAR EXEMPTION HAD BEEN TAKEN INTO ACCOUNT IN THE CALCULATION OF THAT TAXPAYER'S SCHOOL TAX BILL. THE AMOUNTS PAYABLE UNDER THIS SECTION SHALL BE PAID FROM THE ACCOUNT ESTABLISHED FOR THE PAYMENT OF STAR BENEFITS TO LATE REGISTRANTS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION FOURTEEN OF THIS SECTION. WHERE SUCH A PAYMENT HAS BEEN MADE, NEITHER THE PROPERTY OWNER NOR HIS OR HER AGENT SHALL BE ENTITLED TO A REFUND OF THE EXCESSIVE AMOUNT OF SCHOOL TAXES PAID ON ACCOUNT OF THE ADMINISTRATIVE ERROR.

S 2. This act shall take effect immediately.

PART G

Section 1. Intentionally omitted.

S 2. Intentionally omitted.

S 3. Intentionally omitted.

S 4. Intentionally omitted.

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

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

(a) the amendments to section 29 of the tax law made by section thirteen of this act shall apply to tax documents filed or required to be filed on or after the sixtieth day after which this act shall have become a law and shall expire and be deemed repealed December 31, [2016] 2019, provided however that the amendments to paragraph 4 of subdivision (a) of section 29 of the tax law and paragraph 2 of subdivision (e) of section 29 of the tax law made by section thirteen of this act with regard to individual taxpayers shall take effect September 15, 2011 but only if the commissioner of taxation and finance has reported in the report required by section seventeen-b of this act that the percentage of individual taxpayers electronically filing their 2010 income tax returns is less than eighty-five percent; provided that the commissioner of taxation and finance shall notify the legislative bill drafting commission of the date of the issuance of such report in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

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

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

(d) sections fourteen-b, fifteen-b, sixteen-a and seventeen-a of this act shall take effect January 1, [2017] 2020 but only if the commissioner of taxation and finance has reported in the report required by section seventeen-b of this act that the percentage of individual

taxpayers electronically filing their 2010 income tax returns is less than eighty-five percent; and

(e) sections twenty-one and twenty-one-a of this act shall expire and be deemed repealed December 31, [2016] 2019.

S 6. Intentionally omitted.

S 7. Intentionally omitted.

S 8. This act shall take effect immediately.

PART H

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

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

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

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

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

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be [eighty] EIGHTY-EIGHT million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

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

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be [eighty-eight] NINETY-SIX million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

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

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be [ninety-six] ONE HUNDRED FOUR million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

S 6. This act shall take effect immediately; provided, however, section two of this act shall take effect April 1, 2017; section three of this act shall take effect April 1, 2018; section four of this act shall take effect April 1, 2019 and section five of this act shall take effect April 1, 2020.

PART I

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

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

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

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

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

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

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

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

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

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army

national guard, air national guard, New York guard or New York naval militia; who was released from active duty by general or honorable discharge after September eleventh, two thousand one;

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

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.

PART J

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.

PART K

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

S 5. This act shall take effect immediately and shall remain in effect until December 31, 2016 when upon such date it shall be deemed repealed; provided that this act shall be deemed to have been in full force and effect on December 31, 2010; [and] provided further that this act shall apply to all tax years commencing on or after January 1, 2011; AND PROVIDED FURTHER THAT SECTIONS ONE AND TWO OF THIS ACT SHALL REMAIN IN EFFECT UNTIL DECEMBER 31, 2022 WHEN UPON SUCH DATE SUCH SECTIONS SHALL BE DEEMED REPEALED.

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

(c) Application of credit. In no event shall the credit allowed under this subdivision for any taxable year reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be carried over to the following year or years, and may be deducted from the taxpayer's tax for such year or years. THE TAX CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-THREE.

S 3. This act shall take effect immediately.

PART L

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

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

S 2. This act shall take effect immediately.

PART M

Section 1. Section 12 of part N of chapter 61 of the laws of 2005, amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, as amended by section 1 of part B of chapter 61 of the laws of 2011, is amended to read as follows:

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

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

(iii) provided, further, that the provisions of this act, except section five of this act, shall expire and be deemed repealed July 1, [2015] 2019; provided, that, such expiration and repeal shall not affect any requirement imposed pursuant to this act.

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

PART N

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

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

water production for residential purposes within this state purchased before January first, two thousand [seventeen] TWENTY. Such credit shall be $0.01 per percent of biodiesel per gallon of bioheat, not to exceed twenty cents per gallon, purchased by such taxpayer. PROVIDED, HOWEVER, THAT ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, THIS CREDIT SHALL NOT APPLY TO BIOHEAT THAT IS LESS THAN SIX PERCENT BIODIESEL PER GALLON OF BIOHEAT.

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

(1) A taxpayer shall be allowed a credit against the tax imposed by this article. Such credit, to be computed as hereinafter provided, shall be allowed for bioheat, used for space heating or hot water production for residential purposes within this state and purchased on or after July first, two thousand six and before July first, two thousand seven and on or after January first, two thousand eight and before January first, two thousand [seventeen] TWENTY. Such credit shall be $0.01 per percent of biodiesel per gallon of bioheat, not to exceed twenty cents per gallon, purchased by such taxpayer. PROVIDED, HOWEVER, THAT ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, THIS CREDIT SHALL NOT APPLY TO BIOHEAT THAT IS LESS THAN SIX PERCENT BIODIESEL PER GALLON OF BIOHEAT.

S 3. This act shall take effect immediately.

PART O

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

S 359. Cap on tax credit. The total amount of tax credits listed on certificates of tax credit issued by the commissioner for any taxable year may not exceed the limitations set forth in this section. One-half of any amount of tax credits not awarded for a particular taxable year IN YEARS TWO THOUSAND ELEVEN THROUGH TWO THOUSAND TWENTY-FOUR may be used by the commissioner to award tax credits in another taxable year.

Credit components in the aggregate shall not exceed:	With respect to taxable years beginning in:
$ 50 million	2011
$ 100 million	2012
$ 150 million	2013
$ 200 million	2014
$ 250 million	2015
$ [200] 183 million	2016
$ [200] 183 million	2017
$ [200] 183 million	2018
$ [200] 183 million	2019
$ [200] 183 million	2020
$ [200] 183 million	2021
$ [150] 133 million	2022
$ [100] 83 million	2023
$ [50] 36 million	2024

Twenty-five percent of tax credits shall be allocated to businesses accepted into the program under subdivision four of section three

hundred fifty-three of this article and seventy-five percent of tax credits shall be allocated to businesses accepted into the program under subdivision three of section three hundred fifty-three of this article.

Provided, however, if by September thirtieth of a calendar year, the department has not allocated the full amount of credits available in that year to either: (i) businesses accepted into the program under subdivision four of section three hundred fifty-three of this article or (ii) businesses accepted into the program under subdivision three of section three hundred fifty-three of this article, the commissioner may allocate any remaining tax credits to businesses referenced in [paragraphs (i) and (ii) of this section] THIS PARAGRAPH as needed; provided, however, that under no circumstances may the AGGREGATE statutory cap FOR ALL PROGRAM YEARS be exceeded. ONE HUNDRED PERCENT OF THE UNAWARDED AMOUNTS REMAINING AT THE END OF TWO THOUSAND TWENTY-FOUR MAY BE ALLOCATED IN SUBSEQUENT YEARS, NOTWITHSTANDING THE FIFTY PERCENT LIMITATION ON ANY AMOUNTS OF TAX CREDITS NOT AWARDED IN TAXABLE YEARS TWO THOUSAND ELEVEN THROUGH TWO THOUSAND TWENTY-FOUR. PROVIDED, HOWEVER, NO TAX CREDITS MAY BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-SEVEN.

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

5. A participant may claim tax benefits commencing in the first taxable year that the business enterprise receives a certificate of tax credit or the first taxable year listed on its preliminary schedule of benefits, whichever is later. A participant may claim such benefits for the next nine consecutive taxable years, provided that the participant demonstrates to the department that it continues to satisfy the eligibility criteria specified in section three hundred fifty-three of this article and subdivision two of this section in each of those taxable years, AND PROVIDED THAT NO TAX CREDITS MAY BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-SEVEN. If, in any given year, a participant who has satisfied the eligibility criteria specified in section three hundred fifty-three of this article realizes job creation less than the estimated amount, the credit shall be reduced by the proportion of actual job creation to the estimated amount, provided the proportion is at least seventy-five percent of the jobs estimated.

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

(b) To be eligible for the excelsior jobs program credit, the taxpayer shall have been issued a "certificate of tax credit" by the department of economic development pursuant to subdivision four of section three hundred fifty-four of the economic development law, which certificate shall set forth the amount of each credit component that may be claimed for the taxable year. A taxpayer may claim such credit for ten consecutive taxable years commencing in the first taxable year that the taxpayer receives a certificate of tax credit or the first taxable year listed on its preliminary schedule of benefits, whichever is later, PROVIDED THAT NO TAX CREDITS MAY BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-SEVEN. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year. Such certificate must be attached to the taxpayer's return. No cost or expense paid or incurred by the taxpayer shall be the basis for more than one component of this credit or any

other tax credit, except as provided in section three hundred fifty-five of the economic development law.

S 4. This act shall take effect immediately.

PART P

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

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

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

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

S 1-a. Paragraph 4 of subdivision (e) of section 24 of the tax law, as amended by section 3 of part B of chapter 59 of the laws of 2013, is amended to read as follows:

(4) Additional pool 2 - The aggregate amount of tax credits allowed in subdivision (a) of this section shall be increased by an additional four hundred twenty million dollars in each year starting in two thousand ten through two thousand nineteen provided however, seven million dollars of the annual allocation shall be available for the empire state film post production credit pursuant to section thirty-one of this article in two thousand thirteen and two thousand fourteen and twenty-five million dollars of the annual allocation shall be available for the empire state film post production credit pursuant to section thirty-one of this article in each year starting in two thousand fifteen through two thousand nineteen. This amount shall be allocated by the governor's office for motion picture and television development among taxpayers in accordance with subdivision (a) of this section. If the commissioner of economic development determines that the aggregate amount of tax credits available from additional pool 2 for the empire state film production tax credit have been previously allocated, and determines that the pending applications from eligible applicants for the empire state film post production tax credit pursuant to section thirty-one of this article is insufficient to utilize the balance of unallocated empire state film post production tax credits from such pool, the remainder, after such pending applications are considered, shall be made available for allocation in the empire state film tax credit pursuant to this section, subdivision [thirty-six] TWENTY of section two hundred [ten] TEN-B and subsection (gg) of section six hundred six of this chapter. Also, if the commissioner of economic development determines that the aggregate amount of tax credits available from additional pool 2 for the empire state film post production tax credit have been previously allocated, and determines that the pending applications from eligible applicants for the empire state film production tax credit pursuant to this section is insufficient to utilize the balance of unallocated film production tax credits from such pool, then all or part of the remainder, after such pending applications are considered, shall be made available for allocation for the empire state film post production credit pursuant to this section, subdivision [forty-one] THIRTY-TWO of section two hundred [ten] TEN-B and subsection [(gg)] (QQ) of section six hundred six of this chapter. The governor's office for motion picture and television development must notify taxpayers of their allocation year and include the allocation year on the certificate of tax credit. Taxpayers eligible to claim a credit must report the allocation year directly on their empire state film production credit tax form for each year a credit is

claimed and include a copy of the certificate with their tax return. In the case of a qualified film that receives funds from additional pool 2, no empire state film production credit shall be claimed before the later of the taxable year the production of the qualified film is complete, or the taxable year immediately following the allocation year for which the film has been allocated credit by the governor's office for motion picture and television development.

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

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

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

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

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

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

(e) At the end of each year, the commissioner shall review the cumulative percentage change in the consumer price index. The commissioner shall adjust the receipt thresholds set forth in this subdivision if the consumer price index has changed by ten percent or more since January first, two thousand fifteen, or since the date that the thresholds were last adjusted under this subdivision. The thresholds shall be adjusted to reflect that cumulative percentage change in the consumer price index. The adjusted thresholds shall be rounded to the nearest one thousand dollars. As used in this paragraph, "consumer price index" means the consumer price index for all urban consumers (CPI-U) available [form] FROM the bureau of labor statistics of the United States department of labor. Any adjustment shall apply to tax periods that begin after the adjustment is made.

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

A financial instrument is a "nonqualified financial instrument" if it is not a qualified financial instrument. A qualified financial instrument means a financial instrument that is of a type described in any of clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph and that has been marked to market in the taxable year by the taxpayer under section 475 or section 1256 of the internal revenue code. Further, if the taxpayer has in the taxable year marked to market a financial instrument of the type described in any of the clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph, then any financial instrument within that type described in the above specified clause or clauses that has not been marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code is a qualified financial instrument in the taxable year. Notwithstanding the two preceding sentences, (i) a loan secured by real property shall not be a qualified financial instrument, (ii) if the only loans that are marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code are loans secured by real property, then no loans shall be qualified financial instruments, [and] (iii) stock that is investment capital as defined in paragraph (a) of subdivision five of

section two hundred eight of this article shall not be a qualified financial instrument, AND (IV) STOCK THAT GENERATES OTHER EXEMPT INCOME AS DEFINED IN SUBDIVISION SIX-A OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE AND THAT IS NOT MARKED TO MARKET UNDER SECTION 475 OR SECTION 1256 OF THE INTERNAL REVENUE CODE SHALL NOT CONSTITUTE A QUALIFIED FINANCIAL INSTRUMENT WITH RESPECT TO THE INCOME FROM THAT STOCK THAT IS DESCRIBED IN SUCH SUBDIVISION SIX-A. If a corporation is included in a combined report, the definition of qualified financial instrument shall be determined on a combined basis.

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

(c) Average number of individuals employed full-time. For the purposes of this subdivision, average number of individuals employed full-time shall be computed by adding the number of such individuals employed by the taxpayer at the end of each quarter during each taxable year or other applicable period and dividing the sum so obtained by the number of such quarters occurring within such taxable year or other applicable period; provided however, except that in computing base year employment, there shall be excluded therefrom any employee with respect to whom a credit provided for under subdivision [six of this section is] NINETEEN OF SECTION TWO HUNDRED TEN OF THIS ARTICLE, AS SUCH SUBDIVISION WAS IN EFFECT ON DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN, WAS claimed for the taxable year.

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

(a) Application of credit. A taxpayer shall be allowed a credit, to be credited against the tax imposed by this article, equal to the amount of the special additional mortgage recording tax paid by the taxpayer pursuant to the provisions of subdivision one-a of section two hundred fifty-three of this chapter [or] ON mortgages recorded. Provided, however, no credit shall be allowed with respect to a mortgage of real property principally improved or to be improved by one or more structures containing in the aggregate not more than six residential dwelling units, each dwelling unit having its own separate cooking facilities, where the real property is located in one or more of the counties comprising the metropolitan commuter transportation area. Provided further, however, no credit shall be allowed with respect to a mortgage of real property principally improved or to be improved by one or more structures containing in the aggregate not more than six residential dwelling units, each dwelling unit having its own separate cooking facilities, where the real property is located in the county of Erie.

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

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

be deducted before those whose carryover is of unlimited duration. Credits allowable under this article which are refundable [(other than the credit allowable under subdivision six of this section)] shall be deducted last.

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

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

S 9. Paragraph I of subdivision 1 of section 11-604 of the administrative code of the city of New York, as added by chapter 491 of the laws of 2007, is amended to read as follows:

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

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

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

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

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

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

For purposes of this paragraph, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, any corporation for which an election under subsection (a) of section six hundred sixty of the tax law is not in effect for the taxable year may elect to treat as entire net income the sum of:

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

(ii) any deductions taken for the taxable year in computing federal taxable income for New York city taxes paid or accrued under this chapter.

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

2. Each reference in THE TAX LAW OR this code to subchapters two or three of this chapter, or any of the provisions thereof, shall be deemed a reference also to this subchapter, and any of the applicable provisions thereof, where appropriate and with all necessary modifications.

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

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

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

(2) The amount determined in this subparagraph is the product of (i) the excess of (A) the tax computed under clause (i) of subparagraph one of paragraph (e) of subdivision one of this section, without allowance of any credits allowed by this section, over (B) the tax so computed, determined as if the corporation had no such distributive share or guaranteed payments with respect to the unincorporated business, and (ii) a fraction, the numerator of which is four and the denominator of which is eight and eighty-five one hundredths, [provided however,] EXCEPT THAT IN THE CASE OF A FINANCIAL CORPORATION AS DEFINED IN CLAUSE (I) OF SUBPARAGRAPH ONE OF PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, SUCH DENOMINATOR IS NINE, AND in the case of a taxpayer that is subject to paragraph (j) or (k) of subdivision one of this section, such denominator shall be the rate of tax as determined by such paragraph (j) or (k) for the taxable year; [and,] provided[, however,] that the amounts computed in subclauses (A) and (B) of clause (i) of this subparagraph shall be computed with the following modifications:

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

(B) if, prior to taking into account any distributive share or guaranteed payments from any unincorporated business or any net operating loss

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

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

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

(1) Notwithstanding anything to the contrary in paragraph (a) of this subdivision, in the case of a corporation that, before the application of this subdivision or any other credit allowed by this section, is liable for the tax on business income under clause (i) of subparagraph one of paragraph (e) of subdivision one of this section, the credit or the sum of the credits that may be taken by such corporation for a taxable year under this subdivision with respect to an unincorporated business or unincorporated businesses in which it is a partner shall not exceed the tax so computed, without allowance of any credits allowed by this section, multiplied by a fraction the numerator of which is four and the denominator of which is eight and eighty-five one-hundredths [provided, however], EXCEPT THAT IN THE CASE OF A FINANCIAL CORPORATION AS DEFINED IN CLAUSE (I) OF SUBPARAGRAPH ONE OF PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, SUCH DENOMINATOR IS NINE, AND in the case of a taxpayer that is subject to paragraph (j) or (k) of subdivision one of this section, such denominator shall be the rate of tax as determined by such paragraph (j) or (k) for the taxable year. If the credit allowed under this subdivision or the sum of such credits exceeds the product of such tax and such fraction, the amount of the excess may be carried forward, in order, to each of the seven immediately succeeding taxable years and, to the extent not previously taken, shall be allowed as a credit in each of such years. In applying the provisions of the preceding sentence, the credit determined for the taxable year under paragraph (a) of this subdivision shall be taken before taking any credit carryforward pursuant to this paragraph and the credit carryforward attributable to the earliest taxable year shall be taken before taking a credit carryforward attributable to a subsequent taxable year.

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

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

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

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

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

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

A financial instrument is a "nonqualified financial instrument" if it is not a qualified financial instrument. A qualified financial instrument means a financial instrument that is of a type described in any of clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of this paragraph and that has been marked to market in the taxable year by the taxpayer under section 475 or section 1256 of the internal revenue code. Further, if the taxpayer has in the taxable year marked to market a financial instrument of the type described in any of clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of this paragraph, then any financial instrument within that type described in the above specified clause or clauses that has not been marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code is a qualified financial instrument in the taxable year. Notwithstanding the two preceding sentences, (i) a loan secured by real property shall not be a qualified financial instrument, (ii) if the only loans that are marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code are loans secured by real property, then no loans shall be qualified financial instruments, [and] (iii) stock that is investment capital as defined in paragraph (a) of subdivision [4] FOUR of section 11-652 of this subchapter shall not be a qualified financial instrument, AND (IV) STOCK THAT GENERATES OTHER EXEMPT INCOME AS DEFINED IN SUBDIVISION FIVE-A OF SECTION 11-652 OF THIS SUBCHAPTER AND THAT IS NOT MARKED TO MARKET UNDER SECTION 475 OR SECTION 1256 OF THE INTERNAL REVENUE CODE SHALL NOT CONSTITUTE A QUALIFIED FINANCIAL INSTRUMENT WITH RESPECT TO THE INCOME FROM THAT STOCK THAT IS DESCRIBED IN SUCH SUBDIVISION FIVE-A. If a corporation is included in a combined report, the definition of qualified financial instrument shall be determined on a combined basis.

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

PART Q

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

5. The report covering the tax surcharge which must be calculated pursuant to this section based upon the tax reportable on the report due by March fifteenth of any year under section one hundred eighty-three of this article, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, AND ON THE REPORT DUE BY APRIL FIFTEENTH OF ANY YEAR UNDER SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, shall be filed on or before March fifteenth of the year next succeeding such year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, AND ON OR BEFORE APRIL FIFTEENTH OF THE YEAR NEXT SUCCEEDING SUCH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN. An extension pursuant to section one hundred nine-

ty-three of this article shall be allowed only if a taxpayer files with the commissioner an application for extension in such form as said commissioner may prescribe by regulation and pays on or before the date of such filing in addition to any other amounts required under this article, either ninety percent of the entire tax surcharge required to be paid under this section for the applicable period, or not less than the tax surcharge shown on the taxpayer's report for the preceding year, if such preceding year consisted of twelve months. The tax surcharge imposed by this section shall be payable to the commissioner in full at the time the report is required to be filed, and such tax surcharge or the balance thereof, imposed on any taxpayer which ceases to exercise its franchise or be subject to the tax surcharge imposed by this section shall be payable to the commissioner at the time the report is required to be filed, provided such tax surcharge of a domestic corporation which continues to possess its franchise shall be subject to adjustment as the circumstances may require; all other tax surcharges of any such taxpayer, which pursuant to the foregoing provisions of this section would otherwise be payable subsequent to the time such report is required to be filed, shall nevertheless be payable at such time. All of the provisions of this article presently applicable to section one hundred eighty-three of this article are applicable to the tax surcharge imposed by this section except for section one hundred ninety-two of this article.

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

4. Every utility subject to tax hereunder shall file, on or before March fifteenth of each year, a return for the year ended on the preceding December thirty-first, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the year ended on December thirty-first, nineteen hundred seventy-six shall be deemed, for the purposes of this subdivision, to have commenced on June first, nineteen hundred seventy-six, AND SHALL FILE, ON OR BEFORE APRIL FIFTEENTH OF EACH YEAR, A RETURN FOR THE YEAR ENDED ON THE PRECEDING DECEMBER THIRTY-FIRST, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, including any period for which the tax imposed hereby or by any amendment hereof is effective, each of which returns shall state the gross income or gross operating income for the period covered by each such return. Returns shall be filed with the commissioner of taxation and finance on a form to be furnished by the commissioner for such purpose and shall contain such other data, information or matter as the commissioner may require to be included therein. Notwithstanding the foregoing provisions of this subdivision, the commissioner may require any utility to file an annual return, which shall contain any data specified by the commissioner, regardless of whether the utility is subject to tax under this section; and the commissioner may require a landlord selling to a tenant gas, electric, steam, water or refrigeration or furnishing gas, electric, steam, water or refrigerator service, where the same has been subjected to tax under this section on the sale to such landlord, to file, on or before the fifteenth day of March of each year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF APRIL OF EACH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, an information return for the year ended on the preceding December thirty-first, covering such year in such form and containing such data as the commissioner may specify. Every return shall have annexed thereto a certification by the head of the utility making the same, or of the

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

S 3. Subdivision 6 of section 186-e of the tax law, as added by chapter 2 of the laws of 1995, is amended to read as follows:

6. Returns. Every provider of telecommunication services subject to tax under this section shall file, on or before March fifteenth of each year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE APRIL FIFTEENTH OF EACH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, a return for the year ended on the preceding December thirty-first, and pay the tax due, which return shall state the gross receipts for the period covered by each such return and the resale exclusions during such period. Returns shall be filed with the commissioner on a form to be furnished by the commissioner for such purpose and shall contain such other data, information or matter as the commissioner may require to be included therein. Notwithstanding the foregoing provisions of this subdivision, the commissioner may require any provider of telecommunication services to file an annual return, which shall contain any data specified by the commissioner, regardless of whether such provider is subject to tax under this section. Every return shall have annexed thereto a certification by the head of the provider of telecommunication services making the same, or of the owner or of a partner or member thereof, or of a principal officer of the corporation, if such business be conducted by a corporation, to the effect that the statements contained therein are true.

S 4. Subdivision 1 of section 192 of the tax law, as amended by chapter 96 of the laws of 1976, is amended to read as follows:

1. Corporations paying franchise tax. Every corporation, association or joint-stock company liable to pay a tax under section one hundred eighty-three or one hundred eighty-five of this chapter shall, on or before March fifteenth in each year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, AND ON OR BEFORE APRIL FIFTEENTH IN EACH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, make a written report to the [tax commission] COMMISSIONER of its condition at the close of its business on the preceding December thirty-first, stating the amount of its authorized capital stock, the amount of stock paid in, the date and rate per centum of each dividend paid by it during the year ending with such day, the entire amount of the capital of such corporation, and the capital employed by it in this state during such year.

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

1. Corporations paying franchise tax. Every corporation, association or joint-stock company liable to pay a tax under section one hundred eighty-three of this chapter shall, on or before March fifteenth in each year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, AND ON OR BEFORE APRIL FIFTEENTH IN EACH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, make a written report to the [tax commission] COMMISSIONER of its condition at the close of its business on the preceding December thirty-first, stating the amount of its authorized capital stock, the amount of stock paid in, the date and rate per centum of each dividend paid by it during the year ending with such day, the entire amount of the capital of such

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

S 6. Subdivision 2 of section 192 of the tax law, as amended by chapter 96 of the laws of 1976, is amended to read as follows:

2. Transportation and transmission corporations. Every transportation or transmission corporation, joint-stock company or association liable to pay an additional franchise tax under section one hundred eighty-four of this chapter, shall also, on or before March fifteenth of each year, make a written report to the [tax commission] COMMISSIONER of the amount of its gross earnings subject to the tax imposed by said section for the year ended on the preceding December thirty-first, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the year ended on December thirty-first, nineteen hundred seventy-six shall be deemed, for the purposes of this subdivision, to have commenced on July first, nineteen hundred seventy-six, AND SHALL ALSO, ON OR BEFORE APRIL FIFTEENTH OF EACH YEAR, MAKE A WRITTEN REPORT TO THE COMMISSIONER OF THE AMOUNT OF ITS GROSS EARNINGS SUBJECT TO THE TAX IMPOSED BY SAID SECTION FOR THE YEAR ENDED ON THE PRECEDING DECEMBER THIRTY-FIRST, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN. Any such corporation, joint-stock company or association which ceases to be subject to the tax imposed by section one hundred eighty-four of this chapter by reason of a liquidation, dissolution, merger or consolidation with any other corporation, or any other cause, shall, on the date of such cessation or at such other time as the [tax commission] COMMISSIONER may require, make a written report to the [tax commission] COMMISSIONER of the amount of its gross earnings subject to the tax imposed by section one hundred eighty-four of this chapter for any period for which no report was theretofore filed. Any corporation, joint-stock company or association subject to a tax upon dividends under said section one hundred eighty-four of this chapter shall also include in its report under this subdivision required to be filed a statement of the authorized capital of the company, the amount of capital stock issued, and the amount of dividends of every nature paid during the year ended on the preceding December thirty-first. As to tax payers subject to such tax upon dividends under said section one hundred eighty-four of this chapter, the year ended on December thirty-first, nineteen hundred seventy-six shall be deemed, for the purposes of this subdivision, to have commenced on July first, nineteen hundred seventy-six.

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

(a) For taxable years beginning on or after January first, nineteen hundred seventy-seven, every taxpayer subject to tax under section [one hundred eighty-two, one hundred eighty-two-a, former section one hundred eighty-two-b,] one hundred eighty-four, one hundred eighty-six-a or one hundred eighty-six-e of this article, must pay in each year an amount equal to (i) twenty-five percent of the tax imposed under each of such sections for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one thousand dollars but was equal to or less than one hundred thousand dollars, or (ii) forty percent of the tax imposed under any of these sections for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one hundred thousand dollars. If the SECOND preceding year's tax under section one hundred eighty-four, one hundred eighty-six-a or one hundred eighty-six-e of this article exceeded one thousand dollars and the taxpayer is subject to the tax surcharge imposed by section one hundred eighty-four-a or one hundred

eighty-six-c of this article, respectively, the taxpayer must also pay in each such year an amount equal to (i) twenty-five percent of the tax surcharge imposed under such section for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one thousand dollars but was equal to or less than one hundred thousand dollars, or (ii) forty percent of the tax surcharge imposed under that section for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one hundred thousand dollars. The amount or amounts must be paid with the return or report required to be filed with respect to the tax or tax surcharge for the preceding taxable year or with an application for extension of the time for filing the return or report, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN. THE AMOUNT OR AMOUNTS THAT MUST BE PAID WITH RESPECT TO THE TAX OR TAX SURCHARGE FOR THE SECOND PRECEDING YEAR MUST BE PAID ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF THE TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

S 7-a. Subdivision 6 of section 197-b of the tax law, as amended by section 9 of part Y of chapter 63 of the laws of 2000, is amended to read as follows:

6. As used in this section, "the SECOND preceding year's tax" means the tax imposed upon the taxpayer by section [one hundred eighty-two, former section one hundred eighty-two-b,] one hundred eighty-four, one hundred eighty-six-a or one hundred eighty-six-e of this article for the SECOND preceding taxable year.

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

(a) For the privilege of exercising its corporate franchise, or of doing business, or of employing capital, or of owning or leasing property in this state in a corporate or organized capacity, or of maintaining an office in this state, or of deriving receipts from activity in this state, for all or any part of each of its fiscal or calendar years, every domestic or foreign corporation, except corporations specified in subdivision four of this section, shall annually pay a franchise tax, upon the basis of its business income base, or upon such other basis as may be applicable as hereinafter provided, for such fiscal or calendar year or part thereof, on a report which shall be filed, except as hereinafter provided, on or before the fifteenth day of March next succeeding the close of each such year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF APRIL NEXT SUCCEEDING THE CLOSE OF EACH SUCH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, or, in the case of a corporation which reports on the basis of a fiscal year, within two and one-half months after the close of such fiscal year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF SUCH FISCAL YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, and shall be paid as hereinafter provided.

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

1. Every taxpayer[, as well as every foreign corporation having an employee, including any officer, within the state,] shall annually on or before March fifteenth, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY

FIRST, TWO THOUSAND SIXTEEN, AND ANNUALLY ON OR BEFORE APRIL FIFTEENTH, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, transmit to the [tax commission] COMMISSIONER a report in a form prescribed by [it] THE COMMISSIONER (except that a corporation which reports on the basis of a fiscal year shall transmit its report within two and one-half months after the close of its fiscal year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF ITS FISCAL YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, and except, also, that a corporation which is a DISC shall transmit its report on or before the fifteenth day of the ninth month following the close of its calendar or fiscal year), setting forth such information as the [tax commission] COMMISSIONER may prescribe and every taxpayer which ceases to exercise its franchise or to be subject to the tax imposed by this article shall transmit to the [tax commission] COMMISSIONER a report on the date of such cessation or at such other time as the [tax commission] COMMISSIONER may require covering each year or period for which no report was theretofore filed. In the case of a termination year of an S corporation, the S short year and the C short year shall be treated as separate short taxable years, provided, however, the due date of the report for the S short year shall be the same as the due date of the report for the C short year. Every taxpayer shall also transmit such other reports and such facts and information as the [tax commission] COMMISSIONER may require in the administration of this article. The [tax commission] COMMISSIONER may grant a reasonable extension of time for filing reports whenever good cause exists.

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

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

(a) First installments for certain taxpayers.--In privilege periods of twelve months ending at any time during the calendar year nineteen hundred seventy and thereafter, every taxpayer subject to the tax imposed by section two hundred nine of this chapter must pay with the report required to be filed for the preceding privilege period, or with an application for extension of the time for filing the report, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND MUST PAY ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF SUCH PRIVILEGE PERIODS, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, an amount equal to (i) twenty-five percent of the SECOND preceding year's tax if the SECOND preceding year's tax exceeded one thousand dollars but was equal to or less than one hundred thousand dollars, or (ii) forty percent of the SECOND preceding year's tax if the SECOND preceding year's tax exceeded one hundred thousand dollars. If the SECOND preceding year's tax under section two hundred nine of this chapter exceeded one thousand dollars and the taxpayer is subject to the tax surcharge imposed by section two hundred nine-B of this chapter, the taxpayer must also pay with the tax surcharge report required to be filed for the SECOND preceding privilege period, or with an application for extension of the time for filing the report, FOR TAXABLE YEARS

BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND MUST PAY ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF SUCH PRIVILEGE PERIODS, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, an amount equal to (i) twenty-five percent of the tax surcharge imposed for the SECOND preceding year if the SECOND preceding year's tax was equal to or less than one hundred thousand dollars, or (ii) forty percent of the tax surcharge imposed for the SECOND preceding year if the SECOND preceding year's tax exceeded one hundred thousand dollars. PROVIDED, HOWEVER, THAT EVERY TAXPAYER THAT IS AN S CORPORATION MUST PAY WITH THE REPORT REQUIRED TO BE FILED FOR THE PRECEDING PRIVILEGE PERIOD, OR WITH AN APPLICATION FOR EXTENSION OF THE TIME FOR FILING THE REPORT, AN AMOUNT EQUAL TO (I) TWENTY-FIVE PERCENT OF THE PRECEDING YEAR'S TAX IF THE PRECEDING YEAR'S TAX EXCEEDED ONE THOUSAND DOLLARS BUT WAS EQUAL TO OR LESS THAN ONE HUNDRED THOUSAND DOLLARS, OR (II) FORTY PERCENT OF THE PRECEDING YEAR'S TAX IF THE PRECEDING YEAR'S TAX EXCEEDED ONE HUNDRED THOUSAND DOLLARS. IF THE PRECEDING YEAR'S TAX UNDER SECTION TWO HUNDRED NINE OF THIS ARTICLE EXCEEDED ONE THOUSAND DOLLARS AND SUCH TAXPAYER THAT IS AN S CORPORATION IS SUBJECT TO THE TAX SURCHARGE IMPOSED BY SECTION TWO HUNDRED NINE-B OF THIS ARTICLE, THE TAXPAYER MUST ALSO PAY WITH THE TAX SURCHARGE REPORT REQUIRED TO BE FILED FOR THE PRECEDING PRIVILEGE PERIOD, OR WITH AN APPLICATION FOR EXTENSION OF THE TIME FOR FILING THE REPORT, AN AMOUNT EQUAL TO (I) TWENTY-FIVE PERCENT OF THE TAX SURCHARGE IMPOSED FOR THE PRECEDING YEAR IF THE PRECEDING YEAR'S TAX WAS EQUAL EQUAL TO OR LESS THAN ONE HUNDRED THOUSAND DOLLARS, OR (II) FORTY PERCENT OF THE TAX SURCHARGE IMPOSED FOR THE PRECEDING YEAR IF THE PRECEDING YEAR'S TAX EXCEEDED ONE HUNDRED THOUSAND DOLLARS.

S 10-a. The subdivision heading of subdivision (d) of section 213-b of the tax law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

Application of installments based on the SECOND preceding year's tax.--

S 10-b. The subdivision heading of subdivision (e) of section 213-b of the tax law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

Interest on certain installments based on the SECOND preceding year's tax.--

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

(f) The preceding year's tax AND THE SECOND PRECEDING YEAR'S TAX defined.-- As used in this section, "the preceding year's tax" means the tax imposed upon the taxpayer by section two hundred nine of this [chapter] ARTICLE for the preceding calendar or fiscal year, or, for purposes of computing the first installment of estimated tax when an application has been filed for extension of the time for filing the report required to be filed for such preceding calendar or fiscal year, the amount properly estimated pursuant to section two hundred thirteen of this [chapter] ARTICLE as the tax imposed upon the taxpayer for such calendar or fiscal year. AS USED IN THIS SECTION, "THE SECOND PRECEDING YEAR'S TAX" MEANS THE TAX IMPOSED UPON THE TAXPAYER BY SECTION TWO HUNDRED NINE OF THIS ARTICLE FOR THE SECOND PRECEDING CALENDAR OR FISCAL YEAR.

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

(1) Partnerships. Every partnership having a resident partner or having any income derived from New York sources, determined in accordance with the applicable rules of section six hundred thirty-one as in

the case of a nonresident individual, shall make a return for the taxable year setting forth all items of income, gain, loss and deduction and such other pertinent information as the commissioner may by regulations and instructions prescribe. Such return shall be filed on or before the fifteenth day of the fourth month following the close of each taxable year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF EACH TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the due date for the return of a partnership consisting entirely of nonresident aliens shall be the date prescribed for the filing of its federal partnership return for the taxable year. For purposes of this paragraph, "taxable year" means a year or a period which would be a taxable year of the partnership if it were subject to tax under this article.

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

(A) Every subchapter K limited liability company, every limited liability company that is a disregarded entity for federal income tax purposes, and every partnership which has any income derived from New York sources, determined in accordance with the applicable rules of section six hundred thirty-one of this article as in the case of a nonresident individual, shall[, within sixty days after the last day of the taxable year,] ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF EACH TAXABLE YEAR make a payment of a filing fee. The amount of the filing fee is the amount set forth in subparagraph (B) of this paragraph. The minimum filing fee is twenty-five dollars for taxable years beginning in two thousand eight and thereafter. Limited liability companies that are disregarded entities for federal income tax purposes must pay a filing fee of twenty-five dollars for taxable years beginning on or after January first, two thousand eight.

S 13-a. Paragraph 1 of subsection (c) of section 1085 of the tax law, as amended by section 7 of subpart D of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(1) If any taxpayer fails to file a declaration of estimated tax under article nine-A of this chapter, or fails to pay all or any part of an amount which is applied as an installment against such estimated tax, it shall be deemed to have made an underpayment of estimated tax. There shall be added to the tax for the taxable year an amount at the underpayment rate set by the commissioner pursuant to section one thousand ninety-six of this article, or if no rate is set, at the rate of seven and one-half percent per annum upon the amount of the underpayment for the period of the underpayment but not beyond the fifteenth day of the third month following the close of the taxable year. The amount of the underpayment shall be, with respect to any installment of estimated tax computed on the basis of EITHER the preceding year's tax OR THE SECOND PRECEDING YEAR'S TAX, the excess of the amount required to be paid over the amount, if any, paid on or before the last day prescribed for such payment or, with respect to any other installment of estimated tax, the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to ninety-one percent of the tax shown on the return for the taxable year (or if no return was filed, ninety-one percent of the tax for such year) over the amount, if any, of the installment paid on or before the last day prescribed for such payment. In any case in which there would be no underpayment if "eighty percent" were substituted for "ninety-one percent" each place it appears

in this subsection, the addition to the tax shall be equal to seventy-five percent of the amount otherwise determined. No underpayment shall be deemed to exist with respect to a declaration or installment otherwise due on or after the termination of existence of the taxpayer.

S 14. Subsection (i) of section 1087 of the tax law, as added by chapter 188 of the laws of 1964, is amended to read as follows:

(i) Prepaid tax.--For purposes of this section, any tax paid by the taxpayer before the last day prescribed for its payment (including any amount paid by the taxpayer as estimated tax for a taxable year) shall be deemed to have been paid by it on the fifteenth day of the third month following the close of the taxable year the income of which is the basis for tax under article nine-a, [nine-b or nine-c,] or on the last day prescribed in article nine for the filing of a final return for such taxable year, or portion thereof, determined in all cases without regard to any extension of time granted the taxpayer, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON THE FIFTEENTH DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF THE TAXABLE YEAR THE INCOME OF WHICH IS THE BASIS FOR TAX UNDER ARTICLE NINE-A, OR ON THE LAST DAY PRESCRIBED IN ARTICLE NINE FOR THE FILING OF A FINAL RETURN FOR SUCH TAXABLE YEAR, OR PORTION THEREOF, DETERMINED IN ALL CASES WITHOUT REGARD TO ANY EXTENSION OF TIME GRANTED THE TAXPAYER, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

S 15. Paragraph 1 of subdivision (a) of section 1514 of the tax law, as amended by section 4 of part G-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(1) Except as otherwise provided in paragraph two of this subdivision, for taxable years beginning on or after January first, nineteen hundred seventy-six, every taxpayer subject to tax under this article must pay in each year an amount equal to (i) twenty-five percent of the tax imposed under this article for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one thousand dollars but was equal to or less than one hundred thousand dollars, or (ii) forty percent of the tax imposed under this article for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one hundred thousand dollars. If the SECOND preceding year's tax exceeded one thousand dollars and the taxpayer is subject to the tax surcharge imposed by section fifteen hundred five-a of this article, the taxpayer must also pay an amount equal to (i) twenty-five percent of the tax surcharge imposed under section fifteen hundred five-a OF THIS ARTICLE for the SECOND preceding taxable year if the SECOND preceding year's tax was equal to or less than one hundred thousand dollars, or (ii) forty percent of the tax surcharge imposed for the SECOND preceding taxable year if the SECOND preceding year's tax exceeded one hundred thousand dollars.

S 15-a. Paragraph 2 of subdivision (a) of section 1514 of the tax law, as added by section 89 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

(2) For taxable years beginning on or after January first, nineteen hundred ninety-nine, every taxpayer subject to tax under paragraph one of subdivision (b) of section fifteen hundred ten of this article shall pay in each such year an amount equal to forty percent of the tax imposed under such article for the SECOND preceding taxable year, if such SECOND preceding year's tax exceeded one thousand dollars. If such SECOND preceding year's tax exceeded one thousand dollars and such taxpayer is subject to the tax surcharge imposed by section fifteen hundred five-a of this article, such taxpayer shall also pay an amount

equal to forty percent of the tax surcharge imposed under section fifteen hundred five-a OF THIS ARTICLE for the SECOND preceding taxable year.

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

(3) Such amount or amounts described in paragraphs one and two of this subdivision shall be paid with the return required to be filed with respect to such tax or tax surcharge for [such] THE preceding taxable year or with an application for extension of the time for filing such return, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND SHALL BE PAID ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF EACH TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

S 15-c. The paragraph heading of paragraph 1 of subdivision (d) of section 1514 of the tax law, as amended by chapter 166 of the laws of 1991 and such paragraph as designated by section 5 of part L3 of chapter 62 of the laws of 2003, is amended to read as follows:

Application of first installments based on SECOND preceding year's tax.

S 15-d. The subdivision heading of subdivision (e) of section 1514 of the tax law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

Interest on certain installments based on the SECOND preceding year's tax.

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

(f) The SECOND preceding year's tax defined. As used in this section, "the SECOND preceding year's tax" means, for taxpayers subject to tax under subdivision (b) of section fifteen hundred ten of this article, the taxes imposed upon the taxpayer by sections fifteen hundred one and fifteen hundred ten of this article from the SECOND preceding taxable year or as otherwise determined by subdivision (b) of section fifteen hundred five of this article, and for taxpayers subject to tax under section fifteen hundred two-a of this article, the tax imposed upon the taxpayer by such section fifteen hundred two-a of this article from the SECOND preceding year[, or for purposes of computing the first installment of estimated tax when an application has been filed for extension of the time for filing the return required to be filed for such preceding taxable year, the amount properly estimated pursuant to paragraph one of subdivision (b) of section fifteen hundred sixteen of this article as the tax imposed upon the taxpayer for such taxable year].

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

(a) Every taxpayer and every other foreign and alien insurance corporation having an employee, including any officer, in this state or having an agent or representative in this state, shall annually, on or before the fifteenth day of the third month following the close of its taxable year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF ITS TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, transmit to the [tax commission] COMMISSIONER a return in a form prescribed by [it] THE COMMISSIONER setting forth such information as the [tax commission]

COMMISSIONER may prescribe and every taxpayer which ceases to exercise its franchise or to be subject to the tax imposed by this article shall transmit to the [tax commission] COMMISSIONER a return on the date of such cessation or at such other time as the [tax commission] COMMISSIONER may require covering each year or period for which no return was theretofore filed. A copy of each return required under this subdivision shall also be transmitted to the superintendent of financial services at or before the times specified for filing such returns with the [tax commission] COMMISSIONER.

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

(a) General. [On or before the fifteenth day of the fourth month following the close of a taxable year, an] AN unincorporated business income tax return shall be made and filed, and the balance of any tax shown on the face of such return, not previously paid as installments of estimated tax, shall be paid, ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF A TAXABLE YEAR FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF A TAXABLE YEAR FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN:

(1) by or for every unincorporated business, for taxable years beginning after nineteen hundred eighty-six but before nineteen hundred ninety-seven, having unincorporated business gross income, determined for purposes of this subdivision without any deduction for the cost of goods sold or services performed, of more than ten thousand dollars, or having any amount of unincorporated business taxable income;

(2) by or for every partnership, for taxable years beginning after nineteen hundred ninety-six but before two thousand nine, having unincorporated business gross income, determined for purposes of this subdivision without any deduction for the cost of goods sold or services performed, of more than twenty-five thousand dollars, or having unincorporated business taxable income of more than fifteen thousand dollars;

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

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

(b) Decedents. The return for any deceased individual shall be made and filed by his or her executor, administrator, or other person charged with his or her property. If a final return of a decedent is for a fractional part of a year, the due date of such return shall be, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, the fifteenth day of the fourth month following the close of the twelve-month period [which] THAT began with the first day of such fractional part of the year, AND, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, THE FIFTEENTH DAY OF THE THIRD MONTH

FOLLOWING THE CLOSE OF THE TWELVE-MONTH PERIOD THAT BEGAN WITH THE FIRST DAY OF SUCH FRACTIONAL PART OF THE YEAR.

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

(i) Prepaid tax. For purposes of this section, any tax paid by the taxpayer before the last day prescribed for its payment and any amount paid by the taxpayer as estimated tax for a taxable year shall be deemed to have been paid by the taxpayer, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, on the fifteenth day of the fourth month following the close of his or her taxable year with respect to which such amount constitutes a credit or payment, AND, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, ON THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF HIS OR HER TAXABLE YEAR WITH RESPECT TO WHICH SUCH AMOUNT CONSTITUTES A CREDIT OR PAYMENT.

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

(a) For the privilege of doing business, or of employing capital, or of owning or leasing property in the city in a corporate or organized capacity, or of maintaining an office in the city, for all or any part of each of its fiscal or calendar years, every domestic or foreign corporation, except corporations specified in subdivision four of this section, shall annually pay a tax, upon the basis of its business income, or upon such other basis as may be applicable as hereinafter provided, for such fiscal or calendar year or part thereof, on a report [which] THAT shall be filed, except as hereinafter provided, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, on or before the fifteenth day of March next succeeding the close of each such CALENDAR year, or, in the case of a taxpayer [which] THAT reports on the basis of a fiscal year, within two and one-half months after the close of EACH such fiscal year, AND FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, ON OR BEFORE THE FIFTEENTH DAY OF APRIL NEXT SUCCEEDING THE CLOSE OF EACH SUCH CALENDAR YEAR, OR, IN THE CASE OF A TAXPAYER THAT REPORTS ON THE BASIS OF A FISCAL YEAR, WITHIN THREE AND ONE-HALF MONTHS AFTER THE CLOSE OF EACH SUCH FISCAL YEAR, and shall be paid as hereinafter provided.

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

1. Every corporation having an officer, agent or representative within the city, shall, annually on or before March fifteenth FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ANNUALLY ON OR BEFORE APRIL FIFTEENTH FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, transmit to the commissioner of finance a report, in a form prescribed by the commissioner of finance [(except that a corporation which reports on the basis of a fiscal year shall transmit its report within two and one-half months after the close of its fiscal year)], setting forth such information as the commissioner of finance may prescribe, [and every] EXCEPT THAT A CORPORATION THAT REPORTS ON THE BASIS OF A FISCAL YEAR SHALL TRANSMIT SUCH REPORT, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR, AND, FOR TAXABLE YEARS BEGINNING AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, WITHIN THREE AND ONE-HALF MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR. EVERY taxpayer [which] THAT ceases to do business in the city or to be

subject to the tax imposed by this subchapter shall transmit to the commissioner of finance a report on the date of such cessation or at such other time as the commissioner of finance may require covering each year or period for which no report was theretofore filed. Every taxpayer shall also transmit such other reports and such facts and information as the commissioner of finance may require in the administration of this subchapter. The commissioner of finance may grant a reasonable extension of time for filing reports whenever good cause exists.

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

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

1. [Every] FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, EVERY taxpayer subject to the tax imposed by section 11-653 of this subchapter shall pay with the report required to be filed for the preceding privilege period, if any, or with an application for extension of the time and filing such report, an amount equal to twenty-five per centum of the preceding year's tax if such preceding year's tax exceeded one thousand dollars. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EVERY TAXPAYER SUBJECT TO THE TAX IMPOSED BY SECTION 11-653 OF THIS SUBCHAPTER SHALL PAY ON OR BEFORE THE FIFTEENTH DAY OF MARCH NEXT SUCCEEDING THE CLOSE OF EACH SUCH CALENDAR YEAR, OR, IN THE CASE OF A TAXPAYER THAT REPORTS ON THE BASIS OF A FISCAL YEAR, WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE OF EACH SUCH FISCAL YEAR AN AMOUNT EQUAL TO TWENTY-FIVE PER CENTUM OF THE SECOND PRECEDING YEAR'S TAX IF THE SECOND PRECEDING YEAR'S TAX EXCEEDED ONE THOUSAND DOLLARS.

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

6. As used in this section, "the preceding year's tax" means the tax imposed upon the taxpayer by section 11-653 of this subchapter for the preceding calendar or fiscal year, or, for purposes of computing the first installment of estimated tax when EITHER THE MANDATORY FIRST INSTALLMENT IS PAID PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR an application has been filed for extension of the time for filing the report required to be filed for such preceding calendar or fiscal year, the amount properly estimated pursuant to section 11-657 of this subchapter as the tax imposed upon the taxpayer for such calendar or fiscal year. AS USED IN THIS SECTION, "THE SECOND PRECEDING YEAR'S TAX" MEANS THE TAX IMPOSED UPON THE TAXPAYER BY SECTION 11-653 OF THIS SUBCHAPTER FOR THE SECOND PRECEDING CALENDAR OR FISCAL YEAR.

S 24. This act shall take effect immediately, provided, however, that sections one and four of this act shall apply to taxable years beginning on or after January 1, 2017 and provided, further, that section five of this act shall take effect on the same date and in the same manner as section 26 of part S of chapter 59 of the laws of 2014 takes effect, and that section five of this act shall apply to taxable years beginning on or after January 1, 2018, and provided, further, that sections seven, seven-a, ten, eleven, thirteen-a, fifteen, fifteen-a, fifteen-c,

fifteen-d, sixteen, twenty-two and twenty-three of this act shall, to the extent that such sections refer to the second preceding taxable year and the second preceding year's tax, apply to the amount or amounts due to be paid on or after March 15, 2017.

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

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

S 19. This act shall take effect immediately; provided, however, that sections one through thirteen of this act shall take effect September 1, 2006 and shall be deemed repealed on September 1, [2016] 2021 and such repeal shall apply in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law, and shall apply to sales made, fuel compounded or manufactured, and uses occurring on or after such date, and with respect to sections seven through eleven of this act, in accordance with applicable transitional provisions of sections 1106 and 1217 of the tax law; provided, however, that the commissioner of taxation and finance shall be authorized on and after the date this act shall have become a law to adopt and amend any rules or regulations and to take any steps necessary to implement the provisions of this act; provided further that sections fourteen through sixteen of this act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2006.

S 2. This act shall take effect immediately.

PART V

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

S 37. [Beer] ALCOHOLIC BEVERAGE production credit. (a) General. A taxpayer subject to tax under article nine-A or twenty-two of this chapter, that is registered as a distributor under article eighteen of this chapter, and that produces sixty million or fewer gallons of beer OR CIDER, TWENTY MILLION OR FEWER GALLONS OF WINE, OR EIGHT HUNDRED THOUSAND OR FEWER GALLONS OF LIQUOR in this state in the taxable year, shall be allowed a credit against such taxes in the amount specified in subdivision (b) of this section and pursuant to the provisions referenced in subdivision (c) of this section. Provided, however, that no credit shall be allowed for any beer, CIDER, WINE OR LIQUOR produced in excess of

fifteen million five hundred thousand gallons in the taxable year. If the taxpayer is a partner in a partnership or shareholder of a New York S corporation, then the cap imposed by the preceding sentence shall be applied at the entity level, so that the aggregate credit allowed to all the partners or shareholders of each such entity in the taxable year does not exceed that cap.

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

(1) for the first five hundred thousand gallons of beer, CIDER, WINE OR LIQUOR produced in this state in the taxable year, the credit shall equal fourteen cents per gallon; and

(2) for each gallon of beer, CIDER, WINE OR LIQUOR produced in this state in the taxable year in excess of five hundred thousand gallons, the credit shall equal four and one-half cents per gallon.

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

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

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

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

39. [Beer] ALCOHOLIC BEVERAGE production credit. A taxpayer shall be allowed a credit, to be computed as provided in section thirty-seven of this chapter, against the tax imposed by this article. In no event shall the credit allowed under this subdivision for any taxable year reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated 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, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

S 3. Subdivision 3 of section 420 of the tax law, as amended by chapter 94 of the laws of 1934, is amended to read as follows:

3. "Alcoholic beverages" mean and include CIDERS, AS DEFINED BY THE ALCOHOLIC BEVERAGE CONTROL LAW, beers, wines or liquors.

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

6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THERE SHALL BE EXEMPT FROM THE TAXES IMPOSED UNDER THIS ARTICLE, ALCOHOLIC BEVERAGES FURNISHED BY A LICENSED PRODUCER OF ALCOHOLIC BEVERAGES AT NO CHARGE TO A CUSTOMER OR PROSPECTIVE CUSTOMER AT A TASTING HELD IN ACCORDANCE WITH THE ALCOHOLIC BEVERAGE CONTROL LAW FOR CONSUMPTION AT SUCH TASTING.

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

(xxxiv) [Beer] ALCOHOLIC BEVERAGE production credit under subsection (uu)	Amount of credit under subdivision thirty-nine of section two hundred ten-B

S 6. Subsection (uu) of section 606 of the tax law, as added by chapter 109 of the laws of 2012, is amended to read as follows:

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

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

(13) In respect to the use of the following items at a tasting held by a licensed [brewery, farm brewery, cider producer, farm cidery, distillery or farm distillery] PRODUCER OF ALCOHOLIC BEVERAGES in accordance with the alcoholic beverage control law: (i) the alcoholic beverage or beverages authorized by the alcoholic beverage control law to be furnished at no charge to a customer or prospective customer at such tasting for consumption at such tasting; and (ii) bottles, corks, caps and labels used to package such alcoholic beverages.

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

PART W

Intentionally Omitted

PART X

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

(2) Except as provided in subdivision (r) of section eleven hundred eleven of this part, when occupancy is provided, for a single consideration, with property, services, amusement charges, or any other items, the separate sale of which is not subject to tax under this article, AND THE RENT PAID FOR SUCH OCCUPANCY DOES NOT QUALIFY FOR THE EXEMPTION IN SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE, the entire consideration shall be treated as rent subject to tax under paragraph one of this subdivision; provided, however, that where the amount of the rent for occupancy is stated separately from the price of such property, services, amusement charges, or other items, on any sales slip, invoice, receipt, or other statement given the occupant, and such rent is reasonable in relation to the value of such property, services, amusement charges or other items, only such separately stated rent will be subject to tax under paragraph one of this subdivision.

S 2. Section 1115 of the tax law is amended by adding a new subdivision (kk) to read as follows:

(KK) RENT PAID BY A ROOM REMARKETER TO AN OPERATOR THAT IS NOT A ROOM REMARKETER FOR AN OCCUPANCY THAT THE ROOM REMARKETER INTENDS TO PROVIDE TO AN OCCUPANT FOR RENT SHALL BE EXEMPT FROM THE HOTEL UNIT FEE IMPOSED BY SECTION ELEVEN HUNDRED FOUR OF THIS ARTICLE AND THE TAX IMPOSED BY SUBDIVISION (E) OF SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE, PROVIDED

THAT SUCH ROOM REMARKETER FURNISHES SUCH OPERATOR A CERTIFICATE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMISSIONER. THE EXEMPTION CERTIFICATE PROVIDED FOR BY THIS SUBDIVISION SHALL BE ADMINISTERED BY THE COMMISSIONER IN CONFORMITY WITH THE RULES FOR EXEMPTION OR RESALE CERTIFICATES IN SUBPARAGRAPH (I) OF PARAGRAPH ONE OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED THIRTY-TWO OF THIS ARTICLE.

S 3. Paragraph 4 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by section 4 of part Q of chapter 59 of the laws of 2012, is amended to read as follows:

(4) (i) When occupancy is provided, for a single consideration, with property, services, amusement charges, or any other items, the separate sale of which is not subject to tax under this chapter, AND THE RENT PAID FOR SUCH OCCUPANCY DOES NOT QUALIFY FOR THE EXEMPTION IN SUBDIVISION 1 OF THIS SECTION, the entire consideration shall be treated as rent subject to tax under paragraph one of this subdivision; provided, however, that where the amount of the rent for occupancy is stated separately from the price of such property, services, amusement charges or other items on any sales slip, invoice, receipt, or other statement given the occupant and such rent is reasonable in relation to the value of such property, services, amusement charges, or other items, only such separately stated rent will be subject to tax under this subdivision.

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

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

1. AN OCCUPANCY THAT AN OPERATOR CONVEYS OR FURNISHES TO A ROOM REMARKETER THAT THE ROOM REMARKETER INTENDS TO CONVEY OR FURNISH, DIRECTLY OR INDIRECTLY, TO AN OCCUPANT FOR RENT SHALL BE EXEMPT FROM THE TAXES IMPOSED BY THIS SECTION, PROVIDED THAT SUCH ROOM REMARKETER FURNISHES THE OPERATOR WITH A CERTIFICATE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMISSIONER OF FINANCE. THE OPERATOR SHALL RETAIN SUCH STATEMENT AND PROVIDE IT TO THE COMMISSIONER OF FINANCE UPON REQUEST.

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

PART Y

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

[Definitions] GENERAL PROVISIONS AND DEFINITIONS.

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

(F) TAX TREATMENT OF CHARITABLE CONTRIBUTIONS FOR DETERMINING DOMICILE. NOTWITHSTANDING ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY, THE MAKING OF A FINANCIAL CONTRIBUTION, GIFT, BEQUEST, DONATION OR ANY OTHER FINANCIAL INSTRUMENT OR PLEDGE IN ANY AMOUNT OR THE DONATION OR LOAN OF ANY OBJECT OF ANY VALUE, OR THE VOLUNTEERING, GIVING OR DONATION OF UNCOMPENSATED TIME, OR ANY COMBINATION OF THE FOREGOING, CONSIDERED A CHARITABLE CONTRIBUTION UNDER SUBSECTION (C) OF SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE, OR TO A NOT-FOR-PROFIT ORGANIZATION, AS DEFINED IN SUBDIVISION SEVEN OF SECTION ONE HUNDRED SEVENTY-NINE-Q OF THE STATE FINANCE LAW, SHALL NOT BE USED IN ANY MANNER TO DETERMINE WHERE AN INDIVIDUAL IS DOMICILED AT THE TIME OF HIS OR HER DEATH.

S 3. This act shall take effect immediately.

PART Z

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

2. The dedicated highway and bridge trust fund shall consist of [two] THREE accounts: (a) the special obligation reserve and payment account; [and] (b) the highway and bridge capital account; AND (C) THE AVIATION PURPOSE ACCOUNT. Moneys in each account shall be kept separate and not commingled with any other moneys in the custody of the comptroller.

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

4-A. (A) THE AVIATION PURPOSE ACCOUNT SHALL CONSIST OF ALL MONEYS REQUIRED TO BE DEPOSITED BY SECTION THREE HUNDRED TWELVE OF THE TAX LAW AND ANY OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND, ACCOUNT OR SOURCE.

(B) MONEYS IN THE AVIATION PURPOSE ACCOUNT SHALL BE UTILIZED FOR AIRPORTS AND AVIATION FACILITIES AND EQUIPMENT AND RELATED PROJECTS, INCLUDING BUT NOT LIMITED TO THE ACQUISITION OF REAL OR TANGIBLE PERSONAL PROPERTY, CONSTRUCTION, RECONSTRUCTION, RECONDITIONING, PRESERVATION, MAINTENANCE OR IMPROVEMENT OF AIRPORT OR AVIATION CAPITAL FACILITIES AND NOISE MITIGATION PROJECTS, AND ANY OTHER PURPOSE NOT PROHIBITED BY FEDERAL LAW.

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

S 312. Deposit and disposition of revenue.-- (a) Except as otherwise provided, of all taxes, interest and penalties collected or received on or after April first, two thousand one, from the taxes imposed by [sections] SECTION three hundred one-a [and three hundred one-e] of this article, (i) initially eighty and three-tenths percent shall be deposited, as prescribed by subdivision (d) of section three hundred one-j of this article and (ii) nineteen and seven-tenths percent shall be deposited in such mass transportation operating assistance fund to the credit of the metropolitan mass transportation operating assistance account and the public transportation systems operating assistance account thereof in the manner provided by subdivision eleven of section one hundred eighty-two-a of this chapter. Provided, further that on or before the twenty-fifth day of each month commencing with April, two thousand one, the comptroller shall deduct the amount of six hundred twenty-five thousand dollars prior to any deposit or disposition of the taxes, interest, and penalties collected or received pursuant to such [sections] SECTION three hundred one-a [and three hundred one-e] and shall deposit such

amount in the dedicated fund accounts pursuant to subdivision (d) of section three hundred one-j of this article. Provided, further, that commencing January fifteenth, nineteen hundred ninety-one, and on or before the tenth day of March and the fifteenth day of June and September of such year, the commissioner shall, based on information supplied by taxpayers and other appropriate sources, estimate the amount of the utility credit authorized by section three hundred one-d of this article which has been accrued to reduce tax liability under section one hundred eighty-six-a of this chapter during the period covered by such estimate and certify to the state comptroller such estimated amount. The comptroller shall forthwith, after receiving such certificate, deduct the amount of such credit so certified by the commissioner prior to any deposit or disposition of the taxes, interest and penalties collected or received pursuant to such [sections] SECTION three hundred one-a [and three hundred one-e] and shall pay such amount so certified and deducted into the state treasury to the credit of the general fund. Also, subsequently, during the fiscal year when the commissioner becomes aware of changes or modifications with respect to actual credit usage, the commissioner shall, as soon as practicable, issue a certification setting forth the amount of any required adjustment to the amount of actual credit usage previously certified. After receiving the certificate of the commissioner with respect to actual credit usage or modification of the same, the comptroller shall forthwith adjust general fund receipts and the revenues to be deposited or disposed of under this article to reflect the difference so certified by the commissioner. The commissioner shall not be liable for any overestimate or underestimate of the amount of the utility credit which has been accrued to reduce tax liability under such section one hundred eighty-six-a. Nor shall the commissioner be liable for any inaccuracy in any certificate with respect to the amount of such credit actually used or any required adjustment with respect to actual credit usage, but the commissioner shall as soon as practicable after discovery of any error adjust the next certification under this section to reflect any such error.

Prior to making deposits as provided in this section, the comptroller shall retain such amount as the commissioner may determine to be necessary, subject to the approval of the director of the budget, for reasonable costs of the department in administering and collecting the taxes deposited pursuant to this section and for refunds and reimbursements with respect to such taxes, out of which the comptroller shall pay any refunds or reimbursements of such taxes to which taxpayers shall be entitled.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL TAXES, INTEREST, AND PENALTIES COLLECTED OR RECEIVED ON OR AFTER DECEMBER FIRST, TWO THOUSAND SEVENTEEN FROM THE TAXES IMPOSED BY SECTION THREE HUNDRED ONE-E OF THIS ARTICLE SHALL BE DEPOSITED IN THE AVIATION PURPOSE ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED BY SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 4. Paragraph 1 of subdivision (a) of section 1102 of the tax law, as amended by section 8 of part W-1 of chapter 109 of the laws of 2006, is amended to read as follows:

(1) Every distributor of motor fuel shall pay, as a prepayment on account of the taxes imposed by this article and pursuant to the authority of article twenty-nine of this chapter, a tax on each gallon of motor fuel (i) which he imports or causes to be imported into this state for use, distribution, storage or sale in the state or produces, refines, manufactures or compounds in this state or (ii) if the tax has

not been imposed prior to its sale in this state, which he sells (which acts shall in regard to motor fuel hereinafter in this article be encompassed by the phrase "imported, manufactured or sold"), except when imported, manufactured or sold under circumstances which preclude the collection of such tax by reason of the United States constitution and of the laws of the United States enacted pursuant thereto or when imported or manufactured by an organization described in paragraph one or two of subdivision (a) of section eleven hundred sixteen of this article or a hospital included in the organizations described in paragraph four of such subdivision for its own use and consumption and except kero-jet fuel when imported by an airline for use in its airplanes, and except CNG, and except hydrogen, and except E85 when delivered to a filling station and placed in a storage tank of such filling station for such E85 to be dispensed directly into a motor vehicle for use in the operation of such vehicle, AND EXCEPT AVIATION GASOLINE SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION AIRCRAFT.

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

(1) Every distributor of motor fuel shall pay, as a prepayment on account of the taxes imposed by this article and pursuant to the authority of article twenty-nine of this chapter, a tax on each gallon of motor fuel (i) which he imports or causes to be imported into this state for use, distribution, storage or sale in the state or produces, refines, manufactures or compounds in this state or (ii) if the tax has not been imposed prior to its sale in this state, which he sells (which acts shall in regard to motor fuel hereinafter in this article be encompassed by the phrase "imported, manufactured or sold"), except when imported, manufactured or sold under circumstances which preclude the collection of such tax by reason of the United States constitution and of the laws of the United States enacted pursuant thereto or when imported or manufactured by an organization described in paragraph one or two of subdivision (a) of section eleven hundred sixteen of this article or a hospital included in the organizations described in paragraph four of such subdivision for its own use and consumption and except kero-jet fuel when imported by an airline for use in its airplanes, AND EXCEPT AVIATION GASOLINE SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION AIRCRAFT.

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

(i) Any local law, ordinance or resolution enacted by any city of less than one million or by any county or school district, imposing the taxes authorized by this subdivision, shall, notwithstanding any provision of law to the contrary, exclude from the operation of such local taxes all sales of tangible personal property for use or consumption directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration or steam, for sale, by manufacturing, processing, generating, assembly, refining, mining or extracting; and all sales of tangible personal property for use or consumption predominantly either in the production of tangible personal property, for sale, by farming or in a commercial horse boarding operation, or in both; AND ALL SALES OF FUEL SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION AIRCRAFT; and, unless such city, county or school district elects otherwise, shall omit the provision for credit or refund contained in clause

six of subdivision (a) or subdivision (d) of section eleven hundred nineteen of this chapter.

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

(xii) shall omit, unless such city elects otherwise, the exemption for residential solar energy systems equipment and electricity provided in subdivision (ee) of section eleven hundred fifteen of this chapter; [and] (xiii) shall omit, unless such city elects otherwise, the exemption for commercial solar energy systems equipment and electricity provided in subdivision (ii) of section eleven hundred fifteen of this chapter[.]; AND (XIV) SHALL EXCLUDE FROM THE OPERATION OF SUCH LOCAL TAXES ALL SALES OF FUEL SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION AIRCRAFT.

S 7. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer from the general fund for deposit into the mass transportation operating assistance fund, pursuant to section 88-a of the state finance law and the dedicated mass transportation trust fund, pursuant to section 89-c of the state finance law, upon request of the director of the budget, on or before March 31 of each year, an amount equal to the amount of revenue received by the commissioner of taxation and finance during the state fiscal year from petroleum business taxes imposed pursuant to the authority of section 301-e of the tax law that would have otherwise been directed to such funds pursuant to section 312 of the tax law as such section was in effect on the day before this act became a law.

S 8. This act shall take effect immediately, provided however that sections one, two and seven of this act shall take effect April 1, 2017; provided further that sections three, four, five and six of this act shall take effect December 1, 2017; and provided further that the amendments to paragraph 1 of subdivision (a) of section 1102 of the tax law made by section four of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 19 of part W-1 of chapter 109 of the laws of 2006, as amended, when upon such date the provisions of section four-a of this act shall take effect.

PART AA

Intentionally Omitted

PART BB

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

1. Every corporation authorized under this chapter to conduct pari-mutuel betting at a race meeting on races run thereat, except as provided in section two hundred thirty-eight of this article with respect to the franchised corporation, shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, providing such tickets be presented for payment before April first of the year following the year of their purchase, less an amount [which] THAT shall be established and retained by such racing corporation of between fourteen to twenty [per centum] PERCENT of the total deposits in pools resulting from regular on-track bets and less sixteen to twenty-two [per centum]

PERCENT of the total deposits in pools resulting from multiple on-track bets and less twenty to thirty [per centum] PERCENT of the total deposits in pools resulting from exotic on-track bets and less twenty to thirty-six [per centum] PERCENT of the total pools resulting from super exotic on-track bets, plus the breaks. The retention rate to be established is subject to the prior approval of the [racing and wagering board] GAMING COMMISSION. Such rate may not be changed more than once per calendar quarter to be effective on the first day of the calendar quarter. "Exotic bets" and "multiple bets" shall have the meanings set forth in section five hundred nineteen of this chapter and breaks are hereby defined as [the odd cents over any multiple of ten, or for exotic bets over any multiple of fifty, or for super exotic bets, over any multiple of one hundred, calculated on the basis of one dollar, otherwise payable to a patron provided, however, that effective after October fifteenth, nineteen hundred ninety-four breaks are hereby defined as] the odd cents over any multiple of five for payoffs greater than one dollar five cents but less than five dollars, over any multiple of ten for payoffs greater than five dollars but less than twenty-five dollars, over any multiple of twenty-five for payoffs greater than twenty-five dollars but less than two hundred fifty dollars, or over any multiple of fifty for payoffs over two hundred fifty dollars. "Super exotic bets" shall have the meaning set forth in section three hundred one of this chapter. Of the amount so retained there shall be paid by such corporation to the department of taxation and finance as a reasonable tax by the state for the privilege of conducting pari-mutuel betting on the races run at the race meeting held by such corporation, which tax is hereby levied, the following percentages of the total pool, plus fifty-five [per centum] PERCENT of the breaks; the applicable rates for regular and multiple bets shall be one and one-half [per centum] PERCENT; the applicable rates for exotic bets shall be six and three-quarter [per centum] PERCENT and the applicable rate for super exotic bets shall be seven and three-quarter [per centum] PERCENT. Effective on and after September first, nineteen hundred ninety-four, the applicable tax rate shall be one [per centum] PERCENT of all wagers, provided that, an amount equal to one-half the difference between the taxation rate for on-track regular, multiple and exotic bets as of December thirty-first, nineteen hundred ninety-three and the rates on such on-track wagers as herein provided shall be used exclusively for purses. Provided, however, that for any twelve-month period beginning on April first in nineteen hundred ninety and any year thereafter, each of the applicable rates set forth above shall be increased by one-quarter of one [per centum] PERCENT on all on-track bets of any such racing corporation that did not expend an amount equal to at least one-half of one [per centum] PERCENT of its on-track bets during the immediately preceding calendar year for enhancements consisting of capital improvements as defined by section two hundred thirty-seven of this article, repairs to its physical plant, structures, and equipment used in its racing or wagering operations as certified by the [state racing and wagering board] GAMING COMMISSION to the commissioner of taxation and finance no later than eighty days after the close of such calendar year, and five special events at each track in each calendar year, not otherwise conducted in the ordinary course of business, the purpose of which shall be to encourage, attract and promote track attendance and encourage new and continued patronage, which events shall be [approved by the racing and wagering board] SUBJECT TO THE PRIOR APPROVAL OF THE GAMING COMMISSION for purposes of this subdivision. In the determination of the amounts expended for such

enhancements, the [board] GAMING COMMISSION may consider the immediately preceding [twelve month] TWELVE-MONTH calendar period or the average of the two immediately preceding [twelve month] TWELVE-MONTH calendar periods. Provided further, however, that of the portion of the increased amounts retained by such corporation above those amounts retained in nineteen hundred eighty-four, an amount of such increase shall be distributed to purses in the same proportion as commissions and purses were distributed during nineteen hundred eighty-four as certified by the [board] GAMING COMMISSION. Such corporation in the second zone shall receive a credit against the daily tax imposed by this subdivision in an amount equal to FOUR-TENTHS OF one [per centum] PERCENT of total daily pools resulting from the simulcast of such corporation's races to licensed facilities operated by regional off-track betting corporations in accordance with section one thousand eight of this chapter, provided however, that sixty [per centum] PERCENT of the amount of such credit shall be used exclusively to increase purses for overnight races conducted by such corporation; and, provided further, that in no event shall such total daily credit exceed FOUR-TENTHS OF one [per centum] PERCENT of the total daily pool of such corporation. [Provided, however, that on and after September first, nineteen hundred ninety-four such credit shall be four-tenths percent of total daily pools resulting from such simulcasting and that in no event shall such total daily credit equal four-tenths percent of the total daily pool of such corporation.]

Such corporation shall pay to the New York state thoroughbred breeding and development fund one-half of one [per centum] PERCENT of the total daily on-track pari-mutuel pools from regular, multiple and exotic bets, and three [per centum] PERCENT of super exotic bets. The corporation shall receive credit as a reduction of the tax by the state for the privilege of conducting pari-mutuel betting for the amounts, except amounts paid from super exotic betting pools, paid to the New York state thoroughbred breeding and development fund after January first, nineteen hundred seventy-eight.

Such corporation shall distribute to purses an amount equal to fifty [per centum] PERCENT of any compensation it receives from simulcasting or from wagering conducted outside the United States. Such corporation shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one [per centum] PERCENT of the total daily on-track pari-mutuel pools of such corporation.

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

(d) (I) The pari-mutuel tax rate authorized by paragraph (a) of this subdivision shall be effective so long as a franchised corporation notifies the [racing and wagering board] GAMING COMMISSION by August fifteenth of each year that such pari-mutuel tax rate is effective of its intent to conduct a race meeting at Aqueduct racetrack during the months of December, January, February, March and April. For purposes of this paragraph such race meeting shall consist of not less than ninety-five days of racing. Not later than May first of each year that such pari-mutuel tax rate is effective, the [racing and wagering board] GAMING COMMISSION shall determine whether a race meeting at Aqueduct racetrack consisted of the number of days as required by this paragraph. In determining the number of race days, cancellation of a race day because of an act of God[, which] THAT the [racing and wagering board] GAMING COMMISSION approves or because of weather conditions that are

unsafe or hazardous which the [racing and wagering board] GAMING COMMISSION approves shall not be construed as a failure to conduct a race day. Additionally, cancellation of a race day because of circumstances beyond the control of such franchised corporation for which the [racing and wagering board] GAMING COMMISSION gives approval shall not be construed as a failure to conduct a race day. If the [racing and wagering board] GAMING COMMISSION determines that the number of days of racing as required by this paragraph have not occurred then the pari-mutuel tax rate in paragraph (a) of this subdivision shall revert to the pari-mutuel tax rates in effect prior to January first, nineteen hundred ninety-five.

(II) Such franchised corporation shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one [per centum] PERCENT of the total daily on-track pari-mutuel pools of such franchised corporation.

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

d. Every harness racing association or corporation shall pay to the [board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily on-track pari-mutuel pools of such association or corporation.

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

Each regional corporation conducting off-track betting shall distribute all sums deposited in any pari-mutuel pool through such corporation to the holders of winning tickets therein, providing such tickets be presented for payment prior to April first of the year following the year of their purchase, less an amount [which] THAT it shall retain at the same rate established by the track accepting wagers from each such regional corporation.

The disposition of the retained commission from pools resulting from regular, multiple or exotic bets, as the case may be, whether placed on races run within a region or outside a region, conducted by racing corporations, harness racing associations or corporations, quarter horse racing associations or corporations or races run outside the state shall be governed by the tables in paragraphs a and b of this subdivision. The rate denominated "state tax" shall represent the rate of a reasonable tax imposed upon the retained commission for the privilege of conducting off-track pari-mutuel betting, which tax is hereby levied and shall be payable in the manner set forth in this section. Each off-track betting corporation shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily pools of such corporation. Each corporation shall also pay twenty [per centum] PERCENT of the breaks derived from bets on harness races and fifty [per centum] PERCENT of the breaks derived from bets on all other races to the agriculture and New York State horse breeding and development fund and to the thoroughbred breeding and development fund, the total of such payments to be apportioned fifty [per centum] PERCENT to each such fund. For the purposes of this section, the New York city, Suffolk, Nassau, and the Catskill regions shall constitute a single region and any thoroughbred track located within the Capital District region shall be deemed to be

within such single region. A "regional meeting" shall refer to either harness or thoroughbred meetings, or both, except that a franchised corporation shall not be a regional track for the purpose of receiving distributions from bets on thoroughbred races conducted by a thoroughbred track in the Catskill region conducting a mixed meeting. With the exception of a harness racing association or corporation first licensed to conduct pari-mutuel wagering at a track located in Tioga or Saratoga county after January first, two thousand five, racing corporations first licensed to conduct pari-mutuel racing after January first, nineteen hundred eighty-six or a harness racing association or corporation first licensed to conduct pari-mutuel wagering at a track located in Genesee County after January first, two thousand five, and quarter horse tracks shall not be "regional tracks"; if there is more than one harness track within a region, such tracks shall evenly divide payments made pursuant to the tables in paragraphs a and b of this subdivision when neither track is running. In the event a track elects to reduce its retained percentage from any or all of its pari-mutuel pools, the payments to the track holding the race and the regional track required by paragraphs a and b of this subdivision shall be reduced in proportion to such reduction. Nothing in this section shall be construed to authorize the conduct of off-track betting contrary to the provisions of section five hundred twenty-three of this article.

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

a. The applicable state tax provided for in paragraphs a and b of subdivision one of section five hundred twenty-seven of this chapter shall be one-half [per centum] PERCENT for regular, multiple and exotic bets. Any harness racing or association or corporation, or thoroughbred racing corporation authorized pursuant to this section shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily pari-mutuel pools.

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

g. Any harness racing or association or corporation, or thoroughbred racing corporation authorized pursuant to this section shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily pari-mutuel pools.

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

b. Of the sums received by the sending track, fifty percent shall be distributed to purses in addition to moneys distributed pursuant to section five hundred twenty-seven of this chapter. The off-track betting corporation shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily pools.

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

d. The operator shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily pools.

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

(iv) Any thoroughbred racing corporation or harness racing association or corporation or off-track betting corporation authorized pursuant to this section shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of all wagering pools.

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

e. Any thoroughbred racing corporation or harness racing association or corporation or off-track betting corporation authorized pursuant to this section shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of all wagering pools.

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

(B) Any harness racing or association or corporation or thoroughbred racing corporation authorized pursuant to this section shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily pari-mutuel pools.

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

b. Any thoroughbred racing corporation or harness racing association or corporation or off-track betting corporation shall pay to the [racing and wagering board] GAMING COMMISSION as a regulatory fee, which fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of all wagering pools.

S 13. This act shall take effect immediately.

PART CC

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

S 308. Officials at harness horse race meetings. 1. At all harness race meetings licensed by the [state racing and wagering board] GAMING COMMISSION in accordance with the provisions of sections two hundred twenty-two through seven hundred five of this chapter qualified judges and starters shall be designated by the [state racing and wagering board] GAMING COMMISSION. Such officials shall enforce the rules and regulations of the [state racing and wagering board] GAMING COMMISSION and shall render regular written reports of the activities and conduct of such race meetings to the [state racing and wagering board] GAMING COMMISSION.

2. The licensed racing corporations shall reimburse the [state racing and wagering board] GAMING COMMISSION for the per diem cost to the [board] COMMISSION to employ one associate judge and the starter to serve at harness race meetings. The [board] COMMISSION shall notify EACH such licensed racing [corporations] CORPORATION of the per diem cost of the associate judge and the starter [prior to the beginning] AT THE

TRACK OF SUCH LICENSED RACING CORPORATION WITHIN SIXTY DAYS OF THE END of each month. Payment of the reimbursement required by this section shall be made to the [board] COMMISSION by each entity required to make such payments [on the last business day of each month] WITHIN THIRTY DAYS OF SUCH NOTIFICATION BY THE COMMISSION and shall cover all the costs incurred during that month. A penalty of five percent of payment due, and interest at the rate of one percent per month calculated from such [last day of each month] DATE THAT PAYMENT IS DUE to the date of the payment of the per diem cost shall be payable in case any per diem cost imposed by this subdivision is not paid when due. The [board] COMMISSION shall promulgate rules and regulations to ensure the proper reimbursement of such costs.

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

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

S 2. This act shall take effect immediately.

PART DD

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

(G-2) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, WHEN A VENDOR TRACK IS LOCATED WITHIN REGION SIX OF DEVELOPMENT ZONE TWO AS DEFINED BY SECTION THIRTEEN HUNDRED TEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW AND IS LOCATED WITHIN ONTARIO COUNTY, SUCH VENDOR TRACK SHALL RECEIVE AN ADDITIONAL COMMISSION AT A RATE EQUAL TO THE PERCENTAGE OF REVENUE WAGERED AT THE VENDOR TRACK AFTER PAYOUT FOR PRIZES PURSUANT TO THIS CHAPTER, WHICH PERCENTAGE SHALL BE ONE HUNDRED, LESS THE SUM OF THE PERCENTAGES OF NET REVENUE WAGERED AT THE VENDOR TRACK RETAINED BY THE COMMISSION FOR OPERATION, ADMINISTRATION, AND PROCUREMENT PURPOSES; AND THE VENDOR'S FEE, MARKETING ALLOWANCE AND CAPITAL AWARD PAID TO THE VENDOR TRACK PURSUANT TO THIS CHAPTER; AND THE EFFECTIVE TAX RATE PAID ON ALL GROSS GAMING REVENUE PAID BY A GAMING FACILITY WITHIN SENECA OR WAYNE COUNTIES PURSUANT TO SECTION THIRTEEN HUNDRED FIFTY-ONE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, PROVIDED, HOWEVER, SUCH ADDITIONAL COMMISSION SHALL BE APPLIED TO REVENUE WAGERED AT THE VENDOR TRACK AFTER PAYOUT FOR PRIZES ONLY WHILE A GAMING FACILITY IN SENECA OR WAYNE COUNTIES IS OPEN AND OPERATIONAL PURSUANT TO AN OPERATION CERTIFICATE ISSUED PURSUANT TO SECTION THIRTEEN HUNDRED THIRTY-ONE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW. THE ADDITIONAL COMMISSION SET FORTH IN THIS CLAUSE SHALL BE PAID TO THE VENDOR TRACK WITHIN SIXTY DAYS AFTER THE CONCLUSION OF THE STATE FISCAL YEAR BASED ON THE CALCULATED PERCENTAGE DURING THE PREVIOUS FISCAL YEAR.

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

PART EE

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

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

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

PART FF

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

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

corporation having within its geographic boundaries such residences, homes or other areas technically capable of receiving the simulcast signal shall be a contracting party; (iii) the distribution of revenues shall be subject to contractual agreement of the parties except that statutory payments to non-contracting parties, if any, may not be reduced; provided, however, that nothing herein to the contrary shall prevent a track from televising its races on an irregular basis primarily for promotional or marketing purposes as found by the commission. For purposes of this paragraph, the provisions of section one thousand thirteen of this article shall not apply. Any agreement authorizing an in-home simulcasting experiment commencing prior to May fifteenth, nineteen hundred ninety-five, may, and all its terms, be extended until June thirtieth, two thousand [sixteen] SEVENTEEN; provided, however, that any party to such agreement may elect to terminate such agreement upon conveying written notice to all other parties of such agreement at least forty-five days prior to the effective date of the termination, via registered mail. Any party to an agreement receiving such notice of an intent to terminate, may request the commission to mediate between the parties new terms and conditions in a replacement agreement between the parties as will permit continuation of an in-home experiment until June thirtieth, two thousand [sixteen] SEVENTEEN; and (iv) no in-home simulcasting in the thoroughbred special betting district shall occur without the approval of the regional thoroughbred track.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for the privilege of conducting pari-mutuel betting on the races run at the race meetings held by such franchised corporation, the following percentages of the total pool for regular and multiple bets five per centum of regular bets and four per centum of multiple bets plus twenty per centum of the breaks; for exotic wagers seven and one-half per centum plus twenty per centum of the breaks, and for super exotic bets seven and one-half per centum plus fifty per centum of the breaks. For the period June first, nineteen hundred ninety-five through September ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be three per centum and such tax on multiple wagers shall be two and one-half per centum, plus twenty per centum of the breaks. For the period September tenth, nineteen hundred ninety-nine through March thirty-first, two thousand one, such tax on all wagers shall be two and six-tenths per centum and for the period April first, two thousand one through December thirty-first, two thousand [sixteen] SEVENTEEN, such tax on all wagers shall be one and six-tenths per centum, plus, in each such period, twenty per centum of the breaks. Payment to the New York state thoroughbred breeding and development fund by such franchised corporation shall be one-half of one per centum of total daily on-track pari-mutuel pools resulting from regular, multiple and exotic bets and three per centum of super exotic bets provided, however, that for the period September tenth, nineteen hundred ninety-nine through March thirty-first, two thousand one, such payment shall be six-tenths of one per centum of regular, multiple and exotic pools and for the period April first, two thousand one through December thirty-first, two thousand [sixteen] SEVENTEEN, such payment shall be seven-tenths of one per centum of such pools.

S 10. This act shall take effect immediately.

PART GG

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

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

co-invest an amount of capital expenditure equal to its cumulative vendor's capital award. For all tracks, except for Aqueduct racetrack, the amount of any vendor's capital award that is not used during any one year period may be carried over into subsequent years ending before April first, two thousand [sixteen] SEVENTEEN. Any amount attributable to a capital expenditure approved prior to April first, two thousand [sixteen]SEVENTEEN and completed before April first, two thousand [eighteen] NINETEEN; or approved prior to April first, two thousand [twenty] TWENTY-ONE and completed before April first, two thousand [twenty-two] TWENTY-THREE for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, shall be eligible to receive the vendor's capital award. In the event that a vendor track's capital expenditures, approved by the division prior to April first, two thousand [sixteen] SEVENTEEN and completed prior to April first, two thousand [eighteen] NINETEEN, exceed the vendor track's cumulative capital award during the five year period ending April first, two thousand [sixteen] SEVENTEEN, the vendor shall continue to receive the capital award after April first, two thousand [sixteen] SEVENTEEN until such approved capital expenditures are paid to the vendor track subject to any required co-investment. In no event shall any vendor track that receives a vendor fee pursuant to clause (F) or (G) of this subparagraph be eligible for a vendor's capital award under this section. Any operator of a vendor track which has received a vendor's capital award, choosing to divest the capital improvement toward which the award was applied, prior to the full depreciation of the capital improvement in accordance with generally accepted accounting principles, shall reimburse the state in amounts equal to the total of any such awards. Any capital award not approved for a capital expenditure at a video lottery gaming facility by April first, two thousand [sixteen] SEVENTEEN shall be deposited into the state lottery fund for education aid; and

S 2. This act shall take effect immediately.

PART HH

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

b. ten percent of the moneys in such fund, AS ATTRIBUTABLE TO A SPECIFIC LICENSED GAMING FACILITY, shall be appropriated or transferred from the commercial gaming revenue fund equally between the host municipality and host county OF SUCH FACILITY.

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

(G) Notwithstanding any provision to the contrary, when a vendor track is located within regions one, two, or five of development zone two as defined by section thirteen hundred ten of the racing, pari-mutuel wagering and breeding law, such vendor track shall receive an additional commission at a rate equal to the percentage of revenue wagered at the vendor track after payout for prizes pursuant to this chapter, WHICH PERCENTAGE SHALL BE ONE HUNDRED, less [ten percent] THE SUM OF THE PERCENTAGES OF NET REVENUE WAGERED AT THE VENDOR TRACK retained by the commission for operation, administration, and procurement purposes; and [payment of] the vendor's fee, marketing allowance[,] and capital award paid TO THE VENDOR TRACK pursuant to this chapter; and the effective tax rate paid on all gross gaming revenue paid by a gaming facility within

the same region pursuant to section thirteen hundred fifty-one of the racing, pari-mutuel wagering and breeding law, PROVIDED, HOWEVER, SUCH ADDITIONAL COMMISSION SHALL BE APPLIED TO REVENUE WAGERED AT THE VENDOR TRACK AFTER PAYOUT FOR PRIZES ONLY WHILE A GAMING FACILITY IN THE SAME REGION IS OPEN AND OPERATIONAL PURSUANT TO AN OPERATION CERTIFICATE ISSUED PURSUANT TO SECTION THIRTEEN HUNDRED THIRTY-ONE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW. The additional commission SET FORTH IN THIS CLAUSE shall be paid to the vendor track within sixty days after the conclusion of the state fiscal year based on the calculated percentage during the previous fiscal year.

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

PART II

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

1. Except in accordance with proper judicial order or as in this section or otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the department, or any officer or person who, pursuant to this section, is permitted to inspect any return or report or to whom a copy, an abstract or a portion of any return or report is furnished, or to whom any information contained in any return or report is furnished, or any person engaged or retained by such department on an independent contract basis or any person who in any manner may acquire knowledge of the contents of a return or report filed pursuant to this article to divulge or make known in any manner the contents or any other information relating to the business of a distributor, owner or other person contained in any return or report required under this article. The officers charged with the custody of such returns or reports shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the state, the state department of health, or the commissioner in an action or proceeding under the provisions of this chapter or on behalf of the state or the commissioner in any other action or proceeding involving the collection of a tax due under this chapter to which the state or the commissioner is a party or a claimant or on behalf of any party to any action or proceeding under the provisions of this article, when the returns or the reports or the facts shown thereby are directly involved in such action or proceeding, or in an action or proceeding relating to the regulation or taxation of medical marihuana on behalf of officers to whom information shall have been supplied as provided in subdivision two of this section, in any of which events the court may require the production of, and may admit in evidence so much of said returns or reports or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the commissioner, in his or her discretion, from allowing the inspection or delivery of a certified copy of any return or report filed under this article or of any information contained in any such return or report by or to a duly authorized officer or employee of the state department of health; or by or to the attorney general or other legal representatives of the state when an action shall have been recommended or commenced pursuant to this chapter in which such returns or reports or the facts shown thereby are directly involved; or the inspection of the returns or reports required under this article by the comptroller or duly designated officer or employee

of the state department of audit and control, for purposes of the audit of a refund of any tax paid by a registered organization or other person under this article; nor to prohibit the delivery to a registered organization, or a duly authorized representative of such registered organization, a certified copy of any return or report filed by such registered organization pursuant to this article, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof. THIS SECTION SHALL ALSO NOT BE CONSTRUED TO PROHIBIT THE DISCLOSURE, FOR TAX ADMINISTRATION PURPOSES, TO THE DIVISION OF THE BUDGET AND THE OFFICE OF THE STATE COMPTROLLER, OF INFORMATION AGGREGATED FROM THE RETURNS FILED BY ALL THE REGISTERED ORGANIZATIONS MAKING SALES OF, OR MANUFACTURING, MEDICAL MARIHUANA IN A SPECIFIED COUNTY, WHETHER THE NUMBER OF SUCH REGISTERED ORGANIZATIONS IS ONE OR MORE. PROVIDED FURTHER THAT, NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, PERMIT THE PROPER OFFICER OF ANY COUNTY ENTITLED TO RECEIVE AN ALLOCATION, FOLLOWING APPROPRIATION BY THE LEGISLATURE, PURSUANT TO THIS ARTICLE AND SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW, OR THE AUTHORIZED REPRESENTATIVE OF SUCH OFFICER, TO INSPECT ANY RETURN FILED UNDER THIS ARTICLE, OR MAY FURNISH TO SUCH OFFICER OR THE OFFICER'S AUTHORIZED REPRESENTATIVE AN ABSTRACT OF ANY SUCH RETURN OR SUPPLY SUCH OFFICER OR SUCH REPRESENTATIVE WITH INFORMATION CONCERNING AN ITEM CONTAINED IN ANY SUCH RETURN, OR DISCLOSED BY ANY INVESTIGATION OF TAX LIABILITY UNDER THIS ARTICLE.

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

PART JJ

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

15. Recoupment of exemptions by commissioner. (a) Generally. If the commissioner should determine, based upon data collected under the STAR registration program, that property improperly received the basic STAR exemption [on] IN THE CURRENT SCHOOL YEAR OR one or more of the three preceding [assessment rolls] SCHOOL YEARS, the commissioner shall treat the exemption as an improperly granted exemption and proceed in the manner provided by this subdivision; provided that final assessment rolls that were filed prior to April first, two thousand eleven shall not be subject to the provisions of this subdivision.

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

(i) IN ORDER FOR THE RECOUPMENT PROCEDURE TO BE CONSIDERED TIMELY, THE NOTICE REQUIRED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH MUST BE MAILED NO LATER THAN THREE YEARS AFTER THE CONCLUSION OF THE SCHOOL YEAR FOR WHICH

THE EXEMPTION IN QUESTION WAS GRANTED, OR IN THE CASE OF AN EXEMPTION THAT WAS GRANTED FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, NO LATER THAN SEPTEMBER THIRTIETH, TWO THOUSAND SIXTEEN;

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

[(ii)] (III) notwithstanding the provisions of paragraph (b) of subdivision six of this section, neither an assessor nor a board of assessment review has the authority to consider an objection to the recoupment of an exemption pursuant to this subdivision, nor may such an action be reviewed in a proceeding to review an assessment pursuant to title one or one-A of article seven of this chapter. Such an action may only be challenged before the department. If an owner is dissatisfied with the department's final determination, the owner may appeal that determination to the board in a form and manner to be prescribed by the commissioner. Such appeal shall be filed within forty-five days from the issuance of the department's final determination. If dissatisfied with the board's determination, the owner may seek judicial review thereof pursuant to article seventy-eight of the civil practice law and rules. The owner shall otherwise have no right to challenge such final determination in a court action, administrative proceeding, including but not limited to an administrative proceeding pursuant to article forty of the tax law, or any other form of legal recourse against the commissioner, the department, the board, the assessor, or any other person, state agency, or local government.

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

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

S 2. This act shall take effect immediately.

PART KK

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

a. Each carrier shall apply to the commissioner for a certificate of registration for each motor vehicle operated or to be operated by [him] SUCH CARRIER on the public highways in this state. Application shall be made upon a form prescribed by such commissioner and shall set forth the gross and unloaded weight of each motor vehicle, license plate information for each motor vehicle and such other information as the commissioner may require. Such weights shall be subject to audit and approval

by the commissioner. [The application shall be accompanied by a fee of fifteen dollars for each motor vehicle listed in the application.] The commissioner shall issue [without further charge] a certificate of registration for each motor vehicle or a consolidated certificate of registration for all or any portion of such vehicles of such carrier which shall contain such information and be in such form as the commissioner shall prescribe. In the case of the loss, mutilation or destruction of a certificate of registration, the commissioner shall issue a duplicate thereof [upon payment of a fee of two dollars]. Any such certificate of registration shall not be transferable, except as hereinafter provided, and shall be valid until revoked, suspended or surrendered. Such certificate of registration shall be maintained in the carrier's regular place of business. In the event of an increase in the gross or unloaded weight of any motor vehicle subject to this article, application for a corrected certificate of registration shall be made upon a form prescribed by such commissioner setting forth the previous gross or unloaded weight, the new gross or unloaded weight and such other information as the commissioner may require. In the event of a decrease in the gross or unloaded weight of any motor vehicle subject to this article, application may be made for a corrected certificate of registration in a similar manner, provided that any such application on the basis of a decrease in the gross or unloaded weight of any motor vehicle may be made only during the month of January. In the event of a decrease in the gross or unloaded weight of any motor vehicle subject to this article, an application to cancel a certificate of registration on the basis of such decrease may be made during any month. The corrected gross or unloaded weight shall be subject to audit and approval by the commissioner. In the event of a change to the license plate information of any motor vehicle subject to this article, an application for a corrected certificate of registration shall be made upon a form prescribed by the commissioner setting forth the previous license plate information, the new license plate information and such other information as the commissioner may require. Upon surrendering the certificate of registration previously issued, the commissioner shall[, without further charge,] issue a corrected certificate of registration.

b. Every automotive fuel carrier shall apply to the commissioner for a special certificate of registration, in place of the certificate of registration described in paragraph a of this subdivision, for each motor vehicle operated or to be operated by [him] SUCH CARRIER on the public highways in this state to transport automotive fuel. Provided, however, a special certificate of registration shall not be required under this paragraph for a tractor or other self-propelled device which, except with respect to the fuel in the ordinary fuel tank intended for its propulsion, transports automotive fuel solely by means of a trailer, dolly or other device drawn by such tractor or other self-propelled device if a certificate of registration prescribed by paragraph a of this subdivision has been issued for the self-propelled device. Application shall be made upon an application form prescribed by the commissioner. [The application shall be accompanied by a fee of fifteen dollars for each trailer, semi-trailer, dolly or other device listed in the application.] The commissioner shall issue [without further charge] such special certificate of registration for each motor vehicle listed in the application or a consolidated certificate of registration for all or any portion of such vehicles of such carrier. All of the provisions of this article with respect to certificates of registration shall be applicable to the special certificates of registration issued to automo-

tive fuel carriers under this paragraph as if those provisions had been set forth in full in this paragraph and expressly referred to the special certificates of registration required by this paragraph except to the extent that any such provision is either inconsistent with a provision of this paragraph or not relevant to the certificates of registration required by this paragraph. Any certificate of registration shall not be transferable, and shall be valid until revoked, suspended or surrendered. Such special certificate of registration shall be maintained in the carrier's regular place of business. Nothing contained in this paragraph shall in any way exempt an automotive fuel carrier from payment of the taxes imposed pursuant to this article.

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

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

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

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

S 502-A. CERTIFICATE OF REGISTRATION AND DECAL FEES. THE APPLICATION FOR A CERTIFICATE OF REGISTRATION AND DECAL DESCRIBED IN PARAGRAPH A OF SUBDIVISION ONE AND PARAGRAPH A OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE, OR A SPECIAL CERTIFICATE OF REGISTRATION AND SPECIAL DECAL AS DESCRIBED IN PARAGRAPH B OF SUBDIVISION ONE AND

PARAGRAPH B OF SUBDIVISION SIX OF SUCH SECTION, SHALL BE ACCOMPANIED BY A FEE OF ONE DOLLAR AND FIFTY CENTS. IN THE CASE OF THE LOSS, MUTILATION OR DESTRUCTION OF ANY SUCH DOCUMENTS, THE COMMISSIONER SHALL ISSUE A DUPLICATE SET THEREOF UPON PAYMENT OF A FEE OF ONE DOLLAR AND FIFTY CENTS. PROVIDED, HOWEVER, THERE SHALL BE NO ADDITIONAL CHARGE FOR THE ISSUANCE OF A CORRECTED CERTIFICATE OF REGISTRATION PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE.

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

8. To issue replacement certificates of registration or decals at such times as the commissioner may deem necessary for the proper and efficient enforcement of the provisions of this article, but not more often than once every year and to require the surrender of the then outstanding certificates of registration and decals. All of the provisions of this article with respect to certificates of registration and decals shall be applicable to replacement certificates of registration and decals issued hereunder, except that the replacement certificate of registration or decal shall be issued upon payment of a fee of [fifteen dollars] ONE DOLLAR AND FIFTY CENTS for each motor vehicle and for any trailer, semi-trailer, dolly or other device drawn thereby for which a certificate of registration or decal is required to be issued under this article;

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

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

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

NOTWITHSTANDING THE FOREGOING OR ANY OTHER LAW TO THE CONTRARY, THE COMPTROLLER SHALL DEPOSIT ALL MONIES COLLECTED ON ACCOUNT OF THE REGISTRATION FEES IMPOSED PURSUANT TO SECTION FIVE HUNDRED TWO-A AND SUBDIVISION EIGHT OF SECTION FIVE HUNDRED NINE OF THIS ARTICLE INTO THE HIGHWAY USE TAX ADMINISTRATION ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW. THE MONIES DEPOSITED IN SUCH ACCOUNT SHALL BE AVAILABLE TO THE COMMISSIONER FOR THE COSTS OF ISSUING THE CERTIFICATES OF REGISTRATION AND HIGHWAY USE TAX DECALS REQUIRED BY THIS ARTICLE AND FOR ANY OTHER COSTS OF ADMINISTERING THE PROVISIONS OF

SECTIONS FIVE HUNDRED TWO, FIVE HUNDRED TWO-A AND FIVE HUNDRED NINE OF THIS ARTICLE. ANY MONEYS NOT USED IN A GIVEN YEAR SHALL BE RETURNED TO SUCH ACCOUNT AND BE ADDED TO THE TOTAL FUNDS AVAILABLE FOR DISBURSEMENT IN THE SUCCEEDING YEAR.

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

S 99-Y. HIGHWAY USE TAX ADMINISTRATION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE A SPECIAL ACCOUNT TO BE KNOWN AS THE "HIGHWAY USE TAX ADMINISTRATION ACCOUNT".

2. THE HIGHWAY USE TAX ADMINISTRATION ACCOUNT SHALL CONSIST OF ALL MONIES COLLECTED FROM THE HIGHWAY USE TAX REGISTRATION AND DECAL FEES COLLECTED PURSUANT TO SECTIONS FIVE HUNDRED TWO-A AND FIVE HUNDRED NINE OF THE TAX LAW, AND ANY OTHER MONIES DEPOSITED INTO THE ACCOUNT PURSUANT TO LAW.

3. MONIES OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE, SHALL BE USED FOR THE COSTS OF THE COMMISSIONER OF TAXATION AND FINANCE IN ADMINISTERING SECTIONS FIVE HUNDRED TWO, FIVE HUNDRED TWO-A AND FIVE HUNDRED NINE OF THE TAX LAW, AND EXPENDED FOR THE PURPOSES SET FORTH IN SECTION FIVE HUNDRED FIFTEEN OF THE TAX LAW.

S 7. This act shall take effect immediately.

PART LL

Section 1. Paragraph (b) of subdivision 9 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(b) Carryover OR REFUND. In no event shall the credit herein provided for be allowed in an amount which will reduce the tax payable to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. If, however, the amount of credit allowable under this subdivision for any taxable year, including any credit carried over from a prior taxable year, reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum 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 CARRYING OVER TO THE FOLLOWING YEAR OR YEARS, THE UNUSED PORTION OF CREDITS ATTRIBUTABLE TO THE SPECIAL ADDITIONAL MORTGAGE RECORDING TAX PAID BY THE TAXPAYER AS MORTGAGEE WITH RESPECT TO MORTGAGES OF REAL PROPERTY PRINCIPALLY IMPROVED OR TO BE IMPROVED BY ONE OR MORE STRUCTURES CONTAINING IN THE AGGREGATE NOT MORE THAN SIX RESIDENTIAL DWELLING UNITS, EACH DWELLING UNIT HAVING ITS OWN SEPARATE COOKING FACILITIES, SUCH TAXPAYER MAY ELECT TO TREAT SUCH UNUSED PORTION AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER, EXCEPT THAT NO INTEREST SHALL BE PAID ON SUCH OVERPAYMENT.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on the same date and in the same manner as part A of chapter 59 of the laws of 2014, took effect.

PART MM

Section 1. Subparagraph 2 of paragraph (b) of subdivision 43 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(2) In addition, the term real property tax includes taxes paid by the taxpayer upon real property principally used during the taxable year by the taxpayer in manufacturing where the taxpayer leases such real property from an unrelated third party if the following conditions are satisfied: (i) the tax must be paid by the taxpayer as lessee pursuant to explicit requirements in a written lease, and (ii) the taxpayer as lessee has paid such taxes directly to the taxing authority and has received a written receipt for payment of taxes from the taxing authority. In the case of a combined group that constitutes a qualified New York manufacturer, the conditions in the preceding sentence are satisfied if one corporation in the combined group is the lessee and another corporation in the combined group makes the payments to the taxing authority. IN THE CASE OF A TAXPAYER THAT, DURING THE TAXABLE YEAR, IS PRINCIPALLY ENGAGED IN THE PRODUCTION OF GOODS BY FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE, OR COMMERCIAL FISHING, THE TAXPAYER IS ELIGIBLE IF THE TAXPAYER SATISFIES THE CONDITIONS STIPULATED IN THIS SUBDIVISION AND THE TAXPAYER LEASES SUCH REAL PROPERTY FROM A RELATED OR UNRELATED PARTY.

S 2. This act shall take effect immediately.

PART NN

Section 1. Items (I) and (III) of the subclause (ii) of clause (B) of subparagraph 1 of paragraph (r) of subdivision 9 of section 208 of the tax law, as amended by section 6 of part T of chapter 59 of the laws of 2015, are amended to read as follows:

(I) Total assets are those assets that are properly reflected on a balance sheet, computed in the same manner as is required by the banking regulator of the taxpayers included in the combined return. IN ADDITION, TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET.

(III) Tangible real and personal property, such as buildings, land, machinery, and equipment shall be valued at cost. Leased [assets] REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET will be valued at the annual lease payment multiplied by eight. Intangible property, such as loans and investments, shall be valued at book value exclusive of reserves.

S 2. Items (I) and (III) of subclause (ii) of clause (B) of subparagraph 3 of paragraph (s) of subdivision 9 of section 208 of the tax law, as added by section 4 of part A of chapter 59 of the laws of 2014, are amended to read as follows:

(I) Total assets are those assets that are properly reflected on a balance sheet, computed in the same manner as is required by the banking regulator of the taxpayers included in the combined return. IN ADDITION, TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET.

(III) Tangible real and personal property, such as buildings, land, machinery, and equipment shall be valued at cost. Leased [assets] REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON THAT BALANCE SHEET will be valued at the annual lease payment multiplied by eight. Intangible property, such as loans and investments, shall be valued at book value exclusive of reserves.

S 3. Items (I) and (III) of subclause (B) of clause (ii) of subparagraph 3 of paragraph (q) of subdivision 8 of section 11-652 of the administrative code of the city of New York, as added by section 1 of

part D of chapter 60 of the laws of 2015, are amended to read as follows:

(I) Total assets are those assets that are properly reflected on a balance sheet, computed in the same manner as is required by the banking regulator of the taxpayers included in the combined return. IN ADDITION, TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET.

(III) Tangible real and personal property, such as buildings, land, machinery, and equipment, shall be valued at cost. Leased [assets] REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON THE BALANCE SHEET will be valued at the annual lease payment multiplied by eight. Intangible property, such as loans and investments, shall be valued at book value exclusive of reserves.

S 4. Items (I) and (III) of subclause (B) of clause (ii) of subparagraph 1 of paragraph (s) of subdivision 8 of section 11-652 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, are amended to read as follows:

(I) Total assets are those assets that are properly reflected on a balance sheet, computed in the same manner as is required by the banking regulator of the taxpayers included in the combined return. IN ADDITION, TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET.

(III) Tangible real and personal property, such as buildings, land, machinery, and equipment shall be valued at cost. Leased [assets] REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET will be valued at the annual lease payment multiplied by eight. Intangible property, such as loans and investments, shall be valued at book value exclusive of reserves.

S 5. Items (I) and (III) of subclause (C) of clause (ii) of subparagraph 2 of paragraph (t) of subdivision 8 of section 11-652 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, are amended to read as follows:

(I) Total assets are those assets that are properly reflected on a balance sheet, computed in the same manner as is required by the banking regulator, if applicable, of the taxpayers included in the combined return. IN ADDITION, TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET.

(III) Tangible real and personal property, such as buildings, land, machinery, and equipment, shall be valued at cost. Leased [assets] REAL PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET will be valued at the annual lease payment multiplied by eight. Intangible property, such as loans and investments, shall be valued at book value exclusive of reserves.

S 6. This act shall take effect immediately, provided that sections one and two of this act shall be deemed to have been in full force and effect on the same date and in the same manner as part A of chapter 59 of the laws of 2014 took effect, and sections three, four and five of this act shall be deemed to have been in full force and effect on the same date and in the same manner as part D of chapter 60 of the laws of 2015 took effect.

PART OO

Section 1. Section 221-a of the racing, pari-mutuel wagering and breeding law, as added by section 3 of part OO of chapter 59 of the laws of 2014, is amended to read as follows:

S 221-a. Health insurance for jockeys. 1. A franchised corporation shall, as a condition of racing, establish a program to administer the purchase of health insurance for eligible jockeys.

Such program shall be funded through the deposit of one and one-half percent of the gross purse enhancement amount from video lottery gaming at a thoroughbred track pursuant to paragraph two of subdivision b and paragraph one of subdivision f of section sixteen hundred twelve of the tax law. The franchised corporation shall establish a segregated account for the receipt of these monies and these monies shall remain separate from any other funds. Any corporation or association licensed pursuant to this article shall pay into such account any amount due within ten days of the receipt of revenue pursuant to section sixteen hundred twelve of the tax law. Any portion of such funding to the account unused during a calendar year, less an amount sufficient to cover anticipated premium liabilities over the next sixty days, shall be returned on a pro rata basis in accordance with the amounts originally contributed and shall be used for the purpose of enhancing purses at such tracks. Provided, however, if a corporation or association licensed pursuant to this article provides an alternative source of funding for this program, an amount equal to this alternative funding, but not in excess of the amount originally contributed during the year from the gross purse enhancement amount from video lottery gaming attributable to such corporation or association, shall be returned to the corporation or association and used for the purpose of enhancing purses at such track. Provided, further, any such alternative source of funding must be approved by the gaming commission.

2. The franchised corporation shall enter into a memorandum of understanding with the jockey's organization that represents at least fifty-one percent of eligible active jockeys establishing a plan of operation for the program, provided that such memorandum of understanding shall be approved by the gaming commission UPON A DETERMINATION THAT SUCH MEMORANDUM OF UNDERSTANDING MEETS THE STATUTORY REQUIREMENTS OF THIS SECTION AND IS IN THE BEST INTEREST OF RACING and SHALL include, but not be limited to, the following conditions:

a. health insurance policies must be purchased on an American health benefit exchange established pursuant to 42 U.S.C. S 18031(b) by the insured;

b. health insurance policies eligible to be purchased under the program shall be any policy that is silver level of coverage or lower as defined by 42 U.S.C.S18022(d). Provided, however, the insured may elect to purchase a gold level or platinum level of coverage as defined by 42 U.S.C. S 18022(d) if the insured pays the difference in premiums between such policy and the premium for the silver level policy offered by the same insurer. Such payments shall be paid into the account established in subdivision one of this section and shall be governed by the terms of the memorandum of understanding required by this section;

C. NOTWITHSTANDING THE CONDITIONS SET FORTH IN PARAGRAPHS A AND B OF THIS SUBDIVISION, A MEMORANDUM OF UNDERSTANDING WITH THE JOCKEYS ORGANIZATION THAT REPRESENTS AT LEAST FIFTY-ONE PERCENT OF THE ELIGIBLE ACTIVE JOCKEYS MAY BE APPROVED BY THE COMMISSION UPON A DETERMINATION THAT SUCH MEMORANDUM OF UNDERSTANDING IS IN THE BEST INTEREST OF RACING THAT CREATES A JOCKEYS HEALTH TRUST TO BE ADMINISTERED BY THE FRANCHISED CORPORATION FOR THE PURPOSE OF OBTAINING JOCKEY HEALTH BENEFITS FROM A

HEALTH INSURANCE PROVIDER THAT COVERS JOCKEYS AND THEIR DEPENDENTS WITH A HEALTH INSURANCE POLICY THAT IS NOT PURCHASED ON AN AMERICAN HEALTH BENEFIT EXCHANGE ESTABLISHED PURSUANT TO 42 U.S.C. S 18031(B) BUT DOES PROVIDE SILVER LEVEL COVERAGE OR LOWER AS DEFINED BY 42 U.S.C. S 18022(D);

[c.]D. the payment of premiums PURSUANT TO THIS SECTION shall be made on behalf of eligible jockeys pursuant to paragraph [d] E of this subdivision by the franchised corporation from monies in the account established in subdivision one of this section directly to the health plan selected pursuant to paragraph b OR C of this subdivision;

[d.]E. to be eligible to receive health insurance through this program, an individual must meet one of the following requirements:

(i) have ridden in at least two hundred fifty races conducted by the franchised corporation during the prior calendar year or in at least one hundred fifty races conducted by any other corporation or association licensed pursuant to this article during the prior calendar year; provided, however, if an individual qualified for coverage in any prior year and fails to meet the qualification due to an injury not resulting in a permanent disability, that individual shall be deemed to have met the qualification; or

(ii) have retired from racing on or after January first, two thousand ten after having ridden in at least seventy-five hundred races conducted by any corporation or association licensed pursuant to this article. For the purposes of this section, an individual shall be considered retired from racing if they have ridden in fewer than fifty races at any track in the nation licensed to conduct thoroughbred racing during the calendar year; or

(iii) have become permanently disabled due to a racing accident while eligible to receive benefits or would become eligible to receive benefits in the following year pursuant to subparagraph (i) of this paragraph; provided, however, if an individual fails to meet the qualification of such subparagraph (i) due to an injury resulting in a permanent disability, that individual shall be deemed to have met the qualification; and

[e.]F. the gaming commission shall have the following powers:

(i) to rule on eligibility in the event of a denial of coverage pursuant to paragraph [d] E of this subdivision. In the event of a denial of coverage, such individual denied eligibility may appeal to the gaming commission;

(ii) to make a determination if an individual would have qualified pursuant to subparagraph (i) of paragraph [d] E of this subdivision in the event that the individual suffers an injury and contends that he or she would have qualified had they not suffered such injury; and

(iii) to audit the books and records of the program.

S 2. This act shall take effect immediately.

PART PP

Section 1. The opening paragraph of subdivision 7 of section 221 of the racing, pari-mutuel wagering and breeding law, as amended by section 1 of part VV of chapter 59 of the laws of 2015, is amended to read as follows:

In order to pay the costs of the insurance required by this section and by the workers' compensation law and to carry out its other powers and duties and to pay for any of its liabilities under section fourteen-a of the workers' compensation law, the New York Jockey Injury

Compensation Fund, Inc. shall ascertain the total funding necessary and establish the sums that are to be paid by all owners and trainers licensed or required to be licensed under section two hundred twenty of this article, to obtain the total funding amount required annually. In order to provide that any sum required to be paid by an owner or trainer is equitable, the fund shall establish payment schedules which reflect such factors as are appropriate, including where applicable, the geographic location of the racing corporation at which the owner or trainer participates, the duration of such participation, the amount of any purse earnings, the number of horses involved, or such other factors as the fund shall determine to be fair, equitable and in the best interests of racing. In no event shall the amount deducted from an owner's share of purses exceed two per centum; PROVIDED, HOWEVER, FOR TWO THOUSAND SIXTEEN THE NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. MAY USE UP TO TWO MILLION DOLLARS FROM THE ACCOUNT ESTABLISHED PURSUANT TO SUBDIVISION NINE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE TO PAY THE ANNUAL COSTS REQUIRED BY THIS SECTION AND THE FUNDS FROM SUCH ACCOUNT SHALL NOT COUNT AGAINST THE TWO PER CENTUM OF PURSES DEDUCTED FROM AN OWNER'S SHARE OF PURSES. The amount deducted from an owner's share of purses shall not exceed one per centum after April first, two thousand seventeen. In the cases of multiple ownerships and limited racing appearances, the fund shall equitably adjust the sum required.

S 2. Paragraph (a) of subdivision 9 of section 208 of the racing, pari-mutuel wagering and breeding law, as added by chapter 18 of the laws of 2008, is amended to read as follows:

(a) The franchised corporation shall maintain a separate account for all funds held on deposit in trust by the corporation for individual horsemen's accounts. Purse funds shall be paid by the corporation as required to meet its purse payment obligations. Funds held in horsemen's accounts shall only be released or applied as requested and directed by the individual horseman. FOR TWO THOUSAND SIXTEEN THE NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. MAY USE UP TO TWO MILLION DOLLARS FROM THE ACCOUNT ESTABLISHED PURSUANT TO THIS SUBDIVISION TO PAY THE ANNUAL COSTS REQUIRED BY SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE.

S 3. This act shall take effect immediately.

PART QQ

Section 1. Subdivision 4 of section 400 of the economic development law is amended by adding a new paragraph (e) to read as follows:

(E) PROVIDED, HOWEVER THAT THE REQUIREMENT IN PARAGRAPH (A) OF THIS SUBDIVISION THAT THE PARTICIPANT BE A NEW BUSINESS SHALL NOT APPLY TO A CLOSED FACILITY AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION ELEVEN OF THIS SECTION.

S 2. Subdivision 10 of section 400 of the economic development law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, WITH RESPECT TO A CLOSED FACILITY DESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ELEVEN OF THIS SECTION, THE ECONOMIC TRANSFORMATION AREA SHALL CONSIST ONLY OF THE ACREAGE OF THE CLOSED FACILITY.

S 3. Subdivision 11 of section 400 of the economic development law, as added by section 2 of part V of chapter 61 of the laws of 2011, is amended to read as follows:

11. "Closed facility" means:

(a) a correctional facility, as defined in paragraph (a) of subdivision four of section two of the correction law, that has been selected

by the governor of the state of New York for closure after April first, two thousand eleven but no later than March thirty-first, two thousand twelve; or

(b) a facility operated by the office of children and family services under article nineteen-G of the executive law that is closed pursuant to authority granted to such office in a chapter of the laws of two thousand eleven; [and] OR

(c) which has been closed provided that the commissioner of correctional services or the commissioner of the office of children and family services has notified the commissioner of such closure[.]; OR

(D) A FACILITY PREVIOUSLY OWNED BY THE STATE, AND WHEN OPERATED, WAS OPERATED AS A PSYCHIATRIC FACILITY PURSUANT TO SECTION 7.17 OF THE MENTAL HYGIENE LAW, AND LOCATED WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT BUT OUTSIDE NEW YORK CITY.

S 4. Subdivision 1 of section 402 of the economic development law, as added by section 2 of part V of chapter 61 of the laws of 2011, is amended to read as follows:

1. A business entity must submit a completed application as prescribed by the commissioner by the later of (a) the date that is three years after the date of the closure of the closed facility located in the economic transformation area in which the business entity would operate or (b) January first, two thousand fifteen. PROVIDED HOWEVER, IN THE CASE OF A CLOSED FACILITY DESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ELEVEN OF SECTION FOUR HUNDRED OF THIS ARTICLE, A BUSINESS ENTITY MUST SUBMIT A COMPLETED APPLICATION AS PRESCRIBED BY THE COMMISSIONER BY SEPTEMBER FIRST, TWO THOUSAND SIXTEEN.

S 5. Paragraph 1 of subdivision (h) of section 35 of the tax law, as added by section 3 of part V of chapter 61 of the laws of 2011, is amended to read as follows:

(1) A taxpayer which meets the requirements in this section shall be eligible to claim a credit on qualified investments with respect to the project for which the certificate of eligibility is issued. The credit shall be equal to ten percent of the cost or other basis for federal income tax purposes of the qualified investment at a closed facility. PROVIDED HOWEVER, FOR PURPOSES OF THIS CREDIT ONLY, A TAXPAYER THAT IS THE OWNER OF A CLOSED FACILITY DESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ELEVEN OF SECTION FOUR HUNDRED OF THE ECONOMIC DEVELOPMENT LAW, SHALL BE ALLOWED TO INCLUDE IN ITS COST OR OTHER BASIS OF THE QUALIFIED INVESTMENT AT THE CLOSED FACILITY, ANY DEMOLITION COSTS INCURRED AT SUCH CLOSED FACILITY. THOSE DEMOLITION COSTS SHALL BE LIMITED TO THE FOLLOWING COSTS: (I) ASBESTOS REMOVAL COSTS, (II) RENTAL OF DEMOLITION EQUIPMENT, (III) PERSONNEL COSTS TO OPERATE THE DEMOLITION EQUIPMENT, (IV) COSTS TO REMOVE AND DISPOSE OF DEMOLITION DEBRIS, (V) THE COSTS OF ANY PERMITS, LICENSES AND INSURANCE NECESSARY FOR THE DEMOLITION. The total amount of investment tax credit allowed for all eligible participants under this subdivision for qualified investments located at each closed facility shall not exceed eight million dollars. The credit shall be equal to six percent of the cost or other basis for federal income tax purposes for all other qualified investments, but the credit allowed to a taxpayer may not exceed four million dollars.

S 6. This act shall take effect immediately, provided however, that the amendments made to sections 400 and 402 of the economic development law by sections one, two, three and four of this act and section 35 of the tax law made by section five of this act shall not affect the repeal of such sections and shall be deemed repealed therewith.

PART RR

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

S 42. FARM WORKFORCE RETENTION CREDIT. (A) A TAXPAYER THAT IS A FARM EMPLOYER OR AN OWNER OF A FARM EMPLOYER SHALL BE ELIGIBLE FOR A CREDIT AGAINST THE TAX IMPOSED UNDER ARTICLE NINE-A OR TWENTY-TWO OF THIS CHAPTER, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (G) OF THIS SECTION.

(B) A FARM EMPLOYER IS A CORPORATION (INCLUDING A NEW YORK S CORPORATION), A SOLE PROPRIETORSHIP, A LIMITED LIABILITY COMPANY OR A PARTNERSHIP WHO IS ALSO AN ELIGIBLE FARMER.

(C) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "ELIGIBLE FARMER" MEANS A TAXPAYER WHOSE FEDERAL GROSS INCOME FROM FARMING FOR THE TAXABLE YEAR IS AT LEAST TWO-THIRDS OF EXCESS FEDERAL GROSS INCOME. EXCESS FEDERAL GROSS INCOME MEANS THE AMOUNT OF FEDERAL GROSS INCOME FROM ALL SOURCES FOR THE TAXABLE YEAR IN EXCESS OF THIRTY THOUSAND DOLLARS. FOR THE PURPOSES OF THIS SUBDIVISION, PAYMENTS FROM THE STATE'S FARMLAND PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE AND MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM FARMING FOR OTHERWISE ELIGIBLE FARMERS.

(D) AN ELIGIBLE FARM EMPLOYEE IS AN INDIVIDUAL WHO IS EMPLOYED FOR FIVE HUNDRED HOURS OR MORE PER TAXABLE YEAR, BY A FARM EMPLOYER IN NEW YORK STATE, BUT EXCLUDING GENERAL EXECUTIVE OFFICERS OF THE FARM EMPLOYER; PROVIDED, HOWEVER, THAT WHERE AN INDIVIDUAL EMPLOYED BY A FARM EMPLOYER IN NEW YORK STATE BECOMES UNABLE TO WORK DUE TO A DOCUMENTED ILLNESS OR DISABILITY, THE HOURS SUCH INDIVIDUAL IS EMPLOYED MAY BE COMBINED WITH THE HOURS WORKED BY AN INDIVIDUAL HIRED TO REPLACE SUCH INDIVIDUAL WHEN DETERMINING WHETHER THE FIVE HUNDRED HOUR THRESHOLD HAS BEEN MET.

(E) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN, THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND TWO HUNDRED FIFTY DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN, THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND THREE HUNDRED DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY, THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND FIVE HUNDRED DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY-ONE, THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND FOUR HUNDRED DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-ONE AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY-TWO, THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND SIX HUNDRED DOLLARS.

(F) A TAXPAYER CLAIMING THE CREDIT ALLOWED UNDER THIS SECTION SHALL NOT BE ALLOWED TO CLAIM ANY OTHER TAX CREDIT ALLOWED UNDER THIS CHAPTER WITH RESPECT TO ANY ELIGIBLE FARM EMPLOYEE INCLUDED IN THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES USED TO DETERMINE THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION.

(G) CROSS REFERENCES: FOR APPLICATION OF THE CREDIT PROVIDED IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:
(1) ARTICLE 9-A: SECTION 210-B, SUBDIVISION 51.
(2) ARTICLE 22: SECTION 606, SUBSECTION (EEE).

S 2. Section 210-B of the tax law is amended by adding a new subdivision 51 to read as follows:

51. FARM WORKFORCE RETENTION CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR MAY NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS TAX BASED ON THE FIXED DOLLAR MINIMUM AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR WILL BE TREATED 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, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

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

(XLI) FARM WORKFORCE RETENTION CREDIT UNDER SUBSECTION (EEE)	AMOUNT OF CREDIT UNDER SUBDIVISION FIFTY-ONE OF SECTION TWO HUNDRED TEN-B

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

(EEE) FARM WORKFORCE RETENTION CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISION OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST WILL BE PAID THEREON.

S 5. This act shall take effect immediately and shall apply only to taxable years beginning on or after January 1, 2017 and before January 1, 2022.

PART SS

Section 1. Section 1617-a of the tax law, as amended by section 2 of part Z-3 of chapter 62 of the laws of 2003, subdivision a as amended by section 2 and subdivision e as added by section 3 of part O-1 of chapter 57 of the laws of 2009, subdivision b and paragraph 3 of subdivision f as amended by chapter 137 of the laws of 2014, paragraph 4 of subdivision a and subdivision (h) as added by chapter 174 of the laws of 2013, subdivision f as added by section 2 of part O of chapter 61 of the laws of 2011, and subdivision g as amended by section 5 of part EE of chapter 59 of the laws of 2014, is amended to read as follows:

S 1617-a. Video lottery gaming. a. The [division of the lottery] GAMING COMMISSION is hereby authorized to license, pursuant to rules and

regulations to be promulgated by the [division of the lottery] GAMING COMMISSION, the operation of video lottery gaming at;

(1) Aqueduct, Monticello, Yonkers, Finger Lakes, and Vernon Downs racetracks[, or at];

(2) any other racetrack licensed pursuant to article three of the racing, pari-mutuel wagering and breeding law [that are] located in a county or counties in which video lottery gaming has been authorized pursuant to local law, excluding the licensed racetrack commonly referred to in article three of the racing, pari-mutuel wagering and breeding law as the "New York state exposition" held in Onondaga county and the racetracks of the non-profit racing association known as Belmont Park racetrack and the Saratoga thoroughbred racetrack[.];

(3) A MAXIMUM OF TWO FACILITIES, WHICH SHALL BE VENDORS FOR ALL PURPOSES UNDER THIS ARTICLE, NEITHER TO EXCEED ONE THOUSAND VIDEO LOTTERY GAMING DEVICES, ESTABLISHED WITHIN REGION THREE OF ZONE ONE AS DEFINED BY SECTION ONE THOUSAND THREE HUNDRED TEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, ONE EACH OPERATED BY A CORPORATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE SUFFOLK REGION AND THE NASSAU REGION TO BE LOCATED WITHIN A FACILITY AUTHORIZED PURSUANT TO SECTIONS ONE THOUSAND EIGHT OR ONE THOUSAND NINE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; AND

(4) AQUEDUCT RACETRACK, WITHIN THE LOTTERY TERMINAL FACILITY, PURSUANT TO AN AGREEMENT BETWEEN THE CORPORATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE NASSAU REGION AND THE OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT RACETRACK, WHEN SUCH AGREEMENT IS APPROVED BY THE GAMING COMMISSION AND AS LONG AS SUCH AGREEMENT IS IN PLACE, AND WHEN SUCH AGREEMENT IS ACCOMPANIED BY A DETAILED SPENDING PLAN FOR THE CORPORATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE NASSAU REGION, WHICH INCLUDES A PLAN FOR THE TIMELY PAYMENT OF LIABILITIES DUE TO THE FRANCHISED CORPORATION, AND WHEN SUCH VIDEO LOTTERY DEVICES ARE HOSTED BY THE OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT RACETRACK ON BEHALF OF THE CORPORATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE NASSAU REGION IN LIEU OF THE DEVELOPMENT OF A FACILITY IN NASSAU COUNTY AS AUTHORIZED BY PARAGRAPH THREE OF SUBDIVISION A OF THIS SECTION. SUCH AGREEMENT REACHED BY THE PARTIES SHALL IDENTIFY THE AGENCY PRINCIPALLY RESPONSIBLE FOR FUNDING, APPROVING OR UNDERTAKING ANY ACTIONS OF SUCH AGREEMENT. PROVIDED, HOWEVER, NOTHING IN THIS PARAGRAPH SHALL INFRINGE UPON THE RIGHTS OF THE CORPORATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE NASSAU REGION TO DEVELOP A FACILITY PURSUANT TO PARAGRAPH THREE OF THIS SUBDIVISION UPON THE EXPIRATION, TERMINATION, OR WITHDRAWAL OF SUCH AGREEMENT.

B. Such rules and regulations shall provide, as a condition of licensure, that racetracks to be licensed are certified to be in compliance with all state and local fire and safety codes, that the [division] GAMING COMMISSION is afforded adequate space, infrastructure, and amenities consistent with industry standards for such video LOTTERY gaming operations as found at racetracks in other states, that racetrack employees involved in the operation of video lottery gaming pursuant to this section are licensed by the [racing and wagering board,] GAMING COMMISSION and such other terms and conditions of licensure as the [division] GAMING COMMISSION may establish. Notwithstanding any inconsistent provision of law, video lottery gaming at a racetrack pursuant

to this section shall be deemed an approved activity for such racetrack under the relevant city, county, town, or village land use or zoning ordinances, rules, or regulations. No entity licensed by the [division] GAMING COMMISSION operating video lottery gaming pursuant to this section may house such gaming activity in a structure deemed or approved by the division as "temporary" for a duration of longer than eighteen-months. Nothing in this section shall prohibit the [division] GAMING COMMISSION from licensing an entity to operate video lottery gaming at an existing racetrack as authorized in this subdivision whether or not a different entity is licensed to conduct horse racing and pari-mutuel wagering at such racetrack pursuant to article two or three of the racing, pari-mutuel wagering and breeding law.

The [division, in consultation with the racing and wagering board,] GAMING COMMISSION shall establish standards for approval of the temporary and permanent physical layout and construction of any facility or building devoted to a video lottery gaming operation. In reviewing such application for the construction or reconstruction of facilities related or devoted to the operation or housing of video lottery gaming operations, the [division, in consultation with the racing and wagering board,] GAMING COMMISSION shall ensure that such facility:

(1) possesses superior consumer amenities and conveniences to encourage and attract the patronage of tourists and other visitors from across the region, state, and nation.

(2) has adequate motor vehicle parking facilities to satisfy patron requirements.

(3) has a physical layout and location that facilitates access to and from the horse racing track portion of such facility to encourage patronage of live horse racing events that are conducted at such track.

[(4) at a maximum of two facilities, neither to exceed one thousand video lottery gaming devices, established within region three of zone one as defined by section one thousand three hundred ten of the racing, pari-mutuel wagering and breeding law, one each operated by a corporation established pursuant to section five hundred two of the racing, pari-mutuel wagering and breeding law in the Suffolk region and the Nassau region to be located within a facility authorized pursuant to sections one thousand eight or one thousand nine of the racing, pari-mutuel wagering and breeding law.] C. The [facilities] TERMINALS authorized pursuant to [this] paragraph FOUR OF SUBDIVISION A OF THIS SECTION shall [be deemed vendors for all purposes under this article.]:

(I) BE DEEMED AS OPERATED BY THE CORPORATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE NASSAU REGION FOR THE PURPOSES OF SECTION SIXTEEN HUNDRED TWELVE OF THIS CHAPTER AND THE DISTRIBUTIONS THEREFROM MADE AS IF THE VIDEO LOTTERY DEVICES WERE LOCATED IN NASSAU COUNTY;

(II) CONSIST EXCLUSIVELY OF ELECTRONIC TABLE GAMES, UNLESS OTHERWISE APPROVED BY THE GAMING COMMISSION AND THE DIRECTOR OF THE DIVISION OF THE BUDGET; AND

(III) BE INDIVIDUALLY DESIGNATED AS HOSTED.

D. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, ABSENT THE ENACTMENT OF SUFFICIENT ALTERNATIVE REVENUE SOURCES FOR THE FRANCHISED CORPORATION IN A CHAPTER OF LAW PROVIDING A STATUTORY PLAN FOR THE PROSPECTIVE NOT-FOR-PROFIT GOVERNING STRUCTURE OF THE NEW YORK RACING ASSOCIATION, INC., ANY AGREEMENT FOR THE OPERATION OF TERMINALS AUTHORIZED PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION A OF THIS SECTION SHALL REQUIRE THE OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT RACETRACK TO MAINTAIN RACING SUPPORT FOR GENERAL THOROUGHBRED RACING OPERATIONS

AND CAPITAL EXPENDITURES FROM VIDEO LOTTERY GAMING AT AQUEDUCT RACETRACK, AT THE SAME LEVEL REALIZED IN TWO THOUSAND THIRTEEN, TO BE ADJUSTED BY THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, AS PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

[b.] E. Video lottery gaming shall only be permitted for no more than twenty consecutive hours per day and on no day shall such operation be conducted past 6:00 a.m.

[c.] F. The [division] GAMING COMMISSION shall promulgate such rules and regulations as may be necessary for the implementation of video lottery gaming in accordance with the provisions of this section and paragraph five of subdivision a of section sixteen hundred twelve of this article.

[d.] G. All workers engaged in the construction, reconstruction, development, rehabilitation, or maintenance of any area for the purpose of the installation, maintenance, or removal of video lottery GAMING terminals shall be subject to the provisions of articles eight and nine of the labor law to the extent provided in such articles.

[e.] H. The [division] GAMING COMMISSION shall not approve the construction or alteration of any facility or building devoted to the operation or housing of video lottery gaming until the person or entity selected to operate such video lottery gaming shall have submitted to the [division] GAMING COMMISSION a statement of the location of the proposed facility or building, together with a plan of such racetrack, and plans of all existing buildings, seating stands and other structures on the grounds of such racetrack, in such form as the [division] GAMING COMMISSION may prescribe, and such plans shall have been approved by the [division] GAMING COMMISSION. The [division] GAMING COMMISSION, at the expense of the applicant, may order such engineering examination thereof as the [division] GAMING COMMISSION may deem necessary. Such construction or alteration may be made only with the approval of the [division] GAMING COMMISSION and after examination and inspection of the plans thereof and the issuance of a permit [therefor] by the [division] GAMING COMMISSION.

[f.] I. (1) The [division] GAMING COMMISSION may administer a free play allowance program to offer players or prospective players of video lottery games free play credits for the purpose of increasing revenues earned by the video lottery GAMING program for the support of education. For the purposes of this subdivision, "free play allowance credit" means a specified dollar amount that (i) may be used by a player to play a video lottery game without paying any other consideration, and (ii) is not used in the calculation of total revenue wagered after payout of prizes.

(2) For each video lottery GAMING facility, the [division] GAMING COMMISSION shall authorize the use of free play allowance credits if the operator of such facility submits a written plan for the use of the free play allowance that the [division] GAMING COMMISSION determines is designed to increase the amount of revenue earned by video lottery gaming at such facility for the support of education.

(3) For each video lottery facility, the annual value of the free play allowance credits authorized for use by the operator pursuant to this subdivision shall not exceed an amount equal to fifteen percent of the total amount wagered on video lottery games after payout of prizes. The [division] GAMING COMMISSION shall establish procedures to assure that free play allowance credits do not exceed such amount.

(4) The [division] GAMING COMMISSION, in conjunction with the director of the budget, may suspend the use of free play allowance credits authorized pursuant to this subdivision whenever they jointly determine that the use of free play allowance credits are not effective in increasing the amount of revenue earned for the support of education, and such use may not be resumed unless the operator of such facility submits a new or revised written plan for the use of the free play allowance that the [division] GAMING COMMISSION determines is designed more effectively to produce an increase in the amount of revenue earned by video lottery gaming at such facility for the support of education.

(5) Nothing in this subdivision shall be deemed to prohibit the operator of a video lottery facility from offering free play credits to players or prospective players of video lottery games when the value of such free play credits is included in the calculation of the total amount wagered on video lottery games and the total amount wagered after payout of prizes, and the operator of such facility pays the [division] GAMING COMMISSION the full amount due as the result of such calculations.

(6) The [division] GAMING COMMISSION may amend the contract with the provider of the central computer system that controls the video lottery network during the term of such contract in effect on the effective date of this subdivision to provide additional consideration to such provider in an amount determined by the [division] GAMING COMMISSION to be necessary to compensate for (i) processing free play allowance transactions and (ii) system updates and modifications otherwise needed as of such effective date.

[g.] J. Every video lottery gaming license, and every renewal license, shall be valid for a period of five years, except that video LOTTERY gaming licenses issued before the effective date of this subdivision shall be for a term expiring on the applicant's next birthday following June thirtieth, two thousand fourteen.

The gaming commission may decline to renew any license after notice and an opportunity for hearing if it determines that:

(1) the licensee has violated section one thousand six hundred seven of this article;

(2) the licensee has violated any rule, regulation or order of the gaming commission;

(3) the applicant or its officers, directors or significant stockholders, as determined by the gaming commission, have been convicted of a crime involving moral turpitude; or

(4) that the character or fitness of the licensee and its officers, directors, and significant stockholders, as determined by the gaming commission is such that the participation of the applicant in video lottery gaming or related activities would be inconsistent with the public interest, convenience or necessity or with the best interests of video LOTTERY gaming generally.

[(h)] K. The gaming commission, subject to notice and an opportunity for hearing, may revoke, suspend, and condition the license of the video LOTTERY gaming licensee, order the video LOTTERY gaming licensee to terminate the continued appointment, position or employment of officers and directors, or order the video LOTTERY gaming licensee to require significant stockholders to divest themselves of all interests in the video LOTTERY gaming licensee.

S 2. Clause (H) of subparagraph (ii) of paragraph 1 of subdivision b of section 1612 of the tax law, as amended by section 1 of part MM of chapter 59 of the laws of 2015, is amended to read as follows:

(H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of this subparagraph, the track operator of a vendor track AND IN THE CASE OF AQUEDUCT, THE VIDEO LOTTERY TERMINAL FACILITY OPERATOR, shall be eligible for a vendor's capital award of up to four percent of the total revenue wagered at the vendor track after payout for prizes pursuant to this chapter, which shall be used exclusively for capital project investments to improve the facilities of the vendor track which promote or encourage increased attendance at the video lottery gaming facility including, but not limited to hotels, other lodging facilities, entertainment facilities, retail facilities, dining facilities, events arenas, parking garages and other improvements that enhance facility amenities; provided that such capital investments shall be approved by the division, in consultation with the state racing and wagering board, and that such vendor track demonstrates that such capital expenditures will increase patronage at such vendor track's facilities and increase the amount of revenue generated to support state education programs. The annual amount of such vendor's capital awards that a vendor track shall be eligible to receive shall be limited to two million five hundred thousand dollars, except for Aqueduct racetrack, for which there [shall be no vendor's capital awards] SHALL BE NO ANNUAL LIMIT, PROVIDED, HOWEVER, THAT ANY SUCH CAPITAL AWARD FOR THE AQUEDUCT VIDEO LOTTERY TERMINAL FACILITY OPERATOR SHALL BE ONE PERCENT OF THE TOTAL REVENUE WAGERED AT THE VIDEO LOTTERY TERMINAL FACILITY AFTER PAYOUT FOR PRIZES PURSUANT TO THIS CHAPTER UNTIL THE EARLIER OF THE DESIGNATION OF ONE THOUSAND VIDEO LOTTERY DEVICES AS HOSTED PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION A OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THIS CHAPTER OR APRIL FIRST, TWO THOUSAND NINETEEN AND SHALL THEN BE FOUR PERCENT OF THE TOTAL REVENUE WAGERED AT THE VIDEO LOTTERY TERMINAL FACILITY AFTER PAYOUT FOR PRIZES PURSUANT TO THIS CHAPTER, PROVIDED, FURTHER, THAT SUCH CAPITAL AWARD SHALL ONLY BE PROVIDED PURSUANT TO AN AGREEMENT WITH THE OPERATOR TO CONSTRUCT AN EXPANSION OF THE FACILITY, HOTEL, AND CONVENTION AND EXHIBITION SPACE REQUIRING A MINIMUM CAPITAL INVESTMENT OF THREE HUNDRED MILLION DOLLARS. Except for tracks having less than one thousand one hundred video gaming machines, and except for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, AND EXCEPT FOR AQUEDUCT RACETRACK each track operator shall be required to co-invest an amount of capital expenditure equal to its cumulative vendor's capital award. For all tracks, except for Aqueduct racetrack, the amount of any vendor's capital award that is not used during any one year period may be carried over into subsequent years ending before April first, two thousand sixteen. Any amount attributable to a capital expenditure approved prior to April first, two thousand sixteen and completed before April first, two thousand eighteen; or approved prior to April first, two thousand twenty and completed before April first, two thousand twenty-two for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, shall be eligible to receive the vendor's capital award. In the event that a vendor track's capital expenditures, approved by the division prior to April first, two thousand sixteen and completed prior to April first, two thousand eighteen, exceed the vendor track's cumulative capital award during the five year period ending April first, two thousand sixteen, the vendor shall continue to receive the capital award after April first, two thousand sixteen until such approved capital expenditures are paid to the vendor track subject to any required co-investment. In no event shall any vendor track that receives a vendor fee pursuant to clause (F) or (G) of this subparagraph

be eligible for a vendor's capital award under this section. Any operator of a vendor track which has received a vendor's capital award, choosing to divest the capital improvement toward which the award was applied, prior to the full depreciation of the capital improvement in accordance with generally accepted accounting principles, shall reimburse the state in amounts equal to the total of any such awards. Any capital award not approved for a capital expenditure at a video lottery gaming facility by April first, two thousand sixteen shall be deposited into the state lottery fund for education aid; and

S 3. Section 503 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 14 to read as follows:

14. NASSAU REGIONAL OFF-TRACK BETTING IS AUTHORIZED TO ENTER INTO AND PERFORM AN AGREEMENT PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION A OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW TO HAVE VIDEO LOTTERY TERMINALS AUTHORIZED PURSUANT TO PARAGRAPH THREE OF SUBDIVISION A OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW HOSTED WITHIN THE AQUEDUCT VIDEO LOTTERY TERMINAL FACILITY.

S 4. This act shall take effect immediately, provided, however, that section two of this act shall take effect upon the designation of four hundred video lottery devices as hosted pursuant to paragraph (4) of subdivision a of section 1617-a of the tax law, as added by section one of this act; provided, further, that the New York State gaming commission shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART TT

Section 1. Subparagraph (B) of paragraph 1 of subsection (a) of section 601 of the tax law is REPEALED and a new subparagraph (B) is added to read as follows:

(B)(I) FOR TAX YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, THE BRACKETS AND DOLLARS AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN, SHALL APPLY. IN ADDITION, THE TAX RATES IN SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL APPLY, EXCEPT AS NOTED IN CLAUSE (II) OF THIS SUBPARAGRAPH, AND EXCEPT THAT THE RATE APPLICABLE TO NEW YORK TAXABLE INCOMES IN EXCESS OF $300,000 AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN, SHALL BE THE HIGHEST TAX RATE SPECIFIED IN THE PROVISIONS OF THIS SUBPARAGRAPH AS ENACTED BY CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND THIRTEEN PRIOR TO ITS REPEAL BY A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SUBPARAGRAPH. FOR PURPOSES OF CLAUSE (II) OF THIS SUBPARAGRAPH, THE BRACKETS SPECIFIED SHALL BE AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN. AFTER MAKING THE COST OF LIVING ADJUSTMENTS TO THE DOLLAR AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE DOLLAR AMOUNTS IN THE TAX CALCULATIONS FOR THE INCOME BRACKETS FOR NEW YORK TAXABLE INCOME

OVER $26,000 SHALL BE ADJUSTED TO REFLECT THE RATE REDUCTIONS IN CLAUSE (II) OF THIS SUBPARAGRAPH.

(II) (I) FOR TAX YEAR TWO THOUSAND EIGHTEEN, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $40,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $40,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 6.33%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.57%.

(II) FOR TAX YEAR TWO THOUSAND NINETEEN, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $40,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $40,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 6.21%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.49%.

(III) FOR TAX YEAR TWO THOUSAND TWENTY, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $40,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $40,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 6.09%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.41%.

(IV) FOR TAX YEAR TWO THOUSAND TWENTY-ONE, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $40,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $40,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 5.97%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.33%.

(V) FOR TAX YEAR TWO THOUSAND TWENTY-TWO, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 5.85%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.25%.

(VI) FOR TAX YEAR TWO THOUSAND TWENTY-THREE, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 5.73%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.17%.

(VII) FOR TAX YEAR TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 5.61%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.09%.

(VIII) FOR TAX YEARS AFTER TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $26,000 BUT NOT OVER $150,000, THE TAX RATE SHALL BE 5.50%. IF NEW YORK TAXABLE INCOME IS OVER $150,000 BUT NOT OVER $300,000, THE TAX RATE SHALL BE 6.00%.

S 2. Subparagraph (B) of paragraph 1 of subsection (b) of section 601 of the tax law is REPEALED and a new subparagraph (B) is added to read as follows:

(B) (I) FOR TAX YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, THE BRACKETS AND DOLLARS AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN, SHALL APPLY. IN ADDITION, THE TAX RATES IN SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL APPLY, EXCEPT AS NOTED IN CLAUSE (II) OF THIS SUBPARAGRAPH, AND EXCEPT THAT THE RATE APPLICABLE TO NEW YORK TAXABLE INCOMES IN EXCESS OF $250,000 AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN SHALL BE THE HIGHEST TAX RATE SPECIFIED IN THE PROVISIONS OF THIS

SUBPARAGRAPH AS ENACTED BY CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND THIRTEEN PRIOR TO ITS REPEAL BY A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SUBPARAGRAPH. FOR PURPOSES OF CLAUSE (II) OF THIS SUBPARAGRAPH, THE BRACKETS SPECIFIED SHALL BE AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN. AFTER MAKING THE COST OF LIVING ADJUSTMENTS TO THE DOLLAR AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE DOLLAR AMOUNTS IN THE TAX CALCULATIONS FOR THE INCOME BRACKETS FOR NEW YORK TAXABLE INCOME OVER $19,500 SHALL BE ADJUSTED TO REFLECT THE RATE REDUCTIONS IN CLAUSE (II) OF THIS SUBPARAGRAPH.

(II) (I) FOR TAX YEAR TWO THOUSAND EIGHTEEN, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $30,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $30,000 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 6.33%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.57%.

(II) FOR TAX YEAR TWO THOUSAND NINETEEN, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $30,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $30,000 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 6.21%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.49%.

(III) FOR TAX YEAR TWO THOUSAND TWENTY, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $30,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $30,000 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 6.09%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.41%.

(IV) FOR TAX YEAR TWO THOUSAND TWENTY-ONE, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $30,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $30,000 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 5.97%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.33%.

(V) FOR TAX YEAR TWO THOUSAND TWENTY-TWO, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 5.85%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.25%.

(VI) FOR TAX YEAR TWO THOUSAND TWENTY-THREE, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 5.73%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.17%.

(VII) FOR TAX YEAR TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 5.61%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.09%.

(VIII) FOR TAX YEARS AFTER TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $19,500 BUT NOT OVER $100,000, THE TAX RATE SHALL BE 5.50%. IF NEW YORK TAXABLE INCOME IS OVER $100,000 BUT NOT OVER $250,000, THE TAX RATE SHALL BE 6.00%.

S 3. Subparagraph (B) of paragraph 1 of subsection (c) of section 601 of the tax law is REPEALED and a new subparagraph (B) is added to read as follows:

(B)(I) FOR TAX YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, THE BRACKETS AND DOLLARS AMOUNT IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AS

ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN, SHALL APPLY. IN ADDITION, THE TAX RATES IN SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL APPLY, EXCEPT AS NOTED IN CLAUSE (II) OF THIS SUBPARAGRAPH, AND EXCEPT THAT THE RATE APPLICABLE TO NEW YORK TAXABLE INCOME IN EXCESS OF $200,000 AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN SHALL BE THE HIGHEST TAX RATE SPECIFIED IN THE PROVISIONS OF THIS SUBPARAGRAPH AS ENACTED BY CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND THIRTEEN PRIOR TO ITS REPEAL BY A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SUBPARAGRAPH. FOR PURPOSES OF CLAUSE (II) OF THIS SUBPARAGRAPH, THE BRACKETS SPECIFIED SHALL BE AS ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN. AFTER MAKING THE COST OF LIVING ADJUSTMENTS TO THE DOLLAR AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE DOLLAR AMOUNTS IN THE TAX CALCULATIONS FOR THE INCOME BRACKETS FOR NEW YORK TAXABLE INCOME OVER $13,000 SHALL BE ADJUSTED TO REFLECT THE RATE REDUCTIONS IN CLAUSE (II) OF THIS SUBPARAGRAPH.

(II)(I) FOR TAX YEAR TWO THOUSAND EIGHTEEN, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $20,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $20,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 6.33%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.57%.

(II) FOR TAX YEAR TWO THOUSAND NINETEEN, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $20,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $20,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 6.21%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.49%.

(III) FOR TAX YEAR TWO THOUSAND TWENTY, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $20,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $20,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 6.09%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.41%.

(IV) FOR TAX YEAR TWO THOUSAND TWENTY-ONE, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $20,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER $20,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 5.97%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.33%.

(V) FOR TAX YEAR TWO THOUSAND TWENTY-TWO, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 5.85%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.25%.

(VI) FOR TAX YEAR TWO THOUSAND TWENTY-THREE, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 5.73%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.17%.

(VII) FOR TAX YEAR TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 5.61%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.09%.

(VIII) FOR TAX YEARS AFTER TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER $13,000 BUT NOT OVER $75,000, THE TAX RATE SHALL BE 5.50%. IF NEW YORK TAXABLE INCOME IS OVER $75,000 BUT NOT OVER $200,000, THE TAX RATE SHALL BE 6.00%.

S 4. The opening paragraph of subsection (d-1) of section 601 of the tax law, as amended by section 4 of part FF of chapter 59 of the laws of 2013, is amended to read as follows:

Alternative tax table benefit recapture. Notwithstanding the provisions of subsection (d) of this section, for taxable years beginning after two thousand eleven [and before two thousand eighteen], there is hereby imposed a supplemental tax in addition to the tax imposed under subsections (a), (b) and (c) of this section for the purpose of recapturing the benefit of the tax tables contained in such subsections. During these taxable years, any reference in this chapter to subsection (d) of this section shall be read as a reference to this subsection.

S 5. The opening paragraph of paragraph 1 of subsection (d-1) of section 601 of the tax law, as added by section 7 of part A of chapter 56 of the laws of 2011, is amended to read as follows:

For resident married individuals filing joint returns and resident surviving spouses, the supplemental tax shall be an amount equal to the sum of the tax table benefits described in subparagraphs (A), (B), (C) and (D) of this paragraph multiplied by their respective fractions in such subparagraphs. FURTHERMORE, IN MAKING THE CALCULATIONS DESCRIBED IN THESE SUBPARAGRAPHS IN TAXABLE YEARS BEGINNING AFTER TAX YEAR TWO THOUSAND SEVENTEEN, THE APPLICABLE TAX RATES SPECIFIED IN SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (A) OF THIS SECTION SHALL BE SUBSTITUTED FOR THE RATES REFERENCED IN THESE SUBPARAGRAPHS.

S 6. The opening paragraph of paragraph 2 of subsection (d-1) of section 601 of the tax law, as added by section 7 of part A of chapter 56 of the laws of 2011, is amended to read as follows:

For resident heads of households, the supplemental tax shall be an amount equal to the sum of the tax table benefits described in subparagraphs (A), (B) and (C) of this paragraph multiplied by their respective fractions in such subparagraphs. FURTHERMORE, IN MAKING THE CALCULATIONS DESCRIBED IN THESE SUBPARAGRAPHS IN TAXABLE YEARS BEGINNING AFTER TAX YEAR TWO THOUSAND SEVENTEEN, THE APPLICABLE TAX RATES SPECIFIED IN SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (B) OF THIS SECTION SHALL BE SUBSTITUTED FOR THE RATES REFERENCED IN THESE SUBPARAGRAPHS.

S 7. The opening paragraph of paragraph 3 of subsection (d-1) of section 601 of the tax law, as added by section 7 of part A of chapter 56 of the laws of 2011, is amended to read as follows:

For resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts, the supplemental tax shall be an amount equal to the sum of the tax table benefits described in subparagraphs (A), (B) and (C) of this paragraph multiplied by their respective fractions in such subparagraphs. FURTHERMORE, IN MAKING THE CALCULATIONS DESCRIBED IN THESE SUBPARAGRAPHS IN TAXABLE YEARS BEGINNING AFTER TAX YEAR TWO THOUSAND SEVENTEEN, THE APPLICABLE TAX RATES SPECIFIED IN SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (C) OF THIS SECTION SHALL BE SUBSTITUTED FOR THE RATES REFERENCED IN THESE SUBPARAGRAPHS.

S 8. Subsection (d-2) of section 601 of the tax law is REPEALED.

S 9. Notwithstanding any provision in the state administrative procedure act to the contrary, the cost of living adjustment of the tax brackets and dollar amounts in the tax tables and the withholding tables

and methods required as a result of this act shall not be prescribed by regulation.

S 10. This act shall take effect immediately.

PART UU

Section 1. Section 282 of the tax law is amended by adding a new subdivision 27 to read as follows:

27. "WHOLESALER OF MOTOR FUEL" MEANS ANY PERSON, FIRM, ASSOCIATION OR CORPORATION WHO OR WHICH: (1) IS NOT A DISTRIBUTOR OF MOTOR FUEL; (2) MAKES A SALE OF MOTOR FUEL IN THIS STATE OTHER THAN A RETAIL SALE NOT IN BULK; AND (3)(A) MAKES ANY PURCHASES OF MOTOR FUEL FOR RESALE WITHIN THE REGION SET FORTH IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH ONE OF SUBDIVISION (E) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER; OR (B) MAKES ANY SALES OF MOTOR FUEL, OTHER THAN RETAIL SALES NOT IN BULK, WITHIN THE REGION SET FORTH IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH ONE OF SUBDIVISION (E) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER. FOR THE PURPOSES OF THIS ARTICLE WHEN USED WITH RESPECT TO MOTOR FUEL, A "RETAIL SALE NOT IN BULK" MEANS THE MAKING OR OFFERING TO MAKE ANY SALE OF MOTOR FUEL TO A CONSUMER OF SUCH FUEL WHICH IS DELIVERED DIRECTLY INTO A MOTOR VEHICLE FOR USE IN THE OPERATION OF SUCH VEHICLE. A "RETAIL SALE IN BULK" MEANS THE MAKING OR OFFERING TO MAKE ANY SALE OF MOTOR FUEL TO A CONSUMER WHICH IS OTHER THAN A "RETAIL SALE NOT IN BULK".

S 2. The tax law is amended by adding a new section 283-d to read as follows:

S 283-D. REGISTRATION OF WHOLESALERS OF MOTOR FUEL. (A) REGISTRATION REQUIRED. EACH WHOLESALER OF MOTOR FUEL MUST BE REGISTERED WITH THE DEPARTMENT UNDER THIS SECTION. NO WHOLESALER OF MOTOR FUEL SHALL MAKE A SALE OF MOTOR FUEL IN THIS STATE OTHER THAN A RETAIL SALE NOT IN BULK UNLESS SUCH WHOLESALER IS SO REGISTERED. THE DEPARTMENT, UPON THE APPLICATION OF A PERSON, SHALL REGISTER SUCH PERSON AS A WHOLESALER OF MOTOR FUEL EXCEPT THAT THE COMMISSIONER MAY REFUSE TO REGISTER AN APPLICANT FOR ANY OF THE GROUNDS SPECIFIED IN SUBDIVISION TWO OR FIVE OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE OR IN SUBDIVISION (C) OF THIS SECTION. THE APPLICATION SHALL BE IN SUCH FORM AND CONTAIN SUCH INFORMATION AS THE COMMISSIONER SHALL PRESCRIBE. ALL OF THE PROVISIONS OF SUBDIVISIONS TWO, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE AND TEN OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE RELATING TO REGISTRATION OF DISTRIBUTORS SHALL BE APPLICABLE TO THE REGISTRATION OF WHOLESALERS OF MOTOR FUEL UNDER THIS SECTION WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF SUCH SUBDIVISIONS HAD BEEN INCORPORATED IN FULL IN THIS SECTION AND HAD EXPRESSLY REFERRED TO THE REGISTRATION OF WHOLESALERS OF MOTOR FUEL, WITH SUCH MODIFICATION AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO THE PROVISIONS OF THIS SECTION, PROVIDED, SPECIFICALLY, THAT THE TERM "DISTRIBUTOR" SHALL BE READ AS "WHOLESALER OF MOTOR FUEL." PROVIDED, HOWEVER, THAT IF THE COMMISSIONER IS SATISFIED THAT THE REQUIREMENTS OF SUCH PROVISIONS FOR REGISTRATION ARE NOT NECESSARY IN ORDER TO PROTECT TAX REVENUES, THE COMMISSIONER MAY LIMIT OR MODIFY SUCH REQUIREMENTS WITH RESPECT TO ANY PERSON NOT REQUIRED TO BE REGISTERED AS A DISTRIBUTOR OF MOTOR FUEL.

(B) BOND OR OTHER SECURITY. THE COMMISSIONER MAY REQUIRE A WHOLESALER OF MOTOR FUEL SEEKING A REGISTRATION TO FILE WITH THE DEPARTMENT A BOND ISSUED BY A SURETY COMPANY APPROVED BY THE SUPERINTENDENT OF FINANCIAL SERVICES AS TO SOLVENCY AND RESPONSIBILITY AND AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE OR OTHER SECURITY ACCEPTABLE TO THE COMMISSIONER, IN SUCH AMOUNT AS THE COMMISSIONER MAY FIX TO SECURE THE PERFORMANCE BY

SUCH WHOLESALER OF MOTOR FUEL OF THE DUTIES AND RESPONSIBILITIES REQUIRED (I) PURSUANT TO THIS ARTICLE AND (II) PURSUANT TO ARTICLES TWENTY-EIGHT AND TWENTY-NINE OF THIS CHAPTER WITH RESPECT TO MOTOR FUEL. THE COMMISSIONER MAY REQUIRE THAT SUCH A BOND OR OTHER SECURITY BE FILED BEFORE A WHOLESALER OF MOTOR FUEL IS REGISTERED, AND THE AMOUNT THEREOF MAY BE INCREASED AT ANY TIME WHEN IN THE COMMISSIONER'S JUDGMENT THE SAME IS NECESSARY. IF SECURITIES ARE DEPOSITED AS SECURITY UNDER THIS SUBDIVISION, SUCH SECURITIES SHALL BE KEPT IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER AND MAY BE SOLD BY THE COMMISSIONER IF IT BECOMES NECESSARY SO TO DO IN ORDER TO RECOVER AGAINST SUCH WHOLESALER OF MOTOR FUEL BUT NO SUCH SALE SHALL BE HAD UNTIL AFTER SUCH WHOLESALER OF MOTOR FUEL SHALL HAVE HAD OPPORTUNITY TO LITIGATE THE VALIDITY OF THE LIABILITY IF IT ELECTS TO DO SO. UPON ANY SUCH SALE THE SURPLUS, IF ANY, ABOVE THE SUMS DUE SHALL BE RETURNED TO SUCH WHOLESALER OF MOTOR FUEL. THE DEPARTMENT, WHEN AUTHORIZED BY THE WHOLESALER OF MOTOR FUEL, SHALL FURNISH INFORMATION REGARDING THE REGISTRATION OF THE WHOLESALER OF MOTOR FUEL AND ANY OTHER INFORMATION WHICH THE WHOLESALER OF MOTOR FUEL AUTHORIZES IT TO DISCLOSE.

(C) REFUSAL TO REGISTER. FOR THE PURPOSES OF DETERMINING WHETHER TO REFUSE AN APPLICATION FOR REGISTRATION UNDER THIS SECTION, THE REFERENCES IN SUBDIVISION TWO OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE TO EMPLOYEES OR SHAREHOLDERS UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF THE APPLICANT OR ANOTHER PERSON SHALL BE DEEMED TO ALSO INCLUDE AN EMPLOYEE UNDER A DUTY TO FILE A RETURN OR PAY TAXES UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF SUCH APPLICANT OR OTHER PERSON. IN ADDITION TO THE GROUNDS SPECIFIED IN SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE, THE COMMISSIONER MAY REFUSE TO REGISTER AN APPLICANT WHERE THE COMMISSIONER ASCERTAINS THAT THE APPLICANT, AN OFFICER, DIRECTOR OR PARTNER OF THE APPLICANT, A SHAREHOLDER DIRECTLY OR INDIRECTLY OWNING MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK OF SUCH APPLICANT (WHERE SUCH APPLICANT IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR AN EMPLOYEE OR SHAREHOLDER OF SUCH APPLICANT WHO, AS SUCH EMPLOYEE OR SHAREHOLDER IS UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR TO PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF THE APPLICANT; (1) HAS COMMITTED ANY OF THE ACTS OR OMISSIONS WHICH ARE, OR WAS CONVICTED AS, SPECIFIED IN SUBDIVISION (D) OF THIS SECTION WITHIN THE PRECEDING FIVE YEARS; OR (2) WAS AN OFFICER, DIRECTOR OR PARTNER OF ANOTHER PERSON, OR WHO DIRECTLY OR INDIRECTLY OWNED MORE THAN TEN PERCENT OF THE SHARES OF STOCK OF ANOTHER PERSON (WHERE SUCH OTHER PERSON IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR WHO WAS AN EMPLOYEE OR SHAREHOLDER OF ANOTHER PERSON UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF SUCH OTHER PERSON AT THE TIME SUCH OTHER PERSON COMMITTED ANY OF THE ACTS OR OMISSIONS WHICH ARE, OR WAS CONVICTED AS, SPECIFIED IN SUBDIVISION (D) OF THIS SECTION WITHIN THE PRECEDING FIVE YEARS.

(D) CANCELLATION OR SUSPENSION OF REGISTRATION. THE GROUNDS FOR A CANCELLATION OR SUSPENSION OF A REGISTRATION UNDER THIS SECTION AS A WHOLESALER OF MOTOR FUEL ARE THE SAME AS THOSE GROUNDS SPECIFIED IN SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE AND, IN ADDITION TO SUCH GROUNDS, THE FOLLOWING GROUNDS RELATING TO THIS ARTICLE SHALL APPLY:

(1) A REGISTRATION AS A WHOLESALER OF MOTOR FUEL MAY BE CANCELLED OR SUSPENDED IF THE COMMISSIONER DETERMINES THAT A REGISTRANT OR AN OFFICER, DIRECTOR OR PARTNER OF THE REGISTRANT, A SHAREHOLDER DIRECTLY OR INDIRECTLY OWNING MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK OF SUCH REGISTRANT (WHERE SUCH REGISTRANT IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR AN EMPLOYEE OR SHAREHOLDER OF SUCH REGISTRANT UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR TO PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF THE REGISTRANT

(A) FAILS TO FILE OR MAINTAIN IN FULL FORCE AND EFFECT A BOND OR OTHER SECURITY WHEN REQUIRED PURSUANT TO SUBDIVISION (B) OF THIS SECTION OR WHEN THE AMOUNT THEREOF IS INCREASED,

(B) FAILS TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ARTICLE OR ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS ARTICLE BY THE COMMISSIONER,

(C) KNOWINGLY AIDS AND ABETS ANOTHER PERSON IN VIOLATING ANY OF THE PROVISIONS OF THIS ARTICLE OR ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS ARTICLE BY THE COMMISSIONER,

(D) TRANSFERS ITS REGISTRATION AS A WHOLESALER OF MOTOR FUEL WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COMMISSIONER,

(E) WITH RESPECT TO A WHOLESALER OF MOTOR FUEL WHICH IS A CORPORATION, HAS BEEN DISSOLVED PURSUANT TO SECTION TWO HUNDRED THREE-A AND SUBDIVISION (D) OF SECTION THREE HUNDRED TEN OF THIS CHAPTER,

(F) COMMITS FRAUD OR DECEIT IN HIS, HER OR ITS OPERATIONS AS A WHOLESALER OF MOTOR FUEL OR HAS COMMITTED FRAUD OR DECEIT IN PROCURING HIS, HER OR ITS REGISTRATION,

(G) HAS IMPERSONATED ANY PERSON REPRESENTED TO BE A WHOLESALER OF MOTOR FUEL UNDER THIS ARTICLE BUT NOT IN FACT REGISTERED AS A WHOLESALER OF MOTOR FUEL, OR

(H) HAS KNOWINGLY AIDED AND ABETTED THE DISTRIBUTION OF MOTOR FUEL, BY ANY PERSON WHICH SUCH REGISTRANT OR SUCH OTHER PERSON KNOWS HAS NOT BEEN REGISTERED BY THE COMMISSIONER AS REQUIRED UNDER THIS ARTICLE.

(2) A REGISTRATION AS A WHOLESALER OF MOTOR FUEL MAY BE CANCELLED OR SUSPENDED IF THE COMMISSIONER DETERMINES THAT A REGISTRANT OR AN OFFICER, DIRECTOR OR PARTNER OF THE REGISTRANT, A SHAREHOLDER DIRECTLY OR INDIRECTLY OWNING MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK OF SUCH REGISTRANT (WHERE SUCH REGISTRANT IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR AN EMPLOYEE OR SHAREHOLDER OF SUCH REGISTRANT UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR TO PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF THE REGISTRANT, WAS AN OFFICER, DIRECTOR OR PARTNER OF ANOTHER PERSON OR WAS A SHAREHOLDER DIRECTLY OR INDIRECTLY OWNING MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK OF ANOTHER PERSON (WHERE SUCH OTHER PERSON IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR WAS AN EMPLOYEE OR SHAREHOLDER OF ANOTHER PERSON UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR TO PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF SUCH OTHER PERSON AT THE TIME SUCH OTHER PERSON COMMITTED ANY OF THE ACTS SPECIFIED IN PARAGRAPH ONE OF THIS SUBDIVISION WITHIN THE PRECEDING FIVE YEARS.

(E) CANCELLATION OR SUSPENSION OF REGISTRATION PRIOR TO A HEARING. THE GROUNDS FOR CANCELLING OR SUSPENDING A REGISTRATION AS A WHOLESALER OF MOTOR FUEL PRIOR TO A HEARING SHALL BE THE SAME AS THOSE SPECIFIED IN SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE

AND, IN ADDITION TO SUCH GROUNDS, THE FOLLOWING GROUNDS RELATING TO THIS ARTICLE SHALL APPLY:

(1) THE FAILURE TO FILE A RETURN WITHIN TEN DAYS OF THE DATE PRESCRIBED FOR FILING A RETURN UNDER THIS ARTICLE IF THE REGISTRANT SHALL HAVE FAILED TO FILE SUCH RETURN WITHIN TEN DAYS AFTER THE DATE THE DEMAND THEREFOR IS SENT BY REGISTERED OR CERTIFIED MAIL TO THE ADDRESS OF THE WHOLESALER OF MOTOR FUEL GIVEN IN ITS APPLICATION, OR AN ADDRESS SUBSTITUTED THEREFOR AS PROVIDED IN SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE,

(2) THE FAILURE TO CONTINUE TO MAINTAIN IN FULL FORCE AND EFFECT AT ALL TIMES THE BOND OR OTHER SECURITY REQUIRED TO BE FILED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, PROVIDED, HOWEVER, THAT IF A SURETY BOND IS CANCELLED PRIOR TO EXPIRATION, THE COMMISSIONER MAY AFTER CONSIDERING ALL THE RELEVANT CIRCUMSTANCES MAKE SUCH OTHER ARRANGEMENTS, AND MAY REQUIRE THE FILING OF SUCH OTHER BOND OR OTHER SECURITY AS IT DEEMS APPROPRIATE,

(3) THE TRANSFER OF A REGISTRATION AS A WHOLESALER OF MOTOR FUEL WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COMMISSIONER, OR

(4) WITH RESPECT TO A WHOLESALER OF MOTOR FUEL WHICH IS A CORPORATION, THE DISSOLUTION OR ANNULMENT OF SUCH CORPORATION PURSUANT TO SECTION THREE HUNDRED TEN OF THIS CHAPTER.

S 3. Section 287 of the tax law is amended by adding a new subdivision 3 to read as follows:

3. EVERY WHOLESALER OF MOTOR FUEL SHALL, ON OR BEFORE THE TWENTIETH DAY OF EACH MONTH, FILE WITH THE DEPARTMENT A RETURN, ON FORMS PRESCRIBED BY THE COMMISSIONER STATING THE NUMBER OF GALLONS OF MOTOR FUEL PURCHASED AND SOLD BY SUCH WHOLESALER IN THE STATE DURING THE PRECEDING CALENDAR MONTH. FOR EACH PURCHASE AND SALE, THE DATE, NUMBER OF GALLONS OF MOTOR FUEL PURCHASED OR SOLD, AND THE NAME OF THE SELLER OR PURCHASER SHALL BE SET FORTH ON THE RETURN. SUCH RETURNS SHALL CONTAIN SUCH FURTHER INFORMATION AS THE COMMISSIONER SHALL REQUIRE. THE FACT THAT A WHOLESALER'S NAME IS SIGNED TO A FILED RETURN SHALL BE PRIMA FACIE EVIDENCE FOR ALL PURPOSES THAT THE RETURN WAS ACTUALLY SIGNED BY SUCH WHOLESALER OF MOTOR FUEL.

S 4. Section 1102 of the tax law is amended by adding a new subdivision (f) to read as follows:

(F) EVERY WHOLESALER OF MOTOR FUEL, AS SUCH TERM IS DEFINED BY SUBDIVISION TWENTY-SEVEN OF SECTION TWO HUNDRED EIGHTY-TWO OF THIS CHAPTER, SHALL PAY OR BE ENTITLED TO A CREDIT OR REFUND OF THE TAX IMPOSED BY THIS SECTION ON GALLONS OF MOTOR FUEL UNDER THE CIRCUMSTANCES SET FORTH IN PARAGRAPH THREE OF SUBDIVISION (E) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

S 5. Subdivision (e) of section 1111 of the tax law is amended by adding a new paragraph 3 to read as follows:

(3) WHEN A WHOLESALER OF MOTOR FUEL SELLS MOTOR FUEL IN A REGION, AS DEFINED IN PARAGRAPH ONE OF THIS SUBDIVISION, DIFFERENT FROM THE REGION IN WHICH SUCH MOTOR FUEL WAS PURCHASED:

(I) IF THE REGION IN WHICH IT SELLS THE MOTOR FUEL HAS A HIGHER PREPAID RATE AS SET FORTH IN THIS SUBDIVISION THAN THE REGION IN WHICH THE WHOLESALER PURCHASED THE MOTOR FUEL IN, THE WHOLESALER SHALL PAY TO THE DEPARTMENT THE DIFFERENCE IN THE RATES FOR THE GALLONAGE SOLD.

(II) IF THE REGION IN WHICH IT SELLS THE MOTOR FUEL HAS A LOWER PREPAID RATE AS SET FORTH IN THIS SUBDIVISION THAN THE REGION IN WHICH THE WHOLESALER PURCHASED THE MOTOR FUEL, THE WHOLESALER SHALL BE ENTITLED TO A CREDIT OR REFUND FOR THE DIFFERENCE IN THE RATES FOR THE GALLONAGE SOLD.

S 6. The tax law is amended by adding a new section 1812-g to read as follows:

S 1812-G. PERSON NOT REGISTERED AS A WHOLESALER OF MOTOR FUEL. ANY PERSON WHO, WHILE NOT REGISTERED AS A WHOLESALER OF MOTOR FUEL PURSUANT TO THE PROVISIONS OF ARTICLE TWELVE-A OF THIS CHAPTER, MAKES A SALE OF MOTOR FUEL IN THIS STATE OTHER THAN A RETAIL SALE NOT IN BULK, SHALL BE GUILTY OF A CLASS E FELONY.

S 7. This act shall take effect immediately; provided, however, that sections two, three, four, five and six of this act shall take effect December 1, 2016. Effective immediately, any rules, regulations and agreements necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

PART VV

Section 1. Subdivision (a) of section 25-a of the labor law, as amended by section 1 of part AA of chapter 56 of the laws of 2015, is amended to read as follows:

(a) The commissioner is authorized to establish and administer the program established under this section to provide tax incentives to employers for employing at risk youth in part-time and full-time positions. There will be five distinct pools of tax incentives. Program one will cover tax incentives allocated for two thousand twelve and two thousand thirteen. Program two will cover tax incentives allocated in two thousand fourteen. Program three will cover tax incentives allocated in two thousand fifteen. Program four will cover tax incentives allocated in two thousand sixteen. Program five will cover tax incentives allocated in two thousand seventeen. The commissioner is authorized to allocate up to twenty-five million dollars of tax credits under program one, ten million dollars of tax credits under program two, [and] twenty million dollars of tax credits under [each of programs] PROGRAM three, AND FIFTY MILLION DOLLARS OF TAX CREDITS UNDER EACH OF PROGRAMS four[,] and five.

S 2. Subdivision (b) of section 25-a of the labor law is amended by adding a new paragraph 3 to read as follows:

(3) FOR PROGRAMS FOUR AND FIVE, THE TAX CREDIT UNDER EACH PROGRAM SHALL BE ALLOCATED AS FOLLOWS: (I) THIRTY MILLION DOLLARS OF TAX CREDIT FOR QUALIFIED EMPLOYEES; AND (II) TWENTY MILLION DOLLARS OF TAX CREDIT FOR INDIVIDUALS WHO MEET ALL OF THE REQUIREMENTS FOR A QUALIFIED EMPLOYEE EXCEPT FOR THE RESIDENCY REQUIREMENT OF SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS SUBDIVISION, WHICH INDIVIDUALS SHALL BE DEEMED TO MEET THE RESIDENCY REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS SUBDIVISION IF THEY RESIDE IN NEW YORK STATE.

S 3. This act shall take effect immediately.

PART WW

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

(KK) THE FOLLOWING SHALL BE EXEMPT FROM TAX UNDER THIS ARTICLE: (1) RECEIPTS FROM THE RETAIL SALE OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, OR FOR THE USE OF, COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND THE SERVICE OF INSTALLING AND MAINTAINING SUCH SYSTEMS. FOR THE PURPOSES OF THIS SUBDIVISION, "FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT" SHALL MEAN AN ELECTRIC GENERATING

ARRANGEMENT OR COMBINATION OF COMPONENTS INSTALLED UPON NON-RESIDENTIAL PREMISES THAT UTILIZE SOLID OXIDE, MOLTEN CARBONATE, PROTON EXCHANGE MEMBRANE OR PHOSPHORIC ACID FUEL CELL, OR FOR THE PURPOSES OF THIS SECTION ONLY, LINEAR GENERATOR.

(2) RECEIPTS FROM THE SALE OF HYDROGEN GAS OR ELECTRICITY BY A PERSON PRIMARILY ENGAGED IN THE SALE OF FUEL CELL ELECTRICITY GENERATING SYSTEM EQUIPMENT AND/OR ELECTRICITY GENERATED BY SUCH EQUIPMENT PURSUANT TO A WRITTEN AGREEMENT UNDER WHICH THE ELECTRICITY IS GENERATED BY COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEM EQUIPMENT THAT IS: (A) OWNED BY A PERSON OTHER THAN THE PURCHASER OF SUCH ELECTRICITY; (B) INSTALLED ON THE NON-RESIDENTIAL PREMISES OF THE PURCHASER OF SUCH ELECTRICITY; (C) PLACED IN SERVICE; AND (D) USED TO PROVIDE HEATING, COOLING, HOT WATER OR ELECTRICITY TO SUCH PREMISES.

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

(1) Either, all of the taxes described in article twenty-eight of this chapter, at the same uniform rate, as to which taxes all provisions of the local laws, ordinances or resolutions imposing such taxes shall be identical, except as to rate and except as otherwise provided, with the corresponding provisions in such article twenty-eight, including the definition and exemption provisions of such article, so far as the provisions of such article twenty-eight can be made applicable to the taxes imposed by such city or county and with such limitations and special provisions as are set forth in this article. The taxes authorized under this subdivision may not be imposed by a city or county unless the local law, ordinance or resolution imposes such taxes so as to include all portions and all types of receipts, charges or rents, subject to state tax under sections eleven hundred five and eleven hundred ten of this chapter, except as otherwise provided. (i) Any local law, ordinance or resolution enacted by any city of less than one million or by any county or school district, imposing the taxes authorized by this subdivision, shall, notwithstanding any provision of law to the contrary, exclude from the operation of such local taxes all sales of tangible personal property for use or consumption directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration or steam, for sale, by manufacturing, processing, generating, assembly, refining, mining or extracting; and all sales of tangible personal property for use or consumption predominantly either in the production of tangible personal property, for sale, by farming or in a commercial horse boarding operation, or in both; and, unless such city, county or school district elects otherwise, shall omit the provision for credit or refund contained in clause six of subdivision (a) or subdivision (d) of section eleven hundred nineteen of this chapter. (ii) Any local law, ordinance or resolution enacted by any city, county or school district, imposing the taxes authorized by this subdivision, shall omit the residential solar energy systems equipment and electricity exemption provided for in subdivision (ee), the commercial solar energy systems equipment and electricity exemption provided for in subdivision (ii), THE COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT EXEMPTION PROVIDED FOR IN SUBDIVISION (KK) and the clothing and footwear exemption provided for in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, unless such city, county or school district elects otherwise as to [either] such residential solar energy systems equipment and electricity exemption, such commercial solar ener-

gy systems equipment and electricity exemption, COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT EXEMPTION or such clothing and footwear exemption.

(4) Notwithstanding any other provision of law to the contrary, any local law enacted by any city of one million or more that imposes the taxes authorized by this subdivision (i) may omit the exception provided in subparagraph (ii) of paragraph three of subdivision (c) of section eleven hundred five of this chapter for receipts from laundering, dry-cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining; (ii) may impose the tax described in paragraph six of subdivision (c) of section eleven hundred five of this chapter at a rate in addition to the rate prescribed by this section not to exceed two percent in multiples of one-half of one percent; (iii) shall provide that the tax described in paragraph six of subdivision (c) of section eleven hundred five of this chapter does not apply to facilities owned and operated by the city or an agency or instrumentality of the city or a public corporation the majority of whose members are appointed by the chief executive officer of the city or the legislative body of the city or both of them; (iv) shall not include any tax on receipts from, or the use of, the services described in paragraph seven of subdivision (c) of section eleven hundred five of this chapter; (v) shall provide that, for purposes of the tax described in subdivision (e) of section eleven hundred five of this chapter, "permanent resident" means any occupant of any room or rooms in a hotel for at least one hundred eighty consecutive days with regard to the period of such occupancy; (vi) may omit the exception provided in paragraph one of subdivision (f) of section eleven hundred five of this chapter for charges to a patron for admission to, or use of, facilities for sporting activities in which the patron is to be a participant, such as bowling alleys and swimming pools; (vii) may provide the clothing and footwear exemption in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, and, notwithstanding any provision of subdivision (d) of this section to the contrary, any local law providing for such exemption or repealing such exemption, may go into effect on any one of the following dates: March first, June first, September first or December first; (viii) shall omit the exemption provided in paragraph forty-one of subdivision (a) of section eleven hundred fifteen of this chapter; (ix) shall omit the exemption provided in subdivision (c) of section eleven hundred fifteen of this chapter insofar as it applies to fuel, gas, electricity, refrigeration and steam, and gas, electric, refrigeration and steam service of whatever nature for use or consumption directly and exclusively in the production of gas, electricity, refrigeration or steam; (x) shall omit, unless such city elects otherwise, the provision for refund or credit contained in clause six of subdivision (a) or in subdivision (d) of section eleven hundred nineteen of this chapter; (xi) shall provide that section eleven hundred five-C of this chapter does not apply to such taxes, and shall tax receipts from every sale, other than sales for resale, of gas service or electric service of whatever nature, including the transportation, transmission or distribution of gas or electricity, even if sold separately, at the rate set forth in clause one of subparagraph (i) of the opening paragraph of this section; (xii) shall omit, unless such city elects otherwise, the exemption for residential solar energy systems equipment and electricity provided in subdivision (ee) of section eleven hundred fifteen of this chapter; [and] (xiii) shall omit, unless such city elects otherwise, the exemption for commercial solar energy systems equipment and electricity provided in subdivision (ii) of

section eleven hundred fifteen of this chapter; AND (XIV) SHALL OMIT, UNLESS SUCH CITY ELECTS OTHERWISE, THE EXEMPTION FOR COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT PROVIDED IN SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER. Any reference in this chapter or in any local law, ordinance or resolution enacted pursuant to the authority of this article to former subdivisions (n) or (p) of this section shall be deemed to be a reference to clauses (xii) or (xiii) of this paragraph, respectively, and any such local law, ordinance or resolution that provides the exemptions provided in such former subdivisions (n) and/or (p) shall be deemed instead to provide the exemptions provided in clauses (xii) and/or (xiii) of this paragraph.

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

(1) Or, one or more of the taxes described in subdivisions (b), (d), (e) and (f) of section eleven hundred five of this chapter, at the same uniform rate, including the transitional provisions in section eleven hundred six of this chapter covering such taxes, but not the taxes described in subdivisions (a) and (c) of section eleven hundred five of this chapter. Provided, further, that where the tax described in subdivision (b) of section eleven hundred five of this chapter is imposed, the compensating use taxes described in clauses (E), (G) and (H) of subdivision (a) of section eleven hundred ten of this chapter shall also be imposed. Provided, further, that where the taxes described in subdivision (b) of section eleven hundred five are imposed, such taxes shall omit: (A) the provision for refund or credit contained in subdivision (d) of section eleven hundred nineteen of this chapter with respect to such taxes described in such subdivision (b) of section eleven hundred five unless such city or county elects to provide such provision or, if so elected, to repeal such provision; (B) the exemption provided in paragraph two of subdivision (ee) of section eleven hundred fifteen of this chapter unless such county or city elects otherwise; [and] (C) the exemption provided in paragraph two of subdivision (ii) of section eleven hundred fifteen of this chapter, unless such county or city elects otherwise; AND (D) THE EXEMPTION PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER, UNLESS SUCH COUNTY OR CITY ELECTS OTHERWISE.

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

(d) A local law, ordinance or resolution imposing any tax pursuant to this section, increasing or decreasing the rate of such tax, repealing or suspending such tax, exempting from such tax the energy sources and services described in paragraph three of subdivision (a) or of subdivision (b) of this section or changing the rate of tax imposed on such energy sources and services or providing for the credit or refund described in clause six of subdivision (a) of section eleven hundred nineteen of this chapter, or electing or repealing the exemption for residential solar equipment and electricity in subdivision (ee) of section eleven hundred fifteen of this article, or the exemption for commercial solar equipment and electricity in subdivision (ii) of section eleven hundred fifteen of this article, OR ELECTING OR REPEALING THE EXEMPTION FOR COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT IN SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE must go into

effect only on one of the following dates: March first, June first, September first or December first; provided, that a local law, ordinance or resolution providing for the exemption described in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter or repealing any such exemption or a local law, ordinance or resolution providing for a refund or credit described in subdivision (d) of section eleven hundred nineteen of this chapter or repealing such provision so provided must go into effect only on March first. No such local law, ordinance or resolution shall be effective unless a certified copy of such law, ordinance or resolution is mailed by registered or certified mail to the commissioner at the commissioner's office in Albany at least ninety days prior to the date it is to become effective. However, the commissioner may waive and reduce such ninety-day minimum notice requirement to a mailing of such certified copy by registered or certified mail within a period of not less than thirty days prior to such effective date if the commissioner deems such action to be consistent with the commissioner's duties under section twelve hundred fifty of this article and the commissioner acts by resolution. Where the restriction provided for in section twelve hundred twenty-three of this article as to the effective date of a tax and the notice requirement provided for therein are applicable and have not been waived, the restriction and notice requirement in section twelve hundred twenty-three of this article shall also apply.

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

(a) Any school district which is coterminous with, partly within or wholly within a city having a population of less than one hundred twenty-five thousand, is hereby authorized and empowered, by majority vote of the whole number of its school authorities, to impose for school district purposes, within the territorial limits of such school district and without discrimination between residents and nonresidents thereof, the taxes described in subdivision (b) of section eleven hundred five (but excluding the tax on prepaid telephone calling services) and the taxes described in clauses (E) and (H) of subdivision (a) of section eleven hundred ten, including the transitional provisions in subdivision (b) of section eleven hundred six of this chapter, so far as such provisions can be made applicable to the taxes imposed by such school district and with such limitations and special provisions as are set forth in this article, such taxes to be imposed at the rate of one-half, one, one and one-half, two, two and one-half or three percent which rate shall be uniform for all portions and all types of receipts and uses subject to such taxes. In respect to such taxes, all provisions of the resolution imposing them, except as to rate and except as otherwise provided herein, shall be identical with the corresponding provisions in such article twenty-eight of this chapter, including the applicable definition and exemption provisions of such article, so far as the provisions of such article twenty-eight of this chapter can be made applicable to the taxes imposed by such school district and with such limitations and special provisions as are set forth in this article. The taxes described in subdivision (b) of section eleven hundred five (but excluding the tax on prepaid telephone calling service) and clauses (E) and (H) of subdivision (a) of section eleven hundred ten, including the transitional provision in subdivision (b) of such section eleven hundred six of this chapter, may not be imposed by such school district unless the resolution imposes such taxes so as to include all portions and all

types of receipts and uses subject to tax under such subdivision (but excluding the tax on prepaid telephone calling service) and clauses. Provided, however, that, where a school district imposes such taxes, such taxes shall omit the provision for refund or credit contained in subdivision (d) of section eleven hundred nineteen of this chapter with respect to such taxes described in such subdivision (b) of section eleven hundred five unless such school district elects to provide such provision or, if so elected, to repeal such provision, and shall omit the exemptions provided in paragraph two of subdivision (ee) and paragraph two of subdivision (ii) of section eleven hundred fifteen of this chapter unless such school district elects otherwise, AND SHALL OMIT THE EXEMPTION PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER UNLESS SUCH SCHOOL DISTRICT ELECTS OTHERWISE.

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

(C-2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW: (1) WHERE A COUNTY CONTAINING ONE OR MORE CITIES WITH A POPULATION OF LESS THAN ONE MILLION HAS ELECTED THE EXEMPTION FOR COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT PROVIDED IN SUBDIVISION (KK) OF SUCH SECTION ELEVEN HUNDRED FIFTEEN, A CITY WITHIN SUCH COUNTY SHALL HAVE THE PRIOR RIGHT TO IMPOSE TAX ON SUCH EXEMPT EQUIPMENT AND/OR ELECTRICITY TO THE EXTENT OF ONE HALF OF THE MAXIMUM RATES AUTHORIZED UNDER SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE;

(2) WHERE A CITY OF LESS THAN ONE MILLION HAS ELECTED THE EXEMPTION FOR COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT PROVIDED IN SUBDIVISION (KK) OF SUCH SECTION ELEVEN HUNDRED FIFTEEN, THE COUNTY IN WHICH SUCH CITY IS LOCATED SHALL HAVE THE PRIOR RIGHT TO IMPOSE TAX ON SUCH EXEMPT EQUIPMENT AND/OR ELECTRICITY TO THE EXTENT OF ONE HALF OF THE MAXIMUM RATES AUTHORIZED UNDER SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE.

S 7. This act shall take effect June 1, 2016 and shall apply in accordance with the applicable transitional provisions in sections 1106 and 1217 of the tax law.

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

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