

S. 6409--C

A. 9009--C

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

January 14, 2016

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law and the tax law, in relation to transitioning the school tax relief (STAR) exemption into a personal income tax credit (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the real property tax law, in relation to allowing applications for exemptions to be filed after the taxable status date in certain cases (Part D); to amend the tax law and the administrative code of the city of New York, in relation to establishing a new school tax reduction credit for residents of a city with a population over one million (Part E); to amend the real property tax law, in relation to authorizing the commissioner of taxation and finance to make direct payments of STAR tax savings to property owners in certain cases (Part F); to amend chapter 61 of the laws of 2011, amending the real property tax law and other laws relating to establishing standards for electronic tax administration, in relation to the effectiveness thereof (Part G); to amend the public housing law, in relation to extending the credit against income tax for persons or entities investing in low-income housing (Part H); to amend the tax law, in relation to extending the hire a veteran credit for an additional two years (Part I); to amend the tax law, in relation to extending the empire state commercial production tax credit (Part J);

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

to amend chapter 604 of the laws of 2011, amending the tax law relating to the credit for companies who provide transportation to people with disabilities, in relation to extending the expiration of such provision; and to amend the tax law, in relation to the application of a credit for companies who provide transportation to individuals with disabilities (Part K); to amend part I of chapter 58 of the laws of 2006, amending the tax law relating to providing an enhanced earned income tax credit, in relation to making the enhanced earned income tax credit permanent (Part L); to amend part N of chapter 61 of the laws of 2005 amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to extending the expiration thereof (Part M); to amend the tax law, in relation to extending the clean heating fuel credit for three years and updating the credit to reflect new minimum biodiesel fuel thresholds (Part N); to amend the economic development law and the tax law, in relation to extending the excelsior jobs program for five years (Part O); to amend the tax law and the administrative code of the city of New York, in relation to making corrections to the corporate tax reform provisions (Part P); to amend the tax law and the administrative code of the city of New York, in relation to the time for filing reports (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend chapter 109 of the laws of 2006 amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, in relation to extending the alternative fuels tax exemptions for five years (Part U); to amend the tax law, in relation to exempting from alcoholic beverage tax certain alcoholic beverages furnished at no charge by certain licensees to customers or prospective customers at a tasting held in accordance with the alcoholic beverage control law, and to expand the beer production credit to include wine, liquor and cider (Part V); intentionally omitted (Part W); to amend the tax law and the administrative code of the city of New York, in relation to allowing room remarketers to purchase occupancies from hotel operators exempt from sales tax under certain circumstances (Part X); to amend the tax law, in relation to charitable contributions and charitable activities being considered in determining domicile for estate tax purposes (Part Y); to amend the state finance law, in relation to creating the aviation purpose account and ensuring that the funds deposited in the aviation purpose account are used for airport improvement projects; to amend the tax law, in relation to providing for the distribution of revenues under section 301-e of such law; to exempt sales of fuel sold for use in commercial aircraft and general aviation aircraft from the prepayment of sales tax imposed pursuant to the authority of section 1102 of such law; and to exclude sales of fuel sold for use in commercial aircraft and general aviation aircraft from the operation of sales and use taxes imposed pursuant to the authority of section 1210 of such law (Part Z); intentionally omitted (Part AA); to amend the racing, pari-mutuel wagering and breeding law, in relation to increasing racing regulatory fee (Part BB); to amend the racing, pari-mutuel wagering and breeding law, in relation to the timing of harness track reimbursements and other technical amendments (Part CC); to amend the tax law, in relation to the payment of vendors' fees (Part DD); to amend the tax law, in relation to vendor fees at vendor tracks (Part EE); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast

facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting, in relation to the effectiveness thereof; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provision thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part FF); to amend the tax law, in relation to capital awards to vendor tracks (Part GG); to amend the state finance law, in relation to allocations from the commercial gaming revenue fund; to amend the tax law, in relation to commissions payable to certain vendor racetracks (Part HH); to amend the tax law, in relation to further clarifying disclosure procedures regarding medical marijuana (Part II); to amend the real property tax law, in relation to STAR recoupment program (Part JJ); to amend the tax law and the state finance law, in relation to the fees associated with a certificate of registration and decal imposed by article 21 of the tax law for certain vehicles operating on public highways in New York state (Part KK); to amend the tax law, in relation to making corrections to the corporate tax reform provisions (Part LL); to amend the tax law, in relation to the real property tax credit for manufacturers (Part MM); to amend the tax law and the administrative code of the city of new York, in relation to the value of leased real property (Part NN); to amend the racing, pari-mutuel wagering and breeding law, in relation to health insurance for jockeys (Part OO); to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part PP); to amend the economic development law and the tax law, in relation to the economic transformation and facility redevelopment program tax credit (Part QQ); to amend the tax law, in relation to creating a farm workforce retention credit (Part RR); to amend the tax law and the racing, pari-mutuel wagering and breeding law, in relation to authorization to operate video lottery terminals and capital awards at certain facilities (Part SS); to amend the tax law, in relation to providing a middle income tax cut under the personal income tax; to repeal subparagraph (B) of paragraph 1 of subsection (a), subparagraph (B) of paragraph 1 of subsection (b) and subparagraph (B) of paragraph 1 of subsection (c) of section 601 of the tax law relating to the imposition of tax; and to repeal subsection (d-2) of section 601 of the tax law relating to tax table benefit recapture for tax years after two thousand seventeen (Part TT); to amend the tax law, in relation to requiring wholesalers of motor fuel to register and file returns (Part UU); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part VV); and to amend the tax law, in relation to exempting commercial fuel cell electricity generating systems and electricity provided by such 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 (Part WW)

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

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

12 PART A

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

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

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

37 16. TRANSITION TO PERSONAL INCOME TAX CREDIT. (A) BEGINNING WITH  
38 ASSESSMENT ROLLS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND  
39 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO APPLICATION FOR AN  
40 EXEMPTION UNDER THIS SECTION MAY BE FILED OR APPROVED UNLESS AT LEAST  
41 ONE OF THE APPLICANTS HELD TITLE TO THE PROPERTY ON THE TAXABLE STATUS  
42 DATE OF THE ASSESSMENT ROLL THAT WAS USED TO LEVY SCHOOL DISTRICT TAXES  
43 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THE  
44 PROPERTY WAS GRANTED AN EXEMPTION PURSUANT TO THIS SECTION ON THAT  
45 ASSESSMENT ROLL. IN THE EVENT THAT AN APPLICATION IS SUBMITTED TO THE  
46 ASSESSOR THAT CANNOT BE APPROVED DUE TO THIS RESTRICTION, THE ASSESSOR  
47 SHALL NOTIFY THE APPLICANT THAT HE OR SHE IS REQUIRED BY LAW TO DENY THE  
48 APPLICATION, BUT THAT, IN LIEU OF A STAR EXEMPTION, THE APPLICANT MAY  
49 CLAIM THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF  
50 SECTION SIX HUNDRED SIX OF THE TAX LAW IF ELIGIBLE, AND THAT THE APPLI-  
51 CANT MAY CONTACT THE DEPARTMENT OF TAXATION AND FINANCE FOR FURTHER

1 INFORMATION. THE COMMISSIONER SHALL PROVIDE A FORM FOR ASSESSORS TO  
2 USE, AT THEIR OPTION, WHEN MAKING THIS NOTIFICATION. NO STAR EXEMPTION  
3 MAY BE GRANTED ON THE BASIS OF AN APPLICATION THAT IS NOT APPROVABLE DUE  
4 TO THIS RESTRICTION.

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

13 (C) THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL APPLICATIONS  
14 FOR STAR EXEMPTIONS BEGINNING WITH ASSESSMENT ROLLS USED TO LEVY SCHOOL  
15 DISTRICT TAXES FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN  
16 SCHOOL YEAR, INCLUDING THOSE SUBMITTED PRIOR TO THE EFFECTIVE DATE OF  
17 THIS SUBDIVISION. IF ANY APPLICATION WAS APPROVED PRIOR TO THE EFFECTIVE  
18 DATE OF THIS SUBDIVISION THAT IS NOT APPROVABLE HEREUNDER, SUCH APPROVAL  
19 SHALL BE DEEMED VOID, AND THE ASSESSOR SHALL PROVIDE THE APPLICANT WITH  
20 THE NOTICE REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION. IF AN APPLI-  
21 CATION WAS SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION BUT  
22 IS NOT APPROVABLE HEREUNDER, THE APPLICANT MAY APPLY FOR ADVANCE PAYMENT  
23 OF THE PERSONAL INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF  
24 SECTION SIX HUNDRED SIX OF THE TAX LAW FOR THE TWO THOUSAND SIXTEEN  
25 TAXABLE YEAR, IF ELIGIBLE, IN THE MANNER PROVIDED BY PARAGRAPH TEN OF  
26 SUCH SUBSECTION, NOTWITHSTANDING THE TIME LIMITATIONS CONTAINED IN THAT  
27 PARAGRAPH.

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

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

38 (a) For each assessment roll on which the renounced exemption appears,  
39 the assessed value that was exempted shall be multiplied by the tax rate  
40 or rates that were applied to that assessment roll. Interest shall then  
41 be added to each such product at the rate prescribed by section nine  
42 hundred twenty-four-a of this chapter or such other law as may be appli-  
43 cable for each month or portion thereon since the levy of taxes upon  
44 such assessment roll.

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

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

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

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

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

22 S 5. Subdivision 6 of section 1306-a of the real property tax law is  
23 renumbered subdivision 7 and a new subdivision 6 is added to read as  
24 follows:

25 6. WHEN THE COMMISSIONER DETERMINES, AT LEAST THIRTY DAYS PRIOR TO THE  
26 LEVY OF SCHOOL DISTRICT TAXES, THAT AN ADVANCE CREDIT OF THE PERSONAL  
27 INCOME TAX CREDIT AUTHORIZED BY SUBSECTION (EEE) OF SECTION SIX HUNDRED  
28 SIX OF THE TAX LAW WILL BE PROVIDED TO THE OWNERS OF A PARCEL IN THAT  
29 SCHOOL DISTRICT, HE OR SHE SHALL SO NOTIFY THE AUTHORITIES OF THE SCHOOL  
30 DISTRICT, WHO SHALL CAUSE A STATEMENT TO BE PLACED ON THE TAX BILL FOR  
31 THE PARCEL IN SUBSTANTIALLY THE FOLLOWING FORM: "A STAR REIMBURSEMENT  
32 CHECK OF \$ WILL BE MAILED TO YOU UPON ISSUANCE BY THE NYS TAX  
33 DEPARTMENT." THE COMMISSIONER SHALL ADVISE THE SCHOOL DISTRICT AUTHORI-  
34 TIES OF THE AMOUNT TO BE ENTERED THEREIN. NOTWITHSTANDING ANY PROVISION  
35 OF LAW TO THE CONTRARY, IN THE EVENT THAT THE PARCEL IN QUESTION HAD  
36 BEEN GRANTED A STAR EXEMPTION ON THE ASSESSMENT ROLL UPON WHICH SCHOOL  
37 DISTRICT TAXES ARE TO BE LEVIED, SUCH EXEMPTION SHALL BE DEEMED NULL AND  
38 VOID AND SHALL BE DISREGARDED WHEN THE PARCEL'S TAX LIABILITY IS DETER-  
39 MINED.

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

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

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

1 AFTER THE ACQUISITION OF SUCH RESIDENCE SHALL NOT BE CONSIDERED A QUALI-  
2 FIED TAXPAYER FOR PURPOSES OF THIS SUBSECTION.

3 (B) "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME OF ALL OF THE  
4 OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON AS OF DECEMBER THIR-  
5 TY-FIRST OF THE TAXABLE YEAR, AND OF ANY OWNERS' SPOUSES RESIDING PRIMA-  
6 RILY THEREON AS OF SUCH DATE; PROVIDED THAT THE INCOME TO BE SO COMBINED  
7 SHALL BE THE "ADJUSTED GROSS INCOME" FOR THE TAXABLE YEAR AS REPORTED  
8 FOR FEDERAL INCOME TAX PURPOSES, OR THAT WOULD BE REPORTED AS ADJUSTED  
9 GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED,  
10 REDUCED BY DISTRIBUTIONS, TO THE EXTENT INCLUDED IN FEDERAL ADJUSTED  
11 GROSS INCOME, RECEIVED FROM AN INDIVIDUAL RETIREMENT ACCOUNT AND AN  
12 INDIVIDUAL RETIREMENT ANNUITY.

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

17 (D) "OWNER" MEANS:

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

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

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

22 (IV) A BENEFICIAL OWNER UNDER A TRUST,

23 (V) A TENANT-STOCKHOLDER OF A COOPERATIVE APARTMENT CORPORATION WHO  
24 RESIDES IN A PORTION OF REAL PROPERTY OWNED BY SUCH COOPERATIVE APART-  
25 MENT CORPORATION, TO THE EXTENT REPRESENTED BY HIS OR HER SHARE OR  
26 SHARES OF STOCK IN SUCH CORPORATION AS DETERMINED BY ITS OR THEIR  
27 PROPORTIONAL RELATIONSHIP TO THE TOTAL OUTSTANDING STOCK OF THE CORPO-  
28 RATION, INCLUDING THAT OWNED BY THE CORPORATION,

29 (VI) A RESIDENT OF A FARM DWELLING THAT IS OWNED EITHER BY A CORPO-  
30 RATION OF WHICH THE RESIDENT IS A SHAREHOLDER, A PARTNERSHIP OF WHICH  
31 THE RESIDENT IS A PARTNER, OR BY A LIMITED LIABILITY COMPANY OF WHICH  
32 THE RESIDENT IS AN OWNER, OR

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

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

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

53 (G) "STAR TAX SAVINGS" MEANS THE TAX SAVINGS ATTRIBUTABLE TO THE STAR  
54 EXEMPTION WITHIN A PORTION OF A SCHOOL DISTRICT, AS DETERMINED BY THE  
55 COMMISSIONER PURSUANT TO SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED  
56 SIX-A OF THE REAL PROPERTY TAX LAW.

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

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

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

19 (I) THE BASIC STAR TAX SAVINGS APPLICABLE TO THE TAXPAYER'S PRIMARY  
20 RESIDENCE, OR

21 (II) THE TAXPAYER'S QUALIFYING TAXES.

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

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

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

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

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

55 (I) THE ENHANCED STAR TAX SAVINGS FOR THE SCHOOL DISTRICT PORTION, OR

56 (II) THE TAXPAYER'S QUALIFYING TAXES.



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

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

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

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

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

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

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

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

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

55 (7) DISCLOSURE OF INCOMES. WHERE THE COMMISSIONER HAS DENIED A TAXPAY-  
56 ER'S CLAIM FOR THE CREDIT AUTHORIZED BY THIS SUBSECTION IN WHOLE OR IN

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

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

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

25 (10) ADVANCE PAYMENTS. (A) THE COMMISSIONER SHALL ESTABLISH A MECH-  
26 ANISM BY WHICH A QUALIFIED TAXPAYER WHO HAS ACQUIRED A NEW PRIMARY RESI-  
27 DENCE BETWEEN JANUARY FIRST AND JULY FIRST OF THE TAXABLE YEAR, INCLU-  
28 SIVE, MAY APPLY FOR AN ADVANCE PAYMENT OF THE CREDIT AUTHORIZED BY THIS  
29 SECTION, PROVIDED THAT:

30 (I) ANY SUCH APPLICATION MUST BE SUBMITTED TO THE COMMISSIONER BY THE  
31 FIRST DAY OF JULY OF THE TAXABLE YEAR, OR SUCH LATER DATE AS MAY BE  
32 PRESCRIBED BY THE COMMISSIONER, AND

33 (II) A QUALIFIED TAXPAYER WHO FAILS TO APPLY FOR AN ADVANCE PAYMENT OF  
34 SUCH CREDIT IN A TIMELY MANNER MAY REQUEST AND RECEIVE SUCH CREDIT IN  
35 THE MANNER OTHERWISE PROVIDED BY THIS SECTION.

36 (B) ON OR BEFORE SEPTEMBER FIFTEENTH OF EACH YEAR, OR AS SOON THERE-  
37 AFTER AS PRACTICABLE, THE COMMISSIONER SHALL DETERMINE THE ELIGIBILITY  
38 OF TAXPAYERS FOR THIS CREDIT UTILIZING THE INFORMATION AVAILABLE TO HIM  
39 OR HER. FOR THOSE TAXPAYERS WHOM THE COMMISSIONER HAS DETERMINED ELIGI-  
40 BLE FOR THIS CREDIT, THE COMMISSIONER SHALL ADVANCE A PAYMENT IN THE  
41 AMOUNT SPECIFIED IN PARAGRAPH THREE, FOUR OR SIX OF THIS SUBSECTION,  
42 WHICHEVER IS APPLICABLE. SUCH PAYMENT SHALL BE ISSUED BY SEPTEMBER THIR-  
43 TIETH OF THE YEAR THE CREDIT IS ALLOWED, OR AS SOON THEREAFTER AS IS  
44 PRACTICABLE. A TAXPAYER WHO HAS FAILED TO RECEIVE AN ADVANCE PAYMENT  
45 THAT HE OR SHE BELIEVES WAS DUE TO HIM OR HER, OR WHO HAS RECEIVED AN  
46 ADVANCE PAYMENT THAT HE OR SHE BELIEVES IS LESS THAN THE AMOUNT THAT WAS  
47 DUE TO HIM OR HER, MAY REQUEST PAYMENT OF THE CLAIMED DEFICIENCY IN A  
48 MANNER PRESCRIBED BY THE COMMISSIONER.

49 (C) AN ADVANCE PAYMENT OF CREDIT PROVIDED PURSUANT TO THIS SUBSECTION  
50 THAT EXCEEDS THE TAXPAYER'S QUALIFYING TAXES FOR THAT TAXABLE YEAR SHALL  
51 BE ADDED BACK AS TAX ON THE INCOME TAX RETURN FOR THAT TAXABLE YEAR.

52 (D) IF THE COMMISSIONER DETERMINES AFTER ISSUING AN ADVANCE PAYMENT  
53 THAT IT WAS ISSUED IN AN EXCESSIVE AMOUNT OR TO AN INELIGIBLE OR INCOR-  
54 RECT PARTY, THE COMMISSIONER SHALL BE EMPOWERED TO UTILIZE ANY OF THE  
55 PROCEDURES FOR COLLECTION, LEVY AND LIEN OF PERSONAL INCOME TAX SET  
56 FORTH IN THIS ARTICLE, ANY OTHER RELEVANT PROCEDURES REFERENCED WITHIN

1 THE PROVISIONS OF THIS ARTICLE, AND ANY OTHER LAW AS MAY BE APPLICABLE,  
2 TO RECOUP THE IMPROPERLY ISSUED AMOUNT.

3 (11) ADMINISTRATION. THE PROVISIONS OF THIS ARTICLE, INCLUDING THE  
4 PROVISIONS OF SECTIONS SIX HUNDRED FIFTY-THREE, SIX HUNDRED FIFTY-EIGHT,  
5 AND SIX HUNDRED FIFTY-NINE OF THIS ARTICLE AND THE PROVISIONS OF PART  
6 SIX OF THIS ARTICLE RELATING TO PROCEDURE AND ADMINISTRATION, INCLUDING  
7 THE JUDICIAL REVIEW OF THE DECISIONS OF THE COMMISSIONER, EXCEPT SO MUCH  
8 OF SECTION SIX HUNDRED EIGHTY-SEVEN OF THIS ARTICLE THAT PERMITS A CLAIM  
9 FOR CREDIT OR REFUND TO BE FILED AFTER THE PERIOD PROVIDED FOR IN PARA-  
10 GRAPH NINE OF THIS SUBSECTION AND EXCEPT SECTIONS SIX HUNDRED FIFTY-SEV-  
11 EN, SIX HUNDRED EIGHTY-EIGHT AND SIX HUNDRED NINETY-SIX OF THIS ARTICLE,  
12 SHALL APPLY TO THE PROVISIONS OF THIS SUBSECTION IN THE SAME MANNER AND  
13 WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE OF THOSE PROVISIONS  
14 HAD BEEN INCORPORATED IN FULL INTO THIS SUBSECTION AND HAD EXPRESSLY  
15 REFERRED TO THE CREDIT ALLOWED OR RETURNS FILED UNDER THIS SUBSECTION,  
16 EXCEPT TO THE EXTENT THAT ANY SUCH PROVISION IS EITHER INCONSISTENT WITH  
17 A PROVISION OF THIS SUBSECTION OR IS NOT RELEVANT TO THIS SUBSECTION. AS  
18 USED IN SUCH SECTIONS AND SUCH PART, THE TERM "TAXPAYER" SHALL INCLUDE A  
19 QUALIFIED TAXPAYER UNDER THIS SUBSECTION AND, NOTWITHSTANDING THE  
20 PROVISIONS OF SUBSECTION (E) OF SECTION SIX HUNDRED NINETY-SEVEN OF THIS  
21 ARTICLE, WHERE A QUALIFIED TAXPAYER HAS PROTESTED THE DENIAL OF A CLAIM  
22 FOR CREDIT UNDER THIS SUBSECTION AND THE TIME TO FILE A PETITION FOR  
23 REDETERMINATION OF A DEFICIENCY OR FOR REFUND HAS NOT EXPIRED, HE OR SHE  
24 SHALL, SUBJECT TO SUCH CONDITIONS AS MAY BE SET BY THE COMMISSIONER,  
25 RECEIVE SUCH INFORMATION (A) THAT IS CONTAINED IN ANY RETURN FILED UNDER  
26 THIS ARTICLE BY A MEMBER OF HIS OR HER HOUSEHOLD FOR THE TAXABLE YEAR  
27 FOR WHICH THE CREDIT IS CLAIMED, AND (B) THAT THE COMMISSIONER FINDS IS  
28 RELEVANT AND MATERIAL TO THE ISSUE OF WHETHER SUCH CLAIM WAS PROPERLY  
29 DENIED.

30 (12) IN THE CASE OF A TAXPAYER WHO HAS ITEMIZED DEDUCTIONS FROM FEDER-  
31 AL ADJUSTED GROSS INCOME, AND WHOSE FEDERAL ITEMIZED DEDUCTIONS INCLUDE  
32 AN AMOUNT FOR REAL ESTATE TAXES PAID, THE NEW YORK ITEMIZED DEDUCTION  
33 OTHERWISE ALLOWABLE UNDER SECTION SIX HUNDRED FIFTEEN OF THIS CHAPTER  
34 SHALL BE REDUCED BY THE AMOUNT OF THE CREDIT CLAIMED UNDER THIS  
35 SUBSECTION.

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

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

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

52 PART B

53 Intentionally Omitted

## 1 PART C

2 Intentionally Omitted

## 3 PART D

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

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

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

34 8-A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE LOCAL  
35 GOVERNING BODY OF A MUNICIPAL CORPORATION THAT IS AUTHORIZED TO ADOPT A  
36 LOCAL LAW PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION IS FURTHER  
37 AUTHORIZED TO ADOPT A LOCAL LAW PROVIDING THAT WHERE A RENEWAL APPLICA-  
38 TION FOR THE EXEMPTION AUTHORIZED BY THIS SECTION HAS NOT BEEN FILED ON  
39 OR BEFORE THE TAXABLE STATUS DATE, AND THE OWNER BELIEVES THAT GOOD  
40 CAUSE EXISTED FOR THE FAILURE TO FILE THE RENEWAL APPLICATION BY THAT  
41 DATE, THE OWNER MAY, NO LATER THAN THE LAST DAY FOR PAYING TAXES WITHOUT  
42 INCURRING INTEREST OR PENALTY, SUBMIT A WRITTEN REQUEST TO THE ASSESSOR  
43 ASKING HIM OR HER TO EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION.  
44 SUCH REQUEST SHALL CONTAIN AN EXPLANATION OF WHY THE DEADLINE WAS  
45 MISSED, AND SHALL BE ACCOMPANIED BY A RENEWAL APPLICATION, REFLECTING  
46 THE FACTS AND CIRCUMSTANCES AS THEY EXISTED ON THE TAXABLE STATUS DATE.  
47 THE ASSESSOR MAY EXTEND THE FILING DEADLINE AND GRANT THE EXEMPTION IF  
48 HE OR SHE IS SATISFIED THAT (I) GOOD CAUSE EXISTED FOR THE FAILURE TO  
49 FILE THE RENEWAL APPLICATION BY THE TAXABLE STATUS DATE, AND THAT (II)  
50 THE APPLICANT IS OTHERWISE ENTITLED TO THE EXEMPTION. THE ASSESSOR SHALL  
51 MAIL NOTICE OF HIS OR HER DETERMINATION TO THE OWNER. IF THE DETERMI-  
52 NATION STATES THAT THE ASSESSOR HAS GRANTED THE EXEMPTION, HE OR SHE  
53 SHALL THEREUPON BE AUTHORIZED AND DIRECTED TO CORRECT THE ASSESSMENT

1 ROLL ACCORDINGLY, OR, IF ANOTHER PERSON HAS CUSTODY OR CONTROL OF THE  
2 ASSESSMENT ROLL, TO DIRECT THAT PERSON TO MAKE THE APPROPRIATE  
3 CORRECTIONS. IF THE CORRECTION IS NOT MADE BEFORE TAXES ARE LEVIED, THE  
4 FAILURE TO TAKE THE EXEMPTION INTO ACCOUNT IN THE COMPUTATION OF THE TAX  
5 SHALL BE DEEMED A "CLERICAL ERROR" FOR PURPOSES OF TITLE THREE OF ARTI-  
6 CLE FIVE OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY.

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

9

## PART E

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

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

26 (2) THE AMOUNT OF THE CREDIT UNDER THIS PARAGRAPH SHALL BE DETERMINED  
27 BASED UPON THE TAXPAYER'S INCOME AS DEFINED IN SUBPARAGRAPH (II) OF  
28 PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF  
29 THE REAL PROPERTY TAX LAW. FOR THE PURPOSES OF THIS PARAGRAPH, ANY  
30 TAXPAYER UNDER SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH WITH INCOME  
31 OF MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL NOT RECEIVE A  
32 CREDIT.

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

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

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

43 S 2. Paragraphs 1 and 2 of subsection (e) of section 1310 of the tax  
44 law, paragraph 1 as amended by section 3 of part A of chapter 56 of the  
45 laws of 1998, paragraph 2 as amended by section 1 of part R of chapter  
46 57 of the laws of 2008 and subparagraphs (A) and (B) of paragraph 2 as  
47 amended by section 4 of part M of chapter 57 of the laws of 2009, are  
48 amended to read as follows:

49 (1) For taxable years beginning after nineteen hundred ninety-seven,  
50 AND ENDING BEFORE TWO THOUSAND SIXTEEN, a state school tax reduction  
51 credit shall be allowed as provided in the following tables. The credit  
52 shall be allowed against the taxes authorized by this article reduced by  
53 the credits permitted by this article. If the credit exceeds the tax as  
54 so reduced, the taxpayer may receive, and the comptroller, subject to a

1 certificate of the commissioner, shall pay as an overpayment, without  
 2 interest, the amount of such excess. For purposes of this subsection, no  
 3 credit shall be granted to an individual with respect to whom a  
 4 deduction under subsection (c) of section one hundred fifty-one of the  
 5 internal revenue code is allowable to another taxpayer for the taxable  
 6 year.

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

14 Beginning in the two thousand ten tax year and each tax year thereaft-  
 15 er THROUGH TWO THOUSAND FIFTEEN, the "more than two hundred fifty thou-  
 16 sand dollar" income limitation shall be adjusted by applying the  
 17 inflation factor set forth herein, and rounding each result to the near-  
 18 est multiple of one hundred dollars. The department shall establish the  
 19 income limitation to be associated with each subsequent tax year by  
 20 applying the inflation factor set forth herein to the figures that  
 21 define the income limitation that were applicable to the preceding tax  
 22 year, as determined pursuant to this [subdivision] SUBSECTION, and  
 23 rounding each result to the nearest multiple of one hundred dollars.  
 24 Such determination shall be made no later than March first, two thousand  
 25 ten and each year thereafter.

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

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

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

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

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

44 S 3. Paragraphs 1 and 2 of subsection (c) of section 11-1706 of the  
 45 administrative code of the city of New York, paragraph 1 as amended by  
 46 section 6 of part A of chapter 56 of the laws of 1998, paragraph 2 as  
 47 amended by section 2 of part R of chapter 57 of the laws of 2008 and  
 48 subparagraphs (A) and (B) of paragraph 2 as amended by section 5 of part  
 49 M of chapter 57 of the laws of 2009, are amended to read as follows:

50 (1) For taxable years beginning after nineteen hundred ninety-seven  
 51 AND ENDING BEFORE TWO THOUSAND SIXTEEN, a state school tax reduction  
 52 credit shall be allowed as provided in the following tables. The credit  
 53 shall be allowed against the taxes authorized by this article reduced by  
 54 the credits permitted by this article. If the credit exceeds the tax as  
 55 so reduced, the taxpayer may receive, and the comptroller, subject to a  
 56 certificate of the commissioner, shall pay as an overpayment, without

1 interest, the amount of such excess. For purposes of this [subdivision]  
 2 SUBSECTION, no credit shall be granted to an individual with respect to  
 3 whom a deduction under subsection (c) of section one hundred fifty-one  
 4 of the internal revenue code is allowable to another taxpayer for the  
 5 taxable year.

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

12 Beginning in the two thousand ten tax year and each tax year thereaft-  
 13 er THROUGH TWO THOUSAND FIFTEEN, the "more than two hundred fifty thou-  
 14 sand dollar" income limitation shall be adjusted by applying the  
 15 inflation factor set forth herein, and rounding each result to the near-  
 16 est multiple of one hundred dollars. The department shall establish the  
 17 income limitation to be associated with each subsequent tax year by  
 18 applying the inflation factor set forth herein to the figures that  
 19 define the income limitation that were applicable to the preceding tax  
 20 year, as determined pursuant to this [subdivision] SUBSECTION, and  
 21 rounding each result to the nearest multiple of one hundred dollars.  
 22 Such determination shall be made no later than March first, two thousand  
 23 ten and each year thereafter.

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

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

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

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

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

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

44

## PART F

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

47 (16) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHEN THE  
 48 COMMISSIONER FINDS THAT A PROPERTY OWNER WAS ELIGIBLE FOR THE STAR  
 49 EXEMPTION AUTHORIZED BY THIS SECTION ON AN ASSESSMENT ROLL, BUT THE  
 50 EXEMPTION WAS NOT TAKEN INTO ACCOUNT IN THE CALCULATION OF THE PROPERTY  
 51 OWNER'S SCHOOL TAX BILL DUE TO AN ADMINISTRATIVE ERROR, AND THE PROPERTY  
 52 OWNER OR HIS OR HER AGENT PAID AN EXCESSIVE AMOUNT OF SCHOOL TAXES ON  
 53 THE PROPERTY AS A RESULT, THE COMMISSIONER OF TAXATION AND FINANCE IS  
 54 AUTHORIZED TO REMIT DIRECTLY TO THE PROPERTY OWNER THE TAX SAVINGS THAT

1 THE STAR EXEMPTION WOULD HAVE YIELDED IF THE STAR EXEMPTION HAD BEEN  
2 TAKEN INTO ACCOUNT IN THE CALCULATION OF THAT TAXPAYER'S SCHOOL TAX  
3 BILL. THE AMOUNTS PAYABLE UNDER THIS SECTION SHALL BE PAID FROM THE  
4 ACCOUNT ESTABLISHED FOR THE PAYMENT OF STAR BENEFITS TO LATE REGISTRANTS  
5 PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION FOURTEEN  
6 OF THIS SECTION. WHERE SUCH A PAYMENT HAS BEEN MADE, NEITHER THE PROPER-  
7 TY OWNER NOR HIS OR HER AGENT SHALL BE ENTITLED TO A REFUND OF THE  
8 EXCESSIVE AMOUNT OF SCHOOL TAXES PAID ON ACCOUNT OF THE ADMINISTRATIVE  
9 ERROR.  
10 S 2. This act shall take effect immediately.

11 PART G

12 Section 1. Intentionally omitted.

13 S 2. Intentionally omitted.

14 S 3. Intentionally omitted.

15 S 4. Intentionally omitted.

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

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

21 (a) the amendments to section 29 of the tax law made by section thir-  
22 teen of this act shall apply to tax documents filed or required to be  
23 filed on or after the sixtieth day after which this act shall have  
24 become a law and shall expire and be deemed repealed December 31, [2016]  
25 2019, provided however that the amendments to paragraph 4 of subdivision  
26 (a) of section 29 of the tax law and paragraph 2 of subdivision (e) of  
27 section 29 of the tax law made by section thirteen of this act with  
28 regard to individual taxpayers shall take effect September 15, 2011 but  
29 only if the commissioner of taxation and finance has reported in the  
30 report required by section seventeen-b of this act that the percentage  
31 of individual taxpayers electronically filing their 2010 income tax  
32 returns is less than eighty-five percent; provided that the commissioner  
33 of taxation and finance shall notify the legislative bill drafting  
34 commission of the date of the issuance of such report in order that the  
35 commission may maintain an accurate and timely effective data base of  
36 the official text of the laws of the state of New York in furtherance of  
37 effectuating the provisions of section 44 of the legislative law and  
38 section 70-b of the public officers law;

39 (b) sections fourteen, fifteen, sixteen and seventeen of this act  
40 shall take effect September 15, 2011 but only if the commissioner of  
41 taxation and finance has reported in the report required by section  
42 seventeen-b of this act that the percentage of individual taxpayers  
43 electronically filing their 2010 income tax returns is less than eight-  
44 y-five percent;

45 (c) sections fourteen-a and fifteen-a of this act shall take effect  
46 September 15, 2011 and expire and be deemed repealed December 31, 2012  
47 but shall take effect only if the commissioner of taxation and finance  
48 has reported in the report required by section seventeen-b of this act  
49 that the percentage of individual taxpayers electronically filing their  
50 2010 income tax returns is eighty-five percent or greater;

51 (d) sections fourteen-b, fifteen-b, sixteen-a and seventeen-a of this  
52 act shall take effect January 1, [2017] 2020 but only if the commission-  
53 er of taxation and finance has reported in the report required by  
54 section seventeen-b of this act that the percentage of individual



1 taxpayers electronically filing their 2010 income tax returns is less  
2 than eighty-five percent; and

3 (e) sections twenty-one and twenty-one-a of this act shall expire and  
4 be deemed repealed December 31, [2016] 2019.

5 S 6. Intentionally omitted.

6 S 7. Intentionally omitted.

7 S 8. This act shall take effect immediately.

8

#### PART H

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

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

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

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

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

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

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

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

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

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

1 S 6. This act shall take effect immediately; provided, however,  
2 section two of this act shall take effect April 1, 2017; section three  
3 of this act shall take effect April 1, 2018; section four of this act  
4 shall take effect April 1, 2019 and section five of this act shall take  
5 effect April 1, 2020.

6 PART I

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

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

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

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

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

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

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

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

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

52 (A) who served on active duty in the United States army, navy, air  
53 force, marine corps, coast guard or the reserves thereof, or who served  
54 in active military service of the United States as a member of the army

1 national guard, air national guard, New York guard or New York naval  
2 militia; who was released from active duty by general or honorable  
3 discharge after September eleventh, two thousand one;

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

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

11 S 3. Paragraphs 1 and 2 of subdivision (g-1) of section 1511 of the  
12 tax law, as added by section 5 of part AA of chapter 59 of the laws of  
13 2013, are amended to read as follows:

14 (1) Allowance of credit. For taxable years beginning on or after Janu-  
15 ary first, two thousand fifteen and before January first, two thousand  
16 [seventeen] NINETEEN, a taxpayer shall be allowed a credit, to be  
17 computed as provided in this subdivision, against the tax imposed by  
18 this article, for hiring and employing, for not less than one year and  
19 for not less than thirty-five hours each week, a qualified veteran with-  
20 in the state. The taxpayer may claim the credit in the year in which the  
21 qualified veteran completes one year of employment by the taxpayer. If  
22 the taxpayer claims the credit allowed under this subdivision, the  
23 taxpayer may not use the hiring of a qualified veteran that is the basis  
24 for this credit in the basis of any other credit allowed under this  
25 article.

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

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

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

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

40 S 4. This act shall take effect immediately.

41 PART J

42 Section 1. Paragraph 1 of subdivision (a) of section 28 of the tax  
43 law, as amended by section 1 of part O of chapter 59 of the laws of  
44 2014, is amended to read as follows:

45 (1) A taxpayer which is a qualified commercial production company, or  
46 which is a sole proprietor of a qualified commercial production company,  
47 and which is subject to tax under article nine-A or twenty-two of this  
48 chapter, shall be allowed a credit against such tax, pursuant to the  
49 provisions referenced in subdivision (c) of this section, to be computed  
50 as provided in this section. Provided, however, to be eligible for such  
51 credit, at least seventy-five percent of the production costs (excluding  
52 post production costs) paid or incurred directly and predominantly in  
53 the actual filming or recording of the qualified commercial must be  
54 costs incurred in New York state. The tax credit allowed pursuant to

1 this section shall apply to taxable years beginning before January  
2 first, two thousand [seventeen] NINETEEN.

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

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

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

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

18 S 4. This act shall take effect immediately.

19

#### PART K

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

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

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

34 (c) Application of credit. In no event shall the credit allowed under  
35 this subdivision for any taxable year reduce the tax due for such year  
36 to less than the amount prescribed in paragraph (d) of subdivision one  
37 of section two hundred ten of this article. However, if the amount of  
38 credit allowed under this subdivision for any taxable year reduces the  
39 tax to such amount or if the taxpayer otherwise pays tax based on the  
40 fixed dollar minimum amount, any amount of credit thus not deductible in  
41 such taxable year shall be carried over to the following year or years,  
42 and may be deducted from the taxpayer's tax for such year or years. THE  
43 TAX CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO TAXA-  
44 BLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND  
45 TWENTY-THREE.

46 S 3. This act shall take effect immediately.

47

#### PART L

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

1 S 2. This act shall take effect immediately and shall apply to taxable  
2 years beginning on or after January 1, 2006 [and before January 1,  
3 2017].  
4 S 2. This act shall take effect immediately.

5

## PART M

6 Section 1. Section 12 of part N of chapter 61 of the laws of 2005,  
7 amending the tax law relating to certain transactions and related infor-  
8 mation and relating to the voluntary compliance initiative, as amended  
9 by section 1 of part B of chapter 61 of the laws of 2011, is amended to  
10 read as follows:

11 S 12. This act shall take effect immediately; provided, however, that  
12 (i) section one of this act shall apply to all disclosure statements  
13 described in paragraph 1 of subdivision (a) of section 25 of the tax  
14 law, as added by section one of this act, that were required to be filed  
15 with the internal revenue service at any time with respect to "listed  
16 transactions" as described in such paragraph 1, and shall apply to all  
17 disclosure statements described in paragraph 1 of subdivision (a) of  
18 section 25 of the tax law, as added by section one of this act, that  
19 were required to be filed with the internal revenue service with respect  
20 to "reportable transactions" as described in such paragraph 1, other  
21 than "listed transactions", in which a taxpayer participated during any  
22 taxable year for which the statute of limitations for assessment has not  
23 expired as of the date this act shall take effect, and shall apply to  
24 returns or statements described in such paragraph 1 required to be filed  
25 by taxpayers (or persons as described in such paragraph) with the  
26 commissioner of taxation and finance on or after the sixtieth day after  
27 this act shall have become a law; and

28 (ii) sections two through four and seven through nine of this act  
29 shall apply to any tax liability for which the statute of limitations on  
30 assessment has not expired as of the date this act shall take effect;  
31 and

32 (iii) provided, further, that the provisions of this act, except  
33 section five of this act, shall expire and be deemed repealed July 1,  
34 [2015] 2019; provided, that, such expiration and repeal shall not affect  
35 any requirement imposed pursuant to this act.

36 S 2. This act shall take effect immediately and shall be deemed to  
37 have been in full force and effect on and after July 1, 2015; provided,  
38 however that notwithstanding the provisions of article 5 of the general  
39 construction law, the provisions of section 25, paragraph 11 of  
40 subsection (c) of section 683, subsections (p), (p-1), (x), (y), (z),  
41 (aa) and (bb) of section 685, paragraph 11 of subsection (c) of section  
42 1083, subsections (k), (k-1), (p), (q), (r), (s) and (t) of section 1085  
43 of the tax law, and section 11 of Part N of chapter 61 of the laws of  
44 2005, are hereby revived and shall continue in full force and effect as  
45 such provisions existed on July 1, 2015.

46

## PART N

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

50 (a) General. A taxpayer shall be allowed a credit against the tax  
51 imposed by this article. Such credit, to be computed as hereinafter  
52 provided, shall be allowed for bioheat, used for space heating or hot

1 water production for residential purposes within this state purchased  
 2 before January first, two thousand [seventeen] TWENTY. Such credit shall  
 3 be \$0.01 per percent of biodiesel per gallon of bioheat, not to exceed  
 4 twenty cents per gallon, purchased by such taxpayer. PROVIDED, HOWEVER,  
 5 THAT ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, THIS CREDIT  
 6 SHALL NOT APPLY TO BIOHEAT THAT IS LESS THAN SIX PERCENT BIODIESEL PER  
 7 GALLON OF BIOHEAT.

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

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

23 S 3. This act shall take effect immediately.

24 PART O

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

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

34 Credit components in the aggregate   With respect to taxable  
 35 shall not exceed:   years beginning in:

36	\$ 50 million	2011
37	\$ 100 million	2012
38	\$ 150 million	2013
39	\$ 200 million	2014
40	\$ 250 million	2015
41	\$ [200] 183 million	2016
42	\$ [200] 183 million	2017
43	\$ [200] 183 million	2018
44	\$ [200] 183 million	2019
45	\$ [200] 183 million	2020
46	\$ [200] 183 million	2021
47	\$ [150] 133 million	2022
48	\$ [100] 83 million	2023
49	\$ [50] 36 million	2024

50 Twenty-five percent of tax credits shall be allocated to businesses  
 51 accepted into the program under subdivision four of section three

1 hundred fifty-three of this article and seventy-five percent of tax  
2 credits shall be allocated to businesses accepted into the program under  
3 subdivision three of section three hundred fifty-three of this article.  
4 Provided, however, if by September thirtieth of a calendar year, the  
5 department has not allocated the full amount of credits available in  
6 that year to either: (i) businesses accepted into the program under  
7 subdivision four of section three hundred fifty-three of this article or  
8 (ii) businesses accepted into the program under subdivision three of  
9 section three hundred fifty-three of this article, the commissioner may  
10 allocate any remaining tax credits to businesses referenced in [para-  
11 graphs (i) and (ii) of this section] THIS PARAGRAPH as needed; provided,  
12 however, that under no circumstances may the AGGREGATE statutory cap FOR  
13 ALL PROGRAM YEARS be exceeded. ONE HUNDRED PERCENT OF THE UNAWARDED  
14 AMOUNTS REMAINING AT THE END OF TWO THOUSAND TWENTY-FOUR MAY BE ALLO-  
15 CATED IN SUBSEQUENT YEARS, NOTWITHSTANDING THE FIFTY PERCENT LIMITATION  
16 ON ANY AMOUNTS OF TAX CREDITS NOT AWARDED IN TAXABLE YEARS TWO THOUSAND  
17 ELEVEN THROUGH TWO THOUSAND TWENTY-FOUR. PROVIDED, HOWEVER, NO TAX CRED-  
18 ITS MAY BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY  
19 FIRST, TWO THOUSAND TWENTY-SEVEN.

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

23 5. A participant may claim tax benefits commencing in the first taxa-  
24 ble year that the business enterprise receives a certificate of tax  
25 credit or the first taxable year listed on its preliminary schedule of  
26 benefits, whichever is later. A participant may claim such benefits for  
27 the next nine consecutive taxable years, provided that the participant  
28 demonstrates to the department that it continues to satisfy the eligi-  
29 bility criteria specified in section three hundred fifty-three of this  
30 article and subdivision two of this section in each of those taxable  
31 years, AND PROVIDED THAT NO TAX CREDITS MAY BE ALLOWED FOR TAXABLE YEARS  
32 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-SEVEN. If, in  
33 any given year, a participant who has satisfied the eligibility criteria  
34 specified in section three hundred fifty-three of this article realizes  
35 job creation less than the estimated amount, the credit shall be reduced  
36 by the proportion of actual job creation to the estimated amount,  
37 provided the proportion is at least seventy-five percent of the jobs  
38 estimated.

39 S 3. Subdivision (b) of section 31 of the tax law, as added by section  
40 7 of part G of chapter 61 of the laws of 2011, is amended to read as  
41 follows:

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

1 other tax credit, except as provided in section three hundred fifty-five  
2 of the economic development law.

3 S 4. This act shall take effect immediately.

4 PART P

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

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

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

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

12 S 1-a. Paragraph 4 of subdivision (e) of section 24 of the tax law, as  
13 amended by section 3 of part B of chapter 59 of the laws of 2013, is  
14 amended to read as follows:

15 (4) Additional pool 2 - The aggregate amount of tax credits allowed in  
16 subdivision (a) of this section shall be increased by an additional four  
17 hundred twenty million dollars in each year starting in two thousand ten  
18 through two thousand nineteen provided however, seven million dollars of  
19 the annual allocation shall be available for the empire state film post  
20 production credit pursuant to section thirty-one of this article in two  
21 thousand thirteen and two thousand fourteen and twenty-five million  
22 dollars of the annual allocation shall be available for the empire state  
23 film post production credit pursuant to section thirty-one of this arti-  
24 cle in each year starting in two thousand fifteen through two thousand  
25 nineteen. This amount shall be allocated by the governor's office for  
26 motion picture and television development among taxpayers in accordance  
27 with subdivision (a) of this section. If the commissioner of economic  
28 development determines that the aggregate amount of tax credits avail-  
29 able from additional pool 2 for the empire state film production tax  
30 credit have been previously allocated, and determines that the pending  
31 applications from eligible applicants for the empire state film post  
32 production tax credit pursuant to section thirty-one of this article is  
33 insufficient to utilize the balance of unallocated empire state film  
34 post production tax credits from such pool, the remainder, after such  
35 pending applications are considered, shall be made available for allo-  
36 cation in the empire state film tax credit pursuant to this section,  
37 subdivision [thirty-six] TWENTY of section two hundred [ten] TEN-B and  
38 subsection (gg) of section six hundred six of this chapter. Also, if the  
39 commissioner of economic development determines that the aggregate  
40 amount of tax credits available from additional pool 2 for the empire  
41 state film post production tax credit have been previously allocated,  
42 and determines that the pending applications from eligible applicants  
43 for the empire state film production tax credit pursuant to this section  
44 is insufficient to utilize the balance of unallocated film production  
45 tax credits from such pool, then all or part of the remainder, after  
46 such pending applications are considered, shall be made available for  
47 allocation for the empire state film post production credit pursuant to  
48 this section, subdivision [forty-one] THIRTY-TWO of section two hundred  
49 [ten] TEN-B and subsection [(gg)] (QQ) of section six hundred six of  
50 this chapter. The governor's office for motion picture and television  
51 development must notify taxpayers of their allocation year and include  
52 the allocation year on the certificate of tax credit. Taxpayers eligible  
53 to claim a credit must report the allocation year directly on their  
54 empire state film production credit tax form for each year a credit is



1 claimed and include a copy of the certificate with their tax return. In  
2 the case of a qualified film that receives funds from additional pool 2,  
3 no empire state film production credit shall be claimed before the later  
4 of the taxable year the production of the qualified film is complete, or  
5 the taxable year immediately following the allocation year for which the  
6 film has been allocated credit by the governor's office for motion  
7 picture and television development.

8 S 2. Subdivision (a) and paragraphs 2, 4, and 5 of subdivision (e) of  
9 section 38 of the tax law, as added by section 1 of part EE of chapter  
10 59 of the laws of 2013, are amended to read as follows:

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

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

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

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

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

22 (e) At the end of each year, the commissioner shall review the cumula-  
23 tive percentage change in the consumer price index. The commissioner  
24 shall adjust the receipt thresholds set forth in this subdivision if the  
25 consumer price index has changed by ten percent or more since January  
26 first, two thousand fifteen, or since the date that the thresholds were  
27 last adjusted under this subdivision. The thresholds shall be adjusted  
28 to reflect that cumulative percentage change in the consumer price  
29 index. The adjusted thresholds shall be rounded to the nearest one thou-  
30 sand dollars. As used in this paragraph, "consumer price index" means  
31 the consumer price index for all urban consumers (CPI-U) available  
32 [form] FROM the bureau of labor statistics of the United States depart-  
33 ment of labor. Any adjustment shall apply to tax periods that begin  
34 after the adjustment is made.

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

38 A financial instrument is a "nonqualified financial instrument" if it  
39 is not a qualified financial instrument. A qualified financial instru-  
40 ment means a financial instrument that is of a type described in any of  
41 clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this  
42 paragraph and that has been marked to market in the taxable year by the  
43 taxpayer under section 475 or section 1256 of the internal revenue code.  
44 Further, if the taxpayer has in the taxable year marked to market a  
45 financial instrument of the type described in any of the clauses (A),  
46 (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph,  
47 then any financial instrument within that type described in the above  
48 specified clause or clauses that has not been marked to market by the  
49 taxpayer under section 475 or section 1256 of the internal revenue code  
50 is a qualified financial instrument in the taxable year. Notwithstanding  
51 the two preceding sentences, (i) a loan secured by real property shall  
52 not be a qualified financial instrument, (ii) if the only loans that are  
53 marked to market by the taxpayer under section 475 or section 1256 of  
54 the internal revenue code are loans secured by real property, then no  
55 loans shall be qualified financial instruments, [and] (iii) stock that  
56 is investment capital as defined in paragraph (a) of subdivision five of

1 section two hundred eight of this article shall not be a qualified  
2 financial instrument, AND (IV) STOCK THAT GENERATES OTHER EXEMPT INCOME  
3 AS DEFINED IN SUBDIVISION SIX-A OF SECTION TWO HUNDRED EIGHT OF THIS  
4 ARTICLE AND THAT IS NOT MARKED TO MARKET UNDER SECTION 475 OR SECTION  
5 1256 OF THE INTERNAL REVENUE CODE SHALL NOT CONSTITUTE A QUALIFIED  
6 FINANCIAL INSTRUMENT WITH RESPECT TO THE INCOME FROM THAT STOCK THAT IS  
7 DESCRIBED IN SUCH SUBDIVISION SIX-A. If a corporation is included in a  
8 combined report, the definition of qualified financial instrument shall  
9 be determined on a combined basis.

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

13 (c) Average number of individuals employed full-time. For the purposes  
14 of this subdivision, average number of individuals employed full-time  
15 shall be computed by adding the number of such individuals employed by  
16 the taxpayer at the end of each quarter during each taxable year or  
17 other applicable period and dividing the sum so obtained by the number  
18 of such quarters occurring within such taxable year or other applicable  
19 period; provided however, except that in computing base year employment,  
20 there shall be excluded therefrom any employee with respect to whom a  
21 credit provided for under subdivision [six of this section is] NINETEEN  
22 OF SECTION TWO HUNDRED TEN OF THIS ARTICLE, AS SUCH SUBDIVISION WAS IN  
23 EFFECT ON DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN, WAS claimed for  
24 the taxable year.

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

28 (a) Application of credit. A taxpayer shall be allowed a credit, to be  
29 credited against the tax imposed by this article, equal to the amount of  
30 the special additional mortgage recording tax paid by the taxpayer  
31 pursuant to the provisions of subdivision one-a of section two hundred  
32 fifty-three of this chapter [or] ON mortgages recorded. Provided, howev-  
33 er, no credit shall be allowed with respect to a mortgage of real prop-  
34 erty principally improved or to be improved by one or more structures  
35 containing in the aggregate not more than six residential dwelling  
36 units, each dwelling unit having its own separate cooking facilities,  
37 where the real property is located in one or more of the counties  
38 comprising the metropolitan commuter transportation area. Provided  
39 further, however, no credit shall be allowed with respect to a mortgage  
40 of real property principally improved or to be improved by one or more  
41 structures containing in the aggregate not more than six residential  
42 dwelling units, each dwelling unit having its own separate cooking  
43 facilities, where the real property is located in the county of Erie.

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

47 45. Order of credits. [(a)] Credits allowable under this article which  
48 cannot be carried over and which are not refundable shall be deducted  
49 first. [The credit allowable under subdivision six of this section shall  
50 be deducted immediately after the deduction of all credits allowable  
51 under this article which cannot be carried over and which are not  
52 refundable, whether or not a portion of such credit is refundable.]  
53 Credits allowable under this article which can be carried over, and  
54 carryovers of such credits, shall be deducted next [after the deduction  
55 of the credit allowable under subdivision six of this section], and  
56 among such credits, those whose carryover is of limited duration shall

1 be deducted before those whose carryover is of unlimited duration. Cred-  
2 its allowable under this article which are refundable [(other than the  
3 credit allowable under subdivision six of this section)] shall be  
4 deducted last.

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

8 (a) Subject to the provisions of paragraph (c) of subdivision two of  
9 this section, a taxpayer may elect to treat as its combined group all  
10 corporations that meet the ownership requirements described in paragraph  
11 (a) of subdivision two of this section (such corporations collectively  
12 referred to in this subdivision as the "commonly owned group"). If that  
13 election is made, the commonly owned group shall calculate the combined  
14 business income, combined capital, and fixed dollar minimum bases of all  
15 members of the group in accordance with [paragraph] SUBDIVISION four of  
16 this [subdivision] SECTION, whether or not that business income or busi-  
17 ness capital is from a single unitary business.

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

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

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

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

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

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

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

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

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

46 (ii) any deductions taken for the taxable year in computing federal  
47 taxable income for New York city taxes paid or accrued under this chap-  
48 ter.

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

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

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

4 (a) The term "investment capital" means investments in stocks that:  
5 (i) satisfy the definition of a capital asset under section 1221 of the  
6 internal revenue code at all times the taxpayer owned such stocks during  
7 the taxable year; (ii) are held by the taxpayer for investment for more  
8 than one year; (iii) the dispositions of which are, or would be, treated  
9 by the taxpayer as generating long-term capital gains or losses under  
10 the internal revenue code; (iv) for stocks acquired on or after January  
11 first, two thousand fifteen, at any time after the close of the day in  
12 which they are acquired, have never been held for sale to customers in  
13 the regular course of business; and (v) before the close of the day on  
14 which the stock was acquired, are clearly identified in the taxpayer's  
15 records as stock held for investment in the same manner as required  
16 under section 1236(a)(1) of the internal revenue code for the stock of a  
17 dealer in securities to be eligible for capital gain treatment (whether  
18 or not the taxpayer is a dealer of securities subject to section 1236),  
19 provided, however, that for stock acquired prior to October first, two  
20 thousand fifteen that was not subject to section 1236(a) of the internal  
21 revenue code, such identification in the taxpayer's records must occur  
22 before October first, two thousand fifteen. Stock in a corporation that  
23 is conducting a unitary business with the taxpayer, stock in a corpo-  
24 ration that is included in a combined report with the taxpayer pursuant  
25 to the commonly owned group election in subdivision three of section  
26 11-654.3 of this subchapter, and stock [used] ISSUED by the taxpayer  
27 shall not constitute investment capital. For purposes of this subdivi-  
28 sion, if the taxpayer owns or controls, directly or indirectly, less  
29 than twenty percent of the voting power of the stock of a corporation,  
30 that corporation will be presumed to be conducting a business that is  
31 not unitary with the business of the taxpayer.

32 S 12. Subparagraph 2 of paragraph (a) of subdivision 18 of section  
33 11-654 of the administrative code of the city of New York, as added by  
34 section 1 of part D of chapter 60 of the laws of 2015, is amended to  
35 read as follows:

36 (2) The amount determined in this subparagraph is the product of (i)  
37 the excess of (A) the tax computed under clause (i) of subparagraph one  
38 of paragraph (e) of subdivision one of this section, without allowance  
39 of any credits allowed by this section, over (B) the tax so computed,  
40 determined as if the corporation had no such distributive share or guar-  
41 anteed payments with respect to the unincorporated business, and (ii) a  
42 fraction, the numerator of which is four and the denominator of which is  
43 eight and eighty-five one hundredths, [provided however,] EXCEPT THAT IN  
44 THE CASE OF A FINANCIAL CORPORATION AS DEFINED IN CLAUSE (I) OF SUBPARA-  
45 GRAPH ONE OF PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, SUCH  
46 DENOMINATOR IS NINE, AND in the case of a taxpayer that is subject to  
47 paragraph (j) or (k) of subdivision one of this section, such denomina-  
48 tor shall be the rate of tax as determined by such paragraph (j) or (k)  
49 for the taxable year; [and,] provided[, however,] that the amounts  
50 computed in subclauses (A) and (B) of clause (i) of this subparagraph  
51 shall be computed with the following modifications:

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

55 (B) if, prior to taking into account any distributive share or guaran-  
56 teed payments from any unincorporated business or any net operating loss

1 carryforward or carryback, the entire net income of the partner is less  
2 than zero, such entire net income shall be treated as zero; and

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

7 S 13. Subparagraph 1 of paragraph (b) of subdivision 18 of section  
8 11-654 of the administrative code of the city of New York, as added by  
9 section 1 of part D of chapter 60 of the laws of 2015, is amended to  
10 read as follows:

11 (1) Notwithstanding anything to the contrary in paragraph (a) of this  
12 subdivision, in the case of a corporation that, before the application  
13 of this subdivision or any other credit allowed by this section, is  
14 liable for the tax on business income under clause (i) of subparagraph  
15 one of paragraph (e) of subdivision one of this section, the credit or  
16 the sum of the credits that may be taken by such corporation for a taxa-  
17 ble year under this subdivision with respect to an unincorporated busi-  
18 ness or unincorporated businesses in which it is a partner shall not  
19 exceed the tax so computed, without allowance of any credits allowed by  
20 this section, multiplied by a fraction the numerator of which is four  
21 and the denominator of which is eight and eighty-five one-hundredths  
22 [provided, however], EXCEPT THAT IN THE CASE OF A FINANCIAL CORPORATION  
23 AS DEFINED IN CLAUSE (I) OF SUBPARAGRAPH ONE OF PARAGRAPH (E) OF SUBDI-  
24 VISION ONE OF THIS SECTION, SUCH DENOMINATOR IS NINE, AND in the case of  
25 a taxpayer that is subject to paragraph (j) or (k) of subdivision one of  
26 this section, such denominator shall be the rate of tax as determined by  
27 such paragraph (j) or (k) for the taxable year. If the credit allowed  
28 under this subdivision or the sum of such credits exceeds the product of  
29 such tax and such fraction, the amount of the excess may be carried  
30 forward, in order, to each of the seven immediately succeeding taxable  
31 years and, to the extent not previously taken, shall be allowed as a  
32 credit in each of such years. In applying the provisions of the preced-  
33 ing sentence, the credit determined for the taxable year under paragraph  
34 (a) of this subdivision shall be taken before taking any credit carry-  
35 forward pursuant to this paragraph and the credit carryforward attribut-  
36 able to the earliest taxable year shall be taken before taking a credit  
37 carryforward attributable to a subsequent taxable year.

38 S 14. Subparagraph 8 of paragraph (a) of subdivision 21 of section  
39 11-654 of the administrative code of the city of New York, as added by  
40 section 1 of part D of chapter 60 of the laws of 2015, is amended to  
41 read as follows:

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

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

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

54 S 16. The opening paragraph of paragraph (a) of subdivision 5 of  
55 section 11-654.2 of the administrative code of the city of New York, as

1 added by section 1 of part D of chapter 60 of the laws of 2015, is  
2 amended to read as follows:

3 A financial instrument is a "nonqualified financial instrument" if it  
4 is not a qualified financial instrument. A qualified financial instru-  
5 ment means a financial instrument that is of a type described in any of  
6 clause (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two  
7 of this paragraph and that has been marked to market in the taxable year  
8 by the taxpayer under section 475 or section 1256 of the internal reven-  
9 ue code. Further, if the taxpayer has in the taxable year marked to  
10 market a financial instrument of the type described in any of clause  
11 (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of  
12 this paragraph, then any financial instrument within that type described  
13 in the above specified clause or clauses that has not been marked to  
14 market by the taxpayer under section 475 or section 1256 of the internal  
15 revenue code is a qualified financial instrument in the taxable year.  
16 Notwithstanding the two preceding sentences, (i) a loan secured by real  
17 property shall not be a qualified financial instrument, (ii) if the only  
18 loans that are marked to market by the taxpayer under section 475 or  
19 section 1256 of the internal revenue code are loans secured by real  
20 property, then no loans shall be qualified financial instruments, [and]  
21 (iii) stock that is investment capital as defined in paragraph (a) of  
22 subdivision [4] FOUR of section 11-652 of this subchapter shall not be a  
23 qualified financial instrument, AND (IV) STOCK THAT GENERATES OTHER  
24 EXEMPT INCOME AS DEFINED IN SUBDIVISION FIVE-A OF SECTION 11-652 OF THIS  
25 SUBCHAPTER AND THAT IS NOT MARKED TO MARKET UNDER SECTION 475 OR SECTION  
26 1256 OF THE INTERNAL REVENUE CODE SHALL NOT CONSTITUTE A QUALIFIED  
27 FINANCIAL INSTRUMENT WITH RESPECT TO THE INCOME FROM THAT STOCK THAT IS  
28 DESCRIBED IN SUCH SUBDIVISION FIVE-A. If a corporation is included in a  
29 combined report, the definition of qualified financial instrument shall  
30 be determined on a combined basis.

31 S 17. This act shall take effect immediately; provided however that  
32 sections one, one-a, two, three, four, five, six, seven and eight of  
33 this act shall be deemed to have been in full force and effect on the  
34 same date and in the same manner as part A of chapter 59 of the laws of  
35 2014, took effect, and sections nine, ten, eleven, twelve, thirteen,  
36 fourteen, fifteen and sixteen of this act shall be deemed to have been  
37 in full force and effect on the same date and in the same manner as part  
38 D of chapter 60 of the laws of 2015, took effect.

39

## PART Q

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

43 5. The report covering the tax surcharge which must be calculated  
44 pursuant to this section based upon the tax reportable on the report due  
45 by March fifteenth of any year under section one hundred eighty-three of  
46 this article, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO  
47 THOUSAND SEVENTEEN, AND ON THE REPORT DUE BY APRIL FIFTEENTH OF ANY YEAR  
48 UNDER SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE, FOR TAXABLE  
49 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, shall  
50 be filed on or before March fifteenth of the year next succeeding such  
51 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND  
52 SEVENTEEN, AND ON OR BEFORE APRIL FIFTEENTH OF THE YEAR NEXT SUCCEEDING  
53 SUCH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO  
54 THOUSAND SEVENTEEN. An extension pursuant to section one hundred nine-

1 ty-three of this article shall be allowed only if a taxpayer files with  
2 the commissioner an application for extension in such form as said  
3 commissioner may prescribe by regulation and pays on or before the date  
4 of such filing in addition to any other amounts required under this  
5 article, either ninety percent of the entire tax surcharge required to  
6 be paid under this section for the applicable period, or not less than  
7 the tax surcharge shown on the taxpayer's report for the preceding year,  
8 if such preceding year consisted of twelve months. The tax surcharge  
9 imposed by this section shall be payable to the commissioner in full at  
10 the time the report is required to be filed, and such tax surcharge or  
11 the balance thereof, imposed on any taxpayer which ceases to exercise  
12 its franchise or be subject to the tax surcharge imposed by this section  
13 shall be payable to the commissioner at the time the report is required  
14 to be filed, provided such tax surcharge of a domestic corporation which  
15 continues to possess its franchise shall be subject to adjustment as the  
16 circumstances may require; all other tax surcharges of any such taxpay-  
17 er, which pursuant to the foregoing provisions of this section would  
18 otherwise be payable subsequent to the time such report is required to  
19 be filed, shall nevertheless be payable at such time. All of the  
20 provisions of this article presently applicable to section one hundred  
21 eighty-three of this article are applicable to the tax surcharge imposed  
22 by this section except for section one hundred ninety-two of this arti-  
23 cle.

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

26 4. Every utility subject to tax hereunder shall file, on or before  
27 March fifteenth of each year, a return for the year ended on the preced-  
28 ing December thirty-first, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY  
29 FIRST, TWO THOUSAND SIXTEEN, except that the year ended on December  
30 thirty-first, nineteen hundred seventy-six shall be deemed, for the  
31 purposes of this subdivision, to have commenced on June first, nineteen  
32 hundred seventy-six, AND SHALL FILE, ON OR BEFORE APRIL FIFTEENTH OF  
33 EACH YEAR, A RETURN FOR THE YEAR ENDED ON THE PRECEDING DECEMBER THIR-  
34 TY-FIRST, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO  
35 THOUSAND SIXTEEN, including any period for which the tax imposed hereby  
36 or by any amendment hereof is effective, each of which returns shall  
37 state the gross income or gross operating income for the period covered  
38 by each such return. Returns shall be filed with the commissioner of  
39 taxation and finance on a form to be furnished by the commissioner for  
40 such purpose and shall contain such other data, information or matter as  
41 the commissioner may require to be included therein. Notwithstanding the  
42 foregoing provisions of this subdivision, the commissioner may require  
43 any utility to file an annual return, which shall contain any data spec-  
44 ified by the commissioner, regardless of whether the utility is subject  
45 to tax under this section; and the commissioner may require a landlord  
46 selling to a tenant gas, electric, steam, water or refrigeration or  
47 furnishing gas, electric, steam, water or refrigerator service, where  
48 the same has been subjected to tax under this section on the sale to  
49 such landlord, to file, on or before the fifteenth day of March of each  
50 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND  
51 SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF APRIL OF EACH YEAR, FOR  
52 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN,  
53 an information return for the year ended on the preceding December thir-  
54 ty-first, covering such year in such form and containing such data as  
55 the commissioner may specify. Every return shall have annexed thereto a  
56 certification by the head of the utility making the same, or of the

1 owner or of a co-partner thereof, or of a principal officer of the  
2 corporation, if such business be conducted by a corporation, to the  
3 effect that the statements contained therein are true.

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

6 6. Returns. Every provider of telecommunication services subject to  
7 tax under this section shall file, on or before March fifteenth of each  
8 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND  
9 SIXTEEN, AND ON OR BEFORE APRIL FIFTEENTH OF EACH YEAR, FOR TAXABLE  
10 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, a  
11 return for the year ended on the preceding December thirty-first, and  
12 pay the tax due, which return shall state the gross receipts for the  
13 period covered by each such return and the resale exclusions during such  
14 period. Returns shall be filed with the commissioner on a form to be  
15 furnished by the commissioner for such purpose and shall contain such  
16 other data, information or matter as the commissioner may require to be  
17 included therein. Notwithstanding the foregoing provisions of this  
18 subdivision, the commissioner may require any provider of telecommuni-  
19 cation services to file an annual return, which shall contain any data  
20 specified by the commissioner, regardless of whether such provider is  
21 subject to tax under this section. Every return shall have annexed ther-  
22 eto a certification by the head of the provider of telecommunication  
23 services making the same, or of the owner or of a partner or member  
24 thereof, or of a principal officer of the corporation, if such business  
25 be conducted by a corporation, to the effect that the statements  
26 contained therein are true.

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

29 1. Corporations paying franchise tax. Every corporation, association  
30 or joint-stock company liable to pay a tax under section one hundred  
31 eighty-three or one hundred eighty-five of this chapter shall, on or  
32 before March fifteenth in each year, FOR TAXABLE YEARS BEGINNING BEFORE  
33 JANUARY FIRST, TWO THOUSAND SEVENTEEN, AND ON OR BEFORE APRIL FIFTEENTH  
34 IN EACH YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO  
35 THOUSAND SEVENTEEN, make a written report to the [tax commission]  
36 COMMISSIONER of its condition at the close of its business on the  
37 preceding December thirty-first, stating the amount of its authorized  
38 capital stock, the amount of stock paid in, the date and rate per centum  
39 of each dividend paid by it during the year ending with such day, the  
40 entire amount of the capital of such corporation, and the capital  
41 employed by it in this state during such year.

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

45 1. Corporations paying franchise tax. Every corporation, association  
46 or joint-stock company liable to pay a tax under section one hundred  
47 eighty-three of this chapter shall, on or before March fifteenth in each  
48 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND  
49 SEVENTEEN, AND ON OR BEFORE APRIL FIFTEENTH IN EACH YEAR, FOR TAXABLE  
50 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, make  
51 a written report to the [tax commission] COMMISSIONER of its condition  
52 at the close of its business on the preceding December thirty-first,  
53 stating the amount of its authorized capital stock, the amount of stock  
54 paid in, the date and rate per centum of each dividend paid by it during  
55 the year ending with such day, the entire amount of the capital of such



1 corporation, and the capital employed by it in this state during such  
2 year.

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

5 2. Transportation and transmission corporations. Every transportation  
6 or transmission corporation, joint-stock company or association liable  
7 to pay an additional franchise tax under section one hundred eighty-four  
8 of this chapter, shall also, on or before March fifteenth of each year,  
9 make a written report to the [tax commission] COMMISSIONER of the amount  
10 of its gross earnings subject to the tax imposed by said section for the  
11 year ended on the preceding December thirty-first, FOR TAXABLE YEARS  
12 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the  
13 year ended on December thirty-first, nineteen hundred seventy-six shall  
14 be deemed, for the purposes of this subdivision, to have commenced on  
15 July first, nineteen hundred seventy-six, AND SHALL ALSO, ON OR BEFORE  
16 APRIL FIFTEENTH OF EACH YEAR, MAKE A WRITTEN REPORT TO THE COMMISSIONER  
17 OF THE AMOUNT OF ITS GROSS EARNINGS SUBJECT TO THE TAX IMPOSED BY SAID  
18 SECTION FOR THE YEAR ENDED ON THE PRECEDING DECEMBER THIRTY-FIRST, FOR  
19 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN.  
20 Any such corporation, joint-stock company or association which ceases to  
21 be subject to the tax imposed by section one hundred eighty-four of this  
22 chapter by reason of a liquidation, dissolution, merger or consolidation  
23 with any other corporation, or any other cause, shall, on the date of  
24 such cessation or at such other time as the [tax commission] COMMISSION-  
25 ER may require, make a written report to the [tax commission] COMMIS-  
26 SIONER of the amount of its gross earnings subject to the tax imposed by  
27 section one hundred eighty-four of this chapter for any period for which  
28 no report was theretofore filed. Any corporation, joint-stock company or  
29 association subject to a tax upon dividends under said section one  
30 hundred eighty-four of this chapter shall also include in its report  
31 under this subdivision required to be filed a statement of the author-  
32 ized capital of the company, the amount of capital stock issued, and the  
33 amount of dividends of every nature paid during the year ended on the  
34 preceding December thirty-first. As to tax payers subject to such tax  
35 upon dividends under said section one hundred eighty-four of this chap-  
36 ter, the year ended on December thirty-first, nineteen hundred seventy-  
37 six shall be deemed, for the purposes of this subdivision, to have  
38 commenced on July first, nineteen hundred seventy-six.

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

42 (a) For taxable years beginning on or after January first, nineteen  
43 hundred seventy-seven, every taxpayer subject to tax under section [one  
44 hundred eighty-two, one hundred eighty-two-a, former section one hundred  
45 eighty-two-b,] one hundred eighty-four, one hundred eighty-six-a or one  
46 hundred eighty-six-e of this article, must pay in each year an amount  
47 equal to (i) twenty-five percent of the tax imposed under each of such  
48 sections for the SECOND preceding taxable year if the SECOND preceding  
49 year's tax exceeded one thousand dollars but was equal to or less than  
50 one hundred thousand dollars, or (ii) forty percent of the tax imposed  
51 under any of these sections for the SECOND preceding taxable year if the  
52 SECOND preceding year's tax exceeded one hundred thousand dollars. If  
53 the SECOND preceding year's tax under section one hundred eighty-four,  
54 one hundred eighty-six-a or one hundred eighty-six-e of this article  
55 exceeded one thousand dollars and the taxpayer is subject to the tax  
56 surcharge imposed by section one hundred eighty-four-a or one hundred

1 eighty-six-c of this article, respectively, the taxpayer must also pay  
2 in each such year an amount equal to (i) twenty-five percent of the tax  
3 surcharge imposed under such section for the SECOND preceding taxable  
4 year if the SECOND preceding year's tax exceeded one thousand dollars  
5 but was equal to or less than one hundred thousand dollars, or (ii)  
6 forty percent of the tax surcharge imposed under that section for the  
7 SECOND preceding taxable year if the SECOND preceding year's tax  
8 exceeded one hundred thousand dollars. The amount or amounts must be  
9 paid with the return or report required to be filed with respect to the  
10 tax or tax surcharge for the preceding taxable year or with an applica-  
11 tion for extension of the time for filing the return or report, FOR  
12 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN. THE  
13 AMOUNT OR AMOUNTS THAT MUST BE PAID WITH RESPECT TO THE TAX OR TAX  
14 SURCHARGE FOR THE SECOND PRECEDING YEAR MUST BE PAID ON OR BEFORE THE  
15 FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF THE TAXABLE  
16 YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-  
17 SAND SIXTEEN.

18 S 7-a. Subdivision 6 of section 197-b of the tax law, as amended by  
19 section 9 of part Y of chapter 63 of the laws of 2000, is amended to  
20 read as follows:

21 6. As used in this section, "the SECOND preceding year's tax" means  
22 the tax imposed upon the taxpayer by section [one hundred eighty-two,  
23 former section one hundred eighty-two-b,] one hundred eighty-four, one  
24 hundred eighty-six-a or one hundred eighty-six-e of this article for the  
25 SECOND preceding taxable year.

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

29 (a) For the privilege of exercising its corporate franchise, or of  
30 doing business, or of employing capital, or of owning or leasing proper-  
31 ty in this state in a corporate or organized capacity, or of maintaining  
32 an office in this state, or of deriving receipts from activity in this  
33 state, for all or any part of each of its fiscal or calendar years,  
34 every domestic or foreign corporation, except corporations specified in  
35 subdivision four of this section, shall annually pay a franchise tax,  
36 upon the basis of its business income base, or upon such other basis as  
37 may be applicable as hereinafter provided, for such fiscal or calendar  
38 year or part thereof, on a report which shall be filed, except as here-  
39 inafter provided, on or before the fifteenth day of March next succeed-  
40 ing the close of each such year, FOR TAXABLE YEARS BEGINNING BEFORE  
41 JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY  
42 OF APRIL NEXT SUCCEEDING THE CLOSE OF EACH SUCH YEAR, FOR TAXABLE YEARS  
43 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, or, in the  
44 case of a corporation which reports on the basis of a fiscal year, with-  
45 in two and one-half months after the close of such fiscal year, FOR  
46 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND  
47 ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF  
48 SUCH FISCAL YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,  
49 TWO THOUSAND SIXTEEN, and shall be paid as hereinafter provided.

50 S 9. Subdivision 1 of section 211 of the tax law, as amended by chap-  
51 ter 436 of the laws of 1974, the opening paragraph as amended by chapter  
52 190 of the laws of 1990 and the second undesignated paragraph as amended  
53 by chapter 542 of the laws of 1985, is amended to read as follows:

54 1. Every taxpayer[, as well as every foreign corporation having an  
55 employee, including any officer, within the state,] shall annually on or  
56 before March fifteenth, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY

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

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

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

37 (a) First installments for certain taxpayers.--In privilege periods of  
38 twelve months ending at any time during the calendar year nineteen  
39 hundred seventy and thereafter, every taxpayer subject to the tax  
40 imposed by section two hundred nine of this chapter must pay with the  
41 report required to be filed for the preceding privilege period, or with  
42 an application for extension of the time for filing the report, FOR  
43 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND  
44 MUST PAY ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF SUCH PRIV-  
45 ILEGE PERIODS, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,  
46 TWO THOUSAND SIXTEEN, an amount equal to (i) twenty-five percent of the  
47 SECOND preceding year's tax if the SECOND preceding year's tax exceeded  
48 one thousand dollars but was equal to or less than one hundred thousand  
49 dollars, or (ii) forty percent of the SECOND preceding year's tax if the  
50 SECOND preceding year's tax exceeded one hundred thousand dollars. If  
51 the SECOND preceding year's tax under section two hundred nine of this  
52 chapter exceeded one thousand dollars and the taxpayer is subject to the  
53 tax surcharge imposed by section two hundred nine-B of this chapter, the  
54 taxpayer must also pay with the tax surcharge report required to be  
55 filed for the SECOND preceding privilege period, or with an application  
56 for extension of the time for filing the report, FOR TAXABLE YEARS

1 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND MUST PAY ON OR  
2 BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH OF SUCH PRIVILEGE PERIODS,  
3 FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND  
4 SIXTEEN, an amount equal to (i) twenty-five percent of the tax surcharge  
5 imposed for the SECOND preceding year if the SECOND preceding year's tax  
6 was equal to or less than one hundred thousand dollars, or (ii) forty  
7 percent of the tax surcharge imposed for the SECOND preceding year if  
8 the SECOND preceding year's tax exceeded one hundred thousand dollars.  
9 PROVIDED, HOWEVER, THAT EVERY TAXPAYER THAT IS AN S CORPORATION MUST PAY  
10 WITH THE REPORT REQUIRED TO BE FILED FOR THE PRECEDING PRIVILEGE PERIOD,  
11 OR WITH AN APPLICATION FOR EXTENSION OF THE TIME FOR FILING THE REPORT,  
12 AN AMOUNT EQUAL TO (I) TWENTY-FIVE PERCENT OF THE PRECEDING YEAR'S TAX  
13 IF THE PRECEDING YEAR'S TAX EXCEEDED ONE THOUSAND DOLLARS BUT WAS EQUAL  
14 TO OR LESS THAN ONE HUNDRED THOUSAND DOLLARS, OR (II) FORTY PERCENT OF  
15 THE PRECEDING YEAR'S TAX IF THE PRECEDING YEAR'S TAX EXCEEDED ONE  
16 HUNDRED THOUSAND DOLLARS. IF THE PRECEDING YEAR'S TAX UNDER SECTION TWO  
17 HUNDRED NINE OF THIS ARTICLE EXCEEDED ONE THOUSAND DOLLARS AND SUCH  
18 TAXPAYER THAT IS AN S CORPORATION IS SUBJECT TO THE TAX SURCHARGE  
19 IMPOSED BY SECTION TWO HUNDRED NINE-B OF THIS ARTICLE, THE TAXPAYER MUST  
20 ALSO PAY WITH THE TAX SURCHARGE REPORT REQUIRED TO BE FILED FOR THE  
21 PRECEDING PRIVILEGE PERIOD, OR WITH AN APPLICATION FOR EXTENSION OF THE  
22 TIME FOR FILING THE REPORT, AN AMOUNT EQUAL TO (I) TWENTY-FIVE PERCENT  
23 OF THE TAX SURCHARGE IMPOSED FOR THE PRECEDING YEAR IF THE PRECEDING  
24 YEAR'S TAX WAS EQUAL EQUAL TO OR LESS THAN ONE HUNDRED THOUSAND DOLLARS,  
25 OR (II) FORTY PERCENT OF THE TAX SURCHARGE IMPOSED FOR THE PRECEDING  
26 YEAR IF THE PRECEDING YEAR'S TAX EXCEEDED ONE HUNDRED THOUSAND DOLLARS.

27 S 10-a. The subdivision heading of subdivision (d) of section 213-b of  
28 the tax law, as amended by chapter 166 of the laws of 1991, is amended  
29 to read as follows:

30 Application of installments based on the SECOND preceding year's  
31 tax.--

32 S 10-b. The subdivision heading of subdivision (e) of section 213-b of  
33 the tax law, as amended by chapter 166 of the laws of 1991, is amended  
34 to read as follows:

35 Interest on certain installments based on the SECOND preceding year's  
36 tax.--

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

39 (f) The preceding year's tax AND THE SECOND PRECEDING YEAR'S TAX  
40 defined.-- As used in this section, "the preceding year's tax" means the  
41 tax imposed upon the taxpayer by section two hundred nine of this [chap-  
42 ter] ARTICLE for the preceding calendar or fiscal year, or, for purposes  
43 of computing the first installment of estimated tax when an application  
44 has been filed for extension of the time for filing the report required  
45 to be filed for such preceding calendar or fiscal year, the amount prop-  
46 erly estimated pursuant to section two hundred thirteen of this [chap-  
47 ter] ARTICLE as the tax imposed upon the taxpayer for such calendar or  
48 fiscal year. AS USED IN THIS SECTION, "THE SECOND PRECEDING YEAR'S TAX"  
49 MEANS THE TAX IMPOSED UPON THE TAXPAYER BY SECTION TWO HUNDRED NINE OF  
50 THIS ARTICLE FOR THE SECOND PRECEDING CALENDAR OR FISCAL YEAR.

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

54 (1) Partnerships. Every partnership having a resident partner or  
55 having any income derived from New York sources, determined in accord-  
56 ance with the applicable rules of section six hundred thirty-one as in

1 the case of a nonresident individual, shall make a return for the taxa-  
2 ble year setting forth all items of income, gain, loss and deduction and  
3 such other pertinent information as the commissioner may by regulations  
4 and instructions prescribe. Such return shall be filed on or before the  
5 fifteenth day of the fourth month following the close of each taxable  
6 year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND  
7 SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING  
8 THE CLOSE OF EACH TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER  
9 JANUARY FIRST, TWO THOUSAND SIXTEEN, except that the due date for the  
10 return of a partnership consisting entirely of nonresident aliens shall  
11 be the date prescribed for the filing of its federal partnership return  
12 for the taxable year. For purposes of this paragraph, "taxable year"  
13 means a year or a period which would be a taxable year of the partner-  
14 ship if it were subject to tax under this article.

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

18 (A) Every subchapter K limited liability company, every limited  
19 liability company that is a disregarded entity for federal income tax  
20 purposes, and every partnership which has any income derived from New  
21 York sources, determined in accordance with the applicable rules of  
22 section six hundred thirty-one of this article as in the case of a  
23 nonresident individual, shall[, within sixty days after the last day of  
24 the taxable year,] ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH  
25 FOLLOWING THE CLOSE OF EACH TAXABLE YEAR make a payment of a filing fee.  
26 The amount of the filing fee is the amount set forth in subparagraph (B)  
27 of this paragraph. The minimum filing fee is twenty-five dollars for  
28 taxable years beginning in two thousand eight and thereafter. Limited  
29 liability companies that are disregarded entities for federal income tax  
30 purposes must pay a filing fee of twenty-five dollars for taxable years  
31 beginning on or after January first, two thousand eight.

32 S 13-a. Paragraph 1 of subsection (c) of section 1085 of the tax law,  
33 as amended by section 7 of subpart D of part V-1 of chapter 57 of the  
34 laws of 2009, is amended to read as follows:

35 (1) If any taxpayer fails to file a declaration of estimated tax under  
36 article nine-A of this chapter, or fails to pay all or any part of an  
37 amount which is applied as an installment against such estimated tax, it  
38 shall be deemed to have made an underpayment of estimated tax. There  
39 shall be added to the tax for the taxable year an amount at the under-  
40 payment rate set by the commissioner pursuant to section one thousand  
41 ninety-six of this article, or if no rate is set, at the rate of seven  
42 and one-half percent per annum upon the amount of the underpayment for  
43 the period of the underpayment but not beyond the fifteenth day of the  
44 third month following the close of the taxable year. The amount of the  
45 underpayment shall be, with respect to any installment of estimated tax  
46 computed on the basis of EITHER the preceding year's tax OR THE SECOND  
47 PRECEDING YEAR'S TAX, the excess of the amount required to be paid over  
48 the amount, if any, paid on or before the last day prescribed for such  
49 payment or, with respect to any other installment of estimated tax, the  
50 excess of the amount of the installment which would be required to be  
51 paid if the estimated tax were equal to ninety-one percent of the tax  
52 shown on the return for the taxable year (or if no return was filed,  
53 ninety-one percent of the tax for such year) over the amount, if any, of  
54 the installment paid on or before the last day prescribed for such  
55 payment. In any case in which there would be no underpayment if "eighty  
56 percent" were substituted for "ninety-one percent" each place it appears

1 in this subsection, the addition to the tax shall be equal to seventy-  
2 five percent of the amount otherwise determined. No underpayment shall  
3 be deemed to exist with respect to a declaration or installment other-  
4 wise due on or after the termination of existence of the taxpayer.

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

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

23 S 15. Paragraph 1 of subdivision (a) of section 1514 of the tax law,  
24 as amended by section 4 of part G-1 of chapter 57 of the laws of 2009,  
25 is amended to read as follows:

26 (1) Except as otherwise provided in paragraph two of this subdivision,  
27 for taxable years beginning on or after January first, nineteen hundred  
28 seventy-six, every taxpayer subject to tax under this article must pay  
29 in each year an amount equal to (i) twenty-five percent of the tax  
30 imposed under this article for the SECOND preceding taxable year if the  
31 SECOND preceding year's tax exceeded one thousand dollars but was equal  
32 to or less than one hundred thousand dollars, or (ii) forty percent of  
33 the tax imposed under this article for the SECOND preceding taxable year  
34 if the SECOND preceding year's tax exceeded one hundred thousand  
35 dollars. If the SECOND preceding year's tax exceeded one thousand  
36 dollars and the taxpayer is subject to the tax surcharge imposed by  
37 section fifteen hundred five-a of this article, the taxpayer must also  
38 pay an amount equal to (i) twenty-five percent of the tax surcharge  
39 imposed under section fifteen hundred five-a OF THIS ARTICLE for the  
40 SECOND preceding taxable year if the SECOND preceding year's tax was  
41 equal to or less than one hundred thousand dollars, or (ii) forty  
42 percent of the tax surcharge imposed for the SECOND preceding taxable  
43 year if the SECOND preceding year's tax exceeded one hundred thousand  
44 dollars.

45 S 15-a. Paragraph 2 of subdivision (a) of section 1514 of the tax law,  
46 as added by section 89 of part A of chapter 389 of the laws of 1997, is  
47 amended to read as follows:

48 (2) For taxable years beginning on or after January first, nineteen  
49 hundred ninety-nine, every taxpayer subject to tax under paragraph one  
50 of subdivision (b) of section fifteen hundred ten of this article shall  
51 pay in each such year an amount equal to forty percent of the tax  
52 imposed under such article for the SECOND preceding taxable year, if  
53 such SECOND preceding year's tax exceeded one thousand dollars. If such  
54 SECOND preceding year's tax exceeded one thousand dollars and such  
55 taxpayer is subject to the tax surcharge imposed by section fifteen  
56 hundred five-a of this article, such taxpayer shall also pay an amount

1 equal to forty percent of the tax surcharge imposed under section  
2 fifteen hundred five-a OF THIS ARTICLE for the SECOND preceding taxable  
3 year.

4 S 15-b. Paragraph 3 of subdivision (a) of section 1514 of the tax law,  
5 as amended by section 89 of part A of chapter 389 of the laws of 1997,  
6 is amended to read as follows:

7 (3) Such amount or amounts described in paragraphs one and two of this  
8 subdivision shall be paid with the return required to be filed with  
9 respect to such tax or tax surcharge for [such] THE preceding taxable  
10 year or with an application for extension of the time for filing such  
11 return, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND  
12 SIXTEEN, AND SHALL BE PAID ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD  
13 MONTH OF EACH TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON OR AFTER  
14 JANUARY FIRST, TWO THOUSAND SIXTEEN.

15 S 15-c. The paragraph heading of paragraph 1 of subdivision (d) of  
16 section 1514 of the tax law, as amended by chapter 166 of the laws of  
17 1991 and such paragraph as designated by section 5 of part L3 of chapter  
18 62 of the laws of 2003, is amended to read as follows:

19 Application of first installments based on SECOND preceding year's  
20 tax.

21 S 15-d. The subdivision heading of subdivision (e) of section 1514 of  
22 the tax law, as amended by chapter 166 of the laws of 1991, is amended  
23 to read as follows:

24 Interest on certain installments based on the SECOND preceding year's  
25 tax.

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

29 (f) The SECOND preceding year's tax defined. As used in this section,  
30 "the SECOND preceding year's tax" means, for taxpayers subject to tax  
31 under subdivision (b) of section fifteen hundred ten of this article,  
32 the taxes imposed upon the taxpayer by sections fifteen hundred one and  
33 fifteen hundred ten of this article from the SECOND preceding taxable  
34 year or as otherwise determined by subdivision (b) of section fifteen  
35 hundred five of this article, and for taxpayers subject to tax under  
36 section fifteen hundred two-a of this article, the tax imposed upon the  
37 taxpayer by such section fifteen hundred two-a of this article from the  
38 SECOND preceding year[, or for purposes of computing the first install-  
39 ment of estimated tax when an application has been filed for extension  
40 of the time for filing the return required to be filed for such preced-  
41 ing taxable year, the amount properly estimated pursuant to paragraph  
42 one of subdivision (b) of section fifteen hundred sixteen of this arti-  
43 cle as the tax imposed upon the taxpayer for such taxable year].

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

47 (a) Every taxpayer and every other foreign and alien insurance corpo-  
48 ration having an employee, including any officer, in this state or  
49 having an agent or representative in this state, shall annually, on or  
50 before the fifteenth day of the third month following the close of its  
51 taxable year, FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO  
52 THOUSAND SIXTEEN, AND ON OR BEFORE THE FIFTEENTH DAY OF THE FOURTH MONTH  
53 FOLLOWING THE CLOSE OF ITS TAXABLE YEAR, FOR TAXABLE YEARS BEGINNING ON  
54 OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, transmit to the [tax  
55 commission] COMMISSIONER a return in a form prescribed by [it] THE  
56 COMMISSIONER setting forth such information as the [tax commission]

1 COMMISSIONER may prescribe and every taxpayer which ceases to exercise  
2 its franchise or to be subject to the tax imposed by this article shall  
3 transmit to the [tax commission] COMMISSIONER a return on the date of  
4 such cessation or at such other time as the [tax commission] COMMISSION-  
5 ER may require covering each year or period for which no return was  
6 theretofore filed. A copy of each return required under this subdivision  
7 shall also be transmitted to the superintendent of financial services at  
8 or before the times specified for filing such returns with the [tax  
9 commission] COMMISSIONER.

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

13 (a) General. [On or before the fifteenth day of the fourth month  
14 following the close of a taxable year, an] AN unincorporated business  
15 income tax return shall be made and filed, and the balance of any tax  
16 shown on the face of such return, not previously paid as installments of  
17 estimated tax, shall be paid, ON OR BEFORE THE FIFTEENTH DAY OF THE  
18 FOURTH MONTH FOLLOWING THE CLOSE OF A TAXABLE YEAR FOR TAXABLE YEARS  
19 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ON OR BEFORE  
20 THE FIFTEENTH DAY OF THE THIRD MONTH FOLLOWING THE CLOSE OF A TAXABLE  
21 YEAR FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND  
22 SIXTEEN:

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

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

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

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

47 (b) Decedents. The return for any deceased individual shall be made  
48 and filed by his or her executor, administrator, or other person charged  
49 with his or her property. If a final return of a decedent is for a frac-  
50 tional part of a year, the due date of such return shall be, FOR TAXABLE  
51 YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, the  
52 fifteenth day of the fourth month following the close of the twelve-  
53 month period [which] THAT began with the first day of such fractional  
54 part of the year, AND, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY  
55 FIRST, TWO THOUSAND SIXTEEN, THE FIFTEENTH DAY OF THE THIRD MONTH



1 FOLLOWING THE CLOSE OF THE TWELVE-MONTH PERIOD THAT BEGAN WITH THE FIRST  
2 DAY OF SUCH FRACTIONAL PART OF THE YEAR.

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

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

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

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

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

41 1. Every corporation having an officer, agent or representative within  
42 the city, shall, annually on or before March fifteenth FOR TAXABLE YEARS  
43 BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, AND ANNUALLY ON OR  
44 BEFORE APRIL FIFTEENTH FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY  
45 FIRST, TWO THOUSAND SIXTEEN, transmit to the commissioner of finance a  
46 report, in a form prescribed by the commissioner of finance [(except  
47 that a corporation which reports on the basis of a fiscal year shall  
48 transmit its report within two and one-half months after the close of  
49 its fiscal year)], setting forth such information as the commissioner of  
50 finance may prescribe, [and every] EXCEPT THAT A CORPORATION THAT  
51 REPORTS ON THE BASIS OF A FISCAL YEAR SHALL TRANSMIT SUCH REPORT, FOR  
52 TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN,  
53 WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR, AND,  
54 FOR TAXABLE YEARS BEGINNING AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN,  
55 WITHIN THREE AND ONE-HALF MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR.  
56 EVERY taxpayer [which] THAT ceases to do business in the city or to be

1 subject to the tax imposed by this subchapter shall transmit to the  
2 commissioner of finance a report on the date of such cessation or at  
3 such other time as the commissioner of finance may require covering each  
4 year or period for which no report was theretofore filed. Every taxpayer  
5 shall also transmit such other reports and such facts and information as  
6 the commissioner of finance may require in the administration of this  
7 subchapter. The commissioner of finance may grant a reasonable extension  
8 of time for filing reports whenever good cause exists.

9 An automatic extension of six months for the filing of its annual  
10 report shall be allowed any taxpayer if, within the time prescribed by  
11 the preceding paragraph, whichever is applicable, such taxpayer files  
12 with the commissioner of finance an application for extension in such  
13 form as the commissioner of finance may prescribe by regulation and pays  
14 on or before the date of such filing the amount properly estimated as  
15 its tax.

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

19 1. [Every] FOR TAXABLE YEARS BEGINNING BEFORE JANUARY FIRST, TWO THOU-  
20 SAND SIXTEEN, EVERY taxpayer subject to the tax imposed by section  
21 11-653 of this subchapter shall pay with the report required to be filed  
22 for the preceding privilege period, if any, or with an application for  
23 extension of the time and filing such report, an amount equal to twen-  
24 ty-five per centum of the preceding year's tax if such preceding year's  
25 tax exceeded one thousand dollars. FOR TAXABLE YEARS BEGINNING ON OR  
26 AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EVERY TAXPAYER SUBJECT TO THE  
27 TAX IMPOSED BY SECTION 11-653 OF THIS SUBCHAPTER SHALL PAY ON OR BEFORE  
28 THE FIFTEENTH DAY OF MARCH NEXT SUCCEEDING THE CLOSE OF EACH SUCH CALEN-  
29 DAR YEAR, OR, IN THE CASE OF A TAXPAYER THAT REPORTS ON THE BASIS OF A  
30 FISCAL YEAR, WITHIN TWO AND ONE-HALF MONTHS AFTER THE CLOSE OF EACH SUCH  
31 FISCAL YEAR AN AMOUNT EQUAL TO TWENTY-FIVE PER CENTUM OF THE SECOND  
32 PRECEDING YEAR'S TAX IF THE SECOND PRECEDING YEAR'S TAX EXCEEDED ONE  
33 THOUSAND DOLLARS.

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

37 6. As used in this section, "the preceding year's tax" means the tax  
38 imposed upon the taxpayer by section 11-653 of this subchapter for the  
39 preceding calendar or fiscal year, or, for purposes of computing the  
40 first installment of estimated tax when EITHER THE MANDATORY FIRST  
41 INSTALLMENT IS PAID PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR an  
42 application has been filed for extension of the time for filing the  
43 report required to be filed for such preceding calendar or fiscal year,  
44 the amount properly estimated pursuant to section 11-657 of this  
45 subchapter as the tax imposed upon the taxpayer for such calendar or  
46 fiscal year. AS USED IN THIS SECTION, "THE SECOND PRECEDING YEAR'S TAX"  
47 MEANS THE TAX IMPOSED UPON THE TAXPAYER BY SECTION 11-653 OF THIS  
48 SUBCHAPTER FOR THE SECOND PRECEDING CALENDAR OR FISCAL YEAR.

49 S 24. This act shall take effect immediately, provided, however, that  
50 sections one and four of this act shall apply to taxable years beginning  
51 on or after January 1, 2017 and provided, further, that section five of  
52 this act shall take effect on the same date and in the same manner as  
53 section 26 of part S of chapter 59 of the laws of 2014 takes effect, and  
54 that section five of this act shall apply to taxable years beginning on  
55 or after January 1, 2018, and provided, further, that sections seven,  
56 seven-a, ten, eleven, thirteen-a, fifteen, fifteen-a, fifteen-c,

1 fifteen-d, sixteen, twenty-two and twenty-three of this act shall, to  
2 the extent that such sections refer to the second preceding taxable year  
3 and the second preceding year's tax, apply to the amount or amounts due  
4 to be paid on or after March 15, 2017.

5 PART R

6 Intentionally Omitted

7 PART S

8 Intentionally Omitted

9 PART T

10 Intentionally Omitted

11 PART U

12 Section 1. Section 19 of Part W-1 of chapter 109 of the laws of 2006  
13 amending the tax law and other laws relating to providing exemptions,  
14 reimbursements and credits from various taxes for certain alternative  
15 fuels, as amended by section 1 of part V of chapter 59 of the laws of  
16 2014, is amended to read as follows:

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

32 S 2. This act shall take effect immediately.

33 PART V

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

37 S 37. [Beer] ALCOHOLIC BEVERAGE production credit. (a) General. A  
38 taxpayer subject to tax under article nine-A or twenty-two of this chap-  
39 ter, that is registered as a distributor under article eighteen of this  
40 chapter, and that produces sixty million or fewer gallons of beer OR  
41 CIDER, TWENTY MILLION OR FEWER GALLONS OF WINE, OR EIGHT HUNDRED THOU-  
42 SAND OR FEWER GALLONS OF LIQUOR in this state in the taxable year, shall  
43 be allowed a credit against such taxes in the amount specified in subdi-  
44 vision (b) of this section and pursuant to the provisions referenced in  
45 subdivision (c) of this section. Provided, however, that no credit shall  
46 be allowed for any beer, CIDER, WINE OR LIQUOR produced in excess of

1 fifteen million five hundred thousand gallons in the taxable year. If  
 2 the taxpayer is a partner in a partnership or shareholder of a New York  
 3 S corporation, then the cap imposed by the preceding sentence shall be  
 4 applied at the entity level, so that the aggregate credit allowed to all  
 5 the partners or shareholders of each such entity in the taxable year  
 6 does not exceed that cap.

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

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

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

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

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

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

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

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

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

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

42 S 4. Section 424 of the tax law is amended by adding a new subdivision  
 43 6 to read as follows:

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

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

52 (xxxiv) [Beer] ALCOHOLIC BEVERAGE Amount of credit  
 53 production credit under under subdivision thirty-nine of  
 54 subsection (uu) section two hundred ten-B

55 S 6. Subsection (uu) of section 606 of the tax law, as added by chap-  
 56 ter 109 of the laws of 2012, is amended to read as follows:

1 (uu) [Beer] ALCOHOLIC BEVERAGE production credit. A taxpayer shall be  
2 allowed a credit, to be computed as provided in section thirty-seven of  
3 this chapter, against the tax imposed by this article. If the amount of  
4 the credit allowed under this subsection for any taxable year shall  
5 exceed the taxpayer's tax for such year, the excess shall be treated as  
6 an overpayment of tax to be credited or refunded in accordance with the  
7 provisions of section six hundred eighty-six of this article, provided,  
8 however, that no interest shall be paid thereon.

9 S 7. Subdivision 13 of section 1118 of the tax law, as added by  
10 section 2 of part U of chapter 59 of the laws of 2015, is amended to  
11 read as follows:

12 (13) In respect to the use of the following items at a tasting held by  
13 a licensed [brewery, farm brewery, cider producer, farm cidery, distil-  
14 lery or farm distillery] PRODUCER OF ALCOHOLIC BEVERAGES in accordance  
15 with the alcoholic beverage control law: (i) the alcoholic beverage or  
16 beverages authorized by the alcoholic beverage control law to be  
17 furnished at no charge to a customer or prospective customer at such  
18 tasting for consumption at such tasting; and (ii) bottles, corks, caps  
19 and labels used to package such alcoholic beverages.

20 S 8. This act shall take effect immediately, provided, however, that:  
21 sections one, two, five and six of this act shall apply to taxable years  
22 beginning on or after January 1, 2016; sections three and four of this  
23 act shall apply to taxable periods beginning on or after April 1, 2016;  
24 and section seven of this act shall apply to uses occurring on and after  
25 June 1, 2016.

26 PART W

27 Intentionally Omitted

28 PART X

29 Section 1. Paragraph 2 of subdivision (e) of section 1105 of the tax  
30 law, as amended by section 1 of part Q of chapter 59 of the laws of  
31 2012, is amended to read as follows:

32 (2) Except as provided in subdivision (r) of section eleven hundred  
33 eleven of this part, when occupancy is provided, for a single consider-  
34 ation, with property, services, amusement charges, or any other items,  
35 the separate sale of which is not subject to tax under this article, AND  
36 THE RENT PAID FOR SUCH OCCUPANCY DOES NOT QUALIFY FOR THE EXEMPTION IN  
37 SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE, the  
38 entire consideration shall be treated as rent subject to tax under para-  
39 graph one of this subdivision; provided, however, that where the amount  
40 of the rent for occupancy is stated separately from the price of such  
41 property, services, amusement charges, or other items, on any sales  
42 slip, invoice, receipt, or other statement given the occupant, and such  
43 rent is reasonable in relation to the value of such property, services,  
44 amusement charges or other items, only such separately stated rent will  
45 be subject to tax under paragraph one of this subdivision.

46 S 2. Section 1115 of the tax law is amended by adding a new subdivi-  
47 sion (kk) to read as follows:

48 (KK) RENT PAID BY A ROOM REMARKETER TO AN OPERATOR THAT IS NOT A ROOM  
49 REMARKETER FOR AN OCCUPANCY THAT THE ROOM REMARKETER INTENDS TO PROVIDE  
50 TO AN OCCUPANT FOR RENT SHALL BE EXEMPT FROM THE HOTEL UNIT FEE IMPOSED  
51 BY SECTION ELEVEN HUNDRED FOUR OF THIS ARTICLE AND THE TAX IMPOSED BY  
52 SUBDIVISION (E) OF SECTION ELEVEN HUNDRED FIVE OF THIS ARTICLE, PROVIDED

1 THAT SUCH ROOM REMARKETER FURNISHES SUCH OPERATOR A CERTIFICATE IN SUCH  
2 FORM AND CONTAINING SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMIS-  
3 SIONER. THE EXEMPTION CERTIFICATE PROVIDED FOR BY THIS SUBDIVISION SHALL  
4 BE ADMINISTERED BY THE COMMISSIONER IN CONFORMITY WITH THE RULES FOR  
5 EXEMPTION OR RESALE CERTIFICATES IN SUBPARAGRAPH (I) OF PARAGRAPH ONE OF  
6 SUBDIVISION (C) OF SECTION ELEVEN HUNDRED THIRTY-TWO OF THIS ARTICLE.

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

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

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

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

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

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

49 PART Y

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

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

1 (F) TAX TREATMENT OF CHARITABLE CONTRIBUTIONS FOR DETERMINING DOMI-  
2 CILE. NOTWITHSTANDING ANY OTHER PROVISION OF ANY OTHER LAW TO THE  
3 CONTRARY, THE MAKING OF A FINANCIAL CONTRIBUTION, GIFT, BEQUEST,  
4 DONATION OR ANY OTHER FINANCIAL INSTRUMENT OR PLEDGE IN ANY AMOUNT OR  
5 THE DONATION OR LOAN OF ANY OBJECT OF ANY VALUE, OR THE VOLUNTEERING,  
6 GIVING OR DONATION OF UNCOMPENSATED TIME, OR ANY COMBINATION OF THE  
7 FOREGOING, CONSIDERED A CHARITABLE CONTRIBUTION UNDER SUBSECTION (C) OF  
8 SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE, OR TO A  
9 NOT-FOR-PROFIT ORGANIZATION, AS DEFINED IN SUBDIVISION SEVEN OF SECTION  
10 ONE HUNDRED SEVENTY-NINE-Q OF THE STATE FINANCE LAW, SHALL NOT BE USED  
11 IN ANY MANNER TO DETERMINE WHERE AN INDIVIDUAL IS DOMICILED AT THE TIME  
12 OF HIS OR HER DEATH.

13 S 3. This act shall take effect immediately.

14

PART Z

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

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

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

25 4-A. (A) THE AVIATION PURPOSE ACCOUNT SHALL CONSIST OF ALL MONEYS  
26 REQUIRED TO BE DEPOSITED BY SECTION THREE HUNDRED TWELVE OF THE TAX LAW  
27 AND ANY OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER  
28 FUND, ACCOUNT OR SOURCE.

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

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

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

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

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

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

48 S 4. Paragraph 1 of subdivision (a) of section 1102 of the tax law, as  
49 amended by section 8 of part W-1 of chapter 109 of the laws of 2006, is  
50 amended to read as follows:

51 (1) Every distributor of motor fuel shall pay, as a prepayment on  
52 account of the taxes imposed by this article and pursuant to the author-  
53 ity of article twenty-nine of this chapter, a tax on each gallon of  
54 motor fuel (i) which he imports or causes to be imported into this state  
55 for use, distribution, storage or sale in the state or produces,  
56 refines, manufactures or compounds in this state or (ii) if the tax has



1 not been imposed prior to its sale in this state, which he sells (which  
2 acts shall in regard to motor fuel hereinafter in this article be encom-  
3 passed by the phrase "imported, manufactured or sold"), except when  
4 imported, manufactured or sold under circumstances which preclude the  
5 collection of such tax by reason of the United States constitution and  
6 of the laws of the United States enacted pursuant thereto or when  
7 imported or manufactured by an organization described in paragraph one  
8 or two of subdivision (a) of section eleven hundred sixteen of this  
9 article or a hospital included in the organizations described in para-  
10 graph four of such subdivision for its own use and consumption and  
11 except kero-jet fuel when imported by an airline for use in its  
12 airplanes, and except CNG, and except hydrogen, and except E85 when  
13 delivered to a filling station and placed in a storage tank of such  
14 filling station for such E85 to be dispensed directly into a motor vehi-  
15 cle for use in the operation of such vehicle, AND EXCEPT AVIATION GASO-  
16 LINE SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION AIRCRAFT.

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

20 (1) Every distributor of motor fuel shall pay, as a prepayment on  
21 account of the taxes imposed by this article and pursuant to the author-  
22 ity of article twenty-nine of this chapter, a tax on each gallon of  
23 motor fuel (i) which he imports or causes to be imported into this state  
24 for use, distribution, storage or sale in the state or produces,  
25 refines, manufactures or compounds in this state or (ii) if the tax has  
26 not been imposed prior to its sale in this state, which he sells (which  
27 acts shall in regard to motor fuel hereinafter in this article be encom-  
28 passed by the phrase "imported, manufactured or sold"), except when  
29 imported, manufactured or sold under circumstances which preclude the  
30 collection of such tax by reason of the United States constitution and  
31 of the laws of the United States enacted pursuant thereto or when  
32 imported or manufactured by an organization described in paragraph one  
33 or two of subdivision (a) of section eleven hundred sixteen of this  
34 article or a hospital included in the organizations described in para-  
35 graph four of such subdivision for its own use and consumption and  
36 except kero-jet fuel when imported by an airline for use in its  
37 airplanes, AND EXCEPT AVIATION GASOLINE SOLD FOR USE IN COMMERCIAL  
38 AIRCRAFT AND GENERAL AVIATION AIRCRAFT.

39 S 5. Subparagraph (i) of paragraph 1 of subdivision (a) of section  
40 1210 of the tax law, as amended by section 3 of part Z of chapter 59 of  
41 the laws of 2015, is amended to read as follows:

42 (i) Any local law, ordinance or resolution enacted by any city of less  
43 than one million or by any county or school district, imposing the taxes  
44 authorized by this subdivision, shall, notwithstanding any provision of  
45 law to the contrary, exclude from the operation of such local taxes all  
46 sales of tangible personal property for use or consumption directly and  
47 predominantly in the production of tangible personal property, gas,  
48 electricity, refrigeration or steam, for sale, by manufacturing, proc-  
49 essing, generating, assembly, refining, mining or extracting; and all  
50 sales of tangible personal property for use or consumption predominantly  
51 either in the production of tangible personal property, for sale, by  
52 farming or in a commercial horse boarding operation, or in both; AND ALL  
53 SALES OF FUEL SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL AVIATION  
54 AIRCRAFT; and, unless such city, county or school district elects other-  
55 wise, shall omit the provision for credit or refund contained in clause

1 six of subdivision (a) or subdivision (d) of section eleven hundred  
2 nineteen of this chapter.

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

7 (xii) shall omit, unless such city elects otherwise, the exemption for  
8 residential solar energy systems equipment and electricity provided in  
9 subdivision (ee) of section eleven hundred fifteen of this chapter;  
10 [and] (xiii) shall omit, unless such city elects otherwise, the  
11 exemption for commercial solar energy systems equipment and electricity  
12 provided in subdivision (ii) of section eleven hundred fifteen of this  
13 chapter[.]; AND (XIV) SHALL EXCLUDE FROM THE OPERATION OF SUCH LOCAL  
14 TAXES ALL SALES OF FUEL SOLD FOR USE IN COMMERCIAL AIRCRAFT AND GENERAL  
15 AVIATION AIRCRAFT.

16 S 7. Notwithstanding any law to the contrary, the comptroller is here-  
17 by authorized and directed to transfer from the general fund for deposit  
18 into the mass transportation operating assistance fund, pursuant to  
19 section 88-a of the state finance law and the dedicated mass transporta-  
20 tion trust fund, pursuant to section 89-c of the state finance law, upon  
21 request of the director of the budget, on or before March 31 of each  
22 year, an amount equal to the amount of revenue received by the commis-  
23 sioner of taxation and finance during the state fiscal year from petro-  
24 leum business taxes imposed pursuant to the authority of section 301-e  
25 of the tax law that would have otherwise been directed to such funds  
26 pursuant to section 312 of the tax law as such section was in effect on  
27 the day before this act became a law.

28 S 8. This act shall take effect immediately, provided however that  
29 sections one, two and seven of this act shall take effect April 1, 2017;  
30 provided further that sections three, four, five and six of this act  
31 shall take effect December 1, 2017; and provided further that the amend-  
32 ments to paragraph 1 of subdivision (a) of section 1102 of the tax law  
33 made by section four of this act shall be subject to the expiration and  
34 reversion of such paragraph pursuant to section 19 of part W-1 of chap-  
35 ter 109 of the laws of 2006, as amended, when upon such date the  
36 provisions of section four-a of this act shall take effect.

37 PART AA

38 Intentionally Omitted

39 PART BB

40 Section 1. Subdivision 1 of section 236 of the racing, pari-mutuel  
41 wagering and breeding law, as amended by chapter 18 of the laws of  
42 2008, is amended to read as follows:

43 1. Every corporation authorized under this chapter to conduct pari-mu-  
44 tuel betting at a race meeting on races run thereat, except as provided  
45 in section two hundred thirty-eight of this article with respect to the  
46 franchised corporation, shall distribute all sums deposited in any pari-  
47 mutuel pool to the holders of winning tickets therein, providing such  
48 tickets be presented for payment before April first of the year follow-  
49 ing the year of their purchase, less an amount [which] THAT shall be  
50 established and retained by such racing corporation of between fourteen  
51 to twenty [per centum] PERCENT of the total deposits in pools resulting  
52 from regular on-track bets and less sixteen to twenty-two [per centum]

1 PERCENT of the total deposits in pools resulting from multiple on-track  
2 bets and less twenty to thirty [per centum] PERCENT of the total depos-  
3 its in pools resulting from exotic on-track bets and less twenty to  
4 thirty-six [per centum] PERCENT of the total pools resulting from super  
5 exotic on-track bets, plus the breaks. The retention rate to be estab-  
6 lished is subject to the prior approval of the [racing and wagering  
7 board] GAMING COMMISSION. Such rate may not be changed more than once  
8 per calendar quarter to be effective on the first day of the calendar  
9 quarter. "Exotic bets" and "multiple bets" shall have the meanings set  
10 forth in section five hundred nineteen of this chapter and breaks are  
11 hereby defined as [the odd cents over any multiple of ten, or for exotic  
12 bets over any multiple of fifty, or for super exotic bets, over any  
13 multiple of one hundred, calculated on the basis of one dollar, other-  
14 wise payable to a patron provided, however, that effective after October  
15 fifteenth, nineteen hundred ninety-four breaks are hereby defined as]  
16 the odd cents over any multiple of five for payoffs greater than one  
17 dollar five cents but less than five dollars, over any multiple of ten  
18 for payoffs greater than five dollars but less than twenty-five dollars,  
19 over any multiple of twenty-five for payoffs greater than twenty-five  
20 dollars but less than two hundred fifty dollars, or over any multiple of  
21 fifty for payoffs over two hundred fifty dollars. "Super exotic bets"  
22 shall have the meaning set forth in section three hundred one of this  
23 chapter. Of the amount so retained there shall be paid by such corpo-  
24 ration to the department of taxation and finance as a reasonable tax by  
25 the state for the privilege of conducting pari-mutuel betting on the  
26 races run at the race meeting held by such corporation, which tax is  
27 hereby levied, the following percentages of the total pool, plus fifty-  
28 five [per centum] PERCENT of the breaks; the applicable rates for regu-  
29 lar and multiple bets shall be one and one-half [per centum] PERCENT;  
30 the applicable rates for exotic bets shall be six and three-quarter [per  
31 centum] PERCENT and the applicable rate for super exotic bets shall be  
32 seven and three-quarter [per centum] PERCENT. Effective on and after  
33 September first, nineteen hundred ninety-four, the applicable tax rate  
34 shall be one [per centum] PERCENT of all wagers, provided that, an  
35 amount equal to one-half the difference between the taxation rate for  
36 on-track regular, multiple and exotic bets as of December thirty-first,  
37 nineteen hundred ninety-three and the rates on such on-track wagers as  
38 herein provided shall be used exclusively for purses. Provided, however,  
39 that for any twelve-month period beginning on April first in nineteen  
40 hundred ninety and any year thereafter, each of the applicable rates set  
41 forth above shall be increased by one-quarter of one [per centum]  
42 PERCENT on all on-track bets of any such racing corporation that did not  
43 expend an amount equal to at least one-half of one [per centum] PERCENT  
44 of its on-track bets during the immediately preceding calendar year for  
45 enhancements consisting of capital improvements as defined by section  
46 two hundred thirty-seven of this article, repairs to its physical plant,  
47 structures, and equipment used in its racing or wagering operations as  
48 certified by the [state racing and wagering board] GAMING COMMISSION to  
49 the commissioner of taxation and finance no later than eighty days after  
50 the close of such calendar year, and five special events at each track  
51 in each calendar year, not otherwise conducted in the ordinary course of  
52 business, the purpose of which shall be to encourage, attract and  
53 promote track attendance and encourage new and continued patronage,  
54 which events shall be [approved by the racing and wagering board]  
55 SUBJECT TO THE PRIOR APPROVAL OF THE GAMING COMMISSION for purposes of  
56 this subdivision. In the determination of the amounts expended for such

1 enhancements, the [board] GAMING COMMISSION may consider the immediately  
2 preceding [twelve month] TWELVE-MONTH calendar period or the average of  
3 the two immediately preceding [twelve month] TWELVE-MONTH calendar peri-  
4 ods. Provided further, however, that of the portion of the increased  
5 amounts retained by such corporation above those amounts retained in  
6 nineteen hundred eighty-four, an amount of such increase shall be  
7 distributed to purses in the same proportion as commissions and purses  
8 were distributed during nineteen hundred eighty-four as certified by the  
9 [board] GAMING COMMISSION. Such corporation in the second zone shall  
10 receive a credit against the daily tax imposed by this subdivision in an  
11 amount equal to FOUR-TENTHS OF one [per centum] PERCENT of total daily  
12 pools resulting from the simulcast of such corporation's races to  
13 licensed facilities operated by regional off-track betting corporations  
14 in accordance with section one thousand eight of this chapter, provided  
15 however, that sixty [per centum] PERCENT of the amount of such credit  
16 shall be used exclusively to increase purses for overnight races  
17 conducted by such corporation; and, provided further, that in no event  
18 shall such total daily credit exceed FOUR-TENTHS OF one [per centum]  
19 PERCENT of the total daily pool of such corporation. [Provided, however,  
20 that on and after September first, nineteen hundred ninety-four such  
21 credit shall be four-tenths percent of total daily pools resulting from  
22 such simulcasting and that in no event shall such total daily credit  
23 equal four-tenths percent of the total daily pool of such corporation.]

24 Such corporation shall pay to the New York state thoroughbred breeding  
25 and development fund one-half of one [per centum] PERCENT of the total  
26 daily on-track pari-mutuel pools from regular, multiple and exotic bets,  
27 and three [per centum] PERCENT of super exotic bets. The corporation  
28 shall receive credit as a reduction of the tax by the state for the  
29 privilege of conducting pari-mutuel betting for the amounts, except  
30 amounts paid from super exotic betting pools, paid to the New York state  
31 thoroughbred breeding and development fund after January first, nineteen  
32 hundred seventy-eight.

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

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

43 (d) (I) The pari-mutuel tax rate authorized by paragraph (a) of this  
44 subdivision shall be effective so long as a franchised corporation noti-  
45 fies the [racing and wagering board] GAMING COMMISSION by August  
46 fifteenth of each year that such pari-mutuel tax rate is effective of  
47 its intent to conduct a race meeting at Aqueduct racetrack during the  
48 months of December, January, February, March and April. For purposes of  
49 this paragraph such race meeting shall consist of not less than ninety-  
50 five days of racing. Not later than May first of each year that such  
51 pari-mutuel tax rate is effective, the [racing and wagering board]  
52 GAMING COMMISSION shall determine whether a race meeting at Aqueduct  
53 racetrack consisted of the number of days as required by this paragraph.  
54 In determining the number of race days, cancellation of a race day  
55 because of an act of God[, which] THAT the [racing and wagering board]  
56 GAMING COMMISSION approves or because of weather conditions that are

1 unsafe or hazardous which the [racing and wagering board] GAMING COMMIS-  
2 SION approves shall not be construed as a failure to conduct a race day.  
3 Additionally, cancellation of a race day because of circumstances beyond  
4 the control of such franchised corporation for which the [racing and  
5 wagering board] GAMING COMMISSION gives approval shall not be construed  
6 as a failure to conduct a race day. If the [racing and wagering board]  
7 GAMING COMMISSION determines that the number of days of racing as  
8 required by this paragraph have not occurred then the pari-mutuel tax  
9 rate in paragraph (a) of this subdivision shall revert to the pari-mutu-  
10 el tax rates in effect prior to January first, nineteen hundred ninety-  
11 five.

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

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

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

23 S 4. The opening paragraph and the opening paragraph of subdivision 1  
24 of section 527 of the racing, pari-mutuel wagering and breeding law, the  
25 opening paragraph as amended by chapter 18 of the laws of 2008 and the  
26 opening paragraph of subdivision 1 as amended by chapter 300 of the laws  
27 of 2015, are amended to read as follows:

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

35 The disposition of the retained commission from pools resulting from  
36 regular, multiple or exotic bets, as the case may be, whether placed on  
37 races run within a region or outside a region, conducted by racing  
38 corporations, harness racing associations or corporations, quarter horse  
39 racing associations or corporations or races run outside the state shall  
40 be governed by the tables in paragraphs a and b of this subdivision. The  
41 rate denominated "state tax" shall represent the rate of a reasonable  
42 tax imposed upon the retained commission for the privilege of conducting  
43 off-track pari-mutuel betting, which tax is hereby levied and shall be  
44 payable in the manner set forth in this section. Each off-track betting  
45 corporation shall pay to the [racing and wagering board] GAMING COMMIS-  
46 SION as a regulatory fee, which fee is hereby levied, [fifty hundredths]  
47 SIX-TENTHS of one percent of the total daily pools of such corporation.  
48 Each corporation shall also pay twenty [per centum] PERCENT of the  
49 breaks derived from bets on harness races and fifty [per centum] PERCENT  
50 of the breaks derived from bets on all other races to the agriculture  
51 and New York State horse breeding and development fund and to the  
52 thoroughbred breeding and development fund, the total of such payments  
53 to be apportioned fifty [per centum] PERCENT to each such fund. For the  
54 purposes of this section, the New York city, Suffolk, Nassau, and the  
55 Catskill regions shall constitute a single region and any thoroughbred  
56 track located within the Capital District region shall be deemed to be

1 within such single region. A "regional meeting" shall refer to either  
2 harness or thoroughbred meetings, or both, except that a franchised  
3 corporation shall not be a regional track for the purpose of receiving  
4 distributions from bets on thoroughbred races conducted by a thorough-  
5 bred track in the Catskill region conducting a mixed meeting. With the  
6 exception of a harness racing association or corporation first licensed  
7 to conduct pari-mutuel wagering at a track located in Tioga or Saratoga  
8 county after January first, two thousand five, racing corporations first  
9 licensed to conduct pari-mutuel racing after January first, nineteen  
10 hundred eighty-six or a harness racing association or corporation first  
11 licensed to conduct pari-mutuel wagering at a track located in Genesee  
12 County after January first, two thousand five, and quarter horse tracks  
13 shall not be "regional tracks"; if there is more than one harness track  
14 within a region, such tracks shall evenly divide payments made pursuant  
15 to the tables in paragraphs a and b of this subdivision when neither  
16 track is running. In the event a track elects to reduce its retained  
17 percentage from any or all of its pari-mutuel pools, the payments to the  
18 track holding the race and the regional track required by paragraphs a  
19 and b of this subdivision shall be reduced in proportion to such  
20 reduction. Nothing in this section shall be construed to authorize the  
21 conduct of off-track betting contrary to the provisions of section five  
22 hundred twenty-three of this article.

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

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

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

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

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

45 b. Of the sums received by the sending track, fifty percent shall be  
46 distributed to purses in addition to moneys distributed pursuant to  
47 section five hundred twenty-seven of this chapter. The off-track betting  
48 corporation shall pay to the [racing and wagering board] GAMING COMMIS-  
49 SION as a regulatory fee, which fee is hereby levied, [fifty hundredths]  
50 SIX-TENTHS of one percent of the total daily pools.

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

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

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

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

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

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

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

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

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

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

34 S 13. This act shall take effect immediately.

35 PART CC

36 Section 1. Section 308 of the racing, pari-mutuel wagering and breed-  
37 ing law, as amended by section 1 of part Y of chapter 58 of the laws of  
38 2012, is amended to read as follows:

39 S 308. Officials at harness horse race meetings. 1. At all harness  
40 race meetings licensed by the [state racing and wagering board] GAMING  
41 COMMISSION in accordance with the provisions of sections two hundred  
42 twenty-two through seven hundred five of this chapter qualified judges  
43 and starters shall be designated by the [state racing and wagering  
44 board] GAMING COMMISSION. Such officials shall enforce the rules and  
45 regulations of the [state racing and wagering board] GAMING COMMISSION  
46 and shall render regular written reports of the activities and conduct  
47 of such race meetings to the [state racing and wagering board] GAMING  
48 COMMISSION.

49 2. The licensed racing corporations shall reimburse the [state racing  
50 and wagering board] GAMING COMMISSION for the per diem cost to the  
51 [board] COMMISSION to employ one associate judge and the starter to  
52 serve at harness race meetings. The [board] COMMISSION shall notify EACH  
53 such licensed racing [corporations] CORPORATION of the per diem cost of  
54 the associate judge and the starter [prior to the beginning] AT THE

1 TRACK OF SUCH LICENSED RACING CORPORATION WITHIN SIXTY DAYS OF THE END  
2 of each month. Payment of the reimbursement required by this section  
3 shall be made to the [board] COMMISSION by each entity required to make  
4 such payments [on the last business day of each month] WITHIN THIRTY  
5 DAYS OF SUCH NOTIFICATION BY THE COMMISSION and shall cover all the  
6 costs incurred during that month. A penalty of five percent of payment  
7 due, and interest at the rate of one percent per month calculated from  
8 such [last day of each month] DATE THAT PAYMENT IS DUE to the date of  
9 the payment of the per diem cost shall be payable in case any per diem  
10 cost imposed by this subdivision is not paid when due. The [board]  
11 COMMISSION shall promulgate rules and regulations to ensure the proper  
12 reimbursement of such costs.

13 3. The [board] COMMISSION shall pay into the racing regulation  
14 account, as defined in section ninety-nine-i of the state finance law,  
15 under the joint custody of the comptroller and the [board] COMMISSION,  
16 the total amount of the reimbursements collected pursuant to this  
17 section. With the approval of the director of the budget, monies  
18 [utilized] USED to pay the costs and expenses of the operations of the  
19 [board] COMMISSION shall be paid out of such account on the audit and  
20 warrant of the comptroller on vouchers, certified and approved by the  
21 director of the division of the budget or his or her duly designated  
22 official.

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

28 S 2. This act shall take effect immediately.

29

PART DD

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

33 (G-2) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, WHEN A VENDOR  
34 TRACK IS LOCATED WITHIN REGION SIX OF DEVELOPMENT ZONE TWO AS DEFINED BY  
35 SECTION THIRTEEN HUNDRED TEN OF THE RACING, PARI-MUTUEL WAGERING AND  
36 BREEDING LAW AND IS LOCATED WITHIN ONTARIO COUNTY, SUCH VENDOR TRACK  
37 SHALL RECEIVE AN ADDITIONAL COMMISSION AT A RATE EQUAL TO THE PERCENTAGE  
38 OF REVENUE WAGERED AT THE VENDOR TRACK AFTER PAYOUT FOR PRIZES PURSUANT  
39 TO THIS CHAPTER, WHICH PERCENTAGE SHALL BE ONE HUNDRED, LESS THE SUM OF  
40 THE PERCENTAGES OF NET REVENUE WAGERED AT THE VENDOR TRACK RETAINED BY  
41 THE COMMISSION FOR OPERATION, ADMINISTRATION, AND PROCUREMENT PURPOSES;  
42 AND THE VENDOR'S FEE, MARKETING ALLOWANCE AND CAPITAL AWARD PAID TO THE  
43 VENDOR TRACK PURSUANT TO THIS CHAPTER; AND THE EFFECTIVE TAX RATE PAID  
44 ON ALL GROSS GAMING REVENUE PAID BY A GAMING FACILITY WITHIN SENECA OR  
45 WAYNE COUNTIES PURSUANT TO SECTION THIRTEEN HUNDRED FIFTY-ONE OF THE  
46 RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, PROVIDED, HOWEVER, SUCH  
47 ADDITIONAL COMMISSION SHALL BE APPLIED TO REVENUE WAGERED AT THE VENDOR  
48 TRACK AFTER PAYOUT FOR PRIZES ONLY WHILE A GAMING FACILITY IN SENECA OR  
49 WAYNE COUNTIES IS OPEN AND OPERATIONAL PURSUANT TO AN OPERATION CERTIF-  
50 ICATE ISSUED PURSUANT TO SECTION THIRTEEN HUNDRED THIRTY-ONE OF THE  
51 RACING, PARI-MUTUEL WAGERING AND BREEDING LAW. THE ADDITIONAL COMMISSION  
52 SET FORTH IN THIS CLAUSE SHALL BE PAID TO THE VENDOR TRACK WITHIN SIXTY  
53 DAYS AFTER THE CONCLUSION OF THE STATE FISCAL YEAR BASED ON THE CALCU-  
54 LATED PERCENTAGE DURING THE PREVIOUS FISCAL YEAR.



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

3 PART EE

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

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

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

17 PART FF

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

22 (a) Any racing association or corporation or regional off-track  
23 betting corporation, authorized to conduct pari-mutuel wagering under  
24 this chapter, desiring to display the simulcast of horse races on which  
25 pari-mutuel betting shall be permitted in the manner and subject to the  
26 conditions provided for in this article may apply to the commission for  
27 a license so to do. Applications for licenses shall be in such form as  
28 may be prescribed by the commission and shall contain such information  
29 or other material or evidence as the commission may require. No license  
30 shall be issued by the commission authorizing the simulcast transmission  
31 of thoroughbred races from a track located in Suffolk county. The fee  
32 for such licenses shall be five hundred dollars per simulcast facility  
33 and for account wagering licensees that do not operate either a simul-  
34 cast facility that is open to the public within the state of New York or  
35 a licensed racetrack within the state, twenty thousand dollars per year  
36 payable by the licensee to the commission for deposit into the general  
37 fund. Except as provided in this section, the commission shall not  
38 approve any application to conduct simulcasting into individual or group  
39 residences, homes or other areas for the purposes of or in connection  
40 with pari-mutuel wagering. The commission may approve simulcasting into  
41 residences, homes or other areas to be conducted jointly by one or more  
42 regional off-track betting corporations and one or more of the follow-  
43 ing: a franchised corporation, thoroughbred racing corporation or a  
44 harness racing corporation or association; provided (i) the simulcasting  
45 consists only of those races on which pari-mutuel betting is authorized  
46 by this chapter at one or more simulcast facilities for each of the  
47 contracting off-track betting corporations which shall include wagers  
48 made in accordance with section one thousand fifteen, one thousand  
49 sixteen and one thousand seventeen of this article; provided further  
50 that the contract provisions or other simulcast arrangements for such  
51 simulcast facility shall be no less favorable than those in effect on  
52 January first, two thousand five; (ii) that each off-track betting

1 corporation having within its geographic boundaries such residences,  
2 homes or other areas technically capable of receiving the simulcast  
3 signal shall be a contracting party; (iii) the distribution of revenues  
4 shall be subject to contractual agreement of the parties except that  
5 statutory payments to non-contracting parties, if any, may not be  
6 reduced; provided, however, that nothing herein to the contrary shall  
7 prevent a track from televising its races on an irregular basis primari-  
8 ly for promotional or marketing purposes as found by the commission. For  
9 purposes of this paragraph, the provisions of section one thousand thir-  
10 teen of this article shall not apply. Any agreement authorizing an  
11 in-home simulcasting experiment commencing prior to May fifteenth, nine-  
12 teen hundred ninety-five, may, and all its terms, be extended until June  
13 thirtieth, two thousand [sixteen] SEVENTEEN; provided, however, that any  
14 party to such agreement may elect to terminate such agreement upon  
15 conveying written notice to all other parties of such agreement at least  
16 forty-five days prior to the effective date of the termination, via  
17 registered mail. Any party to an agreement receiving such notice of an  
18 intent to terminate, may request the commission to mediate between the  
19 parties new terms and conditions in a replacement agreement between the  
20 parties as will permit continuation of an in-home experiment until June  
21 thirtieth, two thousand [sixteen] SEVENTEEN; and (iv) no in-home simul-  
22 casting in the thoroughbred special betting district shall occur without  
23 the approval of the regional thoroughbred track.

24 S 2. Subparagraph (iii) of paragraph d of subdivision 3 of section  
25 1007 of the racing, pari-mutuel wagering and breeding law, as amended by  
26 section 2 of part NN of chapter 59 of the laws of 2015, is amended to  
27 read as follows:

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

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

44 The provisions of this section shall govern the simulcasting of races  
45 conducted at thoroughbred tracks located in another state or country on  
46 any day during which a franchised corporation is conducting a race meet-  
47 ing in Saratoga county at Saratoga thoroughbred racetrack until June  
48 thirtieth, two thousand [sixteen] SEVENTEEN and on any day regardless of  
49 whether or not a franchised corporation is conducting a race meeting in  
50 Saratoga county at Saratoga thoroughbred racetrack after June thirtieth,  
51 two thousand [sixteen] SEVENTEEN. On any day on which a franchised  
52 corporation has not scheduled a racing program but a thoroughbred racing  
53 corporation located within the state is conducting racing, every off-  
54 track betting corporation branch office and every simulcasting facility  
55 licensed in accordance with section one thousand seven (that have  
56 entered into a written agreement with such facility's representative

1 horsemen's organization, as approved by the commission), one thousand  
2 eight, or one thousand nine of this article shall be authorized to  
3 accept wagers and display the live simulcast signal from thoroughbred  
4 tracks located in another state or foreign country subject to the  
5 following provisions:

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

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

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

18 The provisions of this section shall govern the simulcasting of races  
19 conducted at thoroughbred tracks located in another state or country on  
20 any day during which a franchised corporation is not conducting a race  
21 meeting in Saratoga county at Saratoga thoroughbred racetrack until June  
22 thirtieth, two thousand [sixteen] SEVENTEEN. Every off-track betting  
23 corporation branch office and every simulcasting facility licensed in  
24 accordance with section one thousand seven that have entered into a  
25 written agreement with such facility's representative horsemen's organ-  
26 ization as approved by the commission, one thousand eight or one thou-  
27 sand nine of this article shall be authorized to accept wagers and  
28 display the live full-card simulcast signal of thoroughbred tracks  
29 (which may include quarter horse or mixed meetings provided that all  
30 such wagering on such races shall be construed to be thoroughbred races)  
31 located in another state or foreign country, subject to the following  
32 provisions; provided, however, no such written agreement shall be  
33 required of a franchised corporation licensed in accordance with section  
34 one thousand seven of this article:

35 S 6. The opening paragraph of section 1018 of the racing, pari-mutuel  
36 wagering and breeding law, as amended by section 6 of part NN of chapter  
37 59 of the laws of 2015, is amended to read as follows:

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

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

1 S 32. This act shall take effect immediately and the pari-mutuel tax  
2 reductions in section six of this act shall expire and be deemed  
3 repealed on July 1, [2016] 2017; provided, however, that nothing  
4 contained herein shall be deemed to affect the application, qualifica-  
5 tion, expiration, or repeal of any provision of law amended by any  
6 section of this act, and such provisions shall be applied or qualified  
7 or shall expire or be deemed repealed in the same manner, to the same  
8 extent and on the same date as the case may be as otherwise provided by  
9 law; provided further, however, that sections twenty-three and twenty-  
10 five of this act shall remain in full force and effect only until May 1,  
11 1997 and at such time shall be deemed to be repealed.

12 S 8. Section 54 of chapter 346 of the laws of 1990, amending the  
13 racing, pari-mutuel wagering and breeding law and other laws relating to  
14 simulcasting and the imposition of certain taxes, as amended by section  
15 8 of part NN of chapter 59 of the laws of 2015, is amended to read as  
16 follows:

17 S 54. This act shall take effect immediately; provided, however,  
18 sections three through twelve of this act shall take effect on January  
19 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-  
20 ing law, as added by section thirty-eight of this act, shall expire and  
21 be deemed repealed on July 1, [2016] 2017; and section eighteen of this  
22 act shall take effect on July 1, 2008 and sections fifty-one and fifty-  
23 two of this act shall take effect as of the same date as chapter 772 of  
24 the laws of 1989 took effect.

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

28 (a) The franchised corporation authorized under this chapter to  
29 conduct pari-mutuel betting at a race meeting or races run thereat shall  
30 distribute all sums deposited in any pari-mutuel pool to the holders of  
31 winning tickets therein, provided such tickets be presented for payment  
32 before April first of the year following the year of their purchase,  
33 less an amount which shall be established and retained by such fran-  
34 chised corporation of between twelve to seventeen per centum of the  
35 total deposits in pools resulting from on-track regular bets, and four-  
36 teen to twenty-one per centum of the total deposits in pools resulting  
37 from on-track multiple bets and fifteen to twenty-five per centum of the  
38 total deposits in pools resulting from on-track exotic bets and fifteen  
39 to thirty-six per centum of the total deposits in pools resulting from  
40 on-track super exotic bets, plus the breaks. The retention rate to be  
41 established is subject to the prior approval of the gaming commission.  
42 Such rate may not be changed more than once per calendar quarter to be  
43 effective on the first day of the calendar quarter. "Exotic bets" and  
44 "multiple bets" shall have the meanings set forth in section five  
45 hundred nineteen of this chapter. "Super exotic bets" shall have the  
46 meaning set forth in section three hundred one of this chapter. For  
47 purposes of this section, a "pick six bet" shall mean a single bet or  
48 wager on the outcomes of six races. The breaks are hereby defined as the  
49 odd cents over any multiple of five for payoffs greater than one dollar  
50 five cents but less than five dollars, over any multiple of ten for  
51 payoffs greater than five dollars but less than twenty-five dollars,  
52 over any multiple of twenty-five for payoffs greater than twenty-five  
53 dollars but less than two hundred fifty dollars, or over any multiple of  
54 fifty for payoffs over two hundred fifty dollars. Out of the amount so  
55 retained there shall be paid by such franchised corporation to the  
56 commissioner of taxation and finance, as a reasonable tax by the state

1 for the privilege of conducting pari-mutuel betting on the races run at  
2 the race meetings held by such franchised corporation, the following  
3 percentages of the total pool for regular and multiple bets five per  
4 centum of regular bets and four per centum of multiple bets plus twenty  
5 per centum of the breaks; for exotic wagers seven and one-half per  
6 centum plus twenty per centum of the breaks, and for super exotic bets  
7 seven and one-half per centum plus fifty per centum of the breaks. For  
8 the period June first, nineteen hundred ninety-five through September  
9 ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be  
10 three per centum and such tax on multiple wagers shall be two and one-  
11 half per centum, plus twenty per centum of the breaks. For the period  
12 September tenth, nineteen hundred ninety-nine through March thirty-  
13 first, two thousand one, such tax on all wagers shall be two and six-  
14 tenths per centum and for the period April first, two thousand one  
15 through December thirty-first, two thousand [sixteen] SEVENTEEN, such  
16 tax on all wagers shall be one and six-tenths per centum, plus, in each  
17 such period, twenty per centum of the breaks. Payment to the New York  
18 state thoroughbred breeding and development fund by such franchised  
19 corporation shall be one-half of one per centum of total daily on-track  
20 pari-mutuel pools resulting from regular, multiple and exotic bets and  
21 three per centum of super exotic bets provided, however, that for the  
22 period September tenth, nineteen hundred ninety-nine through March thir-  
23 ty-first, two thousand one, such payment shall be six-tenths of one per  
24 centum of regular, multiple and exotic pools and for the period April  
25 first, two thousand one through December thirty-first, two thousand  
26 [sixteen] SEVENTEEN, such payment shall be seven-tenths of one per  
27 centum of such pools.

28 S 10. This act shall take effect immediately.

29

#### PART GG

30 Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivi-  
31 sion b of section 1612 of the tax law, as amended by section 1 of part  
32 MM of chapter 59 of the laws of 2015, is amended to read as follows:

33 (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of  
34 this subparagraph, the track operator of a vendor track shall be eligi-  
35 ble for a vendor's capital award of up to four percent of the total  
36 revenue wagered at the vendor track after payout for prizes pursuant to  
37 this chapter, which shall be used exclusively for capital project  
38 investments to improve the facilities of the vendor track which promote  
39 or encourage increased attendance at the video lottery gaming facility  
40 including, but not limited to hotels, other lodging facilities, enter-  
41 tainment facilities, retail facilities, dining facilities, events  
42 arenas, parking garages and other improvements that enhance facility  
43 amenities; provided that such capital investments shall be approved by  
44 the division, in consultation with the state racing and wagering board,  
45 and that such vendor track demonstrates that such capital expenditures  
46 will increase patronage at such vendor track's facilities and increase  
47 the amount of revenue generated to support state education programs. The  
48 annual amount of such vendor's capital awards that a vendor track shall  
49 be eligible to receive shall be limited to two million five hundred  
50 thousand dollars, except for Aqueduct racetrack, for which there shall  
51 be no vendor's capital awards. Except for tracks having less than one  
52 thousand one hundred video gaming machines, and except for a vendor  
53 track located west of State Route 14 from Sodus Point to the Pennsylva-  
54 nia border within New York, each track operator shall be required to

1 co-invest an amount of capital expenditure equal to its cumulative  
2 vendor's capital award. For all tracks, except for Aqueduct racetrack,  
3 the amount of any vendor's capital award that is not used during any one  
4 year period may be carried over into subsequent years ending before  
5 April first, two thousand [sixteen] SEVENTEEN. Any amount attributable  
6 to a capital expenditure approved prior to April first, two thousand  
7 [sixteen]SEVENTEEN and completed before April first, two thousand [eigh-  
8 teen] NINETEEN; or approved prior to April first, two thousand [twenty]  
9 TWENTY-ONE and completed before April first, two thousand [twenty-two]  
10 TWENTY-THREE for a vendor track located west of State Route 14 from  
11 Sodus Point to the Pennsylvania border within New York, shall be eligi-  
12 ble to receive the vendor's capital award. In the event that a vendor  
13 track's capital expenditures, approved by the division prior to April  
14 first, two thousand [sixteen] SEVENTEEN and completed prior to April  
15 first, two thousand [eighteen] NINETEEN, exceed the vendor track's cumu-  
16 lative capital award during the five year period ending April first, two  
17 thousand [sixteen] SEVENTEEN, the vendor shall continue to receive the  
18 capital award after April first, two thousand [sixteen] SEVENTEEN until  
19 such approved capital expenditures are paid to the vendor track subject  
20 to any required co-investment. In no event shall any vendor track that  
21 receives a vendor fee pursuant to clause (F) or (G) of this subparagraph  
22 be eligible for a vendor's capital award under this section. Any opera-  
23 tor of a vendor track which has received a vendor's capital award,  
24 choosing to divest the capital improvement toward which the award was  
25 applied, prior to the full depreciation of the capital improvement in  
26 accordance with generally accepted accounting principles, shall reim-  
27 burse the state in amounts equal to the total of any such awards. Any  
28 capital award not approved for a capital expenditure at a video lottery  
29 gaming facility by April first, two thousand [sixteen] SEVENTEEN shall  
30 be deposited into the state lottery fund for education aid; and  
31 S 2. This act shall take effect immediately.

32

## PART HH

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

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

40 S 2. Clause (G) of subparagraph (ii) of paragraph 1 of subdivision b  
41 of section 1612 of the tax law, as added by chapter 174 of the laws of  
42 2013, is amended to read as follows:

43 (G) Notwithstanding any provision to the contrary, when a vendor track  
44 is located within regions one, two, or five of development zone two as  
45 defined by section thirteen hundred ten of the racing, pari-mutuel  
46 wagering and breeding law, such vendor track shall receive an additional  
47 commission at a rate equal to the percentage of revenue wagered at the  
48 vendor track after payout for prizes pursuant to this chapter, WHICH  
49 PERCENTAGE SHALL BE ONE HUNDRED, less [ten percent] THE SUM OF THE  
50 PERCENTAGES OF NET REVENUE WAGERED AT THE VENDOR TRACK retained by the  
51 commission for operation, administration, and procurement purposes; and  
52 [payment of] the vendor's fee, marketing allowance[,] and capital award  
53 paid TO THE VENDOR TRACK pursuant to this chapter; and the effective tax  
54 rate paid on all gross gaming revenue paid by a gaming facility within

1 the same region pursuant to section thirteen hundred fifty-one of the  
2 racing, pari-mutuel wagering and breeding law, PROVIDED, HOWEVER, SUCH  
3 ADDITIONAL COMMISSION SHALL BE APPLIED TO REVENUE WAGERED AT THE VENDOR  
4 TRACK AFTER PAYOUT FOR PRIZES ONLY WHILE A GAMING FACILITY IN THE SAME  
5 REGION IS OPEN AND OPERATIONAL PURSUANT TO AN OPERATION CERTIFICATE  
6 ISSUED PURSUANT TO SECTION THIRTEEN HUNDRED THIRTY-ONE OF THE RACING,  
7 PARI-MUTUEL WAGERING AND BREEDING LAW. The additional commission SET  
8 FORTH IN THIS CLAUSE shall be paid to the vendor track within sixty days  
9 after the conclusion of the state fiscal year based on the calculated  
10 percentage during the previous fiscal year.

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

13

## PART II

14 Section 1. Subdivision 1 of section 491 of the tax law, as added by  
15 chapter 90 of the laws of 2014, is amended to read as follows:

16 1. Except in accordance with proper judicial order or as in this  
17 section or otherwise provided by law, it shall be unlawful for the  
18 commissioner, any officer or employee of the department, or any officer  
19 or person who, pursuant to this section, is permitted to inspect any  
20 return or report or to whom a copy, an abstract or a portion of any  
21 return or report is furnished, or to whom any information contained in  
22 any return or report is furnished, or any person engaged or retained by  
23 such department on an independent contract basis or any person who in  
24 any manner may acquire knowledge of the contents of a return or report  
25 filed pursuant to this article to divulge or make known in any manner  
26 the contents or any other information relating to the business of a  
27 distributor, owner or other person contained in any return or report  
28 required under this article. The officers charged with the custody of  
29 such returns or reports shall not be required to produce any of them or  
30 evidence of anything contained in them in any action or proceeding in  
31 any court, except on behalf of the state, the state department of  
32 health, or the commissioner in an action or proceeding under the  
33 provisions of this chapter or on behalf of the state or the commissioner  
34 in any other action or proceeding involving the collection of a tax due  
35 under this chapter to which the state or the commissioner is a party or  
36 a claimant or on behalf of any party to any action or proceeding under  
37 the provisions of this article, when the returns or the reports or the  
38 facts shown thereby are directly involved in such action or proceeding,  
39 or in an action or proceeding relating to the regulation or taxation of  
40 medical marihuana on behalf of officers to whom information shall have  
41 been supplied as provided in subdivision two of this section, in any of  
42 which events the court may require the production of, and may admit in  
43 evidence so much of said returns or reports or of the facts shown there-  
44 by as are pertinent to the action or proceeding and no more. Nothing  
45 herein shall be construed to prohibit the commissioner, in his or her  
46 discretion, from allowing the inspection or delivery of a certified copy  
47 of any return or report filed under this article or of any information  
48 contained in any such return or report by or to a duly authorized offi-  
49 cer or employee of the state department of health; or by or to the  
50 attorney general or other legal representatives of the state when an  
51 action shall have been recommended or commenced pursuant to this chapter  
52 in which such returns or reports or the facts shown thereby are directly  
53 involved; or the inspection of the returns or reports required under  
54 this article by the comptroller or duly designated officer or employee

1 of the state department of audit and control, for purposes of the audit  
2 of a refund of any tax paid by a registered organization or other person  
3 under this article; nor to prohibit the delivery to a registered organ-  
4 ization, or a duly authorized representative of such registered organ-  
5 ization, a certified copy of any return or report filed by such regis-  
6 tered organization pursuant to this article, nor to prohibit the  
7 publication of statistics so classified as to prevent the identification  
8 of particular returns or reports and the items thereof. THIS SECTION  
9 SHALL ALSO NOT BE CONSTRUED TO PROHIBIT THE DISCLOSURE, FOR TAX ADMINIS-  
10 TRATION PURPOSES, TO THE DIVISION OF THE BUDGET AND THE OFFICE OF THE  
11 STATE COMPTROLLER, OF INFORMATION AGGREGATED FROM THE RETURNS FILED BY  
12 ALL THE REGISTERED ORGANIZATIONS MAKING SALES OF, OR MANUFACTURING,  
13 MEDICAL MARIHUANA IN A SPECIFIED COUNTY, WHETHER THE NUMBER OF SUCH  
14 REGISTERED ORGANIZATIONS IS ONE OR MORE. PROVIDED FURTHER THAT, NOTWITH-  
15 STANDING THE PROVISIONS OF THIS SUBDIVISION, THE COMMISSIONER MAY, IN  
16 HIS OR HER DISCRETION, PERMIT THE PROPER OFFICER OF ANY COUNTY ENTITLED  
17 TO RECEIVE AN ALLOCATION, FOLLOWING APPROPRIATION BY THE LEGISLATURE,  
18 PURSUANT TO THIS ARTICLE AND SECTION EIGHTY-NINE-H OF THE STATE FINANCE  
19 LAW, OR THE AUTHORIZED REPRESENTATIVE OF SUCH OFFICER, TO INSPECT ANY  
20 RETURN FILED UNDER THIS ARTICLE, OR MAY FURNISH TO SUCH OFFICER OR THE  
21 OFFICER'S AUTHORIZED REPRESENTATIVE AN ABSTRACT OF ANY SUCH RETURN OR  
22 SUPPLY SUCH OFFICER OR SUCH REPRESENTATIVE WITH INFORMATION CONCERNING  
23 AN ITEM CONTAINED IN ANY SUCH RETURN, OR DISCLOSED BY ANY INVESTIGATION  
24 OF TAX LIABILITY UNDER THIS ARTICLE.

25 S 2. This act shall take effect immediately; provided, however, that  
26 the amendments to subdivision 1 of section 491 of the tax law made by  
27 section one of this act shall be deemed to have been in full force and  
28 effect on and after January 1, 2016, and shall not affect the repeal of  
29 such section and shall be deemed to be repealed therewith.

30

## PART JJ

31 Section 1. Subdivision 15 of section 425 of the real property tax law,  
32 as added by section 1 of part E of chapter 59 of the laws of 2015, is  
33 amended to read as follows:

34 15. Recoupment of exemptions by commissioner. (a) Generally. If the  
35 commissioner should determine, based upon data collected under the STAR  
36 registration program, that property improperly received the basic STAR  
37 exemption [on] IN THE CURRENT SCHOOL YEAR OR one or more of the three  
38 preceding [assessment rolls] SCHOOL YEARS, the commissioner shall treat  
39 the exemption as an improperly granted exemption and proceed in the  
40 manner provided by this subdivision; provided that final assessment  
41 rolls that were filed prior to April first, two thousand eleven shall  
42 not be subject to the provisions of this subdivision.

43 (b) Procedure. The tax savings attributable to each such improperly  
44 granted exemption shall be collected from the owners whose property  
45 improperly received the exemption for the applicable year, together with  
46 interest as specified in this subdivision, by utilizing any of the  
47 procedures for collection, levy, and lien of personal income tax set  
48 forth in article twenty-two of the tax law, any other relevant proce-  
49 dures referenced within the provisions of that article, and any other  
50 law as may be applicable, so far as practicable when recouping the  
51 exemption amount pursuant to this subdivision, except that:

52 (i) IN ORDER FOR THE RECOUPMENT PROCEDURE TO BE CONSIDERED TIMELY, THE  
53 NOTICE REQUIRED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH MUST BE MAILED NO  
54 LATER THAN THREE YEARS AFTER THE CONCLUSION OF THE SCHOOL YEAR FOR WHICH



1 THE EXEMPTION IN QUESTION WAS GRANTED, OR IN THE CASE OF AN EXEMPTION  
2 THAT WAS GRANTED FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN  
3 SCHOOL YEAR, NO LATER THAN SEPTEMBER THIRTIETH, TWO THOUSAND SIXTEEN;

4 (II) prior to directing that an improperly granted exemption be  
5 recouped pursuant to this subdivision, the commissioner shall provide  
6 the owners with notice and an opportunity to show the commissioner that  
7 the exemption was properly granted. If the owners fail to respond to  
8 such notice within forty-five days from the mailing thereof, or if their  
9 response does not show to the commissioner's satisfaction that the  
10 eligibility requirements were in fact satisfied, the commissioner shall  
11 proceed with the recoupment of the improperly granted exemption in  
12 accordance with the provisions of this subdivision; and

13 [(ii)] (III) notwithstanding the provisions of paragraph (b) of subdi-  
14 vision six of this section, neither an assessor nor a board of assess-  
15 ment review has the authority to consider an objection to the recoupment  
16 of an exemption pursuant to this subdivision, nor may such an action be  
17 reviewed in a proceeding to review an assessment pursuant to title one  
18 or one-A of article seven of this chapter. Such an action may only be  
19 challenged before the department. If an owner is dissatisfied with the  
20 department's final determination, the owner may appeal that determi-  
21 nation to the board in a form and manner to be prescribed by the commis-  
22 sioner. Such appeal shall be filed within forty-five days from the issu-  
23 ance of the department's final determination. If dissatisfied with the  
24 board's determination, the owner may seek judicial review thereof pursu-  
25 ant to article seventy-eight of the civil practice law and rules. The  
26 owner shall otherwise have no right to challenge such final determi-  
27 nation in a court action, administrative proceeding, including but not  
28 limited to an administrative proceeding pursuant to article forty of the  
29 tax law, or any other form of legal recourse against the commissioner,  
30 the department, the board, the assessor, or any other person, state  
31 agency, or local government.

32 (c) The amount to be recouped for each improperly received exemption  
33 shall have interest added at the rate prescribed by section nine hundred  
34 twenty-four-a of this chapter or such other law as may be applicable for  
35 each month or portion thereof since the levy of school taxes upon such  
36 assessment roll.

37 (d) In the event that a revocation of prior exemption pursuant to  
38 subdivision twelve of this section or a voluntary renunciation of the  
39 STAR exemption pursuant to section four hundred ninety-six of this  
40 [chapter] ARTICLE has occurred, the provisions of this subdivision shall  
41 not be applicable to the exemptions so revoked or voluntarily renounced.

42 S 2. This act shall take effect immediately.

43 PART KK

44 Section 1. Paragraphs a and b of subdivision 1 of section 502 of the  
45 tax law, paragraph a as amended by section 1 of part E of chapter 60 of  
46 the laws of 2007, and paragraph b as amended by section 1 of part T-1 of  
47 chapter 57 of the laws of 2009, are amended to read as follows:

48 a. Each carrier shall apply to the commissioner for a certificate of  
49 registration for each motor vehicle operated or to be operated by [him]  
50 SUCH CARRIER on the public highways in this state. Application shall be  
51 made upon a form prescribed by such commissioner and shall set forth the  
52 gross and unloaded weight of each motor vehicle, license plate informa-  
53 tion for each motor vehicle and such other information as the commis-  
54 sioner may require. Such weights shall be subject to audit and approval

1 by the commissioner. [The application shall be accompanied by a fee of  
2 fifteen dollars for each motor vehicle listed in the application.] The  
3 commissioner shall issue [without further charge] a certificate of  
4 registration for each motor vehicle or a consolidated certificate of  
5 registration for all or any portion of such vehicles of such carrier  
6 which shall contain such information and be in such form as the commis-  
7 sioner shall prescribe. In the case of the loss, mutilation or  
8 destruction of a certificate of registration, the commissioner shall  
9 issue a duplicate thereof [upon payment of a fee of two dollars]. Any  
10 such certificate of registration shall not be transferable, except as  
11 hereinafter provided, and shall be valid until revoked, suspended or  
12 surrendered. Such certificate of registration shall be maintained in the  
13 carrier's regular place of business. In the event of an increase in the  
14 gross or unloaded weight of any motor vehicle subject to this article,  
15 application for a corrected certificate of registration shall be made  
16 upon a form prescribed by such commissioner setting forth the previous  
17 gross or unloaded weight, the new gross or unloaded weight and such  
18 other information as the commissioner may require. In the event of a  
19 decrease in the gross or unloaded weight of any motor vehicle subject to  
20 this article, application may be made for a corrected certificate of  
21 registration in a similar manner, provided that any such application on  
22 the basis of a decrease in the gross or unloaded weight of any motor  
23 vehicle may be made only during the month of January. In the event of a  
24 decrease in the gross or unloaded weight of any motor vehicle subject to  
25 this article, an application to cancel a certificate of registration on  
26 the basis of such decrease may be made during any month. The corrected  
27 gross or unloaded weight shall be subject to audit and approval by the  
28 commissioner. In the event of a change to the license plate information  
29 of any motor vehicle subject to this article, an application for a  
30 corrected certificate of registration shall be made upon a form  
31 prescribed by the commissioner setting forth the previous license plate  
32 information, the new license plate information and such other informa-  
33 tion as the commissioner may require. Upon surrendering the certificate  
34 of registration previously issued, the commissioner shall[, without  
35 further charge,] issue a corrected certificate of registration.

36 b. Every automotive fuel carrier shall apply to the commissioner for a  
37 special certificate of registration, in place of the certificate of  
38 registration described in paragraph a of this subdivision, for each  
39 motor vehicle operated or to be operated by [him] SUCH CARRIER on the  
40 public highways in this state to transport automotive fuel. Provided,  
41 however, a special certificate of registration shall not be required  
42 under this paragraph for a tractor or other self-propelled device which,  
43 except with respect to the fuel in the ordinary fuel tank intended for  
44 its propulsion, transports automotive fuel solely by means of a trailer,  
45 dolly or other device drawn by such tractor or other self-propelled  
46 device if a certificate of registration prescribed by paragraph a of  
47 this subdivision has been issued for the self-propelled device. Applica-  
48 tion shall be made upon an application form prescribed by the commis-  
49 sioner. [The application shall be accompanied by a fee of fifteen  
50 dollars for each trailer, semi-trailer, dolly or other device listed in  
51 the application.] The commissioner shall issue [without further charge]  
52 such special certificate of registration for each motor vehicle listed  
53 in the application or a consolidated certificate of registration for all  
54 or any portion of such vehicles of such carrier. All of the provisions  
55 of this article with respect to certificates of registration shall be  
56 applicable to the special certificates of registration issued to automo-

1 tive fuel carriers under this paragraph as if those provisions had been  
2 set forth in full in this paragraph and expressly referred to the  
3 special certificates of registration required by this paragraph except  
4 to the extent that any such provision is either inconsistent with a  
5 provision of this paragraph or not relevant to the certificates of  
6 registration required by this paragraph. Any certificate of registration  
7 shall not be transferable, and shall be valid until revoked, suspended  
8 or surrendered. Such special certificate of registration shall be main-  
9 tained in the carrier's regular place of business. Nothing contained in  
10 this paragraph shall in any way exempt an automotive fuel carrier from  
11 payment of the taxes imposed pursuant to this article.

12 S 2. Paragraphs a and b of subdivision 6 of section 502 of the tax  
13 law, as added by section 1 of part K-1 of chapter 57 of the laws of  
14 2009, are amended to read as follows:

15 a. The commissioner may require the use of decals as evidence that a  
16 carrier has a valid certificate of registration for each motor vehicle  
17 operated or to be operated on the public highways of this state as  
18 required by paragraph a of subdivision one of this section. If the  
19 commissioner requires the use of decals, the commissioner shall issue  
20 for each motor vehicle with a valid certificate of registration a decal  
21 that shall be of a size and design and containing such information as  
22 the commissioner prescribes. [The fee for any decal issued pursuant to  
23 this paragraph is four dollars.] In the case of the loss, mutilation, or  
24 destruction of a decal, the commissioner shall issue a new decal upon  
25 proof of the facts [and payment of four dollars]. The decal shall be  
26 firmly and conspicuously affixed upon the motor vehicle for which it is  
27 issued as closely as practical to the registration or license plates and  
28 at all times be visible and legible. No decal is transferable. A decal  
29 shall be valid until it expires or is revoked, suspended, or surren-  
30 dered.

31 b. The commissioner may require the use of special decals as evidence  
32 that an automotive fuel carrier has a valid special certificate of  
33 registration for each motor vehicle operated or to be operated on the  
34 public highways of this state to transport automotive fuel as required  
35 by paragraph b of subdivision one of this section. If the commissioner  
36 requires the use of special decals, the commissioner shall issue for  
37 each motor vehicle with a valid special certificate of registration a  
38 special decal that shall be distinctively colored and of a size and  
39 design and containing such information as the commissioner prescribes.  
40 [The fee for any special decal issued pursuant to this paragraph is four  
41 dollars.] In the case of the loss, mutilation, or destruction of a  
42 special decal, the commissioner shall issue a new special decal upon  
43 proof of the facts [and payment of four dollars]. The special decal  
44 shall be firmly and conspicuously affixed upon the motor vehicle for  
45 which it is issued pursuant to the rules and regulations prescribed by  
46 the commissioner to enable the easy identification of the automotive  
47 fuel carrier certificate of registration number and at all times be  
48 visible and legible. No special decal is transferable and shall be valid  
49 until it expires or is revoked, suspended, or surrendered.

50 S 3. The tax law is amended by adding a new section 502-a to read as  
51 follows:

52 S 502-A. CERTIFICATE OF REGISTRATION AND DECAL FEES. THE APPLICATION  
53 FOR A CERTIFICATE OF REGISTRATION AND DECAL DESCRIBED IN PARAGRAPH A OF  
54 SUBDIVISION ONE AND PARAGRAPH A OF SUBDIVISION SIX OF SECTION FIVE  
55 HUNDRED TWO OF THIS ARTICLE, OR A SPECIAL CERTIFICATE OF REGISTRATION  
56 AND SPECIAL DECAL AS DESCRIBED IN PARAGRAPH B OF SUBDIVISION ONE AND

1 PARAGRAPH B OF SUBDIVISION SIX OF SUCH SECTION, SHALL BE ACCOMPANIED BY  
2 A FEE OF ONE DOLLAR AND FIFTY CENTS. IN THE CASE OF THE LOSS, MUTILA-  
3 TION OR DESTRUCTION OF ANY SUCH DOCUMENTS, THE COMMISSIONER SHALL ISSUE  
4 A DUPLICATE SET THEREOF UPON PAYMENT OF A FEE OF ONE DOLLAR AND FIFTY  
5 CENTS. PROVIDED, HOWEVER, THERE SHALL BE NO ADDITIONAL CHARGE FOR THE  
6 ISSUANCE OF A CORRECTED CERTIFICATE OF REGISTRATION PURSUANT TO PARA-  
7 GRAPH A OF SUBDIVISION ONE OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE.

8 S 4. Subdivision 8 of section 509 of the tax law, as separately  
9 amended by section 3 of part K-1 and section 2 of part T-1 of chapter 57  
10 of the laws of 2009, is amended to read as follows:

11 8. To issue replacement certificates of registration or decals at such  
12 times as the commissioner may deem necessary for the proper and effi-  
13 cient enforcement of the provisions of this article, but not more often  
14 than once every year and to require the surrender of the then outstand-  
15 ing certificates of registration and decals. All of the provisions of  
16 this article with respect to certificates of registration and decals  
17 shall be applicable to replacement certificates of registration and  
18 decals issued hereunder, except that the replacement certificate of  
19 registration or decal shall be issued upon payment of a fee of [fifteen  
20 dollars] ONE DOLLAR AND FIFTY CENTS for each motor vehicle and for any  
21 trailer, semi-trailer, dolly or other device drawn thereby for which a  
22 certificate of registration or decal is required to be issued under this  
23 article;

24 S 5. Section 515 of the tax law, as added by chapter 329 of the laws  
25 of 1991, is amended to read as follows:

26 S 515. Disposition of revenues. All taxes, interest, penalties and  
27 fees collected or received pursuant to this article shall be deposited  
28 daily in one account with such responsible banks, banking houses or  
29 trust companies as may be designated by the comptroller, and to the  
30 credit of the comptroller on account of the dedicated highway and bridge  
31 trust fund established pursuant to section eighty-nine-b of the state  
32 finance law. Such an account may be established in one or more of such  
33 depositories and such deposits shall be kept separate and apart from all  
34 other moneys in the possession of the comptroller. The comptroller shall  
35 require adequate security from all such depositories.

36 Of the revenues so deposited, the comptroller shall retain in his  
37 hands such amount as the commissioner of taxation and finance may deter-  
38 mine to be necessary for refunds or reimbursements of the taxes  
39 collected or received pursuant to this article to which taxpayers shall  
40 be entitled under the provisions of this article, out of which amount  
41 the comptroller shall pay any refunds or reimbursements of the taxes  
42 collected or received pursuant to this article to which taxpayers shall  
43 be entitled under such provisions. The comptroller, after reserving the  
44 amount to pay such refunds or reimbursements, shall, on or before the  
45 last day of each month, pay the balance of the revenue so deposited  
46 during such month into the dedicated highway and bridge trust fund  
47 established pursuant to section eighty-nine-b of the state finance law.

48 NOTWITHSTANDING THE FOREGOING OR ANY OTHER LAW TO THE CONTRARY, THE  
49 COMPTROLLER SHALL DEPOSIT ALL MONIES COLLECTED ON ACCOUNT OF THE REGIS-  
50 TRATION FEES IMPOSED PURSUANT TO SECTION FIVE HUNDRED TWO-A AND SUBDIVI-  
51 SION EIGHT OF SECTION FIVE HUNDRED NINE OF THIS ARTICLE INTO THE HIGHWAY  
52 USE TAX ADMINISTRATION ACCOUNT ESTABLISHED PURSUANT TO SECTION  
53 NINETY-NINE-Y OF THE STATE FINANCE LAW. THE MONIES DEPOSITED IN SUCH  
54 ACCOUNT SHALL BE AVAILABLE TO THE COMMISSIONER FOR THE COSTS OF ISSUING  
55 THE CERTIFICATES OF REGISTRATION AND HIGHWAY USE TAX DECALS REQUIRED BY  
56 THIS ARTICLE AND FOR ANY OTHER COSTS OF ADMINISTERING THE PROVISIONS OF

1 SECTIONS FIVE HUNDRED TWO, FIVE HUNDRED TWO-A AND FIVE HUNDRED NINE OF  
2 THIS ARTICLE. ANY MONEYS NOT USED IN A GIVEN YEAR SHALL BE RETURNED TO  
3 SUCH ACCOUNT AND BE ADDED TO THE TOTAL FUNDS AVAILABLE FOR DISBURSEMENT  
4 IN THE SUCCEEDING YEAR.

5 S 6. The state finance law is amended by adding a new section 99-y to  
6 read as follows:

7 S 99-Y. HIGHWAY USE TAX ADMINISTRATION ACCOUNT. 1. THERE IS HEREBY  
8 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE  
9 COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE A SPECIAL ACCOUNT  
10 TO BE KNOWN AS THE "HIGHWAY USE TAX ADMINISTRATION ACCOUNT".

11 2. THE HIGHWAY USE TAX ADMINISTRATION ACCOUNT SHALL CONSIST OF ALL  
12 MONIES COLLECTED FROM THE HIGHWAY USE TAX REGISTRATION AND DECAL FEES  
13 COLLECTED PURSUANT TO SECTIONS FIVE HUNDRED TWO-A AND FIVE HUNDRED NINE  
14 OF THE TAX LAW, AND ANY OTHER MONIES DEPOSITED INTO THE ACCOUNT PURSUANT  
15 TO LAW.

16 3. MONIES OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE,  
17 SHALL BE USED FOR THE COSTS OF THE COMMISSIONER OF TAXATION AND FINANCE  
18 IN ADMINISTERING SECTIONS FIVE HUNDRED TWO, FIVE HUNDRED TWO-A AND FIVE  
19 HUNDRED NINE OF THE TAX LAW, AND EXPENDED FOR THE PURPOSES SET FORTH IN  
20 SECTION FIVE HUNDRED FIFTEEN OF THE TAX LAW.

21 S 7. This act shall take effect immediately.

22

#### PART LL

23 Section 1. Paragraph (b) of subdivision 9 of section 210-B of the tax  
24 law, as added by section 17 of part A of chapter 59 of the laws of 2014,  
25 is amended to read as follows:

26 (b) Carryover OR REFUND. In no event shall the credit herein provided  
27 for be allowed in an amount which will reduce the tax payable to less  
28 than the fixed dollar minimum amount prescribed in paragraph (d) of  
29 subdivision one of section two hundred ten of this article. If, however,  
30 the amount of credit allowable under this subdivision for any taxable  
31 year, including any credit carried over from a prior taxable year,  
32 reduces the tax to such amount or if the taxpayer otherwise pays tax  
33 based on the fixed dollar minimum amount, any amount of credit not  
34 deductible in such taxable year may be carried over to the following  
35 year or years and may be deducted from the taxpayer's tax for such year  
36 or years. IN LIEU OF CARRYING OVER TO THE FOLLOWING YEAR OR YEARS, THE  
37 UNUSED PORTION OF CREDITS ATTRIBUTABLE TO THE SPECIAL ADDITIONAL MORT-  
38 GAGE RECORDING TAX PAID BY THE TAXPAYER AS MORTGAGEE WITH RESPECT TO  
39 MORTGAGES OF REAL PROPERTY PRINCIPALLY IMPROVED OR TO BE IMPROVED BY ONE  
40 OR MORE STRUCTURES CONTAINING IN THE AGGREGATE NOT MORE THAN SIX RESI-  
41 DENTIAL DWELLING UNITS, EACH DWELLING UNIT HAVING ITS OWN SEPARATE COOK-  
42 ING FACILITIES, SUCH TAXPAYER MAY ELECT TO TREAT SUCH UNUSED PORTION AS  
43 AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE  
44 PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER, EXCEPT  
45 THAT NO INTEREST SHALL BE PAID ON SUCH OVERPAYMENT.

46 S 2. This act shall take effect immediately and shall be deemed to  
47 have been in full force and effect on the same date and in the same  
48 manner as part A of chapter 59 of the laws of 2014, took effect.

49

#### PART MM

50 Section 1. Subparagraph 2 of paragraph (b) of subdivision 43 of  
51 section 210-B of the tax law, as added by section 17 of part A of chap-  
52 ter 59 of the laws of 2014, is amended to read as follows:

1 (2) In addition, the term real property tax includes taxes paid by the  
2 taxpayer upon real property principally used during the taxable year by  
3 the taxpayer in manufacturing where the taxpayer leases such real prop-  
4 erty from an unrelated third party if the following conditions are  
5 satisfied: (i) the tax must be paid by the taxpayer as lessee pursuant  
6 to explicit requirements in a written lease, and (ii) the taxpayer as  
7 lessee has paid such taxes directly to the taxing authority and has  
8 received a written receipt for payment of taxes from the taxing authori-  
9 ty. In the case of a combined group that constitutes a qualified New  
10 York manufacturer, the conditions in the preceding sentence are satis-  
11 fied if one corporation in the combined group is the lessee and another  
12 corporation in the combined group makes the payments to the taxing  
13 authority. IN THE CASE OF A TAXPAYER THAT, DURING THE TAXABLE YEAR, IS  
14 PRINCIPALLY ENGAGED IN THE PRODUCTION OF GOODS BY FARMING, AGRICULTURE,  
15 HORTICULTURE, FLORICULTURE, VITICULTURE, OR COMMERCIAL FISHING, THE  
16 TAXPAYER IS ELIGIBLE IF THE TAXPAYER SATISFIES THE CONDITIONS STIPULATED  
17 IN THIS SUBDIVISION AND THE TAXPAYER LEASES SUCH REAL PROPERTY FROM A  
18 RELATED OR UNRELATED PARTY.

19 S 2. This act shall take effect immediately.

20

PART NN

21 Section 1. Items (I) and (III) of the subclause (ii) of clause (B) of  
22 subparagraph 1 of paragraph (r) of subdivision 9 of section 208 of the  
23 tax law, as amended by section 6 of part T of chapter 59 of the laws of  
24 2015, are amended to read as follows:

25 (I) Total assets are those assets that are properly reflected on a  
26 balance sheet, computed in the same manner as is required by the banking  
27 regulator of the taxpayers included in the combined return. IN ADDITION,  
28 TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY  
29 REFLECTED ON A BALANCE SHEET.

30 (III) Tangible real and personal property, such as buildings, land,  
31 machinery, and equipment shall be valued at cost. Leased [assets] REAL  
32 PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET will be  
33 valued at the annual lease payment multiplied by eight. Intangible prop-  
34 erty, such as loans and investments, shall be valued at book value  
35 exclusive of reserves.

36 S 2. Items (I) and (III) of subclause (ii) of clause (B) of subpara-  
37 graph 3 of paragraph (s) of subdivision 9 of section 208 of the tax law,  
38 as added by section 4 of part A of chapter 59 of the laws of 2014, are  
39 amended to read as follows:

40 (I) Total assets are those assets that are properly reflected on a  
41 balance sheet, computed in the same manner as is required by the banking  
42 regulator of the taxpayers included in the combined return. IN ADDITION,  
43 TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY  
44 REFLECTED ON A BALANCE SHEET.

45 (III) Tangible real and personal property, such as buildings, land,  
46 machinery, and equipment shall be valued at cost. Leased [assets] REAL  
47 PROPERTY THAT IS NOT PROPERLY REFLECTED ON THAT BALANCE SHEET will be  
48 valued at the annual lease payment multiplied by eight. Intangible prop-  
49 erty, such as loans and investments, shall be valued at book value  
50 exclusive of reserves.

51 S 3. Items (I) and (III) of subclause (B) of clause (ii) of subpara-  
52 graph 3 of paragraph (q) of subdivision 8 of section 11-652 of the  
53 administrative code of the city of New York, as added by section 1 of

1 part D of chapter 60 of the laws of 2015, are amended to read as  
2 follows:

3 (I) Total assets are those assets that are properly reflected on a  
4 balance sheet, computed in the same manner as is required by the banking  
5 regulator of the taxpayers included in the combined return. IN ADDITION,  
6 TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY  
7 REFLECTED ON A BALANCE SHEET.

8 (III) Tangible real and personal property, such as buildings, land,  
9 machinery, and equipment, shall be valued at cost. Leased [assets] REAL  
10 PROPERTY THAT IS NOT PROPERLY REFLECTED ON THE BALANCE SHEET will be  
11 valued at the annual lease payment multiplied by eight. Intangible prop-  
12 erty, such as loans and investments, shall be valued at book value  
13 exclusive of reserves.

14 S 4. Items (I) and (III) of subclause (B) of clause (ii) of subpara-  
15 graph 1 of paragraph (s) of subdivision 8 of section 11-652 of the  
16 administrative code of the city of New York, as added by section 1 of  
17 part D of chapter 60 of the laws of 2015, are amended to read as  
18 follows:

19 (I) Total assets are those assets that are properly reflected on a  
20 balance sheet, computed in the same manner as is required by the banking  
21 regulator of the taxpayers included in the combined return. IN ADDITION,  
22 TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS NOT PROPERLY  
23 REFLECTED ON A BALANCE SHEET.

24 (III) Tangible real and personal property, such as buildings, land,  
25 machinery, and equipment shall be valued at cost. Leased [assets] REAL  
26 PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET will be  
27 valued at the annual lease payment multiplied by eight. Intangible prop-  
28 erty, such as loans and investments, shall be valued at book value  
29 exclusive of reserves.

30 S 5. Items (I) and (III) of subclause (C) of clause (ii) of subpara-  
31 graph 2 of paragraph (t) of subdivision 8 of section 11-652 of the  
32 administrative code of the city of New York, as added by section 1 of  
33 part D of chapter 60 of the laws of 2015, are amended to read as  
34 follows:

35 (I) Total assets are those assets that are properly reflected on a  
36 balance sheet, computed in the same manner as is required by the banking  
37 regulator, if applicable, of the taxpayers included in the combined  
38 return. IN ADDITION, TOTAL ASSETS INCLUDES LEASED REAL PROPERTY THAT IS  
39 NOT PROPERLY REFLECTED ON A BALANCE SHEET.

40 (III) Tangible real and personal property, such as buildings, land,  
41 machinery, and equipment, shall be valued at cost. Leased [assets] REAL  
42 PROPERTY THAT IS NOT PROPERLY REFLECTED ON A BALANCE SHEET will be  
43 valued at the annual lease payment multiplied by eight. Intangible prop-  
44 erty, such as loans and investments, shall be valued at book value  
45 exclusive of reserves.

46 S 6. This act shall take effect immediately, provided that sections  
47 one and two of this act shall be deemed to have been in full force and  
48 effect on the same date and in the same manner as part A of chapter 59  
49 of the laws of 2014 took effect, and sections three, four and five of  
50 this act shall be deemed to have been in full force and effect on the  
51 same date and in the same manner as part D of chapter 60 of the laws of  
52 2015 took effect.

1 Section 1. Section 221-a of the racing, pari-mutuel wagering and  
2 breeding law, as added by section 3 of part 00 of chapter 59 of the laws  
3 of 2014, is amended to read as follows:

4 S 221-a. Health insurance for jockeys. 1. A franchised corporation  
5 shall, as a condition of racing, establish a program to administer the  
6 purchase of health insurance for eligible jockeys.

7 Such program shall be funded through the deposit of one and one-half  
8 percent of the gross purse enhancement amount from video lottery gaming  
9 at a thoroughbred track pursuant to paragraph two of subdivision b and  
10 paragraph one of subdivision f of section sixteen hundred twelve of the  
11 tax law. The franchised corporation shall establish a segregated account  
12 for the receipt of these monies and these monies shall remain separate  
13 from any other funds. Any corporation or association licensed pursuant  
14 to this article shall pay into such account any amount due within ten  
15 days of the receipt of revenue pursuant to section sixteen hundred  
16 twelve of the tax law. Any portion of such funding to the account unused  
17 during a calendar year, less an amount sufficient to cover anticipated  
18 premium liabilities over the next sixty days, shall be returned on a pro  
19 rata basis in accordance with the amounts originally contributed and  
20 shall be used for the purpose of enhancing purses at such tracks.  
21 Provided, however, if a corporation or association licensed pursuant to  
22 this article provides an alternative source of funding for this program,  
23 an amount equal to this alternative funding, but not in excess of the  
24 amount originally contributed during the year from the gross purse  
25 enhancement amount from video lottery gaming attributable to such corpo-  
26 ration or association, shall be returned to the corporation or associ-  
27 ation and used for the purpose of enhancing purses at such track.  
28 Provided, further, any such alternative source of funding must be  
29 approved by the gaming commission.

30 2. The franchised corporation shall enter into a memorandum of under-  
31 standing with the jockey's organization that represents at least fifty-  
32 one percent of eligible active jockeys establishing a plan of operation  
33 for the program, provided that such memorandum of understanding shall be  
34 approved by the gaming commission UPON A DETERMINATION THAT SUCH MEMO-  
35 RANDUM OF UNDERSTANDING MEETS THE STATUTORY REQUIREMENTS OF THIS SECTION  
36 AND IS IN THE BEST INTEREST OF RACING and SHALL include, but not be  
37 limited to, the following conditions:

38 a. health insurance policies must be purchased on an American health  
39 benefit exchange established pursuant to 42 U.S.C. S 18031(b) by the  
40 insured;

41 b. health insurance policies eligible to be purchased under the  
42 program shall be any policy that is silver level of coverage or lower as  
43 defined by 42 U.S.C.S18022(d). Provided, however, the insured may elect  
44 to purchase a gold level or platinum level of coverage as defined by 42  
45 U.S.C. S 18022(d) if the insured pays the difference in premiums between  
46 such policy and the premium for the silver level policy offered by the  
47 same insurer. Such payments shall be paid into the account established  
48 in subdivision one of this section and shall be governed by the terms of  
49 the memorandum of understanding required by this section;

50 C. NOTWITHSTANDING THE CONDITIONS SET FORTH IN PARAGRAPHS A AND B OF  
51 THIS SUBDIVISION, A MEMORANDUM OF UNDERSTANDING WITH THE JOCKEYS ORGAN-  
52 IZATION THAT REPRESENTS AT LEAST FIFTY-ONE PERCENT OF THE ELIGIBLE  
53 ACTIVE JOCKEYS MAY BE APPROVED BY THE COMMISSION UPON A DETERMINATION  
54 THAT SUCH MEMORANDUM OF UNDERSTANDING IS IN THE BEST INTEREST OF RACING  
55 THAT CREATES A JOCKEYS HEALTH TRUST TO BE ADMINISTERED BY THE FRANCHISED  
56 CORPORATION FOR THE PURPOSE OF OBTAINING JOCKEY HEALTH BENEFITS FROM A



1 HEALTH INSURANCE PROVIDER THAT COVERS JOCKEYS AND THEIR DEPENDENTS WITH  
2 A HEALTH INSURANCE POLICY THAT IS NOT PURCHASED ON AN AMERICAN HEALTH  
3 BENEFIT EXCHANGE ESTABLISHED PURSUANT TO 42 U.S.C. S 18031(B) BUT DOES  
4 PROVIDE SILVER LEVEL COVERAGE OR LOWER AS DEFINED BY 42 U.S.C. S  
5 18022(D);

6 [c.]D. the payment of premiums PURSUANT TO THIS SECTION shall be made  
7 on behalf of eligible jockeys pursuant to paragraph [d] E of this subdivi-  
8 sion by the franchised corporation from monies in the account estab-  
9 lished in subdivision one of this section directly to the health plan  
10 selected pursuant to paragraph b OR C of this subdivision;

11 [d.]E. to be eligible to receive health insurance through this  
12 program, an individual must meet one of the following requirements:

13 (i) have ridden in at least two hundred fifty races conducted by the  
14 franchised corporation during the prior calendar year or in at least one  
15 hundred fifty races conducted by any other corporation or association  
16 licensed pursuant to this article during the prior calendar year;  
17 provided, however, if an individual qualified for coverage in any prior  
18 year and fails to meet the qualification due to an injury not resulting  
19 in a permanent disability, that individual shall be deemed to have met  
20 the qualification; or

21 (ii) have retired from racing on or after January first, two thousand  
22 ten after having ridden in at least seventy-five hundred races conducted  
23 by any corporation or association licensed pursuant to this article. For  
24 the purposes of this section, an individual shall be considered retired  
25 from racing if they have ridden in fewer than fifty races at any track  
26 in the nation licensed to conduct thoroughbred racing during the calen-  
27 dar year; or

28 (iii) have become permanently disabled due to a racing accident while  
29 eligible to receive benefits or would become eligible to receive bene-  
30 fits in the following year pursuant to subparagraph (i) of this para-  
31 graph; provided, however, if an individual fails to meet the qualifica-  
32 tion of such subparagraph (i) due to an injury resulting in a permanent  
33 disability, that individual shall be deemed to have met the qualifica-  
34 tion; and

35 [e.]F. the gaming commission shall have the following powers:

36 (i) to rule on eligibility in the event of a denial of coverage pursu-  
37 ant to paragraph [d] E of this subdivision. In the event of a denial of  
38 coverage, such individual denied eligibility may appeal to the gaming  
39 commission;

40 (ii) to make a determination if an individual would have qualified  
41 pursuant to subparagraph (i) of paragraph [d] E of this subdivision in  
42 the event that the individual suffers an injury and contends that he or  
43 she would have qualified had they not suffered such injury; and

44 (iii) to audit the books and records of the program.

45 S 2. This act shall take effect immediately.

46

#### PART PP

47 Section 1. The opening paragraph of subdivision 7 of section 221 of  
48 the racing, pari-mutuel wagering and breeding law, as amended by section  
49 1 of part VV of chapter 59 of the laws of 2015, is amended to read as  
50 follows:

51 In order to pay the costs of the insurance required by this section  
52 and by the workers' compensation law and to carry out its other powers  
53 and duties and to pay for any of its liabilities under section four-  
54 teen-a of the workers' compensation law, the New York Jockey Injury

1 Compensation Fund, Inc. shall ascertain the total funding necessary and  
2 establish the sums that are to be paid by all owners and trainers  
3 licensed or required to be licensed under section two hundred twenty of  
4 this article, to obtain the total funding amount required annually. In  
5 order to provide that any sum required to be paid by an owner or trainer  
6 is equitable, the fund shall establish payment schedules which reflect  
7 such factors as are appropriate, including where applicable, the  
8 geographic location of the racing corporation at which the owner or  
9 trainer participates, the duration of such participation, the amount of  
10 any purse earnings, the number of horses involved, or such other factors  
11 as the fund shall determine to be fair, equitable and in the best inter-  
12 ests of racing. In no event shall the amount deducted from an owner's  
13 share of purses exceed two per centum; PROVIDED, HOWEVER, FOR TWO THOU-  
14 SAND SIXTEEN THE NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. MAY USE  
15 UP TO TWO MILLION DOLLARS FROM THE ACCOUNT ESTABLISHED PURSUANT TO  
16 SUBDIVISION NINE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE TO PAY THE  
17 ANNUAL COSTS REQUIRED BY THIS SECTION AND THE FUNDS FROM SUCH ACCOUNT  
18 SHALL NOT COUNT AGAINST THE TWO PER CENTUM OF PURSES DEDUCTED FROM AN  
19 OWNER'S SHARE OF PURSES. The amount deducted from an owner's share of  
20 purses shall not exceed one per centum after April first, two thousand  
21 seventeen. In the cases of multiple ownerships and limited racing  
22 appearances, the fund shall equitably adjust the sum required.

23 S 2. Paragraph (a) of subdivision 9 of section 208 of the racing,  
24 pari-mutuel wagering and breeding law, as added by chapter 18 of the  
25 laws of 2008, is amended to read as follows:

26 (a) The franchised corporation shall maintain a separate account for  
27 all funds held on deposit in trust by the corporation for individual  
28 horsemen's accounts. Purse funds shall be paid by the corporation as  
29 required to meet its purse payment obligations. Funds held in horsemen's  
30 accounts shall only be released or applied as requested and directed by  
31 the individual horseman. FOR TWO THOUSAND SIXTEEN THE NEW YORK JOCKEY  
32 INJURY COMPENSATION FUND, INC. MAY USE UP TO TWO MILLION DOLLARS FROM  
33 THE ACCOUNT ESTABLISHED PURSUANT TO THIS SUBDIVISION TO PAY THE ANNUAL  
34 COSTS REQUIRED BY SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE.

35 S 3. This act shall take effect immediately.

36

#### PART QQ

37 Section 1. Subdivision 4 of section 400 of the economic development  
38 law is amended by adding a new paragraph (e) to read as follows:

39 (E) PROVIDED, HOWEVER THAT THE REQUIREMENT IN PARAGRAPH (A) OF THIS  
40 SUBDIVISION THAT THE PARTICIPANT BE A NEW BUSINESS SHALL NOT APPLY TO A  
41 CLOSED FACILITY AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION ELEVEN OF  
42 THIS SECTION.

43 S 2. Subdivision 10 of section 400 of the economic development law is  
44 amended by adding a new paragraph (d) to read as follows:

45 (D) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, WITH RESPECT TO  
46 A CLOSED FACILITY DESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ELEVEN OF  
47 THIS SECTION, THE ECONOMIC TRANSFORMATION AREA SHALL CONSIST ONLY OF THE  
48 ACREAGE OF THE CLOSED FACILITY.

49 S 3. Subdivision 11 of section 400 of the economic development law, as  
50 added by section 2 of part V of chapter 61 of the laws of 2011, is  
51 amended to read as follows:

52 11. "Closed facility" means:

53 (a) a correctional facility, as defined in paragraph (a) of subdivi-  
54 sion four of section two of the correction law, that has been selected

1 by the governor of the state of New York for closure after April first,  
2 two thousand eleven but no later than March thirty-first, two thousand  
3 twelve; or

4 (b) a facility operated by the office of children and family services  
5 under article nineteen-G of the executive law that is closed pursuant to  
6 authority granted to such office in a chapter of the laws of two thou-  
7 sand eleven; [and] OR

8 (c) which has been closed provided that the commissioner of correc-  
9 tional services or the commissioner of the office of children and family  
10 services has notified the commissioner of such closure[.]; OR

11 (D) A FACILITY PREVIOUSLY OWNED BY THE STATE, AND WHEN OPERATED, WAS  
12 OPERATED AS A PSYCHIATRIC FACILITY PURSUANT TO SECTION 7.17 OF THE  
13 MENTAL HYGIENE LAW, AND LOCATED WITHIN THE METROPOLITAN COMMUTER TRANS-  
14 PORTATION DISTRICT BUT OUTSIDE NEW YORK CITY.

15 S 4. Subdivision 1 of section 402 of the economic development law, as  
16 added by section 2 of part V of chapter 61 of the laws of 2011, is  
17 amended to read as follows:

18 1. A business entity must submit a completed application as prescribed  
19 by the commissioner by the later of (a) the date that is three years  
20 after the date of the closure of the closed facility located in the  
21 economic transformation area in which the business entity would operate  
22 or (b) January first, two thousand fifteen. PROVIDED HOWEVER, IN THE  
23 CASE OF A CLOSED FACILITY DESCRIBED IN PARAGRAPH (D) OF SUBDIVISION  
24 ELEVEN OF SECTION FOUR HUNDRED OF THIS ARTICLE, A BUSINESS ENTITY MUST  
25 SUBMIT A COMPLETED APPLICATION AS PRESCRIBED BY THE COMMISSIONER BY  
26 SEPTEMBER FIRST, TWO THOUSAND SIXTEEN.

27 S 5. Paragraph 1 of subdivision (h) of section 35 of the tax law, as  
28 added by section 3 of part V of chapter 61 of the laws of 2011, is  
29 amended to read as follows:

30 (1) A taxpayer which meets the requirements in this section shall be  
31 eligible to claim a credit on qualified investments with respect to the  
32 project for which the certificate of eligibility is issued. The credit  
33 shall be equal to ten percent of the cost or other basis for federal  
34 income tax purposes of the qualified investment at a closed facility.  
35 PROVIDED HOWEVER, FOR PURPOSES OF THIS CREDIT ONLY, A TAXPAYER THAT IS  
36 THE OWNER OF A CLOSED FACILITY DESCRIBED IN PARAGRAPH (D) OF SUBDIVISION  
37 ELEVEN OF SECTION FOUR HUNDRED OF THE ECONOMIC DEVELOPMENT LAW, SHALL BE  
38 ALLOWED TO INCLUDE IN ITS COST OR OTHER BASIS OF THE QUALIFIED INVEST-  
39 MENT AT THE CLOSED FACILITY, ANY DEMOLITION COSTS INCURRED AT SUCH  
40 CLOSED FACILITY. THOSE DEMOLITION COSTS SHALL BE LIMITED TO THE FOLLOW-  
41 ING COSTS: (I) ASBESTOS REMOVAL COSTS, (II) RENTAL OF DEMOLITION EQUIP-  
42 MENT, (III) PERSONNEL COSTS TO OPERATE THE DEMOLITION EQUIPMENT, (IV)  
43 COSTS TO REMOVE AND DISPOSE OF DEMOLITION DEBRIS, (V) THE COSTS OF ANY  
44 PERMITS, LICENSES AND INSURANCE NECESSARY FOR THE DEMOLITION. The total  
45 amount of investment tax credit allowed for all eligible participants  
46 under this subdivision for qualified investments located at each closed  
47 facility shall not exceed eight million dollars. The credit shall be  
48 equal to six percent of the cost or other basis for federal income tax  
49 purposes for all other qualified investments, but the credit allowed to  
50 a taxpayer may not exceed four million dollars.

51 S 6. This act shall take effect immediately, provided however, that  
52 the amendments made to sections 400 and 402 of the economic development  
53 law by sections one, two, three and four of this act and section 35 of  
54 the tax law made by section five of this act shall not affect the repeal  
55 of such sections and shall be deemed repealed therewith.

1

## PART RR

2 Section 1. The tax law is amended by adding a new section 42 to read  
3 as follows:

4 S 42. FARM WORKFORCE RETENTION CREDIT. (A) A TAXPAYER THAT IS A FARM  
5 EMPLOYER OR AN OWNER OF A FARM EMPLOYER SHALL BE ELIGIBLE FOR A CREDIT  
6 AGAINST THE TAX IMPOSED UNDER ARTICLE NINE-A OR TWENTY-TWO OF THIS CHAP-  
7 TER, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (G) OF THIS  
8 SECTION.

9 (B) A FARM EMPLOYER IS A CORPORATION (INCLUDING A NEW YORK S CORPO-  
10 RATION), A SOLE PROPRIETORSHIP, A LIMITED LIABILITY COMPANY OR A PART-  
11 NERSHIP WHO IS ALSO AN ELIGIBLE FARMER.

12 (C) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "ELIGIBLE FARMER" MEANS  
13 A TAXPAYER WHOSE FEDERAL GROSS INCOME FROM FARMING FOR THE TAXABLE YEAR  
14 IS AT LEAST TWO-THIRDS OF EXCESS FEDERAL GROSS INCOME. EXCESS FEDERAL  
15 GROSS INCOME MEANS THE AMOUNT OF FEDERAL GROSS INCOME FROM ALL SOURCES  
16 FOR THE TAXABLE YEAR IN EXCESS OF THIRTY THOUSAND DOLLARS. FOR THE  
17 PURPOSES OF THIS SUBDIVISION, PAYMENTS FROM THE STATE'S FARMLAND  
18 PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE AND  
19 MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM FARMING FOR  
20 OTHERWISE ELIGIBLE FARMERS.

21 (D) AN ELIGIBLE FARM EMPLOYEE IS AN INDIVIDUAL WHO IS EMPLOYED FOR  
22 FIVE HUNDRED HOURS OR MORE PER TAXABLE YEAR, BY A FARM EMPLOYER IN NEW  
23 YORK STATE, BUT EXCLUDING GENERAL EXECUTIVE OFFICERS OF THE FARM EMPLOY-  
24 ER; PROVIDED, HOWEVER, THAT WHERE AN INDIVIDUAL EMPLOYED BY A FARM  
25 EMPLOYER IN NEW YORK STATE BECOMES UNABLE TO WORK DUE TO A DOCUMENTED  
26 ILLNESS OR DISABILITY, THE HOURS SUCH INDIVIDUAL IS EMPLOYED MAY BE  
27 COMBINED WITH THE HOURS WORKED BY AN INDIVIDUAL HIRED TO REPLACE SUCH  
28 INDIVIDUAL WHEN DETERMINING WHETHER THE FIVE HUNDRED HOUR THRESHOLD HAS  
29 BEEN MET.

30 (E) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-  
31 SAND SEVENTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN, THE  
32 AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE  
33 PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND TWO HUNDRED  
34 FIFTY DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,  
35 TWO THOUSAND EIGHTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN,  
36 THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO  
37 THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND THREE  
38 HUNDRED DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,  
39 TWO THOUSAND NINETEEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY,  
40 THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE  
41 PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND FIVE HUNDRED  
42 DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO  
43 THOUSAND TWENTY AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY-ONE, THE  
44 AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO THE  
45 PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND FOUR HUNDRED  
46 DOLLARS. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO  
47 THOUSAND TWENTY-ONE AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY-TWO,  
48 THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE EQUAL TO  
49 THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE FARM EMPLOYEES AND SIX  
50 HUNDRED DOLLARS.

51 (F) A TAXPAYER CLAIMING THE CREDIT ALLOWED UNDER THIS SECTION SHALL  
52 NOT BE ALLOWED TO CLAIM ANY OTHER TAX CREDIT ALLOWED UNDER THIS CHAPTER  
53 WITH RESPECT TO ANY ELIGIBLE FARM EMPLOYEE INCLUDED IN THE TOTAL NUMBER  
54 OF ELIGIBLE FARM EMPLOYEES USED TO DETERMINE THE AMOUNT OF THE CREDIT  
55 ALLOWED UNDER THIS SECTION.

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

3 (1) ARTICLE 9-A: SECTION 210-B, SUBDIVISION 51.

4 (2) ARTICLE 22: SECTION 606, SUBSECTION (EEE).

5 S 2. Section 210-B of the tax law is amended by adding a new subdivi-  
6 sion 51 to read as follows:

7 51. FARM WORKFORCE RETENTION CREDIT. (A) ALLOWANCE OF CREDIT. A  
8 TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN  
9 SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTI-  
10 CLE.

11 (B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION  
12 FOR ANY TAXABLE YEAR MAY NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS  
13 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF  
14 SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CRED-  
15 IT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX  
16 TO SUCH AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS TAX BASED ON THE FIXED  
17 DOLLAR MINIMUM AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH  
18 TAXABLE YEAR WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR  
19 REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND  
20 EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF  
21 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER  
22 NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

23 S 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
24 of the tax law is amended by adding a new clause (xli) to read as  
25 follows:

26 (XLI) FARM WORKFORCE RETENTION	AMOUNT OF CREDIT UNDER
27 CREDIT UNDER SUBSECTION (EEE)	SUBDIVISION FIFTY-ONE OF
	SECTION TWO HUNDRED TEN-B

29 S 4. Section 606 of the tax law is amended by adding a new subsection  
30 (eee) to read as follows:

31 (EEE) FARM WORKFORCE RETENTION CREDIT. (1) A TAXPAYER SHALL BE ALLOWED  
32 A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-TWO OF THIS CHAP-  
33 TER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

34 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS  
35 SUBSECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR SUCH  
36 YEAR, THE EXCESS WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED  
37 OR REFUNDED IN ACCORDANCE WITH THE PROVISION OF SECTION SIX HUNDRED  
38 EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST WILL BE  
39 PAID THEREON.

40 S 5. This act shall take effect immediately and shall apply only to  
41 taxable years beginning on or after January 1, 2017 and before January  
42 1, 2022.

43 PART SS

44 Section 1. Section 1617-a of the tax law, as amended by section 2 of  
45 part Z-3 of chapter 62 of the laws of 2003, subdivision a as amended by  
46 section 2 and subdivision e as added by section 3 of part O-1 of chapter  
47 57 of the laws of 2009, subdivision b and paragraph 3 of subdivision f  
48 as amended by chapter 137 of the laws of 2014, paragraph 4 of subdivi-  
49 sion a and subdivision (h) as added by chapter 174 of the laws of 2013,  
50 subdivision f as added by section 2 of part O of chapter 61 of the laws  
51 of 2011, and subdivision g as amended by section 5 of part EE of chapter  
52 59 of the laws of 2014, is amended to read as follows:

53 S 1617-a. Video lottery gaming. a. The [division of the lottery]  
54 GAMING COMMISSION is hereby authorized to license, pursuant to rules and

1 regulations to be promulgated by the [division of the lottery] GAMING  
2 COMMISSION, the operation of video lottery gaming at;

3 (1) Aqueduct, Monticello, Yonkers, Finger Lakes, and Vernon Downs  
4 racetracks[, or at];

5 (2) any other racetrack licensed pursuant to article three of the  
6 racing, pari-mutuel wagering and breeding law [that are] located in a  
7 county or counties in which video lottery gaming has been authorized  
8 pursuant to local law, excluding the licensed racetrack commonly  
9 referred to in article three of the racing, pari-mutuel wagering and  
10 breeding law as the "New York state exposition" held in Onondaga county  
11 and the racetracks of the non-profit racing association known as Belmont  
12 Park racetrack and the Saratoga thoroughbred racetrack[.];

13 (3) A MAXIMUM OF TWO FACILITIES, WHICH SHALL BE VENDORS FOR ALL  
14 PURPOSES UNDER THIS ARTICLE, NEITHER TO EXCEED ONE THOUSAND VIDEO  
15 LOTTERY GAMING DEVICES, ESTABLISHED WITHIN REGION THREE OF ZONE ONE AS  
16 DEFINED BY SECTION ONE THOUSAND THREE HUNDRED TEN OF THE RACING,  
17 PARI-MUTUEL WAGERING AND BREEDING LAW, ONE EACH OPERATED BY A CORPO-  
18 RATION ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING,  
19 PARI-MUTUEL WAGERING AND BREEDING LAW IN THE SUFFOLK REGION AND THE  
20 NASSAU REGION TO BE LOCATED WITHIN A FACILITY AUTHORIZED PURSUANT TO  
21 SECTIONS ONE THOUSAND EIGHT OR ONE THOUSAND NINE OF THE RACING, PARI-MU-  
22 TUEL WAGERING AND BREEDING LAW; AND

23 (4) AQUEDUCT RACETRACK, WITHIN THE LOTTERY TERMINAL FACILITY, PURSUANT  
24 TO AN AGREEMENT BETWEEN THE CORPORATION ESTABLISHED PURSUANT TO SECTION  
25 FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN  
26 THE NASSAU REGION AND THE OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT  
27 RACETRACK, WHEN SUCH AGREEMENT IS APPROVED BY THE GAMING COMMISSION AND  
28 AS LONG AS SUCH AGREEMENT IS IN PLACE, AND WHEN SUCH AGREEMENT IS ACCOM-  
29 PANIED BY A DETAILED SPENDING PLAN FOR THE CORPORATION ESTABLISHED  
30 PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING  
31 AND BREEDING LAW IN THE NASSAU REGION, WHICH INCLUDES A PLAN FOR THE  
32 TIMELY PAYMENT OF LIABILITIES DUE TO THE FRANCHISED CORPORATION, AND  
33 WHEN SUCH VIDEO LOTTERY DEVICES ARE HOSTED BY THE OPERATOR OF VIDEO  
34 LOTTERY GAMING AT AQUEDUCT RACETRACK ON BEHALF OF THE CORPORATION ESTAB-  
35 LISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL  
36 WAGERING AND BREEDING LAW IN THE NASSAU REGION IN LIEU OF THE DEVELOP-  
37 MENT OF A FACILITY IN NASSAU COUNTY AS AUTHORIZED BY PARAGRAPH THREE OF  
38 SUBDIVISION A OF THIS SECTION. SUCH AGREEMENT REACHED BY THE PARTIES  
39 SHALL IDENTIFY THE AGENCY PRINCIPALLY RESPONSIBLE FOR FUNDING, APPROVING  
40 OR UNDERTAKING ANY ACTIONS OF SUCH AGREEMENT. PROVIDED, HOWEVER, NOTHING  
41 IN THIS PARAGRAPH SHALL INFRINGE UPON THE RIGHTS OF THE CORPORATION  
42 ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MU-  
43 TUEL WAGERING AND BREEDING LAW IN THE NASSAU REGION TO DEVELOP A FACILI-  
44 TY PURSUANT TO PARAGRAPH THREE OF THIS SUBDIVISION UPON THE EXPIRATION,  
45 TERMINATION, OR WITHDRAWAL OF SUCH AGREEMENT.

46 B. Such rules and regulations shall provide, as a condition of licen-  
47 sure, that racetracks to be licensed are certified to be in compliance  
48 with all state and local fire and safety codes, that the [division]  
49 GAMING COMMISSION is afforded adequate space, infrastructure, and amen-  
50 ities consistent with industry standards for such video LOTTERY gaming  
51 operations as found at racetracks in other states, that racetrack  
52 employees involved in the operation of video lottery gaming pursuant to  
53 this section are licensed by the [racing and wagering board,] GAMING  
54 COMMISSION and such other terms and conditions of licensure as the  
55 [division] GAMING COMMISSION may establish. Notwithstanding any incon-  
56 sistent provision of law, video lottery gaming at a racetrack pursuant

1 to this section shall be deemed an approved activity for such racetrack  
2 under the relevant city, county, town, or village land use or zoning  
3 ordinances, rules, or regulations. No entity licensed by the [division]  
4 GAMING COMMISSION operating video lottery gaming pursuant to this  
5 section may house such gaming activity in a structure deemed or approved  
6 by the division as "temporary" for a duration of longer than eighteen-  
7 months. Nothing in this section shall prohibit the [division] GAMING  
8 COMMISSION from licensing an entity to operate video lottery gaming at  
9 an existing racetrack as authorized in this subdivision whether or not a  
10 different entity is licensed to conduct horse racing and pari-mutuel  
11 wagering at such racetrack pursuant to article two or three of the  
12 racing, pari-mutuel wagering and breeding law.

13 The [division, in consultation with the racing and wagering board,]  
14 GAMING COMMISSION shall establish standards for approval of the tempo-  
15 rary and permanent physical layout and construction of any facility or  
16 building devoted to a video lottery gaming operation. In reviewing such  
17 application for the construction or reconstruction of facilities related  
18 or devoted to the operation or housing of video lottery gaming oper-  
19 ations, the [division, in consultation with the racing and wagering  
20 board,] GAMING COMMISSION shall ensure that such facility:

21 (1) possesses superior consumer amenities and conveniences to encour-  
22 age and attract the patronage of tourists and other visitors from across  
23 the region, state, and nation.

24 (2) has adequate motor vehicle parking facilities to satisfy patron  
25 requirements.

26 (3) has a physical layout and location that facilitates access to and  
27 from the horse racing track portion of such facility to encourage patro-  
28 nage of live horse racing events that are conducted at such track.

29 [(4) at a maximum of two facilities, neither to exceed one thousand  
30 video lottery gaming devices, established within region three of zone  
31 one as defined by section one thousand three hundred ten of the racing,  
32 pari-mutuel wagering and breeding law, one each operated by a corpo-  
33 ration established pursuant to section five hundred two of the racing,  
34 pari-mutuel wagering and breeding law in the Suffolk region and the  
35 Nassau region to be located within a facility authorized pursuant to  
36 sections one thousand eight or one thousand nine of the racing, pari-mu-  
37 tuel wagering and breeding law.] C. The [facilities] TERMINALS author-  
38 ized pursuant to [this] paragraph FOUR OF SUBDIVISION A OF THIS SECTION  
39 shall [be deemed vendors for all purposes under this article.]:

40 (I) BE DEEMED AS OPERATED BY THE CORPORATION ESTABLISHED PURSUANT TO  
41 SECTION FIVE HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREED-  
42 ING LAW IN THE NASSAU REGION FOR THE PURPOSES OF SECTION SIXTEEN HUNDRED  
43 TWELVE OF THIS CHAPTER AND THE DISTRIBUTIONS THEREFROM MADE AS IF THE  
44 VIDEO LOTTERY DEVICES WERE LOCATED IN NASSAU COUNTY;

45 (II) CONSIST EXCLUSIVELY OF ELECTRONIC TABLE GAMES, UNLESS OTHERWISE  
46 APPROVED BY THE GAMING COMMISSION AND THE DIRECTOR OF THE DIVISION OF  
47 THE BUDGET; AND

48 (III) BE INDIVIDUALLY DESIGNATED AS HOSTED.

49 D. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, ABSENT  
50 THE ENACTMENT OF SUFFICIENT ALTERNATIVE REVENUE SOURCES FOR THE FRAN-  
51 CHISED CORPORATION IN A CHAPTER OF LAW PROVIDING A STATUTORY PLAN FOR  
52 THE PROSPECTIVE NOT-FOR-PROFIT GOVERNING STRUCTURE OF THE NEW YORK  
53 RACING ASSOCIATION, INC., ANY AGREEMENT FOR THE OPERATION OF TERMINALS  
54 AUTHORIZED PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION A OF THIS SECTION  
55 SHALL REQUIRE THE OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT RACETRACK  
56 TO MAINTAIN RACING SUPPORT FOR GENERAL THOROUGHBRED RACING OPERATIONS

1 AND CAPITAL EXPENDITURES FROM VIDEO LOTTERY GAMING AT AQUEDUCT RACE-  
2 TRACK, AT THE SAME LEVEL REALIZED IN TWO THOUSAND THIRTEEN, TO BE  
3 ADJUSTED BY THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, AS  
4 PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
5 LABOR STATISTICS.

6 [b.] E. Video lottery gaming shall only be permitted for no more than  
7 twenty consecutive hours per day and on no day shall such operation be  
8 conducted past 6:00 a.m.

9 [c.] F. The [division] GAMING COMMISSION shall promulgate such rules  
10 and regulations as may be necessary for the implementation of video  
11 lottery gaming in accordance with the provisions of this section and  
12 paragraph five of subdivision a of section sixteen hundred twelve of  
13 this article.

14 [d.] G. All workers engaged in the construction, reconstruction,  
15 development, rehabilitation, or maintenance of any area for the purpose  
16 of the installation, maintenance, or removal of video lottery GAMING  
17 terminals shall be subject to the provisions of articles eight and nine  
18 of the labor law to the extent provided in such articles.

19 [e.] H. The [division] GAMING COMMISSION shall not approve the  
20 construction or alteration of any facility or building devoted to the  
21 operation or housing of video lottery gaming until the person or entity  
22 selected to operate such video lottery gaming shall have submitted to  
23 the [division] GAMING COMMISSION a statement of the location of the  
24 proposed facility or building, together with a plan of such racetrack,  
25 and plans of all existing buildings, seating stands and other structures  
26 on the grounds of such racetrack, in such form as the [division] GAMING  
27 COMMISSION may prescribe, and such plans shall have been approved by the  
28 [division] GAMING COMMISSION. The [division] GAMING COMMISSION, at the  
29 expense of the applicant, may order such engineering examination thereof  
30 as the [division] GAMING COMMISSION may deem necessary. Such  
31 construction or alteration may be made only with the approval of the  
32 [division] GAMING COMMISSION and after examination and inspection of the  
33 plans thereof and the issuance of a permit [therefor] by the [division]  
34 GAMING COMMISSION.

35 [f.] I. (1) The [division] GAMING COMMISSION may administer a free  
36 play allowance program to offer players or prospective players of video  
37 lottery games free play credits for the purpose of increasing revenues  
38 earned by the video lottery GAMING program for the support of education.  
39 For the purposes of this subdivision, "free play allowance credit" means  
40 a specified dollar amount that (i) may be used by a player to play a  
41 video lottery game without paying any other consideration, and (ii) is  
42 not used in the calculation of total revenue wagered after payout of  
43 prizes.

44 (2) For each video lottery GAMING facility, the [division] GAMING  
45 COMMISSION shall authorize the use of free play allowance credits if the  
46 operator of such facility submits a written plan for the use of the free  
47 play allowance that the [division] GAMING COMMISSION determines is  
48 designed to increase the amount of revenue earned by video lottery  
49 gaming at such facility for the support of education.

50 (3) For each video lottery facility, the annual value of the free play  
51 allowance credits authorized for use by the operator pursuant to this  
52 subdivision shall not exceed an amount equal to fifteen percent of the  
53 total amount wagered on video lottery games after payout of prizes. The  
54 [division] GAMING COMMISSION shall establish procedures to assure that  
55 free play allowance credits do not exceed such amount.



1 (4) The [division] GAMING COMMISSION, in conjunction with the director  
2 of the budget, may suspend the use of free play allowance credits  
3 authorized pursuant to this subdivision whenever they jointly determine  
4 that the use of free play allowance credits are not effective in  
5 increasing the amount of revenue earned for the support of education,  
6 and such use may not be resumed unless the operator of such facility  
7 submits a new or revised written plan for the use of the free play  
8 allowance that the [division] GAMING COMMISSION determines is designed  
9 more effectively to produce an increase in the amount of revenue earned  
10 by video lottery gaming at such facility for the support of education.

11 (5) Nothing in this subdivision shall be deemed to prohibit the opera-  
12 tor of a video lottery facility from offering free play credits to play-  
13 ers or prospective players of video lottery games when the value of such  
14 free play credits is included in the calculation of the total amount  
15 wagered on video lottery games and the total amount wagered after payout  
16 of prizes, and the operator of such facility pays the [division] GAMING  
17 COMMISSION the full amount due as the result of such calculations.

18 (6) The [division] GAMING COMMISSION may amend the contract with the  
19 provider of the central computer system that controls the video lottery  
20 network during the term of such contract in effect on the effective date  
21 of this subdivision to provide additional consideration to such provider  
22 in an amount determined by the [division] GAMING COMMISSION to be neces-  
23 sary to compensate for (i) processing free play allowance transactions  
24 and (ii) system updates and modifications otherwise needed as of such  
25 effective date.

26 [g.] J. Every video lottery gaming license, and every renewal license,  
27 shall be valid for a period of five years, except that video LOTTERY  
28 gaming licenses issued before the effective date of this subdivision  
29 shall be for a term expiring on the applicant's next birthday following  
30 June thirtieth, two thousand fourteen.

31 The gaming commission may decline to renew any license after notice  
32 and an opportunity for hearing if it determines that:

33 (1) the licensee has violated section one thousand six hundred seven  
34 of this article;

35 (2) the licensee has violated any rule, regulation or order of the  
36 gaming commission;

37 (3) the applicant or its officers, directors or significant stockhold-  
38 ers, as determined by the gaming commission, have been convicted of a  
39 crime involving moral turpitude; or

40 (4) that the character or fitness of the licensee and its officers,  
41 directors, and significant stockholders, as determined by the gaming  
42 commission is such that the participation of the applicant in video  
43 lottery gaming or related activities would be inconsistent with the  
44 public interest, convenience or necessity or with the best interests of  
45 video LOTTERY gaming generally.

46 [(h)] K. The gaming commission, subject to notice and an opportunity  
47 for hearing, may revoke, suspend, and condition the license of the video  
48 LOTTERY gaming licensee, order the video LOTTERY gaming licensee to  
49 terminate the continued appointment, position or employment of officers  
50 and directors, or order the video LOTTERY gaming licensee to require  
51 significant stockholders to divest themselves of all interests in the  
52 video LOTTERY gaming licensee.

53 S 2. Clause (H) of subparagraph (ii) of paragraph 1 of subdivision b  
54 of section 1612 of the tax law, as amended by section 1 of part MM of  
55 chapter 59 of the laws of 2015, is amended to read as follows:

1 (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of  
2 this subparagraph, the track operator of a vendor track AND IN THE CASE  
3 OF AQUEDUCT, THE VIDEO LOTTERY TERMINAL FACILITY OPERATOR, shall be  
4 eligible for a vendor's capital award of up to four percent of the total  
5 revenue wagered at the vendor track after payout for prizes pursuant to  
6 this chapter, which shall be used exclusively for capital project  
7 investments to improve the facilities of the vendor track which promote  
8 or encourage increased attendance at the video lottery gaming facility  
9 including, but not limited to hotels, other lodging facilities, enter-  
10 tainment facilities, retail facilities, dining facilities, events  
11 arenas, parking garages and other improvements that enhance facility  
12 amenities; provided that such capital investments shall be approved by  
13 the division, in consultation with the state racing and wagering board,  
14 and that such vendor track demonstrates that such capital expenditures  
15 will increase patronage at such vendor track's facilities and increase  
16 the amount of revenue generated to support state education programs. The  
17 annual amount of such vendor's capital awards that a vendor track shall  
18 be eligible to receive shall be limited to two million five hundred  
19 thousand dollars, except for Aqueduct racetrack, for which there [shall  
20 be no vendor's capital awards] SHALL BE NO ANNUAL LIMIT, PROVIDED,  
21 HOWEVER, THAT ANY SUCH CAPITAL AWARD FOR THE AQUEDUCT VIDEO LOTTERY  
22 TERMINAL FACILITY OPERATOR SHALL BE ONE PERCENT OF THE TOTAL REVENUE  
23 WAGERED AT THE VIDEO LOTTERY TERMINAL FACILITY AFTER PAYOUT FOR PRIZES  
24 PURSUANT TO THIS CHAPTER UNTIL THE EARLIER OF THE DESIGNATION OF ONE  
25 THOUSAND VIDEO LOTTERY DEVICES AS HOSTED PURSUANT TO PARAGRAPH FOUR OF  
26 SUBDIVISION A OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THIS CHAPTER OR  
27 APRIL FIRST, TWO THOUSAND NINETEEN AND SHALL THEN BE FOUR PERCENT OF THE  
28 TOTAL REVENUE WAGERED AT THE VIDEO LOTTERY TERMINAL FACILITY AFTER  
29 PAYOUT FOR PRIZES PURSUANT TO THIS CHAPTER, PROVIDED, FURTHER, THAT SUCH  
30 CAPITAL AWARD SHALL ONLY BE PROVIDED PURSUANT TO AN AGREEMENT WITH THE  
31 OPERATOR TO CONSTRUCT AN EXPANSION OF THE FACILITY, HOTEL, AND CONVEN-  
32 TION AND EXHIBITION SPACE REQUIRING A MINIMUM CAPITAL INVESTMENT OF  
33 THREE HUNDRED MILLION DOLLARS. Except for tracks having less than one  
34 thousand one hundred video gaming machines, and except for a vendor  
35 track located west of State Route 14 from Sodus Point to the Pennsylva-  
36 nia border within New York, AND EXCEPT FOR AQUEDUCT RACETRACK each track  
37 operator shall be required to co-invest an amount of capital expenditure  
38 equal to its cumulative vendor's capital award. For all tracks, except  
39 for Aqueduct racetrack, the amount of any vendor's capital award that is  
40 not used during any one year period may be carried over into subsequent  
41 years ending before April first, two thousand sixteen. Any amount  
42 attributable to a capital expenditure approved prior to April first, two  
43 thousand sixteen and completed before April first, two thousand eigh-  
44 teen; or approved prior to April first, two thousand twenty and  
45 completed before April first, two thousand twenty-two for a vendor track  
46 located west of State Route 14 from Sodus Point to the Pennsylvania  
47 border within New York, shall be eligible to receive the vendor's capi-  
48 tal award. In the event that a vendor track's capital expenditures,  
49 approved by the division prior to April first, two thousand sixteen and  
50 completed prior to April first, two thousand eighteen, exceed the vendor  
51 track's cumulative capital award during the five year period ending  
52 April first, two thousand sixteen, the vendor shall continue to receive  
53 the capital award after April first, two thousand sixteen until such  
54 approved capital expenditures are paid to the vendor track subject to  
55 any required co-investment. In no event shall any vendor track that  
56 receives a vendor fee pursuant to clause (F) or (G) of this subparagraph

1 be eligible for a vendor's capital award under this section. Any opera-  
2 tor of a vendor track which has received a vendor's capital award,  
3 choosing to divest the capital improvement toward which the award was  
4 applied, prior to the full depreciation of the capital improvement in  
5 accordance with generally accepted accounting principles, shall reim-  
6 burse the state in amounts equal to the total of any such awards. Any  
7 capital award not approved for a capital expenditure at a video lottery  
8 gaming facility by April first, two thousand sixteen shall be deposited  
9 into the state lottery fund for education aid; and

10 S 3. Section 503 of the racing, pari-mutuel wagering and breeding law  
11 is amended by adding a new subdivision 14 to read as follows:

12 14. NASSAU REGIONAL OFF-TRACK BETTING IS AUTHORIZED TO ENTER INTO AND  
13 PERFORM AN AGREEMENT PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION A OF  
14 SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW TO HAVE VIDEO LOTTERY  
15 TERMINALS AUTHORIZED PURSUANT TO PARAGRAPH THREE OF SUBDIVISION A OF  
16 SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW HOSTED WITHIN THE  
17 AQUEDUCT VIDEO LOTTERY TERMINAL FACILITY.

18 S 4. This act shall take effect immediately, provided, however, that  
19 section two of this act shall take effect upon the designation of four  
20 hundred video lottery devices as hosted pursuant to paragraph (4) of  
21 subdivision a of section 1617-a of the tax law, as added by section one  
22 of this act; provided, further, that the New York State gaming commis-  
23 sion shall notify the legislative bill drafting commission upon the  
24 occurrence of the enactment of the legislation provided for in section  
25 two of this act in order that the commission may maintain an accurate  
26 and timely effective data base of the official text of the laws of the  
27 state of New York in furtherance of effectuating the provisions of  
28 section 44 of the legislative law and section 70-b of the public offi-  
29 cers law.

30

## PART TT

31 Section 1. Subparagraph (B) of paragraph 1 of subsection (a) of  
32 section 601 of the tax law is REPEALED and a new subparagraph (B) is  
33 added to read as follows:

34 (B)(I) FOR TAX YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, THE  
35 BRACKETS AND DOLLARS AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AS  
36 ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX  
37 HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH  
38 TWO THOUSAND SEVENTEEN, SHALL APPLY. IN ADDITION, THE TAX RATES IN  
39 SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL APPLY, EXCEPT AS NOTED IN  
40 CLAUSE (II) OF THIS SUBPARAGRAPH, AND EXCEPT THAT THE RATE APPLICABLE TO  
41 NEW YORK TAXABLE INCOMES IN EXCESS OF \$300,000 AS ADJUSTED BY THE COST  
42 OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS  
43 PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN,  
44 SHALL BE THE HIGHEST TAX RATE SPECIFIED IN THE PROVISIONS OF THIS  
45 SUBPARAGRAPH AS ENACTED BY CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOU-  
46 SAND THIRTEEN PRIOR TO ITS REPEAL BY A CHAPTER OF THE LAWS OF TWO THOU-  
47 SAND SIXTEEN THAT ADDED THIS SUBPARAGRAPH. FOR PURPOSES OF CLAUSE (II)  
48 OF THIS SUBPARAGRAPH, THE BRACKETS SPECIFIED SHALL BE AS ADJUSTED BY THE  
49 COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF  
50 THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND  
51 SEVENTEEN. AFTER MAKING THE COST OF LIVING ADJUSTMENTS TO THE DOLLAR  
52 AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE DOLLAR AMOUNTS IN THE  
53 TAX CALCULATIONS FOR THE INCOME BRACKETS FOR NEW YORK TAXABLE INCOME

1 OVER \$26,000 SHALL BE ADJUSTED TO REFLECT THE RATE REDUCTIONS IN CLAUSE  
2 (II) OF THIS SUBPARAGRAPH.

3 (II) (I) FOR TAX YEAR TWO THOUSAND EIGHTEEN, THE FOLLOWING TAX RATES  
4 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER  
5 \$40,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER  
6 \$40,000 BUT NOT OVER \$150,000, THE TAX RATE SHALL BE 6.33%. IF NEW YORK  
7 TAXABLE INCOME IS OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE  
8 SHALL BE 6.57%.

9 (II) FOR TAX YEAR TWO THOUSAND NINETEEN, THE FOLLOWING TAX RATES SHALL  
10 APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER \$40,000,  
11 THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER \$40,000  
12 BUT NOT OVER \$150,000, THE TAX RATE SHALL BE 6.21%. IF NEW YORK TAXABLE  
13 INCOME IS OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE SHALL BE  
14 6.49%.

15 (III) FOR TAX YEAR TWO THOUSAND TWENTY, THE FOLLOWING TAX RATES SHALL  
16 APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER \$40,000,  
17 THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER \$40,000  
18 BUT NOT OVER \$150,000, THE TAX RATE SHALL BE 6.09%. IF NEW YORK TAXABLE  
19 INCOME IS OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE SHALL BE  
20 6.41%.

21 (IV) FOR TAX YEAR TWO THOUSAND TWENTY-ONE, THE FOLLOWING TAX RATES  
22 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER  
23 \$40,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER  
24 \$40,000 BUT NOT OVER \$150,000, THE TAX RATE SHALL BE 5.97%. IF NEW YORK  
25 TAXABLE INCOME IS OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE  
26 SHALL BE 6.33%.

27 (V) FOR TAX YEAR TWO THOUSAND TWENTY-TWO, THE FOLLOWING TAX RATES  
28 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER  
29 \$150,000, THE TAX RATE SHALL BE 5.85%. IF NEW YORK TAXABLE INCOME IS  
30 OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE SHALL BE 6.25%.

31 (VI) FOR TAX YEAR TWO THOUSAND TWENTY-THREE, THE FOLLOWING TAX RATES  
32 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER  
33 \$150,000, THE TAX RATE SHALL BE 5.73%. IF NEW YORK TAXABLE INCOME IS  
34 OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE SHALL BE 6.17%.

35 (VII) FOR TAX YEAR TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES  
36 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT OVER  
37 \$150,000, THE TAX RATE SHALL BE 5.61%. IF NEW YORK TAXABLE INCOME IS  
38 OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE SHALL BE 6.09%.

39 (VIII) FOR TAX YEARS AFTER TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX  
40 RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$26,000 BUT NOT  
41 OVER \$150,000, THE TAX RATE SHALL BE 5.50%. IF NEW YORK TAXABLE INCOME  
42 IS OVER \$150,000 BUT NOT OVER \$300,000, THE TAX RATE SHALL BE 6.00%.

43 S 2. Subparagraph (B) of paragraph 1 of subsection (b) of section 601  
44 of the tax law is REPEALED and a new subparagraph (B) is added to read  
45 as follows:

46 (B) (I) FOR TAX YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, THE  
47 BRACKETS AND DOLLARS AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AS  
48 ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX  
49 HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH  
50 TWO THOUSAND SEVENTEEN, SHALL APPLY. IN ADDITION, THE TAX RATES IN  
51 SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL APPLY, EXCEPT AS NOTED IN  
52 CLAUSE (II) OF THIS SUBPARAGRAPH, AND EXCEPT THAT THE RATE APPLICABLE TO  
53 NEW YORK TAXABLE INCOMES IN EXCESS OF \$250,000 AS ADJUSTED BY THE COST  
54 OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS  
55 PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN  
56 SHALL BE THE HIGHEST TAX RATE SPECIFIED IN THE PROVISIONS OF THIS

1 SUBPARAGRAPH AS ENACTED BY CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOU-  
2 SAND THIRTEEN PRIOR TO ITS REPEAL BY A CHAPTER OF THE LAWS OF TWO THOU-  
3 SAND SIXTEEN THAT ADDED THIS SUBPARAGRAPH. FOR PURPOSES OF CLAUSE (II)  
4 OF THIS SUBPARAGRAPH, THE BRACKETS SPECIFIED SHALL BE AS ADJUSTED BY  
5 THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF  
6 THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND  
7 SEVENTEEN. AFTER MAKING THE COST OF LIVING ADJUSTMENTS TO THE DOLLAR  
8 AMOUNTS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE DOLLAR AMOUNTS IN  
9 THE TAX CALCULATIONS FOR THE INCOME BRACKETS FOR NEW YORK TAXABLE  
10 INCOME OVER \$19,500 SHALL BE ADJUSTED TO REFLECT THE RATE REDUCTIONS IN  
11 CLAUSE (II) OF THIS SUBPARAGRAPH.

12 (II) (I) FOR TAX YEAR TWO THOUSAND EIGHTEEN, THE FOLLOWING TAX RATES  
13 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER  
14 \$30,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS  
15 OVER \$30,000 BUT NOT OVER \$100,000, THE TAX RATE SHALL BE 6.33%. IF NEW  
16 YORK TAXABLE INCOME IS OVER \$100,000 BUT NOT OVER \$250,000, THE TAX  
17 RATE SHALL BE 6.57%.

18 (II) (II) FOR TAX YEAR TWO THOUSAND NINETEEN, THE FOLLOWING TAX RATES SHALL  
19 APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER \$30,000,  
20 THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER \$30,000  
21 BUT NOT OVER \$100,000, THE TAX RATE SHALL BE 6.21%. IF NEW YORK TAXABLE  
22 INCOME IS OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE SHALL BE  
23 6.49%.

24 (III) FOR TAX YEAR TWO THOUSAND TWENTY, THE FOLLOWING TAX RATES SHALL  
25 APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER \$30,000,  
26 THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER \$30,000  
27 BUT NOT OVER \$100,000, THE TAX RATE SHALL BE 6.09%. IF NEW YORK TAXABLE  
28 INCOME IS OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE SHALL BE  
29 6.41%.

30 (IV) FOR TAX YEAR TWO THOUSAND TWENTY-ONE, THE FOLLOWING TAX RATES  
31 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER  
32 \$30,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER  
33 \$30,000 BUT NOT OVER \$100,000, THE TAX RATE SHALL BE 5.97%. IF NEW YORK  
34 TAXABLE INCOME IS OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE  
35 SHALL BE 6.33%.

36 (V) FOR TAX YEAR TWO THOUSAND TWENTY-TWO, THE FOLLOWING TAX RATES  
37 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER  
38 \$100,000, THE TAX RATE SHALL BE 5.85%. IF NEW YORK TAXABLE INCOME IS  
39 OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE SHALL BE 6.25%.

40 (VI) FOR TAX YEAR TWO THOUSAND TWENTY-THREE, THE FOLLOWING TAX RATES  
41 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER  
42 \$100,000, THE TAX RATE SHALL BE 5.73%. IF NEW YORK TAXABLE INCOME IS  
43 OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE SHALL BE 6.17%.

44 (VII) FOR TAX YEAR TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES  
45 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT OVER  
46 \$100,000, THE TAX RATE SHALL BE 5.61%. IF NEW YORK TAXABLE INCOME IS  
47 OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE SHALL BE 6.09%.

48 (VIII) FOR TAX YEARS AFTER TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX  
49 RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$19,500 BUT NOT  
50 OVER \$100,000, THE TAX RATE SHALL BE 5.50%. IF NEW YORK TAXABLE INCOME  
51 IS OVER \$100,000 BUT NOT OVER \$250,000, THE TAX RATE SHALL BE 6.00%.

52 S 3. Subparagraph (B) of paragraph 1 of subsection (c) of section 601  
53 of the tax law is REPEALED and a new subparagraph (B) is added to read  
54 as follows:

55 (B)(I) FOR TAX YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, THE  
56 BRACKETS AND DOLLARS AMOUNT IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AS

1 ADJUSTED BY THE COST OF LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX  
2 HUNDRED ONE-A OF THIS PART FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH  
3 TWO THOUSAND SEVENTEEN, SHALL APPLY. IN ADDITION, THE TAX RATES IN  
4 SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL APPLY, EXCEPT AS NOTED IN  
5 CLAUSE (II) OF THIS SUBPARAGRAPH, AND EXCEPT THAT THE RATE APPLICABLE TO  
6 NEW YORK TAXABLE INCOME IN EXCESS OF \$200,000 AS ADJUSTED BY THE COST OF  
7 LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART  
8 FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN SHALL  
9 BE THE HIGHEST TAX RATE SPECIFIED IN THE PROVISIONS OF THIS SUBPARAGRAPH  
10 AS ENACTED BY CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND THIRTEEN  
11 PRIOR TO ITS REPEAL BY A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN  
12 THAT ADDED THIS SUBPARAGRAPH. FOR PURPOSES OF CLAUSE (II) OF THIS  
13 SUBPARAGRAPH, THE BRACKETS SPECIFIED SHALL BE AS ADJUSTED BY THE COST OF  
14 LIVING ADJUSTMENT PRESCRIBED IN SECTION SIX HUNDRED ONE-A OF THIS PART  
15 FOR TAX YEARS TWO THOUSAND THIRTEEN THROUGH TWO THOUSAND SEVENTEEN.  
16 AFTER MAKING THE COST OF LIVING ADJUSTMENTS TO THE DOLLAR AMOUNTS IN  
17 SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE DOLLAR AMOUNTS IN THE TAX CALCU-  
18 LATIONS FOR THE INCOME BRACKETS FOR NEW YORK TAXABLE INCOME OVER \$13,000  
19 SHALL BE ADJUSTED TO REFLECT THE RATE REDUCTIONS IN CLAUSE (II) OF THIS  
20 SUBPARAGRAPH.

21 (II)(I) FOR TAX YEAR TWO THOUSAND EIGHTEEN, THE FOLLOWING TAX RATES  
22 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER  
23 \$20,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER  
24 \$20,000 BUT NOT OVER \$75,000, THE TAX RATE SHALL BE 6.33%. IF NEW YORK  
25 TAXABLE INCOME IS OVER \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL  
26 BE 6.57%.

27 (II) FOR TAX YEAR TWO THOUSAND NINETEEN, THE FOLLOWING TAX RATES SHALL  
28 APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER \$20,000,  
29 THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER \$20,000  
30 BUT NOT OVER \$75,000, THE TAX RATE SHALL BE 6.21%. IF NEW YORK TAXABLE  
31 INCOME IS OVER \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL BE  
32 6.49%.

33 (III) FOR TAX YEAR TWO THOUSAND TWENTY, THE FOLLOWING TAX RATES SHALL  
34 APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER \$20,000,  
35 THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER \$20,000  
36 BUT NOT OVER \$75,000, THE TAX RATE SHALL BE 6.09%. IF NEW YORK TAXABLE  
37 INCOME IS OVER \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL BE  
38 6.41%.

39 (IV) FOR TAX YEAR TWO THOUSAND TWENTY-ONE, THE FOLLOWING TAX RATES  
40 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER  
41 \$20,000, THE TAX RATE SHALL BE 5.90%. IF NEW YORK TAXABLE INCOME IS OVER  
42 \$20,000 BUT NOT OVER \$75,000, THE TAX RATE SHALL BE 5.97%. IF NEW YORK  
43 TAXABLE INCOME IS OVER \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL  
44 BE 6.33%.

45 (V) FOR TAX YEAR TWO THOUSAND TWENTY-TWO, THE FOLLOWING TAX RATES  
46 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER  
47 \$75,000, THE TAX RATE SHALL BE 5.85%. IF NEW YORK TAXABLE INCOME IS OVER  
48 \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL BE 6.25%.

49 (VI) FOR TAX YEAR TWO THOUSAND TWENTY-THREE, THE FOLLOWING TAX RATES  
50 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER  
51 \$75,000, THE TAX RATE SHALL BE 5.73%. IF NEW YORK TAXABLE INCOME IS OVER  
52 \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL BE 6.17%.

53 (VII) FOR TAX YEAR TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX RATES  
54 SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT OVER  
55 \$75,000, THE TAX RATE SHALL BE 5.61%. IF NEW YORK TAXABLE INCOME IS OVER  
56 \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL BE 6.09%.

1 (VIII) FOR TAX YEARS AFTER TWO THOUSAND TWENTY-FOUR, THE FOLLOWING TAX  
2 RATES SHALL APPLY: IF NEW YORK TAXABLE INCOME IS OVER \$13,000 BUT NOT  
3 OVER \$75,000, THE TAX RATE SHALL BE 5.50%. IF NEW YORK TAXABLE INCOME IS  
4 OVER \$75,000 BUT NOT OVER \$200,000, THE TAX RATE SHALL BE 6.00%.

5 S 4. The opening paragraph of subsection (d-1) of section 601 of the  
6 tax law, as amended by section 4 of part FF of chapter 59 of the laws of  
7 2013, is amended to read as follows:

8 Alternative tax table benefit recapture. Notwithstanding the  
9 provisions of subsection (d) of this section, for taxable years begin-  
10 ning after two thousand eleven [and before two thousand eighteen], there  
11 is hereby imposed a supplemental tax in addition to the tax imposed  
12 under subsections (a), (b) and (c) of this section for the purpose of  
13 recapturing the benefit of the tax tables contained in such subsections.  
14 During these taxable years, any reference in this chapter to subsection  
15 (d) of this section shall be read as a reference to this subsection.

16 S 5. The opening paragraph of paragraph 1 of subsection (d-1) of  
17 section 601 of the tax law, as added by section 7 of part A of chapter  
18 56 of the laws of 2011, is amended to read as follows:

19 For resident married individuals filing joint returns and resident  
20 surviving spouses, the supplemental tax shall be an amount equal to the  
21 sum of the tax table benefits described in subparagraphs (A), (B), (C)  
22 and (D) of this paragraph multiplied by their respective fractions in  
23 such subparagraphs. FURTHERMORE, IN MAKING THE CALCULATIONS DESCRIBED  
24 IN THESE SUBPARAGRAPHS IN TAXABLE YEARS BEGINNING AFTER TAX YEAR TWO  
25 THOUSAND SEVENTEEN, THE APPLICABLE TAX RATES SPECIFIED IN SUBPARAGRAPH  
26 (B) OF PARAGRAPH ONE OF SUBSECTION (A) OF THIS SECTION SHALL BE SUBSTI-  
27 TUTED FOR THE RATES REFERENCED IN THESE SUBPARAGRAPHS.

28 S 6. The opening paragraph of paragraph 2 of subsection (d-1) of  
29 section 601 of the tax law, as added by section 7 of part A of chapter  
30 56 of the laws of 2011, is amended to read as follows:

31 For resident heads of households, the supplemental tax shall be an  
32 amount equal to the sum of the tax table benefits described in subpara-  
33 graphs (A), (B) and (C) of this paragraph multiplied by their respective  
34 fractions in such subparagraphs. FURTHERMORE, IN MAKING THE CALCU-  
35 LATIONS DESCRIBED IN THESE SUBPARAGRAPHS IN TAXABLE YEARS BEGINNING  
36 AFTER TAX YEAR TWO THOUSAND SEVENTEEN, THE APPLICABLE TAX RATES SPECI-  
37 FIED IN SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (B) OF THIS  
38 SECTION SHALL BE SUBSTITUTED FOR THE RATES REFERENCED IN THESE SUBPARA-  
39 GRAPHS.

40 S 7. The opening paragraph of paragraph 3 of subsection (d-1) of  
41 section 601 of the tax law, as added by section 7 of part A of chapter  
42 56 of the laws of 2011, is amended to read as follows:

43 For resident unmarried individuals, resident married individuals  
44 filing separate returns and resident estates and trusts, the supple-  
45 mental tax shall be an amount equal to the sum of the tax table benefits  
46 described in subparagraphs (A), (B) and (C) of this paragraph multiplied  
47 by their respective fractions in such subparagraphs. FURTHERMORE, IN  
48 MAKING THE CALCULATIONS DESCRIBED IN THESE SUBPARAGRAPHS IN TAXABLE  
49 YEARS BEGINNING AFTER TAX YEAR TWO THOUSAND SEVENTEEN, THE APPLICABLE  
50 TAX RATES SPECIFIED IN SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION  
51 (C) OF THIS SECTION SHALL BE SUBSTITUTED FOR THE RATES REFERENCED IN  
52 THESE SUBPARAGRAPHS.

53 S 8. Subsection (d-2) of section 601 of the tax law is REPEALED.

54 S 9. Notwithstanding any provision in the state administrative proce-  
55 dure act to the contrary, the cost of living adjustment of the tax  
56 brackets and dollar amounts in the tax tables and the withholding tables

1 and methods required as a result of this act shall not be prescribed by  
2 regulation.

3 S 10. This act shall take effect immediately.

4 PART UU

5 Section 1. Section 282 of the tax law is amended by adding a new  
6 subdivision 27 to read as follows:

7 27. "WHOLESALE OF MOTOR FUEL" MEANS ANY PERSON, FIRM, ASSOCIATION OR  
8 CORPORATION WHO OR WHICH: (1) IS NOT A DISTRIBUTOR OF MOTOR FUEL; (2)  
9 MAKES A SALE OF MOTOR FUEL IN THIS STATE OTHER THAN A RETAIL SALE NOT IN  
10 BULK; AND (3)(A) MAKES ANY PURCHASES OF MOTOR FUEL FOR RESALE WITHIN THE  
11 REGION SET FORTH IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH ONE OF SUBDI-  
12 VISION (E) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER; OR (B)  
13 MAKES ANY SALES OF MOTOR FUEL, OTHER THAN RETAIL SALES NOT IN BULK,  
14 WITHIN THE REGION SET FORTH IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH ONE  
15 OF SUBDIVISION (E) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER.  
16 FOR THE PURPOSES OF THIS ARTICLE WHEN USED WITH RESPECT TO MOTOR FUEL, A  
17 "RETAIL SALE NOT IN BULK" MEANS THE MAKING OR OFFERING TO MAKE ANY SALE  
18 OF MOTOR FUEL TO A CONSUMER OF SUCH FUEL WHICH IS DELIVERED DIRECTLY  
19 INTO A MOTOR VEHICLE FOR USE IN THE OPERATION OF SUCH VEHICLE. A "RETAIL  
20 SALE IN BULK" MEANS THE MAKING OR OFFERING TO MAKE ANY SALE OF MOTOR  
21 FUEL TO A CONSUMER WHICH IS OTHER THAN A "RETAIL SALE NOT IN BULK".

22 S 2. The tax law is amended by adding a new section 283-d to read as  
23 follows:

24 S 283-D. REGISTRATION OF WHOLESALERS OF MOTOR FUEL. (A) REGISTRATION  
25 REQUIRED. EACH WHOLESALER OF MOTOR FUEL MUST BE REGISTERED WITH THE  
26 DEPARTMENT UNDER THIS SECTION. NO WHOLESALER OF MOTOR FUEL SHALL MAKE A  
27 SALE OF MOTOR FUEL IN THIS STATE OTHER THAN A RETAIL SALE NOT IN BULK  
28 UNLESS SUCH WHOLESALER IS SO REGISTERED. THE DEPARTMENT, UPON THE  
29 APPLICATION OF A PERSON, SHALL REGISTER SUCH PERSON AS A WHOLESALER OF  
30 MOTOR FUEL EXCEPT THAT THE COMMISSIONER MAY REFUSE TO REGISTER AN APPLI-  
31 CANT FOR ANY OF THE GROUNDS SPECIFIED IN SUBDIVISION TWO OR FIVE OF  
32 SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE OR IN SUBDIVISION (C)  
33 OF THIS SECTION. THE APPLICATION SHALL BE IN SUCH FORM AND CONTAIN SUCH  
34 INFORMATION AS THE COMMISSIONER SHALL PRESCRIBE. ALL OF THE PROVISIONS  
35 OF SUBDIVISIONS TWO, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE AND TEN OF  
36 SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE RELATING TO REGISTRA-  
37 TION OF DISTRIBUTORS SHALL BE APPLICABLE TO THE REGISTRATION OF WHOLE-  
38 SALERS OF MOTOR FUEL UNDER THIS SECTION WITH THE SAME FORCE AND EFFECT  
39 AS IF THE LANGUAGE OF SUCH SUBDIVISIONS HAD BEEN INCORPORATED IN FULL IN  
40 THIS SECTION AND HAD EXPRESSLY REFERRED TO THE REGISTRATION OF WHOLE-  
41 SALERS OF MOTOR FUEL, WITH SUCH MODIFICATION AS MAY BE NECESSARY IN  
42 ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO THE PROVISIONS OF THIS  
43 SECTION, PROVIDED, SPECIFICALLY, THAT THE TERM "DISTRIBUTOR" SHALL BE  
44 READ AS "WHOLESALE OF MOTOR FUEL." PROVIDED, HOWEVER, THAT IF THE  
45 COMMISSIONER IS SATISFIED THAT THE REQUIREMENTS OF SUCH PROVISIONS FOR  
46 REGISTRATION ARE NOT NECESSARY IN ORDER TO PROTECT TAX REVENUES, THE  
47 COMMISSIONER MAY LIMIT OR MODIFY SUCH REQUIREMENTS WITH RESPECT TO ANY  
48 PERSON NOT REQUIRED TO BE REGISTERED AS A DISTRIBUTOR OF MOTOR FUEL.

49 (B) BOND OR OTHER SECURITY. THE COMMISSIONER MAY REQUIRE A WHOLESALER  
50 OF MOTOR FUEL SEEKING A REGISTRATION TO FILE WITH THE DEPARTMENT A BOND  
51 ISSUED BY A SURETY COMPANY APPROVED BY THE SUPERINTENDENT OF FINANCIAL  
52 SERVICES AS TO SOLVENCY AND RESPONSIBILITY AND AUTHORIZED TO TRANSACT  
53 BUSINESS IN THIS STATE OR OTHER SECURITY ACCEPTABLE TO THE COMMISSIONER,  
54 IN SUCH AMOUNT AS THE COMMISSIONER MAY FIX TO SECURE THE PERFORMANCE BY



1 SUCH WHOLESALER OF MOTOR FUEL OF THE DUTIES AND RESPONSIBILITIES  
2 REQUIRED (I) PURSUANT TO THIS ARTICLE AND (II) PURSUANT TO ARTICLES  
3 TWENTY-EIGHT AND TWENTY-NINE OF THIS CHAPTER WITH RESPECT TO MOTOR FUEL.  
4 THE COMMISSIONER MAY REQUIRE THAT SUCH A BOND OR OTHER SECURITY BE FILED  
5 BEFORE A WHOLESALER OF MOTOR FUEL IS REGISTERED, AND THE AMOUNT THEREOF  
6 MAY BE INCREASED AT ANY TIME WHEN IN THE COMMISSIONER'S JUDGMENT THE  
7 SAME IS NECESSARY. IF SECURITIES ARE DEPOSITED AS SECURITY UNDER THIS  
8 SUBDIVISION, SUCH SECURITIES SHALL BE KEPT IN THE JOINT CUSTODY OF THE  
9 COMPTROLLER AND THE COMMISSIONER AND MAY BE SOLD BY THE COMMISSIONER IF  
10 IT BECOMES NECESSARY SO TO DO IN ORDER TO RECOVER AGAINST SUCH WHOLE-  
11 SALER OF MOTOR FUEL BUT NO SUCH SALE SHALL BE HAD UNTIL AFTER SUCH  
12 WHOLESALER OF MOTOR FUEL SHALL HAVE HAD OPPORTUNITY TO LITIGATE THE  
13 VALIDITY OF THE LIABILITY IF IT ELECTS TO DO SO. UPON ANY SUCH SALE THE  
14 SURPLUS, IF ANY, ABOVE THE SUMS DUE SHALL BE RETURNED TO SUCH WHOLESALER  
15 OF MOTOR FUEL. THE DEPARTMENT, WHEN AUTHORIZED BY THE WHOLESALER OF  
16 MOTOR FUEL, SHALL FURNISH INFORMATION REGARDING THE REGISTRATION OF THE  
17 WHOLESALER OF MOTOR FUEL AND ANY OTHER INFORMATION WHICH THE WHOLESALER  
18 OF MOTOR FUEL AUTHORIZES IT TO DISCLOSE.

19 (C) REFUSAL TO REGISTER. FOR THE PURPOSES OF DETERMINING WHETHER TO  
20 REFUSE AN APPLICATION FOR REGISTRATION UNDER THIS SECTION, THE REFER-  
21 ENCES IN SUBDIVISION TWO OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS  
22 ARTICLE TO EMPLOYEES OR SHAREHOLDERS UNDER A DUTY TO FILE A RETURN UNDER  
23 OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR PAY THE TAXES IMPOSED BY  
24 OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF THE APPLICANT  
25 OR ANOTHER PERSON SHALL BE DEEMED TO ALSO INCLUDE AN EMPLOYEE UNDER A  
26 DUTY TO FILE A RETURN OR PAY TAXES UNDER OR PURSUANT TO THE AUTHORITY OF  
27 THIS ARTICLE ON BEHALF OF SUCH APPLICANT OR OTHER PERSON. IN ADDITION TO  
28 THE GROUNDS SPECIFIED IN SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTI-  
29 CLE, THE COMMISSIONER MAY REFUSE TO REGISTER AN APPLICANT WHERE THE  
30 COMMISSIONER ASCERTAINS THAT THE APPLICANT, AN OFFICER, DIRECTOR OR  
31 PARTNER OF THE APPLICANT, A SHAREHOLDER DIRECTLY OR INDIRECTLY OWNING  
32 MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK OF SUCH APPLICANT  
33 (WHERE SUCH APPLICANT IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO  
34 VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR AN EMPLOYEE OR SHARE-  
35 HOLDER OF SUCH APPLICANT WHO, AS SUCH EMPLOYEE OR SHAREHOLDER IS UNDER A  
36 DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE  
37 OR TO PAY THE TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS  
38 ARTICLE ON BEHALF OF THE APPLICANT; (1) HAS COMMITTED ANY OF THE ACTS OR  
39 OMISSIONS WHICH ARE, OR WAS CONVICTED AS, SPECIFIED IN SUBDIVISION (D)  
40 OF THIS SECTION WITHIN THE PRECEDING FIVE YEARS; OR (2) WAS AN OFFICER,  
41 DIRECTOR OR PARTNER OF ANOTHER PERSON, OR WHO DIRECTLY OR INDIRECTLY  
42 OWNED MORE THAN TEN PERCENT OF THE SHARES OF STOCK OF ANOTHER PERSON  
43 (WHERE SUCH OTHER PERSON IS A CORPORATION) ENTITLING THE HOLDER THEREOF  
44 TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR WHO WAS AN EMPLOY-  
45 EE OR SHAREHOLDER OF ANOTHER PERSON UNDER A DUTY TO FILE A RETURN UNDER  
46 OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR PAY THE TAXES IMPOSED BY  
47 OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF OF SUCH OTHER  
48 PERSON AT THE TIME SUCH OTHER PERSON COMMITTED ANY OF THE ACTS OR OMIS-  
49 SIONS WHICH ARE, OR WAS CONVICTED AS, SPECIFIED IN SUBDIVISION (D) OF  
50 THIS SECTION WITHIN THE PRECEDING FIVE YEARS.

51 (D) CANCELLATION OR SUSPENSION OF REGISTRATION. THE GROUNDS FOR A  
52 CANCELLATION OR SUSPENSION OF A REGISTRATION UNDER THIS SECTION AS A  
53 WHOLESALER OF MOTOR FUEL ARE THE SAME AS THOSE GROUNDS SPECIFIED IN  
54 SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE AND, IN ADDITION TO  
55 SUCH GROUNDS, THE FOLLOWING GROUNDS RELATING TO THIS ARTICLE SHALL  
56 APPLY:

1 (1) A REGISTRATION AS A WHOLESALER OF MOTOR FUEL MAY BE CANCELLED OR  
2 SUSPENDED IF THE COMMISSIONER DETERMINES THAT A REGISTRANT OR AN OFFI-  
3 CER, DIRECTOR OR PARTNER OF THE REGISTRANT, A SHAREHOLDER DIRECTLY OR  
4 INDIRECTLY OWNING MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK  
5 OF SUCH REGISTRANT (WHERE SUCH REGISTRANT IS A CORPORATION) ENTITLING  
6 THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR  
7 AN EMPLOYEE OR SHAREHOLDER OF SUCH REGISTRANT UNDER A DUTY TO FILE A  
8 RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR TO PAY THE  
9 TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF  
10 OF THE REGISTRANT

11 (A) FAILS TO FILE OR MAINTAIN IN FULL FORCE AND EFFECT A BOND OR OTHER  
12 SECURITY WHEN REQUIRED PURSUANT TO SUBDIVISION (B) OF THIS SECTION OR  
13 WHEN THE AMOUNT THEREOF IS INCREASED,

14 (B) FAILS TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ARTICLE OR ANY  
15 RULE OR REGULATION ADOPTED PURSUANT TO THIS ARTICLE BY THE COMMISSIONER,

16 (C) KNOWINGLY AIDS AND ABETS ANOTHER PERSON IN VIOLATING ANY OF THE  
17 PROVISIONS OF THIS ARTICLE OR ANY RULE OR REGULATION ADOPTED PURSUANT TO  
18 THIS ARTICLE BY THE COMMISSIONER,

19 (D) TRANSFERS ITS REGISTRATION AS A WHOLESALER OF MOTOR FUEL WITHOUT  
20 THE PRIOR WRITTEN APPROVAL OF THE COMMISSIONER,

21 (E) WITH RESPECT TO A WHOLESALER OF MOTOR FUEL WHICH IS A CORPORATION,  
22 HAS BEEN DISSOLVED PURSUANT TO SECTION TWO HUNDRED THREE-A AND SUBDIVI-  
23 SION (D) OF SECTION THREE HUNDRED TEN OF THIS CHAPTER,

24 (F) COMMITS FRAUD OR DECEIT IN HIS, HER OR ITS OPERATIONS AS A WHOLE-  
25 SALER OF MOTOR FUEL OR HAS COMMITTED FRAUD OR DECEIT IN PROCURING HIS,  
26 HER OR ITS REGISTRATION,

27 (G) HAS IMPERSONATED ANY PERSON REPRESENTED TO BE A WHOLESALER OF  
28 MOTOR FUEL UNDER THIS ARTICLE BUT NOT IN FACT REGISTERED AS A WHOLESALER  
29 OF MOTOR FUEL, OR

30 (H) HAS KNOWINGLY AIDED AND ABETTED THE DISTRIBUTION OF MOTOR FUEL, BY  
31 ANY PERSON WHICH SUCH REGISTRANT OR SUCH OTHER PERSON KNOWS HAS NOT BEEN  
32 REGISTERED BY THE COMMISSIONER AS REQUIRED UNDER THIS ARTICLE.

33 (2) A REGISTRATION AS A WHOLESALER OF MOTOR FUEL MAY BE CANCELLED OR  
34 SUSPENDED IF THE COMMISSIONER DETERMINES THAT A REGISTRANT OR AN OFFI-  
35 CER, DIRECTOR OR PARTNER OF THE REGISTRANT, A SHAREHOLDER DIRECTLY OR  
36 INDIRECTLY OWNING MORE THAN TEN PERCENT OF THE NUMBER OF SHARES OF STOCK  
37 OF SUCH REGISTRANT (WHERE SUCH REGISTRANT IS A CORPORATION) ENTITLING  
38 THE HOLDER THEREOF TO VOTE FOR THE ELECTION OF DIRECTORS OR TRUSTEES, OR  
39 AN EMPLOYEE OR SHAREHOLDER OF SUCH REGISTRANT UNDER A DUTY TO FILE A  
40 RETURN UNDER OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE OR TO PAY THE  
41 TAXES IMPOSED BY OR PURSUANT TO THE AUTHORITY OF THIS ARTICLE ON BEHALF  
42 OF THE REGISTRANT, WAS AN OFFICER, DIRECTOR OR PARTNER OF ANOTHER PERSON  
43 OR WAS A SHAREHOLDER DIRECTLY OR INDIRECTLY OWNING MORE THAN TEN PERCENT  
44 OF THE NUMBER OF SHARES OF STOCK OF ANOTHER PERSON (WHERE SUCH OTHER  
45 PERSON IS A CORPORATION) ENTITLING THE HOLDER THEREOF TO VOTE FOR THE  
46 ELECTION OF DIRECTORS OR TRUSTEES, OR WAS AN EMPLOYEE OR SHAREHOLDER OF  
47 ANOTHER PERSON UNDER A DUTY TO FILE A RETURN UNDER OR PURSUANT TO THE  
48 AUTHORITY OF THIS ARTICLE OR TO PAY THE TAXES IMPOSED BY OR PURSUANT TO  
49 THE AUTHORITY OF THIS ARTICLE ON BEHALF OF SUCH OTHER PERSON AT THE TIME  
50 SUCH OTHER PERSON COMMITTED ANY OF THE ACTS SPECIFIED IN PARAGRAPH ONE  
51 OF THIS SUBDIVISION WITHIN THE PRECEDING FIVE YEARS.

52 (E) CANCELLATION OR SUSPENSION OF REGISTRATION PRIOR TO A HEARING.  
53 THE GROUNDS FOR CANCELLING OR SUSPENDING A REGISTRATION AS A WHOLESALER  
54 OF MOTOR FUEL PRIOR TO A HEARING SHALL BE THE SAME AS THOSE SPECIFIED IN  
55 SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE

1 AND, IN ADDITION TO SUCH GROUNDS, THE FOLLOWING GROUNDS RELATING TO THIS  
2 ARTICLE SHALL APPLY:

3 (1) THE FAILURE TO FILE A RETURN WITHIN TEN DAYS OF THE DATE  
4 PRESCRIBED FOR FILING A RETURN UNDER THIS ARTICLE IF THE REGISTRANT  
5 SHALL HAVE FAILED TO FILE SUCH RETURN WITHIN TEN DAYS AFTER THE DATE THE  
6 DEMAND THEREFOR IS SENT BY REGISTERED OR CERTIFIED MAIL TO THE ADDRESS  
7 OF THE WHOLESALER OF MOTOR FUEL GIVEN IN ITS APPLICATION, OR AN ADDRESS  
8 SUBSTITUTED THEREFOR AS PROVIDED IN SUBDIVISION FIVE OF SECTION TWO  
9 HUNDRED EIGHTY-THREE OF THIS ARTICLE,

10 (2) THE FAILURE TO CONTINUE TO MAINTAIN IN FULL FORCE AND EFFECT AT  
11 ALL TIMES THE BOND OR OTHER SECURITY REQUIRED TO BE FILED PURSUANT TO  
12 SUBDIVISION (B) OF THIS SECTION, PROVIDED, HOWEVER, THAT IF A SURETY  
13 BOND IS CANCELLED PRIOR TO EXPIRATION, THE COMMISSIONER MAY AFTER  
14 CONSIDERING ALL THE RELEVANT CIRCUMSTANCES MAKE SUCH OTHER ARRANGEMENTS,  
15 AND MAY REQUIRE THE FILING OF SUCH OTHER BOND OR OTHER SECURITY AS IT  
16 DEEMS APPROPRIATE,

17 (3) THE TRANSFER OF A REGISTRATION AS A WHOLESALER OF MOTOR FUEL WITH-  
18 OUT THE PRIOR WRITTEN APPROVAL OF THE COMMISSIONER, OR

19 (4) WITH RESPECT TO A WHOLESALER OF MOTOR FUEL WHICH IS A CORPORATION,  
20 THE DISSOLUTION OR ANNULMENT OF SUCH CORPORATION PURSUANT TO SECTION  
21 THREE HUNDRED TEN OF THIS CHAPTER.

22 S 3. Section 287 of the tax law is amended by adding a new subdivision  
23 3 to read as follows:

24 3. EVERY WHOLESALER OF MOTOR FUEL SHALL, ON OR BEFORE THE TWENTIETH  
25 DAY OF EACH MONTH, FILE WITH THE DEPARTMENT A RETURN, ON FORMS  
26 PRESCRIBED BY THE COMMISSIONER STATING THE NUMBER OF GALLONS OF MOTOR  
27 FUEL PURCHASED AND SOLD BY SUCH WHOLESALER IN THE STATE DURING THE  
28 PRECEDING CALENDAR MONTH. FOR EACH PURCHASE AND SALE, THE DATE, NUMBER  
29 OF GALLONS OF MOTOR FUEL PURCHASED OR SOLD, AND THE NAME OF THE SELLER  
30 OR PURCHASER SHALL BE SET FORTH ON THE RETURN. SUCH RETURNS SHALL  
31 CONTAIN SUCH FURTHER INFORMATION AS THE COMMISSIONER SHALL REQUIRE. THE  
32 FACT THAT A WHOLESALER'S NAME IS SIGNED TO A FILED RETURN SHALL BE PRIMA  
33 FACIE EVIDENCE FOR ALL PURPOSES THAT THE RETURN WAS ACTUALLY SIGNED BY  
34 SUCH WHOLESALER OF MOTOR FUEL.

35 S 4. Section 1102 of the tax law is amended by adding a new subdivi-  
36 sion (f) to read as follows:

37 (F) EVERY WHOLESALER OF MOTOR FUEL, AS SUCH TERM IS DEFINED BY SUBDI-  
38 VISION TWENTY-SEVEN OF SECTION TWO HUNDRED EIGHTY-TWO OF THIS CHAPTER,  
39 SHALL PAY OR BE ENTITLED TO A CREDIT OR REFUND OF THE TAX IMPOSED BY  
40 THIS SECTION ON GALLONS OF MOTOR FUEL UNDER THE CIRCUMSTANCES SET FORTH  
41 IN PARAGRAPH THREE OF SUBDIVISION (E) OF SECTION ELEVEN HUNDRED ELEVEN  
42 OF THIS ARTICLE.

43 S 5. Subdivision (e) of section 1111 of the tax law is amended by  
44 adding a new paragraph 3 to read as follows:

45 (3) WHEN A WHOLESALER OF MOTOR FUEL SELLS MOTOR FUEL IN A REGION, AS  
46 DEFINED IN PARAGRAPH ONE OF THIS SUBDIVISION, DIFFERENT FROM THE REGION  
47 IN WHICH SUCH MOTOR FUEL WAS PURCHASED:

48 (I) IF THE REGION IN WHICH IT SELLS THE MOTOR FUEL HAS A HIGHER  
49 PREPAID RATE AS SET FORTH IN THIS SUBDIVISION THAN THE REGION IN WHICH  
50 THE WHOLESALER PURCHASED THE MOTOR FUEL IN, THE WHOLESALER SHALL PAY TO  
51 THE DEPARTMENT THE DIFFERENCE IN THE RATES FOR THE GALLONAGE SOLD.

52 (II) IF THE REGION IN WHICH IT SELLS THE MOTOR FUEL HAS A LOWER  
53 PREPAID RATE AS SET FORTH IN THIS SUBDIVISION THAN THE REGION IN WHICH  
54 THE WHOLESALER PURCHASED THE MOTOR FUEL, THE WHOLESALER SHALL BE ENTI-  
55 TLED TO A CREDIT OR REFUND FOR THE DIFFERENCE IN THE RATES FOR THE  
56 GALLONAGE SOLD.

1 S 6. The tax law is amended by adding a new section 1812-g to read as  
2 follows:

3 S 1812-G. PERSON NOT REGISTERED AS A WHOLESALER OF MOTOR FUEL. ANY  
4 PERSON WHO, WHILE NOT REGISTERED AS A WHOLESALER OF MOTOR FUEL PURSUANT  
5 TO THE PROVISIONS OF ARTICLE TWELVE-A OF THIS CHAPTER, MAKES A SALE OF  
6 MOTOR FUEL IN THIS STATE OTHER THAN A RETAIL SALE NOT IN BULK, SHALL BE  
7 GUILTY OF A CLASS E FELONY.

8 S 7. This act shall take effect immediately; provided, however, that  
9 sections two, three, four, five and six of this act shall take effect  
10 December 1, 2016. Effective immediately, any rules, regulations and  
11 agreements necessary to implement the provisions of this act on its  
12 effective date are authorized and directed to be completed on or before  
13 such date.

14

## PART VV

15 Section 1. Subdivision (a) of section 25-a of the labor law, as  
16 amended by section 1 of part AA of chapter 56 of the laws of 2015, is  
17 amended to read as follows:

18 (a) The commissioner is authorized to establish and administer the  
19 program established under this section to provide tax incentives to  
20 employers for employing at risk youth in part-time and full-time posi-  
21 tions. There will be five distinct pools of tax incentives. Program one  
22 will cover tax incentives allocated for two thousand twelve and two  
23 thousand thirteen. Program two will cover tax incentives allocated in  
24 two thousand fourteen. Program three will cover tax incentives allocated  
25 in two thousand fifteen. Program four will cover tax incentives allo-  
26 cated in two thousand sixteen. Program five will cover tax incentives  
27 allocated in two thousand seventeen. The commissioner is authorized to  
28 allocate up to twenty-five million dollars of tax credits under program  
29 one, ten million dollars of tax credits under program two, [and] twenty  
30 million dollars of tax credits under [each of programs] PROGRAM three,  
31 AND FIFTY MILLION DOLLARS OF TAX CREDITS UNDER EACH OF PROGRAMS four[,]  
32 and five.

33 S 2. Subdivision (b) of section 25-a of the labor law is amended by  
34 adding a new paragraph 3 to read as follows:

35 (3) FOR PROGRAMS FOUR AND FIVE, THE TAX CREDIT UNDER EACH PROGRAM  
36 SHALL BE ALLOCATED AS FOLLOWS: (I) THIRTY MILLION DOLLARS OF TAX CREDIT  
37 FOR QUALIFIED EMPLOYEES; AND (II) TWENTY MILLION DOLLARS OF TAX CREDIT  
38 FOR INDIVIDUALS WHO MEET ALL OF THE REQUIREMENTS FOR A QUALIFIED EMPLOY-  
39 EE EXCEPT FOR THE RESIDENCY REQUIREMENT OF SUBPARAGRAPH (II) OF PARA-  
40 GRAPH TWO OF THIS SUBDIVISION, WHICH INDIVIDUALS SHALL BE DEEMED TO MEET  
41 THE RESIDENCY REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS  
42 SUBDIVISION IF THEY RESIDE IN NEW YORK STATE.

43 S 3. This act shall take effect immediately.

44

## PART WW

45 Section 1. Section 1115 of the tax law is amended by adding a new  
46 subdivision (kk) to read as follows:

47 (KK) THE FOLLOWING SHALL BE EXEMPT FROM TAX UNDER THIS ARTICLE: (1)  
48 RECEIPTS FROM THE RETAIL SALE OF, AND CONSIDERATION GIVEN OR CONTRACTED  
49 TO BE GIVEN FOR, OR FOR THE USE OF, COMMERCIAL FUEL CELL ELECTRICITY  
50 GENERATING SYSTEMS EQUIPMENT AND THE SERVICE OF INSTALLING AND MAINTAIN-  
51 ING SUCH SYSTEMS. FOR THE PURPOSES OF THIS SUBDIVISION, "FUEL CELL ELEC-  
52 TRICITY GENERATING SYSTEMS EQUIPMENT" SHALL MEAN AN ELECTRIC GENERATING

1 ARRANGEMENT OR COMBINATION OF COMPONENTS INSTALLED UPON NON-RESIDENTIAL  
2 PREMISES THAT UTILIZE SOLID OXIDE, MOLTEN CARBONATE, PROTON EXCHANGE  
3 MEMBRANE OR PHOSPHORIC ACID FUEL CELL, OR FOR THE PURPOSES OF THIS  
4 SECTION ONLY, LINEAR GENERATOR.

5 (2) RECEIPTS FROM THE SALE OF HYDROGEN GAS OR ELECTRICITY BY A PERSON  
6 PRIMARILY ENGAGED IN THE SALE OF FUEL CELL ELECTRICITY GENERATING SYSTEM  
7 EQUIPMENT AND/OR ELECTRICITY GENERATED BY SUCH EQUIPMENT PURSUANT TO A  
8 WRITTEN AGREEMENT UNDER WHICH THE ELECTRICITY IS GENERATED BY COMMERCIAL  
9 FUEL CELL ELECTRICITY GENERATING SYSTEM EQUIPMENT THAT IS: (A) OWNED BY  
10 A PERSON OTHER THAN THE PURCHASER OF SUCH ELECTRICITY; (B) INSTALLED ON  
11 THE NON-RESIDENTIAL PREMISES OF THE PURCHASER OF SUCH ELECTRICITY; (C)  
12 PLACED IN SERVICE; AND (D) USED TO PROVIDE HEATING, COOLING, HOT WATER  
13 OR ELECTRICITY TO SUCH PREMISES.

14 S 2. Paragraphs 1 and 4 of subdivision (a) of section 1210 of the tax  
15 law, as amended by section 3 of part Z of chapter 59 of the laws of  
16 2015, are amended to read as follows:

17 (1) Either, all of the taxes described in article twenty-eight of this  
18 chapter, at the same uniform rate, as to which taxes all provisions of  
19 the local laws, ordinances or resolutions imposing such taxes shall be  
20 identical, except as to rate and except as otherwise provided, with the  
21 corresponding provisions in such article twenty-eight, including the  
22 definition and exemption provisions of such article, so far as the  
23 provisions of such article twenty-eight can be made applicable to the  
24 taxes imposed by such city or county and with such limitations and  
25 special provisions as are set forth in this article. The taxes author-  
26 ized under this subdivision may not be imposed by a city or county  
27 unless the local law, ordinance or resolution imposes such taxes so as  
28 to include all portions and all types of receipts, charges or rents,  
29 subject to state tax under sections eleven hundred five and eleven  
30 hundred ten of this chapter, except as otherwise provided. (i) Any local  
31 law, ordinance or resolution enacted by any city of less than one  
32 million or by any county or school district, imposing the taxes author-  
33 ized by this subdivision, shall, notwithstanding any provision of law to  
34 the contrary, exclude from the operation of such local taxes all sales  
35 of tangible personal property for use or consumption directly and  
36 predominantly in the production of tangible personal property, gas,  
37 electricity, refrigeration or steam, for sale, by manufacturing, proc-  
38 ession, generating, assembly, refining, mining or extracting; and all  
39 sales of tangible personal property for use or consumption predominantly  
40 either in the production of tangible personal property, for sale, by  
41 farming or in a commercial horse boarding operation, or in both; and,  
42 unless such city, county or school district elects otherwise, shall omit  
43 the provision for credit or refund contained in clause six of subdivi-  
44 sion (a) or subdivision (d) of section eleven hundred nineteen of this  
45 chapter. (ii) Any local law, ordinance or resolution enacted by any  
46 city, county or school district, imposing the taxes authorized by this  
47 subdivision, shall omit the residential solar energy systems equipment  
48 and electricity exemption provided for in subdivision (ee), the commer-  
49 cial solar energy systems equipment and electricity exemption provided  
50 for in subdivision (ii), THE COMMERCIAL FUEL CELL ELECTRICITY GENERATING  
51 SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT EXEMPTION  
52 PROVIDED FOR IN SUBDIVISION (KK) and the clothing and footwear exemption  
53 provided for in paragraph thirty of subdivision (a) of section eleven  
54 hundred fifteen of this chapter, unless such city, county or school  
55 district elects otherwise as to [either] such residential solar energy  
56 systems equipment and electricity exemption, such commercial solar ener-

1 gy systems equipment and electricity exemption, COMMERCIAL FUEL CELL  
2 ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY  
3 SUCH EQUIPMENT EXEMPTION or such clothing and footwear exemption.

4 (4) Notwithstanding any other provision of law to the contrary, any  
5 local law enacted by any city of one million or more that imposes the  
6 taxes authorized by this subdivision (i) may omit the exception provided  
7 in subparagraph (ii) of paragraph three of subdivision (c) of section  
8 eleven hundred five of this chapter for receipts from laundering, dry-  
9 cleaning, tailoring, weaving, pressing, shoe repairing and shoe shining;  
10 (ii) may impose the tax described in paragraph six of subdivision (c) of  
11 section eleven hundred five of this chapter at a rate in addition to the  
12 rate prescribed by this section not to exceed two percent in multiples  
13 of one-half of one percent; (iii) shall provide that the tax described  
14 in paragraph six of subdivision (c) of section eleven hundred five of  
15 this chapter does not apply to facilities owned and operated by the city  
16 or an agency or instrumentality of the city or a public corporation the  
17 majority of whose members are appointed by the chief executive officer  
18 of the city or the legislative body of the city or both of them; (iv)  
19 shall not include any tax on receipts from, or the use of, the services  
20 described in paragraph seven of subdivision (c) of section eleven  
21 hundred five of this chapter; (v) shall provide that, for purposes of  
22 the tax described in subdivision (e) of section eleven hundred five of  
23 this chapter, "permanent resident" means any occupant of any room or  
24 rooms in a hotel for at least one hundred eighty consecutive days with  
25 regard to the period of such occupancy; (vi) may omit the exception  
26 provided in paragraph one of subdivision (f) of section eleven hundred  
27 five of this chapter for charges to a patron for admission to, or use  
28 of, facilities for sporting activities in which the patron is to be a  
29 participant, such as bowling alleys and swimming pools; (vii) may  
30 provide the clothing and footwear exemption in paragraph thirty of  
31 subdivision (a) of section eleven hundred fifteen of this chapter, and,  
32 notwithstanding any provision of subdivision (d) of this section to the  
33 contrary, any local law providing for such exemption or repealing such  
34 exemption, may go into effect on any one of the following dates: March  
35 first, June first, September first or December first; (viii) shall omit  
36 the exemption provided in paragraph forty-one of subdivision (a) of  
37 section eleven hundred fifteen of this chapter; (ix) shall omit the  
38 exemption provided in subdivision (c) of section eleven hundred fifteen  
39 of this chapter insofar as it applies to fuel, gas, electricity, refriger-  
40 eration and steam, and gas, electric, refrigeration and steam service of  
41 whatever nature for use or consumption directly and exclusively in the  
42 production of gas, electricity, refrigeration or steam; (x) shall omit,  
43 unless such city elects otherwise, the provision for refund or credit  
44 contained in clause six of subdivision (a) or in subdivision (d) of  
45 section eleven hundred nineteen of this chapter; (xi) shall provide that  
46 section eleven hundred five-C of this chapter does not apply to such  
47 taxes, and shall tax receipts from every sale, other than sales for  
48 resale, of gas service or electric service of whatever nature, including  
49 the transportation, transmission or distribution of gas or electricity,  
50 even if sold separately, at the rate set forth in clause one of subpara-  
51 graph (i) of the opening paragraph of this section; (xii) shall omit,  
52 unless such city elects otherwise, the exemption for residential solar  
53 energy systems equipment and electricity provided in subdivision (ee) of  
54 section eleven hundred fifteen of this chapter; [and] (xiii) shall omit,  
55 unless such city elects otherwise, the exemption for commercial solar  
56 energy systems equipment and electricity provided in subdivision (ii) of

1 section eleven hundred fifteen of this chapter; AND (XIV) SHALL OMIT,  
2 UNLESS SUCH CITY ELECTS OTHERWISE, THE EXEMPTION FOR COMMERCIAL FUEL  
3 CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED  
4 BY SUCH EQUIPMENT PROVIDED IN SUBDIVISION (KK) OF SECTION ELEVEN HUNDRED  
5 FIFTEEN OF THIS CHAPTER. Any reference in this chapter or in any local  
6 law, ordinance or resolution enacted pursuant to the authority of this  
7 article to former subdivisions (n) or (p) of this section shall be  
8 deemed to be a reference to clauses (xii) or (xiii) of this paragraph,  
9 respectively, and any such local law, ordinance or resolution that  
10 provides the exemptions provided in such former subdivisions (n) and/or  
11 (p) shall be deemed instead to provide the exemptions provided in claus-  
12 es (xii) and/or (xiii) of this paragraph.

13 S 3. Paragraph 1 of subdivision (b) of section 1210 of the tax law,  
14 as amended by section 4 of part Z of chapter 59 of the laws of 2015, is  
15 amended to read as follows:

16 (1) Or, one or more of the taxes described in subdivisions (b), (d),  
17 (e) and (f) of section eleven hundred five of this chapter, at the same  
18 uniform rate, including the transitional provisions in section eleven  
19 hundred six of this chapter covering such taxes, but not the taxes  
20 described in subdivisions (a) and (c) of section eleven hundred five of  
21 this chapter. Provided, further, that where the tax described in subdivi-  
22 sion (b) of section eleven hundred five of this chapter is imposed,  
23 the compensating use taxes described in clauses (E), (G) and (H) of  
24 subdivision (a) of section eleven hundred ten of this chapter shall also  
25 be imposed. Provided, further, that where the taxes described in subdivi-  
26 sion (b) of section eleven hundred five are imposed, such taxes shall  
27 omit: (A) the provision for refund or credit contained in subdivision  
28 (d) of section eleven hundred nineteen of this chapter with respect to  
29 such taxes described in such subdivision (b) of section eleven hundred  
30 five unless such city or county elects to provide such provision or, if  
31 so elected, to repeal such provision; (B) the exemption provided in  
32 paragraph two of subdivision (ee) of section eleven hundred fifteen of  
33 this chapter unless such county or city elects otherwise; [and] (C) the  
34 exemption provided in paragraph two of subdivision (ii) of section elev-  
35 en hundred fifteen of this chapter, unless such county or city elects  
36 otherwise; AND (D) THE EXEMPTION PROVIDED IN PARAGRAPH TWO OF SUBDIVI-  
37 SION (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS CHAPTER, UNLESS SUCH  
38 COUNTY OR CITY ELECTS OTHERWISE.

39 S 4. Subdivision (d) of section 1210 of the tax law, as amended by  
40 section 4-a of part Z of chapter 59 of the laws of 2015, is amended to  
41 read as follows:

42 (d) A local law, ordinance or resolution imposing any tax pursuant to  
43 this section, increasing or decreasing the rate of such tax, repealing  
44 or suspending such tax, exempting from such tax the energy sources and  
45 services described in paragraph three of subdivision (a) or of subdivi-  
46 sion (b) of this section or changing the rate of tax imposed on such  
47 energy sources and services or providing for the credit or refund  
48 described in clause six of subdivision (a) of section eleven hundred  
49 nineteen of this chapter, or electing or repealing the exemption for  
50 residential solar equipment and electricity in subdivision (ee) of  
51 section eleven hundred fifteen of this article, or the exemption for  
52 commercial solar equipment and electricity in subdivision (ii) of  
53 section eleven hundred fifteen of this article, OR ELECTING OR REPEALING  
54 THE EXEMPTION FOR COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS  
55 EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT IN SUBDIVISION  
56 (KK) OF SECTION ELEVEN HUNDRED FIFTEEN OF THIS ARTICLE must go into

1 effect only on one of the following dates: March first, June first,  
2 September first or December first; provided, that a local law, ordinance  
3 or resolution providing for the exemption described in paragraph thirty  
4 of subdivision (a) of section eleven hundred fifteen of this chapter or  
5 repealing any such exemption or a local law, ordinance or resolution  
6 providing for a refund or credit described in subdivision (d) of section  
7 eleven hundred nineteen of this chapter or repealing such provision so  
8 provided must go into effect only on March first. No such local law,  
9 ordinance or resolution shall be effective unless a certified copy of  
10 such law, ordinance or resolution is mailed by registered or certified  
11 mail to the commissioner at the commissioner's office in Albany at least  
12 ninety days prior to the date it is to become effective. However, the  
13 commissioner may waive and reduce such ninety-day minimum notice  
14 requirement to a mailing of such certified copy by registered or certi-  
15 fied mail within a period of not less than thirty days prior to such  
16 effective date if the commissioner deems such action to be consistent  
17 with the commissioner's duties under section twelve hundred fifty of  
18 this article and the commissioner acts by resolution. Where the  
19 restriction provided for in section twelve hundred twenty-three of this  
20 article as to the effective date of a tax and the notice requirement  
21 provided for therein are applicable and have not been waived, the  
22 restriction and notice requirement in section twelve hundred twenty-  
23 three of this article shall also apply.

24 S 5. Subdivision (a) of section 1212 of the tax law, as amended by  
25 section 6 of part Z of chapter 59 of the laws of 2015, is amended to  
26 read as follows:

27 (a) Any school district which is coterminous with, partly within or  
28 wholly within a city having a population of less than one hundred twen-  
29 ty-five thousand, is hereby authorized and empowered, by majority vote  
30 of the whole number of its school authorities, to impose for school  
31 district purposes, within the territorial limits of such school district  
32 and without discrimination between residents and nonresidents thereof,  
33 the taxes described in subdivision (b) of section eleven hundred five  
34 (but excluding the tax on prepaid telephone calling services) and the  
35 taxes described in clauses (E) and (H) of subdivision (a) of section  
36 eleven hundred ten, including the transitional provisions in subdivision  
37 (b) of section eleven hundred six of this chapter, so far as such  
38 provisions can be made applicable to the taxes imposed by such school  
39 district and with such limitations and special provisions as are set  
40 forth in this article, such taxes to be imposed at the rate of one-half,  
41 one, one and one-half, two, two and one-half or three percent which rate  
42 shall be uniform for all portions and all types of receipts and uses  
43 subject to such taxes. In respect to such taxes, all provisions of the  
44 resolution imposing them, except as to rate and except as otherwise  
45 provided herein, shall be identical with the corresponding provisions in  
46 such article twenty-eight of this chapter, including the applicable  
47 definition and exemption provisions of such article, so far as the  
48 provisions of such article twenty-eight of this chapter can be made  
49 applicable to the taxes imposed by such school district and with such  
50 limitations and special provisions as are set forth in this article. The  
51 taxes described in subdivision (b) of section eleven hundred five (but  
52 excluding the tax on prepaid telephone calling service) and clauses (E)  
53 and (H) of subdivision (a) of section eleven hundred ten, including the  
54 transitional provision in subdivision (b) of such section eleven hundred  
55 six of this chapter, may not be imposed by such school district unless  
56 the resolution imposes such taxes so as to include all portions and all



1 types of receipts and uses subject to tax under such subdivision (but  
2 excluding the tax on prepaid telephone calling service) and clauses.  
3 Provided, however, that, where a school district imposes such taxes,  
4 such taxes shall omit the provision for refund or credit contained in  
5 subdivision (d) of section eleven hundred nineteen of this chapter with  
6 respect to such taxes described in such subdivision (b) of section elev-  
7 en hundred five unless such school district elects to provide such  
8 provision or, if so elected, to repeal such provision, and shall omit  
9 the exemptions provided in paragraph two of subdivision (ee) and para-  
10 graph two of subdivision (ii) of section eleven hundred fifteen of this  
11 chapter unless such school district elects otherwise, AND SHALL OMIT THE  
12 EXEMPTION PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (KK) OF SECTION ELEV-  
13 EN HUNDRED FIFTEEN OF THIS CHAPTER UNLESS SUCH SCHOOL DISTRICT ELECTS  
14 OTHERWISE.

15 S 6. Section 1224 of the tax law is amended by adding a new subdivi-  
16 sion (c-2) to read as follows:

17 (C-2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW: (1) WHERE A COUNTY  
18 CONTAINING ONE OR MORE CITIES WITH A POPULATION OF LESS THAN ONE MILLION  
19 HAS ELECTED THE EXEMPTION FOR COMMERCIAL FUEL CELL ELECTRICITY GENERAT-  
20 ING SYSTEMS EQUIPMENT AND ELECTRICITY GENERATED BY SUCH EQUIPMENT  
21 PROVIDED IN SUBDIVISION (KK) OF SUCH SECTION ELEVEN HUNDRED FIFTEEN, A  
22 CITY WITHIN SUCH COUNTY SHALL HAVE THE PRIOR RIGHT TO IMPOSE TAX ON SUCH  
23 EXEMPT EQUIPMENT AND/OR ELECTRICITY TO THE EXTENT OF ONE HALF OF THE  
24 MAXIMUM RATES AUTHORIZED UNDER SUBDIVISION (A) OF SECTION TWELVE HUNDRED  
25 TEN OF THIS ARTICLE;

26 (2) WHERE A CITY OF LESS THAN ONE MILLION HAS ELECTED THE EXEMPTION  
27 FOR COMMERCIAL FUEL CELL ELECTRICITY GENERATING SYSTEMS EQUIPMENT AND  
28 ELECTRICITY GENERATED BY SUCH EQUIPMENT PROVIDED IN SUBDIVISION (KK) OF  
29 SUCH SECTION ELEVEN HUNDRED FIFTEEN, THE COUNTY IN WHICH SUCH CITY IS  
30 LOCATED SHALL HAVE THE PRIOR RIGHT TO IMPOSE TAX ON SUCH EXEMPT EQUIP-  
31 MENT AND/OR ELECTRICITY TO THE EXTENT OF ONE HALF OF THE MAXIMUM RATES  
32 AUTHORIZED UNDER SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS  
33 ARTICLE.

34 S 7. This act shall take effect June 1, 2016 and shall apply in  
35 accordance with the applicable transitional provisions in sections 1106  
36 and 1217 of the tax law.

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

46 S 3. This act shall take effect immediately provided, however, that  
47 the applicable effective date of Parts A through WW of this act shall be  
48 as specifically set forth in the last section of such Parts.