

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

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

5 ARTICLE 18-D

6 GREEN ECONOMIC DEVELOPMENT ZONES

7 SECTION 974. SHORT TITLE.

8 974-A. LEGISLATIVE FINDINGS AND DECLARATION.

9 974-B. DEFINITIONS.

10 974-C. CRITERIA FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION.

11 974-D. RESPONSIBILITIES OF THE COMMISSIONER.

12 974-E. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE.

13 974-F. APPLICATION FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIG-
14 NATION.

15 974-G. GREEN ECONOMIC DEVELOPMENT ZONE DEVELOPMENT PLAN.

16 974-H. LOCAL ADMINISTRATION OF GREEN ECONOMIC DEVELOPMENT ZONE.

17 974-I. DESIGNATION OF GREEN ECONOMIC DEVELOPMENT ZONE AS A
18 FEDERAL GREEN ENTERPRISE ECONOMIC DEVELOPMENT ZONE.

19 974-J. DIVISION OF TAXES BY GOVERNMENT BODIES.

20 974-K. DISPOSITION OF PROPERTY.

21 974-L. TERMINATION OR REVERSION OF A GREEN ECONOMIC DEVELOPMENT
22 ZONE.

23 S 974. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
24 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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1 S 974-A. LEGISLATIVE FINDINGS AND DECLARATION. IT IS HEREBY FOUND
2 AND DECLARED THAT THERE EXISTS WITHIN THE STATE THE NEED TO STIMULATE
3 EMPLOYMENT AND MORE EFFICIENT TRANSPORTATION BY UTILIZING THE EMERGING
4 GREEN TECHNOLOGY THAT WILL REDUCE THE OUTPUT OF CARBON IN THE ATMOSPHERE
5 OF THE STATE, IMPROVE THE STATE'S ENVIRONMENTAL QUALITY OF LIFE AND
6 GENERAL HEALTH OF THE RESIDENTS. THIS NEED REQUIRES THE STATE GOVERNMENT
7 TO TARGET AREAS FOR EXTRAORDINARY ECONOMIC DEVELOPMENT PROGRAMS IN ORDER
8 TO STIMULATE PRIVATE INVESTMENT, PRIVATE BUSINESS DEVELOPMENT AND JOB
9 CREATION. IT IS THE PUBLIC POLICY OF THE STATE TO OFFER SPECIAL INCEN-
10 TIVES AND ASSISTANCE THAT WILL PROMOTE THE DEVELOPMENT OF NEW GREEN
11 BUSINESSES AND THE EXPANSION OF EXISTING BUSINESSES WITHIN PRE-DESIGNAT-
12 ED AREAS AND TO DO SO WITHOUT ENCOURAGING THE RELOCATION OF BUSINESS
13 INVESTMENT FROM OTHER AREAS OF THE STATE. IT IS FURTHER FOUND AND
14 DECLARED THAT IT IS THE PUBLIC POLICY OF THE STATE TO ACHIEVE THESE
15 GOALS THROUGH THE MUTUAL COOPERATION OF ALL LEVELS OF STATE AND LOCAL
16 GOVERNMENT AND THE BUSINESS COMMUNITY.

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

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

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

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

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

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

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

1 WILL REDUCE THE DEMAND FOR AND/OR CONSUMPTION OF ELECTRICITY AS DETER-
2 MINED BY THE NEW YORK STATE ENERGY AND RESEARCH DEVELOPMENT AUTHORITY;
3 AND

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

11 (D) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF ECONOMIC DEVELOP-
12 MENT.

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

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

19 (A) AFTER CONSULTATION WITH ALL APPROPRIATE DIRECTORS AND COMMISSION-
20 ERS OF STATE AGENCIES PROMULGATE REGULATIONS GOVERNING THE CRITERIA OF
21 ELIGIBILITY FOR LOCAL GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATIONS;

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

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

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

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

33 S 974-F. APPLICATION FOR GREEN ECONOMIC DEVELOPMENT ZONE DESIGNATION.
34 A CITY, COUNTY (OTHER THAN A COUNTY WHOLLY CONTAINED WITHIN A CITY),
35 TOWN OR VILLAGE MAY ADOPT A LOCAL LAW AUTHORIZING SUCH MUNICIPAL CORPO-
36 RATION TO PREPARE AND SUBMIT AN APPLICATION TO THE DEPARTMENT OF ECONOM-
37 IC DEVELOPMENT FOR DESIGNATION OF AN AREA THEREIN AS A GREEN ECONOMIC
38 DEVELOPMENT ZONE; AND THE ADOPTION OF SUCH A LOCAL LAW BY THE MUNICIPAL
39 CORPORATION WITHIN WHICH THE PROPOSED GREEN ECONOMIC DEVELOPMENT ZONE IS
40 TO BE LOCATED SHALL BE A PREREQUISITE TO THE SUBMISSION OF AN APPLICA-
41 TION FOR SUCH DESIGNATION. SUCH LOCAL LAW SHALL ALSO DESIGNATE THE BOUN-
42 DARIES OF SUCH AREA.

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

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

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

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

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

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

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

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

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

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

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

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

5 (c) With respect to the abatement zone defined in paragraph (c) of
6 subdivision two of this section, premises located in an eligible build-
7 ing that are occupied or used for industrial and manufacturing activ-
8 ities (including ancillary uses) OR USED BY A GREEN BUSINESS IN A GREEN
9 ZONE, but not premises occupied or used for hotel or residential
10 purposes.

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

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

22 14-B. "GREEN BUSINESS." A "GREEN BUSINESS" SHALL BE DEFINED AS ONE
23 THAT HAS ITS PRIMARY SOURCE OF REVENUE THE PROVISION OF SERVICES IN THE
24 FOLLOWING AREAS: (I) GREEN HOUSE GAS EMISSION REDUCTION TECHNOLOGIES;
25 (II) THE ASSEMBLY OF ESSENTIAL COMPONENTS FOR A CLEAN-FUELED VEHICLE; OR
26 (III) ENERGY EFFICIENCY TECHNOLOGIES. FOR PURPOSES OF THIS TITLE, THE
27 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

28 (A) "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES" SHALL MEAN AND
29 INCLUDE BUT NOT BE LIMITED TO: (I) COGENERATION TECHNOLOGIES, WHICH
30 SHALL MEAN ANY ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM
31 ON-SITE ELECTRICAL GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR
32 HOT WATER TO MEET ON-SITE NEEDS, SUCH AS HEATING AND/OR AIR CONDITIONING
33 AND WHICH ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE
34 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CONSIDERING BOTH THERMAL AND
35 ELECTRICAL PROCESS TOGETHER; (II) FURNACE AND BOILER REPLACEMENTS AND
36 RETROFITS, PROVIDED THAT NEW OR RETROFITTED FURNACES AND BOILERS SHALL
37 NOT AT ANYTIME OPERATE ON DIESEL FUEL WITH SULFUR CONTENT GREATER THAN
38 0.05 PERCENT BY WEIGHT; (III) THE PRODUCTION OF CLEAN-FUELED VEHICLES OR
39 THE CONVERSION OF EXISTING VEHICLES TO CLEAN FUELED VEHICLES; AND (IV)
40 OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF
41 ENERGY INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL
42 CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND
43 DEVELOPMENT AUTHORITY.

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

49 (C) "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT
50 REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO: (I)
51 REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES; (II) APPLIANCES AND EQUIP-
52 MENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN
53 ARTICLE SIXTEEN OF THE ENERGY LAW; AND (III) OTHER SUCH MEASURES THAT
54 WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS
55 DETERMINED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHOR-
56 ITY.

(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.

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 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 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

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

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

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

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

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

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

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

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

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

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

33 (A-2) "GREEN ZONE" MEANS THE AREA OF STATEN ISLAND DEFINED BY THE
34 FOLLOWING AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING
35 ZONING MAPS: BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT
36 OF THE GOETHAL BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE
37 RUNNING EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTHSIDE OF
38 THE GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE;
39 THENCE RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD
40 NORTH; THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH
41 SIDE OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE
42 RUNNING SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH
43 AVENUE TO THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89
44 FEET ALONG AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTER-
45 LINE OF FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND
46 PARALLEL TO THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS
47 LANE; THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO
48 THE INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING
49 SOUTH 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE
50 TO THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST
51 3,114.21 ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF
52 TRAVIS AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO
53 THE SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE;
54 THENCE RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE
55 OF RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING
56 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

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

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

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

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

26 (D-2) "GREEN ZONE". THE AREA OF STATEN ISLAND DEFINED BY THE FOLLOWING
27 AREA BASED ON THE NEW YORK CITY DEPARTMENT OF CITY PLANNING ZONING MAPS:
28 BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF THE FOOT OF THE
29 GOETHALS BRIDGE AND THE US PIERHEAD AND BULKHEAD LINE; THENCE RUNNING
30 EASTERLY 3,214.78 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF THE
31 GOETHALS BRIDGE EXTENSION TO THE CENTERLINE OF WESTERN AVENUE; THENCE
32 RUNNING NORTH 93.71 FEET TO THE CENTERLINE OF GOETHALS ROAD NORTH;
33 THENCE RUNNING EAST 5,909.12 FEET ALONG AND PARALLEL TO THE SOUTH SIDE
34 OF GOETHALS ROAD NORTH TO CENTERLINE OF SOUTH AVENUE; THENCE RUNNING
35 SOUTH 433.81 FEET ALONG AND PARALLEL TO THE WEST SIDE OF SOUTH AVENUE TO
36 THE CENTERLINE OF FAHEY AVENUE; THENCE RUNNING EAST 424.89 FEET ALONG
37 AND PARALLEL TO THE SOUTH SIDE OF FAHEY AVENUE TO THE CENTERLINE OF
38 FELTON STREET; THENCE RUNNING SOUTH 1,314.02 FEET ALONG AND PARALLEL TO
39 THE WEST SIDE OF FELTON STREET TO THE CENTERLINE OF LAMBERTS LANE;
40 THENCE RUNNING SOUTH 790.62 FEET ALONG THE FELTON STREET LINE TO THE
41 INTERSECTION OF GRAHAM AVENUE AND LANDER AVENUE; THENCE RUNNING SOUTH
42 3,413.10 FEET ALONG AND PARALLEL TO THE WEST SIDE OF GRAHAM AVENUE TO
43 THE CENTERLINE OF VICTORY BOULEVARD; THENCE RUNNING SOUTHEAST 3,114.21
44 ALONG THE WEST SIDE OF VICTORY BOULEVARD TO THE CENTERLINE OF TRAVIS
45 AVENUE; THENCE RUNNING EAST 5,030.20 FEET ALONG AND PARALLEL TO THE
46 SOUTH SIDE OF TRAVIS AVENUE TO THE CENTERLINE OF RICHMOND AVENUE; THENCE
47 RUNNING SOUTH 12,265.02 FEET ALONG AND PARALLEL TO THE WEST SIDE OF
48 RICHMOND AVENUE TO THE CENTERLINE OF ARTHUR KILL ROAD; THENCE RUNNING
49 WEST 14,266.19 FEET ALONG AND PARALLEL TO THE NORTH SIDE OF ARTHUR KILL
50 ROAD TO THE CENTERLINE OF ROSSVILLE AVENUE; THENCE RUNNING NORTH 650
51 FEET ALONG THE LINE OF ROSSVILLE AVENUE TO THE POINT OF THE US PIERHEAD
52 AND BULKHEAD LINE; THENCE RUNNING NORTH 34,553.83 FEET ALONG AND PARAL-
53 LEL TO THE EAST SIDE OF THE US PIERHEAD AND BULKHEAD LINE TO THE POINT
54 AND PLACE OF THE BEGINNING.

55 S 15. Subdivision (g) of section 25-s of the general city law, as
56 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-

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

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

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

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

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

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

1 CODE, (II) HAVE A USEFUL LIFE OF FOUR YEARS OR MORE, (III) ARE ACQUIRED
2 BY PURCHASE AS DEFINED IN SECTION ONE HUNDRED SEVENTY-NINE (D) OF THE
3 INTERNAL REVENUE CODE, (IV) HAVE A SITUS IN A GREEN ECONOMIC DEVELOPMENT
4 ZONE DESIGNATED AS SUCH PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL
5 MUNICIPAL LAW, AND (V) ARE (A) PRINCIPALLY USED BY THE TAXPAYER IN THE
6 PRODUCTION OF GOODS BY MANUFACTURING, PROCESSING, ASSEMBLING, REFINING,
7 MINING, EXTRACTING, FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE,
8 VITICULTURE OR COMMERCIAL FISHING, (B) INDUSTRIAL WASTE TREATMENT FACIL-
9 ITIES OR AIR POLLUTION CONTROL FACILITIES USED IN THE TAXPAYER'S TRADE
10 OR BUSINESS, (C) RESEARCH AND DEVELOPMENT PROPERTY, (D) PRINCIPALLY USED
11 IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS AS A BROKER
12 OR DEALER IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE
13 BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET,
14 ASSIGNMENT, TERMINATION, OR TRANSFER) OF STOCKS, BONDS OR OTHER SECURI-
15 TIES AS DEFINED IN SECTION FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE
16 INTERNAL REVENUE CODE, OR OF COMMODITIES AS DEFINED IN SECTION FOUR
17 HUNDRED SEVENTY-FIVE (E) OF THE INTERNAL REVENUE CODE, (E) PRINCIPALLY
18 USED IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS OF
19 PROVIDING INVESTMENT ADVISORY SERVICES FOR A REGULATED INVESTMENT COMPA-
20 NY AS DEFINED IN SECTION EIGHT HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE
21 CODE, OR LENDING, LOAN ARRANGEMENT, OR LOAN ORIGATION SERVICES TO
22 CUSTOMERS IN CONNECTION WITH THE PURCHASE OR SALE (WHICH SHALL INCLUDE
23 BUT NOT BE LIMITED TO THE ISSUANCE, ENTERING INTO, ASSUMPTION, OFFSET,
24 ASSIGNMENT, TERMINATION OR TRANSFER) OF SECURITIES AS DEFINED IN SECTION
25 FOUR HUNDRED SEVENTY-FIVE (C)(2) OF THE INTERNAL REVENUE CODE, OR (F)
26 PRINCIPALLY USED IN THE ORDINARY COURSE OF THE TAXPAYER'S BUSINESS AS AN
27 EXCHANGE REGISTERED AS A NATIONAL SECURITIES EXCHANGE WITHIN THE MEANING
28 OF SECTIONS 3(A)(1) AND 6(A) OF THE SECURITIES EXCHANGE ACT OF 1934 OR A
29 BOARD OF TRADE AS DEFINED IN SUBPARAGRAPH ONE OF PARAGRAPH (A) OF
30 SECTION FOURTEEN HUNDRED TEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AS
31 AN ENTITY THAT IS WHOLLY OWNED BY ONE OR MORE SUCH NATIONAL SECURITIES
32 EXCHANGES OR BOARDS OF TRADE AND THAT PROVIDES AUTOMATION OR TECHNICAL
33 SERVICES THERETO. FOR PURPOSES OF CLAUSES (D), (E) AND (F) OF SUBPARA-
34 GRAPH (V) OF THIS PARAGRAPH, PROPERTY PURCHASED BY A TAXPAYER AFFILIATED
35 WITH A REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISER, NATIONAL
36 SECURITIES EXCHANGE OR BOARD OF TRADE IS ALLOWED A CREDIT UNDER THIS
37 SUBDIVISION IF THE PROPERTY IS USED BY ITS AFFILIATED REGULATED BROKER,
38 DEALER, REGISTERED INVESTMENT ADVISER OR NATIONAL SECURITIES EXCHANGE OR
39 BOARD OF TRADE IN ACCORDANCE WITH THIS SUBDIVISION. FOR PURPOSES OF
40 DETERMINING IF THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THE
41 USES BY THE TAXPAYER DESCRIBED IN CLAUSES (D) AND (E) OF SUBPARAGRAPH
42 (V) OF THIS PARAGRAPH MAY BE AGGREGATED. IN ADDITION, THE USES BY THE
43 TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER AND REGISTERED INVEST-
44 MENT ADVISER UNDER EITHER OR BOTH OF THOSE CLAUSES MAY BE AGGREGATED.
45 PROVIDED, HOWEVER, A TAXPAYER SHALL NOT BE ALLOWED THE CREDIT PROVIDED
46 BY CLAUSES (D), (E) AND (F) OF THIS SUBPARAGRAPH UNLESS (I) EIGHTY
47 PERCENT OR MORE OF THE EMPLOYEES PERFORMING THE ADMINISTRATIVE AND
48 SUPPORT FUNCTIONS RESULTING FROM OR RELATED TO THE QUALIFYING USES OF
49 SUCH EQUIPMENT ARE LOCATED IN THIS STATE, OR (II) THE AVERAGE NUMBER OF
50 EMPLOYEES THAT PERFORM THE ADMINISTRATIVE AND SUPPORT FUNCTIONS RESULT-
51 ING FROM OR RELATED TO THE QUALIFYING USES OF SUCH EQUIPMENT AND ARE
52 LOCATED IN THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS
53 CLAIMED IS EQUAL TO OR GREATER THAN NINETY-FIVE PERCENT OF THE AVERAGE
54 NUMBER OF EMPLOYEES THAT PERFORM THESE FUNCTIONS AND ARE LOCATED IN THIS
55 STATE DURING THE THIRTY-SIX MONTHS IMMEDIATELY PRECEDING THE YEAR FOR
56 WHICH THE CREDIT IS CLAIMED, OR (III) THE NUMBER OF EMPLOYEES LOCATED IN

1 THIS STATE DURING THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED IS
2 EQUAL TO OR GREATER THAN NINETY PERCENT OF THE NUMBER OF EMPLOYEES
3 LOCATED IN THIS STATE ON DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINE-
4 TY-EIGHT OR, IF THE TAXPAYER WAS NOT A CALENDAR YEAR TAXPAYER IN NINE-
5 TEEN HUNDRED NINETY-EIGHT, THE LAST DAY OF ITS FIRST TAXABLE YEAR ENDING
6 AFTER DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-EIGHT. IF THE
7 TAXPAYER BECOMES SUBJECT TO TAX IN THIS STATE AFTER THE TAXABLE YEAR
8 BEGINNING IN NINETEEN HUNDRED NINETY-EIGHT, THEN THE TAXPAYER IS NOT
9 REQUIRED TO SATISFY THE EMPLOYMENT TEST PROVIDED IN THE PRECEDING
10 SENTENCE OF THIS SUBPARAGRAPH FOR ITS FIRST TAXABLE YEAR. FOR THE
11 PURPOSES OF CLAUSE (III) OF THIS SUBPARAGRAPH THE EMPLOYMENT TEST WILL
12 BE BASED ON THE NUMBER OF EMPLOYEES LOCATED IN THIS STATE ON THE LAST
13 DAY OF THE FIRST TAXABLE YEAR THE TAXPAYER IS SUBJECT TO TAX IN THIS
14 STATE. IF THE USES OF THE PROPERTY MUST BE AGGREGATED TO DETERMINE
15 WHETHER THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THEN EITHER
16 EACH AFFILIATE USING THE PROPERTY MUST SATISFY THIS EMPLOYMENT TEST OR
17 THIS EMPLOYMENT TEST MUST BE SATISFIED THROUGH THE AGGREGATION OF THE
18 EMPLOYEES OF THE TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER, AND
19 REGISTERED INVESTMENT ADVISER USING THE PROPERTY. FOR THE PURPOSE OF
20 THIS SUBDIVISION, THE TERM "GOODS" SHALL NOT INCLUDE ELECTRICITY. FOR
21 PURPOSES OF THIS PARAGRAPH, MANUFACTURING SHALL MEAN THE PROCESS OF
22 WORKING RAW MATERIALS INTO WARES SUITABLE FOR USE OR WHICH GIVES NEW
23 SHAPES, NEW QUALITY OR NEW COMBINATIONS TO MATTER WHICH ALREADY HAS GONE
24 THROUGH SOME ARTIFICIAL PROCESS BY THE USE OF MACHINERY, TOOLS, APPLI-
25 ANCES AND OTHER SIMILAR EQUIPMENT. PROPERTY USED IN THE PRODUCTION OF
26 GOODS SHALL INCLUDE MACHINERY, EQUIPMENT OR OTHER TANGIBLE PROPERTY
27 WHICH IS PRINCIPALLY USED IN THE REPAIR AND SERVICE OF OTHER MACHINERY,
28 EQUIPMENT OR OTHER TANGIBLE PROPERTY USED PRINCIPALLY IN THE PRODUCTION
29 OF GOODS AND SHALL INCLUDE ALL FACILITIES USED IN THE PRODUCTION OPERA-
30 TION, INCLUDING STORAGE OF MATERIAL TO BE USED IN PRODUCTION AND OF THE
31 PRODUCTS THAT ARE PRODUCED. FOR PURPOSES OF THIS PARAGRAPH, THE TERMS
32 "RESEARCH AND DEVELOPMENT PROPERTY", "INDUSTRIAL WASTE TREATMENT FACILI-
33 TIES", AND "AIR POLLUTION CONTROL FACILITIES" SHALL HAVE THE MEANINGS
34 ASCRIBED THERETO BY CLAUSES (B), (C) AND (D), RESPECTIVELY, OF SUBPARA-
35 GRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION TWELVE OF THIS SECTION, AND
36 THE PROVISIONS OF SUBPARAGRAPH (III) OF SUCH PARAGRAPH (B) SHALL APPLY.

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

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

1 THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF
2 THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWED
3 UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH
4 AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE
5 CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE
6 TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY
7 SUCH TAXPAYER WHICH QUALIFIES AS A NEW BUSINESS UNDER PARAGRAPH (J) OF
8 SUBDIVISION TWELVE OF THIS SECTION MAY ELECT, ON ITS REPORT FOR ITS
9 TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, TO TREAT
10 FIFTY PERCENT OF THE AMOUNT OF SUCH CARRYOVER AS AN OVERPAYMENT OF TAX
11 TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION
12 TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. IN ADDITION, ANY TAXPAYER WHICH
13 IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR A SIGNIF-
14 ICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGULATIONS
15 PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, ON ITS REPORT
16 FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH CREDIT IS ALLOWED, IN
17 LIEU OF SUCH CARRYOVER, MAY ELECT TO TREAT FIFTY PERCENT OF THE AMOUNT
18 OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT ALLOWED UNDER THIS
19 SUBDIVISION FOR PROPERTY WHICH IS PART OF SUCH PROJECT AS AN OVERPAYMENT
20 OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF
21 SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, SUCH
22 OWNER SHALL BE ALLOWED SUCH REFUND FOR A MAXIMUM OF TEN TAXABLE YEARS
23 WITH RESPECT TO SUCH QUALIFIED INVESTMENT PROJECT AND EACH SIGNIFICANT
24 CAPITAL INVESTMENT PROJECT, STARTING WITH THE FIRST TAXABLE YEAR IN
25 WHICH PROPERTY COMPRISING SUCH PROJECT IS PLACED IN SERVICE. PROVIDED,
26 FURTHER, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN
27 HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL
28 BE PAID THEREON.

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

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

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

1 THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF QUALI-
2 FIED USE BEAR TO THE MONTHS OF USEFUL LIFE. IF PROPERTY ON WHICH CREDIT
3 HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO
4 THE END OF ITS USEFUL LIFE, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND
5 THE CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF
6 DISPOSITION. PROVIDED, HOWEVER, IF SUCH PROPERTY IS DISPOSED OF OR CEAS-
7 ES TO BE IN QUALIFIED USE AFTER IT HAS BEEN IN QUALIFIED USE FOR MORE
8 THAN TWELVE CONSECUTIVE YEARS, IT SHALL NOT BE NECESSARY TO ADD BACK THE
9 CREDIT AS PROVIDED IN THIS SUBPARAGRAPH. THE AMOUNT OF CREDIT ALLOWED
10 FOR ACTUAL USE SHALL BE DETERMINED BY MULTIPLYING THE ORIGINAL CREDIT BY
11 THE RATIO WHICH THE MONTHS OF QUALIFIED USE BEAR TO THE MONTHS OF USEFUL
12 LIFE. FOR PURPOSES OF THIS SUBPARAGRAPH, USEFUL LIFE OF PROPERTY SHALL
13 BE THE SAME AS THE TAXPAYER USES FOR DEPRECIATION PURPOSES WHEN COMPUT-
14 ING HIS FEDERAL INCOME TAX LIABILITY.

15 (2) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF
16 THIS PARAGRAPH APPLIES, WITH RESPECT TO THREE-YEAR PROPERTY, AS DEFINED
17 IN SUBSECTION (E) OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL
18 REVENUE CODE, WHICH IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE
19 PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT IS TO BE TAKEN,
20 THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE CREDIT PROVIDED
21 FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH THE MONTHS OF
22 QUALIFIED USE BEAR TO THIRTY-SIX. IF PROPERTY ON WHICH CREDIT HAS BEEN
23 TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO THE END
24 OF THIRTY-SIX MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE
25 CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSI-
26 TION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY
27 MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALI-
28 FIED USE BEAR TO THIRTY-SIX.

29 (3) EXCEPT WITH RESPECT TO THAT PROPERTY TO WHICH SUBPARAGRAPH FOUR OF
30 THIS PARAGRAPH APPLIES, WITH RESPECT TO PROPERTY SUBJECT TO THE
31 PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT OF THE INTERNAL REVENUE
32 CODE OTHER THAN THREE-YEAR PROPERTY AS DEFINED IN SUBSECTION (E) OF SUCH
33 SECTION ONE HUNDRED SIXTY-EIGHT WHICH IS DISPOSED OF OR CEASES TO BE IN
34 QUALIFIED USE PRIOR TO THE END OF THE TAXABLE YEAR IN WHICH THE CREDIT
35 IS TO BE TAKEN, THE AMOUNT OF THE CREDIT SHALL BE THAT PORTION OF THE
36 CREDIT PROVIDED FOR IN THIS SUBDIVISION WHICH REPRESENTS THE RATIO WHICH
37 THE MONTHS OF QUALIFIED USE BEAR TO SIXTY. IF PROPERTY ON WHICH CREDIT
38 HAS BEEN TAKEN IS DISPOSED OF OR CEASES TO BE IN QUALIFIED USE PRIOR TO
39 THE END OF SIXTY MONTHS, THE DIFFERENCE BETWEEN THE CREDIT TAKEN AND THE
40 CREDIT ALLOWED FOR ACTUAL USE MUST BE ADDED BACK IN THE YEAR OF DISPOSI-
41 TION. THE AMOUNT OF CREDIT ALLOWED FOR ACTUAL USE SHALL BE DETERMINED BY
42 MULTIPLYING THE ORIGINAL CREDIT BY THE RATIO WHICH THE MONTHS OF QUALI-
43 FIED USE BEAR TO SIXTY.

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

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

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

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

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

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

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

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

1 OF THIS SUBDIVISION OTHER THAN AS PART OF OR COMPRISING AN AIR POLLUTION
2 CONTROL FACILITY. ALSO FOR PURPOSES OF THIS PARAGRAPH, THE USE OF AN AIR
3 POLLUTION CONTROL FACILITY OR AN INDUSTRIAL WASTE TREATMENT FACILITY FOR
4 THE PRIMARY PURPOSE OF SALVAGING MATERIALS WHICH ARE USABLE IN THE MANU-
5 FACTURING PROCESS OR ARE MARKETABLE SHALL CONSTITUTE A CESSATION OF
6 QUALIFIED USE, EXCEPT WITH RESPECT TO PROPERTY CONTAINED IN OR COMPRIS-
7 ING SUCH FACILITY WHICH IS DESCRIBED IN CLAUSE (A) OR (C) OF SUBPARA-
8 GRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION.

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

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

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

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

9 (B) THE AVERAGE NUMBER OF EMPLOYEES EMPLOYED IN A GREEN ECONOMIC
10 DEVELOPMENT ZONE, OR, WHERE APPLICABLE, IN THE GEOGRAPHIC AREA SUBSE-
11 QUENTLY CONSTITUTING SUCH ZONE, IN A TAXABLE YEAR SHALL BE COMPUTED BY
12 ASCERTAINING THE NUMBER OF SUCH EMPLOYEES WITHIN SUCH ZONE, OR, WHERE
13 APPLICABLE, IN THE GEOGRAPHIC AREA SUBSEQUENTLY CONSTITUTING SUCH ZONE,
14 EXCEPT GENERAL EXECUTIVE OFFICERS, EMPLOYED BY THE TAXPAYER ON THE THIR-
15 TY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF
16 SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEMBER IN THE TAXABLE YEAR, BY
17 ADDING TOGETHER THE NUMBER OF EMPLOYEES ASCERTAINED ON EACH OF SUCH
18 DATES AND DIVIDING THE SUM SO OBTAINED BY THE NUMBER OF SUCH ABOVE-MEN-
19 TIONED DATES OCCURRING WITHIN THE TAXABLE YEAR. FOR THE PURPOSES OF THIS
20 SUBDIVISION, THE TERM "EMPLOYEES" AND THE TERM "GENERAL EXECUTIVE OFFI-
21 CERS" SHALL MEAN THE SAME AS IN SUBPARAGRAPH THREE OF PARAGRAPH (A) OF
22 SUBDIVISION THREE OF THIS SECTION.

23 (C) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN
24 AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE AMOUNT
25 PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION.
26 PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS
27 SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY
28 AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER
29 TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S
30 TAX FOR SUCH YEAR OR YEARS. IN LIEU OF SUCH CARRYOVER, ANY SUCH TAXPAY-
31 ER, WHICH IS APPROVED AS THE OWNER OF A QUALIFIED INVESTMENT PROJECT OR
32 A SIGNIFICANT CAPITAL INVESTMENT PROJECT PURSUANT TO RULES AND REGU-
33 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT, MAY
34 ELECT, ON ITS REPORT FOR ITS TAXABLE YEAR WITH RESPECT TO WHICH SUCH
35 CREDIT IS ALLOWED, TO TREAT FIFTY PERCENT OF THE AMOUNT OF SUCH CARRY-
36 OVER AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE
37 WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER.
38 PROVIDED, HOWEVER, IN THE CASE OF SUCH OWNER OF A QUALIFIED INVESTMENT
39 PROJECT OR A SIGNIFICANT CAPITAL INVESTMENT PROJECT, ONLY FIFTY PERCENT
40 OF THE AMOUNT OF SUCH CARRYOVER WHICH IS ATTRIBUTABLE TO THE CREDIT
41 ALLOWED UNDER THIS SUBDIVISION WITH RESPECT TO PROPERTY WHICH IS PART OF
42 SUCH PROJECT SHALL BE ALLOWED TO BE CREDITED OR REFUNDED AND SUCH OWNER
43 SHALL BE ALLOWED SUCH CREDIT OR REFUND ONLY FOR THOSE TAXABLE YEARS IN
44 WHICH SUCH OWNER WOULD BE ALLOWED A CREDIT OR REFUND OF THE GREEN
45 ECONOMIC DEVELOPMENT ZONE INVESTMENT TAX CREDIT PURSUANT TO PARAGRAPH
46 (D) OF SUBDIVISION TWELVE-H OF THIS SECTION. PROVIDED, FURTHER, HOWEVER,
47 THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF
48 THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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

54 S 19. Section 210 of the tax law is amended by adding a new subdivi-
55 sion 41 to read as follows:

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

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

9 (1) "GREEN ECONOMIC DEVELOPMENT ZONE WAGES" MEANS WAGES PAID BY THE
10 TAXPAYER FOR FULL-TIME EMPLOYMENT, OTHER THAN TO GENERAL EXECUTIVE OFFI-
11 CERS, DURING THE TAXABLE YEAR IN AN AREA DESIGNATED OR PREVIOUSLY DESIG-
12 NATED AS A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA
13 PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, WHERE SUCH
14 EMPLOYMENT IS IN A JOB CREATED IN THE AREA (I) DURING THE PERIOD OF ITS
15 DESIGNATION AS A GREEN ECONOMIC DEVELOPMENT ZONE, (II) WITHIN FOUR YEARS
16 OF THE EXPIRATION OF SUCH DESIGNATION, OR (III) DURING THE TEN YEAR
17 PERIOD IMMEDIATELY FOLLOWING THE DATE OF DESIGNATION AS A ZONE EQUIV-
18 ALENT AREA, PROVIDED, HOWEVER, THAT IF THE TAXPAYER'S CERTIFICATION
19 UNDER ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW IS REVOKED WITH
20 RESPECT TO A GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA,
21 ANY WAGES PAID BY THE TAXPAYER, ON OR AFTER THE EFFECTIVE DATE OF SUCH
22 DECERTIFICATION, FOR EMPLOYMENT IN SUCH ZONE SHALL NOT CONSTITUTE EMPIRE
23 ZONE WAGES.

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

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

43 (3) "AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFI-
44 CERS, EMPLOYED FULL-TIME" SHALL BE COMPUTED BY ASCERTAINING THE NUMBER
45 OF SUCH INDIVIDUALS EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF
46 MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE
47 THIRTY-FIRST DAY OF DECEMBER DURING EACH TAXABLE YEAR OR OTHER APPLICA-
48 BLE PERIOD, BY ADDING TOGETHER THE NUMBER OF SUCH INDIVIDUALS ASCER-
49 TAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE
50 NUMBER OF SUCH DATES OCCURRING WITHIN SUCH TAXABLE YEAR OR OTHER APPLI-
51 CABLE PERIOD.

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

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

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

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

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

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

47 (C) ARE TARGETED EMPLOYEES; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL
35 HAVE THE FOLLOWING MEANINGS: (A) "GREEN ECONOMIC DEVELOPMENT ZONE WAGES"
36 MEANS WAGES PAID BY THE TAXPAYER FOR FULL-TIME EMPLOYMENT DURING THE
37 TAXABLE YEAR, IN AN AREA DESIGNATED OR PREVIOUSLY DESIGNATED AS A GREEN
38 ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA PURSUANT TO ARTICLE
39 EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW, WHERE SUCH EMPLOYMENT IS IN A
40 JOB CREATED IN THE AREA (I) DURING THE PERIOD OF ITS DESIGNATION AS A
41 GREEN ECONOMIC DEVELOPMENT ZONE, (II) WITHIN FOUR YEARS OF THE EXPIRA-
42 TION OF SUCH DESIGNATION, OR (III) DURING THE TEN YEAR PERIOD IMMEDIATE-
43 LY FOLLOWING THE DATE OF DESIGNATION AS A ZONE EQUIVALENT AREA,
44 PROVIDED, HOWEVER, THAT IF THE TAXPAYER'S CERTIFICATION UNDER ARTICLE
45 EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW IS REVOKED WITH RESPECT TO A
46 GREEN ECONOMIC DEVELOPMENT ZONE OR ZONE EQUIVALENT AREA, ANY WAGES PAID
47 BY THE TAXPAYER, ON OR AFTER THE EFFECTIVE DATE OF SUCH DECERTIFICATION,
48 FOR EMPLOYMENT IN SUCH ZONE SHALL NOT CONSTITUTE GREEN ECONOMIC DEVELOP-
49 MENT ZONE WAGES.

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

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

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

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

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

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

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

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

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

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

5 (III) ARE TARGETED EMPLOYEES; AND

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

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

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

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

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

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

1 CARRYOVERS OF SUCH CREDIT, OR BOTH, WHICH MAY NOT BE DEDUCTED FROM THE
2 TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE IN PARAGRAPH FOUR OF
3 THIS SUBSECTION, MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND
4 MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS. IN LIEU
5 OF CARRYING OVER ANY SUCH EXCESS, A TAXPAYER WHO QUALIFIES AS AN OWNER
6 OF A NEW BUSINESS FOR PURPOSES OF PARAGRAPH TEN OF SUBSECTION (A) OF
7 THIS SECTION MAY, AT HIS OPTION, RECEIVE FIFTY PERCENT OF SUCH EXCESS AS
8 A REFUND. ANY REFUND PAID PURSUANT TO THIS PARAGRAPH SHALL BE DEEMED TO
9 BE A REFUND OF AN OVERPAYMENT OF TAX AS PROVIDED IN SECTION SIX HUNDRED
10 EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE
11 PAID THEREON.

12 (5-A) ANY CARRYOVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE
13 ALLOWED IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION CERTIFICATE IS
14 NOT ISSUED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMIS-
15 SIONER OF ECONOMIC DEVELOPMENT TO THE GREEN ECONOMIC DEVELOPMENT ZONE
16 ENTERPRISE WHICH IS THE BASIS OF THE CREDIT.

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

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

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

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

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

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

4 (C) "AVERAGE NUMBER OF INDIVIDUALS, EXCLUDING GENERAL EXECUTIVE OFFI-
5 CERS, EMPLOYED FULL-TIME" SHALL BE COMPUTED BY ASCERTAINING THE NUMBER
6 OF SUCH INDIVIDUALS EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF
7 MARCH, THE THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE
8 THIRTY-FIRST DAY OF DECEMBER DURING EACH TAXABLE YEAR OR OTHER APPLICA-
9 BLE PERIOD, BY ADDING TOGETHER THE NUMBER OF SUCH INDIVIDUALS ASCER-
10 TAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO OBTAINED BY THE
11 NUMBER OF SUCH DATES OCCURRING WITHIN SUCH TAXABLE YEAR OR OTHER APPLI-
12 CABLE PERIOD.

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

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

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

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

1 PARAGRAPH TWO OF THIS SUBSECTION, WHO RECEIVED GREEN ECONOMIC DEVELOP-
2 MENT ZONE WAGES FOR MORE THAN HALF OF THE TAXABLE YEAR.

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

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

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

38 PROVIDED, FURTHER, HOWEVER, THAT THE CREDIT PROVIDED FOR HEREIN WITH
39 RESPECT TO THE TAXABLE YEAR, AND CARRYOVERS OF SUCH CREDIT TO THE TAXA-
40 BLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE, MAY NOT, IN THE AGGRE-
41 GATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER SECTION FOURTEEN
42 HUNDRED FIFTY-FIVE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT
43 PROVIDED FOR UNDER THIS ARTICLE.

44 (5) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS
45 SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE
46 TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY SUBSECTION
47 (B) OF SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE. HOWEVER, IF
48 THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED
49 UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH
50 AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY
51 NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL
52 SENTENCE IN PARAGRAPH FOUR HEREOF, ANY AMOUNT OF CREDIT OR CARRYOVERS OF
53 SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER
54 TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S
55 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

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

8 (2-A) ANY CARRY OVER OF A CREDIT FROM PRIOR TAXABLE YEARS WILL NOT BE
9 ALLOWED TO A GREEN ECONOMIC DEVELOPMENT ZONE ENTERPRISE WHICH IS THE
10 BASIS OF THE CREDIT, IF A GREEN ECONOMIC DEVELOPMENT ZONE RETENTION
11 CERTIFICATE IS NOT ISSUED TO SUCH ENTITY PURSUANT TO RULES AND REGU-
12 LATIONS PROMULGATED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

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

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

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

34 (C) THE REQUIRED PORTION OF THE CREDIT ORIGINALLY ALLOWED SHALL BE THE
35 PRODUCT OF (I) THE PORTION OF SUCH CREDIT ATTRIBUTABLE TO THE PROPERTY
36 DISPOSED OF OR THE PAYMENT OR CONTRIBUTION RECOVERED AND (II) THE APPLI-
37 CABLE PERCENTAGE.

38 (D) THE APPLICABLE PERCENTAGE SHALL BE:

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

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

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

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

50 12-D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON APPLICATION OF
51 A GAS OR ELECTRIC CORPORATION, THE COMMISSION SHALL AUTHORIZE SUCH
52 CORPORATION TO CHARGE A SPECIAL GREEN ECONOMIC DEVELOPMENT ZONE RATE
53 EQUAL TO THE INCREMENTAL COST OF PROVIDING SERVICE TO CUSTOMERS CERTI-
54 FIED AS ELIGIBLE FOR SUCH RATE PURSUANT TO ARTICLE EIGHTEEN-D OF THE
55 GENERAL MUNICIPAL LAW.

56 S 25. This act shall take effect immediately.