

6942

I N S E N A T E

April 13, 2012

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

AN ACT to amend the tax law, in relation to brownfield site cleanup; and to repeal section 31 of part H of chapter 1 of the laws of 2003 amending the tax law relating to brownfield redevelopment tax credits, relating thereto

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

1 Section 1. Paragraph 6 of subdivision (b) of section 21 of the tax
2 law, as amended by section 1 of part H of chapter 577 of the laws of
3 2004, subparagraph (B) and the closing paragraph as amended by section 1
4 of part G of chapter 62 of the laws of 2006, is amended to read as
5 follows:
6 (6) Environmental zones (EN-Zones). An "environmental zone" shall mean
7 an area designated as such by the commissioner of economic development.
8 Such areas so designated are areas which are census tracts and block
9 numbering areas which, as of the [two thousand] MOST RECENT census,
10 satisfy either of the following criteria:
11 (A) areas that have both:
12 (i) a poverty rate of at least twenty percent for the year to which
13 the data relate; and
14 (ii) an unemployment rate of at least one and one-quarter times the
15 statewide unemployment rate for the year to which the data relate, or;
16 (B) areas that have a poverty rate of at least two times the poverty
17 rate for the county in which the areas are located for the year to which
18 the data relate [provided, however, that a qualified site shall only be
19 deemed to be located in an environmental zone under this subparagraph
20 (B) if such site was the subject of a brownfield site cleanup agreement
21 pursuant to section 27-1409 of the environmental conservation law that
22 was entered into prior to September first, two thousand ten].
23 Such designation shall be made and a list of all such environmental
24 zones shall be established by the commissioner of economic development
25 no later than December thirty-first, two thousand [four provided, howev-

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

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er, that a qualified site shall only be deemed to be located in an environmental zone under subparagraph (B) of this paragraph if such site was the subject of a brownfield site cleanup agreement pursuant to section 27-1409 of the environmental conservation law that was entered into prior to September first, two thousand ten] TWELVE.

S 2. Paragraph 5 of subdivision (a) of section 22 of the tax law, as amended by section 4 of part H of chapter 577 of the laws of 2004, subparagraph (B) and the closing paragraph as amended by section 2 of part G of chapter 62 of the laws of 2006, is amended to read as follows:

(5) Environmental zones (EN-Zones). An "environmental zone" shall mean an area designated as such by the commissioner of economic development. Such areas so designated are areas which are census tracts and block numbering areas which, as of the [two thousand] MOST RECENT census, satisfy either of the following criteria:

(A) areas that have both:

(i) a poverty rate of at least twenty percent for the year to which the data relate;

(ii) an unemployment rate of at least one and one-quarter times the statewide unemployment rate for the year to which the data relate, or;

(B) areas that have a poverty rate of at least two times the poverty rate for the county in which the areas are located for the year to which the data relate[, provided, however, that a qualified site shall only be deemed to be located in an environmental zone under this subparagraph (B) if such site was the subject of a brownfield site cleanup agreement pursuant to section 27-1409 of the environmental conservation law that was entered into prior to September first, two thousand ten].

Such designation shall be made and a list of all such environmental zones shall be established by the commissioner of economic development no later than December thirty-first, two thousand [four provided, however, that a qualified site shall only be deemed to be located in an environmental zone under subparagraph (B) of this paragraph if such site was the subject of a brownfield site cleanup agreement pursuant to section 27-1409 of the environmental conservation law that was entered into prior to September first, two thousand ten] TWELVE.

S 3. Subdivision (a) of section 23 of the tax law, as amended by section 10 of part H of chapter 577 of the laws of 2004, is amended to read as follows:

(a) Allowance of credit. General. A taxpayer subject to tax under article nine, nine-A, twenty-two, thirty-two or thirty-three of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (e) of this section. The amount of such credit shall be equal to the lesser of [thirty] NINETY thousand dollars or fifty percent of the premiums paid on or after the date of the brownfield site cleanup agreement executed by the taxpayer and the department of environmental conservation pursuant to section 27-1409 of the environmental conservation law by the taxpayer for environmental remediation insurance issued with respect to a qualified site.

S 4. Section 31 of part H of chapter 1 of the laws of 2003 amending the tax law relating to brownfield redevelopment tax credits, is REPEALED.

S 5. This act shall take effect immediately.