

S. 6409

A. 9009

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

January 14, 2016

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the real property tax law and the tax law, in relation to transitioning the school tax relief (STAR) exemption into a personal income tax credit, and to repeal subdivision 5 of section 520 of the real property tax law relating thereto (Part A); to amend the real property tax law, in relation to the maximum amount of tax savings allowable under the STAR program (Part B); to amend the real property tax law in relation to making the income verification program mandatory (Part C); to amend the real property tax law, in relation to allowing applications for exemptions to be filed after the taxable status date in certain cases (Part D); to amend the tax law and the administrative code of the city of New York, in relation to establishing a new school tax reduction credit for residents of a city with a population over one million (Part E); to amend the real property tax law, in relation to authorizing the commissioner of taxation and finance to make direct payments of STAR tax savings to property owners in certain cases (Part F); to amend the tax law, in relation to making permanent, provisions relating to mandatory electronic filing of tax documents, improving sales tax compliance and updating tax preparer penalties; to amend chapter 61 of the laws of 2011, amending the real property tax law and other laws relating to establishing standards for electronic tax administration, in relation to the effectiveness thereof; and to repeal certain provisions of the tax law and the administrative code of the city of New York relating thereto (Part G); to amend the public housing law, in relation to extending the credit against income tax for persons or entities investing in low-income housing (Part H); to amend the tax law, in relation to extending the hire a veteran credit for an additional two years (Part I); to amend the tax law, in relation to extending the empire state commercial production tax credit (Part J); to amend chapter 604 of the laws of 2011, amending the tax law relating to the credit for companies who

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

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provide transportation to people with disabilities, in relation to extending the expiration of such provision (Part K); to amend part I of chapter 58 of the laws of 2006, amending the tax law relating to providing an enhanced earned income tax credit, in relation to making the enhanced earned income tax credit permanent (Part L); to amend part N of chapter 61 of the laws of 2005 amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to permanently extending the disclosure and penalty provisions for transactions that present the potential for tax avoidance (Part M); to amend the tax law, in relation to extending the clean heating fuel credit for three years and updating the credit to reflect new minimum biodiesel fuel thresholds (Part N); to amend the economic development law and the tax law, in relation to extending the excelsior jobs program for five years (Part O); to amend the tax law and the administrative code of the City of New York in relation to making corrections to the corporate tax reform provisions (Part P); to amend the tax law and the administrative code of the city of New York, in relation to the time for filing reports (Part Q); to amend the tax law, in relation to the business income base rate and expanding the small business subtraction modification (Part R); to amend the education law and the tax law, in relation to enacting the "parental choice in education act" (Part S); to amend the tax law, in relation to establishing a tax credit for New York state thruway tolls (Part T); to amend chapter 109 of the laws of 2006 amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, in relation to extending the alternative fuels tax exemptions for five years (Part U); to amend the tax law, in relation to exempting from alcoholic beverage tax certain alcoholic beverages furnished at no charge by certain licensees to customers or prospective customers at a tasting held in accordance with the alcoholic beverage control law, and to expand the beer production credit to include wine, liquor and cider (Part V); to amend the tax law, in relation to authorizing jeopardy assessments on cigarette and tobacco product taxes assessed under article 20 thereof (Part W); to amend the tax law and the administrative code of the city of New York, in relation to allowing room remarketers to purchase occupancies from hotel operators exempt from sales tax under certain circumstances (Part X); to amend the tax law, in relation to charitable contributions and charitable activities being considered in determining domicile for estate tax purposes (Part Y); to amend the state finance law, in relation to creating the aviation purpose account and ensuring that the funds deposited in the aviation purpose account are used for airport improvement projects; to amend the tax law, in relation to provide for the distribution of revenues under section 301-e of such law; to exempt sales of fuel sold for use in commercial aircraft and general aviation aircraft from the prepayment of sales tax imposed pursuant to the authority of section 1102(a) (1) (ii) of such law; and to exclude sales of fuel sold for use in commercial aircraft and general aviation aircraft from the operation of sales and use taxes imposed pursuant to the authority of section 1210(a) of such law (Part Z); to amend the racing, pari-mutuel wagering and breeding law, in relation to equine lab testing provider restrictions removal (Part AA); to amend the racing, pari-mutuel wagering and breeding law and the tax law, in relation to reducing purse amounts paid from the VLT program and to increasing racing regulatory fee (Part BB); to amend

the racing, pari-mutuel wagering and breeding law, in relation to the timing of harness track reimbursements and other technical amendments (Part CC); to amend the tax law, in relation to the payment of vendors' fees (Part DD); to amend the tax law, in relation to vendor fees at vendor tracks (Part EE); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provision thereof; and to amend the racing, pari-mutuel and breeding law, in relation to extending certain provisions thereof (Part FF); to amend the tax law, in relation to capital awards to vendor tracks (Part GG); and to amend the state finance law, in relation to allocations from the commercial gaming revenue fund; and to amend the tax law, in relation to commissions payable to certain vendor racetracks (Part HH)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2016-2017
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through HH. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12

PART A

13 Section 1. Paragraph (a) of subdivision 6 of section 425 of the real
14 property tax law, as amended by chapter 6 of the laws of 2010, and as
15 further amended by subdivision (b) of section 1 of part W of chapter 56
16 of the laws of 2010, is amended to read as follows:

17 (a) Generally. All owners of the property who primarily reside thereon
18 AND WHO ARE NOT SUBJECT TO THE PROVISIONS OF SUBDIVISION SIXTEEN OF THIS
19 SECTION must jointly file an application for exemption with the assessor
20 on or before the appropriate taxable status date. Such application may
21 be filed by mail if it is enclosed in a postpaid envelope properly
22 addressed to the appropriate assessor, deposited in a post office or
23 official depository under the exclusive care of the United States postal
24 service, and postmarked by the United States postal service on or before
25 the applicable taxable status date. Each such application shall be made
26 on a form prescribed by the commissioner, which shall require the appli-
27 cant or applicants to agree to notify the assessor if their primary
28 residence changes while their property is receiving the exemption. The
29 assessor may request that proof of residency be submitted with the

1 application. If the applicant requests a receipt from the assessor as
2 proof of submission of the application, the assessor shall provide such
3 receipt. If such request is made by other than personal request, the
4 applicant shall provide the assessor with a self-addressed postpaid
5 envelope in which to mail the receipt.

6 S 2. Section 425 of the real property tax law is amended by adding a
7 new subdivision 16 to read as follows:

8 16. TRANSITION TO PERSONAL INCOME TAX CREDIT. (A) BEGINNING WITH
9 ASSESSMENT ROLLS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND
10 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO APPLICATION FOR AN
11 EXEMPTION UNDER THIS SECTION MAY BE FILED OR APPROVED UNLESS AT LEAST
12 ONE OF THE APPLICANTS HELD TITLE TO THE PROPERTY ON THE TAXABLE STATUS
13 DATE OF THE ASSESSMENT ROLL THAT WAS USED TO LEVY SCHOOL DISTRICT TAXES
14 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THE
15 PROPERTY WAS GRANTED AN EXEMPTION PURSUANT TO THIS SECTION ON THAT
16 ASSESSMENT ROLL. IN THE EVENT THAT AN APPLICATION IS SUBMITTED TO THE
17 ASSESSOR THAT CANNOT BE APPROVED DUE TO THIS RESTRICTION, THE ASSESSOR
18 SHALL NOTIFY THE APPLICANT THAT HE OR SHE IS REQUIRED BY LAW TO DENY THE
19 APPLICATION, BUT THAT, IN LIEU OF A STAR EXEMPTION, THE APPLICANT MAY
20 CLAIM THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF
21 SECTION SIX HUNDRED SIX OF THE TAX LAW IF ELIGIBLE, AND THAT THE APPLI-
22 CANT MAY CONTACT THE DEPARTMENT OF TAXATION AND FINANCE FOR FURTHER
23 INFORMATION. THE COMMISSIONER SHALL PROVIDE A FORM FOR ASSESSORS TO
24 USE, AT THEIR OPTION, WHEN MAKING THIS NOTIFICATION. NO STAR EXEMPTION
25 MAY BE GRANTED ON THE BASIS OF AN APPLICATION THAT IS NOT APPROVABLE DUE
26 TO THIS RESTRICTION.

27 (B) IF THE OWNERS OF A PARCEL THAT IS RECEIVING THE STAR EXEMPTION
28 AUTHORIZED BY THIS SECTION WANT TO CLAIM THE PERSONAL INCOME TAX CREDIT
29 AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW
30 IN LIEU OF SUCH EXEMPTION, THEY ALL MUST RENOUNCE THAT EXEMPTION IN THE
31 MANNER PROVIDED BY SECTION FOUR HUNDRED NINETY-SIX OF THIS CHAPTER, AND
32 MUST PAY ANY REQUIRED TAXES, INTEREST AND PENALTIES, ON OR BEFORE DECEM-
33 BER THIRTY-FIRST OF THE TAXABLE YEAR FOR WHICH THEY WANT TO CLAIM THE
34 CREDIT. ANY SUCH RENUNCIATION SHALL BE IRREVOCABLE.

35 (C) THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL APPLICATIONS
36 FOR STAR EXEMPTIONS BEGINNING WITH ASSESSMENT ROLLS USED TO LEVY SCHOOL
37 DISTRICT TAXES FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
38 SCHOOL YEAR, INCLUDING THOSE SUBMITTED PRIOR TO THE EFFECTIVE DATE OF
39 THIS SUBDIVISION. IF ANY APPLICATION WAS APPROVED PRIOR TO THE EFFECTIVE
40 DATE OF THIS SUBDIVISION THAT IS NOT APPROVABLE HEREUNDER, SUCH APPROVAL
41 SHALL BE DEEMED VOID, AND THE ASSESSOR SHALL PROVIDE THE APPLICANT WITH
42 THE NOTICE REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION.

43 S 3. Subdivision 2 of section 496 of the real property tax law, as
44 added by section 3 of part N of chapter 58 of the laws of 2011, is
45 amended to read as follows:

46 2. An application to renounce an exemption shall be made on a form
47 prescribed by the commissioner and shall be filed with the county direc-
48 tor of real property tax services no later than ten years after the levy
49 of taxes upon the assessment roll on which the renounced exemption
50 appears. The county director, after consulting with the assessor as
51 appropriate, shall compute the total amount owed on account of the
52 renounced exemption as follows:

53 (a) For each assessment roll on which the renounced exemption appears,
54 the assessed value that was exempted shall be multiplied by the tax rate
55 or rates that were applied to that assessment roll. Interest shall then
56 be added to each such product at the rate prescribed by section nine

1 hundred twenty-four-a of this chapter or such other law as may be appli-
2 cable for each month or portion thereon since the levy of taxes upon
3 such assessment roll.

4 (b) The sum of the calculations made pursuant to paragraph (a) of this
5 subdivision with respect to all of the assessment rolls in question
6 shall be determined.

7 (c) A processing fee of five hundred dollars shall be added to the sum
8 determined pursuant to paragraph (b) of this subdivision, UNLESS THE
9 PROVISIONS OF PARAGRAPH (D) OF THIS SUBDIVISION ARE APPLICABLE.

10 (D) IF THE APPLICANT IS RENOUNCING A STAR EXEMPTION IN ORDER TO QUALI-
11 FY FOR THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF
12 SECTION SIX HUNDRED SIX OF THE TAX LAW, AND NO OTHER EXEMPTIONS ARE
13 BEING RENOUNCED ON THE SAME APPLICATION, NO PROCESSING FEE SHALL BE
14 APPLICABLE.

15 S 4. Subdivision 3 of section 520 of the real property tax law, as
16 added by chapter 635 of the laws of 1978, is amended to read as follows:

17 3. For purposes of any fiscal year or years during which title to such
18 property is transferred, such property shall be deemed to have been
19 omitted and the assessed value thereof shall be entered on the assess-
20 ment roll to be used for the next tax levy by or for each municipal
21 corporation in which such property is located in the same manner as
22 provided by title three of article five of this chapter with respect to
23 a parcel omitted from the assessment roll of the previous year. A pro
24 rata tax shall be extended against the property for the unexpired
25 portion of each fiscal year. Such real property shall be taxed at the
26 tax rate or tax rates for the fiscal year during which the transfer
27 occurred. The amount of tax or taxes levied pursuant to this subdivi-
28 sion shall be deducted from the aggregate amount of taxes to be levied
29 for the fiscal year immediately succeeding the fiscal year during which
30 the transfer occurred; PROVIDED, HOWEVER, THAT WHERE THE PROPERTY IS
31 RECEIVING A SCHOOL TAX RELIEF (STAR) EXEMPTION AUTHORIZED BY SECTION
32 FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, THE PORTION OF THE TAX OR
33 TAXES LEVIED THAT EQUALS THE RECOVERED STAR TAX SAVINGS SHALL BE APPLIED
34 TO REDUCE THE AMOUNT OF AID PAYABLE TO THE SCHOOL DISTRICT UNDER SUBDI-
35 VISION THREE OF SECTION THIRTEEN HUNDRED SIX-A OF THIS CHAPTER.

36 S 5. Subdivision 5 of section 520 of the real property tax law is
37 REPEALED.

38 S 6. Section 606 of the tax law is amended by adding a new subsection
39 (eee) to read as follows:

40 (EEE) SCHOOL TAX RELIEF (STAR) CREDIT. (1) DEFINITIONS. FOR PURPOSES
41 OF THIS SUBSECTION:

42 (A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL OF THE STATE, WHO
43 MAINTAINED HIS OR HER PRIMARY RESIDENCE IN THIS STATE ON DECEMBER THIR-
44 TY-FIRST OF THE TAXABLE YEAR, WHO WAS AN OWNER OF THAT PROPERTY ON THAT
45 DATE, WHO CANNOT RECEIVE THE STAR EXEMPTION ON THAT PROPERTY EITHER
46 BECAUSE (I) HE OR SHE IS PRECLUDED FROM FILING AN APPLICATION FOR THE
47 STAR EXEMPTION ON THAT PROPERTY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION
48 SIXTEEN OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX
49 LAW, OR BECAUSE (II) HE OR SHE HAS IRREVOCABLY RENOUNCED HIS OR HER
50 CLAIM TO SUCH EXEMPTION IN CONJUNCTION WITH ALL OTHER OWNERS PURSUANT TO
51 PARAGRAPH (B) OF SUCH SUBDIVISION, AND WHO IS REQUIRED OR CHOOSES TO
52 FILE A RETURN UNDER THIS ARTICLE.

53 (B) "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME OF ALL OF THE
54 OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON AS OF DECEMBER THIR-
55 TY-FIRST OF THE TAXABLE YEAR, AND OF ANY OWNERS' SPOUSES RESIDING PRIMA-
56 RILY THEREON AS OF SUCH DATE; PROVIDED THAT THE INCOME TO BE SO COMBINED

1 SHALL BE THE "ADJUSTED GROSS INCOME" FOR THE TAXABLE YEAR AS REPORTED
2 FOR FEDERAL INCOME TAX PURPOSES, OR THAT WOULD BE REPORTED AS ADJUSTED
3 GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED,
4 REDUCED BY DISTRIBUTIONS, TO THE EXTENT INCLUDED IN FEDERAL ADJUSTED
5 GROSS INCOME, RECEIVED FROM AN INDIVIDUAL RETIREMENT ACCOUNT AND AN
6 INDIVIDUAL RETIREMENT ANNUITY.

7 (C) "ASSOCIATED FISCAL YEAR" MEANS THE SCHOOL DISTRICT FISCAL YEAR
8 THAT BEGAN ON JULY FIRST OF THE TAXABLE YEAR OR, IN THE CASE OF A CITY
9 SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF THE EDUCATION
10 LAW, THE CITY FISCAL YEAR THAT BEGAN ON JULY FIRST OF THE TAXABLE YEAR.

11 (D) "OWNER" MEANS:

12 (I) A PERSON WHO OWNS A PARCEL IN FEE SIMPLE ABSOLUTE OR AS A TENANT
13 IN COMMON, A JOINT TENANT OR A TENANT BY THE ENTIRETY,

14 (II) AN OWNER OF A PRESENT INTEREST IN A PARCEL UNDER A LIFE ESTATE,

15 (III) A VENDEE IN POSSESSION UNDER AN INSTALLMENT CONTRACT OF SALE,

16 (IV) A BENEFICIAL OWNER UNDER A TRUST,

17 (V) A TENANT-STOCKHOLDER OF A COOPERATIVE APARTMENT CORPORATION WHO
18 RESIDES IN A PORTION OF REAL PROPERTY OWNED BY SUCH COOPERATIVE APART-
19 MENT CORPORATION, TO THE EXTENT REPRESENTED BY HIS OR HER SHARE OR
20 SHARES OF STOCK IN SUCH CORPORATION AS DETERMINED BY ITS OR THEIR
21 PROPORTIONAL RELATIONSHIP TO THE TOTAL OUTSTANDING STOCK OF THE CORPO-
22 RATION, INCLUDING THAT OWNED BY THE CORPORATION,

23 (VI) A RESIDENT OF A FARM DWELLING THAT IS OWNED EITHER BY A CORPO-
24 RATION OF WHICH THE RESIDENT IS A SHAREHOLDER, A PARTNERSHIP OF WHICH
25 THE RESIDENT IS A PARTNER, OR BY A LIMITED LIABILITY COMPANY OF WHICH
26 THE RESIDENT IS AN OWNER, OR

27 (VII) A RESIDENT OF A DWELLING, OTHER THAN A FARM DWELLING, THAT IS
28 OWNED BY A LIMITED PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER,
29 PROVIDED THAT THE LIMITED PARTNERSHIP THAT HOLDS TITLE TO THE PROPERTY
30 DOES NOT ENGAGE IN ANY COMMERCIAL ACTIVITY, THAT THE LIMITED PARTNERSHIP
31 WAS LAWFULLY CREATED TO HOLD TITLE SOLELY FOR ESTATE PLANNING AND ASSET
32 PROTECTION PURPOSES, AND THAT THE PARTNER OR PARTNERS WHO PRIMARILY
33 RESIDE THEREON PERSONALLY PAY ALL OF THE REAL PROPERTY TAXES AND OTHER
34 COSTS ASSOCIATED WITH THE PROPERTY'S OWNERSHIP.

35 (E) "QUALIFYING TAXES" MEANS THE SCHOOL DISTRICT TAXES THAT WERE
36 LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL
37 YEAR THAT WERE ACTUALLY PAID BY THE TAXPAYER DURING THE TAXABLE YEAR;
38 OR, IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE
39 FIFTY-TWO OF THE EDUCATION LAW, THE COMBINED CITY AND SCHOOL DISTRICT
40 TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE
41 ASSOCIATED FISCAL YEAR THAT WERE ACTUALLY PAID BY THE TAXPAYER DURING
42 THE TAXABLE YEAR. IN NO CASE SHALL THE TERM "QUALIFYING TAXES" BE
43 CONSTRUED TO INCLUDE PENALTIES OR INTEREST.

44 (F) "STAR EXEMPTION" MEANS THE SCHOOL TAX RELIEF (STAR) EXEMPTION
45 AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX
46 LAW.

47 (G) "STAR TAX SAVINGS" MEANS THE TAX SAVING ATTRIBUTABLE TO THE STAR
48 EXEMPTION WITHIN A PORTION OF A SCHOOL DISTRICT, AS DETERMINED BY THE
49 COMMISSIONER PURSUANT TO SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED
50 SIX-A OF THE REAL PROPERTY TAX LAW.

51 (H) "STAR TAX SAVINGS FIGURE" MEANS THE AVERAGE OF THE STAR TAX
52 SAVINGS IN THE VARIOUS PORTIONS OF A SCHOOL DISTRICT IN THE ASSOCIATED
53 FISCAL YEAR, AS DETERMINED BY THE COMMISSIONER. TWO STAR TAX SAVINGS
54 FIGURES SHALL BE DETERMINED FOR EACH SCHOOL DISTRICT, ONE RELATING TO
55 THE BASIC STAR EXEMPTION, AND THE OTHER RELATING TO THE ENHANCED STAR
56 EXEMPTION.

1 (2) ALLOWANCE OF CREDIT. A QUALIFIED TAXPAYER SHALL BE ALLOWED A CRED-
2 IT AS PROVIDED IN PARAGRAPH THREE OR FOUR OF THIS SUBSECTION, WHICHEVER
3 IS APPLICABLE, AGAINST THE TAXES IMPOSED BY THIS ARTICLE REDUCED BY THE
4 CREDITS PERMITTED BY THIS ARTICLE, PROVIDED THAT THE REQUIREMENTS SET
5 FORTH IN THE APPLICABLE SUBSECTION ARE SATISFIED. IF THE CREDIT EXCEEDS
6 THE TAX AS SO REDUCED FOR SUCH YEAR UNDER THIS ARTICLE, THE EXCESS SHALL
7 BE TREATED AS AN OVERPAYMENT, TO BE CREDITED OR REFUNDED, WITHOUT INTER-
8 EST. IF A QUALIFIED TAXPAYER IS NOT REQUIRED TO FILE A RETURN PURSUANT
9 TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A QUALIFIED TAXPAYER
10 MAY NEVERTHELESS RECEIVE THE FULL AMOUNT OF THE CREDIT TO BE CREDITED OR
11 REPAID AS AN OVERPAYMENT, WITHOUT INTEREST.

12 (3) DETERMINATION OF BASIC STAR CREDIT. (A) BEGINNING WITH TAXABLE
13 YEARS AFTER TWO THOUSAND FIFTEEN, A BASIC STAR CREDIT SHALL BE AVAILABLE
14 TO A QUALIFIED TAXPAYER IF THE AFFILIATED INCOME OF THE PARCEL THAT
15 SERVES AS THE TAXPAYER'S PRIMARY RESIDENCE IS LESS THAN OR EQUAL TO FIVE
16 HUNDRED THOUSAND DOLLARS.

17 (B) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS PARAGRAPH,
18 SUCH BASIC STAR CREDIT SHALL BE THE LESSER OF:

19 (I) THE BASIC STAR TAX SAVINGS FIGURE FOR THE SCHOOL DISTRICT, OR

20 (II) THE TAXPAYER'S QUALIFYING TAXES.

21 (C) IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTITUTED ONLY A
22 PORTION OF THE TOTAL SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE
23 TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR OR, IN THE
24 CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF
25 THE EDUCATION LAW, IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTI-
26 TUTED ONLY A PORTION OF THE TOTAL COMBINED CITY AND SCHOOL DISTRICT
27 TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE
28 ASSOCIATED FISCAL YEAR, THE CREDIT ALLOWABLE TO SUCH TAXPAYER SHALL BE
29 EQUAL TO THE AMOUNT DETERMINED PURSUANT TO SUBPARAGRAPH (B) OF THIS
30 PARAGRAPH MULTIPLIED BY THE PERCENTAGE THAT SUCH PORTION REPRESENTS.

31 (4) DETERMINATION OF ENHANCED STAR CREDIT. (A) BEGINNING WITH TAXABLE
32 YEARS AFTER TWO THOUSAND FIFTEEN, AN ENHANCED STAR CREDIT SHALL BE
33 AVAILABLE TO A QUALIFIED TAXPAYER WHERE BOTH OF THE FOLLOWING CONDITIONS
34 ARE SATISFIED:

35 (I) ALL OF THE OWNERS OF THE PARCEL THAT SERVES AS THE TAXPAYER'S
36 PRIMARY RESIDENCE ARE AT LEAST SIXTY-FIVE YEARS OF AGE AS OF DECEMBER
37 THIRTY-FIRST OF THE TAXABLE YEAR OR, IN THE CASE OF PROPERTY OWNED BY A
38 MARRIED COUPLE OR BY SIBLINGS, AT LEAST ONE OF THE OWNERS IS AT LEAST
39 SIXTY-FIVE YEARS OF AGE AS OF THAT DATE. THE TERMS "SIBLINGS" AS USED
40 HEREIN SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION FOUR HUNDRED
41 SIXTY-SEVEN OF THE REAL PROPERTY TAX LAW. IN THE CASE OF PROPERTY OWNED
42 BY A MARRIED COUPLE, ONE OF WHOM IS SIXTY-FIVE YEARS OF AGE OR OVER, THE
43 CREDIT, ONCE ALLOWED, SHALL NOT BE DISALLOWED BECAUSE OF THE DEATH OF
44 THE OLDER SPOUSE SO LONG AS THE SURVIVING SPOUSE IS AT LEAST SIXTY-TWO
45 YEARS OF AGE AS OF DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR.

46 (II) THE AFFILIATED INCOME OF THE PARCEL THAT SERVES AS THE TAXPAYER'S
47 PRIMARY RESIDENCE IS LESS THAN OR EQUAL TO THE INCOME STANDARD FOR THE
48 TAXABLE YEAR ESTABLISHED BY THE COMMISSIONER FOR THE CORRESPONDING
49 "INCOME TAX YEAR" PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH (I) OF PARA-
50 GRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE
51 REAL PROPERTY TAX LAW FOR PURPOSES OF THE ENHANCED STAR EXEMPTION.

52 (B) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS PARAGRAPH,
53 SUCH CREDIT SHALL BE THE LESSER OF:

54 (I) THE ENHANCED STAR TAX SAVINGS FIGURE FOR THE SCHOOL DISTRICT, OR

55 (II) THE TAXPAYER'S QUALIFYING TAXES.

1 (C) IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTITUTED ONLY A
2 PORTION OF THE TOTAL SCHOOL DISTRICT TAXES THAT WERE LEVIED UPON THE
3 TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL YEAR OR, IN THE
4 CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-TWO OF
5 THE EDUCATION LAW, IF THE QUALIFYING TAXES PAID BY THE TAXPAYER CONSTI-
6 TUTED ONLY A PORTION OF THE TOTAL COMBINED CITY AND SCHOOL DISTRICT
7 TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE
8 ASSOCIATED FISCAL YEAR, THE CREDIT ALLOWABLE TO SUCH TAXPAYER SHALL BE
9 EQUAL TO THE AMOUNT DETERMINED PURSUANT TO SUBPARAGRAPH (B) OF THIS
10 PARAGRAPH MULTIPLIED BY THE PERCENTAGE THAT SUCH PORTION REPRESENTS.

11 (5) DISQUALIFICATION. A TAXPAYER SHALL NOT QUALIFY FOR THE CREDIT
12 AUTHORIZED BY THIS SUBSECTION IF THE PARCEL THAT SERVES AS THE TAXPAY-
13 ER'S PRIMARY RESIDENCE RECEIVED THE STAR EXEMPTION ON THE ASSESSMENT
14 ROLL UPON WHICH SCHOOL DISTRICT TAXES FOR THE ASSOCIATED FISCAL YEAR
15 WHERE LEVIED. PROVIDED, HOWEVER, THAT THE TAXPAYER MAY REMOVE THIS
16 DISQUALIFICATION BY RENOUNCING THE EXEMPTION AND MAKING ANY REQUIRED
17 PAYMENTS BY DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, AS PROVIDED BY
18 SUBDIVISION SIXTEEN OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL
19 PROPERTY TAX LAW.

20 (6) SPECIAL CASES. (A) IN THE CASE OF PROPERTY CONSISTING OF A COOPER-
21 ATIVE APARTMENT CORPORATION THAT IS DESCRIBED BY PARAGRAPH (K) OF SUBDI-
22 VISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX
23 LAW, THE AMOUNT OF THE CREDIT ALLOWABLE WITH RESPECT TO A COOPERATIVE
24 APARTMENT SHALL BE EQUAL TO SIXTY PERCENT OF THE BASIC STAR TAX SAVINGS
25 FIGURE FOR THE SCHOOL DISTRICT, OR SIXTY PERCENT OF THE ENHANCED STAR
26 TAX SAVINGS FIGURE FOR THE SCHOOL DISTRICT, WHICHEVER IS APPLICABLE.
27 PROVIDED, HOWEVER, THAT IN THE CASE OF A COOPERATIVE APARTMENT CORPO-
28 RATION THAT IS DESCRIBED BY SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF SUBDI-
29 VISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX
30 LAW, THE CREDIT ALLOWABLE WITH RESPECT TO A COOPERATIVE APARTMENT SHALL
31 BE EQUAL TO TWENTY PERCENT OF SUCH FIGURE.

32 (B) IN THE CASE OF PROPERTY CONSISTING OF A MOBILE HOME THAT IS
33 DESCRIBED IN PARAGRAPH (1) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED
34 TWENTY-FIVE OF THE REAL PROPERTY TAX LAW, THE AMOUNT OF THE CREDIT
35 ALLOWABLE WITH RESPECT TO SUCH MOBILE HOME SHALL BE EQUAL TO TWENTY-FIVE
36 PERCENT OF THE BASIC STAR TAX SAVINGS FIGURE FOR THE SCHOOL DISTRICT,
37 OR TWENTY-FIVE PERCENT OF THE ENHANCED STAR TAX SAVINGS FIGURE FOR THE
38 SCHOOL DISTRICT, WHICHEVER IS APPLICABLE.

39 (C) IN THE CASE OF A PRIMARY RESIDENCE THAT IS LOCATED IN TWO OR MORE
40 SCHOOL DISTRICTS, THE APPLICABLE BASIC OR ENHANCED STAR TAX SAVINGS
41 FIGURE SHALL BE DETERMINED AS FOLLOWS:

42 (I) DETERMINE THE SUM OF THE TOTAL SCHOOL DISTRICT TAXES THAT WERE
43 LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE FOR THE ASSOCIATED FISCAL
44 YEAR BY EACH OF THE SCHOOL DISTRICTS IN WHICH THE RESIDENCE IS LOCATED;

45 (II) FOR EACH SUCH SCHOOL DISTRICT, DIVIDE THE TOTAL SCHOOL DISTRICT
46 TAXES THAT WERE LEVIED UPON THE TAXPAYER'S PRIMARY RESIDENCE BY THAT
47 SCHOOL DISTRICT FOR THE ASSOCIATED FISCAL YEAR BY THE SUM DETERMINED IN
48 CLAUSE (I) OF THIS SUBPARAGRAPH. EXPRESS THE RESULT AS A PERCENTAGE WITH
49 TWO DECIMAL PLACES;

50 (III) FOR EACH SUCH SCHOOL DISTRICT, MULTIPLY THE PERCENTAGE DETER-
51 MINED IN CLAUSE (II) OF THIS SUBPARAGRAPH BY THE BASIC OR ENHANCED STAR
52 TAX SAVINGS FIGURE, WHICHEVER IS APPLICABLE; AND

53 (IV) ADD THE PRODUCTS DETERMINED IN CLAUSE (III) OF THIS SUBPARAGRAPH.

54 (7) DISCLOSURE OF INCOMES. WHERE THE COMMISSIONER HAS DENIED A TAXPAY-
55 ER'S CLAIM FOR THE CREDIT AUTHORIZED BY THIS SUBSECTION IN WHOLE OR IN
56 PART ON THE GROUNDS THAT THE AFFILIATED INCOME OF THE PARCEL IN QUESTION

1 EXCEEDS THE APPLICABLE LIMIT, THE COMMISSIONER SHALL HAVE THE AUTHORITY
2 TO REVEAL TO THAT TAXPAYER THE NAMES AND INCOMES OF THE OTHER TAXPAYERS
3 WHOSE INCOMES WERE INCLUDED IN THE COMPUTATION OF SUCH AFFILIATED
4 INCOME.

5 (8) PROOF OF CLAIM. THE COMMISSIONER MAY REQUIRE A QUALIFIED TAXPAYER
6 TO FURNISH THE FOLLOWING INFORMATION IN SUPPORT OF HIS OR HER CLAIM FOR
7 CREDIT UNDER THIS SUBSECTION: AFFILIATED INCOME, THE TOTAL SCHOOL
8 DISTRICT TAXES LEVIED ON THE PROPERTY FOR THE ASSOCIATED FISCAL YEAR OR,
9 IN THE CASE OF A CITY SCHOOL DISTRICT THAT IS SUBJECT TO ARTICLE FIFTY-
10 TWO OF THE EDUCATION LAW, THE TOTAL COMBINED CITY AND SCHOOL DISTRICT
11 TAXES LEVIED ON THE PROPERTY FOR THE ASSOCIATED FISCAL YEAR, THE QUALI-
12 FYING TAXES PAID BY THE TAXPAYER, THE NAMES AND TAXPAYER IDENTIFICATION
13 NUMBERS OF ALL OWNERS OF THE PROPERTY AND SPOUSES WHO PRIMARILY RESIDE
14 ON THE PROPERTY, THE PARCEL IDENTIFICATION NUMBER AND ALL OTHER INFORMA-
15 TION THAT MAY BE REQUIRED BY THE COMMISSIONER TO DETERMINE THE CREDIT.

16 (9) RETURNS. IF A QUALIFIED TAXPAYER IS NOT REQUIRED TO FILE A RETURN
17 PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A CLAIM FOR A
18 CREDIT MAY BE TAKEN ON A RETURN FILED WITH THE COMMISSIONER WITHIN THREE
19 YEARS FROM THE TIME IT WOULD HAVE BEEN REQUIRED THAT A RETURN BE FILED
20 PURSUANT TO SUCH SECTION HAD THE QUALIFIED TAXPAYER HAD A TAXABLE YEAR
21 ENDING ON DECEMBER THIRTY-FIRST. RETURNS UNDER THIS PARAGRAPH SHALL BE
22 IN SUCH FORM AS SHALL BE PRESCRIBED BY THE COMMISSIONER, WHO SHALL MAKE
23 AVAILABLE SUCH FORMS AND INSTRUCTIONS FOR FILING SUCH RETURNS.

24 (10) ADMINISTRATION. THE PROVISIONS OF THIS ARTICLE, INCLUDING THE
25 PROVISIONS OF SECTIONS SIX HUNDRED FIFTY-THREE, SIX HUNDRED FIFTY-EIGHT,
26 AND SIX HUNDRED FIFTY-NINE OF THIS ARTICLE AND THE PROVISIONS OF PART
27 SIX OF THIS ARTICLE RELATING TO PROCEDURE AND ADMINISTRATION, INCLUDING
28 THE JUDICIAL REVIEW OF THE DECISIONS OF THE COMMISSIONER, EXCEPT SO MUCH
29 OF SECTION SIX HUNDRED EIGHTY-SEVEN OF THIS ARTICLE THAT PERMITS A CLAIM
30 FOR CREDIT OR REFUND TO BE FILED AFTER THE PERIOD PROVIDED FOR IN PARA-
31 GRAPH NINE OF THIS SUBSECTION AND EXCEPT SECTIONS SIX HUNDRED FIFTY-SEV-
32 EN, SIX HUNDRED EIGHTY-EIGHT AND SIX HUNDRED NINETY-SIX OF THIS ARTICLE,
33 SHALL APPLY TO THE PROVISIONS OF THIS SUBSECTION IN THE SAME MANNER AND
34 WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF THOSE PROVISIONS
35 HAD BEEN INCORPORATED IN FULL INTO THIS SUBSECTION AND HAD EXPRESSLY
36 REFERRED TO THE CREDIT ALLOWED OR RETURNS FILED UNDER THIS SUBSECTION,
37 EXCEPT TO THE EXTENT THAT ANY SUCH PROVISION IS EITHER INCONSISTENT WITH
38 A PROVISION OF THIS SUBSECTION OR IS NOT RELEVANT TO THIS SUBSECTION. AS
39 USED IN SUCH SECTIONS AND SUCH PART, THE TERM "TAXPAYER" SHALL INCLUDE A
40 QUALIFIED TAXPAYER UNDER THIS SUBSECTION AND, NOTWITHSTANDING THE
41 PROVISIONS OF SUBSECTION (E) OF SECTION SIX HUNDRED NINETY-SEVEN OF THIS
42 ARTICLE, WHERE A QUALIFIED TAXPAYER HAS PROTESTED THE DENIAL OF A CLAIM
43 FOR CREDIT UNDER THIS SUBSECTION AND THE TIME TO FILE A PETITION FOR
44 REDETERMINATION OF A DEFICIENCY OR FOR REFUND HAS NOT EXPIRED, HE OR SHE
45 SHALL, SUBJECT TO SUCH CONDITIONS AS MAY BE SET BY THE COMMISSIONER,
46 RECEIVE SUCH INFORMATION (A) THAT IS CONTAINED IN ANY RETURN FILED UNDER
47 THIS ARTICLE BY A MEMBER OF HIS OR HER HOUSEHOLD FOR THE TAXABLE YEAR
48 FOR WHICH THE CREDIT IS CLAIMED, AND (B) THAT THE COMMISSIONER FINDS IS
49 RELEVANT AND MATERIAL TO THE ISSUE OF WHETHER SUCH CLAIM WAS PROPERLY
50 DENIED.

51 (11) IN THE CASE OF A TAXPAYER WHO HAS ITEMIZED DEDUCTIONS FROM FEDER-
52 AL ADJUSTED GROSS INCOME, AND WHOSE FEDERAL ITEMIZED DEDUCTIONS INCLUDE
53 AN AMOUNT FOR REAL ESTATE TAXES PAID, THE NEW YORK ITEMIZED DEDUCTION
54 OTHERWISE ALLOWABLE UNDER SECTION SIX HUNDRED FIFTEEN OF THIS CHAPTER
55 SHALL BE REDUCED BY THE AMOUNT OF THE CREDIT CLAIMED UNDER THIS
56 SUBSECTION.

1 S 7. The opening paragraph of subparagraph (a) of paragraph 2 of
2 subsection (n-1) of section 606 of the tax law, as added by section 1 of
3 subpart B of part C of chapter 20 of the laws of 2015, is amended to
4 read as follows:

5 To be eligible for the credit, the taxpayer (or taxpayers filing joint
6 returns) on the personal income tax return filed for the taxable year
7 two years prior, must have (i) been a resident, (ii) owned and primarily
8 resided in real property receiving EITHER the STAR exemption authorized
9 by section four hundred twenty-five of the real property tax law OR THE
10 SCHOOL TAX RELIEF CREDIT AUTHORIZED BY SUBSECTION (EEE) OF THIS SECTION,
11 and (iii) had qualified gross income no greater than two hundred seven-
12 ty-five thousand dollars. Provided, however, that no credit shall be
13 allowed if any of the following apply:

14 S 8. This act shall take effect immediately, provided, however, that
15 sections six and seven of this act shall apply to taxable years begin-
16 ning on or after January 1, 2016.

17

PART B

18 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
19 section 1306-a of the real property tax law, as amended by section 6 of
20 part N of chapter 58 of the laws of 2011, is amended to read as follows:

21 (i) The tax savings for each parcel receiving the exemption authorized
22 by section four hundred twenty-five of this chapter shall be computed by
23 subtracting the amount actually levied against the parcel from the
24 amount that would have been levied if not for the exemption, provided
25 however, that [beginning with] FOR the two thousand eleven-two thousand
26 twelve THROUGH TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN school [year]
27 YEARS, the tax savings applicable to any "portion" (which as used herein
28 shall mean that part of an assessing unit located within a school
29 district) shall not exceed the tax savings applicable to that portion in
30 the prior school year multiplied by one hundred two percent, with the
31 result rounded to the nearest dollar; AND PROVIDED FURTHER THAT BEGIN-
32 NING WITH THE TWO THOUSAND SIXTEEN-TWO THOUSAND SEVENTEEN SCHOOL YEAR,
33 THE TAX SAVINGS APPLICABLE TO ANY PORTION SHALL NOT EXCEED THE TAX
34 SAVINGS FOR THE PRIOR YEAR. The tax savings attributable to the basic
35 and enhanced exemptions shall be calculated separately. It shall be the
36 responsibility of the commissioner to calculate tax savings limitations
37 for purposes of this subdivision.

38 S 2. This act shall take effect immediately.

39

PART C

40 Section 1. Subparagraphs (iv), (v) and (vi) of paragraph (b) of subdi-
41 vision 4 of section 425 of the real property tax law, subparagraph (iv)
42 as amended by chapter 451 of the laws of 2015, subparagraph (v) as
43 amended by section 10 of part W of chapter 56 of the laws of 2010,
44 subparagraph (vi) as amended by section 3 of part E of chapter 83 of the
45 laws of 2002, and clause E of subparagraph (vi) as further amended by
46 section 1 of part W of chapter 56 of the laws of 2010, are amended to
47 read as follows:

48 (iv) Effective with applications for the enhanced exemption on final
49 assessment rolls to be completed in two thousand [three] SEVENTEEN, the
50 application form shall indicate that the owners of the property and any
51 owners' spouses residing on the premises [may] MUST ENROLL IN THE STAR
52 INCOME VERIFICATION PROGRAM ADMINISTERED BY THE DEPARTMENT IN ORDER FOR

1 THE PROPERTY TO BE ELIGIBLE FOR AN ENHANCED EXEMPTION PURSUANT TO THIS
2 SUBDIVISION. TO ENROLL THEREIN, THEY MUST authorize the assessor to have
3 their income eligibility verified annually thereafter by the [state]
4 department [of taxation and finance, in lieu of furnishing copies of the
5 applicable income tax return or returns with the application. If the
6 owners of the property and any owners' spouses residing on the premises
7 elect to participate in this program, which shall be known as the STAR
8 income verification program, they] AND must furnish their taxpayer iden-
9 tification numbers in order to facilitate matching with records of the
10 department. Thereafter, their income eligibility shall be verified annu-
11 ally by the department and the assessor shall not request income
12 documentation from them, unless such department advises the assessor
13 that they do not satisfy the applicable income eligibility requirements,
14 or that it is unable to determine whether they satisfy those require-
15 ments, OR UNLESS ONE OR MORE OF THE OWNERS OR SPOUSES IN QUESTION WERE
16 NOT REQUIRED TO FILE A NEW YORK INCOME TAX RETURN FOR THE APPLICABLE
17 INCOME TAX YEAR AND DID NOT DO SO. All APPLICANTS FOR THE ENHANCED STAR
18 EXEMPTION AND ALL assessing units shall be required to participate in
19 this program.

20 (v) (A) Except in the case of a city with a population of one million
21 or more, the assessor shall forward to the department, in the time and
22 manner required by the department, information identifying the persons
23 [who have elected to participate in the STAR income verification
24 program] WHO ARE ENROLLED IN THE STAR INCOME VERIFICATION PROGRAM ESTAB-
25 LISHED BY THIS PARAGRAPH. After receiving the department's response or
26 responses, the assessing authority shall cause notices to be mailed to
27 participants as provided by paragraph (b) of subdivision five of this
28 section. Information provided to the department identifying such
29 persons, and responses obtained from such department shall be confiden-
30 tial and shall not be subject to disclosure under article six of the
31 public officers law.

32 (B) In the case of a city of one million or more, the assessor shall
33 forward to the department [of taxation and finance], in the time and
34 manner required by the department, information identifying the persons
35 [who have elected to participate in the STAR income verification
36 program] WHO ARE ENROLLED IN THE STAR INCOME VERIFICATION PROGRAM ESTAB-
37 LISHED BY THIS PARAGRAPH. The department shall advise the assessor of
38 its findings in the manner provided by the agreement executed pursuant
39 to section one hundred seventy-one-o of the tax law. After receiving
40 such response or responses, the assessing authority shall cause notices
41 to be mailed to participants as provided by paragraph (b) of subdivision
42 five of this section. Information provided to the department identifying
43 such persons, and responses obtained from such department shall be
44 confidential and shall not be subject to disclosure under article six of
45 the public officers law.

46 (vi) Notwithstanding the provisions of subparagraphs (iv) and (v) of
47 this paragraph, which establish a STAR income verification program,
48 income documentation must be submitted to the assessor in connection
49 with each of the following:

50 (A) Initial applications for the enhanced STAR exemption;

51 (B) Renewal applications [submitted by a person or persons who have
52 not elected to participate in the STAR income verification program]
53 WHERE ONE OR MORE OF THE OWNERS OR SPOUSES IN QUESTION WERE NOT REQUIRED
54 TO FILE A NEW YORK INCOME TAX RETURN FOR THE APPLICABLE INCOME TAX YEAR
55 AND DID NOT DO SO;

(C) Applications that would allow an enhanced exemption to resume after having been discontinued;

(D) Applications submitted by a person or persons who had previously qualified for the enhanced exemption but not in the assessing unit in question; and

(E) Applications with respect to which the department [of taxation and finance] has advised the assessor [through the commissioner] that it is unable to determine whether a participant or participants in the STAR income verification program satisfy the income eligibility requirements.

S 2. This act shall take effect immediately and shall apply to the administration of the enhanced STAR exemption authorized by subdivision 4 of section 425 of the real property tax law beginning with final assessment rolls to be completed in 2017.

PART D

Section 1. Subdivision 6 of section 425 of the real property tax law is amended by adding a new paragraph (a-2) to read as follows:

(A-2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHERE A RENEWAL APPLICATION FOR THE "ENHANCED" STAR EXEMPTION AUTHORIZED BY SUBDIVISION FOUR OF THIS SECTION HAS NOT BEEN FILED ON OR BEFORE THE TAXABLE STATUS DATE, AND THE OWNER BELIEVES THAT GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THAT DATE, THE OWNER MAY, NO LATER THAN THE LAST DAY FOR PAYING SCHOOL TAXES WITHOUT INCURRING INTEREST OR PENALTY, SUBMIT A WRITTEN REQUEST TO THE COMMISSIONER ASKING HIM OR HER TO EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION. SUCH REQUEST SHALL CONTAIN AN EXPLANATION OF WHY THE DEADLINE WAS MISSED, AND SHALL BE ACCOMPANIED BY A RENEWAL APPLICATION, REFLECTING THE FACTS AND CIRCUMSTANCES AS THEY EXISTED ON THE TAXABLE STATUS DATE. AFTER CONSULTING WITH THE ASSESSOR, THE COMMISSIONER MAY EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION IF THE COMMISSIONER IS SATISFIED THAT (I) GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THE TAXABLE STATUS DATE, AND THAT (II) THE APPLICANT IS OTHERWISE ENTITLED TO THE EXEMPTION. THE COMMISSIONER SHALL MAIL NOTICE OF HIS OR HER DETERMINATION TO SUCH OWNER AND THE ASSESSOR. IF THE DETERMINATION STATES THAT THE COMMISSIONER HAS GRANTED THE EXEMPTION, THE ASSESSOR SHALL THEREUPON BE AUTHORIZED AND DIRECTED TO CORRECT THE ASSESSMENT ROLL ACCORDINGLY, OR, IF ANOTHER PERSON HAS CUSTODY OR CONTROL OF THE ASSESSMENT ROLL, TO DIRECT THAT PERSON TO MAKE THE APPROPRIATE CORRECTIONS. IF THE CORRECTION IS NOT MADE BEFORE SCHOOL TAXES ARE LEVIED, THE FAILURE TO TAKE THE EXEMPTION INTO ACCOUNT IN THE COMPUTATION OF THE TAX SHALL BE DEEMED A "CLERICAL ERROR" FOR PURPOSES OF TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY.

S 2. Section 467 of the real property tax law is amended by adding a new subdivision 8-a to read as follows:

8-A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE LOCAL GOVERNING BODY OF A MUNICIPAL CORPORATION THAT IS AUTHORIZED TO ADOPT A LOCAL LAW PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION IS FURTHER AUTHORIZED TO ADOPT A LOCAL LAW PROVIDING THAT WHERE A RENEWAL APPLICATION FOR THE EXEMPTION AUTHORIZED BY THIS SECTION HAS NOT BEEN FILED ON OR BEFORE THE TAXABLE STATUS DATE, AND THE OWNER BELIEVES THAT GOOD CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THAT DATE, THE OWNER MAY, NO LATER THAN THE LAST DAY FOR PAYING TAXES WITHOUT INCURRING INTEREST OR PENALTY, SUBMIT A WRITTEN REQUEST TO THE ASSESSOR ASKING HIM OR HER TO EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION.

1 SUCH REQUEST SHALL CONTAIN AN EXPLANATION OF WHY THE DEADLINE WAS
2 MISSED, AND SHALL BE ACCOMPANIED BY A RENEWAL APPLICATION, REFLECTING
3 THE FACTS AND CIRCUMSTANCES AS THEY EXISTED ON THE TAXABLE STATUS DATE.
4 THE ASSESSOR MAY EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION IF
5 HE OR SHE IS SATISFIED THAT (I) GOOD CAUSE EXISTED FOR THE FAILURE TO
6 FILE THE RENEWAL APPLICATION BY THE TAXABLE STATUS DATE, AND THAT (II)
7 THE APPLICANT IS OTHERWISE ENTITLED TO THE EXEMPTION. THE ASSESSOR SHALL
8 MAIL NOTICE OF HIS OR HER DETERMINATION TO THE OWNER. IF THE DETERMI-
9 NATION STATES THAT THE ASSESSOR HAS GRANTED THE EXEMPTION, HE OR SHE
10 SHALL THEREUPON BE AUTHORIZED AND DIRECTED TO CORRECT THE ASSESSMENT
11 ROLL ACCORDINGLY, OR, IF ANOTHER PERSON HAS CUSTODY OR CONTROL OF THE
12 ASSESSMENT ROLL, TO DIRECT THAT PERSON TO MAKE THE APPROPRIATE
13 CORRECTIONS. IF THE CORRECTION IS NOT MADE BEFORE TAXES ARE LEVIED, THE
14 FAILURE TO TAKE THE EXEMPTION INTO ACCOUNT IN THE COMPUTATION OF THE TAX
15 SHALL BE DEEMED A "CLERICAL ERROR" FOR PURPOSES OF TITLE THREE OF ARTI-
16 CLE FIVE OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY.

17 S 3. This act shall take effect on the sixtieth day after it shall
18 have become a law.

19

PART E

20 Section 1. Section 606 of the tax law is amended by adding a new
21 subsection (eee) to read as follows:

22 (EEE) SCHOOL TAX REDUCTION CREDIT FOR RESIDENTS OF A CITY WITH A POPU-
23 LATION OVER ONE MILLION. (1) FOR TAXABLE YEARS BEGINNING AFTER TWO THOU-
24 SAND FIFTEEN, A SCHOOL TAX REDUCTION CREDIT SHALL BE ALLOWED TO A RESI-
25 DENT INDIVIDUAL OF THE STATE WHO IS A RESIDENT OF A CITY WITH A
26 POPULATION OVER ONE MILLION, AS PROVIDED BELOW. THE CREDIT SHALL BE
27 ALLOWED AGAINST THE TAXES AUTHORIZED BY THIS ARTICLE REDUCED BY THE
28 CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO
29 REDUCED, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE
30 CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX
31 HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED HOWEVER, THAT NO INTEREST
32 WILL BE PAID THEREON. FOR PURPOSES OF THIS SUBSECTION, NO CREDIT SHALL
33 BE GRANTED TO AN INDIVIDUAL WITH RESPECT TO WHOM A DEDUCTION UNDER
34 SUBSECTION (C) OF SECTION ONE HUNDRED FIFTY-ONE OF THE INTERNAL REVENUE
35 CODE IS ALLOWABLE TO ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

36 (2) THE AMOUNT OF THE CREDIT UNDER THIS PARAGRAPH SHALL BE DETERMINED
37 BASED UPON THE TAXPAYER'S INCOME AS DEFINED IN SUBPARAGRAPH (II) OF
38 PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF
39 THE REAL PROPERTY TAX LAW. FOR THE PURPOSES OF THIS PARAGRAPH, ANY
40 TAXPAYER UNDER SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH WITH INCOME
41 OF MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL NOT RECEIVE A
42 CREDIT.

43 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN
44 THE CASE OF MARRIED INDIVIDUALS WHO MAKE A SINGLE RETURN JOINTLY AND OF
45 A SURVIVING SPOUSE, THE CREDIT SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS.

46 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A
47 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN, THE CREDIT
48 SHALL BE SIXTY-TWO DOLLARS AND FIFTY CENTS.

49 (3) PART-YEAR RESIDENTS. IF A TAXPAYER CHANGES STATUS DURING THE TAXA-
50 BLE YEAR FROM RESIDENT TO NONRESIDENT, OR FROM NONRESIDENT TO RESIDENT,
51 THE SCHOOL TAX REDUCTION CREDIT AUTHORIZED BY THIS SUBSECTION SHALL BE
52 PRORATED ACCORDING TO THE NUMBER OF MONTHS IN THE PERIOD OF RESIDENCE.

53 S 2. Paragraphs 1 and 2 of subsection (e) of section 1310 of the tax
54 law, paragraph 1 as amended by section 3 of part A of chapter 56 of the

1 laws of 1998, paragraph 2 as amended by section 1 of part R of chapter
2 57 of the laws of 2008 and subparagraphs (A) and (B) of paragraph 2 as
3 amended by section 4 of part M of chapter 57 of the laws of 2009, are
4 amended to read as follows:

5 (1) For taxable years beginning after nineteen hundred ninety-seven,
6 AND ENDING BEFORE TWO THOUSAND SIXTEEN, a state school tax reduction
7 credit shall be allowed as provided in the following tables. The credit
8 shall be allowed against the taxes authorized by this article reduced by
9 the credits permitted by this article. If the credit exceeds the tax as
10 so reduced, the taxpayer may receive, and the comptroller, subject to a
11 certificate of the commissioner, shall pay as an overpayment, without
12 interest, the amount of such excess. For purposes of this subsection, no
13 credit shall be granted to an individual with respect to whom a
14 deduction under subsection (c) of section one hundred fifty-one of the
15 internal revenue code is allowable to another taxpayer for the taxable
16 year.

17 (2) The amount of the credit under this paragraph shall be determined
18 based upon the taxpayer's income as defined in subparagraph (ii) of
19 paragraph (b) of subdivision four of section four hundred twenty-five of
20 the real property tax law. For the purposes of this paragraph, any
21 taxpayer under subparagraphs (A) and (B) of this paragraph with income
22 of more than two hundred fifty thousand dollars shall not receive a
23 credit.

24 Beginning in the two thousand ten tax year and each tax year thereaft-
25 er THROUGH TWO THOUSAND FIFTEEN, the "more than two hundred fifty thou-
26 sand dollar" income limitation shall be adjusted by applying the
27 inflation factor set forth herein, and rounding each result to the near-
28 est multiple of one hundred dollars. The department shall establish the
29 income limitation to be associated with each subsequent tax year by
30 applying the inflation factor set forth herein to the figures that
31 define the income limitation that were applicable to the preceding tax
32 year, as determined pursuant to this [subdivision] SUBSECTION, and
33 rounding each result to the nearest multiple of one hundred dollars.
34 Such determination shall be made no later than March first, two thousand
35 ten and each year thereafter.

36 [For purposes of this paragraph, the "inflation factor" shall be
37 determined in accordance with the provisions set forth in subdivision
38 fifteen of section one hundred seventy-eight of this chapter.]

39 (A) Married individuals filing joint returns and surviving spouses. In
40 the case of a husband and wife who make a single return jointly and of a
41 surviving spouse:

42 For taxable years beginning:	The credit shall be:
43 in 2001-2005	\$125
44 in 2006	\$230
45 in 2007-2008	\$290
46 in 2009 [and after]- 2015	\$125

47 (B) All others. In the case of an unmarried individual, a head of a
48 household or a married individual filing a separate return:

49 For taxable years beginning:	The credit shall be:
50 in 2001-2005	\$62.50
51 in 2006	\$115
52 in 2007-2008	\$145
53 in 2009 [and after]- 2015	\$62.50

54 S 3. Paragraphs 1 and 2 of subsection (c) of section 11-1706 of the
55 administrative code of the city of New York, paragraph 1 as amended by
56 section 6 of part A of chapter 56 of the laws of 1998, paragraph 2 as

amended by section 2 of part R of chapter 57 of the laws of 2008 and subparagraphs (A) and (B) of paragraph 2 as amended by section 5 of part M of chapter 57 of the laws of 2009, are amended to read as follows:

(1) For taxable years beginning after nineteen hundred ninety-seven AND ENDING BEFORE TWO THOUSAND SIXTEEN, a state school tax reduction credit shall be allowed as provided in the following tables. The credit shall be allowed against the taxes authorized by this article reduced by the credits permitted by this article. If the credit exceeds the tax as so reduced, the taxpayer may receive, and the comptroller, subject to a certificate of the commissioner, shall pay as an overpayment, without interest, the amount of such excess. For purposes of this [subdivision] SUBSECTION, no credit shall be granted to an individual with respect to whom a deduction under subsection (c) of section one hundred fifty-one of the internal revenue code is allowable to another taxpayer for the taxable year.

(2) The amount of the credit under this paragraph shall be determined based upon the taxpayer's income as defined in subparagraph (ii) of paragraph (b) of subdivision four of section four hundred twenty-five of the real property tax law. For purposes of this paragraph, any taxpayer under subparagraphs (A) and (B) of this paragraph with income of more than two hundred fifty thousand dollars shall not receive a credit.

Beginning in the two thousand ten tax year and each tax year thereafter THROUGH TWO THOUSAND FIFTEEN, the "more than two hundred fifty thousand dollar" income limitation shall be adjusted by applying the inflation factor set forth herein, and rounding each result to the nearest multiple of one hundred dollars. The department shall establish the income limitation to be associated with each subsequent tax year by applying the inflation factor set forth herein to the figures that define the income limitation that were applicable to the preceding tax year, as determined pursuant to this [subdivision] SUBSECTION, and rounding each result to the nearest multiple of one hundred dollars. Such determination shall be made no later than March first, two thousand ten and each year thereafter.

[For purposes of this paragraph, the "inflation factor" shall be determined in accordance with the provisions set forth in subdivision fifteen of section one hundred seventy-eight of the tax law.]

(A) Married individuals filing joint returns and surviving spouses. In the case of a husband and wife who make a single return jointly and of a surviving spouse:

For taxable years beginning:	The credit shall be:
in 2001-2005	\$125
in 2006	\$230
in 2007-2008	\$290
in 2009 [and after]- 2015	\$125

(B) All others. In the case of an unmarried individual, a head of a household or a married individual filing a separate return:

For taxable years beginning:	The credit shall be:
in 2001-2005	\$62.50
in 2006	\$115
in 2007-2008	\$145
in 2009 [and after]- 2015	\$62.50

S 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2016.

1 Section 1. Section 425 of the real property tax law is amended by
2 adding a new subdivision 16 to read as follows:

3 (16) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHEN THE
4 COMMISSIONER FINDS THAT A PROPERTY OWNER WAS ELIGIBLE FOR THE STAR
5 EXEMPTION AUTHORIZED BY THIS SECTION ON AN ASSESSMENT ROLL, BUT THE
6 EXEMPTION WAS NOT TAKEN INTO ACCOUNT IN THE CALCULATION OF THE PROPERTY
7 OWNER'S SCHOOL TAX BILL DUE TO AN ADMINISTRATIVE ERROR, AND THE PROPERTY
8 OWNER OR HIS OR HER AGENT PAID AN EXCESSIVE AMOUNT OF SCHOOL TAXES ON
9 THE PROPERTY AS A RESULT, THE COMMISSIONER OF TAXATION AND FINANCE IS
10 AUTHORIZED TO REMIT DIRECTLY TO THE PROPERTY OWNER THE TAX SAVINGS THAT
11 THE STAR EXEMPTION WOULD HAVE YIELDED IF THE STAR EXEMPTION HAD BEEN
12 TAKEN INTO ACCOUNT IN THE CALCULATION OF THAT TAXPAYER'S SCHOOL TAX
13 BILL. THE AMOUNTS PAYABLE UNDER THIS SECTION SHALL BE PAID FROM THE
14 ACCOUNT ESTABLISHED FOR THE PAYMENT OF STAR BENEFITS TO LATE REGISTRANTS
15 PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION FOURTEEN
16 OF THIS SECTION. WHERE SUCH A PAYMENT HAS BEEN MADE, NEITHER THE PROPER-
17 TY OWNER NOR HIS OR HER AGENT SHALL BE ENTITLED TO A REFUND OF THE
18 EXCESSIVE AMOUNT OF SCHOOL TAXES PAID ON ACCOUNT OF THE ADMINISTRATIVE
19 ERROR.

20 S 2. This act shall take effect immediately.

21 PART G

22 Section 1. Paragraph 10 of subsection (g) of section 658 of the tax
23 law is REPEALED.

24 S 2. Paragraph 10 of subdivision (g) of section 11-1758 of the admin-
25 istrative code of the city of New York is REPEALED.

26 S 3. Paragraph 5 of subsection (u) of section 685 of the tax law is
27 REPEALED.

28 S 4. Paragraph 5 of subdivision (t) of section 11-1785 of the adminis-
29 trative code of the city of New York is REPEALED.

30 S 5. Section 23 of part U of chapter 61 of the laws of 2011, amending
31 the real property tax law and other laws relating to establishing stand-
32 ards for electronic tax administration, as amended by section 1 of part
33 H of chapter 59 of the laws of 2013, is amended to read as follows:

34 S 23. This act shall take effect immediately; provided, however, that:

35 (a) the amendments to section 29 of the tax law made by section thir-
36 teen of this act shall apply to tax documents filed or required to be
37 filed on or after the sixtieth day after which this act shall have
38 become a law [and shall expire and be deemed repealed December 31,
39 2016], provided however that the amendments to paragraph 4 of subdivi-
40 sion (a) of section 29 of the tax law and paragraph 2 of subdivision (e)
41 of section 29 of the tax law made by section thirteen of this act with
42 regard to individual taxpayers shall take effect September 15, 2011 but
43 only if the commissioner of taxation and finance has reported in the
44 report required by section seventeen-b of this act that the percentage
45 of individual taxpayers electronically filing their 2010 income tax
46 returns is less than eighty-five percent; provided that the commissioner
47 of taxation and finance shall notify the legislative bill drafting
48 commission of the date of the issuance of such report in order that the
49 commission may maintain an accurate and timely effective data base of
50 the official text of the laws of the state of New York in furtherance of
51 effectuating the provisions of section 44 of the legislative law and
52 section 70-b of the public officers law;

53 (b) sections fourteen, fifteen, sixteen and seventeen of this act
54 shall take effect September 15, 2011 but only if the commissioner of

1 taxation and finance has reported in the report required by section
2 seventeen-b of this act that the percentage of individual taxpayers
3 electronically filing their 2010 income tax returns is less than eight-
4 y-five percent; AND

5 (c) sections fourteen-a and fifteen-a of this act shall take effect
6 September 15, 2011 and expire and be deemed repealed December 31, 2012
7 but shall take effect only if the commissioner of taxation and finance
8 has reported in the report required by section seventeen-b of this act
9 that the percentage of individual taxpayers electronically filing their
10 2010 income tax returns is eighty-five percent or greater[;

11 (d) sections fourteen-b, fifteen-b, sixteen-a and seventeen-a of this
12 act shall take effect January 1, 2017 but only if the commissioner of
13 taxation and finance has reported in the report required by section
14 seventeen-b of this act that the percentage of individual taxpayers
15 electronically filing their 2010 income tax returns is less than eight-
16 y-five percent; and

17 (e) sections twenty-one and twenty-one-a of this act shall expire and
18 be deemed repealed December 31, 2016].

19 S 6. Subsection (aa) of section 685 of the tax law is REPEALED and a
20 new subsection (aa) is added to read as follows:

21 (AA) TAX PREPARER PENALTY. -- (1) IF AN INCOME TAX PREPARER TAKES A
22 POSITION ON ANY RETURN THAT EITHER UNDERSTATES THE TAX LIABILITY OR
23 INCREASES THE CLAIM FOR A REFUND, AND THE PREPARER KNEW, OR REASONABLY
24 SHOULD HAVE KNOWN, THAT SAID POSITION WAS NOT PROPER, AND SUCH POSITION
25 WAS NOT ADEQUATELY DISCLOSED ON THE RETURN OR IN A STATEMENT ATTACHED TO
26 THE RETURN, SUCH INCOME TAX PREPARER SHALL PAY A PENALTY OF BETWEEN ONE
27 HUNDRED AND ONE THOUSAND DOLLARS.

28 (2) IF AN INCOME TAX PREPARER TAKES A POSITION ON ANY RETURN THAT
29 EITHER UNDERSTATES THE TAX LIABILITY OR INCREASES THE CLAIM FOR A REFUND
30 AND THE UNDERSTATEMENT OF THE TAX LIABILITY OR THE INCREASED CLAIM FOR
31 REFUND IS DUE TO THE PREPARER'S RECKLESS OR INTENTIONAL DISREGARD OF THE
32 LAW, RULES OR REGULATIONS, SUCH PREPARER SHALL PAY A PENALTY OF BETWEEN
33 FIVE HUNDRED AND FIVE THOUSAND DOLLARS. THE AMOUNT OF THE PENALTY PAYA-
34 BLE BY ANY PERSON BY REASON OF THIS PARAGRAPH SHALL BE REDUCED BY THE
35 AMOUNT OF THE PENALTY PAID BY SUCH PERSON BY REASON OF PARAGRAPH (1) OF
36 THIS SUBSECTION.

37 (3) FOR PURPOSES OF THIS SUBSECTION, THE TERM "UNDERSTATEMENT OF
38 LIABILITY" MEANS ANY UNDERSTATEMENT OF THE NET AMOUNT PAYABLE WITH
39 RESPECT TO ANY TAX IMPOSED UNDER THIS ARTICLE OR ANY OVERSTATEMENT OF
40 THE NET AMOUNT CREDITABLE OR REFUNDABLE WITH RESPECT TO ANY SUCH TAX.

41 (4) THIS SUBSECTION SHALL NOT APPLY IF THE PENALTY UNDER SUBSECTION
42 (R) OF THIS SECTION IS IMPOSED ON THE TAX RETURN PREPARER WITH RESPECT
43 TO SUCH UNDERSTATEMENT.

44 S 7. Subsection (u) of section 685 of the tax law is amended by adding
45 two new paragraphs (1) and (2) to read as follows:

46 (1) FAILURE TO SIGN RETURN OR CLAIM FOR REFUND. ANY INDIVIDUAL WHO IS
47 A TAX RETURN PREPARER BUT IS NOT SUBJECT TO THE REQUIREMENTS UNDER
48 SECTION THIRTY-TWO OF THIS CHAPTER, WHO IS REQUIRED PURSUANT TO PARA-
49 GRAPH ONE OF SUBSECTION (G) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THIS
50 ARTICLE TO SIGN A RETURN OR CLAIM FOR REFUND AND WHO FAILS TO COMPLY
51 WITH SUCH REQUIREMENT WITH RESPECT TO SUCH RETURN OR CLAIM FOR REFUND,
52 SHALL BE SUBJECT TO A PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR EACH SUCH
53 FAILURE TO SIGN, UNLESS IT IS SHOWN THAT SUCH FAILURE IS DUE TO REASON-
54 ABLE CAUSE AND NOT DUE TO WILLFUL NEGLECT. THE MAXIMUM PENALTY IMPOSED
55 UNDER THIS PARAGRAPH ON ANY TAX RETURN PREPARER WITH RESPECT TO RETURNS
56 FILED DURING ANY CALENDAR YEAR BY THE TAX RETURN PREPARER MUST NOT

1 EXCEED TEN THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT IF A TAX RETURN
2 PREPARER HAS BEEN PENALIZED UNDER THIS PARAGRAPH FOR A PRECEDING CALEN-
3 DAR YEAR AND AGAIN FAILS TO SIGN HIS OR HER NAME ON ANY RETURN THAT
4 REQUIRES THE TAX RETURN PREPARER'S SIGNATURE DURING A SUBSEQUENT CALEN-
5 DAR YEAR, THEN THE PENALTY UNDER THIS PARAGRAPH FOR EACH FAILURE WILL BE
6 FIVE HUNDRED DOLLARS, AND NO ANNUAL CAP WILL APPLY.

7 (2) FAILURE TO FURNISH IDENTIFYING NUMBER. IF ANY IDENTIFYING NUMBER
8 REQUIRED TO BE INCLUDED ON ANY RETURN OR CLAIM FOR REFUND PURSUANT TO
9 PARAGRAPH TWO OF SUBSECTION (G) OF SECTION SIX HUNDRED FIFTY-EIGHT OF
10 THIS ARTICLE IS NOT SO INCLUDED, THE PERSON WHO IS THE TAX RETURN
11 PREPARER BUT IT NOT SUBJECT TO THE REQUIREMENTS UNDER SECTION THIRTY-TWO
12 OF THIS CHAPTER WITH RESPECT TO SUCH RETURN OR CLAIM FOR REFUND, SHALL
13 BE SUBJECT TO A PENALTY OF ONE HUNDRED DOLLARS FOR EACH SUCH FAILURE,
14 UNLESS IT IS SHOWN THAT SUCH FAILURE IS DUE TO REASONABLE CAUSE AND NOT
15 WILLFUL NEGLECT. THE MAXIMUM PENALTY IMPOSED UNDER THIS PARAGRAPH ON ANY
16 TAX RETURN PREPARER WITH RESPECT TO RETURNS FILED DURING ANY CALENDAR
17 YEAR MUST NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS; PROVIDED, HOWEV-
18 ER, THAT IF A TAX RETURN PREPARER HAS BEEN PENALIZED UNDER THIS PARA-
19 GRAPH FOR A PRECEDING CALENDAR YEAR AND AGAIN FAILS TO INCLUDE THE IDEN-
20 TIFYING NUMBER ON ONE OR MORE RETURNS DURING A SUBSEQUENT CALENDAR YEAR,
21 THEN THE PENALTY UNDER THIS PARAGRAPH FOR EACH FAILURE WILL BE TWO
22 HUNDRED FIFTY DOLLARS, AND NO ANNUAL CAP WILL APPLY.

23 S 8. This act shall take effect immediately; provided, however, that
24 section seven of this act shall apply to taxable years commencing on and
25 after January 1, 2016.

26

PART H

27 Section 1. Subdivision 4 of section 22 of the public housing law, as
28 amended by section 2 of part P of chapter 59 of the laws of 2014, is
29 amended to read as follows:

30 4. Statewide limitation. The aggregate dollar amount of credit which
31 the commissioner may allocate to eligible low-income buildings under
32 this article shall be [sixty-four] SEVENTY-TWO million dollars. The
33 limitation provided by this subdivision applies only to allocation of
34 the aggregate dollar amount of credit by the commissioner, and does not
35 apply to allowance to a taxpayer of the credit with respect to an eligi-
36 ble low-income building for each year of the credit period.

37 S 2. Subdivision 4 of section 22 of the public housing law, as amended
38 by section one of this act, is amended to read as follows:

39 4. Statewide limitation. The aggregate dollar amount of credit which
40 the commissioner may allocate to eligible low-income buildings under
41 this article shall be [seventy-two] EIGHTY million dollars. The limita-
42 tion provided by this subdivision applies only to allocation of the
43 aggregate dollar amount of credit by the commissioner, and does not
44 apply to allowance to a taxpayer of the credit with respect to an eligi-
45 ble low-income building for each year of the credit period.

46 S 3. Subdivision 4 of section 22 of the public housing law as amended
47 by section two of this act is amended to read as follows:

48 4. Statewide limitation. The aggregate dollar amount of credit which
49 the commissioner may allocate to eligible low-income buildings under
50 this article shall be [eighty] EIGHTY-EIGHT million dollars. The limita-
51 tion provided by this subdivision applies only to allocation of the
52 aggregate dollar amount of credit by the commissioner, and does not
53 apply to allowance to a taxpayer of the credit with respect to an eligi-
54 ble low-income building for each year of the credit period.

1 S 4. Subdivision 4 of section 22 of the public housing law, as amended
2 by section three of this act, is amended to read as follows:

3 4. Statewide limitation. The aggregate dollar amount of credit which
4 the commissioner may allocate to eligible low-income buildings under
5 this article shall be [eighty-eight] NINETY-SIX million dollars. The
6 limitation provided by this subdivision applies only to allocation of
7 the aggregate dollar amount of credit by the commissioner, and does not
8 apply to allowance to a taxpayer of the credit with respect to an eligi-
9 ble low-income building for each year of the credit period.

10 S 5. Subdivision 4 of section 22 of the public housing law, as amended
11 by section four of this act, is amended to read as follows:

12 4. Statewide limitation. The aggregate dollar amount of credit which
13 the commissioner may allocate to eligible low-income buildings under
14 this article shall be [ninety-six] ONE HUNDRED FOUR million dollars. The
15 limitation provided by this subdivision applies only to allocation of
16 the aggregate dollar amount of credit by the commissioner, and does not
17 apply to allowance to a taxpayer of the credit with respect to an eligi-
18 ble low-income building for each year of the credit period.

19 S 6. This act shall take effect immediately; provided, however,
20 section two of this act shall take effect April 1, 2017; section three
21 of this act shall take effect April 1, 2018; section four of this act
22 shall take effect April 1, 2019 and section five of this act shall take
23 effect April 1, 2020.

24 PART I

25 Section 1. Paragraphs (a) and (b) of subdivision 29 of section 210-B
26 of the tax law, as added by section 17 of part A of chapter 59 of the
27 laws of 2014, are amended to read as follows:

28 (a) Allowance of credit. For taxable years beginning on or after Janu-
29 ary first, two thousand fifteen and before January first, two thousand
30 [seventeen] NINETEEN, a taxpayer shall be allowed a credit, to be
31 computed as provided in this subdivision, against the tax imposed by
32 this article, for hiring and employing, for not less than one year and
33 for not less than thirty-five hours each week, a qualified veteran with-
34 in the state. The taxpayer may claim the credit in the year in which the
35 qualified veteran completes one year of employment by the taxpayer. If
36 the taxpayer claims the credit allowed under this subdivision, the
37 taxpayer may not use the hiring of a qualified veteran that is the basis
38 for this credit in the basis of any other credit allowed under this
39 article.

40 (b) Qualified veteran. A qualified veteran is an individual:

41 (1) who served on active duty in the United States army, navy, air
42 force, marine corps, coast guard or the reserves thereof, or who served
43 in active military service of the United States as a member of the army
44 national guard, air national guard, New York guard or New York naval
45 militia; who was released from active duty by general or honorable
46 discharge after September eleventh, two thousand one;

47 (2) who commences employment by the qualified taxpayer on or after
48 January first, two thousand fourteen, and before January first, two
49 thousand [sixteen] EIGHTEEN; and

50 (3) who certifies by signed affidavit, under penalty of perjury, that
51 he or she has not been employed for thirty-five or more hours during any
52 week in the one hundred eighty day period immediately prior to his or
53 her employment by the taxpayer.

1 S 2. Paragraphs 1 and 2 of subsection (a-2) of section 606 of the tax
2 law, as added by section 3 of part AA of chapter 59 of the laws of 2013,
3 are amended to read as follows:

4 (1) Allowance of credit. For taxable years beginning on or after Janu-
5 ary first, two thousand fifteen and before January first, two thousand
6 [seventeen] NINETEEN, a taxpayer shall be allowed a credit, to be
7 computed as provided in this subsection, against the tax imposed by this
8 article, for hiring and employing, for not less than one year and for
9 not less than thirty-five hours each week, a qualified veteran within
10 the state. The taxpayer may claim the credit in the year in which the
11 qualified veteran completes one year of employment by the taxpayer. If
12 the taxpayer claims the credit allowed under this subsection, the
13 taxpayer may not use the hiring of a qualified veteran that is the basis
14 for this credit in the basis of any other credit allowed under this
15 article.

16 (2) Qualified veteran. A qualified veteran is an individual:

17 (A) who served on active duty in the United States army, navy, air
18 force, marine corps, coast guard or the reserves thereof, or who served
19 in active military service of the United States as a member of the army
20 national guard, air national guard, New York guard or New York naval
21 militia; who was released from active duty by general or honorable
22 discharge after September eleventh, two thousand one;

23 (B) who commences employment by the qualified taxpayer on or after
24 January first, two thousand fourteen, and before January first, two
25 thousand [sixteen] EIGHTEEN; and

26 (C) who certifies by signed affidavit, under penalty of perjury, that
27 he or she has not been employed for thirty-five or more hours during any
28 week in the one hundred eighty day period immediately prior to his or
29 her employment by the taxpayer.

30 S 3. Paragraphs 1 and 2 of subdivision (g-1) of section 1511 of the
31 tax law, as added by section 5 of part AA of chapter 59 of the laws of
32 2013, are amended to read as follows:

33 (1) Allowance of credit. For taxable years beginning on or after Janu-
34 ary first, two thousand fifteen and before January first, two thousand
35 [seventeen] NINETEEN, a taxpayer shall be allowed a credit, to be
36 computed as provided in this subdivision, against the tax imposed by
37 this article, for hiring and employing, for not less than one year and
38 for not less than thirty-five hours each week, a qualified veteran with-
39 in the state. The taxpayer may claim the credit in the year in which the
40 qualified veteran completes one year of employment by the taxpayer. If
41 the taxpayer claims the credit allowed under this subdivision, the
42 taxpayer may not use the hiring of a qualified veteran that is the basis
43 for this credit in the basis of any other credit allowed under this
44 article.

45 (2) Qualified veteran. A qualified veteran is an individual:

46 (A) who served on active duty in the United States army, navy, air
47 force, marine corps, coast guard or the reserves thereof, or who served
48 in active military service of the United States as a member of the army
49 national guard, air national guard, New York guard or New York naval
50 militia; who was released from active duty by general or honorable
51 discharge after September eleventh, two thousand one;

52 (B) who commences employment by the qualified taxpayer on or after
53 January first, two thousand fourteen, and before January first, two
54 thousand [sixteen] EIGHTEEN; and

55 (C) who certifies by signed affidavit, under penalty of perjury, that
56 he or she has not been employed for thirty-five or more hours during any

1 week in the one hundred eighty day period immediately prior to his or her employment by the taxpayer.

3 S 4. This act shall take effect immediately.

4 PART J

5 Section 1. Paragraph 1 of subdivision (a) of section 28 of the tax law, as amended by section 1 of part 0 of chapter 59 of the laws of 2014, is amended to read as follows:

8 (1) A taxpayer which is a qualified commercial production company, or which is a sole proprietor of a qualified commercial production company, and which is subject to tax under article nine-A or twenty-two of this chapter, shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (c) of this section, to be computed as provided in this section. Provided, however, to be eligible for such credit, at least seventy-five percent of the production costs (excluding post production costs) paid or incurred directly and predominantly in the actual filming or recording of the qualified commercial must be costs incurred in New York state. The tax credit allowed pursuant to this section shall apply to taxable years beginning before January first, two thousand [seventeen] NINETEEN.

20 S 2. Paragraph (c) of subdivision 23 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

23 (c) Expiration of credit. The credit allowed under this subdivision shall not be applicable to taxable years beginning on or after [December thirty-first] JANUARY FIRST, two thousand [seventeen] NINETEEN.

26 S 3. Paragraph 1 of subsection (jj) of section 606 of the tax law, as amended by section 4 of part 0 of chapter 59 of the laws of 2014, is amended to read as follows:

29 (1) Allowance of credit. A taxpayer that is eligible pursuant to the provisions of section twenty-eight of this chapter shall be allowed a credit to be computed as provided in such section against the tax imposed by this article. The tax credit allowed pursuant to this section shall apply to taxable years beginning before January first, two thousand [seventeen] NINETEEN.

35 S 4. This act shall take effect immediately.

36 PART K

37 Section 1. Section 5 of chapter 604 of the laws of 2011, amending the tax law relating to the credit for companies who provide transportation to people with disabilities, is amended to read as follows:

40 S 5. This act shall take effect immediately and shall remain in effect until December 31, 2016 when upon such date it shall be deemed repealed; provided that this act shall be deemed to have been in full force and effect on December 31, 2010; [and] provided further that this act shall apply to all tax years commencing on or after January 1, 2011; AND PROVIDED FURTHER THAT SECTIONS ONE AND TWO OF THIS ACT SHALL REMAIN IN EFFECT UNTIL DECEMBER 31, 2022 WHEN UPON SUCH DATE SUCH SECTIONS SHALL BE DEEMED REPEALED.

48 S 2. Paragraph (c) of subdivision 38 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

51 (c) Application of credit. In no event shall the credit allowed under this subdivision for any taxable year reduce the tax due for such year

1 to less than the amount prescribed in paragraph (d) of subdivision one
2 of section two hundred ten of this article. However, if the amount of
3 credit allowed under this subdivision for any taxable year reduces the
4 tax to such amount or if the taxpayer otherwise pays tax based on the
5 fixed dollar minimum amount, any amount of credit thus not deductible in
6 such taxable year shall be carried over to the following year or years,
7 and may be deducted from the taxpayer's tax for such year or years. THE
8 TAX CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO TAXA-
9 BLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND
10 TWENTY-THREE.

11 S 3. This act shall take effect immediately.

12 PART L

13 Section 1. Section 2 of part I of chapter 58 of the laws of 2006,
14 relating to providing an enhanced earned income tax credit, as amended
15 by section 1 of part G of chapter 59 of the laws of 2014, is amended to
16 read as follows:

17 S 2. This act shall take effect immediately and shall apply to taxable
18 years beginning on or after January 1, 2006 [and before January 1,
19 2017].

20 S 2. This act shall take effect immediately.

21 PART M

22 Section 1. Section 12 of part N of chapter 61 of the laws of 2005,
23 amending the tax law relating to certain transactions and related infor-
24 mation and relating to the voluntary compliance initiative, as amended
25 by section 1 of part B of chapter 61 of the laws of 2011, is amended to
26 read as follows:

27 S 12. This act shall take effect immediately; provided, however, that
28 (i) section one of this act shall apply to all disclosure statements
29 described in paragraph 1 of subdivision (a) of section 25 of the tax
30 law, as added by section one of this act, that were required to be filed
31 with the internal revenue service at any time with respect to "listed
32 transactions" as described in such paragraph 1, and shall apply to all
33 disclosure statements described in paragraph 1 of subdivision (a) of
34 section 25 of the tax law, as added by section one of this act, that
35 were required to be filed with the internal revenue service with respect
36 to "reportable transactions" as described in such paragraph 1, other
37 than "listed transactions", in which a taxpayer participated during any
38 taxable year for which the statute of limitations for assessment has not
39 expired as of the date this act shall take effect, and shall apply to
40 returns or statements described in such paragraph 1 required to be filed
41 by taxpayers (or persons as described in such paragraph) with the
42 commissioner of taxation and finance on or after the sixtieth day after
43 this act shall have become a law; and

44 (ii) sections two through four and seven through nine of this act
45 shall apply to any tax liability for which the statute of limitations on
46 assessment has not expired as of the date this act shall take effect[;
47 and

48 (iii) provided, further, that the provisions of this act, except
49 section five of this act, shall expire and be deemed repealed July 1,
50 2015; provided, that, such expiration and repeal shall not affect any
51 requirement imposed pursuant to this act].

1 S 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after July 1, 2015; provided,
3 however that notwithstanding the provisions of article 5 of the general
4 construction law, the provisions of section 25, paragraph 11 of
5 subsection (c) of section 683, subsections (p), (p-1), (x), (y), (z),
6 (aa) and (bb) of section 685, paragraph 11 of subsection (c) of section
7 1083, subsections (k), (k-1), (p), (q), (r), (s) and (t) of section 1085
8 of the tax law, and section 11 of Part N of chapter 61 of the laws of
9 2005, are hereby revived and shall continue in full force and effect as
10 such provisions existed on July 1, 2015.

11 PART N

12 Section 1. Paragraph (a) of subdivision 25 of section 210-B of the tax
13 law, as added by section 17 of part A of chapter 59 of the laws of 2014,
14 is amended to read as follows:

15 (a) General. A taxpayer shall be allowed a credit against the tax
16 imposed by this article. Such credit, to be computed as hereinafter
17 provided, shall be allowed for bioheat, used for space heating or hot
18 water production for residential purposes within this state purchased
19 before January first, two thousand [seventeen] TWENTY. Such credit shall
20 be \$0.01 per percent of biodiesel per gallon of bioheat, not to exceed
21 twenty cents per gallon, purchased by such taxpayer. PROVIDED, HOWEVER,
22 THAT ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, THIS CREDIT
23 SHALL NOT APPLY TO BIOHEAT THAT IS LESS THAN SIX PERCENT BIODIESEL PER
24 GALLON OF BIOHEAT.

25 S 2. Paragraph 1 of subsection (mm) of section 606 of the tax law, as
26 amended by chapter 193 of the laws of 2012, is amended to read as
27 follows:

28 (1) A taxpayer shall be allowed a credit against the tax imposed by
29 this article. Such credit, to be computed as hereinafter provided, shall
30 be allowed for bioheat, used for space heating or hot water production
31 for residential purposes within this state and purchased on or after
32 July first, two thousand six and before July first, two thousand seven
33 and on or after January first, two thousand eight and before January
34 first, two thousand [seventeen] TWENTY. Such credit shall be \$0.01 per
35 percent of biodiesel per gallon of bioheat, not to exceed twenty cents
36 per gallon, purchased by such taxpayer. PROVIDED, HOWEVER, THAT ON OR
37 AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, THIS CREDIT SHALL NOT APPLY
38 TO BIOHEAT THAT IS LESS THAN SIX PERCENT BIODIESEL PER GALLON OF
39 BIOHEAT.

40 S 3. This act shall take effect immediately.

41 PART O

42 Section 1. Section 359 of the economic development law, as amended by
43 section 3 of part C of chapter 68 of the laws of 2013, is amended to
44 read as follows:

45 S 359. Cap on tax credit. The total amount of tax credits listed on
46 certificates of tax credit issued by the commissioner for any taxable
47 year may not exceed the limitations set forth in this section. One-half
48 of any amount of tax credits not awarded for a particular taxable year
49 IN YEARS TWO THOUSAND ELEVEN THROUGH TWO THOUSAND TWENTY-FOUR may be
50 used by the commissioner to award tax credits in another taxable year.

51 Credit components in the aggregate

With respect to taxable

1 shall not exceed: years beginning in:

2	\$ 50 million	2011
3	\$ 100 million	2012
4	\$ 150 million	2013
5	\$ 200 million	2014
6	\$ 250 million	2015
7	\$ 200 million	2016
8	\$ 200 million	2017
9	\$ 200 million	2018
10	\$ 200 million	2019
11	\$ 200 million	2020
12	\$ 200 million	2021
13	\$ 150 million	2022
14	\$ 100 million	2023
15	\$ 50 million	2024

16 Twenty-five percent of tax credits shall be allocated to businesses
17 accepted into the program under subdivision four of section three
18 hundred fifty-three of this article and seventy-five percent of tax
19 credits shall be allocated to businesses accepted into the program under
20 subdivision three of section three hundred fifty-three of this article.

21 Provided, however, if by September thirtieth of a calendar year, the
22 department has not allocated the full amount of credits available in
23 that year to either: (i) businesses accepted into the program under
24 subdivision four of section three hundred fifty-three of this article or
25 (ii) businesses accepted into the program under subdivision three of
26 section three hundred fifty-three of this article, the commissioner may
27 allocate any remaining tax credits to businesses referenced in [para-
28 graphs (i) and (ii) of this section] THIS PARAGRAPH as needed; provided,
29 however, that under no circumstances may the AGGREGATE statutory cap FOR
30 ALL PROGRAM YEARS be exceeded. ONE HUNDRED PERCENT OF THE UNAWARDED
31 AMOUNTS REMAINING AT THE END OF TWO THOUSAND TWENTY-FOUR MAY BE ALLO-
32 CATED IN SUBSEQUENT YEARS, NOTWITHSTANDING THE FIFTY PERCENT LIMITATION
33 ON ANY AMOUNTS OF TAX CREDITS NOT AWARDED IN TAXABLE YEARS TWO THOUSAND
34 ELEVEN THROUGH TWO THOUSAND TWENTY-FOUR. PROVIDED, HOWEVER, NO TAX CRED-
35 ITS MAY BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY
36 FIRST, TWO THOUSAND THIRTY.

37 S. 2. Subdivision 5 of section 354 of the economic development law, as
38 amended by section 2 of part C of chapter 68 of the laws of 2013, is
39 amended to read as follows:

40 5. A participant may claim tax benefits commencing in the first taxa-
41 ble year that the business enterprise receives a certificate of tax
42 credit or the first taxable year listed on its preliminary schedule of
43 benefits, whichever is later. A participant may claim such benefits for
44 the next nine consecutive taxable years, provided that the participant
45 demonstrates to the department that it continues to satisfy the eligi-
46 bility criteria specified in section three hundred fifty-three of this
47 article and subdivision two of this section in each of those taxable
48 years, AND PROVIDED THAT NO TAX CREDITS MAY BE ALLOWED FOR TAXABLE YEARS
49 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTY. If, in any
50 given year, a participant who has satisfied the eligibility criteria
51 specified in section three hundred fifty-three of this article realizes
52 job creation less than the estimated amount, the credit shall be reduced
53 by the proportion of actual job creation to the estimated amount,

provided the proportion is at least seventy-five percent of the jobs estimated.

S 3. Subdivision (b) of section 31 of the tax law, as added by section 7 of part G of chapter 61 of the laws of 2011, is amended to read as follows:

(b) To be eligible for the excelsior jobs program credit, the taxpayer shall have been issued a "certificate of tax credit" by the department of economic development pursuant to subdivision four of section three hundred fifty-four of the economic development law, which certificate shall set forth the amount of each credit component that may be claimed for the taxable year. A taxpayer may claim such credit for ten consecutive taxable years commencing in the first taxable year that the taxpayer receives a certificate of tax credit or the first taxable year listed on its preliminary schedule of benefits, whichever is later, PROVIDED THAT NO TAX CREDITS MAY BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTY. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year. Such certificate must be attached to the taxpayer's return. No cost or expense paid or incurred by the taxpayer shall be the basis for more than one component of this credit or any other tax credit, except as provided in section three hundred fifty-five of the economic development law.

S 4. This act shall take effect immediately.

PART P

Section 1. Subdivision (c) of section 24 of the tax law, as added by section 1 of part P of chapter 60 of the laws of 2004, is amended to read as follows:

(c) Cross-references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) article 9-A: section [210] 210-B: subdivision [36] 20.

(2) article 22: section 606: subsection (gg).

S 2. Subdivision (a) and paragraphs 2, 4, and 5 of subdivision (e) of section 38 of the tax law, as added by section 1 of part EE of chapter 59 of the laws of 2013, are amended to read as follows:

(a) A taxpayer that is an eligible employer or an owner of an eligible employer as defined in subdivision (b) of this section shall be eligible for a credit against the tax imposed under article nine, nine-A, twenty-two, [thirty-two] or thirty-three of this article, pursuant to the provisions referenced in subdivision (e) of this section.

(2) Article 9-A: Section [210] 210-B, subdivision [46] 40.

(4) [Article 32: Section 1456, subsection (z).

(5)] Article 33: Section 1511, subdivision (cc).

S 3. Paragraph (e) of subdivision 1 of section 209 of the tax law, as added by section 5 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(e) At the end of each year, the commissioner shall review the cumulative percentage change in the consumer price index. The commissioner shall adjust the receipt thresholds set forth in this subdivision if the consumer price index has changed by ten percent or more since January first, two thousand fifteen, or since the date that the thresholds were last adjusted under this subdivision. The thresholds shall be adjusted to reflect that cumulative percentage change in the consumer price index. The adjusted thresholds shall be rounded to the nearest one thousand dollars. As used in this paragraph, "consumer price index" means

1 the consumer price index for all urban consumers (CPI-U) available
2 [form] FROM the bureau of labor statistics of the United States depart-
3 ment of labor. Any adjustment shall apply to tax periods that begin
4 after the adjustment is made.

5 S 4. The opening paragraph of paragraph (a) of subdivision 5 of
6 section 210-A of the tax law, as amended by section 23 of part T of
7 chapter 59 of the laws of 2015, is amended to read as follows:

8 A financial instrument is a "nonqualified financial instrument" if it
9 is not a qualified financial instrument. A qualified financial instru-
10 ment means a financial instrument that is of a type described in any of
11 clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this
12 paragraph and that has been marked to market in the taxable year by the
13 taxpayer under section 475 or section 1256 of the internal revenue code.
14 Further, if the taxpayer has in the taxable year marked to market a
15 financial instrument of the type described in any of the clauses (A),
16 (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph,
17 then any financial instrument within that type described in the above
18 specified clause or clauses that has not been marked to market by the
19 taxpayer under section 475 or section 1256 of the internal revenue code
20 is a qualified financial instrument in the taxable year. Notwithstanding
21 the two preceding sentences, (i) a loan secured by real property shall
22 not be a qualified financial instrument, (ii) if the only loans that are
23 marked to market by the taxpayer under section 475 or section 1256 of
24 the internal revenue code are loans secured by real property, then no
25 loans shall be qualified financial instruments, [and] (iii) stock that
26 is investment capital as defined in paragraph (a) of subdivision five of
27 section two hundred eight of this article shall not be a qualified
28 financial instrument, AND (IV) STOCK THAT GENERATES OTHER EXEMPT INCOME
29 AS DEFINED IN SUBDIVISION SIX-A OF SECTION TWO HUNDRED EIGHT OF THIS
30 ARTICLE AND THAT IS NOT MARKED TO MARKET UNDER SECTION 475 OR SECTION
31 1256 OF THE INTERNAL REVENUE CODE SHALL NOT CONSTITUTE A QUALIFIED
32 FINANCIAL INSTRUMENT WITH RESPECT TO THE INCOME FROM THAT STOCK THAT IS
33 DESCRIBED IN SUCH SUBDIVISION SIX-A. If a corporation is included in a
34 combined report, the definition of qualified financial instrument shall
35 be determined on a combined basis.

36 S 5. Paragraph (c) of subdivision 7 of section 210-B of the tax law,
37 as added by section 17 of part A of chapter 59 of the laws of 2014, is
38 amended to read as follows:

39 (c) Average number of individuals employed full-time. For the purposes
40 of this subdivision, average number of individuals employed full-time
41 shall be computed by adding the number of such individuals employed by
42 the taxpayer at the end of each quarter during each taxable year or
43 other applicable period and dividing the sum so obtained by the number
44 of such quarters occurring within such taxable year or other applicable
45 period; provided however, except that in computing base year employment,
46 there shall be excluded therefrom any employee with respect to whom a
47 credit provided for under subdivision [six of this section is] NINETEEN
48 OF SECTION TWO HUNDRED TEN OF THIS ARTICLE, AS SUCH SUBDIVISION WAS IN
49 EFFECT ON DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN, WAS claimed for
50 the taxable year.

51 S 6. Paragraph (a) of subdivision 9 of section 210-B of the tax law,
52 as added by section 17 of part A of chapter 59 of the laws of 2014, is
53 amended to read as follows:

54 (a) Application of credit. A taxpayer shall be allowed a credit, to be
55 credited against the tax imposed by this article, equal to the amount of
56 the special additional mortgage recording tax paid by the taxpayer

1 pursuant to the provisions of subdivision one-a of section two hundred
2 fifty-three of this chapter [or] ON mortgages recorded. Provided, howev-
3 er, no credit shall be allowed with respect to a mortgage of real prop-
4 erty principally improved or to be improved by one or more structures
5 containing in the aggregate not more than six residential dwelling
6 units, each dwelling unit having its own separate cooking facilities,
7 where the real property is located in one or more of the counties
8 comprising the metropolitan commuter transportation area. Provided
9 further, however, no credit shall be allowed with respect to a mortgage
10 of real property principally improved or to be improved by one or more
11 structures containing in the aggregate not more than six residential
12 dwelling units, each dwelling unit having its own separate cooking
13 facilities, where the real property is located in the county of Erie.

14 S 7. Subdivision 45 of section 210-B of the tax law, as added by
15 section 17 of part A of chapter 59 of the laws of 2014, is amended to
16 read as follows:

17 45. Order of credits. [(a)] Credits allowable under this article which
18 cannot be carried over and which are not refundable shall be deducted
19 first. [The credit allowable under subdivision six of this section shall
20 be deducted immediately after the deduction of all credits allowable
21 under this article which cannot be carried over and which are not
22 refundable, whether or not a portion of such credit is refundable.]
23 Credits allowable under this article which can be carried over, and
24 carryovers of such credits, shall be deducted next [after the deduction
25 of the credit allowable under subdivision six of this section], and
26 among such credits, those whose carryover is of limited duration shall
27 be deducted before those whose carryover is of unlimited duration. Cred-
28 its allowable under this article which are refundable [(other than the
29 credit allowable under subdivision six of this section)] shall be
30 deducted last.

31 S 8. Paragraph (a) of subdivision 3 of section 210-C of the tax law,
32 as added by section 18 of part A of chapter 59 of the laws of 2014, is
33 amended to read as follows:

34 (a) Subject to the provisions of paragraph (c) of subdivision two of
35 this section, a taxpayer may elect to treat as its combined group all
36 corporations that meet the ownership requirements described in paragraph
37 (a) of subdivision two of this section (such corporations collectively
38 referred to in this subdivision as the "commonly owned group"). If that
39 election is made, the commonly owned group shall calculate the combined
40 business income, combined capital, and fixed dollar minimum bases of all
41 members of the group in accordance with [paragraph] SUBDIVISION four of
42 this [subdivision] SECTION, whether or not that business income or busi-
43 ness capital is from a single unitary business.

44 S 9. Paragraph I of subdivision 1 of section 11-604 of the administra-
45 tive code of the city of New York, as added by chapter 491 of the laws
46 of 2007, is amended to read as follows:

47 I. Notwithstanding any provision of this subdivision to the contrary,
48 for taxable years beginning on or after January first, two thousand
49 seven for any corporation that:

50 (a) has a business allocation percentage for the taxable year, as
51 determined under paragraph (a) of subdivision three of this section, of
52 one hundred percent;

53 (b) has no investment capital or income at any time during the taxable
54 year;

55 (c) has no subsidiary capital or income at any time during the taxable
56 year; and

(d) has gross income, as defined in section sixty-one of the internal revenue code, less than two hundred fifty thousand dollars for the taxable year:

the tax imposed by subdivision one of section 11-603 of this subchapter shall be the greater of the tax on entire net income computed under clause one of subparagraph (a) of paragraph E of this subdivision and the fixed dollar minimum tax specified in clause four of subparagraph (a) of paragraph E of this subdivision.

For purposes of this paragraph, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, any corporation for which an election under subsection (a) of section six hundred sixty of the tax law is not in effect for the taxable year may elect to treat as entire net income the sum of:

(i) entire net income as determined under section two hundred eight of the tax law; and

(ii) any deductions taken for the taxable year in computing federal taxable income for New York city taxes paid or accrued under this chapter.

S 10. Subdivision 2 of section 11-651 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

2. Each reference in THE TAX LAW OR this code to subchapters two or three of this chapter, or any of the provisions thereof, shall be deemed a reference also to this subchapter, and any of the applicable provisions thereof, where appropriate and with all necessary modifications.

S 11. Paragraph (a) of subdivision 4 of section 11-652 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

(a) The term "investment capital" means investments in stocks that:

(i) satisfy the definition of a capital asset under section 1221 of the internal revenue code at all times the taxpayer owned such stocks during the taxable year; (ii) are held by the taxpayer for investment for more than one year; (iii) the dispositions of which are, or would be, treated by the taxpayer as generating long-term capital gains or losses under the internal revenue code; (iv) for stocks acquired on or after January first, two thousand fifteen, at any time after the close of the day in which they are acquired, have never been held for sale to customers in the regular course of business; and (v) before the close of the day on which the stock was acquired, are clearly identified in the taxpayer's records as stock held for investment in the same manner as required under section 1236(a)(1) of the internal revenue code for the stock of a dealer in securities to be eligible for capital gain treatment (whether or not the taxpayer is a dealer of securities subject to section 1236), provided, however, that for stock acquired prior to October first, two thousand fifteen that was not subject to section 1236(a) of the internal revenue code, such identification in the taxpayer's records must occur before October first, two thousand fifteen. Stock in a corporation that is conducting a unitary business with the taxpayer, stock in a corporation that is included in a combined report with the taxpayer pursuant to the commonly owned group election in subdivision three of section 11-654.3 of this subchapter, and stock [used] ISSUED by the taxpayer shall not constitute investment capital. For purposes of this subdivision, if the taxpayer owns or controls, directly or indirectly, less than twenty percent of the voting power of the stock of a corporation,

1 that corporation will be presumed to be conducting a business that is
2 not unitary with the business of the taxpayer.

3 S 12. Subparagraph 2 of paragraph (a) of subdivision 18 of section
4 11-654 of the administrative code of the city of New York, as added by
5 section 1 of part D of chapter 60 of the laws of 2015, is amended to
6 read as follows:

7 (2) The amount determined in this subparagraph is the product of (i)
8 the excess of (A) the tax computed under clause (i) of subparagraph one
9 of paragraph (e) of subdivision one of this section, without allowance
10 of any credits allowed by this section, over (B) the tax so computed,
11 determined as if the corporation had no such distributive share or guar-
12 anteed payments with respect to the unincorporated business, and (ii) a
13 fraction, the numerator of which is four and the denominator of which is
14 eight and eighty-five one hundredths, [provided however,] EXCEPT THAT IN
15 THE CASE OF A FINANCIAL CORPORATION AS DEFINED IN CLAUSE (I) OF SUBPARA-
16 GRAPH ONE OF PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, SUCH
17 DENOMINATOR IS NINE, AND in the case of a taxpayer that is subject to
18 paragraph (j) or (k) of subdivision one of this section, such denomina-
19 tor shall be the rate of tax as determined by such paragraph (j) or (k)
20 for the taxable year; [and,] provided[, however,] that the amounts
21 computed in subclauses (A) and (B) of clause (i) of this subparagraph
22 shall be computed with the following modifications:

23 (A) such amounts shall be computed without taking into account any
24 carryforward or carryback by the partner of a net operating loss or a
25 prior net operation loss conversion subtraction;

26 (B) if, prior to taking into account any distributive share or guaran-
27 teed payments from any unincorporated business or any net operating loss
28 carryforward or carryback, the entire net income of the partner is less
29 than zero, such entire net income shall be treated as zero; and

30 (C) if such partner's net total distributive share of income, gain,
31 loss and deductions of, and guaranteed payments from, any unincorporated
32 business is less than zero, such net total shall be treated as zero. The
33 amount determined in this subparagraph shall not be less than zero.

34 S 13. Subparagraph 1 of paragraph (b) of subdivision 18 of section
35 11-654 of the administrative code of the city of New York, as added by
36 section 1 of part D of chapter 60 of the laws of 2015, is amended to
37 read as follows:

38 (1) Notwithstanding anything to the contrary in paragraph (a) of this
39 subdivision, in the case of a corporation that, before the application
40 of this subdivision or any other credit allowed by this section, is
41 liable for the tax on business income under clause (i) of subparagraph
42 one of paragraph (e) of subdivision one of this section, the credit or
43 the sum of the credits that may be taken by such corporation for a taxa-
44 ble year under this subdivision with respect to an unincorporated busi-
45 ness or unincorporated businesses in which it is a partner shall not
46 exceed the tax so computed, without allowance of any credits allowed by
47 this section, multiplied by a fraction the numerator of which is four
48 and the denominator of which is eight and eighty-five one-hundredths
49 [provided, however,] EXCEPT THAT IN THE CASE OF A FINANCIAL CORPORATION
50 AS DEFINED IN CLAUSE (I) OF SUBPARAGRAPH ONE OF PARAGRAPH (E) OF SUBDI-
51 VISION ONE OF THIS SECTION, SUCH DENOMINATOR IS NINE, AND in the case of
52 a taxpayer that is subject to paragraph (j) or (k) of subdivision one of
53 this section, such denominator shall be the rate of tax as determined by
54 such paragraph (j) or (k) for the taxable year. If the credit allowed
55 under this subdivision or the sum of such credits exceeds the product of
56 such tax and such fraction, the amount of the excess may be carried

forward, in order, to each of the seven immediately succeeding taxable years and, to the extent not previously taken, shall be allowed as a credit in each of such years. In applying the provisions of the preceding sentence, the credit determined for the taxable year under paragraph (a) of this subdivision shall be taken before taking any credit carryforward pursuant to this paragraph and the credit carryforward attributable to the earliest taxable year shall be taken before taking a credit carryforward attributable to a subsequent taxable year.

S 14. Subparagraph 8 of paragraph (a) of subdivision 21 of section 11-654 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning before January first, two thousand [sixteen] NINETEEN.

S 15. Paragraph (c) of subdivision 2 of section 11-654.2 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

(c) Receipts from sales of tangible personal property and electricity that are traded as commodities as the term "commodity" is defined in section four hundred seventy-five of the internal revenue code, shall be included in the receipts fraction in accordance with clause [(i)] (IX) of subparagraph two of paragraph (a) of subdivision five of this section.

S 16. The opening paragraph of paragraph (a) of subdivision 5 of section 11-654.2 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

A financial instrument is a "nonqualified financial instrument" if it is not a qualified financial instrument. A qualified financial instrument means a financial instrument that is of a type described in any of clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of this paragraph and that has been marked to market in the taxable year by the taxpayer under section 475 or section 1256 of the internal revenue code. Further, if the taxpayer has in the taxable year marked to market a financial instrument of the type described in any of clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of this paragraph, then any financial instrument within that type described in the above specified clause or clauses that has not been marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code is a qualified financial instrument in the taxable year. Notwithstanding the two preceding sentences, (i) a loan secured by real property shall not be a qualified financial instrument, (ii) if the only loans that are marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code are loans secured by real property, then no loans shall be qualified financial instruments, [and] (iii) stock that is investment capital as defined in paragraph (a) of subdivision [4] FOUR of section 11-652 of this subchapter shall not be a qualified financial instrument, AND (IV) STOCK THAT GENERATES OTHER EXEMPT INCOME AS DEFINED IN SUBDIVISION FIVE-A OF SECTION 11-652 OF THIS SUBCHAPTER AND THAT IS NOT MARKED TO MARKET UNDER SECTION 475 OR SECTION 1256 OF THE INTERNAL REVENUE CODE SHALL NOT CONSTITUTE A QUALIFIED FINANCIAL INSTRUMENT WITH RESPECT TO THE INCOME FROM THAT STOCK THAT IS DESCRIBED IN SUCH SUBDIVISION FIVE-A. If a corporation is included in a combined report, the definition of qualified financial instrument shall be determined on a combined basis.

1 S 17. This act shall take effect immediately; provided however that
2 sections one, two, three, four, five, six, seven and eight of this act
3 shall be deemed to have been in full force and effect on the same date
4 and in the same manner as part A of chapter 59 of the laws of 2014, took
5 effect, and sections nine, ten, eleven, twelve, thirteen, fourteen,
6 fifteen and sixteen of this act shall be deemed to have been in full
7 force and effect on the same date and in the same manner as part D of
8 chapter 60 of the laws of 2015, took effect.

9

PART Q

10 Section 1. Subdivision 5 of section 183-a of the tax law, as amended
11 by section 61 of part A of chapter 59 of the laws of 2014, is amended to
12 read as follows:

13 5. The report covering the tax surcharge which must be calculated
14 pursuant to this section based upon the tax reportable on the report due
15 by March fifteenth of any year under section one hundred eighty-three of
16 this article, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO
17 THOUSAND SIXTEEN, AND ON THE REPORT DUE BY APRIL FIFTEENTH OF ANY YEAR
18 UNDER SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE, FOR TAXABLE
19 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, shall
20 be filed on or before March fifteenth of the year next succeeding such
21 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND
22 SIXTEEN, AND ON OR BEFORE APRIL FIFTEENTH OF THE YEAR NEXT SUCCEEDING
23 SUCH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO
24 THOUSAND SIXTEEN. An extension pursuant to section one hundred ninety-
25 three of this article shall be allowed only if a taxpayer files with the
26 commissioner an application for extension in such form as said commis-
27 sioner may prescribe by regulation and pays on or before the date of
28 such filing in addition to any other amounts required under this arti-
29 cle, either ninety percent of the entire tax surcharge required to be
30 paid under this section for the applicable period, or not less than the
31 tax surcharge shown on the taxpayer's report for the preceding year, if
32 such preceding year consisted of twelve months. The tax surcharge
33 imposed by this section shall be payable to the commissioner in full at
34 the time the report is required to be filed, and such tax surcharge or
35 the balance thereof, imposed on any taxpayer which ceases to exercise
36 its franchise or be subject to the tax surcharge imposed by this section
37 shall be payable to the commissioner at the time the report is required
38 to be filed, provided such tax surcharge of a domestic corporation which
39 continues to possess its franchise shall be subject to adjustment as the
40 circumstances may require; all other tax surcharges of any such taxpay-
41 er, which pursuant to the foregoing provisions of this section would
42 otherwise be payable subsequent to the time such report is required to
43 be filed, shall nevertheless be payable at such time. All of the
44 provisions of this article presently applicable to section one hundred
45 eighty-three of this article are applicable to the tax surcharge imposed
46 by this section except for section one hundred ninety-two of this arti-
47 cle.

48 S 2. Subdivision 4 of section 186-a of the tax law, as amended by
49 chapter 536 of the laws of 1998, is amended to read as follows:

50 4. Every utility subject to tax hereunder shall file, on or before
51 March fifteenth of each year, a return for the year ended on the preced-
52 ing December thirty-first, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY
53 FIRST, TWO THOUSAND SIXTEEN, except that the year ended on December
54 thirty-first, nineteen hundred seventy-six shall be deemed, for the

1 purposes of this subdivision, to have commenced on June first, nineteen
2 hundred seventy-six, AND SHALL FILE, ON OR BEFORE APRIL FIFTEENTH OF
3 EACH YEAR, A RETURN FOR THE YEAR ENDED ON THE PRECEDING DECEMBER THIR-
4 TY-FIRST, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO
5 THOUSAND SIXTEEN, including any period for which the tax imposed hereby
6 or by any amendment hereof is effective, each of which returns shall
7 state the gross income or gross operating income for the period covered
8 by each such return. Returns shall be filed with the commissioner of
9 taxation and finance on a form to be furnished by the commissioner for
10 such purpose and shall contain such other data, information or matter as
11 the commissioner may require to be included therein. Notwithstanding the
12 foregoing provisions of this subdivision, the commissioner may require
13 any utility to file an annual return, which shall contain any data spec-
14 ified by the commissioner, regardless of whether the utility is subject
15 to tax under this section; and the commissioner may require a landlord
16 selling to a tenant gas, electric, steam, water or refrigeration or
17 furnishing gas, electric, steam, water or refrigerator service, where
18 the same has been subjected to tax under this section on the sale to
19 such landlord, to file, on or before the fifteenth day of March of each
20 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND
21 SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF APRIL OF EACH YEAR, FOR
22 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN,
23 an information return for the year ended on the preceding December thir-
24 ty-first, covering such year in such form and containing such data as
25 the commissioner may specify. Every return shall have annexed thereto a
26 certification by the head of the utility making the same, or of the
27 owner or of a co-partner thereof, or of a principal officer of the
28 corporation, if such business be conducted by a corporation, to the
29 effect that the statements contained therein are true.

30 S 3. Subdivision 6 of section 186-e of the tax law, as added by chap-
31 ter 2 of the laws of 1995, is amended to read as follows:

32 6. Returns. Every provider of telecommunication services subject to
33 tax under this section shall file, on or before March fifteenth of each
34 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND
35 SIXTEEN, AND ON OR BEFORE APRIL FIFTEENTH OF EACH YEAR, FOR TAXABLE
36 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, a
37 return for the year ended on the preceding December thirty-first, and
38 pay the tax due, which return shall state the gross receipts for the
39 period covered by each such return and the resale exclusions during such
40 period. Returns shall be filed with the commissioner on a form to be
41 furnished by the commissioner for such purpose and shall contain such
42 other data, information or matter as the commissioner may require to be
43 included therein. Notwithstanding the foregoing provisions of this
44 subdivision, the commissioner may require any provider of telecommuni-
45 cation services to file an annual return, which shall contain any data
46 specified by the commissioner, regardless of whether such provider is
47 subject to tax under this section. Every return shall have annexed ther-
48 eto a certification by the head of the provider of telecommunication
49 services making the same, or of the owner or of a partner or member
50 thereof, or of a principal officer of the corporation, if such business
51 be conducted by a corporation, to the effect that the statements
52 contained therein are true.

53 S 4. Subdivision 1 of section 192 of the tax law, as amended by chap-
54 ter 96 of the laws of 1976, is amended to read as follows:

55 1. Corporations paying franchise tax. Every corporation, association
56 or joint-stock company liable to pay a tax under section one hundred

1 eighty-three or one hundred eighty-five of this chapter shall, on or
2 before March fifteenth in each year, FOR TAXABLE YEARS BEGINNING BEFORE
3 JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE APRIL FIFTEENTH IN
4 EACH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO
5 THOUSAND SIXTEEN, make a written report to the [tax commission] COMMIS-
6 SIONER of its condition at the close of its business on the preceding
7 December thirty-first, stating the amount of its authorized capital
8 stock, the amount of stock paid in, the date and rate per centum of each
9 dividend paid by it during the year ending with such day, the entire
10 amount of the capital of such corporation, and the capital employed by
11 it in this state during such year.

12 S 5. Subdivision 1 of section 192 of the tax law, as amended by
13 section 26 of part S of chapter 59 of the laws of 2014, is amended to
14 read as follows:

15 1. Corporations paying franchise tax. Every corporation, association
16 or joint-stock company liable to pay a tax under section one hundred
17 eighty-three of this chapter shall, on or before March fifteenth in each
18 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND
19 SIXTEEN, AND ON OR BEFORE APRIL FIFTEENTH IN EACH YEAR, FOR TAXABLE
20 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, make a
21 written report to the [tax commission] COMMISSIONER of its condition at
22 the close of its business on the preceding December thirty-first, stat-
23 ing the amount of its authorized capital stock, the amount of stock paid
24 in, the date and rate per centum of each dividend paid by it during the
25 year ending with such day, the entire amount of the capital of such
26 corporation, and the capital employed by it in this state during such
27 year.

28 S 6. Subdivision 2 of section 192 of the tax law, as amended by chap-
29 ter 96 of the laws of 1976, is amended to read as follows:

30 2. Transportation and transmission corporations. Every transportation
31 or transmission corporation, joint-stock company or association liable
32 to pay an additional franchise tax under section one hundred eighty-four
33 of this chapter, shall also, on or before March fifteenth of each year,
34 make a written report to the [tax commission] COMMISSIONER of the amount
35 of its gross earnings subject to the tax imposed by said section for the
36 year ended on the preceding December thirty-first, FOR TAXABLE YEARS
37 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the
38 year ended on December thirty-first, nineteen hundred seventy-six shall
39 be deemed, for the purposes of this subdivision, to have commenced on
40 July first, nineteen hundred seventy-six, AND SHALL ALSO, ON OR BEFORE
41 APRIL FIFTEENTH OF EACH YEAR, MAKE A WRITTEN REPORT TO THE COMMISSIONER
42 OF THE AMOUNT OF ITS GROSS EARNINGS SUBJECT TO THE TAX IMPOSED BY SAID
43 SECTION FOR THE YEAR ENDED ON THE PRECEDING DECEMBER THIRTY-FIRST, FOR
44 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.
45 Any such corporation, joint-stock company or association which ceases to
46 be subject to the tax imposed by section one hundred eighty-four of this
47 chapter by reason of a liquidation, dissolution, merger or consolidation
48 with any other corporation, or any other cause, shall, on the date of
49 such cessation or at such other time as the [tax commission] COMMISSION-
50 ER may require, make a written report to the [tax commission] COMMIS-
51 SIONER of the amount of its gross earnings subject to the tax imposed by
52 section one hundred eighty-four of this chapter for any period for which
53 no report was theretofore filed. Any corporation, joint-stock company or
54 association subject to a tax upon dividends under said section one
55 hundred eighty-four of this chapter shall also include in its report
56 under this subdivision required to be filed a statement of the author-

1 ized capital of the company, the amount of capital stock issued, and the
2 amount of dividends of every nature paid during the year ended on the
3 preceding December thirty-first. As to tax payers subject to such tax
4 upon dividends under said section one hundred eighty-four of this chap-
5 ter, the year ended on December thirty-first, nineteen hundred seventy-
6 six shall be deemed, for the purposes of this subdivision, to have
7 commenced on July first, nineteen hundred seventy-six.

8 S 7. Paragraph (a) of subdivision 1 of section 197-b of the tax law,
9 as amended by section 1 of part G-1 of chapter 57 of the laws of 2009,
10 is amended to read as follows:

11 (a) For taxable years beginning on or after January first, nineteen
12 hundred seventy-seven, every taxpayer subject to tax under section one
13 hundred eighty-two, one hundred eighty-two-a, former section one hundred
14 eighty-two-b, one hundred eighty-four, one hundred eighty-six-a or one
15 hundred eighty-six-e of this article, must pay in each year an amount
16 equal to (i) twenty-five percent of the tax imposed under each of such
17 sections for the preceding taxable year if the preceding year's tax
18 exceeded one thousand dollars but was equal to or less than one hundred
19 thousand dollars, or (ii) forty percent of the tax imposed under any of
20 these sections for the preceding taxable year if the preceding year's
21 tax exceeded one hundred thousand dollars. If the preceding year's tax
22 under section one hundred eighty-four, one hundred eighty-six-a or one
23 hundred eighty-six-e of this article exceeded one thousand dollars and
24 the taxpayer is subject to the tax surcharge imposed by section one
25 hundred eighty-four-a or one hundred eighty-six-c of this article,
26 respectively, the taxpayer must also pay in each such year an amount
27 equal to (i) twenty-five percent of the tax surcharge imposed under such
28 section for the preceding taxable year if the preceding year's tax
29 exceeded one thousand dollars but was equal to or less than one hundred
30 thousand dollars, or (ii) forty percent of the tax surcharge imposed
31 under that section for the preceding taxable year if the preceding
32 year's tax exceeded one hundred thousand dollars. The amount or amounts
33 must be paid with the return or report required to be filed with respect
34 to the tax or tax surcharge for the preceding taxable year or with an
35 application for extension of the time for filing the return or report,
36 FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN,
37 AND MUST BE PAID ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH
38 FOLLOWING THE CLOSE OF THE TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON
39 OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

40 S 8. Paragraph (a) of subdivision 1 of section 209 of the tax law, as
41 amended by section 5 of part A of chapter 59 of the laws of 2014, is
42 amended to read as follows:

43 (a) For the privilege of exercising its corporate franchise, or of
44 doing business, or of employing capital, or of owning or leasing proper-
45 ty in this state in a corporate or organized capacity, or of maintaining
46 an office in this state, or of deriving receipts from activity in this
47 state, for all or any part of each of its fiscal or calendar years,
48 every domestic or foreign corporation, except corporations specified in
49 subdivision four of this section, shall annually pay a franchise tax,
50 upon the basis of its business income base, or upon such other basis as
51 may be applicable as hereinafter provided, for such fiscal or calendar
52 year or part thereof, on a report which shall be filed, except as here-
53 inafter provided, on or before the fifteenth day of March next succeed-
54 ing the close of each such year, FOR TAXABLE YEARS BEGINNING BEFORE
55 JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY
56 OF APRIL NEXT SUCCEEDING THE CLOSE OF EACH SUCH YEAR, FOR TAXABLE YEARS

1 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, or, in the
2 case of a corporation which reports on the basis of a fiscal year, with-
3 in two and one-half months after the close of such fiscal year, FOR
4 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND
5 ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF
6 SUCH FISCAL YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,
7 TWO THOUSAND SIXTEEN, and shall be paid as hereinafter provided.

8 S 9. Subdivision 1 of section 211 of the tax law, as amended by chap-
9 ter 436 of the laws of 1974, the opening paragraph as amended by chapter
10 190 of the laws of 1990 and the second undesignated paragraph as amended
11 by chapter 542 of the laws of 1985, is amended to read as follows:

12 1. Every taxpayer[, as well as every foreign corporation having an
13 employee, including any officer, within the state,] shall annually on or
14 before March fifteenth, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY
15 FIRST, TWO THOUSAND SIXTEEN, AND ANNUALLY ON OR BEFORE APRIL FIFTEENTH,
16 FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND
17 SIXTEEN, transmit to the [tax commission] COMMISSIONER a report in a
18 form prescribed by [it] THE COMMISSIONER (except that a corporation
19 which reports on the basis of a fiscal year shall transmit its report
20 within two and one-half months after the close of its fiscal year, FOR
21 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND
22 ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF
23 ITS FISCAL YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,
24 TWO THOUSAND SIXTEEN, and except, also, that a corporation which is a
25 DISC shall transmit its report on or before the fifteenth day of the
26 ninth month following the close of its calendar or fiscal year), setting
27 forth such information as the [tax commission] COMMISSIONER may
28 prescribe and every taxpayer which ceases to exercise its franchise or
29 to be subject to the tax imposed by this article shall transmit to the
30 [tax commission] COMMISSIONER a report on the date of such cessation or
31 at such other time as the [tax commission] COMMISSIONER may require
32 covering each year or period for which no report was theretofore filed.
33 In the case of a termination year of an S corporation, the S short year
34 and the C short year shall be treated as separate short taxable years,
35 provided, however, the due date of the report for the S short year shall
36 be the same as the due date of the report for the C short year. Every
37 taxpayer shall also transmit such other reports and such facts and
38 information as the [tax commission] COMMISSIONER may require in the
39 administration of this article. The [tax commission] COMMISSIONER may
40 grant a reasonable extension of time for filing reports whenever good
41 cause exists.

42 An automatic extension of six months for the filing of its annual
43 report shall be allowed any taxpayer if, within the time prescribed by
44 the preceding paragraph, such taxpayer files with the [tax commission]
45 COMMISSIONER an application for extension in such form as [said commis-
46 sion] THE COMMISSIONER may prescribe by regulation and pays on or before
47 the date of such filing the amount properly estimated as its tax.

48 S 10. Subdivision (a) of section 213-b of the tax law, as amended by
49 section 2 of part G-1 of chapter 57 of the laws of 2009, is amended to
50 read as follows:

51 (a) First installments for certain taxpayers.--In privilege periods of
52 twelve months ending at any time during the calendar year nineteen
53 hundred seventy and thereafter, every taxpayer subject to the tax
54 imposed by section two hundred nine of this chapter must pay with the
55 report required to be filed for the preceding privilege period, or with
56 an application for extension of the time for filing the report, FOR

1 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND
2 MUST PAY ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF SUCH PRIV-
3 ILEGE PERIODS, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,
4 TWO THOUSAND SIXTEEN, an amount equal to (i) twenty-five percent of the
5 preceding year's tax if the preceding year's tax exceeded one thousand
6 dollars but was equal to or less than one hundred thousand dollars, or
7 (ii) forty percent of the preceding year's tax if the preceding year's
8 tax exceeded one hundred thousand dollars. If the preceding year's tax
9 under section two hundred nine of this chapter exceeded one thousand
10 dollars and the taxpayer is subject to the tax surcharge imposed by
11 section two hundred nine-B of this chapter, the taxpayer must also pay
12 with the tax surcharge report required to be filed for the preceding
13 privilege period, or with an application for extension of the time for
14 filing the report, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO
15 THOUSAND SIXTEEN, AND MUST PAY ON OR BEFORE THE FIFTEENTH DAY OF THE
16 THIRD MONTH OF SUCH PRIVILEGE PERIODS, FOR TAXABLE YEARS BEGINNING ON OR
17 AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, an amount equal to (i) twen-
18 ty-five percent of the tax surcharge imposed for the preceding year if
19 the preceding year's tax was equal to or less than one hundred thousand
20 dollars, or (ii) forty percent of the tax surcharge imposed for the
21 preceding year if the preceding year's tax exceeded one hundred thousand
22 dollars.

23 S 11. Subdivision (f) of section 213-b of the tax law, as amended by
24 chapter 613 of the laws of 1976, is amended to read as follows:

25 (f) The preceding year's tax defined.-- As used in this section, "the
26 preceding year's tax" means the tax imposed upon the taxpayer by section
27 two hundred nine of this chapter for the preceding calendar or fiscal
28 year, or, for purposes of computing the first installment of estimated
29 tax when EITHER THE MANDATORY FIRST INSTALLMENT IS PAID PURSUANT TO
30 SUBDIVISION (A) OF THIS SECTION OR an application has been filed for
31 extension of the time for filing the report required to be filed for
32 such preceding calendar or fiscal year, the amount properly estimated
33 pursuant to section two hundred thirteen of this chapter as the tax
34 imposed upon the taxpayer for such calendar or fiscal year.

35 S 12. Paragraph 1 of subsection (c) of section 658 of the tax law, as
36 amended by chapter 760 of the laws of 1992, is amended to read as
37 follows:

38 (1) Partnerships. Every partnership having a resident partner or
39 having any income derived from New York sources, determined in accord-
40 ance with the applicable rules of section six hundred thirty-one as in
41 the case of a nonresident individual, shall make a return for the taxa-
42 ble year setting forth all items of income, gain, loss and deduction and
43 such other pertinent information as the commissioner may by regulations
44 and instructions prescribe. Such return shall be filed on or before the
45 fifteenth day of the fourth month following the close of each taxable
46 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND
47 SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING
48 THE CLOSE OF EACH TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER
49 JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the due date for the
50 return of a partnership consisting entirely of nonresident aliens shall
51 be the date prescribed for the filing of its federal partnership return
52 for the taxable year. For purposes of this paragraph, "taxable year"
53 means a year or a period which would be a taxable year of the partner-
54 ship if it were subject to tax under this article.

1 S 13. Subparagraph (A) of paragraph 3 of subsection (c) of section 658
2 of the tax law, as amended by section 18 of part U of chapter 61 of the
3 laws of 2011, is amended to read as follows:

4 (A) Every subchapter K limited liability company, every limited
5 liability company that is a disregarded entity for federal income tax
6 purposes, and every partnership which has any income derived from New
7 York sources, determined in accordance with the applicable rules of
8 section six hundred thirty-one of this article as in the case of a
9 nonresident individual, shall[, within sixty days after the last day of
10 the taxable year,] ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH
11 FOLLOWING THE CLOSE OF EACH TAXABLE YEAR make a payment of a filing fee.
12 The amount of the filing fee is the amount set forth in subparagraph (B)
13 of this paragraph. The minimum filing fee is twenty-five dollars for
14 taxable years beginning in two thousand eight and thereafter. Limited
15 liability companies that are disregarded entities for federal income tax
16 purposes must pay a filing fee of twenty-five dollars for taxable years
17 beginning on or after January first, two thousand eight.

18 S 14. Subsection (i) of section 1087 of the tax law, as added by chap-
19 ter 188 of the laws of 1964, is amended to read as follows:

20 (i) Prepaid tax.--For purposes of this section, any tax paid by the
21 taxpayer before the last day prescribed for its payment (including any
22 amount paid by the taxpayer as estimated tax for a taxable year) shall
23 be deemed to have been paid by it on the fifteenth day of the third
24 month following the close of the taxable year the income of which is the
25 basis for tax under article nine-a, [nine-b or nine-c,] or on the last
26 day prescribed in article nine for the filing of a final return for such
27 taxable year, or portion thereof, determined in all cases without regard
28 to any extension of time granted the taxpayer, FOR TAXABLE YEARS BEGIN-
29 NING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON THE FIFTEENTH
30 DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF THE TAXABLE YEAR THE
31 INCOME OF WHICH IS THE BASIS FOR TAX UNDER ARTICLE NINE-A, OR ON THE
32 LAST DAY PRESCRIBED IN ARTICLE NINE FOR THE FILING OF A FINAL RETURN FOR
33 SUCH TAXABLE YEAR, OR PORTION THEREOF, DETERMINED IN ALL CASES WITHOUT
34 REGARD TO ANY EXTENSION OF TIME GRANTED THE TAXPAYER, FOR TAXABLE YEARS
35 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

36 S 15. Paragraph 3 of subdivision (a) of section 1514 of the tax law,
37 as amended by section 89 of part A of chapter 389 of the laws of 1997,
38 is amended to read as follows:

39 (3) Such amount or amounts described in paragraphs one and two of this
40 subdivision shall be paid with the return required to be filed with
41 respect to such tax or tax surcharge for such preceding taxable year or
42 with an application for extension of the time for filing such return,
43 FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN,
44 AND SHALL BE PAID ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF
45 EACH TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY
46 FIRST, TWO THOUSAND SIXTEEN.

47 S 16. Subdivision (f) of section 1514 of the tax law, as amended by
48 section 26 of part H3 of chapter 62 of the laws of 2003, is amended to
49 read as follows:

50 (f) The preceding year's tax defined. As used in this section, "the
51 preceding year's tax" means, for taxpayers subject to tax under subdivi-
52 sion (b) of section fifteen hundred ten of this article, the taxes
53 imposed upon the taxpayer by sections fifteen hundred one and fifteen
54 hundred ten of this article from the preceding taxable year or as other-
55 wise determined by subdivision (b) of section fifteen hundred five of
56 this article, and for taxpayers subject to tax under section fifteen

1 hundred two-a of this article, the tax imposed upon the taxpayer by such
2 section fifteen hundred two-a of this article from the preceding year,
3 or for purposes of computing the first installment of estimated tax when
4 EITHER THE MANDATORY FIRST INSTALLMENT IS PAID PURSUANT TO SUBDIVISION
5 (A) OF THIS SECTION OR an application has been filed for extension of
6 the time for filing the return required to be filed for such preceding
7 taxable year, the amount properly estimated pursuant to paragraph one of
8 subdivision (b) of section fifteen hundred sixteen of this article as
9 the tax imposed upon the taxpayer for such taxable year.

10 S 17. Subdivision (a) of section 1515 of the tax law, as added by
11 section 649 of the laws of 1974 and as further amended by section 104 of
12 part A of chapter 62 of the laws of 2011, is amended to read as follows:

13 (a) Every taxpayer and every other foreign and alien insurance corpo-
14 ration having an employee, including any officer, in this state or
15 having an agent or representative in this state, shall annually, on or
16 before the fifteenth day of the third month following the close of its
17 taxable year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO
18 THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH
19 FOLLOWING THE CLOSE OF ITS TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON
20 OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, transmit to the [tax
21 commission] COMMISSIONER a return in a form prescribed by [it] THE
22 COMMISSIONER setting forth such information as the [tax commission]
23 COMMISSIONER may prescribe and every taxpayer which ceases to exercise
24 its franchise or to be subject to the tax imposed by this article shall
25 transmit to the [tax commission] COMMISSIONER a return on the date of
26 such cessation or at such other time as the [tax commission] COMMISSION-
27 ER may require covering each year or period for which no return was
28 theretofore filed. A copy of each return required under this subdivision
29 shall also be transmitted to the superintendent of financial services at
30 or before the times specified for filing such returns with the [tax
31 commission] COMMISSIONER.

32 S 18. Subdivisions (a) and (b) of section 11-514 of the administrative
33 code of the city of New York, subdivision (a) as amended by chapter 183
34 of the laws of 2009, are amended to read as follows:

35 (a) General. [On or before the fifteenth day of the fourth month
36 following the close of a taxable year, an] AN unincorporated business
37 income tax return shall be made and filed, and the balance of any tax
38 shown on the face of such return, not previously paid as installments of
39 estimated tax, shall be paid, ON OR BEFORE THE FIFTEENTH DAY OF THE
40 FOURTH MONTH FOLLOWING THE CLOSE OF A TAXABLE YEAR FOR TAXABLE YEARS
41 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE
42 THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF A TAXABLE
43 YEAR FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND
44 SIXTEEN:

45 (1) by or for every unincorporated business, for taxable years begin-
46 ning after nineteen hundred eighty-six but before nineteen hundred nine-
47 ty-seven, having unincorporated business gross income, determined for
48 purposes of this subdivision without any deduction for the cost of goods
49 sold or services performed, of more than ten thousand dollars, or having
50 any amount of unincorporated business taxable income;

51 (2) by or for every partnership, for taxable years beginning after
52 nineteen hundred ninety-six but before two thousand nine, having unin-
53 corporated business gross income, determined for purposes of this subdivi-
54 sion without any deduction for the cost of goods sold or services
55 performed, of more than twenty-five thousand dollars, or having unincor-
56 porated business taxable income of more than fifteen thousand dollars;

(3) by or for every unincorporated business other than a partnership, for taxable years beginning after nineteen hundred ninety-six but before two thousand nine, having unincorporated business gross income, determined for purposes of this subdivision without any deduction for the cost of goods sold or services performed, of more than seventy-five thousand dollars, or having unincorporated business taxable income of more than thirty-five thousand dollars; and

(4) by or for every unincorporated business, for taxable years beginning after two thousand eight, having unincorporated business gross income, determined for purposes of this subdivision without any deduction for the cost of goods sold or services performed, of more than ninety-five thousand dollars.

(b) Decedents. The return for any deceased individual shall be made and filed by his or her executor, administrator, or other person charged with his or her property. If a final return of a decedent is for a fractional part of a year, the due date of such return shall be, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, the fifteenth day of the fourth month following the close of the twelve-month period [which] THAT began with the first day of such fractional part of the year, AND, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF THE TWELVE-MONTH PERIOD THAT BEGAN WITH THE FIRST DAY OF SUCH FRACTIONAL PART OF THE YEAR.

S 19. Subdivision (i) of section 11-527 of the administrative code of the city of New York is amended to read as follows:

(i) Prepaid tax. For purposes of this section, any tax paid by the taxpayer before the last day prescribed for its payment and any amount paid by the taxpayer as estimated tax for a taxable year shall be deemed to have been paid by the taxpayer, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, on the fifteenth day of the fourth month following the close of his or her taxable year with respect to which such amount constitutes a credit or payment, AND, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, ON THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF HIS OR HER TAXABLE YEAR WITH RESPECT TO WHICH SUCH AMOUNT CONSTITUTES A CREDIT OR PAYMENT.

S 20. Paragraph (a) of subdivision 1 of section 11-653 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

(a) For the privilege of doing business, or of employing capital, or of owning or leasing property in the city in a corporate or organized capacity, or of maintaining an office in the city, for all or any part of each of its fiscal or calendar years, every domestic or foreign corporation, except corporations specified in subdivision four of this section, shall annually pay a tax, upon the basis of its business income, or upon such other basis as may be applicable as hereinafter provided, for such fiscal or calendar year or part thereof, on a report [which] THAT shall be filed, except as hereinafter provided, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, on or before the fifteenth day of March next succeeding the close of each such CALENDAR year, or, in the case of a taxpayer [which] THAT reports on the basis of a fiscal year, within two and one-half months after the close of EACH such fiscal year, AND FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, ON OR BEFORE THE FIFTEENTH DAY OF APRIL NEXT SUCCEEDING THE CLOSE OF EACH SUCH CALENDAR YEAR, OR, IN THE CASE OF A TAXPAYER THAT REPORTS ON THE BASIS OF A FISCAL YEAR, WITHIN

1 THREE AND ONE-HALF MONTHS AFTER THE CLOSE OF EACH SUCH FISCAL YEAR, and
2 shall be paid as hereinafter provided.

3 S 21. Subdivision 1 of section 11-655 of the administrative code of
4 the city of New York, as added by section 1 of part D of chapter 60 of
5 the laws of 2015, is amended to read as follows:

6 1. Every corporation having an officer, agent or representative within
7 the city, shall, annually on or before March fifteenth FOR TAXABLE YEARS
8 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ANNUALLY ON OR
9 BEFORE APRIL FIFTEENTH FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY
10 FIRST, TWO THOUSAND SIXTEEN, transmit to the commissioner of finance a
11 report, in a form prescribed by the commissioner of finance [(except
12 that a corporation which reports on the basis of a fiscal year shall
13 transmit its report within two and one-half months after the close of
14 its fiscal year)], setting forth such information as the commissioner of
15 finance may prescribe, [and every] EXCEPT THAT A CORPORATION THAT
16 REPORTS ON THE BASIS OF A FISCAL YEAR SHALL TRANSMIT SUCH REPORT, FOR
17 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN,
18 WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR, AND,
19 FOR TAXABLE YEARS BEGINNING AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN,
20 WITHIN THREE AND ONE-HALF MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR.
21 EVERY taxpayer [which] THAT ceases to do business in the city or to be
22 subject to the tax imposed by this subchapter shall transmit to the
23 commissioner of finance a report on the date of such cessation or at
24 such other time as the commissioner of finance may require covering each
25 year or period for which no report was theretofore filed. Every taxpayer
26 shall also transmit such other reports and such facts and information as
27 the commissioner of finance may require in the administration of this
28 subchapter. The commissioner of finance may grant a reasonable extension
29 of time for filing reports whenever good cause exists.

30 An automatic extension of six months for the filing of its annual
31 report shall be allowed any taxpayer if, within the time prescribed by
32 the preceding paragraph, whichever is applicable, such taxpayer files
33 with the commissioner of finance an application for extension in such
34 form as the commissioner of finance may prescribe by regulation and pays
35 on or before the date of such filing the amount properly estimated as
36 its tax.

37 S 22. Subdivision 1 of section 11-658 of the administrative code of
38 the city of New York, as added by section 1 of part D of chapter 60 of
39 the laws of 2015, is amended to read as follows:

40 1. [Every] FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOU-
41 SAND SIXTEEN, EVERY taxpayer subject to the tax imposed by section
42 11-653 of this subchapter shall pay with the report required to be filed
43 for the preceding privilege period, if any, or with an application for
44 extension of the time and filing such report, an amount equal to twenty-
45 five per centum of the preceding year's tax if such preceding year's
46 tax exceeded one thousand dollars. FOR TAXABLE YEARS BEGINNING ON OR
47 AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, SUCH AMOUNT SHALL BE PAID ON
48 OR BEFORE THE FIFTEENTH DAY OF MARCH NEXT SUCCEEDING THE CLOSE OF EACH
49 SUCH CALENDAR YEAR, OR, IN THE CASE OF A TAXPAYER THAT REPORTS ON THE
50 BASIS OF A FISCAL YEAR, WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE
51 OF EACH SUCH FISCAL YEAR.

52 S 23. Subdivision 6 of section 11-658 of the administrative code of
53 the city of New York, as added by section 1 of part D of chapter 60 of
54 the laws of 2015, is amended to read as follows:

55 6. As used in this section, "the preceding year's tax" means the tax
56 imposed upon the taxpayer by section 11-653 of this subchapter for the

preceding calendar or fiscal year, or, for purposes of computing the first installment of estimated tax when EITHER THE MANDATORY FIRST INSTALLMENT IS PAID PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR an application has been filed for extension of the time for filing the report required to be filed for such preceding calendar or fiscal year, the amount properly estimated pursuant to section 11-657 of this subchapter as the tax imposed upon the taxpayer for such calendar or fiscal year.

S 24. This act shall take effect immediately provided, however, that section five of this act shall take effect on the same date and in the same manner as section 26 of part S of chapter 59 of the laws of 2014, takes effect, and that section five of this act shall apply to taxable years beginning on or after January 1, 2018 and that section thirteen of this act shall apply to taxable years beginning on or after January 1, 2016.

PART R

Section 1. Subparagraph (iv) of paragraph (a) of subdivision 1 of section 210 of the tax law, as amended by section 12 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(iv) (A) for taxable years beginning before January first, two thousand sixteen, if the business income base is not more than two hundred ninety thousand dollars the amount shall be six and one-half percent of the business income base; if the business income base is more than two hundred ninety thousand dollars but not over three hundred ninety thousand dollars the amount shall be the sum of (1) eighteen thousand eight hundred fifty dollars, (2) seven and one-tenth percent of the excess of the business income base over two hundred ninety thousand dollars but not over three hundred ninety thousand dollars and (3) four and thirty-five hundredths percent of the excess of the business income base over three hundred fifty thousand dollars but not over three hundred ninety thousand dollars;

(B) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, IF THE BUSINESS INCOME BASE IS NOT MORE THAN TWO HUNDRED NINETY THOUSAND DOLLARS THE AMOUNT SHALL BE FOUR PERCENT OF THE BUSINESS INCOME BASE; IF THE BUSINESS INCOME BASE IS MORE THAN TWO HUNDRED NINETY THOUSAND DOLLARS BUT NOT OVER THREE HUNDRED NINETY THOUSAND DOLLARS THE AMOUNT SHALL BE THE SUM OF (1) ELEVEN THOUSAND SIX HUNDRED DOLLARS, (2) SIX AND ONE-HALF PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER TWO HUNDRED NINETY THOUSAND DOLLARS BUT NOT OVER THREE HUNDRED NINETY THOUSAND DOLLARS AND (3) EIGHTEEN AND THIRTEEN HUNDREDTHS PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER THREE HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER THREE HUNDRED NINETY THOUSAND DOLLARS;

S 2. Paragraph 39 of subsection (c) of section 612 of the tax law, as added by section 1 of part Y of chapter 59 of the laws of 2013, is amended to read as follows:

(39) (A) In the case of a taxpayer who is a small business OR A TAXPAYER WHO IS A MEMBER, PARTNER, OR SHAREHOLDER OF A LIMITED LIABILITY COMPANY, PARTNERSHIP, OR NEW YORK S CORPORATION, RESPECTIVELY, THAT IS A SMALL BUSINESS, who OR WHICH has business income and/or farm income as defined in the laws of the United States, an amount equal to [three] FIFTEEN percent of the net items of income, gain, loss and deduction attributable to such business or farm entering into federal adjusted gross income, but not less than zero[, for taxable years beginning after two thousand thirteen, an amount equal to three and three-quarters

1 percent of the net items of income, gain, loss and deduction attribut-
2 able to such business or farm entering into federal adjusted gross
3 income, but not less than zero, for taxable years beginning after two
4 thousand fourteen, and an amount equal to five percent of the net items
5 of income, gain, loss and deduction attributable to such business or
6 farm entering into federal adjusted gross income, but not less than
7 zero, for taxable years beginning after two thousand fifteen].

8 (B) (I) For the purposes of this paragraph, the term small business
9 shall mean: (I) a sole proprietor [or a farm business] who employs one
10 or more persons during the taxable year and who has net business income
11 or net farm income of less than two hundred fifty thousand dollars; OR
12 (II) A LIMITED LIABILITY COMPANY, PARTNERSHIP OR NEW YORK S CORPORATION
13 THAT DURING THE TAXABLE YEAR EMPLOYS ONE OR MORE PERSONS AND HAS NEW
14 YORK GROSS BUSINESS INCOME ATTRIBUTABLE TO A NON-FARM BUSINESS THAT IS
15 GREATER THAN ZERO BUT LESS THAN ONE MILLION FIVE HUNDRED THOUSAND
16 DOLLARS OR NET FARM INCOME ATTRIBUTABLE TO A FARM BUSINESS THAT IS
17 GREATER THAN ZERO BUT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS.

18 (II) FOR PURPOSES OF THIS PARAGRAPH, THE TERM NEW YORK GROSS BUSINESS
19 INCOME SHALL MEAN: (I) IN THE CASE OF A LIMITED LIABILITY COMPANY OR A
20 PARTNERSHIP NEW YORK SOURCE GROSS INCOME AS DEFINED IN SUBPARAGRAPH (B)
21 OF PARAGRAPH THREE OF SUBSECTION (C) OF SECTION SIX HUNDRED FIFTY-EIGHT
22 OF THIS ARTICLE, AND, (II) IN THE CASE OF A NEW YORK S CORPORATION, NEW
23 YORK RECEIPTS INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FACTOR
24 DETERMINED UNDER SECTION TWO HUNDRED TEN-A OF THIS CHAPTER FOR THE TAXA-
25 BLE YEAR.

26 (C) TO QUALIFY FOR THIS MODIFICATION IN RELATION TO A SMALL BUSINESS
27 THAT IS A LIMITED LIABILITY COMPANY, PARTNERSHIP OR NEW YORK S CORPO-
28 RATION, THE TAXPAYER'S INCOME ATTRIBUTABLE TO THE NET BUSINESS INCOME
29 AND/OR NET FARM INCOME FROM ITS OWNERSHIP INTERESTS IN LIMITED LIABILITY
30 COMPANIES, PARTNERSHIPS OR NEW YORK S CORPORATIONS MUST BE LESS THAN TWO
31 HUNDRED FIFTY THOUSAND DOLLARS.

32 S 3. This act shall take effect immediately and shall apply to taxable
33 years beginning on or after January 1, 2017.

34 PART S

35 Section 1. This act shall be known and may be cited as the "parental
36 choice in education act".

37 S 2. The education law is amended by adding a new article 25 to read
38 as follows:

39 ARTICLE 25

40 EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT

41 SECTION 1209. SHORT TITLE.

42 1210. DEFINITIONS.

43 1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

44 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF
45 RECEIPT.

46 1213. APPLICATION APPROVAL FOR CERTIFICATES OF RECEIPT.

47 1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

48 1215. REPORTING AND RECORDKEEPING.

49 1216. JOINT ANNUAL REPORT.

50 1217. COMMISSIONER; POWERS.

51 S 1209. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
52 THE "EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT".

53 S 1210. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING
54 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1 1. "AUTHORIZED CONTRIBUTION" MEANS THE CONTRIBUTION AMOUNT THAT IS
2 LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO A TAXPAY-
3 ER.

4 2. "CONTRIBUTION" MEANS A DONATION PAID BY CASH, CHECK, ELECTRONIC
5 FUNDS TRANSFER, DEBIT CARD OR CREDIT CARD THAT IS MADE BY A TAXPAYER
6 DURING THE TAXABLE YEAR.

7 3. "EDUCATIONAL PROGRAM" MEANS AN ACADEMIC OR SIMILAR PROGRAM OF A
8 PUBLIC SCHOOL THAT ENHANCES THE CURRICULUM OR ACADEMIC PROGRAM OF THE
9 PUBLIC SCHOOL, OR PROVIDES A PRE-KINDERGARTEN PROGRAM TO A PUBLIC
10 SCHOOL. FOR PURPOSES OF THIS DEFINITION, THE INSTRUCTION, MATERIALS,
11 PROGRAMS AND OTHER ACTIVITIES OFFERED BY OR THROUGH AN EDUCATIONAL
12 PROGRAM MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING FEATURES: (A)
13 INSTRUCTION OR MATERIALS PROMOTING HEALTH, PHYSICAL EDUCATION, AND FAMI-
14 LY AND CONSUMER SCIENCES; LITERARY, PERFORMING AND VISUAL ARTS; MATH-
15 EMATICS, SOCIAL STUDIES, TECHNOLOGY AND SCIENTIFIC ACHIEVEMENT; (B)
16 INSTRUCTION OR PROGRAMMING TO MEET THE EDUCATION NEEDS OF AT-RISK
17 STUDENTS OR STUDENTS WITH DISABILITIES, INCLUDING TUTORING OR COUN-
18 SELING; OR (C) THE USE OF SPECIALIZED INSTRUCTIONAL MATERIALS, INSTRU-
19 TORS OR INSTRUCTION NOT PROVIDED BY A PUBLIC SCHOOL.

20 4. "EDUCATIONAL SCHOLARSHIP ORGANIZATION" MEANS AN ENTITY THAT:

21 (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF
22 SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) USES AT LEAST
23 NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALEN-
24 DAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH
25 YEAR FOR SCHOLARSHIPS; (C) PROVIDES MORE THAN FIFTY PERCENT OF ITS SCHO-
26 LARSHIPS DURING A CALENDAR YEAR TO ELIGIBLE PUPILS WHO RESIDE IN A
27 HOUSEHOLD THAT HAS AN INCOME NOT TO EXCEED ONE HUNDRED FIFTY PERCENT OF
28 THE INCOME QUALIFICATION REQUIRED FOR THE REDUCED PRICE SCHOOL LUNCHES
29 UNDER THE NATIONAL SCHOOL LUNCH ACT, PROVIDED HOWEVER FOR THE PURPOSES
30 OF AN EDUCATIONAL SCHOLARSHIP ORGANIZATION FULFILLING SUCH REQUIREMENT,
31 AN EDUCATIONAL SCHOLARSHIP ORGANIZATION MAY ENTER INTO AN AGREEMENT WITH
32 ANOTHER EDUCATIONAL SCHOLARSHIP ORGANIZATION OR ORGANIZATIONS TO JOINTLY
33 REPORT THEIR SCHOLARSHIP INFORMATION TO MEET SUCH REQUIREMENT; (D)
34 DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM
35 QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGAN-
36 IZATION'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR
37 INCOME ARE WITHDRAWN FOR USE; (E) PROVIDES SCHOLARSHIPS TO ELIGIBLE
38 PUPILS FOR USE AT NOT FEWER THAN THREE QUALIFIED SCHOOLS; AND (F) IS
39 APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

40 5. "ELIGIBLE PUPIL" MEANS A CHILD WHO IS: (A) A RESIDENT OF THIS
41 STATE; (B) OF SCHOOL AGE IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION
42 THIRTY-TWO HUNDRED TWO OF THIS CHAPTER OR WHO IS FOUR YEARS OF AGE ON OR
43 BEFORE DECEMBER FIRST OF THE YEAR IN WHICH SUCH CHILD IS ENROLLED IN A
44 PRE-KINDERGARTEN PROGRAM; (C) ATTENDS OR IS ABOUT TO ATTEND A QUALIFIED
45 SCHOOL; AND (D) RESIDES IN A HOUSEHOLD THAT HAS A FEDERAL ADJUSTED GROSS
46 INCOME OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR LESS, PROVIDED HOWEVER,
47 FOR HOUSEHOLDS WITH THREE OR MORE DEPENDENT CHILDREN, SUCH INCOME LEVEL
48 SHALL BE INCREASED BY TEN THOUSAND DOLLARS PER DEPENDENT CHILD, NOT TO
49 EXCEED THREE HUNDRED THOUSAND DOLLARS.

50 6. "LOCAL EDUCATION FUND" MEANS A NOT-FOR-PROFIT ENTITY THAT: (A) IS
51 EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION
52 FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) IS ESTABLISHED FOR
53 THE PURPOSE OF SUPPORTING AT LEAST ONE PUBLIC SCHOOL OR PUBLIC SCHOOL
54 DISTRICT LOCATED IN THIS STATE; (C) USES AT LEAST NINETY PERCENT OF THE
55 QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY INCOME
56 DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS TO SUPPORT THE

1 PUBLIC SCHOOL OR SCHOOLS OR PUBLIC SCHOOL DISTRICT OR DISTRICTS THAT
2 SUCH FUND HAS BEEN ESTABLISHED TO SUPPORT; (D) DEPOSITS AND HOLDS QUALI-
3 FIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS
4 IN AN ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING OR OTHER FUNDS
5 UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; AND
6 (E) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTI-
7 CLE.

8 7. "NON-PUBLIC SCHOOL" MEANS ANY NOT-FOR-PROFIT PRE-KINDERGARTEN
9 PROGRAM, ELEMENTARY, OR SECONDARY SECTARIAN OR NONSECTARIAN SCHOOL
10 LOCATED IN THIS STATE, OTHER THAN A PUBLIC SCHOOL, THAT PROVIDES
11 INSTRUCTION AT ONE OR MORE LOCATIONS TO AN ELIGIBLE PUPIL IN ACCORDANCE
12 WITH SECTION THIRTY-TWO HUNDRED FOUR OF THIS CHAPTER.

13 8. "PUBLIC EDUCATION ENTITY" MEANS A PUBLIC SCHOOL DISTRICT OR A
14 PUBLIC SCHOOL IN THIS STATE, PROVIDED THAT SUCH PUBLIC SCHOOL DISTRICT
15 OR PUBLIC SCHOOL: (A) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY
16 INCOME DERIVED FROM SUCH QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS
17 SEPARATE FROM THE PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT'S OPERATING OR
18 OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN
19 FOR USE; AND (B) IS APPROVED TO RECEIVE AUTHORIZED CONTRIBUTIONS AND
20 ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

21 9. "PUBLIC SCHOOL" MEANS ANY FREE ELEMENTARY OR SECONDARY SCHOOL IN
22 THIS STATE PURSUANT TO ARTICLE ELEVEN OF THE CONSTITUTION, BUT SHALL NOT
23 INCLUDE A CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAP-
24 TER.

25 10. "QUALIFIED CONTRIBUTION" MEANS THE AUTHORIZED CONTRIBUTION MADE BY
26 A TAXPAYER TO A PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZA-
27 TION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION
28 LISTED IN THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO THE
29 TAXPAYER FOR WHICH THE TAXPAYER HAS RECEIVED A CERTIFICATE OF RECEIPT
30 FROM SUCH ENTITY, FUND OR ORGANIZATION. A CONTRIBUTION DOES NOT QUALIFY
31 IF THE TAXPAYER DESIGNATES THE TAXPAYER'S CONTRIBUTION TO AN ENTITY OR
32 ORGANIZATION FOR THE DIRECT BENEFIT OF ANY PARTICULAR OR SPECIFIED
33 STUDENT.

34 11. "QUALIFIED SCHOOL" MEANS A PUBLIC SCHOOL OR NON-PUBLIC SCHOOL
35 LOCATED IN THIS STATE.

36 12. "SCHOLARSHIP" MEANS AN EDUCATIONAL SCHOLARSHIP OR TUITION GRANT
37 AWARDED TO AN ELIGIBLE PUPIL TO ATTEND A QUALIFIED SCHOOL IN AN AMOUNT
38 NOT TO EXCEED THE TUITION CHARGED TO ATTEND SUCH SCHOOL LESS ANY OTHER
39 EDUCATIONAL SCHOLARSHIP OR TUITION GRANT RECEIVED BY SUCH ELIGIBLE PUPIL
40 OR HIS OR HER PARENT, PARENTS, LEGAL GUARDIAN, OR LEGAL GUARDIANS FOR
41 SUCH ELIGIBLE PUPIL'S TUITION; PROVIDED, HOWEVER, IN THE CASE OF AN
42 ELIGIBLE PUPIL ATTENDING A PUBLIC SCHOOL OF A DISTRICT OF WHICH SUCH
43 PUPIL IS NOT A RESIDENT, THE AMOUNT OF THE EDUCATIONAL SCHOLARSHIP OR
44 TUITION GRANT AWARDED MAY NOT EXCEED THE TUITION CHARGED BY THE PUBLIC
45 SCHOOL PURSUANT TO PARAGRAPH D OF SUBDIVISION FOUR OF SECTION THIRTY-TWO
46 HUNDRED TWO OF THIS CHAPTER, BUT ONLY IF THE SCHOOL DISTRICT OF WHICH
47 SUCH PUPIL IS A RESIDENT IS NOT REQUIRED TO PAY FOR SUCH TUITION.

48 13. "SCHOOL IMPROVEMENT ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY
49 THAT: (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION
50 (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) USES
51 AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING
52 THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS
53 DURING SUCH MONTHS TO ASSIST PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS
54 LOCATED IN THIS STATE IN THEIR PROVISION OF EDUCATIONAL PROGRAMS, EITHER
55 BY MAKING CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL
56 DISTRICTS LOCATED IN THIS STATE OR PROVIDING EDUCATIONAL PROGRAMS TO, OR

1 IN CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL
2 DISTRICTS LOCATED IN THIS STATE; (C) DEPOSITS AND HOLDS QUALIFIED
3 CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN
4 ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER
5 FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR
6 USE; AND (D) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO
7 THIS ARTICLE. SUCH TERM INCLUDES A PRE-KINDERGARTEN PROGRAM OR
8 NOT-FOR-PROFIT ENTITY THAT ALLOWS THE TAXPAYER TO CHOOSE TO DONATE TO A
9 PROGRAM PROJECT OR INITIATIVE FOR USE IN A PUBLIC SCHOOL.

10 S 1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. 1. PUBLIC SCHOOLS
11 AND PUBLIC SCHOOL DISTRICTS. ALL PUBLIC SCHOOLS AND PUBLIC SCHOOL
12 DISTRICTS SHALL BE APPROVED TO ISSUE CERTIFICATES OF RECEIPT FOR QUALI-
13 FIED CONTRIBUTIONS IN ACCORDANCE WITH SECTION FORTY-TWO OF THE TAX LAW,
14 PROVIDED, HOWEVER, THAT SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT
15 SHALL NOT BE APPROVED IF EITHER: (A) SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL
16 DISTRICT FAILS TO DEPOSIT AND HOLD QUALIFIED CONTRIBUTIONS AND ANY
17 INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPA-
18 RATE FROM THE SCHOOL OR SCHOOL DISTRICT'S OPERATING OR OTHER FUNDS UNTIL
19 SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; OR (B) THE
20 COMMISSIONER HAS REVOKED SUCH APPROVAL FOR SUCH PUBLIC SCHOOL OR PUBLIC
21 SCHOOL DISTRICT PURSUANT TO SECTION TWELVE HUNDRED FOURTEEN OF THIS
22 ARTICLE.

23 2. SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP ORGANIZA-
24 TIONS AND LOCAL EDUCATION FUNDS. NO SCHOOL IMPROVEMENT ORGANIZATION,
25 EDUCATIONAL SCHOLARSHIP ORGANIZATION OR LOCAL EDUCATION FUND SHALL ISSUE
26 ANY CERTIFICATES OF RECEIPT WITHOUT FILING AN APPLICATION PURSUANT TO
27 SECTION TWELVE HUNDRED TWELVE OF THIS ARTICLE AND RECEIVING APPROVAL
28 PURSUANT TO SECTION TWELVE HUNDRED THIRTEEN OF THIS ARTICLE.

29 S 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.
30 EACH SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZA-
31 TION AND LOCAL EDUCATION FUND SHALL SUBMIT AN APPLICATION TO THE COMMIS-
32 SIONER FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM AND
33 MANNER PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICATION
34 SHALL INCLUDE: (A) SUBMISSION OF DOCUMENTATION THAT SUCH SCHOOL IMPROVE-
35 MENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP
36 ORGANIZATION HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER PARAGRAPH
37 THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL
38 REVENUE CODE; (B) A LIST OF NAMES AND ADDRESSES OF ALL MEMBERS OF THE
39 GOVERNING BOARD OF THE SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION
40 FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION; AND (C) FOR AN EDUCATIONAL
41 SCHOLARSHIP ORGANIZATION, SUBMISSION OF CRITERIA FOR THE AWARDING OF
42 SCHOLARSHIPS TO ELIGIBLE STUDENTS.

43 S 1213. APPLICATION APPROVAL FOR CERTIFICATES OF RECEIPT. 1. IN GENER-
44 AL. THE COMMISSIONER SHALL REVIEW EACH APPLICATION TO ISSUE CERTIFICATES
45 OF RECEIPT PURSUANT TO THIS ARTICLE. THE COMMISSIONER SHALL PUBLISH
46 CRITERIA USED TO DETERMINE SELECTION AND ESTABLISH AN APPEALS PROCESS
47 FOR APPLICATIONS THAT ARE NOT APPROVED.

48 2. NOTIFICATION. APPLICANTS SHALL BE NOTIFIED OF THE COMMISSIONER'S
49 DETERMINATION WITHIN FIVE BUSINESS DAYS OF THE DETERMINATION.

50 S 1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. THE
51 COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND
52 FINANCE, MAY REVOKE THE APPROVAL OF A SCHOOL IMPROVEMENT ORGANIZATION,
53 EDUCATIONAL SCHOLARSHIP ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC
54 SCHOOL OR PUBLIC SCHOOL DISTRICT TO ISSUE CERTIFICATES OF RECEIPT UPON A
55 FINDING THAT SUCH ORGANIZATION, FUND, SCHOOL OR SCHOOL DISTRICT HAS
56 VIOLATED THIS ARTICLE OR SECTION FORTY-TWO OF THE TAX LAW. THESE

1 VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING:
2 (A) FAILURE TO MEET THE REQUIREMENTS OF THIS ARTICLE OR SECTION
3 FORTY-TWO OF THE TAX LAW; (B) THE FAILURE TO MAINTAIN FULL AND ADEQUATE
4 RECORDS WITH RESPECT TO THE RECEIPT OF QUALIFIED CONTRIBUTIONS; (C) THE
5 FAILURE TO SUPPLY SUCH RECORDS TO THE COMMISSIONER, THE DEPARTMENT, OR
6 THE DEPARTMENT OF TAXATION AND FINANCE WHEN REQUESTED; OR (D) THE FAIL-
7 URE TO PROVIDE NOTICE TO THE DEPARTMENT OF TAXATION AND FINANCE OF THE
8 ISSUANCE OR NON-ISSUANCE OF CERTIFICATES OF RECEIPT PURSUANT TO SECTION
9 FORTY-TWO OF THE TAX LAW; PROVIDED, HOWEVER, THAT THE COMMISSIONER SHALL
10 NOT REVOKE APPROVAL PURSUANT TO THIS SECTION BASED UPON A VIOLATION OF
11 THE TAX LAW UNLESS THE COMMISSIONER OF TAXATION AND FINANCE AGREES THAT
12 REVOCATION IS WARRANTED; AND PROVIDED FURTHER THAT THE COMMISSIONER
13 SHALL NOT REVOKE APPROVAL PURSUANT TO THIS SECTION WHEN THE FAILURE TO
14 COMPLY IS DUE TO CLERICAL ERROR AND NOT NEGLIGENCE OR INTENTIONAL DISRE-
15 GARD FOR THE LAW. WITHIN FIVE DAYS OF THE DETERMINATION REVOKING
16 APPROVAL, THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH REVOCATION TO
17 THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZA-
18 TION, LOCAL EDUCATION FUND, PUBLIC SCHOOL, OR PUBLIC SCHOOL DISTRICT AND
19 TO THE DEPARTMENT OF TAXATION AND FINANCE. THE COMMISSIONER SHALL ESTAB-
20 LISH AN APPEALS PROCESS FOR DETERMINATIONS REVOKING APPROVALS.

21 S 1215. REPORTING AND RECORDKEEPING. 1. REPORTING. EACH EDUCATIONAL
22 SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-
23 TION FUND, PUBLIC SCHOOL AND PUBLIC SCHOOL DISTRICT THAT RECEIVES QUALI-
24 FIED CONTRIBUTIONS SHALL REPORT TO THE COMMISSIONER AND THE DEPARTMENT
25 OF TAXATION AND FINANCE BY JANUARY THIRTY-FIRST OF EACH CALENDAR YEAR.
26 SUCH REPORT SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE COMMIS-
27 SIONER IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE.

28 2. RECORDKEEPING. EACH EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL
29 IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL AND PUBLIC
30 SCHOOL DISTRICT THAT ISSUED AT LEAST ONE CERTIFICATE OF RECEIPT SHALL
31 MAINTAIN RECORDS INCLUDING: (A) NOTIFICATIONS RECEIVED FROM THE DEPART-
32 MENT OF TAXATION AND FINANCE; (B) NOTIFICATIONS MADE TO THE DEPARTMENT
33 OF TAXATION AND FINANCE; (C) COPIES OF QUALIFIED CONTRIBUTIONS RECEIVED;
34 (D) COPIES OF THE DEPOSIT OF SUCH QUALIFIED CONTRIBUTIONS; (E) COPIES OF
35 ISSUED CERTIFICATES OF RECEIPT; (F) ANNUAL FINANCIAL STATEMENTS; (G) IN
36 THE CASE OF SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP
37 ORGANIZATIONS AND LOCAL EDUCATION FUNDS, THE APPLICATION SUBMITTED
38 PURSUANT TO SECTION TWELVE HUNDRED TWELVE OF THIS ARTICLE AND THE
39 APPROVAL ISSUED BY THE COMMISSIONER; AND (H) ANY OTHER INFORMATION
40 PRESCRIBED BY THE COMMISSIONER. SUCH RECORDS SHALL BE MAINTAINED BY THE
41 ENTITY OR ORGANIZATION FOR FIVE YEARS.

42 S 1216. JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR
43 EACH CALENDAR YEAR, THE COMMISSIONER OF TAXATION AND FINANCE AND THE
44 COMMISSIONER, JOINTLY, SHALL SUBMIT A WRITTEN REPORT AS PROVIDED IN
45 SUBDIVISION (K) OF SECTION FORTY-TWO OF THE TAX LAW.

46 S 1217. COMMISSIONER; POWERS. THE COMMISSIONER SHALL PROMULGATE ON AN
47 EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS
48 SECTION. THE COMMISSIONER SHALL MAKE ANY FORMS REQUIRED TO BE FILED
49 PURSUANT TO THIS ARTICLE AVAILABLE TO APPLICANTS WITHIN SIXTY DAYS OF
50 THE EFFECTIVE DATE OF THIS ARTICLE.

51 S 3. The education law is amended by adding a new section 1503-a to
52 read as follows:

53 S 1503-A. POWER TO ACCEPT AND SOLICIT GIFTS AND DONATIONS. 1. THE
54 TRUSTEES OR BOARDS OF EDUCATION OF ALL SCHOOL DISTRICTS ORGANIZED BY
55 SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW ARE HEREBY

1 AUTHORIZED AND EMPOWERED TO ACCEPT GIFTS, DONATIONS, AND CONTRIBUTIONS
2 TO THE DISTRICT AND TO SOLICIT THE SAME.

3 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY OTHER
4 GENERAL OR SPECIAL LAW TO THE CONTRARY, THE RECEIPT OF SUCH GIFTS,
5 DONATIONS AND CONTRIBUTIONS MADE PURSUANT TO ARTICLE TWENTY-FIVE OF THIS
6 CHAPTER, AND ANY INCOME DERIVED THEREFROM, SHALL BE DISREGARDED FOR THE
7 PURPOSES OF ALL APPORTIONMENTS, COMPUTATIONS, AND DETERMINATIONS OF
8 STATE AID.

9 S 4. The tax law is amended by adding a new section 42 to read as
10 follows:

11 S 42. EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT. (A) DEFINITIONS.
12 FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE
13 SAME MEANINGS AS PROVIDED IN SECTION TWELVE HUNDRED TEN OF THE EDUCATION
14 LAW: "AUTHORIZED CONTRIBUTION", "CONTRIBUTION", "EDUCATIONAL PROGRAM",
15 "EDUCATIONAL SCHOLARSHIP ORGANIZATION", "ELIGIBLE PUPIL", "LOCAL EDUCA-
16 TION FUND", "NON-PUBLIC SCHOOL", "PUBLIC EDUCATION ENTITY", "PUBLIC
17 SCHOOL", "QUALIFIED CONTRIBUTION", "QUALIFIED SCHOOL", "SCHOLARSHIP",
18 AND "SCHOOL IMPROVEMENT ORGANIZATION".

19 (B) ALLOWANCE OF CREDIT. A TAXPAYER SUBJECT TO TAX UNDER ARTICLE
20 NINE-A OR TWENTY-TWO OF THIS CHAPTER SHALL BE ALLOWED AN EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT AGAINST SUCH TAX, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (1) OF THIS SECTION, WITH RESPECT TO QUALIFIED CONTRIBUTIONS MADE DURING THE TAXABLE YEAR.

24 (C) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE THE LESSER OF
25 SEVENTY-FIVE PER CENT OF THE TAXPAYER'S TOTAL QUALIFIED CONTRIBUTIONS OR
26 ONE MILLION DOLLARS. IF THE TAXPAYER IS A PARTNER IN A PARTNERSHIP OR
27 SHAREHOLDER OF A NEW YORK S CORPORATION, THEN THE CAP IMPOSED BY THE
28 PRECEDING SENTENCE SHALL BE APPLIED AT THE ENTITY LEVEL, SO THAT THE
29 AGGREGATE CREDIT ALLOWED TO ALL THE PARTNERS OR SHAREHOLDERS OF EACH
30 SUCH ENTITY IN THE TAXABLE YEAR DOES NOT EXCEED ONE MILLION DOLLARS.

31 (D) INFORMATION TO BE POSTED ON THE DEPARTMENT'S WEBSITE. BEGINNING
32 ON THE SIXTEENTH DAY OF JANUARY OF EACH YEAR, THE COMMISSIONER SHALL
33 MAINTAIN ON THE DEPARTMENT'S WEBSITE A RUNNING TOTAL OF THE AMOUNT OF
34 AVAILABLE CREDIT FOR WHICH TAXPAYERS MAY APPLY PURSUANT TO THIS SECTION.
35 ADDITIONALLY, THE COMMISSIONER SHALL MAINTAIN ON THE DEPARTMENT'S
36 WEBSITE A LIST OF THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION
37 FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS APPROVED TO ISSUE
38 CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION
39 LAW. THE COMMISSIONER SHALL ALSO MAINTAIN ON THE DEPARTMENT'S WEBSITE A
40 LIST OF PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS,
41 LOCAL EDUCATION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS WHOSE
42 APPROVAL TO ISSUE CERTIFICATES OF RECEIPT HAS BEEN REVOKED, ALONG WITH
43 THE DATE OF SUCH REVOCATION.

44 (E) APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES. PRIOR TO
45 MAKING A CONTRIBUTION TO A PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT
46 ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION, THE TAXPAYER SHALL APPLY TO THE DEPARTMENT FOR A CONTRIBUTION AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTION. SUCH APPLICATION SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT MAY ALLOW TAXPAYERS TO MAKE MULTIPLE APPLICATIONS ON THE SAME FORM, PROVIDED THAT EACH CONTRIBUTION LISTED ON SUCH APPLICATION SHALL BE TREATED AS A SEPARATE APPLICATION AND THAT THE DEPARTMENT SHALL ISSUE SEPARATE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR EACH SUCH APPLICATION.

55 (F) CONTRIBUTION AUTHORIZATION CERTIFICATES. 1. ISSUANCE OF CERTIFICATES. THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES.

1 ICATES IN TWO PHASES. IN PHASE ONE, WHICH BEGINS ON THE FIRST DAY OF
2 JANUARY AND ENDS ON THE FIFTEENTH DAY OF JANUARY, THE COMMISSIONER SHALL
3 ACCEPT APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES, BUT
4 SHALL NOT ISSUE ANY SUCH CERTIFICATES. COMMENCING AFTER THE SIXTEENTH
5 DAY OF JANUARY, THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION
6 CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE, PROVIDED THAT
7 IF THE AGGREGATE TOTAL OF THE CONTRIBUTIONS FOR WHICH APPLICATIONS HAVE
8 BEEN RECEIVED DURING PHASE ONE EXCEEDS THE AMOUNT OF THE CREDIT CAP IN
9 SUBDIVISION (H) OF THIS SECTION, PHASE ONE OF THE APPLICATIONS SHALL BE
10 ALLOCATED IN TWO STEPS. IN STEP ONE, THE CREDIT CAP SHALL BE DIVIDED BY
11 THE NUMBER OF APPLICATIONS TO DETERMINE A BASE ALLOCATION. EACH APPLICA-
12 TION REQUESTING THE BASE ALLOCATION OR LESS SHALL BE APPROVED. IN STEP
13 TWO, THE REMAINING FUNDS SHALL BE CALCULATED AND ALLOCATED AMONG THE
14 OTHER APPLICATIONS ON A DOLLAR PRO RATA BASIS. IF THE CREDIT CAP IS NOT
15 EXCEEDED, PHASE TWO COMMENCES ON JANUARY SIXTEENTH AND ENDS ON NOVEMBER
16 FIRST, DURING WHICH PERIOD THE COMMISSIONER SHALL ISSUE CONTRIBUTION
17 AUTHORIZATION CERTIFICATES ON A FIRST-COME FIRST-SERVED BASIS BASED UPON
18 THE DATE THE DEPARTMENT RECEIVED THE TAXPAYER'S APPLICATION FOR SUCH
19 CERTIFICATE; PROVIDED, HOWEVER, THAT IF ON ANY DAY THE DEPARTMENT
20 RECEIVES APPLICATIONS REQUESTING CONTRIBUTION AUTHORIZATION CERTIFICATES
21 FOR CONTRIBUTIONS THAT IN THE AGGREGATE EXCEED THE AMOUNT OF THE REMAIN-
22 ING AVAILABLE CREDIT ON SUCH DAY, THE AUTHORIZED CONTRIBUTION AMOUNT
23 LISTED IN EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL BE THE
24 TAXPAYER'S PRO-RATA SHARE OF THE REMAINING AVAILABLE CREDIT. FOR
25 PURPOSES OF DETERMINING A TAXPAYER'S PRO-RATA SHARE OF REMAINING AVAIL-
26 ABLE CREDIT, THE COMMISSIONER SHALL MULTIPLY THE AMOUNT OF REMAINING
27 AVAILABLE CREDIT BY A FRACTION, THE NUMERATOR OF WHICH EQUALS THE TOTAL
28 CONTRIBUTION AMOUNT LISTED ON THE TAXPAYER'S APPLICATION AND THE DENOMI-
29 NATOR OF WHICH EQUALS THE AGGREGATE AMOUNT OF CONTRIBUTIONS LISTED ON
30 THE APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES RECEIVED ON
31 SUCH DAY. CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS
32 RECEIVED DURING PHASE ONE SHALL BE MAILED NO LATER THAN THE FIFTH DAY OF
33 FEBRUARY. CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS
34 RECEIVED DURING PHASE TWO SHALL BE MAILED WITHIN TWENTY DAYS OF RECEIPT
35 OF SUCH APPLICATIONS. PROVIDED, HOWEVER, THAT NO CONTRIBUTION AUTHORI-
36 ZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE TWO SHALL BE
37 ISSUED UNTIL ALL OF THE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR
38 APPLICATIONS RECEIVED DURING PHASE ONE HAVE BEEN ISSUED.

39 2. CONTRIBUTION AUTHORIZATION CERTIFICATE CONTENTS. EACH CONTRIBUTION
40 AUTHORIZATION CERTIFICATE SHALL STATE: (I) THE DATE SUCH CERTIFICATION
41 WAS ISSUED; (II) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTION LISTED IN
42 THE CERTIFICATE MUST BE MADE, WHICH SHALL BE NO LATER THAN NOVEMBER
43 THIRTIETH OF THE YEAR FOR WHICH THE CONTRIBUTION AUTHORIZATION CERTIF-
44 ICATE WAS ISSUED; (III) THE TAXPAYER'S NAME AND ADDRESS; (IV) THE AMOUNT
45 OF AUTHORIZED CONTRIBUTIONS; (V) THE CONTRIBUTION AUTHORIZATION CERTIF-
46 ICATE'S CERTIFICATE NUMBER; (VI) THE NAME AND ADDRESS OF THE PUBLIC
47 EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND
48 OR EDUCATIONAL SCHOLARSHIP ORGANIZATION FOR WHICH THE TAXPAYER MAY MAKE
49 THE AUTHORIZED CONTRIBUTION; AND (VII) ANY OTHER INFORMATION THAT THE
50 COMMISSIONER DEEMS NECESSARY.

51 3. NOTIFICATION OF THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION
52 CERTIFICATE. UPON ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE,
53 THE COMMISSIONER SHALL NOTIFY THE EDUCATIONAL SCHOLARSHIP ORGANIZATION,
54 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION OR LOCAL EDUCA-
55 TION FUND OF THE ISSUANCE OF THE CONTRIBUTION AUTHORIZATION CERTIFICATE
56 TO A TAXPAYER. SUCH NOTIFICATION SHALL INCLUDE: (I) THE TAXPAYER'S NAME

1 AND ADDRESS; (II) THE DATE SUCH CERTIFICATE WAS ISSUED; (III) THE DATE
2 BY WHICH THE AUTHORIZED CONTRIBUTION LISTED IN THE NOTIFICATION MUST BE
3 MADE BY THE TAXPAYER; (IV) THE AMOUNT OF THE AUTHORIZED CONTRIBUTION;
4 (V) CONTRIBUTION AUTHORIZATION CERTIFICATE; AND (VI) ANY OTHER INFORMA-
5 TION THAT THE COMMISSIONER DEEMS NECESSARY.

6 (G) CERTIFICATE OF RECEIPT. 1. IN GENERAL. NO PUBLIC EDUCATION ENTITY,
7 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL
8 SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR ANY
9 CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY,
10 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL
11 SCHOLARSHIP ORGANIZATION HAS BEEN APPROVED TO ISSUE CERTIFICATES OF
12 RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW. NO PUBLIC
13 EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND,
14 OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF
15 RECEIPT FOR A CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCA-
16 TION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR
17 EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS RECEIVED NOTICE FROM THE
18 DEPARTMENT THAT THE DEPARTMENT ISSUED A CREDIT AUTHORIZATION CERTIFICATE
19 TO THE TAXPAYER FOR SUCH CONTRIBUTION.

20 2. TIMELY CONTRIBUTION. IF A TAXPAYER MAKES AN AUTHORIZED CONTRIBUTION
21 TO THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL
22 EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SET FORTH ON THE
23 AUTHORIZATION CERTIFICATE ISSUED TO THE TAXPAYER NO LATER THAN THE DATE
24 BY WHICH SUCH AUTHORIZED CONTRIBUTION IS REQUIRED TO BE MADE, SUCH
25 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-
26 TION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY
27 DAYS OF RECEIPT OF THE AUTHORIZED CONTRIBUTION, ISSUE TO THE TAXPAYER A
28 WRITTEN CERTIFICATE OF RECEIPT; PROVIDED, HOWEVER, THAT IF THE TAXPAYER
29 CONTRIBUTES AN AMOUNT THAT IS LESS THAN THE AMOUNT LISTED ON THE TAXPAY-
30 ER'S CONTRIBUTION AUTHORIZATION CERTIFICATE, THE TAXPAYER SHALL NOT BE
31 ISSUED A CERTIFICATE OF RECEIPT FOR SUCH CONTRIBUTION.

32 3. CERTIFICATE OF RECEIPT CONTENTS. EACH CERTIFICATE OF RECEIPT SHALL
33 STATE: (I) THE NAME AND ADDRESS OF THE ISSUING PUBLIC EDUCATION ENTITY,
34 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR OR EDUCATIONAL
35 SCHOLARSHIP ORGANIZATION; (II) THE TAXPAYER'S NAME AND ADDRESS; (III)
36 THE DATE FOR EACH CONTRIBUTION; (IV) THE AMOUNT OF EACH CONTRIBUTION AND
37 THE CORRESPONDING CONTRIBUTION AUTHORIZATION CERTIFICATE NUMBER; (V) THE
38 TOTAL AMOUNT OF CONTRIBUTIONS; AND (VI) ANY OTHER INFORMATION THAT THE
39 COMMISSIONER DEEMS NECESSARY.

40 4. NOTIFICATION TO THE DEPARTMENT OF THE ISSUANCE OF A CERTIFICATE OF
41 RECEIPT. UPON THE ISSUANCE OF A CERTIFICATE OF RECEIPT, THE ISSUING
42 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-
43 TION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY
44 DAYS OF ISSUING THE CERTIFICATE OF RECEIPT, PROVIDE THE DEPARTMENT WITH
45 NOTIFICATION OF THE ISSUANCE OF SUCH CERTIFICATE IN THE FORM AND MANNER
46 PRESCRIBED BY THE DEPARTMENT.

47 5. NOTIFICATION TO THE DEPARTMENT OF THE NON-ISSUANCE OF A CERTIFICATE
48 OF RECEIPT. EACH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZA-
49 TION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT
50 RECEIVED NOTIFICATION FROM THE DEPARTMENT PURSUANT TO SUBDIVISION (F) OF
51 THIS SECTION REGARDING THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION
52 CERTIFICATE TO A TAXPAYER SHALL, WITHIN THIRTY DAYS OF THE EXPIRATION
53 DATE FOR SUCH AUTHORIZED CONTRIBUTION, PROVIDE NOTIFICATION TO THE
54 DEPARTMENT FOR EACH TAXPAYER THAT FAILED TO MAKE THE AUTHORIZED CONTRIB-
55 UTION TO SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION,

1 LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION IN THE
2 FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

3 6. FAILURE TO NOTIFY THE DEPARTMENT. WITHIN THIRTY DAYS OF DISCOVERY
4 OF THE FAILURE OF ANY PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGAN-
5 IZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION
6 TO COMPLY WITH THE NOTIFICATION REQUIREMENTS PRESCRIBED BY PARAGRAPHS
7 FOUR AND/OR FIVE OF THIS SUBDIVISION, THE COMMISSIONER SHALL ISSUE A
8 NOTICE OF COMPLIANCE FAILURE TO SUCH ENTITY, PROGRAM FUND OR ORGANIZA-
9 TION. SUCH ENTITY, PROGRAM FUND OR ORGANIZATION SHALL HAVE THIRTY DAYS
10 FROM THE DATE OF SUCH NOTICE TO MAKE THE NOTIFICATIONS PRESCRIBED BY
11 PARAGRAPHS FOUR AND/OR FIVE OF THIS SUBDIVISION. SUCH PERIOD MAY BE
12 EXTENDED FOR AN ADDITIONAL THIRTY DAYS UPON THE REQUEST OF THE ENTITY,
13 PROGRAM FUND OR ORGANIZATION. UPON THE EXPIRATION OF THE PERIOD FOR
14 COMPLIANCE SET FORTH IN THE NOTICE PRESCRIBED BY THIS PARAGRAPH, THE
15 COMMISSIONER SHALL NOTIFY THE COMMISSIONER OF EDUCATION THAT SUCH ENTI-
16 TY, PROGRAM FUND OR ORGANIZATION FAILED TO MAKE THE NOTIFICATIONS
17 PRESCRIBED BY PARAGRAPHS FOUR AND/OR FIVE OF THIS SUBDIVISION.

18 (H) CREDIT CAP. THE MAXIMUM PERMITTED CREDITS UNDER THIS SECTION
19 AVAILABLE ANNUALLY FOR CALENDAR YEAR TWO THOUSAND SEVENTEEN AND ALL
20 FOLLOWING YEARS TO ALL TAXPAYERS FOR QUALIFIED CONTRIBUTIONS TO PUBLIC
21 EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, AND LOCAL EDUCA-
22 TION FUNDS SHALL BE TWENTY MILLION DOLLARS. THE MAXIMUM PERMITTED CRED-
23 ITS UNDER THIS SECTION AVAILABLE ANNUALLY FOR CALENDAR YEAR TWO THOUSAND
24 SEVENTEEN AND ALL FOLLOWING YEARS TO ALL TAXPAYERS FOR QUALIFIED
25 CONTRIBUTIONS TO EDUCATIONAL SCHOLARSHIP ORGANIZATIONS SHALL BE FIFTY
26 MILLION DOLLARS.

27 (I) ADDITIONS TO THE CREDIT CAP. UNISSUED CERTIFICATES OF RECEIPT. ANY
28 AMOUNTS FOR WHICH THE DEPARTMENT RECEIVES NOTIFICATION OF NON-ISSUANCE
29 OF A CERTIFICATE OF RECEIPT SHALL BE ADDED TO THE CAP PRESCRIBED IN
30 SUBDIVISION (H) OF THIS SECTION FOR THE IMMEDIATELY FOLLOWING YEAR.

31 (J) OTHER REQUIREMENTS; MISCELLANEOUS. RECORD KEEPING. EACH TAXPAYER
32 SHALL, FOR EACH TAXABLE YEAR FOR WHICH THE EDUCATION SCHOLARSHIP AND
33 PROGRAM TAX CREDIT PROVIDE FOR UNDER THIS SECTION IS CLAIMED, MAINTAIN
34 RECORDS OF THE FOLLOWING INFORMATION: (I) CONTRIBUTION AUTHORIZATION
35 CERTIFICATES OBTAINED PURSUANT TO SUBDIVISION (F) OF THIS SECTION, AND
36 (II) CERTIFICATES OF RECEIPT OBTAINED PURSUANT TO SUBDIVISION (G) OF
37 THIS SECTION.

38 (K) JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR EACH
39 CALENDAR YEAR, FOR THE IMMEDIATELY PRECEDING YEAR, THE COMMISSIONER AND
40 THE COMMISSIONER OF EDUCATION SHALL JOINTLY SUBMIT A WRITTEN REPORT TO
41 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE
42 ASSEMBLY, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN
43 OF THE ASSEMBLY WAYS AND MEANS COMMITTEE REGARDING THE CREDIT. SUCH
44 REPORT SHALL CONTAIN INFORMATION FOR ARTICLES NINE-A AND TWENTY-TWO OF
45 THIS CHAPTER, RESPECTIVELY, REGARDING: (I) THE NUMBER OF APPLICATIONS
46 RECEIVED; (II) THE NUMBER OF AND AGGREGATE VALUE OF THE CONTRIBUTION
47 AUTHORIZATION CERTIFICATES ISSUED FOR CONTRIBUTIONS TO PUBLIC EDUCATION
48 ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND
49 EDUCATIONAL SCHOLARSHIP ORGANIZATIONS, RESPECTIVELY (III) THE GEOGRAPH-
50 ICAL DISTRIBUTION BY COUNTY, TO THE EXTENT FEASIBLE, OF (A) THE APPLICA-
51 TIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES, AND (B) THE PUBLIC
52 EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION
53 FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS LISTED ON THE ISSUED
54 CONTRIBUTION AUTHORIZATION CERTIFICATES; AND (IV) INFORMATION, INCLUDING
55 GEOGRAPHICAL DISTRIBUTION BY COUNTY, TO THE EXTENT FEASIBLE, OF THE
56 NUMBER OF ELIGIBLE PUPILS THAT RECEIVED SCHOLARSHIPS, THE NUMBER OF

1 QUALIFIED SCHOOLS ATTENDED BY ELIGIBLE PUPILS THAT RECEIVED SUCH SCHOL-
2 ARSHIPS, AND THE AVERAGE VALUE OF SCHOLARSHIPS RECEIVED BY SUCH ELIGIBLE
3 PUPILS. THE COMMISSIONER AND DESIGNATED EMPLOYEES OF THE DEPARTMENT AND
4 THE COMMISSIONER OF EDUCATION AND DESIGNATED EMPLOYEES OF THE DEPARTMENT
5 OF EDUCATION SHALL BE ALLOWED AND ARE DIRECTED TO SHARE AND EXCHANGE
6 INFORMATION REGARDING THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCA-
7 TION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS THAT APPLIED FOR
8 APPROVAL TO BE AUTHORIZED TO RECEIVE QUALIFIED CONTRIBUTIONS; AND THE
9 PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL
10 EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AUTHORIZED TO
11 ISSUE CERTIFICATES OF RECEIPT, INCLUDING INFORMATION CONTAINED IN OR
12 DERIVED FROM APPLICATION FORMS AND REPORTS SUBMITTED TO THE DEPARTMENT
13 OF EDUCATION OR THE COMMISSIONER OF EDUCATION.

14 (1) CROSS REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN
15 THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

16 1. ARTICLE 9-A: SECTION 210-B; SUBDIVISION 51; AND

17 2. ARTICLE 22: SECTION 606, SUBSECTION (CCC).

18 S 5. Paragraph (b) of subdivision 9 of section 208 of the tax law is
19 amended by adding a new subparagraph 22 to read as follows:

20 (22) THE AMOUNT OF ANY FEDERAL DEDUCTION FOR CHARITABLE CONTRIBUTIONS
21 ALLOWED UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE
22 TO THE EXTENT SUCH CONTRIBUTIONS ARE USED AS THE BASIS OF THE CALCU-
23 LATION OF THE EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT ALLOWED UNDER
24 SUBDIVISION FIFTY-ONE OF SECTION TWO HUNDRED TEN-B OF THIS ARTICLE.

25 S 6. Section 210-B of the tax law is amended by adding a new subdivi-
26 sion 51 to read as follows:

27 51. EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT. (A) ALLOWANCE OF
28 CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED
29 IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS
30 ARTICLE.

31 (B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
32 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS
33 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF
34 SECTION TWO HUNDRED TEN OF THIS ARTICLE. IF THE AMOUNT OF CREDIT ALLOW-
35 ABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH
36 AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS TAX ON THE FIXED DOLLAR MINIMUM
37 AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE
38 CARRIED OVER TO THE FOLLOWING YEAR OR YEARS FOR UP TO FIVE YEARS AND MAY
39 BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

40 S 7. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
41 of the tax law is amended by adding a new clause (xli) to read as
42 follows:

43 (XLI) EDUCATION SCHOLARSHIP	AMOUNT OF CREDIT UNDER
44 AND PROGRAM TAX CREDIT UNDER	SUBDIVISION FIFTY-ONE OF SECTION
45 SUBSECTION (CCC)	TWO HUNDRED TEN-B

46 S 8. Section 606 of the tax law is amended by adding a new subsection
47 (ccc) to read as follows:

48 (CCC) EDUCATION SCHOLARSHIP AND PROGRAM TAX CREDIT. ALLOWANCE OF CRED-
49 IT. A TAXPAYER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN
50 SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTI-
51 CLE. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY
52 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
53 ALLOWED FOR A TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR
54 YEARS FOR UP TO FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
55 FOR SUCH YEAR OR YEARS.

1 S 9. Subsection (c) of section 615 of the tax law is amended by adding
2 a new paragraph 9 to read as follows:

3 (9) WITH RESPECT TO A TAXPAYER WHO HAS CLAIMED THE EDUCATION SCHOLAR-
4 SHIP AND PROGRAM TAX CREDIT FOR QUALIFIED CONTRIBUTIONS PURSUANT TO
5 SUBSECTION (CCC) OF SECTION SIX HUNDRED SIX OF THIS ARTICLE, THE TAXPAY-
6 ER'S NEW YORK ITEMIZED DEDUCTION SHALL BE REDUCED BY ANY CHARITABLE
7 CONTRIBUTION DEDUCTION ALLOWED UNDER SECTION ONE HUNDRED SEVENTY OF THE
8 INTERNAL REVENUE CODE WITH RESPECT TO SUCH QUALIFIED CONTRIBUTIONS.

9 S 10. Section 606 of the tax law is amended by adding a new subsection
10 (v) to read as follows:

11 (V) INSTRUCTIONAL MATERIALS AND SUPPLIES CREDIT. (1) A TAXPAYER SHALL
12 BE ALLOWED A CREDIT, NOT TO EXCEED TWO HUNDRED DOLLARS, THAT IS EQUAL TO
13 THE AMOUNT PAID BY THE TAXPAYER DURING THE TAXABLE YEAR FOR INSTRUCC-
14 TIONAL MATERIALS AND SUPPLIES WITH RESPECT TO CLASSROOM BASED INSTRUCC-
15 TION IN A PUBLIC OR NON-PUBLIC ELEMENTARY OR SECONDARY SCHOOL IN THIS
16 STATE, INCLUDING A CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THE
17 EDUCATION LAW, PROVIDED, HOWEVER, THE TAXPAYER MUST BE A TEACHER OR
18 INSTRUCTOR AT SUCH SCHOOL FOR AT LEAST NINE HUNDRED HOURS DURING THE
19 TAXABLE YEAR. FOR PURPOSES OF THIS SUBSECTION, THE TERM "MATERIALS AND
20 SUPPLIES" MEANS INSTRUCTIONAL MATERIALS OR SUPPLIES THAT ARE DESIGNATED
21 FOR CLASSROOM USE.

22 (2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY
23 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
24 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN
25 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS
26 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

27 (3) THE MAXIMUM AMOUNT OF CREDIT THAT SHALL BE ALLOWED ANNUALLY UNDER
28 THIS SUBSECTION SHALL BE TEN MILLION DOLLARS. IN ORDER TO CLAIM A CREDIT
29 UNDER THIS SUBSECTION, A TAXPAYER SHALL BE REQUIRED TO APPLY TO THE
30 DEPARTMENT FOR APPROVAL DURING THE TAXABLE YEAR. THE TAXPAYER SHALL BE
31 REQUIRED TO SUBMIT DOCUMENTATION DEMONSTRATING THAT THE TAXPAYER IS A
32 TEACHER OR INSTRUCTOR AS REQUIRED UNDER THIS SUBSECTION AND THAT THE
33 TAXPAYER PURCHASED MATERIALS AND SUPPLIES. THE DEPARTMENT SHALL REVIEW
34 THE APPLICATION AND PROVIDE A TAXPAYER WITH A CERTIFICATE THAT SPECIFIES
35 HOW MUCH CREDIT THE TAXPAYER IS ENTITLED TO CLAIM. IF REQUIRED BY THE
36 COMMISSIONER, THE TAXPAYER MUST SUBMIT THAT CERTIFICATE WITH HIS OR HER
37 TAX RETURN. THE COMMISSIONER SHALL ALLOCATE THE CREDITS ON A FIRST COME
38 FIRST SERVED BASIS AND PRESCRIBE THE NECESSARY PROCEDURES FOR REVIEWING
39 THE APPLICATIONS AND PRODUCING THE CERTIFICATES.

40 S 11. Subsection (b) of section 612 of the tax law is amended by
41 adding a new paragraph 43 to read as follows:

42 (43) THE AMOUNT OF ANY FEDERAL DEDUCTION FOR CERTAIN EXPENSES OF
43 ELIGIBLE EDUCATORS PURSUANT TO SUBPARAGRAPH (D) OF PARAGRAPH TWO OF
44 SUBSECTION (A) OF SECTION SIXTY-TWO OF THE INTERNAL REVENUE CODE TO THE
45 EXTENT SUCH EXPENSES ARE USED AS THE BASIS OF THE CALCULATION OF THE
46 CREDIT ALLOWED UNDER SUBSECTION (V) OF SECTION SIX HUNDRED SIX OF THIS
47 ARTICLE.

48 S 12. Section 606 of the tax law is amended by adding a new subsection
49 (w) to read as follows:

50 (W) FAMILY CHOICE EDUCATION CREDIT. (1) GENERAL. A RESIDENT TAXPAYER
51 SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN PARAGRAPH FOUR
52 OF THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR QUALI-
53 FIED PRIMARY OR SECONDARY EDUCATION TUITION EXPENSES.

54 (2) DEFINITIONS. FOR THE PURPOSES OF THIS CREDIT:

(A) THE TERM "ELIGIBLE STUDENT" SHALL MEAN ANY DEPENDENT OF THE TAXPAYER WITH RESPECT TO WHOM THE TAXPAYER IS ALLOWED AN EXEMPTION UNDER SECTION SIX HUNDRED SIXTEEN OF THIS ARTICLE FOR THE TAXABLE YEAR.

(B) THE TERM "QUALIFIED PRIMARY OR SECONDARY EDUCATION TUITION EXPENSES" SHALL MEAN THE TUITION REQUIRED FOR THE ENROLLMENT OR ATTENDANCE OF AN ELIGIBLE STUDENT AT A PUBLIC SCHOOL OR A NON-PUBLIC SCHOOL, AS DEFINED IN SECTION FORTY-TWO OF THIS CHAPTER. PROVIDED, HOWEVER, TUITION PAYMENTS MADE PURSUANT TO THE RECEIPT OF ANY SCHOLARSHIPS OR FINANCIAL AID SHALL BE EXCLUDED FROM THE DEFINITION OF "QUALIFIED PRIMARY OR SECONDARY EDUCATION TUITION EXPENSES".

(3) ELIGIBILITY. TO BE ELIGIBLE FOR THIS CREDIT, THE NEW YORK ADJUSTED GROSS INCOME OF THE TAXPAYER FOR THE TAXABLE YEAR, OR IN THE CASE OF A MARRIED COUPLE FILING A JOINT RETURN, THE NEW YORK ADJUSTED GROSS INCOME OF THE MARRIED COUPLE FOR THE TAXABLE YEAR, MAY NOT EXCEED SIXTY THOUSAND DOLLARS.

(4) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO THE LESSER OF FIVE HUNDRED DOLLARS PER ELIGIBLE STUDENT OR THE ACTUAL AMOUNT OF QUALIFIED PRIMARY OR SECONDARY EDUCATION TUITION EXPENSES PAID BY THE TAXPAYER PER ELIGIBLE STUDENT DURING THE TAXABLE YEAR.

(5) REFUNDABILITY. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

S 13. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

S 14. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2017.

PART T

Section 1. The tax law is amended by adding a new section 187-t to read as follows:

S 187-T. NEW YORK STATE THRUWAY TOLLS TAX CREDIT. (1) A TAXPAYER THAT OPERATES A MOTOR VEHICLE ON THE NEW YORK STATE THRUWAY, AND PAYS NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS ACCOUNT, SHALL BE ALLOWED A CREDIT, AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY SECTIONS ONE HUNDRED EIGHTY-THREE AND ONE HUNDRED EIGHTY-FOUR OF THIS ARTICLE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN BUT BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN. IN NO EVENT SHALL THE CREDIT UNDER THIS SECTION BE ALLOWED IN AN AMOUNT THAT WILL REDUCE THE TAX TO LESS THAN THE APPLICABLE MINIMUM TAX FIXED BY SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED FORWARD TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

(2) FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(A) "MOTOR VEHICLE" MEANS A VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW:

(B) "E-ZPASS BUSINESS ACCOUNT" MEANS A PREPAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S NAME.

(C) "E-ZPASS COMMERCIAL ACCOUNT" MEANS A POST-PAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S NAME.

(3)(A) THE CREDIT FOR A TAXPAYER HOLDING AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS SHALL BE IN AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SUM OF ALL NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER THROUGH SUCH AN ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. TO QUALIFY FOR THE CREDIT, THE TAXPAYER MUST HAVE PAID ONE HUNDRED DOLLARS OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH SUCH ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. A TAXPAYER THAT PAYS TEN THOUSAND DOLLARS OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR DOES NOT QUALIFY FOR THE CREDIT IN ANY AMOUNT IN THAT TAXABLE YEAR.

(B) IF A TAXPAYER HAS MORE THAN ONE E-ZPASS TRANSPONDER ON AN ACCOUNT OR HAS MORE THAN ONE ACCOUNT, ALL THE NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR ALL E-ZPASS TRANSPONDERS AND ALL ACCOUNTS SHALL BE AGGREGATED FOR PURPOSES OF APPLYING THE MINIMUM AND MAXIMUM AMOUNTS OF NEW YORK STATE THRUWAY TOLLS REFERENCED IN PARAGRAPH (A) OF THIS SUBDIVISION.

(4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE AMOUNT OF ANY CLAIM MADE FOR A NEW YORK STATE THRUWAY TOLLS TAX CREDIT MAY BE VERIFIED THROUGH E-ZPASS TOLL RECEIPT RECORDS CREATED AND MAINTAINED BY THE ENTITY AUTHORIZED TO ISSUE THE E-ZPASS ACCOUNT AND MADE AVAILABLE TO, AND UPON REQUEST BY, THE DEPARTMENT FOR THIS PURPOSE.

S 2. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. NEW YORK STATE THRUWAY TOLLS TAX CREDIT. (A) A TAXPAYER THAT OPERATES A MOTOR VEHICLE, OR A FARM VEHICLE IN CONNECTION WITH FARM OPERATIONS, ON THE NEW YORK STATE THRUWAY, AND PAYS NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS ACCOUNT, SHALL BE ALLOWED A CREDIT, AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN BUT BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR MAY NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, OR IF THE TAXPAYER OTHERWISE PAYS TAX BASED ON THE FIXED DOLLAR MINIMUM AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN THAT TAXABLE YEAR SHALL BE CARRIED FORWARD TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

(B) FOR PURPOSES OF THIS SUBDIVISION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(1) "MOTOR VEHICLE" MEANS A VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

(2) "FARM VEHICLE" MEANS A MOTOR VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OF NOT MORE THAN TWENTY-SIX THOUSAND POUNDS THAT IS OWNED BY A PERSON PRIMARILY ENGAGED IN PRODUCTION BY MEANS OF (I) THE PLANTING, CULTIVATION AND HARVESTING OF AGRICULTURAL, VEGETABLE AND FOOD PRODUCTS OF THE SOIL, INCLUDING HORTICULTURAL SPECIALTIES SUCH AS NURSERY STOCK, ORNAMENTAL SHRUBS, ORNAMENTAL TREES AND FLOWERS, (II) THE RAISING, FEEDING AND CARE OF LIVESTOCK, BEES, AND POULTRY, OR (III) DAIRY FARMING.

1 SUCH FARM VEHICLE SHALL BE PRINCIPALLY USED FOR THE TRANSPORTATION OF
2 AGRICULTURAL OR DAIRY COMMODITIES OR SUPPLIES, OR USED IN CONJUNCTION
3 WITH LUMBERING OPERATIONS CONNECTED WITH BUT ONLY INCIDENTAL TO THE
4 OPERATION OF A FARM.

5 (3) "E-ZPASS BUSINESS ACCOUNT" MEANS A PREPAID E-ZPASS ACCOUNT ISSUED
6 BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S
7 NAME.

8 (4) "E-ZPASS COMMERCIAL ACCOUNT" MEANS A POST-PAID E-ZPASS ACCOUNT
9 ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTER-
10 PRISE'S NAME.

11 (C)(1) THE CREDIT FOR A TAXPAYER HOLDING AN E-ZPASS BUSINESS OR
12 COMMERCIAL ACCOUNT OR ACCOUNTS SHALL BE IN AN AMOUNT EQUAL TO FIFTY
13 PERCENT OF THE SUM OF ALL NEW YORK STATE THRUWAY TOLLS PAID BY THE
14 TAXPAYER THROUGH SUCH AN ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. TO
15 QUALIFY FOR THE CREDIT, THE TAXPAYER MUST HAVE PAID ONE HUNDRED DOLLARS
16 OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH SUCH ACCOUNT OR ACCOUNTS
17 DURING THE TAXABLE YEAR. A TAXPAYER THAT PAYS TEN THOUSAND DOLLARS OR
18 MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS BUSINESS OR
19 COMMERCIAL ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR DOES NOT QUALIFY
20 FOR THE CREDIT IN ANY AMOUNT IN THAT TAXABLE YEAR.

21 (2) THE CREDIT FOR A TAXPAYER OWNING AND OPERATING A FARM VEHICLE AND
22 HOLDING AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS SHALL BE
23 IN AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE SUM OF ALL NEW YORK
24 STATE THRUWAY TOLLS PAID BY THE TAXPAYER THROUGH SUCH AN ACCOUNT OR
25 ACCOUNTS DURING THE TAXABLE YEAR FOR THAT FARM VEHICLE, PROVIDED THE
26 QUALIFYING NEW YORK STATE THRUWAY TOLLS WERE INCURRED IN CONNECTION WITH
27 FARM OPERATIONS.

28 (3) A TAXPAYER MAY CLAIM THE CREDIT PROVIDED FOR IN SUBPARAGRAPH ONE
29 OR TWO OF THIS PARAGRAPH IN A TAXABLE YEAR BUT MAY NOT CLAIM A CREDIT
30 UNDER BOTH SUBPARAGRAPHS ONE AND TWO OF THIS PARAGRAPH IN THE SAME TAXA-
31 BLE YEAR.

32 (4) IF A TAXPAYER HAS MORE THAN ONE E-ZPASS TRANSPONDER ON AN ACCOUNT
33 OR HAS MORE THAN ONE ACCOUNT, ALL THE NEW YORK STATE THRUWAY TOLLS PAID
34 BY THE TAXPAYER FOR ALL E-ZPASS TRANSPONDERS AND ALL ACCOUNTS SHALL BE
35 AGGREGATED FOR PURPOSES OF APPLYING THE MINIMUM AND MAXIMUM AMOUNTS OF
36 NEW YORK STATE THRUWAY TOLLS REFERENCED IN SUBPARAGRAPH ONE OF THIS
37 PARAGRAPH.

38 (D) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE AMOUNT OF ANY
39 CLAIM MADE FOR A NEW YORK STATE THRUWAY TOLLS TAX CREDIT MAY BE VERIFIED
40 THROUGH E-ZPASS TOLL RECEIPT RECORDS CREATED AND MAINTAINED BY THE ENTI-
41 TY AUTHORIZED TO ISSUE THE E-ZPASS ACCOUNT AND MADE AVAILABLE TO, AND
42 UPON REQUEST BY, THE DEPARTMENT FOR THIS PURPOSE.

43 S 3. Section 606 of the tax law is amended by adding a new subsection
44 (ccc) to read as follows:

45 (CCC) NEW YORK STATE THRUWAY TOLLS TAX CREDIT. (1) A TAXPAYER THAT
46 OPERATES A MOTOR VEHICLE, OR A FARM VEHICLE IN CONNECTION WITH FARM
47 OPERATIONS, ON THE NEW YORK STATE THRUWAY, AND PAYS NEW YORK STATE THRU-
48 WAY TOLLS THROUGH AN E-ZPASS ACCOUNT, SHALL BE ALLOWED A CREDIT, AS
49 HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR TAXA-
50 BLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN BUT
51 BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN. IF THE AMOUNT OF CREDIT
52 ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAY-
53 ER'S TAX FOR SUCH YEAR, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH
54 TAXABLE YEAR SHALL BE CARRIED FORWARD TO THE FOLLOWING YEAR OR YEARS AND
55 MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

(2) FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(A) "MOTOR VEHICLE" MEANS A VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

(B) "FARM VEHICLE" MEANS A MOTOR VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OF NOT MORE THAN TWENTY-SIX THOUSAND POUNDS THAT IS OWNED BY A PERSON PRIMARILY ENGAGED IN PRODUCTION BY MEANS OF (I) THE PLANTING, CULTIVATION AND HARVESTING OF AGRICULTURAL, VEGETABLE AND FOOD PRODUCTS OF THE SOIL, INCLUDING HORTICULTURAL SPECIALTIES SUCH AS NURSERY STOCK, ORNAMENTAL SHRUBS, ORNAMENTAL TREES AND FLOWERS, (II) THE RAISING, FEEDING AND CARE OF LIVESTOCK, BEES, AND POULTRY, OR (III) DAIRY FARMING. SUCH FARM VEHICLE SHALL BE PRINCIPALLY USED FOR THE TRANSPORTATION OF AGRICULTURAL OR DAIRY COMMODITIES OR SUPPLIES, OR USED IN CONJUNCTION WITH LUMBERING OPERATIONS CONNECTED WITH BUT ONLY INCIDENTAL TO THE OPERATION OF A FARM.

(C) "E-ZPASS INDIVIDUAL ACCOUNT" MEANS A PREPAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN AN INDIVIDUAL'S NAME.

(D) "E-ZPASS BUSINESS ACCOUNT" MEANS A PREPAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S NAME.

(E) "E-ZPASS COMMERCIAL ACCOUNT" MEANS A POST-PAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S NAME.

(3)(A) THE CREDIT FOR A TAXPAYER HOLDING AN E-ZPASS INDIVIDUAL ACCOUNT OR ACCOUNTS SHALL BE IN AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SUM OF ALL NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER THROUGH SUCH AN ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. TO QUALIFY FOR THE CREDIT, THE TAXPAYER MUST HAVE PAID AT LEAST FIFTY DOLLARS IN NEW YORK STATE THRUWAY TOLLS THROUGH SUCH ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR.

(B) THE CREDIT FOR A TAXPAYER HOLDING AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS SHALL BE IN AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SUM OF ALL NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER THROUGH SUCH AN ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. TO QUALIFY FOR THE CREDIT, THE TAXPAYER MUST HAVE PAID ONE HUNDRED DOLLARS OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH SUCH ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. A TAXPAYER THAT PAYS TEN THOUSAND DOLLARS OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR DOES NOT QUALIFY FOR THE CREDIT IN ANY AMOUNT IN THAT TAXABLE YEAR.

(C) THE CREDIT FOR A TAXPAYER OWNING AND OPERATING A FARM VEHICLE AND HOLDING AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS SHALL BE IN AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE SUM OF ALL NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER THROUGH SUCH AN ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR FOR THAT FARM VEHICLE, PROVIDED THE QUALIFYING NEW YORK STATE THRUWAY TOLLS WERE INCURRED IN CONNECTION WITH FARM OPERATIONS.

(D) A TAXPAYER MAY CLAIM THE CREDIT PROVIDED FOR IN SUBPARAGRAPH (A), (B) OR (C) OF THIS PARAGRAPH IN A TAXABLE YEAR BUT MAY NOT CLAIM A CREDIT UNDER MORE THAN ONE SUBPARAGRAPH OF THIS PARAGRAPH IN THE SAME TAXABLE YEAR.

(E) IF A TAXPAYER HAS MORE THAN ONE E-ZPASS TRANSPONDER ON AN ACCOUNT OR HAS MORE THAN ONE ACCOUNT, ALL THE NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR ALL E-ZPASS TRANSPONDERS AND ALL ACCOUNTS SHALL BE AGGREGATED FOR PURPOSES OF APPLYING THE MINIMUM AND MAXIMUM AMOUNTS OF NEW YORK STATE THRUWAY TOLLS REFERENCED IN SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH.

(4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE AMOUNT OF ANY CLAIM MADE FOR A NEW YORK STATE THRUWAY TOLLS TAX CREDIT MAY BE VERIFIED THROUGH E-ZPASS TOLL RECEIPTS RECORDS CREATED AND MAINTAINED BY THE ENTITY AUTHORIZED TO ISSUE THE E-ZPASS ACCOUNT AND MADE AVAILABLE TO, AND UPON REQUEST BY, THE DEPARTMENT OF TAXATION AND FINANCE FOR THIS PURPOSE.

S 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xli) to read as follows:

(XLI) NEW YORK STATE	AMOUNT OF CREDIT UNDER
THRUWAY TOLLS TAX CREDIT	SUBDIVISION FORTY-NINE OF
UNDER SUBSECTION (CCC)	SECTION TWO HUNDRED TEN-B

S 5. Section 1511 of the tax law is amended by adding a new subdivision (dd) to read as follows:

(DD) NEW YORK STATE THRUWAY TOLLS TAX CREDIT. (1) A TAXPAYER THAT OPERATES A MOTOR VEHICLE ON THE NEW YORK STATE THRUWAY, AND PAYS NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS ACCOUNT, SHALL BE ALLOWED A CREDIT, AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN BUT BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR MAY NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE, OR TWO HUNDRED FIFTY DOLLARS IF SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN THAT TAXABLE YEAR SHALL BE CARRIED FORWARD TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

(2) FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY.

(A) "MOTOR VEHICLE" MEANS A VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

(B) "E-ZPASS BUSINESS ACCOUNT" MEANS A PREPAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S NAME.

(C) "E-ZPASS COMMERCIAL ACCOUNT" MEANS A POST-PAID E-ZPASS ACCOUNT ISSUED BY AN AUTHORIZED ENTITY IN A CORPORATION'S OR COMMERCIAL ENTERPRISE'S NAME.

(3) (A) THE CREDIT FOR A TAXPAYER HOLDING AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS SHALL BE IN AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SUM OF ALL NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER THROUGH SUCH AN ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. TO QUALIFY FOR THE CREDIT, THE TAXPAYER MUST HAVE PAID ONE HUNDRED DOLLARS OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH SUCH ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR. A TAXPAYER THAT PAYS TEN THOUSAND DOLLARS OR MORE IN NEW YORK STATE THRUWAY TOLLS THROUGH AN E-ZPASS BUSINESS OR COMMERCIAL ACCOUNT OR ACCOUNTS DURING THE TAXABLE YEAR DOES NOT QUALIFY FOR THE CREDIT IN ANY AMOUNT IN THAT TAXABLE YEAR.

(B) IF A TAXPAYER HAS MORE THAN ONE E-ZPASS TRANSPONDER ON AN ACCOUNT OR HAS MORE THAN ONE ACCOUNT, ALL THE NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR ALL E-ZPASS TRANSPONDERS AND ALL ACCOUNTS SHALL BE AGGREGATED FOR PURPOSES OF APPLYING THE MINIMUM AND MAXIMUM AMOUNTS OF NEW YORK STATE THRUWAY TOLLS REFERENCED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

(4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE AMOUNT OF ANY CLAIM MADE FOR A NEW YORK STATE THRUWAY TOLLS TAX CREDIT MAY BE VERIFIED THROUGH E-ZPASS TOLL RECEIPT RECORDS CREATED AND MAINTAINED BY THE ENTITY AUTHORIZED TO ISSUE THE E-ZPASS ACCOUNT AND MADE AVAILABLE TO, AND UPON REQUEST BY, THE DEPARTMENT FOR THIS PURPOSE.

S 6. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding a new subparagraph 22 to read as follows:

(22) THE AMOUNT OF ANY NEW YORK STATE THRUWAY TOLLS USED IN THE CALCULATION OF ANY CREDIT ALLOWED UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B OF THIS ARTICLE.

S 7. Subsection (b) of section 612 of the tax law is amended by adding a new paragraph 43 to read as follows:

(43) THE AMOUNT OF ANY NEW YORK STATE THRUWAY TOLLS USED IN THE CALCULATION OF ANY CREDIT ALLOWED UNDER SUBSECTION (CCC) OF SECTION SIX HUNDRED SIX OF THIS ARTICLE.

S 8. Paragraph 2 of subdivision (b) of section 1503 of the tax law is amended by adding a new subparagraph (W) to read as follows:

(W) THE AMOUNT OF ANY NEW YORK STATE THRUWAY TOLLS USED IN THE CALCULATION OF ANY CREDIT ALLOWED UNDER SUBDIVISION (DD) OF SECTION FIFTEEN HUNDRED ELEVEN OF THIS ARTICLE.

S 9. This act shall take effect immediately.

PART U

Section 1. Section 19 of Part W-1 of chapter 109 of the laws of 2006 amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, as amended by section 1 of part V of chapter 59 of the laws of 2014, is amended to read as follows:

S 19. This act shall take effect immediately; provided, however, that sections one through thirteen of this act shall take effect September 1, 2006 and shall be deemed repealed on September 1, [2016] 2021 and such repeal shall apply in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law, and shall apply to sales made, fuel compounded or manufactured, and uses occurring on or after such date, and with respect to sections seven through eleven of this act, in accordance with applicable transitional provisions of sections 1106 and 1217 of the tax law; provided, however, that the commissioner of taxation and finance shall be authorized on and after the date this act shall have become a law to adopt and amend any rules or regulations and to take any steps necessary to implement the provisions of this act; provided further that sections fourteen through sixteen of this act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2006.

S 2. This act shall take effect immediately.

PART V

Section 1. Section 37 of the tax law, as added by chapter 109 of the laws of 2012, subdivision (c) as amended by section 52 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

S 37. [Beer] ALCOHOLIC BEVERAGE production credit. (a) General. A taxpayer subject to tax under article nine-A or twenty-two of this chapter, that is registered as a distributor under article eighteen of this chapter, and that produces sixty million or fewer gallons of beer OR CIDER, TWENTY MILLION OR FEWER GALLONS OF WINE, OR EIGHT HUNDRED THOU-

1 SAND OR FEWER GALLONS OF LIQUOR in this state in the taxable year, shall
2 be allowed a credit against such taxes in the amount specified in subdi-
3 vision (b) of this section and pursuant to the provisions referenced in
4 subdivision (c) of this section. Provided, however, that no credit shall
5 be allowed for any beer, CIDER, WINE OR LIQUOR produced in excess of
6 fifteen million five hundred thousand gallons in the taxable year. If
7 the taxpayer is a partner in a partnership or shareholder of a New York
8 S corporation, then the cap imposed by the preceding sentence shall be
9 applied at the entity level, so that the aggregate credit allowed to all
10 the partners or shareholders of each such entity in the taxable year
11 does not exceed that cap.

12 (b) The amount of the credit per taxpayer per taxable year (or pro
13 rata share of earned credit in the case of a partnership) for each
14 gallon of beer, CIDER, WINE OR LIQUOR produced in this state [on or
15 after April first, two thousand twelve] shall be determined as follows:

16 (1) for the first five hundred thousand gallons of beer, CIDER, WINE
17 OR LIQUOR produced in this state in the taxable year, the credit shall
18 equal fourteen cents per gallon; and

19 (2) for each gallon of beer, CIDER, WINE OR LIQUOR produced in this
20 state in the taxable year in excess of five hundred thousand gallons,
21 the credit shall equal four and one-half cents per gallon.

22 (c) Cross-references. For application of the credit provided for in
23 this section, see the following provisions of this chapter:

24 (1) Article 9-A: Section 210-B, subdivision 39.

25 (2) Article 22: Section 606, subsections (i) and (uu).

26 S 2. Subdivision 39 of section 210-B of the tax law, as added by
27 section 17 of part A of chapter 59 of the laws of 2014, is amended to
28 read as follows:

29 39. [Beer] ALCOHOLIC BEVERAGE production credit. A taxpayer shall be
30 allowed a credit, to be computed as provided in section thirty-seven of
31 this chapter, against the tax imposed by this article. In no event shall
32 the credit allowed under this subdivision for any taxable year reduce
33 the tax due for such year to less than the amount prescribed in para-
34 graph (d) of subdivision one of section two hundred ten of this article.
35 However, if the amount of credit allowed under this subdivision for any
36 taxable year reduces the tax to such amount or if the taxpayer otherwise
37 pays tax based on the fixed dollar minimum amount, any amount of credit
38 thus not deductible in such taxable year shall be treated as an overpay-
39 ment of tax to be credited or refunded in accordance with the provisions
40 of section one thousand eighty-six of this chapter. Provided, however,
41 the provisions of subsection (c) of section one thousand eighty-eight of
42 this chapter notwithstanding, no interest shall be paid thereon.

43 S 3. Subdivision 3 of section 420 of the tax law, as amended by chap-
44 ter 94 of the laws of 1934, is amended to read as follows:

45 3. "Alcoholic beverages" mean and include CIDERS, AS DEFINED BY THE
46 ALCOHOLIC BEVERAGE CONTROL LAW, beers, wines or liquors.

47 S 4. Section 424 of the tax law is amended by adding a new subdivision
48 6 to read as follows:

49 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THERE SHALL BE
50 EXEMPT FROM THE TAXES IMPOSED UNDER THIS ARTICLE, ALCOHOLIC BEVERAGES
51 FURNISHED BY A LICENSED PRODUCER OF ALCOHOLIC BEVERAGES AT NO CHARGE TO
52 A CUSTOMER OR PROSPECTIVE CUSTOMER AT A TASTING HELD IN ACCORDANCE WITH
53 THE ALCOHOLIC BEVERAGE CONTROL LAW FOR CONSUMPTION AT SUCH TASTING.

54 S 5. Clause (xxiv) of subparagraph (B) of paragraph 1 of subsection
55 (i) of section 606 of the tax law, as amended by section 68 of part A of
56 chapter 59 of the laws of 2014, is amended to read as follows:

1 (xxxiv) [Beer] ALCOHOLIC BEVERAGE Amount of credit
2 production credit under under subdivision thirty-nine of
3 subsection (uu) section two hundred ten-B
4 S 6. Subsection (uu) of section 606 of the tax law, as added by chap-
5 ter 109 of the laws of 2012, is amended to read as follows:
6 (uu) [Beer] ALCOHOLIC BEVERAGE production credit. A taxpayer shall be
7 allowed a credit, to be computed as provided in section thirty-seven of
8 this chapter, against the tax imposed by this article. If the amount of
9 the credit allowed under this subsection for any taxable year shall
10 exceed the taxpayer's tax for such year, the excess shall be treated as
11 an overpayment of tax to be credited or refunded in accordance with the
12 provisions of section six hundred eighty-six of this article, provided,
13 however, that no interest shall be paid thereon.
14 S 7. Subdivision 13 of section 1118 of the tax law, as added by
15 section 2 of part U of chapter 59 of the laws of 2015, is amended to
16 read as follows:
17 (13) In respect to the use of the following items at a tasting held by
18 a licensed [brewery, farm brewery, cider producer, farm cidery, distil-
19 lery or farm distillery] PRODUCER OF ALCOHOLIC BEVERAGES in accordance
20 with the alcoholic beverage control law: (i) the alcoholic beverage or
21 beverages authorized by the alcoholic beverage control law to be
22 furnished at no charge to a customer or prospective customer at such
23 tasting for consumption at such tasting; and (ii) bottles, corks, caps
24 and labels used to package such alcoholic beverages.
25 S 8. This act shall take effect immediately, provided, however, that:
26 sections one, two, five and six of this act shall apply to taxable years
27 beginning on or after January 1, 2016; sections three and four of this
28 act shall apply to taxable periods beginning on or after April 1, 2016;
29 and section seven of this act shall apply to uses occurring on and after
30 June 1, 2016.

31

PART W

32 Section 1. The tax law is amended by adding a new section 478-a to
33 read as follows:
34 S 478-A. JEOPARDY ASSESSMENTS. IF THE COMMISSIONER BELIEVES THAT THE
35 COLLECTION OF ANY TAX WILL BE JEOPARDIZED BY DELAY, HE OR SHE MAY DETER-
36 MINE THE AMOUNT OF SUCH TAX AND ASSESS THE SAME, TOGETHER WITH ALL
37 INTEREST AND PENALTIES PROVIDED BY LAW, AGAINST ANY PERSON LIABLE THERE-
38 FOR PRIOR TO THE FILING OF HIS OR HER RETURN AND PRIOR TO THE DATE WHEN
39 HIS OR HER RETURN IS REQUIRED TO BE FILED. THE AMOUNT SO DETERMINED
40 SHALL BECOME DUE AND PAYABLE TO THE COMMISSIONER BY THE PERSON AGAINST
41 WHOM SUCH A JEOPARDY ASSESSMENT IS MADE, AS SOON AS NOTICE THEREOF IS
42 GIVEN TO HIM OR HER. THE PROVISIONS OF SECTION FOUR HUNDRED
43 SEVENTY-EIGHT OF THIS ARTICLE SHALL APPLY TO ANY SUCH DETERMINATION
44 EXCEPT TO THE EXTENT THAT THEY MAY BE INCONSISTENT WITH THE PROVISIONS
45 OF THIS SECTION. THE COMMISSIONER MAY ABATE ANY JEOPARDY ASSESSMENT IF
46 HE OR SHE FINDS THAT JEOPARDY DOES NOT EXIST. THE COLLECTION OF ANY
47 JEOPARDY ASSESSMENT MAY BE STAYED BY FILING WITH THE COMMISSIONER A BOND
48 ISSUED BY A SURETY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE
49 AND APPROVED BY THE SUPERINTENDENT OF FINANCIAL SERVICES AS TO SOLVENCY
50 AND RESPONSIBILITY, OR SUCH OTHER SECURITY ACCEPTABLE TO THE COMMISSION-
51 ER, CONDITIONED UPON PAYMENT OF THE AMOUNT ASSESSED AND INTEREST THERE-
52 ON, OR ANY LESSER AMOUNT TO WHICH SUCH ASSESSMENT MAY BE REDUCED BY THE
53 ADMINISTRATIVE LAW JUDGE OR THE TAX APPEALS TRIBUNAL OR BY A PROCEEDING
54 UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES AS

1 PROVIDED IN SECTION FOUR HUNDRED SEVENTY-EIGHT OF THIS ARTICLE, SUCH
2 PAYMENT TO BE MADE WHEN THE ASSESSMENT OR ANY SUCH REDUCTION THEREOF
3 BECOMES FINAL AND NOT SUBJECT TO FURTHER REVIEW. IF SUCH A BOND IS FILED
4 AND THEREAFTER A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL
5 PRACTICE LAW AND RULES IS COMMENCED AS PROVIDED IN SECTION FOUR HUNDRED
6 SEVENTY-EIGHT OF THIS ARTICLE, DEPOSIT OF THE TAXES, PENALTIES AND
7 INTEREST ASSESSED SHALL NOT BE REQUIRED AS A CONDITION PRECEDENT TO THE
8 COMMENCEMENT OF SUCH PROCEEDING. WHERE A JEOPARDY ASSESSMENT IS MADE,
9 ANY PROPERTY SEIZED FOR THE COLLECTION OF THE TAX SHALL NOT BE SOLD: (1)
10 UNTIL EXPIRATION OF THE TIME TO APPLY FOR A HEARING AS PROVIDED IN
11 SECTION FOUR HUNDRED SEVENTY-EIGHT OF THIS ARTICLE, AND (2) IF SUCH
12 APPLICATION IS TIMELY FILED, UNTIL THE EXPIRATION OF THE TIME TO FILE AN
13 EXCEPTION TO THE DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE OR, IF AN
14 EXCEPTION IS TIMELY FILED, UNTIL FOUR MONTHS AFTER THE TAX APPEALS
15 TRIBUNAL HAS GIVEN NOTICE OF ITS DECISION TO THE PERSON AGAINST WHOM THE
16 ASSESSMENT IS MADE; PROVIDED, HOWEVER, SUCH PROPERTY MAY BE SOLD AT ANY
17 TIME IF SUCH PERSON HAS FAILED TO ATTEND A HEARING OF WHICH HE OR SHE
18 HAS BEEN DULY NOTIFIED, OR IF HE OR SHE CONSENTS TO THE SALE, OR IF THE
19 COMMISSIONER DETERMINES THAT THE EXPENSES OF CONSERVATION AND MAINTENANCE
20 WILL GREATLY REDUCE THE NET PROCEEDS, OR IF THE PROPERTY IS
21 PERISHABLE.
22 S 2. This act shall take effect immediately.

23

PART X

24 Section 1. Paragraph 2 of subdivision (e) of section 1105 of the tax
25 law, as amended by section 1 of part Q of chapter 59 of the laws of
26 2012, is amended to read as follows:
27 (2) Except as provided in subdivision (r) of section eleven hundred
28 eleven of this part, when occupancy is provided, for a single consider-
29 ation, with property, services, amusement charges, or any other items,
30 the separate sale of which is not subject to tax under this article, AND
31 THE RENT PAID FOR SUCH OCCUPANCY DOES NOT QUALIFY FOR THE EXEMPTION IN
32 SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE, the
33 entire consideration shall be treated as rent subject to tax under para-
34 graph one of this subdivision; provided, however, that where the amount
35 of the rent for occupancy is stated separately from the price of such
36 property, services, amusement charges, or other items, on any sales
37 slip, invoice, receipt, or other statement given the occupant, and such
38 rent is reasonable in relation to the value of such property, services,
39 amusement charges or other items, only such separately stated rent will
40 be subject to tax under paragraph one of this subdivision.
41 S 2. Section 1115 of the tax law is amended by adding a new subdivi-
42 sion (kk) to read as follows:
43 (KK) RENT PAID BY A ROOM REMARKETER TO AN OPERATOR THAT IS NOT A ROOM
44 REMARKETER FOR AN OCCUPANCY THAT THE ROOM REMARKETER INTENDS TO PROVIDE
45 TO AN OCCUPANT FOR RENT SHALL BE EXEMPT FROM THE HOTEL UNIT FEE IMPOSED
46 BY SECTION ELEVEN HUNDRED FOUR OF THIS ARTICLE AND THE TAX IMPOSED BY
47 SUBDIVISION (E) OF SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE, PROVIDED
48 THAT SUCH ROOM REMARKETER FURNISHES SUCH OPERATOR A CERTIFICATE IN SUCH
49 FORM AND CONTAINING SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMIS-
50 SIONER. THE EXEMPTION CERTIFICATE PROVIDED FOR BY THIS SUBDIVISION SHALL
51 BE ADMINISTERED BY THE COMMISSIONER IN CONFORMITY WITH THE RULES FOR
52 EXEMPTION OR RESALE CERTIFICATES IN SUBPARAGRAPH (I) OF PARAGRAPH ONE OF
53 SUBDIVISION (C) OF SECTION ELEVEN HUNDRED THIRTY-TWO OF THIS ARTICLE.

1 S 3. Paragraph 4 of subdivision a of section 11-2502 of the adminis-
2 trative code of the city of New York, as amended by section 4 of part Q
3 of chapter 59 of the laws of 2012, is amended to read as follows:

4 (4) (i) When occupancy is provided, for a single consideration, with
5 property, services, amusement charges, or any other items, the separate
6 sale of which is not subject to tax under this chapter, AND THE RENT
7 PAID FOR SUCH OCCUPANCY DOES NOT QUALIFY FOR THE EXEMPTION IN SUBDIVI-
8 SION 1 OF THIS SECTION, the entire consideration shall be treated as
9 rent subject to tax under paragraph one of this subdivision; provided,
10 however, that where the amount of the rent for occupancy is stated sepa-
11 rately from the price of such property, services, amusement charges or
12 other items on any sales slip, invoice, receipt, or other statement
13 given the occupant and such rent is reasonable in relation to the value
14 of such property, services, amusement charges, or other items, only such
15 separately stated rent will be subject to tax under this subdivision.

16 (ii) In regard to the collection of tax on occupancies by remarketers,
17 when occupancy is provided, for a single consideration, with property,
18 services, amusement charges, or any other items, whether or not such
19 other items are taxable, the rent portion of the consideration for such
20 sale shall be computed as follows: the total consideration for the sale
21 multiplied by a fraction, the numerator of which shall be the consider-
22 ation paid to the hotel for the occupancy and the denominator of which
23 shall be the consideration paid to the hotel for the occupancy plus the
24 consideration paid to the providers of the other items being sold, or by
25 any other reasonable method pursuant to which the rent portion of
26 consideration would be no less than the computation of rent portion of
27 consideration under subparagraph (i) of this paragraph. Nothing herein
28 shall be construed to subject to tax or exempt from tax any service or
29 property or amusement charge or other items otherwise subject to tax or
30 exempt from tax under this chapter.

31 S 4. Section 11-2502 of the administrative code of the city of New
32 York is amended by adding a new subdivision 1 to read as follows:

33 1. AN OCCUPANCY THAT AN OPERATOR CONVEYS OR FURNISHES TO A ROOM
34 REMARKETER THAT THE ROOM REMARKETER INTENDS TO CONVEY OR FURNISH,
35 DIRECTLY OR INDIRECTLY, TO AN OCCUPANT FOR RENT SHALL BE EXEMPT FROM THE
36 TAXES IMPOSED BY THIS SECTION, PROVIDED THAT SUCH ROOM REMARKETER
37 FURNISHES THE OPERATOR WITH A CERTIFICATE IN SUCH FORM AND CONTAINING
38 SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMISSIONER OF FINANCE.
39 THE OPERATOR SHALL RETAIN SUCH STATEMENT AND PROVIDE IT TO THE COMMIS-
40 SIONER OF FINANCE UPON REQUEST.

41 S 5. This act shall take effect immediately and apply to rent paid for
42 occupancies on or after June 1, 2016.

43 PART Y

44 Section 1. The section heading of section 951-a of the tax law, as
45 added by chapter 190 of the laws of 1990, is amended to read as follows:
46 [Definitions] GENERAL PROVISIONS AND DEFINITIONS.

47 S 2. Section 951-a of the tax law is amended by adding a new
48 subsection (f) to read as follows:

49 (F) TAX TREATMENT OF CHARITABLE CONTRIBUTIONS FOR DETERMINING DOMI-
50 CILE. NOTWITHSTANDING ANY OTHER PROVISION OF ANY OTHER LAW TO THE
51 CONTRARY, THE MAKING OF A FINANCIAL CONTRIBUTION, GIFT, BEQUEST,
52 DONATION OR ANY OTHER FINANCIAL INSTRUMENT OR PLEDGE IN ANY AMOUNT OR
53 THE DONATION OR LOAN OF ANY OBJECT OF ANY VALUE, OR THE VOLUNTEERING,
54 GIVING OR DONATION OF UNCOMPENSATED TIME, OR ANY COMBINATION OF THE

1 FOREGOING, CONSIDERED A CHARITABLE CONTRIBUTION UNDER SUBSECTION (C) OF
2 SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE, OR TO A
3 NOT-FOR-PROFIT ORGANIZATION, AS DEFINED IN SUBDIVISION SEVEN OF SECTION
4 ONE HUNDRED SEVENTY-NINE-Q OF THE STATE FINANCE LAW, SHALL NOT BE USED
5 IN ANY MANNER TO DETERMINE WHERE AN INDIVIDUAL IS DOMICILED AT THE TIME
6 OF HIS OR HER DEATH.

7 S 3. This act shall take effect immediately.

8

PART Z

9 Section 1. Subdivision 2 of section 89-b of the state finance law, as
10 amended by chapter 56 of the laws of 1993, is amended to read as
11 follows:

12 2. The dedicated highway and bridge trust fund shall consist of [two]
13 THREE accounts: (a) the special obligation reserve and payment account;
14 [and] (b) the highway and bridge capital account; AND (C) THE AVIATION
15 PURPOSE ACCOUNT. Moneys in each account shall be kept separate and not
16 commingled with any other moneys in the custody of the comptroller.

17 S 2. Section 89-b of the state finance law is amended by adding a new
18 subdivision 4-a to read as follows:

19 4-A. (A) THE AVIATION PURPOSE ACCOUNT SHALL CONSIST OF ALL MONEYS
20 REQUIRED TO BE DEPOSITED BY SECTION THREE HUNDRED TWELVE OF THE TAX LAW
21 AND ANY OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER
22 FUND, ACCOUNT OR SOURCE.

23 (B) MONEYS IN THE AVIATION PURPOSE ACCOUNT SHALL BE UTILIZED FOR
24 AIRPORTS AND AVIATION FACILITIES AND EQUIPMENT AND RELATED PROJECTS,
25 INCLUDING BUT NOT LIMITED TO THE ACQUISITION OF REAL OR TANGIBLE
26 PERSONAL PROPERTY, CONSTRUCTION, RECONSTRUCTION, RECONDITIONING, PRESER-
27 VATION, MAINTENANCE OR IMPROVEMENT OF AIRPORT OR AVIATION CAPITAL FACIL-
28 ITIES AND NOISE MITIGATION PROJECTS, AND ANY OTHER PURPOSE NOT PROHIBIT-
29 ED BY FEDERAL LAW.

30 S 3. Section 312 of the tax law, as amended by section 32 of part K of
31 chapter 61 of the laws of 2011, is amended to read as follows:

32 S 312. Deposit and disposition of revenue.-- (a) Except as otherwise
33 provided, of all taxes, interest and penalties collected or received on
34 or after April first, two thousand one, from the taxes imposed by
35 [sections] SECTION three hundred one-a [and three hundred one-e] of this
36 article, (i) initially eighty and three-tenths percent shall be deposit-
37 ed, as prescribed by subdivision (d) of section three hundred one-j of
38 this article and (ii) nineteen and seven-tenths percent shall be depos-
39 ited in such mass transportation operating assistance fund to the credit
40 of the metropolitan mass transportation operating assistance account and
41 the public transportation systems operating assistance account thereof
42 in the manner provided by subdivision eleven of section one hundred
43 eighty-two-a of this chapter. Provided, further that on or before the
44 twenty-fifth day of each month commencing with April, two thousand one,
45 the comptroller shall deduct the amount of six hundred twenty-five thou-
46 sand dollars prior to any deposit or disposition of the taxes, interest,
47 and penalties collected or received pursuant to such [sections] SECTION
48 three hundred one-a [and three hundred one-e] and shall deposit such
49 amount in the dedicated fund accounts pursuant to subdivision (d) of
50 section three hundred one-j of this article. Provided, further, that
51 commencing January fifteenth, nineteen hundred ninety-one, and on or
52 before the tenth day of March and the fifteenth day of June and Septem-
53 ber of such year, the commissioner shall, based on information supplied
54 by taxpayers and other appropriate sources, estimate the amount of the

1 utility credit authorized by section three hundred one-d of this article
2 which has been accrued to reduce tax liability under section one hundred
3 eighty-six-a of this chapter during the period covered by such estimate
4 and certify to the state comptroller such estimated amount. The comp-
5 troller shall forthwith, after receiving such certificate, deduct the
6 amount of such credit so certified by the commissioner prior to any
7 deposit or disposition of the taxes, interest and penalties collected or
8 received pursuant to such [sections] SECTION three hundred one-a [and
9 three hundred one-e] and shall pay such amount so certified and deducted
10 into the state treasury to the credit of the general fund. Also, subse-
11 quently, during the fiscal year when the commissioner becomes aware of
12 changes or modifications with respect to actual credit usage, the
13 commissioner shall, as soon as practicable, issue a certification
14 setting forth the amount of any required adjustment to the amount of
15 actual credit usage previously certified. After receiving the certif-
16 icate of the commissioner with respect to actual credit usage or modifi-
17 cation of the same, the comptroller shall forthwith adjust general fund
18 receipts and the revenues to be deposited or disposed of under this
19 article to reflect the difference so certified by the commissioner. The
20 commissioner shall not be liable for any overestimate or underestimate
21 of the amount of the utility credit which has been accrued to reduce tax
22 liability under such section one hundred eighty-six-a. Nor shall the
23 commissioner be liable for any inaccuracy in any certificate with
24 respect to the amount of such credit actually used or any required
25 adjustment with respect to actual credit usage, but the commissioner
26 shall as soon as practicable after discovery of any error adjust the
27 next certification under this section to reflect any such error.

28 Prior to making deposits as provided in this section, the comptroller
29 shall retain such amount as the commissioner may determine to be neces-
30 sary, subject to the approval of the director of the budget, for reason-
31 able costs of the department in administering and collecting the taxes
32 deposited pursuant to this section and for refunds and reimbursements
33 with respect to such taxes, out of which the comptroller shall pay any
34 refunds or reimbursements of such taxes to which taxpayers shall be
35 entitled.

36 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL TAXES, INTEREST,
37 AND PENALTIES COLLECTED OR RECEIVED ON OR AFTER DECEMBER FIRST, TWO
38 THOUSAND SEVENTEEN FROM THE TAXES IMPOSED BY SECTION THREE HUNDRED ONE-E
39 OF THIS ARTICLE SHALL BE DEPOSITED IN THE AVIATION PURPOSE ACCOUNT OF
40 THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED BY SECTION
41 EIGHTY-NINE-B OF THE STATE FINANCE LAW.

42 S 4. Paragraph 1 of subdivision (a) of section 1102 of the tax law, as
43 amended by chapter 261 of the laws of 1988, is amended to read as
44 follows:

45 (1) Every distributor of motor fuel shall pay, as a prepayment on
46 account of the taxes imposed by this article and pursuant to the author-
47 ity of article twenty-nine of this chapter, a tax on each gallon of
48 motor fuel (i) which he imports or causes to be imported into this state
49 for use, distribution, storage or sale in the state or produces,
50 refines, manufactures or compounds in this state or (ii) if the tax has
51 not been imposed prior to its sale in this state, which he sells (which
52 acts shall in regard to motor fuel hereinafter in this article be encom-
53 passed by the phrase "imported, manufactured or sold"), except when
54 imported, manufactured or sold under circumstances which preclude the
55 collection of such tax by reason of the United States constitution and
56 of the laws of the United States enacted pursuant thereto or when

1 imported or manufactured by an organization described in paragraph one
2 or two of subdivision (a) of section eleven hundred sixteen of this
3 article or a hospital included in the organizations described in para-
4 graph four of such subdivision for its own use and consumption and
5 except kero-jet fuel when imported by an airline for use in its
6 airplanes, AND EXCEPT AVIATION GASOLINE SOLD FOR USE IN COMMERCIAL
7 AIRCRAFT AND GENERAL AVIATION AIRCRAFT.

8 S 5. Subparagraph (i) of paragraph 1 of subdivision (a) of section
9 1210 of the tax law, as amended by section 3 of part Z of chapter 59 of
10 the laws of 2015, is amended to read as follows:

11 (i) Any local law, ordinance or resolution enacted by any city of less
12 than one million or by any county or school district, imposing the taxes
13 authorized by this subdivision, shall, notwithstanding any provision of
14 law to the contrary, exclude from the operation of such local taxes all
15 sales of tangible personal property for use or consumption directly and
16 predominantly in the production of tangible personal property, gas,
17 electricity, refrigeration or steam, for sale, by manufacturing, proc-
18 essing, generating, assembly, refining, mining or extracting; and all
19 sales of tangible personal property for use or consumption predominantly
20 either in the production of tangible personal property, for sale, by
21 farming or in a commercial horse boarding operation, or in both; AND ALL
22 SALES OF FUEL SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION
23 AIRCRAFT; and, unless such city, county or school district elects other-
24 wise, shall omit the provision for credit or refund contained in clause
25 six of subdivision (a) or subdivision (d) of section eleven hundred
26 nineteen of this chapter.

27 S 6. Subparagraphs (xii) and (xiii) of paragraph 4 of subdivision (a)
28 of section 1210 of tax law, as amended by section 3 of part Z of chapter
29 59 of the laws of 2015, are amended and a new subparagraph (xiv) is
30 added to read as follows:

31 (xii) shall omit, unless such city elects otherwise, the exemption for
32 residential solar energy systems equipment and electricity provided in
33 subdivision (ee) of section eleven hundred fifteen of this chapter;
34 [and] (xiii) shall omit, unless such city elects otherwise, the
35 exemption for commercial solar energy systems equipment and electricity
36 provided in subdivision (ii) of section eleven hundred fifteen of this
37 chapter; AND (XIV) SHALL EXCLUDE FROM THE OPERATION OF SUCH LOCAL TAXES
38 ALL SALES OF FUEL SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL
39 AVIATION AIRCRAFT. Any reference in this chapter or in any local law,
40 ordinance or resolution enacted pursuant to the authority of this arti-
41 cle to former subdivisions (n) or (p) of this section shall be deemed to
42 be a reference to clauses (xii) or (xiii) of this paragraph, respective-
43 ly, and any such local law, ordinance or resolution that provides the
44 exemptions provided in such former subdivisions (n) and/or (p) shall be
45 deemed instead to provide the exemptions provided in clauses (xii)
46 and/or (xiii) of this paragraph.

47 S 7. Notwithstanding any law to the contrary, the comptroller is here-
48 by authorized and directed to transfer from the general fund for deposit
49 into the mass transportation operating assistance fund, pursuant to
50 section 88-a of the state finance law and the dedicated mass transporta-
51 tion trust fund, pursuant to section 89-c of the state finance law, upon
52 request of the director of the budget, on or before March 31 of each
53 year, an amount equal to the amount of revenue received by the commis-
54 sioner of taxation and finance during the state fiscal year from petro-
55 leum business taxes imposed pursuant to the authority of section 301-e
56 of the tax law that would have otherwise been directed to such funds

1 pursuant to section 312 of the tax law as such section was in effect on
2 the day before this act became a law.

3 S 8. Sections one, two and seven of this act shall take effect April
4 1, 2017; provided however that sections three, four, five and six of
5 this act shall take effect December 1, 2017; and provided further that
6 if section 19 of part W1 of chapter 109 of the laws of 2006 shall have
7 not expired on or before such date then section four of this act shall
8 take effect on the same date and in the same manner as such chapter of
9 the laws of 2006 takes effect.

10 PART AA

11 Section 1. Subdivision 2 of section 228 of the racing, pari-mutuel
12 wagering and breeding law, as amended by chapter 18 of the laws of 2008,
13 the opening paragraph as amended by chapter 236 of the laws of 2015, is
14 amended to read as follows:

15 2. The New York state gaming commission shall, as a condition of
16 racing, require any franchised corporation and every other corporation
17 subject to its jurisdiction to withhold one percent of all purses,
18 except that for the franchised corporation, starting on September first,
19 two thousand seven and continuing through August thirty-first, two thou-
20 sand sixteen, two percent of all purses shall be withheld, and, in the
21 case of the franchised corporation, to pay such sum to the horsemen's
22 organization or its successor that was first entitled to receive
23 payments pursuant to this section in accordance with rules of the
24 commission adopted effective November third, nineteen hundred eighty-
25 three representing at least fifty-one percent of the owners and trainers
26 [utilizing] USING the facilities of such franchised corporation, on the
27 condition that such horsemen's organization shall expend [as much as is
28 necessary, but not to exceed] one-half of one percent of such total
29 sum[,] TO CONDUCT EQUINE DRUG TESTING RESEARCH AND to acquire and main-
30 tain the equipment required to [establish a program at a state college
31 within this state with an approved equine science program to] test for
32 the presence of DRUGS, INCLUDING BUT NOT LIMITED TO steroids, in horses
33 AT A SUITABLE LABORATORY, AS THE GAMING COMMISSION MAY DETERMINE IN ITS
34 DISCRETION, provided further that the qualified organization shall also,
35 in an amount to be determined by its board of directors, annually
36 include in its expenditures for benevolence programs, funds to support
37 an organization providing services necessary to backstretch employees,
38 and, in the case of every other corporation, to pay such one percent sum
39 of purses to the horsemen's organization or its successor that was first
40 entitled to receive payments pursuant to this section in accordance with
41 rules of the commission adopted effective May twenty-third, nineteen
42 hundred eighty-six representing at least fifty-one percent of the owners
43 and trainers [utilizing] USING the facilities of such corporation.

44 In either case, any other horsemen's organization may apply to the
45 [board] COMMISSION to be approved as the qualified organization to
46 receive payment of the one percent of all purses by submitting to the
47 [board] COMMISSION proof of both, that (i) it represents more than
48 fifty-one percent of all the owners and trainers [utilizing] USING the
49 same facilities and (ii) the horsemen's organization previously approved
50 as qualified by the [board] COMMISSION does not represent fifty-one
51 percent of all the owners and trainers [utilizing] USING the same facil-
52 ities. If the [board] COMMISSION is satisfied that the documentation
53 submitted with the application of any other horsemen's organization is

conclusive with respect to items (i) and (ii) of this paragraph, it may approve the applicant as the qualified recipient organization.

In the best interests of racing, upon receipt of such an application, the [board] COMMISSION may direct the payments to the previously qualified horsemen's organization to continue uninterrupted, or it may direct the payments to be withheld and placed in interest-bearing accounts for a period not to exceed ninety days, during which time the [board] COMMISSION shall review and approve or disapprove the application. Funds held in such manner shall be paid to the organization approved by the [board] COMMISSION. In no event shall the [board] COMMISSION accept more than one such application in any calendar year from the same horsemen's organization.

The funds authorized to be paid by the [board] COMMISSION are to be used exclusively for the benefit of those horsemen racing in New York state through the administrative purposes of such qualified organization, benevolent activities on behalf of backstretch employees, and for the promotion of equine research.

S 2. Section 902 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 60 of the laws of 1993, subdivision 1 as amended by chapter 15 of the laws of 2010, and subdivision 2 as amended by chapter 18 of the laws of 2008, is amended to read as follows:

S 902. Equine drug testing and expenses. 1. In order to assure the public's confidence and continue the high degree of integrity in racing at the pari-mutuel betting tracks, equine drug testing at race meetings shall be conducted by a [state college within this state with an approved equine science program] SUITABLE LABORATORY, AS THE GAMING COMMISSION MAY DETERMINE IN ITS DISCRETION. The [state racing and wagering board] GAMING COMMISSION shall promulgate any rules and regulations necessary to implement the provisions of this section, including administrative penalties of loss of purse money, fines, or denial, suspension[,] or revocation of a license for racing drugged horses.

2. Notwithstanding any inconsistent provision of law, all costs and expenses of the [state racing and wagering board] GAMING COMMISSION for equine drug testing and research shall be paid from an appropriation from the state treasury, on the certification of the [chairman] CHAIR of the [state racing and wagering board] GAMING COMMISSION, upon the audit and warrant of the comptroller and pursuant to a plan developed by the [state racing and wagering board] GAMING COMMISSION as approved by the director of the budget.

S 3. This act shall take effect immediately; provided, however, section two of this act shall take effect upon expiration of an existing contract with a New York state college within the state with an approved equine science program, pursuant to section 902 of the racing, pari-mutuel wagering and breeding law; provided that the gaming commission shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

51

PART BB

Section 1. Subdivision 1 of section 236 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, is amended to read as follows:

1 1. Every corporation authorized under this chapter to conduct pari-mu-
2 tuel betting at a race meeting on races run thereat, except as provided
3 in section two hundred thirty-eight of this article with respect to the
4 franchised corporation, shall distribute all sums deposited in any pari-
5 mutuel pool to the holders of winning tickets therein, providing such
6 tickets be presented for payment before April first of the year follow-
7 ing the year of their purchase, less an amount [which] THAT shall be
8 established and retained by such racing corporation of between fourteen
9 to twenty [per centum] PERCENT of the total deposits in pools resulting
10 from regular on-track bets and less sixteen to twenty-two [per centum]
11 PERCENT of the total deposits in pools resulting from multiple on-track
12 bets and less twenty to thirty [per centum] PERCENT of the total depos-
13 its in pools resulting from exotic on-track bets and less twenty to
14 thirty-six [per centum] PERCENT of the total pools resulting from super
15 exotic on-track bets, plus the breaks. The retention rate to be estab-
16 lished is subject to the prior approval of the [racing and wagering
17 board] GAMING COMMISSION. Such rate may not be changed more than once
18 per calendar quarter to be effective on the first day of the calendar
19 quarter. "Exotic bets" and "multiple bets" shall have the meanings set
20 forth in section five hundred nineteen of this chapter and breaks are
21 hereby defined as [the odd cents over any multiple of ten, or for exotic
22 bets over any multiple of fifty, or for super exotic bets, over any
23 multiple of one hundred, calculated on the basis of one dollar, other-
24 wise payable to a patron provided, however, that effective after October
25 fifteenth, nineteen hundred ninety-four breaks are hereby defined as]
26 the odd cents over any multiple of five for payoffs greater than one
27 dollar five cents but less than five dollars, over any multiple of ten
28 for payoffs greater than five dollars but less than twenty-five dollars,
29 over any multiple of twenty-five for payoffs greater than twenty-five
30 dollars but less than two hundred fifty dollars, or over any multiple of
31 fifty for payoffs over two hundred fifty dollars. "Super exotic bets"
32 shall have the meaning set forth in section three hundred one of this
33 chapter. Of the amount so retained there shall be paid by such corpo-
34 ration to the department of taxation and finance as a reasonable tax by
35 the state for the privilege of conducting pari-mutuel betting on the
36 races run at the race meeting held by such corporation, which tax is
37 hereby levied, the following percentages of the total pool, plus fifty-
38 five [per centum] PERCENT of the breaks; the applicable rates for regu-
39 lar and multiple bets shall be one and one-half [per centum] PERCENT;
40 the applicable rates for exotic bets shall be six and three-quarter [per
41 centum] PERCENT and the applicable rate for super exotic bets shall be
42 seven and three-quarter [per centum] PERCENT. Effective on and after
43 September first, nineteen hundred ninety-four, the applicable tax rate
44 shall be one [per centum] PERCENT of all wagers, provided that, an
45 amount equal to one-half the difference between the taxation rate for
46 on-track regular, multiple and exotic bets as of December thirty-first,
47 nineteen hundred ninety-three and the rates on such on-track wagers as
48 herein provided shall be used exclusively for purses. Provided, however,
49 that for any twelve-month period beginning on April first in nineteen
50 hundred ninety and any year thereafter, each of the applicable rates set
51 forth above shall be increased by one-quarter of one [per centum]
52 PERCENT on all on-track bets of any such racing corporation that did not
53 expend an amount equal to at least one-half of one [per centum] PERCENT
54 of its on-track bets during the immediately preceding calendar year for
55 enhancements consisting of capital improvements as defined by section
56 two hundred thirty-seven of this article, repairs to its physical plant,

1 structures, and equipment used in its racing or wagering operations as
2 certified by the [state racing and wagering board] GAMING COMMISSION to
3 the commissioner of taxation and finance no later than eighty days after
4 the close of such calendar year, and five special events at each track
5 in each calendar year, not otherwise conducted in the ordinary course of
6 business, the purpose of which shall be to encourage, attract and
7 promote track attendance and encourage new and continued patronage,
8 which events shall be [approved by the racing and wagering board]
9 SUBJECT TO THE PRIOR APPROVAL OF THE GAMING COMMISSION for purposes of
10 this subdivision. In the determination of the amounts expended for such
11 enhancements, the [board] GAMING COMMISSION may consider the immediately
12 preceding [twelve month] TWELVE-MONTH calendar period or the average of
13 the two immediately preceding [twelve month] TWELVE-MONTH calendar peri-
14 ods. Provided further, however, that of the portion of the increased
15 amounts retained by such corporation above those amounts retained in
16 nineteen hundred eighty-four, an amount of such increase shall be
17 distributed to purses in the same proportion as commissions and purses
18 were distributed during nineteen hundred eighty-four as certified by the
19 [board] GAMING COMMISSION. Such corporation in the second zone shall
20 receive a credit against the daily tax imposed by this subdivision in an
21 amount equal to FOUR-TENTHS OF one [per centum] PERCENT of total daily
22 pools resulting from the simulcast of such corporation's races to
23 licensed facilities operated by regional off-track betting corporations
24 in accordance with section one thousand eight of this chapter, provided
25 however, that sixty [per centum] PERCENT of the amount of such credit
26 shall be used exclusively to increase purses for overnight races
27 conducted by such corporation; and, provided further, that in no event
28 shall such total daily credit exceed FOUR-TENTHS OF one [per centum]
29 PERCENT of the total daily pool of such corporation. [Provided, however,
30 that on and after September first, nineteen hundred ninety-four such
31 credit shall be four-tenths percent of total daily pools resulting from
32 such simulcasting and that in no event shall such total daily credit
33 equal four-tenths percent of the total daily pool of such corporation.]

34 Such corporation shall pay to the New York state thoroughbred breeding
35 and development fund one-half of one [per centum] PERCENT of the total
36 daily on-track pari-mutuel pools from regular, multiple and exotic bets,
37 and three [per centum] PERCENT of super exotic bets. The corporation
38 shall receive credit as a reduction of the tax by the state for the
39 privilege of conducting pari-mutuel betting for the amounts, except
40 amounts paid from super exotic betting pools, paid to the New York state
41 thoroughbred breeding and development fund after January first, nineteen
42 hundred seventy-eight.

43 Such corporation shall distribute to purses an amount equal to fifty
44 [per centum] PERCENT of any compensation it receives from simulcasting
45 or from wagering conducted outside the United States. Such corporation
46 shall pay to the [racing and wagering board] GAMING COMMISSION as a
47 regulatory fee, which fee is hereby levied, [fifty hundredths]
48 SIX-TENTHS of one [per centum] PERCENT of the total daily on-track pari-
49 mutuel pools of such corporation.

50 S 2. Paragraph (d) of subdivision 1 of section 238 of the racing,
51 pari-mutuel wagering and breeding law, as amended by chapter 18 of the
52 laws of 2008, is amended to read as follows:

53 (d) (I) The pari-mutuel tax rate authorized by paragraph (a) of this
54 subdivision shall be effective so long as a franchised corporation noti-
55 fies the [racing and wagering board] GAMING COMMISSION by August
56 fifteenth of each year that such pari-mutuel tax rate is effective of

1 its intent to conduct a race meeting at Aqueduct racetrack during the
2 months of December, January, February, March and April. For purposes of
3 this paragraph such race meeting shall consist of not less than ninety-
4 five days of racing. Not later than May first of each year that such
5 pari-mutuel tax rate is effective, the [racing and wagering board]
6 GAMING COMMISSION shall determine whether a race meeting at Aqueduct
7 racetrack consisted of the number of days as required by this paragraph.
8 In determining the number of race days, cancellation of a race day
9 because of an act of God[, which] THAT the [racing and wagering board]
10 GAMING COMMISSION approves or because of weather conditions that are
11 unsafe or hazardous which the [racing and wagering board] GAMING COMMIS-
12 SION approves shall not be construed as a failure to conduct a race day.
13 Additionally, cancellation of a race day because of circumstances beyond
14 the control of such franchised corporation for which the [racing and
15 wagering board] GAMING COMMISSION gives approval shall not be construed
16 as a failure to conduct a race day. If the [racing and wagering board]
17 GAMING COMMISSION determines that the number of days of racing as
18 required by this paragraph have not occurred then the pari-mutuel tax
19 rate in paragraph (a) of this subdivision shall revert to the pari-mutu-
20 el tax rates in effect prior to January first, nineteen hundred ninety-
21 five.

22 (II) Such franchised corporation shall pay to the [racing and wagering
23 board] GAMING COMMISSION as a regulatory fee, which fee is hereby
24 levied, [fifty hundredths] SIX-TENTHS of one [per centum] PERCENT of the
25 total daily on-track pari-mutuel pools of such franchised corporation.

26 S 3. Paragraph d of subdivision 1 of section 318 of the racing, pari-
27 mutuel wagering and breeding law, as amended by section 3 of part B of
28 chapter 59 of the laws of 2005, is amended to read as follows:

29 d. Every harness racing association or corporation shall pay to the
30 [board] GAMING COMMISSION as a regulatory fee, which fee is hereby
31 levied, [fifty hundredths] SIX-TENTHS of one percent of the total daily
32 on-track pari-mutuel pools of such association or corporation.

33 S 4. The opening paragraph and the opening paragraph of subdivision 1
34 of section 527 of the racing, pari-mutuel wagering and breeding law, the
35 opening paragraph as amended by chapter 18 of the laws of 2008 and the
36 opening paragraph of subdivision 1 as amended by chapter 300 of the laws
37 of 2015, are amended to read as follows:

38 Each regional corporation conducting off-track betting shall distrib-
39 ute all sums deposited in any pari-mutuel pool through such corporation
40 to the holders of winning tickets therein, providing such tickets be
41 presented for payment prior to April first of the year following the
42 year of their purchase, less an amount [which] THAT it shall retain at
43 the same rate established by the track accepting wagers from each such
44 regional corporation.

45 The disposition of the retained commission from pools resulting from
46 regular, multiple or exotic bets, as the case may be, whether placed on
47 races run within a region or outside a region, conducted by racing
48 corporations, harness racing associations or corporations, quarter horse
49 racing associations or corporations or races run outside the state shall
50 be governed by the tables in paragraphs a and b of this subdivision. The
51 rate denominated "state tax" shall represent the rate of a reasonable
52 tax imposed upon the retained commission for the privilege of conducting
53 off-track pari-mutuel betting, which tax is hereby levied and shall be
54 payable in the manner set forth in this section. Each off-track betting
55 corporation shall pay to the [racing and wagering board] GAMING COMMIS-
56 SION as a regulatory fee, which fee is hereby levied, [fifty hundredths]

1 SIX-TENTHS of one percent of the total daily pools of such corporation.
2 Each corporation shall also pay twenty [per centum] PERCENT of the
3 breaks derived from bets on harness races and fifty [per centum] PERCENT
4 of the breaks derived from bets on all other races to the agriculture
5 and New York State horse breeding and development fund and to the
6 thoroughbred breeding and development fund, the total of such payments
7 to be apportioned fifty [per centum] PERCENT to each such fund. For the
8 purposes of this section, the New York city, Suffolk, Nassau, and the
9 Catskill regions shall constitute a single region and any thoroughbred
10 track located within the Capital District region shall be deemed to be
11 within such single region. A "regional meeting" shall refer to either
12 harness or thoroughbred meetings, or both, except that a franchised
13 corporation shall not be a regional track for the purpose of receiving
14 distributions from bets on thoroughbred races conducted by a thorough-
15 bred track in the Catskill region conducting a mixed meeting. With the
16 exception of a harness racing association or corporation first licensed
17 to conduct pari-mutuel wagering at a track located in Tioga or Saratoga
18 county after January first, two thousand five, racing corporations first
19 licensed to conduct pari-mutuel racing after January first, nineteen
20 hundred eighty-six or a harness racing association or corporation first
21 licensed to conduct pari-mutuel wagering at a track located in Genesee
22 County after January first, two thousand five, and quarter horse tracks
23 shall not be "regional tracks"; if there is more than one harness track
24 within a region, such tracks shall evenly divide payments made pursuant
25 to the tables in paragraphs a and b of this subdivision when neither
26 track is running. In the event a track elects to reduce its retained
27 percentage from any or all of its pari-mutuel pools, the payments to the
28 track holding the race and the regional track required by paragraphs a
29 and b of this subdivision shall be reduced in proportion to such
30 reduction. Nothing in this section shall be construed to authorize the
31 conduct of off-track betting contrary to the provisions of section five
32 hundred twenty-three of this article.

33 S 5. Paragraph a of subdivision 1 of section 904 of the racing, pari-
34 mutuel wagering and breeding law, as amended by chapter 18 of the laws
35 of 2008, are amended to read as follows:

36 a. The applicable state tax provided for in paragraphs a and b of
37 subdivision one of section five hundred twenty-seven of this chapter
38 shall be one-half [per centum] PERCENT for regular, multiple and exotic
39 bets. Any harness racing or association or corporation, or thoroughbred
40 racing corporation authorized pursuant to this section shall pay to the
41 [racing and wagering board] GAMING COMMISSION as a regulatory fee, which
42 fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of
43 the total daily pari-mutuel pools.

44 S 6. Paragraph g of subdivision 3 of section 1007 of the racing, pari-
45 mutuel wagering and breeding law, as amended by chapter 18 of the laws
46 of 2008, is amended to read as follows:

47 g. Any harness racing or association or corporation, or thoroughbred
48 racing corporation authorized pursuant to this section shall pay to the
49 [racing and wagering board] GAMING COMMISSION as a regulatory fee, which
50 fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of
51 the total daily pari-mutuel pools.

52 S 7. Paragraph b of subdivision 3 of section 1008 of the racing, pari-
53 mutuel wagering and breeding law, as amended by section 7 of part B of
54 chapter 59 of the laws of 2005, is amended to read as follows:

55 b. Of the sums received by the sending track, fifty percent shall be
56 distributed to purses in addition to moneys distributed pursuant to

1 section five hundred twenty-seven of this chapter. The off-track betting
2 corporation shall pay to the [racing and wagering board] GAMING COMMIS-
3 SION as a regulatory fee, which fee is hereby levied, [fifty hundredths]
4 SIX-TENTHS of one percent of the total daily pools.

5 S 8. Paragraph d of subdivision 4 of section 1009 of the racing, pari-
6 mutuel wagering and breeding law, as amended by section 8 of part B of
7 chapter 59 of the laws of 2005, is amended to read as follows:

8 d. The operator shall pay to the [racing and wagering board] GAMING
9 COMMISSION as a regulatory fee, which fee is hereby levied, [fifty
10 hundredths] SIX-TENTHS of one percent of the total daily pools.

11 S 9. Subparagraph (iv) of paragraph i of subdivision 1 of section 1014
12 of the racing, pari-mutuel wagering and breeding law, as amended by
13 chapter 18 of the laws of 2008, is amended to read as follows:

14 (iv) Any thoroughbred racing corporation or harness racing association
15 or corporation or off-track betting corporation authorized pursuant to
16 this section shall pay to the [racing and wagering board] GAMING COMMIS-
17 SION as a regulatory fee, which fee is hereby levied, [fifty hundredths]
18 SIX-TENTHS of one percent of all wagering pools.

19 S 10. Paragraph e of subdivision 3 of section 1015 of the racing,
20 pari-mutuel wagering and breeding law, as amended by chapter 18 of the
21 laws of 2008, is amended to read as follows:

22 e. Any thoroughbred racing corporation or harness racing association
23 or corporation or off-track betting corporation authorized pursuant to
24 this section shall pay to the [racing and wagering board] GAMING COMMIS-
25 SION as a regulatory fee, which fee is hereby levied, [fifty hundredths]
26 SIX-TENTHS of one percent of all wagering pools.

27 S 11. Clause (B) of subparagraph 2 of paragraph b of subdivision 1 of
28 section 1016 of the racing, pari-mutuel wagering and breeding law, as
29 amended by chapter 18 of the laws of 2008, is amended to read as
30 follows:

31 (B) Any harness racing or association or corporation or thoroughbred
32 racing corporation authorized pursuant to this section shall pay to the
33 [racing and wagering board] GAMING COMMISSION as a regulatory fee, which
34 fee is hereby levied, [fifty hundredths] SIX-TENTHS of one percent of
35 the total daily pari-mutuel pools.

36 S 12. Paragraph b of subdivision 2 of section 1018 of the racing,
37 pari-mutuel wagering and breeding law, as amended by chapter 18 of the
38 laws of 2008, is amended to read as follows:

39 b. Any thoroughbred racing corporation or harness racing association
40 or corporation or off-track betting corporation shall pay to the [racing
41 and wagering board] GAMING COMMISSION as a regulatory fee, which fee is
42 hereby levied, [fifty hundredths] SIX-TENTHS of one percent of all
43 wagering pools.

44 S 13. Paragraph 2 of subdivision b of section 1612 of the tax law, as
45 amended by section 1 of part 00 of chapter 59 of the laws of 2014, is
46 amended to read as follows:

47 2. As consideration for the operation of a video lottery gaming facil-
48 ity, the division, shall cause the investment in the racing industry of
49 a portion of the vendor fee received pursuant to paragraph one of this
50 subdivision in the manner set forth in this subdivision. With the
51 exception of Aqueduct racetrack or a facility in the county of Nassau or
52 Suffolk operated by a corporation established pursuant to section five
53 hundred two of the racing, pari-mutuel wagering and breeding law, each
54 such track shall dedicate a portion of its vendor fees, received pursu-
55 ant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph (ii)
56 of paragraph one of this subdivision, for the purpose of enhancing purs-

1 es at such track, in an amount equal to eight and three-quarters percent
2 of the total revenue wagered at the vendor track after [pay out] PAYOUT
3 for prizes. One AND SIX-TENTHS percent of the gross purse enhancement
4 amount, as required by this subdivision, shall be paid to the gaming
5 commission to be used exclusively to promote and ensure equine health
6 and safety in New York. Any portion of such funding to the gaming
7 commission unused during a fiscal year shall be returned to the video
8 lottery gaming operators on a pro rata basis in accordance with the
9 amounts originally contributed by each operator and shall be used for
10 the purpose of enhancing purses at such track. One and one-half percent
11 of the gross purse enhancement amount at a thoroughbred track, as
12 required by this subdivision, shall be paid to an account established
13 pursuant to section two hundred twenty-one-a of the racing, pari-mutuel
14 wagering and breeding law to be used exclusively to provide health
15 insurance for jockeys. In addition, with the exception of Aqueduct race-
16 track or a facility in the county of Nassau or Suffolk operated by a
17 corporation established pursuant to section five hundred two of the
18 racing, pari-mutuel wagering and breeding law, one and one-quarter
19 percent of total revenue wagered at the vendor track after [pay out]
20 PAYOUT for prizes, received pursuant to clause (A), (B), (C), (D), (E),
21 (F), or (G) of subparagraph (ii) of paragraph one of this subdivision,
22 shall be distributed to the appropriate breeding fund for the manner of
23 racing conducted by such track.

24 Provided, further, that nothing in this paragraph shall prevent each
25 track from entering into an agreement, not to exceed five years, with
26 the organization authorized to represent its horsemen to increase or
27 decrease the portion of its vendor fee dedicated to enhancing purses at
28 such track during the years of participation by such track, or to race
29 fewer dates than required herein.

30 S 14. Paragraph 1 of subdivision f of section 1612 of the tax law, as
31 amended by section 2 of part 00 of chapter 59 of the laws of 2014, is
32 amended to read as follows:

33 1. [Six] SEVEN and one-half percent of the total wagered after payout
34 of prizes for the [first year of] operation of video lottery gaming at
35 Aqueduct racetrack, [seven percent of the total wagered after payout of
36 prizes for the second year of operation, and seven and one-half percent
37 of the total wagered after payout of prizes for the third year of opera-
38 tion and thereafter,] for the purpose of enhancing purses at Aqueduct
39 racetrack, Belmont Park racetrack and Saratoga race course. One AND
40 SIX-TENTHS percent of the gross purse enhancement amount, as required by
41 this subdivision, shall be paid to the gaming commission to be used
42 exclusively to promote and ensure equine health and safety in New York.
43 Any portion of such funding to the gaming commission unused during a
44 fiscal year shall be returned on a pro rata basis in accordance with the
45 amounts originally contributed and shall be used for the purpose of
46 enhancing purses at such tracks. One and one-half percent of the gross
47 purse enhancement amount, as required by this subdivision, shall be paid
48 to an account established pursuant to section two hundred twenty-one-a
49 of the racing, pari-mutuel wagering and breeding law to be used exclu-
50 sively to provide health insurance for jockeys.

51 S 15. This act shall take effect immediately.

1 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-
2 ing law, as amended by section 1 of part Y of chapter 58 of the laws of
3 2012, is amended to read as follows:

4 S 308. Officials at harness horse race meetings. 1. At all harness
5 race meetings licensed by the [state racing and wagering board] GAMING
6 COMMISSION in accordance with the provisions of sections two hundred
7 twenty-two through seven hundred five of this chapter qualified judges
8 and starters shall be designated by the [state racing and wagering
9 board] GAMING COMMISSION. Such officials shall enforce the rules and
10 regulations of the [state racing and wagering board] GAMING COMMISSION
11 and shall render regular written reports of the activities and conduct
12 of such race meetings to the [state racing and wagering board] GAMING
13 COMMISSION.

14 2. The licensed racing corporations shall reimburse the [state racing
15 and wagering board] GAMING COMMISSION for the per diem cost to the
16 [board] COMMISSION to employ one associate judge and the starter to
17 serve at harness race meetings. The [board] COMMISSION shall notify EACH
18 such licensed racing [corporations] CORPORATION of the per diem cost of
19 the associate judge and the starter [prior to the beginning] AT THE
20 TRACK OF SUCH LICENSED RACING CORPORATION WITHIN SIXTY DAYS OF THE END
21 of each month. Payment of the reimbursement required by this section
22 shall be made to the [board] COMMISSION by each entity required to make
23 such payments [on the last business day of each month] WITHIN THIRTY
24 DAYS OF SUCH NOTIFICATION BY THE COMMISSION and shall cover all the
25 costs incurred during that month. A penalty of five percent of payment
26 due, and interest at the rate of one percent per month calculated from
27 such [last day of each month] DATE THAT PAYMENT IS DUE to the date of
28 the payment of the per diem cost shall be payable in case any per diem
29 cost imposed by this subdivision is not paid when due. The [board]
30 COMMISSION shall promulgate rules and regulations to ensure the proper
31 reimbursement of such costs.

32 3. The [board] COMMISSION shall pay into the racing regulation
33 account, as defined in section ninety-nine-i of the state finance law,
34 under the joint custody of the comptroller and the [board] COMMISSION,
35 the total amount of the reimbursements collected pursuant to this
36 section. With the approval of the director of the budget, monies
37 [utilized] USED to pay the costs and expenses of the operations of the
38 [board] COMMISSION shall be paid out of such account on the audit and
39 warrant of the comptroller on vouchers, certified and approved by the
40 director of the division of the budget or his or her duly designated
41 official.

42 4. Any associate judge and starter whose per diem costs are reimbursed
43 by a licensed racing corporation shall remain employees of the [state
44 racing and wagering board] GAMING COMMISSION and shall retain all the
45 rights and privileges of their current civil service jurisdictional
46 classification and status and collective bargaining unit representation.

47 S 2. This act shall take effect immediately.

48

PART DD

49 Section 1. Subparagraph (ii) of paragraph 1 of subdivision b of
50 section 1612 of the tax law is amended by adding a new clause (G-2) to
51 read as follows:

52 (G-2) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, WHEN A VENDOR
53 TRACK IS LOCATED WITHIN REGION SIX OF DEVELOPMENT ZONE TWO AS DEFINED BY
54 SECTION THIRTEEN HUNDRED TEN OF THE RACING, PARI-MUTUEL WAGERING AND

1 BREEDING LAW AND IS LOCATED WITHIN ONTARIO COUNTY, SUCH VENDOR TRACK
2 SHALL RECEIVE AN ADDITIONAL COMMISSION AT A RATE EQUAL TO THE PERCENTAGE
3 OF REVENUE WAGERED AT THE VENDOR TRACK AFTER PAYOUT FOR PRIZES PURSUANT
4 TO THIS CHAPTER, WHICH PERCENTAGE SHALL BE ONE HUNDRED, LESS THE SUM OF
5 THE PERCENTAGES OF NET REVENUE WAGERED AT THE VENDOR TRACK RETAINED BY
6 THE COMMISSION FOR OPERATION, ADMINISTRATION, AND PROCUREMENT PURPOSES;
7 AND THE VENDOR'S FEE, MARKETING ALLOWANCE AND CAPITAL AWARD PAID TO THE
8 VENDOR TRACK PURSUANT TO THIS CHAPTER; AND THE EFFECTIVE TAX RATE PAID
9 ON ALL GROSS GAMING REVENUE PAID BY A GAMING FACILITY WITHIN SENECA OR
10 WAYNE COUNTIES PURSUANT TO SECTION THIRTEEN HUNDRED FIFTY-ONE OF THE
11 RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, PROVIDED, HOWEVER, SUCH
12 ADDITIONAL COMMISSION SHALL BE APPLIED TO REVENUE WAGERED AT THE VENDOR
13 TRACK AFTER PAYOUT FOR PRIZES ONLY WHILE A GAMING FACILITY IN SENECA OR
14 WAYNE COUNTIES IS OPEN AND OPERATIONAL PURSUANT TO AN OPERATION CERTIF-
15 ICATE ISSUED PURSUANT TO SECTION THIRTEEN HUNDRED THIRTY-ONE OF THE
16 RACING, PARI-MUTUEL WAGERING AND BREEDING LAW. THE ADDITIONAL COMMISSION
17 SET FORTH IN THIS CLAUSE SHALL BE PAID TO THE VENDOR TRACK WITHIN SIXTY
18 DAYS AFTER THE CONCLUSION OF THE STATE FISCAL YEAR BASED ON THE CALCU-
19 LATED PERCENTAGE DURING THE PREVIOUS FISCAL YEAR.

20 S 2. This act shall take effect immediately and shall be deemed to
21 have been in full force and effect on and after January 1, 2014.

22

PART EE

23 Section 1. Clause (F) of subparagraph (ii) of paragraph 1 of subdivi-
24 sion b of section 1612 of the tax law, as amended by section 1 of part
25 WW of chapter 59 of the laws of 2015, is amended to read as follows:

26 (F) notwithstanding clauses (A), (B), (C), (D) and (E) of this subpar-
27 agraph, when a vendor track, is located in Sullivan county and within
28 sixty miles from any gaming facility in a contiguous state such vendor
29 fee shall, for a period of [eight] NINE years commencing April first,
30 two thousand eight, be at a rate of forty-one percent of the total
31 revenue wagered at the vendor track after payout for prizes pursuant to
32 this chapter, after which time such rate shall be as for all tracks in
33 clause (C) of this subparagraph.

34 S 2. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after April 1, 2016.

36

PART FF

37 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the
38 racing, pari-mutuel wagering and breeding law, as amended by section 1
39 of part NN of chapter 59 of the laws of 2015, is amended to read as
40 follows:

41 (a) Any racing association or corporation or regional off-track
42 betting corporation, authorized to conduct pari-mutuel wagering under
43 this chapter, desiring to display the simulcast of horse races on which
44 pari-mutuel betting shall be permitted in the manner and subject to the
45 conditions provided for in this article may apply to the commission for
46 a license so to do. Applications for licenses shall be in such form as
47 may be prescribed by the commission and shall contain such information
48 or other material or evidence as the commission may require. No license
49 shall be issued by the commission authorizing the simulcast transmission
50 of thoroughbred races from a track located in Suffolk county. The fee
51 for such licenses shall be five hundred dollars per simulcast facility
52 and for account wagering licensees that do not operate either a simul-

1 cast facility that is open to the public within the state of New York or
2 a licensed racetrack within the state, twenty thousand dollars per year
3 payable by the licensee to the commission for deposit into the general
4 fund. Except as provided in this section, the commission shall not
5 approve any application to conduct simulcasting into individual or group
6 residences, homes or other areas for the purposes of or in connection
7 with pari-mutuel wagering. The commission may approve simulcasting into
8 residences, homes or other areas to be conducted jointly by one or more
9 regional off-track betting corporations and one or more of the follow-
10 ing: a franchised corporation, thoroughbred racing corporation or a
11 harness racing corporation or association; provided (i) the simulcasting
12 consists only of those races on which pari-mutuel betting is authorized
13 by this chapter at one or more simulcast facilities for each of the
14 contracting off-track betting corporations which shall include wagers
15 made in accordance with section one thousand fifteen, one thousand
16 sixteen and one thousand seventeen of this article; provided further
17 that the contract provisions or other simulcast arrangements for such
18 simulcast facility shall be no less favorable than those in effect on
19 January first, two thousand five; (ii) that each off-track betting
20 corporation having within its geographic boundaries such residences,
21 homes or other areas technically capable of receiving the simulcast
22 signal shall be a contracting party; (iii) the distribution of revenues
23 shall be subject to contractual agreement of the parties except that
24 statutory payments to non-contracting parties, if any, may not be
25 reduced; provided, however, that nothing herein to the contrary shall
26 prevent a track from televising its races on an irregular basis primari-
27 ly for promotional or marketing purposes as found by the commission. For
28 purposes of this paragraph, the provisions of section one thousand thir-
29 teen of this article shall not apply. Any agreement authorizing an
30 in-home simulcasting experiment commencing prior to May fifteenth, nine-
31 teen hundred ninety-five, may, and all its terms, be extended until June
32 thirtieth, two thousand [sixteen] SEVENTEEN; provided, however, that any
33 party to such agreement may elect to terminate such agreement upon
34 conveying written notice to all other parties of such agreement at least
35 forty-five days prior to the effective date of the termination, via
36 registered mail. Any party to an agreement receiving such notice of an
37 intent to terminate, may request the commission to mediate between the
38 parties new terms and conditions in a replacement agreement between the
39 parties as will permit continuation of an in-home experiment until June
40 thirtieth, two thousand [sixteen] SEVENTEEN; and (iv) no in-home simul-
41 casting in the thoroughbred special betting district shall occur without
42 the approval of the regional thoroughbred track.

43 S 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
44 1007 of the racing, pari-mutuel wagering and breeding law, as amended by
45 section 2 of part NN of chapter 59 of the laws of 2015, is amended to
46 read as follows:

47 (iii) Of the sums retained by a receiving track located in Westchester
48 county on races received from a franchised corporation, for the period
49 commencing January first, two thousand eight and continuing through June
50 thirtieth, two thousand [sixteen] SEVENTEEN, the amount used exclusively
51 for purses to be awarded at races conducted by such receiving track
52 shall be computed as follows: of the sums so retained, two and one-half
53 percent of the total pools. Such amount shall be increased or decreased
54 in the amount of fifty percent of the difference in total commissions
55 determined by comparing the total commissions available after July twen-
56 ty-first, nineteen hundred ninety-five to the total commissions that

1 would have been available to such track prior to July twenty-first,
2 nineteen hundred ninety-five.

3 S 3. The opening paragraph of subdivision 1 of section 1014 of the
4 racing, pari-mutuel wagering and breeding law, as amended by section 3
5 of part NN of chapter 59 of the laws of 2015, is amended to read as
6 follows:

7 The provisions of this section shall govern the simulcasting of races
8 conducted at thoroughbred tracks located in another state or country on
9 any day during which a franchised corporation is conducting a race meet-
10 ing in Saratoga county at Saratoga thoroughbred racetrack until June
11 thirtieth, two thousand [sixteen] SEVENTEEN and on any day regardless of
12 whether or not a franchised corporation is conducting a race meeting in
13 Saratoga county at Saratoga thoroughbred racetrack after June thirtieth,
14 two thousand [sixteen] SEVENTEEN. On any day on which a franchised
15 corporation has not scheduled a racing program but a thoroughbred racing
16 corporation located within the state is conducting racing, every off-
17 track betting corporation branch office and every simulcasting facility
18 licensed in accordance with section one thousand seven (that have
19 entered into a written agreement with such facility's representative
20 horsemen's organization, as approved by the commission), one thousand
21 eight, or one thousand nine of this article shall be authorized to
22 accept wagers and display the live simulcast signal from thoroughbred
23 tracks located in another state or foreign country subject to the
24 following provisions:

25 S 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering
26 and breeding law, as amended by section 4 of part NN of chapter 59 of
27 the laws of 2015, is amended to read as follows:

28 1. The provisions of this section shall govern the simulcasting of
29 races conducted at harness tracks located in another state or country
30 during the period July first, nineteen hundred ninety-four through June
31 thirtieth, two thousand [sixteen] SEVENTEEN. This section shall super-
32 sede all inconsistent provisions of this chapter.

33 S 5. The opening paragraph of subdivision 1 of section 1016 of the
34 racing, pari-mutuel wagering and breeding law, as amended by section 5
35 of part NN of chapter 59 of the laws of 2015, is amended to read as
36 follows:

37 The provisions of this section shall govern the simulcasting of races
38 conducted at thoroughbred tracks located in another state or country on
39 any day during which a franchised corporation is not conducting a race
40 meeting in Saratoga county at Saratoga thoroughbred racetrack until June
41 thirtieth, two thousand [sixteen] SEVENTEEN. Every off-track betting
42 corporation branch office and every simulcasting facility licensed in
43 accordance with section one thousand seven that have entered into a
44 written agreement with such facility's representative horsemen's organ-
45 ization as approved by the commission, one thousand eight or one thou-
46 sand nine of this article shall be authorized to accept wagers and
47 display the live full-card simulcast signal of thoroughbred tracks
48 (which may include quarter horse or mixed meetings provided that all
49 such wagering on such races shall be construed to be thoroughbred races)
50 located in another state or foreign country, subject to the following
51 provisions; provided, however, no such written agreement shall be
52 required of a franchised corporation licensed in accordance with section
53 one thousand seven of this article:

54 S 6. The opening paragraph of section 1018 of the racing, pari-mutuel
55 wagering and breeding law, as amended by section 6 of part NN of chapter
56 59 of the laws of 2015, is amended to read as follows:

1 Notwithstanding any other provision of this chapter, for the period
2 July twenty-fifth, two thousand one through September eighth, two thou-
3 sand [fifteen] SIXTEEN, when a franchised corporation is conducting a
4 race meeting within the state at Saratoga Race Course, every off-track
5 betting corporation branch office and every simulcasting facility
6 licensed in accordance with section one thousand seven (that has entered
7 into a written agreement with such facility's representative horsemen's
8 organization as approved by the commission), one thousand eight or one
9 thousand nine of this article shall be authorized to accept wagers and
10 display the live simulcast signal from thoroughbred tracks located in
11 another state, provided that such facility shall accept wagers on races
12 run at all in-state thoroughbred tracks which are conducting racing
13 programs subject to the following provisions; provided, however, no such
14 written agreement shall be required of a franchised corporation licensed
15 in accordance with section one thousand seven of this article.

16 S 7. Section 32 of chapter 281 of the laws of 1994, amending the
17 racing, pari-mutuel wagering and breeding law and other laws relating
18 to simulcasting, as amended by section 7 of part NN of chapter 59 of the
19 laws of 2015, is amended to read as follows:

20 S 32. This act shall take effect immediately and the pari-mutuel tax
21 reductions in section six of this act shall expire and be deemed
22 repealed on July 1, [2016] 2017; provided, however, that nothing
23 contained herein shall be deemed to affect the application, qualifica-
24 tion, expiration, or repeal of any provision of law amended by any
25 section of this act, and such provisions shall be applied or qualified
26 or shall expire or be deemed repealed in the same manner, to the same
27 extent and on the same date as the case may be as otherwise provided by
28 law; provided further, however, that sections twenty-three and twenty-
29 five of this act shall remain in full force and effect only until May 1,
30 1997 and at such time shall be deemed to be repealed.

31 S 8. Section 54 of chapter 346 of the laws of 1990, amending the
32 racing, pari-mutuel wagering and breeding law and other laws relating to
33 simulcasting and the imposition of certain taxes, as amended by section
34 8 of part NN of chapter 59 of the laws of 2015, is amended to read as
35 follows:

36 S 54. This act shall take effect immediately; provided, however,
37 sections three through twelve of this act shall take effect on January
38 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
39 ing law, as added by section thirty-eight of this act, shall expire and
40 be deemed repealed on July 1, [2016] 2017; and section eighteen of this
41 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
42 two of this act shall take effect as of the same date as chapter 772 of
43 the laws of 1989 took effect.

44 S 9. Paragraph (a) of subdivision 1 of section 238 of the racing,
45 pari-mutuel wagering and breeding law, as amended by section 9 of part
46 NN of chapter 59 of the laws of 2015, is amended to read as follows:

47 (a) The franchised corporation authorized under this chapter to
48 conduct pari-mutuel betting at a race meeting or races run thereat shall
49 distribute all sums deposited in any pari-mutuel pool to the holders of
50 winning tickets therein, provided such tickets be presented for payment
51 before April first of the year following the year of their purchase,
52 less an amount which shall be established and retained by such fran-
53 chised corporation of between twelve to seventeen per centum of the
54 total deposits in pools resulting from on-track regular bets, and four-
55 teen to twenty-one per centum of the total deposits in pools resulting
56 from on-track multiple bets and fifteen to twenty-five per centum of the

1 total deposits in pools resulting from on-track exotic bets and fifteen
2 to thirty-six per centum of the total deposits in pools resulting from
3 on-track super exotic bets, plus the breaks. The retention rate to be
4 established is subject to the prior approval of the gaming commission.
5 Such rate may not be changed more than once per calendar quarter to be
6 effective on the first day of the calendar quarter. "Exotic bets" and
7 "multiple bets" shall have the meanings set forth in section five
8 hundred nineteen of this chapter. "Super exotic bets" shall have the
9 meaning set forth in section three hundred one of this chapter. For
10 purposes of this section, a "pick six bet" shall mean a single bet or
11 wager on the outcomes of six races. The breaks are hereby defined as the
12 odd cents over any multiple of five for payoffs greater than one dollar
13 five cents but less than five dollars, over any multiple of ten for
14 payoffs greater than five dollars but less than twenty-five dollars,
15 over any multiple of twenty-five for payoffs greater than twenty-five
16 dollars but less than two hundred fifty dollars, or over any multiple of
17 fifty for payoffs over two hundred fifty dollars. Out of the amount so
18 retained there shall be paid by such franchised corporation to the
19 commissioner of taxation and finance, as a reasonable tax by the state
20 for the privilege of conducting pari-mutuel betting on the races run at
21 the race meetings held by such franchised corporation, the following
22 percentages of the total pool for regular and multiple bets five per
23 centum of regular bets and four per centum of multiple bets plus twenty
24 per centum of the breaks; for exotic wagers seven and one-half per
25 centum plus twenty per centum of the breaks, and for super exotic bets
26 seven and one-half per centum plus fifty per centum of the breaks. For
27 the period June first, nineteen hundred ninety-five through September
28 ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be
29 three per centum and such tax on multiple wagers shall be two and one-
30 half per centum, plus twenty per centum of the breaks. For the period
31 September tenth, nineteen hundred ninety-nine through March thirty-
32 first, two thousand one, such tax on all wagers shall be two and six-
33 tenths per centum and for the period April first, two thousand one
34 through December thirty-first, two thousand [sixteen] SEVENTEEN, such
35 tax on all wagers shall be one and six-tenths per centum, plus, in each
36 such period, twenty per centum of the breaks. Payment to the New York
37 state thoroughbred breeding and development fund by such franchised
38 corporation shall be one-half of one per centum of total daily on-track
39 pari-mutuel pools resulting from regular, multiple and exotic bets and
40 three per centum of super exotic bets provided, however, that for the
41 period September tenth, nineteen hundred ninety-nine through March thir-
42 ty-first, two thousand one, such payment shall be six-tenths of one per
43 centum of regular, multiple and exotic pools and for the period April
44 first, two thousand one through December thirty-first, two thousand
45 [sixteen] SEVENTEEN, such payment shall be seven-tenths of one per
46 centum of such pools.
47 S 10. This act shall take effect immediately.

48

PART GG

49 Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivi-
50 sion b of section 1612 of the tax law, as amended by section 1 of part
51 MM of chapter 59 of the laws of 2015, is amended to read as follows:
52 (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of
53 this subparagraph, the track operator of a vendor track shall be eligi-
54 ble for a vendor's capital award of up to four percent of the total

1 revenue wagered at the vendor track after payout for prizes pursuant to
2 this chapter, which shall be used exclusively for capital project
3 investments to improve the facilities of the vendor track which promote
4 or encourage increased attendance at the video lottery gaming facility
5 including, but not limited to hotels, other lodging facilities, enter-
6 tainment facilities, retail facilities, dining facilities, events
7 arenas, parking garages and other improvements that enhance facility
8 amenities; provided that such capital investments shall be approved by
9 the division, in consultation with the state racing and wagering board,
10 and that such vendor track demonstrates that such capital expenditures
11 will increase patronage at such vendor track's facilities and increase
12 the amount of revenue generated to support state education programs. The
13 annual amount of such vendor's capital awards that a vendor track shall
14 be eligible to receive shall be limited to two million five hundred
15 thousand dollars, except for Aqueduct racetrack, for which there shall
16 be no vendor's capital awards. Except for tracks having less than one
17 thousand one hundred video gaming machines, and except for a vendor
18 track located west of State Route 14 from Sodus Point to the Pennsylv-
19 nia border within New York, each track operator shall be required to
20 co-invest an amount of capital expenditure equal to its cumulative
21 vendor's capital award. For all tracks, except for Aqueduct racetrack,
22 the amount of any vendor's capital award that is not used during any one
23 year period may be carried over into subsequent years ending before
24 April first, two thousand [sixteen] SEVENTEEN. Any amount attributable
25 to a capital expenditure approved prior to April first, two thousand
26 [sixteen]SEVENTEEN and completed before April first, two thousand [eigh-
27 teen] NINETEEN; or approved prior to April first, two thousand [twenty]
28 TWENTY-ONE and completed before April first, two thousand [twenty-two]
29 TWENTY-THREE for a vendor track located west of State Route 14 from
30 Sodus Point to the Pennsylvania border within New York, shall be eligi-
31 ble to receive the vendor's capital award. In the event that a vendor
32 track's capital expenditures, approved by the division prior to April
33 first, two thousand [sixteen] SEVENTEEN and completed prior to April
34 first, two thousand [eighteen] NINETEEN, exceed the vendor track's cumu-
35 lative capital award during the five year period ending April first, two
36 thousand [sixteen] SEVENTEEN, the vendor shall continue to receive the
37 capital award after April first, two thousand [sixteen] SEVENTEEN until
38 such approved capital expenditures are paid to the vendor track subject
39 to any required co-investment. In no event shall any vendor track that
40 receives a vendor fee pursuant to clause (F) or (G) of this subparagraph
41 be eligible for a vendor's capital award under this section. Any opera-
42 tor of a vendor track which has received a vendor's capital award,
43 choosing to divest the capital improvement toward which the award was
44 applied, prior to the full depreciation of the capital improvement in
45 accordance with generally accepted accounting principles, shall reim-
46 burse the state in amounts equal to the total of any such awards. Any
47 capital award not approved for a capital expenditure at a video lottery
48 gaming facility by April first, two thousand [sixteen] SEVENTEEN shall
49 be deposited into the state lottery fund for education aid; and
50 S 2. This act shall take effect immediately.

51

PART HH

52 Section 1. Paragraph b of subdivision 3 of section 97-nnnn of the
53 state finance law, as added by chapter 174 of the laws of 2013, is
54 amended to read as follows:

1 b. ten percent of the moneys in such fund, AS ATTRIBUTABLE TO A
2 SPECIFIC LICENSED GAMING FACILITY, shall be appropriated or transferred
3 from the commercial gaming revenue fund equally between the host munici-
4 pality and host county OF SUCH FACILITY.

5 S 2. Clause (G) of subparagraph (ii) of paragraph 1 of subdivision b
6 of section 1612 of the tax law, as added by chapter 174 of the laws of
7 2013, is amended to read as follows:

8 (G) Notwithstanding any provision to the contrary, when a vendor track
9 is located within regions one, two, or five of development zone two as
10 defined by section thirteen hundred ten of the racing, pari-mutuel
11 wagering and breeding law, such vendor track shall receive an additional
12 commission at a rate equal to the percentage of revenue wagered at the
13 vendor track after payout for prizes pursuant to this chapter, WHICH
14 PERCENTAGE SHALL BE ONE HUNDRED, less [ten percent] THE SUM OF THE
15 PERCENTAGES OF NET REVENUE WAGERED AT THE VENDOR TRACK retained by the
16 commission for operation, administration, and procurement purposes; and
17 [payment of] the vendor's fee, marketing allowance[,] and capital award
18 paid TO THE VENDOR TRACK pursuant to this chapter; and the effective tax
19 rate paid on all gross gaming revenue paid by a gaming facility within
20 the same region pursuant to section thirteen hundred fifty-one of the
21 racing, pari-mutuel wagering and breeding law, PROVIDED, HOWEVER, SUCH
22 ADDITIONAL COMMISSION SHALL BE APPLIED TO REVENUE WAGERED AT THE VENDOR
23 TRACK AFTER PAYOUT FOR PRIZES ONLY WHILE A GAMING FACILITY IN THE SAME
24 REGION IS OPEN AND OPERATIONAL PURSUANT TO AN OPERATION CERTIFICATE
25 ISSUED PURSUANT TO SECTION THIRTEEN HUNDRED THIRTY-ONE OF THE RACING,
26 PARI-MUTUEL WAGERING AND BREEDING LAW. The additional commission SET
27 FORTH IN THIS CLAUSE shall be paid to the vendor track within sixty days
28 after the conclusion of the state fiscal year based on the calculated
29 percentage during the previous fiscal year.

30 S 3. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after January 1, 2014.

32 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
33 sion, section or part of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent of
39 the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 S 3. This act shall take effect immediately provided, however, that
42 the applicable effective date of Parts A through HH of this act shall be
43 as specifically set forth in the last section of such Parts.