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

4209

2015-2016 Regular Sessions

I N S E N A T E

March 9, 2015

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT intentionally omitted (Part A); to amend the state finance law, the tax law and the administrative code of the city of New York, in relation to the New York city personal income tax rates (Part B); to amend the real property tax law, the tax law, and section 3 of part B of chapter 59 of the laws of 2012 amending the real property tax law and the tax law relating to the suspension of STAR exemptions of property owned by persons with outstanding tax liabilities, in relation to the suspension of STAR exemptions of property owned by persons with outstanding tax liabilities (Part C); intentionally omitted (Part D); to amend the real property tax law, in relation to a recoupment of certain STAR exemptions; to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to determining primary residency and to amend the tax law, in relation to verification of residence (Part E); to amend the state finance law, in relation to making technical corrections to the school tax relief fund; and to provide one-time relief to STAR registrants who failed to file timely STAR exemption applications (Part F); to amend the real property tax law and the tax law, in relation to the New York property tax relief check program; to amend the education law and the general municipal law, in relation to certification of compliance with the New York property tax relief check program requirements (Part G); to amend the tax law and the administrative code of the city of New York, in relation to extending the limitation on charitable contribution deductions for certain taxpayers (Part H); to amend the tax law, the administrative code of the city of New York and the labor law, in relation to making certain technical corrections (Part I); to amend the tax law, in relation to a report regarding the empire state commercial production tax credit; and to repeal section 9 of part V of chapter 62 of the laws of 2006, amending the tax law relating to the empire state commercial production tax credit, relating thereto (Part J); to amend the economic development law, in relation to including video game developers in

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

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the excelsior jobs program (Part K); intentionally omitted (Part L); intentionally omitted (Part M); to amend the tax law, in relation to the business income base rate; in relation to certain small business taxpayers (Part N); to amend the economic development law and the tax law, in relation to creating a technology internship program and establishing tax credits for such program (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the environmental conservation law, the tax law and the general municipal law, in relation to eligibility for participation in the brownfield cleanup program, assignment of the brownfield redevelopment tax credits and brownfield opportunity areas; to amend part H of chapter 1 of the laws of 2003, amending the tax law relating to brownfield redevelopment tax credits, remediated brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, in relation to tax credits for certain sites; to amend the environmental conservation law, in relation to hazardous waste generator fees and taxes; to amend the environmental conservation law and the state finance law, in relation to the environmental restoration program; and to repeal certain provisions of the environmental conservation law and the tax law relating thereto (Part R); to amend the business corporation law, the limited liability company law, the partnership law and the tax law, in relation to the biennial statements filed with the secretary of state (Part S); to amend the tax law, in relation to making corrections to the corporate tax reform provisions; and repealing certain provisions of such law relating thereto (Part T); to amend the tax law, in relation to exempting certain items of tangible personal property furnished to customers by certain cider producers, breweries, and distilleries at tastings (Part U); to amend the tax law, in relation to the imposition of the sales and compensating use tax on prepaid mobile calling services (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the tax law, in relation to exempting electricity provided by certain sources from the sales tax imposed by article 28 of the tax law and omitting such exemption from the taxes imposed pursuant to the authority of article 29 of the tax law, unless a locality elects otherwise; and to repeal subdivisions (n) and (p) of section 1210 of such law relating to tax exemptions imposed by resolution in cities having a population of one million or more persons (Part Z); to amend the tax law, in relation to allowing a reimbursement of the petroleum business tax for highway diesel motor fuel used in farm production (Part AA); to amend the tax law, in relation to calculating the estate tax imposed under the tax rate table, clarifying the phase out date for certain gift add backs and disallowing deductions relating to intangible personal property for estates of non-resident decedents; and to amend the tax law, in relation to computation of estate tax (Part BB); intentionally omitted (Part CC); to amend part Q of chapter 59 of the laws of 2013 amending the tax law relating to serving an income execution with respect to individual tax debtors without filing a warrant, in relation to the effectiveness thereof (Part DD); intentionally omitted (Part EE); to amend chapter 266 of the laws of 1986 amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct; and to amend chapter 63 of the laws of 2001 amending chapter 20 of the laws of 2001 amending the military law and other laws relating to making appropriations for the support of government, in relation to extending certain provisions concerning the hospital excess liability

pool and requiring a tax clearance for doctors and dentists to be eligible for such excess coverage (Part FF); to amend the public authorities law and the tax law, in relation to authorizing clearance of past-due tax liabilities for state or local authority grant applicants (Part GG); to amend the tax law and the state finance law, in relation to allowing the commissioner of taxation and finance to enter into reciprocal tax collection agreements with other states (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend the social services law, in relation to the disclosure of certain information relating to a person receiving public assistance to the commissioner of the department of taxation and finance (Part LL); to amend the tax law, in relation to capital awards to vendor tracks (Part MM); 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 and 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 provisions thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part NN); to amend the tax law and the penal law, in relation to video lottery gaming; and providing for the repeal of such provisions upon expiration thereof (Part OO); to amend the racing, pari-mutuel wagering and breeding law, in relation to a franchised corporation (Part PP); intentionally omitted (Part QQ); to amend the tax law, in relation to the credit for certain alternative fuel vehicle refueling property and electric vehicle recharging property (Part RR); to amend the public service law, in relation to costs associated with the department of public service (Part SS); to amend the tax law, in relation to the amount of credit towards sales and compensating use taxes for vendors (Part TT); to amend the tax law, in relation to simple personal income tax (Part UU); to amend the civil practice law and rules, in relation to the undertaking required during the pendency of a stay of enforcement of a judgment against a participating or non-participating manufacturer under the master settlement agreement (Part VV); to amend the tax law, in relation to the stock transfer tax, and to repeal certain provisions of the tax law relating thereto (Part WW); to amend chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, in relation to establishing protocols for combative sports and authorizing mixed martial arts events in this state; to amend the tax law, in relation to the imposition of a tax on the gross receipts of any person holding any professional or amateur boxing, sparring or wrestling match or exhibition, or professional combative sports match or exhibition; and to amend the alcoholic beverage control law, in relation to allowing matches or exhibitions on the premises of certain licensees (Part XX); to amend the tax law, in relation to the authority of counties to impose sales and compensating use taxes pursuant to the authority of article 29 of such law; and to repeal certain provisions of sections 1210 and 1224 and section 1210-E of such law relating thereto (Part YY); to amend the tax law, in relation to exempting from sales and compensating use taxes the purchase of general aviation aircraft; and providing for the repeal of

certain provisions upon expiration thereof (Part ZZ); to amend the tax law, in relation to adding the use of a vessel by the purchaser in this state for not more than 20 days per calendar day to the list of exemptions to the compensating use tax (Part AAA); to amend the tax law, in relation to establishing a credit against income tax for the rehabilitation of distressed commercial properties (Part BBB); to amend the tax law, in relation to QEZE tax reduction credits (Part CCC); to amend the tax law, in relation to providing for a sales tax exemption for farm abstracts (Part DDD); to amend the tax law, in relation to sales and compensating use taxes (Part EEE); to amend the tax law, in relation to granting sales and compensating use tax exemptions for certain tangible personal property and services used in the operation of recreational skiing facilities (Part FFF); to amend the tax law, in relation to the exemption of political subdivisions from the imposition of the metropolitan commuter transportation mobility tax (Part GGG); to amend the tax law, in relation to the exemption of libraries from the imposition of the metropolitan commuter transportation mobility tax (Part HHH); to amend the tax law, in relation to exempting certain prekindergarten special education programs from the metropolitan commuter transportation mobility tax (Part III); to amend the tax law, in relation to the definition of "allowable college tuition expenses" and the tax credit allowed for such expenses (Part JJJ); to amend the tax law, in relation to providing an asbestos remediation tax credit (Part KKK); to amend the tax law and the state finance law, in relation to the creation of the cigarette tax enforcement account and repealing provisions of the administrative code of the city of New York relating thereto (Part LLL); to amend the economic development law, in relation to veterans entrepreneurship assistance (Part MMM); to amend the tax law, in relation to the empire state film production credit (Part NNN); to amend the public housing law and the tax law, in relation to providing certain tax credits for construction or rehabilitation of middle-income housing (Part OOO); to amend the tax law, in relation to real estate investment trusts (Part PPP); to amend the tax law, in relation to establishing an elderly residential emergency repair personal income tax credit (Part QQQ); relating to sales tax in empire zones (Part RRR); to amend the tax law, in relation to exempting from sales and use taxes certain tangible personal property or services (Part SSS); to amend the tax law, in relation to the green building credit (Part TTT); to amend the tax law, in relation to establishing a senior utility circuit breaker personal income tax credit (Part UUU); to amend the general municipal law and the municipal home rule law, in relation to establishing limitations upon real property tax levies in cities with a population of one million or more (Part VVV); to amend the racing, pari-mutuel wagering and breeding law, in relation to authorizing the division of state police to conduct qualification investigations for those applying for casino key employee licenses or gaming employee registrations (Part WWW); to amend the racing, pari-mutuel wagering and breeding law, in relation to out-of-state or out-of-country races, unclaimed winnings, fast track betting, and account wagering; and repealing certain provisions of such law relating thereto (Part XXX); to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part YYY); to amend the racing, pari-mutuel wagering and breeding law, in relation to payments received by regional harness tracks for certain wagers (Part ZZZ); to amend the tax law, in relation to vendor fees paid to vendor

tracks (Part AAAA); to amend the real property tax law, in relation to rent increase exemptions for persons regardless of their age or disability status (Part BBBB); to amend the real property tax law, in relation to authorizing a tax exemption for senior citizen tenants residing in manufactured home parks in certain municipal corporations and school districts (Part CCCC); to amend the real property tax law, in relation to extending eligibility, for an additional three years, for the exemption of certain new or substantially rehabilitated multiple dwellings from local taxation (Part DDDD); to amend the tax law, in relation to the state school tax reduction credit (Part EEEE); to amend the tax law, in relation to reducing federal adjusted gross income, for purposes of state personal income taxes, by the amount of interest on indebtedness incurred for tuition and fees paid for undergraduate education (Part FFFF); and to amend the state finance law and the public housing law, in relation to establishing the public housing revitalization fund; and to amend the New York city charter, in relation to authorizing the New York city council to oversee the activities of certain public authorities (Part GGGG)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2015-2016 state fiscal year. Each component is wholly contained within a Part identified as Parts A through GGGG. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Intentionally Omitted

PART B

Section 1. Subdivision 1 of section 54-f of the state finance law, as amended by section 1 of part EE of chapter 57 of the laws of 2010, is amended to read as follows:

1. Except as otherwise provided by law, the provisions of this section shall be utilized by the state to calculate the annual amount due to be paid to the city of New York by the state to reimburse such city for tax receipts foregone (a) as a result of [a] chapter THREE HUNDRED EIGHTY-NINE of the laws of nineteen hundred ninety-seven [that reduced the rates of tax imposed pursuant to authority granted under section thirteen hundred one of the tax law and that created a new "state school tax reduction credit" against liabilities imposed pursuant to the authority granted the city by such section and other statutes authorizing the imposition of a personal income tax on the residents of such city], and (b) as a result of the tax rate adjustments made by [a] chap-

ter FIFTY-SEVEN of the laws of two thousand ten AND BY A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN, which amended this subdivision.

S 2. Paragraphs 1, 2 and 3 of subsection (a) of section 1304 of the tax law, as amended by section 2 of part EE of chapter 57 of the laws of 2010, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six of this article and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $21,600	2.55% OF THE CITY TAXABLE INCOME
OVER $21,600 BUT NOT OVER $45,000	$551 PLUS 3.1% OF EXCESS OVER $21,600
OVER $45,000 BUT NOT OVER $90,000	$1,276 PLUS 3.15% OF EXCESS OVER $45,000
OVER $90,000 BUT NOT OVER $500,000	$2,694 PLUS 3.2% OF EXCESS OVER $90,000
OVER $500,000	$16,803 PLUS 3.4% OF EXCESS OVER $500,000

(B) For taxable years beginning after two thousand nine AND BEFORE TWO THOUSAND FIFTEEN:

If the city taxable income is:	The tax is:
Not over $21,600	2.55% of the city taxable income
Over $21,600 but not over $45,000	$551 plus 3.1% of excess over $21,600
Over $45,000 but not over $90,000	$1,276 plus 3.15% of excess over $45,000
Over $90,000 but not over $500,000	$2,694 plus 3.2% of excess over $90,000
Over $500,000	$15,814 plus 3.4% of excess over $500,000

[(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand ten:

If the city taxable income is:	The tax is:
Not over $21,600	2.55% of the city taxable income
Over $21,600 but not over $45,000	$551 plus 3.1% of excess over $21,600
Over $45,000 but not over $90,000	$1,276 plus 3.15% of excess over $45,000
Over $90,000	$2,694 plus 3.2% of excess over $90,000]

(2) Resident heads of households. The tax under this section for each taxable year on the city taxable income of every city resident head of a household shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $14,400	2.55% OF THE CITY TAXABLE INCOME
OVER $14,400 BUT NOT OVER $30,000	$367 PLUS 3.1% OF EXCESS OVER $14,400
OVER $30,000 BUT NOT OVER $60,000	$851 PLUS 3.15% OF EXCESS OVER $30,000
OVER $60,000 BUT NOT OVER $500,000	$1,796 PLUS 3.2% OF EXCESS OVER $60,000
OVER $500,000	$16,869 PLUS 3.4% OF EXCESS OVER $500,000

(B) For taxable years beginning after two thousand nine AND BEFORE TWO THOUSAND FIFTEEN:

If the city taxable income is:	The tax is:
Not over $14,400	2.55% of the city taxable income
Over $14,400 but not over $30,000	$367 plus 3.1% of excess over $14,400
Over $30,000 but not over $60,000	$851 plus 3.15% of excess over $30,000
Over $60,000 but not over $500,000	$1,796 plus 3.2% of excess over $60,000
Over $500,000	$15,876 plus 3.4% of excess Over $500,000

[(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand ten:

If the city taxable income is:	The tax is:
Not over $14,400	2.55% of the city taxable income
Over $14,400 but not over $30,000	$367 plus 3.1% of excess over $14,400
Over $30,000 but not over $60,000	$851 plus 3.15% of excess over $30,000
Over $60,000	$1,796 plus 3.2% of excess over $60,000]

(3) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. The tax under this section for each taxable year on the city taxable income of every city resident individual who is not a city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six of this article or a city resident head of household or a city resident surviving spouse, and on the city taxable income of every city resident estate and trust shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $12,000	2.55% OF THE CITY TAXABLE INCOME
OVER $12,000 BUT NOT OVER $25,000	$306 PLUS 3.1% OF EXCESS OVER $12,000
OVER $25,000 BUT NOT OVER $50,000	$709 PLUS 3.15% OF EXCESS OVER $25,000

OVER $50,000 BUT NOT OVER $500,000	$1,497 PLUS 3.2% OF EXCESS OVER $50,000
OVER $500,000	$16,891 PLUS 3.4% OF EXCESS OVER $500,000

(B) For taxable years beginning after two thousand nine AND BEFORE TWO THOUSAND FIFTEEN:

If the city taxable income is:	The tax is:
Not over $12,000	2.55% of the city taxable income
Over $12,000 but not over $25,000	$306 plus 3.1% of excess over $12,000
Over $25,000 but not over $50,000	$709 plus 3.15% of excess over $25,000
Over $50,000 but not over $500,000	$1,497 plus 3.2% of excess over $50,000
Over $500,000	$15,897 plus 3.4% of excess over $500,000

[(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand ten:

If the city taxable income is:	The tax is:
Not over $12,000	2.55% of the city taxable income
Over $12,000 but not over $25,000	$306 plus 3.1% of excess over $12,000
Over $25,000 but not over $50,000	$709 plus 3.15% of excess over $25,000
Over $50,000	$1,497 plus 3.2% of excess over $50,000]

S 3. Paragraphs 1, 2 and 3 of subdivision (a) of section 11-1701 of the administrative code of the city of New York, as amended by section 3 of part EE of chapter 57 of the laws of 2010, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subdivision (b) of section 11-1751 of this chapter and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $21,600	2.55% OF THE CITY TAXABLE INCOME
OVER $21,600 BUT NOT OVER $45,000	$551 PLUS 3.1% OF EXCESS OVER $21,600
OVER $45,000 BUT NOT OVER $90,000	$1,276 PLUS 3.15% OF EXCESS OVER $45,000
OVER $90,000 BUT NOT OVER $500,000	$2,694 PLUS 3.2% OF EXCESS OVER $90,000
OVER $500,000	$16,803 PLUS 3.4% OF EXCESS OVER $500,000

(B) For taxable years beginning after two thousand nine AND BEFORE TWO THOUSAND FIFTEEN:

If the city taxable income is:	The tax is:
Not over $21,600	2.55% of the city taxable income
Over $21,600 but not over $45,000	$551 plus 3.1% of excess over $21,600
Over $45,000 but not over $90,000	$1,276 plus 3.15% of excess over $45,000
Over $90,000 but not over $500,000	$2,694 plus 3.2% of excess over $90,000
Over $500,000	$15,814 plus 3.4% of excess over $500,000

[(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand ten:

If the city taxable income is:	The tax is:
Not over $21,600	2.55% of the city taxable income
Over $21,600 but not over $45,000	$551 plus 3.1% of excess over $21,600
Over $45,000 but not over $90,000	$1,276 plus 3.15% of excess over $45,000
Over $90,000	$2,694 plus 3.2% of excess over $90,000]

(2) Resident heads of households. The tax under this section for each taxable year on the city taxable income of every city resident head of a household shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $14,400	2.55% OF THE CITY TAXABLE INCOME
OVER $14,400 BUT NOT OVER $30,000	$367 PLUS 3.1% OF EXCESS OVER $14,400
OVER $30,000 BUT NOT OVER $60,000	$851 PLUS 3.15% OF EXCESS OVER $30,000
OVER $60,000 BUT NOT OVER $500,000	$1,796 PLUS 3.2% OF EXCESS OVER $60,000
OVER $500,000	$16,869 PLUS 3.4% OF EXCESS OVER $500,000

(B) For taxable years beginning after two thousand nine AND BEFORE TWO THOUSAND FIFTEEN:

If the city taxable income is:	The tax is:
Not over $14,400	2.55% of the city taxable income
Over $14,400 but not over $30,000	$367 plus 3.1% of excess over $14,400
Over $30,000 but not over $60,000	$851 plus 3.15% of excess over $30,000
Over $60,000 but not over $500,000	$1,796 plus 3.2% of excess over $60,000
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[(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand ten:

If the city taxable income is:	The tax is:
Not over $14,400	2.55% of the city taxable income
Over $14,400 but not over $30,000	$367 plus 3.1% of excess over $14,400
Over $30,000 but not over $60,000	$851 plus 3.15% of excess over $30,000
Over $60,000	$1,796 plus 3.2% of excess over $60,000]

(3) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. The tax under this section for each taxable year on the city taxable income of every city resident individual who is not a married individual who makes a single return jointly with his or her spouse under subdivision (b) of section 11-1751 of this chapter or a city resident head of a household or a city resident surviving spouse, and on the city taxable income of every city resident estate and trust shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $12,000	2.55% OF THE CITY TAXABLE INCOME
OVER $12,000 BUT NOT OVER $25,000	$306 PLUS 3.1% OF EXCESS OVER $12,000
OVER $25,000 BUT NOT OVER $50,000	$709 PLUS 3.15% OF EXCESS OVER $25,000
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OVER $500,000	$16,891 PLUS 3.4% OF EXCESS OVER $500,000

(B) For taxable years beginning after two thousand nine AND BEFORE TWO THOUSAND FIFTEEN:

If the city taxable income is:	The tax is:
Not over $12,000	2.55% of the city taxable income
Over $12,000 but not over $25,000	$306 plus 3.1% of excess over $12,000
Over $25,000 but not over $50,000	$709 plus 3.15% of excess over $25,000
Over $50,000 but not over $500,000	$1,497 plus 3.2% of excess over $50,000
Over $500,000	$15,897 plus 3.4% of excess over $500,000

[(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand ten:

If the city taxable income is:	The tax is:
Not over $12,000	2.55% of the city taxable income
Over $12,000 but not over $25,000	$306 plus 3.1% of excess over $12,000
Over $25,000 but not	$709 plus 3.15% of excess

over $50,000 over $25,000
Over $50,000 $1,497 plus 3.2% of excess
over $50,000]

S 4. Notwithstanding any provision of law to the contrary, the method of determining the amount to be deducted and withheld from wages on account of taxes imposed by or pursuant to the authority of article 30 of the tax law in connection with the implementation of the provisions of this act shall be prescribed by regulations of the commissioner of taxation and finance with due consideration to the effect such withholding tables and methods would have on the receipt and amount of revenue. The commissioner of taxation and finance shall adjust such withholding tables and methods in regard to taxable years beginning in 2015 and after in such manner as to result, so far as practicable, in withholding from an employee's wages an amount substantially equivalent to the tax reasonably estimated to be due for such taxable years as a result of the provisions of this act. Provided, however, for tax year 2015 the withholding tables shall reflect as accurately as practicable the full amount of tax year 2015 liability so that such amount is withheld by December 31, 2015. Any such regulations to implement a change in withholding tables and methods for tax year 2015 shall be adopted and effective as soon as practicable and the commissioner may adopt such regulations on an emergency basis notwithstanding anything to the contrary in section 202 of the state administrative procedure act. In carrying out his or her duties and responsibilities under this section, the commissioner of taxation and finance may accompany such a rule making procedure with a similar procedure with respect to the taxes required to be deducted and withheld by local laws imposing taxes pursuant to the authority of articles 30, 30-A and 30-B of the tax law, the provisions of any other law in relation to such a procedure to the contrary notwithstanding.

S 5. 1. Notwithstanding any provision of law to the contrary, no addition to tax shall be imposed for failure to pay the estimated tax in subsection (c) of section 685 of the tax law and subdivision (c) of section 11-1785 of the administrative code of the city of New York with respect to any underpayment of a required installment due prior to, or within thirty days of, the effective date of this act to the extent that such underpayment was created or increased by the amendments made by this act, provided, however, that the taxpayer remits the amount of any underpayment prior to or with his or her next quarterly estimated tax payment.

2. The commissioner of taxation and finance shall take steps to publicize the necessary adjustments to estimated tax and, to the extent reasonably possible, to inform the taxpayer of the tax liability changes made by this act.

S 6. This act shall take effect immediately.

PART C

Section 1. The opening paragraph of paragraph (f) of subdivision 3 of section 425 of the real property tax law, as added by section 1 of part B of chapter 59 of the laws of 2012, is amended to read as follows:

Compliance with state tax obligations. [The] A PROPERTY SHALL NOT BE ELIGIBLE [property's eligibility] for the STAR exemption [must not be] IF THE PROPERTY'S ELIGIBILITY HAS BEEN suspended pursuant to section one hundred seventy-one-y of the tax law due to the past-due state tax liabilities of one or more of its owners. Notwithstanding any provision

of law to the contrary, where a property's eligibility for a STAR exemption has been suspended pursuant to such section, the following provisions shall be applicable:

S 2. Paragraphs (h) and (i) of subdivision 2 and subdivision 7 of section 171-y of the tax law, as added by section 2 of part B of chapter 59 of the laws of 2012, are amended to read as follows:

(h) [The procedures by which the department shall apply the amount of a taxpayer's lost STAR benefits as an offset against the amount of that taxpayer's past-due state tax liabilities.

(i)] Any other matter as the department shall deem necessary to carry out the provisions of this section.

7. Activities to collect state tax liabilities undertaken by the department pursuant to this section shall not in any way limit, restrict or impair the department from exercising any other authority to collect or enforce past-due state tax liabilities under any other applicable provision of law. [The amount by which a taxpayer's property tax liability increases as a result of the loss of the STAR exemption pursuant to paragraph (f) of subdivision three of section four hundred twenty-five of the real property tax law and this section shall be applied as an offset against the amount of the taxpayer's past-due state tax liability.] IF A TAXPAYER LOSES THE STAR EXEMPTION PURSUANT TO PARAGRAPH (F) OF SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW AND THIS SECTION, THE TAXPAYER SHALL LOSE ANY ENTITLEMENT OR CLAIM OF RIGHT TO THE STAR EXEMPTION FOR THE APPLICABLE YEAR.

S 3. Section 3 of part B of chapter 59 of the laws of 2012, amending the real property tax law and the tax law relating to suspension of STAR exemptions of property owned by persons with outstanding tax liabilities, is amended to read as follows:

S 3. This act shall take effect immediately [and shall apply to the administration of the STAR exemption authorized by section 425 of the real property tax law for the 2013-2014, 2014-2015 and 2015-2016 school years].

S 4. This act shall take effect immediately.

PART D

Intentionally Omitted

PART E

Section 1. Section 425 of the real property tax law is amended by adding a new subdivision 15 to read as follows:

15. RECOUPMENT OF EXEMPTIONS BY COMMISSIONER. (A) GENERALLY. IF THE COMMISSIONER SHOULD DETERMINE, BASED UPON DATA COLLECTED UNDER THE STAR REGISTRATION PROGRAM, THAT PROPERTY IMPROPERLY RECEIVED THE BASIC STAR EXEMPTION ON ONE OR MORE OF THE THREE PRECEDING ASSESSMENT ROLLS, THE COMMISSIONER SHALL TREAT THE EXEMPTION AS AN IMPROPERLY GRANTED EXEMPTION AND PROCEED IN THE MANNER PROVIDED BY THIS SUBDIVISION; PROVIDED THAT FINAL ASSESSMENT ROLLS THAT WERE FILED PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION.

(B) PROCEDURE. THE TAX SAVINGS ATTRIBUTABLE TO EACH SUCH IMPROPERLY GRANTED EXEMPTION SHALL BE COLLECTED FROM THE OWNERS WHOSE PROPERTY IMPROPERLY RECEIVED THE EXEMPTION FOR THE APPLICABLE YEAR, TOGETHER WITH INTEREST AND A PENALTY AS SPECIFIED IN THIS SUBDIVISION, BY UTILIZING

ANY OF THE PROCEDURES FOR COLLECTION, LEVY, AND LIEN OF PERSONAL INCOME TAX SET FORTH IN ARTICLE TWENTY-TWO OF THE TAX LAW, ANY OTHER RELEVANT PROCEDURES REFERENCED WITHIN THE PROVISIONS OF THAT ARTICLE, AND ANY OTHER LAW AS MAY BE APPLICABLE, SO FAR AS PRACTICABLE WHEN RECOUPING THE EXEMPTION AMOUNT PURSUANT TO THIS SUBDIVISION, EXCEPT THAT:

(I) PRIOR TO DIRECTING THAT AN IMPROPERLY GRANTED EXEMPTION BE RECOUPED PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE THE OWNERS WITH NOTICE AND AN OPPORTUNITY TO SHOW THE COMMISSIONER THAT THE EXEMPTION WAS PROPERLY GRANTED. IF THE OWNERS FAIL TO RESPOND TO SUCH NOTICE WITHIN FORTY-FIVE DAYS FROM THE MAILING THEREOF, OR IF THEIR RESPONSE DOES NOT SHOW TO THE COMMISSIONER'S SATISFACTION THAT THE ELIGIBILITY REQUIREMENTS WERE IN FACT SATISFIED, THE COMMISSIONER SHALL PROCEED WITH THE RECOUPMENT OF THE IMPROPERLY GRANTED EXEMPTION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION; AND

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION SIX OF THIS SECTION, NEITHER AN ASSESSOR NOR A BOARD OF ASSESSMENT REVIEW HAS THE AUTHORITY TO CONSIDER AN OBJECTION TO THE RECOUPMENT OF AN EXEMPTION PURSUANT TO THIS SUBDIVISION, NOR MAY SUCH AN ACTION BE REVIEWED IN A PROCEEDING TO REVIEW AN ASSESSMENT PURSUANT TO TITLE ONE OR ONE-A OF ARTICLE SEVEN OF THIS CHAPTER. SUCH AN ACTION MAY ONLY BE CHALLENGED BEFORE THE DEPARTMENT. IF AN OWNER IS DISSATISFIED WITH THE DEPARTMENT'S FINAL DETERMINATION, THE OWNER MAY APPEAL THAT DETERMINATION TO THE BOARD IN A FORM AND MANNER TO BE PRESCRIBED BY THE COMMISSIONER. SUCH APPEAL SHALL BE FILED WITHIN FORTY-FIVE DAYS FROM THE ISSUANCE OF THE DEPARTMENT'S FINAL DETERMINATION. IF DISSATISFIED WITH THE BOARD'S DETERMINATION, THE OWNER MAY SEEK JUDICIAL REVIEW THEREOF PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. THE OWNER SHALL OTHERWISE HAVE NO RIGHT TO CHALLENGE SUCH FINAL DETERMINATION IN A COURT ACTION, ADMINISTRATIVE PROCEEDING, INCLUDING BUT NOT LIMITED TO AN ADMINISTRATIVE PROCEEDING PURSUANT TO ARTICLE FORTY OF THE TAX LAW, OR ANY OTHER FORM OF LEGAL RECOURSE AGAINST THE COMMISSIONER, THE DEPARTMENT, THE BOARD, THE ASSESSOR, OR ANY OTHER PERSON, STATE AGENCY, OR LOCAL GOVERNMENT.

(C) THE AMOUNT TO BE RECOUPED FOR EACH IMPROPERLY RECEIVED EXEMPTION SHALL HAVE INTEREST ADDED AT THE RATE PRESCRIBED BY SECTION NINE HUNDRED TWENTY-FOUR-A OF THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLICABLE FOR EACH MONTH OR PORTION THEREOF SINCE THE LEVY OF SCHOOL TAXES UPON SUCH ASSESSMENT ROLL. IN ADDITION, A PENALTY SHALL BE IMPOSED IN THE AMOUNT OF EITHER FIVE HUNDRED DOLLARS OR TWENTY PERCENT OF THE IMPROPERLY RECEIVED TAX SAVINGS, WHICHEVER IS GREATER, NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS, PROVIDED THAT THE COMMISSIONER MAY WAIVE SUCH PENALTY FOR GOOD CAUSE SHOWN.

(D) IN THE EVENT THAT A REVOCATION OF PRIOR EXEMPTION PURSUANT TO SUBDIVISION TWELVE OF THIS SECTION OR A VOLUNTARY RENUNCIATION OF THE STAR EXEMPTION PURSUANT TO SECTION FOUR HUNDRED NINETY-SIX OF THIS CHAPTER HAS OCCURRED, THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLICABLE TO THE EXEMPTIONS SO REVOKED OR VOLUNTARILY RENOUNCED.

S 2. Clause 10 of subparagraph (i) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, as amended by chapter 422 of the laws of 2010, is amended to read as follows:

(10) Housing accommodations not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law,

who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. FOR PURPOSES OF DETERMINING PRIMARY RESIDENCY, AS USED IN THIS CHAPTER, THE FAILURE TO FILE A NEW YORK CITY RESIDENT INCOME TAX RETURN (SETTING FORTH THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE) BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN A FINDING THAT THE TENANT DOES NOT OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH WOULD EXCUSE THE TIMELY FILING OF THE RETURN; PROVIDED FURTHER, THAT THE TIMELY FILING OF THE RETURN, ALONE, SHALL NOT RESULT IN A PRESUMPTION THAT THE INDIVIDUAL DOES OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

S 3. Subparagraph (f) of paragraph 1 of subdivision a of section 26-504 of the administrative code of the city of New York, as amended by chapter 422 of the laws of 2010, is amended to read as follows:

(f) not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction, provided, however that no action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. FOR PURPOSES OF DETERMINING PRIMARY RESIDENCY, AS USED IN THIS CHAPTER, THE FAILURE TO FILE A NEW YORK CITY RESIDENT INCOME TAX RETURN (SETTING FORTH THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE) BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN A FINDING THAT THE TENANT DOES NOT OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH WOULD EXCUSE THE TIMELY FILING OF A RETURN; PROVIDED FURTHER, THAT THE TIMELY FILING OF THE RETURN, ALONE, SHALL NOT RESULT IN A PRESUMPTION THAT THE INDIVIDUAL DOES OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE. For the purposes of this subparagraph where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants, or

S 4. Paragraph 11 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 422 of the laws of 2010, is amended to read as follows:

(11) housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction. FOR PURPOSES OF DETERMINING PRIMARY RESIDENCY, AS USED IN THIS CHAPTER, THE FAILURE TO FILE A

NEW YORK STATE RESIDENT INCOME TAX RETURN (SETTING FORTH THE HOUSING ACCOMMODATION AS HIS OR HER RESIDENCE) BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN A FINDING THAT THE TENANT DOES NOT OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH WOULD EXCUSE THE TIMELY FILING OF THE RETURN; PROVIDED FURTHER, THAT THE TIMELY FILING OF THE RETURN, ALONE, SHALL NOT RESULT IN A PRESUMPTION THAT THE INDIVIDUAL DOES OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

S 5. The tax law is amended by adding a new section 171-z to read as follows:

S 171-Z. VERIFICATION OF RESIDENCE FILING ADDRESS. (1) THE COMMISSIONER IS AUTHORIZED TO VERIFY TO OWNERS OF MULTIPLE DWELLINGS COVERED BY THE CITY RENT AND REHABILITATION LAW, THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE AND/OR THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR WHETHER OR NOT, IN A GIVEN CALENDAR YEAR, A NEW YORK CITY OR NEW YORK STATE RESIDENT INCOME TAX RETURN WAS FILED BY AN INDIVIDUAL WHO IS A TENANT IN THE OWNER'S MULTIPLE DWELLING AND, IF SO, THE RESIDENCE ADDRESS WHICH IS SET FORTH ON THE TAX RETURN. SUCH VERIFICATION SHALL BE IN WRITING AND SHALL BE CONSIDERED A CERTIFICATE OR AFFIDAVIT FOR THE PURPOSES OF RULE FORTY-FIVE HUNDRED TWENTY OF THE CIVIL PRACTICE LAW AND RULES.

(2) THE DEPARTMENT MAY CHARGE A REASONABLE FEE, TO BE DETERMINED BY THE COMMISSIONER, IN PAYMENT TO THE DEPARTMENT FOR THE EXPENSE INCURRED IN VERIFYING THE FILING AND RESIDENCE ADDRESS.

(3) ANY FINDING THAT A RECIPIENT OF A PUBLIC BENEFIT PURSUANT TO CITY RENT AND REHABILITATION LAW DOES NOT MEET A RESIDENCY REQUIREMENT NECESSARY TO RECEIVE SUCH BENEFIT BASED UPON HIS OR HER PERSONAL INCOME TAX FILING SHALL, WITHIN THIRTY DAYS OF SUCH FINDING, BE SUBJECT TO EVICTION FROM ANY UNIT REQUIRING PRIMARY RESIDENCE FOR TENANCY AND SHALL BE DISALLOWED TO RECEIVE ANY PUBLIC BENEFIT AUTHORIZED PURSUANT TO SECTIONS 26-403 AND 26-504 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND ANY BENEFIT PROVIDED UNDER THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR FOR THE PERIOD OF ONE YEAR FROM THE DATE OF SUCH FINDING.

(4) (A) UPON A FINDING PURSUANT TO SUBDIVISION THREE OF THIS SECTION, A STATE OR MUNICIPAL AGENCY ADMINISTERING BENEFITS AUTHORIZED PURSUANT TO SECTIONS 26-403 AND 26-504 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND ANY BENEFIT PROVIDED UNDER THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, SHALL BE NOTIFIED WITHIN SEVEN DAYS OF SUCH FINDING AND MAY IN ADDITION TO ENFORCING PROVISIONS UNDER SUBDIVISION THREE IMPOSE A CIVIL PENALTY UPON THE RECIPIENT OF AN UNAUTHORIZED

BENEFIT BASED UPON THE AMOUNT OF TIME SUCH UNAUTHORIZED BENEFIT WAS PROVIDED.

(B) ANY CIVIL PENALTY AUTHORIZED UNDER THIS SUBDIVISION SHALL BE IMPOSED AS FOLLOWS: (I) FOR ONE TO FIVE YEARS OF UNAUTHORIZED RECEIPT, FIVE THOUSAND DOLLARS; (II) FOR SIX TO TEN YEARS OF UNAUTHORIZED RECEIPT, TEN THOUSAND DOLLARS; (III) FOR ELEVEN TO FIFTEEN YEARS OF UNAUTHORIZED RECEIPT, FIFTEEN THOUSAND DOLLARS; (IV) FOR SIXTEEN TO TWENTY YEARS OF RECEIPT, TWENTY THOUSAND DOLLARS; AND (V) FOR TWENTY-ONE OR MORE YEARS OF RECEIPT, TWENTY-FIVE THOUSAND DOLLARS.

S 6. This act shall take effect immediately; provided that:

a. the amendment to section 26-403 of the city rent and rehabilitation law made by section two of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act;

b. the amendment to section 26-504 of the rent stabilization law of nineteen hundred sixty-nine made by section three of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law; and

c. the amendment to section 5 of the emergency tenant protection act of nineteen seventy-four made by section four of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended.

PART F

Section 1. Subdivision 3 of section 97-rrr of the state finance law, as amended by section 8 of part F of chapter 109 of the laws of 2006, is amended to read as follows:

3. The monies in such fund shall be appropriated for school property tax exemptions [and local property tax rebates] granted pursuant to the real property tax law [and the tax law] and payable pursuant to section [thirty-six hundred nine] THIRTY-SIX HUNDRED NINE-E of the education law, AND for payments to the city of New York pursuant to section fifty-four-f of this chapter[, and pursuant to section one hundred seventy-eight of the tax law].

S 2. One-time relief for unenrolled registrants. (1) As used in this section, the term "unenrolled registrant" means a person who purchased or otherwise acquired a primary residence after the taxable status date for the 2013 assessment roll and who registered that property with the commissioner of taxation and finance in accordance with subdivision 14 of section 425 of the real property tax law on or before the taxable status date for the 2014 assessment roll, but who failed to file an application for the STAR exemption for that property in accordance with subdivision 6 of section 425 of the real property tax law on or before the taxable status date for the 2014 assessment roll.

(2) If the commissioner of taxation and finance is informed on or before October 1, 2015, that an owner of property is an unenrolled registrant, and if such commissioner finds that the unenrolled regis-trant's property would have qualified for the STAR exemption authorized by section 425 of the real property tax law on the 2014 assessment roll if a completed application had been filed with the appropriate assessor in a timely manner, then the commissioner of taxation and finance is authorized to remit directly to the property owner or owners the tax

savings that the STAR exemption would have yielded if the STAR exemption had been granted on the 2014 assessment roll. When remitting such amount, the commissioner of taxation and finance shall advise the property owner or owners that such payment is subject to recovery by such commissioner if the property owner or owners do not apply for and qualify for the STAR exemption on the 2015 assessment roll, or if it should otherwise be found to have been erroneously remitted to such property owner or owners.

(3) The amounts payable under this act shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision 14 of section 425 of the real property tax law.

(4) The provisions of part 6 of article 22 of the tax law relating to the collection of a tax imposed by such article that has been assessed and remains unpaid shall apply to the recovery authorized by subdivision two of this section of a payment found to have been erroneously made pursuant to this act to an ineligible property owner or owners in the same manner and with the same force and effect as if the language of such article had been incorporated in full into this act except to the extent that any provision of such article is either inconsistent with a provision of this act or is not relevant to this act as determined by the commissioner of taxation and finance. Furthermore, for purposes of applying the provisions of part 6 of article 22 of the tax law, where the terms "tax" and "taxes" appear in such article, such terms shall be construed to mean "a payment or payments erroneously made pursuant to this act to an ineligible property owner or owners".

S 3. This act shall take effect immediately.

PART G

Section 1. The real property tax law is amended by adding a new section 1306-b to read as follows:

S 1306-B. NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM. 1. TAX REBATES. (A) FOR BASIC AND ENHANCED REBATES BEGINNING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND EACH YEAR THEREAFTER IF A PARCEL IS ENTITLED TO THE BASIC OR ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, A LOCAL PROPERTY TAX REBATE SHALL BE PROVIDED TO THE OWNER OR OWNERS OF SUCH PARCEL AS SHOWN ON THE FINAL ASSESSMENT ROLL FOR SUCH YEAR, IN AN AMOUNT COMPUTED AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

(B) NO TAX REBATE SHALL BE PROVIDED TO AN OWNER OR OWNERS PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION IF THE AMOUNT OF SUCH REBATE IS LESS THAN OR EQUAL TO A CREDIT AUTHORIZED TO BE PROVIDED TO A TAX PAYER OF AN INDEPENDENT OR DEPENDENT SCHOOL DISTRICT PURSUANT TO SUBSECTION (BBB) OF SECTION SIX HUNDRED SIX OF THE TAX LAW OR IF SUCH CREDIT IS LESS THAN TWENTY DOLLARS IN A SINGLE YEAR.

(C) AN INDEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW MUST MEET THE APPLICABLE REQUIREMENTS OF SECTION TWO THOUSAND TWENTY-THREE-B OF THE EDUCATION LAW FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR TO RENDER ITS PROPERTY OWNERS ELIGIBLE FOR THE NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM PURSUANT TO THIS SECTION. FOR ALL SCHOOL YEARS THEREAFTER, IN ORDER FOR AN INDEPENDENT SCHOOL DISTRICT TO QUALIFY ITS PROPERTY OWNERS TO RECEIVE A REBATE PURSUANT TO THIS

SECTION, THE BUDGET SO ADOPTED SHALL NOT EXCEED THE TAX LEVY LIMIT PRESCRIBED BY SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW.

(D) A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION THREE-C OF THE GENERAL MUNICIPAL LAW AND ITS DEPENDENT SCHOOL DISTRICT MUST JOINTLY COMPLY WITH THE REQUIREMENTS OF SUBDIVISION TWO, AND EITHER SUBDIVISION THREE OR FOUR OF SECTION THREE-D OF THE GENERAL MUNICIPAL LAW IN ORDER TO RENDER ITS PROPERTY OWNERS ELIGIBLE FOR THE NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM FOR A CITY FISCAL YEAR BEGINNING IN TWO THOUSAND FIFTEEN PURSUANT TO THIS SECTION. FOR ALL FISCAL YEARS THEREAFTER WHERE A REBATE WOULD BE AUTHORIZED, A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION THREE-C OR THREE-E OF THE GENERAL MUNICIPAL LAW MUST ADOPT A BUDGET THAT DOES NOT EXCEED THE TAX LEVY LIMIT PRESCRIBED BY SUCH SECTION IN ORDER TO RENDER ITS PROPERTY OWNERS ELIGIBLE FOR THE NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM.

(E) IT SHALL BE THE RESPONSIBILITY OF THE DEPARTMENT TO ISSUE SUCH TAX REBATES TO SUCH OWNER OR OWNERS IN THE MANNER PROVIDED BY SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS PERMITTING PARTIAL OR INSTALLMENT PAYMENTS OF TAXES IN A JURISDICTION WHICH HAS NOT AUTHORIZED THE SAME PURSUANT TO LAW. TO THE EXTENT PRACTICABLE REBATES MADE TO AN OWNER OR OWNERS PURSUANT TO THIS SECTION AND CREDITS PROVIDED TO THE SAME PURSUANT TO SUBSECTION (BBB) OF SECTION SIX HUNDRED SIX OF THE TAX LAW SHALL BE DISBURSED IN COMBINATION.

2. PROCEDURE. (A) ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER, THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL CREATE A REPORT, IF SUCH REPORT IS DEEMED NECESSARY BY THE COMMISSIONER TO ESTABLISH ELIGIBILITY OF AN OWNER OR OWNERS TO A REBATE UNDER THIS SECTION, CONCERNING THOSE PARCELS WHICH HAVE BEEN GRANTED AN EXCEPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, OR ON OR BEFORE JULY FIRST, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER, IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, OR HIS OR HER DESIGNEE, SHALL PROVIDE TO THE COMMISSIONER OF TAXATION AND FINANCE A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS WHICH HAVE BEEN GRANTED AN EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ON THE ASSESSMENT ROLLS USED TO GENERATE THE SCHOOL TAX BILLS FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL TAX YEAR AND FOR EACH YEAR THEREAFTER; PROVIDED HOWEVER THE INFORMATION TO BE PROVIDED ON SUCH REPORT SHALL BE OBTAINED FROM THE FINAL ASSESSMENT ROLL DATA FILES USED TO GENERATE THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL TAX BILLS AND EACH YEAR THEREAFTER, FILED WITH THE DEPARTMENT PURSUANT TO SECTION FIFTEEN HUNDRED NINETY OF THIS CHAPTER ON OR BEFORE JULY THIRTY-FIRST OF SUCH YEAR. SUCH REPORT SHALL SET FORTH THE NAMES AND MAILING ADDRESSES OF THE OWNER OR OWNERS OF SUCH PARCELS AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, THE IDENTIFICATION NUMBERS OF SUCH PARCELS AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, AND SUCH OTHER INFORMATION IN THE POSSESSION OF THE DEPARTMENT, OR IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, AS THE COMMISSIONER MAY DEEM NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS PROGRAM, INCLUDING INFORMATION REGARDING COOPERATIVE APARTMENT BUILDINGS AND MOBILE HOME PARKS OR SIMILAR PROPERTY. IT SHALL BE THE RESPONSIBILITY OF THE ASSESSOR OR ASSESSORS OF EACH ASSESSING UNIT TO ENSURE THAT THE NAMES AND MAILING ADDRESSES OF SUCH OWNER OR OWNERS ARE ACCURATELY RECORDED ON SUCH ROLLS AND FILES TO THE BEST OF HIS OR HER ABILITY, BASED UPON THE INFORMATION CONTAINED IN HIS OR HER OFFICE. NOTHING

CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED AS AFFECTING IN ANY WAY THE VALIDITY OR ENFORCEABILITY OF A REAL PROPERTY TAX, OR THE APPLICABILITY OF INTEREST OR PENALTIES WITH RESPECT THERETO, WHEN AN OWNER'S NAME OR MAILING ADDRESS HAS NOT BEEN ACCURATELY RECORDED.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, WHERE AN ASSESSING UNIT CONTAINS ONE OR MORE PROPERTIES WHICH ARE RECEIVING SUCH EXEMPTION IN RELATION TO A PRIOR YEAR ASSESSMENT ROLL PURSUANT TO PARAGRAPH (D) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, OR CONTAINS ONE OR MORE PARCELS WITH RESPECT TO WHICH SUCH EXEMPTION WAS DULY ADDED OR REMOVED AFTER THE FILING OF THE FINAL ASSESSMENT ROLL PURSUANT TO THE PROVISIONS OF TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER, THE DEPARTMENT MAY REQUIRE THE ASSESSOR TO FILE WITH IT, ON OR BEFORE JULY THIRTY-FIRST, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER, OR SUCH LATER DATE AS SUCH OFFICE MAY SPECIFY, A SUPPLEMENTAL REPORT RELATING TO SUCH PROPERTY OR PROPERTIES, SO THAT INFORMATION PERTAINING TO THE OWNER OR OWNERS THEREOF MAY BE INCLUDED IN THE REPORT TO BE MADE TO THE COMMISSIONER PURSUANT TO THIS PARAGRAPH. WHEN ANY INFORMATION REQUIRED BY THIS PARAGRAPH IS RECEIVED BY THE DEPARTMENT AFTER JULY THIRTY-FIRST, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER, SUCH INFORMATION SHALL BE TRANSMITTED AS SOON AS REASONABLY PRACTICABLE FOR USE IN ISSUING LOCAL PROPERTY TAX REBATES PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

3. REBATE BASE. (A) THE DEPARTMENT SHALL CALCULATE THE REBATE BASE AS PROVIDED HEREIN AND CERTIFY THE SAME NO LATER THAN JULY FIRST, TWO THOUSAND FIFTEEN.

(B) A REBATE GRANTED PURSUANT TO THIS SECTION:

(I) FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR AND MULTIPLYING THAT AMOUNT BY THIRTY-SIX AND ONE-HALF PERCENT.

(II) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR AND MULTIPLYING THAT AMOUNT BY THIRTY-SEVEN AND ONE-HALF PERCENT.

(III) FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR AND MULTIPLYING THAT AMOUNT BY FIFTY-FIVE PERCENT.

(IV) FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR, AND EACH YEAR THEREAFTER, SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR AND MULTIPLYING THAT AMOUNT BY FIFTY-FIVE PERCENT.

S 2. The tax law is amended by adding a new section 178 to read as follows:

S 178. NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM. 1. THE COMMISSIONER SHALL ISSUE THE LOCAL PROPERTY TAX REBATES AUTHORIZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW. FOR PURPOSES OF THIS SECTION THE REBATE SHALL BE CALCULATED USING THE FORMULA SET FORTH IN SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW. PROVIDED, HOWEVER, SUCH REBATES SHALL NOT BE ISSUED IN ANY YEAR IN WHICH AN APPROPRIATION TO PAY SUCH REBATES HAS NOT BEEN INCLUDED IN THE ENACTED STATE BUDGET FOR SUCH YEAR.

2. ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER, THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL CREATE A REPORT, IF SUCH A REPORT IS DEEMED NECESSARY BY THE COMMISSIONER TO ESTABLISH ELIGIBILITY OF A REBATE PURSUANT TO SECTION THIRTEEN HUNDRED

SIX-B OF THE REAL PROPERTY TAX LAW, CONCERNING THOSE PARCELS WHICH SATISFY THE CRITERIA SET FORTH IN SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, OR ON OR BEFORE JULY FIRST, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, SHALL PROVIDE TO THE COMMISSIONER A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS WHICH SATISFY THE CRITERIA SET FORTH IN SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW.

3. THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF FINANCE, FOR A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHORIZED TO DEVELOP PROCEDURES NECESSARY TO PROVIDE FOR THE ISSUANCE OF LOCAL PROPERTY TAX REBATES TO QUALIFYING PROPERTY OWNERS, AND THOSE QUALIFYING PROPERTY OWNERS THAT DID NOT RECEIVE THEM INITIALLY. IF THE COMMISSIONER IS NOT SATISFIED THAT THE PROPERTY OWNER OR OWNERS ARE QUALIFIED FOR THE LOCAL PROPERTY TAX REBATE, THE COMMISSIONER SHALL NOT ISSUE SUCH REBATE.

4. BY DEPOSITING A REBATE ISSUED PURSUANT TO THIS SECTION AND AUTHORIZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, THE PAYEE IS CERTIFYING THAT HE OR SHE IS THE PROPERTY OWNER, AND THAT THE PRIMARY RESIDENCE OF SUCH PROPERTY OWNER OR OWNERS IS NOT SUBJECT TO ANY DELINQUENT SCHOOL TAXES.

5. CONFIDENTIAL INFORMATION; DISCLOSURE PROHIBITION. INFORMATION REGARDING REBATES ISSUED TO INDIVIDUALS SHALL NOT BE SUBJECT TO DISCLOSURE; INCLUDING NAMES, ADDRESSES, AND DOLLAR AMOUNTS OF REBATES.

S 3. Section 606 of the tax law is amended by adding a new subsection (n-1) to read as follows:

(N-1) SCHOOL DISTRICT PROPERTY TAX CREDIT. (1) (A) IN ANY TAXABLE YEAR IN WHICH TAXPAYERS ARE NOT ELIGIBLE TO RECEIVE REBATES PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THIS CHAPTER SOLELY BECAUSE AN APPROPRIATION TO PAY SUCH REBATES WAS NOT INCLUDED IN THE ENACTED STATE BUDGET, FOR SUCH YEAR, THE CREDIT ALLOWED BY THIS SUBSECTION SHALL APPLY.

(B) NO CREDIT SHALL BE PROVIDED TO A TAXPAYER PURSUANT TO THIS SECTION IF THE AMOUNT OF SUCH CREDIT IS LESS THAN OR EQUAL TO A CREDIT AUTHORIZED TO BE PROVIDED TO A TAXPAYER OF AN INDEPENDENT OR DEPENDENT SCHOOL DISTRICT PURSUANT TO SUBSECTION (BBB) OF THIS SECTION OR IF SUCH CREDIT IS LESS THAN TWENTY DOLLARS IN A SINGLE YEAR.

(C) AN INDEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW MUST MEET THE APPLICABLE REQUIREMENTS OF SECTION TWO THOUSAND TWENTY-THREE-B OF THE EDUCATION LAW FOR THE TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN SCHOOL YEAR TO RENDER ITS TAXPAYERS ELIGIBLE FOR A CREDIT PURSUANT TO THIS SECTION. FOR ALL SCHOOL YEARS THEREAFTER, IN ORDER FOR AN INDEPENDENT SCHOOL DISTRICT TO QUALIFY ITS TAXPAYERS TO RECEIVE A CREDIT PURSUANT TO THIS SECTION, THE BUDGET SO ADOPTED SHALL NOT EXCEED THE TAX LEVY LIMIT PRESCRIBED BY SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW.

(D) A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION THREE-C OF THE GENERAL MUNICIPAL LAW AND ITS DEPENDENT SCHOOL DISTRICT MUST JOINTLY COMPLY WITH THE REQUIREMENTS OF SUBDIVISION TWO, AND SUBDIVISION THREE OR FOUR OF SECTION THREE-D OF THE GENERAL MUNICIPAL LAW IN ORDER TO RENDER ITS TAXPAYERS ELIGIBLE FOR A CREDIT AUTHORIZED PURSUANT TO THIS SECTION FOR A CITY FISCAL YEAR BEGINNING IN TWO THOUSAND FIFTEEN. FOR ALL FISCAL YEARS THEREAFTER WHERE A CREDIT UNDER THIS SECTION WOULD BE AUTHORIZED, A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION THREE-C OR

THREE-E OF THE GENERAL MUNICIPAL LAW MUST ADOPT A BUDGET THAT DOES NOT EXCEED THE TAX LEVY LIMIT.

(2) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN IF THE CREDIT IS APPLICABLE IN SUCH YEAR, A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT EQUAL TO THE REBATE CHECK CALCULATED PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

(3) 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.

(4) (A) TAXPAYERS WHO WOULD HAVE QUALIFIED FOR THE CREDIT UNDER THIS SUBSECTION FOR TAXABLE YEAR TWO THOUSAND FOURTEEN, HAD SUCH CREDIT BEEN AUTHORIZED IN SUCH TAXABLE YEAR, SHALL BE TREATED AS HAVING MADE A PAYMENT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR SUCH TAXABLE YEAR IN AN AMOUNT EQUAL TO SUCH CREDIT FOR SUCH TAXABLE YEAR. SUCH PAYMENT SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE REFUNDED AS SOON AS PRACTICABLE, BUT NOT LONGER THAN FORTY-FIVE DAYS FROM FILING A CLAIM FOR A REFUND, IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER THAT NO INTEREST SHALL BE PAID THEREON. ALL QUALIFIED TAXPAYERS MAY SUBMIT A CLAIM FOR AN ADVANCE PAYMENT OF SUCH REFUND ON FORMS PREPARED BY THE DEPARTMENT, PROVIDED SUCH FORMS ARE FILED WITH THE DEPARTMENT ON OR BEFORE AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN.

(B) THE AMOUNT OF THE CREDIT WHICH IS ALLOWED UNDER THIS SUBSECTION FOR THE TAXPAYER'S TAXABLE YEAR BEGINNING IN TWO THOUSAND FIFTEEN SHALL BE REDUCED BY THE PAYMENTS MADE TO THE TAXPAYER UNDER THIS SUBSECTION. ANY FAILURE TO SO REDUCE THE CREDIT SHALL BE TREATED AS ARISING OUT OF A MATHEMATICAL OR CLERICAL ERROR AND ASSESSED ACCORDING TO SUBSECTION (D) OF SECTION SIX HUNDRED EIGHTY-ONE OF THIS ARTICLE.

(C) ANY FAILURE TO APPLY FOR AN ADVANCE PAYMENT SHALL NOT IMPAIR A TAXPAYER'S ABILITY TO APPLY FOR THE CREDIT UPON FILING THEIR RETURN FOR SUCH TAX YEAR.

(5) IF THE COMMISSIONER DETERMINES IT TO BE NECESSARY FOR PROPER ADMINISTRATION OF THE CREDIT ALLOWED UNDER THIS SUBSECTION, THE COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES OF ANY COUNTY, OR IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, UPON THE REQUEST OF THE COMMISSIONER, SHALL FILE A REPORT WITH THE DEPARTMENT IDENTIFYING ALL PARCELS IN THE COUNTY OR IN THE CITY ON WHICH SCHOOL TAXES FOR THE PRIOR SCHOOL YEAR REMAINED UNPAID AS OF JUNE THIRTIETH OF SUCH PRIOR SCHOOL YEAR, PROVIDED THAT PARCELS NOT RECEIVING THE BASIC OR ENHANCED STAR EXEMPTION SHALL BE EXCLUDED FROM SUCH LIST. SUCH COUNTY DIRECTOR SHALL OBTAIN FROM THE TAX COLLECTING OFFICERS AND TAX ENFORCEMENT OFFICERS WITHIN THE COUNTY SUCH INFORMATION AS HE OR SHE MAY NEED TO PREPARE SUCH LIST. SUCH LIST SHALL BE PREPARED IN A FORMAT PRESCRIBED BY THE COMMISSIONER.

(6) IF THE SCHOOL PROPERTY TAXES TO WHICH THE CREDIT RELATES ARE NOT PAID, THE CREDIT ALLOWED WITH RESPECT TO SUCH PROPERTY TAXES MUST BE ADDED BACK IN THE TAX YEAR IN WHICH SUCH CREDIT WAS CLAIMED.

(7) ONLY ONE CREDIT PER RESIDENCE SHALL BE ALLOWED PER TAXABLE YEAR UNDER THIS SUBSECTION. WHEN TWO OR MORE MEMBERS OF A RESIDENCE ARE ABLE TO MEET THE QUALIFICATIONS FOR A QUALIFIED TAXPAYER, THE CREDIT SHALL BE EQUALLY DIVIDED BETWEEN OR AMONG SUCH INDIVIDUALS. IN THE CASE OF SPOUSES WHO FILE A JOINT FEDERAL RETURN BUT WHO ARE REQUIRED TO DETERMINE THEIR NEW YORK TAXES SEPARATELY, THE CREDIT ALLOWED PURSUANT TO THIS

SUBSECTION MAY BE APPLIED AGAINST THE TAX OF EITHER OR DIVIDED BETWEEN THEM AS THEY MAY ELECT.

S 4. The opening paragraph of paragraph 2 of subsection (bbb) of section 606 of the tax law, as added by section 1 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

An individual taxpayer who meets the eligibility standards set forth in paragraph three of this subsection and whose primary residence is located in a taxing jurisdiction that has a freeze-compliant budget for the fiscal year starting in two thousand fourteen, two thousand fifteen or two thousand sixteen, whichever is applicable, shall be allowed a credit against the taxes imposed by this article. HOWEVER, THAT IN TWO THOUSAND FIFTEEN NO CREDIT WILL BE PROVIDED UNDER THIS SECTION AS A CREDIT ON TAXES IMPOSED ON BEHALF OF AN INDEPENDENT OR DEPENDENT SCHOOL DISTRICT, IF AN AMOUNT GREATER THAN SUCH CREDIT WOULD BE AUTHORIZED TO BE RECEIVED BY A PROPERTY OWNER OR OWNERS IN THE FORM OF A REBATE PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR TO BE RECEIVED IN THE FORM OR A CREDIT PURSUANT TO SUBSECTION (N-1) OF THIS SECTION. Subject to the provisions of paragraph six of this subsection, such credit shall be determined as follows:

S 5. Paragraph 4 of subsection (bbb) of section 606 of the tax law, as added by section 1 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

(4) For each year this credit is allowed, the commissioner shall determine the taxpayer's eligibility for this credit utilizing the information available to the commissioner. When the commissioner has determined a taxpayer to be eligible for this credit, the commissioner shall advance a payment of the amount determined in accordance with this subsection. HOWEVER, THAT IN TWO THOUSAND FIFTEEN NO CREDIT WILL BE PROVIDED UNDER THIS SECTION AS A CREDIT ON TAXES IMPOSED ON BEHALF OF AN INDEPENDENT OR DEPENDENT SCHOOL DISTRICT, IF AN AMOUNT GREATER THAN SUCH CREDIT WOULD BE AUTHORIZED TO BE RECEIVED BY A PROPERTY OWNER OR OWNERS IN THE FORM OF A REBATE PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR TO BE RECEIVED IN THE FORM OR A CREDIT PURSUANT TO SUBSECTION (N-1) OF THIS SECTION.

The taxpayer shall not apply for such credit in conjunction with the filing of his or her return. A taxpayer who has failed to receive an advance payment that he or she believes was due to him or her, or who has received an advance payment that he or she believes is less than the amount that was due to him or her, may request payment of the claimed deficiency in a manner prescribed by the commissioner.

S 6. The opening paragraph of section 2023-b of the education law, as added by section 2 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

Certification of compliance with property tax freeze, NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM OR THE SCHOOL DISTRICT PROPERTY TAX CREDIT requirements. A school district that is subject to the provisions of section two thousand twenty-three-a of this part must comply with the requirements of subdivision two of this section in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of section six hundred six of the tax law for a fiscal year starting in two thousand fourteen. The property tax cuts will be extended for a second year, A NEW YORK PROPERTY TAX RELIEF CHECK WILL BE PROVIDED PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR A TAX CREDIT WILL BE PROVIDED PURSUANT TO SUBSECTION N-1 OF SECTION SIX HUNDRED SIX OF THE TAX LAW in jurisdictions which comply with the tax cap and have a state approved government efficiency plan

which demonstrate three year savings and efficiencies of at least one percent per year from shared services, cooperation agreements and/or mergers or efficiencies. The director of the budget shall consider past efficiencies, shared services and reforms in their approval process. While localities may offer a variety of approaches it is anticipated that the county government or board of cooperative educational services will convene and facilitate a process and submit a county wide or board of cooperative educational services region wide plan for approval. A school district that is subject to the provisions of section two thousand twenty-three-a of this part must comply with the requirements of subdivision two and either subdivision three or subdivision four of this section in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of section six hundred six of the tax law for a fiscal year starting in two thousand fifteen.

S 7. Paragraph b of subdivision 2 of section 2023-b of the education law, as added by section 2 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

b. In order for such certification to give rise to a real property tax freeze credit under subsection (bbb) of section six hundred six of the tax law, A NEW YORK PROPERTY TAX RELIEF CHECK PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR A TAX CREDIT PURSUANT TO SUBSECTION (N-1) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, such certification shall be made no later than the twenty-first day of the fiscal year to which it applies.

S 8. The opening paragraph of section 3-d of the general municipal law, as added by section 3 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

Certification of compliance with property tax freeze, THE NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM OR THE SCHOOL DISTRICT PROPERTY TAX CREDIT requirements. A municipal corporation or an independent special district that is subject to the provisions of section three-c of this article must comply with the requirements of subdivision two of this section in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of section six hundred six of the tax law for a fiscal year starting in two thousand fifteen. The property tax cuts will be extended for a second year OR AN AUTHORIZED REBATE OR CREDIT WILL BE PROVIDED in jurisdictions which comply with the tax cap and have a state approved government efficiency plan which demonstrate three year savings and efficiencies of at least one percent per year from shared services, cooperation agreements and/or mergers or efficiencies. The director of the budget shall consider past efficiencies, shared services and reforms in their approval process. While localities may offer a variety of approaches it is anticipated that the county government or board of cooperative educational services will convene and facilitate a process and submit a county wide or board of cooperative educational services region wide plan for approval. A municipal corporation or an independent special district that is subject to the provisions of section three-c of this article must comply with the requirements of subdivision two and either subdivision three or subdivision four of this section in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of section six hundred six of the tax law for a fiscal year starting in two thousand sixteen. Provided however, that a city with a dependent school district must comply with the requirements of subdivision two of this section in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of

section six hundred six of the tax law for a fiscal year starting in two thousand fourteen and comply with the requirements of subdivision two of this section, and both the city and its dependent school district must jointly comply with the requirements of subdivision three or subdivision four of this section, in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of section six hundred six of the tax law, FOR THE NEW YORK PROPERTY TAX RELIEF CHECK AUTHORIZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR THE SCHOOL DISTRICT PROPERTY TAX CREDIT PURSUANT TO SUBSECTION (N-1) OF SECTION SIX HUNDRED SIX OF THE TAX LAW for a fiscal year starting in two thousand fifteen or two thousand sixteen.

S 9. Paragraph (b) of subdivision 2 of section 3-d of the general municipal law, as added by section 3 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

(b) In order for such certification to give rise to a real property tax freeze credit under subsection (bbb) of section six hundred six of the tax law, A NEW YORK PROPERTY TAX RELIEF CHECK PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR THE SCHOOL DISTRICT PROPERTY TAX CREDIT PURSUANT TO SUBSECTION (N-1) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, such certification shall be made no later than the twenty-first day of the fiscal year to which it applies.

S 10. This act shall take effect immediately.

PART H

Section 1. Subsection (g) of section 615 of the tax law, as amended by section 1 of part D of chapter 59 of the laws of 2013, is amended to read as follows:

(g)(1) With respect to an individual whose New York adjusted gross income is over one million dollars and no more than ten million dollars, the New York itemized deduction shall be an amount equal to fifty percent of any charitable contribution deduction allowed under section one hundred seventy of the internal revenue code for taxable years beginning after two thousand nine and before two thousand [sixteen] EIGHTEEN. With respect to an individual whose New York adjusted gross income is over one million dollars, the New York itemized deduction shall be an amount equal to fifty percent of any charitable contribution deduction allowed under section one hundred seventy of the internal revenue code for taxable years beginning in two thousand nine or after two thousand [fifteen] SEVENTEEN.

(2) With respect to an individual whose New York adjusted gross income is over ten million dollars, the New York itemized deduction shall be an amount equal to twenty-five percent of any charitable contribution deduction allowed under section one hundred seventy of the internal revenue code for taxable years beginning after two thousand nine and ending before two thousand [sixteen] EIGHTEEN.

S 2. Subdivision (g) of section 11-1715 of the administrative code of the city of New York, as amended by section 2 of part D of chapter 59 of the laws of 2013, is amended to read as follows:

(g) (1) With respect to an individual whose New York adjusted gross income is over one million dollars but no more than ten million dollars, the New York itemized deduction shall be an amount equal to fifty percent of any charitable contribution deduction allowed under section one hundred seventy of the internal revenue code for taxable years beginning after two thousand nine and before two thousand [sixteen] EIGHTEEN. With respect to an individual whose New York adjusted gross

income is over one million dollars, the New York itemized deduction shall be an amount equal to fifty percent of any charitable contribution deduction allowed under section one hundred seventy of the internal revenue code for taxable years beginning in two thousand nine or after two thousand [fifteen] SEVENTEEN.

(2) With respect to an individual whose New York adjusted gross income is over ten million dollars, the New York itemized deduction shall be an amount equal to twenty-five percent of any charitable contribution deduction allowed under section one hundred seventy of the internal revenue code for taxable years beginning after two thousand nine and ending before two thousand [sixteen] EIGHTEEN.

S 3. This act shall take effect immediately.

PART I

Section 1. Paragraph 41 of subsection (c) of section 612 of the tax law, as added by section 1 of part KK of chapter 59 of the laws of 2014, is amended to read as follows:

(41) The amount of any award paid to a volunteer firefighter or volunteer ambulance worker from a length of service defined contribution plan or defined benefit plan as provided for in articles eleven-A, eleven-AA, eleven-AAA and eleven-AAAA of the general municipal law, to the extent that such award is includable in gross income for federal income tax purposes; provided, however, that such award is not distributed in the form of a lump sum distribution, as defined in subparagraph [(A)] (D) of paragraph four of subsection (e) of section four hundred two of the internal revenue code and taxed under section six hundred three of this article; and provided, further, that such award is not distributed to a taxpayer who has not attained the age of fifty-nine and one-half years.

S 2. Paragraph 37 of subdivision (c) of section 11-1712 of the administrative code of the city of New York, as added by section 2 of part KK of chapter 59 of the laws of 2014, is amended to read as follows:

(37) The amount of any award paid to a volunteer firefighter or volunteer ambulance worker from a length of service defined contribution plan or defined benefit plan as provided for in articles eleven-A, eleven-AA, eleven-AAA and eleven-AAAA of the general municipal law, to the extent that such award is includable in gross income for federal income tax purposes; provided, however, that such award is not distributed in the form of a lump sum distribution, as defined in subparagraph [(A)] (D) of paragraph four of subsection (e) of section four hundred two of the internal revenue code and taxed under section six hundred three of the tax law; and provided, further, that such award is not distributed to a taxpayer who has not attained the age of fifty-nine and one-half years.

S 3. Paragraph 3-a of subsection (c) of section 612 of the tax law, as amended by chapter 760 of the laws of 1992, is amended to read as follows:

(3-a) Pensions and annuities received by an individual who has attained the age of fifty-nine and one-half, not otherwise excluded pursuant to paragraph three of this subsection, to the extent includible in gross income for federal income tax purposes, but not in excess of twenty thousand dollars, which are periodic payments attributable to personal services performed by such individual prior to his retirement from employment, which arise (i) from an employer-employee relationship or (ii) from contributions to a retirement plan which are deductible for federal income tax purposes. However, the term "pensions and annuities" shall also include distributions received by an individual who has

attained the age of fifty-nine and one-half from an individual retirement account or an individual retirement annuity, as defined in section four hundred eight of the internal revenue code, and distributions received by an individual who has attained the age of fifty-nine and one-half from self-employed individual and owner-employee retirement plans which qualify under section four hundred one of the internal revenue code, whether or not the payments are periodic in nature. Nevertheless, the term "pensions and annuities" shall not include any lump sum distribution, as defined in subparagraph [(A)] (D) of paragraph four of subsection (e) of section four hundred two of the internal revenue code and taxed under section six hundred three of this article. Where a husband and wife file a joint state personal income tax return, the modification provided for in this paragraph shall be computed as if they were filing separate state personal income tax returns. Where a payment would otherwise come within the meaning of the term "pensions and annuities" as set forth in this paragraph, except that such individual is deceased, such payment shall, nevertheless, be treated as a pension or annuity for purposes of this paragraph if such payment is received by such individual's beneficiary.

S 4. Subparagraph (B) of paragraph 1 of subsection (e-1) of section 606 of the tax law, as added by section 2 of part K of chapter 59 of the laws of 2014, is amended to read as follows:

(B) "Household" or "members of the household" means a qualified taxpayer and all other persons, not necessarily related, who have the same residence and share its furnishings, facilities and accommodations. Such terms shall not include a tenant, subtenant, roomer or boarder who is not related to the qualified taxpayer in any degree specified in [paragraphs one through eight of subsection (a)] SUBPARAGRAPHS (A) THROUGH (G) OF PARAGRAPH TWO OF SUBSECTION (D) of section one hundred fifty-two of the internal revenue code. Provided, however, no person may be a member of more than one household at one time.

S 5. Subparagraph (D) of paragraph 1 of subsection (e-1) of section 606 of the tax law, as added by section 2 of part K of chapter 59 of the laws of 2014, is amended to read as follows:

(D) "Residence" means a dwelling in this state, IN A CITY WITH A POPULATION OF OVER ONE MILLION, owned or rented by the taxpayer, and so much of the land abutting it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multi-dwelling or multi-purpose building including a cooperative or condominium, and rental units within a single dwelling. Residence includes a trailer or mobile home, used exclusively for residential purposes and defined as real property pursuant to paragraph (g) of subdivision twelve of section one hundred two of the real property tax law.

S 6. Subparagraph (B) of paragraph 1 of subsection (e) of section 606 of the tax law, as amended by chapter 28 of the laws of 1987, is amended to read as follows:

(B) "Household" or "members of the household" means a qualified taxpayer and all other persons, not necessarily related, who have the same residence and share its furnishings, facilities and accommodations. Such terms shall not include a tenant, subtenant, roomer or boarder who is not related to the qualified taxpayer in any degree specified in [paragraphs one through eight of subsection (a)] SUBPARAGRAPHS (A) THROUGH (G) OF PARAGRAPH TWO OF SUBSECTION (D) of section one hundred fifty-two of the internal revenue code. Provided, however, no person may be a member of more than one household at one time.

S 7. Paragraph 1 of subsection (b) of section 806 of the tax law, as added by section 2 of part DD of chapter 59 of the laws of 2014, is amended to read as follows:

(1) The commissioner may require the filing of a combined return which, in addition to the return provided for in subsection (b) of section eight hundred four of this article, may also include any of the returns required to be filed by a [resident individual of New York state] TAXPAYER pursuant to the provisions of section six hundred fifty-one of this chapter and which may be required to be filed by such [individual] TAXPAYER pursuant to any local law enacted pursuant to the authority of article thirty, thirty-A or thirty-B of this chapter.

S 8. Paragraph 1 and clause (ii) of subparagraph (B) of paragraph 2 of subsection (xx) of section 606 of the tax law, as added by section 4 of part R of chapter 59 of the laws of 2014, are amended to read as follows:

(1) A qualified New York manufacturer will be allowed a credit equal to twenty percent of the real property tax it paid during the taxable year for real property owned by such manufacturer in New York which was principally used during the taxable year for manufacturing to the extent not deducted in computing [federal] NEW YORK adjusted gross income. This credit will not be allowed if the real property taxes that are the basis for this credit are included in the calculation of another credit claimed by the taxpayer.

(ii) In addition, the term real property tax includes taxes paid by the taxpayer upon real property principally used during the taxable year by the taxpayer in manufacturing where the taxpayer leases such real property from an unrelated third party if the following conditions are satisfied: (I) the tax must be paid by the taxpayer as lessee pursuant to explicit requirements in a written lease, and (II) the taxpayer as lessee has paid such taxes directly to the taxing authority and has received a written receipt for payment of taxes from the taxing authority. In the case of a [combined group that constitutes a qualified New York manufacturer] TAXPAYER THAT, DURING THE TAXABLE YEAR, IS PRINCIPALLY ENGAGED IN THE PRODUCTION OF GOODS BY FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE, OR COMMERCIAL FISHING, THE TAXPAYER IS ELIGIBLE IF THE TAXPAYER SATISFIES the conditions in the preceding sentence [are satisfied if one corporation in the combined group is the lessee and another corporation in the combined group makes the payments to the taxing authority] AND THE TAXPAYER LEASES SUCH REAL PROPERTY FROM A RELATED OR UNRELATED PARTY.

S 9. Subsection (yy) of section 606 of the tax law, as added by section 4 of part T of chapter 59 of the laws of 2014, is amended to read as follows:

(yy) The tax-free NY area excise tax on telecommunication services credit. A taxpayer that is a business or owner of a business that is located in a tax-free NY area approved pursuant to article twenty-one of the economic development law shall be allowed a credit equal to the excise tax on telecommunication services imposed by section one hundred eighty-six-e of this chapter and passed through to such business during the taxable year to the extent not otherwise deducted in computing [federal] NEW YORK adjusted gross income. This credit may be claimed only where any tax imposed by such section one hundred eighty-six-e has been separately stated on a bill from the provider of telecommunication services and paid by such taxpayer with respect to such services rendered within a tax-free NY area during the taxable year. If the amount of the credit allowed under this subsection for any taxable year

exceeds the taxpayer's tax for such year, the excess will be treated as an overpayment to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

S 10. Subparagraph (i) of paragraph 2 of subdivision (b) and subdivision (d) of section 25-b of the labor law, as added by section 1 of part MM of chapter 59 of the laws of 2014, are amended to read as follows:

(i) who is deemed to have a developmental disability, as that term is defined in subdivision twenty-two of section 1.03 of the mental hygiene law and who is certified by the education department or the office for people with developmental disabilities[:

(A)] as a person with a disability which constitutes or results in a substantial handicap to employment; and

[(B) as a person having completed or as receiving services under an individualized written rehabilitation plan approved by the education department or other state agency responsible for providing vocational rehabilitation services to such individual; and]

(d) To participate in the [developmentally disabled works] WORKERS WITH DISABILITIES tax credit program, an employer must submit an application (in a form prescribed by the commissioner) to the commissioner [no later than November thirtieth of the prior year]. The commissioner shall establish guidelines that specify requirements for employers to participate in the program including criteria for certifying qualified employees. Any regulations that the commissioner determines are necessary may be adopted on an emergency basis notwithstanding anything to the contrary in section two hundred two of the state administrative procedure act. Such requirements may include the types of industries that the employers are engaged in.

S 11. This act shall take effect immediately, provided, however that:

(i) sections one and two of this act shall be deemed to have been in full force and effect on and after the effective date of part KK of chapter 59 of the laws of 2014;

(ii) sections four and five of this act shall be deemed to have been in full force and effect on and after the effective date of part K of chapter 59 of the laws of 2014, provided, however, that the amendments to subsection (e-1) of section 606 of the tax law made by sections four and five of this act shall not affect the repeal of such subsection and shall be deemed repealed therewith;

(iii) section seven of this act shall be deemed to have been in full force and effect on and after the effective date of part DD of chapter 59 of the laws of 2014;

(iv) section eight of this act shall be deemed to have been in full force and effect on and after the effective date of part R of chapter 59 of the laws of 2014;

(v) section nine of this act shall be deemed to have been in full force and effect on and after the effective date of part T of chapter 59 of the laws of 2014;

(vi) section ten of this act shall be deemed to have been in full force and effect on and after the effective date of part MM of chapter 59 of the laws of 2014; and

(vii) the amendments to section 25-b of the labor law made by section ten of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.

PART J

Section 1. Section 9 of part V of chapter 62 of the laws of 2006, amending the tax law relating to the empire state commercial production tax credit, is REPEALED.

S 2. Subdivision (c) of section 28 of the tax law, as amended by section 45 of part A of chapter 59 of the laws of 2014, is relettered subdivision (d) and a new subdivision (c) is added to read as follows:

(C) THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL SUBMIT, ON OR BEFORE DECEMBER FIRST OF EACH YEAR, TO THE GOVERNOR, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY AN ANNUAL REPORT INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING INFORMATION REGARDING THE PREVIOUS CALENDAR YEAR:

(1) THE TOTAL DOLLAR AMOUNT OF CREDITS ALLOCATED, THE NAME AND ADDRESS OF EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY ALLOCATED CREDITS UNDER THIS SECTION, THE TOTAL AMOUNT OF CREDITS ALLOCATED TO EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY, THE TOTAL AMOUNT OF QUALIFIED PRODUCTION COSTS AND PRODUCTION COSTS FOR EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY, AND THE ESTIMATED NUMBER OF EMPLOYEES, CREDIT-ELIGIBLE MAN HOURS, AND CREDIT-ELIGIBLE WAGES ASSOCIATED WITH EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY ALLOCATED CREDITS UNDER THIS SECTION;

(2) FOR QUALIFIED COMMERCIAL PRODUCTION COMPANIES THAT WERE ALLOCATED CREDIT PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH TWO OF SUBDIVISION (A) OF THIS SECTION: THE NAME AND ADDRESS OF EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY, THE TOTAL DOLLAR AMOUNT OF CREDITS ALLOCATED, THE TOTAL AMOUNT OF CREDITS ALLOCATED TO EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY, TOTAL QUALIFIED PRODUCTION COSTS AND PRODUCTION COSTS FOR EACH QUALIFIED PRODUCTION COMPANY, AND THE ESTIMATED NUMBER OF EMPLOYEES, CREDIT-ELIGIBLE MAN HOURS, AND CREDIT-ELIGIBLE WAGES ASSOCIATED WITH EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY THAT FILMED OR RECORDED A QUALIFIED COMMERCIAL WITHIN THE DISTRICT;

(3) FOR QUALIFIED COMMERCIAL PRODUCTION COMPANIES THAT WERE ALLOCATED CREDIT PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH TWO OF SUBDIVISION (A) OF THIS SECTION: THE NAME AND ADDRESS OF EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY, THE TOTAL DOLLAR AMOUNT OF CREDITS ALLOCATED, THE TOTAL AMOUNT OF CREDITS ALLOCATED TO EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY, TOTAL QUALIFIED PRODUCTION COSTS AND PRODUCTION COSTS FOR EACH QUALIFIED PRODUCTION COMPANY, AND THE ESTIMATED NUMBER OF EMPLOYEES, CREDIT-ELIGIBLE MAN HOURS, AND CREDIT-ELIGIBLE WAGES ASSOCIATED WITH EACH QUALIFIED COMMERCIAL PRODUCTION COMPANY THAT FILMED OR RECORDED A QUALIFIED COMMERCIAL OUTSIDE THE DISTRICT; AND

(4) THE AMOUNT OF CREDITS REALLOCATED TO ALL ELIGIBLE QUALIFIED COMMERCIAL PRODUCTION COMPANIES PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH TWO OF SUBDIVISION (A) OF THIS SECTION.

(5) THE REPORT MAY ALSO INCLUDE ANY RECOMMENDATIONS FOR CHANGES IN THE CALCULATION OR ADMINISTRATION OF THE CREDIT, RECOMMENDATIONS REGARDING CONTINUING MODIFICATION OR REPEAL OF THIS CREDIT, AND ANY OTHER INFORMATION REGARDING THIS CREDIT AS MAY BE USEFUL AND APPROPRIATE.

S 3. This act shall take effect immediately with the first report being due December 1, 2016, with regard to credits allocated in calendar year 2015.

PART K

Section 1. Subdivision 14 of section 352 of the economic development law, as added by section 1 of part MM of chapter 59 of the laws of 2010, is amended and a new subdivision 20 is added to read as follows:

14. "Regionally significant project" means (a) a manufacturer creating at least fifty net new jobs in the state and making significant capital investment in the state; (b) a business creating at least twenty net new jobs in agriculture in the state and making significant capital investment in the state, (c) a financial services firm, distribution center, or back office operation creating at least three hundred net new jobs in the state and making significant capital investment in the state, [or] (d) a scientific research and development firm creating at least twenty net new jobs in the state, and making significant capital investment in the state, OR (E) A VIDEO GAME DEVELOPER CREATING AT LEAST TWENTY NET NEW JOBS IN THE STATE AND MAKING SIGNIFICANT CAPITAL INVESTMENT IN THE STATE. Other businesses creating three hundred or more net new jobs in the state and making significant capital investment in the state may be considered eligible as a regionally significant project by the commissioner as well. The commissioner shall promulgate regulations pursuant to section three hundred fifty-six of this article to determine what constitutes significant capital investment for each of the project categories indicated in this subdivision and what additional criteria a business must meet to be eligible as a regionally significant project, including, but not limited to, whether a business exports a substantial portion of its products or services outside of the state or outside of a metropolitan statistical area or county within the state.

20. "VIDEO GAME DEVELOPER" MEANS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, OR OTHER ENTITY PRINCIPALLY ENGAGED IN THE PRODUCTION OR POST-PRODUCTION OF VIDEO GAMES, OR THE PRODUCTION OR POST-PRODUCTION OF VIDEO GAMES OTHER THAN THOSE EMBEDDED AND USED EXCLUSIVELY IN ADVERTISING, PROMOTIONAL WEBSITES OR MICROSITES, BUT SHALL NOT INCLUDE AN ENTITY PRINCIPALLY ENGAGED IN THE PRODUCTION OF CONTENT INTENDED PRIMARILY FOR INDUSTRIAL, CORPORATE OR INSTITUTIONAL END-USERS, PRINCIPALLY ENGAGED IN THE PRODUCTION OF FUNDRAISING PROGRAMS, OR ENGAGED IN THE PRODUCTION OF CONTENT FOR WHICH RECORDS ARE REQUIRED, UNDER SECTION 2257 OF TITLE 18 OF THE UNITED STATES CODE, TO BE MAINTAINED WITH RESPECT TO ANY PERFORMER IN SUCH PRODUCTION.

S 2. Paragraph (c) of subdivision 1 and subdivision 3 of section 353 of the economic development law, paragraph (c) of subdivision 1 as amended by section 2 of part G of chapter 61 of the laws of 2011 and subdivision 3 as amended by section 1 of part C of chapter 68 of the laws of 2013, are amended to read as follows:

(c) in software development and new media, OR AS A VIDEO GAME DEVELOPER;

3. For the purposes of this article, in order to participate in the excelsior jobs program, a business entity operating predominantly in manufacturing must create at least ten net new jobs; a business entity operating predominately in agriculture must create at least five net new jobs; a business entity operating predominantly as a financial service data center or financial services customer back office operation must create at least fifty net new jobs; a business entity operating predominantly in scientific research and development must create at least five net new jobs; a business entity operating predominantly in software development OR AS A VIDEO GAME DEVELOPER must create at least five net new jobs; a business entity creating or expanding back office operations must create at least fifty net new jobs; or a business entity operating predominantly as a distribution center in the state must create at least seventy-five net new jobs, notwithstanding subdivision five of this section; or a business entity must be a regionally significant project as defined in this article; or

S 3. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

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 SIXTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, IF THE BUSINESS INCOME BASE IS NOT MORE THAN FOUR HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE THREE AND ONE-QUARTER PERCENT OF THE BUSINESS INCOME BASE; IF THE BUSINESS INCOME BASE IS MORE THAN FOUR HUNDRED THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE THE SUM OF (1) THIRTEEN THOUSAND DOLLARS, (2) SIX AND ONE-HALF PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FOUR HUNDRED THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS AND (3) TWENTY-SIX PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FOUR HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS;

(C) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN, IF THE BUSINESS INCOME BASE IS NOT MORE THAN FOUR HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE TWO AND NINE-TENTHS PERCENT OF THE BUSINESS INCOME BASE; IF THE BUSINESS INCOME BASE IS MORE THAN FOUR HUNDRED THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED 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 FOUR HUNDRED THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS AND (3) TWENTY-EIGHT AND EIGHT-TENTHS PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FOUR HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS;

(D) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, IF THE BUSINESS INCOME BASE IS NOT MORE THAN FOUR HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE TWO AND ONE-HALF PERCENT OF THE BUSINESS INCOME BASE; IF THE BUSINESS INCOME BASE IS MORE THAN FOUR

HUNDRED THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE THE SUM OF (1) TEN THOUSAND DOLLARS, (2) SIX AND ONE-HALF PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FOUR HUNDRED THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS AND (3) THIRTY PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FOUR HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND DOLLARS;

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

(39) In the case of a taxpayer who is a small business who has business income and/or farm income as defined in the laws of the United States, an amount equal to [three] TEN 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 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 fourteen, and an amount equal to five 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 fifteen]. PROVIDED THAT SUCH BUSINESS OR FARM INCOME IS LESS THAN OR EQUAL TO FIVE HUNDRED THOUSAND DOLLARS. For the purposes of this paragraph, the term small business shall mean a [sole proprietor] BUSINESS or a farm business who employs one or more persons during the taxable year and who has net business income or net farm income of EQUAL TO OR less than [two hundred fifty thousand dollars] FIVE HUNDRED THOUSAND DOLLARS. FOR THE PURPOSES OF THIS PARAGRAPH, IF THE TAXPAYER IS A MEMBER, PARTNER, OR SHAREHOLDER OF A LIMITED LIABILITY COMPANY, PARTNERSHIP OR S-CORPORATION, THE TAXPAYER WILL ONLY BE ELIGIBLE UNDER THIS PARAGRAPH IF THE NEW YORK SOURCE GROSS INCOME OF THE LIMITED LIABILITY COMPANY, PARTNERSHIP OR S-CORPORATION DOES NOT EXCEED ONE MILLION DOLLARS. NEW YORK SOURCE GROSS INCOME IS THE SUM OF THE MEMBERS, PARTNERS, OR SHAREHOLDERS SHARES OF FEDERAL GROSS INCOME FROM THE LIMITED LIABILITY COMPANY, PARTNERSHIP, OR S-CORPORATION DERIVED FROM OR CONNECTED WITH NEW YORK SOURCES, DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED THIRTY-ONE OF THIS ARTICLE AS IF THOSE PROVISIONS AND ANY RELATED PROVISIONS EXPRESSLY REFERRED TO A COMPUTATION OF FEDERAL GROSS INCOME FROM NEW YORK SOURCES.

S 3. This act shall take effect immediately; provided that section two of this act shall apply to taxable years beginning on or after January 1, 2016.

PART O

Section 1. The economic development law is amended by adding a new article 22 to read as follows:

ARTICLE 22
TECHNOLOGY INTERNSHIP PROGRAM

SECTION 441. TECHNOLOGY INTERNSHIP PROGRAM.
442. POWERS AND DUTIES OF THE COMMISSIONER.
443. RECORDKEEPING REQUIREMENTS.

444. CAP ON TAX CREDIT.

S 441. TECHNOLOGY INTERNSHIP PROGRAM. THERE IS HEREBY ESTABLISHED WITHIN THE DIVISION OF SCIENCE, TECHNOLOGY AND INNOVATION A TECHNOLOGY INTERNSHIP PROGRAM TO PROVIDE EMPLOYMENT AND EXPERIENCE OPPORTUNITIES FOR CURRENT STUDENTS, RECENT GRADUATES AND MEMBERS OF THE ARMED FORCES.

1. TO BE ELIGIBLE TO PARTICIPATE IN THE TECHNOLOGY INTERNSHIP PROGRAM, A CANDIDATE SHALL:

A. I. (A) BE A STUDENT ENROLLED AT A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION IN THIS STATE; AND

(B) MAINTAIN A CUMULATIVE 3.0 GRADE POINT AVERAGE ON A 4.0 SCALE EACH ACADEMIC YEAR; OR

II. (A) WITHIN TWELVE MONTHS BEFORE THE DATE OF THE APPLICATION FOR THE PROGRAM, HAVE GRADUATED FROM A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION IN THIS STATE; AND

(B) HAVE MAINTAINED A CUMULATIVE 3.0 GRADE POINT AVERAGE ON A 4.0 SCALE DURING THE LATEST ACADEMIC YEAR THE INDIVIDUAL WAS ENROLLED AS A STUDENT; OR

III. (A) HAVE BEEN HONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES, THE NATIONAL GUARD, OR A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES; AND

(B) HAVE GRADUATED FROM A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION; AND

B. COMMIT TO WORKING A MINIMUM OF ONE HUNDRED TWENTY HOURS DURING THE SPRING, FALL OR SUMMER SEMESTER;

2. TO QUALIFY FOR PARTICIPATION IN THE PROGRAM, A BUSINESS SHALL:

A. BE LOCATED IN THE STATE;

B. BE AN ADVANCED TECHNOLOGY BASED COMPANY AS DEFINED BY CRITERIA ESTABLISHED BY THE DIVISION;

C. HAVE LESS THAN ONE HUNDRED EMPLOYEES;

D. COMMIT TO HOSTING AN INTERN FOR A MINIMUM OF ONE HUNDRED TWENTY HOURS DURING THE SPRING, FALL OR SUMMER SEMESTER; AND

E. PROVIDE THE DIVISION A DETAILED DESCRIPTION OF THE INTERN POSITION THAT ESTABLISHES HOW THE POSITION WILL PROVIDE THE INTERN EXPERIENCE IN ADVANCED TECHNOLOGY.

S 442. POWERS AND DUTIES OF THE COMMISSIONER. 1. THE COMMISSIONER MAY APPROVE AN APPLICATION FROM A BUSINESS ENTITY UPON DETERMINING THAT SUCH BUSINESS ENTITY MEETS THE ELIGIBILITY CRITERIA ESTABLISHED IN SECTION FOUR HUNDRED FORTY-ONE OF THIS ARTICLE. FOLLOWING APPROVAL BY THE COMMISSIONER OF AN APPLICATION BY A BUSINESS ENTITY TO PARTICIPATE IN THE TECHNOLOGY INTERNSHIP PROGRAM, THE COMMISSIONER SHALL ISSUE A CERTIFICATE OF TAX CREDIT TO THE BUSINESS ENTITY UPON ITS DEMONSTRATING THE INTERN WAS ELIGIBLE AND COMPLETED ONE HUNDRED TWENTY HOURS OF WORK DURING THE RELEVANT SEMESTER. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO UP TO FIFTY PERCENT OF A STIPEND PAID TO AN INTERN, BUT NOT MORE THAN ONE THOUSAND EIGHT HUNDRED DOLLARS FOR THE FIRST SEMESTER; AND ONE THOUSAND TWO HUNDRED DOLLARS FOR THE SECOND SEMESTER. SUCH AMOUNT MAY NOT TOTAL MORE THAN THREE THOUSAND DOLLARS EACH YEAR FOR EACH INTERN. THE TAX CREDITS SHALL BE CLAIMED BY THE QUALIFIED EMPLOYER AS SPECIFIED IN SUBDIVISION FIFTY OF SECTION TWO HUNDRED TEN-B AND SUBSECTION (DDD) OF SECTION SIX HUNDRED SIX OF THE TAX LAW.

2. THE COMMISSIONER SHALL, IN CONSULTATION WITH THE COMMISSIONER OF LABOR, PROMULGATE REGULATIONS CONSISTENT WITH THE PURPOSES OF THIS ARTICLE.

3. THE COMMISSIONER SHALL, IN CONSULTATION WITH THE DEPARTMENT OF TAXATION AND FINANCE, DEVELOP A CERTIFICATE OF TAX CREDIT THAT SHALL BE

ISSUED BY THE COMMISSIONER TO PARTICIPATING BUSINESS ENTITIES. PARTICIPANTS MAY BE REQUIRED BY THE COMMISSIONER OF TAXATION AND FINANCE TO INCLUDE THE CERTIFICATE OF TAX CREDIT WITH THEIR TAX RETURN TO RECEIVE ANY TAX BENEFITS UNDER THIS ARTICLE.

4. THE COMMISSIONER SHALL SOLELY DETERMINE THE ELIGIBILITY OF ANY APPLICANT APPLYING FOR ENTRY INTO THE PROGRAM AND SHALL REMOVE ANY PARTICIPANT FROM THE PROGRAM FOR FAILING TO MEET ANY OF THE REQUIREMENTS SET FORTH IN SUBDIVISION TWO OF SECTION FOUR HUNDRED FORTY-ONE OF THIS ARTICLE OR FOR MAKING A MATERIAL MISREPRESENTATION WITH RESPECT TO ITS PARTICIPATION IN THE TECHNOLOGY INTERNSHIP PROGRAM.

S 443. RECORDKEEPING REQUIREMENTS. EACH BUSINESS ENTITY PARTICIPATING IN THE TECHNOLOGY INTERNSHIP PROGRAM SHALL MAINTAIN ALL RELEVANT RECORDS FOR THE DURATION OF ITS PROGRAM PARTICIPATION PLUS THREE YEARS.

S 444. CAP ON TAX CREDIT. THE TOTAL AMOUNT OF TAX CREDITS LISTED ON CERTIFICATES OF TAX CREDIT ISSUED BY THE COMMISSIONER FOR ANY TAXABLE YEAR MAY NOT EXCEED ONE MILLION DOLLARS.

S 2. Section 210-B of the tax law is amended by adding a new subdivision 50 to read as follows:

50. TECHNOLOGY INTERNSHIP PROGRAM TAX CREDIT. (A) A TAXPAYER THAT HAS BEEN APPROVED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT TO PARTICIPATE IN THE TECHNOLOGY INTERNSHIP PROGRAM AND HAS BEEN ISSUED A CERTIFICATE OF TAX CREDIT PURSUANT TO SECTION FOUR HUNDRED FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW SHALL BE ALLOWED TO CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE CREDIT SHALL EQUAL UP TO FIFTY PERCENT OF A STIPEND PAID TO AN INTERN, BUT NOT MORE THAN ONE THOUSAND EIGHT HUNDRED DOLLARS FOR THE FIRST SEMESTER; AND ONE THOUSAND TWO HUNDRED DOLLARS FOR THE SECOND SEMESTER. SUCH AMOUNT MAY NOT TOTAL MORE THAN THREE THOUSAND DOLLARS EACH YEAR FOR EACH INTERN. IN NO EVENT SHALL A TAXPAYER BE ALLOWED A CREDIT GREATER THAN THE AMOUNT OF CREDIT LISTED ON THE CERTIFICATE OF TAX CREDIT ISSUED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT. THE CREDIT WILL BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE INTERN WORKED.

(B) 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 WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

(C) THE TAXPAYER MAY BE REQUIRED TO ATTACH TO ITS TAX RETURN ITS CERTIFICATE OF TAX CREDIT ISSUED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT PURSUANT TO SECTION FOUR HUNDRED FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW. IN NO EVENT SHALL THE TAXPAYER BE ALLOWED A CREDIT GREATER THAN THE AMOUNT OF THE CREDIT LISTED IN THE CERTIFICATE OF TAX CREDIT, OR IN THE CASE OF A TAXPAYER WHO IS A PARTNER IN A PARTNERSHIP OR A MEMBER OF A LIMITED LIABILITY COMPANY, ITS PRO RATA SHARE OF THE AMOUNT OF CREDIT LISTED IN THE CERTIFICATE OF TAX CREDIT ISSUED TO THE PARTNERSHIP OR LIMITED LIABILITY COMPANY.

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

(DDD) TECHNOLOGY INTERNSHIP PROGRAM TAX CREDIT. (1) A TAXPAYER THAT HAS BEEN APPROVED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT TO PARTICIPATE IN THE TECHNOLOGY INTERNSHIP PROGRAM AND HAS BEEN ISSUED A CERTIFICATE OF TAX CREDIT PURSUANT TO SECTION FOUR HUNDRED FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW SHALL BE ALLOWED TO CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE CREDIT SHALL EQUAL UP TO FIFTY PERCENT OF A STIPEND PAID TO AN INTERN, BUT NOT MORE THAN ONE THOUSAND EIGHT HUNDRED DOLLARS FOR THE FIRST SEMESTER; AND ONE THOUSAND TWO HUNDRED DOLLARS FOR THE SECOND SEMESTER. SUCH AMOUNT MAY NOT TOTAL MORE THAN THREE THOUSAND DOLLARS EACH YEAR FOR EACH INTERN. IN NO EVENT SHALL A TAXPAYER BE ALLOWED A CREDIT GREATER THAN THE AMOUNT LISTED ON THE CERTIFICATE OF TAX CREDIT ISSUED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT. IN THE CASE OF A TAXPAYER WHO IS A PARTNER IN A PARTNERSHIP, MEMBER OF A LIMITED LIABILITY COMPANY OR SHAREHOLDER IN AN S CORPORATION, THE TAXPAYER SHALL BE ALLOWED ITS PRO RATA SHARE OF THE CREDIT EARNED BY THE PARTNERSHIP, LIMITED LIABILITY COMPANY OR S CORPORATION. THE CREDIT WILL BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE INTERN WORKED.

(2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR THE TAXABLE 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, NO INTEREST WILL BE PAID THEREON.

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

(XLII) TECHNOLOGY INTERNSHIP PROGRAM CREDIT UNDER SUBSECTION (DDD)	AMOUNT OF CREDIT UNDER SUBDIVISION FIFTY OF SECTION TWO HUNDRED TEN-B

S 5. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2015.

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Section 1. Subdivision (b) of section 27-1318 of the environmental conservation law, as amended by section 2 of part E of chapter 577 of the laws of 2004, is amended to read as follows:

(b) Within [sixty] ONE HUNDRED EIGHTY days of commencement of the remedial design, the owner of an inactive hazardous waste disposal site, and/or any person responsible for implementing a remedial program at such site, where institutional or engineering controls are employed pursuant to this title, shall execute an environmental easement pursuant to title thirty-six of article seventy-one of this chapter.

S 2. Subdivision 2 of section 27-1405 of the environmental conservation law, as amended by section 2 of part A of chapter 577 of the laws

of 2004, is amended and four new subdivisions 29, 30, 31 and 32 are added to read as follows:

2. "Brownfield site" or "site" shall mean any real property[, the redevelopment or reuse of which may be complicated by the presence or potential presence of] WHERE a contaminant IS PRESENT AT LEVELS EXCEEDING THE SOIL CLEANUP OBJECTIVES OR OTHER HEALTH BASED OR ENVIRONMENTAL STANDARDS, CRITERIA OR GUIDANCE ADOPTED BY THE DEPARTMENT THAT ARE APPLICABLE BASED ON THE REASONABLY ANTICIPATED USE OF THE PROPERTY, AS DETERMINED BY THE APPLICANT IN ACCORDANCE WITH APPLICABLE REGULATIONS. Such term shall not include real property:

(a) listed in the registry of inactive hazardous waste disposal sites under section 27-1305 of this article at the time of application to this program and given a classification as described in subparagraph one or two of paragraph b of subdivision two of section 27-1305 of this article; provided, however [except until July first, two thousand five], real property listed in the registry of inactive hazardous waste disposal sites under subparagraph two of paragraph b of subdivision two of section 27-1305 of this article [prior to the effective date of this article], where such real property is owned by a volunteer OR UNDER CONTRACT TO BE TRANSFERRED TO A VOLUNTEER, shall not be deemed ineligible to participate, PROVIDED THAT, PRIOR TO THE SITE BEING ACCEPTED INTO THE BROWNFIELD CLEANUP PROGRAM, THE DEPARTMENT HAS NOT IDENTIFIED ANY RESPONSIBLE PARTY FOR THAT PROPERTY HAVING THE ABILITY TO PAY FOR THE INVESTIGATION OR CLEANUP OF THE PROPERTY and further provided that the status of any such site as listed in the registry shall not be altered prior to the issuance of a certificate of completion pursuant to section 27-1419 of this title. THE DEPARTMENT'S ASSESSMENT OF ELIGIBILITY UNDER THIS PARAGRAPH SHALL NOT CONSTITUTE A FINDING CONCERNING LIABILITY WITH RESPECT TO THE PROPERTY;

(b) listed on the national priorities list established under authority of 42 U.S.C. section 9605;

(c) subject to an enforcement action under title seven or nine of this article, [except] OR PERMITTED OR REQUIRED TO BE PERMITTED as a treatment, storage or disposal facility [subject to a permit]; provided, that nothing herein contained shall be deemed otherwise to exclude from the scope of the term "brownfield site" a hazardous waste treatment, storage or disposal facility having interim status according to regulations promulgated by the commissioner AND PROVIDED FURTHER THAT REAL PROPERTY OWNED BY A VOLUNTEER OR UNDER CONTRACT TO BE TRANSFERRED TO A VOLUNTEER, WHETHER OR NOT OPERATING PURSUANT TO AN ORDER ON CONSENT ISSUED BY THE DEPARTMENT SHALL NOT BE DEEMED INELIGIBLE TO PARTICIPATE PROVIDED THAT, PRIOR TO THE SITE BEING ACCEPTED INTO THE BROWNFIELD CLEANUP PROGRAM, THE DEPARTMENT HAS NOT IDENTIFIED ANY RESPONSIBLE PARTY FOR THAT PROPERTY HAVING THE ABILITY TO PAY FOR THE INVESTIGATION OR CLEANUP OF THE PROPERTY;

(d) subject to an order for cleanup pursuant to article twelve of the navigation law or pursuant to title ten of article seventeen of this chapter except such property shall not be deemed ineligible if it is subject to a stipulation agreement; [or]

(e) subject to any other on-going state or federal environmental enforcement action related to the contamination which is at or emanating from the site subject to the present application[.]; OR

(F) NOTWITHSTANDING PARAGRAPHS (A), (C), AND (D) OF THIS SUBDIVISION, ANY VOLUNTEER HAVING AN OWNERSHIP OR TENANCY INTEREST, OR WHO HAS A CONTRACT TO PURCHASE OR OBTAIN SUCH OWNERSHIP OR TENANCY INTEREST, IN ANY REAL PROPERTY LOCATED WITHIN A BUSINESS OR TECHNOLOGY PARK EXCEEDING

FIVE HUNDRED ACRES IN SIZE, USED PRIMARILY FOR MANUFACTURING OR RESEARCH AND DEVELOPMENT SHALL NOT BE DEEMED INELIGIBLE TO PARTICIPATE IN THE BROWNFIELD CLEANUP PROGRAM. IN SUCH CASES, THE SITE PREPARATION CREDIT COMPONENT AND THE ON-SITE GROUNDWATER REMEDIATION CREDIT COMPONENT UNDER PARAGRAPHS TWO AND FOUR, RESPECTIVELY, OF SUBDIVISION (A) OF SECTION 21 OF THE TAX LAW SHALL BE LIMITED ONLY TO THE INCREMENTAL COSTS EXCEEDING THOSE NECESSARY TO SATISFY THE CLOSURE REQUIREMENTS OF THE PERMIT OR ORDER, AS APPLICABLE, THAT THE RESPONSIBLE PARTY HAS WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

29. "AFFORDABLE HOUSING PROJECT" MEANS A PROJECT WHERE AT LEAST SEVENTY PERCENT OF THE FLOOR AREA WILL BE FOR AFFORDABLE HOUSING, DEFINED AS HAVING AT LEAST TWENTY PERCENT OF ITS RESIDENTIAL UNITS SUBJECT TO AN AGREEMENT WITH MUNICIPALITY, THE STATE, THE FEDERAL GOVERNMENT, OR AN INSTRUMENTALITY THEREOF WHERE SUCH AGREEMENT RESTRICTS OCCUPANCY OF THOSE UNITS TO RESIDENTS WHO QUALIFY IN ACCORDANCE WITH AN INCOME TEST.

30. "UNDERUTILIZED" SHALL MEAN THE BROWNFIELD SITE AND ANY IMPROVEMENTS: (A) ON WHICH A BUILDING OR BUILDINGS CONTAINING NO MORE THAN FIFTY PERCENT OF THE PERMISSIBLE FLOOR AREA UNDER APPLICABLE ZONING IS BEING UTILIZED; OR (B) HAS A VALUE OF EQUAL TO OR LESS THAN SEVENTY PERCENT OF THE AVERAGE VALUATION OF LAND IN THE COUNTY OR CITY IN WHICH THE LAND IS LOCATED, EXCEPT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS WHERE THE AVERAGE VALUATION SHALL BE BASED ON THE COUNTY IN WHICH THE LAND IS LOCATED; OR (C) HAS BEEN CERTIFIED BY THE MUNICIPALITY IN WHICH THE SITE IS LOCATED AS UNDERUTILIZED PURSUANT TO THE CRITERIA IN THIS SUBDIVISION.

31. "FUNCTIONALLY OBSOLESCENT" SHALL MEAN THE BROWNFIELD SITE AND ANY IMPROVEMENTS THEREON THAT: (A) CAN NO LONGER BE FUNCTIONALLY OR ECONOMICALLY UTILIZED IN THE CAPACITY IN WHICH IT WAS FORMERLY UTILIZED BECAUSE OF (I) THE CONFIGURATION OF THE BUILDING; OR (II) SUBSTANTIAL STRUCTURAL DEFECTS NOT BROUGHT ABOUT BY DEFERRED MAINTENANCE PRACTICES OR INTENTIONAL CONDUCT; OR (B) THE ENTIRE SITE OR A SIGNIFICANT PORTION THEREOF, WITH OR WITHOUT IMPROVEMENTS IS USED IRREGULARLY OR INTERMITTENTLY; OR (C) THE FUNCTIONALITY OF THE EQUIPMENT INSIDE THE BUILDING OR BUILDINGS IS OBSOLETE FOR A MODERN DAY APPLICATION.

32. "STIGMA" IS THE INCREMENTAL LOSS IN VALUE BEYOND THE COST FACTOR DUE TO MARKET PERCEPTIONS ARISING FROM UNCERTAINTY AND FEAR ASSOCIATED WITH THE ACTUAL OR POTENTIAL PRESENCE OF CONTAMINATION.

S 3. Subdivision 1 of section 27-1407 of the environmental conservation law, as amended by section 3 of part A of chapter 577 of the laws of 2004, is amended and a new subdivision 1-a is added to read as follows:

1. A person who seeks to participate in this program shall submit a request to the department on a form provided by the department. Such form shall include information to be determined by the department sufficient to allow the department to determine eligibility and the current, intended and reasonably anticipated future land use of the site pursuant to section 27-1415 of this title. ANY SUCH PERSON SHALL SUBMIT AN INVESTIGATION REPORT SUFFICIENT TO DEMONSTRATE THAT THE SITE REQUIRES REMEDIATION IN ORDER TO MEET THE REMEDIAL REQUIREMENTS OF THIS TITLE.

1-A. IF THE PERSON IS ALSO SEEKING TO RECEIVE THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX LAW, FOR A SITE SITUATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PERSONS, SUCH PERSON SHALL SUBMIT INFORMATION SUFFICIENT TO DEMONSTRATE THAT: (A) AT LEAST HALF OF THE SITE AREA IS LOCATED IN THE ENVIRON-

MENTAL ZONE AS DEFINED IN SECTION TWENTY-ONE OF THE TAX LAW OR IS LOCATED IN A CENSUS TRACT IMMEDIATELY ADJACENT TO SUCH A CENSUS TRACT THAT IS DESIGNATED AS AN "ENVIRONMENTAL ZONE" AS DEFINED IN PARAGRAPH SIX OF SUCH DIVISION (B) OF SECTION TWENTY-ONE OF THE TAX LAW, PROVIDED FURTHER HOWEVER, THAT THE ADJACENT CENSUS TRACT ELIGIBILITY CRITERIA SHALL ONLY BE APPLICABLE IF SUCH AN ADJACENT CENSUS TRACT IS LOCATED WITHIN A VILLAGE, TOWN, OR CITY WITH A POPULATION LESS THAN THREE HUNDRED TWENTY-FIVE THOUSAND; (B) THE PROJECTED COSTS AND ALL INCURRED COSTS OF THE INVESTIGATION AND REMEDIATION WHICH IS PROTECTIVE FOR THE ANTICIPATED USE OF THE SITE EXCEEDS THIRTY-THREE PERCENT OF THE UNIMPAIRED VALUE OF THE PROPERTY LESS STIGMA; (C) THE PROJECT IS AN AFFORDABLE HOUSING PROJECT; (D) THE SITE IS UNDERUTILIZED; OR (E) THE SITE IS FUNCTIONALLY OBSOLESCENT. AN APPLICANT MAY REQUEST AN ELIGIBILITY DETERMINATION FOR TANGIBLE PROPERTY CREDITS AT ANY TIME FROM APPLICATION UNTIL THE SITE RECEIVES A CERTIFICATE OF COMPLETION PURSUANT TO SECTION 27-1419 OF THIS TITLE.

S 4. Subdivision 3 of section 27-1407 of the environmental conservation law, as amended by section 3 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

3. The department shall notify the person requesting participation in this program within [ten] THIRTY days after receiving such request that such request is either complete or incomplete. In the event the application is determined to be incomplete the department shall specify in writing the missing necessary information required pursuant to this article to complete the application and shall have ten days after receipt of the missing information to issue a written determination if the application is complete.

S 5. Subdivision 6 of section 27-1407 of the environmental conservation law, as added by section 1 of part A of chapter 1 of the laws of 2003, is amended to read as follows:

6. The department shall use all best efforts to expeditiously notify the applicant within forty-five days after receiving their request for participation that such request is either accepted or rejected, AND, FOR ANY APPLICANT SEEKING TO RECEIVE THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX LAW, SHALL CONCURRENTLY NOTIFY THE APPLICANT WHETHER THE CRITERIA FOR RECEIVING SUCH COMPONENT AS SET FORTH IN SUBDIVISION ONE OF THIS SECTION HAVE BEEN MET.

S 6. Subdivision 9 of section 27-1407 of the environmental conservation law is amended by adding a new paragraph (g) to read as follows:

(G) THE PERSON'S PARTICIPATION IN ANY REMEDIAL PROGRAM UNDER THE DEPARTMENT'S OVERSIGHT WAS TERMINATED BY THE DEPARTMENT OR BY A COURT FOR FAILURE TO SUBSTANTIALLY COMPLY WITH AN AGREEMENT OR ORDER.

S 7. Subdivision 2 of section 27-1409 of the environmental conservation law, as amended by section 4 of part A of chapter 577 of the laws of 2004, is amended and a new subdivision 9-a is added to read as follows:

2. One requiring (A) the [applicant] PARTICIPANT to pay for state costs, INCLUDING THE RECOVERY OF STATE COSTS INCURRED BEFORE THE EFFECTIVE DATE OF SUCH AGREEMENT; provided, however, that SUCH COSTS MAY BE BASED ON A REASONABLE FLAT-FEE FOR OVERSIGHT, WHICH SHALL REFLECT THE PROJECTED FUTURE STATE COSTS INCURRED IN NEGOTIATING AND OVERSEEING IMPLEMENTATION OF SUCH AGREEMENT; AND

(B) with respect to a brownfield site which the department has determined constitutes a significant threat to the public health or environment the department may include a provision requiring the applicant to

provide a technical assistance grant, as described in subdivision four of section 27-1417 of this title and under the conditions described therein, to an eligible party in accordance with procedures established under such program, with the cost of such a grant incurred by a volunteer serving as an offset against such state costs[. Where the applicant is a participant, the department shall include provisions relating to recovery of state costs incurred before the effective date of such agreement];

9-A. ONE STATING THAT THE STATE SHALL NOT CONSIDER THE APPLICANT AN OPERATOR OF SUCH BROWNFIELD SITE BASED SOLELY UPON EXECUTION OR IMPLEMENTATION OF SUCH BROWNFIELD SITE CLEANUP AGREEMENT FOR PURPOSES OF REMEDIATION LIABILITY;

S 8. Section 27-1411 of the environmental conservation law is amended by adding a new subdivision 6 to read as follows:

6. AN APPLICANT SHALL INCLUDE WITH EVERY REPORT SUBMITTED TO THE DEPARTMENT A SCHEDULE FOR THE SUBMISSION OF ANY SUBSEQUENT WORK PLAN REQUIRED TO MEET THE REQUIREMENTS OF THIS TITLE.

S 9. Subdivision 2 of section 27-1413 of the environmental conservation law, as amended by section 6 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

2. For all [other] sites SEEKING TO RECEIVE THE TANGIBLE PROPERTY CREDIT COMPONENT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX LAW AND ALL SITES ACCEPTED PURSUANT TO SUBDIVISION ONE-B OF SECTION 27-1407 OF THIS TITLE, the applicant shall develop and evaluate at least two remedial alternatives, one of which would achieve a Track 1 cleanup. The department shall have the discretion to require the evaluation of additional alternatives at a site that has been determined to pose a significant threat. The applicant shall submit the alternatives analysis [as a part of the remedial work plan to the department] WITHIN SIXTY DAYS OF THE ACCEPTANCE OF THE REMEDIAL INVESTIGATION BY THE DEPARTMENT for review, approval, modification or rejection BY THE DEPARTMENT.

S 10. Subdivision 4 of section 27-1415 of the environmental conservation law, as amended by section 7 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

4. Tracks. The commissioner, in consultation with the commissioner of health, shall propose within twelve months and thereafter timely promulgate regulations which create a multi-track approach for the remediation of contamination, and, commencing on the effective date of such regulations, utilize such multi-track approach. Such regulations shall provide that groundwater use in Tracks 2, 3 or 4 can be either restricted or unrestricted. The tracks shall be as follows:

Track 1: The remedial program shall achieve a cleanup level that will allow the site to be used for any purpose without restriction and without reliance on the long-term employment of institutional or engineering controls, and shall achieve contaminant-specific remedial action objectives for soil which conform with those contained in the generic table of contaminant-specific remedial action objectives for unrestricted use developed pursuant to subdivision six of this section. Provided, however, that volunteers whose proposed remedial program [for the remediation of groundwater] (1)(I) may require the long-term employment of institutional or engineering controls FOR THE REMEDIATION OF GROUNDWATER after the bulk reduction of groundwater contamination to asymptotic levels has been achieved OR (II) MAY REQUIRE AN INSTITUTIONAL OR ENGINEERING CONTROL FOR MORE THAN FIVE YEARS SOLELY TO ADDRESS SOIL VAPOR INTRUSION

but (2) whose program would otherwise conform with the requirements necessary to qualify for Track 1, shall qualify for Track 1.

Track 2: The remedial program may include restrictions on the use of the site or reliance on the long-term employment of engineering and/or institutional controls, but shall achieve contaminant-specific remedial action objectives for soil which conform with those contained in one of the generic tables developed pursuant to subdivision six of this section without the use of institutional or engineering controls to reach such objectives.

Track 3: The remedial program shall achieve contaminant-specific remedial action objectives for soil which conform with the criteria used to develop the generic tables for such objectives developed pursuant to subdivision six of this section but may use site specific data to determine such objectives.

Track 4: The remedial program shall achieve a cleanup level that will be protective for the site's current, intended or reasonably anticipated residential, commercial, or industrial use with restrictions and with reliance on the long-term employment of institutional or engineering controls to achieve such level. The regulations shall include a provision requiring that a cleanup level which poses a risk in excee-dance of an excess cancer risk of one in one million for carcinogenic end points and a hazard index of one for non-cancer end points for a specific contaminant at a specific site may be approved by the department without requiring the use of institutional or engineering controls to eliminate exposure only upon a site specific finding by the commissioner, in consultation with the commissioner of health, that such level shall be protective of public health and environment. Such finding shall be included in the draft remedial work plan for the site and fully described in the notice and fact sheet provided for such work plan.

S 11. Paragraphs (b), (c) and (d) of subdivision 7 of section 27-1415 of the environmental conservation law are relettered paragraphs (c), (d) and (e) and a new paragraph (b) is added to read as follows:

(B) WITHIN ONE HUNDRED EIGHTY DAYS OF COMMENCEMENT OF THE REMEDIAL DESIGN OR AT LEAST THREE MONTHS PRIOR TO THE DATE OF THE ANTICIPATED ISSUANCE OF THE CERTIFICATE OF COMPLETION, THE OWNER OF A BROWNFIELD SITE, AND/OR ANY PERSON RESPONSIBLE FOR IMPLEMENTING A REMEDIAL PROGRAM AT SUCH SITE, WHERE INSTITUTIONAL OR ENGINEERING CONTROLS ARE EMPLOYED PURSUANT TO THIS TITLE, SHALL EXECUTE AN ENVIRONMENTAL EASEMENT PURSUANT TO TITLE THIRTY-SIX OF ARTICLE SEVENTY-ONE OF THIS CHAPTER.

S 12. Paragraph (h) of subdivision 3 of section 27-1417 of the environmental conservation law is REPEALED, paragraph (i) is relettered paragraph (h) and paragraph (f), as amended by section 8 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

(f) Before the department [finalizes] SELECTS a proposed [remedial work plan] REMEDY FROM THE ALTERNATIVES SET FORTH IN THE ALTERNATIVES ANALYSIS AS PRESCRIBED BY SECTION 27-1413 OF THIS TITLE or makes a determination that site conditions meet the requirements of this title without the necessity for remediation pursuant to section 27-1411 of this title, the department, in consultation with the applicant, must notify individuals on the brownfield site contact list. Such notice shall include a fact sheet describing such plan and provide for a forty-five day public comment period. The commissioner shall hold a public meeting if requested by the affected community and the commissioner has found that the site constitutes a significant threat to the public health or the environment. Further, the affected community may request a public meeting at sites that do not constitute a significant

threat. (1) To the extent that the department has determined that site conditions do not pose a significant threat and the site is being addressed by a volunteer, the notice shall state that the department has determined that no remediation is required for the off-site areas and that the department's determination of a significant threat is subject to this forty-five day comment period. (2) If the [remedial work plan] REMEDY includes a Track 2, Track 3 or Track 4 remedy at a non-significant threat site, such comment period shall apply both to the approval of the alternatives analysis by the department, IF APPLICABLE, and the proposed remedy selected by the applicant.

S 13. Subdivision 1, paragraph (a) of subdivision 2 and subdivision 3 of section 27-1419 of the environmental conservation law, subdivision 1 and paragraph (a) of subdivision 2 as added by section 1 of part A of chapter 1 of the laws of 2003, subdivision 3 as amended by chapter 390 of the laws of 2008, are amended to read as follows:

1. Upon certification by the applicant that the remediation requirements of this title have been OR WILL BE achieved IN ACCORDANCE WITH THE TIMEFRAMES, IF ANY, ESTABLISHED IN THE REMEDIAL WORK PLAN for the brownfield site, such applicant shall submit to the department a final engineering report prepared by an individual licensed or otherwise authorized in accordance with article one hundred forty-five of the education law to practice the profession of engineering.

(a) a description of the remediation activities completed pursuant to the remedial work plan AND ANY INTERIM REMEDIAL MEASURES for the brownfield site;

3. Upon receipt of the final engineering report, the department shall review such report and the data submitted pursuant to the brownfield site cleanup agreement as well as any other relevant information regarding the brownfield site. Upon satisfaction of the commissioner that the remediation requirements set forth in this title have been or will be achieved in accordance with the timeframes, if any, established in the remedial work plan, the commissioner shall issue a written certificate of completion[, such]. THE certificate shall include such information as determined by the department of taxation and finance, including but not BE limited to the brownfield site boundaries included in the final engineering report, the date of the brownfield site CLEANUP agreement [pursuant to section 27-1409 of this title], and the applicable percentages available AS OF THE DATE OF THE CERTIFICATE OF COMPLETION for that site for purposes of section twenty-one of the tax law[, with such percentages to be determined as follows with respect to such qualified site]. FOR THOSE SITES FOR WHICH THE APPLICANT HAS SUBMITTED AN APPLICATION ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN AND THAT TO ITS REQUEST FOR PARTICIPATION HAS BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF THIS TITLE, THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX LAW SHALL ONLY BE AVAILABLE TO THE TAXPAYER IF THE CRITERIA FOR RECEIVING SUCH TAX COMPONENT HAVE BEEN MET. FOR THOSE SITES for which the department has issued a notice to the taxpayer after June twenty-third, two thousand eight that its request for participation has been accepted under subdivision six of section 27-1407 of this title[:

For the purposes of calculating], THE APPLICABLE PERCENTAGE FOR the site preparation credit component pursuant to paragraph two of subdivision (a) of section twenty-one of the tax law, and the on-site groundwater remediation credit component pursuant to paragraph four of subdivision (a) of section twenty-one of the tax law[, the applicable

percentage] shall be based on the level of cleanup achieved pursuant to subdivision four of section 27-1415 of this title and the level of cleanup of soils to contaminant-specific soil cleanup objectives promulgated pursuant to subdivision six of section 27-1415 of this title, up to a maximum of fifty percent, as follows:

(a) soil cleanup for unrestricted use, the protection of groundwater or the protection of ecological resources, the applicable percentage shall be fifty percent;

(b) soil cleanup for residential use, the applicable percentage shall be forty percent, except for Track 4 which shall be twenty-eight percent;

(c) soil cleanup for commercial use, the applicable percentage shall be thirty-three percent, except for Track 4 which shall be twenty-five percent;

(d) soil cleanup for industrial use, the applicable percentage shall be twenty-seven percent, except for Track 4 which shall be twenty-two percent.

S 14. Subdivision 5 of section 27-1419 of the environmental conservation law, as amended by section 9 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

5. A certificate of completion issued pursuant to this section may be transferred [to the applicant's successors or assigns upon transfer or sale of the brownfield site] BY THE APPLICANT OR SUBSEQUENT HOLDER OF THE CERTIFICATE OF COMPLETION TO A SUCCESSOR TO A REAL PROPERTY INTEREST, INCLUDING LEGAL TITLE, EQUITABLE TITLE OR LEASEHOLD, IN ALL OR A PART OF THE BROWNFIELD SITE FOR WHICH THE CERTIFICATE OF COMPLETION WAS ISSUED. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, A CERTIFICATE OF COMPLETION SHALL NOT BE TRANSFERRED TO A RESPONSIBLE PARTY. Further, a certificate of completion may be modified or revoked by the commissioner upon a finding that:

(a) Either the applicant, or the applicant's successors or assigns, has failed to comply with the terms and conditions of the brownfield site cleanup agreement;

(b) The applicant made a misrepresentation of a material fact tending to demonstrate that (I) it was qualified as a volunteer OR (II) MET THE CRITERIA SET FORTH IN SUBDIVISION ONE-A OF SECTION 27-1407 OF THIS TITLE FOR THE PURPOSE OF RECEIVING THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX LAW;

(c) Either the applicant, or the applicant's successors or assigns, made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the brownfield site cleanup agreement were reached; or

(d) There is good cause for such modification or revocation.

S 15. Section 27-1423 of the environmental conservation law is REPEALED.

S 16. Section 27-1429 of the environmental conservation law, as amended by section 13 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

S 27-1429. Permit waivers.

The department[, by and through the commissioner,] shall be EXEMPT, AND SHALL BE authorized to exempt a person from the requirement to obtain any state or local permit or other authorization for any activity needed to implement a program for the investigation and/or remediation of contamination AT OR EMANATING FROM A BROWNFIELD SITE; provided that the activity is OR WILL BE conducted in a manner which satisfies all

substantive technical requirements applicable to like activity conducted pursuant to a permit.

S 17. Subdivision 1 of section 27-1431 of the environmental conservation law is amended by adding a new paragraph c to read as follows:

C. TO INSPECT FOR COMPLIANCE WITH THE SITE MANAGEMENT PLAN APPROVED BY THE DEPARTMENT, INCLUDING (I) INSPECTION OF THE PERFORMANCE OF MAINTENANCE, MONITORING AND OPERATIONAL ACTIVITIES REQUIRED AS PART OF THE REMEDIAL PROGRAM FOR THE SITE, (II) INSPECTION FOR THE PURPOSE OF ASCERTAINING CURRENT USES OF THE SITE, AND (III) TAKING SAMPLES IN ACCORDANCE WITH PARAGRAPH A OF THIS SUBDIVISION.

S 17-a. Section 27-1435 of the environmental conservation law is REPEALED and a new section 27-1435 is added to read as follows:

S 27-1435. REPORTS TO THE DEPARTMENT.

THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF TAXATION AND FINANCE, SHALL, ON OR BEFORE DECEMBER FIRST, TWO THOUSAND FIFTEEN, AND ON OR BEFORE THE FIRST DAY OF DECEMBER OF EACH YEAR THEREAFTER, REPORT TO THE GOVERNOR AND TO THE LEGISLATURE ON ITS ASSESSMENT OF THE IMPLEMENTATION OF THE STATE'S BROWNFIELD PROGRAMS, TOGETHER WITH ITS COMMENTS, SUGGESTIONS, AND RECOMMENDATIONS REGARDING SUCH PROGRAMS, AVAILABLE FUNDING AND RESOURCES, AND THE NEED FOR ANY ADDITIONAL STEPS TO ENSURE THE FUTURE AVAILABILITY OF FUNDING.

S 18. The environmental conservation law is amended by adding a new section 27-1435-a to read as follows:

S 27-1435-A. BCP-EZ PROGRAM.

THE APPROPRIATION MADE 1. NOTWITHSTANDING THE PROVISIONS OF THIS TITLE OR ANY OTHER PROVISION OF LAW, THE DEPARTMENT SHALL PROMULGATE REGULATIONS WHICH AUTHORIZE THE DEPARTMENT TO EXEMPT AN APPLICANT FROM PROCEDURAL REQUIREMENTS OF THIS TITLE AS THE DEPARTMENT MAY SPECIFY WHICH ARE OTHERWISE APPLICABLE TO IMPLEMENTATION OF AN INVESTIGATION AND/OR REMEDIATION OF CONTAMINATION, PROVIDED THAT:

(A) AT THE TIME OF THE APPLICATION, THE DEPARTMENT HAS NOT DETERMINED THAT THE BROWNFIELD SITE POSES A SIGNIFICANT THREAT PURSUANT TO SECTION 27-1411 OF THIS TITLE;

(B) THE APPLICANT HAS WAIVED IN WRITING ANY CLAIM FOR TAX CREDITS PURSUANT TO SECTION TWENTY-ONE OF THE TAX LAW ON A FORM PRESCRIBED BY THE DEPARTMENT; AND

(C) THE ACTIVITY IS CONDUCTED IN A MANNER WHICH SATISFIES ALL SUBSTANTIVE TECHNICAL REQUIREMENTS APPLICABLE TO LIKE ACTIVITY CONDUCTED PURSUANT TO THIS TITLE, INCLUDING MEETING APPLICABLE SOIL CLEANUP OBJECTIVES ESTABLISHED PURSUANT TO SUBDIVISION SIX OF SECTION 27-1415 OF THIS ARTICLE EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

2. WHERE AN EXEMPTION HAS BEEN GRANTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE APPROVED WORK PLAN FOR A BROWNFIELD SITE SHALL INCLUDE THE PROCEDURAL REQUIREMENTS THE DEPARTMENT DETERMINES APPROPRIATE BASED ON SITE SPECIFIC CONSIDERATIONS AND CONSIDERATION OF SECTION 27-1415 OF THIS TITLE.

3. FOR ANY SITE ACCEPTED INTO THE BCP-EZ PROGRAM PURSUANT TO THIS SECTION WHICH IS PURSUING A TRACK 4 REMEDIATION, IF A CONTAMINANT IS IDENTIFIED IN SOIL IN EXCESS OF THE REMEDIAL ACTION OBJECTIVES CONTAINED IN AN APPLICABLE GENERIC TABLE DEVELOPED PURSUANT TO SUBDIVISION SIX OF SECTION 27-1415 OF THIS TITLE, THE APPLICANT MAY USE SITE-SPECIFIC DATA TO DEMONSTRATE TO THE DEPARTMENT THAT THE CONCENTRATION OF THE CONTAMINANT IN THE SOILS REFLECTS BACKGROUND CONDITIONS AND, IN THAT CASE, A CONTAMINANT-SPECIFIC ACTION OBJECTIVE FOR SUCH CONTAMINANT EQUAL TO SUCH BACKGROUND CONCENTRATION MAY BE ESTABLISHED PROVIDED THAT SUCH OBJECTIVE

IS PROTECTIVE OF THE PUBLIC HEALTH AND THE ENVIRONMENT AND IS DETERMINED IN A MANNER ACCEPTABLE TO THE DEPARTMENT.

4. UPON THE DEPARTMENT'S ACCEPTANCE OF THE CERTIFICATION BY THE APPLICANT THAT THE REMEDIATION REQUIREMENTS OF THIS TITLE HAVE BEEN ACHIEVED FOR THE BROWNFIELD SITE AND AN ENVIRONMENTAL EASEMENT, IF NECESSARY, HAS BEEN CREATED AND FILED PURSUANT TO TITLE THIRTY-SIX OF ARTICLE SEVENTY-ONE OF THIS CHAPTER, A SITE IN THE BCP-EZ SHALL BE ELIGIBLE TO RECEIVE A CERTIFICATE OF COMPLETION IN ACCORDANCE WITH SECTION 27-1419 OF THIS TITLE; PROVIDED, HOWEVER, THAT SUCH CERTIFICATE OF COMPLETION SHALL NOT ENTITLE THE HOLDER TO ANY TAX CREDITS PROVIDED BY SECTION TWENTY-ONE OF THE TAX LAW.

S 19. The opening paragraph of subdivision 10 of section 71-3605 of the environmental conservation law, as added by section 2 of part A of chapter 1 of the laws of 2003, is amended to read as follows:

An environmental easement may be enforced in law or equity by its grantor, by the state, or any affected local government as defined in section 71-3603 of this title. Such easement is enforceable against the owner of the burdened property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, REVERSION or waiver. No general law of the state which operates to defeat the enforcement of any interest in real property shall operate to defeat the enforcement of any environmental easement unless such general law expressly states the intent to defeat the enforcement of such easement or provides for the exercise of the power of eminent domain. It is not a defense in any action to enforce an environmental easement that:

S 20. Intentionally omitted.

S 21. Paragraph 3 of subdivision (a) of section 21 of the tax law, as amended by chapter 390 of the laws of 2008, is amended to read as follows:

(3) Tangible property credit component. The tangible property credit component shall be equal to the applicable percentage of the cost or other basis for federal income tax purposes of tangible personal property and other tangible property, including buildings and structural components of buildings, which constitute qualified tangible property; provided[, however,] that in determining the cost or other basis of such property, the taxpayer shall exclude the acquisition cost of any item of property with respect to which a credit under this section was allowable to another taxpayer. WITH RESPECT TO ANY QUALIFIED SITE FOR WHICH THE TAXPAYER HAS SUBMITTED AN APPLICATION TO PARTICIPATE IN THE BROWNFIELD CLEANUP PROGRAM ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN AND THAT IS ELIGIBLE FOR THE FIVE PERCENT AFFORDABLE HOUSING TANGIBLE PROPERTY CREDIT COMPONENT PURSUANT TO CLAUSE (III) OF SUBPARAGRAPH (B) OF PARAGRAPH FIVE OF THIS SUBDIVISION, THAT PORTION OF THE TANGIBLE PROPERTY CREDIT COMPONENT WILL BE DETERMINED BY MULTIPLYING THE TOTAL COSTS QUALIFIED FOR THE TANGIBLE PROPERTY CREDIT COMPONENT BY A FRACTION, THE NUMERATOR OF WHICH SHALL BE THE SQUARE FOOTAGE OF SPACE OF THE AFFORDABLE HOUSING UNITS DEDICATED TO RESIDENTIAL OCCUPANCY AND THE DENOMINATOR OF WHICH SHALL BE THE TOTAL SQUARE FOOTAGE OF THE BUILDING.

The credit component amount so determined shall be allowed for the taxable year in which such qualified tangible property is placed in service PROVIDED HOWEVER, THAT SUCH PROPERTY SHALL BE PLACED IN SERVICE DURING THE ONE HUNDRED TWENTY MONTH PERIOD THAT BEGINS WITH THE FIRST DAY OF THE FIRST TAXABLE YEAR IN WHICH QUALIFIED TANGIBLE PROPERTY IS PLACED IN SERVICE on a qualified site with respect to which a certificate of completion has been issued to the taxpayer [for up to ten taxa-

ble years after the date of the issuance of such certificate of completion], OR FOR THE TAXABLE YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED IF THE QUALIFIED TANGIBLE PROPERTY IS PLACED IN SERVICE PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF COMPLETION. The tangible property credit component shall be allowed with respect to property leased to a second party only if such second party is either (i) not a party responsible for the disposal of hazardous waste or the discharge of petroleum at the site according to applicable principles of statutory or common law liability, or (ii) a party responsible according to applicable principles of statutory or common law liability if such party's liability arises solely from operation of the site subsequent to the disposal of hazardous waste or the discharge of petroleum, and is so certified by the commissioner of environmental conservation at the request of the taxpayer, pursuant to section 27-1419 of the environmental conservation law. Notwithstanding any other provision of law to the contrary, in the case of allowance of credit under this section to such a lessor, the commissioner shall have the authority to reveal to such lessor any information, with respect to the issue of qualified use of property by the lessee, which is the basis for the denial in whole or in part, or for the recapture, of the credit claimed by such lessor. For purposes of the tangible property credit component allowed under this section the taxpayer to whom the certificate of completion is issued, as provided for under subdivision five of section 27-1419 of the environmental conservation law, may transfer the benefits and burdens of the certificate of completion, which run with the land and to the applicant's successors or assigns upon transfer or sale of all or any portion of an interest or estate in the qualified site. However, the taxpayer to whom certificate's benefits and burdens are transferred shall not include the cost of acquiring all or any portion of an interest or estate in the site and the amounts included in the cost or other basis for federal income tax purposes of qualified tangible property already claimed by the previous taxpayer pursuant to this section.

S 22. Subparagraph (A) of paragraph 3-a of subdivision (a) of section 21 of the tax law, as added by chapter 390 of the laws of 2008, is amended to read as follows:

(A) Notwithstanding any other provision of law to the contrary, the tangible property credit component available for any qualified site pursuant to paragraph three of this subdivision shall not exceed thirty-five million dollars or three times the SUM OF THE costs included in the calculation of the site preparation credit component and the on-site groundwater remediation credit component under paragraphs two and four, respectively, of this subdivision, AND THE COSTS THAT WOULD HAVE BEEN INCLUDED IN THE CALCULATION OF SUCH COMPONENTS IF NOT TREATED AS AN EXPENSE AND DEDUCTED PURSUANT TO SECTION ONE HUNDRED NINETY-EIGHT OF THE INTERNAL REVENUE CODE, whichever is less; provided, however, that: (1) in the case of a qualified site to be used primarily for manufacturing activities, the tangible property credit component available for any qualified site pursuant to paragraph three of this subdivision shall not exceed forty-five million dollars or six times the SUM OF THE costs included in the calculation of the site preparation credit component and the on-site groundwater remediation credit component under paragraphs two and four, respectively, of this subdivision, whichever is less; and (2) the provisions of this paragraph shall not apply to any qualified site for which the department of environmental conservation has issued a notice to the taxpayer before June twenty-third, two thousand eight that

its request for participation has been accepted under subdivision six of section 27-1407 of the environmental conservation law.

S 23. Subparagraph (D) of paragraph 3-a of subdivision (a) of section 21 of the tax law, as added by chapter 390 of the laws of 2008, is amended to read as follows:

(D) [If] WITH RESPECT TO ANY QUALIFIED SITE FOR WHICH THE TAXPAYER HAS SUBMITTED AN APPLICATION TO PARTICIPATE IN THE BROWNFIELD CLEANUP PROGRAM, OR WHERE THE TAXPAYER HAS EITHER BEEN ISSUED OR RECEIVED A CERTIFICATE OF COMPLETION FROM ANOTHER TAXPAYER UNDER SECTION 27-1419 OF THE ENVIRONMENTAL CONSERVATION LAW BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, IF the qualifying site is located in a brownfield opportunity area and is developed in conformance with the goals and priorities established for that applicable brownfield opportunity area as designated pursuant to section nine hundred seventy-r of the general municipal law, the applicable percentage of the tangible property credit component will be increased by two percent.

S 24. Intentionally omitted.

S 25. Paragraph 5 of subdivision (a) of section 21 of the tax law, as amended by section 39 of part A of chapter 59 of the laws of 2004, is amended to read as follows:

(5) Applicable percentage. (A) For purposes of COMPUTING THE SITE PREPARATION AND ON-SITE GROUNDWATER REMEDIATION CREDIT COMPONENTS PURSUANT TO paragraphs two[, three] and four of this subdivision, WITH RESPECT TO SUCH QUALIFIED SITES FOR WHICH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS ISSUED A NOTICE TO THE TAXPAYER BEFORE JUNE TWENTY-THIRD, TWO THOUSAND EIGHT THAT ITS REQUEST FOR PARTICIPATION HAS BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF THE ENVIRONMENTAL CONSERVATION LAW, OR WHERE THE TAXPAYER HAS EITHER BEEN ISSUED OR RECEIVED A CERTIFICATE OF COMPLETION FROM ANOTHER TAXPAYER UNDER SECTION 27-1419 OF THE ENVIRONMENTAL CONSERVATION LAW BEFORE JUNE TWENTY-THIRD, TWO THOUSAND EIGHT, AND, FOR PURPOSES OF COMPUTING THE TANGIBLE PROPERTY COMPONENT PURSUANT TO PARAGRAPH THREE OF THIS SUBDIVISION WITH RESPECT TO SUCH QUALIFIED SITES FOR WHICH THE TAXPAYER HAS SUBMITTED AN APPLICATION TO PARTICIPATE IN THE BROWNFIELD CLEANUP PROGRAM BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, OR WHERE THE TAXPAYER HAS EITHER BEEN ISSUED OR RECEIVED A CERTIFICATE OF COMPLETION FROM ANOTHER TAXPAYER UNDER SECTION 27-1419 OF THE ENVIRONMENTAL CONSERVATION LAW BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, the applicable percentage shall be twelve percent in the case of credits claimed under article nine, nine-A or thirty-three of this chapter, and ten percent in the case of credits claimed under article twenty-two of this chapter, except that where at least fifty percent of the area of the qualified site relating to the credit provided for in this section is located in an environmental zone as defined in paragraph six of subdivision (b) of this section, the applicable percentage shall be increased by an additional eight percent. Provided, however, as afforded in section 27-1419 of the environmental conservation law, if the certificate of completion indicates that the qualified site has been remediated to Track 1 as that term is described in subdivision four of section 27-1415 of the environmental conservation law, the applicable percentage set forth in the first sentence of this paragraph shall be increased by an additional two percent.

(B) WITH RESPECT TO SUCH QUALIFIED SITE FOR WHICH THE TAXPAYER HAS SUBMITTED AN APPLICATION TO PARTICIPATE IN THE BROWNFIELD CLEANUP PROGRAM, THE APPLICABLE PERCENTAGE FOR THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF THIS SECTION SHALL BE THE SUM OF TEN

PERCENT AND THE FOLLOWING ADDITIONAL PERCENTAGES, PROVIDED THAT THE TOTAL PERCENTAGE OF THE TANGIBLE PROPERTY CREDIT COMPONENT SHALL NOT EXCEED TWENTY-FOUR PERCENT AND IS OTHERWISE SUBJECT TO THE LIMITATIONS SET FORTH IN PARAGRAPHS THREE AND THREE-A OF SUBDIVISION (A) OF THIS SECTION:

(I) FIVE PERCENT FOR A SITE WITHIN AN ENVIRONMENTAL ZONE;

(II) FIVE PERCENT FOR A SITE LOCATED WITHIN A DESIGNATED BROWNFIELD OPPORTUNITY AREA;

(III) FIVE PERCENT FOR A SITE DEVELOPED AS AN AFFORDABLE HOUSING PROJECT, AS DEFINED IN SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION LAW; AND

(IV) FIVE PERCENT FOR A SITE TO BE USED PRIMARILY FOR MANUFACTURING ACTIVITIES AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (B) OF PARAGRAPH THREE-A OF THIS SUBDIVISION.

(C) THE TAXPAYER SHALL SUBMIT, IN THE MANNER PRESCRIBED BY THE COMMISSIONER, INFORMATION SUFFICIENT TO DEMONSTRATE THAT THE SITE QUALIFIES FOR ANY CREDIT COMPONENTS AVAILABLE UNDER SUBPARAGRAPH (B) OF THIS PARAGRAPH.

S 26. Intentionally omitted.

S 27. Paragraphs 2 and 6 of subdivision (b) of section 21 of the tax law, as amended by section 1 of part H of chapter 577 of the laws of 2004 and subparagraph (B) and the closing paragraph of paragraph 6 as amended by section 1 of part G of chapter 62 of the laws of 2006, are amended to read as follows:

(2) Site preparation costs. The term "site preparation costs" shall mean all amounts properly chargeable to a capital account, (i) which are paid [or] WITHIN SIX MONTHS OF THE DATE THE EXPENSE IS incurred in connection with a site's qualification for a certificate of completion, and (ii) all other site preparation costs paid or incurred in connection with preparing a site for the erection of a building or a component of a building, or otherwise to establish a site as usable for its industrial, commercial (including the commercial development of residential housing), recreational or conservation purposes. Site preparation costs shall include, but not be limited to, the costs of excavation, temporary electric wiring, scaffolding, demolition costs, and the costs of fencing and security facilities AND MAY INCLUDE COSTS ATTRIBUTABLE TO ACTIVITIES UNDERTAKEN UNDER THE OVERSIGHT OF THE DEPARTMENT OF LABOR OR IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE DEPARTMENT OF HEALTH TO REMEDIATE REGULATED MATERIALS INCLUDING ASBESTOS, LEAD OR POLYCHLORINATED BIPHENYLS IN BUILDINGS WHICH WILL REMAIN ON THE SITE. Site preparation costs shall not include the cost of acquiring the site and shall not include amounts included in the cost or other basis for federal income tax purposes of qualified tangible property, as described in paragraph three of this subdivision.

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

(A) areas that have both:

(i) a poverty rate of at least twenty percent [for the year to which the data relate] BASED ON THE MOST RECENT FIVE YEAR AMERICAN COMMUNITY SURVEY; and

(ii) an unemployment rate of at least one and one-quarter times the statewide unemployment rate [for the year to which the data relate] BASED ON THE MOST RECENT FIVE YEAR AMERICAN COMMUNITY SURVEY, or;

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

Such designation shall be made and a list of all such environmental zones shall be established by the commissioner of [economic development no later than December thirty-first, two thousand four provided, however, that a qualified site shall only be deemed to be located in an environmental zone under subparagraph (B) of this paragraph if such site was the subject of a brownfield site cleanup agreement pursuant to section 27-1409 of the environmental conservation law that was entered into prior to September first, two thousand ten] LABOR BASED ON THE TWO THOUSAND NINE THROUGH TWO THOUSAND THIRTEEN AMERICAN COMMUNITY SURVEY ESTIMATE. UPON REQUEST OF THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE COMMISSIONER OF LABOR SHALL UPDATE SUCH DESIGNATION BASED ON THE MOST RECENT AMERICAN COMMUNITY SURVEY, OR ITS SUCCESSOR.

THE DETERMINATION OF WHETHER A SITE IS LOCATED IN AN ENVIRONMENTAL ZONE SHALL BE BASED ON THE DATE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ISSUED A NOTICE TO THE TAXPAYER THAT ITS REQUEST FOR PARTICIPATION IN THE BROWNFIELD CLEANUP PROGRAM HAS BEEN DEEMED COMPLETE PURSUANT TO SUBDIVISION THREE OF SECTION 27-1407 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 28. Section 171-r of the tax law is amended by adding a new subdivision (e) to read as follows:

(E) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, SHALL PUBLISH BY JANUARY THIRTY-FIRST, TWO THOUSAND SIXTEEN A SUPPLEMENTAL BROWNFIELD CREDIT REPORT CONTAINING THE INFORMATION REQUIRED BY THIS SECTION ABOUT THE CREDITS CLAIMED FOR THE YEARS TWO THOUSAND FIVE, TWO THOUSAND SIX, AND TWO THOUSAND SEVEN.

S 29. Section 171-s of the tax law is REPEALED.

S 30. Paragraph b of subdivision 2 of section 970-r of the general municipal law, as added by section 1 of part F of chapter 1 of the laws of 2003, is amended to read as follows:

b. Activities eligible to receive such assistance shall include, but are not limited to, the assembly and development of basic information about:

(1) the borders of the [proposed] brownfield opportunity area;

(2) the number and size of KNOWN OR SUSPECTED brownfield sites;

(3) current and anticipated uses of the properties in the [proposed] BROWNFIELD OPPORTUNITY area;

(4) current and anticipated future conditions of groundwater in the [proposed] BROWNFIELD OPPORTUNITY area;

(5) known data about the environmental conditions of the properties in the [proposed] BROWNFIELD OPPORTUNITY area;

(6) ownership of the properties in the [proposed] BROWNFIELD OPPORTUNITY area AND WHETHER THE OWNERS WOULD LIKE TO PARTICIPATE DIRECTLY IN THE BROWNFIELD OPPORTUNITY PLANNING PROCESS; and

(7) preliminary descriptions of possible remediation strategies, reuse opportunities, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, and enhance community health and environmental conditions.

S 31. Subparagraphs 2 and 5 of paragraph c of subdivision 2 of section 970-r of the general municipal law, as added by section 1 of part F of chapter 1 of the laws of 2003, are amended to read as follows:

(2) areas with concentrations of KNOWN OR SUSPECTED brownfield sites;

(5) areas with KNOWN OR SUSPECTED brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

S 32. Paragraph a of subdivision 3 of section 970-r of the general municipal law, as amended by chapter 390 of the laws of 2008, is amended to read as follows:

a. Within the limits of appropriations therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in cooperation to prepare a nomination for designation of a brownfield opportunity area. Such financial assistance shall not exceed ninety percent of the costs of such nomination for any such area. A NOMINATION STUDY MUST INCLUDE SUFFICIENT INFORMATION TO DESIGNATE THE BROWNFIELD OPPORTUNITY AREA. THE CONTENTS OF THE NOMINATION STUDY SHALL BE DEVELOPED BASED ON PRE-NOMINATION STUDY INFORMATION, WHICH SHALL PRINCIPALLY CONSIST OF AN AREA-WIDE STUDY, DOCUMENTING THE HISTORIC BROWNFIELD USES IN THE AREA PROPOSED FOR DESIGNATION. A NOMINATION STUDY IS NOT INTENDED TO BE EQUIVALENT TO OR TO SERVE AS A MASTER PLAN, COMPREHENSIVE PLAN, OR OTHER EQUIVALENT LAND USE STUDY, BUT RATHER IS INTENDED TO BE A BASIC PLAN FOR DESIGNATION OF THE BROWNFIELD OPPORTUNITY AREA BASED ON HISTORIC BROWNFIELD USE INFORMATION AND THE COMMUNITY PARTICIPATION REQUIRED IN THIS SECTION. A MASTER PLAN, COMPREHENSIVE PLAN OR EQUIVALENT LAND USE STUDY MAY BE SEPARATELY DEVELOPED UNDER THIS PROGRAM AS AN IMPLEMENTATION STRATEGY FOR THE FINAL BROWNFIELD OPPORTUNITY AREA PLAN. SINCE A NOMINATION STUDY IS NOT EQUIVALENT TO A FINAL LAND USE PLAN, THE PREPARATION OF THE NOMINATION STUDY DOES NOT REQUIRE REVIEW UNDER THE ENVIRONMENTAL QUALITY REVIEW ACT PURSUANT TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW, AND A BROWNFIELD OPPORTUNITY AREA CAN BE DESIGNATED BASED EXCLUSIVELY ON A NOMINATION STUDY. IN THE EVENT THE MUNICIPALITY AND/OR COMMUNITY BASED ORGANIZATION ELECT TO DEVELOP IMPLEMENTATION STRATEGIES, INCLUDING BUT NOT LIMITED TO A MASTER PLAN, COMPREHENSIVE PLAN OR URBAN RENEWAL PLAN, REVIEW UNDER THE ENVIRONMENTAL QUALITY REVIEW ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW IS REQUIRED. NO SUCH NOMINATION STUDY SHALL SUPERSEDE AN EXISTING MASTER PLAN OR EQUIVALENT LAND AND USE STUDY.

S 33. Subparagraphs 2 and 5 of paragraph e of subdivision 3 and subdivision 4 of section 970-r of the general municipal law, subparagraphs 2 and 5 of paragraph e of subdivision 3 as added by section 1 of part F of chapter 1 of the laws of 2003 and subdivision 4 as amended by chapter 390 of the laws of 2008, are amended to read as follows:

(2) areas with concentrations of KNOWN OR SUSPECTED brownfield sites;

(5) areas with KNOWN OR SUSPECTED brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

4. Designation of brownfield opportunity area. Upon completion of a nomination for designation of a brownfield opportunity area, it shall be forwarded by the applicant to the secretary, who shall determine whether it is consistent with the provisions of this section. THE SECRETARY MAY REVIEW AND APPROVE A NOMINATION FOR DESIGNATION OF A BROWNFIELD OPPORTUNITY AREA AT ANY TIME. If the secretary determines that the nomination is consistent with the provisions of this section, the brownfield oppor-

tunity area shall be designated. If the secretary determines that the nomination is not consistent with the provisions of this section, the secretary shall make recommendations in writing to the applicant of the manner and nature in which the nomination should be amended.

S 34. The subdivision heading, paragraph a and subparagraphs 2 and 5 of paragraph c of subdivision 6 of section 970-r of the general municipal law, the subdivision heading and subparagraphs 2 and 5 of paragraph c as added by section 1 of part F of chapter 1 of the laws of 2003, and paragraph a as amended by chapter 386 of the laws of 2007, are amended to read as follows:

State assistance for brownfield site assessments in brownfield opportunity areas. a. Within the limits of appropriations therefor, the commissioner, in consultation with the secretary of state, is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in cooperation to conduct brownfield site assessments [in a brownfield opportunity area designated pursuant to this section]. Such financial assistance shall not exceed ninety percent of the costs of such brownfield site assessment.

(2) areas with concentrations of KNOWN OR SUSPECTED brownfield sites;

(5) areas with KNOWN OR SUSPECTED brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

S 35. Intentionally omitted.

S 36. Section 31 of part H of chapter 1 of the laws of 2003, amending the tax law relating to brownfield redevelopment tax credits, remediated brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, as amended by chapter 474 of the laws of 2012, is amended to read as follows:

S 31. The tax credits allowed under section [21,] 22 or 23 of the tax law and the corresponding provisions in articles 9, 9-A, 22, [32] and 33 of the tax law, as added by the provisions of sections one through twenty-nine of this act, shall not be applicable [if] TO ANY SITE FOR WHICH AN APPLICATION HAS BEEN FILED BY THE TAXPAYER FOR PARTICIPATION INTO THE BROWNFIELD CLEANUP PROGRAM ON AND AFTER DECEMBER 31, 2025. THE TAX CREDITS ALLOWED UNDER SECTION 21 OF THE TAX LAW AND THE CORRESPONDING PROVISIONS IN ARTICLES 9, 9-A, 22, AND 33 OF THE TAX LAW, AS ADDED BY THE PROVISIONS OF SECTIONS ONE THROUGH TWENTY-NINE OF THIS ACT, SHALL NOT BE APPLICABLE TO ANY SITE ACCEPTED INTO THE BROWNFIELD CLEANUP PROGRAM AFTER DECEMBER 31, 2022, PROVIDED, HOWEVER THAT ANY SITES ACCEPTED ON OR BEFORE DECEMBER 31, 2022 MUST HAVE RECEIVED the [remediation] certificate OF COMPLETION required to qualify for any of such credits [is issued after] BY December 31, [2015] 2025.

S 37. Notwithstanding any other provision of this act, any site for which a brownfield cleanup agreement with the department of environmental conservation was entered into (1) prior to June 23, 2008 and which has not received a certificate of completion by December 31, 2019 or (2) on or after June 23, 2008 and prior to January 1, 2016 and which has not received a certificate of completion by December 31, 2021, shall be treated for the purposes of this act as a site for which an application has been filed after July 1, 2014.

S 38. Paragraph c of subdivision 3 of section 27-0923 of the environmental conservation law, as amended by section 5 of part I of chapter 577 of the laws of 2004, is amended to read as follows:

c. For the purpose of this section, generation of hazardous waste shall not include retrieval or creation of hazardous waste which must be disposed of under an order of or agreement with the department pursuant to title thirteen or title fourteen of this article or under a contract with the department pursuant to title five of article fifty-six of this chapter OR UNDER AN ORDER OF OR AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR AN ORDER OF A COURT OF COMPETENT JURISDICTION, RELATED TO A FACILITY ADDRESSED PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (42 U.S.C. 9601 ET SEQ.) OR UNDER A WRITTEN AGREEMENT WITH A MUNICIPALITY WHICH IS SUBJECT TO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT RELATED TO THE REMEDIATION OF BROWNFIELD SITES.

S 39. Subparagraphs (i) and (vi) of paragraph d of subdivision 1 of section 72-0402 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, are amended to read as follows:

(i) under a contract with the department, or with the department's written approval and in compliance with department regulations, or pursuant to an order of the department, the United States environmental protection agency or a court OF COMPETENT JURISDICTION, related to the cleanup or remediation of a hazardous materials or hazardous waste spill, discharge, or surficial cleanup, pursuant to this chapter; or

(vi) under a brownfield site cleanup agreement with the department pursuant to section 27-1409 of this chapter OR UNDER AN AGREEMENT WITH A MUNICIPALITY WHICH IS SUBJECT TO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT RELATED TO THE REMEDIATION OF BROWNFIELD SITES; or

S 40. Section 56-0501 of the environmental conservation law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

S 56-0501. Allocation of moneys.

1. Of the moneys received by the state from the sale of bonds pursuant to the Clean Water/Clean Air Bond Act of 1996, two hundred million dollars ($200,000,000) shall be available for disbursements for environmental restoration projects.

2. ENVIRONMENTAL RESTORATION PROJECTS MAY BE FUNDED USING THE PROCEEDS OF BONDS ISSUED PURSUANT TO SECTION TWELVE HUNDRED EIGHTY-FIVE-Q OF THE PUBLIC AUTHORITIES LAW.

S 41. Subdivision 6 of section 56-0502 of the environmental conservation law, as amended by section 2 of part D of chapter 577 of the laws of 2004, is amended to read as follows:

6. "State assistance", for purposes of this title, shall mean in the case of a contract authorized by subdivision one of section 56-0503 of this title, payments made to a municipality to reimburse the municipality for the state share of the costs incurred by the municipality to undertake an environmental restoration project OR IN THE CASE OF AN AGREEMENT AUTHORIZED BY SUBDIVISION THREE OF SECTION 56-0503 OF THIS TITLE, COSTS INCURRED BY THE STATE TO UNDERTAKE AN ENVIRONMENTAL RESTORATION PROJECT BUT NOT REIMBURSED BY A MUNICIPALITY.

S 42. Paragraph (c) of subdivision 2 of section 56-0503 of the environmental conservation law, as amended by section 4 of part D of chapter 1 of the laws of 2003, is amended and a new subdivision 3 is added to read as follows:

(c) A provision that THE MUNICIPALITY SHALL ASSIST IN IDENTIFYING A RESPONSIBLE PARTY BY SEARCHING LOCAL RECORDS, INCLUDING PROPERTY TAX ROLLS, OR DOCUMENT REVIEWS, AND if, in accordance with the required departmental approval of any settlement with a responsible party, any responsible party payments become available to the municipality, before, during or after the completion of an environmental restoration project,

which were not included when the state share was calculated pursuant to this section, the state assistance share shall be recalculated, and the municipality shall pay to the state, for deposit into the environmental restoration project account of the hazardous waste remedial fund established under section ninety-seven-b of the state finance law, the difference between the original state assistance payment and the recalculated state share. Recalculation of the state share shall be done each time a payment from a responsible party is received by the municipality;

3. THE DEPARTMENT MAY UNDERTAKE AN ENVIRONMENTAL RESTORATION PROJECT ON BEHALF OF A MUNICIPALITY UPON REQUEST. IF THE DEPARTMENT UNDERTAKES THE PROJECT ON BEHALF OF THE MUNICIPALITY, THE STATE SHALL ENTER INTO AN AGREEMENT WITH THE MUNICIPALITY AND THE AGREEMENT SHALL REQUIRE THE MUNICIPALITY TO PERIODICALLY PROVIDE ITS SHARE TO THE STATE FOR COSTS INCURRED DURING THE PROGRESS OF SUCH PROJECT. THE MUNICIPALITY'S SHARE SHALL BE THE SAME AS WOULD BE REQUIRED UNDER SUBDIVISION ONE OF THIS SECTION. THE AGREEMENT SHALL INCLUDE ALL PROVISIONS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION AS APPROPRIATE. FOR PURPOSES OF PROJECTS SUBJECT TO AGREEMENTS UNDER THIS SUBDIVISION, ALL REFERENCES TO CONTRACTS IN THIS TITLE SHALL ALSO APPLY TO AGREEMENTS UNDER THIS SUBDIVISION AS APPROPRIATE.

S 43. Subdivision 4 of section 56-0505 of the environmental conservation law, as amended by section 5 of part D of chapter 1 of the laws of 2003, is amended to read as follows:

4. After completion of such project, the municipality may use the property for public purposes or may dispose of it. If the municipality shall dispose of such property by sale to a responsible party, such party shall pay to such municipality, in addition to such other consideration, an amount of money constituting the amount of state assistance provided [to the municipality] under this title plus accrued interest and transaction costs and the municipality shall deposit that money into the environmental restoration project account of the hazardous waste remedial fund established under section ninety-seven-b of the state finance law.

S 44. Subdivisions 3 and 4 of section 56-0508 of the environmental conservation law, as added by section 7 of part D of chapter 1 of the laws of 2003, are amended to read as follows:

3. such temporary incidents of ownership by such taxing district shall also qualify it as being the owner of such property [for the purposes of obtaining] TO BE ELIGIBLE FOR funding from the state of New York for such environmental restoration investigation project under this article or for such funding from any source pursuant to any other state, federal, or local law, but such incidents of ownership shall not be sufficient to qualify it as the owner of such property for the purposes of holding it wholly or partially liable for any damages, past, present, or future from any release of any hazardous material, substance, or contaminant into the air, ground, or water, unless such release was caused by such taxing district.

4. within thirty days of the completion of the environmental restoration investigation project and the receipt by the taxing jurisdiction of the final report of such investigation, such taxing jurisdiction shall file such report with the court on notice to the court and all other parties of record, and the stay of the foreclosure shall be lifted (unless lifted earlier by a prior court order), and all incidents of temporary ownership of the taxing jurisdiction that was awarded such taxing district, except any right [to receive funding] for the environmental restoration investigation project TO BE FUNDED, shall cease to

exist, and nothing in this subdivision shall preclude the taxing jurisdiction that conducted the environmental restoration investigation project or the taxing jurisdiction that commenced the foreclosure action, if it is a different taxing jurisdiction than the taxing jurisdiction which conducted the investigation, from withdrawing the parcel from foreclosure pursuant to section eleven hundred thirty-eight of the real property tax law.

S 45. Subdivision 2 and paragraph (f) of subdivision 3 of section 97-b of the state finance law, as amended by section 4 of part I of chapter 1 of the laws of 2003, are amended to read as follows:

2. Such fund shall consist of all of the following:

(a) moneys appropriated for transfer to the fund's site investigation and construction account; (b) all fines and other sums accumulated in the fund prior to April first, nineteen hundred eighty-eight pursuant to section 71-2725 of the environmental conservation law for deposit in the fund's site investigation and construction account; (c) all moneys collected or received by the department of taxation and finance pursuant to section 27-0923 of the environmental conservation law for deposit in the fund's industry fee transfer account; (d) all moneys paid into the fund pursuant to section 72-0201 of the environmental conservation law which shall be deposited in the fund's industry fee transfer account; (e) all moneys paid into the fund pursuant to section one hundred eighty-six of the navigation law which shall be deposited in the fund's industry fee transfer account; (f) [all moneys paid into the fund by municipalities for repayment of landfill closure loans made pursuant to title five of article fifty-two of the environmental conservation law for deposit in the fund's site investigation and construction account; (g)] all monies recovered under sections 56-0503, 56-0505 and 56-0507 of the environmental conservation law into the fund's environmental restoration project account; [(h) all] (G) fees paid into the fund pursuant to section [72-0403] 72-0402 of the environmental conservation law which shall be deposited in the fund's industry fee transfer account; [(i)] (H) payments received for all state costs incurred in negotiating and overseeing the implementation of brownfield site cleanup agreements pursuant to title fourteen OF ARTICLE TWENTY-SEVEN of the environmental conservation law shall be deposited in the hazardous waste remediation oversight and assistance account; and [(j)] (I) other moneys credited or transferred thereto from any other fund or source for deposit in the fund's site investigation and construction account.

(f) to undertake such remedial measures as the department of environmental conservation may determine necessary due to environmental conditions related to the property subject to an agreement [to provide state assistance] OR CONTRACT under title five of article fifty-six of the environmental conservation law [that were unknown to such department at the time of its approval of such agreement which indicates that conditions on such property are not sufficiently protective of human health for its reasonably anticipated uses or due to information received, in whole or in part, after such department's approval of such agreement's final engineering report and certification], which indicates that such agreement's remedial activities are not sufficiently protective of human health for such property's reasonably anticipated uses; and, [respecting the monies in the environmental restoration project account in excess of ten million dollars,] shall provide state assistance under title five of article fifty-six of the environmental conservation law;

S 46. Subdivisions 1 and 3 of section 27-1421 of the environmental conservation law, as amended by section 10 of part A of chapter 577 of the laws of 2004, are amended to read as follows:

1. Notwithstanding any other provision of law and except as provided in subdivision two of this section, after the department has issued a certificate of completion for a brownfield site, the applicant shall not be liable to the state upon any statutory or common law cause of action, arising out of the presence of any contamination in, on or emanating from the brownfield site that was the subject of such certificate at any time before the effective date of a brownfield site cleanup agreement entered into pursuant to this title, except that a participant shall not receive a release for natural resource damages that may be available under law UNLESS THE DEPARTMENT IS SATISFIED THAT THE NATURAL RESOURCE DAMAGED OR DESTROYED BY THE CONTAMINATION AT THE SITE WAS ADEQUATELY REPAIRED, RESTORED AND/OR REPLACED AS PART OF THE BROWNFIELD SITE CLEAN-UP IMPLEMENTED BY THE PARTICIPANT.

3. The liability limitation provided pursuant to this section shall run with the land, extending to the applicant's successors or assigns through acquisition of title to the brownfield site, TO LENDERS WHO ACQUIRE INDICIA OR OWNERSHIP PRIMARILY TO PROTECT THE LENDERS' SECURITY INTEREST IN THE BROWNFIELD SITE AFTER THE EFFECTIVE DATE OF THE BROWN-FIELD SITE CLEANUP AGREEMENT FOR THE SITE, and to a person who develops or otherwise occupies the brownfield site; provided that such persons act with due care and in good faith to adhere to the requirements of the brownfield site cleanup agreement and certificate of completion. However, such liability limitation does not extend, and cannot be transferred, to a person who is responsible for the disposal or the discharge of contaminants on such site according to applicable principles of statutory or common law liability as of the effective date of the certification of completion issued pursuant to this title, unless that person was party to the brownfield site cleanup agreement for the brownfield site pursuant to this article.

S 47. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 48. This act shall take effect immediately and shall apply to a qualified site for which the commissioner of environmental conservation has issued a notice to the taxpayer or other applicant after January 1, 2016 that its request for participation has been accepted under subdivision 6 of section 27-1407 of the environmental conservation law; provided, however, that the department of labor shall update the environmental zones as required by section twenty-seven of this act within ninety days of this act becoming law.

PART S

Section 1. Paragraph (r) of section 104-A of the business corporation law, as amended by chapter 172 of the laws of 2000, is amended to read as follows:

(r) For filing a statement or amendment pursuant to section four hundred eight of this chapter WITH THE DEPARTMENT OF STATE, nine dollars.

S 2. Paragraphs (b) and (c) of section 306-A of the business corporation law, as added by chapter 469 of the laws of 1997, are amended to read as follows:

(b) Upon the failure of the designating corporation to file a certificate of amendment or change providing for the designation by the corporation of the new address after the filing of a certificate of resignation for receipt of process with the secretary of state, its authority to do business in this state shall be suspended unless the corporation has previously filed a statement [of addresses and directors] under section four hundred eight of this chapter, IN WHICH CASE the address of the principal executive office stated in the last filed statement [of addresses and directors], shall constitute the new address for process of the corporation PROVIDED SUCH ADDRESS IS DIFFERENT FROM THE PREVIOUS ADDRESS FOR PROCESS, and the corporation shall not be deemed suspended.

(c) The filing by the department of state of a certificate of amendment or change OR STATEMENT UNDER SECTION FOUR HUNDRED EIGHT OF THIS CHAPTER providing for a new address by a designating corporation shall annul the suspension and its authority to do business in this state shall be restored and continue as if no suspension had occurred.

S 3. Section 408 of the business corporation law, as added by chapter 55 of the laws of 1992, the section heading as amended by chapter 375 of the laws of 1998, subparagraph (a) of paragraph 1 and paragraph 2 as amended by chapter 172 of the laws of 1999, subparagraph (b) of paragraph 3 as amended by chapter 170 of the laws of 1994, paragraph 6 as added by chapter 469 of the laws of 1997, and paragraph 7 as added by chapter 172 of the laws of 2000, is amended to read as follows:

S 408. [Biennial statement] STATEMENT; filing.

1. [Each] EXCEPT AS PROVIDED IN PARAGRAPH EIGHT OF THIS SECTION, EACH domestic corporation, and each foreign corporation authorized to do business in this state, shall, during the applicable filing period as determined by subdivision three of this section, file a statement setting forth:

(a) The name and business address of its chief executive officer.

(b) The street address of its principal executive office.

(c) The post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. Such address shall supersede any previous address on file with the department of state for this purpose.

2. [Such] EXCEPT AS PROVIDED IN PARAGRAPH EIGHT OF THIS SECTION, SUCH statement shall be made on forms prescribed by the secretary of state, and the information therein contained shall be given as of the date of the execution of the statement. Such statement shall only request reporting of information required under paragraph one of this section. It shall be signed and delivered to the department of state.

3. [For] EXCEPT AS PROVIDED IN PARAGRAPH EIGHT OF THIS SECTION, FOR the purpose of this section the applicable filing period for a corporation shall be the calendar month during which its original certificate of incorporation or application for authority were filed or the effective date thereof if stated. The applicable filing period shall only occur: (a) annually, during the period starting on April 1, 1992 and ending on March 31, 1994; and (b) biennially, during a period starting on April 1 and ending on March 31 thereafter. Those corporations that filed between April 1, 1992 and June 30, 1994 shall not be required to

file such statements again until such time as they would have filed, had this subdivision not been amended.

4. The provisions of [subdivision eleven of section ninety-six of the executive law and] paragraph (g) of section one hundred four of this chapter shall not be applicable to filings pursuant to this section.

5. The provisions of this section and section 409 of this article shall not apply to a farm corporation. For the purposes of this subdivision, the term "farm corporation" shall mean any domestic corporation or foreign corporation authorized to do business in this state under this chapter engaged in the production of crops, livestock and livestock products on land used in agricultural production, as defined in section 301 of the agriculture and markets law. HOWEVER, THIS EXCEPTION FOR FARM CORPORATIONS SHALL NOT BE APPLICABLE IF AN AGREEMENT IS MADE PURSUANT TO PARAGRAPH EIGHT OF THIS SECTION SO THAT THESE STATEMENTS WILL BE FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE.

6. No such statement shall be accepted for filing when a certificate of resignation for receipt of process has been filed under section three hundred six-A of this chapter unless the corporation has stated a different address for process which does not include the name of the party previously designated in the address for process in such certificate.

7. A domestic corporation or foreign corporation may amend its statement to change the information required by [subdivisions] SUBPARAGRAPHS (a) and (b) of paragraph one of this section. Such amendment shall be made on forms prescribed by the secretary of state. It shall be signed and delivered to the department of state.

8. (A) THE COMMISSIONER OF TAXATION AND FINANCE AND THE SECRETARY OF STATE MAY AGREE TO ALLOW CORPORATIONS TO PROVIDE THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SECTION ON TAX REPORTS FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF BIENNIAL REPORTS. THIS AGREEMENT MAY APPLY TO TAX REPORTS DUE FOR TAX YEARS STARTING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.

(B) IF THE AGREEMENT DESCRIBED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH IS MADE, EACH CORPORATION REQUIRED TO FILE THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SECTION THAT IS ALSO SUBJECT TO TAX UNDER ARTICLE NINE OR NINE-A OF THE TAX LAW SHALL INCLUDE SUCH STATEMENT ANNUALLY ON ITS TAX REPORT FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF FILING A STATEMENT UNDER THIS SECTION WITH THE DEPARTMENT OF STATE AND IN A MANNER PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE. HOWEVER, EACH CORPORATION REQUIRED TO FILE A STATEMENT UNDER THIS SECTION MUST CONTINUE TO FILE THE BIENNIAL STATEMENT REQUIRED BY THIS SECTION WITH THE DEPARTMENT OF STATE UNTIL THE CORPORATION IN FACT HAS FILED A TAX REPORT WITH THE DEPARTMENT OF TAXATION AND FINANCE THAT INCLUDES ALL REQUIRED INFORMATION. AFTER THAT TIME, THE CORPORATION SHALL CONTINUE TO DELIVER ANNUALLY THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SECTION ON ITS TAX REPORT IN LIEU OF THE BIENNIAL STATEMENT REQUIRED BY THIS SECTION.

(C) IF THE AGREEMENT DESCRIBED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH IS MADE, THE DEPARTMENT OF TAXATION AND FINANCE SHALL DELIVER TO THE DEPARTMENT OF STATE FOR FILING THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SECTION FOR EACH CORPORATION THAT FILES A TAX REPORT CONTAINING SUCH STATEMENT. THE DEPARTMENT OF TAXATION AND FINANCE MUST, TO THE EXTENT FEASIBLE, ALSO INCLUDE THE CURRENT NAME OF THE CORPORATION, DEPARTMENT OF STATE IDENTIFICATION NUMBER FOR SUCH CORPORATION, THE NAME, SIGNATURE AND CAPACITY OF THE SIGNER OF THE STATEMENT, NAME AND

STREET ADDRESS OF THE FILER OF THE STATEMENT, AND THE EMAIL ADDRESS, IF ANY, OF THE FILER OF THE STATEMENT.

S 4. Section 409 of the business corporation law is amended by adding a new paragraph 4 to read as follows:

4. THIS SECTION SHALL NOT APPLY TO A FAILURE TO FILE A STATEMENT FOR ANY SITUATION FOR WHICH A PENALTY UNDER SUBDIVISION (V) OF SECTION ONE THOUSAND EIGHTY-FIVE OF THE TAX LAW IS APPLICABLE.

S 5. Subdivision (e) of section 301 of the limited liability company law, as amended by chapter 643 of the laws of 1995, is amended to read as follows:

(e) [Every] (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, EVERY limited liability company to which this chapter applies, shall biennially in the calendar month during which its articles of organization or application for authority were filed, or effective date thereof if stated, file on forms prescribed by the secretary of state, a statement setting forth the post office address within or without this state to which the secretary of state shall mail a copy of any process accepted against it served upon him or her. Such address shall supersede any previous address on file with the department of state for this purpose.

(2) THE COMMISSIONER OF TAXATION AND FINANCE AND THE SECRETARY OF STATE MAY AGREE TO ALLOW LIMITED LIABILITY COMPANIES TO INCLUDE THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SUBDIVISION ON TAX REPORTS FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF BIENNIAL REPORTS AND IN A MANNER PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE. IF THIS AGREEMENT IS MADE, STARTING WITH TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EACH LIMITED LIABILITY COMPANY REQUIRED TO FILE THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SUBDIVISION THAT IS SUBJECT TO THE FILING FEE IMPOSED BY PARAGRAPH THREE OF SUBSECTION (C) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW SHALL PROVIDE SUCH STATEMENT ANNUALLY ON ITS FILING FEE PAYMENT FORM FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF FILING A STATEMENT UNDER THIS SECTION WITH THE DEPARTMENT OF STATE. HOWEVER, EACH LIMITED LIABILITY COMPANY REQUIRED TO FILE A STATEMENT UNDER THIS SECTION MUST CONTINUE TO FILE THE BIENNIAL STATEMENT REQUIRED BY THIS SECTION WITH THE DEPARTMENT OF STATE UNTIL THE LIMITED LIABILITY COMPANY IN FACT HAS FILED A FILING FEE PAYMENT FORM WITH THE DEPARTMENT OF TAXATION AND FINANCE THAT INCLUDES ALL REQUIRED INFORMATION. AFTER THAT TIME, THE LIMITED LIABILITY COMPANY SHALL CONTINUE TO PROVIDE ANNUALLY THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SUBDIVISION ON ITS FILING FEE PAYMENT FORM IN LIEU OF THE BIENNIAL STATEMENT REQUIRED BY THIS SUBDIVISION.

(3) IF THE AGREEMENT DESCRIBED IN PARAGRAPH TWO OF THIS SUBDIVISION IS MADE, THE DEPARTMENT OF TAXATION AND FINANCE SHALL DELIVER TO THE DEPARTMENT OF STATE THE STATEMENT SPECIFIED IN PARAGRAPH ONE OF THIS SUBDIVISION CONTAINED ON FILING FEE PAYMENT FORMS. THE DEPARTMENT OF TAXATION AND FINANCE MUST, TO THE EXTENT FEASIBLE, ALSO INCLUDE THE CURRENT NAME OF THE LIMITED LIABILITY COMPANY, DEPARTMENT OF STATE IDENTIFICATION NUMBER FOR SUCH LIMITED LIABILITY COMPANY, THE NAME, SIGNATURE AND CAPACITY OF THE SIGNER OF THE STATEMENT, NAME AND STREET ADDRESS OF THE FILER OF THE STATEMENT, AND THE EMAIL ADDRESS, IF ANY, OF THE FILER OF THE STATEMENT.

S 6. Subdivision (c) of section 301-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

(c) The filing by the department of state of a certificate of amendment or certificate of change OR THE FILING OF A STATEMENT UNDER SECTION THREE HUNDRED ONE OF THIS ARTICLE providing for a new address by a designating limited liability company shall annul the suspension and its authority to do business in this state shall be restored and continued as if no suspension had occurred.

S 7. Subdivision (c) of section 1101 of the limited liability company law is amended to read as follows:

(c) For the statement of address of the post office address to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her pursuant to section three hundred one of this chapter, nine dollars. THIS FEE SHALL NOT APPLY IF THIS STATEMENT IS FILED DIRECTLY WITH THE DEPARTMENT OF TAXATION AND FINANCE.

S 8. Subdivision (g) of section 121-1500 of the partnership law, as amended by chapter 643 of the laws of 1995, is amended to read as follows:

(g) Each registered limited liability partnership shall, within sixty days prior to the fifth anniversary of the effective date of its registration and every five years thereafter, furnish a statement to the department of state setting forth: (i) the name of the registered limited liability partnership, (ii) the address of the principal office of the registered limited liability partnership, (iii) the post office address within or without this state to which the secretary of state shall mail a copy of any process accepted against it served upon him or her, which address shall supersede any previous address on file with the department of state for this purpose, and (iv) a statement that it is eligible to register as a registered limited liability partnership pursuant to subdivision (a) of this section. The statement shall be executed by one or more partners of the registered limited liability partnership. The statement shall be accompanied by a fee of twenty dollars IF SUBMITTED DIRECTLY TO THE DEPARTMENT OF STATE. THE COMMISSIONER OF TAXATION AND FINANCE AND THE SECRETARY OF STATE MAY AGREE TO ALLOW REGISTERED LIMITED LIABILITY PARTNERSHIPS TO PROVIDE THE STATEMENT SPECIFIED IN THIS SUBDIVISION ON TAX REPORTS FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF STATEMENTS FILED DIRECTLY WITH THE SECRETARY OF STATE AND IN A MANNER PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE. IF THIS AGREEMENT IS MADE, STARTING WITH TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EACH LIMITED LIABILITY PARTNERSHIP REQUIRED TO FILE THE STATEMENT SPECIFIED IN THIS SUBDIVISION THAT IS SUBJECT TO THE FILING FEE IMPOSED BY PARAGRAPH THREE OF SUBSECTION (C) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW SHALL PROVIDE SUCH STATEMENT ANNUALLY ON ITS FILING FEE PAYMENT FORM FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF FILING A STATEMENT UNDER THIS SUBDIVISION WITH THE DEPARTMENT OF STATE. HOWEVER, EACH REGISTERED LIMITED LIABILITY PARTNERSHIP REQUIRED TO FILE A STATEMENT UNDER THIS SECTION MUST CONTINUE TO FILE A STATEMENT WITH THE DEPARTMENT OF STATE AS REQUIRED BY THIS SECTION UNTIL THE REGISTERED LIMITED LIABILITY PARTNERSHIP IN FACT HAS FILED A FILING FEE PAYMENT FORM WITH THE DEPARTMENT OF TAXATION AND FINANCE THAT INCLUDES ALL REQUIRED INFORMATION. AFTER THAT TIME, THE LIMITED LIABILITY PARTNERSHIP SHALL CONTINUE TO PROVIDE ANNUALLY THE STATEMENT SPECIFIED IN THIS SUBDIVISION ON ITS FILING FEE PAYMENT FORM IN LIEU OF THE STATEMENT REQUIRED BY THIS SUBDIVISION. THE COMMISSIONER OF TAXATION AND FINANCE SHALL DELIVER THE COMPLETED STATEMENT SPECIFIED IN THIS SUBDIVISION TO THE DEPARTMENT OF STATE FOR FILING. THE DEPARTMENT OF TAXATION AND

FINANCE MUST, TO THE EXTENT FEASIBLE, ALSO INCLUDE IN SUCH DELIVERY THE CURRENT NAME OF THE REGISTERED LIMITED LIABILITY PARTNERSHIP, DEPARTMENT OF STATE IDENTIFICATION NUMBER FOR SUCH REGISTERED LIMITED LIABILITY PARTNERSHIP, THE NAME, SIGNATURE AND CAPACITY OF THE SIGNER OF THE STATEMENT, NAME AND STREET ADDRESS OF THE FILER OF THE STATEMENT, AND THE EMAIL ADDRESS, IF ANY, OF THE FILER OF THE STATEMENT. If a registered limited liability partnership shall not timely file the statement required by this subdivision, the department of state may, upon sixty days' notice mailed to the address of such registered limited liability partnership as shown in the last registration or statement or certificate of amendment filed by such registered limited liability partnership, make a proclamation declaring the registration of such registered limited liability partnership to be revoked pursuant to this subdivision. The department of state shall file the original proclamation in its office and shall publish a copy thereof in the state register no later than three months following the date of such proclamation. Upon the publication of such proclamation in the manner aforesaid, the registration of each registered limited liability partnership named in such proclamation shall be deemed revoked without further legal proceedings. Any registered limited liability partnership whose registration was so revoked may file in the department of state a [certificate of consent certifying that either a] statement required by this subdivision [has been filed or accompanies the certificate of consent and all fees imposed under this chapter on the registered limited liability partnership have been paid]. The filing of such [certificate of consent] STATEMENT shall have the effect of annulling all of the proceedings theretofore taken for the revocation of the registration of such registered limited liability partnership under this subdivision and (1) the registered limited liability partnership shall thereupon have such powers, rights, duties and obligations as it had on the date of the publication of the proclamation, with the same force and effect as if such proclamation had not been made or published and (2) such publication shall not affect the applicability of the provisions of subdivision (b) of section twenty-six of this chapter to any debt, obligation or liability incurred, created or assumed from the date of publication of the proclamation through the date of the filing of the [certificate of consent. The filing of a certificate of consent shall be accompanied by a fee of fifty dollars and if accompanied by a statement, the fee required by this subdivision] STATEMENT WITH THE DEPARTMENT OF STATE. If, after the publication of such proclamation, it shall be determined by the department of state that the name of any registered limited liability partnership was erroneously included in such proclamation, the department of state shall make appropriate entry on its records, which entry shall have the effect of annulling all of the proceedings theretofore taken for the revocation of the registration of such registered limited liability partnership under this subdivision and (A) such registered limited liability partnership shall have such powers, rights, duties and obligations as it had on the date of the publication of the proclamation, with the same force and effect as if such proclamation had not been made or published and (B) such publication shall not affect the applicability of the provisions of subdivision (b) of section twenty-six of this chapter to any debt, obligation or liability incurred, created or assumed from the date of publication of the proclamation through the date of the making of the entry on the records of the department of state. Whenever a registered limited liability partnership WHOSE REGISTRATION WAS REVOKED shall have filed a [certificate of consent] STATE-

MENT pursuant to this subdivision or if the name of a registered limited liability partnership was erroneously included in a proclamation and such proclamation was annulled, the department of state shall publish a notice thereof in the state register.

S 9. Paragraph (I) of subdivision (f) of section 121-1502 of the partnership law, as amended by chapter 643 of the laws of 1995 and as designated by chapter 767 of the laws of 2005, is amended to read as follows:

(I) Each New York registered foreign limited liability partnership shall, within sixty days prior to the fifth anniversary of the effective date of its notice and every five years thereafter, furnish a statement to the department of state setting forth:

(i) the name under which the New York registered foreign limited liability partnership is carrying on or conducting or transacting business or activities in this state, (ii) the address of the principal office of the New York registered foreign limited liability partnership, (iii) the post office address within or without this state to which the secretary of state shall mail a copy of any process accepted against it served upon him or her, which address shall supersede any previous address on file with the department of state for this purpose, and (iv) a statement that it is a foreign limited liability partnership. The statement shall be executed by one or more partners of the New York registered foreign limited liability partnership. The statement shall be accompanied by a fee of fifty dollars IF SUBMITTED DIRECTLY TO THE DEPARTMENT OF STATE. THE COMMISSIONER OF TAXATION AND FINANCE AND THE SECRETARY OF STATE MAY AGREE TO ALLOW NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIPS TO PROVIDE THE STATEMENT SPECIFIED IN THIS PARAGRAPH ON TAX REPORTS FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF STATEMENTS FILED DIRECTLY WITH THE SECRETARY OF STATE AND IN A MANNER PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE. IF THIS AGREEMENT IS MADE, STARTING WITH TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EACH NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP REQUIRED TO FILE THE STATEMENT SPECIFIED IN THIS PARAGRAPH THAT IS SUBJECT TO THE FILING FEE IMPOSED BY PARAGRAPH THREE OF SUBSECTION (C) OF SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW SHALL PROVIDE SUCH STATEMENT ANNUALLY ON ITS FILING FEE PAYMENT FORM FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE IN LIEU OF FILING A STATEMENT UNDER THIS PARAGRAPH DIRECTLY WITH THE DEPARTMENT OF STATE. HOWEVER, EACH NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP REQUIRED TO FILE A STATEMENT UNDER THIS SECTION MUST CONTINUE TO FILE A STATEMENT WITH THE DEPARTMENT OF STATE AS REQUIRED BY THIS SECTION UNTIL THE NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP IN FACT HAS FILED A FILING FEE PAYMENT FORM WITH THE DEPARTMENT OF TAXATION AND FINANCE THAT INCLUDES ALL REQUIRED INFORMATION. AFTER THAT TIME, THE NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP SHALL CONTINUE TO PROVIDE ANNUALLY THE STATEMENT SPECIFIED IN THIS PARAGRAPH ON ITS FILING FEE PAYMENT FORM IN LIEU OF FILING THE STATEMENT REQUIRED BY THIS PARAGRAPH DIRECTLY WITH THE DEPARTMENT OF STATE. THE COMMISSIONER OF TAXATION AND FINANCE SHALL DELIVER THE COMPLETED STATEMENT SPECIFIED IN THIS PARAGRAPH TO THE DEPARTMENT OF STATE FOR FILING. THE DEPARTMENT OF TAXATION AND FINANCE MUST, TO THE EXTENT FEASIBLE, ALSO INCLUDE IN SUCH DELIVERY THE CURRENT NAME OF THE NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP, DEPARTMENT OF STATE IDENTIFICATION NUMBER FOR SUCH NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP, THE NAME, SIGNATURE AND CAPACITY OF THE SIGNER OF THE STATEMENT, NAME AND STREET ADDRESS OF THE FILER OF THE STATEMENT, AND THE EMAIL ADDRESS, IF ANY, OF THE FILER OF THE STATEMENT. If a New York

registered foreign limited liability partnership shall not timely file the statement required by this subdivision, the department of state may, upon sixty days' notice mailed to the address of such New York registered foreign limited liability partnership as shown in the last notice or statement or certificate of amendment filed by such New York registered foreign limited liability partnership, make a proclamation declaring the status of such New York registered foreign limited liability partnership to be revoked pursuant to this subdivision. The department of state shall file the original proclamation in its office and shall publish a copy thereof in the state register no later than three months following the date of such proclamation. Upon the publication of such proclamation in the manner aforesaid, the status of each New York registered foreign limited liability partnership named in such proclamation shall be deemed revoked without further legal proceedings. Any New York registered foreign limited liability partnership whose status was so revoked may file in the department of state a [certificate of consent certifying that either a] statement required by this subdivision [has been filed or accompanies the certificate of consent and all fees imposed under this chapter on the New York registered foreign limited liability partnership have been paid]. The filing of such [certificate of consent] STATEMENT shall have the effect of annulling all of the proceedings theretofore taken for the revocation of the status of such New York registered foreign limited liability partnership under this subdivision and (1) the New York registered foreign limited liability partnership shall thereupon have such powers, rights, duties and obligations as it had on the date of the publication of the proclamation, with the same force and effect as if such proclamation had not been made or published and (2) such publication shall not affect the applicability of the laws of the jurisdiction governing the agreement under which such New York registered foreign limited liability partnership is operating (including laws governing the liability of partners) to any debt, obligation or liability incurred, created or assumed from the date of publication of the proclamation through the date of the filing of the [certificate of consent. The filing of a certificate of consent shall be accompanied by a fee of fifty dollars and if accompanied by a statement, the fee required by this subdivision] STATEMENT WITH THE DEPARTMENT OF STATE. If, after the publication of such proclamation, it shall be determined by the department of state that the name of any New York registered foreign limited liability partnership was erroneously included in such proclamation, the department of state shall make appropriate entry on its records, which entry shall have the effect of annulling all of the proceedings theretofore taken for the revocation of the status of such New York registered foreign limited liability partnership under this subdivision and (1) such New York registered foreign limited liability partnership shall have such powers, rights, duties and obligations as it had on the date of the publication of the proclamation, with the same force and effect as if such proclamation had not been made or published and (2) such publication shall not affect the applicability of the laws of the jurisdiction governing the agreement under which such New York registered foreign limited liability partnership is operating (including laws governing the liability of partners) to any debt, obligation or liability incurred, created or assumed from the date of publication of the proclamation through the date of the making of the entry on the records of the department of state. Whenever a New York registered foreign limited liability partnership WHOSE STATUS WAS REVOKED shall have filed a [certificate of consent] STATEMENT pursu-

ant to this subdivision or if the name of a New York registered foreign limited liability partnership was erroneously included in a proclamation and such proclamation was annulled, the department of state shall publish a notice thereof in the state register.

S 10. Subdivision (d) of section 121-1506 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(d) The filing by the department of state of a certificate of amendment OR THE FILING OF A STATEMENT providing for a new address by a designating limited liability partnership shall annul the suspension and its authority to do business in this state shall be restored and continued as if no suspension had occurred.

S 11. Section 192 of the tax law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING THE PROVISIONS OF SECTION TWO HUNDRED TWO OF THIS ARTICLE, THE COMMISSIONER SHALL PROVIDE THE STATEMENTS AND OTHER REQUIRED INFORMATION REQUESTED ON TAX REPORTS UNDER SECTION FOUR HUNDRED EIGHT OF THE BUSINESS CORPORATION LAW TO THE SECRETARY OF STATE FOR FILING. SUCH PROVISION MAY ALSO INCLUDE A COPY OR IMAGE OF THAT PORTION OF THE REPORT SOLELY PERTINENT TO SUCH INFORMATION TO THE EXTENT FEASIBLE. THE COMMISSIONER MAY ALSO PROVIDE INFORMATION ON NONCOMPLIANCE.

S 12. Section 211 of the tax law is amended by adding a new subdivision 15 to read as follows:

15. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION EIGHT OF THIS SECTION, THE COMMISSIONER SHALL PROVIDE THE STATEMENTS AND OTHER REQUIRED INFORMATION REQUESTED ON TAX REPORTS UNDER SECTION FOUR HUNDRED EIGHT OF THE BUSINESS CORPORATION LAW TO THE SECRETARY OF STATE FOR FILING. SUCH PROVISION MAY ALSO INCLUDE A COPY OR IMAGE OF THAT PORTION OF THE REPORT SOLELY PERTINENT TO SUCH INFORMATION TO THE EXTENT FEASIBLE. THE COMMISSIONER ANY ALSO PROVIDE INFORMATION ON NONCOMPLIANCE.

S 13. Paragraph 3 of subsection (c) of section 658 of the tax law is amended by adding a new subparagraph (E) to read as follows:

(E) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (E) OF SECTION SIX HUNDRED NINETY-SEVEN OF THIS ARTICLE, THE COMMISSIONER SHALL PROVIDE THE STATEMENTS AND OTHER REQUIRED INFORMATION INCLUDED ON THE FILING FEE PAYMENT FORM UNDER SECTION THREE HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION (F) OF SECTION 121-1502 OF THE PARTNERSHIP LAW, AND SUBDIVISION (D) OF SECTION 121-1506 OF THE PARTNERSHIP LAW TO THE SECRETARY OF STATE FOR FILING. SUCH PROVISION MAY ALSO INCLUDE A COPY OR IMAGE OF THAT PORTION OF THE REPORT SOLELY PERTINENT TO SUCH INFORMATION TO THE EXTENT FEASIBLE. THE COMMISSIONER MAY ALSO PROVIDE INFORMATION ON NONCOMPLIANCE.

S 14. Section 1085 of the tax law is amended by adding a new subsection (v) to read as follows:

(V) FAILURE TO SUPPLY ALL THE INFORMATION REQUIRED OR TO PROVIDE CORRECT INFORMATION IN SECRETARY OF STATE STATEMENTS. UNLESS IT IS SHOWN THAT SUCH FAILURE TO PROVIDE THE STATEMENT AND INFORMATION REQUIRED BY SECTION FOUR HUNDRED EIGHT OF THE BUSINESS CORPORATION LAW IS DUE TO REASONABLE CAUSE AND NOT TO WILLFUL NEGLECT, THERE SHALL, UPON NOTICE AND DEMAND BY THE COMMISSIONER AND IN THE SAME MANNER AS TAX, BE PAID BY THE TAXPAYER FAILING TO SUPPLY COMPLETE AND CORRECT INFORMATION, A PENALTY OF TWO HUNDRED FIFTY DOLLARS PER TAXPAYER REQUIRED TO PROVIDE SUCH INFORMATION.

S 15. Section 685 of the tax law is amended by adding a new subsection (dd) to read as follows:

(DD) FAILURE TO SUPPLY ALL THE INFORMATION REQUIRED OR TO PROVIDE CORRECT INFORMATION IN SECRETARY OF STATE STATEMENTS. UNLESS IT IS SHOWN THAT SUCH FAILURE TO PROVIDE THE STATEMENT AND INFORMATION REQUIRED BY SUBDIVISION (E) OF SECTION THREE HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION (F) OF SECTION 121-1502 OF THE PARTNERSHIP LAW, OR SUBDIVISION (D) OF SECTION 121-1506 OF THE PARTNERSHIP LAW IS DUE TO REASONABLE CAUSE AND NOT TO WILLFUL NEGLECT, THERE SHALL, UPON NOTICE AND DEMAND BY THE COMMISSIONER AND IN THE SAME MANNER AS TAX, BE PAID BY THE TAXPAYER FAILING TO SUPPLY COMPLETE AND CORRECT INFORMATION, A PENALTY OF TWO HUNDRED AND FIFTY DOLLARS PER LIMITED LIABILITY COMPANY REQUIRED TO PROVIDE SUCH INFORMATION ON ITS FILING FEE PAYMENT FORM.

S 16. This act shall take effect immediately.

PART T

Section 1. Intentionally omitted.

S 2. Paragraph (d) of subdivision 5 of section 208 of the tax law, as added by section 4 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(d) If a taxpayer acquires stock during the second half of its taxable year and owns that stock on the last day of the taxable year, it will be presumed, SOLELY FOR PURPOSES OF DETERMINING WHETHER THAT STOCK SHOULD BE CLASSIFIED AS INVESTMENT CAPITAL AFTER IT IS ACQUIRED, that the taxpayer held that stock for more than six consecutive months during the taxable year. IF THE TAXPAYER DOES NOT OWN THE STOCK AT THE TIME IT FILES ITS ORIGINAL REPORT FOR THE TAXABLE YEAR IN WHICH IT ACQUIRES THE STOCK THEN THE PRESUMPTION IN THE PRECEDING SENTENCE SHALL NOT APPLY TO THE TAXPAYER AND THE ACTUAL PERIOD OF TIME DURING WHICH THE TAXPAYER OWNED THE STOCK SHALL BE USED TO DETERMINE WHETHER THE STOCK SHOULD BE CLASSIFIED AS INVESTMENT CAPITAL AFTER IT IS ACQUIRED. However, if the taxpayer does not in fact hold that stock AS INVESTMENT CAPITAL for more than six consecutive months, the taxpayer must increase its total business capital in the immediately succeeding taxable year by the amount included in investment capital for that stock, net of any liabilities attributable to that stock computed as provided in paragraph (b) of this subdivision and must increase its business income in the immediately succeeding taxable year by the amount of income and net gains (but not less than zero) from that stock included in investment income, less any interest deductions directly or indirectly attributable to that stock, as provided in subdivision six of this section.

S 3. Paragraph (e) of subdivision 5 of section 208 of the tax law, as added by section 4 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(e) When income or gain from a debt obligation or other security cannot be apportioned to the state using the [business allocation percentage] APPORTIONMENT FACTOR DETERMINED UNDER SECTION TWO HUNDRED TEN-A OF THIS ARTICLE as a result of United States constitutional principles, the debt obligation or other security will be included in investment capital.

S 4. Paragraph (f) of subdivision 5 of section 208 of the tax law is REPEALED.

S 5. Paragraph (a) of subdivision 6 of section 208 of the tax law, as amended by section 4 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(a) The term "investment income" means income, including capital gains in excess of capital losses, from investment capital, to the extent

included in computing entire net income, less, (i) in the discretion of the commissioner, any interest deductions allowable in computing entire net income which are directly or indirectly attributable to investment capital or investment income, [and (ii) the taxpayer's loss, deduction and/or expense attributable to any transaction, or series of transactions, entered into to manage the risk of price changes or currency fluctuations with respect to any item of investment capital that is held or to be held by the taxpayer, or the aggregate investment capital that is held or to be held by the taxpayer, if all of the risk, or all but a de minimis amount of the risk, is with respect to investment capital,] provided, however, that in no case shall investment income exceed entire net income. (II) If the amount OF INTEREST DEDUCTIONS subtracted under [subparagraph (i) or subparagraph (ii) of this paragraph or under both of those subparagraphs] SUBPARAGRAPH (I) OF THIS PARAGRAPH exceeds investment income, the excess of such amount over investment income must be added back to entire net income.

S 6. Subclause (ii) of clause (B) of subparagraph 1 of paragraph (r) of subdivision 9 of section 208 of the tax law, as added by section 4 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(ii) Measurement of assets. FOR PURPOSES OF THIS PARAGRAPH: (I) Total assets are those assets that are properly reflected on a balance sheet, computed in the same manner as is required by the banking regulator of the taxpayers included in the combined return.

(II) Assets will only be included if the income or expenses of which are properly reflected (or would have been properly reflected if not fully depreciated or expensed, or depreciated or expensed to a nominal amount) in the computation of the combined group's entire net income for the taxable year. Assets will not include deferred tax assets and intangible assets identified as "goodwill".

(III) Tangible real and personal property, such as buildings, land, machinery, and equipment shall be valued at cost. Leased assets will be valued at the annual lease payment multiplied by eight. Intangible property, such as loans and investments, shall be valued at book value exclusive of reserves.

(IV) Intercorporate stockholdings and bills, notes and accounts receivable, and other intercorporate indebtedness between the corporations included in the combined report shall be eliminated.

(V) Average assets are computed using the assets measured on the first day of the taxable year, and on the last day of each subsequent quarter of the taxable year or month or day during the taxable year.

S 7. Clause (B) of subparagraph 2 and clause (B) of subparagraph 2-a of paragraph (s) of subdivision 9 of section 208 of the tax law, as added by section 4 of part A of chapter 59 of the laws of 2014, are amended to read as follows:

(B) The average value during the taxable year of the assets of the taxpayer, or, IF THE TAXPAYER IS INCLUDED IN A COMBINED REPORT, the assets of the combined reporting group of the taxpayer under section two hundred ten-C of this article, must not exceed eight billion dollars.

(B) The average value during the taxable year of the assets of the taxpayer, or, IF THE TAXPAYER IS INCLUDED IN A COMBINED REPORT, the assets of the combined reporting group of the taxpayer under section two hundred ten-C of this article, must not exceed eight billion dollars.

S 8. Paragraph (d) 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:

(d)(i) A corporation with less than one million dollars but at least ten thousand dollars of receipts within this state in a taxable year that is part of a [combined reporting] UNITARY group THAT MEETS THE OWNERSHIP TEST under section two hundred ten-C of this article is deriving receipts from activity in this state if the receipts within this state of the members of the [combined reporting] UNITARY group that have at least ten thousand dollars of receipts within this state in the aggregate meet the threshold set forth in paragraph (b) of this subdivision.

(ii) A corporation that does not meet any of the thresholds set forth in paragraph (c) of this subdivision but has at least ten customers, or locations, or customers and locations, as described in paragraph (c) of this subdivision, and is part of a [combined reporting] UNITARY group THAT MEETS THE OWNERSHIP TEST under section two hundred ten-C of this article [that] is doing business in this state if the number of customers, locations, or customers and locations, within this state of the members of the [combined reporting] UNITARY group that have at least ten customers, locations, or customers and locations, within this state in the aggregate meets any of the thresholds set forth in paragraph (c) of this subdivision.

S 9. Paragraph (d) of subdivision 1 of section 209-B of the tax law, as added by section 7 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(d)(i) A corporation with less than one million dollars but at least ten thousand dollars of receipts within the metropolitan commuter transportation district in a taxable year that is part of a [combined reporting] UNITARY group THAT MEETS THE OWNERSHIP TEST under section two hundred ten-C of this article is deriving receipts from activity in the metropolitan commuter transportation district if the receipts within the metropolitan commuter transportation district of the members of the [combined reporting] UNITARY group that have at least ten thousand dollars of receipts within the metropolitan commuter transportation district in the aggregate meet the threshold set forth in paragraph (b) of this subdivision.

(ii) A corporation that does not meet any of the thresholds set forth in paragraph (c) of this subdivision but has at least ten customers, or locations, or customers and locations, as described in paragraph (c), and is part of a [combined reporting] UNITARY group THAT MEETS THE OWNERSHIP TEST under section two hundred ten-C of this article [that] is doing business in the metropolitan commuter transportation district if the number of customers, locations, or customers and locations, within the metropolitan commuter transportation district of the members of the [combined reporting] UNITARY group that have at least ten customers, locations, or customers and locations, within the metropolitan commuter transportation district in the aggregate meets any of the thresholds set forth in paragraph (c) of this subdivision.

S 10. The opening paragraph 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:

For taxable years beginning before January first, two thousand sixteen, the amount prescribed by this paragraph shall be computed at the rate of seven and one-tenth percent of the taxpayer's business income base. For taxable years beginning on or after January first, two thousand sixteen, the amount prescribed by this paragraph shall be six and one-half percent of the taxpayer's business income base. The taxpayer's business income base shall mean the portion of the taxpayer's busi-

ness income allocated within the state as hereinafter provided. However, in the case of a small business taxpayer, as defined in paragraph (f) of this subdivision, the amount prescribed by this paragraph shall be computed pursuant to subparagraph (iv) of this paragraph and in the case of a manufacturer, as defined in subparagraph (vi) of this paragraph, the amount prescribed by this paragraph shall be computed pursuant to subparagraph (vi) of this paragraph, AND, IN THE CASE OF A QUALIFIED EMERGING TECHNOLOGY COMPANY, AS DEFINED IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH, THE AMOUNT PRESCRIBED BY THIS PARAGRAPH SHALL BE COMPUTED PURSUANT TO SUBPARAGRAPH (VII) OF THIS PARAGRAPH.

S 11. Subparagraph (vi) 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:

(vi) for taxable years beginning on or after January first, two thousand fourteen, the amount prescribed by this paragraph for a taxpayer which is a qualified New York manufacturer, shall be computed at the rate of zero percent of the taxpayer's business income base. The term "manufacturer" shall mean a taxpayer which during the taxable year is principally engaged in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture or commercial fishing. However, the generation and distribution of electricity, the distribution of natural gas, and the production of steam associated with the generation of electricity shall not be qualifying activities for a manufacturer under this subparagraph. Moreover, IN THE CASE OF A COMBINED REPORT, the combined group shall be considered a "manufacturer" for purposes of this subparagraph only if the combined group during the taxable year is principally engaged in the activities set forth in this paragraph, or any combination thereof. A taxpayer or, IN THE CASE OF A COMBINED REPORT, a combined group shall be "principally engaged" in activities described above if, during the taxable year, more than fifty percent of the gross receipts of the taxpayer or combined group, respectively, are derived from receipts from the sale of goods produced by such activities. In computing a combined group's gross receipts, intercorporate receipts shall be eliminated. A "qualified New York manufacturer" is a manufacturer which has property in New York which is described in CLAUSE (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (B) OF subdivision one of section two hundred ten-B of this article and either (I) the adjusted basis of such property for federal income tax purposes at the close of the taxable year is at least one million dollars or (II) all of its real and personal property is located in New York. A taxpayer or, in the case of a combined report, a combined group, that does not satisfy the principally engaged test may be a qualified New York manufacturer if the taxpayer or the combined group employs during the taxable year at least two thousand five hundred employees in manufacturing in New York and the taxpayer or the combined group has property in the state used in manufacturing, the adjusted basis of which for federal income tax purposes at the close of the taxable year is at least one hundred million dollars.

S 12. Subparagraph (vii) 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:

(vii) For a taxpayer that is defined as a qualified emerging technology company under paragraph (c) of subdivision one of section thirty-one hundred two-e of the public authorities law regardless of the ten million dollar limitation expressed in subparagraph one of such para-

graph (c) the AMOUNT PRESCRIBED BY THIS PARAGRAPH SHALL BE COMPUTED AT THE rate [at which the tax is computed in effect for taxable years beginning on or after January first, two thousand thirteen and before January first, two thousand fourteen for such qualified emerging technology companies shall be reduced by nine and two-tenths percent for taxable years commencing on or after January first, two thousand fourteen and before January first, two thousand fifteen, twelve and three-tenths percent for taxable years commencing on or after January first, two thousand fifteen and before January first, two thousand sixteen, fifteen and four-tenths percent for taxable years commencing on or after January first, two thousand sixteen and before January first, two thousand eighteen, and twenty-five percent for taxable years beginning on or after January first, two thousand eighteen] OF 5.7 PERCENT FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, 5.5 PERCENT FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST TWO THOUSAND SIXTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN, AND 4.875 PERCENT FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN.

S 13. Item (IV) of subclause 2 of clause (B) of subparagraph (viii) of paragraph (a) of subdivision 1 of section 210 of the tax law, as added by section 12 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(IV) In lieu of the subtraction described in item (III) of this subclause, if the taxpayer so elects, the taxpayer's prior net operating loss conversion subtraction for the tax years beginning on or after January first, two thousand fifteen and before January first, two thousand seventeen shall equal in each year, not more than one-half of its net operating loss conversion subtraction pool UNTIL THE POOL IS EXHAUSTED. IF THE POOL IS NOT EXHAUSTED AT THE END OF SUCH TIME PERIOD, THE REMAINDER OF THE POOL SHALL BE FORFEITED. The taxpayer shall make such election on its FIRST return for the tax year beginning on or after January first, two thousand fifteen and before January first, two thousand sixteen by the due date for such return (determined with regard to extensions).

S 14. Subclause 4 of clause (B) of subparagraph (viii) of paragraph (a) of subdivision 1 of section 210 of the tax law, as added by section 12 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(4) The prior net operating loss conversion subtraction may be used to reduce the taxpayer's tax on allocated business income to the higher of the tax on the capital base under paragraph (b) of this subdivision or the fixed dollar minimum under paragraph (d) of this subdivision. [Any] UNLESS THE TAXPAYER HAS MADE THE ELECTION PROVIDED FOR IN ITEM (IV) OF SUBCLAUSE TWO OF THIS CLAUSE, ANY amount of unused subtraction shall be carried forward to subsequent tax year or years until [tax] THE PRIOR NET OPERATING LOSS CONVERSION SUBTRACTION POOL IS EXHAUSTED, BUT FOR NO LONGER THAN TWENTY TAXABLE years OR THE TAXABLE YEAR beginning on or after January first, TWO THOUSAND THIRTY-FIVE BUT BEFORE JANUARY FIRST, two thousand thirty-six, WHICHEVER COMES FIRST. Such amount carried forward shall not be subject to the one-tenth limitation for the subsequent tax year or years. However, if the taxpayer elects to compute its prior net operating loss conversion subtraction pursuant to item (IV) of subclause two of this clause, the taxpayer shall not carry forward any UNUSED amount of such subtraction [beyond its] TO ANY tax year beginning on or after [January first, two thousand sixteen and before] January first, two thousand seventeen.

S 15. The opening paragraph of subparagraph (ix) of paragraph (a) of subdivision 1 of section 210 of the tax law, as added by section 12 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

In computing the business income base, a net operating loss deduction shall be allowed. A net operating loss deduction is the amount of net operating loss or losses from one or more taxable years that are carried forward OR CARRIED BACK to a particular [income] TAXABLE year. A net operating loss is the amount of a business loss incurred in a particular tax year multiplied by the apportionment factor for that year as determined under section two hundred ten-A of this article. The maximum net operating LOSS deduction that is allowed in a taxable year is the amount that reduces the taxpayer's tax on [allocated] APPORTIONED business income to the higher of the tax on the capital base or the fixed dollar minimum. Such deduction and loss are determined in accordance with the following:

S 16. Clauses 4 and 6 of subparagraph (ix) of paragraph (a) of subdivision 1 or section 210 of the tax law, as added by section 12 of part A of chapter 59 of the laws of 2014, are amended to read as follows:

(4) [A net operating loss may be carried forward to each of the twenty taxable years following the taxable year of the loss. A net operating loss may be carried back to each of the three taxable years preceding the taxable year of the loss; provided, however no loss can be carried back to a tax year prior to a tax year beginning on or after January, first, two thousand fifteen. A taxpayer must apply both of these limitations in computing such net operating loss deduction.] A NET OPERATING LOSS MAY BE CARRIED BACK THREE TAXABLE YEARS PRECEDING THE TAXABLE YEAR OF THE LOSS. HOWEVER NO LOSS CAN BE CARRIED BACK TO A TAXABLE YEAR BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN. THE LOSS IS FIRST CARRIED TO THE EARLIEST OF THE THREE TAXABLE YEARS. IF IT IS NOT ENTIRELY USED IN THAT YEAR, IT IS CARRIED TO THE SECOND TAXABLE YEAR PRECEDING THE LOSS YEAR, AND ANY REMAINING AMOUNT IS CARRIED TO THE TAXABLE YEAR IMMEDIATELY PRECEDING THE LOSS YEAR. ANY UNUSED AMOUNT OF LOSS THEN REMAINING MAY BE CARRIED FORWARD FOR AS MANY AS TWENTY TAXABLE YEARS FOLLOWING THE LOSS YEAR. LOSSES CARRIED FORWARD ARE CARRIED FORWARD FIRST TO THE TAXABLE YEAR IMMEDIATELY FOLLOWING THE LOSS YEAR, THEN TO THE SECOND TAXABLE YEAR FOLLOWING THE LOSS YEAR, AND THEN TO THE NEXT IMMEDIATELY SUBSEQUENT TAXABLE YEAR OR YEARS UNTIL THE LOSS IS USED UP OR THE TWENTIETH TAXABLE YEAR FOLLOWING THE LOSS YEAR, WHICHEVER COMES FIRST.

(6) Where there are two or more allocated net operating losses, or portions thereof, carried BACK OR CARRIED forward to be deducted in one particular tax year from allocated business income, the earliest allocated loss incurred must be applied first.

S 17. Subparagraph (ix) of paragraph (a) of subdivision 1 of section 210 of the tax law is amended by adding a new clause 7 to read as follows:

(7) A TAXPAYER MAY ELECT TO WAIVE THE ENTIRE CARRYBACK PERIOD WITH RESPECT TO A NET OPERATING LOSS. SUCH ELECTION MUST BE MADE ON THE TAXPAYER'S ORIGINAL TIMELY FILED RETURN (DETERMINED WITH REGARD TO EXTENSIONS) FOR THE TAXABLE YEAR OF THE NET OPERATING LOSS FOR WHICH THE ELECTION IS TO BE IN EFFECT. ONCE AN ELECTION IS MADE FOR A TAXABLE YEAR, IT SHALL BE IRREVOCABLE FOR THAT TAXABLE YEAR. A SEPARATE ELECTION MUST BE MADE FOR EACH LOSS YEAR. THIS ELECTION APPLIES TO ALL MEMBERS OF A COMBINED GROUP.

S 18. Paragraph (b) 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:

(b) Capital base. (1) The amount prescribed by this paragraph shall be computed at .15 percent for each dollar of the taxpayer's total business capital, or the portion thereof allocated within the state as hereinafter provided for taxable years beginning before January first, two thousand sixteen. However, in the case of a cooperative housing corporation as defined in the internal revenue code, the applicable rate shall be .04 percent until taxable years beginning on or after January first, two thousand twenty. The rate of tax for subsequent tax years shall be as follows: .125 percent for taxable years beginning on or after January first, two thousand sixteen and before January first, two thousand seventeen; .100 percent for taxable years beginning on or after January first, two thousand seventeen and before January first, two thousand eighteen; .075 percent for taxable years beginning on or after January first, two thousand eighteen and before January first, two thousand nineteen; .050 percent for taxable years beginning on or after January first, two thousand nineteen and before January first, two thousand twenty; .025 percent for taxable years beginning on or after January first, two thousand twenty and before January first, two thousand twenty-one; and zero percent for years beginning on or after January first, two thousand twenty-one. The rate of tax for a qualified New York manufacturer [for tax years subsequent to taxable years beginning on or after January first, two thousand fifteen and before January first, two thousand sixteen] shall be .132 PERCENT FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, .106 percent for taxable years beginning on or after January first, two thousand sixteen and before January first, two thousand seventeen, .085 percent for taxable years beginning on or after January first, two thousand seventeen and before January first, two thousand eighteen; .056 percent for taxable years beginning on or after January first, two thousand eighteen and before January first, two thousand nineteen; .038 percent for taxable years beginning on or after January first, two thousand nineteen and before January first, thousand twenty; .019 percent for taxable years beginning on or after January first, two thousand twenty and before January first, two thousand twenty-one; and zero percent for years beginning on or after January first, two thousand twenty-one. In no event shall the amount prescribed by this paragraph exceed three hundred fifty thousand dollars for qualified New York manufacturers and for all other taxpayers five million dollars.

(2) For purposes of subparagraph one of this paragraph, the term "manufacturer" shall mean a taxpayer which during the taxable year is principally engaged in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture or commercial fishing. Moreover, for purposes of computing the capital base in a combined report, the combined group shall be considered a "manufacturer" for purposes of this subparagraph only if the combined group during the taxable year is principally engaged in the activities set forth in this subparagraph, or any combination thereof. A taxpayer or, IN THE CASE OF A COMBINED REPORT, a combined group shall be "principally engaged" in activities described above if, during the taxable year, more than fifty percent of the gross receipts of the taxpayer or combined group, respectively, are derived from receipts from the sale of goods produced by such activities. In computing a combined group's gross receipts, intercorporate receipts

shall be eliminated. A "qualified New York manufacturer" is a manufacturer that has property in New York that is described in subdivision one of section [210-B] TWO HUNDRED TEN-B of this article and either (i) the adjusted basis of that property for federal income tax purposes at the close of the taxable year is at least one million dollars or (ii) all of its real and personal property is located in New York. In addition, a "qualified New York manufacturer" means a taxpayer that is defined as a qualified emerging technology company under paragraph (c) of subdivision one of section thirty-one hundred two-e of the public authorities law regardless of the ten million dollar limitation expressed in subparagraph one of such paragraph. A taxpayer or, in the case of a combined report, a combined group, that does not satisfy the principally engaged test may be a qualified New York manufacturer if the taxpayer or the combined group employs during the taxable year at least two thousand five hundred employees in manufacturing in New York and the taxpayer or the combined group has property in the state used in manufacturing, the adjusted basis of which for federal income tax purposes at the close of the taxable year is at least one hundred million dollars.

S 19. Subparagraph 1 of paragraph (d) 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:

(1) (A) The amount prescribed by this paragraph for New York S corporations, OTHER THAN NEW YORK S CORPORATIONS THAT ARE QUALIFIED NEW YORK MANUFACTURERS OR QUALIFIED EMERGING TECHNOLOGY COMPANIES, will be determined in accordance with the following table:

If New York receipts are:	The fixed dollar minimum tax is:
not more than $100,000	$ 25
more than $100,000 but not over $250,000	$ 50
more than $250,000 but not over $500,000	$ 175
more than $500,000 but not over $1,000,000	$ 300
more than $1,000,000 but not over $5,000,000	$1,000
more than $5,000,000 but not over $25,000,000	$3,000
Over $25,000,000	$4,500

(B) PROVIDED FURTHER, THE AMOUNT PRESCRIBED BY THIS PARAGRAPH FOR NEW YORK S CORPORATIONS THAT ARE QUALIFIED NEW YORK MANUFACTURES, AS DEFINED IN SUBPARAGRAPH (VI) OF PARAGRAPH (A) OF THIS SUBDIVISION, AND FOR NEW YORK S CORPORATIONS THAT ARE QUALIFIED EMERGING TECHNOLOGY COMPANIES UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THIRTY-ONE HUNDRED TWO-E OF THE PUBLIC AUTHORITIES LAW REGARDLESS OF THE TEN MILLION DOLLAR LIMITATION EXPRESSED IN SUBPARAGRAPH ONE OF SUCH PARAGRAPH (C), WILL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING TABLES.

FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2015 AND BEFORE JANUARY 1, 2016:

IF NEW YORK RECEIPTS ARE:	THE FIXED DOLLAR MINIMUM TAX IS:
NOT MORE THAN $100,000	$ 22
MORE THAN $100,000 BUT NOT OVER $250,000	$ 44
MORE THAN $250,000 BUT NOT OVER $500,000	$ 153
MORE THAN $500,000 BUT NOT OVER $1,000,000	$ 263
MORE THAN $1,000,000 BUT NOT OVER $5,000,000	$ 877
MORE THAN $5,000,000 BUT NOT OVER $25,000,000	$2,631
OVER $25,000,000	$3,947

FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2016 AND BEFORE JANUARY 1, 2018:

IF NEW YORK RECEIPTS ARE:	THE FIXED DOLLAR MINIMUM TAX IS:
NOT MORE THAN $100,000	$ 21
MORE THAN $100,000 BUT NOT OVER $250,000	$ 42
MORE THAN $250,000 BUT NOT OVER $500,000	$ 148
MORE THAN $500,000 BUT NOT OVER $1,000,000	$ 254
MORE THAN $1,000,000 BUT NOT OVER $5,000,000	$ 846
MORE THAN $5,000,000 BUT NOT OVER $25,000,000	$2,538
OVER $25,000,000	$3,807

FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2018:

IF NEW YORK RECEIPTS ARE:	THE FIXED DOLLAR MINIMUM TAX IS:
NOT MORE THAN $100,000	$ 19
MORE THAN $100,000 BUT NOT OVER $250,000	$ 38
MORE THAN $250,000 BUT NOT OVER $500,000	$ 131
MORE THAN $500,000 BUT NOT OVER $1,000,000	$ 225
MORE THAN $1,000,000 BUT NOT OVER $5,000,000	$ 750
MORE THAN $5,000,000 BUT NOT OVER $25,000,000	$2,250
OVER $25,000,000	$3,375

(C) Provided further, the amount prescribed by this paragraph for a qualified New York manufacturer, as defined in subparagraph (vi) of paragraph (a) of this subdivision, and a qualified emerging technology company under paragraph (c) of subdivision one of section thirty-one hundred two-e of the public authorities law regardless of the ten million dollar limitation expressed in subparagraph one of such paragraph (c), THAT IS NOT A NEW YORK S CORPORATION, will be determined in accordance with the following tables[:
For tax years beginning on or after January 1, 2014 and before January 1, 2015:

If New York receipts are:	The fixed dollar minimum tax is:
not more than $100,000	$ 23
more than $100,000 but not over $250,000	$ 68
more than $250,000 but not over $500,000	$ 159
more than $500,000 but not over $1,000,000	$ 454
more than $1,000,000 but not over $5,000,000	$1,362
more than $5,000,000 but not over $25,000,000	$3,178
Over $25,000,000	$4,500]

For tax years beginning on or after January 1, 2015 and before January 1, 2016:

If New York receipts are:	The fixed dollar minimum tax is:
not more than $100,000	$ 22
more than $100,000 but not over $250,000	$ 66
more than $250,000 but not over $500,000	$ 153
more than $500,000 but not over $1,000,000	$ 439
more than $1,000,000 but not over $5,000,000	$1,316
more than $5,000,000 but not over $25,000,000	$3,070
Over $25,000,000	$4,385

For tax years beginning on or after January 1, 2016 and before January 1, 2018:

If New York receipts are:	The fixed dollar minimum tax is:
not more than $100,000	$ 21
more than $100,000 but not over $250,000	$ 63
more than $250,000 but not over $500,000	$ 148
more than $500,000 but not over $1,000,000	$ 423
more than $1,000,000 but not over $5,000,000	$1,269
more than $5,000,000 but not over $25,000,000	$2,961
Over $25,000,000	$4,230

For tax years beginning on or after January 1, 2018:

If New York receipts are:	The fixed dollar minimum tax is:
not more than $100,000	$ 19
more than $100,000 but not over $250,000	$ 56
more than $250,000 but not over $500,000	$ 131
more than $500,000 but not over $1,000,000	$ 375
more than $1,000,000 but not over $5,000,000	$1,125
more than $5,000,000 but not over $25,000,000	$2,625
Over $25,000,000	$3,750

(D) Otherwise, FOR ALL OTHER TAXPAYERS NOT COVERED BY CLAUSES (A), (B) AND (C) OF THIS SUBPARAGRAPH, the amount prescribed by this paragraph will be determined in accordance with the following table:

If New York receipts are:	The fixed dollar minimum tax is:
not more than $100,000	$ 25
more than $100,000 but not over $250,000	$ 75
more than $250,000 but not over $500,000	$ 175
more than $500,000 but not over $1,000,000	$ 500
more than $1,000,000 but not over $5,000,000	$1,500
more than $5,000,000 but not over $25,000,000	$3,500
more than $25,000,000 but not over $50,000,000	$5,000
more than $50,000,000 but not over $100,000,000	$10,000
more than $100,000,000 but not over $250,000,000	$20,000
more than $250,000,000 but not over $500,000,000	$50,000
more than $500,000,000 but not over $1,000,000,000	$100,000
Over $1,000,000,000	$200,000

(E) For purposes of this paragraph, New York receipts are the receipts included in the numerator of the apportionment factor determined under section two hundred ten-A for the taxable year.

S 20. Paragraph (f) 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:

(f) For purposes of this section, the term "small business taxpayer" shall mean a taxpayer (i) which has an entire net income of not more than three hundred ninety thousand dollars for the taxable year; (ii) the aggregate amount of money and other property received by the corporation for stock, as a contribution to capital, and as paid-in surplus, does not exceed one million dollars; (iii) which is not part of an affiliated group, as defined in section 1504 of the internal revenue code, unless such group, if it had filed a report under this article on a combined basis, would have itself qualified as a "small business

taxpayer" pursuant to this subdivision; and (iv) which has an average number of individuals, excluding general executive officers, employed full-time in the state during the taxable year of one hundred or fewer. If the taxable period to which subparagraph (i) of this paragraph applies is less than twelve months, entire net income under such subparagraph shall be placed on an annual basis by multiplying the entire net income by twelve and dividing the result by the number of months in the period. For purposes of subparagraph (ii) of this paragraph, the amount taken into account with respect to any property other than money shall be the amount equal to the adjusted basis to the corporation of such property for determining gain, reduced by any liability to which the property was subject or which was assumed by the corporation. The determination under the preceding sentence shall be made as of the time the property was received by the corporation. For purposes of subparagraph [(iii)] (IV) of this [section] PARAGRAPH, "average number of individuals, excluding general executive officers, employed full-time" shall be computed by ascertaining the number of such individuals employed by the taxpayer on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December during each taxable year or other applicable period, by adding together the number of such individuals ascertained on each of such dates and dividing the sum so obtained by the number of such dates occurring within such taxable year or other applicable period. An individual employed full-time means an employee in a job consisting of at least thirty-five hours per week, or two or more employees who are in jobs that together constitute the equivalent of a job at least thirty-five hours per week (full-time equivalent). Full-time equivalent employees in the state [includes] INCLUDE all employees regularly connected with or working out of an office or place of business of the taxpayer within the state.

S 21. Subdivision 1 of section 210-A of the tax law, as added by section 16 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

1. General. Business income and capital shall be apportioned to the state by the apportionment factor determined pursuant to this section. The apportionment factor is a fraction, determined by including only those receipts, net income, net gains, and other items described in this section that are included in the computation of the taxpayer's business income (DETERMINED WITHOUT REGARD TO THE MODIFICATION PROVIDED IN SUBPARAGRAPH NINETEEN OF PARAGRAPH (A) OF SUBDIVISION NINE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE) for the taxable year. The numerator of the apportionment fraction shall be equal to the sum of all the amounts required to be included in the numerator pursuant to the provisions of this section and the denominator of the apportionment fraction shall be equal to the sum of all the amounts required to be included in the denominator pursuant to the provisions of this section.

S 22. Paragraph (c) of subdivision 2 of section 210-A of the tax law, as added by section 16 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(c) Receipts from sales of tangible personal property and electricity that are traded as commodities, as [described] THE TERM "COMMODITY" IS DEFINED in section 475 of the internal revenue code, are included in the apportionment fraction in accordance with clause (I) of subparagraph two of paragraph (a) of subdivision five of this section.

S 23. Paragraph 1 of paragraph (a) of subdivision 5 of section 210-A of the tax law, as added by section 16 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(1) Fixed percentage method for qualified financial instruments. In determining the inclusion of receipts and net gains from qualified financial instruments in the apportionment fraction, taxpayers may elect to use the fixed percentage method described in this subparagraph for qualified financial instruments. The election is irrevocable, applies to all qualified financial instruments, and must be made on an annual basis on the taxpayer's original, timely filed return. If the taxpayer elects the fixed percentage method, then all income, gain or loss, INCLUDING MARKED TO MARKET NET GAINS AS DEFINED IN CLAUSE (J) OF SUBPARAGRAPH TWO OF THIS PARAGRAPH, from qualified financial instruments constitutes business income, gain or loss. If the taxpayer does not elect to use the fixed percentage method, then receipts and net gains are included in the apportionment fraction in accordance with the customer sourcing method described in subparagraph two of this paragraph. Under the fixed percentage method, eight percent of all net income (not less than zero) from qualified financial instruments is included in the numerator of the apportionment fraction. All net income (not less than zero) from qualified financial instruments is included in the denominator of the apportionment fraction.

S 24. Subclause (iv) of clause (A) of subparagraph 2 of paragraph (a) of subdivision 5 of section 210-A of the tax law, as added by section 16 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(iv) Net gains (not less than zero) from sales of loans not secured by real property are included in the numerator of the apportionment fraction as provided in this subclause. The amount of net gains from the sale of loans not secured by real property included in the numerator of the apportionment fraction is determined by multiplying the net gains by a fraction, the numerator of which is the amount of gross proceeds from sales of loans not secured by real property to purchasers located within the state and the denominator of which is the amount of gross [receipts] PROCEEDS from sales of loans not secured by real property to purchasers located within and without the state. Gross proceeds shall be determined after the deduction of any cost incurred to acquire the loans but shall not be less than zero. Net gains (not less than zero) from sales of loans not secured by real property are included in the denominator of the apportionment fraction.

S 25. Clause (A) of subparagraph 2 of paragraph (a) of subdivision 5 of section 210-A of the tax law is amended by adding a new subclause (v) to read as follows:

(V) FOR PURPOSES OF THIS SUBDIVISION, A LOAN IS SECURED BY REAL PROPERTY IF FIFTY PERCENT OR MORE OF THE VALUE OF THE COLLATERAL USED TO SECURE THE LOAN, WHEN VALUED AT FAIR MARKET VALUE AS OF THE TIME THE LOAN WAS ENTERED INTO, CONSISTS OF REAL PROPERTY.

S 26. Subparagraph 2 of paragraph (a) of subdivision 5 of section 210-A of the tax law is amended by adding a new clause (J) to read as follows:

(J) MARKED TO MARKET NET GAINS. (I) FOR PURPOSES OF THIS CLAUSE, "MARKED TO MARKET" MEAN THAT A FINANCIAL INSTRUMENT IS, UNDER SECTION 475 OR SECTION 1256 OF THE INTERNAL REVENUE CODE, TREATED BY THE TAXPAYER AS SOLD FOR ITS FAIR MARKET VALUE ON THE LAST BUSINESS DAY OF THE TAXPAYER'S TAXABLE YEAR. "MARKED TO MARKET GAIN OR LOSS" MEANS THE GAIN OR LOSS RECOGNIZED BY THE TAXPAYER UNDER SECTION 475 OR SECTION 1256 OF THE INTERNAL REVENUE CODE BECAUSE THE FINANCIAL INSTRUMENT IS TREATED AS SOLD FOR ITS FAIR MARKET VALUE ON THE LAST BUSINESS DAY OF THE TAXABLE YEAR.

(II) THE AMOUNT OF MARKED TO MARKET NET GAINS (NOT LESS THAN ZERO) FROM EACH TYPE OF FINANCIAL INSTRUMENT THAT IS MARKED TO MARKET INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FRACTION IS DETERMINED BY MULTIPLYING THE MARKED TO MARKET NET GAINS (BUT NOT LESS THAN ZERO) FROM SUCH TYPE OF THE FINANCIAL INSTRUMENT BY A FRACTION, THE NUMERATOR OF WHICH IS THE NUMERATOR OF THE APPORTIONMENT FRACTION FOR THE NET GAINS FROM THAT TYPE OF FINANCIAL INSTRUMENT DETERMINED UNDER THE APPLICABLE CLAUSE OF THIS SUBPARAGRAPH AND THE DENOMINATOR OF WHICH IS THE DENOMINATOR OF THE APPORTIONMENT FRACTION FOR THE NET GAINS FOR THAT TYPE OF FINANCIAL INSTRUMENT DETERMINED UNDER THE APPLICABLE CLAUSE OF THIS SUBPARAGRAPH. MARKED TO MARKET NET GAINS (NOT LESS THAN ZERO) FROM FINANCIAL INSTRUMENTS FOR WHICH THE NUMERATOR OF THE APPORTIONMENT FRACTION IS DETERMINED UNDER THE IMMEDIATELY PRECEDING SENTENCE ARE INCLUDED IN THE DENOMINATOR OF THE APPORTIONMENT FRACTION.

(III) IF THE TYPE OF FINANCIAL INSTRUMENT THAT IS MARKED TO MARKET IS NOT OTHERWISE SOURCED BY THE TAXPAYER UNDER THIS SUBPARAGRAPH, OR IF THE TAXPAYER HAS A NET LOSS FROM THE SALES OF THAT TYPE OF FINANCIAL INSTRUMENT UNDER THE APPLICABLE CLAUSE OF THIS SUBPARAGRAPH, THE AMOUNT OF MARKED TO MARKET NET GAINS (NOT LESS THAN ZERO) FROM THAT TYPE OF FINANCIAL INSTRUMENT INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FRACTION IS DETERMINED BY MULTIPLYING THE MARKED TO MARKET NET GAINS (BUT NOT LESS THAN ZERO) FROM THAT TYPE OF FINANCIAL INSTRUMENT BY A FRACTION, THE NUMERATOR OF WHICH IS THE SUM OF THE AMOUNT OF RECEIPTS INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FRACTION UNDER CLAUSES (A), (B), (C), (D), (E), (F), (G), (H) AND (I) OF THIS SUBPARAGRAPH AND SUBCLAUSE (II) OF THIS CLAUSE, AND THE DENOMINATOR OF WHICH IS THE SUM OF THE AMOUNT OF RECEIPTS INCLUDED IN THE DENOMINATOR OF THE APPORTIONMENT FRACTION UNDER CLAUSES (A), (B), (C), (D), (E), (F), (G), (H) AND (I) AND SUBCLAUSE (II) OF THIS CLAUSE. MARKED TO MARKET NET GAINS (NOT LESS THAN ZERO) FOR WHICH THE AMOUNT TO BE INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FRACTION IS DETERMINED UNDER THE IMMEDIATELY PRECEDING SENTENCE ARE INCLUDED IN THE DENOMINATOR OF THE APPORTIONMENT FRACTION.

S 27. Paragraph (e) of subdivision 5 of section 210-A of the tax law, as added by section 16 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(e) For purposes of this subdivision, a taxpayer shall use the following hierarchy to determine the commercial domicile of a business entity, based on the information known to the taxpayer or information that would be known upon reasonable inquiry: (i) [the location of the treasury function of the business entity; (ii)] the seat of management and control of the business entity; and [(iii)] (II) the billing address of the business entity in the taxpayer's records. The taxpayer must exercise due diligence before rejecting [a] THE FIRST method in this hierarchy and proceeding to the next method.

S 28. Section 210-A of the tax law is amended by adding a new subdivision 6-a to read as follows:

6-A. RECEIPTS FROM THE OPERATION OF VESSELS. RECEIPTS FROM THE OPERATION OF VESSELS ARE INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FRACTION AS FOLLOWS. THE AMOUNT OF RECEIPTS FROM THE OPERATION OF VESSELS INCLUDED IN THE NUMERATOR OF THE APPORTIONMENT FRACTION IS DETERMINED BY MULTIPLYING THE AMOUNT OF SUCH RECEIPTS BY A FRACTION, THE NUMERATOR OF WHICH IS THE AGGREGATE NUMBER OF WORKING DAYS OF THE VESSELS OWNED OR LEASED BY THE TAXPAYER IN TERRITORIAL WATERS OF THE STATE DURING THE PERIOD COVERED BY THE TAXPAYER'S REPORT AND THE DENOMINATOR OF WHICH IS THE AGGREGATE NUMBER OF WORKING DAYS OF ALL VESSELS OWNED OR LEASED BY THE TAXPAYER DURING SUCH PERIOD.

S 29. The opening paragraph of clause (A) of subparagraph 1 of paragraph (b) of subdivision 7 of section 210-A of the tax law, as added by section 16 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

The portion of receipts of a taxpayer from aviation services (other than services described in paragraph (a) of this subdivision, BUT INCLUDING THE RECEIPTS OF A QUALIFIED AIR FREIGHT FORWARDER) to be included in the numerator of the apportionment fraction shall be determined by multiplying its receipts from such aviation services by a percentage which is equal to the arithmetic average of the following three percentages:

S 30. Paragraph (b) of subdivision 7 of section 210-A of the tax law is amended by adding a new subparagraph 3 to read as follows:

(3) A CORPORATION IS A QUALIFIED AIR FREIGHT FORWARDER WITH RESPECT TO ANOTHER CORPORATION:

(A) IF IT OWNS OR CONTROLS EITHER DIRECTLY OR INDIRECTLY ALL OF THE CAPITAL STOCK OF SUCH OTHER CORPORATION, OR IF ALL OF ITS CAPITAL STOCK IS OWNED OR CONTROLLED EITHER DIRECTLY OR INDIRECTLY BY SUCH OTHER CORPORATION, OR IF ALL OF THE CAPITAL STOCK OF BOTH CORPORATIONS IS OWNED OR CONTROLLED EITHER DIRECTLY OR INDIRECTLY BY THE SAME INTERESTS,

(B) IF IT IS PRINCIPALLY ENGAGED IN THE BUSINESS OF AIR FREIGHT FORWARDING, AND

(C) IF ITS AIR FREIGHT FORWARDING BUSINESS IS CARRIED ON PRINCIPALLY WITH THE AIRLINE OR AIRLINES OPERATED BY SUCH OTHER CORPORATION.

S 31. Subparagraph (i) of paragraph (b) and paragraph (d) of subdivision 1 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, are amended to read as follows:

(i) A credit shall be allowed under this subdivision with respect to tangible personal property and other tangible property, including buildings and structural components of buildings, which are: depreciable pursuant to section one hundred sixty-seven of the internal revenue code, have a useful life of four years or more, are acquired by purchase as defined in section one hundred seventy-nine (d) of the internal revenue code, have a situs in this state and are (A) principally used by the taxpayer in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture or commercial fishing, (B) industrial waste treatment facilities or air pollution control facilities, used in the taxpayer's trade or business, (C) research and development property, or (D) principally used in the ordinary course of the taxpayer's trade or business as a broker or dealer in connection with the purchase or sale (which shall include but not be limited to the issuance, entering into, assumption, offset, assignment, termination, or transfer) of stocks, bonds or other securities as defined in section four hundred seventy-five (c)(2) of the Internal Revenue Code, or of commodities as defined in section four hundred seventy-five (e) of the Internal Revenue Code, (E) principally used in the ordinary course of the taxpayer's trade or business of providing investment advisory services for a regulated investment company as defined in section eight hundred fifty-one of the Internal Revenue Code, or lending, loan arrangement or loan origination services to customers in connection with the purchase or sale (which shall include but not be limited to the issuance, entering into, assumption, offset, assignment, termination, or transfer) of securities as defined in section four hundred seventy-five (c)(2) of the Internal Revenue Code, (F) [originally] PRINCIPALLY used in the ordinary course of the taxpayer's business as an exchange registered as a national secu-

rities exchange within the meaning of sections 3(a)(1) and 6(a) of the Securities Exchange Act of 1934 or a board of trade as defined in [section 1410(a)(1) of the New York Not-for-Profit Corporation Law] SUBPARAGRAPH ONE OF PARAGRAPH (A) OF SECTION FOURTEEN HUNDRED TEN OF THE NOT-FOR-PROFIT CORPORATION LAW or as an entity that is wholly owned by one or more such national securities exchanges or boards of trade and that provides automation or technical services thereto, or (G) principally used as a qualified film production facility including qualified film production facilities having a situs in an empire zone designated as such pursuant to article eighteen-B of the general municipal law, where the taxpayer is providing three or more services to any qualified film production company using the facility, including such services as a studio lighting grid, lighting and grip equipment, multi-line phone service, broadband information technology access, industrial scale electrical capacity, food services, security services, and heating, ventilation and air conditioning. FOR PURPOSES OF CLAUSES (D), (E) AND (F) OF THIS SUBPARAGRAPH, PROPERTY PURCHASED BY A TAXPAYER AFFILIATED WITH A REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISOR, NATIONAL SECURITIES EXCHANGE OR BOARD OF TRADE, IS ALLOWED A CREDIT UNDER THIS SUBDIVISION IF THE PROPERTY IS USED BY ITS AFFILIATED REGULATED BROKER, DEALER, REGISTERED INVESTMENT ADVISOR, NATIONAL SECURITIES EXCHANGE OR BOARD OF TRADE IN ACCORDANCE WITH THIS SUBDIVISION. FOR PURPOSES OF DETERMINING IF THE PROPERTY IS PRINCIPALLY USED IN QUALIFYING USES, THE USES BY THE TAXPAYER DESCRIBED IN CLAUSES (D) AND (E) OF THIS SUBPARAGRAPH MAY BE AGGREGATED. IN ADDITION, THE USES BY THE TAXPAYER, ITS AFFILIATED REGULATED BROKER, DEALER AND REGISTERED INVESTMENT ADVISOR UNDER EITHER OR BOTH OF THOSE CLAUSES MAY BE AGGREGATED. Provided, however, a taxpayer shall not be allowed the credit provided by clauses (D), (E) and (F) of this subparagraph unless THE PROPERTY IS FIRST PLACED IN SERVICE BEFORE OCTOBER FIRST, TWO THOUSAND FIFTEEN AND (i) eighty percent or more of the employees performing the administrative and support functions resulting from or related to the qualifying uses of such equipment are located in this state or (ii) the average number of employees that perform the administrative and support functions resulting from or related to the qualifying uses of such equipment and are located in this state during the taxable year for which the credit is claimed is equal to or greater than ninety-five percent of the average number of employees that perform these functions and are located in this state during the thirty-six months immediately preceding the year for which the credit is claimed, or (iii) the number of employees located in this state during the taxable year for which the credit is claimed is equal to or greater than ninety percent of the number of employees located in this state on December thirty-first, nineteen hundred ninety-eight or, if the taxpayer was not a calendar year taxpayer in nineteen hundred ninety-eight, the last day of its first taxable year ending after December thirty-first, nineteen hundred ninety-eight. If the taxpayer becomes subject to tax in this state after the taxable year beginning in nineteen hundred ninety-eight, then the taxpayer is not required to satisfy the employment test provided in the preceding sentence of this subparagraph for its first taxable year. For purposes of clause (iii) of this subparagraph the employment test will be based on the number of employees located in this state on the last day of the first taxable year the taxpayer is subject to tax in this state. If the uses of the property must be aggregated to determine whether the property is principally used in qualifying uses, then either each affiliate using the property must satisfy this employment test or this employment test must be satisfied

through the aggregation of the employees of the taxpayer, its affiliated regulated broker, dealer, and registered investment adviser using the property. For purposes of this subdivision, the term "goods" shall not include electricity.

(d) Except as otherwise provided in this paragraph, the credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the [higher of the amounts prescribed in paragraphs (c) and] FIXED DOLLAR MINIMUM AMOUNT PRESCRIBED IN PARAGRAPH (d) of subdivision one of [this] section TWO HUNDRED TEN OF THIS ARTICLE. However, if the amount of credit allowable 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 allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven and not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years but in no event shall such credit be carried over to taxable years commencing on or after January first, two thousand two, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the fifteen taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of such carryover, any such taxpayer which qualifies as a new business under paragraph [(j)] (F) of this subdivision may elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section ten hundred eighty-six of this chapter, provided, however, the provisions of subsection (c) of section ten hundred eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

S 32. Subdivision 27 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:

27. Credits of New York S corporations. (a) General. Notwithstanding the provisions of this section, no carryover of credit allowable in a New York C year shall be deducted from the tax otherwise due under this article in a New York S year, and no credit allowable in a New York S year, or carryover of such credit, shall be deducted from the tax imposed by this article. However, a New York S year shall be treated as a taxable year for purposes of determining the number of taxable years to which a credit may be carried over under this section. Notwithstanding the first sentence of this subdivision, however, the credit for the special additional mortgage recording tax shall be allowed as provided in subdivision [fifteen] NINE of this section, and the carryover of any such credit shall be determined without regard to whether the credit is carried from a New York C year to a New York S year or vice-versa.

S 33. Subdivision 1, subparagraphs (i) and (ii) of paragraph (d) and paragraphs (d-1) and (e) of subdivision 4, and subdivision 7 of section 210-C of the tax law, as added by section 18 of part A of chapter 59 of the laws of 2014, are amended to read as follows:

1. Tax. (A) The tax on a combined report shall be the highest of (i) the combined business income base multiplied by the tax rate specified in paragraph (a) of subdivision one of section two hundred ten of this article; (ii) the combined capital base multiplied by the tax rate specified in paragraph (b) of subdivision one of section two hundred ten of this article, but not exceeding the limitation provided for in that paragraph (b); or (iii) the fixed dollar minimum that is attributable to

the designated agent of the combined group. In addition, the tax on a combined report shall include the fixed dollar minimum tax specified in paragraph (d) of subdivision one of section two hundred ten of this article for each member of the combined group, other than the designated agent, that is a taxpayer.

(b) The combined business income base is the amount of the combined business income of the combined group that is apportioned to the state, reduced by any PRIOR NET OPERATING LOSS CONVERSION SUBTRACTION AND ANY net operating loss deduction for the combined group. The combined capital base is the amount of the combined capital of the combined group that is apportioned to the state.

(i) A net operating loss deduction is allowed in computing the combined business income base. Such deduction may reduce the tax on the combined business income base to the higher of the tax on the combined capital base or the fixed dollar minimum amount that is attributable to the designated agent of the combined group. A combined net operating loss deduction is equal to the amount of combined net operating loss or losses from one or more taxable years that are carried forward OR CARRIED BACK to a particular [income] TAXABLE year. A combined net operating loss is the combined business loss incurred in a particular taxable year multiplied by the combined apportionment factor for that year determined as provided in subdivision five of this section.

(ii) The combined net operating loss deduction and combined net operating loss are also subject to the provisions contained in clauses one through [six] SEVEN of subparagraph (ix) of paragraph (a) of subdivision one of section two hundred ten of this article.

(d-1) A PRIOR net operating loss conversion subtraction is allowed in computing the combined business income base, as provided in subparagraph (viii) of paragraph (a) of subdivision one of section two hundred ten of this article. Such subtraction may reduce the tax on the combined business income base to the higher of the tax on the combined capital base or the fixed dollar minimum amount that is attributable to the designated agent of the combined group.

(e) Any election made pursuant to paragraph (b) of subdivision six, [and] paragraphs (b) and (c) of subdivision six-a of section two hundred eight, AND ITEM (IV) OF SUBCLAUSE TWO OF CLAUSE (B) OF SUBPARAGRAPH (VIII) AND CLAUSE SEVEN OF SUBPARAGRAPH (IX) OF PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN of this article shall apply to all members of the combined group.

7. Designated agent. Each combined group shall have one designated agent FOR THE COMBINED GROUP, which shall be a taxpayer. [The designated agent is the parent corporation of the combined group. If there is no such parent corporation, or the parent corporation is not a taxpayer, then another member of the combined group that is a taxpayer may be appointed as the designated agent.] Only the designated agent may act on behalf of the members of the combined group for matters relating to the combined report.

S 34. Paragraph 1 of subdivision (c) of section 40 of the tax law, as added by section 4 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

(1) ascertaining the percentage that the average value of the business's real and tangible personal property, whether owned or rented to it, in the tax-free NY area in which the business was located during the period covered by the taxpayer's report or return bears to the average value of the business's real and tangible personal property, whether owned or rented to it, within the state during such period; provided

that the term "value of the business's real and tangible personal property" shall have the same meaning as such term has in [subparagraph one of] paragraph (a) of subdivision [three] TWO of section [two hundred ten] TWO HUNDRED NINE-B of this chapter; and

S 35. Clause (ii) of subparagraph (B) of paragraph 2 of subdivision (d) of section 40 of the tax law, as added by section 4 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

(ii) For purposes of article nine-A of this chapter, the term "partner's income from the partnership" means partnership items of income, gain, loss and deduction, and New York modifications thereto, entering into [entire net] BUSINESS income [or minimum taxable income] and the term "partner's entire income" means [entire net] BUSINESS income [or minimum taxable income], allocated within the state. For purposes of article twenty-two of this chapter, the term "partner's income from the partnership" means partnership items of income, gain, loss and deduction, and New York modifications thereto, entering into New York adjusted gross income, and the term "partner's entire income" means New York adjusted gross income.

S 36. Subparagraph (C) of paragraph 2 of subdivision (d) of section 40 of the tax law, as added by section 4 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

(C) (I) Where the taxpayer is a shareholder of a New York S corporation that is a business located in a tax-free NY area, the shareholder's tax factor shall be that portion of the amount determined in paragraph one of this subdivision that is attributable to the income of the S corporation. Such attribution shall be made in accordance with the ratio of the shareholder's income from the S corporation allocated within the state, entering into New York adjusted gross income, to the shareholder's New York adjusted gross income, or in accordance with such other methods as the commissioner may prescribe as providing an apportionment that reasonably reflects the portion of the shareholder's tax attributable to the income of such business. The income of the S corporation allocated within the state shall be determined by multiplying the income of the S corporation by [the] A business allocation factor [computed under paragraph (a) of subdivision three of section two hundred ten of this article without regard to subparagraph ten of such paragraph (a)] THAT SHALL BE DETERMINED IN CLAUSE (II) OF THIS SUBPARAGRAPH. In no event may the ratio so determined exceed 1.0.

(II) THE BUSINESS ALLOCATION FACTOR FOR PURPOSES OF THIS SUBPARAGRAPH SHALL BE COMPUTED BY ADDING TOGETHER THE PROPERTY FACTOR SPECIFIED IN SUBCLAUSE (I) OF THIS CLAUSE, THE WAGE FACTOR SPECIFIED IN SUBCLAUSE (II) OF THIS CLAUSE AND THE APPORTIONMENT FACTOR DETERMINED UNDER SECTION TWO HUNDRED TEN-A OF THIS CHAPTER AND DIVIDING BY THREE.

(I) THE PROPERTY FACTOR SHALL BE DETERMINED BY ASCERTAINING THE PERCENTAGE THAT THE AVERAGE VALUE OF THE BUSINESS'S REAL AND TANGIBLE PERSONAL PROPERTY, WHETHER OWNED OR RENTED TO IT, WITHIN THE STATE DURING THE PERIOD COVERED BY THE TAXPAYER'S REPORT OR RETURN BEARS TO THE AVERAGE VALUE OF THE BUSINESS'S REAL AND TANGIBLE PERSONAL PROPERTY, WHETHER OWNED OR RENTED TO IT, WITHIN AND WITHOUT THE STATE DURING SUCH PERIOD; PROVIDED THAT THE TERM "VALUE OF THE BUSINESS'S REAL AND TANGIBLE PERSONAL PROPERTY" SHALL HAVE THE SAME MEANING AS SUCH TERM HAS IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWO HUNDRED NINE-B OF THIS CHAPTER.

(II) THE WAGE FACTOR SHALL BE DETERMINED BY ASCERTAINING THE PERCENTAGE THAT THE TOTAL WAGES, SALARIES AND OTHER PERSONAL SERVICE COMPENSATION, SIMILARLY COMPUTED, DURING SUCH PERIOD OF EMPLOYEES, EXCEPT

GENERAL EXECUTIVE OFFICERS, EMPLOYED AT THE BUSINESS'S LOCATION OR LOCATIONS WITHIN THE STATE, BEARS TO THE TOTAL WAGES, SALARIES AND OTHER PERSONAL SERVICE COMPENSATION, SIMILARLY COMPUTED, DURING SUCH PERIOD, OF ALL THE BUSINESS'S EMPLOYEES WITHIN AND WITHOUT THE STATE, EXCEPT GENERAL EXECUTIVE OFFICERS.

S 37. Subparagraph (B) of paragraph 3 of subdivision (d) of section 40 of the tax law, as added by section 4 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

(B) The term "income of the business located in a tax-free NY area" means [entire net] BUSINESS income [or minimum taxable income] calculated as if the taxpayer was filing separately and the term "combined group's income" means [entire net] BUSINESS income [or minimum taxable income] as shown on the combined report, allocated within the state.

S 38. Paragraph 1 of subdivision (e) of section 40 of the tax law, as added by section 4 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

(1) Article 9-A: section [210] 210-B, subdivision [47] 41.

S 39. Paragraph 1 of subsection (i) of section 660 of the tax law, as amended by section 74 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(1) Notwithstanding the provisions in subsection (a) of this section, in the case of an eligible S corporation for which the election under subsection (a) of this section is not in effect for the current taxable year, the shareholders of an eligible S corporation are deemed to have made that election effective for the eligible S corporation's entire current taxable year, if the eligible S corporation's investment income for the current taxable year is more than fifty percent of its federal gross income for such year. In determining WHETHER an eligible S [corporation's investment income] CORPORATION IS DEEMED TO HAVE MADE THAT ELECTION, the [investment] income of a qualified subchapter S subsidiary owned directly or indirectly by the eligible S corporation shall be included WITH THE INCOME OF THE ELIGIBLE S CORPORATION.

S 40. This act shall take effect immediately and shall be deemed to be in full force and effect on the same date as part A of chapter 59 of the laws of 2014.

PART U

Section 1. Paragraph 33 of subdivision (a) of section 1115 of the tax law, as added by section 99 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

(33) Wine or wine product, AND THE BOTTLES, CORKS, CAPS, AND LABELS USED TO PACKAGE SUCH WINE OR WINE PRODUCT, furnished by the official agent of a farm winery, winery, wholesaler, or importer at a wine tasting held in accordance with [section eighty of] the alcoholic beverage control law to a customer or prospective customer who consumes such wine at such wine tasting.

S 2. Section 1118 of the tax law is amended by adding a new subdivision (13) to read as follows:

(13) IN RESPECT TO THE USE OF THE FOLLOWING ITEMS AT A TASTING HELD BY A LICENSED BREWERY, FARM BREWERY, CIDER PRODUCER, FARM CIDERY, DISTILLERY OR FARM DISTILLERY IN ACCORDANCE WITH THE ALCOHOLIC BEVERAGE CONTROL LAW: (I) THE ALCOHOLIC BEVERAGE OR BEVERAGES AUTHORIZED BY THE ALCOHOLIC BEVERAGE CONTROL LAW TO BE FURNISHED AT NO CHARGE TO A CUSTOMER OR PROSPECTIVE CUSTOMER AT SUCH TASTING FOR CONSUMPTION AT SUCH TAST-

ING; AND (II) BOTTLES, CORKS, CAPS AND LABELS USED TO PACKAGE SUCH ALCOHOLIC BEVERAGES.

S 3. This act shall take effect immediately, provided, however, section two of this act shall take effect June 1, 2015 and shall apply in accordance with the transition provisions of section 1106 and 1217 of the tax law.

PART V

Section 1. Paragraph 22 of subdivision (b) of section 1101 of the tax law, as amended by chapter 651 of the laws of 1999, is amended to read as follows:

(22) (A) "Prepaid telephone calling service" means the right to exclusively purchase telecommunication services, that must be paid for in advance and enable the origination of one or more intrastate, interstate or international telephone calls using an access number (such as a toll free network access number) and/or authorization code, whether manually or electronically dialed, for which payment to a vendor must be made in advance, whether or not that right is represented by the transfer by the vendor to the purchaser of an item of tangible personal property. SUCH TERM INCLUDES A PREPAID MOBILE CALLING SERVICE. In no event shall a credit card constitute a prepaid telephone calling service. If the sale or recharge of a prepaid telephone calling service does not take place at the vendor's place of business, it shall be conclusively determined to take place at the purchaser's shipping address or, if there is no item shipped, at the purchaser's billing address or the location associated with the purchaser's mobile telephone number, OR, IF THE VENDOR DOES NOT HAVE THE ADDRESS OR THE LOCATION ASSOCIATED WITH THE CUSTOMER'S MOBILE TELEPHONE NUMBER, AT SUCH ADDRESS, AS APPROVED BY THE COMMISSIONER, THAT REASONABLY REFLECTS THE CUSTOMER'S LOCATION AT THE TIME OF THE SALE OR RECHARGE.

(B) "PREPAID MOBILE CALLING SERVICE" MEANS THE RIGHT TO USE A COMMERCIAL MOBILE RADIO SERVICE, WHETHER OR NOT SOLD WITH OTHER PROPERTY OR SERVICES, THAT MUST BE PAID FOR IN ADVANCE AND IS SOLD IN PREDETERMINED UNITS OR DOLLARS THAT DECLINE WITH USE IN A KNOWN AMOUNT, WHETHER OR NOT THAT RIGHT IS REPRESENTED BY OR INCLUDES THE TRANSFER TO THE PURCHASER OF AN ITEM OF TANGIBLE PERSONAL PROPERTY.

S 2. This act shall take effect immediately.

PART W

Intentionally Omitted

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Section 1. Subdivision (ee) of section 1115 of the tax law, as added by chapter 306 of the laws of 2005, is amended to read as follows:

(ee) THE FOLLOWING SHALL BE EXEMPT FROM TAX UNDER THIS ARTICLE: (1) Receipts from the retail sale of, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, OR FOR THE USE OF, residential solar energy systems equipment and [of] the service of installing such systems [shall be exempt from tax under this article]. For the purposes of this subdivision, "residential solar energy systems equipment" shall mean an arrangement or combination of components installed in a residence that utilizes solar radiation to produce energy designed to provide heating, cooling, hot water and/or electricity. Such arrangement or components shall not include equipment that is part of a non-solar energy system or which uses any sort of recreational facility or equipment as a storage medium.

(2) RECEIPTS FROM THE SALE OF ELECTRICITY BY A PERSON PRIMARILY ENGAGED IN THE SALE OF SOLAR ENERGY SYSTEM EQUIPMENT AND/OR ELECTRICITY GENERATED BY SUCH EQUIPMENT PURSUANT TO A WRITTEN AGREEMENT UNDER WHICH SUCH ELECTRICITY IS GENERATED BY RESIDENTIAL SOLAR ENERGY SYSTEM EQUIPMENT THAT IS: (A) OWNED BY A PERSON OTHER THAN THE PURCHASER OF SUCH ELECTRICITY; (B) INSTALLED ON RESIDENTIAL PROPERTY OF THE PURCHASER OF SUCH ELECTRICITY; AND (C) USED TO PROVIDE HEATING, COOLING, HOT WATER OR ELECTRICITY TO SUCH PROPERTY.

S 2. Subdivision (ii) of section 1115 of the tax law, as amended by chapter 13 of the laws of 2013, is amended to read as follows:

(ii) THE FOLLOWING SHALL BE EXEMPT FROM TAX UNDER THIS ARTICLE: (1) Receipts from the retail sale of, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, OR FOR THE USE OF, commercial solar energy systems equipment and [of] the service of installing such systems [shall be exempt from taxes imposed by sections eleven hundred five and eleven hundred ten of this article]. For the purposes of this subdivision, "commercial solar energy systems equipment" shall mean an arrangement or combination of components installed upon non-residential premises that utilize solar radiation to produce energy designed to provide heating, cooling, hot water and/or electricity. Such arrangement or components shall not include equipment that is part of a non-solar energy system.

(2) RECEIPTS FROM THE SALE OF ELECTRICITY BY A PERSON PRIMARILY ENGAGED IN THE SALE OF SOLAR ENERGY SYSTEM EQUIPMENT AND/OR ELECTRICITY GENERATED BY SUCH EQUIPMENT PURSUANT TO A WRITTEN AGREEMENT UNDER WHICH THE ELECTRICITY IS GENERATED BY COMMERCIAL SOLAR ENERGY SYSTEM EQUIPMENT THAT IS: (A) OWNED BY A PERSON OTHER THAN THE PURCHASER OF SUCH ELECTRICITY; (B) INSTALLED ON THE NON-RESIDENTIAL PREMISES OF THE PURCHASER OF SUCH ELECTRICITY; AND (C) USED TO PROVIDE HEATING, COOLING, HOT WATER OR ELECTRICITY TO SUCH PREMISES.

S 3. Paragraphs 1 and 4 of subdivision (a) of section 1210 of the tax law, paragraph 1 as amended by chapter 13 of the laws of 2012, and paragraph 4 as amended by chapter 200 of the laws of 2009, are amended to read as follows:

(1) Either, all of the taxes described in article twenty-eight of this chapter, at the same uniform rate, as to which taxes all provisions of the local laws, ordinances or resolutions imposing such taxes shall be identical, except as to rate and except as otherwise provided, with the corresponding provisions in such article twenty-eight, including the definition and exemption provisions of such article, so far as the provisions of such article twenty-eight can be made applicable to the taxes imposed by such city or county and with such limitations and special provisions as are set forth in this article. The taxes author-

ized under this subdivision may not be imposed by a city or county unless the local law, ordinance or resolution imposes such taxes so as to include all portions and all types of receipts, charges or rents, subject to state tax under sections eleven hundred five and eleven hundred ten of this chapter, except as otherwise provided. (i) Any local law, ordinance or resolution enacted by any city of less than one million or by any county or school district, imposing the taxes authorized by this subdivision, shall, notwithstanding any provision of law to the contrary, exclude from the operation of such local taxes all sales of tangible personal property for use or consumption directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration or steam, for sale, by manufacturing, processing, generating, assembly, refining, mining or extracting; and all sales of tangible personal property for use or consumption predominantly either in the production of tangible personal property, for sale, by farming or in a commercial horse boarding operation, or in both; and, unless such city, county or school district elects otherwise, shall omit the provision for credit or refund contained in clause six of subdivision (a) or subdivision (d) of section eleven hundred nineteen of this chapter. (ii) Any local law, ordinance or resolution enacted by any city, county or school district, imposing the taxes authorized by this subdivision, shall omit the residential solar energy systems equipment AND ELECTRICITY exemption provided for in subdivision (ee), the commercial solar energy systems equipment AND ELECTRICITY exemption provided for in subdivision (ii) and the clothing and footwear exemption provided for in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, unless such city, county or school district elects otherwise as to either such residential solar energy systems equipment AND ELECTRICITY exemption, such commercial solar energy systems equipment AND ELECTRICITY exemption or such clothing and footwear exemption.

(4) Notwithstanding any other provision of law to the contrary, any local law enacted by any city of one million or more that imposes the taxes authorized by this subdivision (i) may omit the exception provided in subparagraph (ii) of paragraph three of subdivision (c) of section eleven hundred five of this chapter for receipts from laundering, drycleaning, tailoring, weaving, pressing, shoe repairing and shoe shining; (ii) may impose the tax described in paragraph six of subdivision (c) of section eleven hundred five of this chapter at a rate in addition to the rate prescribed by this section not to exceed two percent in multiples of one-half of one percent; (iii) shall provide that the tax described in paragraph six of subdivision (c) of section eleven hundred five of this chapter does not apply to facilities owned and operated by the city or an agency or instrumentality of the city or a public corporation the majority of whose members are appointed by the chief executive officer of the city or the legislative body of the city or both of them; (iv) shall not include any tax on receipts from, or the use of, the services described in paragraph seven of subdivision (c) of section eleven hundred five of this chapter; (v) shall provide that, for purposes of the tax described in subdivision (e) of section eleven hundred five of this chapter, "permanent resident" means any occupant of any room or rooms in a hotel for at least one hundred eighty consecutive days with regard to the period of such occupancy; (vi) may omit the exception provided in paragraph one of subdivision (f) of section eleven hundred five of this chapter for charges to a patron for admission to, or use of, facilities for sporting activities in which the patron is to be a

participant, such as bowling alleys and swimming pools; (vii) may provide the clothing and footwear exemption in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, and, notwithstanding any provision of subdivision (d) of this section to the contrary, any local law providing for such exemption or repealing such exemption, may go into effect on any one of the following dates: March first, June first, September first or December first; (viii) shall omit the exemption provided in paragraph forty-one of subdivision (a) of section eleven hundred fifteen of this chapter; (ix) shall omit the exemption provided in subdivision (c) of section eleven hundred fifteen of this chapter insofar as it applies to fuel, gas, electricity, refrigeration and steam, and gas, electric, refrigeration and steam service of whatever nature for use or consumption directly and exclusively in the production of gas, electricity, refrigeration or steam; (x) shall omit, unless such city elects otherwise, the provision for refund or credit contained in clause six of subdivision (a) or in subdivision (d) of section eleven hundred nineteen of this chapter; [and] (xi) shall provide that section eleven hundred five-C of this chapter does not apply to such taxes, and shall tax receipts from every sale, other than sales for resale, of gas service or electric service of whatever nature, including the transportation, transmission or distribution of gas or electricity, even if sold separately, at the rate set forth in clause one of subparagraph (i) of the opening paragraph of this section; (XII) SHALL OMIT, UNLESS SUCH CITY ELECTS OTHERWISE, THE EXEMPTION FOR RESIDENTIAL SOLAR ENERGY SYSTEMS EQUIPMENT AND ELECTRICITY PROVIDED IN SUBDIVISION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER; AND (XIII) SHALL OMIT, UNLESS SUCH CITY ELECTS OTHERWISE, THE EXEMPTION FOR COMMERCIAL SOLAR ENERGY SYSTEMS EQUIPMENT AND ELECTRICITY PROVIDED IN SUBDIVISION (II) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER. ANY REFERENCE IN THIS CHAPTER OR IN ANY LOCAL LAW, ORDINANCE OR RESOLUTION ENACTED PURSUANT TO THE AUTHORITY OF THIS ARTICLE TO FORMER SUBDIVISIONS (N) OR (P) OF THIS SECTION SHALL BE DEEMED TO BE A REFERENCE TO CLAUSES (XII) OR (XIII) OF THIS PARAGRAPH, RESPECTIVELY, AND ANY SUCH LOCAL LAW, ORDINANCE OR RESOLUTION THAT PROVIDES THE EXEMPTIONS PROVIDED IN SUCH FORMER SUBDIVISIONS (N) AND/OR (P) SHALL BE DEEMED INSTEAD TO PROVIDE THE EXEMPTIONS PROVIDED IN CLAUSES (XII) AND/OR (XIII) OF THIS PARAGRAPH.

S 4. Paragraph 1 and subparagraph (i) of paragraph 3 of subdivision (b) of section 1210 of the tax law, paragraph 1 as amended by section 36 of part S-1 of chapter 57 of the laws of 2009, and subparagraph (i) of paragraph 3 as amended by section 3 of part B of chapter 35 of the laws of 2006, are amended to read as follows:

(1) Or, one or more of the taxes described in subdivisions (b), (d), (e) and (f) of section eleven hundred five of this chapter, at the same uniform rate, including the transitional provisions in section eleven hundred six of this chapter covering such taxes, but not the taxes described in subdivisions (a) and (c) of section eleven hundred five of this chapter. Provided, further, that where the tax described in subdivision (b) of section eleven hundred five of this chapter is imposed, the compensating use taxes described in clauses (E), (G) and (H) of subdivision (a) of section eleven hundred ten of this chapter shall also be imposed. Provided, further, that where the taxes described in subdivision (b) of section eleven hundred five are imposed, such taxes shall omit: (A) the provision for refund or credit contained in subdivision (d) of section eleven hundred nineteen of this chapter with respect to such taxes described in such subdivision (b) of section eleven hundred

five unless such city or county elects to provide such provision or, if so elected, to repeal such provision; (B) THE EXEMPTION PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER UNLESS SUCH COUNTY OR CITY ELECTS OTHERWISE; AND (C) THE EXEMPTION PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (II) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER, UNLESS SUCH COUNTY OR CITY ELECTS OTHERWISE.

(i) Notwithstanding any other provision of law to the contrary but not with respect to cities subject to the provisions of section eleven hundred eight of this chapter, any city or county, except a county wholly contained within a city, may provide that the tax imposed, pursuant to this subdivision, by such city or county on the sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services of whatever nature used for residential purposes and on the use of gas or electricity used for residential purposes may be imposed at a lower rate than the uniform local rate imposed pursuant to the opening paragraph of this section, as long as such rate is one of the rates authorized by such paragraph or such sale or use may be exempted from such taxes. Provided, however, such lower rate must apply to all such energy sources and services and at the same rate and no such exemption, OTHER THAN THE EXEMPTION PROVIDED FOR IN SUBDIVISION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER, IF SUCH EXEMPTION IS ELECTED BY SUCH CITY OR COUNTY, may be enacted unless such exemption applies to all such energy sources and services.

S 4-a. Subdivision (d) of section 1210 of the tax law, as amended by section 37 of part S-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(d) A local law, ordinance or resolution imposing any tax pursuant to this section, increasing or decreasing the rate of such tax, repealing or suspending such tax, exempting from such tax the energy sources and services described in paragraph three of subdivision (a) or of subdivision (b) of this section or changing the rate of tax imposed on such energy sources and services or providing for the credit or refund described in clause six of subdivision (a) of section eleven hundred nineteen of this chapter, OR ELECTING OR REPEALING THE EXEMPTION FOR RESIDENTIAL SOLAR EQUIPMENT AND ELECTRICITY IN SUBDIVISION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE, OR THE EXEMPTION FOR COMMERCIAL SOLAR EQUIPMENT AND ELECTRICITY IN SUBDIVISION (II) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE must go into effect only on one of the following dates: March first, June first, September first or December first; provided, that a local law, ordinance or resolution providing for the exemption described in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter or repealing any such exemption or a local law, ordinance or resolution providing for a refund or credit described in subdivision (d) of section eleven hundred nineteen of this chapter or repealing such provision so provided must go into effect only on March first. No such local law, ordinance or resolution shall be effective unless a certified copy of such law, ordinance or resolution is mailed by registered or certified mail to the commissioner at the commissioner's office in Albany at least ninety days prior to the date it is to become effective. However, the commissioner may waive and reduce such ninety-day minimum notice requirement to a mailing of such certified copy by registered or certified mail within a period of not less than thirty days prior to such effective date if the commissioner deems such action to be consistent with the commissioner's duties

under section twelve hundred fifty of this article and the commissioner acts by resolution. Where the restriction provided for in section twelve hundred twenty-three of this article as to the effective date of a tax and the notice requirement provided for therein are applicable and have not been waived, the restriction and notice requirement in section twelve hundred twenty-three of this article shall also apply.

S 5. Subdivisions (n) and (p) of section 1210 of the tax law are REPEALED.

S 6. Subdivision (a) of section 1212 of the tax law, as amended by section 40 of part S-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(a) Any school district which is coterminous with, partly within or wholly within a city having a population of less than one hundred twenty-five thousand, is hereby authorized and empowered, by majority vote of the whole number of its school authorities, to impose for school district purposes, within the territorial limits of such school district and without discrimination between residents and nonresidents thereof, the taxes described in subdivision (b) of section eleven hundred five (but excluding the tax on prepaid telephone calling services) and the taxes described in clauses (E) and (H) of subdivision (a) of section eleven hundred ten, including the transitional provisions in subdivision (b) of section eleven hundred six of this chapter, so far as such provisions can be made applicable to the taxes imposed by such school district and with such limitations and special provisions as are set forth in this article, such taxes to be imposed at the rate of one-half, one, one and one-half, two, two and one-half or three percent which rate shall be uniform for all portions and all types of receipts and uses subject to such taxes. In respect to such taxes, all provisions of the resolution imposing them, except as to rate and except as otherwise provided herein, shall be identical with the corresponding provisions in such article twenty-eight of this chapter, including the applicable definition and exemption provisions of such article, so far as the provisions of such article twenty-eight of this chapter can be made applicable to the taxes imposed by such school district and with such limitations and special provisions as are set forth in this article. The taxes described in subdivision (b) of section eleven hundred five (but excluding the tax on prepaid telephone calling service) and clauses (E) and (H) of subdivision (a) of section eleven hundred ten, including the transitional provision in subdivision (b) of such section eleven hundred six of this chapter, may not be imposed by such school district unless the resolution imposes such taxes so as to include all portions and all types of receipts and uses subject to tax under such subdivision (but excluding the tax on prepaid telephone calling service) and clauses. Provided, however, that, where a school district imposes such taxes, such taxes shall omit the provision for refund or credit contained in subdivision (d) of section eleven hundred nineteen of this chapter with respect to such taxes described in such subdivision (b) of section eleven hundred five unless such school district elects to provide such provision or, if so elected, to repeal such provision, AND SHALL OMIT THE EXEMPTION PROVIDED IN PARAGRAPH TWO OF EITHER SUBDIVISION (EE) OR SUBDIVISION (II) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER UNLESS SUCH SCHOOL DISTRICT ELECTS OTHERWISE.

S 7. Section 1224 of the tax law is amended by adding a new subdivision (c-1) to read as follows:

(C-1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW: (1) WHERE A COUNTY CONTAINING ONE OR MORE CITIES WITH A POPULATION OF LESS THAN ONE MILLION

HAS ELECTED THE EXEMPTION FOR RESIDENTIAL SOLAR ENERGY SYSTEMS EQUIPMENT AND ELECTRICITY PROVIDED IN SUBDIVISION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER, THE EXEMPTION FOR COMMERCIAL SOLAR ENERGY SYSTEMS EQUIPMENT AND ELECTRICITY PROVIDED IN SUBDIVISION (II) OF SUCH SECTION ELEVEN HUNDRED FIFTEEN, OR BOTH SUCH EXEMPTIONS, A CITY WITHIN SUCH COUNTY SHALL HAVE THE PRIOR RIGHT TO IMPOSE TAX ON SUCH EXEMPT EQUIPMENT AND/OR ELECTRICITY TO THE EXTENT OF ONE HALF OF THE MAXIMUM RATES AUTHORIZED UNDER SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE;

(2) WHERE A CITY OF LESS THAN ONE MILLION HAS ELECTED THE EXEMPTION FOR RESIDENTIAL SOLAR ENERGY SYSTEMS EQUIPMENT AND ELECTRICITY PROVIDED IN SUBDIVISION (EE) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER, THE EXEMPTION FOR COMMERCIAL SOLAR ENERGY SYSTEMS EQUIPMENT AND ELECTRICITY PROVIDED IN SUBDIVISION (II) OF SUCH SECTION ELEVEN HUNDRED FIFTEEN, OR BOTH SUCH EXEMPTIONS, THE COUNTY IN WHICH SUCH CITY IS LOCATED SHALL HAVE THE PRIOR RIGHT TO IMPOSE TAX ON SUCH EXEMPT EQUIPMENT AND/OR ELECTRICITY TO THE EXTENT OF ONE HALF OF THE MAXIMUM RATES AUTHORIZED UNDER SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE.

S 8. This act shall take effect December 1, 2015 and shall apply in accordance with the applicable transitional provisions in sections 1106 and 1217 of the tax law.

PART AA

Section 1. Subdivision (f) of section 301-c of the tax law, as amended by section 23 of part K of chapter 61 of the laws of 2011, is amended to read as follows:

(f) Motor fuel AND HIGHWAY DIESEL MOTOR FUEL used for farm production. No more than one thousand five hundred gallons of motor fuel AND NO MORE THAN FOUR THOUSAND FIVE HUNDRED GALLONS OF HIGHWAY DIESEL MOTOR FUEL purchased in this state in a thirty-day period or a greater amount which has been given prior clearance by the commissioner, by a consumer for use or consumption directly and exclusively in the production for sale of tangible personal property by farming, but only if all of such MOTOR fuel OR HIGHWAY DIESEL MOTOR FUEL is delivered on the farm site and is consumed other than on the public highways of this state (except for the use of the public highway to reach adjacent farmlands). This reimbursement to such purchaser who used such motor fuel OR HIGHWAY DIESEL MOTOR FUEL in the manner specified in this subdivision may be claimed only where, (i) the tax imposed pursuant to this article has been paid with respect to such motor fuel OR HIGHWAY DIESEL MOTOR FUEL and the entire amount of such tax has been absorbed by such purchaser, and (ii) such purchaser possesses documentary proof satisfactory to the commissioner evidencing the absorption by it of the entire amount of the tax imposed pursuant to this article. Provided, however, that the commissioner shall require such documentary proof to qualify for any reimbursement of tax provided by this subdivision as the commissioner deems appropriate. The commissioner is hereby empowered to make such provisions as deemed necessary to define the procedures for granting prior clearance for purchases of more than one thousand five hundred gallons OF MOTOR FUEL OR FOUR THOUSAND FIVE HUNDRED GALLONS OF HIGHWAY DIESEL MOTOR FUEL in a thirty-day period.

S 2. This act shall take effect immediately.

PART BB

Section 1. Subsection (b) of section 952 of the tax law, as amended by section 2 of part X of chapter 59 of the laws of 2014, is amended to read as follows:

(b) Computation of tax. The tax imposed by this section shall be computed on the deceased resident's New York taxable estate as follows: [In the case of decedents dying on or after April 1, 2014 and before April 1, 2015]

If the New York taxable estate is:	The tax is:
Not over $500,000	3.06% of taxable estate
Over $500,000 but not over $1,000,000	$15,300 plus 5.0% of excess over $500,000
Over $1,000,000 but not over $1,500,000	$40,300 plus 5.5% of excess over $1,000,000
Over $1,500,000 but not over $2,100,000	$67,800 plus 6.5% of excess over $1,500,000
Over $2,100,000 but not over $2,600,000	$106,800 plus 8.0% of excess over $2,100,000
Over $2,600,000 but not over $3,100,000	$146,800 plus 8.8% of excess over $2,600,000
Over $3,100,000 but not over $3,600,000	$190,800 plus 9.6% of excess over $3,100,000
Over $3,600,000 but not over $4,100,000	$238,800 plus 10.4% of excess over $3,600,000
Over $4,100,000 but not over $5,100,000	$290,800 plus 11.2% of excess over $4,100,000
Over $5,100,000 but not over $6,100,000	$402,800 plus 12.0% of excess over $5,100,000
Over $6,100,000 but not over $7,100,000	$522,800 plus 12.8% of excess over $6,100,000
Over $7,100,000 but not over $8,100,000	$650,800 plus 13.6% of excess over $7,100,000
Over $8,100,000 but not over $9,100,000	$786,800 plus 14.4% of excess over $8,100,000
Over $9,100,000 but not over $10,100,000	$930,800 plus 15.2% of excess over $9,100,000
Over $10,100,000	$1,082,800 plus 16.0% of excess over $10,100,000

S 2. Paragraph 3 of subsection (a) of section 954 of the tax law, as added by section 3 of part X of chapter 59 of the laws of 2014, is amended to read as follows:

(3) Increased by the amount of any taxable gift under section 2503 of the internal revenue code not otherwise included in the decedent's federal gross estate, made during the three year period ending on the decedent's date of death, but not including any gift made: [(1)] (A) when the decedent was not a resident of New York state; [(2)] OR (B) before April first, two thousand fourteen[; or (3)]. PROVIDED, HOWEVER THAT THIS PARAGRAPH SHALL NOT APPLY TO THE ESTATE OF A DECEDENT DYING on or after January first, two thousand nineteen.

S 3. Subsection (b) of section 960 of the tax law, as amended by section 5 of part X of chapter 59 of the laws of 2014, is amended to read as follows:

(b) Computation of tax.--The tax imposed under subsection (a) shall be the same as the tax that would be due, if the decedent had died a resident, under subsection (a) of section nine hundred fifty-two, except that for purposes of computing the tax under subsection (b) of section nine hundred fifty-two, "New York taxable estate" shall not include the

value of, OR ANY DEDUCTION ALLOWABLE UNDER THE INTERNAL REVENUE CODE RELATED TO, any intangible personal property otherwise includible in the deceased individual's New York gross estate, and shall not include the amount of any gift unless such gift consists of real or tangible personal property having an actual situs in New York state or intangible personal property employed in a business, trade or profession carried on in this state.

S 4. Paragraph 1 of subsection (c) of section 952 of the tax law, as added by section 2 of part X of chapter 59 of the laws of 2014, is amended to read as follows:

(1) A credit of the applicable credit amount shall be allowed against the tax imposed by this section as provided in this subsection. In the case of a decedent whose New York taxable estate is less than or equal to the basic exclusion amount, the applicable credit amount shall be the amount of tax that would be due under subsection (b) of this section on such decedent's New York taxable estate. In the case of a decedent whose New York taxable estate exceeds the basic exclusion amount by an amount that is less than or equal to [five] TEN percent of such amount, the applicable credit amount shall be the amount of tax that would be due under subsection (b) of this section if the amount on which the tax is to be computed were equal to the basic exclusion amount multiplied by one minus a fraction, the numerator of which is the decedent's New York taxable estate minus the basic exclusion amount, and the denominator of which is [five] TEN percent of the basic exclusion amount. Provided, however, that the credit allowed by this subsection shall not exceed the tax imposed by this section, and no credit shall be allowed to the estate of any decedent whose New York taxable estate exceeds one hundred [five] TEN percent of the basic exclusion amount.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014; provided that section four of this act shall take effect April 1, 2015 and shall apply to estates of decedents dying on and after that date.

PART CC

Intentionally Omitted

PART DD

Section 1. Section 2 of part Q of chapter 59 of the laws of 2013, amending the tax law relating to serving an income execution with respect to individual tax debtors without filing a warrant, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire and be deemed repealed on and after April 1, [2015] 2016.

S 2. This act shall take effect immediately.

PART EE

Intentionally Omitted

PART FF

Section 1. Paragraph (a) of subdivision 1 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 18 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

(a) The superintendent of [insurance] FINANCIAL SERVICES and the commissioner of health or their designee shall, from funds available in the hospital excess liability pool created pursuant to subdivision 5 of this section, purchase a policy or policies for excess insurance coverage, as authorized by paragraph 1 of subsection (e) of section 5502 of the insurance law; or from an insurer, other than an insurer described in section 5502 of the insurance law, duly authorized to write such coverage and actually writing medical malpractice insurance in this state; or shall purchase equivalent excess coverage in a form previously approved by the superintendent of [insurance] FINANCIAL SERVICES for purposes of providing equivalent excess coverage in accordance with section 19 of chapter 294 of the laws of 1985, for medical or dental malpractice occurrences between July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, [and] between July 1, 2014 and June 30, 2015, AND BETWEEN JULY 1, 2015 AND JUNE 30, 2016 or reimburse the hospital where the hospital purchases equivalent excess coverage as defined in subparagraph (i) of paragraph (a) of subdivision 1-a of this section for medical or dental malpractice occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, [and] between July 1, 2014 and June 30, 2015, AND BETWEEN JULY 1, 2015 AND JUNE 30, 2016 for physicians or dentists certified as eligible for each such period or periods pursuant to subdivision 2 of this section by a

general hospital licensed pursuant to article 28 of the public health law; provided that no single insurer shall write more than fifty percent of the total excess premium for a given policy year; and provided, however, that such eligible physicians or dentists must have in force an individual policy, from an insurer licensed in this state of primary malpractice insurance coverage in amounts of no less than one million three hundred thousand dollars for each claimant and three million nine hundred thousand dollars for all claimants under that policy during the period of such excess coverage for such occurrences or be endorsed as additional insureds under a hospital professional liability policy which is offered through a voluntary attending physician ("channeling") program previously permitted by the superintendent of [insurance] FINANCIAL SERVICES during the period of such excess coverage for such occurrences. During such period, such policy for excess coverage or such equivalent excess coverage shall, when combined with the physician's or dentist's primary malpractice insurance coverage or coverage provided through a voluntary attending physician ("channeling") program, total an aggregate level of two million three hundred thousand dollars for each claimant and six million nine hundred thousand dollars for all claimants from all such policies with respect to occurrences in each of such years provided, however, if the cost of primary malpractice insurance coverage in excess of one million dollars, but below the excess medical malpractice insurance coverage provided pursuant to this act, exceeds the rate of nine percent per annum, then the required level of primary malpractice insurance coverage in excess of one million dollars for each claimant shall be in an amount of not less than the dollar amount of such coverage available at nine percent per annum; the required level of such coverage for all claimants under that policy shall be in an amount not less than three times the dollar amount of coverage for each claimant; and excess coverage, when combined with such primary malpractice insurance coverage, shall increase the aggregate level for each claimant by one million dollars and three million dollars for all claimants; and provided further, that, with respect to policies of primary medical malpractice coverage that include occurrences between April 1, 2002 and June 30, 2002, such requirement that coverage be in amounts no less than one million three hundred thousand dollars for each claimant and three million nine hundred thousand dollars for all claimants for such occurrences shall be effective April 1, 2002.

S 2. Subdivision 3 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 19 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

(3)(a) The superintendent of [insurance] FINANCIAL SERVICES shall determine and certify to each general hospital and to the commissioner of health the cost of excess malpractice insurance for medical or dental malpractice occurrences between July 1, 1986 and June 30, 1987, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004,

between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, and between July 1, 2013 and June 30, 2014, [and] between July 1, 2014 and June 30, 2015, AND BETWEEN JULY 1, 2015 AND JUNE 30, 2016 allocable to each general hospital for physicians or dentists certified as eligible for purchase of a policy for excess insurance coverage by such general hospital in accordance with subdivision 2 of this section, and may amend such determination and certification as necessary.

(b) The superintendent of [insurance] FINANCIAL SERVICES shall determine and certify to each general hospital and to the commissioner of health the cost of excess malpractice insurance or equivalent excess coverage for medical or dental malpractice occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, [and] between July 1, 2014 and June 30, 2015, AND BETWEEN JULY 1, 2015 AND JUNE 30, 2016 allocable to each general hospital for physicians or dentists certified as eligible for purchase of a policy for excess insurance coverage or equivalent excess coverage by such general hospital in accordance with subdivision 2 of this section, and may amend such determination and certification as necessary. The superintendent of [insurance] FINANCIAL SERVICES shall determine and certify to each general hospital and to the commissioner of health the ratable share of such cost allocable to the period July 1, 1987 to December 31, 1987, to the period January 1, 1988 to June 30, 1988, to the period July 1, 1988 to December 31, 1988, to the period January 1, 1989 to June 30, 1989, to the period July 1, 1989 to December 31, 1989, to the period January 1, 1990 to June 30, 1990, to the period July 1, 1990 to December 31, 1990, to the period January 1, 1991 to June 30, 1991, to the period July 1, 1991 to December 31, 1991, to the period January 1, 1992 to June 30, 1992, to the period July 1, 1992 to December 31, 1992, to the period January 1, 1993 to June 30, 1993, to the period July 1, 1993 to December 31, 1993, to the period January 1, 1994 to June 30, 1994, to the period July 1, 1994 to December 31, 1994, to the period January 1, 1995 to June 30, 1995, to the period July 1, 1995 to December 31, 1995, to the period January 1, 1996 to June 30, 1996, to the period July 1, 1996 to December 31, 1996, to the period January 1, 1997 to June 30, 1997, to the period July 1, 1997 to December 31, 1997, to the period January 1, 1998 to June 30, 1998, to the period July 1, 1998 to December 31, 1998, to the period January 1, 1999 to June 30, 1999, to the period July 1, 1999 to December 31, 1999, to the period January 1, 2000 to June 30, 2000, to the period

July 1, 2000 to December 31, 2000, to the period January 1, 2001 to June 30, 2001, to the period July 1, 2001 to June 30, 2002, to the period July 1, 2002 to June 30, 2003, to the period July 1, 2003 to June 30, 2004, to the period July 1, 2004 to June 30, 2005, to the period July 1, 2005 and June 30, 2006, to the period July 1, 2006 and June 30, 2007, to the period July 1, 2007 and June 30, 2008, to the period July 1, 2008 and June 30, 2009, to the period July 1, 2009 and June 30, 2010, to the period July 1, 2010 and June 30, 2011, to the period July 1, 2011 and June 30, 2012, to the period July 1, 2012 and June 30, 2013, to the period July 1, 2013 and June 30, 2014, [and] to the period July 1, 2014 and June 30, 2015, AND TO THE PERIOD JULY 1, 2015 AND JUNE 30, 2016.

S 3. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 20 of part B of chapter 60 of the laws of 2014, are amended to read as follows:

(a) To the extent funds available to the hospital excess liability pool pursuant to subdivision 5 of this section as amended, and pursuant to section 6 of part J of chapter 63 of the laws of 2001, as may from time to time be amended, which amended this subdivision, are insufficient to meet the costs of excess insurance coverage or equivalent excess coverage for coverage periods during the period July 1, 1992 to June 30, 1993, during the period July 1, 1993 to June 30, 1994, during the period July 1, 1994 to June 30, 1995, during the period July 1, 1995 to June 30, 1996, during the period July 1, 1996 to June 30, 1997, during the period July 1, 1997 to June 30, 1998, during the period July 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30, 2000, during the period July 1, 2000 to June 30, 2001, during the period July 1, 2001 to October 29, 2001, during the period April 1, 2002 to June 30, 2002, during the period July 1, 2002 to June 30, 2003, during the period July 1, 2003 to June 30, 2004, during the period July 1, 2004 to June 30, 2005, during the period July 1, 2005 to June 30, 2006, during the period July 1, 2006 to June 30, 2007, during the period July 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30, 2009, during the period July 1, 2009 to June 30, 2010, during the period July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June 30, 2012, during the period July 1, 2012 to June 30, 2013, during the period July 1, 2013 to June 30, 2014, [and] during the period July 1, 2014 to June 30, 2015, AND DURING THE PERIOD JULY 1, 2015 AND JUNE 30, 2016 allocated or reallocated in accordance with paragraph (a) of subdivision 4-a of this section to rates of payment applicable to state governmental agencies, each physician or dentist for whom a policy for excess insurance coverage or equivalent excess coverage is purchased for such period shall be responsible for payment to the provider of excess insurance coverage or equivalent excess coverage of an allocable share of such insufficiency, based on the ratio of the total cost of such coverage for such physician to the sum of the total cost of such coverage for all physicians applied to such insufficiency.

(b) Each provider of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, or covering the period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering

the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, OR COVERING THE PERIOD JULY 1, 2015 TO JUNE 30, 2016 shall notify a covered physician or dentist by mail, mailed to the address shown on the last application for excess insurance coverage or equivalent excess coverage, of the amount due to such provider from such physician or dentist for such coverage period determined in accordance with paragraph (a) of this subdivision. Such amount shall be due from such physician or dentist to such provider of excess insurance coverage or equivalent excess coverage in a time and manner determined by the superintendent of [insurance] FINANCIAL SERVICES.

(c) If a physician or dentist liable for payment of a portion of the costs of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, or covering the period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, OR COVERING THE PERIOD JULY 1, 2015 TO JUNE 30, 2016 determined in accordance with paragraph (a) of this subdivision fails, refuses or neglects to make payment to the provider of excess insurance coverage or equivalent excess coverage in such time and manner as determined by the superintendent of [insurance] FINANCIAL SERVICES pursuant to paragraph (b) of this subdivision, excess insurance coverage or equivalent excess coverage purchased for such physician or dentist in accordance with this section for such coverage period shall be cancelled and shall be null and void as of the first day on or after the commencement of a policy period where the liability for payment pursuant to this subdivision has not been met.

(d) Each provider of excess insurance coverage or equivalent excess coverage shall notify the superintendent of [insurance] FINANCIAL SERVICES and the commissioner of health or their designee of each physician and dentist eligible for purchase of a policy for excess insurance coverage or equivalent excess coverage covering the period July 1, 1992

to June 30, 1993, or covering the period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, OR COVERING THE PERIOD JULY 1, 2015 TO JUNE 30, 2016 that has made payment to such provider of excess insurance coverage or equivalent excess coverage in accordance with paragraph (b) of this subdivision and of each physician and dentist who has failed, refused or neglected to make such payment.

(e) A provider of excess insurance coverage or equivalent excess coverage shall refund to the hospital excess liability pool any amount allocable to the period July 1, 1992 to June 30, 1993, and to the period July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001, and to the period April 1, 2002 to June 30, 2002, and to the period July 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30, 2004, and to the period July 1, 2004 to June 30, 2005, and to the period July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and to the period July 1, 2014 to June 30, 2015, AND TO THE PERIOD JULY 1, 2015 TO JUNE 30, 2016 received from the hospital excess liability pool for purchase of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, and covering the period July 1, 1993 to June 30, 1994, and covering the period July 1, 1994 to June 30, 1995, and covering the period July 1, 1995 to June 30, 1996, and covering the period July 1, 1996 to June 30, 1997, and covering the period July 1, 1997 to June 30, 1998, and covering the period July 1, 1998 to June 30, 1999, and covering the period July 1, 1999 to June 30, 2000, and covering the period July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to October 29, 2001, and covering the period April 1, 2002 to June 30, 2002, and covering the period July 1, 2002 to June 30, 2003, and covering the period July 1, 2003 to June 30, 2004, and covering the period July 1, 2004 to June 30, 2005, and covering the period July 1, 2005 to June 30, 2006, and covering the period July 1, 2006 to June 30, 2007, and covering the period July 1,

2007 to June 30, 2008, and covering the period July 1, 2008 to June 30, 2009, and covering the period July 1, 2009 to June 30, 2010, and covering the period July 1, 2010 to June 30, 2011, and covering the period July 1, 2011 to June 30, 2012, and covering the period July 1, 2012 to June 30, 2013, and covering the period July 1, 2013 to June 30, 2014, and covering the period July 1, 2014 to June 30, 2015, AND COVERING THE PERIOD JULY 1, 2015 TO JUNE 30, 2016 for a physician or dentist where such excess insurance coverage or equivalent excess coverage is cancelled in accordance with paragraph (c) of this subdivision.

S 4. Section 40 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 21 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

S 40. The superintendent of [insurance] FINANCIAL SERVICES shall establish rates for policies providing coverage for physicians and surgeons medical malpractice for the periods commencing July 1, 1985 and ending June 30, [2015] 2016; provided, however, that notwithstanding any other provision of law, the superintendent shall not establish or approve any increase in rates for the period commencing July 1, 2009 and ending June 30, 2010. The superintendent shall direct insurers to establish segregated accounts for premiums, payments, reserves and investment income attributable to such premium periods and shall require periodic reports by the insurers regarding claims and expenses attributable to such periods to monitor whether such accounts will be sufficient to meet incurred claims and expenses. On or after July 1, 1989, the superintendent shall impose a surcharge on premiums to satisfy a projected deficiency that is attributable to the premium levels established pursuant to this section for such periods; provided, however, that such annual surcharge shall not exceed eight percent of the established rate until July 1, [2015] 2016, at which time and thereafter such surcharge shall not exceed twenty-five percent of the approved adequate rate, and that such annual surcharges shall continue for such period of time as shall be sufficient to satisfy such deficiency. The superintendent shall not impose such surcharge during the period commencing July 1, 2009 and ending June 30, 2010. On and after July 1, 1989, the surcharge prescribed by this section shall be retained by insurers to the extent that they insured physicians and surgeons during the July 1, 1985 through June 30, [2015] 2016 policy periods; in the event and to the extent physicians and surgeons were insured by another insurer during such periods, all or a pro rata share of the surcharge, as the case may be, shall be remitted to such other insurer in accordance with rules and regulations to be promulgated by the superintendent. Surcharges collected from physicians and surgeons who were not insured during such policy periods shall be apportioned among all insurers in proportion to the premium written by each insurer during such policy periods; if a physician or surgeon was insured by an insurer subject to rates established by the superintendent during such policy periods, and at any time thereafter a hospital, health maintenance organization, employer or institution is responsible for responding in damages for liability arising out of such physician's or surgeon's practice of medicine, such responsible entity shall also remit to such prior insurer the equivalent amount that would then be collected as a surcharge if the physician or surgeon had continued to remain insured by such prior insurer. In the event any insurer that provided coverage during such policy periods is in liquidation, the property/casualty insurance security fund shall receive the portion of surcharges to which the insurer in liquidation

would have been entitled. The surcharges authorized herein shall be deemed to be income earned for the purposes of section 2303 of the insurance law. The superintendent, in establishing adequate rates and in determining any projected deficiency pursuant to the requirements of this section and the insurance law, shall give substantial weight, determined in his discretion and judgment, to the prospective anticipated effect of any regulations promulgated and laws enacted and the public benefit of stabilizing malpractice rates and minimizing rate level fluctuation during the period of time necessary for the development of more reliable statistical experience as to the efficacy of such laws and regulations affecting medical, dental or podiatric malpractice enacted or promulgated in 1985, 1986, by this act and at any other time. Notwithstanding any provision of the insurance law, rates already established and to be established by the superintendent pursuant to this section are deemed adequate if such rates would be adequate when taken together with the maximum authorized annual surcharges to be imposed for a reasonable period of time whether or not any such annual surcharge has been actually imposed as of the establishment of such rates.

S 5. Section 5 and subdivisions (a) and (e) of section 6 of part J of chapter 63 of the laws of 2001, amending chapter 20 of the laws of 2001 amending the military law and other laws relating to making appropriations for the support of government, as amended by section 22 of part B of chapter 60 of the laws of 2014, are amended to read as follows:

S 5. The superintendent of [insurance] FINANCIAL SERVICES and the commissioner of health shall determine, no later than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, [and] June 15, 2015, AND JUNE 15, 2016 the amount of funds available in the hospital excess liability pool, created pursuant to section 18 of chapter 266 of the laws of 1986, and whether such funds are sufficient for purposes of purchasing excess insurance coverage for eligible participating physicians and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, OR JULY 1, 2015 TO JUNE 30, 2016, as applicable.

(a) This section shall be effective only upon a determination, pursuant to section five of this act, by the superintendent of [insurance] FINANCIAL SERVICES and the commissioner of health, and a certification of such determination to the state director of the budget, the chair of the senate committee on finance and the chair of the assembly committee on ways and means, that the amount of funds in the hospital excess liability pool, created pursuant to section 18 of chapter 266 of the laws of 1986, is insufficient for purposes of purchasing excess insurance coverage for eligible participating physicians and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30,

2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, OR JULY 1, 2015 TO JUNE 30, 2016, as applicable.

(e) The commissioner of health shall transfer for deposit to the hospital excess liability pool created pursuant to section 18 of chapter 266 of the laws of 1986 such amounts as directed by the superintendent of [insurance] FINANCIAL SERVICES for the purchase of excess liability insurance coverage for eligible participating physicians and dentists for the policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, as applicable, and the cost of administering the hospital excess liability pool for such applicable policy year, pursuant to the program established in chapter 266 of the laws of 1986, as amended, no later than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, [and] June 15, 2015, AND JUNE 15, 2016, as applicable.

S 6. Notwithstanding any law, rule or regulation to the contrary, only physicians or dentists who were eligible, and for whom the superintendent of financial services and the commissioner of health, or their designee, purchased, with funds available in the hospital excess liability pool, a full or partial policy for excess coverage or equivalent excess coverage for the coverage period ending the thirtieth of June, two thousand fifteen, shall be eligible to apply for such coverage for the coverage period beginning the first of July, two thousand fifteen; provided, however, if the total number of physicians or dentists for whom such excess coverage or equivalent excess coverage was purchased for the policy year ending the thirtieth of June, two thousand fifteen exceeds the total number of physicians or dentists certified as eligible for the coverage period beginning the first of July, two thousand fifteen, then the general hospitals may certify additional eligible physicians or dentists in a number equal to such general hospital's proportional share of the total number of physicians or dentists for whom excess coverage or equivalent excess coverage was purchased with funds available in the hospital excess liability pool as of the thirtieth of June, two thousand fifteen, as applied to the difference between the number of eligible physicians or dentists for whom a policy for excess coverage or equivalent excess coverage was purchased for the coverage period ending the thirtieth of June, two thousand fifteen and the number of such eligible physicians or dentists who have applied for excess coverage or equivalent excess for the coverage period beginning the first of July, two thousand fifteen.

S 7. Intentionally omitted.

S 8. This act shall take effect immediately.

PART GG

Section 1. The public authorities law is amended by adding a new section 2858 to read as follows:

S 2858. CLEARANCE OF PAST-DUE TAX LIABILITIES FOR STATE OR LOCAL AUTHORITY GRANT APPLICANTS. 1. AS USED IN THIS SECTION:

A. "APPLICANT" MEANS ANY APPLICANT, AGENT OR AFFILIATED PERSON OF EITHER OF THEM THAT MAKES AN APPLICATION FOR A GRANT.

B. "GRANT" MEANS ANY STATE MONIES AWARDED BY A STATE OR LOCAL AUTHORITY TO AN APPLICANT FOR ANY STATE OR LOCAL PUBLIC PURPOSE.

C. "LOCAL AUTHORITY" MEANS (I) A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION CREATED BY OR EXISTING UNDER THIS CHAPTER OR ANY OTHER LAW OF THE STATE OF NEW YORK THAT HAS THE POWER TO MAKE GRANTS OR LOAN FUNDS OF STATE MONIES AND WHOSE MEMBERS DO NOT HOLD A CIVIL OFFICE OF THE STATE, AND WHOSE MEMBERS EITHER ARE NOT APPOINTED BY THE GOVERNOR OR ARE APPOINTED BY THE GOVERNOR SPECIFICALLY UPON THE RECOMMENDATION OF THE LOCAL GOVERNMENT OR GOVERNMENTS; (II) A NOT-FOR-PROFIT CORPORATION AFFILIATED WITH, SPONSORED BY, OR CREATED BY A COUNTY, CITY, TOWN OR VILLAGE GOVERNMENT; (III) A LAND BANK CORPORATION CREATED PURSUANT TO ARTICLE SIXTEEN OF THE NOT-FOR-PROFIT CORPORATION LAW, INCLUDING SUBSIDIARIES AND AFFILIATES OF SUCH LOCAL AUTHORITY; OR (IV) HOUSING AUTHORITIES CREATED PURSUANT TO THE PUBLIC HOUSING LAW.

D. "PAST-DUE TAX LIABILITIES" MEANS A PAST-DUE LEGALLY ENFORCEABLE DEBT WITHIN THE MEANING OF SUBDIVISION ONE OF SECTION ONE HUNDRED SEVENTY-ONE-W OF THE TAX LAW IN AN AMOUNT THAT IS EQUAL TO FIVE HUNDRED DOLLARS OR MORE.

E. "STATE AUTHORITY" MEANS A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION CREATED BY OR EXISTING UNDER THIS CHAPTER OR ANY OTHER LAW OF THE STATE OF NEW YORK THAT HAS THE POWER TO MAKE GRANTS OR LOAN FUNDS OF STATE MONIES AND HAS ONE OR MORE OF ITS MEMBERS APPOINTED BY THE GOVERNOR OR WHO SERVE AS MEMBER BY VIRTUE OF HOLDING A CIVIL OFFICE OF THE STATE, OTHER THAN AN INTERSTATE OR INTERNATIONAL AUTHORITY OR PUBLIC BENEFIT CORPORATION, INCLUDING SUBSIDIARIES AND AFFILIATES OF SUCH PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY STATE AUTHORITY OR LOCAL AUTHORITY THAT PROCESSES AN APPLICATION FOR A GRANT SHALL REQUIRE, AS A CONDITION TO RECEIVE SUCH GRANT, THE RECEIPT OF A TAX CLEARANCE THAT SUCH APPLICANT HAS NO PAST-DUE TAX LIABILITIES PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-W OF THE TAX LAW.

3. THE APPLICANT SHALL BE REQUIRED TO PROVIDE ANY INFORMATION DEEMED NECESSARY BY THE STATE AUTHORITY OR THE LOCAL AUTHORITY AND THE DEPARTMENT OF TAXATION AND FINANCE TO EFFICIENTLY AND ACCURATELY PROVIDE A CLEARANCE OF NO PAST-DUE TAX LIABILITIES, AND THE FAILURE BY THE APPLICANT TO PROVIDE SUCH INFORMATION SHALL RENDER THE APPLICATION INCOMPLETE.

4. IF THE STATE AUTHORITY OR THE LOCAL AUTHORITY RECEIVES NOTIFICATION THAT PAST-DUE TAX LIABILITIES ARE OWED BY THE APPLICANT, THE STATE AUTHORITY OR THE LOCAL AUTHORITY, AS THE CASE MAY BE, SHALL DENY THE GRANT APPLICATION AND SHALL NOTIFY THE APPLICANT TO CONTACT THE DEPARTMENT OF TAXATION AND FINANCE TO RESOLVE THE PAST-DUE TAX LIABILITIES AND THAT NO GRANT MAY BE ISSUED UNTIL THE TAX LIABILITIES ARE RESOLVED. ANY PERIOD OF TIME THAT IS DETERMINED ACCORDING TO THE PROVISIONS OF THIS SECTION OR THE TAX LAW SHALL COMMENCE TO RUN FROM THE DATE OF NOTIFICATION TO THE APPLICANT THAT THE TAX CLEARANCE WAS DENIED.

S 2. The tax law is amended by adding a new section 171-w to read as follows:

S 171-W. ENFORCEMENT OF DELINQUENT TAX LIABILITIES THROUGH TAX CLEARANCES. (1) FOR THE PURPOSES OF THIS SECTION, THE TERM "TAX LIABILITIES" SHALL MEAN ANY TAX, SURCHARGE, OR FEE ADMINISTERED BY THE COMMISSIONER, OR ANY PENALTY OR INTEREST OWED BY AN INDIVIDUAL OR ENTITY. THE TERM "PAST-DUE TAX LIABILITIES" MEANS ANY UNPAID TAX LIABILITIES THAT HAVE BECOME FIXED AND FINAL SUCH THAT THE TAXPAYER NO LONGER HAS ANY RIGHT TO ADMINISTRATIVE OR JUDICIAL REVIEW. THE TERM "GOVERNMENT ENTITY" MEANS THE STATE OF NEW YORK, OR ANY OF ITS AGENCIES, POLITICAL SUBDIVISIONS, INSTRUMENTALITIES, PUBLIC CORPORATIONS (INCLUDING A PUBLIC CORPORATION

CREATED PURSUANT TO AGREEMENT OR COMPACT WITH ANOTHER STATE OR CANADA), OR COMBINATION THEREOF.

(2) THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL COOPERATE WITH ANY GOVERNMENT ENTITY THAT IS REQUIRED BY LAW OR HAS ELECTED TO REQUIRE TAX CLEARANCES TO ESTABLISH PROCEDURES BY WHICH THE DEPARTMENT SHALL RECEIVE A TAX CLEARANCE REQUEST AND TRANSMIT SUCH TAX CLEARANCE TO THE GOVERNMENT ENTITY, AND ANY OTHER PROCEDURES DEEMED NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION. THESE PROCEDURES SHALL, TO THE EXTENT PRACTICABLE, REQUIRE SECURE ELECTRONIC COMMUNICATION BETWEEN THE DEPARTMENT AND THE REQUESTING GOVERNMENT ENTITY FOR THE TRANSMISSION OF TAX CLEARANCE REQUESTS TO THE DEPARTMENT AND TRANSMISSION OF TAX CLEARANCES TO THE REQUESTING ENTITY. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, A GOVERNMENT ENTITY SHALL BE AUTHORIZED TO SHARE ANY APPLICANT DATA OR INFORMATION WITH THE DEPARTMENT THAT IS NECESSARY TO ENSURE THE PROPER MATCHING OF THE APPLICANT TO THE TAX RECORDS MAINTAINED BY THE DEPARTMENT.

(3) UPON RECEIPT OF A TAX CLEARANCE REQUEST, THE DEPARTMENT SHALL EXAMINE ITS RECORDS TO DETERMINE WHETHER THE SUBJECT OF THE TAX CLEARANCE REQUEST HAS PAST-DUE TAX LIABILITIES EQUAL TO OR IN EXCESS OF THE DOLLAR THRESHOLD APPLICABLE FOR SUCH TAX CLEARANCE REQUEST OR, WHERE NO THRESHOLD HAS BEEN ESTABLISHED BY LAW OR OTHERWISE, EQUAL TO OR IN EXCESS OF FIVE HUNDRED DOLLARS. WHEN A TAX CLEARANCE REQUEST SO REQUIRES, THE DEPARTMENT SHALL ALSO DETERMINE WHETHER (I) THE SUBJECT OF SUCH REQUEST HAS COMPLIED WITH APPLICABLE TAX RETURN FILING REQUIREMENTS FOR EACH OF THE PAST THREE YEARS; AND/OR (II) WHETHER A SUBJECT OF SUCH REQUEST THAT IS AN INDIVIDUAL OR ENTITY THAT IS A PERSON REQUIRED TO REGISTER PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED THIRTY-FOUR OF THIS CHAPTER IS REGISTERED PURSUANT TO SUCH SECTION. THE DEPARTMENT SHALL DENY A TAX CLEARANCE IF IT DETERMINES THAT THE SUBJECT OF A TAX CLEARANCE REQUEST HAS PAST-DUE TAX LIABILITIES EQUAL TO OR IN EXCESS OF THE APPLICABLE THRESHOLD OR, WHEN THE TAX CLEARANCE REQUEST SO REQUIRES, HAS NOT COMPLIED WITH APPLICABLE RETURN FILING AND/OR REGISTRATION REQUIREMENTS.

(4) IF A TAX CLEARANCE IS DENIED, THE GOVERNMENT ENTITY THAT REQUESTED THE CLEARANCE SHALL PROVIDE NOTICE TO THE APPLICANT TO CONTACT THE DEPARTMENT. SUCH NOTICE SHALL BE MADE BY FIRST CLASS MAIL WITH A CERTIFICATE OF MAILING AND A COPY OF SUCH NOTICE ALSO SHALL BE PROVIDED TO THE DEPARTMENT. WHEN THE APPLICANT CONTACTS THE DEPARTMENT, THE DEPARTMENT SHALL INFORM THE APPLICANT OF THE BASIS FOR THE DENIAL OF THE TAX CLEARANCE AND SHALL ALSO INFORM THE APPLICANT (I) THAT A TAX CLEARANCE DENIED DUE TO PAST-DUE TAX LIABILITIES MAY BE ISSUED ONCE THE TAXPAYER FULLY SATISFIES PAST-DUE TAX LIABILITIES OR MAKES PAYMENT ARRANGEMENTS SATISFACTORY TO THE COMMISSIONER; (II) THAT A TAX CLEARANCE DENIED DUE TO FAILURE TO FILE TAX RETURNS MAY BE ISSUED ONCE THE APPLICANT HAS SATISFIED THE APPLICABLE RETURN FILING REQUIREMENTS; (III) THAT A TAX CLEARANCE DENIED FOR FAILURE TO REGISTER PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED THIRTY-FOUR OF THIS CHAPTER MAY BE ISSUED ONCE THE APPLICANT HAS REGISTERED PURSUANT TO SUCH SECTION; AND (IV) THE GROUNDS FOR CHALLENGING THE DENIAL OF A TAX CLEARANCE LISTED IN SUBDIVISION FIVE OF THIS SECTION.

(5) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT AS SPECIFICALLY PROVIDED HEREIN, AN APPLICANT DENIED A TAX CLEARANCE SHALL HAVE NO RIGHT TO COMMENCE A COURT ACTION OR PROCEEDING OR SEEK ANY OTHER LEGAL RECOURSE AGAINST THE DEPARTMENT OR THE GOVERNMENT ENTITY RELATED TO THE DENIAL OF A TAX CLEARANCE BY THE DEPARTMENT.

(B) AN APPLICANT SEEKING TO CHALLENGE THE DENIAL OF A TAX CLEARANCE MUST PROTEST TO THE DEPARTMENT OR THE DIVISION OF TAX APPEALS NO LATER THAN SIXTY DAYS FROM THE DATE OF THE NOTIFICATION TO THE APPLICANT THAT THE TAX CLEARANCE WAS DENIED. AN APPLICANT MAY CHALLENGE A DEPARTMENT FINDING OF PAST-DUE TAX LIABILITIES ONLY ON THE GROUNDS THAT (I) THE INDIVIDUAL OR ENTITY DENIED THE TAX CLEARANCE IS NOT THE INDIVIDUAL OR ENTITY WITH THE PAST-DUE TAX LIABILITIES AT ISSUE; (II) THE PAST-DUE TAX LIABILITIES WERE SATISFIED; (III) THE APPLICANT'S WAGES ARE BEING GARNISHED FOR THE PAYMENT OF CHILD SUPPORT OR COMBINED CHILD AND SPOUSAL SUPPORT PURSUANT TO AN INCOME EXECUTION ISSUED PURSUANT TO SECTION FIVE THOUSAND TWO HUNDRED FORTY-ONE OR FIVE THOUSAND TWO HUNDRED FORTY-TWO OF THE CIVIL PRACTICE LAW AND RULES OR ANOTHER STATE'S INCOME WITHHOLDING ORDER AS AUTHORIZED UNDER PART FIVE OF ARTICLE FIVE-B OF THE FAMILY COURT ACT, OR GARNISHED BY THE DEPARTMENT FOR THE PAYMENT OF THE PAST-DUE TAX LIABILITIES AT ISSUE; OR (IV) THE APPLICANT IS MAKING CHILD SUPPORT PAYMENTS OR COMBINED CHILD AND SPOUSAL SUPPORT PAYMENTS PURSUANT TO A SATISFACTORY PAYMENT ARRANGEMENT UNDER SECTION ONE HUNDRED ELEVEN-B OF THE SOCIAL SERVICES LAW WITH A SUPPORT COLLECTION UNIT OR OTHERWISE MAKING PERIODIC PAYMENTS IN ACCORDANCE WITH SECTION FOUR HUNDRED FORTY OF THE FAMILY COURT ACT. AN APPLICANT MAY CHALLENGE A DEPARTMENT FINDING OF FAILURE TO COMPLY WITH TAX RETURN FILING REQUIREMENTS ONLY ON THE GROUNDS THAT ALL REQUIRED TAX RETURNS HAVE BEEN FILED FOR EACH OF THE PAST THREE YEARS.

(C) NOTHING IN THIS SUBDIVISION IS INTENDED TO LIMIT ANY APPLICANT FROM SEEKING RELIEF FROM JOINT AND SEVERAL LIABILITY PURSUANT TO SECTION SIX HUNDRED FIFTY-FOUR OF THIS CHAPTER, TO THE EXTENT THAT HE OR SHE IS ELIGIBLE PURSUANT TO THAT SECTION, OR ESTABLISHING TO THE DEPARTMENT THAT THE ENFORCEMENT OF THE UNDERLYING TAX LIABILITIES HAS BEEN STAYED BY THE FILING OF A PETITION PURSUANT TO THE BANKRUPTCY CODE OF 1978 (TITLE ELEVEN OF THE UNITED STATES CODE).

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY EXCHANGE WITH A GOVERNMENT ENTITY ANY DATA OR INFORMATION THAT, IN THE DISCRETION OF THE COMMISSIONER, IS NECESSARY FOR THE IMPLEMENTATION OF A TAX CLEARANCE REQUIREMENT. HOWEVER, NO GOVERNMENT ENTITY MAY RE-DISCLOSE THIS INFORMATION TO ANY OTHER ENTITY OR PERSON, OTHER THAN FOR THE PURPOSE OF INFORMING THE APPLICANT THAT A REQUIRED TAX CLEARANCE HAS BEEN DENIED, UNLESS OTHERWISE PERMITTED BY LAW.

(7) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE ACTIVITIES TO COLLECT PAST-DUE TAX LIABILITIES UNDERTAKEN BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL NOT IN ANY WAY LIMIT, RESTRICT OR IMPAIR THE DEPARTMENT FROM EXERCISING ANY OTHER AUTHORITY TO COLLECT OR ENFORCE TAX LIABILITIES UNDER ANY OTHER APPLICABLE PROVISION OF LAW.

(8) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF THIS SECTION ARE NOT APPLICABLE TO THE TAX CLEARANCE REQUIRED BY SECTION 171-V OF THIS ARTICLE.

S 3. This act shall take effect immediately; provided, however, that the department of taxation and finance and any state or local public authority may work to execute the necessary procedures and technical changes to support the tax clearance process as described in sections one and two of this act before the effective date of this act.

PART HH

Section 1. The tax law is amended by adding a new section 171-z to read as follows:

S 171-Z. RECIPROCAL TAX COLLECTION AGREEMENTS WITH OTHER CLAIMANT STATES. (1) THE COMMISSIONER SHALL HAVE THE AUTHORITY TO ENTER INTO AGREEMENTS WITH CLAIMANT STATES TO COLLECT AND PAY OVER TO CLAIMANT STATES, TAXES OWED TO CLAIMANT STATES BY NEW YORK TAXPAYERS AND TO CERTIFY AND REQUEST THAT CLAIMANT STATES COLLECT AND PAY OVER TAXES OWED TO NEW YORK BY TAXPAYERS RESIDING IN CLAIMANT STATES. FOR PURPOSES OF THIS SECTION, THE TERM "CLAIMANT STATE" SHALL MEAN ANY OTHER STATE IN THE UNITED STATES OR THE DISTRICT OF COLUMBIA THAT ALLOWS THE COMMISSIONER, IN CASES WHERE A TAXPAYER IN ANOTHER STATE OWES TAXES TO NEW YORK STATE, TO CERTIFY AND REQUEST THAT THE OTHER STATE COLLECT AND PAY SUCH COLLECTED TAXES TO NEW YORK STATE; THE TERM "TAXES" SHALL MEAN ANY AMOUNT OF TAX IMPOSED UNDER THE LAWS OF NEW YORK OR A CLAIMANT STATE, DUE AND PAYABLE TO NEW YORK OR A CLAIMANT STATE, INCLUDING ADDITIONS TO TAX FOR PENALTIES AND INTEREST, THAT HAS BECOME FIXED AND FINAL SUCH THAT THE TAXPAYER NO LONGER HAS ANY RIGHT TO ADMINISTRATIVE OR JUDICIAL REVIEW; THE TERM "TAXPAYER" SHALL MEAN ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP OR COMPANY, PARTNER, MEMBER, MANAGER, ESTATE, TRUST, FIDUCIARY OR ENTITY, WHO OR WHICH HAS BEEN IDENTIFIED BY NEW YORK OR A CLAIMANT STATE UNDER THIS SECTION AS OWING TAXES TO NEW YORK OR A CLAIMANT STATE.

(2) THE RECIPROCAL TAX COLLECTION AGREEMENTS MAY INCLUDE THE FOLLOWING PROVISIONS:

(A) UPON THE REQUEST AND CERTIFICATION OF A CLAIMANT STATE TO THE COMMISSIONER THAT A TAXPAYER OWES TAXES TO SUCH CLAIMANT STATE, THE COMMISSIONER MAY, PURSUANT TO THE AUTHORITY UNDER THIS SECTION, COLLECT SUCH TAXES IN THE SAME MANNER THAT THE COMMISSIONER CAN COLLECT TAXES DUE AND PAYABLE TO NEW YORK STATE, AND SHALL PAY OVER SUCH COLLECTED AMOUNT TO THE CLAIMANT STATE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE COMMISSIONER SHALL NOT COLLECT SUCH TAXES UNLESS THE LAWS OF THE CLAIMANT STATE (I) ALLOW THE COMMISSIONER, IN CASES WHERE A TAXPAYER OWES TAXES TO NEW YORK STATE, TO CERTIFY AND REQUEST THE CLAIMANT STATE COLLECT SUCH TAXES OWED TO NEW YORK STATE, AND (II) PROVIDE FOR THE PAYMENT OF SUCH COLLECTED AMOUNT TO NEW YORK STATE.

(B) SUCH CERTIFICATION SHALL INCLUDE (I) THE FULL NAME AND ADDRESS OF THE TAXPAYER; (II) THE TAXPAYER'S SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER; (III) THE AMOUNT OF THE TAX FOR THE TAXABLE PERIOD SOUGHT TO BE COLLECTED, INCLUDING A DETAILED STATEMENT FOR EACH TAXABLE PERIOD SHOWING TAX, INTEREST AND PENALTY; (IV) A STATEMENT WHETHER THE TAXPAYER FILED A TAX RETURN WITH THE CLAIMANT STATE FOR SUCH TAX, AND, IF SO, WHETHER SUCH TAX RETURN WAS FILED UNDER PROTEST; AND (V) A STATEMENT THAT ANY ADMINISTRATIVE OR JUDICIAL REMEDIES, OR BOTH, HAVE BEEN EXHAUSTED OR HAVE LAPSED AND THE AMOUNT OF TAX IS LEGALLY ENFORCEABLE UNDER THE LAWS OF THE CLAIMANT STATE AGAINST THE TAXPAYER.

(C) UPON RECEIPT BY THE COMMISSIONER OF THE REQUIRED CERTIFICATION, THE COMMISSIONER SHALL NOTIFY THE TAXPAYER BY FIRST-CLASS MAIL WITH CERTIFICATE OF MAILING TO THE TAXPAYER'S LAST KNOWN ADDRESS THAT THE COMMISSIONER HAS RECEIVED A REQUEST FROM THE CLAIMANT STATE TO COLLECT TAXES FROM THE TAXPAYER, THAT THE TAXPAYER HAS THE RIGHT TO PROTEST THE COLLECTION OF SUCH TAXES, THAT FAILURE TO FILE A PROTEST IN ACCORDANCE WITH PARAGRAPH (D) OF THIS SUBDIVISION SHALL CONSTITUTE A WAIVER OF ANY CLAIM AGAINST NEW YORK STATE REGARDING THE COLLECTION OF SUCH TAXES AND THAT THE AMOUNT, UPON COLLECTION, WILL BE PAID OVER TO THE CLAIMANT STATE. SIXTY DAYS AFTER THE DATE ON WHICH IT IS MAILED, A NOTICE UNDER THIS SUBDIVISION SHALL BE FINAL EXCEPT ONLY FOR SUCH AMOUNTS AS TO WHICH

THE TAXPAYER HAS FILED, AS PROVIDED IN PARAGRAPH (D) OF THIS SUBDIVISION, A WRITTEN PROTEST WITH THE COMMISSIONER.

(D) ANY TAXPAYER NOTIFIED IN ACCORDANCE WITH PARAGRAPH (C) OF THIS SUBDIVISION MAY, ON OR BEFORE THE SIXTIETH DAY AFTER THE MAILING OF SUCH NOTICE BY THE COMMISSIONER, PROTEST THE COLLECTION OF ALL OR A PORTION OF SUCH TAXES BY FILING WITH THE CLAIMANT STATE AND PROVIDING A COPY TO THE COMMISSIONER A WRITTEN PROTEST IN WHICH THE TAXPAYER SHALL SET FORTH THE GROUNDS ON WHICH THE PROTEST IS BASED. IF A TIMELY PROTEST IS FILED, THE COMMISSIONER SHALL REFRAIN FROM COLLECTING SUCH TAXES AND SHALL SEND A COPY OF THE PROTEST TO THE CLAIMANT STATE FOR A DETERMINATION OF THE PROTEST ON ITS MERITS IN ACCORDANCE WITH THE LAWS OF THE CLAIMANT STATE.

(E) THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH CLAIMANT STATES THAT (I) RELATE TO PROCEDURES AND METHODS TO BE EMPLOYED BY A CLAIMANT STATE WITH RESPECT TO THE OPERATION OF THIS SECTION; (II) SAFEGUARD AGAINST THE DISCLOSURE OR INAPPROPRIATE USE OF ANY INFORMATION THAT IDENTIFIES, DIRECTLY OR INDIRECTLY, A PARTICULAR TAXPAYER OBTAINED OR MAINTAINED PURSUANT TO THIS SECTION; (III) ESTABLISH A MINIMUM THRESHOLD FOR THE AMOUNT OF TAXES OWED BY A TAXPAYER TO A CLAIMANT STATE THAT WOULD TRIGGER THE OPERATION OF THIS SECTION; (IV) PROVIDE THAT EACH CLAIMANT STATE SHALL BEAR THE COSTS THAT ARE INCURRED BY IT UNDER SUCH RECIPROCAL AGREEMENTS; (V) SET THE COMMENCEMENT AND TERMINATION DATE OF SUCH RECIPROCAL AGREEMENTS; AND (VI) PROVIDE THAT EACH CLAIMANT STATE SHALL AGREE THAT, UPON PAYMENT TO A CLAIMANT STATE OF AN AMOUNT COLLECTED UNDER THIS SECTION, THE COMMISSIONER AND THE STATE OF NEW YORK SHALL BE DISCHARGED OF ANY OBLIGATION OR LIABILITY TO A TAXPAYER AND A CLAIMANT STATE WITH RESPECT TO THE AMOUNTS COLLECTED FROM THE TAXPAYER AND PAID TO THE CLAIMANT STATE PURSUANT TO THIS SECTION. ANY ACTION FOR REFUND OF THOSE AMOUNTS SHALL LIE SOLELY AGAINST THE CLAIMANT STATE.

(3) FOR PURPOSES OF MAKING PAYMENT OF ANY TAXES THAT ARE COLLECTED BY THE COMMISSIONER ON BEHALF OF ANY CLAIMANT STATE UNDER RECIPROCAL AGREEMENTS, THE OFFICE OF THE STATE COMPTROLLER, UPON REQUEST BY THE COMMISSIONER, IS AUTHORIZED TO PAY THE AMOUNT COLLECTED FROM THE RECIPROCAL TAX COLLECTION REVENUE FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-W OF THE STATE FINANCE LAW TO WHICH SUCH TAXES ARE CREDITED.

(4) NOTWITHSTANDING OTHER PROVISIONS OF THIS CHAPTER, THE COMMISSIONER IS AUTHORIZED TO RELEASE TO THE CLAIMANT STATE ANY SPECIFIC TAXPAYER INFORMATION NECESSARY FOR PURPOSES OF IMPLEMENTING AND ADMINISTERING AN AGREEMENT ENTERED INTO BETWEEN THE CLAIMANT STATE AND NEW YORK STATE UNDER THIS SECTION.

S 2. The state finance law is amended by adding a new section 99-w to read as follows:

S 99-W. RECIPROCAL TAX COLLECTION REVENUE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL REVENUE FUND KNOWN AS THE "RECIPROCAL TAX COLLECTION REVENUE FUND".

2. ALL MONIES RECEIVED BY THE RECIPROCAL TAX COLLECTION REVENUE FUND PURSUANT TO RECIPROCAL TAX COLLECTION AGREEMENTS WITH OTHER STATES ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-Z OF THE TAX LAW SHALL BE DEPOSITED TO THE EXCLUSIVE CREDIT OF SUCH FUND. SAID MONIES SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONIES IN THE CUSTODY OF THE COMPTROLLER OR THE COMMISSIONER OF TAXATION AND FINANCE.

3. THE MONIES IN SAID REVENUE FUND SHALL BE RETAINED UNTIL THE COMMISSIONER OF TAXATION AND FINANCE REQUESTS THE STATE COMPTROLLER MAKE A PAYMENT OF TAXES COLLECTED BY THE COMMISSIONER OF TAXATION AND FINANCE ON BEHALF OF A CLAIMANT STATE UNDER A RECIPROCAL TAX COLLECTION AGREE-

MENT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-Z OF THE TAX LAW. THE STATE COMPTROLLER SHALL BE AUTHORIZED TO PAY A CLAIMANT STATE THE AMOUNT COLLECTED FROM THE RECIPROCAL TAX COLLECTION REVENUE FUND.

S 3. This act shall take effect immediately.

PART II

Intentionally Omitted

PART JJ

Intentionally Omitted

PART KK

Intentionally Omitted

PART LL

Section 1. Subdivision 2 of section 136 of the social services law, as amended by section 24 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

2. All communications and information relating to a person receiving public assistance or care obtained by any social services official, service officer, or employee in the course of his or her work shall be considered confidential and, except as otherwise provided in this section, shall be disclosed only to the commissioner, or his or her authorized representative, the commissioner of labor, or his or her authorized representative, the commissioner of health, or his or her authorized representative, THE COMMISSIONER OF TAXATION AND FINANCE, OR HIS OR HER AUTHORIZED REPRESENTATIVE, the welfare inspector general, or his or her authorized representative, the county board of supervisors, city council, town board or other board or body authorized and required to appropriate funds for public assistance and care in and for such county, city or town or its authorized representative or, by authority of the county, city or town social services official, to a person or agency considered entitled to such information. Nothing herein shall preclude a social services official from reporting to an appropriate agency or official, including law enforcement agencies or officials, known or suspected instances of physical or mental injury, sexual abuse or exploitation, sexual contact with a minor or negligent treatment or maltreatment of a child of which the official becomes aware in the administration of public assistance and care nor shall it preclude communication with the federal immigration and naturalization service regarding the immigration status of any individual.

S 2. This act shall take effect immediately.

PART MM

Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivision b of section 1612 of the tax law, as amended by section 1 of part BB of chapter 59 of the laws of 2014, is amended to read as follows:

(H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of this subparagraph, the track operator of a vendor track shall be eligible for a vendor's capital award of up to four percent of the total revenue wagered at the vendor track after payout for prizes pursuant to this chapter, which shall be used exclusively for capital project investments to improve the facilities of the vendor track which promote or encourage increased attendance at the video lottery gaming facility including, but not limited to hotels, other lodging facilities, entertainment facilities, retail facilities, dining facilities, events arenas, parking garages and other improvements that enhance facility amenities; provided that such capital investments shall be approved by the division, in consultation with the state racing and wagering board, and that such vendor track demonstrates that such capital expenditures will increase patronage at such vendor track's facilities and increase the amount of revenue generated to support state education programs. The annual amount of such vendor's capital awards that a vendor track shall be eligible to receive shall be limited to two million five hundred thousand dollars, except for Aqueduct racetrack, for which there shall be no vendor's capital awards. Except for tracks having less than one thousand one hundred video gaming machines, and except for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, each track operator shall be required to co-invest an amount of capital expenditure equal to its cumulative vendor's capital award. For all tracks, except for Aqueduct racetrack, the amount of any vendor's capital award that is not used during any one year period may be carried over into subsequent years ending before April first, two thousand [fifteen] SIXTEEN. Any amount attributable to a capital expenditure approved prior to April first, two thousand [fifteen] SIXTEEN and completed before April first, two thousand [seventeen] EIGHTEEN; or approved prior to April first, two thousand [nineteen] TWENTY and completed before April first, two thousand [twenty-one] TWENTY-TWO for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, shall be eligible to receive the vendor's capital award. In the event that a vendor track's capital expenditures, approved by the division prior to April first, two thousand [fifteen] SIXTEEN and completed prior to April first, two thousand [seventeen] EIGHTEEN, exceed the vendor track's cumulative capital award during the five year period ending April first, two thousand [fifteen] SIXTEEN, the vendor shall continue to receive the capital award after April first, two thousand [fifteen] SIXTEEN until such approved capital expenditures are paid to the vendor track subject to any required co-investment. In no event shall any vendor track that receives a vendor fee pursuant to clause (F) or (G) of this subparagraph be eligible for a vendor's capital award under this section. Any operator of a vendor track which has received a vendor's capital award, choosing to divest the capital improvement toward which the award was applied, prior to the full depreciation of the capital improvement in accordance with generally accepted accounting principles, shall reimburse the state in amounts equal to the total of any such awards. Any capital award not approved for a capital expenditure at a video lottery gaming facility by April first, two thousand [fifteen] SIXTEEN shall be deposited into the state lottery fund for education aid; and

S 2. This act shall take effect immediately.

PART NN

Section 1. Paragraph (a) of subdivision 1 of section 1003 of the racing, pari-mutuel wagering and breeding law, as amended by section 1 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

(a) Any racing association or corporation or regional off-track betting corporation, authorized to conduct pari-mutuel wagering under this chapter, desiring to display the simulcast of horse races on which pari-mutuel betting shall be permitted in the manner and subject to the conditions provided for in this article may apply to the commission for a license so to do. Applications for licenses shall be in such form as may be prescribed by the commission and shall contain such information or other material or evidence as the commission may require. No license shall be issued by the commission authorizing the simulcast transmission of thoroughbred races from a track located in Suffolk county. The fee for such licenses shall be five hundred dollars per simulcast facility and for account wagering licensees that do not operate either a simulcast facility that is open to the public within the state of New York or a licensed racetrack within the state, twenty thousand dollars per year payable by the licensee to the commission for deposit into the general fund. Except as provided in this section, the commission shall not approve any application to conduct simulcasting into individual or group residences, homes or other areas for the purposes of or in connection with pari-mutuel wagering. The commission may approve simulcasting into residences, homes or other areas to be conducted jointly by one or more regional off-track betting corporations and one or more of the following: a franchised corporation, thoroughbred racing corporation or a harness racing corporation or association; provided (i) the simulcasting consists only of those races on which pari-mutuel betting is authorized by this chapter at one or more simulcast facilities for each of the contracting off-track betting corporations which shall include wagers made in accordance with section one thousand fifteen, one thousand sixteen and one thousand seventeen of this article; provided further that the contract provisions or other simulcast arrangements for such simulcast facility shall be no less favorable than those in effect on January first, two thousand five; (ii) that each off-track betting corporation having within its geographic boundaries such residences, homes or other areas technically capable of receiving the simulcast signal shall be a contracting party; (iii) the distribution of revenues shall be subject to contractual agreement of the parties except that statutory payments to non-contracting parties, if any, may not be reduced; provided, however, that nothing herein to the contrary shall prevent a track from televising its races on an irregular basis primarily for promotional or marketing purposes as found by the commission. For purposes of this paragraph, the provisions of section one thousand thirteen of this article shall not apply. Any agreement authorizing an in-home simulcasting experiment commencing prior to May fifteenth, nineteen hundred ninety-five, may, and all its terms, be extended until June thirtieth, two thousand [fifteen] SIXTEEN; provided, however, that any party to such agreement may elect to terminate such agreement upon conveying written notice to all other parties of such agreement at least forty-five days prior to the effective date of the termination, via registered mail. Any party to an agreement receiving such notice of an intent to terminate, may request the commission to mediate between the parties new terms and conditions in a replacement agreement between the parties as will permit continuation of an in-home experiment until June thirtieth, two thousand [fifteen] SIXTEEN; and (iv) no in-home simul-

casting in the thoroughbred special betting district shall occur without the approval of the regional thoroughbred track.

S 2. Subparagraph (iii) of paragraph d of subdivision 3 of section 1007 of the racing, pari-mutuel wagering and breeding law, as amended by section 2 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

(iii) Of the sums retained by a receiving track located in Westchester county on races received from a franchised corporation, for the period commencing January first, two thousand eight and continuing through June thirtieth, two thousand [fifteen] SIXTEEN, the amount used exclusively for purses to be awarded at races conducted by such receiving track shall be computed as follows: of the sums so retained, two and one-half percent of the total pools. Such amount shall be increased or decreased in the amount of fifty percent of the difference in total commissions determined by comparing the total commissions available after July twenty-first, nineteen hundred ninety-five to the total commissions that would have been available to such track prior to July twenty-first, nineteen hundred ninety-five.

S 3. The opening paragraph of subdivision 1 of section 1014 of the racing, pari-mutuel wagering and breeding law, as amended by section 3 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

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

S 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering and breeding law, as amended by section 4 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

1. The provisions of this section shall govern the simulcasting of races conducted at harness tracks located in another state or country during the period July first, nineteen hundred ninety-four through June thirtieth, two thousand [fifteen] SIXTEEN. This section shall supersede all inconsistent provisions of this chapter.

S 5. The opening paragraph of subdivision 1 of section 1016 of the racing, pari-mutuel wagering and breeding law, as amended by section 5 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

The provisions of this section shall govern the simulcasting of races conducted at thoroughbred tracks located in another state or country on any day during which a franchised corporation is not conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack until June

thirtieth, two thousand [fifteen] SIXTEEN. Every off-track betting corporation branch office and every simulcasting facility licensed in accordance with section one thousand seven that have entered into a written agreement with such facility's representative horsemen's organization as approved by the commission, one thousand eight or one thousand nine of this article shall be authorized to accept wagers and display the live full-card simulcast signal of thoroughbred tracks (which may include quarter horse or mixed meetings provided that all such wagering on such races shall be construed to be thoroughbred races) located in another state or foreign country, subject to the following provisions; provided, however, no such written agreement shall be required of a franchised corporation licensed in accordance with section one thousand seven of this article:

S 6. The opening paragraph of section 1018 of the racing, pari-mutuel wagering and breeding law, as amended by section 6 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

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

S 7. Section 32 of chapter 281 of the laws of 1994, amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting, as amended by section 7 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

S 32. This act shall take effect immediately and the pari-mutuel tax reductions in section six of this act shall expire and be deemed repealed on July 1, [2015] 2016; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration, or repeal of any provision of law amended by any section of this act, and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law; provided further, however, that sections twenty-three and twenty-five of this act shall remain in full force and effect only until May 1, 1997 and at such time shall be deemed to be repealed.

S 8. Section 54 of 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, as amended by section 8 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

S 54. This act shall take effect immediately; provided, however, sections three through twelve of this act shall take effect on January 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breeding law, as added by section thirty-eight of this act, shall expire and be deemed repealed on July 1, [2015] 2016; and section eighteen of this

act shall take effect on July 1, 2008 and sections fifty-one and fifty-two of this act shall take effect as of the same date as chapter 772 of the laws of 1989 took effect.

S 9. Paragraph (a) of subdivision 1 of section 238 of the racing, pari-mutuel wagering and breeding law, as amended by section 9 of part AA of chapter 59 of the laws of 2014, is amended to read as follows:

(a) The franchised corporation authorized under this chapter to conduct pari-mutuel betting at a race meeting or races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets be presented for payment before April first of the year following the year of their purchase, less an amount which shall be established and retained by such franchised corporation of between twelve to seventeen per centum of the total deposits in pools resulting from on-track regular bets, and fourteen to twenty-one per centum of the total deposits in pools resulting from on-track multiple bets and fifteen to twenty-five per centum of the total deposits in pools resulting from on-track exotic bets and fifteen to thirty-six per centum of the total deposits in pools resulting from on-track super exotic bets, plus the breaks. The retention rate to be established is subject to the prior approval of the gaming commission. Such rate may not be changed more than once per calendar quarter to be effective on the first day of the calendar quarter. "Exotic bets" and "multiple bets" shall have the meanings set forth in section five hundred nineteen of this chapter. "Super exotic bets" shall have the meaning set forth in section three hundred one of this chapter. For purposes of this section, a "pick six bet" shall mean a single bet or wager on the outcomes of six races. The breaks are hereby defined as the odd cents over any multiple of five for payoffs greater than one dollar five cents but less than five dollars, over any multiple of ten for payoffs greater than five dollars but less than twenty-five dollars, over any multiple of twenty-five for payoffs greater than twenty-five dollars but less than two hundred fifty dollars, or over any multiple of fifty for payoffs over two hundred fifty dollars. Out of the amount so retained there shall be paid by such franchised corporation to the commissioner of taxation and finance, as a reasonable tax by the state for the privilege of conducting pari-mutuel betting on the races run at the race meetings held by such franchised corporation, the following percentages of the total pool for regular and multiple bets five per centum of regular bets and four per centum of multiple bets plus twenty per centum of the breaks; for exotic wagers seven and one-half per centum plus twenty per centum of the breaks, and for super exotic bets seven and one-half per centum plus fifty per centum of the breaks. For the period June first, nineteen hundred ninety-five through September ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be three per centum and such tax on multiple wagers shall be two and one-half per centum, plus twenty per centum of the breaks. For the period September tenth, nineteen hundred ninety-nine through March thirty-first, two thousand one, such tax on all wagers shall be two and six-tenths per centum and for the period April first, two thousand one through December thirty-first, two thousand [fifteen] SIXTEEN, such tax on all wagers shall be one and six-tenths per centum, plus, in each such period, twenty per centum of the breaks. Payment to the New York state thoroughbred breeding and development fund by such franchised corporation shall be one-half of one per centum of total daily on-track pari-mutuel pools resulting from regular, multiple and exotic bets and three per centum of super exotic bets provided, however, that for the period

September tenth, nineteen hundred ninety-nine through March thirty-first, two thousand one, such payment shall be six-tenths of one per centum of regular, multiple and exotic pools and for the period April first, two thousand one through December thirty-first, two thousand [fifteen] SIXTEEN, such payment shall be seven-tenths of one per centum of such pools.

S 10. This act shall take effect immediately.

PART OO

Section 1. Section 1602 of the tax law is amended by adding a new subdivision 6 to read as follows:

6. "VIDEO LOTTERY GAMING" MEANS ANY LOTTERY GAME PLAYED ON A VIDEO LOTTERY TERMINAL THAT ISSUES ELECTRONIC TICKETS, ALLOWS MULTIPLE PLAYERS TO PARTICIPATE IN THE SAME GAME AND DETERMINES WINNERS TO A MATERIAL DEGREE UPON THE ELEMENT OF CHANCE, NOTWITHSTANDING THAT THE SKILL OF A PLAYER MAY INFLUENCE SUCH PLAYER'S CHANCE OF WINNING A GAME. VIDEO LOTTERY GAMING MAY INCLUDE ELEMENTS OF PLAYER INTERACTION AFTER A PLAYER RECEIVES AN INITIAL CHANCE.

S 2. Subdivision 28 of section 225.00 of the penal law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

28. "Video lottery gaming" [means any lottery game played on a video lottery terminal, which consists of multiple players competing for a chance to win a random drawn prize pursuant to section sixteen hundred seventeen-a and paragraph five of subdivision a of section sixteen hundred twelve of the tax law, as amended and implemented] HAS THE MEANING SET FORTH IN SUBDIVISION SIX OF SECTION SIXTEEN HUNDRED TWO OF THE TAX LAW.

S 3. This act shall take effect on the thirtieth day after it shall have become a law and shall expire and be deemed repealed May 1, 2017.

PART PP

Section 1. Paragraph d of subdivision 1 of section 207 of the racing, pari-mutuel wagering and breeding law, as added by chapter 457 of the laws of 2012, is amended to read as follows:

d. The board, which shall become effective upon appointment of a majority of public members, shall terminate [three] FOUR years from its date of creation. The board shall propose, no less than one hundred eighty days prior to its termination, recommendations to the governor and the state legislature representing a statutory plan for the prospective not-for-profit governing structure of The New York Racing Association, Inc.

S 2. This act shall take effect June 18, 2015.

PART QQ

Intentionally Omitted

PART RR

Section 1. Subdivision 2 of section 187-b of the tax law, as amended by section 1 of part G of chapter 59 of the laws of 2013, is amended to read as follows:

2. (A) Alternative fuel vehicle refueling property and electric vehicle recharging property. The credit under this section for alternative fuel vehicle refueling and electric vehicle recharging property shall equal for each installation of property the lesser of five thousand dollars or THE PRODUCT OF fifty percent [of the cost of any such property:

(a) which is] AND THE COST OF ANY SUCH PROPERTY LESS ANY COSTS PAID FROM THE PROCEEDS OF GRANTS.

(B) TO QUALIFY FOR THE CREDIT, THE PROPERTY MUST:

(I) BE located in this state;

[(b) which constitutes] (II) CONSTITUTE alternative fuel vehicle refueling property or electric vehicle recharging property; and

[(c) for which none of the cost has been] (III) NOT BE paid for from the proceeds of grants AWARDED BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, including grants from the New York state energy research and development authority or the New York power authority.

S 2. Paragraph (b) of subdivision 30 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:

(b) (I) Alternative fuel vehicle refueling property and electric vehicle recharging property. The credit under this subdivision for alternative fuel vehicle refueling property and electric vehicle recharging property shall equal for each installation of property the lesser of five thousand dollars or THE PRODUCT OF fifty percent [of the cost of any such property:

(i) which is] AND THE COST OF ANY SUCH PROPERTY LESS ANY COSTS PAID FROM THE PROCEEDS OF GRANTS.

(II) TO QUALIFY FOR THE CREDIT, THE PROPERTY MUST:

(A) BE located in this state;

[(ii) which constitutes] (B) MUST CONSTITUTE alternative fuel vehicle refueling property or electric vehicle recharging property; and

[(iii) for which none of the cost has been] (C) NOT BE paid for from the proceeds of grants AWARDED BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, including grants from the New York state energy research and development authority or the New York power authority.

S 3. Paragraph 2 of subsection (p) of section 606 of the tax law, as amended by section 3 of part G of chapter 59 of the laws of 2013, is amended to read as follows:

(2) (A) Alternative fuel vehicle refueling property and electric vehicle recharging property. The credit under this subsection for alternative fuel vehicle refueling property or electric vehicle recharging property shall equal for each installation of property the lesser of five thousand dollars or THE PRODUCT OF fifty percent [of the cost of any such property

(A) which is] AND THE COST OF ANY SUCH PROPERTY LESS ANY COSTS PAID FROM THE PROCEEDS OF GRANTS.

(B) TO QUALIFY FOR THE CREDIT, THE PROPERTY MUST:

(I) BE located in this state;

[(B) which constitutes] (II) CONSTITUTE alternative fuel vehicle refueling property or electric vehicle recharging property; and

[(C) for which none of the cost has been] (III) NOT BE paid for from the proceeds of grants AWARDED BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, including grants from the New York state energy research and development authority or the New York power authority.

S 4. This act shall take effect immediately, and shall apply to taxable years beginning on or after January 1, 2015.

PART SS

Section 1. Paragraph (b) of subdivision 6 of section 18-a of the public service law, as amended by section 1 of part S of chapter 57 of the laws of 2014, is amended to read as follows:

(b) The temporary state energy and utility service conservation assessment shall be based upon the following percentum of the utility entity's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, minus the amount, if any, that such utility entity is assessed pursuant to subdivisions one and two of this section for the corresponding state fiscal year period: (1) two percentum for the state fiscal year beginning April first, two thousand thirteen; AND (2) 1.63 percentum for the state fiscal year beginning April first, two thousand fourteen[; (3) 1.00 percentum for the state fiscal year beginning April first, two thousand fifteen; and (4) .73 percentum for the state fiscal year beginning April first, two thousand sixteen]. With respect to the temporary state energy and utility service conservation assessment to be paid for the state fiscal year beginning April first, two thousand [seventeen] FIFTEEN and notwithstanding clause (i) of paragraph (d) of this subdivision, on or before March tenth, two thousand [seventeen] FIFTEEN, utility entities shall make a payment equal to [one-half] SIXTY-ONE HUNDREDTHS of the assessment paid by such entities pursuant to this paragraph for the state fiscal year beginning on April first, two thousand [sixteen] FOURTEEN; provided, further that such assessment for state fiscal year beginning April first, two thousand [seventeen] FIFTEEN shall not be reflected in a customer's rate after December thirty-first, two thousand [seventeen] FIFTEEN. With respect to the Long Island power authority, the temporary state energy and utility service conservation assessment shall be based upon the following percentum of such authority's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, minus the amount, if any, that such authority is assessed pursuant to subdivisions one-a and two of this section for the corresponding state fiscal year period: (1) one percentum for the state fiscal year beginning April first, two thousand thirteen; AND (2) .84 percentum for the state fiscal year beginning April first, two thousand fourteen; [(3) .50 percentum for the state fiscal year beginning April first, two thousand fifteen; and (4) .34 percentum for the state fiscal year beginning April first, two thousand sixteen;] provided, however, that should the amount assessed by the department for costs and expenses pursuant to such subdivisions equal or exceed such authority's temporary state energy and utility service conservation assessment for a particular fiscal year, the amount to be paid under this subdivision by such authority shall be zero. With respect to the temporary state energy and utility service conservation assessment to be paid for the state fiscal year beginning April first, two thousand [seventeen] FIFTEEN and notwithstanding clause (i) of paragraph (d) of this subdivision, on or before March tenth, two thousand [seventeen] FIFTEEN, the Long Island power authority shall make a payment equal to [one-half] SIX-TENTHS of the assessment it paid for the state fiscal year beginning on April first, two thousand [sixteen] FOURTEEN; provided, further that such assessment for state fiscal year beginning April first, two thousand [seventeen] FIFTEEN shall not be reflected in a customer's rate after December thirty-first, two thousand [seventeen] FIFTEEN. No corporation or person subject to the jurisdiction of the commission only with respect to safety, or the power authority of the state of New York,

shall be subject to the temporary state energy and utility service conservation assessment provided for under this subdivision. Utility entities whose gross operating revenues from intrastate utility operations are five hundred thousand dollars or less in the preceding calendar year shall not be subject to the temporary state energy and utility service conservation assessment. The minimum temporary state energy and utility service conservation assessment to be billed to any utility entity whose gross revenues from intrastate utility operations are in excess of five hundred thousand dollars in the preceding calendar year shall be two hundred dollars.

S 2. This act shall take effect immediately, provided, however, that the amendments to paragraph (b) of subdivision 6 of section 18-a of the public service law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith.

PART TT

Section 1. Paragraph 2 of subdivision (f) of section 1137 of the tax law, as amended by section 1 of part H of chapter 62 of the laws of 2006, is amended to read as follows:

(2) The amount of the credit authorized by paragraph one of this subdivision shall be five percent of the amount of taxes and fees (but not including any penalty or interest thereon) required to be reported on, and paid or paid over with, the return but only if the return is filed on or before the filing due date, but not more than [two] FOUR hundred dollars, for each quarterly or longer period, except that, with respect to returns required to be filed for quarterly or longer periods ending on or before the last day of February, two thousand seven, the amount of the credit shall be not more than one hundred seventy-five dollars for each such quarterly or longer period.

S 2. This act shall take effect immediately and shall apply to returns filed for the quarter beginning September 1, 2015 and thereafter.

PART UU

Section 1. Section 601 of the tax law is amended by adding a new subsection (d-3) to read as follows:

(D-3) OPTIONAL ALTERNATE SIMPLE CALCULATION. NOTWITHSTANDING SUBSECTIONS (A) THROUGH (D-2) OF THIS SECTION, A RESIDENT TAXPAYER WITH FEDERAL ADJUSTED GROSS INCOME LESS THAN ONE MILLION DOLLARS MAY CHOOSE TO CALCULATE TAX LIABILITY AS FOLLOWS:

(1) IMPOSITION OF TAX. (A) RESIDENT MARRIED INDIVIDUALS FILING JOINT RETURNS AND RESIDENT SURVIVING SPOUSES. THERE IS HEREBY IMPOSED FOR EACH TAXABLE YEAR ON THE NEW YORK TAXABLE INCOME OF EVERY RESIDENT MARRIED INDIVIDUAL WHO MAKES A SINGLE RETURN JOINTLY WITH HIS OR HER SPOUSE UNDER SUBSECTION (B) OF SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE AND ON THE NEW YORK TAXABLE INCOME OF EVERY RESIDENT SURVIVING SPOUSE A TAX DETERMINED IN ACCORDANCE WITH THE FOLLOWING CALCULATION: SIMPLE TAXABLE INCOME MULTIPLIED BY THE MARRIED JOINT EFFECTIVE TAX RATE.

(B) RESIDENT HEADS OF HOUSEHOLDS. THERE IS HEREBY IMPOSED FOR EACH TAXABLE YEAR ON THE NEW YORK TAXABLE INCOME OF EVERY RESIDENT HEAD OF A HOUSEHOLD A TAX DETERMINED IN ACCORDANCE WITH THE FOLLOWING CALCULATION: SIMPLE TAXABLE INCOME MULTIPLIED BY THE HEADS OF HOUSEHOLD EFFECTIVE TAX RATE.

(C) RESIDENT UNMARRIED INDIVIDUALS, RESIDENT MARRIED INDIVIDUALS FILING SEPARATE RETURNS AND RESIDENT ESTATES AND TRUSTS. THERE IS HEREBY

IMPOSED FOR EACH TAXABLE YEAR ON THE NEW YORK TAXABLE INCOME OF EVERY RESIDENT INDIVIDUAL WHO IS NOT A MARRIED INDIVIDUAL WHO MAKES A SINGLE RETURN JOINTLY WITH HIS OR HER SPOUSE UNDER SUBSECTION (B) OF SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE OR A RESIDENT HEAD OF A HOUSEHOLD OR A RESIDENT SURVIVING SPOUSE, AND ON THE NEW YORK TAXABLE INCOME OF EVERY RESIDENT ESTATE AND TRUST A TAX DETERMINED IN ACCORDANCE WITH THE FOLLOWING CALCULATION: SIMPLE TAXABLE INCOME MULTIPLIED BY THE SINGLE EFFECTIVE TAX RATE.

(2) MEANING OF TERMS. (A) SIMPLE TAXABLE INCOME. FOR THE PURPOSES OF THIS SUBSECTION, SIMPLE TAXABLE INCOME OF A TAXPAYER SHALL MEAN HIS FEDERAL ADJUSTED GROSS INCOME LESS THE MODIFICATIONS SPECIFIED IN PARAGRAPHS THREE, THREE-A, THREE-B, AND THREE-C OF SUBSECTION (C) OF SECTION SIX HUNDRED TWELVE OF THIS ARTICLE.

(B) EFFECTIVE TAX RATE. FOR THE PURPOSES OF THIS SUBSECTION, EFFECTIVE TAX RATE SHALL BE DETERMINED BY THE COMMISSIONER BY DIVIDING THE TOTAL TAX LIABILITY BEFORE CREDITS FOR ALL TAXPAYERS WITHIN A LIABILITY GROUP BY THE TOTAL FEDERAL ADJUSTED GROSS INCOME FOR ALL TAXPAYERS WITHIN THE SAME LIABILITY GROUP ON PERSONAL INCOME TAX RETURNS FILED FOR THE TAXABLE YEAR TWO YEARS PRIOR. A LIABILITY GROUP SHALL BE DETERMINED BY (I) EACH FILING STATUS LISTED IN SUBPARAGRAPHS (A), (B), AND (C) OF PARAGRAPH ONE OF THIS SUBSECTION AND (II) NUMBER OF DEPENDENTS AS FOLLOWS: NO DEPENDENTS, ONE DEPENDENT, TWO DEPENDENTS, OR THREE OR MORE DEPENDENTS. A LIABILITY GROUP SHALL BE ALL RESIDENT TAXPAYERS WITH FEDERAL ADJUSTED GROSS INCOME: WITHIN FIVE THOUSAND DOLLAR INCREMENTS FOR INCOMES OVER FIVE THOUSAND DOLLARS AND LESS THAN OR EQUAL TO ONE HUNDRED FIFTY THOUSAND DOLLARS; WITHIN TEN THOUSAND DOLLAR INCREMENTS FOR INCOMES OVER ONE HUNDRED FIFTY THOUSAND DOLLARS AND LESS THAN OR EQUAL TO THREE HUNDRED THOUSAND DOLLARS; AND WITHIN FIFTY THOUSAND DOLLARS FOR INCOMES OVER THREE HUNDRED THOUSAND DOLLARS AND LESS THAN ONE MILLION DOLLARS. THE EFFECTIVE TAX RATE SHALL BE CALCULATED TO NO MORE THAN FOUR DECIMAL PLACES.

(C) MARRIED JOINT EFFECTIVE TAX RATE. MARRIED JOINT EFFECTIVE TAX RATE SHALL BE THE EFFECTIVE TAX RATE CALCULATED UNDER SUBPARAGRAPH (B) OF THIS PARAGRAPH FOR TAXPAYERS THAT FILE IN ACCORDANCE WITH SUBPARAGRAPH (A) OF PARAGRAPH ONE OF THIS SUBSECTION.

(D) HEADS OF HOUSEHOLDS EFFECTIVE TAX RATE. HEADS OF HOUSEHOLDS EFFECTIVE TAX RATE SHALL BE THE EFFECTIVE TAX RATE CALCULATED UNDER SUBPARAGRAPH (B) OF THIS PARAGRAPH FOR TAXPAYERS THAT FILE IN ACCORDANCE WITH SUBPARAGRAPH (B) OF PARAGRAPH ONE OF THIS SUBSECTION.

(E) SINGLE EFFECTIVE TAX RATE. SINGLE EFFECTIVE TAX RATE SHALL BE THE EFFECTIVE TAX RATE CALCULATED UNDER SUBPARAGRAPH (B) OF THIS PARAGRAPH FOR TAXPAYERS THAT FILE IN ACCORDANCE WITH SUBPARAGRAPH (C) OF PARAGRAPH ONE OF THIS SUBSECTION.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2015.

PART VV

Section 1. The civil practice law and rules is amended by adding a new section 5519-a to read as follows:

S 5519-A. STAY OF ENFORCEMENT FOR MASTER SETTLEMENT AGREEMENT PARTICIPATING AND NON-PARTICIPATING MANUFACTURERS OR THEIR SUCCESSORS. (A) IN CIVIL LITIGATION CONCERNING A THEORY OF LIABILITY RELATING TO THE HEALTH EFFECTS, DESIGN, OR MARKETING OF, OR REPRESENTATIONS CONCERNING, TOBACCO PRODUCTS AS DEFINED BY THE MASTER SETTLEMENT AGREEMENT, AND THAT INVOLVES A PARTICIPATING OR NON-PARTICIPATING MANUFACTURER, AS THOSE

TERMS ARE DEFINED IN THE MASTER SETTLEMENT AGREEMENT, OR ANY OF THEIR SUCCESSORS, OR PARENT ENTITIES FOUND TO BE LIABLE BY VIRTUE OF THEIR STATUS AS PARENT TO HAVE CONTROLLED THE CONDUCT OF SUCH MANUFACTURERS OR THEIR SUCCESSORS, THE UNDERTAKING REQUIRED DURING THE PENDENCY OF ALL APPEALS OR DISCRETIONARY REVIEWS BY ANY APPELLATE COURTS IN ORDER TO STAY THE EXECUTION OF ANY JUDGMENT OR ORDER GRANTING LEGAL, EQUITABLE OR OTHER RELIEF DURING THE ENTIRE COURSE OF APPELLATE REVIEW, INCLUDING REVIEW BY THE UNITED STATES SUPREME COURT, SHALL BE SET PURSUANT TO THE APPLICABLE PROVISIONS OF LAW; PROVIDED, HOWEVER, THAT THE COURT OF ORIGINAL INSTANCE SHALL SET THE TOTAL UNDERTAKING REQUIRED IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY MILLION DOLLARS, REGARDLESS OF THE VALUE OF THE JUDGMENT APPEALED. NOTHING HEREIN SHALL AFFECT THE DISCRETION OF AN APPELLATE COURT PURSUANT TO SUBDIVISION (C) OF SECTION FIFTY-FIVE HUNDRED NINETEEN OF THIS ARTICLE. WHERE THE COURT SETS THE UNDERTAKING IN AN AMOUNT LESS THAN THE JUDGMENT, THE APPEAL SHALL BE DILIGENTLY PROSECUTED IN GOOD FAITH.

(B) AS USED IN THIS SECTION, "MASTER SETTLEMENT AGREEMENT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBDIVISION FIVE OF SECTION THIRTEEN HUNDRED NINETY-NINE-OO OF THE PUBLIC HEALTH LAW.

(C) NOTHING CONTAINED IN THIS SECTION SHALL BE READ TO ALLOW: (I) SUCH PARTICIPATING MANUFACTURER TO CURTAIL ITS FINANCIAL OBLIGATION UNDER THE MASTER SETTLEMENT AGREEMENT; OR (II) SUCH NON-PARTICIPATING MANUFACTURER TO CURTAIL ITS OBLIGATION TO PLACE THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED NINETY-NINE-PP OF THE PUBLIC HEALTH LAW INTO A QUALIFIED ESCROW FUND AS DEFINED IN SUBDIVISION SIX OF SECTION THIRTEEN HUNDRED NINETY-NINE-OO OF THE PUBLIC HEALTH LAW.

S 2. This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to any cause of action pending on or filed on or after such effective date.

PART WW

Section 1. Article 12 of the tax law is REPEALED.

S 2. Subdivision fourth of section 171 of the tax law is REPEALED.

S 3. Subparagraph (iii) of paragraph (b) of subdivision 1 of section 173-a of the tax law is REPEALED.

S 4. Section 176 of the tax law, as amended by chapter 267 of the laws of 1987, is amended to read as follows:

S 176. Transfer of the powers and duties of the comptroller in relation to the assessment or collection of certain taxes. On and after July first, nineteen hundred twenty-one, all the powers and duties now conferred or imposed upon the state comptroller in relation to the taxation of corporations under articles nine and nine-A of this chapter, in relation to the taxation of transfers of property, under article ten of this chapter, [in relation to the taxation of transfers of stock, under article twelve of this chapter,] and in relation to taxation upon and with respect to personal income, under article sixteen of this chapter (as such article was in effect on December thirtieth, nineteen hundred sixty), shall be transferred to and thereafter shall be exercised and performed by the commissioner, except as powers and duties under any such article are expressly conferred upon or continued in the state comptroller by acts of the legislature of nineteen hundred twenty-one, enacted subsequent to chapter ninety of the laws of nineteen hundred twenty-one.

S 5. (a) Notwithstanding the repeal of article 12 of the tax law by this act, all provisions of such article 12 and any regulations adopted

thereunder, in respect to the assessment, payment, payment over, determination, collection and refund of tax imposed thereunder, the rebates provided for in section 280-a of the tax law, the filing of forms and returns and the preservation of records for the purposes of the tax imposed by article 12, the secrecy of returns, the disposition of revenues, and the civil and criminal penalties applicable to the violation of the provisions of such article 12, shall continue in full force and effect with respect to all such tax accrued up to the date this act takes effect; all actions and proceedings, civil or criminal, commenced or authorized to be commenced under or by virtue of any provision of such article 12 so repealed, and pending or able to be commenced prior to the taking effect of such repeal, may be commenced, prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

(b) Notwithstanding any provision of law in article 12 of the tax law or subdivision (a) of this section to the contrary, any application for a rebate of tax paid under such article 12 must be filed within two years from the effective date of this act.

S 6. This act shall take effect June 1, 2015.

PART XX

Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 4 of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, subdivisions 2 and 6 as amended by chapter 437 of the laws of 2002 and subdivisions 3, 4 and 5 as added by chapter 603 of the laws of 1981, are amended to read as follows:

2. The advisory board shall have power and it shall be the duty of the board to prepare and submit to the commission for approval regulations and standards for the physical examination of professional boxers AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS including, without limitation, pre-fight and/or post-fight examinations and periodic comprehensive examinations. The board shall continue to serve in an advisory capacity to the commission and from time to time prepare and submit to the commission for approval, such additional regulations and standards of examination as in their judgment will safeguard the physical welfare of professional boxers licensed by the commission. The advisory board shall recommend to the commission from time to time such qualified physicians, for the purpose of conducting physical examinations of professional boxers AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS and other services as the rules of the commission shall provide; and shall recommend to the commission a schedule of fees to be paid to physicians for such examinations and other services as required by this act.

3. The advisory board shall develop appropriate medical education programs for all commission personnel involved in the conduct of boxing and sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS so that such personnel can recognize and act upon evidence of potential or actual adverse medical indications in a participant prior to or during the course of a match OR EXHIBITION.

4. The advisory board shall review the credentials and performance of each commission physician on an annual basis as a condition of reappointment of each such physician, including each such physician's comprehension of the medical literature on boxing OR PROFESSIONAL COMBATIVE SPORTS referred to in subdivision five of this section.

5. The advisory board shall recommend to the commission a compilation of medical publications on the medical aspects of boxing OR PROFESSIONAL

COMBATIVE SPORTS which shall be maintained by the commission and be made available for review to all commission personnel involved in the conduct of any boxing or sparring match or exhibition OR PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION.

6. The advisory board shall also advise the commission on any study of equipment, procedures or personnel which will, in their opinion, promote the safety of boxing participants AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS.

S 2. Section 5-a of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, as added by chapter 14 of the laws of 1997, is amended to read as follows:

S 5-a. Combative sports. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "BOARD" MEANS MEDICAL ADVISORY BOARD AS ESTABLISHED IN SECTION FOUR OF THIS ACT.

(B) A "combative sport" shall mean any professional match or exhibition other than boxing, sparring, wrestling or martial arts wherein the contestants deliver, or are not forbidden by the applicable rules thereof from delivering kicks, punches or blows of any kind to the body of an opponent or opponents. For the purposes of this section, the term "martial arts" shall include any professional match or exhibition OF A SINGLE DISCIPLINE sanctioned by AN ORGANIZATION APPROVED BY THE COMMISSION, INCLUDING, BUT NOT LIMITED TO, any of the following organizations: U.S. Judo Association, U.S. Judo, Inc., U.S. Judo Federation, U.S. Tae Kwon Do Union, North American Sport Karate Association, U.S.A. Karate Foundation, U.S. Karate, Inc., World Karate Association, Professional Karate Association, Karate International, International Kenpo Association, or World Wide Kenpo Association. The commission [is authorized to] SHALL promulgate regulations which would establish a process to allow for the inclusion or removal of martial arts organizations from the above list. Such process shall include but not be limited to consideration of the following factors: [(a)] (1) is the organization's primary purpose to provide instruction in self defense techniques; [(b)] (2) does the organization require the use of hand, feet and groin protection during any competition or bout; and [(c)] (3) does the organization have an established set of rules that require the immediate termination of any competition or bout when any participant has received severe punishment or is in danger of suffering serious physical injury.

(C) "COMMISSION" MEANS THE STATE ATHLETIC COMMISSION AS PROVIDED FOR IN SECTION ONE OF THIS CHAPTER OR AN AGENT OF THE COMMISSION ACTING ON ITS BEHALF.

(D) "MIXED MARTIAL ARTS" MEANS ANY PROFESSIONAL COMBATIVE SPORTS COMPETITION WHEREIN THE RULES OF SUCH COMPETITION SUBJECT TO THE APPLICABLE LIMITATIONS AS SET FORTH BY THE COMMISSION AUTHORIZE PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS BETWEEN VARIOUS FIGHTING DISCIPLINES, INCLUDING THE UTILIZATION OF PERMITTED MARTIAL ARTS TECHNIQUES, INCLUDING STRIKING, KICKING AND GRAPPLING. NO NON-PROFESSIONAL OR AMATEUR BOUT, EXHIBITION OR PARTICIPANT SHALL BE AUTHORIZED BY THIS SECTION.

(E) "PROFESSIONAL COMBATIVE SPORTS PARTICIPANT" OR "PARTICIPANT" SHALL MEAN A COMBATIVE SPORTS FIGHTER WHO COMPETES FOR A MONEY PRIZE OR TEACHES OR PURSUES OR ASSISTS IN THE PRACTICE OF MIXED MARTIAL ARTS AS A MEANS OF OBTAINING A LIVELIHOOD OR PECUNIARY GAIN, AND ANY CONTEST CONFORMING TO THE RULES, REGULATIONS AND REQUIREMENTS OF THIS SECTION.

(F) "PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION" SHALL MEAN ANY MATCH OR EXHIBITION THAT MUST BE APPROVED BY THE COMMISSION WHERE

PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS RECEIVE CONSIDERATION OF ANY VALUE OR AN ADMISSION IS CHARGED.

1-A. COMMISSION REVIEW. THE COMMISSION SHALL REVIEW EACH MARTIAL ARTS SANCTIONING ORGANIZATION, INCLUDING THOSE LISTED IN SUBDIVISION ONE OF THIS SECTION, AT LEAST BIENNIALLY, OR SOONER IF DETERMINED NECESSARY BASED UPON THE PERIODIC COMPLIANCE CHECKS OR COMPLAINTS TO THE COMMISSION, TO DETERMINE CONTINUATION OF THE COMMISSION'S APPROVAL. THE COMMISSION SHALL CONTINUE APPROVAL OR SHALL SUSPEND OR REVOKE APPROVAL BASED UPON COMPLIANCE OF THE ORGANIZATION WITH THE APPROVED SANCTIONING STANDARDS AND ITS ABILITY TO SUPERVISE MATCHES IN THE STATE. THE COMMISSION SHALL ACT UPON ANY APPLICATION FOR INCLUSION IN THE LIST IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION WITHIN SIXTY DAYS OF THE DATE SUCH APPLICATION IS MADE TO THE COMMISSION.

1-B. MIXED MARTIAL ARTS COMPETITION. THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS TO ALLOW FOR MIXED MARTIAL ARTS COMPETITIONS TO BE CONDUCTED, HELD, OR GIVEN WITHIN THE STATE OF NEW YORK AND SHALL ALLOW FOR LICENSES TO BE APPROVED BY THE COMMISSION FOR SUCH MATCHES OR EXHIBITIONS. THE COMMISSION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ADOPTION OF UNIFIED RULES OF MIXED MARTIAL ARTS, A LICENSING PROCESS FOR MATCHES AND EXHIBITIONS, A FEE SCHEDULE FOR SUCH LICENSES, PROCEDURES TO ALLOW FOR THE PARTICIPATION, PROMOTION, AND ADVANCEMENT OF SUCH EVENTS, THE HEALTH AND SAFETY OF PARTICIPANTS, AND THE BEST INTERESTS OF MIXED MARTIAL ARTS AND THE ADOPTION OF RULES AND REGULATIONS FOR LICENSING AND REGULATION OF ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN SUCH PROFESSIONAL COMBATIVE SPORTS OR EXHIBITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(B) THE COMMISSION IS AUTHORIZED AND DIRECTED TO REQUIRE THAT ALL SITES WHEREIN PROFESSIONAL COMBATIVE SPORTS ARE CONDUCTED SHALL COMPLY WITH STATE AND APPLICABLE LOCAL SANITARY CODES APPROPRIATE TO SCHOOL ATHLETIC FACILITIES.

2. [No combative sport shall be conducted, held or given within the state of New York, and no licenses may be approved by the commission for such matches or exhibitions.

3. (a) A person who knowingly advances or profits from a combative sport activity shall be guilty of a class A misdemeanor, and shall be guilty of a class E felony if he or she has been convicted in the previous five years of violating this subdivision.

(b) A person advances a combative sport activity when, acting other than as a spectator, he or she engages in conduct which materially aids any combative sport. Such conduct includes but is not limited to conduct directed toward the creation, establishment or performance of a combative sport, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to attend or participate therein, toward the actual conduct of the performance thereof, toward the arrangement of any of its financial or promotional phases, or toward any other phase of a combative sport. One advances a combative sport activity when, having substantial proprietary or other authoritative control over premises being used with his or her knowledge for purposes of a combative sport activity, he or she permits such to occur or continue or makes no effort to prevent its occurrence or continuation.

(c) A person profits from a combative sport activity when he or she accepts or receives money or other property with intent to participate

in the proceeds of a combative sport activity, or pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of a combative sport activity.

(d) Any person who knowingly advances or profits from a combative sport activity shall also be subject to a civil penalty not to exceed for the first violation ten thousand dollars or twice the amount of gain derived therefrom whichever is greater, or for a subsequent violation twenty thousand dollars or twice the amount of gain derived therefrom whichever is greater. The attorney general is hereby empowered to commence judicial proceedings to recover such penalties and to obtain injunctive relief to enforce the provisions of this section.] PROFESSIONAL COMBATIVE SPORTS MATCHES AND EXHIBITIONS AUTHORIZED. NO COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT THERETO. THE COMMISSION SHALL DIRECT A REPRESENTATIVE TO BE PRESENT AT EACH PLACE WHERE COMBATIVE SPORTS ARE TO BE HELD PURSUANT TO THE PROVISIONS OF THIS SECTION. SUCH REPRESENTATIVE SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH MATCH OR EXHIBITION AND MAKE A WRITTEN REPORT OF THE SAME IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. SUCH COMBATIVE SPORTS MATCHES OR EXHIBITIONS MAY BE HELD IN ANY BUILDING FOR WHICH THE COMMISSION IN ITS DISCRETION MAY ISSUE A LICENSE. WHERE SUCH MATCH OR EXHIBITION IS AUTHORIZED TO BE HELD IN A STATE OR CITY OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST BE COMPLIED WITH, BUT NO SUCH MATCH OR EXHIBITION SHALL BE HELD IN A BUILDING WHOLLY USED FOR RELIGIOUS SERVICES.

3. JURISDICTION OF COMMISSION. (A) THE COMMISSION SHALL HAVE AND HEREBY IS VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURISDICTION OVER ALL PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK AND OVER ALL LICENSES TO ANY AND ALL PERSONS WHO PARTICIPATE IN SUCH COMBATIVE SPORTS MATCHES OR EXHIBITIONS AND OVER ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN SUCH PROFESSIONAL COMBATIVE SPORTS OR EXHIBITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(B) THE COMMISSION IS AUTHORIZED AND DIRECTED TO REQUIRE THAT ALL SITES WHEREIN PROFESSIONAL COMBATIVE SPORTS ARE CONDUCTED SHALL COMPLY WITH STATE AND APPLICABLE LOCAL SANITARY CODES APPROPRIATE TO SCHOOL ATHLETIC FACILITIES.

4. ENTITIES REQUIRED TO PROCURE LICENSES; PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS DEFINED. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SIX OF THIS SECTION, ALL CORPORATIONS, PERSONS, LIMITED LIABILITY COMPANIES, REFEREES, JUDGES, CORPORATION TREASURERS, PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, THEIR MANAGERS, PROMOTERS, TRAINERS AND CHIEF SECONDS SHALL BE LICENSED BY THE COMMISSION, AND NO SUCH ENTITY SHALL BE PERMITTED TO PARTICIPATE, EITHER DIRECTLY OR INDIRECTLY, IN ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, OR THE HOLDING THEREOF, UNLESS SUCH ENTITY SHALL HAVE FIRST PROCURED A LICENSE FROM THE COMMISSION. THE COMMISSION SHALL ESTABLISH BY RULE AND REGULATION LICENSING STANDARDS FOR REFEREES, JUDGES, MANAGERS, PROMOTERS, TRAINERS AND CHIEF SECONDS. ANY MATCH OR EXHIBITION CONFORMING TO THE RULES, REGULATIONS AND REQUIREMENTS OF THIS SECTION SHALL BE DEEMED TO BE A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION.

5. LICENSE TO ENTITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD PROFESSIONAL COMBATIVE SPORTS MATCHES

OR EXHIBITIONS, SUBJECT TO THE PROVISIONS HEREOF, TO ANY PERSON, CORPORATION OR LIMITED LIABILITY COMPANY DULY INCORPORATED OR FORMED, HEREINAFTER REFERRED TO AS "ENTITY".

(B) A PROSPECTIVE LICENSEE MUST SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE PREMISES IN WHICH SUCH MATCH OR EXHIBITION IS TO BE HELD.

(C) UPON WRITTEN APPLICATION AND THE PAYMENT OF A FEE OF FIVE HUNDRED DOLLARS WHICH MUST ACCOMPANY THE APPLICATION, THE COMMISSION MAY GRANT TO ANY ENTITY HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER LOCATION, THAN THE PREMISES OF LOCATION PREVIOUSLY APPROVED BY THE COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES AND REGULATIONS OF THE COMMISSION.

(D) ALL PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY ENTITY LICENSED UNDER THE PROVISIONS OF THIS ACT, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER THE AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THEREOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY.

6. TEMPORARY WORKING PERMITS FOR PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, MANAGERS, TRAINERS AND CHIEF SECONDS. THE COMMISSION MAY ISSUE TEMPORARY WORKING PERMITS TO PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, THEIR MANAGERS, TRAINERS AND CHIEF SECONDS. A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER OF SUCH PERMIT TO ENGAGE IN A SINGLE MATCH OR EXHIBITION AT A SPECIFIED TIME AND PLACE. A TEMPORARY WORKING PERMIT MAY BE ISSUED IF IN THE JUDGMENT OF THE COMMISSION THE PARTICIPATION OF THE HOLDER THEREOF IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION WILL BE CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS SECTION, THE BEST INTERESTS OF COMBATIVE SPORTS GENERALLY, AND THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY. THE COMMISSION MAY REQUIRE THAT PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL EXAMINATION, NEUROLOGICAL OR NEUROPSYCHOLOGICAL TEST OR PROCEDURE, INCLUDING COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. THE FEE FOR SUCH TEMPORARY WORKING PERMIT SHALL BE TWENTY DOLLARS.

7. LICENSE FEES; TERM OF LICENSES; RENEWALS. EACH APPLICANT FOR A PROMOTER LICENSE SHALL, BEFORE A LICENSE IS ISSUED BY THE COMMISSION, PAY TO THE COMMISSION, AN ANNUAL LICENSE FEE AS FOLLOWS: WHERE THE SEATING CAPACITY IS NOT MORE THAN TWO THOUSAND FIVE HUNDRED, FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWO THOUSAND FIVE HUNDRED BUT NOT MORE THAN FIVE THOUSAND, ONE THOUSAND DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN FIVE THOUSAND BUT NOT MORE THAN FIFTEEN THOUSAND, ONE THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN FIFTEEN THOUSAND BUT NOT MORE THAN TWENTY-FIVE THOUSAND, TWO THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWENTY-FIVE THOUSAND, THREE THOUSAND FIVE HUNDRED DOLLARS; REFEREE, ONE HUNDRED DOLLARS; JUDGES, ONE HUNDRED DOLLARS; PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, FIFTY DOLLARS; MANAGERS, FIFTY DOLLARS; TRAINERS, FIFTY DOLLARS; AND CHIEF SECONDS, FORTY DOLLARS. EACH LICENSE OR RENEWAL THEREOF ISSUED PURSUANT TO THIS SUBDIVISION ON OR AFTER OCTOBER FIRST SHALL BE EFFECTIVE FOR A LICENSE YEAR EXPIRING ON THE THIRTIETH DAY OF SEPTEMBER FOLLOWING THE DATE OF ITS ISSUANCE. THE ANNUAL LICENSE FEE PRESCRIBED BY THIS SUBDIVISION SHALL BE THE LICENSE FEE DUE AND PAYABLE THEREFOR AND SHALL BE PAID IN ADVANCE AT THE TIME APPLICATION IS MADE THEREFOR, AND EACH SUCH LICENSE MAY BE RENEWED FOR PERIODS OF ONE YEAR UPON THE PAYMENT OF THE ANNUAL LICENSE FEE PRESCRIBED BY THIS SUBDIVISION. WITHIN THREE YEARS FROM THE DATE OF PAYMENT AND UPON

THE AUDIT OF THE COMPTROLLER, THE COMMISSION MAY REFUND ANY FEE, UNFORFEITED POSTED GUARANTEE OR TAX PAID PURSUANT TO THIS SECTION, FOR WHICH NO LICENSE IS ISSUED OR NO SERVICE RENDERED OR REFUND THAT PORTION OF THE PAYMENT THAT IS IN EXCESS OF THE AMOUNT PRESCRIBED BY STATUTE.

8. APPLICATION FOR LICENSE; FINGERPRINTS. (A) EVERY APPLICATION FOR A LICENSE SHALL BE IN WRITING, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM AS TRUE UNDER THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY REQUIRE.

(B) WHEN AN APPLICATION IS MADE FOR A LICENSE UNDER THIS SECTION, THE COMMISSION MAY CAUSE THE FINGERPRINTS OF SUCH APPLICANT, OR IF SUCH APPLICANT BE A CORPORATION, OF THE OFFICERS OF SUCH CORPORATION, OR IF SUCH APPLICANT BE A LIMITED LIABILITY COMPANY, THE MANAGER OF SUCH LIMITED LIABILITY COMPANY TO BE TAKEN IN DUPLICATE. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COST OF HAVING HIS FINGERPRINTS TAKEN. IF SUCH FINGERPRINTS ARE TAKEN, ONE COPY SHALL BE TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND ONE SHALL REMAIN ON FILE IN THE OFFICE OF THE COMMISSION. NO SUCH FINGERPRINT MAY BE INSPECTED BY ANY PERSON, OTHER THAN A PEACE OFFICER, EXCEPT ON ORDER OF A JUDGE OR JUSTICE OF A COURT OF RECORD. THE DIVISION IS HEREBY AUTHORIZED TO TRANSMIT CRIMINAL HISTORY INFORMATION TO THE COMMISSION FOR THE PURPOSES OF THIS PARAGRAPH. THE INFORMATION OBTAINED BY ANY SUCH FINGERPRINT EXAMINATION SHALL BE FOR THE GUIDANCE OF THE COMMISSION IN THE EXERCISE OF ITS DISCRETION IN GRANTING OR WITHHOLDING THE LICENSE. THE COMMISSION SHALL PROVIDE SUCH APPLICANT WITH A COPY OF HIS OR HER CRIMINAL HISTORY RECORD, IF ANY, TOGETHER WITH A COPY OF ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW, AND INFORM SUCH APPLICANT OF HIS OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS AND PROCEDURES ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. ALL DETERMINATIONS TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW.

9. STANDARDS FOR THE ISSUANCE OF LICENSES. (A) IF IN THE JUDGMENT OF THE COMMISSION THE FINANCIAL RESPONSIBILITY, EXPERIENCE, CHARACTER AND GENERAL FITNESS OF AN APPLICANT, INCLUDING IN THE CASE OF CORPORATIONS ITS OFFICERS AND STOCKHOLDERS, ARE SUCH THAT THE PARTICIPATION OF SUCH APPLICANT WILL BE CONSISTENT WITH THE BEST INTERESTS OF COMBATIVE SPORTS, THE PURPOSES OF THIS SECTION INCLUDING THE SAFETY OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, AND IN THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY, THE COMMISSION SHALL GRANT A LICENSE IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN THIS SUBDIVISION.

(B) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE UNDER THIS SUBDIVISION SHALL UNDERGO A COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING, BUT NOT LIMITED TO, A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PROFESSIONAL

COMBATIVE SPORTS PARTICIPANT'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE COMMISSION. THE COST OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS SUBDIVISION SHALL BE ASSUMED BY THE STATE IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION.

(C) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER THIS CHAPTER SHALL, AS A CONDITION OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS ABILITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL EXAMINATION OR CONDITION OF COMBATIVE SPORTS PARTICIPANTS SHALL BE CONSIDERED CONFIDENTIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS AUTHORIZED REPRESENTATIVE, TO THE LICENSED PARTICIPANT, MANAGER OR CHIEF SECOND UPON WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

10. FINANCIAL INTEREST IN PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS PROHIBITED. NO ENTITY SHALL HAVE, EITHER DIRECTLY OR INDIRECTLY, ANY FINANCIAL INTEREST IN A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT COMPETING ON PREMISES OWNED OR LEASED BY THE ENTITY, OR IN WHICH SUCH ENTITY IS OTHERWISE INTERESTED EXCEPT PURSUANT TO THE SPECIFIC WRITTEN AUTHORIZATION OF THE COMMISSION.

11. PAYMENTS NOT TO BE MADE BEFORE CONTESTS. NO PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE PAID FOR SERVICES BEFORE THE CONTEST, AND SHOULD IT BE DETERMINED BY THE COMMISSION THAT SUCH PARTICIPANT DID NOT GIVE AN HONEST EXHIBITION OF HIS SKILL, SUCH SERVICE SHALL NOT BE PAID FOR.

12. SHAM OR COLLUSIVE EVENTS. (A) ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY PHYSICIAN, LIMITED LIABILITY COMPANY, REFEREE, JUDGE, PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER, TRAINER OR CHIEF SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR COLLUSIVE PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, SHALL BE DEPRIVED OF HIS LICENSE BY THE COMMISSION.

(B) NO LICENSED ENTITY SHALL KNOWINGLY ENGAGE IN A COURSE OF CONDUCT IN WHICH PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS ARE ARRANGED WHERE ONE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE OTHER PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF PHYSICAL HARM TO THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT. IF SUCH ACTION OCCURS, THE COMMISSION MAY EXERCISE ITS POWERS TO DISCIPLINE UNDER SUBDIVISIONS THIRTEEN AND FOURTEEN OF THIS SECTION, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL AUTHORIZE THE COMMISSION TO INTERVENE OR PROHIBIT A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION SOLELY ON THE BASIS OF THE DIFFERENCE BETWEEN RESPECTIVE PARTICIPANT'S MARTIAL ARTS DISCIPLINES.

13. IMPOSITION OF PENALTIES FOR VIOLATIONS. ANY ENTITY, LICENSED UNDER THE PROVISIONS OF THIS SECTION, THAT SHALL KNOWINGLY VIOLATE ANY RULE OR ORDER OF THE COMMISSION OR ANY PROVISION OF THIS SECTION, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED, SHALL BE LIABLE TO A CIVIL PENALTY NOT EXCEEDING FIVE THOUSAND DOLLARS TO BE IMPOSED BY THE COMMISSION, TO BE SUED FOR BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE AMOUNT OF THE PENALTY COLLECTED BY THE COMMISSION OR RECOVERED IN ANY SUCH ACTION, OR PAID TO THE COMMISSION UPON A COMPROMISE AS HEREINAFTER PROVIDED, SHALL BE TRANSMITTED BY THE DEPARTMENT OF STATE INTO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND. THE COMMISSION, FOR CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY COMPROMISE, MAY

ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED IN SETTLEMENT THEREOF.

14. REVOCATION OR SUSPENSION OF LICENSES. (A) ANY LICENSE ISSUED UNDER THE PROVISIONS OF THIS SECTION MAY BE REVOKED OR SUSPENDED BY THE COMMISSION FOR THE REASON THEREIN STATED, THAT THE LICENSEE HAS, IN THE JUDGMENT OF THE COMMISSION, BEEN GUILTY OF AN ACT DETRIMENTAL TO THE INTERESTS OF COMBATIVE SPORTS GENERALLY OR TO THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY.

(B) WITHOUT OTHERWISE LIMITING THE DISCRETION OF THE COMMISSION AS PROVIDED IN THIS SECTION, THE COMMISSION MAY SUSPEND OR REVOKE A LICENSE OR REFUSE TO RENEW OR ISSUE A LICENSE, IF IT SHALL FIND THAT THE APPLICANT OR PARTICIPANT: (1) HAS BEEN CONVICTED OF A CRIME IN ANY JURISDICTION; (2) IS ASSOCIATING OR CONSORTING WITH ANY PERSON WHO HAS OR PERSONS WHO HAVE BEEN CONVICTED OF A CRIME OR CRIMES IN ANY JURISDICTION OR JURISDICTIONS; (3) HAS BEEN GUILTY OF OR ATTEMPTED ANY FRAUD OR MISREPRESENTATION IN CONNECTION WITH COMBATIVE SPORTS; (4) HAS VIOLATED OR ATTEMPTED TO VIOLATE ANY LAW WITH RESPECT TO COMBATIVE SPORTS IN ANY JURISDICTION OR ANY RULE, REGULATION OR ORDER OF THE COMMISSION, OR SHALL HAVE VIOLATED ANY RULE OF COMBATIVE SPORTS WHICH SHALL HAVE BEEN APPROVED OR ADOPTED BY THE COMMISSION, OR HAS BEEN GUILTY OF OR ENGAGED IN SIMILAR, RELATED OR LIKE PRACTICES; OR (5) HAS NOT ACTED IN THE BEST INTEREST OF MIXED MARTIAL ARTS. ALL DETERMINATIONS TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW AS APPLICABLE.

(C) NO SUCH PARTICIPANT MAY, UNDER ANY CIRCUMSTANCES, COMPETE OR APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION WITHIN NINETY DAYS OF HAVING SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN ANY SUCH MATCH OR EXHIBITION WITHOUT CLEARANCE BY THE BOARD, OR WITHIN NINETY DAYS OF BEING RENDERED UNCONSCIOUS IN ANY SUCH MATCH OR EXHIBITION WHERE THERE IS EVIDENCE OF HEAD TRAUMA AS DETERMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL UNDERGO SUCH EXAMINATIONS AS REQUIRED UNDER PARAGRAPH (B) OF SUBDIVISION TWENTY OF THIS SECTION. THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE CONSIDERED SUSPENDED FROM PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS BY THE COMMISSION AND SHALL FORFEIT HIS LICENSE TO THE COMMISSION DURING SUCH PERIOD AND SUCH LICENSE SHALL NOT BE RETURNED TO THE PARTICIPANT UNTIL THE PARTICIPANT HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN THE PARTICIPANT'S LICENSE BY A COMMISSION OFFICIAL.

(D) THE COMMISSION MAY AT ANY TIME SUSPEND, REVOKE OR DENY A PARTICIPANT'S LICENSE OR TEMPORARY WORKING PERMIT FOR MEDICAL REASONS AT THE RECOMMENDATION OF THE BOARD.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY OTHER STATE SHALL REVOKE A LICENSEE'S LICENSE TO COMPETE OR APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION IN THAT STATE BASED ON A KNOWING AND INTENTIONAL ENGAGEMENT IN ANY PROHIBITED PRACTICES OF SUCH STATE, THE COMMISSION MAY ACT TO REVOKE ANY LICENSE TO COMPETE OR APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION ISSUED TO SUCH LICENSEE PURSUANT TO THE PROVISIONS OF THIS SECTION.

(F) THE COMMISSION MAY SUSPEND ANY LICENSE IT HAS ISSUED BY A DATED NOTICE TO THAT EFFECT TO THE SUSPENDED LICENSEE, MAILED OR DELIVERED TO THE LICENSEE, AND SPECIFYING THE EFFECTIVE DATE AND TERM OF THE SUSPENSION, PROVIDED HOWEVER THAT THE COMMISSION REPRESENTATIVE IN CHARGE OF A CONTEST OR EXHIBITION MAY THEN AND THERE TEMPORARILY SUSPEND ANY LICENSE ISSUED BY THE COMMISSION WITHOUT SUCH NOTICE. IN THE EVENT OF A TEMPO-

RARY SUSPENSION, THE COMMISSION SHALL MAIL OR DELIVER THE NOTICE TO THE SUSPENDED LICENSEE WITHIN THREE BUSINESS DAYS AFTER THE TEMPORARY SUSPENSION. IN EITHER CASE SUCH SUSPENSION MAY BE WITHOUT ANY ADVANCE HEARING. UPON THE RECEIPT OF SUCH NOTICE OF SUSPENSION, THE SUSPENDED LICENSEE MAY APPLY TO THE COMMISSION FOR A HEARING ON THE MATTER TO DETERMINE WHETHER SUCH SUSPENSION SHOULD BE RESCINDED. SUCH APPLICATION FOR A HEARING MUST BE IN WRITING AND MUST BE RECEIVED BY THE COMMISSION WITHIN THIRTY DAYS AFTER THE DATE OF NOTICE OF SUSPENSION. THE COMMISSION SHALL HAVE THE AUTHORITY TO REVOKE ANY LICENSE ISSUED BY IT. BEFORE ANY LICENSE IS SO REVOKED, THE LICENSEE WILL BE OFFERED THE OPPORTUNITY AT A HEARING HELD BY OR ON BEHALF OF THE COMMISSION TO SHOW CAUSE WHY THE LICENSE SHOULD NOT BE REVOKED. THE COMMISSION SHALL OFFER THE OPPORTUNITY FOR A HEARING TO AN AFFECTED PERSON BEFORE TAKING ANY FINAL ACTION NEGATIVELY AFFECTING SUCH PERSON'S INDIVIDUAL PRIVILEGES OR PROPERTY GRANTED BY A LICENSE DULY ISSUED BY THE COMMISSION OR A CONTRACT APPROVED BY AND FILED WITH THE COMMISSION. IN ALL SUCH HEARINGS, LICENSEES AND OTHER WITNESSES SHALL TESTIFY UNDER OATH OR AFFIRMATION, WHICH MAY BE ADMINISTERED BY ANY COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSION ACTUALLY PRESENT. THE COMMISSION SHALL BE THE SOLE JUDGE OF THE RELEVANCY AND COMPETENCY OF TESTIMONY AND OTHER EVIDENCE, THE CREDIBILITY OF WITNESSES, AND THE SUFFICIENCY OF EVIDENCE. HEARINGS MAY BE CONDUCTED BY REPRESENTATIVES OF THE COMMISSION IN THE DISCRETION OF THE COMMISSION. IN SUCH CASES, THE COMMISSION REPRESENTATIVES CONDUCTING THE HEARING SHALL SUBMIT FINDINGS OF FACT AND RECOMMENDATIONS TO THE COMMISSION, WHICH SHALL NOT BE BINDING ON THE COMMISSION.

15. ADVERTISING MATTER TO STATE ADMISSION PRICE. IT SHALL BE THE DUTY OF EVERY ENTITY PROMOTING OR CONDUCTING A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION SUBJECT TO THE PROVISIONS OF THIS SECTION TO CAUSE TO BE INSERTED IN EACH SHOW CARD, BILL, POSTER, NEWSPAPER ADVERTISEMENT OF ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION GIVEN BY IT, THE PRICE OF ADMISSION THERETO. VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE ENTITY TO A FINE OF ONE HUNDRED DOLLARS.

16. TICKETS TO INDICATE PURCHASE PRICE. ALL TICKETS OF ADMISSION TO ANY SUCH COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE CONTROLLED BY THE PROVISIONS OF ARTICLE TWENTY-FIVE OF THE ARTS AND CULTURAL AFFAIRS LAW. IT SHALL BE UNLAWFUL FOR ANY ENTITY TO ADMIT TO SUCH MATCH OR EXHIBITION A NUMBER OF PEOPLE GREATER THAN THE SEATING CAPACITY OF THE PLACE WHERE SUCH MATCH OR EXHIBITION IS HELD. VIOLATION OF THIS SUBDIVISION SHALL BE A MISDEMEANOR AND SHALL BE PUNISHABLE AS SUCH AND IN ADDITION SHALL INCUR FORFEITURE OF LICENSE.

17. EQUIPMENT OF BUILDINGS FOR MATCHES OR EXHIBITIONS. ALL BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR HOLDING OR GIVING SUCH PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS SHALL BE PROPERLY VENTILATED AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE CITY, TOWN OR VILLAGE WHERE SITUATED.

18. AGE OF PARTICIPANTS AND SPECTATORS. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL PARTICIPATE IN ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, AND NO PERSON UNDER SIXTEEN YEARS OF AGE SHALL BE PERMITTED TO ATTEND AS A SPECTATOR; PROVIDED, HOWEVER, THAT A PERSON UNDER THE AGE OF SIXTEEN SHALL BE PERMITTED TO ATTEND AS A SPECTATOR IF ACCOMPANIED BY A PARENT OR GUARDIAN.

19. REGULATION OF CONDUCT OF MATCHES OR EXHIBITIONS. (A) EXCEPT FOR CHAMPIONSHIP MATCHES, WHICH SHALL NOT BE MORE THAN FIVE ROUNDS, NO COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE MORE THAN THREE ROUNDS IN LENGTH. NO PARTICIPANT SHALL BE ALLOWED TO PARTICIPATE IN MORE THAN

THREE MATCHES OR EXHIBITIONS OR COMPETE FOR MORE THAN SIXTY MINUTES WITHIN SEVENTY-TWO CONSECUTIVE HOURS. NO PARTICIPANT SHALL BE ALLOWED TO COMPETE IN ANY SUCH MATCH OR EXHIBITION WITHOUT WEARING A MOUTHGUARD AND A PROTECTIVE GROIN CUP. AT EACH PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT AND CONTROL THE SAME. BEFORE STARTING SUCH CONTEST THE REFEREE SHALL ASCERTAIN FROM EACH PARTICIPANT THE NAME OF HIS MANAGER OR CHIEF SECOND, AND SHALL HOLD SUCH MANAGER OR CHIEF SECOND RESPONSIBLE FOR THE CONDUCT OF HIS ASSISTANT SECONDS DURING THE PROGRESS OF THE MATCH OR EXHIBITION. THE COMMISSION SHALL HAVE THE POWER IN ITS DISCRETION TO DECLARE FORFEITED ANY PRIZE, REMUNERATION OR PURSE, OR ANY PART THEREOF, BELONGING TO THE PARTICIPANTS OR ONE OF THEM, OR THE SHARE THEREOF OF ANY MANAGER OR CHIEF SECOND IF IN ITS JUDGMENT, SUCH PARTICIPANT OR PARTICIPANTS ARE NOT HONESTLY COMPETING OR THE PARTICIPANT OR MANAGER OR CHIEF SECOND OF A PARTICIPANT, AS THE CASE MAY BE, HAS COMMITTED AN ACT IN THE PREMISES IN VIOLATION OF ANY RULE, ORDER OR REGULATION OF THE COMMISSION. THE AMOUNT SO FORFEITED SHALL BE PAID WITHIN FORTY-EIGHT HOURS TO THE COMMISSION. THERE SHALL ALSO BE IN ATTENDANCE, THREE DULY LICENSED JUDGES WHO SHALL AT THE TERMINATION OF EACH SUCH COMBATIVE SPORTS MATCH OR EXHIBITION RENDER THEIR DECISION. THE WINNER OF SUCH MATCH OR EXHIBITION SHALL BE DETERMINED IN ACCORDANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION. PROVIDED, HOWEVER, THAT A PARTICIPANT MAY TERMINATE THE CONTEST BY SIGNALLING TO THE REFEREE THAT SUCH PARTICIPANT SUBMITS TO THE OPPONENT.

(B) THE COMMISSION MAY BY RULE, REGULATION OR ORDER, REQUIRE THE PRESENCE OF ANY MEDICAL EQUIPMENT AND PERSONNEL AT EACH PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION AS IS NECESSARY OR BENEFICIAL FOR THE SAFETY AND PROTECTION OF THE CONTESTANTS; AND MAY ALSO REQUIRE THE PRESENCE OF AN AMBULANCE OR OTHER APPARATUS AT THE SITE OF ANY SUCH MATCH OR EXHIBITION OR THE PROMULGATION OF AN EMERGENCY MEDICAL PLAN IN LIEU THEREOF.

(C) THE COMMISSION SHALL PRESCRIBE BY RULE OR REGULATION THE RESPONSIBILITIES OF MANAGERS, TRAINERS AND CHIEF SECONDS PRIOR TO, DURING AND AFTER A COMBATIVE SPORTS MATCH OR EXHIBITION IN ORDER TO PROMOTE THE SAFETY OF THE PARTICIPANTS AT ALL TIMES.

(D) THE COMMISSION SHALL REQUIRE BY RULE OR REGULATION THAT ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER THIS SECTION PRESENT TO A DESIGNATED COMMISSION OFFICIAL, BEFORE EACH MATCH OR EXHIBITION IN WHICH HE FIGHTS IN THIS STATE, A LICENSE WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING INFORMATION: (1) THE PARTICIPANT'S NAME, PHOTOGRAPH, SOCIAL SECURITY NUMBER, DATE OF BIRTH, AND OTHER IDENTIFYING INFORMATION; (2) THE PARTICIPANT'S PRIOR MATCH OR EXHIBITION HISTORY INCLUDING THE DATES, LOCATION, AND DECISION OF SUCH MATCHES OR EXHIBITIONS; AND (3) THE PARTICIPANT'S MEDICAL HISTORY, RELATING TO ANY PHYSICAL CONDITION, MEDICAL TEST OR PROCEDURE WHICH RELATES TO HIS ABILITY TO FIGHT, AND A RECORD OF ALL MEDICAL SUSPENSIONS.

20. EXAMINATION BY PHYSICIAN; COST. (A) ALL PARTICIPANTS MUST BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE COMMISSION, SHALL BE PAID BY THE ENTITY CONDUCTING THE MATCH OR EXHIBITION TO THE COMMISSION, WHICH SHALL THEN PAY THE FEE COVERING SUCH COST TO THE EXAMINING PHYSICIAN, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

(B) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED OR PERMITTED UNDER THIS SECTION RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS

DETERMINED BY THE ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. ANY PARTICIPANT SO INJURED SHALL NOT APPEAR IN ANY MATCH OR EXHIBITION UNTIL RESULTS OF SUCH EXAMINATIONS ARE REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PARTICIPANT'S PERMANENT MEDICAL RECORDS AS MAINTAINED BY THE COMMISSION AND SHALL BE USED BY THE COMMISSION TO DETERMINE WHETHER A PARTICIPANT SHALL BE PERMITTED TO APPEAR IN ANY FUTURE PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION. THE COSTS OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS PARAGRAPH SHALL BE ASSUMED BY THE ENTITY OR PROMOTER IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN APPROVED BY THE COMMISSION.

(C) THE COMMISSION MAY AT ANY TIME REQUIRE A LICENSED OR PERMITTED PARTICIPANT TO UNDERGO A PHYSICAL EXAMINATION, INCLUDING ANY NEUROLOGICAL OR NEUROPSYCHOLOGICAL TEST OR PROCEDURE. THE COST OF SUCH EXAM SHALL BE ASSUMED BY THE STATE.

21. PHYSICIAN TO BE IN ATTENDANCE; POWERS OF SUCH PHYSICIAN. (A) IT SHALL BE THE DUTY OF EVERY ENTITY LICENSED TO CONDUCT A COMBATIVE SPORTS MATCH OR EXHIBITION, TO HAVE IN ATTENDANCE AT EVERY MATCH OR EXHIBITION AT LEAST ONE PHYSICIAN DESIGNATED BY THE COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH ATTENDANCE. SUCH FEES SHALL BE PAID TO THE COMMISSION, WHICH SHALL THEN PAY SUCH FEES TO THE PHYSICIANS ENTITLED THERETO, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

(B) THE PHYSICIAN SHALL TERMINATE ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION IF IN THE OPINION OF SUCH PHYSICIAN ANY PARTICIPANT HAS RECEIVED SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PARTICIPANT AND HIS MANAGER OR CHIEF SECOND REMAIN IN THE RING OR ON THE PREMISES OR REPORT TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE.

(C) SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION AND MAY TERMINATE THE MATCH OR EXHIBITION IF IN HIS OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERIOUS PHYSICAL INJURY TO A PARTICIPANT.

22. BOND. BEFORE A LICENSE SHALL BE GRANTED TO AN ENTITY TO CONDUCT A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, THE APPLICANT SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR THE FAITHFUL PERFORMANCE BY SUCH ENTITY OF THE PROVISIONS OF THIS SECTION AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING AND APPROVAL OF SUCH BOND THE COMPTROLLER SHALL ISSUE TO SUCH APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE BY SUCH APPLICANT FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICATION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIFICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IN THE

SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.

23. BOND FOR PURSES, SALARIES AND OTHER EXPENSES. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION TWENTY-TWO OF THIS SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL.

24. DUTY TO PROVIDE INSURANCE FOR LICENSED PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS. (A) ALL ENTITIES HAVING LICENSES AS PROMOTERS SHALL CONTINUOUSLY PROVIDE INSURANCE FOR THE PROTECTION OF LICENSED PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, APPEARING IN PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS. SUCH INSURANCE COVERAGE SHALL PROVIDE FOR REIMBURSEMENT TO THE LICENSED ATHLETE FOR MEDICAL, SURGICAL AND HOSPITAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF ONE HUNDRED THOUSAND DOLLARS TO THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY INJURIES RECEIVED DURING THE COURSE OF A MATCH OR EXHIBITION IN WHICH SUCH LICENSED ATHLETE PARTICIPATED UNDER THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER. THE COMMISSION MAY FROM TIME TO TIME, IN ITS DISCRETION, INCREASE THE AMOUNT OF SUCH MINIMUM LIMITS.

(B) THE FAILURE TO PAY PREMIUMS ON SUCH INSURANCE AS IS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE CAUSE FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING PROMOTER.

25. NOTICE OF CONTEST; COLLECTION OF TAX. (A) EVERY ENTITY HOLDING ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION FOR WHICH AN ADMISSION FEE IS CHARGED OR RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION TEN DAYS IN ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY SUCH MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME. AN ENTITY FAILING TO FULLY COMPLY WITH THIS SECTION SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE. AN ENTITY IS PROHIBITED FROM OPERATING ANY MATCHES OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS SUBDIVISION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINETEEN OF THE TAX LAW HAVE BEEN PAID.

(B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE, EMPLOYEES OR OFFICERS OF THE ATHLETIC COMMISSION SHALL ACT AS AGENTS OF THE COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTICLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH TAX.

26. REGULATION OF JUDGES. (A) JUDGES FOR ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION UNDER THE JURISDICTION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

(B) ANY PROFESSIONAL COMBATIVE SPORT PARTICIPANT, MANAGER OR CHIEF SECOND MAY PROTEST THE ASSIGNMENT OF A JUDGE TO A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION AND THE PROTESTING PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER OR CHIEF SECOND MAY BE HEARD BY THE COMMIS-

SION OR ITS DESIGNEE IF SUCH PROTEST IS TIMELY. IF THE PROTEST IS UNTIMELY IT SHALL BE SUMMARILY REJECTED.

(C) EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE LICENSE. EACH PERSON SEEKING TO BE A PROFESSIONAL COMBATIVE SPORTS JUDGE IN THE STATE SHALL BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE COMMISSION AND SHALL HAVE PASSED A WRITTEN EXAMINATION APPROVED BY THE COMMISSION COVERING ASPECTS OF PROFESSIONAL COMBATIVE SPORTS INCLUDING, BUT NOT LIMITED TO, THE RULES OF THE SPORT, THE LAW OF THE STATE RELATING TO THE COMMISSION, AND BASIC FIRST AID. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS TO KEEP LICENSEES CURRENT ON AREAS OF REQUIRED KNOWLEDGE.

(D) EACH PERSON SEEKING A LICENSE TO BE A PROFESSIONAL COMBATIVE SPORTS JUDGE IN THIS STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR POTENTIAL CONFLICTS OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS, INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, EACH COMBATIVE SPORTS JUDGE SHALL FILE WITH THE COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS SHALL BE ACCEPTABLE TO THE COMMISSION.

(E) ONLY A PERSON LICENSED BY THE COMMISSION MAY JUDGE A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION.

27. TRAINING FACILITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAINING FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS. THE REGULATIONS OF THE COMMISSION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING SUBJECTS TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS:

(1) REQUIREMENTS FOR FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A PERSON TRAINED AND CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMONARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR TRAINING PURPOSES;

(2) PROMINENT POSTING ADJACENT TO AN ACCESSIBLE TELEPHONE OF THE TELEPHONE NUMBER FOR EMERGENCY MEDICAL SERVICES AT THE NEAREST HOSPITAL;

(3) CLEAN AND SANITARY BATHROOMS, SHOWER ROOMS, LOCKER ROOMS AND FOOD SERVING AND STORAGE AREAS;

(4) ADEQUATE VENTILATION AND LIGHTING OF ACCESSIBLE AREAS OF THE TRAINING FACILITY;

(5) ESTABLISHMENT OF A POLICY CONCERNING THE RESTRICTION OF SMOKING IN TRAINING AREAS, INCLUDING PROVISIONS FOR ITS ENFORCEMENT BY THE FACILITY OPERATOR;

(6) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

(7) INSPECTION AND APPROVAL OF RINGS AS REQUIRED BY SUBDIVISION THIRTY OF THIS SECTION; AND

(8) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUDING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY THE FACILITY OPERATOR.

(B) A PROSPECTIVE LICENSEE SHALL SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE FACILITIES IN WHICH THE TRAINING IS TO BE CONDUCTED, INCLUDING THE MAKING OF SUCH TRAINING FACILITIES AVAILABLE FOR INSPECTION BY THE COMMISSION AT ANY TIME DURING WHICH TRAINING IS IN PROGRESS.

28. TEMPORARY TRAINING FACILITIES. ANY TRAINING FACILITY PROVIDING CONTACT SPARRING ESTABLISHED AND MAINTAINED ON A TEMPORARY BASIS FOR THE PURPOSE OF PREPARING A PROFESSIONAL COMBATIVE SPORT PARTICIPANT FOR A SPECIFIC PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK SHALL BE EXEMPT FROM THIS ACT INSOFAR AS IT CONCERNS THE LICENSING OF SUCH FACILITIES IF, IN THE JUDGMENT OF THE COMMISSION, ESTABLISHMENT AND MAINTENANCE OF SUCH FACILITY WILL BE CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS CHAPTER, THE BEST INTERESTS OF PROFESSIONAL COMBATIVE SPORTS GENERALLY, AND THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY.

29. WEIGHTS; CLASSES AND RULES. THE WEIGHTS AND CLASSES OF COMBATIVE SPORT PARTICIPANTS AND THE RULES AND REGULATIONS OF PROFESSIONAL COMBATIVE SPORTS SHALL BE PRESCRIBED BY THE COMMISSION.

30. RINGS OR FIGHTING AREAS. NO PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION OR TRAINING ACTIVITY SHALL BE PERMITTED IN ANY RING OR FIGHTING AREA UNLESS SUCH RING OR FIGHTING AREA HAS BEEN INSPECTED AND APPROVED BY THE COMMISSION. THE COMMISSION SHALL PRESCRIBE STANDARD ACCEPTABLE SIZE AND QUALITY REQUIREMENTS FOR RINGS OR FIGHTING AREAS AND APPURTENANCES THERETO.

31. MISDEMEANOR. ANY ENTITY WHO INTENTIONALLY, DIRECTLY OR INDIRECTLY CONDUCTS, HOLDS OR GIVES A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION OR PARTICIPATES EITHER DIRECTLY OR INDIRECTLY IN ANY SUCH MATCH OR EXHIBITION AS A REFEREE, JUDGE, CORPORATION TREASURER, PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER, PROMOTER, TRAINER OR CHIEF SECOND, WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE OR PERMIT AS PRESCRIBED IN THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

S 3. Section 6 of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, as amended by chapter 437 of the laws of 2002 and subdivision 1 as designated and subdivision 2 as added by chapter 673 of the laws of 2003, is amended to read as follows:

S 6. Jurisdiction of commission. 1. The commission shall have and hereby is vested with the sole direction, management, control and jurisdiction over all such boxing and sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS to be conducted, held or given within the state of New York and over all licenses to any and all persons who participate in such boxing or sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS and over any and all gyms, clubs, training camps and other organizations that maintain training facilities providing contact sparring for persons who prepare for participation in such boxing or sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS, and over the promotion of professional wrestling exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS to the extent provided for in sections 5, 9, 19, 20, 28-a, 28-b and 33 of this act, except as otherwise provided in this act.

2. The commission is authorized and directed to require that all sites wherein boxing, sparring and wrestling matches and exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS are conducted shall comply with state and applicable local sanitary codes appropriate to school athletic facilities.

S 4. Subdivision 1 of section 451 of the tax law, as amended by section 1 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

1. "Gross receipts from ticket sales" shall mean the total gross receipts of every person from the sale of tickets to any professional or amateur boxing, sparring or wrestling match or exhibition OR ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION held in this state, and without any deduction whatsoever for commissions, brokerage, distribution fees, advertising or any other expenses, charges and recoupments in respect thereto.

S 5. Section 452 of the tax law, as amended by section 2 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

S 452. Imposition of tax. On and after October first, nineteen hundred ninety-nine, a tax is hereby imposed and shall be paid upon the gross receipts of every person holding any professional or amateur boxing, PROFESSIONAL COMBATIVE SPORTS, sparring or wrestling match or exhibition in this state. Such tax shall be imposed on such gross receipts, exclusive of any federal taxes, as follows:

(a) three percent of gross receipts from ticket sales, except that in no event shall the tax imposed by this subdivision exceed fifty thousand dollars for any match or exhibition;

(b) three percent of gross receipts from broadcasting rights, except that in no event shall the tax imposed by this subdivision exceed fifty thousand dollars for any match or exhibition.

(C) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, A TAX IS HEREBY IMPOSED AND SHALL BE PAID UPON THE GROSS RECEIPTS OF EVERY PERSON HOLDING ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION IN THIS STATE. SUCH TAX SHALL BE IMPOSED ON SUCH GROSS RECEIPTS, EXCLUSIVE OF ANY FEDERAL TAXES, AS FOLLOWS:

(I) EIGHT AND ONE-HALF PERCENT OF GROSS RECEIPTS FROM TICKET SALES; AND

(II) THREE PERCENT OF GROSS RECEIPTS FROM BROADCASTING RIGHTS, EXCEPT THAT IN NO EVENT SHALL THE TAX IMPOSED BY THIS PARAGRAPH EXCEED FIFTY THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

S 6. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as amended by section 100 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

(1) Any admission charge where such admission charge is in excess of ten cents to or for the use of any place of amusement in the state, except charges for admission to race tracks, boxing, sparring or wrestling matches or exhibitions, OR PROFESSIONAL MIXED MARTIAL ARTS MATCHES OR EXHIBITIONS which charges are taxed under any other law of this state, or dramatic or musical arts performances, or live circus performances, or motion picture theaters, and except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

S 7. Paragraph (b) of subdivision 6-c of section 106 of the alcoholic beverage control law, as added by chapter 254 of the laws of 2001, is amended to read as follows:

(b) The prohibition contained in paragraph (a) of this subdivision, however, shall not be applied to any professional match or exhibition which consists of boxing, PROFESSIONAL COMBATIVE SPORTS, sparring, wrestling, or martial arts [and which is] THAT ARE excepted from the definition of the term "combative sport" contained in subdivision one of section five-a of chapter nine hundred twelve of the laws of nineteen hundred twenty, as added by chapter fourteen of the laws of nineteen hundred ninety-seven.

S 8. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

PART YY

Section 1. Subparagraph (i) of the opening paragraph of section 1210 of the tax law is REPEALED and a new subparagraph (i) is added to read as follows:

(I) WITH RESPECT TO A CITY OF ONE MILLION OR MORE AND THE FOLLOWING COUNTIES (1) ANY SUCH CITY HAVING A POPULATION OF ONE MILLION OR MORE IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES OR RESOLUTIONS IMPOSING SUCH TAXES IN ANY SUCH CITY, AT THE RATE OF FOUR AND ONE-HALF PERCENT;

(2) THE FOLLOWING COUNTIES THAT IMPOSE TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT THE RATE OF THREE PERCENT AS AUTHORIZED ABOVE IN THIS PARAGRAPH FOR SUCH COUNTIES ARE HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES, OR RESOLUTIONS IMPOSING SUCH TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT THE FOLLOWING ADDITIONAL RATES, IN QUARTER PERCENT INCREMENTS, WHICH RATES ARE ADDITIONAL TO THE THREE PERCENT RATE AUTHORIZED ABOVE IN THIS PARAGRAPH, AND, IN THE CASE OF A COUNTY AUTHORIZED TO IMPOSE MORE THAN ONE ADDITIONAL RATE, ALSO IN ADDITION TO EACH OTHER, FOR EACH SUCH COUNTY, PROVIDED THAT (A) THE COUNTY OF ROCKLAND MAY IMPOSE ADDITIONAL RATES OF FIVE-EIGHTHS PERCENT AND THREE-EIGHTHS PERCENT, IN LIEU OF IMPOSING SUCH ADDITIONAL RATE IN QUARTER PERCENT INCREMENTS; (B) THE COUNTY OF ONTARIO MAY IMPOSE ADDITIONAL RATES OF ONE-EIGHTH PERCENT AND THREE-EIGHTHS PERCENT, IN LIEU OF IMPOSING SUCH ADDITIONAL RATE IN QUARTER PERCENT INCREMENTS; (C) THREE-QUARTERS PERCENT OF THE ADDITIONAL RATE AUTHORIZED TO BE IMPOSED BY THE COUNTY OF NASSAU SHALL BE SUBJECT TO THE LIMITATION SET FORTH IN SECTION TWELVE HUNDRED SIXTY-TWO-E OF THIS ARTICLE:

(A) ONE-QUARTER OF ONE PERCENT - NONE.

(B) ONE-HALF OF ONE PERCENT - CHAUTAUQUA, ONTARIO, SCHENECTADY.

(C) THREE-QUARTERS OF ONE PERCENT - DUTCHESS, JEFFERSON, ORANGE.

(D) ONE PERCENT - ALBANY, BROOME, CATTARAUGUS, CAYUGA, CHEMUNG, CHENANGO, CLINTON, COLUMBIA, CORTLAND, DELAWARE, ESSEX, FRANKLIN, FULTON, GENESEE, GREENE, HAMILTON, LEWIS, LIVINGSTON, MADISON, MONROE, MONTGOMERY, NIAGARA, ONONDAGA, ORLEANS, OSWEGO, OTSEGO, PUTNAM, RENSSELAER, ROCKLAND, ST. LAWRENCE, SCHOHARIE, SCHUYLER, SENECA, STEUBEN, SUFFOLK, SULLIVAN, TIOGA, TOMPKINS, ULSTER, WAYNE, WYOMING, YATES.

(E) ONE AND ONE-QUARTER PERCENT - HERKIMER, NASSAU.

(F) ONE AND ONE-HALF PERCENT - ALLEGANY.

(G) ONE AND THREE-QUARTERS PERCENT - ERIE, ONEIDA.

S 2. Subparagraph (ii) of the opening paragraph of section 1210 of the tax law is REPEALED and a new subparagraph (ii) is added to read as follows:

(II) THE FOLLOWING CITIES THAT IMPOSE TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT THE RATE OF ONE AND ONE-HALF PERCENT OR HIGHER AS AUTHORIZED ABOVE IN THIS PARAGRAPH FOR SUCH CITIES ARE HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES, OR RESOLUTIONS IMPOSING SUCH TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT THE FOLLOWING ADDITIONAL RATES, IN QUARTER PERCENT INCREMENTS, WHICH RATES ARE ADDITIONAL TO THE ONE AND ONE-HALF PERCENT OR HIGHER RATES AUTHORIZED ABOVE IN THIS PARAGRAPH AND, IN THE CASE OF A CITY AUTHORIZED TO IMPOSE MORE THAN ONE ADDITIONAL RATE, ALSO IN ADDITION TO EACH OTHER, FOR EACH SUCH CITY:

(1) ONE-QUARTER OF ONE PERCENT - NONE.

(2) ONE-HALF OF ONE PERCENT - NONE.

(3) THREE-QUARTERS OF ONE PERCENT - NONE.

(4) ONE PERCENT - MOUNT VERNON; YONKERS; OSWEGO, FOR THE PERIOD BEGINNING DECEMBER FIRST, TWO THOUSAND THIRTEEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND FIFTEEN; NEW ROCHELLE, FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND THIRTEEN, AND ENDING DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN; WHITE PLAINS, FOR THE PERIOD BEGINNING SEPTEMBER FIRST, TWO THOUSAND THIRTEEN, AND ENDING AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN.

(5) ONE AND ONE-QUARTER PERCENT - NONE.

(6) ONE AND ONE-HALF PERCENT - NONE.

(7) ONE AND THREE-QUARTERS PERCENT - NONE.

S 3. Subparagraph (iii) of the opening paragraph of section 1210 of the tax law is REPEALED and a new subparagraph (iii) is added to read as follows:

(III) THE MAXIMUM RATE REFERRED TO IN SECTION TWELVE HUNDRED TWENTY-FOUR OF THIS ARTICLE SHALL BE CALCULATED WITHOUT REFERENCE TO THE ADDITIONAL RATES AUTHORIZED FOR COUNTIES, OTHER THAN THE COUNTIES OF CAYUGA, CORTLAND, FULTON, MADISON, AND OTSEGO IN SUBPARAGRAPH (I) AND THE CITIES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

S 4. Section 1210 of the tax law is amended by adding a new subdivision (q) to read as follows:

(Q) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER LAW, A COUNTY MAY, BY A MAJORITY VOTE OF ITS GOVERNING BODY, PASS A LOCAL LAW, ORDINANCE OR RESOLUTION TO IMPOSE THE ADDITIONAL RATE OR RATES OF SUCH SALES AND COMPENSATING USE TAXES AUTHORIZED BY CLAUSE TWO OF SUBPARAGRAPH (I) OF THE OPENING PARAGRAPH OF THIS SECTION FOR A PERIOD NOT TO EXCEED TWO YEARS. ANY SUCH LOCAL LAW, ORDINANCE, OR RESOLUTION SHALL ALSO BE SUBJECT TO THE PROVISIONS OF SUBDIVISIONS (D) AND (E) OF THIS SECTION.

S 5. Section 1210-E of the tax law is REPEALED.

S 6. Subdivisions (d), (e), (f), (g), (h) (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (z-1), (aa), (bb), (cc), (dd), (ee), (ff) and (gg) of section 1224 of the tax law are REPEALED.

S 7. Section 1224 of the tax law is amended by adding four new subdivisions (d),(e), (f), and (g) to read as follows:

(D) FOR PURPOSES OF THIS SECTION, THE TERM "PRIOR RIGHT" SHALL MEAN THE PREFERENTIAL RIGHT TO IMPOSE ANY TAX DESCRIBED IN SECTIONS TWELVE HUNDRED TWO AND TWELVE HUNDRED THREE, OR TWELVE HUNDRED TEN AND TWELVE HUNDRED ELEVEN, OF THIS ARTICLE AND THEREBY TO PREEMPT SUCH TAX AND TO PRECLUDE ANOTHER MUNICIPAL CORPORATION FROM IMPOSING OR CONTINUING THE IMPOSITION OF SUCH TAX TO THE EXTENT THAT SUCH RIGHT IS EXERCISED. HOWEVER, THE RIGHT OF PREEMPTION SHALL ONLY APPLY WITHIN THE TERRITORIAL LIMITS OF THE TAXING JURISDICTION HAVING THE RIGHT OR PREEMPTION.

(E) EACH OF THE FOLLOWING COUNTIES AND CITIES SHALL HAVE THE SOLE RIGHT TO IMPOSE THE FOLLOWING ADDITIONAL RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT THAT SUCH COUNTY OR CITY IS AUTHORIZED TO IMPOSE PURSUANT TO THE AUTHORITY OF SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE. SUCH ADDITIONAL RATES OF TAX SHALL NOT BE SUBJECT TO PREEMPTION.

(1) COUNTIES:

(A) ONE-QUARTER OF ONE PERCENT - NONE.

(B) ONE-HALF OF ONE PERCENT - CHAUTAUQUA, ONTARIO, SCHENECTADY.

(C) THREE-QUARTERS OF ONE PERCENT - DUTCHESS, JEFFERSON, ORANGE.

(D) ONE PERCENT - ALBANY, BROOME, CATTARAUGUS, CHEMUNG, CHENANGO, CLINTON, COLUMBIA, DELAWARE, ESSEX, FRANKLIN, GENESEE, GREENE, HAMILTON, LEWIS, LIVINGSTON, MONROE, MONTGOMERY, NIAGARA, ONONDAGA, ORLEANS, OTSEGO, PUTNAM, RENSSELAER, ROCKLAND, ST. LAWRENCE, SCHOHARIE, SCHUYLER, SENECA, STEUBEN, SUFFOLK, SULLIVAN, TIOGA, TOMPKINS, ULSTER, WAYNE, WYOMING, YATES.

(E) ONE AND ONE-QUARTER PERCENT - HERKIMER, NASSAU.

(F) ONE AND ONE-HALF PERCENT - ALLEGANY.

(G) ONE AND THREE-QUARTERS PERCENT - ERIE, ONEIDA.

(2) CITIES:

(A) ONE-QUARTER OF ONE PERCENT - NONE.

(B) ONE-HALF OF ONE PERCENT - NONE.

(C) THREE-QUARTERS OF ONE PERCENT - NONE.

(D) ONE PERCENT - MOUNT VERNON, NEW ROCHELLE, WHITE PLAINS, YONKERS.

(F) EACH OF THE FOLLOWING CITIES IS AUTHORIZED TO PREEMPT THE TAXES IMPOSED BY THE COUNTY IN WHICH IT IS LOCATED PURSUANT TO THE AUTHORITY OF SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, TO THE EXTENT OF ONE-HALF THE MAXIMUM AGGREGATE RATE AUTHORIZED UNDER SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, INCLUDING THE ADDITIONAL RATE THAT THE COUNTY IN WHICH SUCH CITY IS LOCATED IS AUTHORIZED TO IMPOSE: AUBURN, IN CAYUGA COUNTY; CORTLAND, IN CORTLAND COUNTY; GLOVERSVILLE AND JOHNSTOWN, IN FULTON COUNTY; ONEIDA, IN MADISON COUNTY; ONEONTA, IN OTSEGO COUNTY. AS OF THE DATE THIS SUBDIVISION TAKES EFFECT, ANY SUCH PREEMPTION BY SUCH A CITY IN EFFECT ON SUCH DATE SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE EFFECTIVE DATE OF A LOCAL LAW, ORDINANCE, OR RESOLUTION ADOPTED OR AMENDED BY THE CITY TO CHANGE SUCH PREEMPTION, PROVIDED SUCH A CITY'S RATE OF TAX IN EXCESS OF ONE AND ONE-HALF PERCENT SHALL NOT CONTINUE IN EFFECT IF THE COUNTY IN WHICH IT IS LOCATED DOES NOT EXTEND ITS ADDITIONAL RATE IN EXCESS OF THREE PERCENT. ANY PREEMPTION BY SUCH A CITY TO TAKE EFFECT UNDER THIS SUBDIVISION AFTER THE DATE THIS SUBDIVISION TAKES EFFECT SHALL BE SUBJECT TO THE NOTICE REQUIREMENTS IN SECTION TWELVE HUNDRED TWENTY-THREE OF THIS SUBPART AND TO THE OTHER REQUIREMENTS OF THIS ARTICLE.

(G) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION OR OTHER LAW, IF THE COUNTY OF DUTCHESS WITHDRAWS FROM THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AND IMPOSES THE ADDITIONAL THREE-EIGHTHS PERCENT RATE OF TAX, THE NET COLLECTIONS FROM WHICH THE COUNTY HAS SET ASIDE FOR MASS TRANSPORTATION PURPOSES, AS AUTHORIZED BY SUBPARAGRAPH (IV) OF THE OPENING PARAGRAPH OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SUCH ADDITIONAL THREE-EIGHTHS PERCENT RATE OF TAX SHALL BE IN ADDITION TO ANY OTHER ADDITIONAL RATE OF TAX SUCH COUNTY IS AUTHORIZED TO IMPOSE AND SHALL NOT BE SUBJECT TO PREEMPTION AND SUCH COUNTY SHALL NOT INCLUDE SUCH ADDITIONAL THREE-EIGHTHS PERCENT RATE OF TAX IN DETERMINING ITS ADDITIONAL RATE OF TAX ON THE AREA OF THE COUNTY OUTSIDE ANY CITY IN THE COUNTY IMPOSING TAX FOR PURPOSES OF SUBDIVISION (D) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS ARTICLE.

S 8. The tax law is amended by adding three new sections 1262-t, 1262-u, and 1262-v to read as follows:

S 1262-T. ONEIDA COUNTY NET COLLECTIONS FROM ADDITIONAL RATE OF TAX. NET COLLECTIONS FROM AN ADDITIONAL THREE-QUARTERS PERCENT RATE OF ONEIDA COUNTY'S SALES AND COMPENSATING USE TAXES IMPOSED PURSUANT TO THE AUTHORITY OF CLAUSE TWO OF SUBPARAGRAPH (I) OF THE OPENING PARAGRAPH OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE SHALL NOT BE SUBJECT TO ANY REVENUE DISTRIBUTION AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN THE COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-U. CLINTON COUNTY NET COLLECTIONS FROM ADDITIONAL RATE OF TAX. NET COLLECTIONS FROM ANY ADDITIONAL RATE OF SALES AND COMPENSATING USE TAXES CLINTON COUNTY IMPOSES PURSUANT TO THE AUTHORITY OF CLAUSE TWO OF SUBPARAGRAPH (I) OF THE OPENING PARAGRAPH OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE SHALL BE PAID TO THE COUNTY AND THE COUNTY SHALL SET ASIDE SUCH NET COLLECTIONS AND USE THEM SOLELY FOR COUNTY PURPOSES. SUCH NET COLLECTIONS SHALL NOT BE SUBJECT TO ANY REVENUE DISTRIBUTION AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITY IN THE COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-V. ONTARIO COUNTY NET COLLECTIONS FROM ADDITIONAL RATE OF TAX. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AFTER ONTARIO COUNTY ALLOCATES NET COLLECTIONS FROM ITS ADDITIONAL ONE-EIGHTH OF ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED SIXTY-TWO-R OF THIS PART, AS ADDED BY CHAPTER THIRTY-SEVEN OF THE LAWS OF TWO THOUSAND SIX, NET COLLECTIONS FROM THE COUNTY'S ADDITIONAL THREE-EIGHTHS OF ONE PERCENT RATE OF SUCH TAXES SHALL BE SET ASIDE FOR COUNTY PURPOSES AND SHALL NOT BE SUBJECT TO ANY AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN THE COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OR SECTION TWELVE HUNDRED SIXTY-TWO-R OF THIS PART, AS ADDED BY CHAPTER THIRTY-SEVEN OF THE LAWS OF TWO THOUSAND SIX.

S 9. Section 1262-s of the tax law, as amended by chapter 328 of the laws of 2013, is amended to read as follows:

S 1262-s. Disposition of net collections from the additional one-quarter of one percent rate of sales and compensating use taxes in the county of Herkimer. Notwithstanding any contrary provision of law, if the county of Herkimer imposes the additional one-quarter of one percent rate of sales and compensating use taxes IN EXCESS OF FOUR PERCENT authorized by [section twelve hundred ten-E] THE OPENING PARAGRAPH OF SECTION TWELVE HUNDRED TEN of this article [for all or any portion of the period beginning December first, two thousand seven and ending November thirtieth, two thousand fifteen], the county shall use all net collections from such additional one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. The net collections from [the] SUCH additional rate imposed [pursuant to section twelve hundred ten-E] shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such additional tax, after the expenses of such construction are paid, shall be deposited by the county of Herkimer in the general fund of such county for any county purpose.

S 10. The tax law is amended by adding a new section 1265 to read as follows:

S 1265. REFERENCES TO CERTAIN PROVISIONS AUTHORIZING ADDITIONAL RATES OR TO EXPIRATIONS OF A PERIOD. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY: ANY REFERENCE IN ANY SECTION OF THIS CHAPTER OR OTHER LAW,

OR IN ANY LOCAL LAW, ORDINANCE, OR RESOLUTION ADOPTED PURSUANT TO THE AUTHORITY OF THIS ARTICLE, OR IN ANY AGREEMENT ENTERED INTO BY A COUNTY AND ALL THE CITIES IN THAT COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART, TO NET COLLECTIONS OR REVENUES FROM A TAX IMPOSED BY A COUNTY OR CITY PURSUANT TO THE AUTHORITY OF A CLAUSE, OR TO A SUBCLAUSE OF A CLAUSE, OF SUBPARAGRAPH (I) OR (II) OF THE OPENING PARAGRAPH OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE REPEALED BY SECTION ONE OR TWO OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SECTION OR TO SECTION TWELVE HUNDRED TEN-E OF THIS ARTICLE REPEALED BY SECTION FIVE OF SUCH CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN SHALL BE DEEMED TO BE A REFERENCE TO NET COLLECTIONS OR REVENUES FROM A TAX IMPOSED BY THAT COUNTY OR CITY PURSUANT TO THE AUTHORITY OF THE EQUIVALENT PROVISION OF CLAUSE TWO OF SUBPARAGRAPH (I) OR TO SUBPARAGRAPH (II) OF THE OPENING PARAGRAPH OF SUCH SECTION TWELVE HUNDRED TEN AS ADDED BY SUCH SECTION ONE OR TWO OF SUCH CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN.

S 11. Severability. If any provision of this act shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered. It it hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provision had not been included in this act.

S 12. This act shall take effect immediately.

PART ZZ

Section 1. Short title. This act shall be known and may be cited as the "New York aviation jobs act".

S 2. Paragraph 1 of subdivision (dd) of section 1115 of the tax law, as added by section 1 of part L of chapter 60 of the laws of 2004, is amended to read as follows:

(1) Services otherwise taxable under paragraph three of subdivision (c) of section eleven hundred five or under section eleven hundred ten of this article, SALES OF GENERAL AVIATION AIRCRAFT, and tangible personal property purchased and used by the person who sells such services in performing such services, where such property becomes a physical component part of the property upon which the services are performed or where such property is a lubricant applied to aircraft, shall be exempt from tax under this article where such services are performed on aircraft.

S 3. The commissioner of taxation and finance, in conjunction with the commissioner of transportation, shall review and analyze all statistical data available for the purpose of determining the economic and revenue impact of the sales and compensating use tax exemption for the sale of general aviation aircraft enacted by section two of this act. Such review and analysis shall include, but not be limited to, any increases in aviation-related employment, aircraft basing, aircraft maintenance and aircraft hangering within the state. The commissioner shall compile his or her findings into a report, which shall be submitted, on or before November 1, 2020, to the governor, the temporary president of the senate and the speaker of the assembly.

S 4. This act shall take effect April 1, 2016, and shall apply to sales of general aviation aircraft made and uses occurring on or after such effective date in accordance with the applicable transitional

provisions of sections 1106 and 1107 of the tax law, but shall not apply to sales occurring after March 31, 2021, and section two of this act shall expire and be deemed repealed April 1, 2021. Provided, however, that aircraft subject to exemption pursuant to paragraph 1 of subdivision (dd) of section 1115 of the tax law, as amended by section two of this act, shall remain so exempt after the expiration and repeal of section two of this act, including instances where the aircraft is subsequently sold or the ownership is transferred or assigned, for the useful life of the aircraft. Provided, further, that the commissioner of taxation and finance shall be immediately authorized to adopt and amend any rules or regulations and to issue any procedure, forms or instructions necessary to implement section two of this act on its effective date.

PART AAA

Section 1. Section 1118 of the tax law is amended by adding a new subdivision 13 to read as follows:

(13) (A) IN RESPECT TO THE USE OF A VESSEL BY THE PURCHASER THEREOF IN THIS STATE FOR NOT MORE THAN TWENTY DAYS PER CALENDAR YEAR.

(B) IF A VESSEL BROUGHT INTO THIS STATE FOR USE UNDER THIS PARAGRAPH IS PLACED IN A QUALIFIED FACILITY FOR REPAIRS, ALTERATIONS, REFITTING, OR MODIFICATIONS AND SUCH REPAIRS, ALTERATIONS, REFITTING, OR MODIFICATIONS ARE SUPPORTED BY WRITTEN DOCUMENTATION, THE TWENTY-DAY PERIOD SHALL BE TOLLED DURING THE TIME THE VESSEL IS PHYSICALLY IN THE CARE, CUSTODY, AND CONTROL OF A QUALIFIED FACILITY, INCLUDING THE TIME SPENT ON SEA TRIALS CONDUCTED BY SUCH FACILITY. THE TWENTY-DAY PERIOD MAY BE TOLLED ONLY ONCE WITHIN A CALENDAR YEAR WHEN A VESSEL IS PLACED FOR THE FIRST TIME IN SUCH CALENDAR YEAR IN THE PHYSICAL CARE, CUSTODY, AND CONTROL OF A QUALIFIED FACILITY; HOWEVER, THE COMMISSIONER MAY GRANT UPON WRITTEN REQUEST OF THE OWNER OF SUCH VESSEL AN ADDITIONAL TOLLING OF THE TWENTY-DAY PERIOD FOR PURPOSES OF REPAIRS THAT ARISE FROM A WRITTEN GUARANTEE GIVEN BY SUCH FACILITY, WHICH GUARANTEE COVERS ONLY THOSE REPAIRS OR MODIFICATIONS MADE DURING THE FIRST TOLLED PERIOD. WITHIN SEVENTY-TWO HOURS AFTER THE DATE UPON WHICH SUCH FACILITY TOOK POSSESSION OF THE VESSEL, THE OWNER MUST OBTAIN DOCUMENTATION, IN SUCH FORM AS THE COMMISSIONER SHALL PRESCRIBE, WHICH STATES THAT THE VESSEL IS UNDER THE CARE, CUSTODY, AND CONTROL OF A QUALIFIED FACILITY AND THAT THE OWNER DOES NOT USE THE VESSEL WHILE IN SUCH FACILITY. UPON COMPLETION OF THE REPAIRS, ALTERATIONS, REFITTING, OR MODIFICATIONS, THE OWNER MUST OBTAIN FROM SUCH FACILITY WITHIN SEVENTY-TWO HOURS AFTER THE DATE THE VESSEL IS RELEASED, DOCUMENTATION THAT SHOWS THE DATE OF RELEASE AND ANY OTHER INFORMATION THE COMMISSIONER MAY REQUIRE. SUCH FACILITY SHALL MAINTAIN A LOG THAT DOCUMENTS ALL ALTERATIONS, ADDITIONS, REPAIRS, AND SEA TRIALS DURING THE TIME A VESSEL IS UNDER ITS CARE, CUSTODY, AND CONTROL. SUCH DOCUMENTATION SHALL BE MAINTAINED BY SUCH OWNER AND FACILITY FOR AT LEAST THREE YEARS FROM THE DATE SUCH VESSEL IS RELEASED.

(C) IF A VESSEL IS BROUGHT INTO THE STATE FOR THE SOLE PURPOSE OF OFFERING IT FOR SALE UNDER A CONTRACT WITH A BROKER OR DEALER REGISTERED PURSUANT TO SECTION ELEVEN HUNDRED THIRTY-FOUR OF THIS ARTICLE, SUCH VESSEL IS EXCLUSIVELY IN THE CARE, CUSTODY AND CONTROL OF SUCH BROKER OR DEALER, AND NO PERSON MAKES RECREATIONAL USE OF SUCH VESSEL, THE TWENTY-DAY PERIOD SHALL BE TOLLED DURING THE TIME SUCH VESSEL IS IN THE CARE, CUSTODY AND CONTROL OF SUCH BROKER OR DEALER.

(D) THE MERE STORAGE OF A BOAT AT A QUALIFIED FACILITY DOES NOT QUALIFY AS A TAX-EXEMPT USE IN THIS STATE.

(E) AS USED IN THIS SUBDIVISION, "QUALIFIED FACILITY" MEANS A MARINA OR SIMILAR FACILITY WITHIN THE STATE THAT:

(I) IS LOCATED ON A NAVIGABLE BODY OF WATER;

(II) HAS PIERS AND STORAGE FACILITIES TO PROVIDE BERTHING OF VESSELS IN ITS CARE, CUSTODY, AND CONTROL; AND

(III) HAS NECESSARY SHOPS AND EQUIPMENT TO PROVIDE REPAIR, ALTERATION, REFITTING, MODIFICATION OR WARRANTY WORK ON VESSELS.

S 2. This act shall take effect immediately.

PART BBB

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

(CCC) CREDIT FOR REHABILITATION OF DISTRESSED COMMERCIAL PROPERTIES. (1) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, A TAXPAYER SHALL BE ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE, IN AN AMOUNT EQUAL TO THIRTY PERCENT OF THE QUALIFIED REHABILITATION EXPENDITURES MADE BY THE TAXPAYER WITH RESPECT TO A QUALIFIED DISTRESSED COMMERCIAL PROPERTY. PROVIDED, HOWEVER, THE CREDIT SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS.

(2) TAX CREDITS ALLOWED PURSUANT TO THIS SUBSECTION SHALL BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE PROPERTY IS DEEMED A CERTIFIED REHABILITATION.

(3) IF THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, AND MAY BE APPLIED AGAINST THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS, BUT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

(4) (A) THE TERM "QUALIFIED REHABILITATION EXPENDITURE" MEANS, FOR PURPOSES OF THIS SUBSECTION, ANY AMOUNT PROPERLY CHARGEABLE TO A CAPITAL ACCOUNT:

(I) IN CONNECTION WITH THE CERTIFIED REHABILITATION OF A QUALIFIED DISTRESSED COMMERCIAL PROPERTY, AND

(II) FOR PROPERTY FOR WHICH DEPRECIATION WOULD BE ALLOWABLE UNDER SECTION 168 OF THE INTERNAL REVENUE CODE.

(B) SUCH TERM SHALL NOT INCLUDE (I) THE COST OF ACQUIRING ANY BUILDING OR INTEREST THEREIN, (II) ANY EXPENDITURE ATTRIBUTABLE TO THE ENLARGEMENT OF AN EXISTING BUILDING, OR (III) ANY EXPENDITURE MADE PRIOR TO JANUARY FIRST, TWO THOUSAND FIFTEEN OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY.

(5) THE TERM "CERTIFIED REHABILITATION" MEANS, FOR PURPOSES OF THIS SUBSECTION, ANY REHABILITATION OF A CERTIFIED DISTRESSED COMMERCIAL PROPERTY WHICH HAS BEEN APPROVED AND CERTIFIED BY A LOCAL GOVERNMENT AS BEING COMPLETED, WITH A CERTIFICATE OF OCCUPANCY ISSUED, AND THAT THE COSTS ARE CONSISTENT WITH THE WORK COMPLETED. SUCH CERTIFICATION SHALL BE ACCEPTABLE AS PROOF THAT THE EXPENDITURES RELATED TO SUCH REHABILITATION QUALIFY AS QUALIFIED REHABILITATION EXPENDITURES FOR PURPOSES OF THE CREDIT ALLOWED UNDER PARAGRAPH ONE OF THIS SUBSECTION.

(6) (A) THE TERM "QUALIFIED DISTRESSED COMMERCIAL PROPERTY" MEANS, FOR PURPOSES OF THIS SUBSECTION, A DISTRESSED COMMERCIAL PROPERTY LOCATED WITHIN NEW YORK STATE:

(I) WHICH HAS BEEN SUBSTANTIALLY REHABILITATED,

(II) WHICH IS OWNED BY THE TAXPAYER, AND

(III) WHICH IS LOCATED WITHIN A DISTRESSED COMMERCIAL AREA, AS IDENTIFIED BY EACH LOCALITY THROUGH LOCAL LAW, THAT IS DEEMED AN AREA IN NEED OF COMMUNITY RENEWAL DUE TO DILAPIDATION AND VACANCIES.

(B) IF THE DISTRESSED COMMERCIAL PROPERTY IS RENTAL PROPERTY, SUCH PROPERTY SHALL HAVE BEEN MORE THAN THIRTY PERCENT VACANT FOR TWELVE MONTHS WHILE ACTIVELY MARKETED FOR LEASE.

(C) A BUILDING SHALL BE TREATED AS HAVING BEEN "SUBSTANTIALLY REHABILITATED" IF THE QUALIFIED REHABILITATION EXPENDITURES IN RELATION TO SUCH BUILDING TOTAL TEN THOUSAND DOLLARS OR MORE.

(7) (A) IF THE TAXPAYER DISPOSES OF SUCH TAXPAYER'S INTEREST IN THE QUALIFIED DISTRESSED COMMERCIAL PROPERTY, OR SUCH PROPERTY CEASES TO BE USED AS A COMMERCIAL PROPERTY OF THE TAXPAYER WITHIN FIVE YEARS OF RECEIVING THE CREDIT UNDER THIS SUBSECTION, THE TAXPAYER'S TAX IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR IN WHICH SUCH DISPOSITION OR CESSATION OCCURS SHALL BE INCREASED BY THE RECAPTURE PORTION OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO SUCH REHABILITATION.

(B) FOR PURPOSES OF SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE RECAPTURE PORTION SHALL BE THE PRODUCT OF THE AMOUNT OF CREDIT CLAIMED BY THE TAXPAYER MULTIPLIED BY A RATIO, THE NUMERATOR OF WHICH IS EQUAL TO SIXTY LESS THE NUMBER OF MONTHS THE BUILDING IS OWNED OR USED AS COMMERCIAL PROPERTY BY THE TAXPAYER AND THE DENOMINATOR OF WHICH IS SIXTY.

(8) ANY EXPENDITURE FOR WHICH A CREDIT IS CLAIMED UNDER THIS SUBSECTION SHALL NOT BE ELIGIBLE FOR ANY OTHER CREDIT UNDER THIS CHAPTER.

S 2. 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) CREDIT FOR REHABILITATION OF DISTRESSED COMMERCIAL PROPERTIES UNDER SUBSECTION (CCC)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B

S 3. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. CREDIT FOR REHABILITATION OF DISTRESSED COMMERCIAL PROPERTIES. (1) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, A TAXPAYER SHALL BE ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE, IN AN AMOUNT EQUAL TO THIRTY PERCENT OF THE QUALIFIED REHABILITATION EXPENDITURES MADE BY THE TAXPAYER WITH RESPECT TO A QUALIFIED DISTRESSED COMMERCIAL PROPERTY. PROVIDED, HOWEVER, THE CREDIT SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS.

(2) TAX CREDITS ALLOWED PURSUANT TO THIS SUBDIVISION SHALL BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE PROPERTY IS DEEMED A CERTIFIED REHABILITATION.

(3) IF THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, AND MAY BE APPLIED AGAINST THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS, BUT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

(4) (A) THE TERM "QUALIFIED REHABILITATION EXPENDITURE" MEANS, FOR PURPOSES OF THIS SUBDIVISION, ANY AMOUNT PROPERLY CHARGEABLE TO A CAPITAL ACCOUNT:

(I) IN CONNECTION WITH THE CERTIFIED REHABILITATION OF A QUALIFIED COMMERCIAL PROPERTY, AND

(II) FOR PROPERTY FOR WHICH DEPRECIATION WOULD BE ALLOWABLE UNDER SECTION 168 OF THE INTERNAL REVENUE CODE.

(B) SUCH TERM SHALL NOT INCLUDE (I) THE COST OF ACQUIRING ANY BUILDING OR INTEREST THEREIN, (II) ANY EXPENDITURE ATTRIBUTABLE TO THE ENLARGEMENT OF AN EXISTING BUILDING, OR (III) ANY EXPENDITURE MADE PRIOR TO JANUARY FIRST, TWO THOUSAND FIFTEEN OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY.

(5) THE TERM "CERTIFIED REHABILITATION" MEANS, FOR PURPOSES OF THIS SUBDIVISION, ANY REHABILITATION OF A CERTIFIED DISTRESSED COMMERCIAL PROPERTY WHICH HAS BEEN APPROVED AND CERTIFIED BY A LOCAL GOVERNMENT AS BEING COMPLETED, WITH A CERTIFICATE OF OCCUPANCY ISSUED, AND THAT THE COSTS ARE CONSISTENT WITH THE WORK COMPLETED. SUCH CERTIFICATION SHALL BE ACCEPTABLE AS PROOF THAT THE EXPENDITURES RELATED TO SUCH REHABILITATION QUALIFY AS QUALIFIED REHABILITATION EXPENDITURES FOR PURPOSES OF THE CREDIT ALLOWED UNDER PARAGRAPH ONE OF THIS SUBDIVISION.

(6) (A) THE TERM "QUALIFIED DISTRESSED COMMERCIAL PROPERTY" MEANS, FOR PURPOSES OF THIS SUBDIVISION, A DISTRESSED COMMERCIAL PROPERTY LOCATED WITHIN NEW YORK STATE:

(I) WHICH HAS BEEN SUBSTANTIALLY REHABILITATED,

(II) WHICH IS OWNED BY THE TAXPAYER, AND

(III) WHICH IS LOCATED WITHIN A DISTRESSED COMMERCIAL AREA, AS IDENTIFIED BY EACH LOCALITY THROUGH LOCAL LAW, THAT IS DEEMED AN AREA IN NEED OF COMMUNITY RENEWAL DUE TO DILAPIDATION AND VACANCIES.

(B) IF THE DISTRESSED COMMERCIAL PROPERTY IS RENTAL PROPERTY, SUCH PROPERTY SHALL HAVE BEEN MORE THAN THIRTY PERCENT VACANT FOR TWELVE MONTHS WHILE ACTIVELY MARKETED FOR LEASE.

(C) A BUILDING SHALL BE TREATED AS HAVING BEEN "SUBSTANTIALLY REHABILITATED" IF THE QUALIFIED REHABILITATION EXPENDITURES IN RELATION TO SUCH BUILDING TOTAL TEN THOUSAND DOLLARS OR MORE.

(7) (A) IF THE TAXPAYER DISPOSES OF SUCH TAXPAYER'S INTEREST IN THE QUALIFIED DISTRESSED COMMERCIAL PROPERTY, OR SUCH PROPERTY CEASES TO BE USED AS A COMMERCIAL PROPERTY OF THE TAXPAYER WITHIN FIVE YEARS OF RECEIVING THE CREDIT UNDER THIS SUBDIVISION, THE TAXPAYER'S TAX IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR IN WHICH SUCH DISPOSITION OR CESSATION OCCURS SHALL BE INCREASED BY THE RECAPTURE PORTION OF THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO SUCH REHABILITATION.

(B) FOR PURPOSES OF SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE RECAPTURE PORTION SHALL BE THE PRODUCT OF THE AMOUNT OF CREDIT CLAIMED BY THE TAXPAYER MULTIPLIED BY A RATIO, THE NUMERATOR OF WHICH IS EQUAL TO SIXTY LESS THE NUMBER OF MONTHS THE BUILDING IS OWNED OR USED AS COMMERCIAL PROPERTY BY THE TAXPAYER AND THE DENOMINATOR OF WHICH IS SIXTY.

(8) ANY EXPENDITURE FOR WHICH A CREDIT IS CLAIMED UNDER THIS SUBDIVISION SHALL NOT BE ELIGIBLE FOR ANY OTHER CREDIT UNDER THIS CHAPTER.

S 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2015.

PART CCC

Section 1. Paragraph 1 of subdivision (f) of section 16 of the tax law, as amended by section 34 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(1) General. The tax factor shall be, in the case of article nine-A of this chapter, the amount of tax determined for the taxable year under paragraph (a) of subdivision one of section two hundred ten of such article. The tax factor shall be, in the case of article twenty-two of this chapter, the tax determined for the taxable year under subsections (a) through (d) of section six hundred one of such article. PROVIDED

HOWEVER, TAXPAYERS FILING UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER SHALL INCLUDE FOR THE PURPOSES OF THE TAX FACTOR ALL BUSINESS INCOME ATTRIBUTABLE TO A QEZE BUSINESS WHICH IS TAXABLE UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER. The tax factor shall be, in the case of article thirty-three of this chapter, the larger of the amounts of tax determined for the taxable year under paragraphs one and three of subdivision (a) of section fifteen hundred two of such article.

S 2. This act shall take effect immediately.

PART DDD

Section 1. Paragraph 1 of subdivision (c) of section 1105 of the tax law, as amended by chapter 583 of the laws of 2011, is amended to read as follows:

(1) The furnishing of information by printed, mimeographed or multigraphed matter or by duplicating written or printed matter in any other manner, including the services of collecting, compiling or analyzing information of any kind or nature and furnishing reports thereof to other persons, but excluding the furnishing of information which is personal or individual in nature and which is not or may not be substantially incorporated in reports furnished to other persons, and excluding the services of advertising or other agents, or other persons acting in a representative capacity, and information services used by newspapers, electronic news services, radio broadcasters and television broadcasters in the collection and dissemination of news, and excluding meteorological services, AND EXCLUDING THE SALE OF AN ABSTRACT OF TITLE TO REAL PROPERTY TO BE USED FOR AGRICULTURAL PURPOSES TO EITHER A PROSPECTIVE PURCHASER OF REAL PROPERTY OR TO AN ATTORNEY REPRESENTING A PROSPECTIVE PURCHASER.

S 2. This act shall take effect immediately.

PART EEE

Section 1. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) SCHOOL BUSES AS SUCH TERM IS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THE VEHICLE AND TRAFFIC LAW, AND PARTS, EQUIPMENT, LUBRICANTS AND FUEL PURCHASED AND USED IN THEIR OPERATION.

S 2. This act shall take effect on the first day of a quarterly sales tax period, as set forth in subdivision (b) of section 1136 of the tax law, next succeeding April 1, 2018. Provided, however, that the commissioner of taxation and finance may take any action necessary for the timely implementation of this act on or before the date on which it shall have become a law.

PART FFF

Section 1. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) ENERGY EFFICIENT TANGIBLE PERSONAL PROPERTY OF WHATEVER NATURE FOR USE OR CONSUMPTION DIRECTLY AND EXCLUSIVELY: (I) IN THE PRODUCTION OF SNOW; (II) IN THE UPHILL TRANSPORTATION OF SKIERS; OR (III) IN THE GROOMING AND MAINTENANCE OF SNOW BY ANY PERSON ENGAGED IN THE BUSINESS OF OPERATING A RECREATIONAL FACILITY FOR SKIING.

S 2. Section 1115 of the tax law is amended by adding a new subdivision (jj) to read as follows:

(JJ) FUEL, GAS, ELECTRICITY AND REFRIGERATION, AND GAS, ELECTRIC AND REFRIGERATION SERVICE OF WHATEVER NATURE FOR USE OR CONSUMPTION DIRECTLY AND EXCLUSIVELY IN THE PRODUCTION OF SNOW BY ANY PERSON ENGAGED IN THE BUSINESS OF OPERATING A RECREATIONAL FACILITY FOR SKIING, SHALL BE EXEMPT FROM THE TAXES IMPOSED UNDER SUBDIVISIONS (A) AND (B) OF SECTION ELEVEN HUNDRED FIVE AND THE COMPENSATING USE TAX IMPOSED UNDER SECTION ELEVEN HUNDRED TEN OF THIS ARTICLE.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.

PART GGG

Section 1. Paragraphs 3 and 4 of subsection (b) of section 800 of the tax law, paragraph 3 as amended and paragraph 4 as added by section 1 of part B of chapter 56 of the laws of 2011, are amended and a new paragraph 5 is added to read as follows:

(3) an interstate agency or public corporation created pursuant to an agreement or compact with another state or the Dominion of Canada; [or]

(4) [Any] ANY eligible educational institution. An "eligible educational institution" shall mean any public school district, a board of cooperative educational services, a public elementary or secondary school, a school approved pursuant to article eighty-five or eighty-nine of the education law to serve students with disabilities of school age, or a nonpublic elementary or secondary school that provides instruction in grade one or above[.]; OR

(5) ANY COUNTY, TOWN, CITY, VILLAGE OR OTHER POLITICAL SUBDIVISION EXCEPT A CITY WITH A POPULATION OF ONE MILLION INHABITANTS OR MORE.

S 2. This act shall take effect immediately.

PART HHH

Section 1. Paragraph 4 of subsection (b) of section 800 of the tax law, as added by section 1 of part B of chapter 56 of the laws of 2011, is amended to read as follows:

(4) Any eligible educational institution. An "eligible educational institution" shall mean any public school district, a board of cooperative educational services, a public elementary or secondary school, a school approved pursuant to article eighty-five or eighty-nine of the education law to serve students with disabilities of school age, or a nonpublic elementary or secondary school that provides instruction in grade one or above, ALL PUBLIC LIBRARY SYSTEMS AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED SEVENTY-TWO OF THE EDUCATION LAW, AND ALL PUBLIC AND FREE ASSOCIATION LIBRARIES AS SUCH TERMS ARE DEFINED IN SUBDIVISION TWO OF SECTION TWO HUNDRED FIFTY-THREE OF THE EDUCATION LAW.

S 2. This act shall take effect immediately.

PART III

Section 1. Paragraph 4 of subsection (b) of section 800 of the tax law, as added by section 1 of part B of chapter 56 of the laws of 2011, is amended to read as follows:

(4) Any eligible educational institution. An "eligible educational institution" shall mean any public school district, a board of cooperative educational services, a public elementary or secondary school, a school approved pursuant to article eighty-five or eighty-nine of the education law to serve students with disabilities of school OR PRESCHOOL

age, or a nonpublic elementary or secondary school that provides instruction in grade one or above.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2016.

PART JJJ

Section 1. Subparagraph (A) of paragraph 2 of subsection (t) of section 606 of the tax law, as amended by section 1 of part N of chapter 85 of the laws of 2002, is amended to read as follows:

(A) The term "allowable college tuition expenses" shall mean the amount of qualified college tuition expenses of eligible students paid by the taxpayer during the taxable year[,]. THE AMOUNT OF QUALIFIED COLLEGE TUITION EXPENSES SHALL BE limited [to] AS FOLLOWS: FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND AND BEFORE TWO THOUSAND SIXTEEN, ten thousand dollars for each such student; FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND SIXTEEN, TWELVE THOUSAND DOLLARS FOR EACH STUDENT; FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND SEVENTEEN, FOURTEEN THOUSAND DOLLARS FOR EACH STUDENT; FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND EIGHTEEN, SIXTEEN THOUSAND DOLLARS FOR EACH STUDENT; FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINETEEN, EIGHTEEN THOUSAND DOLLARS FOR EACH STUDENT; AND FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINETEEN, TWENTY THOUSAND DOLLARS PER STUDENT;

S 2. Paragraph 4 of subsection (t) of section 606 of the tax law, as added by section 1 of part DD of chapter 63 of the laws of 2000, is amended to read as follows:

(4) Amount of credit. [If allowable college tuition expenses are less than five thousand dollars, the amount of the credit provided under this subsection shall be equal to the applicable percentage of the lesser of allowable college tuition expenses or two hundred dollars. If allowable college tuition expenses are five thousand dollars or more, the amount of the credit provided under this subsection shall be equal to the applicable percentage of the allowable college tuition expenses multiplied by four percent.]

THE AMOUNT OF THE CREDIT SHALL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND AND BEFORE TWO THOUSAND SIXTEEN:

IF ALLOWABLE COLLEGE TUITION EXPENSES ARE:	THE TAX CREDIT IS EQUAL TO:
LESS THAN FIVE THOUSAND DOLLARS	THE APPLICABLE PERCENTAGE OF THE LESSER OF ALLOWABLE COLLEGE TUITION EXPENSES OR TWO HUNDRED DOLLARS
FIVE THOUSAND DOLLARS OR MORE	THE APPLICABLE PERCENTAGE OF ALLOWABLE COLLEGE TUITION EXPENSES MULTIPLIED BY FOUR PERCENT

(B) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND SIXTEEN:

IF ALLOWABLE COLLEGE TUITION EXPENSES ARE:	THE TAX CREDIT IS EQUAL TO:
LESS THAN SIX THOUSAND DOLLARS	THE LESSER OF ALLOWABLE COLLEGE TUITION EXPENSES OR TWO HUNDRED FORTY DOLLARS
SIX THOUSAND DOLLARS OR MORE	THE ALLOWABLE COLLEGE TUITION EXPENSES MULTIPLIED BY FOUR PERCENT

(C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND SEVENTEEN:

IF ALLOWABLE COLLEGE TUITION EXPENSES ARE:	THE TAX CREDIT IS EQUAL TO:
LESS THAN SEVEN THOUSAND DOLLARS	THE LESSER OF ALLOWABLE COLLEGE TUITION EXPENSES OR TWO HUNDRED EIGHTY DOLLARS
SEVEN THOUSAND DOLLARS OR MORE	THE ALLOWABLE COLLEGE TUITION EXPENSES MULTIPLIED BY FOUR PERCENT

(D) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND EIGHTEEN:

IF ALLOWABLE COLLEGE TUITION EXPENSES ARE:	THE TAX CREDIT IS EQUAL TO:
LESS THAN EIGHT THOUSAND DOLLARS	THE LESSER OF ALLOWABLE COLLEGE TUITION EXPENSES OR THREE HUNDRED TWENTY DOLLARS
EIGHT THOUSAND DOLLARS OR MORE	THE ALLOWABLE COLLEGE TUITION EXPENSES MULTIPLIED BY FOUR PERCENT

(E) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINETEEN:

IF ALLOWABLE COLLEGE TUITION EXPENSES ARE:	THE TAX CREDIT IS EQUAL TO:
LESS THAN NINE THOUSAND DOLLARS	THE LESSER OF ALLOWABLE COLLEGE TUITION EXPENSES OR THREE HUNDRED SIXTY DOLLARS
NINE THOUSAND DOLLARS OR MORE	THE ALLOWABLE COLLEGE TUITION EXPENSES MULTIPLIED BY FOUR PERCENT

(F) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINETEEN:

IF ALLOWABLE COLLEGE TUITION EXPENSES ARE:	THE TAX CREDIT IS EQUAL TO:
LESS THAN TEN THOUSAND DOLLARS	THE LESSER OF ALLOWABLE COLLEGE TUITION EXPENSES OR FOUR HUNDRED DOLLARS
TEN THOUSAND DOLLARS OR MORE	THE ALLOWABLE COLLEGE TUITION EXPENSES MULTIPLIED BY FOUR PERCENT

Such applicable percentage shall be twenty-five percent for taxable years beginning in two thousand one, fifty percent for taxable years beginning in two thousand two, seventy-five percent for taxable years beginning in two thousand three and one hundred percent for taxable years beginning after two thousand three.

S 3. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2016.

PART KKK

Section 1. The tax law is amended by adding a new section 23-a to read as follows:

S 23-A. ASBESTOS REMEDIATION CREDIT. (A) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) QUALIFIED STRUCTURE. "QUALIFIED STRUCTURE" SHALL MEAN (I) A BUILDING, PRINCIPALLY USED BY THE TAXPAYER FOR RESIDENTIAL, INDUSTRIAL, COMMERCIAL, RECREATIONAL OR ENVIRONMENTAL CONSERVATION PURPOSES, AND (II) WHICH WAS ORIGINALLY PLACED IN SERVICE AT LEAST TWENTY-FIVE YEARS PRIOR TO THE TAXABLE YEAR IN WHICH THE CREDIT IS CLAIMED.

(2) ELIGIBLE COSTS. "ELIGIBLE COSTS" SHALL MEAN ALL AMOUNTS PROPERLY CHARGEABLE TO A CAPITAL ACCOUNT, WHICH ARE INCURRED IN DIRECT CONNECTION TO ASBESTOS REMEDIATION OF A QUALIFIED ASBESTOS PROJECT.

(3) QUALIFIED ASBESTOS PROJECT. "QUALIFIED ASBESTOS PROJECT" SHALL BE AN ASBESTOS PROJECT AS DEFINED IN SECTION NINE HUNDRED ONE OF THE LABOR LAW AND UNDERTAKEN BY THE TAXPAYER, ON A QUALIFIED STRUCTURE, AND

COMPLETED PURSUANT TO THE APPLICABLE REGULATIONS AT PART FIFTY-SIX OF TITLE TWELVE OF THE OFFICIAL COMPILATION OF RULES AND REGULATIONS OF THE STATE.

(B) ASBESTOS REMEDIATION CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER WHO HAS UNDERTAKEN A QUALIFIED ASBESTOS PROJECT ON A QUALIFIED STRUCTURE, AND WHO IS SUBJECT TO TAX UNDER ARTICLE NINE, 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.

(2) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE TWENTY PERCENT OF ALL ELIGIBLE COSTS WHICH ARE INCURRED IN THE TAXABLE YEAR, AS A RESULT OF ASBESTOS REMEDIATION WITH A COMPLETED QUALIFIED ASBESTOS PROJECT. THE CREDIT SHALL BE ALLOWED FOR THE TAXABLE YEAR IN WHICH THE QUALIFIED ASBESTOS PROJECT IS FIRST COMMENCED AND FOR THE NEXT TWO SUCCEEDING TAXABLE YEARS. THE CREDIT AUTHORIZED PURSUANT TO THIS SECTION SHALL NOT EXCEED THE TOTAL SUM OF ONE MILLION DOLLARS FOR THE THREE TAXABLE YEARS ALLOWED AND CLAIMED. THE COSTS, EXPENSES AND OTHER AMOUNTS FOR WHICH A CREDIT IS ALLOWED AND CLAIMED UNDER THIS SUBDIVISION SHALL NOT BE USED IN THE CALCULATION OF ANY OTHER CREDIT ALLOWED UNDER THIS CHAPTER.

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

ARTICLE 9: SECTION 187-T.

ARTICLE 9-A: SECTION 210-B, SUBDIVISION 49.

ARTICLE 22: SECTION 606, SUBSECTIONS (I) AND (CCC).

S 2. The tax law is amended by adding a new section 187-t to read as follows:

S 187-T. ASBESTOS REMEDIATION CREDIT. 1. ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION TWENTY-THREE-A OF THIS CHAPTER, AGAINST THE TAXES IMPOSED BY THIS ARTICLE. PROVIDED, HOWEVER, THAT THE AMOUNT OF SUCH CREDIT ALLOWABLE AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHTY-FOUR OF THIS ARTICLE SHALL BE THE EXCESS OF THE AMOUNT OF SUCH CREDIT OVER THE AMOUNT OF ANY CREDIT ALLOWED BY THIS SECTION AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE.

2. APPLICATION OF CREDIT. THE CREDIT UNDER THIS SECTION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE APPLICABLE MINIMUM TAX PRESCRIBED BY THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

S 3. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. ASBESTOS REMEDIATION CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER WHO HAS UNDERTAKEN A QUALIFIED ASBESTOS PROJECT ON AN EXISTING STRUCTURE SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION TWENTY-THREE-A OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CREDITS ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE

YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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) ASBESTOS REMEDIATION CREDIT UNDER SUBSECTION (CCC)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B

S 5. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(CCC) ASBESTOS REMEDIATION CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER WHO HAS UNDERTAKEN A QUALIFIED ASBESTOS PROJECT ON AN EXISTING STRUCTURE SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION TWENTY-THREE-A OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) APPLICATION OF CREDIT. 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 6. This act shall take effect immediately and shall apply to taxable years commencing on or after January 1, 2016.

PART LLL

Section 1. Subdivision 1 of section 472 of the tax law, as amended by chapter 629 of the laws of 1996, and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. The commissioner shall prescribe, prepare and furnish stamps of such denominations and quantities as may be necessary for the payment of the tax on cigarettes imposed by this article, PLUS THE PAYMENT BY THE AGENT OF A CONCURRENT EXPENSE ALLOWANCE FOR THE CIGARETTE TAX ENFORCEMENT ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-QQQQ OF THE STATE FINANCE LAW OF FOUR CENTS PER STAMP WHICH SHALL BE DEPOSITED PURSUANT TO SUBDIVISION (C) OF SECTION FOUR HUNDRED EIGHTY-TWO OF THIS ARTICLE, and may from time to time and as often as he deems advisable provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design, in the manner and with the effect provided in section two hundred seventy-four of this chapter. The commissioner shall make provisions for the sale of such stamps at such places and at such times as he may deem necessary and may license agents for such purpose. The commissioner may license dealers in cigarettes, who maintain separate warehousing facilities for the purpose of receiving and distributing cigarettes and conducting their business, who have received commitments from at least two cigarette manufacturers whose aggregate market share is at least forty percent of the New York state cigarette market, and importers, exporters and manufacturers of cigarettes, and other persons within or without the state as agents to buy or affix stamps to be used in paying the tax herein imposed, but an agent shall at all times have the right to appoint the person in his employ who is to affix the stamps to any cigarettes under the agent's

control. The fee for filing such application for an agent's license shall be one thousand five hundred dollars, unless such fee has been paid during the preceding twelve months, in which case, the fee for a new license shall be one thousand dollars. All of the provisions of section four hundred eighty OF THIS ARTICLE relating to wholesale dealers' licenses, including the procedure for suspension, revocation, refusal to license and for hearings, except for paragraphs (c) and (g) of subdivision one of such section, shall be applicable to agents' licenses applied for or granted pursuant to this section, as if such provisions had been set forth in full in this subdivision and had expressly referred to the applicant for, or the holder of, an agent's license. Whenever the commissioner shall sell and deliver to any such agent any such stamps, such agent shall be entitled to receive as compensation for his services and expenses as such agent in selling or affixing such stamps, and to retain out of the moneys to be paid by him for such stamps, a commission on the par value thereof. The commissioner is hereby authorized to prescribe a schedule of commissions, not exceeding five per centum, allowable to such agent for buying and affixing such stamps. Such schedule shall be uniform with respect to the different types of stamps used, and may be on a graduated scale with respect to the number of stamps purchased. The commissioner may, in his discretion, permit an agent to pay for such stamps within thirty days after the date of purchase and may require any such agent to file with the department [of taxation and finance] a bond issued by a surety company approved by the superintendent of financial services as to solvency and responsibility and authorized to transact business in the state or other security acceptable to the commissioner, in such amount as the commissioner may fix, to secure the payment of any sums due from such agent pursuant to this article. If securities are deposited as security under this subdivision, such securities shall be kept in the custody of the commissioner and may be sold by the commissioner if it becomes necessary so to do in order to recover any sums due from such agent pursuant to this article, but no such sale shall be had until after such agent shall have had opportunity to litigate the validity of any tax if it elects so to do. Upon any such sale, the surplus, if any, above the sums due under this article shall be returned to such agent.

S 2. Section 482 of the tax law is amended by adding a new subdivision (c) to read as follows:

(C) FROM THE AMOUNTS RECEIVED PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SEVENTY-TWO OF THIS ARTICLE, THE COMMISSIONER SHALL DEPOSIT IN THE CIGARETTE TAX ENFORCEMENT ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-QQQQ OF THE STATE FINANCE LAW THE CONCURRENT EXPENSE ALLOWANCE FOR THE CIGARETTE TAX ENFORCEMENT FUND OF FOUR CENTS PER STAMP.

S 3. The state finance law is amended by adding a new section 97-qqqq to read as follows:

S 97-QQQQ. CIGARETTE TAX ENFORCEMENT ACCOUNT. 1. THERE IS HEREBY CREATED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT OF THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE "CIGARETTE TAX ENFORCEMENT ACCOUNT".

2. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, THE STATE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO RECEIVE FOR DEPOSIT TO THE CREDIT OF THE CIGARETTE TAX ENFORCEMENT ACCOUNT MONIES RECEIVED FROM THE COMMISSIONER OF TAXATION AND FINANCE FROM THE CONCURRENT EXPENSE ALLOWANCE PAID PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SEVENTY-TWO OF THE TAX LAW, AND OTHER MONIES APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE.

3. THE PROCEEDS OF THE CIGARETTE TAX ENFORCEMENT ACCOUNT SHALL BE USED SOLELY TO ENFORCE (I) THE COLLECTION OF THE CIGARETTE TAX IMPOSED BY ARTICLE TWENTY OF THE TAX LAW OR (II) THE CIGARETTE MARKETING STANDARDS ACT, AS ESTABLISHED BY ARTICLE TWENTY-A OF THE TAX LAW.

S 4. Subdivisions (a), (b) and (c) of section 1846 of the tax law, as amended by chapter 556 of the laws of 2011, are amended to read as follows:

(a) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in subdivision four of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes subject to tax provided by article twenty of this chapter or by chapter thirteen of title eleven of the administrative code of the city of New York, and upon which the tax has not been paid or the stamps not affixed as required by such article or such chapter thirteen, they are hereby authorized and empowered forthwith to seize and take possession of such cigarettes, together with any vending machine or receptacle in which they are held for sale. Such cigarettes, vending machine or receptacle seized by a police officer or such peace officer shall be turned over to the commissioner. Such seized cigarettes, vending machine or receptacle, not including money contained in such vending machine or receptacle, shall be forfeited to the state. The commissioner may, within a reasonable time thereafter, upon publication of a notice to such effect for at least five successive days, before the day of sale, in a newspaper published or circulated in the county where the seizure was made, sell such forfeited vending machines or receptacles at public sale and pay the proceeds into the state treasury to the credit of the general fund. Notwithstanding any other provision of this section, the commissioner may enter into an agreement with any city of this state which is authorized to impose a tax similar to that imposed by article twenty of this chapter to provide for the disposition between the state and any such city of the proceeds from any such sale. All cigarettes forfeited to the state [shall be destroyed or used for law enforcement purposes], except [that] cigarettes that violate, or are suspected of violating, federal trademark laws or import laws shall [not be used for law enforcement purposes. If the commissioner determines the cigarettes may not be used for law enforcement purposes], UPON PUBLICATION IN THE STATE REGISTRY, BE AVAILABLE FOR INSPECTION BY THE MANUFACTURER WHO SHALL DETERMINE WHETHER SUCH CIGARETTES ARE OF SALEABLE QUALITY AND SUCH CIGARETTES SHALL BE OFFERED FOR SALE TO SUCH MANUFACTURERS. ANY CIGARETTES THAT ARE EITHER NOT INSPECTED BY THE MANUFACTURER WITHIN FIVE DAYS OF THE PUBLICATION IN THE STATE REGISTRY OR ARE NOT PURCHASED BY THE MANUFACTURER AFTER BEING DETERMINED TO BE OF SALEABLE QUALITY SHALL, UPON PUBLICATION IN THE STATE REGISTRY, BE OFFERED FOR SALE TO AGENTS, AS SUCH TERM IS DEFINED IN SUBDIVISION ELEVEN OF SECTION FOUR HUNDRED SEVENTY OF THIS CHAPTER, TO A PRICE EQUALING TWO DOLLARS AND TWENTY CENTS PER PACK OF TWENTY CIGARETTES. ANY SUCH CIGARETTES THAT ARE EITHER NOT SOLD WITHIN A REASONABLE PERIOD OF TIME AFTER BEING OFFERED FOR SALE TO AGENTS OR DEEMED UNSALEABLE BY THE MANUFACTURER SHALL, UPON PUBLICATION IN THE STATE REGISTRY, BE DESTROYED OR USED FOR LAW ENFORCEMENT PURPOSES. IF THE COMMISSIONER DETERMINES THE CIGARETTES MAY NOT BE OFFERED FOR SALE TO THE MANUFACTURERS OR AGENTS, OR USED FOR LAW ENFORCEMENT PURPOSES BECAUSE SUCH CIGARETTES VIOLATE, OR ARE SUSPECTED OF VIOLATING, FEDERAL TRADEMARK LAWS OR IMPORT LAWS, the commissioner must, within a reasonable time after the forfeiture of such cigarettes, upon publication in the state registry, destroy such forfeited cigarettes. The commissioner may, prior to any destruction of cigarettes,

permit the true holder of the trademark rights in the cigarettes to inspect such forfeited cigarettes in order to assist in any investigation regarding such cigarettes. THE REVENUE FROM ALL SALES OF CIGARETTES MADE PURSUANT TO THIS SUBDIVISION SHALL BE DEPOSITED IN THE CIGARETTE TAX ENFORCEMENT ACCOUNT, AS ESTABLISHED IN SECTION 97-QQQQ OF THE STATE FINANCE LAW.

(b) [In the alternative] PRIOR TO MAKING FORFEITED CIGARETTES AVAILABLE FOR INSPECTION OR PURCHASE BY THE MANUFACTURER, OFFERING SUCH CIGARETTES FOR SALE TO AGENTS, OR USING SUCH CIGARETTES FOR LAW ENFORCEMENT PURPOSES IN ACCORDANCE WITH SUBDIVISION (A) OF THIS SECTION, the tax commission, on reasonable notice by mail or otherwise, may permit the person from whom said cigarettes were seized to redeem the said cigarettes, and any vending machine or receptacle seized therewith, by the payment of the tax due, plus a penalty of fifty per centum thereof, plus interest on the amount of tax due for each month or fraction thereof after such tax became due (determined without regard to any extension of time for filing or paying) at the rate applicable under subparagraph (ii) of paragraph (a) of subdivision one of section four hundred eighty-one of this chapter and the costs incurred in such proceeding, which total payment shall not be less than five dollars; provided, however, that such seizure and sale or redemption shall not be deemed to relieve any person from fine or imprisonment provided for in this article for violation of any provision of article twenty of this chapter.

(c) [In the alternative] AFTER MAKING FORFEITED CIGARETTES AVAILABLE FOR INSPECTION OR PURCHASE BY THE MANUFACTURER AND OFFERING SUCH CIGARETTES FOR SALE TO AGENTS IN ACCORDANCE WITH SUBDIVISION (A) OF THIS SECTION, the tax commission may dispose of any cigarettes seized pursuant to this section, except those that violate, or are suspected of violating, federal trademark laws or import laws, by transferring them to the department of corrections and community supervision for sale to or use by inmates in such institutions.

S 5. Subdivision (b) of section 483 of the tax law, as amended by chapter 860 of the laws of 1987, subparagraph (A) of paragraph 1 and subparagraph (B) of paragraph 3 as amended by chapter 744 of the laws of 1990, subparagraph (B) of paragraph 1 as amended by chapter 1 of the laws of 1999 and subparagraph (B) of paragraph 2 as amended by chapter 4 of the laws of 1988, is amended to read as follows:

(b) 1. (A) The term "cost of the agent" shall mean the basic cost of cigarettes plus the cost of doing business by the agent as evidenced by the accounting standards and methods regularly employed by said agent in his determination of costs for the purpose of federal income tax reporting for the total operation of his establishment, and must include, without limitation, labor, including salaries of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery costs, interest payable, all types of licenses, taxes, insurance and advertising expressed as a percentage and applied to the basic cost of cigarettes. Any fractional part of a cent in the cost to the agent per carton of cigarettes shall be rounded off to the next higher cent. In the case of sales at retail by an agent, the "cost of the agent" shall be the same as the "cost of the retail dealer". In the case of sales of cigarettes to a chain store having fifteen or more retail outlets, excluding vending machine operators, which are delivered to a central warehouse owned and operated by such chain store and which are delivered to its retail outlets by the chain store, the "cost of the agent" shall be presumed to be the basic cost of cigarettes. There shall

be determined a separate cost of the agent for sales to wholesale dealers and for sales to retail dealers.

(B) In the absence of the filing with the commissioner of satisfactory proof of a lesser cost of doing business of the agent making the sale, the cost of doing business by the agent shall be presumed to be [seven-eighths of one] TWO AND ONE-QUARTER percent of the basic cost of cigarettes for sales to wholesale dealers plus one cent per package of ten cigarettes, two cents per package of twenty cigarettes and in the case of a package containing more than twenty cigarettes, two cents and one-half of a cent for each five cigarettes in excess of twenty cigarettes, [one and one-half] FIVE AND THREE-QUARTER percent of the basic cost of cigarettes for sales to chain stores plus one cent per package of ten cigarettes, two cents per package of twenty cigarettes and in the case of a package containing more than twenty cigarettes, two cents and one-half of a cent for each five cigarettes in excess of twenty cigarettes and [three and seven-eighths] FIVE AND THREE-QUARTER percent of the basic cost of cigarettes with respect to sales to retail dealers plus one cent per package of ten cigarettes, two cents per package of twenty cigarettes and in the case of a package containing more than twenty cigarettes, two cents and one-half of a cent for each five cigarettes in excess of twenty cigarettes and the foregoing cents per pack shall be included in the "cost of doing business by the agent" referred to in paragraphs two and three of this subdivision.

2. (A) The term "cost of the wholesale dealer" shall mean the basic cost of cigarettes plus the cost of doing business by the wholesale dealer as evidenced by the accounting standards and methods regularly employed by said wholesale dealer in his determination of costs for the purpose of federal income tax reporting for the total operation of his establishment, and must include, without limitation, labor, including salaries of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery costs, interest payable, all types of licenses, taxes, insurance and advertising expressed as a percentage and applied to the basic cost of cigarettes, plus the cost of doing business by the agent with respect to sales of cigarettes to wholesale dealers. Any fractional part of a cent in the cost to the wholesale dealer per carton of cigarettes shall be rounded off to the next higher cent. In the case of sales at retail by a wholesale dealer, the "cost of the wholesale dealer" shall be the same as the "cost of the retail dealer". There shall be determined a separate cost of the wholesale dealer for sales to chain stores and for sales to retail dealers.

(B) In the absence of the filing with the tax commission of satisfactory proof of a lesser cost of doing business of the wholesale dealer making the sale, the cost of doing business by the wholesale dealer with respect to sales to retail dealers shall be presumed to be three AND ONE-HALF per centum of the basic cost of cigarettes, and with respect to sales to chain stores, [five-eighths of one] THREE AND ONE-HALF percent of the basic cost of cigarettes.

3. (A) The term "cost of the retail dealer" shall mean the basic cost of cigarettes plus the cost of doing business by the retail dealer as evidenced by the accounting standards and methods regularly employed by said retail dealer in his determination of costs for the purpose of federal income tax reporting for the total operation of his establishment, and shall include, without limitation, labor, including salaries of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery costs, interest payable, all types of licenses, taxes, insurance and advertising expressed as a percentage and

applied to the basic cost of cigarettes, plus the cost of doing business by the agent with respect to sales of cigarettes to retail dealers. Any fractional part of a cent in the cost to the retail dealer per package or per carton shall be rounded off to the next higher cent.

(B) In the absence of the filing with the commissioner of taxation and finance of satisfactory proof of a lesser cost of doing business by the retail dealer making the sale, the cost of doing business by the retail dealer shall be presumed to be [seven] EIGHT AND ONE-HALF per centum of the sum of the basic cost of cigarettes plus the cost of doing business by the agent with respect to cigarettes sold to retail dealers.

S 6. Section 1814 of the tax law is amended by adding a new subdivision (j) to read as follows:

(J) REWARDS. (1) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE COMMISSIONER SHALL ESTABLISH A PROGRAM TO ALLOW INDIVIDUALS TO SUBMIT A SWORN STATEMENT AFFIRMING THE OBSERVATION OF A VIOLATION OF ARTICLE TWENTY OF THIS CHAPTER AND, WHERE THE COMMISSIONER DEEMS IT APPROPRIATE, ALLOW FOR A REWARD FOR ANY SUCH SWORN STATEMENT. WHERE ENFORCEMENT ACTION IS TAKEN PURSUANT TO THIS ARTICLE OR ARTICLE TWENTY OF THIS CHAPTER BASED UPON A SWORN STATEMENT BY ONE OR MORE INDIVIDUALS AND WHERE THE COMMISSIONER DETERMINES, IN THE EXERCISE OF HIS OR HER DISCRETION, THAT SUCH SWORN STATEMENT, EITHER ALONE OR IN CONJUNCTION WITH THE TESTIMONY OF THE PERSON SUBMITTING SUCH SWORN STATEMENT CONTRIBUTES TO THE IMPOSITION OF A CIVIL OR CRIMINAL PENALTY UPON ANY PERSON FOR A VIOLATION OF THIS ARTICLE, OR ARTICLE TWENTY OF THIS CHAPTER, THE COMMISSIONER SHALL OFFER AS A REWARD TO SUCH INDIVIDUAL OR INDIVIDUALS AN AMOUNT THAT, IN THE AGGREGATE, IS FIVE DOLLARS. NO PEACE OFFICER, POLICE OFFICER OR EMPLOYEE OF THE DEPARTMENT, EMPLOYEE OF ANY COMPANY UNDER CONTRACT WITH THE DEPARTMENT, OR EMPLOYEE OF ANY GOVERNMENTAL ENTITY THAT, IN CONJUNCTION WITH THE DEPARTMENT, CONDUCTS ENFORCEMENT ACTIVITY RELATING TO A VIOLATION OF THIS ARTICLE OR ARTICLE TWENTY OF THIS CHAPTER, SHALL BE ENTITLED TO OBTAIN THE BENEFIT OF ANY SUCH REWARD WHEN ACTING IN THE DISCHARGE OF HIS OR HER OFFICIAL DUTIES.

(2) ALL REWARDS PAID PURSUANT TO THIS SECTION SHALL BE PAID FROM THE CIGARETTE TAX ENFORCEMENT ACCOUNT, AS ESTABLISHED IN SECTION 97-QQQQ OF THE STATE FINANCE LAW.

S 7. Beginning the month immediately following the month in which the balance in the cigarette tax enforcement account, as established in section 97-qqqq of the state finance law, there is hereby appropriated to the division of state police the amount of six million dollars ($6,000,000) from the cigarette tax enforcement account to support cigarette tax, as imposed by article twenty of the tax law, and cigarette marketing standards act, as established by article twenty-A of the tax law, enforcement activities. This appropriation may be apportioned to either the patrol activities or criminal investigation activities programs of the division of state police, may be transferred or suballocated to any other state agency or public authority for their costs associated with the enforcement of the cigarette tax or the cigarette marketing standards act, and may be used to contract with local enforcement agencies for cigarette tax and/or cigarette marketing standards act enforcement activities. No monies shall be available from this appropriation absent a certificate of allocation from the director of the budget.

S 8. This act shall take effect September 1, 2015 and shall apply in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law.

PART MMM

Section 1. The economic development law is amended by adding a new section 212-a to read as follows:

S 212-A. VETERANS ENTREPRENEURSHIP ASSISTANCE. THAT PORTION OF ANY FUNDING PROVIDED TO SUPPORT CENTERS OR DEVELOPMENT CENTERS PURSUANT TO SECTION TWO HUNDRED ELEVEN OR TWO HUNDRED TWELVE OF THIS ARTICLE FOR MANAGEMENT AND ASSISTANCE TO VETERANS WHO ARE SEEKING TO START OR ARE STARTING NEW BUSINESS VENTURES, OR TO TRAIN VETERANS IN THE PRINCIPLES AND PRACTICE OF ENTREPRENEURSHIP IN ORDER TO PREPARE THEM TO PURSUE SELF-EMPLOYMENT OPPORTUNITIES, SHALL BE BASED ON THE EXTENT, QUALITY, AND COMPREHENSIVENESS OF SERVICES PROVIDED, DIRECTLY OR INDIRECTLY, AND THE NUMBERS SERVED, AND NEED NOT BE EQUAL TO ALL SUPPORT CENTERS OR DEVELOPMENT CENTERS. ANY SUCH FUNDING AMOUNTS SHALL ALSO BE AVAILABLE ON APPLICATION AND ON THE BASIS OF THE SAME CRITERIA TO INCUBATORS DESIGNATED AS NEW YORK STATE INCUBATORS PURSUANT TO SECTION SIXTEEN-V OF THE URBAN DEVELOPMENT CORPORATION ACT. A PORTION OF FUNDS PROVIDED FOR ANY SUCH PURPOSES SHALL ALSO BE AVAILABLE TO OBTAIN EXPERT CONSULTING SERVICES TO AN ENTITY WHICH PROVIDES SUCH ENTREPRENEURIAL SERVICES TO VETERANS ON A STATEWIDE AND NATIONAL BASIS.

S 2. This act shall take effect immediately.

PART NNN

Section 1. Subdivision (a) of section 24 of the tax law is amended by adding a new paragraph 6 to read as follows:

(6) FOR THE PERIOD TWO THOUSAND FIFTEEN THROUGH TWO THOUSAND NINETEEN, IN ADDITION TO THE AMOUNT OF CREDIT ESTABLISHED IN PARAGRAPH TWO OF THIS SUBDIVISION, A TAXPAYER SHALL BE ALLOWED A CREDIT EQUAL TO THE PRODUCT (OR PRO RATA SHARE OF THE PRODUCT, IN THE CASE OF A MEMBER OF A PARTNERSHIP) OF FIVE PERCENT AND THE AMOUNT OF WAGES OR SALARIES PAID TO INDIVIDUALS DIRECTLY EMPLOYED (EXCLUDING THOSE EMPLOYED AS WRITERS, DIRECTORS, MUSIC DIRECTORS, PRODUCERS AND PERFORMERS, INCLUDING BACKGROUND ACTORS WITH NO SCRIPTED LINES) BY A QUALIFIED FILM PRODUCTION COMPANY OR A QUALIFIED INDEPENDENT FILM PRODUCTION COMPANY FOR SERVICES PERFORMED BY THOSE INDIVIDUALS IN ONE IF THE COUNTIES SPECIFIED IN THIS PARAGRAPH IN CONNECTION WITH A QUALIFIED FILM WITH A MINIMUM BUDGET OF FIVE HUNDRED THOUSAND DOLLARS. FOR PURPOSES OF THIS ADDITIONAL CREDIT, THE SERVICES MUST BE PERFORMED IN ONE OR MORE OF THE FOLLOWING COUNTIES: WARREN, SARATOGA, WASHINGTON, RENSSELAER, GREENE, COLUMBIA, ULSTER, DUTCHESS, SULLIVAN, ORANGE, PUTNAM AND SUFFOLK. THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED PURSUANT TO THE AUTHORITY OF THIS PARAGRAPH DURING THE PERIOD TWO THOUSAND SIXTEEN THROUGH TWO THOUSAND NINETEEN SHALL BE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS EACH YEAR OF THE ANNUAL ALLOCATION MADE AVAILABLE TO THE PROGRAM PURSUANT TO PARAGRAPH FIVE OF THIS SUBDIVISION. SUCH AGGREGATE AMOUNT OF CREDITS SHALL BE ALLOCATED BY THE GOVERNOR'S OFFICE FOR MOTION PICTURE AND TELEVISION DEVELOPMENT AMONG TAXPAYERS IN ORDER OF PRIORITY BASED UPON THE DATE OF FILING AN APPLICATION FOR ALLOCATION OF FILM PRODUCTION CREDIT WITH SUCH OFFICE. IF THE TOTAL AMOUNT OF ALLOCATED CREDITS APPLIED FOR UNDER THIS PARAGRAPH IN ANY YEAR EXCEEDS THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED FOR SUCH YEAR UNDER THIS PARAGRAPH, SUCH EXCESS SHALL BE TREATED AS HAVING BEEN APPLIED FOR ON THE FIRST DAY OF THE NEXT YEAR. IF THE TOTAL AMOUNT OF ALLOCATED TAX CREDITS APPLIED FOR UNDER THIS PARAGRAPH AT THE CONCLUSION OF ANY YEAR IS LESS THAN FIVE HUNDRED THOUSAND DOLLARS, THE REMAINDER SHALL BE TREATED AS PART OF THE ANNUAL ALLOCATION MADE AVAILABLE TO THE

PROGRAM PURSUANT TO PARAGRAPH FIVE OF THIS SUBDIVISION. HOWEVER, IN NO EVENT MAY THE TOTAL OF THE CREDITS ALLOCATED UNDER THIS PARAGRAPH AND THE CREDITS ALLOCATED UNDER PARAGRAPH FIVE OF SUBDIVISION (A) OF SECTION THIRTY-ONE OF THIS ARTICLE EXCEED FIVE MILLION DOLLARS IN ANY YEAR DURING THE PERIOD TWO THOUSAND SIXTEEN THROUGH TWO THOUSAND NINETEEN.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2016.

PART OOO

Section 1. Article 2-A of the public housing law, as added by section 1 of part CC of chapter 63 of the laws of 2000, subdivision 4 of section 22 as amended by section 2 of part P of chapter 59 of the laws of 2014, is amended to read as follows:

ARTICLE 2-A
NEW YORK STATE LOW INCOME AND MIDDLE INCOME HOUSING TAX CREDIT PROGRAM

Section 21. Definitions.
22. Allowance of credit, amount and limitations.
23. Project monitoring.
24. Credit recapture.
25. Regulations, coordination with federal low-income housing credit provisions.

S 21. Definitions. 1. (a) "Applicable percentage" means, FOR THE PURPOSES OF AN ELIGIBLE LOW-INCOME BUILDING, the appropriate percentage (depending on whether a building is new, existing, or federally subsidized) prescribed by the secretary of the treasury for purposes of section 42 of the internal revenue code AND, FOR THE PURPOSES OF AN ELIGIBLE MIDDLE-INCOME BUILDING, THIRTY PERCENT OF THE QUALIFIED BASIS OF THE BUILDING AS DETERMINED PURSUANT TO SECTION 42 OF THE INTERNAL REVENUE CODE, for the month which is the earlier of:

(i) the month in which the eligible low-income building OR THE ELIGIBLE MIDDLE-INCOME BUILDING is placed in service, or

(ii) at the election of the taxpayer,

(A) the month in which the taxpayer and the commissioner enter into an agreement with respect to such building (which is binding on the commissioner, the taxpayer, and all successors in interest) as to the housing credit dollar amount to be allocated to such building, or

(B) in the case of any building to which subsection (h)(4)(B) of such section 42 applies, the month in which the tax-exempt obligations are issued.

(b) A month may be elected under subparagraph (ii) of paragraph (a) of this subdivision only if the election is made not later than the fifth day after the close of such month. Such election, once made, shall be irrevocable.

(c) If, as of the close of any taxable year in the credit period, the qualified basis of an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING exceeds such basis as of the close of the first year of the credit period, the applicable percentage which shall apply to such excess shall be two-thirds of the applicable percentage originally ascribed to such building.

2. "Compliance period" means, with respect to any building, the period of fifteen taxable years beginning with the first taxable year of the credit period with respect to such building.

3. "Credit period" means, with respect to any eligible low-income building OR ELIGIBLE MIDDLE-INCOME BUILDING, the period of ten taxable years beginning with

(a) the taxable year in which the building is placed in service, or

(b) at the election of the taxpayer, the succeeding taxable year,

but only if the building is an eligible low-income building as of the close of the first year of such period. The election under paragraph (b) of this subdivision, once made, shall be irrevocable.

4. "Eligibility statement" means a statement issued by the commissioner certifying that a building is an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING. Such statement shall set forth the taxable year in which such building is placed in service, the dollar amount of low-income housing credit OR MIDDLE-INCOME HOUSING CREDIT allocated by the commissioner to such building as provided in subdivision five of section twenty-two of this article, the applicable percentage and maximum qualified basis with respect to such building taken into account in determining such dollar amount, sufficient information to identify each such building and the taxpayer or taxpayers with respect to each such building, and such other information as the commissioner, in consultation with the commissioner of taxation and finance, shall prescribe. Such statement shall be first issued following the close of the first taxable year in the credit period, and thereafter, to the extent required by the commissioner of taxation and finance, following the close of each taxable year of the compliance period.

5. "Eligible low-income building" means a building located in this state which either

(a) is a qualified low-income building as defined in section 42(c) of the internal revenue code, or

(b) would be a qualified low-income building under such section if the 20-50 test specified in subsection (g)(1) of such section were disregarded and the 40-60 test specified in such subsection (requiring that at least forty percent of residential units be both rent-restricted and occupied by individuals whose income is sixty percent or less of area median gross income) were a 40-90 test.

5-A. "ELIGIBLE MIDDLE-INCOME BUILDING" MEANS A BUILDING LOCATED IN THIS STATE WHICH IS COMPOSED OF MULTIPLE RESIDENTIAL UNITS WHICH WILL, UPON COMPLETION, BE AFFORDABLE BY ELIGIBLE MIDDLE-INCOME HOUSEHOLDS.

5-B. "ELIGIBLE MIDDLE-INCOME HOUSEHOLD" MEANS (A) IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, A PERSON OR FAMILY RESIDING IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE MEDIAN INCOME FOR THE METROPOLITAN STATISTICAL AREA IN WHICH AN ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED; OR (B) IN ANY PORTION OF THE STATE OUTSIDE OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND (I) WITHIN A METROPOLITAN STATISTICAL AREA, A PERSON OR FAMILY RESIDING IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE MEDIAN INCOME FOR THE METROPOLITAN STATISTICAL AREA IN WHICH AN ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED, OR ONE HUNDRED THIRTY PERCENT OF THE STATEWIDE MEDIAN INCOME, WHICHEVER SHALL BE LESS, OR (II) OUTSIDE OF METROPOLITAN STATISTICAL AREA, A PERSON OR FAMILY RESIDING IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE MEDIAN INCOME FOR THE COUNTY IN WHICH AN ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED, OR ONE HUNDRED THIRTY PERCENT OF THE STATEWIDE MEDIAN INCOME, WHICHEVER SHALL BE LESS.

6. "Qualified basis" of an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING means the qualified basis of such building determined under section 42(c) of the internal revenue code, or, FOR AN

ELIGIBLE LOW-INCOME BUILDING, which would be determined under such section if the 40-90 test specified in paragraph (b) of subdivision five of this section applied under such section 42 to determine if such building were part of a qualified low-income housing project.

7. References in this article to section 42 of the internal revenue code shall mean such section as amended from time to time.

S 22. Allowance of credit, amount and limitations. 1. A taxpayer subject to tax under article nine-A, twenty-two, thirty-two or thirty-three of the tax law which owns an interest in one or more eligible low-income buildings OR ELIGIBLE MIDDLE-INCOME BUILDINGS shall be allowed a credit against such tax for the amount of low-income housing credit OR FOR THE AMOUNT OF THE MIDDLE-INCOME HOUSING CREDIT, AS THE CASE MAY BE, allocated by the commissioner to each such building. Except as provided in subdivision two of this section, the credit amount so allocated shall be allowed as a credit against the tax for the ten taxable years in the credit period.

2. Adjustment of first-year credit allowed in eleventh year. The credit allowable for the first taxable year of the credit period with respect to any building shall be adjusted using the rules of section 42(f)(2) of the internal revenue code (relating to first-year adjustment of qualified basis by the weighted average of low-income to total residential units, OR BY THE WEIGHTED AVERAGE OF MIDDLE-INCOME TO TOTAL RESIDENTIAL UNITS, AS THE CASE MAY BE), and any reduction in first-year credit by reason of such adjustment shall be allowable for the first taxable year following the credit period.

3. Amount of credit. Except as provided in subdivisions four and five of this section, the amount of low-income housing credit AND MIDDLE-INCOME HOUSING CREDIT shall be the applicable percentage of the qualified basis of each eligible low-income building OR OF EACH ELIGIBLE MIDDLE-INCOME BUILDING.

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be sixty-four million dollars. THE AGGREGATE DOLLAR AMOUNT OF CREDIT WHICH THE COMMISSIONER MAY ALLOCATE TO ELIGIBLE MIDDLE-INCOME BUILDINGS UNDER THIS ARTICLE SHALL BE TWENTY-FIVE MILLION DOLLARS. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING for each year of the credit period.

5. Building limitation. The dollar amount of credit allocated to any building shall not exceed the amount the commissioner determines is necessary for the financial feasibility of the project and the viability of the building as an eligible low-income building OR AS AN ELIGIBLE MIDDLE-INCOME BUILDING throughout the credit period. In allocating a dollar amount of credit to any building, the commissioner shall specify the applicable percentage and the maximum qualified basis which may be taken into account under this article with respect to such building. The applicable percentage and the maximum qualified basis with respect to a building shall not exceed the amounts determined in subdivisions one and six, respectively, of section twenty-one of this article.

6. Long-term commitment to low-income OR MIDDLE-INCOME housing required. (A) No credit shall be allowed under this article with respect to [a] AN ELIGIBLE LOW-INCOME building for the taxable year unless an extended low-income housing commitment is in effect as of the end of such taxable year. For purposes of this [subdivision] PARAGRAPH, the

term "extended low-income housing commitment" means an agreement between the taxpayer and the commissioner substantially similar to the agreement specified in section 42(h)(6)(B) of the internal revenue code.

(B) NO CREDIT SHALL BE ALLOWED UNDER THIS ARTICLE WITH RESPECT TO AN ELIGIBLE MIDDLE-INCOME BUILDING FOR THE TAXABLE YEAR UNLESS AN EXTENDED MIDDLE-INCOME HOUSING COMMITMENT IS IN EFFECT AS OF THE END OF SUCH TAXABLE YEAR. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EXTENDED MIDDLE-INCOME HOUSING COMMITMENT" MEANS AN AGREEMENT BETWEEN THE TAXPAYER AND THE COMMISSIONER WHICH HAS BEEN DETERMINED BY THE COMMISSIONER TO BE SIMILAR TO THE AGREEMENT SPECIFIED IN SECTION 42(H)(6)(B) OF THE INTERNAL REVENUE CODE.

7. Credit to successor owner. If a credit is allowed under subdivision one of this section with respect to an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING, and such building (or an interest therein) is sold during the credit period, the credit for the period after the sale which would have been allowable under such subdivision one to the prior owner had the building not been sold shall be allowable to the new owner. Credit for the year of sale shall be allocated between the parties on the basis of the number of days during such year that the building or interest was held by each.

S 23. Project monitoring. The commissioner shall establish such procedures as he OR SHE deems necessary for monitoring compliance of an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING with the provisions of this article, and for notifying the commissioner of taxation and finance of any such noncompliance of which he OR SHE becomes aware.

S 24. Credit recapture. If, as of the close of any taxable year in the compliance period, the amount of the qualified basis of any building with respect to the taxpayer is less than the amount of such basis as of the close of the preceding taxable year, the credit under this article may be recaptured as provided in section eighteen OR EIGHTEEN-A of the tax law.

S 25. Regulations, coordination with federal low-income housing credit provisions. 1. The commissioner shall promulgate rules and regulations necessary to administer the provisions of this act.

2. The provisions of section 42 of the internal revenue code shall apply to the credit under this article, provided however, to the extent such provisions are inconsistent with this article, the provisions of this article shall control.

S 2. The tax law is amended by adding a new section 18-a to read as follows:

S 18-A. MIDDLE-INCOME HOUSING CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SUBJECT TO TAX UNDER ARTICLE NINE-A, TWENTY-TWO, THIRTY-TWO OR THIRTY-THREE OF THIS CHAPTER SHALL BE ALLOWED A CREDIT AGAINST SUCH TAX, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (D) OF THIS SECTION, WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS FOR WHICH AN ELIGIBILITY STATEMENT HAS BEEN ISSUED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL. THE AMOUNT OF THE CREDIT SHALL BE THE CREDIT AMOUNT FOR EACH SUCH BUILDING ALLOCATED BY SUCH COMMISSIONER AS PROVIDED IN ARTICLE TWO-A OF THE PUBLIC HOUSING LAW. THE CREDIT AMOUNT SHALL BE ALLOWED FOR EACH OF THE TEN TAXABLE YEARS IN THE CREDIT PERIOD, AND ANY REDUCTION IN FIRST-YEAR CREDIT AS PROVIDED IN SUBDIVISION TWO OF SECTION TWENTY-TWO OF SUCH LAW SHALL BE ALLOWED IN THE ELEVENTH TAXABLE YEAR.

(B) CREDIT RECAPTURE. (1) GENERAL. IF,

(A) AS OF THE CLOSE OF ANY TAXABLE YEAR IN THE COMPLIANCE PERIOD, THE AMOUNT OF THE QUALIFIED BASIS OF ANY BUILDING WITH RESPECT TO THE TAXPAYER IS LESS THAN

(B) THE AMOUNT OF SUCH BASIS AS OF THE CLOSE OF THE PRECEDING TAXABLE YEAR,

(C) THEN THE CREDIT RECAPTURE AMOUNT MUST BE ADDED BACK FOR THE TAXABLE YEAR.

(2) CREDIT RECAPTURE AMOUNT. THE CREDIT RECAPTURE AMOUNT IS AN AMOUNT EQUAL TO THE SUM OF

(A) THE AGGREGATE DECREASE IN THE CREDITS ALLOWED TO THE TAXPAYER UNDER THIS SECTION FOR ALL PRIOR TAXABLE YEARS WHICH WOULD HAVE RESULTED IF THE ACCELERATED PORTION OF THE CREDIT ALLOWABLE BY REASON OF THIS SECTION WERE NOT ALLOWED FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO THE EXCESS OF THE AMOUNT DESCRIBED IN SUBPARAGRAPH (B) OF PARAGRAPH (1) OF THIS SUBDIVISION OVER THE AMOUNT DESCRIBED IN SUBPARAGRAPH (A) OF SUCH PARAGRAPH, PLUS

(B) INTEREST AT THE OVERPAYMENT RATE ESTABLISHED UNDER SECTION ONE THOUSAND NINETY-SIX OF THIS CHAPTER ON THE AMOUNT DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR EACH PRIOR TAXABLE YEAR FOR THE PERIOD BEGINNING ON THE DUE DATE FOR FILING THE REPORT FOR THE PRIOR TAXABLE YEAR INVOLVED.

(3) ACCELERATED PORTION OF CREDIT. FOR PURPOSES OF PARAGRAPH TWO OF THIS SUBDIVISION, THE ACCELERATED PORTION OF THE CREDIT FOR THE PRIOR TAXABLE YEARS WITH RESPECT TO ANY AMOUNT OF BASIS IS THE EXCESS OF

(A) THE AGGREGATE CREDIT ALLOWED BY REASON OF THIS SECTION (WITHOUT REGARD TO THIS SUBDIVISION) FOR SUCH YEARS WITH RESPECT TO SUCH BASIS, OVER

(B) THE AGGREGATE CREDIT WHICH WOULD BE ALLOWABLE BY REASON OF THIS SECTION FOR SUCH YEARS WITH RESPECT TO SUCH BASIS IF THE AGGREGATE CREDIT WHICH WOULD (BUT FOR THIS SUBDIVISION) HAVE BEEN ALLOWED FOR THE ENTIRE COMPLIANCE PERIOD WERE ALLOWABLE RATABLY OVER FIFTEEN YEARS.

(4) SPECIAL RULES. FOR PURPOSES OF THIS SUBDIVISION, THE RULES OF SECTION 42 (J)(4)(B) AND (C) OF THE INTERNAL REVENUE CODE SHALL APPLY IN DETERMINING THE CREDIT RECAPTURE AMOUNT.

(5) EXCEPTIONS TO RECAPTURE. RECAPTURE UNDER THIS SUBDIVISION SHALL NOT APPLY TO A REDUCTION IN QUALIFIED BASIS

(A) BY REASON OF A CASUALTY LOSS, IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH LOSS IS RESTORED BY RECONSTRUCTION OR REPLACEMENT WITHIN A REASONABLE PERIOD, OR

(B) BY REASON OF A CHANGE IN FLOOR SPACE DEVOTED TO MIDDLE-INCOME UNITS IN A BUILDING, IF SUCH BUILDING REMAINS AN ELIGIBLE MIDDLE-INCOME BUILDING AFTER SUCH CHANGE, AND IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH CHANGE IS DE MINIMIS, OR

(C) BY REASON OF ERROR IN COMPLYING WITH MIDDLE-INCOME ELIGIBILITY TESTS REFERRED TO IN SUBDIVISION FIVE OF SECTION TWENTY-ONE OF THE PUBLIC HOUSING LAW, IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH ERROR IS DE MINIMIS.

(6) RECAPTURE BY PARTNERS OF A PARTNERSHIP. IN THE CASE OF OWNERSHIP OF A BUILDING OR INTEREST THEREIN BY A PARTNERSHIP WHICH HAS THIRTY-FIVE OR MORE PARTNERS, THE PROVISIONS OF SECTION 42(J)(5) OF THE INTERNAL REVENUE CODE SHALL APPLY TO ANY RECAPTURE UNDER THIS SUBDIVISION UNLESS THE PARTNERSHIP ELECTS NOT TO HAVE SUCH PROVISIONS APPLY.

(7) (A) THE CREDIT RECAPTURE REQUIRED UNDER THIS SUBDIVISION WILL NOT APPLY SOLELY BY REASON OF THE DISPOSITION OF A BUILDING OR AN INTEREST THEREIN IF IT IS REASONABLY EXPECTED THAT SUCH BUILDING WILL CONTINUE TO BE OPERATED AS AN ELIGIBLE MIDDLE-INCOME BUILDING FOR THE REMAINING COMPLIANCE PERIOD WITH RESPECT TO SUCH BUILDING.

(B) STATUTE OF LIMITATIONS. IF A BUILDING (OR AN INTEREST THEREIN) IS DISPOSED OF DURING ANY TAXABLE YEAR AND THERE IS ANY REDUCTION IN THE QUALIFIED BASIS OF SUCH BUILDING WHICH RESULTS IN AN INCREASE IN TAX UNDER THIS SECTION FOR SUCH TAXABLE OR ANY SUBSEQUENT TAXABLE YEAR, THEN

(I) THE STATUTORY PERIOD FOR THE ASSESSMENT OF ANY DEFICIENCY WITH RESPECT TO SUCH INCREASE IN TAX WILL NOT EXPIRE BEFORE THE EXPIRATION OF THREE YEARS FROM THE DATE THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL IS NOTIFIED BY THE TAXPAYER (IN SUCH MANNER AS THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL MAY PRESCRIBE) OF SUCH REDUCTION IN QUALIFIED BASIS, AND

(II) SUCH DEFICIENCY MAY BE ASSESSED BEFORE THE EXPIRATION OF SUCH THREE-YEAR PERIOD NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW OR RULE OF LAW WHICH WOULD OTHERWISE PREVENT SUCH ASSESSMENT.

(C) CONSTRUCTION WITH PUBLIC HOUSING LAW; DEFINITIONS. THE PROVISIONS OF THIS SECTION SHALL BE CONSTRUED IN CONJUNCTION WITH THE PROVISIONS OF ARTICLE TWO-A OF THE PUBLIC HOUSING LAW. FOR DEFINITIONS RELATING TO THE MIDDLE-INCOME HOUSING CREDIT, SEE SECTION TWENTY-ONE OF SUCH LAW.

(D) 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-B: SUBDIVISION 15-A,

(2) ARTICLE 22: SECTION 606: SUBSECTIONS (I) AND (X-1),

(3) ARTICLE 33: SECTION 1511: SUBDIVISION (N-1).

S 3. Section 210-B of the tax law is amended by adding a new subdivision 15-a to read as follows:

15-A. MIDDLE-INCOME HOUSING CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(C) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

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

(XIII-A) MIDDLE-INCOME HOUSING CREDIT UNDER SUBSECTION (X-L)	CREDIT AMOUNT UNDER SUBDIVISION FIFTEEN-A OF SECTION TWO HUNDRED TEN-B

S 5. Section 606 of the tax law is amended by adding a new subsection (x-1) to read as follows:

(X-1) MIDDLE-INCOME HOUSING CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWABLE 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.

(3) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 6. Section 1511 of the tax law is amended by adding a new subdivision (n-1) to read as follows:

(N-1) MIDDLE-INCOME HOUSING CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(2) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE OR BY SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THEN ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(3) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 7. This act shall take effect immediately and shall apply to tax years commencing on or after January 1, 2015; provided, however, that if this act takes effect before the effective date of section 2 of part P of chapter 59 of the laws of 2014, then the amendments to subdivision 4 of section 22 of the public housing law, made by section one of this act, shall take effect on the same date and in the same manner as such section.

PART PPP

Section 1. Subdivision 11 of section 2 of the tax law, as amended by section 20 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

11. The term "combinable captive insurance company" means an entity that is treated as an association taxable as a corporation under the internal revenue code (a) more than fifty percent of the voting stock of which is owned or controlled, directly or indirectly, by a single entity that is treated as an association taxable as a corporation under the internal revenue code and not exempt from federal income tax; (b) that is licensed as a captive insurance company under the laws of this state or another jurisdiction; (c) whose business includes providing, directly and indirectly, insurance or reinsurance covering the risks of its parent and/or members of its affiliated group; and (d) fifty percent or less of whose gross receipts for the taxable year consist of premiums

from arrangements that constitute insurance for federal income tax purposes; PROVIDED, HOWEVER, IF THE CAPTIVE INSURANCE COMPANY IS LICENSED IN NEW YORK STATE AND OWNED DIRECTLY OR INDIRECTLY BY A REIT, ALL PREMIUMS SHALL BE CONSIDERED REGARDLESS OF WHETHER THEY ARE FROM ARRANGEMENTS THAT CONSTITUTE INSURANCE FOR FEDERAL INCOME TAX PURPOSES. For purposes of this subdivision, "affiliated group" has the same meaning as that term is given in section 1504 of the internal revenue code, except that the term "common parent corporation" in that section is deemed to mean any person, as defined in section 7701 of the internal revenue code and references to "at least eighty percent" in section 1504 of the internal revenue code are to be read as "fifty percent or more;" section 1504 of the internal revenue code is to be read without regard to the exclusions provided for in subsection (b) of that section; "premiums" has the same meaning as that term is given in paragraph one of subdivision (c) of section fifteen hundred ten of this chapter, except that it includes consideration for annuity contracts and excludes any part of the consideration for insurance, reinsurance or annuity contracts that do not provide bona fide insurance, reinsurance or annuity benefits; and "gross receipts" includes the amounts included in gross receipts for purposes of section 501(c) (15) of the internal revenue code, except that those amounts also include all premiums as defined in this subdivision.

S 2. This act shall take effect immediately and apply to taxable years commencing on and after January 1, 2015.

PART QQQ

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

(CCC) ELDERLY RESIDENTIAL EMERGENCY REPAIR CREDIT. (1) ALLOWANCE OF CREDIT. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO THE SUM OF ALL EMERGENCY REPAIR COSTS INCURRED FOR THE PRIMARY RESIDENCE OF THE TAXPAYER, NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS DURING ANY TAXABLE YEAR.

(2) ELIGIBLE TAXPAYER. FOR THE PURPOSES OF THIS SUBSECTION, "ELIGIBLE TAXPAYER" SHALL MEAN A RESIDENT TAXPAYER WHO IS SIXTY YEARS OF AGE OR OLDER, WHOSE ADJUSTED FEDERAL GROSS INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE MEDIAN ANNUAL INCOME FOR ALL RESIDENTS OF THE REGION IN WHICH THE TAXPAYER'S PRIMARY RESIDENCE IS LOCATED OR A LARGER AREA ENCOMPASSING SUCH REGION FOR WHICH MEDIAN ANNUAL INCOME CAN BE DETERMINED.

(3) EMERGENCY REPAIR. FOR THE PURPOSES OF THIS SUBSECTION, "EMERGENCY REPAIR" SHALL MEAN ANY REPAIR OR MODIFICATION OF THE PRIMARY RESIDENCE OF A TAXPAYER WHICH IS NECESSARY TO MAKE IT POSSIBLE FOR THE TAXPAYER TO CONTINUE TO RESIDE IN SUCH RESIDENCE INCLUDING, BUT NOT LIMITED TO:

(A) THE INSTALLATION OF RAMPS;

(B) THE INSTALLATION OF BATHROOM AND HOUSEHOLD GRAB BARS;

(C) THE WIDENING OF DOORWAYS;

(D) THE LOWERING OF LIGHT SWITCHES; AND

(E) OTHER MODIFICATIONS THAT WOULD MAKE THE RESIDENCE WHEELCHAIR-ACCESSIBLE OR OTHERWISE ENABLE THE TAXPAYER TO REMAIN SAFELY IN HIS OR HER RESIDENCE.

(4) OVERPAYMENT. IF THE AMOUNT 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.

(5) ALLOCATION OF CREDITS. THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED UNDER THIS SUBSECTION IN ANY TAXABLE YEAR SHALL NOT EXCEED FIVE MILLION DOLLARS.

S 2. This act shall take effect immediately.

PART RRR

Section 1. For the purposes of this act, the term "equipment" shall mean a machine or system, and any part or subassembly thereof.

S 2. For the purposes of this act, equipment shall be considered to be "directly and predominantly" used, as such term is used in clause (i) of paragraph 1 of subdivision (z) of section 1115 of the tax law, as repealed by section 30, part S-1 of chapter 57 of the laws of 2009 and last amended by section 17 of part CC of chapter 85 of the laws of 2002, when such equipment was received, inventoried or organized, and then prepared for distribution at 124 Metropolitan Park Drive, Syracuse, New York, or 3606 John Glenn Blvd, Syracuse, New York, by a qualified empire zone enterprise operation that has operated at both locations, provided such equipment, upon distribution, is stocked, repaired, cleaned or otherwise handled for the purpose of maintenance or upkeep by employees of such qualified empire zone enterprise, provided such service work or duties originate from, and terminate at, either empire zone location described in this section.

S 3. Notwithstanding any law, rule, or regulation, or any determination or decision of the department of taxation and finance or the division of tax appeals to the contrary, the division of tax appeals shall accept and review, pursuant to part 3000 of the tax appeals tribunal rules of practice and procedure, a petition related to the interpretation of the term "directly and predominantly", as such term is used in section two of this act, provided that such petition is filed by a qualified empire zone enterprise that has operated at both locations described in section two of this act, and provided further that such petition challenges a determination or decision of the department of taxation and finance or the division of tax appeals that denied or withheld sales and use tax credits as afforded by the provision of the tax law described in section two of this act.

S 4. This act shall take effect immediately and shall apply to taxable years beginning on or after March 1, 2003, and shall apply to any audit or enforcement proceeding of the department of taxation and finance, or any other administrative matter or proceeding of such department, commencing on or after March 1, 2003.

PART SSS

Section 1. Section 1115 of the tax law is amended by adding a new subdivision (jj) to read as follows:

(JJ) TANGIBLE PERSONAL PROPERTY OR SERVICES OTHERWISE TAXABLE UNDER THIS ARTICLE SOLD TO A RELATED PERSON SHALL NOT BE SUBJECT TO THE TAXES IMPOSED BY SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE OR THE COMPENSATING USE TAX IMPOSED UNDER SECTION ELEVEN HUNDRED TEN OF THIS ARTICLE WHERE THE PURCHASER CAN SHOW THAT THE FOLLOWING CONDITIONS HAVE BEEN MET TO THE EXTENT THEY ARE APPLICABLE: (1)(I) THE VENDOR AND THE PURCHASER ARE REFERENCED AS EITHER A "COVERED COMPANY" AS DESCRIBED IN SECTION 243.2(F) OR A "MATERIAL ENTITY" AS DESCRIBED IN SECTION 243.2(L) OF THE

CODE OF FEDERAL REGULATIONS IN A RESOLUTION PLAN THAT HAS BEEN SUBMITTED TO AN AGENCY OF THE UNITED STATES FOR THE PURPOSE OF SATISFYING SUBPARAGRAPH 1 OF PARAGRAPH (D) OF SECTION ONE HUNDRED SIXTY-FIVE OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT (THE "ACT") OR ANY SUCCESSOR LAW, OR (II) THE VENDOR AND THE PURCHASER ARE SEPARATE LEGAL ENTITIES PURSUANT TO A DIVESTITURE DIRECTED PURSUANT TO SUBPARAGRAPH 5 OF PARAGRAPH (D) OF SECTION ONE HUNDRED SIXTY-FIVE OF SUCH ACT OR ANY SUCCESSOR LAW; (2) THE SALE WOULD NOT HAVE OCCURRED BETWEEN SUCH RELATED ENTITIES WERE IT NOT FOR SUCH RESOLUTION PLAN OR DIVESTITURE; AND (3) IN ACQUIRING SUCH PROPERTY OR SERVICES, THE VENDOR DID NOT CLAIM AN EXEMPTION FROM THE TAX IMPOSED BY THIS STATE OR ANOTHER STATE BASED ON THE VENDOR'S INTENT TO RESELL SUCH SERVICES OR PROPERTY. A PERSON IS RELATED TO ANOTHER PERSON FOR PURPOSES OF THIS SUBDIVISION IF THE PERSON BEARS A RELATIONSHIP TO SUCH PERSON DESCRIBED IN SECTION TWO HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE CODE. THE EXEMPTION PROVIDED BY THIS SUBDIVISION SHALL NOT APPLY AFTER JUNE THIRTIETH, TWO THOUSAND NINETEEN, EXCEPT WITH RESPECT TO TRANSACTIONS OCCURRING PURSUANT TO BINDING CONTRACTS ENTERED INTO ON OR BEFORE SUCH DATE.

S 2. This act shall take effect on the first day of a sales tax quarterly period, as described in subdivision (b) of section 1136 of the tax law, next commencing at least ninety days after the date this act shall have become a law and shall apply in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law.

PART TTT

Section 1. Subdivision (f) of section 19 of the tax law is relettered subdivision (g) and a new subdivision (f) is added to read as follows:

(F) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS SECTION, AN INDIVIDUAL TAXPAYER SHALL BE ELIGIBLE FOR THE CREDIT ALLOWED PURSUANT TO SUBDIVISION (A) OF THIS SECTION PROVIDED THAT SUCH TAXPAYER CONSTRUCTS OR REHABILITATES QUALIFYING RESIDENTIAL REAL PROPERTY IN CONFORMITY WITH ENERGY EFFICIENCY STANDARDS ESTABLISHED BY THE NATIONAL ASSOCIATION OF HOME BUILDERS OR THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM DEVELOPED BY THE UNITED STATES GREEN BUILDING COUNCIL AND FASHIONS PROOF THEREOF PURSUANT TO SUBDIVISION (C) OF THIS SECTION.

SUCH TAXPAYER SHALL REMAIN ELIGIBLE FOR SUCH CREDIT IRRESPECTIVE OF THE AMOUNT OF TAX SUCH TAXPAYER PAYS PER ANNUM.

FOR THE PURPOSES OF THIS SUBDIVISION, "QUALIFYING RESIDENTIAL REAL PROPERTY" SHALL MEAN THE PRINCIPAL PLACE OF RESIDENCE OF AN INDIVIDUAL TAXPAYER WHO CLAIMS A CREDIT PURSUANT TO THIS SECTION.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2016.

PART UUU

Section 1. Section 606 of the tax law is amended by adding a new subdivision (ccc) to read as follows:

(CCC) SENIOR UTILITY CIRCUIT BREAKER TAX CREDIT. (1) DEFINITIONS. FOR THE PURPOSES OF THIS SUBSECTION:

(A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL, MARRIED OR HEAD OF HOUSEHOLD TAXPAYER WHO IS OVER SIXTY-FIVE YEARS OF AGE, WITH A HOUSEHOLD GROSS INCOME OF ONE HUNDRED FIFTY THOUSAND DOLLARS OR LESS.

(B) "HOUSEHOLD" OR "MEMBERS OF THE HOUSEHOLD" MEANS A QUALIFIED TAXPAYER AND ALL OTHER PERSONS, NOT NECESSARILY RELATED, WHO HAVE THE SAME RESIDENCE AND SHARE ITS FURNISHINGS, FACILITIES AND ACCOMMODATIONS.

SUCH TERMS SHALL NOT INCLUDE A TENANT, SUBTENANT, ROOMER OR BOARDER WHO IS NOT RELATED TO THE QUALIFIED TAXPAYER IN ANY DEGREE SPECIFIED IN PARAGRAPHS ONE THROUGH EIGHT OF SUBSECTION (A) OF SECTION ONE HUNDRED FIFTY-TWO OF THE INTERNAL REVENUE CODE. PROVIDED, HOWEVER, NO PERSON MAY BE A MEMBER OF MORE THAN ONE HOUSEHOLD AT ONE TIME.

(C) "HOUSEHOLD GROSS INCOME" MEANS THE AGGREGATE ADJUSTED GROSS INCOME OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE YEAR AS REPORTED FOR FEDERAL INCOME TAX PURPOSES, OR WHICH WOULD BE REPORTED AS ADJUSTED GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED, WITH THE MODIFICATIONS IN SUBSECTION (B) OF SECTION SIX HUNDRED TWELVE OF THIS ARTICLE BUT WITHOUT THE MODIFICATIONS IN SUBSECTION (C) OF SUCH SECTION, PLUS ANY PORTION OF THE GAIN FROM THE SALE OR EXCHANGE OF PROPERTY OTHERWISE EXCLUDED FROM SUCH AMOUNT; EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES EXCLUDABLE FROM FEDERAL GROSS INCOME BY SECTION NINE HUNDRED ELEVEN OF THE INTERNAL REVENUE CODE; SUPPORT MONEY NOT INCLUDED IN ADJUSTED GROSS INCOME; NONTAXABLE STRIKE BENEFITS; SUPPLEMENTAL SECURITY INCOME PAYMENTS; THE GROSS AMOUNT OF ANY PENSION OR ANNUITY BENEFITS TO THE EXTENT NOT INCLUDED IN SUCH ADJUSTED GROSS INCOME (INCLUDING, BUT NOT LIMITED TO, RAILROAD RETIREMENT BENEFITS AND ALL PAYMENTS RECEIVED UNDER THE FEDERAL SOCIAL SECURITY ACT AND VETERANS' DISABILITY PENSIONS); NONTAXABLE INTEREST RECEIVED FROM THE STATE OF NEW YORK, ITS AGENCIES, INSTRUMENTALITIES, PUBLIC CORPORATIONS, OR POLITICAL SUBDIVISIONS (INCLUDING A PUBLIC CORPORATION CREATED PURSUANT TO AGREEMENT OR COMPACT WITH ANOTHER STATE OR CANADA); WORKERS' COMPENSATION; THE GROSS AMOUNT OF "LOSS-OF-TIME" INSURANCE; AND THE AMOUNT OF CASH PUBLIC ASSISTANCE AND RELIEF, OTHER THAN MEDICAL ASSISTANCE FOR THE NEEDY, PAID TO OR FOR THE BENEFIT OF THE QUALIFIED TAXPAYER OR MEMBERS OF HIS HOUSEHOLD. HOUSEHOLD GROSS INCOME SHALL NOT INCLUDE SURPLUS FOODS OR OTHER RELIEF IN KIND OR PAYMENTS MADE TO INDIVIDUALS BECAUSE OF THEIR STATUS AS VICTIMS OF NAZI PERSECUTION AS DEFINED IN P.L. 103-286. PROVIDED, FURTHER, HOUSEHOLD GROSS INCOME SHALL ONLY INCLUDE ALL SUCH INCOME RECEIVED BY ALL MEMBERS OF THE HOUSEHOLD WHILE MEMBERS OF SUCH HOUSEHOLD.

(D) "RESIDENCE" MEANS A DWELLING IN THIS STATE, WHETHER OWNED OR RENTED.

(E) "ELIGIBLE EXPENSES" MEANS PAYMENTS MADE BY A QUALIFIED TAXPAYER FOR THE FOLLOWING GOODS AND SERVICES DELIVERED AND USED AT HIS OR HER PRIMARY RESIDENCE:

(I) RESIDENTIAL GAS, ELECTRIC AND STEAM UTILITY SERVICE WHICH IS SUBJECT TO THE PROVISIONS OF ARTICLE TWO OF THE PUBLIC SERVICE LAW;

(II) RESIDENTIAL WATER AND SEWER SERVICE;

(III) HOME HEATING FUEL, WHICH SHALL INCLUDE FUEL OIL, COAL, WOOD, PROPANE, NATURAL GAS, ELECTRICITY, STEAM, KEROSENE AND ANY OTHER FUEL WHEN USED FOR RESIDENTIAL HEATING PURPOSES; AND

(IV) TELECOMMUNICATIONS SERVICES AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION ONE OF SECTION ONE HUNDRED EIGHTY-SIX-E OF THIS CHAPTER, AND SHALL NOT INCLUDE WIRELESS COMMUNICATIONS SERVICE, AS DEFINED BY SUBDIVISION TEN OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW, UNLESS SUCH WIRELESS SERVICE IS THE ONLY MEANS BY WHICH THE QUALIFIED TAXPAYER RECEIVES TELEPHONIC SERVICES.

(2) COMPUTATION OF CREDIT. FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE CREDITED AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE ONE-HALF OF ALL ELIGIBLE EXPENSES PAID BY THE QUALIFIED TAXPAYER TO THE EXTENT SUCH EXPENSES EXCEED SEVEN PERCENT OF THE QUALIFIED TAXPAYER'S HOUSEHOLD GROSS INCOME. SUCH CREDIT

SHALL BE REDUCED BY THE AMOUNT OF ANY MONEYS RECEIVED BY THE QUALIFIED TAXPAYER PURSUANT TO THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN OF THE SOCIAL SERVICES LAW.

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

S 2. This act shall take effect immediately.

PART VVV

Section 1. The general municipal law is amended by adding a new section 3-e to read as follows:

S 3-E. LIMITATION UPON REAL PROPERTY TAX LEVIES BY CITIES HAVING A POPULATION OF ONE MILLION OR MORE. 1. UNLESS OTHERWISE PROVIDED BY LAW, THE AMOUNT OF REAL PROPERTY TAXES THAT MAY BE LEVIED BY OR ON BEHALF OF ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL NOT EXCEED THE TAX LEVY LIMITATION ESTABLISHED PURSUANT TO THIS SECTION.

2. WHEN USED IN THIS SECTION:

(A) "ALLOWABLE LEVY GROWTH FACTOR" SHALL BE THE LESSER OF: (I) ONE AND TWO ONE-HUNDREDTHS; OR (II) THE SUM OF ONE PLUS THE INFLATION FACTOR; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE LEVY GROWTH FACTOR BE LESS THAN ONE.

(B) "APPROVED CAPITAL EXPENDITURES" MEANS THE EXPENDITURES ASSOCIATED WITH CAPITAL PROJECTS THAT HAVE BEEN APPROVED BY THE QUALIFIED VOTERS OF THE LOCAL GOVERNMENT.

(C) "AVAILABLE CARRYOVER" MEANS THE SUM OF THE AMOUNT BY WHICH THE TAX LEVY FOR THE PRIOR FISCAL YEAR WAS BELOW THE TAX LEVY LIMIT FOR SUCH FISCAL YEAR, IF ANY, BUT NO MORE THAN ONE AND ONE-HALF PERCENT OF THE TAX LEVY LIMIT FOR SUCH FISCAL YEAR.

(D) "CAPITAL TAX LEVY" MEANS THE TAX LEVY NECESSARY TO SUPPORT CAPITAL EXPENDITURES, IF ANY.

(E) "COMING FISCAL YEAR" MEANS THE FISCAL YEAR OF THE LOCAL GOVERNMENT FOR WHICH A TAX LEVY LIMITATION SHALL BE DETERMINED PURSUANT TO THIS SECTION.

(F) "INFLATION FACTOR" MEANS THE QUOTIENT OF: (I) THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPART-MENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START OF THE COMING FISCAL YEAR MINUS THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START OF THE PRIOR FISCAL YEAR, DIVIDED BY: (II) THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START OF THE PRIOR FISCAL YEAR, WITH THE RESULT EXPRESSED AS A DECIMAL TO FOUR PLACES.

(G) "LOCAL GOVERNMENT" MEANS A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

(H) "PRIOR FISCAL YEAR" MEANS THE FISCAL YEAR OF THE LOCAL GOVERNMENT IMMEDIATELY PRECEDING THE COMING FISCAL YEAR.

(I) "TAX LEVY LIMITATION" MEANS THE AMOUNT OF TAXES A LOCAL GOVERNMENT IS AUTHORIZED TO LEVY PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT THE TAX LEVY LIMIT SHALL NOT INCLUDE THE LOCAL GOVERNMENT'S APPROVED CAPITAL TAX LEVY, IF ANY.

3. (A) BEGINNING WITH THE FISCAL YEAR THAT BEGINS IN TWO THOUSAND FIFTEEN, NO LOCAL GOVERNMENT SHALL ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMITATION FOR THE COMING FISCAL YEAR.

(B) THE STATE COMPTROLLER SHALL CALCULATE THE TAX LEVY LIMITATION FOR EACH LOCAL GOVERNMENT BY THE ONE HUNDRED TWENTIETH DAY PRECEDING THE COMMENCEMENT OF EACH LOCAL GOVERNMENT'S FISCAL YEAR, AND SHALL NOTIFY EACH LOCAL GOVERNMENT OF THE TAX LEVY LIMITATION SO DETERMINED.

(C) THE TAX LEVY LIMITATION APPLICABLE TO THE COMING FISCAL YEAR SHALL BE DETERMINED AS FOLLOWS:

(I) ASCERTAIN THE TOTAL AMOUNT OF TAXES LEVIED FOR THE PRIOR FISCAL YEAR.

(II) ADD ANY PAYMENTS IN LIEU OF TAXES THAT WERE RECEIVABLE IN THE PRIOR FISCAL YEAR.

(III) SUBTRACT THE APPROVED CAPITAL TAX LEVY FOR THE PRIOR FISCAL YEAR, IF ANY.

(IV) SUBTRACT THE LEVY ATTRIBUTABLE TO A LARGE LEGAL SETTLEMENT OF A TORT ACTION EXCLUDED FROM THE LEVY LIMITATION IN THE PRIOR FISCAL YEAR, IF ANY.

(V) MULTIPLY THE RESULT BY THE ALLOWABLE LEVY GROWTH FACTOR.

(VI) SUBTRACT ANY PAYMENTS IN LIEU OF TAXES RECEIVABLE IN THE COMING FISCAL YEAR.

(VII) ADD THE AVAILABLE CARRYOVER, IF ANY.

(D) IN THE EVENT THE CITY COUNCIL OF A LOCAL GOVERNMENT HAS APPROVED A LEGAL SETTLEMENT OF A TORT ACTION AGAINST THE GOVERNMENT, THE ANNUAL COSTS OF WHICH EXCEED TEN PERCENT OF THE PROPERTY TAXES LEVIED BY THE LOCAL GOVERNMENT IN THE PRIOR FISCAL YEAR, THE STATE COMPTROLLER, UPON APPLICATION BY THE LOCAL GOVERNMENT, MAY ADJUST THE TAX LEVY LIMITATION FOR THE COMING FISCAL YEAR APPLICABLE TO SUCH LOCAL GOVERNMENT, BY ADDING THE ANNUAL COSTS OF SUCH SETTLEMENT TO THE TAX LEVY LIMITATION.

(E) THE STATE COMPTROLLER SHALL DETERMINE THE PORTION OF THE TAX LEVY OF EACH LOCAL GOVERNMENT THAT IS ATTRIBUTABLE TO ANY INCREASE OR DECREASE OVER THE PRIOR YEAR IN THE COST OF THE LOCAL GOVERNMENT SHARE OF DIRECT CASH ASSISTANCE TO PERSONS ELIGIBLE FOR THE FEDERAL-STATE-LOCAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM OR THE STATE-LOCAL SAFETY NET ASSISTANCE PROGRAM AND SHALL ADJUST THE TAX LEVY LIMITATION FOR SUCH LOCAL GOVERNMENT TO REFLECT SUCH CHANGE.

4. A LOCAL GOVERNMENT MAY ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMITATION FOR THE COMING FISCAL YEAR ONLY IF THE CITY COUNCIL OF SUCH LOCAL GOVERNMENT FIRST ENACTS, BY A TWO-THIRDS VOTE OF THE TOTAL VOTING POWER OF SUCH CITY COUNCIL, A LOCAL LAW TO OVERRIDE SUCH LIMITATION FOR SUCH COMING FISCAL YEAR ONLY.

5. IN THE EVENT A LOCAL GOVERNMENT'S ACTUAL TAX LEVY FOR A GIVEN FISCAL YEAR EXCEEDS THE MAXIMUM ALLOWABLE LEVY AS ESTABLISHED PURSUANT TO THIS SECTION DUE TO CLERICAL OR TECHNICAL ERRORS, THE LOCAL GOVERNMENT SHALL PLACE THE EXCESS AMOUNT OF THE LEVY IN RESERVE IN ACCORDANCE WITH SUCH REQUIREMENTS AS THE STATE COMPTROLLER MAY PRESCRIBE, AND SHALL USE SUCH FUNDS AND ANY INTEREST EARNED THEREON TO OFFSET THE TAX LEVY FOR THE ENSUING FISCAL YEAR.

S 2. Paragraphs j and k of subdivision 2 of section 23 of the municipal home rule law are relettered paragraphs k and l, and a new paragraph j is added to read as follows:

J. OVERRIDES THE TAX LEVY LIMITATION APPLICABLE FOR THE COMING FISCAL YEAR IN ACCORDANCE WITH SECTION THREE-E OF THE GENERAL MUNICIPAL LAW.

S 3. This act shall take effect immediately and shall first apply to the levy of taxes by local governments for the fiscal year that begins in 2016.

PART WWW

Section 1. Section 1325 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

S 1325. Approval, denial and renewal of employee licenses and registrations. 1. Upon the filing of an application for a casino key employee license or gaming employee registration required by this article and after submission of such supplemental information as the commission may require, the commission shall conduct or cause to be conducted such investigation into the qualification of the applicant, WHICH SHALL INCLUDE THE COMPLETION OF A CRIMINAL BACKGROUND CHECK BY THE DIVISION OF THE STATE POLICE OF SUCH APPLICANT, and the commission shall conduct such hearings concerning the qualification of the applicant, in accordance with its regulations, as may be necessary to determine qualification for such license.

1-A. THE COST OF ANY SUCH BACKGROUND CHECK SHALL BE BORNE BY THE GAMING FACILITY THAT INITIALLY EMPLOYS OR EXTENDS EMPLOYMENT TO A LICENSEE PURSUANT TO THIS TITLE AFTER THE APPROVAL OR RENEWAL OF A LICENSE PURSUANT TO THIS TITLE AND SHALL BE PAID IN A TIME AND MANNER DETERMINED BY THE COMMISSION.

2. After such investigation, the commission may either deny the application or grant a license to an applicant whom it determines to be qualified to hold such license.

3. The commission shall have the authority to deny any application pursuant to the provisions of this article following notice and opportunity for hearing.

4. When the commission grants an application, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest.

5. After an application for a casino key employee license is submitted, final action of the commission shall be taken within ninety days after completion of all hearings and investigations and the receipt of all information required by the commission.

6. Licenses and registrations of casino key employees and gaming employees issued pursuant to this article shall remain valid for five years unless suspended, revoked or voided pursuant to law. Such licenses and registrations may be renewed by the holder thereof upon application, on a form prescribed by the commission, and payment of the applicable fee. Notwithstanding the forgoing, if a gaming employee registrant has not been employed in any position within a gaming facility for a period of three years, the registration of that gaming employee shall lapse.

8. The commission shall establish by regulation appropriate fees to be paid upon the filing of the required applications. Such fees shall be deposited into the commercial gaming revenue fund.

S 2. This act shall take effect immediately.

PART XXX

Section 1. Clauses (E) and (F) of subparagraph 5 of paragraph b of subdivision 1 of section 1016 of the racing, pari-mutuel wagering and breeding law are REPEALED.

S 2. Section 1017 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008 and subdivision 2 as amended by chapter 174 of the laws of 2013, is amended to read as follows:

S 1017. Out-of-state or out-of-country races. [1.] Licensed simulcast facilities may accept wagers and display the signal of out-of-state or out-of-country thoroughbred tracks after 7:30 P.M. in accordance with the provisions of this section. Such simulcasting may include mixed meetings if such meetings are integral to such racing programs and all such wagering on such races shall be construed to be thoroughbred races. For facilities located within the special betting district, such approval shall also be required from a thoroughbred racing corporation during the period a racing program is being conducted at such track. Such approval shall not be required on any day such thoroughbred racing corporation is also accepting an out-of-state or out-of-country signal and wager, as authorized by this section. The provisions of section one thousand sixteen of this article shall be applicable to the conduct of such simulcasting and the provisions of clauses (A) and (B) of subparagraph four of paragraph b of subdivision one of section one thousand sixteen of this article shall apply to those facilities licensed in accordance with sections one thousand eight and one thousand nine of this article and the provisions of clauses (A) and (B) of subparagraph six of paragraph b of subdivision one of section one thousand sixteen of this article shall apply to those facilities licensed in accordance with section one thousand seven of this article, when such provisions are in full force and effect pursuant to such section. Provided, however, the provisions of section one thousand fourteen of this article shall be applicable to the conduct of such simulcasting, when such provisions are in full force and effect pursuant to such section.

[2. a. Maintenance of effort. Any off-track betting corporation which engages in accepting wagers on the simulcasts of thoroughbred races from out-of-state or out-of-country as permitted under subdivision one of this section shall submit to the commission, for its approval, a schedule of payments to be made in any year or portion thereof, that such off-track corporation engages in nighttime thoroughbred simulcasting. In order to be approved by the commission, the payment schedule shall be identical to the actual payments and distributions of such payments to tracks and purses] PURSES made by such off-track corporation pursuant to the provisions of section one thousand fifteen of this article during the year two thousand two, as derived from out-of-state harness races displayed after 6:00 P.M. If approved by the commission, such scheduled payments shall be made from revenues derived from any simulcasting conducted pursuant to this section and section one thousand fifteen of this article.

[b.] Additional payments. During each calendar year, to the extent, and at such time in the event, that aggregate statewide wagering handle after 7:30 P.M. on out-of-state and out-of-country thoroughbred races exceeds one hundred million dollars, each off-track betting corporation conducting such simulcasting shall pay to its regional harness track or tracks, an amount equal to two percent of its proportionate share of such excess handle. In any region where there are two or more regional harness tracks, such two percent shall be divided between or among the tracks in a proportion equal to the proportion of handle on live harness races conducted at such tracks during the preceding calendar year. Fifty percent of the sum received by each track pursuant to this paragraph shall be used exclusively for increasing purses, stakes and prizes at

that regional harness track. For the purpose of determining whether such aggregate statewide handle exceeds one hundred million dollars, all wagering on such thoroughbred races accepted by licensed multi-jurisdictional account wagering providers from customers within New York state shall be excluded.

S 3. Subdivision 2 of section 529 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

2. [Ninety-five percent of the balance of such account remaining unclaimed as of the last day of February of such year shall be paid to the state tax commission by March fifteenth. On or before April tenth of each year the balance of such account and any other unclaimed amounts received in the course of conducting off-track betting shall be paid by such corporation to the state tax commission. A penalty of five percent and interest at the rate of one percent per month from the due date to the date of payment of the unclaimed balance due March fifteenth or April tenth, as the case may be, shall be payable in case such balance is not paid when due. Such amounts, interest and penalties when collected by the state tax commission shall be deposited into the general fund of the state treasury.] ON APRIL FIRST OF EACH YEAR, THE AMOUNT OF TICKET REMAINING UNCLAIMED FROM THE PRIOR YEAR MAY BE USED FOR CORPORATE PURPOSES.

S 4. Paragraph b of subdivision 3 of section 1009 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:

b. Letters of consent to the application from any regional track which is not a party to the operation of the proposed theater unless such track is located more than [forty] TEN miles from the proposed simulcast theater; and a copy of any agreement between the applicant and such corporation pursuant to which such consent has been given, subject to the provision of subdivision two of section one thousand seven of this article. Notwithstanding the foregoing, the Nassau region may apply to locate [one simulcast theater] ANY FAST TRACK BETTING LOCATIONS within Nassau County without a letter of consent from the operator of the regional track [provided the proposed simulcast theater is not within fifteen miles of the closest border of any racing facility operated by a franchised corporation].

S 5. Section 503 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 14 to read as follows:

14. ON AND AFTER MAY FIRST, TWO THOUSAND FIFTEEN, ANY REGIONAL OFF-TRACK BETTING CORPORATION WITH A CAPITAL RESERVE FUND IN EXCESS OF FIVE MILLION DOLLARS SHALL DISBURSE ANY EXCESS FUNDS TO ITS PARTICIPATING COUNTIES IN PROPORTION TO SUCH COUNTY'S POPULATION MEASURED AGAINST THE TOTAL POPULATION OF THE REGION.

S 6. Subdivision 1 of section 1012 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 174 of the laws of 2013, is amended to read as follows:

1. Racing associations and corporations, franchised corporations, off-track betting corporations and multi-jurisdictional account wagering providers may form partnerships, joint ventures, or any other affiliations or contractual arrangement in order to further the purposes of this section. Multi-jurisdictional account wagering providers involved in such joint affiliations or contractual arrangements shall follow the same distributional policy with respect to retained commissions [as their in-state affiliate or contractual partner] A MULTI-JURISDICTIONAL ACCOUNT WAGERING PROVIDER DEFINED IN THIS ARTICLE; PROVIDED, HOWEVER, THAT SUCH JOINT AFFILIATION OR CONTRACTUAL ARRANGEMENT ENTERED INTO ON

OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN WHICH AMENDED THIS SUBDIVISION SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE NEW YORK STATE GAMING COMMISSION TO DETERMINE IF SUCH AFFILIATION OR CONTRACTUAL ARRANGEMENT IS IN THE BEST INTEREST OF THE RACING INDUSTRY OF THE STATE.

S 7. This act shall take effect immediately, provided however that section six of this act shall be deemed to have been in full force and effect on and after January 1, 2014.

PART YYY

Section 1. The opening paragraph of subdivision 7 of section 221 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:

In order to pay the costs of the insurance required by this section and by the workers' compensation law and to carry out its other powers and duties and to pay for any of its liabilities under section fourteen-a of the workers' compensation law, the New York Jockey Injury Compensation Fund, Inc. shall ascertain the total funding necessary and establish the sums that are to be paid by all owners and trainers licensed or required to be licensed under section two hundred twenty of this article, to obtain the total funding amount required annually. In order to provide that any sum required to be paid by an owner or trainer is equitable, the fund shall establish payment schedules which reflect such factors as are appropriate, including where applicable, the geographic location of the racing corporation at which the owner or trainer participates, the duration of such participation, the amount of any purse earnings, the number of horses involved, or such other factors as the fund shall determine to be fair, equitable and in the best interests of racing. In no event shall the amount deducted from an owner's share of purses exceed [one] TWO per centum. THE AMOUNT DEDUCTED FROM AN OWNER'S SHARE OF PURSES SHALL NOT EXCEED ONE PER CENTUM AFTER APRIL FIRST, TWO THOUSAND SEVENTEEN. In the cases of multiple ownerships and limited racing appearances, the fund shall equitably adjust the sum required.

S 2. This act shall take effect immediately.

PART ZZZ

Section 1. Clause (E) of subparagraph 5 and clause (G) of subparagraph 6 of paragraph b of subdivision 1 of section 1016 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, are amended to read as follows:

(E) On days when a franchised corporation is not conducting a race meeting and when a licensed harness track is neither accepting wagers nor displaying the signal from an in-state thoroughbred corporation or association or an out-of-state thoroughbred track:

(i) Such licensed regional harness track shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thoroughbred racing corporation, [two and eight-tenths] ONE AND FOUR-TENTHS percent on regular and multiple bets during a regional meeting and [one and nine-tenths] NINETY-FIVE HUNDREDTHS percent of such bets if there is no regional meeting and [four and eight-tenths] TWO AND FOUR-TENTHS percent on exotic bets on days on which there is a regional meeting and

[three and four-tenths] ONE AND SEVEN-TENTHS percent of such bets if there is no regional meeting.

(ii) Such licensed regional harness track shall receive [one and one-half] SEVENTY-FIVE HUNDREDTHS per centum on total regional handle on races conducted at out-of-state or out-of-country thoroughbred tracks.

(iii) In those regions in which there is more than one licensed regional harness track, if no track is accepting wagers or displaying the live simulcast signal from the out-of-state track, the total sum shall be divided among the tracks in proportion to the ratio the wagers placed on races conducted by each track bears to the corporation's total in-region harness handle. If one or more tracks are accepting wagers or displaying the live simulcast signal, the total amount shall be divided among those tracks not accepting wagers or displaying the simulcast signal for an out-of-state track or in-state thoroughbred corporation or association.

(G) Of the sums retained by a licensed harness facility, [fifty] ONE HUNDRED percent shall be used exclusively for purses awarded in races conducted by such licensed facility [and the remaining fifty percent shall be retained by such licensed facility for its general purposes, provided, however, that in a harness special betting district the portion of the sums retained by a licensed harness facility to be used for purses or the methodology for calculating the amount to be used for purses may be specified in a written contract between a harness racing association or corporation and its representative horsemen's association].

S 2. This act shall take effect immediately.

PART AAAA

Section 1. Clause (F) of subparagraph (ii) of paragraph 1 of subdivision b of section 1612 of the tax law, as amended by section 1 of part Z of chapter 59 of the laws of 2014, is amended to read as follows:

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART BBBB

Section 1. The section heading of section 467-b of the real property tax law, as amended by section 1 of chapter 188 of the laws of 2005, is amended to read as follows:

Tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities OR PERSONS PAYING A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD.

S 2. Paragraph b of subdivision 1 of section 467-b of the real property tax law, as amended by section 1 of chapter 188 of the laws of 2005, is amended to read as follows:

b. "Head of the household" means a person (i) who is sixty-two years of age or older, or (ii) who qualifies as a person with a disability pursuant to subdivision five of this section, OR (III) WHO PAYS A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the possession or to the use or occupancy of a dwelling unit;

S 3. Subdivision 2 of section 467-b of the real property tax law, as amended by chapter 747 of the laws of 1985, is amended to read as follows:

2. The governing body of any municipal corporation is hereby authorized and empowered to adopt, after public hearing, in accordance with the provisions of this section, a local law, ordinance or resolution providing for the abatement of taxes of said municipal corporation imposed on real property containing a dwelling unit as defined herein by one of the following amounts: (a) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which causes such maximum rent or legal regulated rent to exceed one-third of the combined income of all members of the household; or

(b) WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON PAYING A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD AND DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, AN AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT OR LEGAL REGULATED RENT WHICH CAUSES SUCH MAXIMUM RENT OR LEGAL REGULATED RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD; OR

(C) where the head of the household receives a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which is not covered by the maximum allowance for shelter which such person is entitled to receive pursuant to the social services law.

S 4. Paragraph a of subdivision 3 of section 467-b of the real property tax law, as amended by section 1 of part U of chapter 55 of the laws of 2014, is amended to read as follows:

a. for a dwelling unit where the head of the household is a person sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year.

S 5. Paragraph d of subdivision 1 of section 467-c of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, and subparagraph 1 of paragraph d as amended by section 2 of part U of chapter 55 of the laws of 2014, is amended to read as follows:

d. "Eligible head of the household" means (1) a person or his or her spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by local law; or (2) a person with a disability as defined in this subdivision.

S 6. Subparagraph (1) of paragraph a of subdivision 3 of section 467-c of the real property tax law, as amended by chapter 747 of the laws of 1985, is amended to read as follows:

(1) where the eligible head of the household WHO IS EITHER SIXTY-TWO YEARS OF AGE OR OLDER OR IS DISABLED does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in the maximum rent subsequent to such person's eligibility date have resulted in the maximum rent exceeding one-third of the combined income of all members of the household for the taxable period, OR WHERE THE ELIGIBLE HEAD OF THE HOUSEHOLD IS A PERSON WHO PAYS A MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM RENT SUBSEQUENT TO SUCH PERSON'S DATE HAVE RESULTED IN THE MAXIMUM RENT EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE PERIOD, except that in no event shall a rent increase exemption order/tax abatement certificate become effective prior to January first, nineteen hundred seventy-six; or

S 7. The state shall reimburse the city of New York and other participating municipalities for 10% of the increase between the amount of real property tax revenue abated for the period beginning July 1, 2015 and ending June 30, 2016 pursuant to the program expansion where the tenant's maximum rent exceeds one-half of the combined income of household members as established by sections one through six of this act and the amount that would have been abated for the period beginning July 1, 2015 and ending June 30, 2016 pursuant to the current provisions that were in effect immediately prior to the additions provided in this act. Prior to any payment, the city and any participating municipalities shall provide attestation to the director of the New York state division of the budget and the state comptroller as to the increase in the actual

amount of real property tax abated as a consequence of sections one through six of this act. The information contained within such attestation may be subject to the audit and verification by the state comptroller.

S 8. This act shall take effect July 1, 2015; provided however, that

a. the amendments to section 467-b of the real property tax law, made by sections one, two, three and four of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 576 of the laws of 1974, and shall expire and be deemed repealed therewith;

b. the amendments to paragraph a of subdivision 3 of section 467-b of the real property tax law, made by section four of this act shall be subject to the expiration of such paragraph pursuant to section 4 of part U of chapter 55 of the laws of 2014, as amended, and shall be deemed to expire therewith; and

c. the amendments to subparagraph (1) of paragraph d of subdivision 1 of section 467-c of the real property tax law, made by section five of this act shall not affect the expiration of such subparagraph pursuant to chapter 55 of the laws of 2014 and shall expire and be deemed repealed therewith.

PART CCCC

Section 1. The real property tax law is amended by adding a new section 467-i to read as follows:

S 467-I. TENANTS SIXTY-FIVE YEARS OF AGE OR OVER WITHIN MANUFACTURED HOME PARKS. 1. ANY MUNICIPAL CORPORATION OR SCHOOL DISTRICT WITHIN A COUNTY WITH A POPULATION BETWEEN ONE MILLION FOUR HUNDRED NINETY THOUSAND AND ONE MILLION FIVE HUNDRED THOUSAND BASED UPON THE LATEST DECENNIAL FEDERAL CENSUS SHALL BE AUTHORIZED TO PROVIDE A SENIOR CITIZEN TAX EXEMPTION PROGRAM FOR SENIOR CITIZENS RESIDING WITHIN MANUFACTURED HOMES, AS DEFINED BY SECTION TWO HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW, WITHIN SUCH COUNTY, AFTER A PUBLIC HEARING THEREON, AND UPON THE ADOPTION OF A LOCAL LAW OR ORDINANCE, OR FOR A SCHOOL DISTRICT UPON THE ADOPTION OF A RESOLUTION, PROVIDING THEREFOR. SUCH PROGRAMS SHALL APPLY TO SENIOR CITIZENS SIXTY-FIVE YEARS OF AGE OR OVER, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, WHO RESIDE IN A MANUFACTURED HOME LOCATED ON LAND FOR WHICH RESIDENTIAL RENT IS PAID AND WHOSE COMBINED INCOME DOES NOT EXCEED THE INCOME STANDARD SET FORTH IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE AND WITHIN ANY ADDITIONAL SPECIFIED LIMITS AS FURTHER ESTABLISHED BY SUCH LAW OR LOCAL ORDINANCE. SUCH TAX EXEMPTION SHALL INCLUDE A PROPORTIONAL SHARE OF THE INCREASE IN ANNUAL TAXES LEVIED UPON BUILDINGS AND LAND WITHIN SUCH PARK. THIS AMOUNT SHALL BE CALCULATED BASED UPON THE PERCENTAGE THAT THE NUMBER OF HOMES QUALIFYING UNDER THIS SECTION BEARS TO THE TOTAL LOTS WITHIN SUCH PARK WHICH SHALL BE MULTIPLIED BY THE OVERALL ANNUAL TAX INCREASE ON BUILDINGS AND LAND CONSTITUTING THE COMMON AREAS OF SUCH PARK.

2. THE ELIGIBLE SENIOR CITIZEN SHALL APPLY EACH YEAR TO QUALIFY FOR THE EXEMPTION, PRIOR TO THE TAXABLE STATUS DATE PRESCRIBED BY LAW, TO THE APPROPRIATE LOCAL ASSESSOR FOR A TAX EXEMPTION CERTIFICATE, ON A FORM PRESCRIBED BY THE COMMISSIONER. IN ORDER TO RECEIVE SUCH EXEMPTION, EACH APPLICANT MUST SUBMIT, AS PART OF THE APPLICATION PROCESS, AN ACCESSORY AGREEMENT SIGNED BY HIS OR HER MANUFACTURED HOME PARK LANDLORD, ATTESTING TO THE LANDLORD'S WILLINGNESS TO PARTICIPATE IN THE PROGRAM. SUCH AGREEMENT SHALL INCLUDE THE LANDLORD'S RESPONSIBILITIES TO

(A) REDUCE THE TENANT'S RENT ON A MONTHLY BASIS BY ONE-TWELFTH OF THE AMOUNT OF THE ANNUAL EXEMPTION GRANTED, (B) REIMBURSE, TO THE RECEIVER OF TAXES OF THE MUNICIPAL CORPORATION WHICH GRANTED THE EXEMPTION, A PRO-RATED PORTION OF THE TAX EXEMPTION IF HIS OR HER QUALIFYING TENANT SHOULD MOVE DURING THE TAXABLE PERIOD, AND (C) PERMIT ALL QUALIFYING TENANTS TO PARTICIPATE IN THE PROGRAM.

3. A TAX EXEMPTION CERTIFICATE ESTABLISHING THE AMOUNT OF EXEMPTION FOR THE TAXABLE PERIOD SHALL BE ISSUED TO EACH SENIOR CITIZEN WHO IS ELIGIBLE BY THE RESPECTIVE LOCAL ASSESSOR UPON REQUEST. COPIES OF THE CERTIFICATE SHALL BE ISSUED TO THE OWNER OF THE REAL PROPERTY CONTAINING THE MANUFACTURED HOME OF THE SENIOR CITIZEN AND TO THE RECEIVER OF TAXES OF EACH MUNICIPALITY WHICH HAS GRANTED THE EXEMPTION OF TAXES. THE EXEMPTION FOR THE TAX PERIOD SET IN THE TAX EXEMPTION CERTIFICATE SHALL BE DEDUCTED FROM THE TOTAL TAXES LEVIED BY THE MUNICIPALITY WHICH GRANTED THE EXEMPTION ON REAL PROPERTY CONTAINING THE MANUFACTURED HOME.

4. ANY CONVICTION OF HAVING MADE A WILLFUL FALSE STATEMENT IN THE APPLICATION FOR EXEMPTION PURSUANT TO THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND SHALL DISQUALIFY THE APPLICANT SENIOR CITIZEN AND/OR HOMEOWNER FROM FURTHER EXEMPTIONS FOR A PERIOD OF FIVE YEARS.

5. THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE TO ALL MANUFACTURED HOME UNITS WITHIN A MANUFACTURED HOME PARK WHICH COMPLY WITH ALL RELEVANT HOUSING CODES, LOCAL LAWS OR ORDINANCES.

6. ANY MUNICIPAL CORPORATION OR SCHOOL DISTRICT WITHIN A COUNTY WITH A POPULATION BETWEEN ONE MILLION FOUR HUNDRED NINETY THOUSAND AND ONE MILLION FIVE HUNDRED THOUSAND BASED UPON THE LATEST DECENNIAL FEDERAL CENSUS THAT ADOPTS SUCH PROGRAM FOR SENIOR CITIZENS RESIDING IN A MANUFACTURED HOME PARK SHALL RECEIVE REIMBURSEMENT FOR THE COST OF ADMINISTERING THE PROGRAM FROM THE STATE OF NEW YORK.

S 2. This act shall take effect January 1, 2016 and shall apply to real property having a taxable status date on or after such effective date.

PART DDDD

Section 1. Paragraph (b) of subdivision 3 of section 421-m of the real property tax law, as added by section 43 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(b) Such construction or substantial rehabilitation was commenced on or after the effective date of the local law, ordinance or resolution described in subdivision one of this section, but no later than June fifteenth, two thousand [fifteen] EIGHTEEN.

S 2. This act shall take effect immediately.

PART EEEE

Section 1. Paragraph 1 of subsection (e) of section 1310 of the tax law, as amended by section 3 of part A of chapter 56 of the laws of 1998, is amended to read as follows:

(1) For taxable years beginning after nineteen hundred ninety-seven, 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 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. FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND SIXTEEN AND ALL TAXABLE YEARS THEREAFTER, IN ORDER FOR A CITY TO QUALIFY ITS RESIDENTS TO RECEIVE A CREDIT PURSUANT TO THIS SUBSECTION, THE BUDGET SO ADOPTED BY SUCH CITY SHALL NOT EXCEED THE TAX LEVY LIMIT PRESCRIBED BY SECTION THREE-E OF THE GENERAL MUNICIPAL LAW.

S 2. Subparagraphs (A) and (B) of paragraph 2 of subsection (e) of section 1310 of the tax law, as amended by section 4 of part M of chapter 57 of the laws of 2009, are amended to read as follows:

(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]- 2014	$125
IN 2015	$184
IN 2016	$186
IN 2017 AND AFTER	$214

(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]- 2014	$62.50
IN 2015	$92
IN 2016	$94
IN 2017 AND AFTER	$107

S 3. This act shall take effect immediately.

PART FFFF

Section 1. Subsection (c) of section 612 of the tax law is amended by adding a new paragraph 42 to read as follows:

(42) INTEREST ON INDEBTEDNESS INCURRED OR CONTINUED TO PAY TUITION AND FEES FOR UNDERGRADUATE EDUCATION TO THE EXTENT SUCH INTEREST IS DEDUCTIBLE, IN ACCORDANCE WITH 26 U.S.C. S 221, FOR FEDERAL TAX PURPOSES, AND ONLY WHEN THE TAXPAYER'S FEDERAL ADJUSTED GROSS INCOME IS SEVENTY-FIVE THOUSAND DOLLARS OR LESS. PROVIDED THAT NO INDIVIDUAL MAY CLAIM THIS DEDUCTION IF THEY DO NOT COMPLY WITH THE TERMS OF THEIR LOAN REPAYMENT PLAN.

S 2. This act shall take effect immediately and shall apply to the tax year in which it takes effect, and all subsequent tax years.

PART GGGG

Section 1. The state finance law is amended by adding a new section 99-w to read as follows:

S 99-W. PUBLIC HOUSING REVITALIZATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL REVENUE FUND TO BE KNOWN AS THE "PUBLIC HOUSING REVITALIZATION FUND".

2. THE FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW AND ANY OTHER MONEYS TRANSFERRED THERETO FOR THE PURPOSES OF THE FUND, INCLUDING MONEYS APPROPRIATED TO THE FUND BY THE CITY OF NEW YORK.

3. MONEYS OF THE FUNDS, UPON APPROPRIATION THEREOF, SHALL BE DISBURSED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL TO THE NEW YORK CITY HOUSING AUTHORITY, IN ACCORDANCE WITH SECTION SEVENTY-SEVEN OF THE PUBLIC HOUSING LAW, FOR CAPITAL PROJECTS ASSOCIATED WITH THE REPAIR, RECONSTRUCTION, REHABILITATION AND UPGRADE OF ANY FACILITIES OPERATED BY SUCH AUTHORITY.

S 2. The public housing law is amended by adding a new section 77 to read as follows:

S 77. PUBLIC HOUSING REVITALIZATION FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL MAKE AVAILABLE TO THE NEW YORK CITY HOUSING AUTHORITY, CONSTITUTED UNDER SECTION FOUR HUNDRED ONE OF THIS CHAPTER, MONEYS FOR CAPITAL PROJECTS RELATED TO THE REPAIR, RECONSTRUCTION, REHABILITATION AND UPGRADE OF FACILITIES OWNED BY THE AUTHORITY IN ORDER TO PREVENT THE FURTHER DETERIORATION OF SUCH PROJECTS.

2. SUCH MONEYS SHALL BE DISBURSED FROM THE PUBLIC HOUSING REVITALIZATION FUND ESTABLISHED BY SECTION NINETY-NINE-W OF THE STATE FINANCE LAW.

3. PROVIDED, HOWEVER, NO MONEYS SHALL BE DISBURSED FROM SUCH FUND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN UNLESS THE COMMISSIONER HAS BY THAT DATE CERTIFIED TO THE COMPTROLLER THAT HE OR SHE HAS RECEIVED A REFORM PLAN FROM THE MAYOR OF THE CITY OF NEW YORK, TOGETHER WITH THE MEMBERS OF THE NEW YORK CITY HOUSING AUTHORITY LAYING OUT A PLAN TO MEET ITS CAPITAL OBLIGATIONS IN A TIMELY AND COST EFFECTIVE MANNER, INCLUSIVE OF A SPECIFIC PLAN TO:

A. DECENTRALIZE MAINTENANCE AND REPAIR STAFF AND ENSURE ADEQUATE STAFF AT EACH PROPERTY;

B. REDESIGN MAINTENANCE AND REPAIR POLICIES TO CUT CRITICAL REPAIR PROJECT TIMELINES BY FIFTY PERCENT;

C. ENSURE THAT ALL PROCUREMENTS ARE OPEN, TRANSPARENT AND ADHERE TO PUBLIC AUTHORITIES REFORM ACT BEST PRACTICES, AND SHALL REDUCE THE TIME TO THE FINAL AWARD BY FIFTY PERCENT;

D. IMPROVE CUSTOMER SERVICE TO PROVIDE A MORE RELIABLE AND USER-FRIENDLY EXPERIENCE TO BOTH RESIDENTS AND APPLICANTS; AND

E. DEVELOP A LONG-TERM FINANCIAL PLAN, INCLUDING A FIVE-YEAR CAPITAL PLAN UPDATED BI-ANNUALLY, WITH IDENTIFIED SOURCES OF FUNDING.

4. ANY REFORM PLAN ESTABLISHED PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL BE PROVIDED UPON ADOPTION TO THE MEMBERS OF THE NEW YORK CITY COUNCIL FOR REVIEW AND COMMENT BY THE RESPECTIVE SUBCOMMITTEE ASSIGNED TO SUCH AUTHORITY PURSUANT TO SUBDIVISION A OF SECTION TWENTY-NINE OF THE NEW YORK CITY CHARTER. ADDITIONALLY, SUCH PLAN SHALL BE PROVIDED UPON ADOPTION TO THE COMMITTEE CHAIR FOR THE NEW YORK STATE ASSEMBLY STANDING COMMITTEE FOR HOUSING, AND THE COMMITTEE CHAIR FOR THE NEW YORK STATE SENATE STANDING COMMITTEE FOR HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT.

S 3. Subdivision a of section 29 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November 1989, is amended to read as follows:

a. The council, acting as a committee of the whole, and each standing or special committee of the council, through hearings or otherwise:

1. [may] MAY investigate any matters within its jurisdiction relating to the property, affairs, or government of the city or of any county within the city, or to any other powers of the council, or to the effec-

tuation of the purposes or provisions of this charter or any laws relating to the city or to any county within the city.

2. [shall] SHALL review on a regular and continuous basis the activities of the agencies of the city, including their service goals and performance and management efficiency. Each unit of appropriation in the adopted budget of the city shall be assigned to a standing committee. Each standing committee of the council shall hold at least one hearing each year relating to the activities of each of the agencies under its jurisdiction.

3. SHALL REVIEW ON A REGULAR AND CONTINUOUS BASIS THE ACTIVITIES OF ANY PUBLIC AUTHORITY WHERE A MAJORITY OF APPOINTMENTS TO THE BOARD OF SUCH AUTHORITY ARE MADE BY THE MAYOR OF THE CITY OF NEW YORK, INCLUDING THE SERVICE GOALS, PERFORMANCE AND MANAGEMENT EFFICIENCY OF SUCH AUTHORITY. EACH SUCH AUTHORITY SHALL BE ASSIGNED TO A STANDING COMMITTEE. EACH STANDING COMMITTEE OF THE COUNCIL SHALL HOLD AT LEAST ONE HEARING EACH YEAR RELATING TO THE ACTIVITIES OF EACH SUCH AUTHORITY UNDER ITS JURISDICTION.

S 4. This act shall take effect immediately; provided however that sections one and two of this act shall take effect on the one hundred twentieth day after this act shall become a law; and provided further that section three of this act shall take effect on the thirtieth day after it shall have become a law.

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

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