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

10662

I N A S S E M B L Y

April 13, 2010

Introduced by M. of A. HYER-SPENCER -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

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

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

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

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

ARTICLE 18-D
GREEN ECONOMIC DEVELOPMENT ZONES

SECTION 974. SHORT TITLE.
974-A. LEGISLATIVE FINDINGS AND DECLARATION.
974-B. DEFINITIONS.
974-C. CRITERIA FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION.
974-D. RESPONSIBILITIES OF THE COMMISSIONER.
974-E. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE.
974-F. APPLICATION FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION.
974-G. GREEN ECONOMIC DEVELOPMENT ZONE DEVELOPMENT PLAN.
974-H. LOCAL ADMINISTRATION OF GREEN ECONOMIC DEVELOPMENT ZONE.
974-I. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE AS A FEDERAL GREEN ENTERPRISE ECONOMIC DEVELOPMENT ZONE.
974-J. DIVISION OF TAXES BY GOVERNMENT BODIES.
974-K. DISPOSITION OF PROPERTY.
974-L. TERMINATION OR REVERSION OF A GREEN ECONOMIC DEVELOPMENT ZONE.

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

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

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

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

(A) "APPLICANT" SHALL MEAN THE COUNTY, CITY, TOWN OR VILLAGE SUBMITTING AN APPLICATION IN THE MANNER AUTHORIZED BY LOCAL LAW FOR DESIGNATION OF AN AREA AS A GREEN ECONOMIC DEVELOPMENT ZONE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) With respect to the abatement zone defined in paragraph (b) OR (B-1) of subdivision two of this section, premises located in an eligible building that are (i) occupied or used as offices (including ancillary uses) or are occupied or used for other lawful commercial business activities, but not premises occupied or used as retail space or for

hotel or residential purposes; or (ii) occupied or used for industrial and manufacturing activities (including ancillary uses) OR BY A GREEN BUSINESS IN A GREEN ZONE, but not premises occupied or used for hotel or residential purposes; and

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

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

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

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

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

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

(C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIPMENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

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

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

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

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

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

1-C. WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, ELIGIBLE BUILDINGS CONTAINING ELIGIBLE PREMISES AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OR PARAGRAPH (C) OF SUBDIVISION TEN AND OCCUPIED BY GREEN BUSINESSES IN A GREEN ZONE AS DEFINED BY SUBDIVISION FOURTEEN-B

OF SECTION FOUR HUNDRED NINETY-NINE-AA OF THIS TITLE OCCUPIED OR USED BY A TENANT PURSUANT TO A LEASE HAVING A LEASE COMMENCEMENT DATE ON OR AFTER JULY FIRST, TWO THOUSAND TEN WITH AN INITIAL LEASE TERM OF NOT LESS THAN THREE YEARS, SHALL RECEIVE AN ABATEMENT OF REAL PROPERTY TAXES FOR EACH YEAR OF THE BENEFIT PERIOD EQUAL TO THE PRODUCT OBTAINED BY (I) MULTIPLYING THE TENANT'S PERCENTAGE SHARE BY THE NUMBER OF SQUARE FEET IN THE ELIGIBLE BUILDING, AS LISTED ON THE RECORDS OF THE DEPARTMENT OF FINANCE, AND (II) MULTIPLYING THE PRODUCT OBTAINED IN PARAGRAPH (I) OF THIS SUBDIVISION BY THE ABATEMENT BASE.

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

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

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

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

(A) "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES: SHALL INCLUDE BUT NOT BE LIMITED TO: (I) COGENERATION TECHNOLOGIES, WHICH SHALL MEAN ANY ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM ON-SITE ELECTRICAL GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR HOT WATER TO

MEET ON-SITE NEEDS, SUCH AS HEATING AN/OR AIR CONDITIONING AND WHICH ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CONSIDERING BOTH THERMAL AND ELECTRICAL PROCESS TOGETHER; (II) FURNACE AND BOILER REPLACEMENTS AND RETROFITS, PROVIDED THAT NEW OR RETROFITTED FURNACES AND BOILERS SHALL NOT AT ANYTIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER THAN 0.05 PERCENT BY WEIGHT; (III) THE PRODUCTION OF CLEAN FUELED VEHICLES OR THE CONVERSION OF EXISTING VEHICLES TO CLEAN FUELED VEHICLES; AND (IV) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;

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

(C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIPMENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY; AND

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

(A-2) "GREEN ZONE" MEANS THE AREA OF STATEN ISLAND DEFINED BY THE FOLLOWING AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING ZONING MAPS: BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT OF THE GOETHAL BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTHSIDE OF THE GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE; THENCE RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD NORTH; THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE RUNNING SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH AVENUE TO THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTERLINE OF FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS LANE; THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO THE INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING SOUTH 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE TO THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST 3,114.21 ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE; THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING WEST 14,266.19 FEET ALONG AND PARALLEL THE NORTH SIDE OF ARTHUR KILL

ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARALLEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT AND PLACE OF THE BEGINNING.

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

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

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

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

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

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

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

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

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

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

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

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

THE CONVERSION OF EXISTING VEHICLES TO CLEAN-FUELED VEHICLES; AND (IV) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;

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

(C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIPMENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY; AND

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

(D-2) "GREEN ZONE". THE AREA OF STATEN ISLAND DEFINED BY THE FOLLOWING AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING ZONING MAPS: BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT OF THE GOETHALS BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF THE GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE; THENCE RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD NORTH; THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE RUNNING SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH AVENUE TO THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTERLINE OF FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS LANE; THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO THE INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING SOUTH 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE TO THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST 3,114.21 ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE; THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARALLEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT AND PLACE OF THE BEGINNING.

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

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

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

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

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

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

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

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

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

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

(II) IF A CHANGE IN LEVEL OF ASSESSMENT OF FIFTEEN PERCENT OR MORE IS CERTIFIED FOR AN ASSESSMENT ROLL PURSUANT TO THE RULES OF THE STATE

BOARD, THE BASE AMOUNT SHALL BE ADJUSTED BY SUCH CHANGE IN LEVEL OF ASSESSMENT. THE EXEMPTION ON THAT ASSESSMENT ROLL SHALL THEREUPON BE RECOMPUTED, NOTWITHSTANDING THE FACT THAT THE ASSESSOR RECEIVES THE CERTIFICATION AFTER THE COMPLETION, VERIFICATION AND FILING OF THE FINAL ASSESSMENT ROLL. IN THE EVENT THE ASSESSOR DOES NOT HAVE CUSTODY OF THE ROLL WHEN SUCH CERTIFICATION IS RECEIVED, THE ASSESSOR SHALL CERTIFY THE RECOMPUTED EXEMPTION TO THE LOCAL OFFICERS HAVING CUSTODY AND CONTROL OF THE ROLL, AND SUCH LOCAL OFFICERS ARE HEREBY DIRECTED AND AUTHORIZED TO ENTER THE RECOMPUTED EXEMPTION CERTIFIED BY THE ASSESSOR ON THE ROLL.

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

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

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

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

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

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

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

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

5. EXEMPTIONS EXISTING PRIOR IN TIME TO THE TERMINATION OF THE DESIGNATION OF A GREEN ECONOMIC DEVELOPMENT ZONE BY THE COMMISSIONER, OR, IN THE CASE OF A MUNICIPAL CORPORATION WHICH HAS ADOPTED A LOCAL LAW, ORDINANCE OR RESOLUTION PURSUANT TO SUBDIVISION ONE-A OF THIS SECTION, PRIOR IN TIME TO THE EXPIRATION OF SUCH DESIGNATION, SHALL CONTINUE AS IF THE DESIGNATION OF THE GREEN ECONOMIC DEVELOPMENT ZONE HAD NOT BEEN TERMI-

NATED, OR, IF APPLICABLE, HAD NOT EXPIRED; PROVIDED, HOWEVER, THAT ANY FURTHER INCREASE IN THE VALUE ATTRIBUTABLE TO CONSTRUCTION, ALTERATION, INSTALLATION OR IMPROVEMENT COMMENCED SUBSEQUENT TO THE DATE OF TERMINATION, OR, IF APPLICABLE, THE DATE OF EXPIRATION, SHALL NOT BE ELIGIBLE FOR EXEMPTION PURSUANT TO THIS SECTION.

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

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

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

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

(B) A CREDIT SHALL BE ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO TANGIBLE PERSONAL PROPERTY AND OTHER TANGIBLE PROPERTY, INCLUDING BUILDINGS AND STRUCTURAL COMPONENTS OF BUILDINGS, WHICH (I) ARE DEPRECIABLE PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE

CODE, (II) HAVE A USEFUL LIFE OF FOUR YEARS OR MORE, (III) ARE ACQUIRED BY PURCHASE AS DEFINED IN SECTION ONE HUNDRED SEVENTY-NINE (D) OF THE INTERNAL REVENUE CODE, (IV) HAVE A SITUS IN A GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATED AS SUCH PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, AND (V) ARE (A) PRINCIPALLY USED BY THE TAXPAYER IN THE PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEMBLING, REFINING, MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE OR COMMERCIAL FISHING, (B) INDUSTRIAL WASTE TREATMENT FACILITIES OR AIR POLLUTION CONTROL FACILITIES USED IN THE TAXPAYER'S TRADE OR BUSINESS, (C) RESEARCH AND DEVELOPMENT PROPERTY, (D) PRINCIPALLY USED IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS AS A BROKER OR DEALER IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET, ASSIGNMENT, TERMINATION, OR TRANSFER) OF STOCKS, BONDS OR OTHER SECURITIES AS DEFINED IN SECTION FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE INTERNAL REVENUE CODE, OR OF COMMODITIES AS DEFINED IN SECTION FOUR HUNDRED SEVENTY-FIVE (E) OF THE INTERNAL REVENUE CODE, (E) PRINCIPALLY USED IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS OF PROVIDING INVESTMENT ADVISORY SERVICES FOR A REGULATED INVESTMENT COMPANY AS DEFINED IN SECTION EIGHT HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE CODE, OR LENDING, LOAN ARRANGEMENT, OR LOAN ORIGINATION SERVICES TO CUSTOMERS IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET, ASSIGNMENT, TERMINATION OR TRANSFER) OF SECURITIES AS DEFINED IN SECTION FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE INTERNAL REVENUE CODE, OR (F) PRINCIPALLY USED IN THE ORDINARY COURSE OF THE TAXPAYER'S BUSINESS AS AN EXCHANGE REGISTERED AS A NATIONAL SECURITIES EXCHANGE WITHIN THE MEANING OF SECTIONS 3(A)(1) AND 6(A) OF THE SECURITIES EXCHANGE ACT OF 1934 OR A BOARD OF TRADE AS DEFINED IN SUBPARAGRAPH ONE OF PARAGRAPH (A) OF SECTION FOURTEEN HUNDRED TEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AS AN ENTITY THAT IS WHOLLY OWNED BY ONE OR MORE SUCH NATIONAL SECURITIES EXCHANGES OR BOARDS OF TRADE AND THAT PROVIDES AUTOMATION OR TECHNICAL SERVICES THERETO. FOR PURPOSES OF CLAUSES (D), (E) AND (F) OF SUBPARAGRAPH (V) OF THIS PARAGRAPH, PROPERTY PURCHASED BY A TAXPAYER AFFILIATED WITH A REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISER, NATIONAL SECURITIES EXCHANGE OR BOARD OF TRADE IS ALLOWED A CREDIT UNDER THIS SUBDIVISION IF THE PROPERTY IS USED BY ITS AFFILIATED REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISER OR NATIONAL SECURITIES EXCHANGE OR BOARD OF TRADE IN ACCORDANCE WITH THIS SUBDIVISION. FOR PURPOSES OF DETERMINING IF THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THE USES BY THE TAXPAYER DESCRIBED IN CLAUSES (D) AND (E) OF SUBPARAGRAPH (V) OF THIS PARAGRAPH MAY BE AGGREGATED. IN ADDITION, THE USES BY THE TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER AND REGISTERED INVESTMENT ADVISER UNDER EITHER OR BOTH OF THOSE CLAUSES MAY BE AGGREGATED. PROVIDED, HOWEVER, A TAXPAYER SHALL NOT BE ALLOWED THE CREDIT PROVIDED BY CLAUSES (D), (E) AND (F) OF THIS SUBPARAGRAPH UNLESS (I) EIGHTY PERCENT OR MORE OF THE EMPLOYEES PERFORMING THE ADMINISTRATIVE AND SUPPORT FUNCTIONS RESULTING FROM OR RELATED TO THE QUALIFYING USES OF SUCH EQUIPMENT ARE LOCATED IN THIS STATE, OR (II) THE AVERAGE NUMBER OF EMPLOYEES THAT PERFORM THE ADMINISTRATIVE AND SUPPORT FUNCTIONS RESULTING FROM OR RELATED TO THE QUALIFYING USES OF SUCH EQUIPMENT AND ARE LOCATED IN THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED IS EQUAL TO OR GREATER THAN NINETY-FIVE PERCENT OF THE AVERAGE NUMBER OF EMPLOYEES THAT PERFORM THESE FUNCTIONS AND ARE LOCATED IN THIS STATE DURING THE THIRTY-SIX MONTHS IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE CREDIT IS CLAIMED, OR (III) THE NUMBER OF EMPLOYEES LOCATED IN

THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED IS EQUAL TO OR GREATER THAN NINETY PERCENT OF THE NUMBER OF EMPLOYEES LOCATED IN THIS STATE ON DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-EIGHT OR, IF THE TAXPAYER WAS NOT A CALENDAR YEAR TAXPAYER IN NINETEEN HUNDRED NINETY-EIGHT, THE LAST DAY OF ITS FIRST TAXABLE YEAR ENDING AFTER DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-EIGHT. IF THE TAXPAYER BECOMES SUBJECT TO TAX IN THIS STATE AFTER THE TAXABLE YEAR BEGINNING IN NINETEEN HUNDRED NINETY-EIGHT, THEN THE TAXPAYER IS NOT REQUIRED TO SATISFY THE EMPLOYMENT TEST PROVIDED IN THE PRECEDING SENTENCE OF THIS SUBPARAGRAPH FOR ITS FIRST TAXABLE YEAR. FOR THE PURPOSES OF CLAUSE (III) OF THIS SUBPARAGRAPH THE EMPLOYMENT TEST WILL BE BASED ON THE NUMBER OF EMPLOYEES LOCATED IN THIS STATE ON THE LAST DAY OF THE FIRST TAXABLE YEAR THE TAXPAYER IS SUBJECT TO TAX IN THIS STATE. IF THE USES OF THE PROPERTY MUST BE AGGREGATED TO DETERMINE WHETHER THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THEN EITHER EACH AFFILIATE USING THE PROPERTY MUST SATISFY THIS EMPLOYMENT TEST OR THIS EMPLOYMENT TEST MUST BE SATISFIED THROUGH THE AGGREGATION OF THE EMPLOYEES OF THE TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER, AND REGISTERED INVESTMENT ADVISER USING THE PROPERTY. FOR THE PURPOSE OF THIS SUBDIVISION, THE TERM "GOODS" SHALL NOT INCLUDE ELECTRICITY. FOR PURPOSES OF THIS PARAGRAPH, MANUFACTURING SHALL MEAN THE PROCESS OF WORKING RAW MATERIALS INTO WARES SUITABLE FOR USE OR WHICH GIVES NEW SHAPES, NEW QUALITY OR NEW COMBINATIONS TO MATTER WHICH ALREADY HAS GONE THROUGH SOME ARTIFICIAL PROCESS BY THE USE OF MACHINERY, TOOLS, APPLIANCES AND OTHER SIMILAR EQUIPMENT. PROPERTY USED IN THE PRODUCTION OF GOODS SHALL INCLUDE MACHINERY, EQUIPMENT OR OTHER TANGIBLE PROPERTY WHICH IS PRINCIPALLY USED IN THE REPAIR AND SERVICE OF OTHER MACHINERY, EQUIPMENT OR OTHER TANGIBLE PROPERTY USED PRINCIPALLY IN THE PRODUCTION OF GOODS AND SHALL INCLUDE ALL FACILITIES USED IN THE PRODUCTION OPERATION, INCLUDING STORAGE OF MATERIAL TO BE USED IN PRODUCTION AND OF THE PRODUCTS THAT ARE PRODUCED. FOR PURPOSES OF THIS PARAGRAPH, THE TERMS "RESEARCH AND DEVELOPMENT PROPERTY", "INDUSTRIAL WASTE TREATMENT FACILITIES", AND "AIR POLLUTION CONTROL FACILITIES" SHALL HAVE THE MEANINGS ASCRIBED THERETO BY CLAUSES (B), (C) AND (D), RESPECTIVELY, OF SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION TWELVE OF THIS SECTION, AND THE PROVISIONS OF SUBPARAGRAPH (III) OF SUCH PARAGRAPH (B) SHALL APPLY.

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

(D) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF

THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF SUBDIVISION TWELVE OF THIS SECTION MAY ELECT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. IN ADDITION, ANY TAXPAYER WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, IN LIEU OF SUCH CARRYOVER, MAY ELECT TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR PROPERTY WHICH IS PART OF SUCH PROJECT AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, SUCH OWNER SHALL BE ALLOWED SUCH REFUND FOR A MAXIMUM OF TEN TAXABLE YEARS WITH RESPECT TO SUCH QUALIFIED INVESTMENT PROJECT AND EACH SIGNIFICANT CAPITAL INVESTMENT PROJECT, STARTING WITH THE FIRST TAXABLE YEAR IN WHICH PROPERTY COMPRISING SUCH PROJECT IS PLACED IN SERVICE. PROVIDED, FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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

(E) AT THE OPTION OF THE TAXPAYER AIR OR WATER POLLUTION CONTROL FACILITIES WHICH QUALIFY FOR ELECTIVE DEDUCTIONS UNDER PARAGRAPH (G) OF SUBDIVISION NINE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE OR AN ELIGIBLE BUSINESS FACILITY FOR WHICH A CREDIT IS ALLOWED UNDER SUBDIVISION ELEVEN OF THIS SECTION, OR RESEARCH AND DEVELOPMENT FACILITIES WHICH QUALIFY FOR ELECTIVE DEDUCTION UNDER SUBPARAGRAPHS TWO AND THREE OF PARAGRAPH (E) OF SUBDIVISION THREE OF THIS SECTION, OR PROPERTY WHICH QUALIFIES FOR THE CREDIT PROVIDED UNDER SUBDIVISION TWELVE OR EIGHTEEN OF THIS SECTION MAY BE TREATED AS PROPERTY PRINCIPALLY USED BY THE TAXPAYER IN THE PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEMBLING, REFINING, MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE, VITICULTURE OR COMMERCIAL FISHING, PROVIDED THE PROPERTY OTHERWISE QUALIFIES UNDER PARAGRAPH (B) OF THIS SUBDIVISION, IN WHICH EVENT A DEDUCTION SHALL NOT BE ALLOWED UNDER SUCH PARAGRAPH (G), A CREDIT SHALL NOT BE ALLOWED UNDER SUCH SUBDIVISION ELEVEN AND A DEDUCTION SHALL NOT BE ALLOWED UNDER SUCH SUBPARAGRAPH THREE OF PARAGRAPH (E) AND A CREDIT SHALL NOT BE ALLOWED UNDER SUCH SUBDIVISION TWELVE OR EIGHTEEN.

(F) (1) WITH RESPECT TO PROPERTY WHICH IS DEPRECIABLE PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE CODE BUT IS NOT SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF SUCH CODE AND WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED FOR IN

THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE MONTHS OF USEFUL LIFE. IF PROPERTY ON WHICH CREDIT HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF ITS USEFUL LIFE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSITION. PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE THAN TWELVE CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE CREDIT AS PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE MONTHS OF USEFUL LIFE. FOR PURPOSES OF THIS SUBPARAGRAPH, USEFUL LIFE OF PROPERTY SHALL BE THE SAME AS THE TAXPAYER USES FOR DEPRECIATION PURPOSES WHEN COMPUTING HIS FEDERAL INCOME TAX LIABILITY.

(2) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF THIS PARAGRAPH APPLIES, WITH RESPECT TO THREE-YEAR PROPERTY, AS DEFINED IN SUBSECTION (E) OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE CODE, WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THIRTY-SIX. IF PROPERTY ON WHICH CREDIT HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THIRTY-SIX MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSITION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THIRTY-SIX.

(3) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF THIS PARAGRAPH APPLIES, WITH RESPECT TO PROPERTY SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE CODE OTHER THAN THREE-YEAR PROPERTY AS DEFINED IN SUBSECTION (E) OF SUCH SECTION ONE HUNDRED SIXTY-EIGHT WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO SIXTY. IF PROPERTY ON WHICH CREDIT HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF SIXTY MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSITION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO SIXTY.

(4) WITH RESPECT TO ANY PROPERTY TO WHICH SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE CODE APPLIES, WHICH IS A BUILDING OR A STRUCTURAL COMPONENT OF A BUILDING AND WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE TOTAL NUMBER OF MONTHS OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTERNAL REVENUE CODE. IF PROPERTY ON WHICH CREDIT HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END OF THE PERIOD OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTERNAL REVENUE CODE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSITION.

PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE THAN TWELVE CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE CREDIT AS PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE TOTAL NUMBER OF MONTHS OVER WHICH THE TAXPAYER CHOOSES TO DEDUCT THE PROPERTY UNDER THE INTERNAL REVENUE CODE.

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

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

(B) WHERE A BUSINESS ENTERPRISE HAS BEEN DECERTIFIED BASED ON A FINDING PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, THE AMOUNT REQUIRED TO BE ADDED BACK BY REASON OF THIS PARAGRAPH SHALL BE AUGMENTED BY AN AMOUNT EQUAL TO THE PRODUCT OF THE AMOUNT OF CREDIT, WITH RESPECT TO PROPERTY WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE, WHICH WAS DEDUCTED FROM THE TAXPAYER'S TAX OTHERWISE DUE UNDER THIS ARTICLE FOR ALL PRIOR TAXABLE YEARS (SUBJECT TO THE LIMIT SET FORTH IN THIS SUBPARAGRAPH) AND THE UNDERPAYMENT RATE OF INTEREST (WITHOUT REGARD TO COMPOUNDING) SET BY THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO SUBSECTION (E) OF SECTION TEN HUNDRED NINETY-SIX OF THIS CHAPTER, IN EFFECT ON THE LAST DAY OF THE TAXABLE YEAR. THE LIMIT SHALL BE (I) THE AMOUNT OF CREDIT, WITH RESPECT TO THE PROPERTY WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE, WHICH WAS DEDUCTED FROM THE TAXPAYER'S TAX OTHERWISE DUE UNDER THIS ARTICLE FOR ALL PRIOR TAXABLE YEARS, REDUCED (BUT NOT BELOW ZERO) BY (II) THE CREDIT ALLOWED FOR ACTUAL USE. FOR PURPOSES OF THIS SUBPARAGRAPH, THE ATTRIBUTION TO SPECIFIC PROPERTY OF CREDIT AMOUNTS DEDUCTED FROM TAX SHALL BE ESTABLISHED IN ACCORDANCE WITH THE DATE OF PLACEMENT IN SERVICE OF SUCH PROPERTY IN THE GREEN ECONOMIC DEVELOPMENT ZONE.

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

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

(7) FOR PURPOSES OF THIS PARAGRAPH, WHERE A CREDIT IS ALLOWED WITH RESPECT TO AN AIR POLLUTION CONTROL FACILITY ON THE BASIS OF A CERTIFICATE OF COMPLIANCE ISSUED PURSUANT TO THE ENVIRONMENTAL CONSERVATION LAW AND THE CERTIFICATE IS REVOKED PURSUANT TO SUBDIVISION THREE OF SECTION 19-0309 OF THE ENVIRONMENTAL CONSERVATION LAW, SUCH REVOCATION SHALL CONSTITUTE A DISPOSAL OR CESSATION OF QUALIFIED USE, EXCEPT WITH RESPECT TO PROPERTY CONTAINED IN OR COMPRISING SUCH FACILITY WHICH IS DESCRIBED IN CLAUSE (A), (B) OR (C) OF SUBPARAGRAPH (V) OF PARAGRAPH (B)

OF THIS SUBDIVISION OTHER THAN AS PART OF OR COMPRISING AN AIR POLLUTION CONTROL FACILITY. ALSO FOR PURPOSES OF THIS PARAGRAPH, THE USE OF AN AIR POLLUTION CONTROL FACILITY OR AN INDUSTRIAL WASTE TREATMENT FACILITY FOR THE PRIMARY PURPOSE OF SALVAGING MATERIALS WHICH ARE USABLE IN THE MANUFACTURING PROCESS OR ARE MARKETABLE SHALL CONSTITUTE A CESSATION OF QUALIFIED USE, EXCEPT WITH RESPECT TO PROPERTY CONTAINED IN OR COMPRISING SUCH FACILITY WHICH IS DESCRIBED IN CLAUSE (A) OR (C) OF SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION.

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

(9) IF A TAXPAYER, WHICH IS APPROVED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT, FAILS TO (A) CREATE AT LEAST THE MINIMUM NUMBER OF JOBS AT SUCH PROJECT AS REQUIRED BY THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT OR (B) PLACE IN SERVICE PROPERTY COMPRISING SUCH QUALIFIED INVESTMENT PROJECT OR SIGNIFICANT CAPITAL INVESTMENT PROJECT WITH A BASIS FOR FEDERAL INCOME TAX PURPOSES EQUALING OR EXCEEDING THE APPLICABLE MINIMUM REQUIRED BASIS AS PROVIDED IN SUCH RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, WHICHEVER IS RELEVANT, BY THE LAST DAY OF THE FIFTH TAXABLE YEAR FOLLOWING THE TAXABLE YEAR IN WHICH A CREDIT IS FIRST ALLOWED UNDER THIS SUBDIVISION FOR THE PROPERTY WHICH COMPRISES SUCH QUALIFIED INVESTMENT PROJECT OR SUCH SIGNIFICANT CAPITAL INVESTMENT PROJECT, THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ALL TAXABLE YEARS WITH RESPECT TO THE PROPERTY WHICH COMPRISES SUCH PROJECT WHICH HAS BEEN REFUNDED TO SUCH TAXPAYER SHALL BE ADDED BACK IN SUCH TAXABLE YEAR.

12-I. GREEN ECONOMIC DEVELOPMENT ZONE EMPLOYMENT INCENTIVE CREDIT (GED-EIC). (A) WHERE A TAXPAYER IS ALLOWED A CREDIT UNDER SUBDIVISION TWELVE-H OF THIS SECTION, THE TAXPAYER SHALL BE ALLOWED A CREDIT FOR EACH OF THE THREE YEARS NEXT SUCCEEDING THE TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS SECTION IS ALLOWED, WITH RESPECT TO SUCH PROPERTY, WHETHER OR NOT DEDUCTIBLE IN SUCH TAXABLE YEAR OR IN SUBSEQUENT TAXABLE YEARS PURSUANT TO PARAGRAPH (D) OF SUCH SUBDIVISION TWELVE-H, OF THIRTY PERCENT OF THE CREDIT ALLOWABLE UNDER SUCH SUBDIVISION TWELVE-H; PROVIDED, HOWEVER, THAT THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL ONLY BE ALLOWED IF THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED BY THE TAXPAYER IN THE GREEN ECONOMIC DEVELOPMENT ZONE, DESIGNATED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, IN WHICH SUCH PROPERTY IS LOCATED DURING SUCH TAXABLE YEAR IS AT LEAST ONE HUNDRED ONE PERCENT OF THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED BY THE TAXPAYER IN SUCH GREEN ECONOMIC DEVELOPMENT ZONE OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTITUTING SUCH ZONE, DURING THE TAXABLE YEAR IMMEDIATELY PRECEDING THE TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS SECTION IS ALLOWED AND PROVIDED, FURTHER, THAT IF THE TAXPAYER WAS NOT

SUBJECT TO TAX AND DID NOT HAVE A TAXABLE YEAR IMMEDIATELY PRECEDING THE TAXABLE YEAR FOR WHICH THE CREDIT UNDER SUBDIVISION TWELVE-H OF THIS SECTION IS ALLOWED, THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL BE ALLOWED IF THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED IN SUCH GREEN ECONOMIC DEVELOPMENT ZONE IN SUCH TAXABLE YEAR IS AT LEAST ONE HUNDRED ONE PERCENT OF THE AVERAGE NUMBER OF SUCH EMPLOYEES DURING THE TAXABLE YEAR IN WHICH THE CREDIT UNDER SUCH SUBDIVISION TWELVE-H IS ALLOWED.

(B) THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED IN A GREEN ECONOMIC DEVELOPMENT ZONE, OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTITUTING SUCH ZONE, IN A TAXABLE YEAR SHALL BE COMPUTED BY ASCERTAINING THE NUMBER OF SUCH EMPLOYEES WITHIN SUCH ZONE, OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTITUTING SUCH ZONE, EXCEPT GENERAL EXECUTIVE OFFICERS, EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEMBER IN THE TAXABLE YEAR, BY ADDING TOGETHER THE NUMBER OF EMPLOYEES ASCERTAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH ABOVE-MENTIONED DATES OCCURRING WITHIN THE TAXABLE YEAR. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "EMPLOYEES" AND THE TERM "GENERAL EXECUTIVE OFFICERS" SHALL MEAN THE SAME AS IN SUBPARAGRAPH THREE OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION.

(C) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAYER, WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, MAY ELECT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, IN THE CASE OF SUCH OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT, ONLY FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO PROPERTY WHICH IS PART OF SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR REFUNDED AND SUCH OWNER SHALL BE ALLOWED SUCH CREDIT OR REFUND ONLY FOR THOSE TAXABLE YEARS IN WHICH SUCH OWNER WOULD BE ALLOWED A CREDIT OR REFUND OF THE GREEN ECONOMIC DEVELOPMENT ZONE INVESTMENT TAX CREDIT PURSUANT TO PARAGRAPH (D) OF SUBDIVISION TWELVE-H OF THIS SECTION. PROVIDED, FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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

S 19. Section 210 of the tax law is amended by adding a new subdivision 41 to read as follows:

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

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

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

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

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

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

(C) THE CREDIT PROVIDED FOR HEREIN SHALL BE ALLOWED ONLY WHERE THE AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFICERS, EMPLOYED FULL-TIME BY THE TAXPAYER IN (A) THE STATE AND (B) THE GREEN ECONOMIC DEVELOPMENT ZONE OR AREA PREVIOUSLY CONSTITUTING SUCH ZONE OR ZONE EQUIVALENT AREA, DURING THE TAXABLE YEAR EXCEEDS THE AVERAGE NUMBER

OF SUCH INDIVIDUALS EMPLOYED FULL-TIME BY THE TAXPAYER IN (A) THE STATE AND (B) SUCH ZONE OR AREA SUBSEQUENTLY OR PREVIOUSLY CONSTITUTING SUCH ZONE OR SUCH ZONE EQUIVALENT AREA, RESPECTIVELY, DURING THE FOUR YEARS IMMEDIATELY PRECEDING THE FIRST TAXABLE YEAR IN WHICH THE CREDIT IS CLAIMED WITH RESPECT TO SUCH ZONE OR AREA. WHERE THE TAXPAYER PROVIDED FULL-TIME EMPLOYMENT WITHIN (A) THE STATE OR (B) SUCH ZONE OR AREA DURING ONLY A PORTION OF SUCH FOUR-YEAR PERIOD, THEN FOR PURPOSES OF THIS PARAGRAPH THE TERM "FOUR YEARS" SHALL BE DEEMED TO REFER INSTEAD TO SUCH PORTION, IF ANY.

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

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

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

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

(C) ARE TARGETED EMPLOYEES; AND

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

PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXABLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGRE-

GATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION TWO HUNDRED NINE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR BY THIS ARTICLE.

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

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

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

(E) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE OF PARAGRAPH (D) OF THIS SUBDIVISION, ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF SUBDIVISION TWELVE OF THIS SECTION OR A TAXPAYER WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT MAY ELECT, ON ITS REPORT FOR ITS

TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, IN THE CASE OF SUCH OWNER OF A QUALIFIED INVESTMENT PROJECT OR SIGNIFICANT CAPITAL INVESTMENT PROJECT, ONLY FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR INDIVIDUALS EMPLOYED AT SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR REFUNDED. PROVIDED, FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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

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

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

(XXXI) GREEN ECONOMIC DEVELOPMENT ZONE WAGE TAX CREDIT UNDER SUBSECTION (QQ)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-ONE OF SECTION TWO HUNDRED TEN

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

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

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

(B) "TARGETED EMPLOYEE" MEANS A NEW YORK RESIDENT WHO RECEIVES GREEN ECONOMIC DEVELOPMENT ZONE WAGES AND WHO IS (I) AN ELIGIBLE INDIVIDUAL UNDER THE PROVISIONS OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE OF THE INTERNAL REVENUE CODE), (II) ELIGIBLE FOR BENEFITS UNDER THE PROVISIONS OF THE WORKFORCE INVESTMENT ACT AS A DISLOCATED WORKER OR LOW-INCOME INDIVIDUAL (P.L. 105-220, AS AMENDED), (III) A RECIPIENT OF PUBLIC ASSISTANCE BENEFITS, (IV) AN INDIVIDUAL WHOSE INCOME IS BELOW THE

MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE UNITED STATES DEPARTMENT OF COMMERCE, OR A MEMBER OF A FAMILY WHOSE FAMILY INCOME IS BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE APPROPRIATE FEDERAL AGENCY OR (V) AN HONORABLY DISCHARGED MEMBER OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES.

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

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

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

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

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

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

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

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

(III) ARE TARGETED EMPLOYEES; AND

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

PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXABLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGREGATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION SIX HUNDRED ONE OF THIS PART COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR UNDER THIS ARTICLE.

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

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

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

(5) IF THE AMOUNT OF THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS, AS WELL AS ANY PART OF THE CREDIT OR

CARRYOVERS OF SUCH CREDIT, OR BOTH, WHICH MAY NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE IN PARAGRAPH FOUR OF THIS SUBSECTION, 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 ANY SUCH EXCESS, A TAXPAYER WHO QUALIFIES AS AN OWNER OF A NEW BUSINESS FOR PURPOSES OF PARAGRAPH TEN OF SUBSECTION (A) OF THIS SECTION MAY, AT HIS OPTION, RECEIVE FIFTY PERCENT OF SUCH EXCESS AS A REFUND. ANY REFUND PAID PURSUANT TO THIS PARAGRAPH SHALL BE DEEMED TO BE A REFUND OF AN OVERPAYMENT OF TAX AS PROVIDED IN SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

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

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

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

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

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

AN INDIVIDUAL WHO SATISFIES THE CRITERIA SET FORTH IN CLAUSE (I), (II), (IV) OR (V) OF THIS SUBPARAGRAPH AT THE TIME OF INITIAL EMPLOYMENT IN THE JOB WITH RESPECT TO WHICH THE CREDIT IS CLAIMED, OR WHO SATISFIES THE CRITERION SET FORTH IN CLAUSE (III) OF THIS SUBPARAGRAPH AT SUCH

TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE GREEN ECONOMIC DEVELOPMENT ZONE WAGES.

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

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

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

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

(B) THE PRODUCT OF FIFTEEN HUNDRED DOLLARS AND THE AVERAGE NUMBER OF INDIVIDUALS (EXCLUDING GENERAL EXECUTIVE OFFICERS AND INDIVIDUALS DESCRIBED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH) EMPLOYED FULL-TIME BY THE TAXPAYER, COMPUTED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF

PARAGRAPH TWO OF THIS SUBSECTION, WHO RECEIVED GREEN ECONOMIC DEVELOPMENT ZONE WAGES FOR MORE THAN HALF OF THE TAXABLE YEAR.

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

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

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

PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXABLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGREGATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR UNDER THIS ARTICLE.

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

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

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

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

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

COMPUTED PURSUANT TO SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED FIVE, OR (II) THE GREATER OF THE SUM OF THE TAXES IMPOSED UNDER SECTIONS FIFTEEN HUNDRED ONE AND FIFTEEN HUNDRED TEN OR THE AMOUNT OF TAX COMPUTED PURSUANT TO SUBDIVISION (B) OF SECTION FIFTEEN HUNDRED FIVE, OR (II) FOR ALL OTHER INSURANCE CORPORATIONS, THE TAX IMPOSED UNDER SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR UNDER THIS ARTICLE.

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

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

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

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

(C) THE REQUIRED PORTION OF THE CREDIT ORIGINALLY ALLOWED SHALL BE THE PRODUCT OF (I) THE PORTION OF SUCH CREDIT ATTRIBUTABLE TO THE PROPERTY DISPOSED OF OR THE PAYMENT OR CONTRIBUTION RECOVERED AND (II) THE APPLICABLE PERCENTAGE.

(D) THE APPLICABLE PERCENTAGE SHALL BE:

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

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

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

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

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

S 25. This act shall take effect immediately.