

STATE OF NEW YORK

8009--B

IN SENATE

January 19, 2022

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

AN ACT to amend the tax law, in relation to accelerating the middle-class tax cut (Part A); to amend the tax law, in relation to providing an enhanced investment tax credit to farmers (Subpart A); to amend the tax law and chapter 60 of the laws of 2016 amending the tax law relating to creating a farm workforce retention credit, in relation to the effectiveness of such credit (Subpart B); and to amend the tax law, in relation to establishing a farm employer overtime credit (Subpart C) (Part B); to amend the tax law and the administrative code of the city of New York, in relation to the business income base rate and expanding the small business subtraction modification (Part C); to amend the tax law, in relation to excluding certain loan forgiveness awards from state income tax (Part D); to amend the economic development law and the tax law, in relation to creating the COVID-19 capital costs tax credit program (Part E); to amend the tax law and the state finance law, in relation to extending and expanding the New York city musical and theatrical production tax credit and the purposes of the New York state council on the arts cultural programs fund; and to amend subpart B of part PP of chapter 59 of the laws of 2021 amending the tax law and the state finance law relating to establishing the New York city musical and theatrical production tax credit and establishing the New York state council on the arts cultural program fund, in relation to the effectiveness thereof (Part F); intentionally omitted (Part G); to amend the tax law, in relation to extending and modifying the hire a vet credit (Part H); to amend the tax law, in relation to establishing a tax credit for the conversion from grade no. 6 heating oil usage to biodiesel heating oil and geothermal systems (Part I); 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 J); to amend the tax law, in relation to extending the clean heating fuel credit for three years (Part K); to amend chapter 604 of the laws of 2011 amending the tax law relating to the credit for companies

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

LBD12674-04-2

who provide transportation to people with disabilities, in relation to the effectiveness thereof; and to amend the tax law, in relation to the application of a credit for companies who provide transportation to individuals with disabilities (Part L); to amend the tax law, in relation to the empire state film production credit and the empire state film post production credit (Part M); to amend the labor law, in relation to extending the New York youth jobs program tax credit (Part N); to amend the labor law, in relation to extending the empire state apprenticeship tax credit program (Part O); to amend the tax law, in relation to extending the alternative fuels and electric vehicle recharging property credit and adding a reporting requirement (Part P); to amend the labor law, in relation to the program period for the workers with disabilities tax credit program; and to amend part MM of chapter 59 of the laws of 2014 amending the labor law and the tax law relating to the creation of the workers with disabilities tax credit program, in relation to the effectiveness thereof (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the tax law, in relation to providing an exemption from the payments of the petroleum business tax on the operation of commercial tugboats, barges and other commercial towboats (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the tax law, in relation to requiring publication of changes in withholding tables and interest rates (Part W); to amend the tax law, in relation to expanding the definition of financial institution under the financial institution data match program (Part X); to amend the real property tax law and chapter 475 of the laws of 2013, relating to assessment ceilings for local public utility mass real property, in relation to extending the assessment ceiling for local public utility mass real property to January 1, 2027 (Part Y); to amend the real property tax law, in relation to good cause refunds for the STAR program (Subpart A); intentionally omitted (Subpart B); to amend the tax law, in relation to clarifying the applicable income tax year for the basic STAR credit (Subpart C); to amend the tax law, in relation to allowing names of STAR credit recipients to be shared with assessors outside of New York state (Subpart D); and to amend the tax law and the real property tax law, in relation to allowing decedent reports to be given to assessors and improving the tax enforcement process as it relates to decedents (Subpart E) (Part Z); intentionally omitted (Part AA); to amend the tax law, in relation to establishing a homeowner tax rebate credit (Part BB); to amend the racing, pari-mutuel wagering and breeding law and the tax law, in relation to gaming facility determinations and licensing (Part CC); to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Catskill and Capital regions off-track betting corporation's capital acquisition funds; and to amend chapter 59 of the laws of 2021 amending the racing, pari-mutuel wagering and breeding law, relating to the utilization of funds in the Catskill and Capital regions off-track betting corporation's capital acquisition funds, in relation to the effectiveness thereof (Part DD); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and

other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part EE); to amend the tax law, in relation to providing a tax credit for qualified caregiving expenses; and to provide for the repeal of such provisions upon the expiration thereof (Part FF); to amend the tax law and the administrative code of the city of New York, in relation to treatment of gains from qualified opportunity zones in calculating taxable income (Part GG); to amend the tax law, in relation to the solar energy system equipment tax credit (Part HH); to amend the tax law, in relation to establishing a credit for geothermal energy systems (Part II); to amend the real property tax law, in relation to an abatement of real property taxes for the creation or expansion of childcare centers in certain buildings in a city having a population of one million or more (Part JJ); to amend the tax law and the administrative code of the city of New York, in relation to the earned income tax credit (Part KK); to amend the tax law and the economic development law, in relation to the creation of the empire state digital gaming media production credit; to amend the state finance law, in relation to creating the empire state digital gaming diversity job training development fund; and providing for the repeal of certain provisions upon expiration thereof (Part LL); to amend the racing, pari-mutuel wagering and breeding law, in relation to the definition of wager and the licensing of mobile sports wagering operators (Part MM); to amend the racing, pari-mutuel wagering and breeding law, in relation to extending authorization of the New York Jockey Injury Compensation Fund, Inc. to use certain funds to pay certain annual costs (Part NN); to amend the tax law, in relation to permitting deductions for commercial cannabis activity; and providing for the repeal of such provisions upon expiration thereof (Part OO); to amend the tax law, the general business law and the state finance law, in relation to establishing a temporary fuel tax holiday; and to direct the department of transportation, in conjunction with the department of taxation and finance, to conduct a study on the feasibility of creating a general vehicle miles traveled tax (Part PP); and to amend the tax law, in relation to the earned income tax credit (Part QQ)

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 2022-2023
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through QQ. 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,
 7 including the effective date of the Part, which makes a reference to a
 8 section "of this act", when used in connection with that particular
 9 component, shall be deemed to mean and refer to the corresponding
 10 section of the Part in which it is found. Section three of this act sets
 11 forth the general effective date of this act.

12

PART A

Section 1. Clauses (vi), (vii), (viii) and (ix) of subparagraph (B) of paragraph 1 of subsection (a) of section 601 of the tax law, clauses (vi), (vii) and (viii) as amended and clause (ix) as added by section 1 of part A of chapter 59 of the laws of 2021, are amended to read as follows:

(vi) For taxable years beginning in two thousand twenty-three and before two thousand twenty-eight the following rates shall apply:

~~[If the New York taxable income is: The tax is:~~

~~Not over \$17,150 4% of the New York taxable income~~

~~Over \$17,150 but not over \$23,600 \$686 plus 4.5% of excess over \$17,150~~

~~Over \$23,600 but not over \$27,900 \$976 plus 5.25% of excess over \$23,600~~

~~Over \$27,900 but not over \$161,550 \$1,202 plus 5.73% of excess over \$27,900~~

~~Over \$161,550 but not over \$323,200 \$8,860 plus 6.17% of excess over \$161,550~~

~~Over \$323,200 but not over \$2,155,350 \$18,834 plus 6.85% of excess over \$323,200~~

~~Over \$2,155,350 but not over \$5,000,000 \$144,336 plus 9.65% of excess over \$2,155,350~~

~~Over \$5,000,000 but not over \$25,000,000 \$418,845 plus 10.30% of excess over \$5,000,000~~

~~Over \$25,000,000 \$2,478,845 plus 10.90% of excess over \$25,000,000~~

~~(vii) For taxable years beginning in two thousand twenty-four the following rates shall apply:~~

~~If the New York taxable income is: The tax is:~~

~~Not over \$17,150 4% of the New York taxable income~~

~~Over \$17,150 but not over \$23,600 \$686 plus 4.5% of excess over \$17,150~~

~~Over \$23,600 but not over \$27,900 \$976 plus 5.25% of excess over \$23,600~~

~~Over \$27,900 but not over \$161,550 \$1,202 plus 5.61% of excess over \$27,900~~

~~Over \$161,550 but not over \$323,200 \$8,700 plus 6.09% of excess over \$161,550~~

~~Over \$323,200 but not over \$2,155,350 \$18,544 plus 6.85% of excess over \$323,200~~

~~Over \$2,155,350 but not over \$5,000,000 \$144,047 plus 9.65% of excess over \$2,155,350~~

~~Over \$5,000,000 but not over \$25,000,000 \$418,555 plus 10.30% of excess over \$5,000,000~~

~~Over \$25,000,000 \$2,478,555 plus 10.90% of excess over \$25,000,000~~

~~(viii) For taxable years beginning after two thousand twenty-four and before two thousand twenty-eight the following rates shall apply:]~~

~~If the New York taxable income is: The tax is:~~

~~Not over \$17,150 4% of the New York taxable income~~

~~Over \$17,150 but not over \$23,600 \$686 plus 4.5% of excess over \$17,150~~

~~Over \$23,600 but not over \$27,900 \$976 plus 5.25% of excess over \$23,600~~

~~Over \$27,900 but not over \$161,550 \$1,202 plus 5.5% of excess over \$27,900~~

~~Over \$161,550 but not over \$323,200 \$8,553 plus 6.00% of excess over~~

1		\$161,550
2	Over \$323,200 but not over	\$18,252 plus 6.85% of excess over
3	\$2,155,350	\$323,200
4	Over \$2,155,350 but not over	\$143,754 plus 9.65% of excess over
5	\$5,000,000	\$2,155,350
6	Over \$5,000,000 but not over	\$418,263 plus 10.30% of excess over
7	\$25,000,000	\$5,000,000
8	Over \$25,000,000	\$2,478,263 plus 10.90% of excess over
9		\$25,000,000

10 ~~[(ix)]~~ (vii) For taxable years beginning after two thousand twenty-sev-
 11 en the following rates shall apply:

12	If the New York taxable income is:	The tax is:
13	Not over \$17,150	4% of the New York taxable income
14	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
15		\$17,150
16	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
17		\$23,600
18	Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over
19		\$27,900
20	Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess
21		over \$161,550
22	Over \$323,200 but not over	\$18,252 plus 6.85% of excess
23	\$2,155,350	over \$323,200
24	Over \$2,155,350	\$143,754 plus 8.82% of excess
25		over \$2,155,350

26 § 2. Clauses (vi), (vii), (viii) and (ix) of subparagraph (B) of para-
 27 graph 1 of subsection (b) of section 601 of the tax law, clauses (vi),
 28 (vii) and (viii) as amended and clause (ix) as added by section 2 of
 29 part A of chapter 59 of the laws of 2021, are amended to read as
 30 follows:

31 (vi) For taxable years beginning in two thousand twenty-three and
 32 before two thousand twenty-eight the following rates shall apply:

33	[If the New York taxable income is: The tax is:
34	Not over \$12,800 4% of the New York taxable income
35	Over \$12,800 but not over \$17,650 \$512 plus 4.5% of excess over
36	\$12,800
37	Over \$17,650 but not over \$20,900 \$730 plus 5.25% of excess over
38	\$17,650
39	Over \$20,900 but not over \$107,650 \$901 plus 5.73% of excess over
40	\$20,900
41	Over \$107,650 but not over \$269,300 \$5,872 plus 6.17% of excess over
42	\$107,650
43	Over \$269,300 but not over \$15,845 plus 6.85% of excess
44	\$1,616,450 over \$269,300
45	Over \$1,616,450 but not over \$108,125 plus 9.65% of excess over
46	\$5,000,000 \$1,616,450
47	Over \$5,000,000 but not over \$434,638 plus 10.30% of excess over
48	\$25,000,000 \$5,000,000
49	Over \$25,000,000 \$2,494,638 plus 10.90% of excess over
50	\$25,000,000

51 ~~(vii) For taxable years beginning in two thousand twenty-four the~~
 52 ~~following rates shall apply:~~

1	If the New York taxable income is:	The tax is:
2	Not over \$12,800	4% of the New York taxable income
3	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
4	\$12,800	\$12,800
5	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
6	\$17,650	\$17,650
7	Over \$20,900 but not over \$107,650	\$901 plus 5.61% of excess over
8	\$20,900	\$20,900
9	Over \$107,650 but not over \$269,300	\$5,768 plus 6.09% of excess over
10	\$107,650	\$107,650
11	Over \$269,300 but not over	\$15,612 plus 6.85% of excess
12	\$1,616,450	over \$269,300
13	Over \$1,616,450 but not over	\$107,892 plus 9.65% of excess over
14	\$5,000,000	\$1,616,450
15	Over \$5,000,000 but not over	\$434,404 plus 10.30% of excess over
16	\$25,000,000	\$5,000,000
17	Over \$25,000,000	\$2,494,404 plus 10.90% of excess over
18	\$25,000,000	\$25,000,000

~~19 (viii) For taxable years beginning after two thousand twenty-four and~~
~~20 before two thousand twenty-eight the following rates shall apply.]~~

21	If the New York taxable income is:	The tax is:
22	Not over \$12,800	4% of the New York taxable income
23	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
24		\$12,800
25	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
26		\$17,650
27	Over \$20,900 but not over \$107,650	\$901 plus 5.5% of excess over
28		\$20,900
29	Over \$107,650 but not over \$269,300	\$5,672 plus 6.00% of excess over
30		\$107,650
31	Over \$269,300 but not over	\$15,371 plus 6.85% of excess over
32	\$1,616,450	\$269,300
33	Over \$1,616,450 but not over	\$107,651 plus 9.65% of excess over
34	\$5,000,000	\$1,616,450
35	Over \$5,000,000 but not over	\$434,163 plus 10.30% of excess over
36	\$25,000,000	\$5,000,000
37	Over \$25,000,000	\$2,494,163 plus 10.90% of excess over
38		\$25,000,000

39 ~~[(ix)]~~(vii) For taxable years beginning after two thousand twenty-sev-
 40 en the following rates shall apply:

41	If the New York taxable income is:	The tax is:
42	Not over \$12,800	4% of the New York taxable income
43	Over \$12,800 but not over	\$512 plus 4.5% of excess over
44	\$17,650	\$12,800
45	Over \$17,650 but not over	\$730 plus 5.25% of excess over
46	\$20,900	\$17,650
47	Over \$20,900 but not over	\$901 plus 5.5% of excess over
48	\$107,650	\$20,900
49	Over \$107,650 but not over	\$5,672 plus 6.00% of excess
50	\$269,300	over \$107,650
51	Over \$269,300 but not over	\$15,371 plus 6.85% of excess
52	\$1,616,450	over \$269,300
53	Over \$1,616,450	\$107,651 plus 8.82% of excess
54		over \$1,616,450

§ 3. Clauses (vi), (vii), (viii) and (ix) of subparagraph (B) of paragraph 1 of subsection (c) of section 601 of the tax law, clauses (vi), (vii) and (viii) as amended, and clause (ix) as added by section 3 of part A of chapter 59 of the laws of 2021, are amended to read as follows:

(vi) For taxable years beginning in two thousand twenty-three and before two thousand twenty-eight the following rates shall apply:

~~[If the New York taxable income is: The tax is:~~

~~Not over \$8,500 4% of the New York taxable income~~

~~Over \$8,500 but not over \$11,700 \$340 plus 4.5% of excess over \$8,500~~

~~Over \$11,700 but not over \$13,900 \$484 plus 5.25% of excess over \$11,700~~

~~Over \$13,900 but not over \$80,650 \$600 plus 5.73% of excess over \$13,900~~

~~Over \$80,650 but not over \$215,400 \$4,424 plus 6.17% of excess over \$80,650~~

~~Over \$215,400 but not over \$1,077,550 \$12,738 plus 6.85% of excess over \$215,400~~

~~Over \$1,077,550 but not over \$5,000,000 \$71,796 plus 9.65% of excess over \$5,000,000~~

~~Over \$5,000,000 but not over \$25,000,000 \$450,312 plus 10.30% of excess over \$25,000,000~~

~~Over \$25,000,000 \$2,510,312 plus 10.90% of excess over \$25,000,000~~

~~(vii) For taxable years beginning in two thousand twenty-four the following rates shall apply:~~

~~If the New York taxable income is: The tax is:~~

~~Not over \$8,500 4% of the New York taxable income~~

~~Over \$8,500 but not over \$11,700 \$340 plus 4.5% of excess over \$8,500~~

~~Over \$11,700 but not over \$13,900 \$484 plus 5.25% of excess over \$11,700~~

~~Over \$13,900 but not over \$80,650 \$600 plus 5.61% of excess over \$13,900~~

~~Over \$80,650 but not over \$215,400 \$4,344 plus 6.09% of excess over \$80,650~~

~~Over \$215,400 but not over \$1,077,550 \$12,550 plus 6.85% of excess over \$215,400~~

~~Over \$1,077,550 but not over \$5,000,000 \$71,608 plus 9.65% of excess over \$5,000,000~~

~~Over \$5,000,000 but not over \$25,000,000 \$450,124 plus 10.30% of excess over \$25,000,000~~

~~Over \$25,000,000 \$2,510,124 plus 10.90% of excess over \$25,000,000~~

~~(viii) For taxable years beginning after two thousand twenty-four and before two thousand twenty-eight the following rates shall apply:]~~

If the New York taxable income is: The tax is:

Not over \$8,500 4% of the New York taxable income

Over \$8,500 but not over \$11,700 \$340 plus 4.5% of excess over \$8,500

Over \$11,700 but not over \$13,900 \$484 plus 5.25% of excess over \$11,700

Over \$13,900 but not over \$80,650 \$600 plus 5.50% of excess over \$13,900

Over \$80,650 but not over \$215,400 \$4,271 plus 6.00% of excess over

1		\$80,650
2	Over \$215,400 but not over	\$12,356 plus 6.85% of excess over
3	\$1,077,550	\$215,400
4	Over \$1,077,550 but not over	\$71,413 plus 9.65% of excess over
5	\$5,000,000	\$1,077,550
6	Over \$5,000,000 but not over	\$449,929 plus 10.30% of excess over
7	\$25,000,000	\$5,000,000
8	Over \$25,000,000	\$2,509,929 plus 10.90% of excess over
9		\$25,000,000
10	[(ix)](vii) For taxable years beginning after two thousand twenty-sev-	
11	en the following rates shall apply:	
12	If the New York taxable income is:	The tax is:
13	Not over \$8,500	4% of the New York taxable income
14	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
15		\$8,500
16	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
17		\$11,700
18	Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over
19		\$13,900
20	Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess
21		over \$80,650
22	Over \$215,400 but not over	\$12,356 plus 6.85% of excess
23	\$1,077,550	over \$215,400
24	Over \$1,077,550	\$71,413 plus 8.82% of excess
25		over \$1,077,550

26 § 4. This act shall take effect immediately.

27 PART B

28 Section 1. This act enacts into law components of legislation relating
 29 to certain tax credits. Each component is wholly contained within a
 30 Subpart identified as Subparts A through C. The effective date for each
 31 particular provision contained within such Subpart is set forth in the
 32 last section of such Subpart. Any provision in any section contained
 33 within a Subpart, including the effective date of the Subpart, which
 34 makes reference to a section "of this act", when used in connection with
 35 that particular component, shall be deemed to mean and refer to the
 36 corresponding section of the Subpart in which it is found. Section three
 37 of this act sets forth the general effective date of this act.

38 SUBPART A

39 Section 1. Subdivision 1 of section 210-B of the tax law is amended by
 40 adding a new paragraph (a-1) to read as follows:

41 (a-1) For a taxpayer that is an eligible farmer, as defined in subdi-
 42 vision eleven of this section, the percentage to be used to compute the
 43 credit allowed under this subdivision shall be twenty percent for prop-
 44 erty described in subparagraph (i) of paragraph (b) of this subdivision
 45 that is principally used by the taxpayer in the production of goods by
 46 farming, agriculture, horticulture, floriculture or viticulture.

47 § 2. Subsection (a) of section 606 of the tax law is amended by adding
 48 a new paragraph 1-a to read as follows:

49 (1-a) For a taxpayer that is an eligible farmer, as defined in
 50 subsection (n) of this section, the percentage to be used to compute the
 51 credit allowed under this subsection shall be twenty percent for proper-

ty described in subparagraph (A) of paragraph two of this subsection that is principally used by the taxpayer in the production of goods by farming, agriculture, horticulture, floriculture or viticulture.

§ 3. This act shall take effect immediately and apply to property placed in service on or after April 1, 2022.

SUBPART B

Section 1. Subsection (e) of section 42 of the tax law, as amended by section 1 of part FF of chapter 59 of the laws of 2021, is amended to read as follows:

(e) For taxable years beginning on or after January first, two thousand seventeen and before January first, two thousand eighteen, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and two hundred fifty dollars. For taxable years beginning on or after January first, two thousand eighteen and before January first, two thousand nineteen, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and three hundred dollars. For taxable years beginning on or after January first, two thousand nineteen and before January first, two thousand twenty, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and five hundred dollars. For taxable years beginning on or after January first, two thousand twenty and before January first, two thousand twenty-one, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and four hundred dollars. For taxable years beginning on or after January first, two thousand twenty-one and before January first, two thousand ~~twenty-five~~ twenty-six, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and ~~six~~ twelve hundred dollars.

§ 2. Section 5 of part RR of chapter 60 of the laws of 2016 amending the tax law relating to creating a farm workforce retention credit, as amended by section 2 of part FF of chapter 59 of the laws of 2021, is amended to read as follows:

§ 5. This act shall take effect immediately and shall apply only to taxable years beginning on or after January 1, 2017 and before January 1, ~~2025~~ 2026.

§ 3. This act shall take effect immediately.

SUBPART C

Section 1. Subdivision (f) of section 42 of the tax law, as added by section 1 of part RR of chapter 60 of the laws of 2016, is amended to read as follows:

(f) A taxpayer claiming the credit allowed under this section shall not be allowed to claim any other tax credit allowed under this chapter, except the credit allowed under section forty-two-a of this article, with respect to any eligible farm employee included in the total number of eligible farm employees used to determine the amount of the credit allowed under this section.

§ 2. The tax law is amended by adding a new section 42-a to read as follows:

§ 42-a. Farm employer overtime credit. (a) Notwithstanding subdivision (f) of section forty-two of this article, a taxpayer that is a farm

1 employer or an owner of a farm employer shall be eligible for a credit
2 against the tax imposed under article nine-A or twenty-two of this chap-
3 ter, pursuant to the provisions referenced in subdivision (h) of this
4 section.

5 (b) A farm employer is a corporation (including a New York S corpo-
6 ration), a sole proprietorship, a limited liability company or a part-
7 nership that is an eligible farmer.

8 (c) For purposes of this section, the term "eligible farmer" means a
9 taxpayer whose federal gross income from farming as defined in
10 subsection (n) of section six hundred six of this chapter for the taxa-
11 ble year is at least two-thirds of excess federal gross income. Excess
12 federal gross income means the amount of federal gross income from all
13 sources for the taxable year in excess of thirty thousand dollars. For
14 purposes of this section, payments from the state's farmland protection
15 program, administered by the department of agriculture and markets,
16 shall be included as federal gross income from farming for otherwise
17 eligible farmers.

18 (d) An eligible farm employee is an individual who meets the defi-
19 inition of a "farm laborer" under section two of the labor law who is
20 employed by a farm employer in New York state, but excluding general
21 executive officers of the farm employer.

22 (e) Eligible overtime is the aggregate number of hours of work
23 performed during the taxable year by an eligible farm employee that in
24 any calendar week exceeds the overtime work threshold set by the commis-
25 sioner of labor pursuant to the recommendation of the farm laborers wage
26 board, provided that work performed in such calendar week in excess of
27 sixty hours shall not be included.

28 (f) Special rules. If more than fifty percent of such eligible farm-
29 er's federal gross income from farming is from the sale of wine from a
30 licensed farm winery as provided for in article six of the alcoholic
31 beverage control law, or from the sale of cider from a licensed farm
32 cider as provided for in section fifty-eight-c of the alcoholic bever-
33 age control law, then an eligible farm employee of such eligible farmer
34 shall be included for purposes of calculating the amount of credit
35 allowed under this section only if such eligible farm employee is
36 employed by such eligible farmer on qualified agricultural property as
37 defined in paragraph four of subsection (n) of section six hundred six
38 of this chapter.

39 (g) The amount of the credit allowed under this section shall be equal
40 to the aggregate amount of such credit allowed per eligible farm employ-
41 ee, as follows. The amount of the credit allowed per eligible farm
42 employee shall be equal to the product of (i) the eligible overtime
43 worked during the taxable year by the eligible farm employee and (ii)
44 the overtime rate paid by the farm employer to the eligible farm employ-
45 ee less such employee's regular rate of pay.

46 (h) Quarterly filing option. A farm employer shall be able to file for
47 an advanced partial payment of this credit on a quarterly basis on a
48 form prescribed by the department for their eligible overtime expenses
49 incurred during the preceding quarter based on quarterly employment and
50 wage data submitted to the department.

51 (i) Special advanced payment. For the tax year beginning on January
52 first, two thousand twenty-two, a farm employer shall be allowed to file
53 for a special advanced prepayment of the credit on a form prescribed by
54 the department. The special advanced payment can be claimed for the
55 estimated eligible overtime expenses to be incurred by the farm employer
56 during the first quarter of the tax year for which eligible overtime

expenses would be incurred. The department shall issue emergency regulations on the documentation required to be filed in order to calculate the estimated first quarter eligible overtime expenses. When a farm employer files for their first advanced partial credit payment under subdivision (h) of this section, the credit amount will be rectified with the special advanced payment. No interest or penalties will be imposed nor any interest paid on any difference between the special advanced payment and the advanced partial payment.

(j) Cross references: For application of the credit provided in this section, see the following provisions of this chapter:

(1) Article 9-A: Section 210-B, subdivision 58.

(2) Article 22: Section 606, subsection (nnn).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 58 to read as follows:

58. Farm employer overtime credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-two-a of this chapter, against the tax imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

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

<u>(xlix) Farm employer overtime</u>	<u>Amount of credit under</u>
<u>credit under subsection (nnn)</u>	<u>subdivision fifty-eight of</u>
	<u>section two hundred ten-B</u>

§ 5. Section 606 of the tax law is amended by adding a new subsection (nnn) to read as follows:

(nnn) Farm employer overtime credit. (1) A taxpayer shall be allowed a credit, to be computed as provided in section forty-two-a of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of credit allowed under this subsection for any taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provision of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 6. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2022.

§ 2. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

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

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

(B) for taxable years beginning on or after January first, two thousand twenty-two, if the business income base is not more than two hundred ninety thousand dollars the amount shall be four percent of the business income base; if the business income base is more than two hundred ninety thousand dollars but not over three hundred ninety thousand dollars the amount shall be the sum of (1) eleven thousand six hundred dollars, (2) six and one-half percent of the excess of the business income base over two hundred ninety thousand dollars but not over three hundred ninety thousand dollars and (3) eighteen and thirteen hundredths percent of the excess of the business income base over three hundred fifty thousand dollars but not over three hundred ninety thousand dollars;

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

(39) (A) In the case of a taxpayer who is a small business or a taxpayer who is a member, partner, or shareholder of a limited liability company, partnership, or New York S corporation, respectively, that is a small business, who or which has business income and/or farm income as defined in the laws of the United States, an amount equal to [~~three~~] fifteen percent of the net items of income, gain, loss and deduction attributable to such business or farm entering into federal adjusted gross income, but not less than zero~~[, for taxable years beginning after two thousand thirteen, an amount equal to three and three-quarters percent of the net items of income, gain, loss and deduction attributable to such business or farm entering into federal adjusted gross income, but not less than zero, for taxable years beginning after two thousand fourteen, and an amount equal to five percent of the net items of income, gain, loss and deduction attributable to such business or farm entering into federal adjusted gross income, but not less than zero, for taxable years beginning after two thousand fifteen].~~

(B) (i) For the purposes of this paragraph, the term small business shall mean: (I) a sole proprietor [or a farm business] who employs one or more persons during the taxable year and who has net business income or net farm income of less than two hundred fifty thousand dollars, or (II) a limited liability company, partnership or New York S corporation that during the taxable year employs one or more persons and has New York gross business income attributable to a non-farm business that is greater than zero but less than one million five hundred thousand dollars or net farm income attributable to a farm business that is greater than zero but less than two hundred fifty thousand dollars.

1 (ii) For purposes of this paragraph, the term New York gross business
2 income shall mean: (I) in the case of a limited liability company or a
3 partnership New York source gross income as defined in subparagraph (B)
4 of paragraph three of subsection (c) of section six hundred fifty-eight
5 of this article, and, (II) in the case of a New York S corporation, New
6 York receipts included in the numerator of the apportionment factor
7 determined under section two hundred ten-A of this chapter for the taxa-
8 ble year.

9 (C) To qualify for this modification in relation to a non-farm small
10 business that is a limited liability company, partnership or New York S
11 corporation, the taxpayer's income attributable to the net business
12 income from its ownership interests in non-farm limited liability compa-
13 nies, partnerships or New York S corporations must be less than two
14 hundred fifty thousand dollars.

15 § 3. Paragraph 35 of subdivision (c) of section 11-1712 of the admin-
16 istrative code of the city of New York, as added by section 2 of part Y
17 of chapter 59 of the laws of 2013, is amended to read as follows:

18 (35) (A) In the case of a taxpayer who is a small business or a
19 taxpayer who is a member, partner, or shareholder of a limited liability
20 company, partnership, or New York S corporation, respectively, that is a
21 small business, who or which has business income and/or farm income as
22 defined in the laws of the United States, an amount equal to [three]
23 fifteen percent of the net items of income, gain, loss and deduction
24 attributable to such business or farm entering into federal adjusted
25 gross income, but not less than zero[, for taxable years beginning after
26 two thousand thirteen, an amount equal to three and three-quarters
27 percent of the net items of income, gain, loss and deduction attribut-
28 able to such business or farm entering into federal adjusted gross
29 income, but not less than zero, for taxable years beginning after two
30 thousand fourteen, and an amount equal to five percent of the net items
31 of income, gain, loss and deduction attributable to such business or
32 farm entering into federal adjusted gross income, but not less than
33 zero, for taxable years beginning after two thousand fifteen].

34 (B) (i) For the purposes of this paragraph, the term small business
35 shall mean: (I) a sole proprietor [or a farm business] who employs one
36 or more persons during the taxable year and who has net business income
37 or net farm income of less than two hundred fifty thousand dollars; or
38 (II) a limited liability company, partnership or New York S corporation
39 that during the taxable year employs one or more persons and has New
40 York gross business income attributable to a non-farm business that is
41 greater than zero but less than one million five hundred thousand
42 dollars or net farm income attributable to a farm business that is
43 greater than zero but less than two hundred fifty thousand dollars.

44 (ii) For purposes of this paragraph, the term New York gross business
45 income shall mean: (I) in the case of a limited liability company or a
46 partnership, New York source gross income as defined in subparagraph (B)
47 of paragraph three of subsection (c) of section six hundred fifty-eight
48 of the tax law and, (II) in the case of a New York S corporation, New
49 York receipts included in the numerator of the apportionment factor
50 determined under section two hundred ten-A of the tax law for the taxa-
51 ble year.

52 (C) To qualify for this modification in relation to a non-farm small
53 business that is a limited liability company, partnership, or New York S
54 corporation, the taxpayer's income attributable to the net business
55 income from its ownership interests in non-farm limited liability compa-

nies, partnerships, or New York S corporations must be less than two hundred fifty thousand dollars.

§ 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2022.

PART D

Section 1. Subsection (c) of section 612 of the tax law is amended by adding a new paragraph 46 to read as follows:

(46) The amount of any student loan forgiveness award made pursuant to a program established under article fourteen of the education law to the extent included in federal adjusted gross income.

§ 2. This act shall take effect immediately and shall apply to tax years beginning on or after January 1, 2022.

PART E

Section 1. The economic development law is amended by adding a new article 26 to read as follows:

ARTICLE 26

COVID-19 CAPITAL COSTS TAX CREDIT PROGRAM

Section 480. Short title.

481. Statement of legislative findings and declaration.

482. Definitions.

483. Eligibility criteria.

484. Application and approval process.

485. COVID-19 capital costs tax credit.

486. Powers and duties of the commissioner.

487. Maintenance of records.

488. Cap on tax credit.

§ 480. Short title. This article shall be known and may be cited as the "COVID-19 capital costs tax credit program act".

§ 481. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to provide critical assistance to small businesses to comply with public health or other emergency orders or regulations, and to take infectious disease mitigation measures related to the COVID-19 pandemic. The COVID-19 capital costs tax credit program is created to provide financial assistance to economically harmed businesses to offer relief and reduce the duration and severity of the current economic difficulties.

§ 482. Definitions. For the purposes of this article:

1. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred eighty-five of this article.

2. "Commissioner" shall mean commissioner of the department of economic development.

3. "Department" shall mean the department of economic development.

4. "Qualified COVID-19 capital costs" shall mean costs incurred from January first, two thousand twenty-one through December thirty-first, two thousand twenty-two at a business location in New York state to comply with public health or other emergency orders or regulations related to the COVID-19 pandemic, or to generally increase safety

1 through infectious disease mitigation, including costs for: (i) supplies
2 to disinfect and/or protect against COVID-19 transmission; (ii) restock-
3 ing of perishable goods to replace those lost during the COVID-19
4 pandemic; (iii) physical barriers and sneeze guards; (iv) hand sanitizer
5 stations; (v) respiratory devices such as air purifier systems installed
6 at the business entity's location; (vi) signage related to the COVID-19
7 pandemic including, but not limited to, signage detailing vaccine and
8 masking requirements, and social distancing; (vii) materials required to
9 define and/or protect space such as barriers; (viii) materials needed to
10 block off certain seats to allow for social distancing; (ix) certain
11 point of sale payment equipment to allow for contactless payment; (x)
12 equipment and/or materials and supplies for new product lines in
13 response to the COVID-19 pandemic; (xi) software for online payment
14 platforms to enable delivery or contactless purchases; (xii) building
15 construction and retrofits to accommodate social distancing and instal-
16 lation of air purifying equipment but not for costs for non-COVID-19
17 pandemic related capital renovations or general "closed for renovations"
18 upgrades; (xiii) machinery and equipment to accommodate contactless
19 sales; (xiv) materials to accommodate increased outdoor activity such as
20 heat lamps, outdoor lighting, and materials related to outdoor space
21 expansions; and (xv) other costs as determined by the department to be
22 eligible under this section; provided, however, that "qualified COVID-19
23 capital costs" do not include any cost paid for with other COVID-19
24 grant funds as determined by the commissioner.

25 § 483. Eligibility criteria. 1. To be eligible for a tax credit under
26 the COVID-19 capital costs tax credit program, a business entity must:

27 (a) be a small business as defined in section one hundred thirty-one
28 of this chapter and have two million five hundred thousand dollars or
29 less of gross receipts in the taxable year that includes December thir-
30 ty-first, two thousand twenty-one; and

31 (b) operate a business location in New York state.

32 2. A business entity must be in substantial compliance with any public
33 health or other emergency orders or regulations related to the entity's
34 business sector or other laws and regulations as determined by the
35 commissioner. In addition, a business entity may not owe past due state
36 taxes or local property taxes unless the business entity is making
37 payments and complying with an approved binding payment agreement
38 entered into with the taxing authority.

39 § 484. Application and approval process. 1. A business entity must
40 submit a complete application as prescribed by the commissioner.

41 2. The commissioner shall establish procedures and a timeframe for
42 business entities to submit applications. As part of the application,
43 each business entity must:

44 (a) provide evidence in a form and manner prescribed by the commis-
45 sioner of their business eligibility;

46 (b) agree to allow the department of taxation and finance to share the
47 business entity's tax information with the department. However, any
48 information shared as a result of this program shall not be available
49 for disclosure or inspection under the state freedom of information law;

50 (c) allow the department and its agents access to any and all books
51 and records the department may require to monitor compliance;

52 (d) certify, under penalty of perjury, that it is in substantial
53 compliance with all emergency orders or public health regulations
54 currently required of such entity, and local, and state tax laws;

55 (e) certify, under penalty of perjury, that it did not include any
56 cost paid for with other COVID-19 grant funds as determined by the

1 commissioner in its application for a tax credit under the COVID-19
2 capital costs tax credit program; and

3 (f) agree to provide any additional information required by the
4 department relevant to this article.

5 3. After reviewing a business entity's completed final application and
6 determining that the business entity meets the eligibility criteria as
7 set forth in this article, the department may issue to that business
8 entity a certificate of tax credit.

9 4. The business entity must submit its application by March thirty-
10 first, two thousand twenty-three.

11 § 485. COVID-19 capital costs tax credit. 1. A business entity in the
12 COVID-19 capital costs tax credit program that meets the eligibility
13 requirements of section four hundred eighty-three of this article may be
14 eligible to claim a credit equal to fifty percent of its qualified
15 COVID-19 capital costs as defined in subdivision four of section four
16 hundred eighty-two of this article.

17 2. A business entity, including a partnership, limited liability
18 company and subchapter S corporation, may not receive in excess of twen-
19 ty-five thousand dollars under this program.

20 3. The credit shall be allowed as provided in section forty-seven,
21 subdivision fifty-eight of section two hundred ten-B and subsection
22 (nnn) of section six hundred six of the tax law.

23 4. A business entity may claim the tax credit in the taxable year that
24 includes the date the certificate of tax credit was issued by the
25 department pursuant to subdivision three of section four hundred eight-
26 y-four of this article.

27 § 486. Powers and duties of the commissioner. 1. The commissioner may
28 promulgate regulations establishing an application process and eligibil-
29 ity criteria, that will be applied consistent with the purposes of this
30 article, so as not to exceed the annual cap on tax credits set forth in
31 section four hundred eighty-eight of this article which, notwithstanding
32 any provisions to the contrary in the state administrative procedure
33 act, may be adopted on an emergency basis.

34 2. The commissioner shall, in consultation with the department of
35 taxation and finance, develop a certificate of tax credit that shall be
36 issued by the commissioner to eligible businesses. Such certificate
37 shall contain such information as required by the department of taxation
38 and finance.

39 3. The commissioner shall solely determine the eligibility of any
40 applicant applying for entry into the program and shall remove any busi-
41 ness entity from the program for failing to meet any of the requirements
42 set forth in section four hundred eighty-three of this article, or for
43 failing to meet the requirements set forth in subdivision one of section
44 four hundred eighty-four of this article.

45 § 487. Maintenance of records. Each business entity participating in
46 the program shall keep all relevant records for their duration of
47 program participation for at least three years.

48 § 488. Cap on tax credit. The total amount of tax credits listed on
49 certificates of tax credit issued by the commissioner pursuant to this
50 article may not exceed two hundred fifty million dollars.

51 § 2. The tax law is amended by adding a new section 47 to read as
52 follows:

53 § 47. COVID-19 capital costs tax credit. (a) Allowance of credit. A
54 taxpayer subject to tax under article nine-A or twenty-two of this chap-
55 ter shall be allowed a credit against such tax, pursuant to the
56 provisions referenced in subdivision (f) of this section. The amount of

1 the credit is equal to the amount determined pursuant to section four
2 hundred eighty-five of the economic development law. No cost or expense
3 paid or incurred by the taxpayer which is included as part of the calcu-
4 lation of this credit shall be the basis of any other tax credit allowed
5 under this chapter.

6 (b) Eligibility. To be eligible for the COVID-19 capital costs tax
7 credit, the taxpayer shall have been issued a certificate of tax credit
8 by the department of economic development pursuant to subdivision three
9 of section four hundred eighty-four of the economic development law,
10 which certificate shall set forth the amount of the credit that may be
11 claimed for the taxable year. The taxpayer shall be allowed to claim
12 only the amount listed on the certificate of tax credit for that taxable
13 year. A taxpayer that is a partner in a partnership, member of a limited
14 liability company or shareholder in a subchapter S corporation that has
15 received a certificate of tax credit shall be allowed its pro rata share
16 of the credit earned by the partnership, limited liability company or
17 subchapter S corporation.

18 (c) Tax return requirement. The taxpayer shall be required to attach
19 to its tax return in the form prescribed by the commissioner, proof of
20 receipt of its certificate of tax credit issued by the commissioner of
21 the department of economic development.

22 (d) Information sharing. Notwithstanding any provision of this chap-
23 ter, employees of the department of economic development and the depart-
24 ment shall be allowed and are directed to share and exchange:

25 (1) information derived from tax returns or reports that is relevant
26 to a taxpayer's eligibility to participate in the COVID-19 capital costs
27 tax credit program;

28 (2) information regarding the credit applied for, allowed or claimed
29 pursuant to this section and taxpayers that are applying for the credit
30 or that are claiming the credit; and

31 (3) information contained in or derived from credit claim forms
32 submitted to the department and applications for admission into the
33 COVID-19 capital costs tax credit program. Except as provided in para-
34 graph two of this subdivision, all information exchanged between the
35 department of economic development and the department shall not be
36 subject to disclosure or inspection under the state's freedom of infor-
37 mation law.

38 (e) Credit recapture. If a certificate of tax credit issued by the
39 department of economic development under article twenty-six of the
40 economic development law is revoked by such department, the amount of
41 credit described in this section and claimed by the taxpayer prior to
42 that revocation shall be added back to tax in the taxable year in which
43 any such revocation becomes final.

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

46 (1) article 9-A: section 210-B, subdivision 58;

47 (2) article 22: section 606, subsection (nnn).

48 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
49 sion 58 to read as follows:

50 58. COVID-19 capital costs tax credit. (a) Allowance of credit. A
51 taxpayer shall be allowed a credit, to be computed as provided in
52 section forty-seven of this chapter, against the taxes imposed by this
53 article.

54 (b) Application of credit. The credit allowed under this subdivision
55 for the taxable year shall not reduce the tax due for such year to less
56 than the amount prescribed in paragraph (d) of subdivision one of

section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 4. Section 606 of the tax law is amended by adding a new subsection (nnn) to read as follows:

(nnn) COVID-19 capital costs tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-seven of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

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

<u>(xlix) COVID-19 capital costs</u>	<u>Amount of credit under</u>
<u>tax credit under subsection (nnn)</u>	<u>subdivision 58 of</u>
	<u>section two hundred ten-B</u>

§ 6. This act shall take effect immediately.

PART F

Section 1. Paragraph 2 of subdivision (a) of section 24-c of the tax law, as added by section 1 of subpart B of part PP of chapter 59 of the laws of 2021, is amended to read as follows:

(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership) of twenty-five percent and the sum of the qualified production expenditures paid for during the qualified New York city musical and theatrical production's credit period. Provided however that the amount of the credit cannot exceed three million dollars per qualified New York city musical and theatrical production for productions whose first performance is [~~during the first year in which applications are accepted~~] prior to January first, two thousand twenty-three. For productions whose first performance is [~~during the second year in which applications are accepted~~] on or after January first, two thousand twenty-three, such cap shall decrease to one million five hundred thousand dollars per qualified New York city musical and theatrical production unless the New York city tourism economy has not sufficiently recovered, as determined by the department of economic development in consultation with the division of the budget. In determining whether the New York city tourism economy has sufficiently recovered, the department of economic development will perform an analysis of key New York city economic indicators which shall include, but not be limited to, hotel occupancy rates and travel metrics. The department of economic development's analysis shall also be informed by the status of any remaining COVID-19 restrictions affecting New York city musical and theatrical productions. In no event shall a

1 qualified New York city musical and theatrical production be eligible
2 for more than one credit under this program.

3 § 2. Subparagraph (i) of paragraph 5 of subdivision (b) of section
4 24-c of the tax law, as added by section 1 of subpart B of part PP of
5 chapter 59 of the laws of 2021, is amended to read as follows:

6 (i) "The credit period of a qualified New York city musical and theat-
7 rical production company" is the period starting on the production start
8 date and ending on the earlier of the date the qualified musical and
9 theatrical production has expended sufficient qualified production
10 expenditures to reach its credit cap, [~~March thirty-first~~] December
11 thirty-first, two thousand [~~twenty-three~~] twenty-four or the date the
12 qualified musical and theatrical production closes.

13 § 3. Paragraph 1 of subdivision (f) of section 24-c of the tax law, as
14 added by section 1 of subpart B of part PP of chapter 59 of the laws of
15 2021, is amended to read as follows:

16 (1) The aggregate amount of tax credits allowed under this section,
17 subdivision fifty-seven of section two hundred ten-B and subsection
18 (mmm) of section six hundred six of this chapter shall be [~~one~~] two
19 hundred million dollars. Such aggregate amount of credits shall be allo-
20 cated by the department of economic development among taxpayers based on
21 the date of first performance of the qualified musical and theatrical
22 production.

23 § 4. Paragraph 2 of subdivision (f) of section 24-c of the tax law, as
24 added by section 1 of subpart B of part PP of chapter 59 of the laws of
25 2021, is amended to read as follows:

26 (2) The commissioner of economic development, after consulting with
27 the commissioner, shall promulgate regulations to establish procedures
28 for the allocation of tax credits as required by this section. Such
29 rules and regulations shall include provisions describing the applica-
30 tion process, the due dates for such applications, the standards that
31 will be used to evaluate the applications, the documentation that will
32 be provided by applicants to substantiate to the department the amount
33 of qualified production expenditures of such applicants, and such other
34 provisions as deemed necessary and appropriate. Notwithstanding any
35 other provisions to the contrary in the state administrative procedure
36 act, such rules and regulations may be adopted on an emergency basis. In
37 no event shall a qualified New York city musical and theatrical
38 production submit an application for this program after [~~December thir-~~
39 ~~ty-first, two thousand twenty-two~~] September thirtieth, two thousand
40 twenty-four.

41 § 5. Subdivision (g) of section 24-c of the tax law, as added by
42 section 1 of subpart B of part PP of chapter 59 of the laws of 2021, is
43 amended and a new subdivision (h) is added to read as follows:

44 (g) Any qualified New York city musical and theatrical production
45 company that performs in a qualified New York city production facility
46 and applies to receive a credit under this section shall be required to:

47 (1) participate in a New York state diversity and arts job training
48 program; (2) create and implement a plan to ensure that their production
49 is available and accessible for low-or no-cost to low income New York-
50 ers; and (3) provided that it has first recouped all production costs
51 incurred prior to the first performance of the qualified musical and
52 theatrical production, including those incurred prior to the beginning
53 of its credit period, contribute to the New York state council on the
54 arts, cultural program fund an amount up to fifty percent of the total
55 credits received if its production earns ongoing revenue prospectively
56 after the end of the credit period that is at least equal to two hundred

1 percent of its ongoing production costs, with such amount payable from
2 twenty-five percent of net operating profits, such amounts payable on a
3 monthly basis, up until such fifty percent of the total credit amount is
4 reached. Any funds deposited pursuant to this subdivision may be used
5 for arts and cultural ~~[educational and workforce development]~~ grant
6 programs of the New York state council on the arts. The obligation in
7 paragraph three of this subdivision shall not apply to qualified musical
8 and theatrical productions eligible for a maximum tax credit of one
9 million five hundred thousand dollars.

10 (h) The department, with assistance from the department of economic
11 development, shall issue a report on the utilization of this credit by
12 December first, two thousand twenty-four. Such report shall include the
13 number of productions that were awarded credits under this program and
14 the amount of credits awarded under this program. The report shall
15 include estimates of the impact to tourism related business activity in
16 New York city and the state and local revenue impact of that activity.
17 The report shall be posted publicly on the department's website and
18 copies shall be delivered to the governor, the speaker of the assembly,
19 and the temporary president of the senate.

20 § 6. Subdivision 5 of section 99-11 of the state finance law, as added
21 by section 5 of subpart B of part PP of chapter 59 of the laws of 2021,
22 is amended to read as follows:

23 5. The moneys in such fund shall be expended for the purpose of
24 supplementing art and cultural grant programs ~~[for secondary and elemen-~~
25 ~~tary children, including programs that increase access to art and~~
26 ~~cultural programs and events for children in underserved communities]~~ of
27 the New York state council on the arts.

28 § 7. Section 6 of subpart B of part PP of chapter 59 of the laws of
29 2021 amending the tax law and the state finance law relating to estab-
30 lishing the New York city musical and theatrical production tax credit
31 and establishing the New York state council on the arts cultural program
32 fund, is amended to read as follows:

33 § 6. This act shall take effect immediately ~~[and]~~; provided however,
34 that section one, two, three and four of this act shall apply to taxable
35 years beginning on or after January 1, 2021, and before January 1, 2024
36 and shall expire and be deemed repealed ~~[on]~~ January 1, 2024; provided
37 further, however that the obligations under paragraph 3 of subdivision
38 ~~[g]~~ (g) of section 24-c of the tax law, as added by section one of this
39 act, shall remain in effect until December 31, 2025.

40 § 8. This act shall take effect immediately; provided that the amend-
41 ments to section 24-c of the tax law made by sections one, two, three,
42 four and five of this act shall not affect the repeal of such section
43 and shall be deemed repealed therewith.

44 PART G

45 Intentionally Omitted

46 PART H

47 Section 1. Paragraphs (a), (b) and (d) of subdivision 29 of section
48 210-B of the tax law, paragraph (a) and subparagraph 2 of paragraph (b)
49 as amended by section 1 of part II of chapter 59 of the laws of 2021,
50 paragraph (b) as amended by section 1 of part Q of chapter 59 of the
51 laws of 2018, subparagraph 1 of paragraph (b) as amended by chapter 490

1 of the laws of 2019 and paragraph (d) as added by section 17 of part A
2 of chapter 59 of the laws of 2014, are amended and a new paragraph (f)
3 is added to read as follows:

4 (a) Allowance of credit. For taxable years beginning on or after Janu-
5 ary first, two thousand fifteen and before January first, two thousand
6 ~~[twenty-three]~~ twenty-six, a taxpayer shall be allowed a credit, to be
7 computed as provided in this subdivision, against the tax imposed by
8 this article, for hiring and employing, for not less than ~~[one year and~~
9 ~~for not less than thirty-five hours each week]~~ twelve continuous and
10 uninterrupted months (hereinafter referred to as the twelve-month peri-
11 od) in a full-time or part-time position, a qualified veteran within the
12 state. The taxpayer may claim the credit in the year in which the qual-
13 ified veteran completes ~~[one year]~~ the twelve-month period of employment
14 by the taxpayer. If the taxpayer claims the credit allowed under this
15 subdivision, the taxpayer may not use the hiring of a qualified veteran
16 that is the basis for this credit in the basis of any other credit
17 allowed under this article.

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

19 (1) who served on active duty in the United States army, navy, air
20 force, space force, marine corps, coast guard or the reserves thereof,
21 or who served in active military service of the United States as a
22 member of the army national guard, air national guard, New York guard or
23 New York naval militia; who (i) was released from active duty by general
24 or honorable discharge ~~[after September eleventh, two thousand one]~~, or
25 (ii) has a qualifying condition, as defined in section three hundred
26 fifty of the executive law, and has received a discharge other than bad
27 conduct or dishonorable from such service ~~[after September eleventh, two~~
28 ~~thousand one]~~, or (iii) is a discharged LGBT veteran, as defined in
29 section three hundred fifty of the executive law, and has received a
30 discharge other than bad conduct or dishonorable from such service
31 ~~[after September eleventh, two thousand one]~~;

32 (2) who commences employment by the qualified taxpayer on or after
33 January first, two thousand fourteen, and before January first, two
34 thousand ~~[twenty-two]~~ twenty-five; and

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

39 (d) Amount of credit. The amount of the credit shall be ~~[ten]~~ fifteen
40 percent of the total amount of wages paid to the qualified veteran
41 during the veteran's first ~~[full year]~~ twelve-month period of employ-
42 ment. Provided, however, that~~[, if the qualified veteran is a disabled~~
43 ~~veteran, as defined in paragraph (b) of subdivision one of section~~
44 ~~eighty-five of the civil service law, the amount of the credit shall be~~
45 ~~fifteen percent of the total amount of wages paid to the qualified~~
46 ~~veteran during the veteran's first full year of employment. The]~~ the
47 credit allowed pursuant to this subdivision shall not exceed in any
48 taxable year, ~~[five]~~ fifteen thousand dollars for any qualified veteran
49 employed in a full-time position for one thousand eight hundred twenty
50 or more hours in one twelve-month period and twenty thousand dollars for
51 any qualified veteran if such qualified veteran is a disabled veteran,
52 as defined pursuant to paragraph (b) of subdivision one of section
53 eighty-five of the civil service law, and ~~[fifteen thousand dollars for~~
54 ~~any qualified veteran who is a disabled veteran]~~ seven thousand five
55 hundred dollars for any qualified veteran employed in a part-time posi-

tion for at least one thousand forty hours but not more than one thousand eight hundred nineteen hours in one twelve-month period.

(f) Reporting requirement. The department shall issue a report on the utilization of this credit by January first, two thousand twenty-five. Such report shall include the number of taxpayers that claimed the credit annually and the total amount of credits awarded for each tax year through the period of the existence of the program for tax years for which final or preliminary data exist. The report shall not include any identifying information on the taxpayers that claimed the credit and the report shall include the number of taxpayers who claimed this credit notwithstanding any laws that would prevent the department from providing the number of taxpayers who claimed a credit due to tax secrecy provisions. The report shall also include information on steps taken by the department to inform employers of the existence of this credit and of any other actions taken to increase awareness of the availability of this credit. The report shall be posted publicly on the department's website and copies shall be delivered to the governor, the speaker of the assembly, and the temporary president of the senate.

§ 2. Paragraphs 1, 2 and 4 of subsection (a-2) of section 606 of the tax law, paragraph 1 and subparagraph (B) of paragraph 2 as amended by section 2 of part II of chapter 59 of the laws of 2021, paragraph 2 as amended by section 2 of part Q of chapter 59 of the laws of 2018, subparagraph (A) of paragraph 2 as amended by chapter 490 of the laws of 2019 and paragraph 4 as added by section 3 of part AA of chapter 59 of the laws of 2013, are amended and a new paragraph 6 is added to read as follows:

(1) Allowance of credit. For taxable years beginning on or after January first, two thousand fifteen and before January first, two thousand ~~[twenty-three]~~ twenty-six, a taxpayer shall be allowed a credit, to be computed as provided in this subsection, against the tax imposed by this article, for hiring and employing, for not less than ~~[one year and for not less than thirty five hours each week]~~ twelve continuous and uninterrupted months (hereinafter referred to as the twelve-month period) in a full-time or part-time position, a qualified veteran within the state. The taxpayer may claim the credit in the year in which the qualified veteran completes ~~[one year]~~ the twelve-month period of employment by the taxpayer. If the taxpayer claims the credit allowed under this subsection, the taxpayer may not use the hiring of a qualified veteran that is the basis for this credit in the basis of any other credit allowed under this article.

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

(A) who served on active duty in the United States army, navy, air force, space force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from active duty by general or honorable discharge ~~[after September eleventh, two thousand one]~~, or (ii) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service ~~[after September eleventh, two thousand one]~~, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service ~~[after September eleventh, two thousand one]~~;

1 (B) who commences employment by the qualified taxpayer on or after
2 January first, two thousand fourteen, and before January first, two
3 thousand [~~twenty-two~~] twenty-five; and

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

8 (4) Amount of credit. The amount of the credit shall be [~~ten~~] fifteen
9 percent of the total amount of wages paid to [~~he~~] the qualified veteran
10 during the veteran's first [~~full year~~] twelve-month period of employ-
11 ment. Provided, however, that[, ~~if the qualified veteran is a disabled~~
12 ~~veteran, as defined in paragraph (b) of subdivision one of section~~
13 ~~eighty-five of the civil service law, the amount of the credit shall be~~
14 ~~fifteen percent of the total amount of wages paid to the qualified~~
15 ~~veteran during the veteran's first full year of employment. The~~] the
16 credit allowed pursuant to this subsection shall not exceed in any taxa-
17 ble year, [~~five~~] fifteen thousand dollars for any qualified veteran
18 employed in a full-time position for one thousand eight hundred twenty
19 or more hours in one twelve-month period and twenty thousand dollars for
20 any qualified veteran if the qualified veteran is a disabled veteran,
21 as defined in paragraph (b) of subdivision one of section eighty-
22 five of the civil service law and [~~fifteen thousand dollars for any~~
23 ~~qualified veteran who is a disabled veteran~~] seven thousand five hundred
24 dollars for any qualified veteran employed in a part-time position for
25 at least one thousand forty hours but not more than one thousand eight
26 hundred nineteen hours in one twelve-month period.

27 (6) Reporting requirement. The department shall issue a report on the
28 utilization of this credit by January first, two thousand twenty-five.
29 Such report shall include the number of taxpayers that claimed the cred-
30 it annually and the total amount of credits awarded for each tax year
31 through the period of the existence of the program for tax years for
32 which final or preliminary data exist. The report shall not include any
33 identifying information on the taxpayers that claimed the credit and the
34 report shall include the number of taxpayers who claimed this credit
35 notwithstanding any laws that would prevent the department from provid-
36 ing the number of taxpayers who claimed a credit due to tax secrecy
37 provisions. The report shall also include information on steps taken by
38 the department to inform employers of the existence of this credit and
39 of any other actions taken to increase awareness of the availability of
40 this credit. The report shall be posted publicly on the department's
41 website and copies shall be delivered to the governor, the speaker of
42 the assembly, and the temporary president of the senate.

43 § 3. Paragraphs 1, 2 and 4 of subdivision (g-1) of section 1511 of the
44 tax law, paragraph 1 and subparagraph (B) of paragraph 2 as amended by
45 section 3 of part II of chapter 59 of the laws of 2021, paragraph 2 as
46 amended by section 3 of part Q of chapter 59 of the laws of 2018,
47 subparagraph (A) of paragraph 2 as amended by chapter 490 of the laws of
48 2019 and paragraph 4 as added by section 5 of part AA of chapter 59 of
49 the laws of 2013, are amended and a new paragraph 6 is added to read as
50 follows:

51 (1) Allowance of credit. For taxable years beginning on or after Janu-
52 ary first, two thousand fifteen and before January first, two thousand
53 [~~twenty-three~~] twenty-six, a taxpayer shall be allowed a credit, to be
54 computed as provided in this subdivision, against the tax imposed by
55 this article, for hiring and employing, for not less than [~~one year and~~
56 ~~for not less than thirty-five hours each week~~] twelve continuous and

1 uninterrupted months (hereinafter referred to as the twelve-month peri-
2 od) in a full-time or part-time position, a qualified veteran within the
3 state. The taxpayer may claim the credit in the year in which the qual-
4 ified veteran completes [~~one-year~~] the twelve-month period of employment
5 by the taxpayer. If the taxpayer claims the credit allowed under this
6 subdivision, the taxpayer may not use the hiring of a qualified veteran
7 that is the basis for this credit in the basis of any other credit
8 allowed under this article.

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

10 (A) who served on active duty in the United States army, navy, air
11 force, space force, marine corps, coast guard or the reserves thereof,
12 or who served in active military service of the United States as a
13 member of the army national guard, air national guard, New York guard or
14 New York naval militia; who (i) was released from active duty by general
15 or honorable discharge [~~after September eleventh, two thousand one~~], or
16 (ii) has a qualifying condition, as defined in section three hundred
17 fifty of the executive law, and has received a discharge other than bad
18 conduct or dishonorable from such service [~~after September eleventh, two~~
19 ~~thousand one~~], or (iii) is a discharged LGBT veteran, as defined in
20 section three hundred fifty of the executive law, and has received a
21 discharge other than bad conduct or dishonorable from such service
22 [~~after September eleventh, two thousand one~~];

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

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

30 (4) Amount of credit. The amount of the credit shall be [~~ten~~] fifteen
31 percent of the total amount of wages paid to the qualified veteran
32 during the veteran's first [~~full-year~~] twelve-month period of employ-
33 ment. Provided, however, that[, ~~if the qualified veteran is a disabled~~
34 ~~veteran, as defined in paragraph (b) of subdivision one of section~~
35 ~~eighty-five of the civil service law, the amount of the credit shall be~~
36 ~~fifteen percent of the total amount of wages paid to the qualified~~
37 ~~veteran during the veteran's first full year of employment. The~~] the
38 credit allowed pursuant to this subdivision shall not exceed in any
39 taxable year, [~~five~~] fifteen thousand dollars for any qualified veteran
40 employed in a full-time position for one thousand eight hundred twenty
41 or more hours in one twelve-month period and twenty thousand dollars for
42 any qualified veteran if the qualified veteran is a disabled veteran,
43 as defined in paragraph (b) of subdivision one of section eighty-
44 five of the civil service law and [~~fifteen thousand dollars for any~~
45 ~~qualified veteran who is a disabled veteran~~] seven thousand five hundred
46 dollars for any qualified veteran employed in a part-time position for
47 at least one thousand forty hours but not more than one thousand eight
48 hundred nineteen hours in one twelve-month period.

49 (6) Reporting requirement. The department shall issue a report on the
50 utilization of this credit by January first, two thousand twenty-five.
51 Such report shall include the number of taxpayers that claimed the cred-
52 it annually and the total amount of credits awarded for each tax year
53 through the period of the existence of the program for tax years for
54 which final or preliminary data exist. The report shall not include any
55 identifying information on the taxpayers that claimed the credit and the
56 report shall include the number of taxpayers who claimed this credit

notwithstanding any laws that would prevent the department from providing the number of taxpayers who claimed a credit due to tax secrecy provisions. The report shall also include information on steps taken by the department to inform employers of the existence of this credit and of any other actions taken to increase awareness of the availability of this credit. The report shall be posted publicly on the department's website and copies shall be delivered to the governor, the speaker of the assembly, and the temporary president of the senate.

§ 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2022.

PART I

Section 1. The tax law is amended by adding a new section 47 to read as follows:

§ 47. Grade no. 6 heating oil conversion tax credit. (a) (1) Allowance of credit. A taxpayer that meets the eligibility requirements of subdivision (b) of this section and is subject to tax under article nine-A or twenty-two of this chapter may be eligible to claim a grade no. 6 heating oil conversion tax credit in the taxable year the conversion is complete. The credit shall be equal to fifty percent of the conversion costs for all of the taxpayer's buildings paid by such taxpayer on or after January first, two thousand twenty-two and before July first, two thousand twenty-three. The credit cannot exceed five hundred thousand dollars per taxpayer.

(2) A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation that meets the eligibility criteria described in subdivision (b) of this section to claim a grade no. 6 heating oil conversion tax credit. In no event may the total amount of the credit earned by the partnership, limited liability company or subchapter S corporation exceed five hundred thousand dollars.

(3) No cost or expense paid or incurred by the taxpayer that is included as part of the calculation of this credit shall be the basis of any other tax credit allowed under this chapter.

(b) Eligibility criteria. (1) To be eligible to claim a grade no. 6 heating oil conversion tax credit, a business entity must:

(i) incur expenses for the conversion from grade no. 6 heating oil fuel, as described as "conversion costs" in paragraph (1) of subdivision (c) of this section, to biodiesel heating oil or a geothermal system at any building located in New York state outside the city of New York;

(ii) submit an application to and obtain approval of such application by the New York state energy research and development authority describing the conversion and approved costs to complete such conversion;

(iii) not be principally engaged in the generation or distribution of electricity, power or energy;

(iv) be in compliance with all environmental conservation laws and regulations; and

(v) not owe past due state taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority.

(c) Definitions. As used in this section the following terms shall have the following meanings:

(1) Conversion costs means the equipment and labor costs associated with the design, installation and use of space heating and other energy conversion systems that are designed to or accommodate the use of biodiesel fuel or a geothermal system and, at the option of the taxpayer, the costs of completing an ASHRAE level 2 energy audit including assessment of electrification options.

(2) Biodiesel means a minimum blend of eighty-five (85) percent biodiesel, defined as fuel manufactured from vegetable oils, animal fats, or other agricultural or other products or by-products, with petrodiesel fuel commonly used for heating systems.

(3) Geothermal means a system that uses the ground or ground water as a thermal energy source/sink to heat or cool a building or provide hot water within the building.

(d) The commissioner, in consultation with the New York state energy research and development authority, will develop an application process to certify the expenses necessary for the conversion and a taxpayer will not be eligible to claim the credit unless it has completed that application process and the application has been approved by the New York state energy research and development authority.

(e) Information sharing. The department, the department of environmental conservation and the New York state energy research and development authority shall be allowed and are directed to share and exchange information regarding the information contained on the credit application for claiming the grade no. 6 heating oil conversion tax credit and such information exchanged between the department, the department of environmental conservation and the New York state energy research and development authority shall not be subject to disclosure or inspection under the state's freedom of information law.

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

(1) article 9-A: section 210-B, subdivision 58;

(2) article 22: section 606, subsection (nnn).

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 58 to read as follows:

58. Grade no. 6 heating oil conversion tax credit. (a) Allowance of credit. A taxpayer will be allowed a credit, to be computed as provided in section forty-seven of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year will not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit not deductible in such taxable year will be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

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

(xlix) Grade no. 6 heating oil conversion tax credit under subsection (nnn)

Amount of credit under subdivision fifty-eight of section two hundred ten-B

§ 4. Section 606 of the tax law is amended by adding a new subsection (nnn) to read as follows:

(nnn) Grade no. 6 heating oil conversion tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-seven of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess will be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

§ 5. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2022.

PART J

Section 1. Subdivision 4 of section 22 of the public housing law, as amended by section 2 of part GG of chapter 59 of the laws of 2021, is amended to read as follows:

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be one hundred [~~twenty~~] twenty-seven million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

§ 2. Subdivision 4 of section 22 of the public housing law, as amended by section 3 of part GG of chapter 59 of the laws of 2021, is amended to read as follows:

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be one hundred [~~twenty-eight~~] forty-two million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

§ 3. Subdivision 4 of section 22 of the public housing law, as amended by section 4 of part GG of chapter 59 of the laws of 2021, is amended to read as follows:

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be one hundred [~~thirty-six~~] fifty-seven million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

§ 4. Subdivision 4 of section 22 of the public housing law, as amended by section 5 of part GG of chapter 59 of the laws of 2021, is amended to read as follows:

4. Statewide limitation. The aggregate dollar amount of credit which the commissioner may allocate to eligible low-income buildings under this article shall be one hundred [~~forty-four~~] seventy-two million dollars. The limitation provided by this subdivision applies only to allocation of the aggregate dollar amount of credit by the commissioner,

1 and does not apply to allowance to a taxpayer of the credit with respect
2 to an eligible low-income building for each year of the credit period.
3 § 5. This act shall take effect immediately; provided, however,
4 section one of this act shall take effect April 1, 2022; section two of
5 this act shall take effect April 1, 2023; section three of this act
6 shall take effect April 1, 2024; and section four of this act shall take
7 effect April 1, 2025.

PART K

9 Section 1. Paragraph (a) of subdivision 25 of section 210-B of the tax
10 law, as amended by section 1 of part R of chapter 59 of the laws of
11 2019, is amended to read as follows:

12 (a) General. A taxpayer shall be allowed a credit against the tax
13 imposed by this article. Such credit, to be computed as hereinafter
14 provided, shall be allowed for bioheating fuel, used for space heating
15 or hot water production for residential purposes within this state
16 purchased before January first, two thousand [~~twenty-three~~] twenty-six.
17 Such credit shall be \$0.01 per percent of biodiesel per gallon of
18 bioheating fuel, not to exceed twenty cents per gallon, purchased by
19 such taxpayer. Provided, however, that on or after January first, two
20 thousand seventeen, this credit shall not apply to bioheating fuel that
21 is less than six percent biodiesel per gallon of bioheating fuel.

22 § 2. Paragraph 1 of subdivision (mm) of section 606 of the tax law, as
23 amended by section 2 of part R of chapter 59 of the laws of 2019, is
24 amended to read as follows:

25 (1) A taxpayer shall be allowed a credit against the tax imposed by
26 this article. Such credit, to be computed as hereinafter provided, shall
27 be allowed for bioheating fuel, used for space heating or hot water
28 production for residential purposes within this state and purchased on
29 or after July first, two thousand six and before July first, two thou-
30 sand seven and on or after January first, two thousand eight and before
31 January first, two thousand [~~twenty-three~~] twenty-six. Such credit shall
32 be \$0.01 per percent of biodiesel per gallon of bioheating fuel, not to
33 exceed twenty cents per gallon, purchased by such taxpayer. Provided,
34 however, that on or after January first, two thousand seventeen, this
35 credit shall not apply to bioheating fuel that is less than six percent
36 biodiesel per gallon of bioheating fuel.

37 § 3. This act shall take effect immediately.

PART L

39 Section 1. Section 5 of chapter 604 of the laws of 2011 amending the
40 tax law relating to the credit for companies who provide transportation
41 to people with disabilities, as amended by section 1 of part K of chap-
42 ter 60 of the laws of 2016, is amended to read as follows:

43 § 5. This act shall take effect immediately and shall remain in effect
44 until December 31, 2016 when upon such date it shall be deemed repealed;
45 provided that this act shall be deemed to have been in full force and
46 effect on December 31, 2010; provided further that this act shall apply
47 to all tax years commencing on or after January 1, 2011; and provided
48 further that sections one and two of this act shall remain in effect
49 until December 31, [~~2022~~] 2028 when upon such date such sections shall
50 be deemed repealed.

51 § 1-a. Subsection (tt) of section 606 of the tax law, as added by
52 chapter 604 of the laws of 2011, is amended to read as follows:

(tt) Credit for companies who provide transportation to individuals with disabilities. (1) Allowance and amount of credit. A taxpayer, who provides a taxicab service as defined in section one hundred forty-eight-a of the vehicle and traffic law, or a livery service as defined in section one hundred twenty-one-e of the vehicle and traffic law, shall be allowed a credit, to be computed as provided in this subsection, against the tax imposed by this article. The amount of the credit shall be equal to the incremental cost associated with upgrading a vehicle so that it is accessible by individuals with disabilities as defined in paragraph two of this subsection. Provided, however, that such credit shall not exceed ten thousand dollars per vehicle. For purposes of this subsection, purchases of new vehicles that are initially manufactured to be accessible for individuals with disabilities and for which there is no comparable make and model that does not include the equipment necessary to provide accessibility to individuals with disabilities, the credit shall be ten thousand dollars per vehicle. For tax years beginning on or after January first, two thousand twenty-three, the credit for the purchase of new vehicles shall be five thousand dollars for a vehicle that is not an electric vehicle and ten thousand dollars for the purchase of new electric vehicles that are initially manufactured to be accessible for individuals with disabilities and for which there is no comparable make and model that does not include the equipment necessary to provide accessibility to individuals with disabilities.

(2) [~~Definition~~] Definitions. The term "accessible by individuals with disabilities" shall, for the purposes of this subsection, refer to a vehicle that complies with federal regulations promulgated pursuant to the Americans with Disabilities Act applicable to vans under twenty-two feet in length, by the federal Department of Transportation, in Code of Federal Regulations, title 49, parts 37 and 38, and by the federal Architecture and Transportation Barriers Compliance Board, in Code of Federal Regulations, title 36, section 1192.23, and the Federal Motor Vehicle Safety Standards, Code of Federal Regulations, title 29, part 57. The term "electric vehicles" shall have the same meaning as in section sixty-six-g of the public service law.

(3) Application of credit. If the amount of the credit shall exceed the taxpayer's tax for such year the excess shall be carried over to the following year or years, and may be deducted from the taxpayer's tax for such year or years.

§ 2. Subdivision 38 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, paragraph (c) as amended by section 2 of part K of chapter 60 of the laws of 2016, is amended to read as follows:

38. Credit for companies who provide transportation to individuals with disabilities. (a) Allowance and amount of credit. A taxpayer, who provides a taxicab service as defined in section one hundred forty-eight-a of the vehicle and traffic law, or a livery service as defined in section one hundred twenty-one-e of the vehicle and traffic law, shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article. The amount of the credit shall be equal to the incremental cost associated with upgrading a vehicle so that it is accessible by individuals with disabilities as defined in paragraph (b) of this subdivision. Provided, however, that such credit shall not exceed ten thousand dollars per vehicle. For purposes of this subdivision, purchases of new vehicles that are initially manufactured to be accessible for individuals with disabilities and for which

there is no comparable make and model that does not include the equipment necessary to provide accessibility to individuals with disabilities, the credit shall be ten thousand dollars per vehicle. For tax years beginning on or after January first, two thousand twenty-three, the credit for the purchase of new vehicles shall be five thousand dollars for a vehicle that is not an electric vehicle and ten thousand dollars for the purchase of new electric vehicles that are initially manufactured to be accessible for individuals with disabilities and for which there is no comparable make and model that does not include the equipment necessary to provide accessibility to individuals with disabilities.

(b) ~~[Definition]~~ Definitions. The term "accessible by individuals with disabilities" shall, for the purposes of this subdivision, refer to a vehicle that complies with federal regulations promulgated pursuant to the Americans with Disabilities Act applicable to vans under twenty-two feet in length, by the federal Department of Transportation, in Code of Federal Regulations, title 49, parts 37 and 38, and by the federal Architecture and Transportation Barriers Compliance Board, in Code of Federal Regulations, title 36, section 1192.23, and the Federal Motor Vehicle Safety Standards, Code of Federal Regulations, title 49, part 57. The term "electric vehicles" shall have the same meaning as in section sixty-six-q of the public service law.

(c) Application of credit. In no event shall the credit allowed under this subdivision for any taxable year reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be carried over to the following year or years, and may be deducted from the taxpayer's tax for such year or years. The tax credit allowed pursuant to this subdivision shall not apply to taxable years beginning on or after January first, two thousand ~~[twenty-three]~~ twenty-nine.

§ 3. This act shall take effect immediately; provided that the amendments to subsection (tt) of section 606 of the tax law made by section one-a of this act shall not affect the repeal of such subsection and shall be deemed repealed therewith.

PART M

Section 1. Paragraph 4 of subdivision (a) of section 24 of the tax law, as added by section 5 of part Q of chapter 57 of the laws of 2010, is amended to read as follows:

(4) (i) Notwithstanding the foregoing provisions of this subdivision, a qualified film production company or qualified independent film production company, that has applied for credit under the provisions of this section, agrees as a condition for the granting of the credit: ~~[(i)]~~ (A) to include in each qualified film distributed by DVD, or other media for the secondary market, a New York promotional video approved by the governor's office of motion picture and television development or to include in the end credits of each qualified film "Filmed With the Support of the New York State Governor's Office of Motion Picture and Television Development" and a logo provided by the governor's office of motion picture and television development, and ~~[(ii)]~~ (B) to certify that it will purchase taxable tangible property and services, defined as

1 qualified production costs pursuant to paragraph one of subdivision (b)
2 of this section, only from companies registered to collect and remit
3 state and local sales and use taxes pursuant to articles twenty-eight
4 and twenty-nine of this chapter.

5 (ii) On or after January first, two thousand twenty-three, a qualified
6 film production company or qualified independent film production company
7 that has applied for credit under the provisions of this section shall,
8 as a condition for the granting of the credit, file a diversity plan
9 with the governor's office for motion picture and television development
10 outlining specific goals for hiring a diverse workforce. The commission-
11 er of economic development shall promulgate regulations implementing the
12 requirements of this paragraph, which, notwithstanding any provisions to
13 the contrary in the state administrative procedure act, may be adopted
14 on an emergency basis, to ensure compliance with the provisions of this
15 paragraph. The governor's office for motion picture and television
16 development shall review each submitted plan as to whether it meets the
17 requirements established by the commissioner of economic development,
18 and shall verify that the applicant has met or made good-faith efforts
19 in achieving these goals. The diversity plan also shall indicate whether
20 the qualified film production company or qualified independent film
21 production company that has applied for credit under the provisions of
22 this section intends to participate in training, education, and recruit-
23 ment programs that are designed to promote and encourage the training
24 and hiring in the film and television industry of New York residents who
25 represent the diversity of the State's population.

26 § 2. Paragraph 5 of subdivision (a) of section 24 of the tax law, as
27 amended by section 1 of part F of chapter 59 of the laws of 2021, is
28 amended to read as follows:

29 (5) For the period two thousand fifteen through two thousand [~~twenty-~~
30 ~~six~~] twenty-nine, in addition to the amount of credit established in
31 paragraph two of this subdivision, a taxpayer shall be allowed a credit
32 equal to the product (or pro rata share of the product, in the case of a
33 member of a partnership) of ten percent and the amount of wages or sala-
34 ries paid to individuals directly employed (excluding those employed as
35 writers, directors, music directors, producers and performers, including
36 background actors with no scripted lines) by a qualified film production
37 company or a qualified independent film production company for services
38 performed by those individuals in one of the counties specified in this
39 paragraph in connection with a qualified film with a minimum budget of
40 five hundred thousand dollars. For purposes of this additional credit,
41 the services must be performed in one or more of the following counties:
42 Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung,
43 Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex,
44 Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis,
45 Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga,
46 Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga,
47 Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sulli-
48 van, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, or
49 Yates. The aggregate amount of tax credits allowed pursuant to the
50 authority of this paragraph shall be five million dollars each year
51 during the period two thousand fifteen through two thousand [~~twenty-six~~]
52 twenty-nine of the annual allocation made available to the program
53 pursuant to paragraph four of subdivision (e) of this section. Such
54 aggregate amount of credits shall be allocated by the governor's office
55 for motion picture and television development among taxpayers in order
56 of priority based upon the date of filing an application for allocation

1 of film production credit with such office. If the total amount of allo-
2 cated credits applied for under this paragraph in any year exceeds the
3 aggregate amount of tax credits allowed for such year under this para-
4 graph, such excess shall be treated as having been applied for on the
5 first day of the next year. If the total amount of allocated tax credits
6 applied for under this paragraph at the conclusion of any year is less
7 than five million dollars, the remainder shall be treated as part of the
8 annual allocation made available to the program pursuant to paragraph
9 four of subdivision (e) of this section. However, in no event may the
10 total of the credits allocated under this paragraph and the credits
11 allocated under paragraph five of subdivision (a) of section thirty-one
12 of this article exceed five million dollars in any year during the peri-
13 od two thousand fifteen through two thousand ~~twenty-six~~ twenty-nine.

14 § 3. Paragraph 4 of subdivision (e) of section 24 of the tax law, as
15 amended by section 2 of part F of chapter 59 of the laws of 2021, is
16 amended to read as follows:

17 (4) Additional pool 2 - The aggregate amount of tax credits allowed in
18 subdivision (a) of this section shall be increased by an additional four
19 hundred twenty million dollars in each year starting in two thousand ten
20 through two thousand ~~twenty-six~~ twenty-nine provided however, seven
21 million dollars of the annual allocation shall be available for the
22 empire state film post production credit pursuant to section thirty-one
23 of this article in two thousand thirteen and two thousand fourteen,
24 twenty-five million dollars of the annual allocation shall be available
25 for the empire state film post production credit pursuant to section
26 thirty-one of this article in each year starting in two thousand fifteen
27 through two thousand ~~twenty-six~~ twenty-nine and five million dollars
28 of the annual allocation shall be made available for the television
29 writers' and directors' fees and salaries credit pursuant to section
30 twenty-four-b of this article in each year starting in two thousand
31 twenty through two thousand ~~twenty-six~~ twenty-nine. This amount shall
32 be allocated by the governor's office for motion picture and television
33 development among taxpayers in accordance with subdivision (a) of this
34 section. If the commissioner of economic development determines that the
35 aggregate amount of tax credits available from additional pool 2 for the
36 empire state film production tax credit have been previously allocated,
37 and determines that the pending applications from eligible applicants
38 for the empire state film post production tax credit pursuant to section
39 thirty-one of this article is insufficient to utilize the balance of
40 unallocated empire state film post production tax credits from such
41 pool, the remainder, after such pending applications are considered,
42 shall be made available for allocation in the empire state film tax
43 credit pursuant to this section, subdivision twenty of section two
44 hundred ten-B and subsection (gg) of section six hundred six of this
45 chapter. Also, if the commissioner of economic development determines
46 that the aggregate amount of tax credits available from additional pool
47 2 for the empire state film post production tax credit have been previ-
48 ously allocated, and determines that the pending applications from
49 eligible applicants for the empire state film production tax credit
50 pursuant to this section is insufficient to utilize the balance of unal-
51 located film production tax credits from such pool, then all or part of
52 the remainder, after such pending applications are considered, shall be
53 made available for allocation for the empire state film post production
54 credit pursuant to this section, subdivision thirty-two of section two
55 hundred ten-B and subsection (qq) of section six hundred six of this
56 chapter. The governor's office for motion picture and television devel-

1 opment must notify taxpayers of their allocation year and include the
2 allocation year on the certificate of tax credit. Taxpayers eligible to
3 claim a credit must report the allocation year directly on their empire
4 state film production credit tax form for each year a credit is claimed
5 and include a copy of the certificate with their tax return. In the case
6 of a qualified film that receives funds from additional pool 2, no
7 empire state film production credit shall be claimed before the later of
8 the taxable year the production of the qualified film is complete, or
9 the taxable year immediately following the allocation year for which the
10 film has been allocated credit by the governor's office for motion
11 picture and television development.

12 § 4. Paragraph 4 of subdivision (e) of section 24 of the tax law, as
13 amended by section 3 of part F of chapter 59 of the laws of 2021, 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 [~~twenty-six~~] twenty-nine provided however, seven
19 million dollars of the annual allocation shall be available for the
20 empire state film post production credit pursuant to section thirty-one
21 of this article in two thousand thirteen and two thousand fourteen and
22 twenty-five million dollars of the annual allocation shall be available
23 for the empire state film post production credit pursuant to section
24 thirty-one of this article in each year starting in two thousand fifteen
25 through two thousand [~~twenty-six~~] twenty-nine. This amount shall be
26 allocated by the governor's office for motion picture and television
27 development among taxpayers in accordance with subdivision (a) of this
28 section. If the commissioner of economic development determines that the
29 aggregate amount of tax credits available from additional pool 2 for the
30 empire state film production tax credit have been previously allocated,
31 and determines that the pending applications from eligible applicants
32 for the empire state film post production tax credit pursuant to section
33 thirty-one of this article is insufficient to utilize the balance of
34 unallocated empire state film post production tax credits from such
35 pool, the remainder, after such pending applications are considered,
36 shall be made available for allocation in the empire state film tax
37 credit pursuant to this section, subdivision twenty of section two
38 hundred ten-B and subsection (gg) of section six hundred six of this
39 chapter. Also, if the commissioner of economic development determines
40 that the aggregate amount of tax credits available from additional pool
41 2 for the empire state film post production tax credit have been previ-
42 ously allocated, and determines that the pending applications from
43 eligible applicants for the empire state film production tax credit
44 pursuant to this section is insufficient to utilize the balance of unal-
45 located film production tax credits from such pool, then all or part of
46 the remainder, after such pending applications are considered, shall be
47 made available for allocation for the empire state film post production
48 credit pursuant to this section, subdivision thirty-two of section two
49 hundred ten-B and subsection (qq) of section six hundred six of this
50 chapter. The governor's office for motion picture and television devel-
51 opment must notify taxpayers of their allocation year and include the
52 allocation year on the certificate of tax credit. Taxpayers eligible to
53 claim a credit must report the allocation year directly on their empire
54 state film production credit tax form for each year a credit is claimed
55 and include a copy of the certificate with their tax return. In the case
56 of a qualified film that receives funds from additional pool 2, no

1 empire state film production credit shall be claimed before the later of
2 the taxable year the production of the qualified film is complete, or
3 the taxable year immediately following the allocation year for which the
4 film has been allocated credit by the governor's office for motion
5 picture and television development.

6 § 5. Paragraph 1 of subdivision (f) of section 24 of the tax law, as
7 added by section 2 of subpart A of part H of chapter 39 of the laws of
8 2019, is amended to read as follows:

9 (1) With regard to certificates of tax credit issued on or after Janu-
10 ary first, two thousand twenty, the commissioner of economic development
11 shall reduce by one-quarter of one percent the amount of credit allowed
12 to a taxpayer and this reduced amount shall be reported on a certificate
13 of tax credit issued pursuant to this section and the regulations
14 promulgated by the commissioner of economic development to implement
15 this credit program. Provided, however, for certificates of tax credit
16 issued on or after January first, two thousand twenty-three, the amount
17 of credit shall be reduced by one-half of one percent allowed to the
18 taxpayer.

19 § 6. Paragraph 6 of subdivision (a) of section 31 of the tax law, as
20 amended by section 4 of part F of chapter 59 of the laws of 2021, is
21 amended to read as follows:

22 (6) For the period two thousand fifteen through two thousand [~~twenty-~~
23 ~~six~~] twenty-nine, in addition to the amount of credit established in
24 paragraph two of this subdivision, a taxpayer shall be allowed a credit
25 equal to the product (or pro rata share of the product, in the case of a
26 member of a partnership) of ten percent and the amount of wages or sala-
27 ries paid to individuals directly employed (excluding those employed as
28 writers, directors, music directors, producers and performers, including
29 background actors with no scripted lines) for services performed by
30 those individuals in one of the counties specified in this paragraph in
31 connection with the post production work on a qualified film with a
32 minimum budget of five hundred thousand dollars at a qualified post
33 production facility in one of the counties listed in this paragraph. For
34 purposes of this additional credit, the services must be performed in
35 one or more of the following counties: Albany, Allegany, Broome, Catta-
36 raugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cort-
37 land, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee,
38 Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison,
39 Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans,
40 Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie,
41 Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins,
42 Ulster, Warren, Washington, Wayne, Wyoming, or Yates. The aggregate
43 amount of tax credits allowed pursuant to the authority of this para-
44 graph shall be five million dollars each year during the period two
45 thousand fifteen through two thousand [~~twenty-six~~] twenty-nine of the
46 annual allocation made available to the empire state film post
47 production credit pursuant to paragraph four of subdivision (e) of
48 section twenty-four of this article. Such aggregate amount of credits
49 shall be allocated by the governor's office for motion picture and tele-
50 vision development among taxpayers in order of priority based upon the
51 date of filing an application for allocation of post production credit
52 with such office. If the total amount of allocated credits applied for
53 under this paragraph in any year exceeds the aggregate amount of tax
54 credits allowed for such year under this paragraph, such excess shall be
55 treated as having been applied for on the first day of the next year. If
56 the total amount of allocated tax credits applied for under this para-

graph at the conclusion of any year is less than five million dollars, the remainder shall be treated as part of the annual allocation for two thousand seventeen made available to the empire state film post production credit pursuant to paragraph four of subdivision (e) of section twenty-four of this article. However, in no event may the total of the credits allocated under this paragraph and the credits allocated under paragraph five of subdivision (a) of section twenty-four of this article exceed five million dollars in any year during the period two thousand fifteen through two thousand ~~twenty-six~~ twenty-nine.

§ 7. This act shall take effect immediately; provided, however that the amendments to paragraph 4 of subdivision (e) of section 24 of the tax law made by section three of this act shall take effect on the same date and in the same manner as section 5 of chapter 683 of the laws of 2019, as amended, takes effect.

PART N

Section 1. Subdivision (a) of section 25-a of the labor law, as amended by section 1 of subpart A of part N of chapter 59 of the laws of 2017, is amended to read as follows:

(a) The commissioner is authorized to establish and administer the program established under this section to provide tax incentives to employers for employing at risk youth in part-time and full-time positions. There will be ten distinct pools of tax incentives. Program one will cover tax incentives allocated for two thousand twelve and two thousand thirteen. Program two will cover tax incentives allocated in two thousand fourteen. Program three will cover tax incentives allocated in two thousand fifteen. Program four will cover tax incentives allocated in two thousand sixteen. Program five will cover tax incentives allocated in two thousand seventeen. Program six will cover tax incentives allocated in two thousand eighteen. Program seven will cover tax incentives allocated in two thousand nineteen. Program eight will cover tax incentives allocated in two thousand twenty. Program nine will cover tax incentives allocated in two thousand twenty-one. Program ten will cover tax incentives allocated in two thousand twenty-two. Program eleven will cover tax incentives allocated in two thousand twenty-three. Program twelve will cover tax incentives allocated in two thousand twenty-four. Program thirteen will cover tax incentives allocated in two thousand twenty-five. Program fourteen will cover tax incentives allocated in two thousand twenty-six. Program fifteen will cover tax incentives allocated in two thousand twenty-seven. The commissioner is authorized to allocate up to twenty-five million dollars of tax credits under program one, ten million dollars of tax credits under program two, twenty million dollars of tax credits under program three, fifty million dollars of tax credits under each of programs four and five, and forty million dollars of tax credits under programs six, seven, eight, nine ~~and~~, ten, eleven, twelve, thirteen, fourteen and fifteen.

§ 2. Paragraph 4 of subdivision (b) of section 25-a of the labor law, as added by section 1-a of subpart A of part N of chapter 59 of the laws of 2017, is amended to read as follows:

(4) For programs six, seven, eight, nine ~~and~~, ten, eleven, twelve, thirteen, fourteen, and fifteen the tax credit under each program shall be allocated as follows: (i) twenty million dollars of tax credit for qualified employees; and (ii) twenty million dollars of tax credit for individuals who meet all of the requirements for a qualified employee except for the residency requirement of subparagraph (ii) of paragraph

1 two of this subdivision, which individuals shall be deemed to meet the
2 residency requirements of subparagraph (ii) of paragraph two of this
3 subdivision if they reside in New York state.

4 § 3. The opening paragraph of subdivision (d) of section 25-a of the
5 labor law, as amended by section 2 of part R of chapter 59 of the laws
6 of 2018, is amended to read as follows:

7 To participate in the program established under this section, an
8 employer must submit an application (in a form prescribed by the commis-
9 sioner) to the commissioner after January first, two thousand twelve but
10 no later than November thirtieth, two thousand twelve for program one,
11 after January first, two thousand fourteen but no later than November
12 thirtieth, two thousand fourteen for program two, after January first,
13 two thousand fifteen but no later than November thirtieth, two thousand
14 fifteen for program three, after January first, two thousand sixteen but
15 no later than November thirtieth, two thousand sixteen for program four,
16 after January first, two thousand seventeen but no later than November
17 thirtieth, two thousand seventeen for program five, after January first,
18 two thousand eighteen but no later than November thirtieth, two thousand
19 eighteen for program six, after January first, two thousand nineteen but
20 no later than November thirtieth, two thousand nineteen for program
21 seven, after January first, two thousand twenty but no later than Novem-
22 ber thirtieth, two thousand twenty for program eight, after January
23 first, two thousand twenty-one but no later than November thirtieth, two
24 thousand twenty-one for program nine, [and] after January first, two
25 thousand twenty-two but no later than November thirtieth, two thousand
26 twenty-two for program ten, after January first, two thousand twenty-
27 three but no later than November thirtieth, two thousand twenty-three
28 for program eleven, after January first, two thousand twenty-four but no
29 later than November thirtieth, two thousand twenty-four for program
30 twelve, after January first, two thousand twenty-five but no later than
31 November thirtieth, two thousand twenty-five for program thirteen, after
32 January first, two thousand twenty-six but no later than November thir-
33 tieth, two thousand twenty-six for program fourteen, and after January
34 first, two thousand twenty-seven but no later than November thirtieth,
35 two thousand twenty-seven for program fifteen. The qualified employees

36 must start their employment on or after January first, two thousand
37 twelve but no later than December thirty-first, two thousand twelve for
38 program one, on or after January first, two thousand fourteen but no
39 later than December thirty-first, two thousand fourteen for program two,
40 on or after January first, two thousand fifteen but no later than Decem-
41 ber thirty-first, two thousand fifteen for program three, on or after
42 January first, two thousand sixteen but no later than December thirty-
43 first, two thousand sixteen for program four, on or after January first,
44 two thousand seventeen but no later than December thirty-first, two
45 thousand seventeen for program five, on or after January first, two
46 thousand eighteen but no later than December thirty-first, two thousand
47 eighteen for program six, on or after January first, two thousand nine-
48 teen but no later than December thirty-first, two thousand nineteen for
49 program seven, on or after January first, two thousand twenty but no
50 later than December thirty-first, two thousand twenty for program eight,
51 on or after January first, two thousand twenty-one but no later than
52 December thirty-first, two thousand twenty-one for program nine, [and]
53 on or after January first, two thousand twenty-two but no later than
54 December thirty-first, two thousand twenty-two for program ten, on or
55 after January first, two thousand twenty-three but no later than Decem-
56 ber thirty-first, two thousand three for program eleven, on or after

January first, two thousand twenty-four but no later than December thirty-first, two thousand twenty-four for program twelve, on or after January first, two thousand twenty-five but no later than December thirty-first, two thousand twenty-five for program thirteen, on or after January first, two thousand twenty-six but no later than December thirty-first, two thousand twenty-six for program fourteen, and on or after January first, two thousand twenty-seven but no later than December thirty-first, two thousand twenty-seven for program fifteen. As part of such application, an employer must:

§ 4. This act shall take effect immediately.

PART O

Section 1. Subdivision (a) of section 25-c of the labor law, as added by section 1 of subpart B of part N of chapter 59 of the laws of 2017, is amended to read as follows:

(a) The commissioner is authorized to establish and administer the empire state apprenticeship tax credit program to provide tax incentives to certified employers for employing qualified apprentices pursuant to an apprenticeship agreement registered with the department pursuant to paragraph (d) of subdivision one of section eight hundred eleven of this chapter. The commissioner is authorized to allocate up to ten million dollars of tax credits annually, beginning in two thousand eighteen and ending before two thousand [~~twenty-three~~] twenty-eight. Any unused annual allocation of the credit shall be made available in each of the subsequent years before two thousand [~~twenty-three~~] twenty-eight.

§ 2. This act shall take effect immediately.

PART P

Section 1. Subdivision 6 of section 187-b of the tax law, as amended by section 1 of part O of chapter 59 of the laws of 2017, is renumbered subdivision 7 and amended and a new subdivision 6 is added to read as follows:

6. Reporting requirement. The department shall issue a report on the utilization of this credit by January first, two thousand twenty-five. Such report shall include the number of taxpayers that claimed the credit annually, the total amount of credits awarded, and the amount of credits recaptured and number of taxpayers from whom credits were recaptured for each tax year through the period of the existence of the program for tax years for which final or preliminary data exist. The report shall not include any identifying information on the taxpayers that claimed the credit and the report shall include the number of taxpayers who claimed this credit notwithstanding any laws that would prevent the department from providing the number of taxpayers who claimed a credit due to tax secrecy provisions. The report shall be posted publicly on the department's website and copies shall be delivered to the governor, the speaker of the assembly, and the temporary president of the senate.

7. Termination. The credit allowed by subdivision two of this section shall not apply in taxable years beginning after December thirty-first, two thousand [~~twenty-two~~] twenty-five.

§ 2. Paragraph (f) of subdivision 30 of section 210-B of the tax law, as amended by section 2 of part O of chapter 59 of the laws of 2017, is relettered paragraph (g) and amended and a new paragraph (f) is added to read as follows:

(f) Reporting requirement. The department shall issue a report on the utilization of this credit by January first, two thousand twenty-five. Such report shall include the number of taxpayers that claimed the credit annually, the total amount of credits awarded, and the amount of credits recaptured and number of taxpayers from whom credits were recaptured for each tax year through the period of the existence of the program for tax years for which final or preliminary data exist. The report shall not include any identifying information on the taxpayers that claimed the credit and the report shall include the number of taxpayers who claimed this credit notwithstanding any laws that would prevent the department from providing the number of taxpayers who claimed a credit due to tax secrecy provisions. The report shall be posted publicly on the department's website and copies shall be delivered to the governor, the speaker of the assembly, and the temporary president of the senate.

(g) Termination. The credit allowed by paragraph (b) of this subdivision shall not apply in taxable years beginning after December thirty-first, two thousand ~~twenty-two~~ twenty-five.

§ 3. Paragraph 6 of subsection (p) of section 606 of the tax law, as amended by section 3 of part 0 of chapter 59 of the laws of 2017, is renumbered paragraph 7 and amended and a new paragraph 6 is added to read as follows:

(6) Reporting requirement. The department shall issue a report on the utilization of this credit by January first, two thousand twenty-five. Such report shall include the number of taxpayers that claimed the credit annually, the total amount of credits awarded, and the amount of credits recaptured and number of taxpayers from whom credits were recaptured for each tax year through the period of the existence of the program for tax years for which final or preliminary data exist. The report shall not include any identifying information on the taxpayers that claimed the credit and the report shall include the number of taxpayers who claimed this credit notwithstanding any laws that would prevent the department from providing the number of taxpayers who claimed a credit due to tax secrecy provisions. The report shall be posted publicly on the department's website and copies shall be delivered to the governor, the speaker of the assembly, and the temporary president of the senate.

(7) Termination. The credit allowed by this subsection shall not apply in taxable years beginning after December thirty-first, two thousand ~~twenty-two~~ twenty-five.

§ 4. This act shall take effect immediately.

PART Q

Section 1. Section 5 of part MM of chapter 59 of the laws of 2014 amending the labor law and the tax law relating to the creation of the workers with disabilities tax credit program, as amended by section 1 of part E of chapter 59 of the laws of 2019, is amended to read as follows:

§ 5. This act shall take effect January 1, 2015, and shall apply to taxable years beginning on and after that date~~[, provided, however, that this act shall expire and be deemed repealed January 1, 2023]~~.

§ 2. Section 25-b of the labor law is amended by adding two new subdivisions (f) and (g) to read as follows:

(f) The department, with the assistance of the department of taxation and finance, shall issue a report by January first, two thousand twenty-five, on the utilization of this credit. The report shall include

1 information on the number of final certificates issued pursuant to
2 subdivision (e) of this section per tax year for which final or prelimi-
3 nary data exists. The report shall also include aggregate data on the
4 number of qualified employers, claimed employees, and the amounts of
5 final credits allowed that were included in the final certificates
6 issued per tax year. No identifying information, such as a qualified
7 employer's name, employer identification number, business address, or
8 the social security numbers of claimed employees, shall be included in
9 this report. The report shall be posted publicly on the department's
10 website and copies shall be delivered to the governor, the speaker of
11 the assembly, and the temporary president of the senate.

12 (g) The tax credits provided under this program shall be applicable to
13 taxable periods beginning before January first, two thousand twenty-six.

14 § 3. This act shall take effect immediately.

15 PART R

16 Intentionally Omitted

17 PART S

18 Intentionally Omitted

19 PART T

20 Section 1. Legislative findings and declarations. The legislature
21 hereby finds that commercial tugboat, barge and other commercial towboat
22 operators are subject to the petroleum business tax when their vessels
23 are used in commercial tugboat, barge and other commercial towboat oper-
24 ations. The legislature further finds that such commercial tugboat,
25 barge and other commercial towboat operators endure an administrative
26 and unexpected financial burden as a result of such law that is not
27 warranted by the minimal amounts to be collected from the commercial
28 tugboat, barge and other commercial towboat operators under such law, as
29 determined by the state of New York.

30 The legislature, therefore, declares that it is in the best interest
31 of the commercial tugboat, barge and other commercial towboat industry
32 of the state of New York to exempt the commercial tugboat, barge and
33 other commercial towboat industry from this tax.

34 § 2. Paragraph 2 of subdivision (b) of section 301-a of the tax law,
35 as added by section 154 of part A of chapter 389 of the laws of 1997, is
36 amended to read as follows:

37 (2) Motor fuel brought into this state in the fuel tank connecting
38 with the engine of a vessel propelled by the use of such motor fuel
39 shall be deemed to constitute a taxable use of motor fuel for the
40 purposes of this subdivision to the extent that the fuel is consumed in
41 the operation of the vessel in this state. Provided, however, that this
42 paragraph shall not apply to (i) a recreational motor boat or (ii)
43 subsequent to August thirty-first, nineteen hundred ninety-four, a
44 commercial fishing vessel (as defined in subdivision (j) of section
45 three hundred of this article) if the motor fuel imported and consumed
46 in this state is used to operate such vessel while it is engaged in the
47 harvesting of fish for sale or (iii) subsequent to August thirty-first,
48 two thousand twenty-two, a commercial tugboat, barge or other commercial

1 towboat operator if the motor fuel imported and consumed in this state
2 is used to operate vessels of such operators while such operator is
3 engaged in commercial tugboat, barge or other commercial towboat oper-
4 ations in the state. Provided, further, that tax liability for gallonage
5 that a vessel consumes shall be the tax liability with respect to the
6 positive difference between the gallonage consumed in this state during
7 the reporting period and the gallonage purchased in this state (upon
8 which the tax imposed by this section has been paid) during such period.
9 A credit or refund shall be available for any excess of tax liability
10 for gallonage purchased in this state during the period over tax liabil-
11 ity on gallonage so consumed in this state during such period, which
12 excess shall be presumed to have been used outside this state.

13 § 3. Subparagraph (B) of paragraph 1 of subdivision (c) of section
14 301-a of the tax law, as amended by section 19 of part K of chapter 61
15 of the laws of 2011, is amended to read as follows:

16 (B) Highway diesel motor fuel brought into this state in the fuel tank
17 connecting with the engine of a vessel propelled by the use of such
18 diesel motor fuel shall be deemed to constitute a taxable use of diesel
19 motor fuel for the purpose of this paragraph to the extent of the fuel
20 that is consumed in the operation of the vessel in this state. Provided,
21 however, this paragraph shall not apply to (i) a recreational motor boat
22 or (ii) a commercial fishing vessel (as defined in subdivision (j) of
23 section three hundred of this article) if the highway diesel motor fuel
24 imported into and consumed in this state is used to operate such commer-
25 cial fishing vessel while it is engaged in the harvesting of fish for
26 sale or (iii) subsequent to August thirty-first, two thousand twenty-
27 two, a commercial tugboat, barge or other commercial towboat operator if
28 the highway diesel motor fuel imported and consumed in this state is
29 used to operate vessels of such operator while such operator is engaged
30 in commercial tugboat, barge or other commercial towboat operations in
31 this state. Provided, further, that tax liability for gallonage that a
32 vessel consumes in this state shall be the tax liability with respect to
33 the positive difference between the gallonage consumed in this state
34 during the reporting period and the gallonage purchased in this state
35 (upon which the tax imposed by this section has been paid) during such
36 period. A credit or refund shall be available for any excess of tax
37 liability for gallonage purchased in this state during the period over
38 tax liability on gallonage so consumed in this state during such period,
39 which excess shall be presumed to have been used outside this state.

40 § 4. Section 301-b of the tax law is amended by adding a new subdivi-
41 sion (j) to read as follows:

42 (j) Exemption for commercial tugboat, barge, or other commercial
43 towboat operators. A use by a commercial tugboat, barge, or other
44 commercial towboat operator of non-highway diesel motor fuel or residual
45 petroleum product where such non-highway diesel motor fuel or residual
46 petroleum product was used and consumed by a commercial tugboat, barge,
47 or other commercial towboat operator in commercial tugboat, barge, or
48 other commercial towboat operations in the state.

49 § 5. This act shall take effect August 31, 2022.

50 PART U

51 Intentionally Omitted

52 PART V

Intentionally Omitted

PART W

Section 1. Paragraph 1 of subsection (a) of section 671 of the tax law, as amended by chapter 760 of the laws of 1992, is amended to read as follows:

(1) Every employer maintaining an office or transacting business within this state and making payment of any wages taxable under this article shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due under this article resulting from the inclusion in the employee's New York adjusted gross income or New York source income of ~~[his]~~ the employee's wages received during such calendar year. The method of determining the amount to be withheld shall be prescribed by ~~[regulations of]~~ the commissioner, with due regard to the New York withholding exemptions of the employee and the sum of any credits allowable against ~~[his]~~ the employee's tax. The commissioner shall publish any changes to such method of determining the amount of tax to be withheld on the website of the department of taxation and finance. The commissioner shall also cause notice of such changes to be published in the section for miscellaneous notices in the state register and shall give other appropriate general notice of such changes.

§ 2. Paragraph 6 of subsection (j) of section 697 of the tax law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

(6) Publication of interest rates. The commissioner of taxation and finance shall publish the interest rates set under this subsection on the website of the department of taxation and finance. Immediately following such publication, the commissioner shall cause such interest rates to be published in the section for miscellaneous notices in the state register~~[,]~~ and give other appropriate general notice of~~[, the]~~ such interest rates ~~[to be set under this subsection no later than twenty days preceding the first day of the calendar quarter during which such interest rates apply]~~. The setting and publication of such interest rates shall not be included within paragraph (a) of subdivision two of section one hundred two of the state administrative procedure act relating to the definition of a rule.

§ 3. Paragraph 5 of subsection (e) of section 1096 of the tax law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

(5) Publication of interest rates. The commissioner of taxation and finance shall publish the interest rates set under this subsection on the website of the department of taxation and finance. Immediately following such publication, the commissioner shall cause such interest rates to be published in the section for miscellaneous notices in the state register~~[,]~~ and give other appropriate general notice of~~[, the]~~ such interest rates ~~[to be set under this subsection no later than twenty days preceding the first day of the calendar quarter during which such interest rates apply]~~. The setting and publication of such interest rates shall not be included within paragraph (a) of subdivision two of section one hundred two of the state administrative procedure act relating to the definition of a rule.

§ 4. This act shall take effect immediately.

PART X

Section 1. Paragraph (c) of subdivision 1 of section 1701 of the tax law, as added by section 1 of part CC-1 of chapter 57 of the laws of 2008, is amended to read as follows:

(c) "Financial institution" means (i) any financial institution authorized or required to participate in a financial institution data match system or program for child support enforcement purposes under federal or state law, and (ii) any virtual currency business licensed by the superintendent of financial services.

§ 2. This act shall take effect immediately.

PART Y

Section 1. Section 4 of chapter 475 of the laws of 2013, relating to assessment ceilings for local public utility mass real property, as amended by section 1 of part G of chapter 59 of the laws of 2018, is amended to read as follows:

§ 4. This act shall take effect on the first of January of the second calendar year commencing after this act shall have become a law and shall apply to assessment rolls with taxable status dates on or after such date; provided, however, that this act shall expire and be deemed repealed ~~[eight]~~ twelve years after such effective date; and provided, further, that no assessment of local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the first calendar year after this act shall have become a law shall be less than ninety percent or more than one hundred ten percent of the assessment of the same property on the date this act shall have become a law.

§ 2. Subdivision 4 of section 499-pppp of the real property tax law, as added by chapter 475 of the laws of 2013, is amended to read as follows:

4. Any final determination of an assessment ceiling by the commissioner pursuant to subdivision one of this section shall be subject to judicial challenge by an owner of local public utility mass real property or a local assessing jurisdiction in a proceeding under article seven of this chapter; provided however, the time to commence such proceeding shall be within sixty days of the issuance of the final assessment ceiling certificate and all questions of fact and law shall be determined de novo. Any judicial proceeding shall be commenced in the supreme court in the county of Albany or the county agreed upon by the parties in which the local public utility mass real property is located. Nothing in this section shall preclude a challenge of the assessed value established by a local assessing jurisdiction with respect to local public utility mass real property as otherwise provided in article seven of this chapter, provided however that upon motion of the local assessing jurisdiction, such challenge shall be consolidated with the challenge to the final assessment ceiling commenced pursuant to this subdivision and litigated in the venue specified by this subdivision. In any proceeding challenging an assessed value established by a local assessing jurisdiction for local public utility mass real property, the final certified assessment ceiling established pursuant to subdivision one of this section ~~[shall not]~~, and the evidence submitted in connection therewith, may be considered by the court when determining the merits of the challenge to the

assessed value established by the assessing unit. In such a proceeding, the local assessing jurisdiction, upon request to the local public utility mass real property owner, shall be provided with a copy of the annual report provided to the commissioner under section four hundred ninety-nine-rrrr of this title. If the local public utility mass real property owner fails to provide the report within thirty days of such a request, the proceeding shall be dismissed.

§ 3. This act shall take effect immediately, provided, however, that the amendments to subdivision 4 of section 499-pppp of the real property tax law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith.

PART Z

Section 1. This Part enacts into law major components of legislation relating to the administration of the STAR program authorized by section 425 of the real property tax law and subsection (eee) of section 606 of the tax law. Each component is wholly contained within a Subpart identified as Subparts A through E. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section of "this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section two contains a severability clause for all provisions contained in each Subpart of this Part. Section three of this act sets forth the general effective date of this Part.

SUBPART A

Section 1. Paragraph (a-2) of subdivision 6 of section 425 of the real property tax law, as amended by section 1 of part TT of chapter 59 of the laws of 2019, is amended to read as follows:

(a-2) Notwithstanding any provision of law to the contrary, where an application for the "enhanced" STAR exemption authorized by subdivision four of this section has not been filed on or before the taxable status date, and the owner believes that good cause existed for the failure to file the application by that date, the owner may, no later than the last day for paying school taxes without incurring interest or penalty, submit a written request to the commissioner asking him or her to extend the filing deadline and grant the exemption. Such request shall contain an explanation of why the deadline was missed, and shall be accompanied by an application, reflecting the facts and circumstances as they existed on the taxable status date. After consulting with the assessor, the commissioner may extend the filing deadline and grant the exemption if the commissioner is satisfied that (i) good cause existed for the failure to file the application by the taxable status date, and that (ii) the applicant is otherwise entitled to the exemption. The commissioner shall mail notice of his or her determination to such owner and the assessor. If the determination states that the commissioner has granted the exemption, the assessor shall thereupon be authorized and directed to correct the assessment roll accordingly, or, if another person has custody or control of the assessment roll, to direct that person to make the appropriate corrections. ~~[If the correction is not made before school taxes are levied, the school district authorities~~

~~shall be authorized and directed to take account of the fact that the commissioner has granted the exemption by correcting the applicant's tax bill and/or issuing a refund accordingly]~~ Provided, however, that if the assessment roll cannot be corrected in time for the exemption to appear on the applicant's school tax bill, the commissioner shall be authorized to remit directly to the applicant the tax savings that the STAR exemption would have yielded if it had appeared on the applicant's tax bill. The amounts so payable shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision fourteen of this section.

§ 2. This act shall take effect immediately.

SUBPART B

Intentionally Omitted

SUBPART C

Section 1. Subparagraph (A) of paragraph 3 of subsection (eee) of section 606 of the tax law, as amended by section 2 of part RR of chapter 59 of the laws of 2019, is amended to read as follows:

(A) Beginning with taxable years after two thousand fifteen, a basic STAR credit shall be available to a qualified taxpayer if the affiliated income of the parcel that serves as the taxpayer's primary residence is less than or equal to five hundred thousand dollars for the applicable income tax year specified by paragraph (b-1) of subdivision three of section four hundred twenty-five of the real property tax law. The income limit established for the basic STAR exemption by paragraph (b-1) of subdivision three of section four hundred twenty-five of the real property tax law shall not be taken into account when determining eligibility for the basic STAR credit.

§ 2. This act shall take effect immediately.

SUBPART D

Section 1. Subparagraph (B) of paragraph 7 of subsection (eee) of section 606 of the tax law, as amended by section 7 of part E of chapter 59 of the laws of 2018, is amended to read as follows:

(B) Notwithstanding any provision of law to the contrary, the names and addresses of individuals who have applied for or are receiving the credit authorized by this subsection may be disclosed to assessors, county directors of real property tax services, and municipal tax collecting officers within New York state. In addition, ~~[where an agreement is in place between the commissioner and the head of the tax department of another state, such information may be disclosed to such official or his or her designees]~~ such information may be exchanged with assessors and tax officials from jurisdictions outside New York state if the laws of the other jurisdiction allow it to provide similar information to this state. Such information shall be considered confidential and shall not be subject to further disclosure pursuant to the freedom of information law or otherwise.

§ 2. This act shall take effect immediately.

SUBPART E

1 Section 1. Subsection (c) of section 651 of the tax law, as amended by
2 section 3 of part QQ of chapter 59 of the laws of 2019, is amended to
3 read as follows:

4 (c) Decedents. The return for any deceased individual shall be made
5 and filed by [~~his~~] the decedent's executor, administrator, or other
6 person charged with [~~his~~] the decedent's property. If a final return of
7 a decedent is for a fractional part of a year, the due date of such
8 return shall be the fifteenth day of the fourth month following the
9 close of the twelve-month period which began with the first day of such
10 fractional part of the year. Notwithstanding any provision of law to the
11 contrary, when a return has been filed for a decedent, the commissioner
12 may disclose the decedent's name, address, and the date of death to the
13 director of real property tax services of the county and the assessor of
14 the assessing unit in which the address reported on such return is
15 located.

16 § 2. Paragraph (a) of subdivision 1 of section 1125 of the real prop-
17 erty tax law, as amended by chapter 415 of the laws of 2006, is amended
18 to read as follows:

19 (a) Parties entitled to notice. The enforcing officer shall on or
20 before the date of the first publication of the notice above set forth
21 cause a notice to be mailed to (i) each owner and any other person whose
22 right, title, or interest was a matter of public record as of the date
23 the list of delinquent taxes was filed, which right, title or interest
24 will be affected by the termination of the redemption period, and whose
25 name and address are reasonably ascertainable from the public record,
26 including the records in the offices of the surrogate of the county, or
27 from material submitted to the enforcing officer pursuant to paragraph
28 (d) of this subdivision, (ii) any other person who has filed a declara-
29 tion of interest pursuant to section eleven hundred twenty-six of this
30 title which has not expired, [~~and~~] (iii) where a posthumous declaration
31 of interest has been filed pursuant to section eleven hundred twenty-
32 six-a of this title, the person specified thereon as the person to be
33 informed when taxes are owed on the property, and (iv) the enforcing
34 officer of any other tax district having a right to enforce the payment
35 of a tax imposed upon any of the parcels described upon such petition.
36 Nothing contained herein shall be construed as making any such person a
37 party to the proceeding or as making any such person personally liable
38 for the taxes or other legal charges due thereon.

39 § 3. The real property tax law is amended by adding a new section
40 1126-a to read as follows:

41 § 1126-a. Posthumous declaration of interest. 1. Upon the death of an
42 owner of real property, a personal representative of the decedent's
43 estate or a successor in interest of the decedent may file a posthumous
44 declaration of interest with the enforcing officer on a form prescribed
45 by the commissioner. Such form shall be notarized and include informa-
46 tion confirming the status of an individual as a representative of the
47 decedent's estate or a successor in interest, as prescribed by the
48 commissioner. Such posthumous declaration shall provide the decedent's
49 name and date of death, a description of the property the decedent had
50 owned, and the name and address of a person to be informed when taxes
51 are owed on that property. Thereafter, in addition to any other notifi-
52 cation requirements that may apply, the enforcing officer shall cause
53 any notices required by this article to be mailed to such person at the
54 address so provided until such time as the acquisition of title by the
55 decedent's successor or successors in interest has become a matter of
56 public record, or the declaration is revoked or modified. The enforcing

1 officer shall provide copies of any declarations so filed to the asses-
2 sor, tax collecting officer and county director of real property tax
3 services within fifteen days of receipt, or as soon thereafter as is
4 practicable.

5 2. If no posthumous declaration of interest has been filed, a delin-
6 quent tax lien may be foreclosed by a proceeding in rem as otherwise
7 provided by this article, notwithstanding the fact that the property
8 owner has died. In such cases, the enforcing officer shall not be
9 obliged to obtain in personam jurisdiction over a personal represen-
10 tative of the decedent's estate; provided, however, that nothing
11 contained herein shall be construed to relieve the enforcing officer of
12 the obligation to cause a notice to be mailed to any persons whose
13 interests in the property are reasonably ascertainable from the records
14 of the surrogate of the county, as provided by subparagraph (i) of para-
15 graph (a) of subdivision one of section eleven hundred twenty-five of
16 this title.

17 § 4. This act shall take effect immediately.

18 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
19 sion, section or subpart contained in any part of this act shall be
20 adjudged by any court of competent jurisdiction to be invalid, such
21 judgment shall not affect, impair, or invalidate the remainder thereof,
22 but shall be confined in its operation to the clause, sentence, para-
23 graph, subdivision, section or subpart contained in any part thereof
24 directly involved in the controversy in which such judgment shall have
25 been rendered. It is hereby declared to be the intent of the legislature
26 that this act would have been enacted even if such invalid provisions
27 had not been included herein.

28 § 3. This act shall take effect immediately, provided, however, that
29 the applicable effective date of Subparts A through E of this act shall
30 be as specifically set forth in the last section of such Subparts.

31 PART AA

32 Intentionally Omitted

33 PART BB

34 Section 1. The subsection heading and paragraphs 1, 2, 3, and 4 of
35 subsection (n-1) of section 606 of the tax law, as added by section 1 of
36 subpart B of part C of chapter 20 of the laws of 2015, the opening para-
37 graph of subparagraph (a) of paragraph 2 as amended by section 7 of part
38 A of chapter 60 of the laws of 2016, are amended to read as follows:

39 [~~Property tax relief~~] Homeowner tax rebate credit. (1) An individual
40 taxpayer who meets the eligibility standards in paragraph two of this
41 subsection shall be allowed a credit against the taxes imposed by this
42 article in the amount specified in paragraph three of this subsection
43 for tax [~~years two thousand sixteen, two thousand seventeen, two thou-~~
44 ~~sand eighteen, and two thousand nineteen~~] year two thousand twenty-two.

45 (2) (a) To be eligible for the credit, the taxpayer (or taxpayers
46 filing joint returns) on the personal income tax return filed for the
47 taxable year two years prior, must have (i) been a resident, (ii) owned
48 and primarily resided in real property receiving either the STAR
49 exemption authorized by section four hundred twenty-five of the real
50 property tax law or the school tax relief credit authorized by
51 subsection (eee) of this section, and (iii) had qualified gross income

no greater than two hundred [~~seventy-five~~] fifty thousand dollars.
~~[Provided, however, that no credit shall be allowed if any of the following apply:]~~

~~(i) Such property is located in an independent school district that is subject to the provisions of section two thousand twenty-three-a of the education law and that has adopted a budget in excess of the tax levy limit prescribed by that section. To render its taxpayers eligible for the credit authorized by this subsection, the school district must certify its compliance with such tax levy limit in the manner prescribed by subdivision two of section two thousand twenty-three-b of the education law.~~

~~(ii) Such property is located in a city with a dependent school district that is subject to the provisions of section three-c of the general municipal law and that has adopted a budget in excess of the tax levy limit prescribed by that section. To render its taxpayers eligible for the credit authorized by this subsection, the city must certify its compliance with such tax levy limit in the manner prescribed by subdivision two of section three-d of the general municipal law.~~

~~(iii) Such property is located in the city of New York.]~~

(3) Amount of credit. (a) [~~For the two thousand sixteen taxable year (i) for a taxpayer residing in real property located within the metropolitan commuter transportation district (MCTD) and outside the city of New York, the amount of the credit shall be \$130; (ii) for a taxpayer residing in real property located outside the MCTD, the amount of the credit shall be \$185.~~

~~(b) For the two thousand seventeen, two thousand eighteen and two thousand nineteen taxable years (i)]~~ For a taxpayer who owned and primarily resided in real property receiving the basic STAR exemption or who received the basic STAR credit, the amount of the credit shall equal the STAR tax savings associated with such basic STAR exemption in the two thousand twenty-one--two thousand twenty-two school year, multiplied by the following percentage:

~~[(A) for the two thousand seventeen taxable year:]~~

Qualified Gross Income	Percentage
Not over \$75,000	28%
Over \$75,000 but not over \$150,000	20.5%
Over \$150,000 but not over \$200,000	13%
Over \$200,000 but not over \$275,000	5.5%
Over \$275,000	No credit

~~[(B) for the two thousand eighteen taxable year:]~~

Qualified Gross Income	Percentage
Not over \$75,000	60%
Over \$75,000 but not over \$150,000	42.5%
Over \$150,000 but not over \$200,000	25%
Over \$200,000 but not over \$275,000	7.5%
Over \$275,000	No credit

~~[(C) for the two thousand nineteen taxable year:]~~

(i) For a taxpayer whose primary residence is located outside the city of New York:

Qualified Gross Income	Percentage
Not over \$75,000	[85%] <u>163%</u>
Over \$75,000 but not over \$150,000	[60%] <u>115%</u>
Over \$150,000 but not over \$200,000	[35%] <u>66%</u>
Over \$200,000 but not over	[10%] <u>18%</u>
[\$275,000] <u>\$250,000</u>	
Over [\$275,000] <u>\$250,000</u>	No credit

(ii) For a taxpayer whose primary residence is located within the city of New York:

<u>Qualified Gross Income</u>	<u>Percentage</u>
<u>Not over \$75,000</u>	<u>186%</u>
<u>Over \$75,000 but not over \$150,000</u>	<u>131%</u>
<u>Over \$150,000 but not over \$200,000</u>	<u>75%</u>
<u>Over \$200,000 but not over \$250,000</u>	<u>34%</u>
<u>Over \$250,000</u>	<u>No credit</u>

~~[(a)]~~ (b) For a taxpayer who owned and primarily resided in real property receiving the enhanced STAR exemption or who received the enhanced STAR credit, the amount of the credit shall equal the STAR tax savings associated with such enhanced STAR exemption in the two thousand twenty-one--two thousand twenty-two school year, multiplied by ~~[the following percentage:~~

<u>Taxable Year</u>	<u>Percentage</u>
two thousand seventeen	12%
two thousand eighteen	26%
two thousand nineteen	34%

sixty-six percent if the taxpayer's primary residence is located outside the city of New York, or seventy-one percent if the taxpayer's primary residence is located within the city of New York.

~~[(d)]~~ (c) In no case may the amount of the credit allowed under this subsection exceed the school district taxes due with respect to the residence for that school year, nor shall any credit be allowed under this subsection if the amount determined pursuant to this paragraph is less than one hundred dollars.

(4) For purposes of this subsection:

(a) "Qualified gross income" means the adjusted gross income of the qualified taxpayer for the taxable year as reported for federal income tax purposes, or which would be reported as adjusted gross income if a federal income tax return were required to be filed. In computing qualified gross income, the net amount of loss reported on Federal Schedule C, D, E, or F shall not exceed three thousand dollars per schedule. In addition, the net amount of any other separate category of loss shall not exceed three thousand dollars. The aggregate amount of all losses included in computing qualified gross income shall not exceed fifteen thousand dollars.

(b) "STAR tax savings" means the tax savings attributable to the basic or enhanced STAR exemption, whichever is applicable, within a portion of a school district, as determined by the commissioner pursuant to subdivision two of section thirteen hundred six-a of the real property tax law.

~~[(c) "Metropolitan commuter transportation district" or "MCTD" means the metropolitan commuter transportation district as defined in section twelve hundred sixty-two of the public authorities law.]~~

§ 2. This act shall take effect immediately.

PART CC

Section 1. The opening paragraph and subdivisions 1 and 2 of section 1306 of the racing, pari-mutuel wagering and breeding law, the opening paragraph as amended by chapter 243 of the laws of 2020 and subdivisions 1 and 2 as added by chapter 174 of the laws of 2013, are amended to read as follows:

The New York state gaming facility location board shall select, following a competitive process and subject to the restrictions of this

1 article, no more than [~~four~~] seven entities to apply to the commission
2 for gaming facility licenses; provided however, that no more than three
3 gaming facilities shall be located in zone one, and no more than four
4 gaming facilities shall be located in zone two. In exercising its
5 authority, the board shall have all powers necessary or convenient to
6 fully carry out and effectuate its purposes including, but not limited
7 to, the following powers. The board shall:

8 1. issue a request for applications for zone one or two gaming facili-
9 ty licenses pursuant to section one thousand three hundred twelve or
10 section one thousand three hundred twenty-one-b of this article;

11 2. assist the commission in prescribing the form of the application
12 for zone one or two gaming facility licenses including information to be
13 furnished by an applicant concerning an applicant's antecedents, habits,
14 character, associates, criminal record, business activities and finan-
15 cial affairs, past or present pursuant to section one thousand three
16 hundred thirteen or section one thousand three hundred twenty-one-c of
17 this article;

18 § 2. Subparagraph 2 of paragraph (a) of subdivision 2 of section 1310
19 of the racing, pari-mutuel wagering and breeding law, as added by chap-
20 ter 174 of the laws of 2013, is amended to read as follows:

21 (2) Region two shall consist of Bronx, Kings, New York, Queens and
22 Richmond counties[~~-. No gaming facility shall be authorized in region~~
23 ~~two~~]; and

24 § 3. The title heading of title 2 of article 13 of the racing, pari-
25 mutuel wagering and breeding law, as added by chapter 174 of the laws of
26 2013, is amended to read as follows:

27 FACILITY DETERMINATION AND LICENSING: UPSTATE GAMING FACILITIES

28 § 4. Section 1310 of title 2 of article 13 of the racing, pari-mutuel
29 wagering and breeding law is redesignated section 1310 of title 1 of
30 such article.

31 § 5. Section 1311 of the racing, pari-mutuel wagering and breeding
32 law, as added by chapter 174 of the laws of 2013, subdivision 1 as
33 amended by chapter 175 of the laws of 2013 and subdivision 3 as added by
34 section 6 of part Y of chapter 59 of the laws of 2021, is amended to
35 read as follows:

36 § 1311. License authorization; restrictions. 1. The commission is
37 authorized to award up to four gaming facility licenses, in regions one,
38 two and five of zone two. The duration of such initial license shall be
39 ten years. The term of renewal shall be determined by the commission.
40 The commission may award a second license to a qualified applicant in no
41 more than a single region. The commission is not empowered to award any
42 license [~~in zone one. No gaming facilities are authorized~~] nor are any
43 gaming facilities authorized under this [~~article~~] title for the city of
44 New York or any other portion of zone one.

45 As a condition of licensure, licensees are required to commence gaming
46 operations no more than twenty-four months following license award. No
47 additional licenses may be awarded during the twenty-four month period,
48 nor for an additional sixty months following the end of the twenty-four
49 month period. Should the state legislatively authorize additional gaming
50 facility licenses within these periods, licensees shall have the right
51 to recover the license fee paid pursuant to section one thousand three
52 hundred six of this article.

53 This right shall be incorporated into the license itself, vest upon
54 the opening of a gaming facility in zone one or in the same region as
55 the licensee and entitle the holder of such license to bring an action
56 in the court of claims to recover the license fee paid pursuant to

1 section one thousand three hundred fifteen of this ~~[article]~~ title in
2 the event that any gaming facility license in excess of the number
3 authorized by this section as of the effective date of this section is
4 awarded within seven years from the date that the initial gaming facili-
5 ty license is awarded. This right to recover any such fee shall be
6 proportionate to the length of the respective period that is still
7 remaining upon the vesting of such right.

8 Additionally, the right to bring an action in the court of claims to
9 recover the fee paid to the state on the twenty-fourth day of September,
10 two thousand ten, by the operator of a video lottery gaming facility in
11 a city of more than one million shall vest with such operator upon the
12 opening of any gaming facility licensed by the commission in zone one
13 within seven years from the date that the initial gaming facility
14 license is awarded; provided however that the amount recoverable shall
15 be limited to the pro rata amount of the time remaining until the end of
16 the seven year exclusivity period, proportionate to the period of time
17 between the date of opening of the video lottery facility until the
18 conclusion of the seven year period.

19 2. Notwithstanding the foregoing, no casino gaming facility shall be
20 authorized:

21 (a) in the counties of Clinton, Essex, Franklin, Hamilton, Jefferson,
22 Lewis, Saint Lawrence and Warren;

23 (b) within the following area: (1) to the east, State Route 14 from
24 Sodus Point to the Pennsylvania border with New York; (2) to the north,
25 the border between New York and Canada; (3) to the south, the Pennsylva-
26 nia border with New York; and (4) to the west, the border between New
27 York and Canada and the border between Pennsylvania and New York; and

28 (c) in the counties of Cayuga, Chenango, Cortland, Herkimer, Lewis,
29 Madison, Oneida, Onondaga, Oswego and Otsego.

30 3. As a condition for continued licensure, licensees shall be required
31 to house upon the physical premises of the licensed gaming facility,
32 upon request, a mobile sports wagering platform provider's server or
33 other equipment used for receiving mobile sports wagers pursuant to
34 section 1367-a of ~~[the racing, pari-mutuel wagering and breeding law]~~
35 this article; provided however, that such licensee shall be entitled to
36 the reasonable and actual costs, as determined by the gaming commission,
37 of physically housing and securing such server or other equipment used
38 for receiving mobile sports wagers at such licensee's licensed gaming
39 facility; and provided further, ~~[that as consideration for housing and~~
40 ~~securing such server at the physical premises of the licensed gaming~~
41 ~~facility,~~ for the duration of the initial license term, a mobile sports
42 wagering platform ~~[providers]~~ provider shall pay ~~[to such licensed~~
43 ~~gaming facility, five]~~ two and one-half million dollars per year ~~[for~~
44 ~~the duration of the time that such server is housed and operating at the~~
45 ~~physical premises of such licensed gaming facility]~~ from which each
46 gaming facility licensed under title two of this article shall receive
47 five million dollars per year.

48 § 6. The opening paragraph of subdivision 1 of section 1312 of the
49 racing, pari-mutuel wagering and breeding law, as added by chapter 174
50 of the laws of 2013, is amended to read as follows:

51 The board shall issue within ninety days of a majority of members
52 being appointed a request for applications for a gaming facility license
53 in regions one, two and five in zone two; provided, however, that the
54 board shall not issue any requests for applications for any region in
55 zone one under this title; and further provided that the board shall not
56 issue any requests for applications with respect to any gaming facility

1 subsequently legislatively authorized until seven years following the
2 commencement of gaming activities in zone two, unless such request for
3 application with respect to any subsequently legislatively authorized
4 gaming facility adheres to the procedure as described in section one
5 thousand three hundred eleven of this title. All requests for applica-
6 tions shall include:

7 § 7. Article 13 of the racing, pari-mutuel wagering and breeding law
8 is amended by adding a new title 2-A to read as follows:

9 TITLE 2-A

10 FACILITY DETERMINATION AND LICENSING: ADDITIONAL GAMING FACILITIES

11 Section 1321-a. License authorization; restrictions.

12 1321-b. Requests for applications; requests for information.

13 1321-c. Form of application.

14 1321-d. License applicant eligibility.

15 1321-e. Required capital investment.

16 1321-f. Minimum license thresholds.

17 1321-g. Investigation of license applicants.

18 1321-h. Disqualifying criteria.

19 1321-i. Hearings.

20 1321-j. Siting evaluation.

21 1321-k. Video lottery gaming facility conversions.

22 § 1321-a. License authorization; restrictions. 1. The commission is
23 authorized to award up to three additional gaming facility licenses;
24 provided, however, that the commission shall issue a request for appli-
25 cations no later than July first, two thousand twenty-two; and provided
26 further, the deadline for submission of applications shall be no later
27 than sixty days after the date upon which the commission issues such
28 request for applications; and provided further, such licenses must be
29 awarded and license fees paid by applicants, no later than December
30 first, two thousand twenty-two. The duration of such initial license
31 shall be ten years. The term of renewal shall be determined by the
32 commission; provided however, that no term of renewal shall be less than
33 ten years.

34 2. Notwithstanding the foregoing, no casino gaming facility shall be
35 authorized:

36 (a) in the counties of Clinton, Essex, Franklin, Hamilton, Jefferson,
37 Lewis, Saint Lawrence and Warren;

38 (b) within the following area: (1) to the east, State Route 14 from
39 Sodus Point to the Pennsylvania border with New York; (2) to the north,
40 the border between New York and Canada; (3) to the south, the Pennsylva-
41 nia border with New York; and (4) to the west, the border between New
42 York and Canada and the border between Pennsylvania and New York; and

43 (c) in the counties of Cayuga, Chenango, Cortland, Herkimer, Lewis,
44 Madison, Oneida, Onondaga, Oswego and Otsego.

45 § 1321-b. Requests for applications; requests for information.
46 Requests for applications shall be handled in the same manner as
47 provided for in section thirteen hundred twelve of this article for
48 gaming licenses authorized but not awarded, provided however that any
49 requests for applications for gaming facility licenses authorized but
50 not awarded may be for gaming facility licenses in any region in zone
51 one or in regions one, two and five in zone two.

52 § 1321-c. Form of application. The form of the application shall be
53 the same as established under section thirteen hundred thirteen of this
54 article.

1 § 1321-d. License applicant eligibility. 1. Gaming facility licenses
2 shall only be issued to applicants who are qualified under the criteria
3 set forth in this article, as determined by the commission.

4 2. As a condition of filing, each potential license applicant shall:

5 (a) demonstrate to the board that local support has been obtained
6 through the enactment of local laws or resolutions in support by the
7 host municipality and county; and

8 (b) waive all rights they or any affiliated entity possess under
9 section one thousand three hundred eleven of this article to bring an
10 action to recover a fee.

11 3. The expiration of the seven year restricted period from the date
12 that an initial gaming facility license was awarded is February twenty-
13 eighth, two thousand twenty-three for the three initial casino licenses
14 and November twenty-second, two thousand twenty-three for the final
15 casino license awarded. Should an applicant or applicants commence
16 gaming activities prior to such dates, such applicant or applicants
17 shall be jointly and severally liable for payment of the proportionate
18 fee for the respective period remaining as required by section one thou-
19 sand three hundred eleven of this article.

20 § 1321-e. Required capital investment. 1. The board shall establish
21 the minimum capital investment for each unawarded gaming facility
22 license. Such investment may include, but not be limited to, a casino
23 area, hotel and other amenities; and provided further, that the board
24 shall determine whether it will include the purchase or lease price of
25 the land where the gaming facility will be located or any infrastructure
26 designed to support the site including, but not limited to, drainage,
27 utility support, roadways, interchanges, fill and soil or groundwater or
28 surface water contamination issues. The board may consider private capi-
29 tal investment made previous to the effective date of this title, but
30 may, in its discretion, discount a percentage of the investment made.
31 Upon award of a gaming license by the commission, the applicant shall be
32 required to deposit ten percent of the total investment proposed in the
33 application into an interest-bearing account. Monies received from the
34 applicant shall be held in escrow until the final stage of construction,
35 as detailed in the timeline of construction submitted with the
36 licensee's application and approved by the commission, at which time the
37 deposit plus interest earned shall be returned to the applicant to be
38 applied for the final stage. Should the applicant be unable to complete
39 the gaming facility, the deposit shall be forfeited to the state. In
40 place of a cash deposit, the commission may allow for an applicant to
41 secure a deposit bond insuring that ten percent of the proposed capital
42 investment shall be forfeited to the state if the applicant is unable to
43 complete the gaming facility.

44 2. Each applicant shall submit its proposed capital investment with
45 its application to the board which shall include stages of construction
46 of the gaming facility and the deadline by which the stages and overall
47 construction and any infrastructure improvements will be completed. In
48 awarding a license, the commission shall determine at what stage of
49 construction a licensee shall be approved to open for gaming; provided,
50 however, that a licensee shall not be approved to open for gaming until
51 the commission has determined that at least the gaming area and other
52 ancillary entertainment services and non-gaming amenities, as required
53 by the board, have been built and are of a superior quality as set forth
54 in the conditions of licensure. The commission shall not approve a
55 gaming facility to open before the completion of the permanent casino
56 area.

1 3. The board shall determine a licensing fee to be paid by a licensee
2 within thirty days after the award of the license which shall be depos-
3 ited into the commercial gaming revenue fund; provided however that such
4 licensing fee shall be no less than one billion dollars per license. The
5 license shall set forth the conditions to be satisfied by the licensee
6 before the gaming facility shall be opened to the public. The commission
7 shall set any renewal fee for such license based on the cost of fees
8 associated with the evaluation of a licensee under this article which
9 shall be deposited into the commercial gaming fund. Such renewal fee
10 shall be exclusive of any subsequent licensing fees under this section.

11 4. The commission shall determine the sources and total amount of an
12 applicant's proposed capitalization to develop, construct, maintain and
13 operate a proposed gaming facility under this article. Upon award of a
14 gaming license, the commission shall continue to assess the capitaliza-
15 tion of a licensee for the duration of construction of the proposed
16 gaming facility and the term of the license.

17 § 1321-f. Minimum license thresholds. The minimum licensing thresh-
18 olds shall be the same as those established under section thirteen
19 hundred sixteen of this article.

20 § 1321-g. Investigation of license applicants. The process used to
21 investigate license applicants shall be the same process established
22 under section thirteen hundred seventeen of this article.

23 § 1321-h. Disqualifying criteria. The criteria to disqualify appli-
24 cants shall be the same criteria used for upstate gaming facility
25 licensing, which are enumerated in section thirteen hundred eighteen of
26 this article.

27 § 1321-i. Hearings. The process used for hearings shall be the same
28 process established under section thirteen hundred nineteen of this
29 article.

30 § 1321-j. Siting evaluation. In determining whether an applicant shall
31 be eligible for a gaming facility license, the board shall evaluate how
32 each applicant proposes to advance the following objectives with consid-
33 eration given to the differences between proposed projects related to
34 whether it is a conversion of an existing video lottery gaming facility
35 or new facility construction, and the proposed location.

36 1. The decision by the board to select a gaming facility license
37 applicant shall be weighted by fifty percent based on economic activity
38 and business development factors including:

39 (a) realizing maximum capital investment exclusive of land acquisition
40 and infrastructure improvements;

41 (b) maximizing revenues received by the state and localities;

42 (c) providing the highest number of quality jobs in the gaming facili-
43 ty;

44 (d) building a gaming facility of the highest caliber with a variety
45 of quality amenities to be included as part of the gaming facility;

46 (e) offering the highest and best value to patrons to create a secure
47 and robust gaming market in the region and the state;

48 (f) providing a market analysis detailing the benefits of the site
49 location of the gaming facility and the estimated recapture rate of
50 gaming-related spending by residents travelling to an out-of-state
51 gaming facility;

52 (g) offering the fastest time to completion of the full gaming facili-
53 ty;

54 (h) demonstrating the ability to fully finance the gaming facility;
55 and

1 (i) demonstrating experience in the development and operation of a
2 quality gaming facility.

3 2. The decision by the board to select a gaming facility license
4 applicant shall be weighted by twenty percent based on local impact and
5 siting factors including:

6 (a) mitigating potential impacts on host and nearby municipalities
7 which might result from the development or operation of the gaming
8 facility;

9 (b) operating in partnership with and promoting local hotels, restau-
10 rants and retail facilities so that patrons experience the full diversi-
11 fied regional tourism industry; and

12 (c) establishing a fair and reasonable partnership with live enter-
13 tainment venues that may be impacted by a gaming facility under which
14 the gaming facility actively supports the mission and the operation of
15 the impacted entertainment venues.

16 3. The decision by the board to select a gaming facility license
17 applicant shall be weighted by fifteen percent based on workforce
18 enhancement factors including:

19 (a) implementing a workforce development plan that utilizes the exist-
20 ing labor force, including the estimated number of construction jobs a
21 proposed gaming facility will generate, the development of workforce
22 training programs that serve the unemployed and methods for accessing
23 employment at the gaming facility;

24 (b) taking additional measures to address problem gambling including,
25 but not limited to, training of gaming employees to identify patrons
26 exhibiting problems with gambling;

27 (c) utilizing sustainable development principles including, but not
28 limited to:

29 (1) having new and renovation construction certified under the appro-
30 priate certification category in the Leadership in Energy and Environ-
31 mental Design Green Building Rating System created by the United States
32 Green Building Council;

33 (2) efforts to mitigate vehicle trips;

34 (3) efforts to conserve water and manage storm water;

35 (4) demonstrating that electrical and HVAC equipment and appliances
36 will be Energy Star labeled where available;

37 (5) procuring or generating on-site ten percent of its annual elec-
38 tricity consumption from renewable sources; and

39 (6) developing an ongoing plan to submeter and monitor all major
40 sources of energy consumption and undertake regular efforts to maintain
41 and improve energy efficiency of buildings in their systems;

42 (d) establishing, funding and maintaining human resource hiring and
43 training practices that promote the development of a skilled and diverse
44 workforce and access to promotion opportunities through a workforce
45 training program that:

46 (1) establishes transparent career paths with measurable criteria
47 within the gaming facility that lead to increased responsibility and
48 higher pay grades that are designed to allow employees to pursue career
49 advancement and promotion;

50 (2) provides employee access to additional resources, such as tuition
51 reimbursement or stipend policies, to enable employees to acquire the
52 education or job training needed to advance career paths based on
53 increased responsibility and pay grades; and

54 (3) establishes an on-site child day care program;

55 (e) purchasing, whenever possible, domestically manufactured slot
56 machines for installation in the gaming facility;

1 (f) implementing a workforce development plan that:

2 (1) incorporates an affirmative action program of equal opportunity by
3 which the applicant guarantees to provide equal employment opportunities
4 to all employees qualified for licensure in all employment categories,
5 including persons with disabilities;

6 (2) utilizes the existing labor force in the state;

7 (3) estimates the number of construction jobs a gaming facility will
8 generate and provides for equal employment opportunities and which
9 includes specific goals for the utilization of minorities, women and
10 veterans on those construction jobs;

11 (4) identifies workforce training programs offered by the gaming
12 facility; and

13 (5) identifies the methods for accessing employment at the gaming
14 facility; and

15 (g) demonstrating that the applicant has an agreement with organized
16 labor, including hospitality services, and has the support of organized
17 labor for its application, which specifies:

18 (1) the number of employees to be employed at the gaming facility,
19 including detailed information on the pay rate and benefits for employ-
20 ees and contractors in the gaming facility and all infrastructure
21 improvements related to the project; and

22 (2) detailed plans for assuring labor harmony during all phases of the
23 construction, reconstruction, renovation, development and operation of
24 the gaming facility.

25 4. (a) The decision by the board to select a gaming facility license
26 applicant shall be weighted by fifteen percent based on a diversity
27 framework established by the board that takes into account the utiliza-
28 tion and employment of minorities, women and service-disabled veterans
29 in permanent and part-time jobs at such proposed facility, as well as
30 diversity in the ownership and leadership of the corporate entity which
31 seeks to apply for a gaming facility license.

32 (b) In establishing such framework under this subdivision, the board
33 shall consult with the division of minority and women's business devel-
34 opment in the department of economic development to achieve the maximum
35 feasible participation of minority and women-owned businesses. Guide-
36 lines for such framework may include, but not be limited to an appli-
37 cant's:

38 (1) ability to identify and establish mentorship opportunities and
39 other business development programs as part of its overall application;

40 (2) the development of aspirational goals for the utilization of
41 minority group members, women and service-disabled veterans in each
42 construction trade, profession, and occupation at the proposed facility;

43 (3) assurances that any contractors or subcontractors to any contrac-
44 tor make good faith efforts to meet any established workforce partic-
45 ipation goals;

46 (4) participation with enterprises in which such minority ownership is
47 real, substantial and continuing;

48 (5) how an applicant's plan shall promote diversity in its business
49 model, financing, employment goals, and other social and economic equity
50 roles in the gaming industry; and

51 (6) any such further criteria as the board and director shall see fit
52 for inclusion.

53 § 1321-k. Video lottery gaming facility conversions. Notwithstanding
54 any law, rule or regulation to the contrary, for any video lottery
55 gaming facility authorized by paragraph four of subdivision a of section
56 sixteen hundred seventeen-a of the tax law that converts to a gaming

1 facility, nothing in this section shall be construed to affect the host-
2 ing agreement between the corporation established pursuant to section
3 five hundred two of this chapter in the Nassau region and the entity
4 converted to a gaming facility; and pursuant to the agreement, such
5 video lottery devices shall be deemed to be hosted for the corporation
6 by such entity.

7 § 8. Paragraph (b) of subdivision 2 of section 1320 of the racing,
8 pari-mutuel wagering and breeding law, as added by chapter 174 of the
9 laws of 2013, is amended to read as follows:

10 (b) gaining public support in the host and nearby municipalities which
11 ~~[may]~~ shall be demonstrated through the ~~[passage]~~ enactment of local
12 laws ~~[or public comment received by the board or gaming applicant];~~

13 § 9. Section 1366 of the racing, pari-mutuel wagering and breeding
14 law, as added by chapter 174 of the laws of 2013, is amended to read as
15 follows:

16 § 1366. Zoning. 1. The state, any municipal corporation or any agency
17 or authority thereof shall be prohibited from acquiring land necessary
18 for the construction or development of a class three gaming facility
19 pursuant to this article.

20 2. Notwithstanding any inconsistent provision of law, gaming author-
21 ized at a location pursuant to this article shall be deemed an approved
22 activity for such location under the relevant city, county, town, or
23 village land use or zoning ordinances, rules, or regulations; provided
24 however, that this subdivision shall not apply to new gaming facility
25 licenses authorized after January first, two thousand twenty-two.

26 3. The requirements set forth in this section shall be in addition to
27 the requirements of the provisions of the state environmental quality
28 review act under article eight of the environmental conservation law and
29 its implementing regulations which are codified in 6 NYCRR 617 and any
30 other general laws relating to land use and any amendments thereto.

31 § 10. The opening paragraph of subdivision b of section 1617-a of the
32 tax law, as amended by section 1 of part SS of chapter 60 of the laws of
33 2016, is amended to read as follows:

34 Such rules and regulations shall provide, as a condition of licensure,
35 that racetracks to be licensed are certified to be in compliance with
36 all state and local fire and safety codes, that the gaming commission is
37 afforded adequate space, infrastructure, and amenities consistent with
38 industry standards for such video lottery gaming operations as found at
39 racetracks in other states, that racetrack employees involved in the
40 operation of video lottery gaming pursuant to this section are licensed
41 by the gaming commission and such other terms and conditions of licen-
42 sure as the gaming commission may establish. Notwithstanding any incon-
43 sistent provision of law, video lottery gaming at a racetrack pursuant
44 to this section shall be deemed an approved activity for such racetrack
45 under the relevant city, county, town, or village land use or zoning
46 ordinances, rules, or regulations and shall be in addition to the
47 requirements of the provisions of the state environmental quality review
48 act under article eight of the environmental conservation law and its
49 implementing regulations which are codified in 6 NYCRR 617 and any other
50 general laws relating to land use and any amendments hereto. No entity
51 licensed by the gaming commission operating video lottery gaming pursu-
52 ant to this section may house such gaming activity in a structure deemed
53 or approved by the division as "temporary" for a duration of longer than
54 eighteen-months. Nothing in this section shall prohibit the gaming
55 commission from licensing an entity to operate video lottery gaming at
56 an existing racetrack as authorized in this subdivision whether or not a

1 different entity is licensed to conduct horse racing and pari-mutuel
2 wagering at such racetrack pursuant to article two or three of the
3 racing, pari-mutuel wagering and breeding law.

4 § 11. Section 1318 of the racing, pari-mutuel wagering and breeding
5 law is amended by adding a new subdivision 2 to read as follows:

6 2. The commission may revoke a license of any entity that held a
7 license to operate video lottery terminals pursuant to section sixteen
8 hundred seventeen-a of the tax law, which was then converted to a gaming
9 facility license if the commission determines the facility is disquali-
10 fied on the basis of any of the criteria enumerated in subdivision one
11 of this section, subject to notice and an opportunity for hearing.

12 § 12. The opening paragraph of section 1348 of the racing, pari-mutuel
13 wagering and breeding law, as added by chapter 174 of the laws of 2013,
14 is amended to read as follows:

15 In addition to any other tax or fee imposed by this article, there
16 shall be imposed an annual license fee of five hundred dollars for each
17 slot machine and table approved by the commission for use by a gaming
18 licensee at a gaming facility; and beginning in the year two thousand
19 twenty-three, there shall be imposed an annual license fee of seven
20 hundred fifty dollars for each slot machine and table game approved by
21 the commission for use by a gaming licensee at a gaming facility located
22 in zone one, originally awarded a license after July first, two thousand
23 twenty-two, and provided, however, that not sooner than five years after
24 award of an original gaming license, the commission may annually adjust
25 the fee for inflation. The fee shall be imposed as of July first of each
26 year for all approved slot machines and tables on that date and shall be
27 assessed on a pro rata basis for any slot machine or table approved for
28 use thereafter.

29 § 13. Section 1351 of the racing, pari-mutuel wagering and breeding
30 law is amended by adding a new subdivision 1-a to read as follows:

31 1-a. For a gaming facility licensed pursuant to title two-A of this
32 article, there is hereby imposed a tax on gross gaming revenues with the
33 rates to be determined by the gaming commission pursuant to a compet-
34 itive bidding process as outlined in title two-A of this article;
35 provided however, that at such facilities, the tax rate on revenue from
36 slot machines shall be no less than forty-five percent, and the tax rate
37 for gross gaming revenue from all other sources shall be no less than
38 ten percent.

39 § 14. This act shall take effect immediately.

40 PART DD

41 Section 1. Section 509-a of the racing, pari-mutuel wagering and
42 breeding law, as amended by section 1 of part LLL of chapter 59 of the
43 laws of 2021, is amended to read as follows:

44 § 509-a. Capital acquisition fund. 1. The corporation may create and
45 establish a capital acquisition fund for the purpose of financing the
46 acquisition, construction or equipping of offices, facilities or prem-
47 ises of the corporation. Such capital acquisition fund shall consist of
48 (i) the amounts specified pursuant to subdivision three-a of section
49 five hundred thirty-two of this chapter; and (ii) contributions from the
50 corporation's pari-mutuel wagering pools, subject to the following limi-
51 tations:

52 a. no contribution shall exceed the amount of one percent of the total
53 pari-mutuel wagering pools for the quarter in which the contribution is
54 made;

b. no contribution shall reduce the amount of quarterly net revenues, exclusive of surcharge revenues, to an amount less than fifty percent of such net revenues; and

c. the balance of the fund shall not exceed the lesser of one percent of total pari-mutuel wagering pools for the previous twelve months or the undepreciated value of the corporation's offices, facilities and premises.

2. a. Notwithstanding any other provision of law or regulation to the contrary, from April nineteenth, two thousand twenty-one to March thirty-first, two thousand twenty-two, twenty-three percent of the funds, not to exceed two and one-half million dollars, in the Catskill off-track betting corporation's capital acquisition fund and twenty-three percent of the funds, not to exceed four hundred forty thousand dollars, in the Capital off-track betting corporation's capital acquisition fund established pursuant to this section shall also be available to such off-track betting corporation for the purposes of statutory obligations, payroll, and expenditures necessary to accept authorized wagers.

b. Notwithstanding any other provision of law or regulation to the contrary, from April first, two thousand twenty-two to March thirty-first, two thousand twenty-three, twenty-three percent of the funds, not to exceed two and one-half million dollars, in the Catskill off-track betting corporation's acquisition fund and twenty-three percent of the funds, not to exceed four hundred forty thousand dollars, in the Capital off-track betting corporation's capital acquisition fund established pursuant to this section shall also be available to such off-track betting corporation for the purposes of statutory obligations, payroll, and expenditures necessary to accept authorized wagers.

3. The Catskill off-track betting corporation and the Capital off-track betting corporation shall make a report to the governor, speaker of the assembly, temporary president of the senate and the commission detailing the actual use of the funds made available in the capital acquisition fund. Such report shall include, but not be limited to, any impact on employment levels since utilizing the funds, the status of any statutory obligations, an accounting of the use of such funds, and any other information as deemed necessary by the commission. Such report shall be due no later than the ~~[first day of April two thousand twenty-two]~~ last day of the fiscal year in which the monies were spent.

§ 2. Section 2 of part LLL of chapter 59 of the laws of 2021 amending the racing, pari-mutuel wagering and breeding law, relating to the utilization of funds in the Catskill and Capital regions off-track betting corporation's capital acquisition funds, is amended to read as follows:

§ 2. This act shall take effect immediately ~~[and shall expire and be deemed repealed one year after such date].~~

§ 3. This act shall take effect immediately.

PART EE

Section 1. Paragraph (a) of subdivision 1 of section 1003 of the racing, pari-mutuel wagering and breeding law, as amended by section 1 of part DD of chapter 59 of the laws of 2021, is amended to read as follows:

(a) Any racing association or corporation or regional off-track betting corporation, authorized to conduct pari-mutuel wagering under this chapter, desiring to display the simulcast of horse races on which

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

52 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
53 1007 of the racing, pari-mutuel wagering and breeding law, as amended by
54 section 2 of part DD of chapter 59 of the laws of 2021, is amended to
55 read as follows:

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

§ 3. The opening paragraph of subdivision 1 of section 1014 of the racing, pari-mutuel wagering and breeding law, as amended by section 3 of part DD of chapter 59 of the laws of 2021, is amended to read as follows:

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

§ 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering and breeding law, as amended by section 4 of part DD of chapter 59 of the laws of 2021, is amended to read as follows:

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

§ 5. The opening paragraph of subdivision 1 of section 1016 of the racing, pari-mutuel wagering and breeding law, as amended by section 5 of part DD of chapter 59 of the laws of 2021, is amended to read as follows:

The provisions of this section shall govern the simulcasting of races conducted at thoroughbred tracks located in another state or country on any day during which a franchised corporation is not conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack until June thirtieth, two thousand [~~twenty-two~~] twenty-three. Every off-track betting corporation branch office and every simulcasting facility licensed in accordance with section one thousand seven that have entered into a written agreement with such facility's representative horsemen's organization as approved by the commission, one thousand eight or one thousand nine of this article shall be authorized to accept wagers and

1 display the live full-card simulcast signal of thoroughbred tracks
2 (which may include quarter horse or mixed meetings provided that all
3 such wagering on such races shall be construed to be thoroughbred races)
4 located in another state or foreign country, subject to the following
5 provisions; provided, however, no such written agreement shall be
6 required of a franchised corporation licensed in accordance with section
7 one thousand seven of this article:

8 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel
9 wagering and breeding law, as amended by section 6 of part DD of chapter
10 59 of the laws of 2021, is amended to read as follows:

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

26 § 7. Section 32 of chapter 281 of the laws of 1994, amending the
27 racing, pari-mutuel wagering and breeding law and other laws relating to
28 simulcasting, as amended by section 7 of part DD of chapter 59 of the
29 laws of 2021, is amended to read as follows:

30 § 32. This act shall take effect immediately and the pari-mutuel tax
31 reductions in section six of this act shall expire and be deemed
32 repealed on July 1, [~~2022~~] ~~2023~~; provided, however, that nothing
33 contained herein shall be deemed to affect the application, qualifica-
34 tion, expiration, or repeal of any provision of law amended by any
35 section of this act, and such provisions shall be applied or qualified
36 or shall expire or be deemed repealed in the same manner, to the same
37 extent and on the same date as the case may be as otherwise provided by
38 law; provided further, however, that sections twenty-three and twenty-
39 five of this act shall remain in full force and effect only until May 1,
40 1997 and at such time shall be deemed to be repealed.

41 § 8. Section 54 of chapter 346 of the laws of 1990, amending the
42 racing, pari-mutuel wagering and breeding law and other laws relating to
43 simulcasting and the imposition of certain taxes, as amended by section
44 8 of part DD of chapter 59 of the laws of 2021, is amended to read as
45 follows:

46 § 54. This act shall take effect immediately; provided, however,
47 sections three through twelve of this act shall take effect on January
48 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
49 ing law, as added by section thirty-eight of this act, shall expire and
50 be deemed repealed on July 1, [~~2022~~] ~~2023~~; and section eighteen of this
51 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
52 two of this act shall take effect as of the same date as chapter 772 of
53 the laws of 1989 took effect.

54 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,
55 pari-mutuel wagering and breeding law, as amended by section 9 of part
56 DD of chapter 59 of the laws of 2021, is amended to read as follows:

(a) The franchised corporation authorized under this chapter to conduct pari-mutuel betting at a race meeting or races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets are presented for payment before April first of the year following the year of their purchase, less an amount that shall be established and retained by such franchised corporation of between twelve to seventeen percent of the total deposits in pools resulting from on-track regular bets, and fourteen to twenty-one percent of the total deposits in pools resulting from on-track multiple bets and fifteen to twenty-five percent of the total deposits in pools resulting from on-track exotic bets and fifteen to thirty-six percent of the total deposits in pools resulting from on-track super exotic bets, plus the breaks. The retention rate to be established is subject to the prior approval of the commission.

Such rate may not be changed more than once per calendar quarter to be effective on the first day of the calendar quarter. "Exotic bets" and "multiple bets" shall have the meanings set forth in section five hundred nineteen of this chapter. "Super exotic bets" shall have the meaning set forth in section three hundred one of this chapter. For purposes of this section, a "pick six bet" shall mean a single bet or wager on the outcomes of six races. The breaks are hereby defined as the odd cents over any multiple of five for payoffs greater than one dollar five cents but less than five dollars, over any multiple of ten for payoffs greater than five dollars but less than twenty-five dollars, over any multiple of twenty-five for payoffs greater than twenty-five dollars but less than two hundred fifty dollars, or over any multiple of fifty for payoffs over two hundred fifty dollars. Out of the amount so retained there shall be paid by such franchised corporation to the commissioner of taxation and finance, as a reasonable tax by the state for the privilege of conducting pari-mutuel betting on the races run at the race meetings held by such franchised corporation, the following percentages of the total pool for regular and multiple bets five percent of regular bets and four percent of multiple bets plus twenty percent of the breaks; for exotic wagers seven and one-half percent plus twenty percent of the breaks, and for super exotic bets seven and one-half percent plus fifty percent of the breaks.

For the period April first, two thousand one through December thirty-first, two thousand [~~twenty-two~~] twenty-three, such tax on all wagers shall be one and six-tenths percent, plus, in each such period, twenty percent of the breaks. Payment to the New York state thoroughbred breeding and development fund by such franchised corporation shall be one-half of one percent of total daily on-track pari-mutuel pools resulting from regular, multiple and exotic bets and three percent of super exotic bets and for the period April first, two thousand one through December thirty-first, two thousand [~~twenty-two~~] twenty-three, such payment shall be seven-tenths of one percent of regular, multiple and exotic pools.

§ 10. This act shall take effect immediately.

PART FF

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

(nnn) Caregiving tax credit. (1) For taxable years beginning on or after January first, two thousand twenty-two, a qualified caregiver shall be allowed a credit against the tax imposed by this article for a portion of the total purchase price paid for a qualified caregiving

1 expense by such a qualified caregiver for performing caregiving duties
2 provided to a qualified family member that resided within this state.

3 (2) For purposes of this section (A) "qualified caregiving expense"
4 means payments made by the qualified caregiver for goods and services
5 which are provided to or for the benefit of the qualifying family member
6 or to assist the qualified caregiver in caring for the qualifying family
7 member. Such expenses include, but are not limited to, home health agen-
8 cy services, adult day care, companionship services, personal care
9 attendant services, homemaker services, respite care, health care equip-
10 ment, assistive devices and supplies, home modification, transportation,
11 legal or financial services, and assistive technology.

12 (B) "qualified family member" means an individual who is: (i) at least
13 eighteen years of age during a taxable year; (ii) a resident of New York
14 state; (iii) requires assistance with at least one activity of daily
15 living (ADL), as certified by a licensed health care practitioner; and
16 (iv) is an individual who qualifies as a dependent, spouse, domestic
17 partner as defined by section four of the workers' compensation law,
18 sibling, partner, parent or other relation by blood or marriage, includ-
19 ing an in-law, grandparent, grandchild, step-parent, aunt, uncle, niece,
20 or nephew of the qualified caregiver.

21 (C) "qualified caregiver" means an individual who is a New York state
22 resident taxpayer for the taxable year. In the case of a joint return,
23 the term includes the individual and the individual's spouse. The quali-
24 fied caregiver claiming the credit must have a federal adjusted gross
25 income of seventy-five thousand dollars or less for an individual and
26 one hundred fifty thousand dollars or less for a couple, and incur
27 uncompensated expenses directly related to the care of a qualified fami-
28 ly member. In addition, qualified caregivers must provide care to one or
29 more eligible qualified family members during the taxable year, and be
30 eligible to receive a credit against the family caregiver's state tax
31 liability for the taxable year.

32 (3) The credit established pursuant to this subsection shall be
33 allowed for the taxable year in which the qualified caregiver incurred
34 the qualified caregiving expense. The credit established under this
35 subsection shall not exceed fifty percent of the total amount expended,
36 and shall not exceed three thousand five hundred dollars.

37 (4) If the allowable amount of the credit exceeds the taxes otherwise
38 due under this article for the taxable year, the unused amount of the
39 credit is waived, and may not be refunded, carried forward or otherwise
40 used to offset taxes.

41 (5) Eligible qualified caregivers shall apply for the credit through
42 the department. The commissioner, in consultation with the commissioner
43 of the department of health and the director of the office for the
44 aging, shall issue a certification for an approved application to the
45 taxpayer that states the amount of the credit allocated to the taxpayer
46 and the allocation year.

47 (6) The aggregate amount of tax credits allowed pursuant to the
48 authority of this subsection shall be thirty-five million dollars each
49 year during the period two thousand twenty-two through two thousand
50 twenty-four. Such aggregate amount of credits shall be allocated by the
51 department on a first come first serve basis in order of priority based
52 upon the date of filing an application for allocation of credit with the
53 department. Once the credits allocated exceed the limit established in
54 this subsection, the commissioner shall cease to allocate and certify
55 tax credits to taxpayers.

(7) The commissioner may require a qualified taxpayer to furnish the following information in support of his or her claim for credit under this subsection: household adjusted gross income, the name of the eligible family member and his or her identifying information including social security numbers, and all other information which may be required by the commissioner to determine the credit.

(8) The commissioner, after consulting with the commissioner of the department of health and the director of the office for the aging, shall by October thirty-first, two thousand twenty-two promulgate regulations necessary and appropriate to carry out the purposes of this subsection. Notwithstanding any other provisions to the contrary in the state administrative procedure act, such rules and regulations may be adopted on an emergency basis if necessary to meet such October thirty-first, two thousand twenty-two deadline.

(9) The department shall submit to the governor, the temporary president of the senate, and the speaker of the assembly an annual report by February first of each year evaluating the effectiveness of the caregiving tax credit provided by this subsection. Such report shall be based on data available from the application filed with the department for any caregiving credits. Notwithstanding any provision of law to the contrary, the information contained in the report shall be public information. The report shall include recommendations for changes in the calculation or administration of the credit proposed by the department, in consultation with the department of health and the office for the aging, that are deemed useful and appropriate.

§ 2. This act shall take effect immediately and shall apply to taxable years commencing on and after January 1, 2022; provided that the provisions of this act shall expire and be deemed repealed December 31, 2024.

PART GG

Section 1. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding a new subparagraph 28 to read as follows:

(28) the amount of gain excluded from federal gross income for the taxable year by subparagraph (c) of paragraph (1) of subsection (a) of section 1400Z-2 of the internal revenue code.

§ 2. Subdivision 9 of section 208 of the tax law is amended by adding a new paragraph (u) to read as follows:

(u) For tax years beginning on or after January first, two thousand twenty-two, upon the sale or exchange of property with respect to which the taxpayer has made the election under subparagraph (c) of paragraph (1) of subsection (a) of section 1400Z-2 of the internal revenue code, the basis of such property under this article shall be determined as if the taxpayer had not made such election.

§ 3. Subsection (b) of section 612 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) the amount of gain excluded from federal gross income for the taxable year by subparagraph (c) of paragraph (1) of subsection (a) of section 1400Z-2 of the internal revenue code.

§ 4. Section 612 of the tax law is amended by adding a new subsection (y) to read as follows:

(y) Qualified opportunity zones. For tax years beginning on or after January first, two thousand twenty-two, upon the sale or exchange of property with respect to which the taxpayer has made the election under subparagraph (c) of paragraph (1) of subsection (a) of section 1400Z-2

1 of the internal revenue code, the basis of such property under this
2 article shall be determined as if the taxpayer had not made such
3 election.

4 § 5. Paragraph 2 of subdivision (b) of section 1503 of the tax law is
5 amended by adding a new subparagraph (AA) to read as follows:

6 (AA) the amount of gain excluded from federal gross income for the
7 taxable year by subparagraph (c) of paragraph (1) of subsection (a) of
8 section 1400Z-2 of the internal revenue code.

9 § 6. Section 1503 of the tax law is amended by adding a new subdivi-
10 sion (d) to read as follows:

11 (d) For tax years beginning on or after January first, two thousand
12 twenty-two, upon the sale or exchange of property with respect to which
13 the taxpayer has made the election under subparagraph (c) of paragraph
14 (1) of subsection (a) of section 1400Z-2 of the internal revenue code,
15 the basis of such property under this article shall be determined as if
16 the taxpayer had not made such election.

17 § 7. Paragraph (a) of subdivision 8 of section 11-602 of the adminis-
18 trative code of the city of New York is amended by adding a new subpara-
19 graph 16 to read as follows:

20 (16) the amount of gain excluded from federal gross income for the
21 taxable year by subparagraph (c) of paragraph (1) of subsection (a) of
22 section 1400Z-2 of the internal revenue code.

23 § 8. Section 11-602 of the administrative code of the city of New York
24 is amended by adding a new subdivision 11 to read as follows:

25 11. For tax years beginning on or after January first, two thousand
26 twenty-two, upon the sale or exchange of property with respect to which
27 the taxpayer has made the election under subparagraph (c) of paragraph
28 (1) of subsection (a) of section 1400Z-2 of the internal revenue code,
29 the basis of such property under this article shall be determined as if
30 the taxpayer had not made such election.

31 § 9. Paragraph (a) of subdivision 8 of section 11-652 of the adminis-
32 trative code of the city of New York is amended by adding a new subpara-
33 graph 17 to read as follows:

34 (17) the amount of gain excluded from federal gross income for the
35 taxable year by subparagraph (c) of paragraph (1) of subsection (a) of
36 section 1400Z-2 of the internal revenue code.

37 § 10. Subdivision 8 of section 11-652 of the administrative code of
38 the city of New York is amended by adding a new paragraph (u) to read as
39 follows:

40 (u) For tax years beginning on or after January first, two thousand
41 twenty-two, upon the sale or exchange of property with respect to which
42 the taxpayer has made the election under subparagraph (c) of paragraph
43 (1) of subsection (a) of section 1400Z-2 of the internal revenue code,
44 the basis of such property under this article shall be determined as if
45 the taxpayer had not made such election.

46 § 11. Subdivision (b) of section 11-1712 of the administrative code of
47 the city of New York is amended by adding a new paragraph 40 to read as
48 follows:

49 (40) the amount of gain excluded from federal gross income for the
50 taxable year by subparagraph (c) of paragraph (1) of subsection (a) of
51 section 1400Z-2 of the internal revenue code.

52 § 12. Section 11-1712 of the administrative code of the city of New
53 York is amended by adding a new subdivision (w) to read as follows:

54 (w) For tax years beginning on or after January first, two thousand
55 twenty-two, upon the sale or exchange of property with respect to which
56 the taxpayer has made the election under subparagraph (c) of paragraph

(1) of subsection (a) of section 1400Z-2 of the internal revenue code, the basis of such property under this article shall be determined as if the taxpayer had not made such election.

§ 13. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2022.

PART HH

Section 1. Subsection (g-1) of section 606 of the tax law, as amended by chapter 378 of the laws of 2005, paragraphs 1 and 2 as amended by chapter 375 of the laws of 2012 and paragraph 3 as amended, paragraph 5 as added and paragraphs 6, 7 and 8 as renumbered by chapter 128 of the laws of 2007, is amended to read as follows:

(g-1) Solar energy system equipment credit. (1) General. An individual taxpayer shall be allowed a credit against the tax imposed by this article equal to twenty-five percent of qualified solar energy system equipment expenditures, except as provided in subparagraph (D) of paragraph two of this subsection. This credit shall not exceed three thousand seven hundred fifty dollars for qualified solar energy equipment placed in service before September first, two thousand six, ~~and~~ five thousand dollars for qualified solar energy equipment placed in service on or after September first, two thousand six and before April first, two thousand twenty-two, and ten thousand dollars for qualified solar energy equipment placed in service on or after April first, two thousand twenty-two.

(2) Qualified solar energy system equipment expenditures. (A) The term "qualified solar energy system equipment expenditures" means expenditures for:

(i) the purchase of solar energy system equipment which is installed in connection with residential property which is (I) located in this state and (II) which is used by the taxpayer as ~~[his or her principal]~~ a residence at the time the solar energy system equipment is placed in service;

(ii) the lease of solar energy system equipment under a written agreement that spans at least ten years where such equipment owned by a person other than the taxpayer is installed in connection with residential property which is (I) located in this state and (II) which is used by the taxpayer as ~~[his or her principal]~~ a residence at the time the solar energy system equipment is placed in service; or

(iii) the purchase of power under a written agreement that spans at least ten years whereunder the power purchased is generated by solar energy system equipment owned by a person other than the taxpayer which is installed in connection with residential property which is (I) located in this state and (II) which is used by the taxpayer as ~~[his or her principal]~~ a residence at the time the solar energy system equipment is placed in service.

(B) Such qualified expenditures shall include expenditures for materials, labor costs properly allocable to on-site preparation, assembly and original installation, architectural and engineering services, and designs and plans directly related to the construction or installation of the solar energy system equipment.

(C) Such qualified expenditures for the purchase of solar energy system equipment shall not include interest or other finance charges.

(D) Such qualified expenditures for the lease of solar energy system equipment or the purchase of power under an agreement described in clauses (ii) or (iii) of subparagraph (A) of this paragraph shall

1 include an amount equal to all payments made during the taxable year
2 under such agreement. Provided, however, such credits shall only be
3 allowed for fourteen years after the first taxable year in which such
4 credit is allowed. Provided further, however, the twenty-five percent
5 limitation in paragraph one of this subsection shall only apply to the
6 total aggregate amount of all payments to be made pursuant to an agree-
7 ment referenced in clauses (ii) or (iii) of subparagraph (A) of this
8 paragraph, and shall not apply to individual payments made during a
9 taxable year under such agreement except to the extent such limitation
10 on an aggregate basis has been reached.

11 (3) Solar energy system equipment. The term "solar energy system
12 equipment" shall mean an arrangement or combination of components
13 utilizing solar radiation, which, when installed in a residence, produc-
14 es and stores energy designed to provide heating, cooling, hot water or
15 electricity for use in such residence. Such arrangement or components
16 shall not include equipment connected to solar energy system equipment
17 that is a component of part or parts of a non-solar energy system or
18 which uses any sort of recreational facility or equipment as a storage
19 medium. Solar energy system equipment that generates and stores elec-
20 tricity for use in a residence must conform to applicable requirements
21 set forth in section sixty-six-j of the public service law. Provided,
22 however, where solar energy system equipment is purchased and installed
23 by a condominium management association or a cooperative housing corpo-
24 ration, for purposes of this subsection only, the term "ten kilowatts"
25 in such section sixty-six-j shall be read as "~~[fifty]~~ ten kilowatts
26 multiplied by the number of owner-occupied units in the cooperative or
27 condominium management association."

28 (4) Multiple taxpayers. Where solar energy system equipment is
29 purchased and installed in a ~~[principal]~~ residence shared by two or more
30 taxpayers, the amount of the credit allowable under this subsection for
31 each such taxpayer shall be prorated according to the percentage of the
32 total expenditure for such solar energy system equipment contributed by
33 each taxpayer.

34 (5) Proportionate share. Where solar energy system equipment is
35 purchased and installed by a condominium management association or a
36 cooperative housing corporation, a taxpayer who is a member of the
37 condominium management association or who is a tenant-stockholder in the
38 cooperative housing corporation may for the purpose of this subsection
39 claim a proportionate share of the total expense as the expenditure for
40 the purposes of the credit attributable to his ~~[principal]~~ or her resi-
41 dence.

42 (6) Grants. For purposes of determining the amount of the expenditure
43 incurred in purchasing and installing solar energy system equipment, the
44 amount of any federal, state or local grant received by the taxpayer,
45 which was used for the purchase and/or installation of such equipment
46 and which was not included in the federal gross income of the taxpayer,
47 shall not be included in the amount of such expenditures.

48 (7) Limitation; one residence. An eligible taxpayer shall only be
49 allowed to apply the credit provided for in this subsection to one resi-
50 dence of such taxpayer.

51 (8) When credit allowed. The credit provided for herein shall be
52 allowed with respect to the taxable year, commencing after nineteen
53 hundred ninety-seven, in which the solar energy system equipment is
54 placed in service.

55 ~~[(8)]~~ (9) Carryover of credit. If the amount of the credit, and carry-
56 overs of such credit, allowable under this subsection for any taxable

1 year shall exceed the taxpayer's tax for such year, such excess amount
2 may be carried over to the five taxable years next following the taxable
3 year with respect to which the credit is allowed and may be deducted
4 from the taxpayer's tax for such year or years.

5 § 2. This act shall take effect immediately.

6 PART II

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

9 (g-3) Geothermal energy systems credit. (1) General. An individual
10 taxpayer shall be allowed a credit against the tax imposed by this arti-
11 cle equal to twenty-five percent of qualified geothermal energy system
12 expenditures, except as provided in subparagraph (D) of paragraph two of
13 this subsection. This credit shall not exceed five thousand dollars for
14 a qualified geothermal energy system placed in service on or after
15 September first, two thousand twenty-one.

16 (2) Qualified geothermal energy systems expenditures. (A) The term
17 "qualified geothermal energy system expenditures" means expenditures
18 for:

19 (i) the purchase of geothermal energy system equipment which is
20 installed in connection with residential property which is (I) located
21 in this state and (II) which is used by the taxpayer as his or her prin-
22 cipal residence at the time the geothermal energy system equipment is
23 placed in service;

24 (ii) the lease of geothermal energy system equipment under a written
25 agreement that spans at least ten years where such equipment owned by a
26 person other than the taxpayer is installed in connection with residen-
27 tial property which is (I) located in this state and (II) which is used
28 by the taxpayer as his or her principal residence at the time the geoth-
29 ermal energy system equipment is placed in service; or

30 (iii) the purchase of power under a written agreement that spans at
31 least ten years whereunder the power purchased is generated by geother-
32 mal energy system equipment owned by a person other than the taxpayer
33 which is installed in connection with residential property which is (I)
34 located in this state and (II) used by the taxpayer as his or her prin-
35 cipal residence at the time the geothermal energy system equipment is
36 placed in service.

37 (B) Such qualified expenditures shall include expenditures for materi-
38 als, labor costs properly allocable to on-site preparation, assembly and
39 original installation, architectural and engineering services, and
40 designs and plans directly related to the construction or installation
41 of the geothermal energy system equipment.

42 (C) Such qualified expenditures for the purchase of geothermal energy
43 system equipment shall not include interest or other finance charges.

44 (D) Such qualified expenditures for the lease of geothermal energy
45 system equipment or the purchase of power under an agreement described
46 in clause (ii) or (iii) of subparagraph (A) of this paragraph shall
47 include an amount equal to all payments made during the taxable year
48 under such agreement. Provided, however, such credits shall only be
49 allowed for fourteen years after the first taxable year in which such
50 credit is allowed. Provided further, however, the twenty-five percent
51 limitation in paragraph one of this subsection shall only apply to the
52 total aggregate amount of all payments to be made pursuant to an agree-
53 ment referenced in clause (ii) or (iii) of subparagraph (A) of this
54 paragraph, and shall not apply to individual payments made during a

taxable year under such agreement except to the extent such limitation on an aggregate basis has been reached.

(3) Geothermal energy system equipment. The term "geothermal energy system equipment" shall mean a system whose original use begins with the taxpayer; which meets the eligibility criteria, if any, prescribed by the department; and which is a ground coupled solar thermal system that utilizes the solar thermal energy stored in the ground or in bodies of water to produce heat, and which is commonly known as or referred to as a ground source heat pump system.

(4) Multiple taxpayers. Where geothermal energy system equipment is purchased and installed in a principal residence shared by two or more taxpayers, the amount of the credit allowable under this subsection for each such taxpayer shall be prorated according to the percentage of the total expenditure for such geothermal energy system equipment contributed by each taxpayer.

(5) Proportionate share. Where geothermal energy system equipment is purchased and installed by a condominium management association or a cooperative housing corporation, a taxpayer who is a member of the condominium management association or who is a tenant-stockholder in the cooperative housing corporation may for the purpose of this subsection claim a proportionate share of the total expense as the expenditure for the purposes of the credit attributable to his principal residence.

(6) Grants. For purposes of determining the amount of the expenditure incurred in purchasing and installing geothermal energy system equipment, the amount of any federal, state or local grant received by the taxpayer, which was used for the purchase and/or installation of such equipment and which was not included in the federal gross income of the taxpayer, shall not be included in the amount of such expenditures.

(7) When credit allowed. The credit provided for herein shall be allowed with respect to the taxable year, commencing after two thousand twenty-two, in which the geothermal energy system equipment is placed in service.

(8) Carryover of credit. If the amount of the credit, and carryovers of such credit, allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, such excess amount may be carried over to the five taxable years next following the taxable year with respect to which the credit is allowed and may be deducted from the taxpayer's tax for such year or years.

§ 2. This act shall take effect immediately and shall apply to taxable years commencing on and after January 1, 2022.

PART JJ

Section 1. Article 4 of the real property tax law is amended by adding a new title 6 to read as follows:

TITLE 6

CHILDCARE CENTER TAX ABATEMENT FOR CERTAIN PROPERTIES IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE

Section 499-aaaaa. Definitions.

499-bbbbbb. Real property tax abatement.

499-cccccc. Application for tax abatement.

499-dddddd. Continuing requirements.

499-eeeeee. Revocation of tax abatement.

499-ffffff. Enforcement and administration.

§ 499-aaaaa. Definitions. When used in this title, the following terms shall have the following meanings:

1 1. "Abatement period" means the tax year or tax years in which the
2 abatement is applied by the department of finance to the real property
3 tax liability of an eligible building, provided that such abatement may
4 not be applied to the real property tax liability of such building
5 during more than five tax years.

6 2. "Applicant" means an owner who files an application for tax abate-
7 ment.

8 3. "Application for tax abatement" means an application for a child-
9 care center tax abatement pursuant to section four hundred ninety-nine-
10 cccc of this title.

11 4. "Childcare center" means a childcare program for which a permit to
12 operate such program has been issued by the department of health and
13 mental hygiene pursuant to the health code of the city.

14 5. "Childcare desert" means a census tract in a city having a popu-
15 lation of one million or more where, at the time of an application for
16 tax abatement, there are three or more children under five years of age
17 for each available childcare slot, or where there are no available
18 childcare slots, as determined by the office of children and family
19 services.

20 6. "City" means a city with a population of one million or more.

21 7. "Cost-reasonable" means having a cost that, in its nature and
22 amount, does not exceed that which would be incurred by a prudent person
23 under the circumstances prevailing at the time the decision was made to
24 incur the cost.

25 8. "Department of finance" means the department of finance of a city
26 having a population of one million or more.

27 9. "Department of health and mental hygiene" means the department of
28 health and mental hygiene of a city having a population of one million
29 or more.

30 10. "Designated agency" means an agency of a city having a population
31 of one million or more that is designated by the mayor of such city to
32 exercise the functions, powers and duties of a designated agency pursu-
33 ant to this title.

34 11. "Eligible building" means a class one, class two or class four
35 property, as such classes of property are defined in subdivision one of
36 section eighteen hundred two of this chapter, located within a city
37 having a population of one million or more, provided that, for any such
38 property held in the condominium form of ownership, "eligible building"
39 shall mean a tax lot in such property.

40 12. "Owner" means the owner of an eligible building, or with respect
41 to an eligible building held in the cooperative form of ownership, the
42 board of directors of a cooperative apartment corporation, or, with
43 respect to an eligible building held in the condominium form of owner-
44 ship, an owner of a tax lot in such building or the board of managers of
45 such building.

46 13. "Premises" means the location of a childcare center as specified
47 on the permit for the operation of such center issued by the department
48 of health and mental hygiene pursuant to the health code of the city.

49 § 499-bbbbbb. Real property tax abatement. 1. The department of finance
50 shall provide an abatement of real property taxes pursuant to this
51 section to an eligible building in which construction, conversion,
52 alteration or improvement that is completed on or after April first, two
53 thousand twenty-two has resulted in the creation of a premises of a
54 childcare center or in an increase in the maximum number of children
55 allowed on the premises of an existing childcare center when such center
56 is in operation, as such number is specified in the permit issued by the

1 department of health and mental hygiene to operate such center. The
2 department of finance may only grant one such abatement to any eligible
3 building.

4 2. (a) Beginning in the tax year commencing on or after July first,
5 two thousand twenty-three, the amount of such tax abatement provided to
6 an eligible building described in subdivision one of this section shall
7 be equal to the costs incurred in the construction, conversion, alter-
8 ation or improvement that has resulted in the creation of a premises of
9 a childcare center or in an increase in the maximum number of children
10 allowed on the premises of an existing childcare center, provided that
11 such costs are certified in accordance with paragraph (d) of subdivision
12 two of section four hundred ninety-nine-cccc of this title, and
13 provided further that, during the abatement period, the amount of such
14 abatement shall not exceed thirty-five dollars for each square foot of
15 the premises, nor exceed one hundred thousand dollars.

16 (i) For any tax year, such abatement shall not exceed seven dollars
17 for each square foot of the premises, provided that such amount may be
18 reduced as a result of an allocation of available funds for such abate-
19 ment pursuant to paragraph (d) of this subdivision; and provided,
20 further, that the amount of such tax abatement in any tax year shall not
21 exceed the lesser of (A) twenty thousand dollars or (B) the real proper-
22 ty tax liability for the eligible building in the tax year in which such
23 tax abatement is taken.

24 (ii) To the extent the amount of such tax abatement exceeds the lesser
25 of (A) twenty thousand dollars or (B) the real property tax liability of
26 the eligible building in any tax year, any amount of such tax abatement
27 that remains may be applied to the real property tax liability of such
28 building in succeeding tax years, provided that such abatement must be
29 applied to the real property tax liability of such building in one or
30 more of the four tax years succeeding the tax year in which such tax
31 abatement was initially taken.

32 (b) Notwithstanding paragraph (a) of this subdivision, an enhanced tax
33 abatement shall be provided to an eligible building described in subdi-
34 vision one of this section that is located within a childcare desert as
35 described in this title and in any rules promulgated hereunder. Begin-
36 ning in the tax year commencing on or after July first, two thousand
37 twenty-three, the amount of such enhanced tax abatement shall be equal
38 to the costs incurred in the construction, conversion, alteration or
39 improvement that has resulted in the creation of a premises of a child-
40 care center or in an increase in the maximum number of children allowed
41 on the premises of an existing childcare center, provided that such
42 costs are certified in accordance with paragraph (d) of subdivision two
43 of section four hundred ninety-nine-cccc of this title, and provided
44 further that, during the abatement period, the amount of such abatement
45 shall not exceed seventy-five dollars for each square foot of the prem-
46 ises nor exceed two hundred twenty-five thousand dollars.

47 (i) For any tax year, such abatement shall not exceed fifteen dollars
48 for each square foot of the premises, provided that such amount may be
49 reduced as a result of an allocation of available funds for such abate-
50 ment pursuant to paragraph (d) of this subdivision; and provided further
51 that the amount of such enhanced tax abatement in any tax year shall not
52 exceed the lesser of (A) forty-five thousand dollars or (B) the real
53 property tax liability for the eligible building in the tax year in
54 which such tax abatement is taken.

55 (ii) To the extent the amount of such enhanced tax abatement exceeds
56 the lesser of (A) forty-five thousand dollars or the (B) real property

1 tax liability of the eligible building in any tax year, any amount of
2 such tax abatement that remains may be applied to the real property tax
3 liability of such building in succeeding tax years, provided that such
4 abatement must be applied to the real property tax liability of such
5 building in one or more of the four tax years succeeding the tax year in
6 which the tax abatement was initially taken.

7 (c) Notwithstanding paragraph (a) or (b) of this subdivision, the
8 aggregate amount of tax abatements authorized pursuant to this section
9 for any tax year shall be a maximum of twenty-five million dollars. No
10 tax abatements shall be authorized pursuant to this section for any tax
11 year commencing on or after July first, two thousand thirty.

12 (d) Such aggregate amount of tax abatements, including the tax abate-
13 ment described in paragraph (a) of this subdivision and the enhanced tax
14 abatement described in paragraph (b) of this subdivision, shall be allo-
15 cated by the department of finance on a pro rata basis among applicants
16 whose applications have been approved by the designated agency. If such
17 allocation is not made prior to the date that the real property tax
18 bill, statement of account or other similar bill or statement is
19 prepared, the department of finance shall, as necessary, after such
20 allocation is made, submit an amended real property tax bill, statement
21 of account or other similar bill or statement to any applicant whose
22 abatement requires adjustment to reflect such allocation. Nothing in
23 this paragraph shall be deemed to affect the obligation of any taxpayer
24 under applicable law with respect to the payment of any installment of
25 real property tax for the fiscal year as to which such allocation is
26 made, which was due and payable prior to the date such amended real
27 property tax bills are sent, and the department of finance shall be
28 authorized to determine the date on which any such amended bills be sent
29 and the installments of real property tax be reflected therein.

30 (e) Notwithstanding any law to the contrary, any abatement granted to
31 an eligible building pursuant to this section shall be in addition to
32 any other abatement or exemption granted to such building, provided that
33 any abatement granted under this section shall be applied after any
34 other abatement or exemption granted to such building, and provided
35 further that the application of this abatement after any other such
36 exemption or abatement shall not exceed the real property tax liability
37 due on such eligible property.

38 3. Such abatement shall commence on the first of July following the
39 approval of an application for abatement by the designated agency.

40 4. If, as a result of application to the tax commission or a court
41 order or action by the department of finance, the billable assessed
42 value of the eligible building for the fiscal year in which the tax
43 abatement is taken is reduced after the assessment roll becomes final,
44 the department of finance shall recalculate such abatement so that the
45 abatement granted shall not exceed the annual tax liability of such
46 building as so reduced. The amount equal to the difference between the
47 initial abatement granted by the department and the abatement as so
48 recalculated shall be deducted from any refund otherwise payable or
49 remission otherwise due as a result of such reduction in billable
50 assessed value.

51 § 499-cccc. Application for tax abatement. 1. To obtain a tax abate-
52 ment authorized by this title, an application for tax abatement shall be
53 filed with a designated agency no later than the fifteenth of March
54 before the tax year, commencing on the first of July, for which the tax
55 abatement authorized by this title is sought, provided, however, that

1 such application for tax abatement may not be filed later than March
2 fifteenth, two thousand twenty-five.

3 2. Such application shall contain the following:

4 (a) The name, address and electronic mail address of the applicant and
5 the location of the eligible building.

6 (b) Proof that all required permits and other approvals, as further
7 designated by rule, to construct, convert, alter or improve the premises
8 of the childcare center in the eligible building described in subdivi-
9 sion one of section four hundred ninety-nine-bbbbbb of this title were
10 obtained.

11 (c) Proof that the applicant has entered into a lease or other agree-
12 ment with a person to operate a childcare center in the eligible build-
13 ing described in subdivision one of section four hundred ninety-nine-
14 bbbbb of this title, or a copy of the new or amended permit issued to
15 such childcare center by the department of health and mental hygiene for
16 such operation.

17 (d) Determinations that have been certified, in a form prescribed by
18 the designated agency, by an engineer, architect, or certified public
19 accountant, licensed and registered pursuant to the education law, or by
20 another certified or licensed professional in the field of business or
21 design, as further designated by rule, as follows:

22 (i) The area, in square feet, of the premises of the childcare center
23 in the eligible building described in subdivision one of section four
24 hundred ninety-nine-bbbbbb of this title;

25 (ii) The costs incurred in the construction, conversion, alteration or
26 improvement that has resulted in the creation of a premises of a child-
27 care center in such building; or, for construction, conversion, alter-
28 ation or improvement resulting in an increase in the maximum number of
29 children allowed on the premises of an existing childcare center in such
30 building, such costs that were necessary to increase the maximum number
31 of children allowed on such premises; and

32 (iii) The reasonableness of the costs to construct, convert, alter or
33 improve the premises of the childcare center in the eligible building
34 described in subdivision one of section four hundred ninety-nine-bbbbbb,
35 which requires finding that such costs were cost-reasonable and compara-
36 ble to the cost of constructing, converting, altering or improving a
37 premises of a childcare center pursuant to the health code of the city
38 in a similar eligible building.

39 (e) Any other information or certifications required by a designated
40 agency pursuant to this title and the rules promulgated hereunder.

41 3. An application for tax abatement shall be in any format prescribed
42 by a designated agency, including electronic form.

43 4. An application for tax abatement shall be approved by a designated
44 agency upon determining that the applicant has submitted proof accepta-
45 ble to such agency that the requirements for obtaining such tax abate-
46 ment have been satisfied. The burden of proof shall be on the applicant
47 to show by clear and convincing evidence that the requirements for
48 granting such tax abatement have been satisfied.

49 5. Upon receipt of notification from a designated agency that an
50 application for tax abatement has been approved, the department of
51 finance shall apply such tax abatement to the real property tax liabil-
52 ity of the eligible building for the tax year for which the abatement
53 was sought, provided that there are no outstanding real property taxes,
54 water and sewer charges, payments in lieu of taxes or other municipal
55 charges with respect to the eligible building.

1 § 499-ddddd. Continuing requirements. Granting of the tax abatement
2 authorized by this title requires that an owner whose application for
3 tax abatement has been approved:

4 1. complies with all applicable provisions of law, including but not
5 limited to, the local health, building and fire codes; and

6 2. does not have real property taxes, water and sewer charges,
7 payments in lieu of taxes or other municipal charges with respect to an
8 eligible building due and owing during the abatement period for a period
9 of six months or more.

10 § 499-eeee. Revocation of tax abatement. 1. Notwithstanding any
11 provision of law to the contrary, the department of finance shall
12 revoke, in whole or in part, any tax abatement granted pursuant to this
13 title whenever a designated agency has determined and notified such
14 department that:

15 (a) The childcare center in the eligible building of the owner whose
16 application for tax abatement has been approved has ceased operation as
17 a childcare center for a period exceeding one hundred eighty days of the
18 abatement period, except when such childcare center ceases operation due
19 to an act or event beyond the control and without any fault or negli-
20 gence of the childcare center or of the owner of the eligible building
21 in which such childcare center operates, which may include, but is not
22 limited to, fire, flood, earthquake, storm or other natural disaster,
23 civil commotion, war, terrorism, riot, and labor disputes not brought
24 about by any act or omission of such childcare center or such owner; or

25 (b) An application, certification, report or other document submitted
26 by the owner whose application for tax abatement has been approved
27 contains a false or misleading statement as to a material fact or omits
28 to state any material fact necessary in order to make the statement
29 therein not false or misleading.

30 2. The department of finance may revoke, in whole or in part, any tax
31 abatement granted pursuant to this title whenever it has determined that
32 an owner whose application for tax abatement has been approved has
33 outstanding real property taxes, water and sewer charges, payments in
34 lieu of taxes or other municipal charges that have been due and owing
35 during the abatement period for a period of six months or more.

36 3. Upon a determination by a designated agency, after notice and an
37 opportunity to be heard, that the childcare center in the eligible
38 building of the owner whose application for tax abatement has been
39 approved has ceased operation as a childcare center for a period exceed-
40 ing one hundred eighty days of the abatement period, such agency shall
41 notify the department of finance of such determination no later than the
42 ninetieth day after such determination was reached.

43 4. An owner whose application for tax abatement has been approved, and
44 for whom such tax abatement has been revoked due to a false or mislead-
45 ing statement, or an omission, pursuant to paragraph (b) of subdivision
46 one of this section, shall pay, with interest, such part of any tax
47 abatement received pursuant to this title that represents the period of
48 non-compliance as determined by the designated agency or the department
49 of finance, as the case may be.

50 § 499-ffff. Enforcement and administration. 1. The department of
51 finance shall have, in addition to any other functions, powers and
52 duties that have been or may be conferred on it by law, the following
53 functions, powers and duties to be exercised in accordance with this
54 title:

55 (a) to apply the tax abatement authorized by this title to the real
56 property tax liability of an eligible building;

(b) to revoke all or part of any such tax abatement;
(c) to promulgate rules to carry out the purposes of this title,
including, but not limited to, requiring, notwithstanding any inconsis-
ent provision of law, that any submission be made in electronic form;
and

(d) any other function, power or duty necessarily implied by this
title.

2. A designated agency shall have, in addition to any other functions,
powers and duties that have been or may be conferred on it by law, the
following functions, powers and duties to be exercised in accordance
with this title:

(a) to accept, review, approve and deny applications for tax abate-
ment;

(b) to promulgate rules to carry out the purposes of this title,
including, but not limited to, requiring, notwithstanding any inconsis-
ent provision of law, that any submission be made in electronic form;

(c) to make the determinations provided for in this title; and

(d) any other function, power or duty necessarily implied by this
title.

3. If a designated agency determines that an architect, engineer,
certified public accountant, or other certified or licensed professional
in the field of business or design whom such agency designates by rule,
in making any certification under this title or any rule promulgated
hereunder, engaged in professional misconduct, such agency shall so
inform the education department or other appropriate certifying or
licensing authority.

§ 2. This act shall take effect immediately and shall apply to tax
years beginning on and after July 1, 2023.

PART KK

Section 1. Paragraph 1 of subsection (f) of section 1310 of the tax
law, as added by section 2 of part V of chapter 60 of the laws of 2004,
is amended to read as follows:

(1) Notwithstanding any other provision of law to the contrary, any
city having a population of one million or more, acting through its
local legislative body, is hereby authorized and empowered to adopt and
amend local laws granting in any such city, for taxable years beginning
after two thousand three, a credit against the city personal income tax
equal to five percent of the earned income credit allowed under section
thirty-two of the internal revenue code for the same taxable year, and,
for taxable years beginning after two thousand twenty-one, a credit
against the city personal income tax equal to a percentage, determined
pursuant to subparagraphs (A) through (I) of this paragraph, of the
earned income credit allowed under section thirty-two of the internal
revenue code for the same taxable year. For purposes of this paragraph,
"adjusted gross income" means New York adjusted gross income as deter-
mined pursuant to article twenty-two of this chapter. The percentage
shall be:

(A) thirty percent, where the taxpayer's adjusted gross income for
such taxable year is less than \$5,000;

(B) thirty percent reduced by the product of two-tenths of a percent-
age point (0.002) and the amount of the taxpayer's adjusted gross income
for such taxable year in excess of \$4,999, where such taxpayer's
adjusted gross income for such taxable year is equal to or greater than
\$5,000 and less than \$7,500;

1 (C) twenty-five percent, where the taxpayer's adjusted gross income
2 for such taxable year is equal to or greater than \$7,500 and less than
3 \$15,000;

4 (D) twenty-five percent reduced by the product of two-tenths of a
5 percentage point (0.002) and the amount of the taxpayer's adjusted gross
6 income for such taxable year in excess of \$14,999, where such taxpayer's
7 adjusted gross income for such taxable year is equal to or greater than
8 \$15,000 and less than \$17,500;

9 (E) twenty percent, where the taxpayer's adjusted gross income for
10 such taxable year is equal to or greater than \$17,500 and less than
11 \$20,000;

12 (F) twenty percent reduced by the product of two-tenths of a percent-
13 age point (0.002) and the amount of the taxpayer's adjusted gross income
14 for such taxable year in excess of \$19,999, where such taxpayer's
15 adjusted gross income for such taxable year is equal to or greater than
16 \$20,000 and less than \$22,500;

17 (G) fifteen percent, where the taxpayer's adjusted gross income for
18 such taxable year is equal to or greater than \$22,500 and less than
19 \$40,000;

20 (H) fifteen percent reduced by the product of two-tenths of a percent-
21 age point (0.002) and the amount of the taxpayer's adjusted gross income
22 for such taxable year in excess of \$39,999, where such taxpayer's
23 adjusted gross income for such taxable year is equal to or greater than
24 \$40,000 and less than \$42,500; and

25 (I) ten percent where the taxpayer's adjusted gross income for such
26 taxable year is equal to or greater than \$42,500.

27 § 2. Paragraph 1 of subdivision (d) of section 11-1706 of the adminis-
28 trative code of the city of New York, as added by local law number 39
29 for the year 2004, is amended to read as follows:

30 (1) For taxable years beginning after two thousand three, a credit
31 against the city personal income tax shall be allowed, equal to five
32 percent of the earned income credit allowed under section thirty-two of
33 the internal revenue code for the same taxable year, and, for taxable
34 years beginning after two thousand twenty-one, a credit against the city
35 personal income tax shall be allowed, equal to a percentage determined
36 pursuant to subparagraphs (A) through (I) of this paragraph, of the
37 earned income credit allowed under section thirty-two of the internal
38 revenue code for the same taxable year. For purposes of this paragraph,
39 "adjusted gross income" means New York adjusted gross income as deter-
40 mined pursuant to article twenty-two of the tax law. The percentage
41 shall be:

42 (A) thirty percent, where the taxpayer's adjusted gross income for
43 such taxable year is less than \$5,000;

44 (B) thirty percent reduced by the product of two-tenths of a percent-
45 age point (0.002) and the amount of the taxpayer's adjusted gross income
46 for such taxable year in excess of \$4,999, where such taxpayer's
47 adjusted gross income for such taxable year is equal to or greater than
48 \$5,000 and less than \$7,500;

49 (C) twenty-five percent, where the taxpayer's adjusted gross income
50 for such taxable year is equal to or greater than \$7,500 and less than
51 \$15,000;

52 (D) twenty-five percent reduced by the product of two-tenths of a
53 percentage point (0.002) and the amount of the taxpayer's adjusted gross
54 income for such taxable year in excess of \$14,999, where such taxpayer's
55 adjusted gross income for such taxable year is equal to or greater than
56 \$15,000 and less than \$17,500;

(E) twenty percent, where the taxpayer's adjusted gross income for such taxable year is equal to or greater than \$17,500 and less than \$20,000;

(F) twenty percent reduced by the product of two-tenths of a percentage point (0.002) and the amount of such taxpayer's adjusted gross income for such taxable year in excess of \$19,999, where the taxpayer's adjusted gross income for such taxable year is equal to or greater than \$20,000 and less than \$22,500;

(G) fifteen percent, where the taxpayer's adjusted gross income for such taxable year is equal to or greater than \$22,500 and less than \$40,000;

(H) fifteen percent reduced by the product of two-tenths of a percentage point (0.002) and the amount of the taxpayer's adjusted gross income for such taxable year in excess of \$39,999, where such taxpayer's adjusted gross income for such taxable year is equal to or greater than \$40,000 and less than \$42,500; and

(I) ten percent where the taxpayer's adjusted gross income for such taxable year is equal to or greater than \$42,500.

§ 3. This act shall take effect immediately, and shall apply to taxable years beginning on and after January 1, 2022.

PART LL

Section 1. The tax law is amended by adding a new section 45 to read as follows:

§ 45. Empire state digital gaming media production credit. (a) Allowance of credit. (1) A taxpayer which is a digital gaming media production entity engaged in qualified digital gaming media production, or who is a sole proprietor of or a member of a partnership, which is a digital gaming media production entity engaged in qualified digital gaming media production, and is subject to tax under article nine-A or twenty-two of this chapter, shall be allowed a credit against such tax to be computed as provided herein.

(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership or limited liability company) of twenty-five percent and the eligible production costs of one or more qualified digital gaming media productions.

(3) Eligible digital gaming media production costs for a qualified digital gaming media production incurred and paid in this state but outside such metropolitan commuter transportation district shall be eligible for a credit of ten percent of such eligible production costs in addition to the credit specified in paragraph two of this subdivision.

(4) Eligible production costs shall not include those costs used by the taxpayer or another taxpayer as the basis calculation of any other tax credit allowed under this chapter or allowed in any other state.

(b) Allocation of credit. The aggregate amount of tax credits allowed under this section, subdivision fifty-five of section two hundred ten-B and subsection (nnn) of section six hundred six of this chapter in any taxable year shall be twenty million dollars. The aggregate amount of credits for any taxable year must be distributed on a regional basis as follows: twenty-five percent of the aggregate amount of credits shall be available for qualified digital gaming media productions that incur at least sixty percent of eligible production costs for a qualified digital gaming media production in region one; ten percent of the aggregate amount of credits shall be available for qualified digital gaming media

1 productions that incur at least sixty percent of eligible production
2 costs for a qualified digital gaming media production in region two; and
3 sixty-five percent of the aggregate amount of credits shall be available
4 for qualified digital gaming media productions that incur at least sixty
5 percent of eligible production costs for a qualified digital gaming
6 media production in region three. If such regional distribution is not
7 fully allocated in any taxable year, the remainder of such credits shall
8 be available for allocation to any region in the subsequent tax year.
9 For the purposes of this section region one shall contain the city of
10 New York; region two shall contain the counties of Westchester, Rock-
11 land, Nassau and Suffolk; and region three shall contain any county not
12 contained in regions one and two. Such credit shall be allocated by the
13 empire state development corporation among taxpayers in order of priori-
14 ty based upon the date of filing an application for allocation of
15 digital gaming media production credit with such office. If the total
16 amount of allocated credits applied for in any particular year exceeds
17 the aggregate amount of tax credits allowed for such year under this
18 section, such excess shall be treated as having been applied for on the
19 first day of the subsequent taxable year.

20 (c) Definitions. As used in this section:

21 (1) "Qualified digital gaming media production" means: (i) a website,
22 the digital media production costs of which are paid or incurred predo-
23 minately in connection with (A) video simulation, animation, text,
24 audio, graphics or similar gaming related property embodied in digital
25 format, and (B) interactive features of digital gaming (e.g., links,
26 message boards, communities or content manipulation); (ii) video or
27 interactive games produced primarily for distribution over the internet,
28 wireless network or successors thereto; (iii) animation, simulation or
29 embedded graphics digital gaming related software intended for commer-
30 cial distribution regardless of medium; and (iv) a digital gaming media
31 production in which qualified digital gaming media production costs
32 equal to or are in excess of seven thousand five hundred dollars if
33 incurred and paid in this state in twelve months preceding the date on
34 which the credit is claimed. Provided, however, if such production costs
35 are incurred and paid outside the metropolitan commuter transportation
36 district in this state, such production costs shall be equal to or in
37 excess of three thousand seven hundred fifty dollars to be a qualified
38 digital gaming media production for purposes of this paragraph. A quali-
39 fied digital gaming media production does not include a website, video,
40 interactive game or software that is used predominately for: electronic
41 commerce (retail or wholesale purposes other than the sale of video or
42 interactive games), gambling (including activities regulated by a New
43 York gaming agency), exclusive local consumption for entities not acces-
44 sible by the general public including industrial or other private
45 purposes, and political advocacy purposes.

46 (2) "Digital gaming media production costs" means any costs for prop-
47 erty used and wages or salaries paid to individuals directly employed
48 for services performed by those individuals directly and predominantly
49 in the creation of a digital gaming media production or productions.
50 Digital gaming media production costs include but shall not be limited
51 to payments for property used and services performed directly and
52 predominantly in the development (including concept creation), design,
53 production (including concept creation), design, production (including
54 testing), editing (including encoding) and compositing (including the
55 integration of digital files for interaction by end users) of digital
56 gaming media. Digital gaming media production costs shall not include

expenses incurred for the distribution, marketing, promotion, or advertising content generated by end-users or other costs not directly and predominantly related to the creation, production or modification of digital gaming media. In addition, salaries or other income distribution related to the creation of digital gaming media for any person who serves in the role of chief executive officer, chief financial officer, president, treasurer or similar position shall not be included as digital gaming media production costs. Furthermore, any income or other distribution to any individual who holds an ownership interest in a digital gaming media production entity shall not be included as digital gaming media production costs.

(3) "Qualified digital gaming media production costs" means digital gaming media production costs only to the extent such costs are attributable to the use of property or the performance of services by any persons within the state directly and predominantly in the creation, production or modification of digital gaming related media. Such total production costs incurred and paid in this state shall be equal to or exceed seventy-five percent of total cost of an eligible production incurred and paid within and without this state.

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

(1) Article nine-A: section two hundred ten-B, subdivision fifty-five.

(2) Article twenty-two: section six hundred six, subsection (i), paragraph one, subparagraph (B), clause (xlvi).

(3) Article twenty-two: section six hundred six, subsection (nnn).

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Empire state digital gaming media production credit. (a) Allowance of credit. A taxpayer who is eligible pursuant to section forty-five of this chapter shall be allowed a credit to be computed as provided in such section forty-five against the tax imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. Provided, however, that if the amount of the credit allowable under this subdivision for any taxable year reduces the tax to such amount, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter, provided, however, no interest shall be paid thereon.

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

<u>(xlvi) Empire state digital</u>	<u>Amount of credit</u>
<u>gaming media production</u>	<u>under subdivision</u>
<u>credit under subsection (nnn)</u>	<u>fifty-five of section</u>
	<u>two hundred ten-B</u>

§ 4. Section 606 of the tax law is amended by adding a new subsection (nnn) to read as follows:

(nnn) Empire state digital gaming media production credit. (1) Allowance of credit. A taxpayer who is eligible pursuant to section forty-five of this chapter shall be allowed a credit to be computed as provided in such section forty-five against the tax imposed by this article.

1 (2) Application of credit. If the amount of the credit allowable under
2 this subsection for any taxable year exceeds the taxpayer's tax for such
3 year, the excess shall be treated as an overpayment of tax to be credit-
4 ed or refunded as provided in section six hundred eighty-six of this
5 article, provided, however, that no interest shall be paid thereon.

6 (3) With regard to certificates of tax credit issued, the commissioner
7 of economic development shall reduce by one-half of one percent the
8 amount of credit allowed to a taxpayer and this reduced amount shall be
9 reported on a certificate of tax credit issued pursuant to this section
10 and the regulations promulgated by the commissioner of economic develop-
11 ment to implement this credit program.

12 (4) By January thirty-first of each year, the commissioner of economic
13 development shall report to the comptroller the total amount of such
14 reductions of tax credit during the immediately preceding calendar year.
15 On or before March thirty-first of each year, the comptroller shall
16 transfer without appropriations from the general fund to the empire
17 state digital gaming diversity job training development fund established
18 under section ninety-seven-bbbbbb of the state finance law an amount
19 equal to the total amount of such reductions reported by the commission-
20 er of economic development for the immediately preceding calendar year.

21 § 5. The state commissioner of economic development, after consulting
22 with the state commissioner of taxation and finance, shall promulgate
23 regulations by December 31, 2022 to establish procedures for the allo-
24 cation of tax credits as required by subdivision (a) of section 45 of
25 the tax law. Such rules and regulations shall include provisions
26 describing the application process, the due dates for such applications,
27 the standards which shall be used to evaluate the applications, the
28 documentation that will be provided to taxpayers substantiate to the New
29 York state department of taxation and finance the amount of tax credits
30 allocated to such taxpayers, under what conditions all or a portion of
31 this tax credit may be revoked, and such other provisions as deemed
32 necessary and appropriate. Notwithstanding any other provisions to the
33 contrary in the state administrative procedure act, such rules and regu-
34 lations may be adopted on an emergency basis if necessary to meet such
35 December 31, 2022 deadline.

36 § 6. The economic development law is amended by adding a new section
37 242 to read as follows:

38 § 242. Reports on the digital gaming industries in New York. 1. The
39 empire state development corporation shall file a report on a biannual
40 basis with the director of the division of the budget and the chair-
41 persons of the assembly ways and means committee and senate finance
42 committee. The report shall be filed no later than thirty days before
43 the mid-point and the end of the state fiscal year. The first report
44 shall cover the calendar half year that begins on January first, two
45 thousand twenty-four. Each report must contain the following informa-
46 tion for the covered calendar half year:

47 (a) the total dollar amount of credits allocated pursuant to section
48 forty-five of the tax law during the half year, broken down by month;

49 (b) the number of digital gaming projects, which have been allocated
50 tax credits of less than one million dollars per project, and the total
51 dollar amount of credits allocated to those projects distributed by
52 region pursuant to subdivision (b) of section forty-five of the tax law;

53 (c) the number of digital gaming projects, which have been allocated
54 tax credits of more than one million dollars, and the total dollar
55 amount of credits allocated to those projects distributed by region
56 pursuant to subdivision (b) of section forty-five of the tax law;

1 (d) a list of each eligible digital gaming project, which has been
2 allocated a tax credit enumerated by region pursuant to subdivision (b)
3 of section forty-five of the tax law, and for each of those projects,
4 (i) the estimated number of employees associated with the project, (ii)
5 the estimated qualifying costs for the projects, (iii) the estimated
6 total costs of the project, (iv) the credit eligible employee hours for
7 each project, and (v) total wages for such credit eligible employee
8 hours for each project; and

9 (e) (i) the name of each taxpayer allocated a tax credit for each
10 project and the county of residence or incorporation of such taxpayer
11 or, if the taxpayer does not reside or is not incorporated in New York,
12 the state of residence or incorporation; however, if the taxpayer claims
13 a tax credit because the taxpayer is a member of a limited liability
14 company, a partner in a partnership or a shareholder in a subchapter S
15 corporation, the name of each limited liability company, partnership or
16 subchapter S corporation earning any of those tax credits must be
17 included in the report instead of information about the taxpayer claim-
18 ing the tax credit, (ii) the amount of tax credit allocated to each
19 taxpayer; provided however, if the taxpayer claims a tax credit because
20 the taxpayer is a member of a limited liability company, a partner in a
21 partnership or a shareholder in a subchapter S corporation, the amount
22 of tax credit earned by each entity must be included in the report
23 instead of information about the taxpayer claiming the tax credit, and
24 (iii) information identifying the project associated with each taxpayer
25 for which a tax credit was claimed under section forty-five of the tax
26 law.

27 2. The empire state development corporation shall file a report on a
28 triennial basis with the director of the division of the budget and the
29 chairpersons of the assembly ways and means committee and senate finance
30 committee. The first report shall be filed no later than March first,
31 two thousand twenty-five. The report must be prepared by an independent
32 third party auditor and include: (a) information regarding the empire
33 state digital gaming production credit program including the efficiency
34 of operations, reliability of financial reporting, compliance with laws
35 and regulations and distribution of assets and funds; (b) an economic
36 impact study prepared by an independent third party of the program with
37 special emphasis on the regional impact by region and the total dollar
38 amount of credits allocated to those projects distributed by region
39 pursuant to subdivision (b) of section forty-five of the tax law; and
40 (c) any other information or statistical information that the commis-
41 sioner of economic development deems to be useful in analyzing the
42 effects of the programs.

43 § 7. The state finance law is amended by adding a new section 97-bbbbbb
44 to read as follows:

45 § 97-bbbbbb. Empire state digital gaming diversity job training devel-
46 opment fund. 1. There is hereby established in the joint custody of the
47 commissioner of taxation and finance and the comptroller, a special fund
48 to be known as the empire state digital gaming diversity job training
49 development fund.

50 2. Such fund shall consist of the funds transferred by the comptroller
51 to the fund from the general fund without appropriation, as determined
52 under subsection (nnn) of section six hundred six of the tax law. Noth-
53 ing contained herein shall prevent the state from receiving grants,
54 gifts, or bequests for the fund and depositing them into the fund
55 according to law.

1 3. Monies in the fund shall be expended only for job creation and
2 training programs approved by the commissioner of economic development
3 that support efforts to recruit, hire, promote, retain, develop and
4 train a diverse and inclusive workforce as production company employees
5 in the digital gaming industry within the state of New York including,
6 but not limited to, those programs that promote development in econom-
7 ically distressed areas of the state. The commissioner of economic
8 development shall promulgate regulations that set forth relevant defi-
9 nitions, minimum standards, and criteria for such fund and eligible
10 training programs.

11 4. Monies shall be payable from the fund on the audit and warrant of
12 the comptroller on vouchers approved and certified by the commissioner
13 of economic development.

14 § 8. This act shall take effect immediately and shall apply to taxable
15 years beginning on January 1, 2022 and before January 1, 2027; provided
16 that sections one through four of this act shall expire and be deemed
17 repealed December 31, 2026.

18 PART MM

19 Section 1. Paragraph (w) of subdivision 1 of section 1367 of the
20 racing, pari-mutuel wagering and breeding law, as amended by section 3
21 of part Y of chapter 59 of the laws of 2021, is amended to read as
22 follows:

23 (w) "Sports wager" means cash or cash equivalent or thing of value
24 that is paid by an authorized sports bettor to a casino or a mobile
25 sports wagering licensee to participate in sports wagering offered by
26 such casino or mobile sports wagering licensee;

27 § 2. Paragraph (y) of subdivision 1 of section 1367 of the racing,
28 pari-mutuel wagering and breeding law, as amended by section 3 of part Y
29 of chapter 59 of the laws of 2021, is amended to read as follows:

30 (y) "Sports wagering gross revenue" means: (i) the amount equal to the
31 total of all sports wagers not attributable to prohibited sports events
32 that a casino or mobile sports wagering licensee collects from all
33 sports bettors, less the total of all sums not attributable to prohibit-
34 ed sports events paid out as winnings to all sports bettors, however,
35 that the total of all sums paid out as winnings to sports bettors shall
36 not include the cash equivalent value of any merchandise or thing of
37 value awarded as a prize;

38 § 3. Subdivision 7 of section 1367 of the racing, pari-mutuel wagering
39 and breeding law, as added by section 3 of part Y of chapter 59 of the
40 laws of 2021, is amended to read as follows:

41 7. For the privilege of conducting sports wagering in the state, cas-
42 nos shall pay a tax equivalent to ten percent of their sports wagering
43 gross gaming revenue, excluding sports wagering gross gaming revenue
44 attributed to mobile sports wagering offered pursuant to section thir-
45 teen hundred sixty-seven-a of this title. Platform providers shall pay a
46 tax constituting a certain percentage of the sports wagering gross
47 gaming revenue attributed to mobile sports wagering offered through such
48 platform provider's platform pursuant to section thirteen hundred
49 sixty-seven-a of this title; provided however, that such percentage
50 shall be determined [~~pursuant to a competitive bidding process conducted~~
51 ~~by the commission~~] as outlined in subdivision seven of section thirteen
52 hundred sixty-seven-a of this title; and provided further, that such
53 percentage shall be no lower than twelve percent. When awarding a
54 license pursuant to section thirteen hundred sixty-seven-a of this

1 title, the commission may set graduated tax rates; provided however,
2 that any such tax rates may not be lower than the minimum rate estab-
3 lished in this subdivision.

4 § 4. Subdivision 7 of section 1367-a of the racing, pari-mutuel wager-
5 ing and breeding law, as added by section 4 of part Y of chapter 59 of
6 the laws of 2021, is amended and a new subdivision 8 is added to read as
7 follows:

8 7. A platform provider may be licensed by the commission only after
9 having been selected for potential licensure by the commission following
10 a competitive bidding process in which the commission shall issue a
11 request for applications no later than July first, two thousand twenty-
12 one; provided however, that the deadline for submission of applications
13 shall be no later than thirty days after the date upon which the commis-
14 sion issues such request for applications.

15 (a) The commission shall select platform providers based upon the
16 criteria set forth in this section no later than one hundred fifty days,
17 to the extent practicable, after the final application is received. The
18 commission may disqualify applicants from licensure consideration if the
19 applicant or the mobile sports wagering operator or operators included
20 in their bid have not satisfied provision of required application infor-
21 mation, fail to meet any platform provider and mobile sports wagering
22 operator eligibility criteria established pursuant to the request for
23 applications, or are deemed by the commission to have not satisfied the
24 criteria pursuant to subdivision five of this section.

25 (a-1) The commission shall publish on its website the criteria that
26 will be used to score applications based upon the criteria set forth in
27 paragraph (c) of this subdivision; provided however, that such scoring
28 methodology shall award additional points to an applicant that has
29 entered into an agreement that includes revenue sharing related to such
30 mobile sports wagering with compacted Native American tribe(s) or
31 nation(s).

32 (b) The commission shall determine the form of application for
33 bidders, which shall require, at a minimum, the following information:

34 (i) Different scenarios for the number of platform providers and
35 number of mobile sports wagering operators licensed by the commission.
36 For each scenario, this shall include estimates of mobile sports wager-
37 ing gross gaming revenue and the bases for such estimates[~~7, the percent-~~
38 ~~age of gross revenue from mobile sports wagering the applicant will pay~~
39 ~~to the state for the privilege of licensure if chosen], and the percent-~~
40 age of overall mobile sports wagering gross gaming revenue estimated to
41 be generated;

42 (ii) The number of mobile sports wagering operators the applicant will
43 host on its mobile sports wagering platform, if the applicant is
44 licensed as a platform provider;

45 (iii) A description of how the applicant will use technology to ensure
46 all bettors are physically within approved locations within the state,
47 that any wager is accepted through equipment physically located at a
48 licensed gaming facility and that necessary safeguards against abuses
49 and addictions are in place;

50 (iv) The applicant and any associated operators such applicant
51 proposes in its application possess the qualifications, capabilities and
52 experience to provide a mobile sports wagering platform;

53 (v) A list of all jurisdictions where the applicant and parent compa-
54 ny, and mobile sports wagering operator or operators and parent company
55 or companies have been licensed or otherwise authorized by contract or
56 otherwise to conduct sports wagering operations. This shall include the

1 applicant and its mobile sports wagering operator or operators' experi-
2 ence in such other markets;

3 (vi) Player acquisition model, advertising and affiliate programs and
4 marketing budget, including details on how the applicant and its mobile
5 sports wagering operator or operators will convert customers from wager-
6 ing through illegal channels to wagering legally in the state;

7 (vii) Timeframe to implement mobile sports wagering from award of
8 license;

9 (viii) The applicant and mobile sports wagering operator or operators'
10 capacity to bring authorized sports bettors into their mobile sports
11 wagering platform; and

12 (ix) Integrity monitoring and reporting including any current affil-
13 iations related to integrity monitoring.

14 (c) In determining whether an applicant shall be eligible for a plat-
15 form provider license, the commission shall evaluate how each applicant
16 proposes to maximize sustainable, long-term revenue for the state by
17 evaluating the following factors:

18 (i) A market analysis detailing the benefits of the applicant's bid as
19 it relates to maximizing revenue to the state;

20 (ii) Estimates of mobile sports wagering gross gaming revenue gener-
21 ated by the applicant under different scenarios;

22 (iii) The percentage of mobile sports wagering gross gaming revenue to
23 be paid to the state under different scenarios;

24 (iv) The potential market share of the mobile sports wagering operator
25 or operators under different scenarios;

26 (v) Advertising and promotional plans of the mobile sports wagering
27 operator or operators;

28 (vi) Past experience and expertise in the market of the applicant and
29 any mobile sports wagering operator or operators which are part of such
30 applicant's application;

31 (vii) The applicant's capacity to rapidly and effectively bring
32 authorized sports bettors into its platform;

33 (viii) A demonstration of how and to what degree the applicant fosters
34 racial, ethnic, and gender diversity in its workforce;

35 (ix) Timeframe to implement mobile sports wagering from award of
36 license;

37 (x) Any other factors that could impact the integrity, sustainability
38 or safety of the mobile sports wagering system; and

39 (xi) Any other factors that could impact revenue to the state.

40 (d) The commission shall award a license to ~~[each of the two]~~ the
41 highest scoring platform providers that submit applications; provided
42 however, that such awards shall require that ~~[both]~~ winning platform
43 providers pay the same tax rate; and provided further, that the commis-
44 sion shall ~~[require that no less than four]~~ be authorized to license up
45 to fourteen mobile sports wagering operators ~~[will be operating in the~~
46 ~~state]~~ by January thirty-first, two thousand twenty-three and sixteen by
47 January thirty-first, two thousand twenty-four. In the event that the
48 commission fails to approve the required number of operators by these
49 deadlines, it shall not interfere with the ability of previously
50 licensed platforms or operators to continue to operate in the state. For
51 any applicant licensed after January first, two thousand twenty-two,
52 such tax rate shall be set at the same amount that is applicable to
53 previously licensed applicants. The commission may award additional
54 licenses if it determines that such additional awards are in the best
55 interests of the state; provided however, that any additional platform
56 providers awarded licenses must also agree to pay the same tax rate as

1 those platform providers that were initially awarded licenses by the
2 commission. The award of any such license shall require each applicant
3 to remit the highest percentage of gross gaming revenue from mobile
4 sports wagering contained in an applicant's bid selected by the commis-
5 sion considered for licensure. A qualified applicant shall be afforded
6 the ability to revise its bid in any such manner in order for such bid
7 to meet the percentage of gross gaming revenue from mobile sports wager-
8 ing as required by the commission for license award, provided that the
9 bid does not incorporate any additional operators not already included
10 in the bid; and provided however that it is not determined by the
11 commission that the revised bid no longer meets all requirements and
12 criteria established pursuant to this section and the request for appli-
13 cations. Any applicant that does not revise its bid to meet the percent-
14 age of gross gaming revenue from mobile sports wagering required by the
15 commission for license award shall not be awarded a license.

16 8. Pursuant to subdivision seven of this section, the commission shall
17 hold a competitive bidding process and award no less than two but no
18 more than five additional mobile sports wagering licenses by January
19 thirty-first, two thousand twenty-three.

20 (a) The commission shall accept applications for mobile sports wager-
21 ing licenses issued pursuant to this subdivision at the earlier of thir-
22 ty days after all mobile sports wagering licensees awarded a license
23 pursuant to subdivision seven of this section commence operations or
24 September first, two thousand twenty-two.

25 (b) Applicants that participated in the request for proposals issued
26 pursuant to subdivision seven of this section and not awarded a mobile
27 sports wagering license shall be eligible to reapply for consideration
28 pursuant to this subdivision.

29 (i) Nothing herein shall prohibit a platform provider that did not
30 previously respond to the request for applications from applying. New
31 applicants shall submit applications demonstrating the criteria outlined
32 in paragraphs (a-1), (b), and (c) of subdivision seven of this section.

33 (ii)(1) When establishing scoring criteria for new mobile sports
34 wagering applications after January first, two thousand twenty-one, the
35 commission shall provide that such scoring affords no less than fifteen
36 percent weighting to a diversity framework established by the commission
37 that takes into account the utilization and employment of minorities,
38 women and service-disabled veterans in permanent and part-time jobs at
39 an applicant's corporate entity, as well as diversity in the ownership
40 and leadership of the corporate entity which seeks to apply for a mobile
41 sports wagering license.

42 (2) In establishing such framework under this subparagraph, the
43 commission shall consult with the division of minority and women's busi-
44 ness development in the department of economic development to achieve
45 the maximum feasible participation of minority and women-owned busi-
46 nesses. Guidelines for such framework may include, but not be limited
47 to, an applicant's:

48 (A) ability to identify and establish mentorship opportunities and
49 other business development programs as part of its overall application;

50 (B) the development of aspirational goals for the utilization of
51 minority group members, women and service-disabled veterans in each
52 profession and occupation at such applicant's corporate entity;

53 (C) assurances that any contractors or subcontractors of any contrac-
54 tor make good faith efforts to meet any established workforce partic-
55 ipation goals;

1 (D) participation with enterprises in which such minority ownership is
2 real, substantial and continuing;

3 (E) how an applicant's plan shall promote diversity in its business
4 model, financing, employment goals, and other social and economic equity
5 roles in the gaming industry; and

6 (F) any such further criteria as the commission shall see fit for
7 inclusion.

8 (c) The commission shall make determinations to award a license or
9 disqualify applicants on a rolling basis to expedite issuance of addi-
10 tional licenses.

11 (d) As a condition of licensure pursuant to this subdivision, the
12 commission shall require that each platform provider authorized to
13 conduct mobile sports wagering pay a one time fee of twenty-five million
14 dollars and each operator authorized to conduct mobile sports wagering
15 on a platform licensed pursuant to subdivision seven of this section
16 shall pay a fee of ten million dollars. Such fee shall be paid within
17 thirty days of commission approval prior to license issuance and depos-
18 ited into the state lottery fund established in section ninety-two-c of
19 the state finance law for education aid.

20 § 5. This act shall take effect immediately.

21 PART NN

22 Section 1. The opening paragraph of subdivision 7 of section 221 of
23 the racing, pari-mutuel wagering and breeding law, as separately amended
24 by section 1 of part CC of chapter 59 of the laws of 2020, is amended to
25 read as follows:

26 In order to pay the costs of the insurance required by this section
27 and by the workers' compensation law and to carry out its other powers
28 and duties and to pay for any of its liabilities under section four-
29 teen-a of the workers' compensation law, the New York Jockey Injury
30 Compensation Fund, Inc. shall ascertain the total funding necessary and
31 establish the sums that are to be paid by all owners and trainers
32 licensed or required to be licensed under section two hundred twenty of
33 this article, to obtain the total funding amount required annually. In
34 order to provide that any sum required to be paid by an owner or trainer
35 is equitable, the fund shall establish payment schedules that reflect
36 such factors as are appropriate, including where applicable, the
37 geographic location of the racing corporation at which the owner or
38 trainer participates, the duration of such participation, the amount of
39 any purse earnings, the number of horses involved, or such other factors
40 as the fund shall determine to be fair, equitable and in the best inter-
41 ests of racing. In no event shall the amount deducted from an owner's
42 share of purses exceed two percent; provided, however, [~~for two thousand~~
43 ~~twenty and two thousand twenty-one~~] through calendar year two thousand
44 twenty-five, the New York Jockey Injury Compensation Fund, Inc. may use
45 up to two million dollars from the account established pursuant to
46 subdivision nine of section two hundred eight of this article to pay the
47 annual costs required by this section and the funds from such account
48 shall not count against the two percent of purses deducted from an
49 owner's share of purses. The amount deducted from an owner's share of
50 purses shall not exceed one percent after April first, two thousand
51 twenty-four. In the cases of multiple ownerships and limited racing
52 appearances, the fund shall equitably adjust the sum required.

§ 2. Paragraph (a) of subdivision 9 of section 208 of the racing, pari-mutuel wagering and breeding law, as amended by section 2 of part CC of chapter 59 of the laws of 2020, is amended to read as follows:

(a) The franchised corporation shall maintain a separate account for all funds held on deposit in trust by the corporation for individual horsemen's accounts. Purse funds shall be paid by the corporation as required to meet its purse payment obligations. Funds held in horsemen's accounts shall only be released or applied as requested and directed by the individual horseman. [~~For two thousand twenty and two thousand twenty-one~~]

Through calendar year two thousand twenty-five the New York Jockey Injury Compensation Fund, Inc. may use up to two million dollars from the account established pursuant to this subdivision to pay the annual costs required by section two hundred twenty-one of this article.

§ 3. This act shall take effect immediately.

PART OO

Section 1. The tax law is amended by adding a new section 493-a to read as follows:

§ 493-a. Deductions. (a) For each taxable year beginning on or after January first, two thousand twenty-two, and before January first, two thousand twenty-five, the provisions of section 280E of the internal revenue code, relating to expenditures in connection with the illegal sale of drugs, shall not apply for the purposes of this chapter to the carrying on of any trade or business that is commercial cannabis activity by a licensee.

(b) For the purposes of this section, the following definitions shall apply:

(1) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products, or acting as the holder of an adult-use on-site consumption license pursuant to article four of the cannabis law.

(2) "Licensee" shall have the same meaning as defined in section three of the cannabis law.

§ 2. This act shall take effect on the same date and in the same manner as section 39 of chapter 92 of the laws of 2021, takes effect, and shall expire January 1, 2025 when upon such date the provisions of this act shall be deemed repealed.

PART PP

Section 1. The tax law is amended by adding a new section 47 to read as follows:

§ 47. Fuel tax holiday. (a) Definitions. For purposes of this section:

(1) "Applicable period" shall mean the period beginning May first, two thousand twenty-two and ending December thirty-first, two thousand twenty-two.

(2) "Diesel motor fuel" and "motor fuel" shall have the same meaning as section two hundred eighty-two of this chapter.

(3) "Filling station" shall have the same meaning as section two hundred eighty-two of this chapter.

(4) "Retail sale" and "sold at retail" shall mean any sale of motor fuel or diesel motor fuel at a filling station to a person for use in a motor vehicle.

1 (5) "Retail seller" shall mean any person who sells motor fuel or
2 diesel motor fuel at retail.

3 (6) "Sale" shall have the same meaning as section two hundred eighty-
4 two of this chapter.

5 (b) Exemption from taxation. Notwithstanding any other provision of
6 law, rule or regulation to the contrary, the taxes imposed on retail
7 sales of motor fuel and diesel motor fuel made during the applicable
8 period shall be exempt from the taxes imposed by articles twelve-A and
9 twenty-eight of this chapter. If the retail seller is located within a
10 municipality that has elected to eliminate the tax imposed pursuant to
11 article twenty-nine of this chapter, such taxes shall not be imposed on
12 the retail sale of motor fuel or diesel motor fuel during the applicable
13 period.

14 (c) Price reduction. (1) During the applicable period, each retail
15 seller shall reduce the price per gallon of motor fuel and diesel motor
16 fuel offered for sale by the amount of the taxes that the retail seller
17 prepaid on the gallon of motor fuel and diesel motor fuel and the amount
18 of tax in excess of the prepaid amount that would have been collected
19 from the consumer if the sale of the motor fuel or diesel motor fuel had
20 not been exempt from tax pursuant to subdivision (b) of this section.

21 (2) Failure to reduce the price as required under paragraph one of
22 this subdivision shall constitute price gouging. Where a violation of
23 this section is alleged to have occurred, the attorney general may apply
24 in the name of the people of the state of New York to the supreme court
25 within the judicial district in which such violation is alleged to have
26 occurred, on notice of five days, for an order enjoining or restraining
27 commission or continuance of the alleged unlawful acts. In any such
28 proceeding, the court shall impose a civil penalty in an amount not to
29 exceed one hundred thousand dollars and, where appropriate, order resti-
30 tution to aggrieved consumers.

31 (3) In addition to any action brought by the attorney general pursuant
32 to paragraph two of this subdivision, a person injured by a violation of
33 this section may bring an action to recover damages. The court may also
34 award reasonable attorney's fees to a prevailing plaintiff.

35 (d) Advertising. Notwithstanding any other provision of law to the
36 contrary, a retail seller may advertise that the motor fuel and/or
37 diesel motor fuel is being or will be sold without the state taxes. Such
38 advertisement may commence no earlier than three days before the appli-
39 cable period and must end by the end of the applicable period.

40 (e) Refunds and credits. (1) Notwithstanding any other provision of
41 law to the contrary, the retail seller shall be entitled to receive a
42 credit against the taxes due pursuant to article twenty-eight of this
43 chapter for the amount of tax that the retail seller prepaid pursuant to
44 articles twelve-A, twenty-eight and, if applicable, twenty-nine of this
45 chapter. If the retail seller is located within a municipality that has
46 elected to eliminate the tax imposed pursuant to article twenty-nine of
47 this chapter, the retail seller shall be entitled to claim a credit
48 against the taxes due pursuant to article twenty-eight of this chapter
49 for such prepaid taxes. The amount of credit shall equal the amount of
50 tax that was prepaid pursuant to articles twelve-A, twenty-eight and, if
51 applicable, twenty-nine of this chapter for each gallon of motor fuel
52 and diesel motor fuel sold at retail during the applicable period. Such
53 credit shall not be allowed for sales that would have otherwise been
54 exempt from tax.

55 (2) A retail seller may claim the credit prescribed in paragraph one
56 of this subdivision when the retail seller files its return of tax for

the sales of motor fuel and diesel motor fuel for the period that includes the applicable period. Notwithstanding the foregoing, if a retailer seller is required to file its return more than thirty days after the close of the applicable period defined in paragraph one of subdivision (a) of this section, such retailer shall be authorized to file an amendment to its most recently filed return to claim such credit. No credit may be claimed for the taxes prepaid pursuant to article twelve-A, twenty-eight or, if applicable, twenty-nine of this chapter pursuant to this section if the claim would have been barred pursuant to the article that required prepayment of such taxes. No interest shall be paid on any claims for credit made pursuant to this section.

§ 2. Section 88-a of the state finance law is amended by adding a new subdivision 8 to read as follows:

8. By March thirty-first, two thousand twenty-three, the comptroller shall transfer from the general fund to the mass transportation operating assistance fund an amount no greater than the amount that would have otherwise been deposited in the mass transportation operating assistance fund pursuant to this section if the exemption defined in subdivision (b) of section forty-seven of the tax law had not been authorized; provided however that the comptroller shall make such transfer only after the director of the budget has determined in his or her discretion that the transfer is necessary to ensure a positive fund balance of the mass transportation operating assistance fund at the end of the two thousand eleven-two thousand twelve state fiscal year.

§ 3. Subdivision 3 of section 89-b of the state finance law is amended by adding a new paragraph (g) to read as follows:

(g) Within forty-five days after an applicable period as defined by subdivision (a) of section forty-seven of the tax law, the comptroller, in consultation with the director of the division of the budget, shall transfer from the general fund to the special obligation reserve and payment account an amount equal to the amount that would have otherwise been deposited in the special obligation reserve and payment account pursuant to this section if the exemption defined in subdivision (b) of section forty-seven of the tax law had not been authorized.

§ 4. Section 89-c of the state finance law is amended by adding a new subdivision 4 to read as follows:

4. Within forty-five days after an applicable period as defined by subdivision (a) of section forty-seven of the tax law, the comptroller, in consultation with the director of the division of the budget, shall transfer from the general fund to the dedicated mass transportation trust fund an amount equal to the amount that would have otherwise been deposited in the dedicated mass transportation trust fund pursuant to this section if the exemption defined in subdivision (b) of section forty-seven of the tax law had not been authorized.

§ 5. Section 392-i of the general business law, as amended by section 5 of part M-1 of chapter 109 of the laws of 2006, is amended to read as follows:

§ 392-i. Prices reduced to reflect change in sales tax computation. Every person engaged in the retail sale of motor fuel and/or diesel motor fuel or a distributor of such fuels, as defined in article twelve-A of the tax law, shall reduce the price such person charges for motor fuel and/or diesel motor fuel in an amount equal to any reduction in taxes prepaid by the distributor, credit for the amount of taxes prepaid by the retail seller allowable pursuant to section forty-seven of the tax law, exemption from taxation pursuant to section forty-seven of the tax law to the extent that the tax that would have been otherwise

1 due exceeds the amount of tax prepaid, or paid by retail customers
2 resulting from computing sales and compensating use taxes at a cents per
3 gallon rate pursuant to the provisions of paragraph two of subdivision
4 (e) and subdivision (m) of section eleven hundred eleven of the tax law.

5 § 6. Paragraph 1 of subdivision (n) of section 1817 of the tax law, as
6 amended by section 30 of subpart I of part V-1 of chapter 57 of the laws
7 of 2009, is amended to read as follows:

8 (1) Every person engaged in the retail sale of motor fuel and/or
9 diesel motor fuel or a distributor of such fuels, as defined in article
10 twelve-A of this chapter, shall comply with the provisions of section
11 three hundred ninety-two-i of the general business law by reducing the
12 prices charged for motor fuel and diesel motor fuel in an amount equal
13 to any reduction in taxes prepaid by the distributor, credit for the
14 amount of taxes prepaid by the retail seller allowable pursuant to
15 section forty-seven of the tax law, exemption from taxation pursuant to
16 section forty-seven of the tax law to the extent that the tax that would
17 have been otherwise due exceeds the amount of tax prepaid, or imposed on
18 retail customers resulting from computing sales and compensating use
19 taxes at a cents per gallon rate pursuant to the provisions of paragraph
20 two of subdivision (e) and subdivision (m) of section one thousand one
21 hundred eleven of this chapter.

22 § 7. Notwithstanding any law to the contrary, a municipality may make
23 the election to eliminate all taxes on motor fuel and diesel motor fuel
24 pursuant to sections eleven hundred seven and eleven hundred eight of
25 the tax law or article twenty-nine of the tax law beginning May 1, 2022
26 and ending December 31, 2022, by local law, ordinance or resolution, if
27 such municipality mails, by certified or registered mail, a certified
28 copy of such local law, ordinance or resolution to the commissioner of
29 taxation and finance at his or her office in Albany no later than the
30 Wednesday immediately preceding the applicable period as defined by
31 paragraph one of subdivision (a) of section forty-seven of the tax law.

32 § 8. The commissioner of taxation and finance shall (a) on an emergen-
33 cy basis, promulgate and/or amend any rules and regulations necessary to
34 provide for the tax free sales of motor fuel and diesel motor fuel and
35 refunds of prepaid tax to retail sellers; and

36 (b) immediately make provisions for retail sellers to apply for credit
37 for the taxes prepaid pursuant to articles twelve-A and twenty-eight,
38 and, if applicable, twenty-nine of the tax law.

39 § 9. The department of transportation, in conjunction with the depart-
40 ment of taxation and finance, shall conduct a study on possible alterna-
41 tives to the use of taxes on motor fuel and diesel motor fuel in order
42 to finance transportation needs across the state of New York. The study
43 shall examine existing pilot programs in other states and by the
44 federal government for alternative options for transportation financing,
45 when examining which alternative means of financing transportation would
46 work best in New York. The study shall be completed and delivered to
47 the governor, the temporary president of the senate, the speaker of the
48 assembly, and the chairs of the respective financial and transportation
49 committees by April 1, 2023.

50 § 10. This act shall take effect immediately.

51 PART QQ

52 Section 1. Paragraph 1 of subsection (d) of section 606 of the tax
53 law, as amended by section 1 of part Q of chapter 63 of the laws of
54 2000, is amended to read as follows:

(1) General. A taxpayer shall be allowed a credit as provided herein equal to (i) the applicable percentage of the earned income credit allowed under section thirty-two of the internal revenue code for the same taxable year, (ii) reduced by the credit permitted under subsection (b) of this section.

The applicable percentage shall be (i) seven and one-half percent for taxable years beginning in nineteen hundred ninety-four, (ii) ten percent for taxable years beginning in nineteen hundred ninety-five, (iii) twenty percent for taxable years beginning after nineteen hundred ninety-five and before two thousand, (iv) twenty-two and one-half percent for taxable years beginning in two thousand, (v) twenty-five percent for taxable years beginning in two thousand one, (vi) twenty-seven and one-half percent for taxable years beginning in two thousand two, ~~[and]~~ (vii) thirty percent for taxable years beginning in two thousand three, (viii) thirty-one and seven-eighths percent in two thousand twenty-two, (ix) thirty-three and three-quarters percent in two thousand twenty-three, (x) thirty-five and five-eighths percent in two thousand twenty-four, and (xi) thirty-seven and a half percent in two thousand twenty-five and thereafter. Provided, however, that if the reversion event, as defined in this paragraph, occurs, the applicable percentage shall be twenty percent for taxable years ending on or after the date on which the reversion event occurred. The reversion event shall be deemed to have occurred on the date on which federal action, including but not limited to, administrative, statutory or regulatory changes, materially reduces or eliminates New York state's allocation of the federal temporary assistance for needy families block grant, or materially reduces the ability of the state to spend federal temporary assistance for needy families block grant funds for the earned income credit or to apply state general fund spending on the earned income credit toward the temporary assistance for needy families block grant maintenance of effort requirement, and the commissioner of the office of temporary and disability assistance shall certify the date of such event to the commissioner of taxation and finance, the director of the division of the budget, the speaker of the assembly and the temporary president of the senate.

§ 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2022.

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

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