

# STATE OF NEW YORK

3955--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. LUNSFORD, LUPARDO, GRIFFIN, BURROUGHS, McDONALD, BUTTENSCHON, KELLES, DAIS -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law and the tax law in relation to enacting the lift our communities advertise locally (LOCAL) program; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "lift our communities advertise locally (LOCAL) program".

3 § 2. The economic development law is amended by adding a new article  
4 29 to read as follows:

### ARTICLE 29

#### LIFT OUR COMMUNITIES ADVERTISE LOCALLY PROGRAM

5  
6 Section 510. Short title.

7 511. Definitions.

8 512. Application and approval process.

9 513. Local newspaper and broadcast media business advertising  
10 tax credit.

11 514. Powers and duties of the commissioner.

12 § 510. Short title. This article shall be known and may be cited as  
13 the "lift our communities advertise locally (LOCAL) program".

14 § 511. Definitions. For the purposes of this article:

15 1. "Certificate of tax credit" shall mean the document issued to an  
16 eligible business by the department after the department has verified  
17 that such eligible business has met all applicable eligibility criteria  
18 under this article. The certificate shall specify the exact amount of  
19 the tax credit under this article that an eligible business may claim,  
20

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

LBD02719-03-5

1 pursuant to section five hundred thirteen and section five hundred four-  
2 teen of this article.

3 2. "Eligible business" shall mean a minority-owned business enterprise  
4 as defined in section three hundred ten of the executive law, a women-  
5 owned business enterprise as defined in section three hundred ten of the  
6 executive law, a certified service-disabled veteran-owned business  
7 enterprise as defined in section forty of the veterans' services law, or  
8 a small business as defined in this section.

9 3. "Excluded organization" shall mean:

10 (a) an organization described in subsection four, five or six of  
11 section 501(c) of the United States internal revenue code;

12 (b) a political organization as defined in section 527(e) of the  
13 United States internal revenue code;

14 (c) any organizations that received more than one hundred thousand  
15 dollars, in the aggregate, from organizations described in paragraph (a)  
16 or (b) of this subdivision;

17 (d) a publicly-traded company that reported at least one billion  
18 dollars in revenue, in the aggregate, during the immediately preceding  
19 four quarters; or

20 (e) an organization that is a subsidiary of, or at least five percent  
21 owned by, organizations described in paragraph (d) of this subdivision.

22 4. "Local news journalist" shall mean any resident of the state of New  
23 York who regularly gathers, prepares, produces, collects, edits, photo-  
24 graphs, records, directs the recording of, writes, presents, broadcasts,  
25 prints, publishes or reports news or information that concerns local or  
26 current events of a New York state county, town, village, city, or  
27 hamlet, or any combination thereof.

28 5. "Local newspaper" shall mean a print or digital publication that:

29 (a) publishes news content that is primarily focused on local or  
30 current events of a New York state county, town, village, city, or  
31 hamlet, or any combination thereof, otherwise known as such local news-  
32 paper's primary coverage area;

33 (b) employs at least one full-time local news journalist that resides  
34 in, or within fifty miles of, the publication's primary coverage area;

35 (c) publishes and distributes local news content not less frequently  
36 than once per week, and has done so continuously for the preceding  
37 twelve-month period;

38 (d) carries valid libel or medial liability insurance; and

39 (e) for a local newspaper that distributes in only a digital format,  
40 (i) earned revenue of at least one hundred thousand dollars in the  
41 preceding taxable year and (ii) derives at least thirty-three percent of  
42 its audience, averaged over the preceding twelve-month period, from its  
43 primary coverage area.

44 5-a. For the purposes of this section, a print or digital publication  
45 shall not be considered a local newspaper or broadcast media business if  
46 such publication is:

47 (a) distributed or made available primarily for advertising or enter-  
48 tainment purposes; or

49 (b) majority owned by, or derives at least fifty percent of its reven-  
50 ue from, excluded organizations.

51 6. "Broadcast media business" shall mean any broadcast station which:

52 (a) owns or operates a broadcast station, as defined by section three  
53 of the federal communications act of 1934;

54 (b) discloses its ownership to the public at such times and in such  
55 manner as identified by the commissioner;

1 (c) broadcasts news content that is primarily focused on local or  
2 current events of a New York state county, town, village, city, or  
3 hamlet, or any combination thereof, otherwise known as such broadcast  
4 media business' primary coverage area;

5 (d) employs at least one full-time local news journalist that resides  
6 in, or within fifty miles of, the broadcast media business' primary  
7 coverage area;

8 (e) broadcasts local news content not less frequently than once per  
9 week, and has done so continuously for the preceding twelve-month peri-  
10 od;

11 (f) carries valid libel or media liability insurance; and

12 (g) for a broadcast media business that distributes in only a digital  
13 format: (i) earned revenue of at least one hundred thousand dollars in  
14 the preceding taxable year; and (ii) derives at least thirty-three  
15 percent of its audience, averaged over the preceding twelve-month peri-  
16 od, from its primary coverage area.

17 6-a. For the purposes of this section, a broadcast station shall not  
18 be considered a broadcast media business if such broadcast station is:  
19 (a) broadcast primarily for advertising or entertainment purposes; or  
20 (b) majority owned by, or derives at least fifty percent of its revenue  
21 from, excluded organizations.

22 7. "Advertising" shall mean providing consideration for the publica-  
23 tion, broadcast, dissemination, solicitation, or circulation of visual,  
24 aural, spoken, or written communication to directly or indirectly: (a)  
25 induce any person or organization to purchase a good, program, product,  
26 or service, or to contribute financially to a cause; or (b) raise aware-  
27 ness of a brand, good, program, product, service, or issue.

28 8. "Qualified local media advertising expenses" means amounts paid or  
29 incurred in the ordinary course of a trade or business for advertising  
30 using a product, service, or other offering that is fully owned and  
31 operated by a local newspaper or broadcast media business. For the  
32 purposes of this section, advertising distributed in a programmatic  
33 fashion in a digital format shall not be considered qualified local  
34 media advertising expenses.

35 9. "Small business" shall mean ten employees or fewer and shall be  
36 deemed to be one which is resident in this state, independently owned  
37 and operated and not dominant in its field.

38 § 512. Application and approval process. 1. An eligible business shall  
39 submit a complete application as prescribed by the commissioner.

40 2. The commissioner shall establish procedures and a timeframe for  
41 eligible businesses to submit applications. As part of the application,  
42 each eligible business shall:

43 (a) provide evidence in a form and manner prescribed by the commis-  
44 sioner of their status as an eligible business;

45 (b) agree to allow the department of taxation and finance to share the  
46 eligible business's tax information with the department;

47 (c) agree to allow the department of labor to share its tax and  
48 employer information with the department provided, however, any informa-  
49 tion shared as a result of this program shall not be available for  
50 disclosure or inspection under the state freedom of information law;

51 (d) allow the department and its agents access to any and all books  
52 and records the department may require to monitor compliance; and

53 (e) agree to provide any additional information required by the  
54 department relevant to this article.

55 3. After reviewing an eligible business's completed final application  
56 and determining that such eligible business meets the eligibility crite-

1 ria as set forth in this article, the department may issue to such  
2 eligible business a certificate of tax credit. An eligible business may  
3 claim such tax credit.

4 § 513. Local newspaper and broadcast media business advertising tax  
5 credit. 1. An eligible business that meets the eligibility requirements  
6 of this article, and meets any additional eligibility criteria as  
7 prescribed by regulations established pursuant to this section, may be  
8 eligible to claim a credit equaling eighty percent of such eligible  
9 business's expenditures towards qualified local media advertising  
10 expenses. Such expenditures towards qualified local media advertising  
11 expenses used to calculate such credit shall not exceed five thousand  
12 dollars.

13 2. The total amount of tax credits listed on certificates of tax cred-  
14 it issued by the commissioner pursuant to this article shall not exceed  
15 ten million dollars for each year the credit is available per eligible  
16 business for the taxable year. Within this amount, six million dollars  
17 shall be set aside for minority-owned business enterprises as defined in  
18 section three hundred ten of the executive law, women-owned business  
19 enterprises as defined in section three hundred ten of the executive law  
20 and certified service-disabled veteran-owned business enterprise as  
21 defined in section forty of the veterans' services law and four million  
22 dollars shall be set aside for small businesses as defined in section  
23 five hundred eleven of this article. Allocations may be utilized across  
24 the above referenced businesses should either one be under-allocated.

25 3. The credit shall be allowed as provided in section fifty of the tax  
26 law.

27 § 514. Powers and duties of the commissioner. 1. The commissioner  
28 shall promulgate regulations establishing an application process and  
29 eligibility criteria, that will be applied consistent with the purposes  
30 of this article, so as not to exceed the annual cap on tax credits set  
31 forth in this section which, notwithstanding any provisions to the  
32 contrary in the state administrative procedure act, may be adopted on an  
33 emergency basis.

34 2. The commissioner shall, in consultation with the department of  
35 taxation and finance, develop a certificate of tax credit that shall be  
36 issued by the commissioner to eligible businesses. Such certificate  
37 shall contain such information as required by the department of taxation  
38 and finance.

39 3. The commissioner shall solely determine the eligibility of any  
40 applicant applying for such tax credit.

41 § 3. The tax law is amended by adding a new section 50 to read as  
42 follows:

43 § 50. Local newspaper and broadcast media business advertising tax  
44 credit. (a) Allowance of credit. A taxpayer subject to tax under article  
45 nine-A or twenty-two of this chapter shall be allowed a credit against  
46 such tax, pursuant to the provisions referenced in subdivision (e) of  
47 this section. The amount of the credit is equal to the amount determined  
48 pursuant to article twenty-eight of the economic development law. A  
49 taxpayer that is a partner in a partnership, member of a limited liabil-  
50 ity company or shareholder in a subchapter S corporation shall be  
51 allowed its pro rata share of the credit allowed for the partnership,  
52 limited liability company or subchapter S corporation. No cost or  
53 expense paid or incurred that is included as part of the calculation of  
54 this credit shall be the basis of any other tax credit allowed under  
55 this chapter.

1 (b) Eligibility. To be eligible to claim the local newspaper or broad-  
2 cast media business advertising tax credit the taxpayer shall have been  
3 issued a certificate of tax credit by the department of economic devel-  
4 opment pursuant to article twenty-eight of the economic development law,  
5 which certificate shall set forth the amount of the credit that may be  
6 claimed for the taxable year. The taxpayer shall be allowed to claim  
7 only the amount listed on the certificate of tax credit for that taxable  
8 year.

9 (c) Tax return requirement. The taxpayer shall be required to attach  
10 to its tax return, in the form prescribed by the commissioner, proof of  
11 receipt of its certificate of tax credit issued by the commissioner of  
12 the department of economic development.

13 (d) Credit recapture. If a certificate of tax credit issued by the  
14 department of economic development under article twenty-eight of the  
15 economic development law is revoked by such department, the amount of  
16 credit described in this section and claimed by the taxpayer prior to  
17 that revocation shall be added back to tax in the taxable year in which  
18 any such revocation becomes final.

19 (e) Cross references. For application of the credit provided in this  
20 section see the following provisions of this chapter:

21 (1) article 9-A: section 210-B, subdivision 63.

22 (2) article 22: section 606, subsection (uuu).

23 § 4. Section 210-B of the tax law is amended by adding a new subdivi-  
24 sion 63 to read as follows:

25 63. Local newspaper and broadcast media business advertising tax cred-  
26 it. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be  
27 computed as provided in section fifty of this chapter, against the taxes  
28 imposed by this article.

29 (b) Application of credit. The credit allowed under this subdivision  
30 for the taxable year shall not reduce the tax due for such year to less  
31 than the amount prescribed in paragraph (d) of subdivision one of  
32 section two hundred ten of this article. However, if the amount of cred-  
33 it allowable under this subdivision for the taxable year reduces the tax  
34 to such amount or if the taxpayer otherwise pays tax based on the fixed  
35 dollar minimum amount, any amount of credit thus not deductible in such  
36 taxable year shall be treated as an overpayment of tax to be credited or  
37 refunded in accordance with the provisions of section one thousand  
38 eighty-six of this chapter. Provided, however, the provisions of  
39 subsection (c) of section one thousand eighty-eight of this chapter  
40 notwithstanding, no interest will be paid thereon.

41 § 5. Section 606 of the tax law is amended by adding a new subsection  
42 (uuu) to read as follows:

43 (uuu) Local newspaper and broadcast media business advertising tax  
44 credit. (1) Allowance of credit. A taxpayer shall be allowed a credit,  
45 to be computed as provided in section fifty of this chapter, against the  
46 tax imposed by this article.

47 (2) Application of credit. If the amount of the credit allowed under  
48 this subsection for the taxable year exceeds the taxpayer's tax for such  
49 year, the excess shall be treated as an overpayment of tax to be credit-  
50 ed or refunded in accordance with the provisions of section six hundred  
51 eighty-six of this article, provided, however, that no interest will be  
52 paid thereon.

53 § 6. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
54 of the tax law is amended by adding a new clause (Liii) to read as  
55 follows:

1 (Liii) Local newspaper advertising Amount of credit under  
2 under subsection (uuu) subdivision sixty-three of section  
3 two hundred ten-B

4 § 7. This act shall take effect immediately and shall apply to tax  
5 years beginning on or after January 1, 2026 and shall expire January 1,  
6 2030 when upon such date the provisions of this act shall be deemed  
7 repealed.