

2009-2010 Regular Sessions

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

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

IN ASSEMBLY -- Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a forestry stewardship and habitat conservation credit for personal income and business franchise taxes

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

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (qq) to read as follows:
3 (QQ) FORESTRY STEWARDSHIP AND HABITAT CONSERVATION CREDIT. (1) IN THE
4 CASE OF A TAXPAYER WHO OWNS LAND THAT IS SUBJECT TO AN AGREEMENT WITH
5 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, BY WHICH SUCH LAND IS
6 COMMITTED TO FORESTRY STEWARDSHIP, OR HABITAT CONSERVATION, OR BOTH,
7 THERE SHALL BE ALLOWED A CREDIT FOR TWENTY-FIVE PERCENT OF THE ALLOWABLE
8 SCHOOL DISTRICT, COUNTY AND TOWN AND REAL PROPERTY TAXES ON SUCH LAND.
9 IN NO EVENT SHALL THE CREDIT ALLOWED UNDER THIS SUBSECTION IN COMBINA-
10 TION WITH ANY OTHER CREDIT FOR SUCH SCHOOL DISTRICT, COUNTY AND TOWN
11 REAL PROPERTY TAXES UNDER THIS SECTION EXCEED SUCH TAXES.
12 (2) FOR THE PURPOSES OF THIS SUBSECTION:
13 (A) "ELIGIBLE TRACT" SHALL MEAN A TRACT OF LAND OF AT LEAST
14 TWENTY-FIVE CONTIGUOUS ACRES THAT HAS BEEN INSPECTED BY THE DEPARTMENT
15 OF ENVIRONMENTAL CONSERVATION, A WILDLIFE BIOLOGIST CERTIFIED BY THE
16 WILDLIFE SOCIETY, OR A FISHERIES BIOLOGIST CERTIFIED BY THE AMERICAN
17 FISHERIES SOCIETY, AND BASED ON SUCH INSPECTION IS DETERMINED BY THE
18 DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO BE: VALUABLE HABITAT FOR
19 WILDLIFE, FISH, SHELLFISH OR CRUSTACEA; OR SAFE AND SUITABLE FOR FISH OR

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

1 WILDLIFE-RELATED RECREATION, INCLUDING FISHING, HUNTING, TRAPPING AND
2 WILDLIFE OBSERVATION; OR BOTH. LAND DIVIDED ONLY BY FEDERAL, STATE,
3 COUNTY OR TOWN ROADS, EASEMENTS OR RIGHTS-OF-WAY, OR ENERGY TRANSMISSION
4 CORRIDORS OR SIMILAR FACILITIES SHALL BE CONSIDERED CONTIGUOUS FOR
5 PURPOSES OF THIS SECTION.

6 (B) "AGREEMENT" SHALL MEAN A WRITTEN AGREEMENT BETWEEN THE DEPARTMENT
7 OF ENVIRONMENTAL CONSERVATION AND THE OWNER OF AN ELIGIBLE TRACT,
8 EXECUTED BY BOTH PARTIES, BY WHICH THE ELIGIBLE TRACT IS COMMITTED TO
9 HABITAT CONSERVATION, OR FORESTRY STEWARDSHIP, OR BOTH, FOR A PERIOD OF
10 NOT LESS THAN FIVE YEARS.

11 (C) "APPROVED HABITAT CONSERVATION PLAN" SHALL MEAN A PLAN, APPROVED
12 BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, FOR THE MANAGEMENT OF
13 AN ELIGIBLE TRACT WHICH SHALL CONTAIN REQUIREMENTS AND STANDARDS WITH
14 WHICH THE OWNER OF THE ELIGIBLE TRACT MUST COMPLY IN ORDER TO CONSERVE
15 THE VALUE OF THE LAND AS WILDLIFE, FISH, SHELLFISH, OR CRUSTACEA HABI-
16 TAT.

17 (D) "FORESTRY STEWARDSHIP" SHALL MEAN PARTICIPATION IN A FOREST
18 CERTIFICATION PROGRAM (SUCH AS FOREST STEWARDSHIP COUNCIL CERTIFICATION,
19 SUSTAINABLE FORESTRY INITIATIVE, AMERICAN TREE FARM PROGRAM, ETC.)
20 RECOGNIZED IN THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSER-
21 VATION.

22 (3) THERE IS HEREBY CREATED A NEW YORK STATE FORESTRY STEWARDSHIP AND
23 HABITAT CONSERVATION PROGRAM FOR THE PURPOSE OF PROVIDING FORESTED LANDS
24 IN THE STATE AND CONSERVING THE VALUE OF LAND IN THE STATE AS WILDLIFE,
25 FISH, SHELLFISH OR CRUSTACEA HABITAT.

26 (4) A LANDOWNER MAY MAKE APPLICATION TO THE DEPARTMENT OF ENVIRON-
27 MENTAL CONSERVATION, ON FORMS PRESCRIBED BY SUCH DEPARTMENT, TO HAVE
28 LAND INCLUDED IN THE NEW YORK STATE HABITAT CONSERVATION AND FORESTRY
29 STEWARDSHIP PROGRAM. IF, BASED ON AN INSPECTION OF THE LAND BY THE
30 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, OR A WILDLIFE BIOLOGIST CERTI-
31 FIED BY THE WILDLIFE SOCIETY, OR A FISHERIES BIOLOGIST CERTIFIED BY THE
32 AMERICAN FISHERIES SOCIETY, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
33 DETERMINES THAT SUCH LAND IS AN ELIGIBLE TRACT, IT SHALL NOTIFY THE
34 LANDOWNER THAT THE LAND IS ELIGIBLE FOR INCLUSION IN THE NEW YORK STATE
35 HABITAT CONSERVATION AND FORESTRY STEWARDSHIP PROGRAM.

36 (5) THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY, IN ITS
37 DISCRETION, ENTER INTO AGREEMENTS WITH OWNERS OF ELIGIBLE TRACTS FOR
38 PURPOSES OF FORESTRY STEWARDSHIP, OR HABITAT CONSERVATION, OR BOTH. SUCH
39 AGREEMENTS SHALL BE FOR A MINIMUM DURATION OF FIVE YEARS, AND SHALL
40 CONTAIN A DESCRIPTION OF THE PROPERTY THAT IS THE SUBJECT OF THE AGREE-
41 MENT, AND SUCH TERMS AND CONDITIONS AS THE DEPARTMENT DEEMS APPROPRIATE,
42 INCLUDING, BUT NOT LIMITED TO:

43 (A) FOR FORESTRY STEWARDSHIP AGREEMENTS, A DESCRIPTION OF THE PARTIC-
44 IPATION IN A FOREST CERTIFICATION PROGRAM FOR A PERIOD OF NOT LESS THAN
45 FIVE YEARS;

46 (B) FOR HABITAT CONSERVATION AGREEMENTS, A REQUIREMENT THAT THE LAND-
47 OWNER DEVELOP A HABITAT CONSERVATION PLAN AND IMPLEMENT THE PLAN FOR A
48 PERIOD OF NOT LESS THAN FIVE YEARS;

49 (C) FOR HABITAT CONSERVATION AND FORESTRY STEWARDSHIP AGREEMENTS, A
50 REQUIREMENT THAT THE LANDOWNER DEVELOP A HABITAT CONSERVATION PLAN AND
51 IMPLEMENT THE PLAN FOR A PERIOD OF NOT LESS THAN FIVE YEARS; AND A
52 DESCRIPTION OF PARTICIPATION IN A FOREST CERTIFICATION PROGRAM FOR A
53 PERIOD OF NOT LESS THAN FIVE YEARS;

54 (D) A REQUIREMENT THAT THE LANDOWNER'S OBLIGATIONS CONCERNING THE LAND
55 UNDER THE TERMS OF THE AGREEMENT, AS WELL AS ANY BENEFITS, SHALL PASS TO

1 ANY SUCCESSOR IN INTEREST TO SUCH LAND FOR THE DURATION OF THE TERM OF
2 THE AGREEMENT; AND

3 (E) A REQUIREMENT THAT A COPY OF THE AGREEMENT SHALL BE DULY RECORDED
4 AND INDEXED AS SUCH IN THE OFFICE OF THE RECORDING OFFICER FOR THE COUN-
5 TY OR COUNTIES WHERE THE LAND IS SITUATE IN THE MANNER PRESCRIBED BY
6 ARTICLE NINE OF THE REAL PROPERTY LAW; AND THAT ANY SUBSEQUENT INSTRU-
7 MENT OF CONVEYANCE RELATING TO THE PROPERTY ENCUMBERED BY THE AGREEMENT
8 SHALL REFERENCE, BY BOOK AND PAGE NUMBER, THE AGREEMENT; AND THAT SUCH
9 INSTRUMENT SHALL ALSO SPECIFY THAT THE PROPERTY IS SUBJECT TO THE
10 RESTRICTIONS CONTAINED IN THE AGREEMENT; AND THAT AN INSTRUMENT FOR THE
11 PURPOSE OF CREATING, CONVEYING, MODIFYING OR TERMINATING THE AGREEMENT
12 SHALL NOT BE EFFECTIVE UNLESS RECORDED.

13 (6) THE AMOUNT OF THE CREDIT THAT MAY BE CLAIMED BY A TAXPAYER PURSU-
14 ANT TO THIS SUBSECTION SHALL NOT EXCEED TEN THOUSAND DOLLARS IN ANY
15 GIVEN YEAR.

16 (7) IF THE AMOUNT OF THE CREDIT UNDER THIS SUBSECTION FOR ANY TAXABLE
17 YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE
18 TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORD-
19 ANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTI-
20 CLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREIN.

21 S 2. Paragraph 4 of subsection (n) of section 606 of the tax law, as
22 amended by section 2 of part F of chapter 62 of the laws of 2006, is
23 amended to read as follows:

24 (4) Qualified agricultural property. For purposes of this subsection,
25 the term "qualified agricultural property" means land located in this
26 state which is used in agricultural production, and land improvements,
27 structures and buildings (excluding buildings used for the taxpayer's
28 residential purpose) located on such land which are used or occupied to
29 carry out such production. Qualified agricultural property also includes
30 land set aside or retired under a federal supply management or soil
31 conservation program or land that at the time it becomes subject to a
32 conservation easement, as defined under subsection (kk) of this section,
33 met the requirements under this paragraph, AND LAND THAT AT THE TIME IT
34 BECOMES SUBJECT TO AN AGREEMENT AS DEFINED IN SUBSECTION (QQ) OF THIS
35 SECTION MET THE REQUIREMENTS UNDER THIS PARAGRAPH.

36 S 3. Section 210 of the tax law is amended by adding a new subdivision
37 41 to read as follows:

38 41. FORESTRY STEWARDSHIP AND HABITAT CONSERVATION CREDIT. (1) IN THE
39 CASE OF A TAXPAYER WHO OWNS LAND THAT IS SUBJECT TO AN AGREEMENT WITH
40 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, BY WHICH SUCH LAND IS
41 COMMITTED TO FORESTRY STEWARDSHIP, OR HABITAT CONSERVATION, OR BOTH,
42 THERE SHALL BE ALLOWED A CREDIT FOR TWENTY-FIVE PERCENT OF THE ALLOW-
43 ABLE SCHOOL DISTRICT, COUNTY AND TOWN AND REAL PROPERTY TAXES ON SUCH
44 LAND. IN NO EVENT SHALL THE CREDIT ALLOWED UNDER THIS SUBDIVISION IN
45 COMBINATION WITH ANY OTHER CREDIT FOR SUCH SCHOOL DISTRICT, COUNTY AND
46 TOWN REAL PROPERTY TAXES UNDER THIS SECTION EXCEED SUCH TAXES.

47 (2) FOR THE PURPOSES OF THIS SUBDIVISION:

48 (A) "ELIGIBLE TRACT" SHALL MEAN A TRACT OF LAND OF AT LEAST
49 TWENTY-FIVE CONTIGUOUS ACRES THAT HAS BEEN INSPECTED BY THE DEPARTMENT
50 OF ENVIRONMENTAL CONSERVATION, A WILDLIFE BIOLOGIST CERTIFIED BY THE
51 WILDLIFE SOCIETY, OR A FISHERIES BIOLOGIST CERTIFIED BY THE AMERICAN
52 FISHERIES SOCIETY, AND BASED ON SUCH INSPECTION IS DETERMINED BY THE
53 DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO BE: VALUABLE HABITAT FOR
54 WILDLIFE, FISH, SHELLFISH OR CRUSTACEA; OR SAFE AND SUITABLE FOR FISH OR
55 WILDLIFE-RELATED RECREATION, INCLUDING FISHING, HUNTING, TRAPPING AND
56 WILDLIFE OBSERVATION; OR BOTH. LAND DIVIDED ONLY BY FEDERAL, STATE,

1 COUNTY OR TOWN ROADS, EASEMENTS OR RIGHTS-OF-WAY, OR ENERGY TRANSMISSION
2 CORRIDORS OR SIMILAR FACILITIES SHALL BE CONSIDERED CONTIGUOUS FOR
3 PURPOSES OF THIS SECTION.

4 (B) "AGREEMENT" SHALL MEAN A WRITTEN AGREEMENT BETWEEN THE DEPARTMENT
5 OF ENVIRONMENTAL CONSERVATION AND THE OWNER OF AN ELIGIBLE TRACT,
6 EXECUTED BY BOTH PARTIES, BY WHICH THE ELIGIBLE TRACT IS COMMITTED TO
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8 NOT LESS THAN FIVE YEARS.

9 (C) "APPROVED HABITAT CONSERVATION PLAN" SHALL MEAN A PLAN, APPROVED
10 BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, FOR THE MANAGEMENT OF
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14 TAT.

15 (D) "FORESTRY STEWARDSHIP" SHALL MEAN PARTICIPATION IN A FOREST
16 CERTIFICATION PROGRAM (SUCH AS FOREST STEWARDSHIP COUNCIL CERTIFICATION,
17 SUSTAINABLE FORESTRY INITIATIVE, AMERICAN TREE FARM PROGRAM, ETC.)
18 RECOGNIZED IN THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSER-
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20 (3) THERE IS HEREBY CREATED A NEW YORK STATE FORESTRY STEWARDSHIP AND
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29 FIED BY THE WILDLIFE SOCIETY, OR A FISHERIES BIOLOGIST CERTIFIED BY THE
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32 LANDOWNER THAT THE LAND IS ELIGIBLE FOR INCLUSION IN THE NEW YORK STATE
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35 DISCRETION, ENTER INTO AGREEMENTS WITH OWNERS OF ELIGIBLE TRACTS FOR
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37 AGREEMENTS SHALL BE FOR A MINIMUM DURATION OF FIVE YEARS, AND SHALL
38 CONTAIN A DESCRIPTION OF THE PROPERTY THAT IS THE SUBJECT OF THE AGREE-
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40 INCLUDING, BUT NOT LIMITED TO:

41 (A) FOR FORESTRY STEWARDSHIP AGREEMENTS, A DESCRIPTION OF THE PARTIC-
42 IPATION IN A FOREST CERTIFICATION PROGRAM FOR A PERIOD OF NOT LESS THAN
43 FIVE YEARS;

44 (B) FOR HABITAT CONSERVATION AGREEMENTS, A REQUIREMENT THAT THE LAND-
45 OWNER DEVELOP A HABITAT CONSERVATION PLAN AND IMPLEMENT THE PLAN FOR A
46 PERIOD OF NOT LESS THAN FIVE YEARS;

47 (C) FOR HABITAT CONSERVATION AND FORESTRY STEWARDSHIP AGREEMENTS, A
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49 IMPLEMENT THE PLAN FOR A PERIOD OF NOT LESS THAN FIVE YEARS; AND A
50 DESCRIPTION OF PARTICIPATION IN A FOREST CERTIFICATION PROGRAM FOR A
51 PERIOD OF NOT LESS THAN FIVE YEARS;

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54 ANY SUCCESSOR IN INTEREST TO SUCH LAND FOR THE DURATION OF THE TERM OF
55 THE AGREEMENT; AND

1 (E) A REQUIREMENT THAT A COPY OF THE AGREEMENT SHALL BE DULY RECORDED
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 3 TY OR COUNTIES WHERE THE LAND IS SITUATE IN THE MANNER PRESCRIBED BY
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 12 ANT TO THIS SUBDIVISION SHALL NOT EXCEED TEN THOUSAND DOLLARS IN ANY
 13 GIVEN YEAR.

14 (7) IF THE AMOUNT OF THE CREDIT UNDER THIS SUBDIVISION FOR ANY TAXABLE
 15 YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE
 16 TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORD-
 17 ANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS CHAP-
 18 TER, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREIN.

19 S 4. Paragraph (d) of subdivision 22 of section 210 of the tax law, as
 20 amended by section 4 of part F of chapter 62 of the laws of 2006, is
 21 amended to read as follows:

22 (d) Qualified agricultural property. For purposes of this subdivision,
 23 the term "qualified agricultural property" means land located in this
 24 state which is used in agricultural production, and land improvements,
 25 structures and buildings (excluding buildings used for the taxpayer's
 26 residential purpose) located on such land which are used or occupied to
 27 carry out such production. Qualified agricultural property also includes
 28 land set aside or retired under a federal supply management or soil
 29 conservation program [or], land that at the time it becomes subject to a
 30 conservation easement, as defined under subdivision thirty-eight of this
 31 section, met the requirements under this paragraph AND LAND THAT AT THE
 32 TIME IT BECOMES SUBJECT TO AN AGREEMENT AS DEFINED UNDER SUBDIVISION
 33 FORTY-ONE OF THIS SECTION, MET THE REQUIREMENTS UNDER THIS PARAGRAPH.

34 S 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 35 of the tax law, as amended by section 2 of part ZZ-1 of chapter 57 of
 36 the laws of 2008, is amended to read as follows:

37 (B) shall be treated as the owner of a new business with respect to
 38 such share if the corporation qualifies as a new business pursuant to
 39 paragraph (j) of subdivision twelve of section two hundred ten of this
 40 chapter.

41 The corporation's credit base under
 42 section two hundred ten or section
 43 With respect to the following fourteen hundred fifty-six of this
 44 credit under this section: chapter is:

45 Investment tax credit Investment credit base
 46 under subsection (a) or qualified
 47 rehabilitation
 48 expenditures under
 49 subdivision twelve of
 50 section two hundred ten

51 Empire zone Cost or other basis
 52 investment tax credit under subdivision
 53 under subsection (j) twelve-B

1		of section two hundred
2		ten
3	Empire zone	Eligible wages under
4	wage tax credit	subdivision nineteen of
5	under subsection (k)	section two hundred ten
6		or subsection (e) of
7		section fourteen hundred
8		fifty-six
9	Empire zone	Qualified investments
10	capital tax credit	and contributions under
11	under subsection (l)	subdivision twenty of
12		section two hundred ten
13		or subsection (d) of
14		section fourteen hundred
15		fifty-six
16	Agricultural property tax	Allowable school
17	credit under subsection (n)	district property taxes under
18		subdivision twenty-two of
19		section two hundred ten
20	Credit for employment	Qualified first-year wages or
21	of persons with dis-	qualified second-year wages
22	abilities under	under subdivision
23	subsection (o)	twenty-three of section
24		two hundred ten
25		or subsection (f)
26		of section fourteen
27		hundred fifty-six
28	Employment incentive	Applicable investment credit
29	credit under subsec-	base under subdivision
30	tion (a-1)	twelve-D of section two
31		hundred ten
32	Empire zone	Applicable investment
33	employment	credit under sub-
34	incentive credit under	division twelve-C
35	subsection (j-1)	of section two hundred ten
36	Alternative fuels credit	Cost under subdivision
37	under subsection (p)	twenty-four of section two
38		hundred ten
39	Qualified emerging	Applicable credit base
40	technology company	under subdivision twelve-E
41	employment credit	of section two hundred ten
42	under subsection (q)	
43	Qualified emerging	Qualified investments under
44	technology company	subdivision twelve-F of
45	capital tax credit	section two hundred ten
46	under subsection (r)	

1	Credit for purchase of an	Cost of an automated
2	automated external defibrillator	external defibrillator under
3	under subsection (s)	subdivision twenty-five of
4		section two hundred ten
5		or subsection (j) of section
6		fourteen hundred fifty-six
7	Low-income housing	Credit amount under
8	credit under subsection (x)	subdivision thirty
9		of section two hundred ten or
10		subsection (l) of section
11		fourteen hundred fifty-six
12	Credit for transportation	Amount of credit under sub-
13	improvement contributions	division thirty-two of section
14	under subsection (z)	two hundred ten or subsection
15		(n) of section fourteen
16		hundred fifty-six
17	QEZE credit for real property	Amount of credit under
18	taxes under subsection (bb)	subdivision twenty-seven of
19		section two hundred ten or
20		subsection (o) of section
21		fourteen hundred fifty-six
22	QEZE tax reduction credit	Amount of benefit period
23	under subsection (cc)	factor, employment increase factor
24		and zone allocation
25		factor (without regard
26		to pro ration) under
27		subdivision twenty-eight of
28		section two hundred ten or
29		subsection (p) of section
30		fourteen hundred fifty-six
31		and amount of tax factor
32		as determined under
33		subdivision (f) of section sixteen
34	Green building credit	Amount of green building credit
35	under subsection (y)	under subdivision thirty-one
36		of section two hundred ten
37		or subsection (m) of section
38		fourteen hundred fifty-six
39	Credit for long-term	Qualified costs under
40	care insurance premiums	subdivision twenty-five-a of
41	under subsection (aa)	section two hundred ten
42		or subsection (k) of section
43		fourteen hundred fifty-six
44	Brownfield redevelopment	Amount of credit
45	credit under subsection	under subdivision
46	(dd)	thirty-three of section
47		two hundred ten
48		or subsection (q) of
49		section fourteen hundred

1		fifty-six
2	Remediated brownfield	Amount of credit under
3	credit for real property	subdivision thirty-four
4	taxes for qualified	of section two hundred
5	sites under subsection	ten or subsection (r) of
6	(ee)	section fourteen hundred
7		fifty-six
8	Environmental	Amount of credit under
9	remediation	subdivision thirty-five of
10	insurance credit under	section two hundred
11	subsection (ff)	ten or subsection
12		(s) of section
13		fourteen hundred
14		fifty-six
15	Empire state film production	Amount of credit for qualified
16	credit under subsection (gg)	production costs in production
17		of a qualified film under
18		subdivision thirty-six of
19		section two hundred ten
20	Qualified emerging	Qualifying expenditures and
21	technology company facilities,	development activities under
22	operations and training credit	subdivision twelve-G of section
23	under subsection (nn)	two hundred ten
24	Security training tax	Amount of credit
25	credit under	under subdivision thirty-seven
26	subsection (ii)	of section two hundred ten or
27		under subsection (t) of
28		section fourteen hundred fifty-six
29	Credit for qualified fuel	Amount of credit under
30	cell electric generating equipment	subdivision thirty-seven
31	expenditures under subsection (g-2)	of section two hundred ten
32		or subsection (t) of
33		section fourteen hundred
34		fifty-six
35	Empire state commercial production	Amount of credit for qualified
36	credit under subsection (jj)	production costs in production
37		of a qualified commercial under
38		subdivision thirty-eight of sec-
39		tion two hundred ten
40	Biofuel production	Amount of credit
41	tax credit under	under subdivision
42	subsection (jj)	thirty-eight of
43		section two hundred ten
44	Clean heating fuel credit	Amount of credit under
45	under subsection (mm)	subdivision thirty-nine of
46		section two hundred ten

1	Credit for rehabilitation	Amount of credit under
2	of historic properties	subdivision forty of
3	under subsection (oo)	subsection two hundred ten

4	Credit for companies who	Amount of credit under
5	provide transportation	subdivision forty of
6	to individuals	section two hundred ten
7	with disabilities	
8	under subsection (oo)	

9	FOREST STEWARDSHIP AND	AMOUNT OF CREDIT UNDER
10	HABITAT CONSERVATION	SUBDIVISION FORTY-ONE OF
11	CREDIT UNDER SUBSECTION (QQ)	SECTION TWO HUNDRED TEN

12 S 6. This act shall take effect immediately; provided, however that
 13 the empire state film production credit under subsection (gg), the
 14 empire state commercial production credit under subsection (jj) and the
 15 credit for companies who provide transportation to individuals with
 16 disabilities under subsection (oo) of section 606 of the tax law
 17 contained in section five of this act shall expire on the same date as
 18 provided in section 9 of part P of chapter 60 of the laws of 2004, as
 19 amended, section 10 of part V of chapter 62 of the laws of 2006, as
 20 amended and section 5 of chapter 522 of the laws of 2006, as amended,
 21 respectively.