

STATE OF NEW YORK

8309--A

IN SENATE

January 17, 2024

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

AN ACT to amend the tax law and the administrative code of the city of New York, in relation to permanently extending the itemized deduction limit on individuals with income over ten million dollars (Part A); to amend part N of chapter 61 of the laws of 2005, amending the tax law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to extending the effectiveness thereof (Part B); to amend the tax law, in relation to making technical corrections to the metropolitan commuter transportation mobility tax (Part C); to amend the tax law, in relation to the restriction upon issuing notices for a tax year that is the subject of a pending petition filed with the division of tax appeals (Part D); to amend the executive law and the tax law, in relation to creating the commercial security tax credit program (Part E); to amend part U of chapter 61 of the laws of 2011, amending the real property tax law and other laws relating to establishing standards for electronic tax administration, in relation to the effectiveness of certain provisions relating to mandatory electronic filing of tax documents (Part F); to amend part U of chapter 61 of the laws of 2011 amending the real property tax law and other laws relating to establishing standards for electronic real property tax administration, allowing the department of taxation and finance to use electronic communication means to furnish tax notices and other documents, mandatory electronic filing of tax documents, debit cards issued for tax refunds, improving sales tax compliance, in relation to the effectiveness thereof (Part G); to amend the tax law, in relation to the filing of amended returns under article 28 thereof (Part H); to amend the tax law, in relation to exempting from sales and use tax certain tangible personal property and services sold to a related person; and to amend the executive law, in relation to tax expenditure reporting by the division of the budget (Part I); to amend the tax law, in relation to extending the sales tax exemption for certain sales made through vending machines (Part J); to amend the multiple residence law, the multiple dwelling law, and the

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

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tax law, in relation to short-term residential rental of private dwellings in certain municipalities (Part K); to amend the tax law, in relation to the imposition of taxes on the sale of cannabis (Part L); intentionally omitted (Part M); to amend the real property tax law, in relation to requiring excess proceeds from a tax foreclosure sale to be returned to the former owner, delinquent tax interest rates and establishing a homeowner bill of rights; and to amend the social services law, in relation to establishing senior, disabled, and veteran homeowner real property tax assistance programs (Part N); to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Catskill and the Capital off-track betting corporations' capital acquisition funds (Part O); 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 59 of the laws of 2023 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting; to amend chapter 59 of the laws of 2023 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 P); to amend the racing, pari-mutuel wagering and breeding law, in relation to allowing season-long proposition bets and future award winners as authorized bets (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to authorizing one percent of mobile sports tax revenue be used for problem gambling (Part R); 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 S); to repeal subdivision (jj) of section 1115 of the tax law relating to sales and compensating use taxes imposed with respect to vessels; and to repeal subdivision 13 of section 1118 of the tax law relating to sales and compensating use taxes imposed with respect to vessels (Part T); to amend the tax law, in relation to the imposition of sales and compensating use taxes with respect to certain aircraft; and to repeal paragraph 21-a of subdivision (a) of section 1115 of the tax law, relating thereto (Part U); to amend the tax law, in relation to the taxation of vapor products (Part V); to repeal section 490 of the tax law relating to the excise tax on medical cannabis; and to repeal section 89-h of the state finance law relating to the medical cannabis trust fund (Part W); to amend the tax law, in relation to residential solar tax credits (Part X); to amend the tax law, in relation to geothermal energy systems tax credits (Part Y); to amend the tax law, in relation to establishing a sales tax exemption for residential energy storage (Part Z); to amend the tax law, in relation to the eligibility criteria for the digital gaming tax credit (Part AA); to amend the tax law, in relation to exempting certain car-sharing organizations from the special supplemental tax on passenger car rentals outside of the metropolitan commuter transportation district (Part BB); to amend the tax law, in relation to tax credits for volunteer firefighters and volunteer ambulance workers (Part CC); to amend the tax law, in relation to adjusting certain income tax rates (Part DD); to amend the tax law, in relation to providing a payroll tax credit for compensation of journalists; and to provide for the repeal of such provisions upon expira-

tion thereof (Part EE); to amend the tax law, in relation to creating a work opportunity tax credit; and providing for the repeal of such provisions upon expiration thereof (Part FF); to amend the tax law, in relation to tax on sales of motor fuel and petroleum products and to make conforming changes; to amend the tax law, in relation to the definition of qualified rehabilitation expenditures for purposes of the tax credit for rehabilitation of historic properties; to repeal paragraph 3 of subdivision (f) and paragraph 4 of subdivision (g) of section 301-a of the tax law relating to manufacturing gallonage for purposes of the imposition of certain taxes; to repeal subdivisions (i), (j), and (l) of section 301-c of the tax law relating to reimbursement; to repeal section 301-d of the tax law relating to a utility credit or reimbursement; to repeal subdivision (f) of section 301-e of the tax law relating to an aviation fuel business which services four or more cities; to repeal subparagraph (xi) of paragraph 3 of subdivision (c) of section 1105 of the tax law relating to services rendered with respect to certain property; and to repeal paragraph 9 of subdivision (a) of section 1115 of the tax law relating to fuel sold to an airline for use in its airplanes (Part GG); to amend the tax law, in relation to a New York state working families tax credit (Part HH); to amend the tax law, in relation to increasing the franchise tax on businesses for certain years (Part II); and to amend the tax law, in relation to extending the authorization of the real property tax relief credit (Part JJ)

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 2024-2025
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through JJ. 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

13 Section 1. Paragraph 2 of subsection (g) of section 615 of the tax
14 law, as amended by section 1 of part Q of chapter 59 of the laws of
15 2019, is amended to read as follows:

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

22 § 2. Paragraph 2 of subdivision (g) of section 11-1715 of the adminis-
23 trative code of the city of New York, as amended by section 2 of part Q
24 of chapter 59 of the laws of 2019, is amended to read as follows:

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

7 § 3. This act shall take effect immediately.

8

PART B

9 Section 1. Section 12 of part N of chapter 61 of the laws of 2005,
10 amending the tax law relating to certain transactions and related infor-
11 mation and relating to the voluntary compliance initiative, as amended
12 by section 1 of part O of chapter 59 of the laws of 2019, is amended to
13 read as follows:

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

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

35 (iii) provided, further, that the provisions of this act, except
36 section five of this act, shall expire and be deemed repealed July 1,
37 [~~2024~~] 2029; provided, that, such expiration and repeal shall not affect
38 any requirement imposed pursuant to this act.

39 § 2. This act shall take effect immediately.

40

PART C

41 Section 1. The opening paragraph of paragraph 2 of subsection (a) of
42 section 801 of the tax law, as amended by section 1 of part N of chapter
43 59 of the laws of 2012, is amended to read as follows:

44 (A) For individuals, the tax is imposed at a rate of thirty-four
45 hundredths (.34) percent of the net earnings from self-employment of
46 individuals that are attributable to the MCTD, in the counties of Dutch-
47 ess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester, if such
48 earnings attributable to the MCTD exceed fifty thousand dollars for the
49 tax year.

50 § 2. This act shall take effect immediately and shall apply to taxable
51 years beginning on or after January 1, 2024.

1

PART D

2 Section 1. Paragraph 2 of subsection (c) and paragraph 4 of subsection
3 (d) of section 689 of the tax law, paragraph 2 of subsection (c) as
4 amended by chapter 40 of the laws of 1964 and paragraph 4 of subsection
5 (d) as amended by chapter 28 of the laws of 1987, are amended to read as
6 follows:

7 (2) the taxpayer has not previously filed with the tax commission a
8 timely petition under subsection (b) of this section for the same taxa-
9 ble year unless the petition under this subsection relates to a separate
10 claim for credit or refund properly filed under subsection (f) of
11 section six hundred eighty-seven of this part or relates to a refund or
12 credit first claimed on an amended return for the taxable year, and

13 (4) Restriction on further notices of deficiency. -- If the taxpayer
14 files a petition with the tax commission under this section, no notice
15 of deficiency under section six hundred eighty-one of this part may
16 thereafter be issued by the tax commission for the same [~~taxable year~~]
17 tax return, except in case of fraud or with respect to a change or
18 correction required to be reported under section six hundred fifty-nine
19 of this article.

20 § 2. Paragraph 2 of subsection (c) and paragraph 4 of subsection (d)
21 of section 1089 of the tax law, paragraph 2 of subsection (c) as added
22 by chapter 188 of the laws of 1964 and paragraph 4 of subsection (d) as
23 amended by chapter 817 of the laws of 1987, are amended to read as
24 follows:

25 (2) the taxpayer has not previously filed with the tax commission a
26 timely petition under subsection (b) of this section for the same taxa-
27 ble year unless the petition under this subsection relates to a separate
28 claim for credit or refund properly filed under subsection (f) of
29 section one thousand eighty-seven of this article or relates to a refund
30 or credit first claimed on an amended return for the taxable year, and

31 (4) Restriction on further notices of deficiency.---If the taxpayer
32 files a petition with the tax commission under this section, no notice
33 of deficiency under section one thousand eighty-one of this article may
34 thereafter be issued by the tax commission for the same [~~taxable year~~]
35 tax return, except in case of fraud or with respect to an increase or
36 decrease in federal taxable income or federal alternative minimum taxa-
37 ble income or federal tax or a federal change or correction or renegoti-
38 ation, or computation or recomputation of tax, which is treated in the
39 same manner as if it were a deficiency for federal income tax purposes,
40 required to be reported under subdivision three of section two hundred
41 eleven[, ~~or under section two hundred nineteen bb or under section two~~
42 ~~hundred nineteen zz~~] of this chapter.

43 § 3. This act shall take effect immediately and apply to taxable years
44 beginning on or after January 1, 2024.

45

PART E

46 Section 1. The executive law is amended by adding a new section 845-e
47 to read as follows:

48 § 845-e. Commercial security tax credit program. 1. Definitions. For
49 the purposes of this section:

50 (a) "Certificate of tax credit" means the document issued to a busi-
51 ness entity by the division after the division has verified that the
52 business entity has met all applicable eligibility criteria in subdivi-
53 sion two of this section. The certificate shall specify the exact amount

1 of the tax credit under this section that a business entity may claim,
2 pursuant to subdivision five of this section, and other information as
3 required by the department of taxation and finance.

4 (b) "Qualified business" means a business with one hundred or fewer
5 total employees that operates one or more physical retail business
6 locations open to the public in New York state that incurs costs related
7 to protection against retail theft of goods through retail theft
8 prevention measures.

9 (c) "Qualified retail theft prevention measure expenses" means any
10 combination of retail theft prevention measure costs paid or incurred by
11 a qualified business during the taxable year that cumulatively exceed
12 twelve thousand dollars for each New York retail location.

13 (d) "Retail theft prevention measure" means (i) the use of security
14 officers as defined in paragraph (e) of this subdivision, (ii) security
15 cameras, (iii) perimeter security lighting, (iv) interior or exterior
16 locking or hardening measures, (v) alarm systems, (vi) access control
17 systems, or (vii) other appropriate anti-theft devices as determined by
18 the division to be eligible under this section.

19 (e) "Security officers" means security officers, registered under
20 article seven-A of the general business law, responsible for the securi-
21 ty and theft deterrence in a qualified business, whether employed
22 directly by such business or indirectly through a contractor.

23 2. Eligibility criteria. To be eligible for a tax credit under the
24 commercial security tax credit program, an eligible business must:

25 (a) be a qualified business required to file a tax return pursuant to
26 articles nine, nine-A or twenty-two of the tax law;

27 (b) have qualified retail theft prevention measure expenses that
28 exceed twelve thousand dollars for each New York retail location during
29 the taxable year;

30 (c) provide a certification in a manner and form prescribed by the
31 commissioner that the business entity participates in a community anti-
32 theft partnership as established by the division between businesses and
33 relevant local law enforcement agencies; and

34 (d) may not owe past due state taxes or local property taxes unless
35 the business entity is making payments and complying with an approved
36 binding payment agreement entered into with the taxing authority.

37 3. Application and approval process. (a) A business entity must submit
38 a complete application as prescribed by the commissioner by October
39 thirty-first of each year.

40 (b) The commissioner shall establish procedures for business entities
41 to submit applications. As part of the application, each business entity
42 must:

43 (i) provide evidence of eligibility in a form and manner prescribed by
44 the commissioner;

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

50 (iii) allow the division and its agents access to any and all books
51 and records the division may require to confirm eligibility; and

52 (iv) agree to provide any additional information required by the divi-
53 sion relevant to this section.

54 4. Certificate of tax credit. After reviewing a business entity's
55 completed final application and determining that a business entity meets
56 the eligibility criteria as set forth in this section, the division may

1 issue to that business entity a certificate of tax credit. All applica-
2 tions will be processed by the division in the order they are received
3 and certificates of tax credit may be issued in amounts that, in the
4 aggregate, do not exceed the annual cap as set forth in subdivision
5 seven of this section.

6 5. Commercial security tax credit. (a) For taxable years beginning on
7 or after January first, two thousand twenty-four and before January
8 first, two thousand twenty-six, a business entity in the commercial
9 security tax credit program that meets the eligibility requirements of
10 subdivision two of this section may be eligible to claim a credit equal
11 to three thousand dollars for each retail location of the business enti-
12 ty located in New York state.

13 (b) A business entity may claim the tax credit in the taxable year
14 that begins in the year for which it was allocated a credit by the divi-
15 sion under this section.

16 (c) The credit shall be allowed as provided in section forty-nine,
17 section one hundred eighty-seven-r, subdivision sixty of section two
18 hundred ten-B and subsection (ppp) of section six hundred six of the tax
19 law.

20 (d) The commissioner shall, in consultation with the department of
21 taxation and finance, develop a certificate of tax credit that shall be
22 issued by the commissioner to eligible businesses.

23 (e) The commissioner shall solely determine the eligibility of any
24 applicant applying for entry into the program and shall remove any busi-
25 ness entity from the program for failing to meet any of the requirements
26 set forth in subdivision two and subdivision three of this section. In
27 the event a business entity is removed from the program, the division
28 shall notify the department of taxation and finance of such removal.

29 6. Maintenance of records. Each eligible business participating in the
30 program shall keep all relevant records for the duration of their
31 program participation for at least three years.

32 7. Cap on tax credit. The total amount of tax credits listed on
33 certificates of tax credit issued by the division pursuant to this
34 section may not exceed five million dollars per calendar year.

35 § 2. The tax law is amended by adding a new section 49 to read as
36 follows:

37 § 49. Commercial security tax credit. (a) Allowance of credit. For
38 taxable years beginning on or after January first, two thousand twenty-
39 four and before January first, two thousand twenty-six, a taxpayer
40 required to file a return pursuant to articles nine, nine-A or twenty-
41 two of this chapter shall be allowed a credit against such tax, pursuant
42 to the provisions referenced in subdivision (f) of this section. The
43 amount of the credit is equal to the amount determined pursuant to
44 section eight hundred forty-five-e of the executive law. No cost or
45 expense paid or incurred by the taxpayer that is included as part of the
46 calculation of this credit shall be the basis of any other tax credit
47 allowed under this chapter.

48 (b) To be eligible for the commercial security tax credit, the taxpay-
49 er shall have been issued a certificate of tax credit by the division of
50 criminal justice services pursuant to section eight hundred forty-five-e
51 of the executive law, which certificate shall set forth the amount of
52 the credit that may be claimed for the taxable year. The taxpayer shall
53 be allowed to claim only the amount listed on the certificate of tax
54 credit for the taxable year. A taxpayer that is a partner in a partner-
55 ship, member of a limited liability company or shareholder in a subchap-
56 ter S corporation that has received a certificate of tax credit shall be

1 allowed its pro rata share of the credit earned by the partnership,
2 limited liability company or subchapter S corporation.

3 (c) Tax return requirement. The taxpayer shall be required to attach
4 to its tax return in the form prescribed by the commissioner, proof of
5 receipt of its certificate of tax credit issued by the division of crim-
6 inal justice services.

7 (d) Information sharing. Notwithstanding any provision of this chap-
8 ter, employees of the division of criminal justice services and the
9 department shall be allowed and are directed to share and exchange:

10 (1) information derived from tax returns or reports that is relevant
11 to a taxpayer's eligibility to participate in the commercial security
12 tax credit program;

13 (2) information regarding the credit applied for, allowed or claimed
14 pursuant to this section and taxpayers that are applying for the commer-
15 cial security tax credit program or that are claiming such credit; and

16 (3) information contained in or derived from credit claim forms
17 submitted to the department and applications for admission into the
18 commercial security tax credit program. All information exchanged
19 between the department and the division of criminal justice services
20 shall not be subject to disclosure or inspection under the state's free-
21 dom of information law.

22 (e) Credit recapture. If a certificate of tax credit issued by the
23 division of criminal justice services under section eight hundred
24 forty-five-e of the executive law is revoked by the division, the amount
25 of credit described in this section and claimed by the taxpayer prior to
26 such revocation shall be added back to tax in the taxable year such
27 revocation becomes final.

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

30 (1) article 9; section 187-r;

31 (2) article 9-A: section 210-B, subdivision 60;

32 (3) article 22: section 606, subdivision (ppp).

33 § 3. The tax law is amended by adding a new section 187-r to read as
34 follows:

35 § 187-r. Commercial security tax credit. 1. Allowance of credit. A
36 taxpayer shall be allowed a credit, to be computed as provided in
37 section forty-nine of this chapter, against the tax imposed by this
38 article.

39 2. Application of credit. In no event shall the credit under this
40 section be allowed in an amount that will reduce the tax payable to less
41 than the applicable minimum tax fixed by section one hundred eighty-
42 three of this article. If, however, the amount of credit allowable under
43 this section for any taxable year reduces the tax to such amount, any
44 amount of credit not deductible in such taxable year shall be treated as
45 an overpayment of tax to be refunded in accordance with the provisions
46 of section one thousand eighty-six of this chapter. Provided, however,
47 the provisions of subsection (c) of section one thousand eighty-eight of
48 this chapter notwithstanding, no interest shall be paid thereon.

49 § 4. Section 210-B of the tax law is amended by adding a new subdivi-
50 sion 60 to read as follows:

51 60. Commercial security tax credit. (a) Allowance of credit. A taxpay-
52 er shall be allowed a credit, to be computed as provided in section
53 forty-nine of this chapter, against the taxes imposed by this 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 allowable 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.

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

(ppp) Commercial security tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine 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.

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

<u>(li) Commercial security tax</u>	<u>Amount of credit under</u>
<u>credit under subsection (ppp)</u>	<u>subdivision sixty of</u>
	<u>section two hundred ten-B</u>

§ 7. This act shall take effect immediately.

PART F

Section 1. Intentionally omitted.

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Subdivisions (a), (b) and (d) of section 23 of part U of chapter 61 of the laws of 2011, amending the real property tax law and other laws relating to establishing standards for electronic tax administration, subdivisions (a) and (d) as amended by section 5 of part A of chapter 59 of the laws of 2019 and subdivision (b) as amended by section 5 of part G of chapter 60 of the laws of 2016, are amended to read as follows:

(a) the amendments to section 29 of the tax law made by section thirteen of this act shall apply to tax documents filed or required to be filed on or after the sixtieth day after which this act shall have become a law and shall expire and be deemed repealed December 31, [2024] 2029, provided however that the amendments to paragraph 4 of subdivision (a) of section 29 of the tax law and paragraph 2 of subdivision (e) of section 29 of the tax law made by section thirteen of this act with regard to individual taxpayers shall take effect September 15, 2011 but only if the commissioner of taxation and finance has reported in the report required by section seventeen-b of this act that the percentage of individual taxpayers electronically filing their 2010 income tax returns is less than eighty-five percent; provided that the commissioner of taxation and finance shall notify the legislative bill drafting commission of the date of the issuance of such report in order that the

1 commission may maintain an accurate and timely effective data base of
2 the official text of the laws of the state of New York in furtherance of
3 effectuating the provisions of section 44 of the legislative law and
4 section 70-b of the public officers law;

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

11 (d) sections fourteen-b, fifteen-b, sixteen-a and seventeen-a of this
12 act shall take effect January 1, [~~2025~~] 2030 but only if the commission-
13 er of taxation and finance has reported in the report required by
14 section seventeen-b of this act that the percentage of individual
15 taxpayers electronically filing their 2010 income tax returns is less
16 than eighty-five percent; and

17 § 6. This act shall take effect immediately.

18 PART G

19 Section 1. Subdivision (e) of section 23 of part U of chapter 61 of
20 the laws of 2011, amending the real property tax law and other laws
21 relating to establishing standards for electronic real property tax
22 administration, allowing the department of taxation and finance to use
23 electronic communication means to furnish tax notices and other docu-
24 ments, mandatory electronic filing of tax documents, debit cards issued
25 for tax refunds, improving sales tax compliance, as amended by section 1
26 of part S of chapter 59 of the laws of 2019, is amended to read as
27 follows:

28 (e) sections twenty-one and twenty-one-a of this act shall expire and
29 be deemed repealed December 31, [~~2024~~] 2029.

30 § 2. This act shall take effect immediately.

31 PART H

32 Section 1. Section 1136 of the tax law is amended by adding a new
33 subdivision (d-1) to read as follows:

34 (d-1)(1) Notwithstanding subdivision (d) of this section, a return may
35 be amended where such amendment would not result in the reduction or
36 elimination of a past-due tax liability, as such term is defined in
37 section one hundred seventy-one-v of this chapter. Provided, however,
38 that a person required to collect tax, as defined in section eleven
39 hundred thirty-one of this part, may amend a return within one hundred
40 eighty days of the date such return was due if the past-due liability
41 was self-assessed and reported by such person.

42 (2) Where there is no such past-due tax liability, an amended return
43 that would result in the reduction or elimination of tax due shall be
44 deemed a claim for credit or refund and must be filed within the time
45 required for filing a claim for credit or refund under section eleven
46 hundred thirty-nine of this part and otherwise meet the requirements of
47 such section.

48 (3) Where the commissioner has determined the amount of tax due pursu-
49 ant to paragraph one of subdivision (a) of section eleven hundred thir-
50 ty-eight of this part, an original return may be filed within one
51 hundred eighty days after mailing of notice of such determination.
52 Provided, however, that nothing in this paragraph shall affect any

1 penalty or interest that may have accrued for such tax period on account
2 of failure to timely file the original return.

3 (4) An assessment of tax, penalty and interest, including recovery of
4 a previously paid refund, attributable to a change or correction on a
5 return, may be made at any time within three years after such return is
6 filed.

7 § 2. Subdivision (a) of section 1145 of the tax law is amended by
8 adding a new paragraph 8 to read as follows:

9 (8) Notwithstanding any other provision of this article, any person
10 who willfully files or amends a return that contains false information
11 to reduce or eliminate a liability shall be subject to a penalty not to
12 exceed one thousand dollars per return. This penalty shall be in addi-
13 tion to any other penalty provided by law.

14 § 3. The commissioner of taxation and finance shall be required to
15 provide notice to persons required to collect tax of the amendments made
16 by sections one and two of this act no later than September 1, 2024.

17 § 4. This act shall take effect immediately, provided, however, the
18 amendments made by section one of this act shall apply to returns filed
19 or amended for quarterly periods, as described in subdivision (b) of
20 section 1136 of the tax law, commencing on and after December 1, 2024.

21

PART I

22 Section 1. Subdivision (jj) of section 1115 of the tax law, as amended
23 by section 1 of part M of chapter 59 of the laws of 2021, is amended to
24 read as follows:

25 (jj) Tangible personal property or services otherwise taxable under
26 this article sold to a related person shall not be subject to the taxes
27 imposed by section eleven hundred five of this article or the compensat-
28 ing use tax imposed under section eleven hundred ten of this article
29 where the purchaser can show that the following conditions have been met
30 to the extent they are applicable: (1)(i) the vendor and the purchaser
31 are referenced as either a "covered company" as described in section
32 243.2(f) or a "material entity" as described in section 243.2(1) of the
33 Code of Federal Regulations in a resolution plan that has been submitted
34 to an agency of the United States for the purpose of satisfying subpara-
35 graph 1 of paragraph (d) of section one hundred sixty-five of the Dodd-
36 Frank Wall Street Reform and Consumer Protection Act (the "Act") or any
37 successor law, or (ii) the vendor and the purchaser are separate legal
38 entities pursuant to a divestiture directed pursuant to subparagraph 5
39 of paragraph (d) of section one hundred sixty-five of such act or any
40 successor law; (2) the sale would not have occurred between such related
41 entities were it not for such resolution plan or divestiture; and (3) in
42 acquiring such property or services, the vendor did not claim an
43 exemption from the tax imposed by this state or another state based on
44 the vendor's intent to resell such services or property. A person is
45 related to another person for purposes of this subdivision if the person
46 bears a relationship to such person described in section two hundred
47 sixty-seven of the internal revenue code. The exemption provided by this
48 subdivision shall not apply to sales made, services rendered, or uses
49 occurring after June thirtieth, two thousand [~~twenty-four~~] twenty-five,
50 except with respect to sales made, services rendered, or uses occurring
51 pursuant to binding contracts entered into on or before such date; but
52 in no case shall such exemption apply after June thirtieth, two thousand
53 [~~twenty-seven~~] twenty-eight.

1 § 1-a. Section 181 of the executive law is amended by adding a new
2 subdivision 4 to read as follows:

3 4. No later than February first, two thousand twenty-five, the divi-
4 sion of the budget shall submit a special report on the cost of the tax
5 expenditure authorized under subdivision (jj) of section eleven hundred
6 fifteen of the tax law to the governor, the temporary president of the
7 senate, the speaker of the assembly, and the chairs of the legislative
8 fiscal committees. The division shall work with the commissioner of
9 taxation and finance to find a method to quantify the loss of revenue
10 from this tax expenditure, including, but not limited to, by surveying
11 businesses impacted by this tax expenditure. The division shall also
12 publish this special report on its website.

13 § 2. This act shall take effect immediately.

14 PART J

15 Section 1. Subparagraph (B) of paragraph 1 of subdivision (a) of
16 section 1115 of the tax law, as amended by section 1 of part R of chap-
17 ter 59 of the laws of 2023, is amended to read as follows:

18 (B) Until May thirty-first, two thousand [~~twenty-four~~] twenty-five,
19 the food and drink excluded from the exemption provided by clauses (i),
20 (ii) and (iii) of subparagraph (A) of this paragraph, and bottled water,
21 shall be exempt under this subparagraph: (i) when sold for one dollar
22 and fifty cents or less through any vending machine that accepts coin or
23 currency only; or (ii) when sold for two dollars or less through any
24 vending machine that accepts any form of payment other than coin or
25 currency, whether or not it also accepts coin or currency.

26 § 2. This act shall take effect immediately.

27 PART K

28 Section 1. The multiple residence law is amended by adding a new arti-
29 cle 2-A to read as follows:

30 ARTICLE 2-A

31 SHORT-TERM RESIDENTIAL RENTAL UNITS

32 Section 20. Definitions.

33 21. Short-term residential rental units; regulation.

34 22. Registration.

35 23. Exceptions.

36 24. Penalties.

37 24-a. Enforcement.

38 24-b. Data sharing.

39 § 20. Definitions. For the purposes of this article, the following
40 terms shall have the following meanings:

41 1. "Short-term residential rental unit" means an entire dwelling unit,
42 or a room, group of rooms, other living or sleeping space, or any other
43 space within a dwelling, made available for rent by guests for less than
44 thirty consecutive days, where the unit is offered for tourist or tran-
45 sient use by the short-term rental host of the residential unit.

46 2. "Short-term rental host" means a person or entity in valid legal
47 possession of a short-term rental unit who rents such unit to guests.

48 3. "Booking service" means a person or entity who, directly or indi-
49 rectly:

50 (a) provides one or more online, computer or application-based plat-
51 forms that individually or collectively can be used to:

52 (i) list or advertise offers for short-term rentals, and

1 (ii) either accept such offers, or reserve or pay for such rentals;
2 and

3 (b) charges, collects or receives a fee for the use of such a platform
4 or for provision of any service in connection with a short-term rental.
5 A booking service shall not be construed to include a platform that
6 solely lists or advertises offers for short-term rentals.

7 § 21. Short-term residential rental units; regulation. 1. A short-term
8 rental host may operate a dwelling unit as a short-term residential
9 rental unit provided such dwelling unit:

10 (a) is registered in accordance with section twenty-two of this arti-
11 cle;

12 (b) is not used to provide single-room occupancy as defined by subdi-
13 vision forty-four of section four of this chapter;

14 (c) includes a conspicuously posted evacuation diagram identifying all
15 means of egress from the unit and the building in which it is located;

16 (d) includes a conspicuously posted list of emergency phone numbers
17 for police, fire, and poison control;

18 (e) has a working fire-extinguisher; and

19 (f) is insured by an insurer licensed to write insurance in this state
20 or procured by a duly licensed excess line broker pursuant to section
21 two thousand one hundred eighteen of the insurance law for at least the
22 value of the dwelling, plus a minimum of three hundred thousand dollars
23 coverage for third party claims of property damage or bodily injury that
24 arise out of the operation of a short-term rental unit. Notwithstanding
25 any other provision of law, no insurer shall be required to provide such
26 coverage.

27 2. Occupancies of a short-term rental unit shall be subject to taxes
28 and fees pursuant to articles twenty-eight and twenty-nine of the tax
29 law and applicable local laws.

30 3. Short-term rental hosts shall maintain records related to guest
31 stays for two years following the end of the calendar year in which an
32 individual rental stay occurred, including the date of each stay and
33 number of guests, the cost for each stay, including relevant tax, and
34 records related to their registration as short-term rental hosts with
35 the department of state. As a requirement for registration under section
36 twenty-two of this article, hosts shall provide these records to the
37 department of state on an annual basis. The department shall share this
38 report with county, city, town, or village governments and shall make
39 such reports available to local municipal enforcement agencies upon
40 request. Where the booking platform is the short-term rental host, the
41 short-term rental host may be exempt from providing such report provided
42 that the booking platform includes all necessary information required of
43 a short-term rental host in the report required pursuant to subdivision
44 four of this section.

45 4. Notwithstanding the provisions of any other law or administrative
46 action to the contrary, booking services shall develop and maintain a
47 report related to short-term rental unit guest stays that the booking
48 service has facilitated in the state for two years following the end of
49 the calendar year in which an individual rental stay occurred. The
50 report shall include the dates of each stay and the number of guests,
51 the cost for each stay, including relevant tax, the physical address,
52 including any unit designation, of each short-term rental unit booked,
53 the full legal name of each short-term rental unit's host, and each
54 short-term rental unit's registration number. In the event a booking
55 service does not adhere to subdivision two of section twenty-two of this
56 article, or more information is deemed necessary by the department of

1 state, the department may access this report and/or all relevant records
2 from a booking service in response to valid legal process. The depart-
3 ment shall share this report and/or records with county, city, town, or
4 village governments and shall make such reports available to local
5 municipal enforcement agencies when lawfully requested. Reports and any
6 records provided to generate such reports shall not be made publicly
7 available without the redaction of the full legal name of each short-
8 term rental unit's host, the street name and number of the physical
9 address of any identified short-term rental unit and the unit's regis-
10 tration number.

11 5. It shall be unlawful for a booking service to collect a fee for
12 facilitating booking transactions for short-term residential rental
13 units located in this state if the short-term rental unit and its owner
14 or tenant have not been issued a current, valid registration by the
15 department of state or an applicable municipality.

16 6. The provisions of this article shall apply to all short-term resi-
17 dential rental units in the state; provided, however, that a munici-
18 pality that has its own short-term residential rental unit registry may
19 continue such registry and all short-term residential rental units in
20 such municipality shall be required to be registered with such municipal
21 registry and shall not be required to register with the department of
22 state. Municipalities with short-term residential rental registries
23 shall establish and effectuate standards for the health and safety of
24 guests, including, but not limited to, the standards established in
25 paragraphs (c), (d) and (e) of subdivision one of this section. Muni-
26 icipalities with short-term residential rental unit registries shall main-
27 tain the authority to manage such registries and to collect fines for
28 violations related to the registration of short-term residential rental
29 units. Municipalities with short-term residential rental unit regis-
30 tries shall provide information on short-term residential rental units
31 registered within such municipality to the department of state, on a
32 quarterly basis of each calendar year, in order for the department to
33 maintain a current database of all short-term residential units regis-
34 tered within the state. Municipalities with short-term residential
35 rental unit registries shall not be subject to the regulation require-
36 ments of this section and may establish registration requirements and
37 regulations in such municipality which may differ from the requirements
38 of this section.

39 § 22. Registration. 1. Short-term rental hosts shall be required to
40 register a short-term residential rental unit with the department of
41 state or with the municipality where such short-term residential unit is
42 located if such municipality has a registration system; provided, howev-
43 er, that the department of state shall not accept an application to
44 register a short-term residential rental unit for a unit that is located
45 in a municipality which has its own registration system and that has
46 notified the department of state of such registration system. Where a
47 short-term rental is located in a jurisdiction that has multiple munici-
48 pal registration systems, the host shall select only one such municipal
49 registration system to register under. No municipality shall require a
50 host to register under their registration system where a host is
51 lawfully registered with another municipal registration system.

52 (a) Registration with the department of state shall be valid for two
53 years, after which time the short-term rental host may renew his or her
54 registration in a manner prescribed by the department of state. The
55 department of state may revoke the registration of a short-term rental
56 host upon a determination that the short-term rental host has violated

1 any provision of this article at least three times in two calendar
2 years, and may determine that the short-term rental host shall be ineli-
3 gible for registration for a period of up to twelve months from the date
4 of such determination or at the request of a municipality when such
5 municipality requests such revocation due to illegal occupancy. Listing
6 or using a dwelling unit, or portion thereof, as a short-term residen-
7 tial rental unit without current, valid registration shall be unlawful
8 and shall make persons who list or use such unit ineligible for regis-
9 tration for a period of twelve months from the date a determination is
10 made that a violation has occurred.

11 (b) A short-term rental host shall include their current, valid regis-
12 tration number on all offerings, listings or advertisements for short-
13 term rental guest stays.

14 (c) A tenant, or other person that does not own a unit that is used as
15 a short-term rental unit but is in valid legal possession of a short-
16 term residential rental unit, shall not qualify for registration if they
17 are not the permanent occupant of the dwelling unit in question and have
18 not been granted permission in writing by the owner for its short-term
19 rental, to be verified by the department of state or any municipality
20 with its own registration system.

21 (d) The department of state shall make available to platforms the
22 data necessary to allow booking platforms to verify the registration
23 status of a short-term residential rental unit and that the unit is
24 associated with the short-term rental host who registered the unit.

25 (e) The short-term rental host shall pay application and renewal fees
26 in an amount to be established by the department of state.

27 (f) There shall be a fee for the use of the electronic verification
28 system in an amount to be established by the department of state. Such
29 fee shall not exceed the cost to build, operate, and maintain such
30 system.

31 2. Notwithstanding the provisions of any other law or administrative
32 action to the contrary, it shall be unlawful for a booking service to
33 collect a fee for facilitating booking transactions for short-term resi-
34 dential rental units located in this state without first registering
35 with the department of state. Accordingly, booking services shall adhere
36 to the following, in addition to other regulations established by the
37 department, as conditions of such registration:

38 (a) Booking services shall provide to the department on a quarterly
39 basis, in a form and manner to be determined by the department, the
40 report developed and maintained by the booking service in accordance
41 with subdivision four of section twenty-one of this article. The depart-
42 ment shall share this report with county, city, town, or village govern-
43 ments and shall make such reports available to local municipal enforce-
44 ment agencies when lawfully requested.

45 (b) A booking service shall provide agreement in writing to the
46 department that it will:

47 (i) Obtain written consent from all short-term rental hosts intending
48 to utilize their platform, for short-term residential rental units
49 located in this state, for the disclosure of the information pursuant to
50 subdivision four of section twenty-one of this article, in accordance
51 with paragraph (a) of this subdivision; and

52 (ii) Furnish the information identified pursuant to subdivision four
53 of section twenty-one of this article, in accordance with paragraph (a)
54 of this subdivision.

55 3. The department of state shall set a fee for short-term residential
56 rental unit and booking service registration with the department.

1 § 23. Exceptions. Notwithstanding the provisions of any other law to
2 the contrary, this article shall not apply to:

3 1. Incidental and occasional occupancy of such dwelling unit for
4 fewer than thirty consecutive days by other persons when the permanent
5 occupants are temporarily absent for personal reasons, such as vacation
6 or medical treatment, provided that there is no monetary compensation
7 paid to the permanent occupants for such occupancy; or

8 2. A municipality which does not allow short-term residential rentals;
9 provided, however, that such municipality shall request an exception
10 from this article; or

11 3. Temporary housing or lodging permitted by the department of health.

12 § 24. Penalties. Notwithstanding the provisions of any other law to
13 the contrary:

14 1. Any booking service which collects a fee related to booking a unit
15 as a short-term rental, where such unit is not registered in accordance
16 with this article, shall be fined in accordance with subdivisions four
17 and five of this section. The secretary of state or their designee may
18 also seek an injunction from a court of competent jurisdiction prohibit-
19 ing the collection of any fees relating to the offering or renting of
20 the unit as a short-term residential rental.

21 2. Any person who offers a short-term residential rental unit without
22 registering with the department of state or municipal registration
23 system, or any person who offers an eligible short-term residential
24 rental unit as a short-term rental while the unit's registration on the
25 short-term residential rental unit registry is suspended, shall be fined
26 in accordance with subdivisions four and five of this section.

27 3. Any person who fails to comply with any notice of violation or
28 other order issued pursuant to this article by the department of state
29 for a violation of any provision of this article shall be fined in
30 accordance with subdivisions four and five of this section.

31 4. In a municipality that does not have its own registration system, a
32 short-term rental host that violates the requirements of this article
33 shall receive a warning notice issued, without penalty, by the depart-
34 ment of state upon the first and second violation. The warning notice
35 shall detail actions to be taken to cure the violation. A two hundred
36 dollar fine shall be imposed upon the third violation. A one thousand
37 dollar fine per day shall be imposed upon all subsequent violations.
38 Upon the occurrence of a violation, a seven-day period to cure the
39 violation shall be granted. During such period, no further fines shall
40 be accumulated against the short-term rental host, except where the new
41 violation is related to a different short-term rental unit.

42 5. In a municipality that does not have its own registration system, a
43 booking service that violates the requirements of this article shall be
44 issued a five hundred dollar fine per day, per violation, until such
45 violation is cured.

46 6. In a municipality that has its own registration system, the munici-
47 pality may establish and effectuate its own penalty system.

48 § 24-a. Enforcement. 1. The provisions of this article may be enforced
49 in accordance with article eight of this chapter.

50 2. The department of state may enter into agreements with a booking
51 service for assistance in enforcing the provisions of this section,
52 including but not limited to an agreement whereby the booking service
53 agrees to remove a listing from its platform that is deemed ineligible
54 for use as a short-term residential rental unit under the provisions of
55 this article, and whereby the booking service agrees to prohibit a

1 short-term rental host from listing any listing without a valid regis-
2 tration number.

3 3. The attorney general shall be authorized to bring an action for a
4 violation of this article for any such violations occurring in the
5 state, regardless of the registration system in place within the appli-
6 cable jurisdiction.

7 4. A municipality shall be entitled to bring an action for a violation
8 of this article for any such violations of this article occurring in the
9 municipality, and may notify the attorney general.

10 § 24-b. Data sharing. Booking services shall provide to the depart-
11 ment of state and municipalities, on a monthly basis, an electronic
12 report, in a format determined by the department of state of the list-
13 ings maintained, authorized, facilitated or advertised by the booking
14 service within the state for the applicable reporting period. The report
15 shall include the registration number, and a breakdown of where the
16 listings are located, whether the listing is for a partial unit or a
17 whole unit, and shall include the number of nights each unit was
18 reported as occupied during the applicable reporting period.

19 § 2. The multiple dwelling law is amended by adding a new article 2-A
20 to read as follows:

21 ARTICLE 2-A

22 SHORT-TERM RESIDENTIAL RENTAL UNITS

23 Section 20. Definitions.

24 21. Short-term residential rental units; regulation.

25 22. Registration.

26 23. Exceptions.

27 24. Penalties.

28 24-a. Enforcement.

29 24-b. Data sharing.

30 § 20. Definitions. For the purposes of this article, the following
31 terms shall have the following meanings:

32 1. "Short-term residential rental unit" means an entire dwelling unit,
33 or a room, group of rooms, other living or sleeping space, or any other
34 space within a dwelling, made available for rent by guests for less than
35 thirty consecutive days, where the unit is offered for tourist or tran-
36 sient use by the short-term rental host of the residential unit.

37 2. "Short-term rental host" means a person or entity in valid legal
38 possession of a short-term rental unit who rents such unit to guests.

39 3. "Booking service" means a person or entity who, directly or indi-
40 rectly:

41 (a) provides one or more online, computer or application-based plat-
42 forms that individually or collectively can be used to:

43 (i) list or advertise offers for short-term rentals, and

44 (ii) either accept such offers, or reserve or pay for such rentals;

45 and

46 (b) charges, collects or receives a fee for the use of such a platform
47 or for provision of any service in connection with a short-term rental.

48 A booking service shall not be construed to include a platform that
49 solely lists or advertises offers for short-term rentals.

50 § 21. Short-term residential rental units; regulation. 1. A short-term
51 rental host may operate a dwelling unit as a short-term residential
52 rental unit provided such dwelling unit:

53 (a) is registered in accordance with section twenty-two of this arti-
54 cle;

1 (b) is not used to provide single room occupancy as defined by subdivi-
2 vision sixteen of section four of this chapter;

3 (c) includes a conspicuously posted evacuation diagram identifying all
4 means of egress from the unit and the building in which it is located;

5 (d) includes a conspicuously posted list of emergency phone numbers
6 for police, fire, and poison control;

7 (e) has a working fire-extinguisher; and

8 (f) is insured by an insurer licensed to write insurance in this state
9 or procured by a duly licensed excess line broker pursuant to section
10 two thousand one hundred eighteen of the insurance law for at least the
11 value of the dwelling, plus a minimum of three hundred thousand dollars
12 coverage for third party claims of property damage or bodily injury that
13 arise out of the operation of a short-term rental unit. Notwithstanding
14 any other provision of law, no insurer shall be required to provide such
15 coverage.

16 2. Occupancies of a short-term rental unit shall be subject to taxes
17 and fees pursuant to articles twenty-eight and twenty-nine of the tax
18 law and applicable local laws.

19 3. Short-term rental hosts shall maintain records related to guest
20 stays for two years following the end of the calendar year in which an
21 individual rental stay occurred, including the date of each stay and
22 number of guests, the cost for each stay, including relevant tax, and
23 records related to their registration as short-term rental hosts with
24 the department of state. As a requirement for registration under section
25 twenty-two of this article, hosts shall provide these records to the
26 department of state on an annual basis. The department shall share this
27 report with county, city, town, or village governments and shall make
28 such reports available to local municipal enforcement agencies upon
29 request. Where the booking platform is the short-term rental host, the
30 short-term rental host may be exempt from providing such report provided
31 that the booking platform includes all necessary information required of
32 a short-term rental host in the report required pursuant to subdivision
33 four of this section.

34 4. Notwithstanding the provisions of any other law or administrative
35 action to the contrary, booking services shall develop and maintain a
36 report related to short-term rental unit guest stays that the booking
37 service has facilitated in the state for two years following the end of
38 the calendar year in which an individual rental stay occurred. The
39 report shall include the dates of each stay and the number of guests,
40 the cost for each stay, including relevant tax, the physical address,
41 including any unit designation, of each short-term rental unit booked,
42 the full legal name of each short-term rental unit's host, and each
43 short-term rental unit's registration number. In the event a booking
44 service does not adhere to subdivision two of section twenty-two of this
45 article, or more information is deemed necessary by the department of
46 state, the department may access this report and/or all relevant records
47 from a booking service in response to valid legal process. The depart-
48 ment shall share this report and/or records with county, city, town, or
49 village governments and shall make such reports available to local
50 municipal enforcement agencies when lawfully requested. Reports and any
51 records provided to generate such reports shall not be made publicly
52 available without the redaction of the full legal name of each short-
53 term rental unit's host, the street name and number of the physical
54 address of any identified short-term rental unit and the unit's regis-
55 tration number.

1 5. It shall be unlawful for a booking service to collect a fee for
2 facilitating booking transactions for short-term residential rental
3 units located in this state if the short-term rental unit and its owner
4 or tenant have not been issued a current, valid registration by the
5 department of state or an applicable municipality.

6 6. The provisions of this article shall apply to all short-term resi-
7 dential rental units in the state; provided, however, that a munici-
8 pality that has its own short-term residential rental unit registry may
9 continue such registry and all short-term residential rental units in
10 such municipality shall be required to be registered with such municipal
11 registry and shall not be required to register with the department of
12 state. Municipalities with short-term residential rental registries
13 shall establish and effectuate standards for the health and safety of
14 guests, including, but not limited to, the standards established in
15 paragraphs (c), (d) and (e) of subdivision one of this section. Muni-
16 icipalities with short-term residential rental unit registries shall main-
17 tain the authority to manage such registries and to collect fines for
18 violations related to the registration of short-term residential rental
19 units. Municipalities with short-term residential rental unit registries
20 shall provide information on short-term residential rental units regis-
21 tered within such municipality to the department of state, on a quarter-
22 ly basis of each calendar year in order for the department to maintain a
23 current database of all short-term residential units registered within
24 the state. Municipalities with short-term residential rental unit regis-
25 tries shall not be subject to the regulation requirements of this
26 section and may establish registration requirements and regulations in
27 such municipality which may differ from the requirements of this
28 section.

29 § 22. Registration. 1. Short-term rental hosts shall be required to
30 register a short-term residential rental unit with the department of
31 state or with the municipality where such short-term residential unit is
32 located if such municipality has a registration system; provided, howev-
33 er, that the department of state shall not accept an application to
34 register a short-term residential rental unit for a unit that is located
35 in a municipality which has its own registration system and that has
36 notified the department of state of such registration system. Where a
37 short-term rental is located in a jurisdiction that has multiple munici-
38 pal registration systems, the host shall select only one such municipal
39 registration system to register under. No municipality shall require a
40 host to register under their registration system where a host is
41 lawfully registered with another municipal registration system.

42 (a) Registration with the department of state shall be valid for two
43 years, after which time the short-term rental host may renew his or her
44 registration in a manner prescribed by the department of state. The
45 department of state may revoke the registration of a short-term rental
46 host upon a determination that the short-term rental host has violated
47 any provision of this article at least three times in two calendar
48 years, and may determine that the short-term rental host shall be ineli-
49 gible for registration for a period of up to twelve months from the date
50 of such determination or at the request of a municipality when such
51 municipality requests such revocation due to illegal occupancy. Listing
52 or using a dwelling unit, or portion thereof, as a short-term residen-
53 tial rental unit without current, valid registration shall be unlawful
54 and shall make persons who list or use such unit ineligible for regis-
55 tration for a period of twelve months from the date a determination is
56 made that a violation has occurred.

1 (b) A short-term rental host shall include their current, valid regis-
2 tration number on all offerings, listings or advertisements for short-
3 term rental guest stays.

4 (c) A tenant, or other person that does not own a unit that is used as
5 a short-term rental unit but is in valid legal possession of a short-
6 term residential rental unit, shall not qualify for registration if they
7 are not the permanent occupant of the dwelling unit in question and have
8 not been granted permission in writing by the owner for its short-term
9 rental, to be verified by the department of state or any municipality
10 with its own registration system.

11 (d) The department of state shall make available to platforms the data
12 necessary to allow booking platforms to verify the registration status
13 of a short-term residential rental unit and that the unit is associated
14 with the short-term rental host who registered the unit.

15 (e) The short-term rental host shall pay application and renewal fees
16 in an amount to be established by the department of state.

17 (f) There shall be a fee for the use of the electronic verification
18 system in an amount to be established by the department of state. Such
19 fee shall not exceed the cost to build, operate, and maintain such
20 system.

21 2. Notwithstanding the provisions of any other law or administrative
22 action to the contrary, it shall be unlawful for a booking service to
23 collect a fee for facilitating booking transactions for short-term resi-
24 dential rental units located in this state without first registering
25 with the department of state. Accordingly, booking services shall adhere
26 to the following, in addition to other regulations established by the
27 department, as conditions of such registration:

28 (a) Booking services shall provide to the department on a quarterly
29 basis, in a form and manner to be determined by the department, the
30 report developed and maintained by the booking service in accordance
31 with subdivision four of section twenty-one of this article. The depart-
32 ment shall share this report with county, city, town, or village govern-
33 ments and shall make such reports available to local municipal enforce-
34 ment agencies when lawfully requested.

35 (b) A booking service shall provide agreement in writing to the
36 department that it will:

37 (i) Obtain written consent from all short-term rental hosts intending
38 to utilize their platform, for short-term residential rental units
39 located in this state, for the disclosure of the information pursuant to
40 subdivision four of section twenty-one of this article, in accordance
41 with paragraph (a) of this subdivision; and

42 (ii) Furnish the information identified pursuant to subdivision four
43 of section twenty-one of this article, in accordance with paragraph (a)
44 of this subdivision.

45 3. The department of state shall set a fee for short-term residential
46 rental unit and booking service registration with the department.

47 § 23. Exceptions. Notwithstanding the provisions of any other law to
48 the contrary, this article shall not apply to:

49 1. Incidental and occasional occupancy of such dwelling unit for fewer
50 than thirty consecutive days by other persons when the permanent occu-
51 pants are temporarily absent for personal reasons, such as vacation or
52 medical treatment, provided that there is no monetary compensation paid
53 to the permanent occupants for such occupancy; or

54 2. A municipality which does not allow short-term residential rentals;
55 provided, however, that such municipality shall request an exception
56 from this article; or

1 3. Temporary housing or lodging permitted by the department of health.
2 § 24. Penalties. Notwithstanding the provisions of any other law to
3 the contrary:

4 1. Any booking service which collects a fee related to booking a unit
5 as a short-term rental, where such unit is not registered in accordance
6 with this article, shall be fined in accordance with subdivisions four
7 and five of this section. The secretary of state or their designee may
8 also seek an injunction from a court of competent jurisdiction prohibit-
9 ing the collection of any fees relating to the offering or renting of
10 the unit as a short-term residential rental.

11 2. Any person who offers a short-term residential rental unit without
12 registering with the department of state or municipal registration
13 system, or any person who offers an eligible short-term residential
14 rental unit as a short-term rental while the unit's registration on the
15 short-term residential rental unit registry is suspended, shall be fined
16 in accordance with subdivisions four and five of this section.

17 3. Any person who fails to comply with any notice of violation or
18 other order issued pursuant to this article by the department of state
19 for a violation of any provision of this article shall be fined in
20 accordance with subdivisions four and five of this section.

21 4. In a municipality that does not have its own registration system, a
22 short-term rental host that violates the requirements of this article
23 shall receive a warning notice issued, without penalty, by the depart-
24 ment of state upon the first and second violation. The warning notice
25 shall detail actions to be taken to cure the violation. A two hundred
26 dollar fine shall be imposed upon the third violation. A one thousand
27 dollar fine per day shall be imposed upon all subsequent violations.
28 Upon the occurrence of a violation, a seven-day period to cure the
29 violation shall be granted. During such period, no further fines shall
30 be accumulated against the short-term rental host, except where the new
31 violation is related to a different short-term rental unit.

32 5. In a municipality that does not have its own registration system, a
33 booking service that violates the requirements of this article shall be
34 issued a five hundred dollar fine per day, per violation, until the
35 violation is cured.

36 6. In a municipality that has its own registration system, the munici-
37 pality may establish and effectuate its own penalty system.

38 § 24-a. Enforcement. 1. The provisions of this article may be enforced
39 in accordance with article eight of this chapter.

40 2. The department of state may enter into agreements with a booking
41 service for assistance in enforcing the provisions of this section,
42 including but not limited to an agreement whereby the booking service
43 agrees to remove a listing from its platform that is deemed ineligible
44 for use as a short-term residential rental unit under the provisions of
45 this article, and whereby the booking service agrees to prohibit a
46 short-term rental host from listing any listing without a valid regis-
47 tration number.

48 3. The attorney general shall be authorized to bring an action for a
49 violation of this article for any such violations occurring in the
50 state, regardless of the registration system in place within the appli-
51 cable jurisdiction.

52 4. A municipality shall be entitled to bring an action for a violation
53 of this article for any such violations of this article occurring in the
54 municipality, and may notify the attorney general.

55 § 24-b. Data sharing. Booking services shall provide to the department
56 of state and municipalities, on a monthly basis, an electronic report,

1 in a format determined by the department of state of the listings main-
2 tained, authorized, facilitated or advertised by the booking service
3 within the state for the applicable reporting period. The report shall
4 include the registration number, and a breakdown of where the listings
5 are located, whether the listing is for a partial unit or a whole unit,
6 and shall include the number of nights each unit was reported as occu-
7 piated during the applicable reporting period.

8 § 3. Subdivision (c) of section 1101 of the tax law, as added by chap-
9 ter 93 of the laws of 1965, paragraphs 2, 3, 4 and 6 as amended by
10 section 2 and paragraph 8 as added by section 3 of part AA of chapter 57
11 of the laws of 2010, and paragraph 5 as amended by chapter 575 of the
12 laws of 1965, is amended to read as follows:

13 (c) When used in this article for the purposes of the tax imposed
14 under subdivision (e) of section eleven hundred five of this article,
15 and subdivision (a) of section eleven hundred four of this article, the
16 following terms shall mean:

17 (1) Hotel. A building or portion of it which is regularly used and
18 kept open as such for the lodging of guests. The term "hotel" includes
19 an apartment hotel, a motel, boarding house or club, whether or not
20 meals are served, and short-term rental units.

21 (2) Occupancy. The use or possession, or the right to the use or
22 possession, of any room in a hotel. "Right to the use or possession"
23 includes the rights of a room remarketer as described in paragraph eight
24 of this subdivision.

25 (3) Occupant. A person who, for a consideration, uses, possesses, or
26 has the right to use or possess, any room in a hotel under any lease,
27 concession, permit, right of access, license to use or other agreement,
28 or otherwise. "Right to use or possess" includes the rights of a room
29 remarketer as described in paragraph eight of this subdivision.

30 (4) Operator. Any person operating a hotel. Such term shall include a
31 room remarketer and such room remarketer shall be deemed to operate a
32 hotel, or portion thereof, with respect to which such person has the
33 rights of a room remarketer.

34 (5) Permanent resident. Any occupant of any room or rooms in a hotel
35 for at least ninety consecutive days shall be considered a permanent
36 resident with regard to the period of such occupancy.

37 (6) Rent. The consideration received for occupancy, including any
38 service or other charge or amount required to be paid as a condition for
39 occupancy, valued in money, whether received in money or otherwise and
40 whether received by the operator [~~or~~], a booking service, a room remark-
41 eter or another person on behalf of [~~either~~] any of them.

42 (7) Room. Any room or rooms of any kind in any part or portion of a
43 hotel, which is available for or let out for any purpose other than a
44 place of assembly.

45 (8) Room remarketer. A person who reserves, arranges for, conveys, or
46 furnishes occupancy, whether directly or indirectly, to an occupant for
47 rent in an amount determined by the room remarketer, directly or indi-
48 rectly, whether pursuant to a written or other agreement. Such person's
49 ability or authority to reserve, arrange for, convey, or furnish occu-
50 pancy, directly or indirectly, and to determine rent therefor, shall be
51 the "rights of a room remarketer". A room remarketer is not a permanent
52 resident with respect to a room for which such person has the rights of
53 a room remarketer. This term does not include a booking service unless
54 such service otherwise meets this definition.

55 (9) Short-term rental unit. A short-term residential unit as defined
56 in section twenty of the multiple residence law or in section twenty of

1 the multiple dwelling law which is registered with the department of
2 state or a municipal registration system, which includes but is not
3 limited to title twenty-six of the administrative code of the city of
4 New York.

5 (10) Booking service. (i) A person or entity who, directly or indi-
6 rectly:

7 (A) provides one or more online, computer or application-based plat-
8 forms that individually or collectively can be used to:

9 (I) list or advertise offers for rental of a short-term rental unit,
10 or space in a short-term rental unit, a type of a hotel as defined in
11 paragraph one of this subdivision, and

12 (II) either accept such offers, or reserve or pay for such rentals;
13 and

14 (B) charges, collects or receives a fee from a customer or host for
15 the use of such a platform or for provision of any service in connection
16 with the rental of a short-term rental unit, or space in a short-term
17 rental unit, a type of a hotel as defined in paragraph one of this
18 subdivision. For the purposes of this section, "customer" means an
19 individual or organization that purchases a stay at a short-term rental.

20 (ii) A booking service shall not include a person or entity who facil-
21 itates bookings of hotel rooms solely on behalf of affiliated persons or
22 entities, including franchisees, operating under a shared hotel brand.

23 (iii) A booking service shall not include a person or entity who
24 facilitates bookings of hotel rooms and does not collect and retain the
25 rent paid for such occupancy, as defined by paragraph six of this subdivi-
26 vision.

27 § 4. Subdivision (e) of section 1105 of the tax law is amended by
28 adding a new paragraph 3 to read as follows:

29 (3) The rent for every occupancy of a room or rooms in a short-term
30 rental unit, or space in a short-term rental unit, a type of a hotel
31 offered for rent through a booking service, as defined in paragraph ten
32 of subdivision (c) of section eleven hundred one of this article,
33 regardless of whether it is furnished, limited to a single family occu-
34 pancy, or provides housekeeping, food, or other common hotel services,
35 including, but not limited to, entertainment or planned activities.

36 § 5. Subdivision 1 of section 1131 of the tax law, as amended by
37 section 2 of part G of chapter 59 of the laws of 2019, is amended to
38 read as follows:

39 (1) "Persons required to collect tax" or "person required to collect
40 any tax imposed by this article" shall include: every vendor of tangible
41 personal property or services; every recipient of amusement charges;
42 every operator of a hotel; ~~and~~ every marketplace provider with respect
43 to sales of tangible personal property it facilitates as described in
44 paragraph one of subdivision (e) of section eleven hundred one of this
45 article; and booking services unless relieved of such obligation pursu-
46 ant to paragraph three of subdivision (m) of section eleven hundred
47 thirty-two of this part. Said terms shall also include any officer,
48 director or employee of a corporation or of a dissolved corporation, any
49 employee of a partnership, any employee or manager of a limited liabil-
50 ity company, or any employee of an individual proprietorship who as such
51 officer, director, employee or manager is under a duty to act for such
52 corporation, partnership, limited liability company or individual
53 proprietorship in complying with any requirement of this article, or has
54 so acted; and any member of a partnership or limited liability company.
55 Provided, however, that any person who is a vendor solely by reason of
56 clause (D) or (E) of subparagraph (i) of paragraph (8) of subdivision

1 (b) of section eleven hundred one of this article shall not be a "person
2 required to collect any tax imposed by this article" until twenty days
3 after the date by which such person is required to file a certificate of
4 registration pursuant to section eleven hundred thirty-four of this
5 part.

6 § 6. Section 1132 of the tax law is amended by adding a new subdivi-
7 sion (m) to read as follows:

8 (m) (1) A booking service shall be required to (i) collect from the
9 occupants the applicable taxes arising from such occupancies; (ii)
10 comply with all the provisions of this article and article twenty-nine
11 of this chapter and any regulations adopted pursuant thereto; (iii)
12 register to collect tax under section eleven hundred thirty-four of this
13 part; and (iv) retain records and information as required by the commis-
14 sioner and cooperate with the commissioner to ensure the proper
15 collection and remittance of tax imposed, collected, or required to be
16 collected under this article and article twenty-nine of this chapter.

17 (2) In carrying out the obligations imposed under this section, a
18 booking service shall have all the duties, benefits, and entitlements of
19 a person required to collect tax under this article and article twenty-
20 nine of this chapter with respect to the occupancies giving rise to the
21 tax obligation, including the right to accept a certificate or other
22 documentation from an occupant substantiating an exemption or exclusion
23 from tax, as if such booking service were the operator of the hotel with
24 respect to such occupancy, including the right to receive the refund
25 authorized by subdivision (e) of this section and the credit allowed by
26 subdivision (f) of section eleven hundred thirty-seven of this part.

27 (3) An operator of a hotel is not a person required to collect tax for
28 purposes of this part with respect to taxes imposed upon occupancies of
29 hotels if:

30 (i) the operator of the hotel can show that the occupancy was facili-
31 tated by a booking service who is registered to collect tax pursuant to
32 section eleven hundred thirty-four of this part; and

33 (ii) the operator of the hotel accepted from the booking service a
34 properly completed certificate of collection in a form prescribed by the
35 commissioner certifying that the booking service has agreed to assume
36 the tax collection and filing responsibilities of the operator of the
37 hotel; and

38 (iii) any failure of the booking service to collect the proper amount
39 of tax with respect to such occupancy was not the result of the operator
40 of the hotel providing incorrect information to the booking service,
41 whether intentional or unintentional.

42 This provision shall be administered in a manner consistent with
43 subparagraph (i) of paragraph one of subdivision (c) of this section as
44 if a certificate of collection were a resale or exemption certificate
45 for purposes of such subparagraph, including with regard to the
46 completeness of such certificate of collection and the timing of its
47 acceptance by the operator of the hotel; provided however, that with
48 regard to any occupancies sold by an operator of the hotel that are
49 facilitated by a booking service who is affiliated with such operator,
50 the operator shall be deemed liable as a person under a duty to act for
51 such booking service for purposes of subdivision one of section eleven
52 hundred thirty-one of this part.

53 (4) The commissioner may, in his or her discretion develop standard
54 language, or approve language developed by a booking service, in which
55 the booking service obligates itself to collect the tax on behalf of all
56 the operators of hotels.

1 (5) In the event an operator of a hotel is a room remarketer, and all
2 other provisions of this subdivision are met such that a booking service
3 is obligated to collect tax, and does in fact collect tax as evidenced
4 by the books and records of such booking service, then the provisions of
5 subdivision (e) of section eleven hundred nineteen of this article shall
6 be applicable.

7 § 7. Paragraph 4 of subdivision (a) of section 1136 of the tax law, as
8 amended by section 5 of part G of chapter 59 of the laws of 2019, is
9 amended to read as follows:

10 (4) The return of a vendor of tangible personal property or services
11 shall show such vendor's receipts from sales and the number of gallons
12 of any motor fuel or diesel motor fuel sold and also the aggregate value
13 of tangible personal property and services and number of gallons of such
14 fuels sold by the vendor, the use of which is subject to tax under this
15 article, and the amount of tax payable thereon pursuant to the
16 provisions of section eleven hundred thirty-seven of this part. The
17 return of a recipient of amusement charges shall show all such charges
18 and the amount of tax thereon, and the return of an operator required to
19 collect tax on rents shall show all rents received or charged and the
20 amount of tax thereon. The return of a marketplace seller shall exclude
21 the receipts from a sale of tangible personal property facilitated by a
22 marketplace provider if, in regard to such sale: (A) the marketplace
23 seller has timely received in good faith a properly completed certifi-
24 cate of collection from the marketplace provider or the marketplace
25 provider has included a provision approved by the commissioner in the
26 publicly-available agreement between the marketplace provider and the
27 marketplace seller as described in subdivision one of section eleven
28 hundred thirty-two of this part, and (B) the information provided by the
29 marketplace seller to the marketplace provider about such tangible
30 personal property is accurate. The return of a short-term rental host
31 shall exclude the rent from occupancy of a short-term rental unit facil-
32 itated by a booking service if, in regard to such sale: (A) the short-
33 term rental host has timely received in good faith a properly completed
34 certificate of collection from the booking service or the booking
35 service has included a provision approved by the commissioner in the
36 publicly-available agreement between the booking service and the short-
37 term rental host as described in subdivision (m) of section eleven
38 hundred thirty-two of this part, and (B) the information provided by the
39 short-term rental host to the booking service about such rent and such
40 occupancy is accurate.

41 § 8. Section 1142 of the tax law is amended by adding a new subdivi-
42 sion 16 to read as follows:

43 16. To publish a list on the department's website of booking services
44 whose certificates of authority have been revoked and, if necessary to
45 protect sales tax revenue, provide by regulation or otherwise that a
46 short-term rental unit operator will be relieved of the requirement to
47 register and the duty to collect tax on the rent for occupancy of a
48 short-term rental facilitated by a booking service provider only if, in
49 addition to the conditions prescribed by paragraph two of subdivision
50 (m) of section eleven hundred thirty-two and paragraph six of subdivi-
51 sion (a) of section eleven hundred thirty-four of this part being met,
52 such booking service is not on such list at the commencement of the
53 quarterly period covered thereby.

54 § 9. Subpart A of part 1 of article 29 of the tax law is amended by
55 adding a new section 1200 to read as follows:

1 § 1200. Definition. For the purposes of this article "hotel" shall
 2 mean a building or portion of such building which is regularly used and
 3 kept open as such for the lodging of guests, including: (a) an apartment
 4 hotel, (b) a motel, (c) a boarding house or club, whether or not meals
 5 are served, and (d) short-term residential rental units as defined in
 6 subdivision one of section twenty of the multiple residence law or in
 7 subdivision one of section twenty of the multiple dwelling law.

8 § 10. Notwithstanding any other provisions of law to the contrary, a
 9 county, city, town, or village government may enact a local law prohib-
 10 iting or further limiting the listing or use of dwelling units, or
 11 portions thereof, as short-term residential rental units.

12 § 11. Severability. If any provision of this act, or any application
 13 of any provision of this act, is held to be invalid, that shall not
 14 affect the validity or effectiveness of any other provision of this act,
 15 or of any other application of any provision of this act, which can be
 16 given effect without that provision or application; and to that end, the
 17 provisions and applications of this act are severable.

18 § 12. This act shall take effect on the one hundred twentieth day
 19 after it shall have become a law.

20 PART L

21 Section 1. Section 493 of the tax law, as added by chapter 92 of the
 22 laws of 2021, is amended to read as follows:

23 § 493. Imposition of tax. (a) There is hereby imposed a tax on adult-
 24 use cannabis products sold by a distributor to a person who sells
 25 adult-use cannabis products at retail at the [~~following rates:~~

26 ~~(1) cannabis flower at the rate of five tenths of one cent per milli-~~
 27 ~~gram of the amount of total THC, as reflected on the product label;~~

28 ~~(2) concentrated cannabis at the rate of eight tenths of one cent per~~
 29 ~~milligram of the amount of total THC, as reflected on the product label;~~
 30 ~~and~~

31 ~~(3) cannabis edible product at the rate of three cents per milligram~~
 32 ~~of the amount of total THC, as reflected on the product label. This tax~~
 33 ~~shall accrue at the time of such sale or transfer. Where]~~

34 rate of: (1)
 35 five percent of the amount charged for the sale or transfer of such
 36 adult-use cannabis products to such retailer for tax years ending before
 37 January first, two thousand twenty-eight; (2) seven percent of the
 38 amount charged for the sale or transfer of such adult-use cannabis
 39 products to such retailer for tax years beginning on or after January
 40 first, two thousand twenty-eight and ending before January first two
 41 thousand thirty-one; and (3) nine percent of the amount charged for the
 42 sale or transfer of such adult-use cannabis products to such retailer
 43 for tax years beginning on or after January first, two thousand thirty-
 44 one; provided that where a person who distributes adult-use cannabis is
 45 licensed under the cannabis law as a microbusiness or registered organ-
 46 ization and such person sells adult-use cannabis products at retail,
 47 such person shall be liable for the tax, and such tax shall accrue at
 48 the time of the retail sale, and the amount subject to the tax imposed
 49 by this subdivision shall be seventy-five percent of the amount charged
 50 by such person for the sale or transfer of such products to a retail
 51 customer.

52 (b) In addition to any other tax imposed by this chapter or other law,
 53 there is hereby imposed a tax of nine percent of the amount charged for
 54 the sale or transfer of adult-use cannabis products to a retail customer
 by a person who sells adult-use cannabis products at retail. This tax is

1 imposed on the person who sells adult-use cannabis at retail and shall
2 accrue at the time of such sale or transfer.

3 (c) In addition to the taxes imposed by subdivisions (a) and (b) of
4 this section, there is hereby imposed a tax on the sale or transfer of
5 adult-use cannabis products to a retail customer by a person who sells
6 adult-use cannabis products at retail at the rate of four percent of the
7 amount charged by such person for such adult-use cannabis product, which
8 tax shall accrue at the time of such sale or transfer. The tax imposed
9 by this subdivision is imposed on a person who sells adult-use cannabis
10 products at retail, and shall be paid to the commissioner in trust for
11 and on account of a city having a population of a million or more, and
12 counties (other than counties wholly within such a city), towns,
13 villages, and cities with a population of less than a million in which a
14 retail dispensary is located.

15 (d) The taxes imposed by this section shall not apply to sales of
16 adult-use cannabis to a person holding a cannabis research license under
17 section thirty-nine of the cannabis law.

18 § 2. Subdivision (a) of section 496-b of the tax law, as added by
19 chapter 92 of the laws of 2021, is amended to read as follows:

20 (a) The provisions of part four of article [~~twenty-seven~~] twenty-eight
21 of this chapter shall apply to the taxes imposed by section four hundred
22 ninety-three of this article in the same manner and with the same force
23 and effect as if the language of such article had been incorporated in
24 full into this section and had expressly referred to the tax imposed by
25 this article, except to the extent that any provision of such article is
26 either inconsistent with a provision of this article or is not relevant
27 to this article.

28 § 3. This act shall take effect immediately; provided, however, that
29 section one of this act shall apply to sales of adult-use cannabis
30 products on or after June 1, 2024; and provided further, however,
31 section two of this act shall apply to sales of adult-use cannabis
32 products on or after December 1, 2024.

33 PART M

34 Intentionally Omitted

35 PART N

36 Section 1. Subdivision 1 of section 1102 of the real property tax law,
37 as amended by chapter 532 of the laws of 1994, is amended to read as
38 follows:

39 1. "Charges" or "legal charges" means:

40 (a) the cost of the mailing or service of notices required or author-
41 ized by this article;

42 (b) the cost of publication of notices required or authorized by this
43 title;

44 (c) the amount of any interest and penalties imposed by law;

45 (d) the cost of recording or filing legal documents required or
46 authorized by this article; [~~and~~]

47 (e) the cost of appraising a property's value for the purpose of
48 determining the existence and amount of any surplus pursuant to section
49 eleven hundred ninety-six of this article;

50 (f) the reasonable and necessary cost of any search of the public
51 record required or authorized to satisfy the notice requirements of this

1 article, and [~~the~~] other reasonable and necessary expenses [~~for legal~~
 2 ~~services of~~] incurred by a tax district in connection with a proceeding
 3 to foreclose a tax lien, including, and without limitation, administra-
 4 tive, auction and reasonable attorney fees and/or costs associated with
 5 the foreclosure process; provided, that: (i) a charge of up to [~~one~~]
 6 either two hundred fifty dollars per parcel, or two percent of the sum
 7 of the taxes, interest and penalties due on the parcel, whichever is
 8 greater, shall be deemed reasonable and necessary to cover the combined
 9 costs of such searches and [~~legal expenses~~] the other reasonable and
 10 necessary costs and expenses delineated in this paragraph, and such an
 11 amount may be charged without substantiation, even if salaried employees
 12 of the tax district performed [~~the search or legal~~] some or all of such
 13 services; and (ii) a tax district may charge a greater amount with
 14 respect to one or more parcels upon demonstration to the satisfaction of
 15 the court having jurisdiction that such greater amount was reasonable
 16 and necessary; and

17 [~~(f)~~] (g) the amount owed to the tax district by virtue of a judgment
 18 lien, a mortgage lien, or any other lien held by the tax district that
 19 is not a delinquent tax lien.

20 Charges shall be deemed a part of the delinquent tax for purposes of
 21 redemption.

22 § 2. Subdivision 2 of section 1104 of the real property tax law, as
 23 amended by chapter 532 of the laws of 1994, paragraph (iii) as further
 24 amended by subdivision (b) of section 1 of part W of chapter 56 of the
 25 laws of 2010, is amended to read as follows:

26 2. The provisions of this article shall not be applicable to [~~a coun-~~
 27 ~~ty, city or town~~] any taxing jurisdiction which: (i) on January first,
 28 nineteen hundred ninety-three, was authorized to enforce the collection
 29 of delinquent taxes pursuant to a county charter, city charter, adminis-
 30 trative code or special law; (ii) adopted a local law, no later than
 31 July first, nineteen hundred ninety-four, providing that the collection
 32 of taxes in such [~~county, city or town~~] taxing jurisdiction shall
 33 continue to be enforced pursuant to such charter, code or special law,
 34 as such charter, code or special law may from time to time be amended;
 35 and (iii) filed a copy of such local law with the commissioner no later
 36 than August first, nineteen hundred ninety-four. Provided, however,
 37 that notwithstanding any provisions of any general, special or local law
 38 to the contrary, if such charter, code or special law does not include
 39 provisions allowing for any "surplus" as defined by section eleven
 40 hundred ninety-five of this article to be claimed by the former owner or
 41 other parties whose interests were extinguished by the foreclosure of a
 42 delinquent tax lien, then until such charter, code or special law is
 43 amended to comply with the provisions of title six of this article, any
 44 claims for surplus within such tax district shall be administered in a
 45 manner substantially similar to that prescribed by title six of this
 46 article; and provided further, that on or after the effective date of
 47 the chapter of the laws of two thousand twenty-four that amended this
 48 subdivision, all local taxing jurisdictions must provide protections to
 49 homeowners at least as protective as those prescribed in title six of
 50 this article.

51 § 3. Paragraph (d) of subdivision 2 of section 1136 of the real prop-
 52 erty tax law, as amended by chapter 532 of the laws of 1994, is amended
 53 to read as follows:

54 (d) In directing any conveyance pursuant to this subdivision, the
 55 judgment shall direct the enforcing officer of the tax district to
 56 prepare and execute a deed conveying title to the parcel or parcels of

1 real property concerned. Such title shall be full and complete in the
2 absence of an agreement between tax districts as herein provided that it
3 shall be subject to the tax liens of one or more tax districts. Upon the
4 execution of such deed, the grantee shall be seized of an estate in fee
5 simple absolute in such parcel unless the conveyance is expressly made
6 subject to tax liens of a tax district as herein provided, and all
7 persons, including the state, infants, incompetents, absentees and non-
8 residents, who may have had any right, title, interest, claim, lien or
9 equity of redemption in or upon such parcel, shall be barred and forever
10 foreclosed of all such right, title, interest, claim, lien or equity of
11 redemption. Nothing contained herein shall be construed to preclude any
12 such person from filing a claim pursuant to title six of this article
13 for a share of any surplus that may be attributable to the sale of such
14 parcel.

15 § 4. Subdivision 3 of section 1136 of the real property tax law, as
16 amended by chapter 532 of the laws of 1994, is amended to read as
17 follows:

18 3. When no answer has been interposed. (a) The court shall make a
19 final judgment awarding to such tax district the possession of any
20 parcel of real property described in the petition of foreclosure not
21 redeemed as provided in this title and as to which no answer is inter-
22 posed as provided herein. In addition thereto such judgment shall
23 contain a direction to the enforcing officer of the tax district to
24 prepare, execute and cause to be recorded a deed conveying to such tax
25 district full and complete title to such parcel.

26 (b) Alternatively, at the request of the enforcing officer, the court
27 may make a final judgment authorizing the enforcing officer to prepare,
28 execute and cause to be recorded a deed conveying full and complete
29 title to such parcel directly to a party other than the tax district,
30 without the tax district taking title thereto.

31 (c) Upon the execution of such deed, the tax district, or the grantee
32 as the case may be, shall be seized of an estate in fee simple absolute
33 in such parcel and all persons, including the state, infants, incompe-
34 tents, absentees and non-residents who may have had any right, title,
35 interest, claim, lien or equity of redemption in or upon such parcel
36 shall be barred and forever foreclosed of all such right, title, inter-
37 est, claim, lien or equity of redemption. Nothing contained herein
38 shall be construed to preclude any such person from filing a claim
39 pursuant to title six of this article for a share of any surplus that
40 may be attributable to the sale of such parcel.

41 § 5. Section 1136 of the real property tax law is amended by adding a
42 new subdivision 4 to read as follows:

43 4. (a) Notwithstanding any other provision of law to the contrary,
44 when a parcel is subject to a judgment of foreclosure issued pursuant to
45 this section but has not yet been conveyed to a third party, the tax
46 district may, at its discretion, convey title to the parcel back to the
47 former owner or owners, or to the successor or successors in interest if
48 any, upon payment of the taxes, penalties, interest and other lawful
49 charges owed to the tax district, subject to the provisions of paragraph
50 (b) of this subdivision.

51 (b) If immediately prior to the issuance of the judgment of foreclo-
52 sure, any other person had any right, title, interest, claim, lien or
53 equity of redemption in or upon such parcel, the deed conveying the
54 parcel back to the former owner or owners, or to their successor or
55 successors in interest, shall state that the conveyance shall become
56 subject to the right, title, interest, claim, lien or equity of redemp-

tion of any other person that had been extinguished by the judgment of foreclosure, once such right, title, interest, claim, lien or equity of redemption has been reinstated nunc pro tunc pursuant to the provisions of this paragraph. Upon the execution of such deed, the tax district shall cause a copy thereof to be filed with the court, which shall direct the reinstatement of any such right, title, interest, claim, lien or equity of redemption in such parcel nunc pro tunc.

§ 6. Section 1166 of the real property tax law, as amended by chapter 532 of the laws of 1994, subdivision 1 as amended by chapter 500 of the laws of 2015, is amended to read as follows:

§ 1166. Real property acquired by tax district; right of sale. 1. Whenever any tax district shall become vested with the title to real property, and whenever an enforcing officer shall have been authorized to sell and convey real property directly to another party, by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district or enforcing officer is hereby authorized to sell and convey [~~the~~] such real property [~~so-acquired~~], which shall include any and all gas, oil or mineral rights associated with such real property, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.

2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder.

3. The provisions of title six of this article shall govern the distribution of any surplus attributable to such sales.

§ 6-a. The real property tax law is amended by adding a new section 1135 to read as follows:

§ 1135. Application for surplus. Any person claiming surplus arising from a tax district's enforcement of delinquent property taxes may, in lieu of filing an answer to the foreclosure proceeding, file with the clerk in whose office the report of sale is filed at any time before the confirmation of the report of sale, a written notice of such claim, stating the nature and extent of their claim and the address of the claimant or their attorney.

§ 7. Article 11 of the real property tax law is amended by adding a new title 6 to read as follows:

TITLE 6

DISTRIBUTION OF SURPLUS

Section 1195. Definitions.

1196. Determination of existence and amount of surplus.

1197. Claims for surplus.

1198. Notice of exemptions.

1199. Repayment plan.

1199-a. Pre-foreclosure settlement conferences.

§ 1195. Definitions. In addition to the definitions set forth in section eleven hundred two of this article, for purposes of this title:

1. "Public sale" means a sale resulting from a public auction conducted in accordance with the provisions of section two hundred thirty-one of the real property actions and proceedings law.

2. "Surplus" means the net gain, if any, realized by the tax district upon the sale of tax-foreclosed property, as determined in the manner set forth in section eleven hundred ninety-six of this article. Where no such gain was realized, no surplus shall be attributable to that sale.

1 3. "Tax-foreclosed property" means a parcel as to which a judgment of
2 foreclosure has been issued pursuant to section eleven hundred thirty-
3 six of this article.

4 § 1196. Determination of existence and amount of surplus. 1. Within
5 forty-five days after the sale of tax-foreclosed property, the enforcing
6 officer shall determine whether a surplus is attributable to such sale
7 and if so, the amount thereof. Such determination shall be made by
8 ascertaining the sum of the total amount of taxes due plus interest,
9 penalties and other charges as defined by section eleven hundred two of
10 this article, and subtracting such sum from whichever of the following
11 is applicable:

12 (a) where the sale was a public sale, the amount paid for the proper-
13 ty;

14 (b) where the sale was not a public sale, or where the tax district
15 retains title to the property for a public use, an appraisal of the
16 property conducted by a New York state licensed real estate appraiser to
17 establish fair market value of the property at the time of the transfer
18 of title; or

19 (c) by such other valuation method as the enforcing officer reasonably
20 determines will result in just compensation to the former owner or other
21 parties whose interests were extinguished by the foreclosure of a delin-
22 quent tax lien as measured by the value of the property at the time of
23 the transfer of title.

24 2. (a) If the enforcing officer determines that no surplus is attrib-
25 utable to the sale, such enforcing officer shall submit a report to the
26 court describing the circumstances of the sale, stating that no surplus
27 was attributable to the sale and demonstrating how the enforcing officer
28 reached that conclusion.

29 (b) If the enforcing officer determines that a surplus is attributable
30 to the sale, such enforcing officer shall submit a report to the court
31 describing the circumstances of the sale, stating that a surplus was
32 attributable to the sale, and demonstrating how the amount of the
33 surplus was determined. Such surplus shall be paid to the court there-
34 with. Within ten days of submitting such report, the enforcing officer
35 shall notify the former property owner that a surplus was attributable
36 to the sale of such property, that such surplus has been paid into
37 court, and that the court will notify the interested parties of the
38 procedure to be followed in order to make a claim for a share of the
39 surplus.

40 (c) Where the enforcing officer's determination of surplus is based
41 upon such enforcing officer's estimate of the property's value, the
42 enforcing officer's report to the court shall set forth an explanation
43 of how this estimate was made, including the evidence upon which it was
44 based.

45 3. Upon approval by the court of the enforcing officer's report, the
46 tax district shall have no further responsibilities in relation to the
47 parcel or any surplus attributable thereto, subject to the extent the
48 court directs otherwise pursuant to section eleven hundred ninety-seven
49 of this title.

50 § 1197. Claims for surplus. 1. Any person who had any right, title,
51 interest, claim, lien or equity of redemption in or upon a parcel imme-
52 diately prior to the issuance of the judgment of foreclosure may file a
53 claim with the court having jurisdiction for a share of any surplus
54 resulting from the sale of such property. Such claims shall be adminis-
55 tered and adjudicated, and such surplus shall be distributed, in the
56 same manner as in an action to foreclose a mortgage pursuant to article

1 thirteen of the real property actions and proceedings law, subject to
2 the provisions of this section.

3 2. (a) Where the property was sold by a public sale, the amount paid
4 for the property shall be accepted as the full value of the property.
5 No party may maintain a claim for surplus or any other claim or action
6 against the tax district on the basis that the amount paid for the prop-
7 erty did not fairly represent the property's value.

8 (b) Where the property was sold by other than a public sale, a claim-
9 ant may make a motion, upon notice to the enforcing officer, for the
10 surplus to be recalculated on the basis that the property's full value
11 on the date of the sale was substantially higher than the value used to
12 measure the surplus pursuant to subparagraph (ii) of paragraph (a) of
13 subdivision one of section eleven hundred ninety-six of this title. If
14 the court or its referee finds that a preponderance of the evidence
15 supports the claimant's position, the court may direct the enforcing
16 officer to recalculate the surplus based upon the property's value as
17 determined by the court or referee. The court may further direct the
18 enforcing officer to pay the difference into court to be distributed as
19 required by this section.

20 3. Where the court has appointed a referee to preside over the
21 proceedings pursuant to subdivision two of section thirteen hundred
22 sixty-one of the real property actions and proceedings law, it shall not
23 be necessary for such referee to make a report of such proceedings; nor
24 shall it be necessary for the court to confirm by order or otherwise
25 such proceedings.

26 4. At the conclusion of such proceedings, any surplus funds that have
27 not been claimed shall be deemed abandoned but shall be paid to the tax
28 district, not to the state comptroller, and shall be used by the tax
29 district to reduce its tax levy.

30 5. To the extent the provisions of article thirteen of the real prop-
31 erty actions and proceedings law are inconsistent with the provisions of
32 this article, the provisions of this article shall govern.

33 § 1198. Notice of exemptions. Tax districts shall include a statement
34 on every property tax collection notice notifying homeowners of avail-
35 able exemptions. The provision of this subdivision shall be met by
36 providing a notice or legend sent on or with each tax bill to homeowners
37 reading "IF YOU ARE A SENIOR CITIZEN, PHYSICALLY DISABLED, AND/OR A
38 VETERAN, YOU MAY BE ENTITLED TO A PARTIAL EXEMPTION FROM PROPERTY
39 TAXES", followed by the name and telephone number of a person or depart-
40 ment selected by the tax district to respond to inquiries regarding tax
41 exemptions, eligibility, and instructions on how to apply for such
42 exemptions.

43 § 1199. Repayment plan. 1. In the case of primary residences with a
44 tax delinquency exceeding five hundred dollars but less than thirty
45 thousand dollars, owners shall be entitled to enter into a repayment
46 plan to cure a tax delinquency at any time until the date of redemption;
47 provided however, that each taxing jurisdiction shall have the power to
48 increase the maximum threshold of thirty thousand dollars for tax
49 arrears by passage of a local law, ordinance, or resolution.

50 2. The term of the repayment plan shall be twelve, eighteen, twenty-
51 four, or thirty-six months, at the option of the owner. The amount due
52 under the agreement shall be paid, as nearly as possible, in equal
53 amounts on each payment due date. The amount of each such payment shall
54 be determined by dividing the amount due by the number of required
55 installment payments.

1 3. The owner shall be deemed to be in default of a payment plan agree-
2 ment pursuant to this section upon the occurrence of any of the follow-
3 ing events:

4 (a) Any installment payment is not made within forty-five days from
5 the payment due date.

6 (b) Any current county tax, assessment, fee, or charge is not paid
7 when due.

8 (c) The subject property is sold.

9 (d) The total principal amount in arrears exceeds thirty thousand
10 dollars.

11 4. In the event of a default in payments, and after service of a twenty-
12 day notice of default, the tax district shall have the right to
13 require the entire unpaid balance, with interest, to be paid in full.

14 § 1199-a. Pre-foreclosure settlement conferences. 1. Notwithstanding
15 any inconsistent general, special, or local law, local tax act, code,
16 rule, regulation, or charter provision to the contrary, no taxing juris-
17 isdiction shall commence a foreclosure action against any primary resident
18 homeowner without first providing such homeowner with the notice
19 required pursuant to section eleven hundred eighty-five-a of this arti-
20 cle, and providing such homeowner an opportunity to engage in a pre-fo-
21 reclosure settlement conference.

22 2. The purpose of such settlement conference shall be, at a minimum,
23 to offer such homeowner information about their rights as enumerated in
24 section eleven hundred eighty-five of this article, and to offer such
25 homeowner to opt into a repayment plan as enumerated in section eleven
26 hundred ninety-nine of this title. Such homeowner shall be informed at
27 such settlement conferences that they shall have a minimum of fourteen
28 days to decide upon a repayment plan of twelve, eighteen, twenty-four,
29 or thirty-six months, as enumerated in section eleven hundred ninety-
30 nine of this title, if they so opt to avail themselves of such repayment
31 plan. No taxing jurisdiction shall initiate a foreclosure proceeding
32 until and unless at least fourteen days have passed since the settlement
33 conference has taken place and the primary resident homeowner has either
34 not opted into a repayment plan, or has defaulted upon such repayment
35 plan.

36 3. Housing counselors from New York-based homeowner protection program
37 agencies may attend such settlement conferences, and may provide infor-
38 mation to such homeowner at such settlement conferences.

39 4. Local taxing jurisdictions may conduct such pre-foreclosure settle-
40 ment conferences in group settings or batches, and an in-person attend-
41 ance option must be offered; provided however, that a homeowner's
42 inability to attend such pre-foreclosure settlement conference shall not
43 be a defense against a foreclosure action, so long as such homeowner was
44 properly notified of such settlement conference, and a virtual attend-
45 ance option was provided.

46 § 8. The real property tax law is amended by adding a new section 989
47 to read as follows:

48 § 989. Procedure for accounting for and distributing surplus resulting
49 from enforcing delinquent real property taxes via the sale of tax liens
50 to third parties. Real property tax liens owned by third parties,
51 including those tax liens sold pursuant to article fourteen of this
52 chapter or pursuant to a local law or charter may only be enforced in
53 the manner described in this section:

54 1. Upon written application and the surrender of the tax lien certif-
55 icate of sale, a treasurer's deed may be issued vesting in the tax lien
56 certificate holder an absolute estate in fee, subject to all claims the

1 taxing jurisdiction or state may have thereon for taxes, liens or encum-
2 brances, if (a) a New York state licensed real estate appraiser conducts
3 an appraisal of the property prior to the issuance of the deed to estab-
4 lish the property's fair market value and (b) the property's appraised
5 value does not exceed the outstanding amount due the tax lien holder.
6 The taxing jurisdiction must levy the cost of conducting the appraisal
7 as a lien upon the property to be collected along with any other pending
8 taxes, liens, or encumbrances; or

9 2. Notwithstanding any other law to the contrary, after the applicable
10 redemption period has elapsed, an action to foreclose a tax sale certif-
11 icate issued pursuant to article fourteen of this chapter or pursuant to
12 a local law or charter may be commenced and maintained pursuant to the
13 provisions of this title.

14 § 9. The real property tax law is amended by adding a new section 1185
15 to read as follows:

16 § 1185. Homeowner bill of rights. Any owner of a residential property,
17 as defined in section eleven hundred eleven of this article, who occu-
18 pies such property as their primary residence, or whose heirs or distri-
19 butees occupy the property as their primary residence where the homeown-
20 er is deceased, or any purchaser of a contract for a residential
21 property, or successor in interest to such purchaser, subject to a tax
22 lien on any parcel of real property, including those liens otherwise
23 exempt under this article, shall have the following rights:

24 1. notwithstanding any other general, special, or local law, local tax
25 act, code, rule, regulation, or charter provision to the contrary, to
26 not have exemptions removed or waived for nonpayment of property taxes;

27 2. to be informed of the amount of tax due, the number of tax years
28 for which the parcel has been in arrears, the date on which the redemp-
29 tion period ends, the accepted forms of payment, the location where
30 payments shall be made, and the contact information for the responsible
31 taxing authority;

32 3. to receive pre-foreclosure notices pursuant to section eleven
33 hundred eighty-five-a of this title;

34 4. in the event that a residence is foreclosed upon, to receive any
35 surplus following the sale of the property after the tax lien is satis-
36 fied ahead of unsecured creditors pursuant to section fifty-two hundred
37 six of the civil practice law and rules;

38 5. for real property tax lien-related foreclosures to be judicial
39 proceedings;

40 6. to be charged an amount no higher than the statutory interest rate
41 for delinquencies, along with various collection and administrative fees
42 in the event of foreclosure;

43 7. to enter into installment plans for purposes of paying taxes and
44 paying delinquent taxes;

45 8. local governments are authorized to give a five business day grace
46 period for senior citizens who are eligible for enhanced STAR to pay
47 their taxes with no penalties;

48 9. homeowner payments toward delinquent taxes will apply in reverse
49 chronological order of when the liens become due; and

50 10. in the event that a primary residence is foreclosed upon, to have
51 all debts related to delinquent taxes owed on such primary residence
52 extinguished.

53 § 10. The real property tax law is amended by adding a new section
54 1185-a to read as follows:

1 § 1185-a. Pre-foreclosure notices. 1. The pre-foreclosure notice
2 required in subdivision three of section eleven hundred eighty-five of
3 this title shall appear as follows:

4 "YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. PLEASE READ
5 THE FOLLOWING NOTICE CAREFULLY.

6 As of (date), your property taxes have not been paid for the following
7 years and amounts each year:

8 The total needed to pay off all tax arrears as of the date of this
9 notice is:

10 Under New York State law, we are required to send you this notice to
11 inform you that you are at risk of losing your home.

12 Attached to this notice is a list of government approved housing coun-
13 seling agencies in your area which provide free counseling. You can also
14 call the NYS Office of the Attorney General's Homeowner Protection
15 Program (HOPP) toll-free consumer hotline to be connected to free hous-
16 ing counseling or legal services in your area at 1-855-HOME-456 (1-855-
17 466-3456), or visit their website at <http://www.aghomehelp.com>. A state-
18 wide listing by county is also available at
19 [https://www.dfs.ny.gov/consumers/help](https://www.dfs.ny.gov/consumers/help_for_homeowners/new_york_state_non-profit_housing_counseling_agencies) for homeowners/new york state non-
20 profit housing counseling agencies. Qualified free help is available;
21 watch out for companies or people who charge a fee for these services.

22 Housing counselors from New York-based agencies listed on the website
23 above are trained to help homeowners who are having problems making
24 their tax payments and can help you find the best option for your situ-
25 ation.

26 If you wish, you may also contact our office directly to discuss
27 possible payment plans and other options.

28 PLEASE NOTE THAT IF YOU ARE A SENIOR CITIZEN, PHYSICALLY DISABLED,
29 AND/OR A VETERAN, YOU MAY BE ENTITLED TO A PARTIAL EXEMPTION FROM PROP-
30 ERTY TAXES.

31 The following exemptions that local rules may allow that could prevent
32 foreclosure in your case are:

33 Senior Citizen

34 Veteran

35 Physical Disability

36 We encourage you to contact us at the telephone number above if you
37 have any questions about whether you qualify for any of these
38 exemptions.

39 While we cannot assure that a mutually agreeable resolution is possi-
40 ble, we encourage you to take immediate steps to try to achieve a resol-
41 ution.

42 The longer you wait, the fewer options you may have.

43 If you have not taken any actions to resolve this matter within 90
44 days from the date this notice was mailed (or sooner if you cease to
45 live in the dwelling as your primary residence), we may commence legal
46 action or other remedies against you to foreclose the tax lien, which
47 may eventually result in eviction from your home.

48 Under New York State law, you may be barred from entering into a
49 payment plan or from being permitted to make any payment to save your
50 home after the "Redemption Date".

51 In your case, the "Redemption Date" is (date).

52 IMPORTANT: You have the right to remain in your home until you receive
53 a court order telling you to leave the property; however, you may lose
54 the right to continue ownership of your home after the Redemption Date.
55 If a foreclosure action is filed against you in court, you still have
56 the right to remain in the home until a court orders you to leave.

1 This notice is not an eviction notice, and a foreclosure action has
2 not yet been commenced against you."

3 2. The notice required in subdivision three of section eleven hundred
4 eighty-five of this title shall be sent by such taxing authority or
5 purchaser of delinquent tax liens to the homeowner (or heirs or distri-
6 butees if the homeowner is deceased), by registered or certified mail
7 and also by first-class mail to the last known address of the homeowner,
8 and to the residence subject to the tax lien. The notices required by
9 subdivision three of section eleven hundred eighty-five of this title
10 shall be sent by the taxing authority or purchaser of delinquent tax
11 liens in a separate envelope from any other mailing or notice. Notice
12 is considered given as of the date it is mailed. The notice required by
13 subdivision three of section eleven hundred eighty-five of this title
14 shall contain a current list of at least five housing counseling agen-
15 cies, or if there are less than five such agencies in such county, a
16 listing of every such housing counseling agency serving the county where
17 the property is located from the most recent listing available from the
18 department of financial services. The list shall include the counseling
19 agencies' last known addresses and telephone numbers. The department of
20 financial services shall make available on its website a listing, by
21 county, of such agencies. The taxing authority or purchaser of delin-
22 quent tax liens shall use such lists to meet the requirements of this
23 section.

24 3. For any homeowner known to have limited English proficiency, the
25 notice required by subdivision three of section eleven hundred eighty-
26 five of this title shall be in the homeowner's native language, or a
27 language in which the homeowner is proficient, provided that the
28 language is one of the six most common non-English languages spoken by
29 individuals with limited English proficiency in the state of New York,
30 based on United States census data. The department of financial services
31 shall post the notices required by subdivision three of section eleven
32 hundred eighty-five of this title on its website in the six most common
33 non-English languages spoken by individuals with limited English profi-
34 ciency in the state of New York, based on the United States census data.

35 § 11. Section 1104 of the real property tax law is amended by adding
36 two new subdivisions 3 and 4 to read as follows:

37 3. Notwithstanding the provisions of subdivision two of this section,
38 every taxing jurisdiction shall comply with the requirements of sections
39 eleven hundred eighty-five and eleven hundred eighty-five-a of this
40 article.

41 4. Notwithstanding the provisions of subdivision two of this section,
42 every taxing jurisdiction shall comply with procedures at least as
43 protective of homeowners as the requirements of title six of this arti-
44 cle.

45 § 12. The real property tax law is amended by adding a new section
46 1157 to read as follows:

47 § 1157. Assistance to vulnerable populations. In every notice of
48 unpaid taxes, notice of arrears included in tax statements, personal
49 notice of commencement of foreclosure proceeding or tax lien sale, the
50 tax district and foreclosing government unit must include information
51 about a housing counseling agency or agencies funded by the New York
52 state office of the attorney general's homeowner protection program in
53 the region in which the property is located. At the same time a tax
54 district or foreclosing government unit issues a notice of unpaid taxes,
55 notice of arrears included in tax statements, and personal notice of
56 commencement of foreclosure proceeding or tax lien sale, the tax

1 district and foreclosing government unit must send a copy of the proper-
2 ty owner's name, address and telephone number, if available, to a hous-
3 ing counseling agency or agencies funded by the New York state office of
4 the attorney general's homeowner protection program in the region where
5 the property is located for the purpose of that agency making the home-
6 owner aware of free foreclosure prevention services and options avail-
7 able to the parties.

8 § 13. The social services law is amended by adding a new section 97-a
9 to read as follows:

10 § 97-a. Senior, disabled, and veteran homeowner real property tax
11 assistance program. 1. Each social services district must assist eligi-
12 ble households found in such districts to obtain real property tax
13 assistance. However, only those persons who qualify for senior, disa-
14 bled, or veterans' assistance in accordance with state requirements, and
15 standards promulgated by the department, shall be certified as eligible
16 for and entitled to receive said homeowner real property tax assistance.
17 No person shall be certified as eligible for and entitled to receive
18 said real property tax assistance if no funds are available for such
19 purpose.

20 2. Notwithstanding any inconsistent provision of law, rule, or regu-
21 lation to the contrary, the amount of any real property tax payments or
22 allowances provided to an eligible household under this program shall
23 not be considered income or resources of such households, or of any
24 member thereof, for any purpose under any federal or state law, includ-
25 ing any law relating to taxation, food stamps, public assistance or
26 other benefits available pursuant to this chapter.

27 § 14. Subdivision 1 of section 924-a of the real property tax law, as
28 amended by chapter 26 of the laws of 2003, is amended to read as
29 follows:

30 1. The amount of interest to be added on all taxes received after the
31 interest free period and all delinquent taxes shall be [~~one-twelfth the~~
32 ~~rate of interest as determined pursuant to subdivision two or two-a of~~
33 ~~this section rounded to the nearest one-hundredth of a percentage point]~~
34 equal to the effective prime rate as reported by the federal reserve in
35 its "selected interest rates" publication, except as otherwise provided
36 by a general or special law, or a local law, ordinance, or resolution
37 adopted by a [city] taxing jurisdiction pursuant to the municipal home
38 rule law or any special law. Such interest shall be added for each month
39 or fraction thereof until such taxes are paid; provided however, that
40 notwithstanding any inconsistent general, special, or local law, local
41 tax act, code, rule, regulation, ordinance or charter provision to the
42 contrary, beginning in all local fiscal years commencing in calendar
43 year two thousand twenty-five and thereafter, in no case shall the
44 interest rate of delinquent tax payments due on residential real proper-
45 ty exceed the effective prime rate as reported by the federal reserve in
46 its "selected interest rates" publication and as determined by the
47 commissioner of taxation and finance; and provided further, that in no
48 instance shall the interest rate exceed two per centum per annum or
49 exceed sixteen per centum per annum; and provided further, that this
50 limitation shall apply to units held in condominium form; and provided
51 further, that such limitation shall apply to all buildings held in coop-
52 erative form regardless of owner occupancy status; and provided further,
53 that this limitation shall not apply to real property that is vacant and
54 abandoned, as defined in subdivision two of section thirteen hundred
55 nine of the real property actions and proceedings law, which was listed
56 on the statewide vacant and abandoned property electronic registry, as

1 defined in section thirteen hundred ten of the real property actions and
2 proceedings law, and remains on such registry. This subdivision shall
3 supersede any general, special or local law, local tax act, code, rule,
4 regulation, ordinance or charter provision setting an interest rate
5 above sixteen per centum per annum or below two per centum per annum of
6 delinquent tax payments due on residential real property. The initial
7 determination of the effective prime rate shall be based on the two
8 thousand twenty-five rate as reported by the federal reserve in its
9 "selected interest rates" publication, and shall be established by the
10 commissioner of taxation and finance. Subsequent determinations shall
11 take place every three years thereafter, and shall be adjusted by the
12 commissioner only when such rate increases or decreases by more than two
13 percent since the last adjustment.

14 § 15. Section 972 of the real property tax law is amended by adding a
15 new subdivision 6 to read as follows:

16 6. Installment plans. Notwithstanding any inconsistent general,
17 special, or local law, local tax act, code, rule, regulation, or charter
18 provision to the contrary, beginning in all local fiscal years commenc-
19 ing in calendar year two thousand twenty-five and thereafter, all local
20 taxing jurisdictions shall offer an option for taxpayers to enter into
21 installment plans which shall permit collection of taxes on at least a
22 quarterly basis.

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

33 § 17. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after May 25, 2023, provided
35 that:

36 1. In a tax district that is subject to the provisions of title 6 of
37 article 11 of the real property tax law, as added by section seven of
38 this act, where a tax-foreclosed property has been sold on or after May
39 25, 2023 and prior to the effective date of this act, the enforcing
40 officer of the tax district shall have six months from the effective
41 date of this act to submit to the court the report required by section
42 1196 of the real property tax law as added by section seven of this act
43 regarding the existence and amount of surplus and to pay such surplus to
44 the court.

45 2. Whether or not a tax district is subject to the provisions of title
46 6 of article 11 of the real property tax law, as added by section seven
47 of this act, where a tax-foreclosed property was sold prior to May 25,
48 2023, a claim for surplus attributable to such sale may be maintained if
49 and only if a proceeding to compel such tax district to distribute such
50 surplus to the petitioner or petitioners had been initiated pursuant to
51 subdivision 1 of section 7803 of the civil practice law and rules, such
52 proceeding was commenced in a timely manner as provided by section 217
53 of such chapter, and such proceeding was still active on the effective
54 date of this act.

1 Section 1. Subdivision 2 of section 509-a of the racing, pari-mutuel
2 wagering and breeding law, as amended by section 1 of part 00 of chapter
3 56 of the laws of 2023, is amended to read as follows:

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

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

25 c. Notwithstanding any other provision of law or regulation to the
26 contrary, from April first, two thousand twenty-three to March thirty-
27 first, two thousand twenty-four, twenty-three percent of the funds, not
28 to exceed two and one-half million dollars, in the Catskill off-track
29 betting corporation's capital acquisition fund established pursuant to
30 this section, and one million dollars in the Capital off-track betting
31 corporation's capital acquisition fund established pursuant to this
32 section, shall be available to such off-track betting corporation for
33 the purposes of expenditures necessary to accept authorized wagers; past
34 due statutory obligations to New York licensed or franchised racing
35 corporations or associations; past due contractual obligations due to
36 other racing associations or organizations for the costs of acquiring a
37 simulcast signal; past due statutory payment obligations due to the New
38 York state thoroughbred breeding and development fund corporation, agri-
39 culture and New York state horse breeding development fund, and the
40 Harry M. Zweig memorial fund for equine research; and past due obli-
41 gations due the state.

42 d. Notwithstanding any other provision of law or regulation to the
43 contrary, from April first, two thousand twenty-four to March thirty-
44 first, two thousand twenty-five, twenty-three percent of the funds, not
45 to exceed two and one-half million dollars, in the Catskill off-track
46 betting corporation's capital acquisition fund established pursuant to
47 this section, and one million dollars in the Capital off-track betting
48 corporation's capital acquisition fund established pursuant to this
49 section, shall be available to such off-track betting corporation for
50 the purposes of expenditures necessary to accept authorized wagers; past
51 due statutory obligations to New York licensed or franchised racing
52 corporations or associations; past due contractual obligations due to
53 other racing associations or organizations for the costs of acquiring a
54 simulcast signal; past due statutory payment obligations due to the New
55 York state thoroughbred breeding and development fund corporation, agri-
56 culture and New York state horse breeding development fund, and the

1 Harry M. Zweig memorial fund for equine research; and past due obli-
2 gations due the state.

3 e. Prior to a corporation being able to utilize the funds authorized
4 by paragraph c or d of this subdivision, the corporation must attest
5 that the surcharge monies from section five hundred thirty-two of this
6 chapter are being held separate and apart from any amounts otherwise
7 authorized to be retained from pari-mutuel pools and all surcharge
8 monies have been and will continue to be paid to the localities as
9 prescribed in law. Once this condition is satisfied, the corporation
10 must submit an expenditure plan to the gaming commission for review.
11 Such plan shall include the corporation's outstanding liabilities,
12 projected revenue for the upcoming year, a detailed explanation of how
13 the funds will be used, and any other information necessary to detail
14 such plan as determined by the commission. Upon review, the commission
15 shall make a determination as to whether the requirements of this para-
16 graph have been satisfied and notify the corporation of expenditure plan
17 approval. In the event the commission determines the requirements of
18 this paragraph have not been satisfied, the commission shall notify the
19 corporation of all deficiencies necessary for approval. As a condition
20 of such expenditure plan approval, the corporation shall provide a
21 report to the commission no later than [~~October first, two thousand~~
22 ~~twenty-three~~] the last day of the calendar year for which the funds are
23 requested, which shall include an accounting of the use of such funds.
24 At such time, the commission may cause an independent audit to be
25 conducted of the corporation's books to ensure that all moneys were
26 spent as indicated in such approved plan. The audit shall be paid for
27 from money in the fund established by this section. If the audit deter-
28 mines that a corporation used the money authorized under this section
29 for a purpose other than one listed in their expenditure plan, then the
30 corporation shall reimburse the capital acquisition fund for the unau-
31 thorized amount.

32 § 2. This act shall take effect immediately.

33 PART P

34 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the
35 racing, pari-mutuel wagering and breeding law, as amended by section 1
36 of part BB of chapter 59 of the laws of 2023, is amended to read as
37 follows:

38 (a) Any racing association or corporation or regional off-track
39 betting corporation, authorized to conduct pari-mutuel wagering under
40 this chapter, desiring to display the simulcast of horse races on which
41 pari-mutuel betting shall be permitted in the manner and subject to the
42 conditions provided for in this article may apply to the commission for
43 a license so to do. Applications for licenses shall be in such form as
44 may be prescribed by the commission and shall contain such information
45 or other material or evidence as the commission may require. No license
46 shall be issued by the commission authorizing the simulcast transmission
47 of thoroughbred races from a track located in Suffolk county. The fee
48 for such licenses shall be five hundred dollars per simulcast facility
49 and for account wagering licensees that do not operate either a simul-
50 cast facility that is open to the public within the state of New York or
51 a licensed racetrack within the state, twenty thousand dollars per year
52 payable by the licensee to the commission for deposit into the general
53 fund. Except as provided in this section, the commission shall not
54 approve any application to conduct simulcasting into individual or group

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

38 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
39 1007 of the racing, pari-mutuel wagering and breeding law, as amended by
40 section 2 of part BB of chapter 59 of the laws of 2023, is amended to
41 read as follows:

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

54 § 3. The opening paragraph of subdivision 1 of section 1014 of the
55 racing, pari-mutuel wagering and breeding law, as amended by section 3

1 of part BB of chapter 59 of the laws of 2023, is amended to read as
2 follows:

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

21 § 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering
22 and breeding law, as amended by section 4 of part BB of chapter 59 of
23 the laws of 2023, is amended to read as follows:

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

29 § 5. The opening paragraph of subdivision 1 of section 1016 of the
30 racing, pari-mutuel wagering and breeding law, as amended by section 5
31 of part BB of chapter 59 of the laws of 2023, is amended to read as
32 follows:

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

50 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel
51 wagering and breeding law, as amended by section 6 of part BB of chapter
52 59 of the laws of 2023, is amended to read as follows:

53 Notwithstanding any other provision of this chapter, for the period
54 July twenty-fifth, two thousand one through September eighth, two thou-
55 sand [~~twenty-three~~] twenty-four, when a franchised corporation is
56 conducting a race meeting within the state at Saratoga Race Course,

1 every off-track betting corporation branch office and every simulcasting
2 facility licensed in accordance with section one thousand seven (that
3 has entered into a written agreement with such facility's representative
4 horsemen's organization as approved by the commission), one thousand
5 eight or one thousand nine of this article shall be authorized to accept
6 wagers and display the live simulcast signal from thoroughbred tracks
7 located in another state, provided that such facility shall accept
8 wagers on races run at all in-state thoroughbred tracks which are
9 conducting racing programs subject to the following provisions;
10 provided, however, no such written agreement shall be required of a
11 franchised corporation licensed in accordance with section one thousand
12 seven of this article.

13 § 7. Section 32 of chapter 281 of the laws of 1994, amending the
14 racing, pari-mutuel wagering and breeding law and other laws relating to
15 simulcasting, as amended by section 7 of part BB of chapter 59 of the
16 laws of 2023, is amended to read as follows:

17 § 32. This act shall take effect immediately and the pari-mutuel tax
18 reductions in section six of this act shall expire and be deemed
19 repealed on July 1, [~~2024~~ 2025]; provided, however, that nothing
20 contained herein shall be deemed to affect the application, qualifica-
21 tion, expiration, or repeal of any provision of law amended by any
22 section of this act, and such provisions shall be applied or qualified
23 or shall expire or be deemed repealed in the same manner, to the same
24 extent and on the same date as the case may be as otherwise provided by
25 law; provided further, however, that sections twenty-three and twenty-
26 five of this act shall remain in full force and effect only until May 1,
27 1997 and at such time shall be deemed to be repealed.

28 § 8. Section 54 of chapter 346 of the laws of 1990, amending the
29 racing, pari-mutuel wagering and breeding law and other laws relating to
30 simulcasting and the imposition of certain taxes, as amended by section
31 8 of part BB of chapter 59 of the laws of 2023, is amended to read as
32 follows:

33 § 54. This act shall take effect immediately; provided, however,
34 sections three through twelve of this act shall take effect on January
35 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
36 ing law, as added by section thirty-eight of this act, shall expire and
37 be deemed repealed on July 1, [~~2024~~ 2025]; and section eighteen of this
38 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
39 two of this act shall take effect as of the same date as chapter 772 of
40 the laws of 1989 took effect.

41 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,
42 pari-mutuel wagering and breeding law, as amended by section 9 of part
43 BB of chapter 59 of the laws of 2023, is amended to read as follows:

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

1 exotic bets, plus the breaks. The retention rate to be established is
2 subject to the prior approval of the commission.

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

25 For the period April first, two thousand one through December thirty-
26 first, two thousand [~~twenty-four~~ twenty-five, such tax on all wagers
27 shall be one and six-tenths percent, plus, in each such period, twenty
28 percent of the breaks. Payment to the New York state thoroughbred breed-
29 ing and development fund by such franchised corporation shall be one-
30 half of one percent of total daily on-track pari-mutuel pools resulting
31 from regular, multiple and exotic bets and three percent of super exotic
32 bets and for the period April first, two thousand one through December
33 thirty-first, two thousand [~~twenty-four~~ twenty-five, such payment shall
34 be seven-tenths of one percent of regular, multiple and exotic pools.

35 § 10. This act shall take effect immediately.

36 PART Q

37 Section 1. Paragraph (x) of subdivision 1 of section 1367 of the
38 racing, pari-mutuel wagering and breeding law, as amended by section 3
39 of part Y of chapter 59 of the laws of 2021, is amended to read as
40 follows:

41 (x) "Sports wagering" means wagering on sporting events or any portion
42 thereof, or on the individual performance statistics of athletes partic-
43 ipating in a sporting event, or combination of sporting events, by any
44 system or method of wagering, including, but not limited to, in-person
45 communication and electronic communication through internet websites
46 accessed via a mobile device or computer, and mobile device applica-
47 tions; provided however that sports wagers shall include, but are not
48 limited to, single-game bets, teaser bets, parlays, over-under bets,
49 money line, pools, in-game wagering, in-play bets, in-game and season-
50 long proposition bets, and straight bets; and season award winners;
51 provided however, that such in-game and season-long proposition bets and
52 season award winners wagers shall be limited to those wagers that are
53 performance-based unless such wagers were otherwise authorized by the
54 commission as of the effective date of the chapter of the laws of two

1 thousand twenty-four that amended this paragraph; and provided further,
2 that coin toss bets that affect the gameplay of an event shall be
3 permitted at all sporting events unless prohibited by the commission;

4 § 2. This act shall take effect immediately.

5 PART R

6 Section 1. Subdivision 8 of section 1367 of the racing, pari-mutuel
7 wagering and breeding law, as added by section 3 of part Y of chapter 59
8 of the laws of 2021, is amended to read as follows:

9 8. Notwithstanding section thirteen hundred fifty-one of this article,
10 mobile sports wagering gross gaming revenue and tax revenue shall be
11 excluded from sports wagering gross gaming revenue and tax revenue.
12 Mobile sports wagering tax revenue shall be separately maintained and
13 returned to the state for deposit into the state lottery fund for educa-
14 tion aid except as otherwise provided in this subdivision. Any interest
15 and penalties imposed by the commission relating to those taxes, all
16 penalties levied and collected by the commission, and the appropriate
17 funds, cash or prizes forfeited from sports wagering shall be deposited
18 into the state lottery fund for education. In the first fiscal year in
19 which mobile sports wagering licensees commence operations and accept
20 mobile sports wagers pursuant to this section, the commission shall pay
21 into the commercial gaming fund one percent of the state tax imposed on
22 mobile sports wagering by this section to be distributed for problem
23 gambling education and treatment purposes pursuant to paragraph a of
24 subdivision four of section ninety-seven-nnnn of the state finance law;
25 provided however, that such amount shall be equal to one percent of
26 mobile sports tax revenue and no less than six million dollars for each
27 fiscal year thereafter. In the first fiscal year in which mobile sports
28 wagering licensees commence operations and accept mobile sports wagers
29 pursuant to this section, the commission shall pay one percent of the
30 state tax imposed on mobile sports wagering by this section to the
31 general fund, a program to be administered by the office of children and
32 family services for a statewide youth sports activities and education
33 grant program for the purpose of providing annual awards to sports
34 programs for underserved youth under the age of eighteen years; provided
35 however, that such amount shall be equal to five million dollars for
36 each fiscal year thereafter. The commission shall require at least
37 monthly deposits by a platform provider of any payments pursuant to
38 subdivision seven of this section, at such times, under such conditions,
39 and in such depositories as shall be prescribed by the state comp-
40 troller. The deposits shall be deposited to the credit of the state
41 commercial gaming revenue fund. The commission shall require a monthly
42 report and reconciliation statement to be filed with it on or before the
43 tenth day of each month, with respect to gross revenues and deposits
44 received and made, respectively, during the preceding month.

45 § 2. This act shall take effect on the first of April next succeeding
46 the date on which it shall have become a law.

47 PART S

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 § 9. Paragraph (a) of subdivision 8 of section 11-652 of the adminis-
51 trative code of the city of New York is amended by adding a new subpara-
52 graph 19 to read as follows:

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

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

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

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

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

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

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

24 § 13. This act shall take effect immediately and shall apply to taxa-
25 ble years beginning on or after January 1, 2024.

26 PART T

27 Section 1. Subdivision (jj) of section 1115 of the tax law, as added
28 by section 1 of part SS of chapter 59 of the laws of 2015, is REPEALED.

29 § 2. Subdivision 13 of section 1118 of the tax law, as added by
30 section 2 of part SS of chapter 59 of the laws of 2015, is REPEALED.

31 § 3. This act shall take effect June 1, 2024.

32 PART U

33 Section 1. Paragraph (A) of subdivision (i) of section 1111 of the tax
34 law, as amended by section 1 of part TT of chapter 59 of the laws of
35 2015, is amended to read as follows:

36 (A) Notwithstanding any contrary provisions of this article or other
37 law, with respect to any lease for a term of one year or more of (1) a
38 motor vehicle, as defined in section one hundred twenty-five of the
39 vehicle and traffic law, with a gross vehicle weight of ten thousand
40 pounds or less, [~~or~~] (2) a vessel, as defined in section twenty-two
41 hundred fifty of such law (including any inboard or outboard motor and
42 any trailer, as defined in section one hundred fifty-six of such law,
43 leased in conjunction with such a vessel) or (3) noncommercial aircraft
44 having a seating capacity of less than twenty passengers and a maximum
45 capacity of less than six thousand pounds, or an option to renew such a
46 lease or a similar contractual provision, all receipts due or consider-
47 ation given or contracted to be given for such property under and for
48 the entire period of such lease, option to renew or similar provision,
49 or combination of them, shall be deemed to have been paid or given and
50 shall be subject to tax, and any such tax due shall be collected, as of
51 the date of first payment under such lease, option to renew or similar
52 provision, or combination of them, or as of the date of registration of

1 such property with the commissioner of motor vehicles, whichever is
2 earlier. Notwithstanding any inconsistent provisions of subdivision (b)
3 of this section or of section eleven hundred seventeen of this article
4 or of other law, for purposes of such a lease, option to renew or simi-
5 lar provision originally entered into outside this state, by a lessee
6 (1) who was a resident of this state, and leased such property for use
7 outside the state and who subsequently brings such property into this
8 state for use here or (2) who was a nonresident and subsequently becomes
9 a resident and brings the property into this state for use here, any
10 remaining receipts due or consideration to be given after such lessee
11 brings such property into this state shall be subject to tax as if the
12 lessee had entered into or exercised such lease, option to renew or
13 similar provision, or combination thereof, for the first time in this
14 state and the relevant provisions of sections eleven hundred ten
15 concerning imposition and computation of tax, eleven hundred eighteen
16 concerning exemption from use tax for tax paid to another jurisdiction,
17 eleven hundred thirty-two concerning presumption of taxability and
18 conditions for registration and eleven hundred thirty-nine concerning
19 refunds, of this article, shall be applicable to any sales or compensat-
20 ing use tax paid by the lessee before the lessee brought the property
21 into this state, except to the extent that any such provision is incon-
22 sistent with a provision of this subdivision. For purposes of this
23 subdivision, (1) a lease for a term of one year or more shall include
24 any lease for a shorter term which includes an option to renew or other
25 like provision (or more than one of such option or other provision)
26 where the cumulative period that the lease, with or without such option
27 or provision, may be in effect upon exercise of such option or provision
28 is one year or more and (2) receipts due and consideration given or
29 contracted to be given under any such lease or other provision for
30 excess mileage charges shall be subject to tax as and when paid or due.

31 § 2. Subdivision (q) of section 1111 of the tax law, as amended by
32 section 2 of part TT of chapter 59 of the laws of 2015, is amended to
33 read as follows:

34 (q) (1) The exclusions from the definition of retail sale in subpara-
35 graph (iv) of paragraph four of subdivision (b) of section eleven
36 hundred one of this article shall not apply to transfers, distributions,
37 or contributions of an aircraft or a vessel, except where, in the case
38 of the exclusion in subclause (I) of clause (A) of such subparagraph
39 (iv), the two corporations to be merged or consolidated are not affil-
40 iated persons with respect to each other. For purposes of this subdivi-
41 sion, corporations are affiliated persons with respect to each other
42 where (i) more than five percent of their combined shares are owned by
43 members of the same family, as defined by paragraph four of subsection
44 (c) of section two hundred sixty-seven of the internal revenue code of
45 nineteen hundred eighty-six; (ii) one of the corporations has an owner-
46 ship interest of more than five percent, whether direct or indirect, in
47 the other; or (iii) another person or a group of other persons that are
48 affiliated persons with respect to each other hold an ownership interest
49 of more than five percent, whether direct or indirect, in each of the
50 corporations.

51 (2) Notwithstanding any contrary provision of law, in relation to any
52 transfer, distribution, or contribution of an aircraft or a vessel that
53 qualifies as a retail sale as a result of paragraph one of this subdivi-
54 sion, the sales tax imposed by subdivision (a) of section eleven hundred
55 five of this part shall be computed based on the price at which the
56 seller purchased the tangible personal property, provided that where the

1 seller or purchaser affirmatively shows that the seller owned the prop-
2 erty for six months prior to making the transfer, distribution or
3 contribution covered by paragraph one of this subdivision, such aircraft
4 or vessel shall be taxed on the basis of the current market value of the
5 aircraft or vessel at the time of that transfer, distribution, or
6 contribution. For the purposes of the prior sentence, "current market
7 value" shall not exceed the cost of the aircraft or vessel. See subdivi-
8 sion (b) of this section for a similar rule on the computation of any
9 compensating use tax due under section eleven hundred ten of this part
10 on such transfers, distributions, or contributions.

11 (3) A purchaser of an aircraft or a vessel covered by paragraph one of
12 this subdivision will be entitled to a refund or credit against the
13 sales or compensating use tax due as a result of a transfer, distrib-
14 ution, or contribution of such aircraft or vessel in the amount of any
15 sales or use tax paid to this state or any other state on the seller's
16 purchase or use of the aircraft or vessel so transferred, distributed or
17 contributed, but not to exceed the tax due on the transfer, distrib-
18 ution, or contribution of the aircraft or vessel or on the purchaser's
19 use in the state of the aircraft or vessel so transferred, distributed
20 or contributed. An application for a refund or credit under this subdivi-
21 sion must be filed and shall be in such form as the commissioner may
22 prescribe. Where an application for credit has been filed, the applicant
23 may immediately take such credit on the return which is due coincident
24 with or immediately subsequent to the time the application for credit is
25 filed. However, the taking of the credit on the return shall be deemed
26 to be part of the application for credit. Provided that the commissioner
27 may, in his or her discretion and notwithstanding any other law, waive
28 the application requirement for any or all classes of persons where the
29 amount of the credit or refund is equal to the amount of the tax due
30 from the purchaser. The provisions of subdivisions (a), (b), and (c) of
31 section eleven hundred thirty-nine of this article shall apply to appli-
32 cations for refund or credit under this subdivision. No interest shall
33 be allowed or paid on any refund made or credit allowed under this
34 subdivision. If a refund is granted or a credit allowed under this para-
35 graph, the seller or purchaser shall not be eligible for a refund or
36 credit pursuant to subdivision seven of section eleven hundred eighteen
37 of this article with regard to the same purchase or use.

38 § 3. Paragraph 21-a of subdivision (a) of section 1115 of the tax law
39 is REPEALED.

40 § 4. This act shall take effect June 1, 2024.

41 PART V

42 Section 1. Section 1180 of the tax law is amended by adding a new
43 subdivision (c) to read as follows:

44 (c) "Vapor products distributor" means any person who imports or caus-
45 es to be imported into this state any vapor products for sale, or who
46 manufactures any vapor product in this state, and any person within or
47 without the state who is authorized by the commissioner of taxation and
48 finance to make returns and pay the tax on vapor products sold, shipped,
49 or delivered by such person to any person in the state.

50 § 2. Section 1181 of the tax law, as amended by chapter 92 of the laws
51 of 2021, is amended to read as follows:

52 § 1181. Imposition of tax. (a) In addition to any other tax imposed
53 by this chapter or other law, there is hereby imposed a tax of twenty
54 percent on [~~receipts from the retail sale of vapor products sold~~] vapor

1 products sold by a vapor products distributor to a vapor products dealer
2 in this state. The tax is imposed on the purchaser and collected by the
3 vapor products dealer as defined in subdivision (b) of section eleven
4 hundred eighty of this article, in trust for and on account of the
5 state. The taxes imposed under this section shall not apply to adult-use
6 cannabis products subject to tax under article twenty-C of this chapter.

7 (b) The vapor products distributor shall be liable for the payment of
8 the tax on vapor products which such distributor imports or causes to be
9 imported into the state, or which such distributor manufactures in the
10 state, and every vapor products distributor authorized by the commis-
11 sioner of taxation and finance to make returns and pay the tax on tobac-
12 co products sold, shipped or delivered by such distributor to any person
13 in the state shall be liable for the payment of the tax on all vapor
14 products so sold, shipped or delivered.

15 (c) Every vapor products dealer shall be liable for the tax on all
16 vapor products in such dealer's possession at any time, upon which tax
17 has not been paid or assumed by a vapor products distributor appointed
18 by the commissioner of taxation and finance, and the failure of any
19 vapor products dealer to produce and exhibit to the commissioner of
20 taxation and finance or the commissioner's authorized representative
21 upon demand, an invoice by a vapor products distributor for any vapor
22 products in such distributor's possession shall be presumptive evidence
23 that the tax thereon has not been paid, and that such dealer is liable
24 for the tax thereon unless evidence of such invoice, payment or assump-
25 tion shall later be produced.

26 § 3. The tax law is amended by adding a new section 1183-a to read as
27 follows:

28 § 1183-a. Vapor products distributor license and renewal. (a) Every
29 person who intends to be a vapor products distributor in this state must
30 receive from the commissioner a license prior to engaging in business.
31 In addition to the requirements of section eleven hundred eighty-three
32 of this article, a vapor products dealer who purchases or receives vapor
33 products from a manufacturer or out-of-state distributor shall be
34 required to obtain a vapor products distributor license. The applicant
35 for a vapor products distributor license must electronically submit a
36 properly completed application for a license for each location at which
37 the business shall be conducted in this state, on a form prescribed by
38 the commissioner, and shall be accompanied by a non-refundable applica-
39 tion fee of three hundred dollars.

40 (b) A vapor products distributor license shall be valid for the calen-
41 dar year for which it is issued unless earlier suspended or revoked.
42 Upon the expiration of the term stated on the license, such license
43 shall be null and void. A license shall not be assignable or transfera-
44 ble and shall be destroyed immediately upon the vapor products distribu-
45 tor ceasing to do business as specified in such license or in the event
46 that such business never commenced.

47 (c) Every vapor products distributor shall publicly display in such
48 distributor's place of business a license from the department.

49 (d)(1) The commissioner shall refuse to issue a license to any appli-
50 cant who does not possess a valid certificate of authority under section
51 eleven hundred thirty-four of this chapter. In addition, the commis-
52 sioner may refuse to issue a license, or suspend, cancel or revoke a license
53 issued to any person who:

54 (A) has a past-due liability as that term is defined in section one
55 hundred seventy-one-v of this chapter;

1 (B) has had a license under this article or any license or registra-
2 tion provided for in this chapter revoked within one year from the date
3 on which such application was filed;

4 (C) has been convicted of a crime provided for in this chapter within
5 one year from the date on which such application was filed;

6 (D) willfully fails to file a report or return required by this arti-
7 cle;

8 (E) willfully files, causes to be filed, gives or causes to be given a
9 report, return, certificate or affidavit required by this article which
10 is false;

11 (F) willfully fails to collect or truthfully account for or pay over
12 any tax imposed by this article; or

13 (G) whose place of business is at the same premises as that of a
14 person whose vapor products distributor license has been revoked and
15 where such revocation is still in effect, unless the applicant or vapor
16 products distributor provides the commissioner with adequate documenta-
17 tion demonstrating that such applicant or vapor products distributor
18 acquired the premises or business through an arm's length transaction as
19 defined in paragraph (e) of subdivision one of section four hundred
20 eighty-a of this chapter.

21 (2) In addition to the grounds provided in paragraph one of this
22 subdivision, the commissioner shall refuse to issue a license and shall
23 cancel or suspend a license as directed by an enforcement officer pursu-
24 ant to article thirteen-F of the public health law. Notwithstanding any
25 provision of law to the contrary, an applicant whose application for a
26 license is refused or a vapor products distributor whose license is
27 cancelled or suspended under this paragraph shall have no right to a
28 hearing under this chapter and shall have no right to commence a court
29 action or proceeding or to any other legal recourse against the commis-
30 sioner with respect to such refusal, suspension or cancellation;
31 provided, however, that nothing herein shall be construed to deny a
32 vapor products distributor a hearing under article thirteen-F of the
33 public health law or to prohibit vapor products distributors from
34 commencing a court action or proceeding against an enforcement officer
35 as defined in section thirteen hundred ninety-nine-aa of the public
36 health law.

37 (e) If a vapor products distributor license is suspended, cancelled or
38 revoked and such vapor products distributor distributes or sells vapor
39 products through more than one place of business in this state, the
40 vapor products distributor's license issued to that place of business
41 where such violation occurred shall be suspended, revoked, or cancelled.
42 Provided, however, upon a vapor products distributor's third suspension,
43 cancellation, or revocation within a five-year period for any one or
44 more businesses owned or operated by the vapor products distributor,
45 such suspension, cancellation, or revocation of the vapor products
46 distributor's license shall apply to all places of business where such
47 distributor distributes or sells vapor products in this state.

48 (f) Every holder of a license must notify the commissioner of changes
49 to any of the information stated on the license or changes to any infor-
50 mation contained in the application for the license. Such notification
51 must be made on or before the last day of the month in which a change
52 occurs and must be made electronically on a form prescribed by the
53 commissioner.

54 (g) Every vapor products distributor who holds a license under this
55 article shall be required to reapply for a license for the following
56 calendar year on or before the twentieth day of September and such reap-

1 plication shall be subject to the same requirements and conditions,
2 including grounds for refusal, as an initial license under this article,
3 including but not limited to the payment of the three hundred dollar
4 application fee for each business location.

5 (h) In addition to any other penalty imposed by this chapter, any
6 vapor products distributor who violates the provisions of this section,
7 (1) for a first violation is liable for a civil fine not less than five
8 thousand dollars but not to exceed twenty-five thousand dollars and such
9 license may be suspended for a period of not more than six months; and
10 (2) for a second or subsequent violation within three years following a
11 prior violation of this section, is liable for a civil fine not less
12 than ten thousand dollars but not to exceed thirty-five thousand dollars
13 and such license may be suspended for a period of up to thirty-six
14 months; or (3) for a third violation within a period of five years, the
15 license issued to each place of business owned or operated by the vapor
16 products distributor in this state shall be revoked for a period of up
17 to five years.

18 § 4. Section 1184 of the tax law, as added by section 1 of part UU of
19 chapter 59 of the laws of 2019, is amended to read as follows:

20 § 1184. Administrative provisions. (a) [~~Except as otherwise provided~~
21 ~~for in this article, the taxes imposed by this article shall be adminis-~~
22 ~~tered and collected in a like manner as and jointly with the taxes~~
23 ~~imposed by sections eleven hundred five and eleven hundred ten of this~~
24 ~~chapter. In addition, except as otherwise provided in this article, all~~
25 ~~of the provisions of article twenty-eight of this chapter (except~~
26 ~~sections eleven hundred seven, eleven hundred eight, eleven hundred~~
27 ~~nine, and eleven hundred forty eight) relating to or applicable to the~~
28 ~~administration, collection and review of the taxes imposed by such~~
29 ~~sections eleven hundred five and eleven hundred ten, including, but not~~
30 ~~limited to, the provisions relating to definitions, returns, exemptions,~~
31 ~~penalties, tax secrecy, personal liability for the tax, and collection~~
32 ~~of tax from the customer, shall apply to the taxes imposed by this arti-~~
33 ~~cle so far as such provisions can be made applicable to the taxes~~
34 ~~imposed by this article with such limitations as set forth in this arti-~~
35 ~~cle and such modifications as may be necessary in order to adapt such~~
36 ~~language to the taxes so imposed. Such provisions shall apply with the~~
37 ~~same force and effect as if the language of those provisions had been~~
38 ~~set forth in full in this article except to the extent that any~~
39 ~~provision is either inconsistent with a provision of this article or is~~
40 ~~not relevant to the taxes imposed by this article.~~

41 ~~(b) Notwithstanding the provisions of subdivision (a) of this section,~~
42 ~~the exemptions provided in paragraph ten of subdivision (a) of section~~
43 ~~eleven hundred fifteen of this chapter, and the provisions of section~~
44 ~~eleven hundred sixteen, except those provided in paragraphs one, two,~~
45 ~~three and six of subdivision (a) of such section, shall not apply to the~~
46 ~~taxes imposed by this article.] Every vapor products distributor shall,
47 on or before the twentieth day of each month, file with the commissioner
48 of taxation and finance a return on forms to be prescribed and furnished
49 by the commissioner, showing the quantity and wholesale price of all
50 vapor products imported or caused to be imported into the state by such
51 distributor or manufactured in the state by such distributor, during the
52 preceding calendar month. Every vapor products distributor authorized by
53 the commissioner to make returns and pay the tax on vapor products sold,
54 shipped, or delivered by such distributor to any person in the state
55 shall file a return showing the quantity and wholesale price of all
56 vapor products so sold, shipped, or delivered during the preceding~~

1 calendar month. Provided, however, the commissioner may, if the commis-
2 sioner deems it necessary in order to ensure the payment of the taxes
3 imposed by this article, require returns to be made at such times and
4 covering such periods as the commissioner may deem necessary, and, by
5 regulation, may permit the filing of returns on a quarterly, semi-annual
6 or annual basis, or may waive the filing of returns by a vapor products
7 distributor for such time and upon such terms as the commissioner may
8 deem proper if satisfied that no tax imposed by this article is or will
9 be payable by such distributor during the time for which returns are
10 waived. Such returns shall contain such further information as the
11 commissioner may require.

12 (b) Every vapor product distributor shall pay to the commissioner with
13 the filing of such return the tax on vapor products for such month
14 imposed under this article.

15 (c) Notwithstanding the provisions of this section or section eleven
16 hundred forty-six of this chapter, the commissioner may, in [~~his or her~~
17 the commissioner's] discretion, permit the commissioner of health or [~~his~~
18 ~~or her~~] such commissioner's authorized representative to inspect any
19 return related to the tax imposed by this article and may furnish to the
20 commissioner of health any such return or supply [~~him or her~~] such
21 commissioner with information concerning an item contained in any such
22 return, or disclosed by any investigation of a liability under this
23 article.

24 § 5. The tax law is amended by adding two new sections 1184-a and
25 1184-b to read as follows:

26 § 1184-a. Enforcement. The commissioner or the commissioner's duly
27 authorized representatives are hereby authorized:

28 (a) To conduct regulatory inspections during normal business hours of
29 any place of business, including a vehicle used for such business, where
30 vapor products are distributed, placed, stored, sold, or offered for
31 sale. For the purposes of this section, "place of business" shall not
32 include a residence or other real property, or any personal vehicle on
33 or about such property, not held out as open to the public or otherwise
34 being utilized in a business or commercial manner, unless probable cause
35 exists to believe that such residence, real property or vehicle is being
36 used in such a business or commercial manner for the buying or selling
37 of vapor products.

38 (b) To examine any vapor products and the books, papers, invoices, and
39 other records of any place of business or vehicle where vapor products
40 are distributed, placed, stored, sold or offered for sale. Any person in
41 possession, control or occupancy of any such business is required to
42 give to the commissioner or the commissioner's duly authorized represen-
43 tatives, the means, facilities, and opportunity for such examinations.
44 For the purposes of this section, "place of business" shall not include
45 a residence or other real property, or any personal vehicle on or about
46 such property, not held out as open to the public or otherwise being
47 utilized in a business or commercial manner, unless probable cause
48 exists to believe that such residence, real property or vehicle is being
49 used in such a business or commercial manner for the buying or selling
50 of vapor products.

51 (c) If any person registered or who has obtained a license under this
52 article, or their agents, refuses to give the commissioner, or the
53 commissioner's duly authorized representatives, the means, facilities
54 and opportunity for the inspections and examinations required by this
55 section, the commissioner, after notice and an opportunity for a hear-

1 ing, may revoke their license to distribute vapor products or to sell
2 vapor products at retail;

3 (1) for a period of one year for the first such failure;

4 (2) for a period of up to three years for a second such failure within
5 a period of three years; and

6 (3) for a period of up to seven years for a third such failure within
7 five years.

8 (d) The commissioner or the commissioner's duly authorized represen-
9 tatives shall seize any non-tax-paid vapor products found in any place
10 of business or vehicle where vapor products are distributed, placed,
11 stored, sold or offered for sale by any person who does not possess a
12 license as described in section eleven hundred eighty-three-a of this
13 article.

14 (e) All non-tax-paid vapor products seized pursuant to the authority
15 of this chapter or any other law of this state shall be turned over to
16 the department or its authorized representative. Such seized non-tax-
17 paid vapor products shall, after notice and an opportunity for a hear-
18 ing, be forfeited to the state. If the department determines the non-
19 tax-paid vapor products cannot be used for law enforcement purposes, it
20 may, within a reasonable time after the forfeiture of such non-tax-paid
21 vapor products, upon publication in the state registry, destroy such
22 forfeited non-tax-paid vapor products.

23 § 1184-b. General powers of the tax commission. The powers conferred
24 upon the tax commission by sections one hundred seventy-one and one
25 hundred seventy-one-b of this chapter shall, so far as applicable, be
26 exercisable with respect to the provisions of this article. Such commis-
27 sion may require returns to be filed with it at such times and contain-
28 ing such information as it may prescribe and in such event the fact that
29 a person's name is signed to the return shall be prima facie evidence
30 for all purposes that the return was actually signed by such person.
31 Notwithstanding any other provision of this article, the tax commission
32 may enter into an agreement with any city of this state which is author-
33 ized to impose a tax similar to that imposed by this article to provide
34 for the joint administration, in whole or in part, of such taxes.

35 § 6. This act shall take effect immediately.

36 PART W

37 Section 1. Section 490 of the tax law is REPEALED.

38 § 2. Section 89-h of the state finance law is REPEALED.

39 § 3. This act shall take effect May 1, 2024.

40 PART X

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

46 (g-1) Solar energy system equipment credit. (1) General. An individual
47 taxpayer shall be allowed a credit against the tax imposed by this arti-
48 cle equal to twenty-five percent of qualified solar energy system equip-
49 ment expenditures, except as provided in subparagraph (D) of paragraph
50 two of this subsection. This credit shall not exceed three thousand
51 seven hundred fifty dollars for qualified solar energy equipment placed
52 in service before September first, two thousand six, ~~and~~ five thousand

1 dollars for qualified solar energy equipment placed in service on or
2 after September first, two thousand six and before January first, two
3 thousand twenty-five, and ten thousand dollars for qualified solar ener-
4 gy equipment placed in service on or after January first, two thousand
5 twenty-five.

6 (2) Qualified solar energy system equipment expenditures. (A) The term
7 "qualified solar energy system equipment expenditures" means expendi-
8 tures for:

9 (i) the purchase of solar energy system equipment which is installed
10 in connection with residential property which is (I) located in this
11 state and (II) which is used by the taxpayer as [~~his or her~~] their prin-
12 cipal residence at the time the solar energy system equipment is placed
13 in service;

14 (ii) the lease of solar energy system equipment under a written agree-
15 ment that spans at least ten years where such equipment owned by a
16 person other than the taxpayer is installed in connection with residen-
17 tial property which is (I) located in this state and (II) which is used
18 by the taxpayer as [~~his or her~~] their principal residence at the time
19 the solar energy system equipment is placed in service; or

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

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

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

34 (D) Such qualified expenditures for the lease of solar energy system
35 equipment or the purchase of power under an agreement described in
36 clauses (ii) or (iii) of subparagraph (A) of this paragraph shall
37 include an amount equal to all payments made during the taxable year
38 under such agreement. Provided, however, such credits shall only be
39 allowed for fourteen years after the first taxable year in which such
40 credit is allowed. Provided further, however, the twenty-five percent
41 limitation in paragraph one of this subsection shall only apply to the
42 total aggregate amount of all payments to be made pursuant to an agree-
43 ment referenced in clauses (ii) or (iii) of subparagraph (A) of this
44 paragraph, and shall not apply to individual payments made during a
45 taxable year under such agreement except to the extent such limitation
46 on an aggregate basis has been reached.

47 (3) Solar energy system equipment. The term "solar energy system
48 equipment" shall mean an arrangement or combination of components
49 utilizing solar radiation, which, when installed in a residence, produc-
50 es and may store energy designed to provide heating, cooling, hot water
51 or electricity for use in such residence. Such arrangement or components
52 may include electric energy storage equipment but shall not include any
53 other equipment connected to solar energy system equipment that is a
54 component of part or parts of a non-solar energy system or which uses
55 any sort of recreational facility or equipment as a storage medium.
56 Solar energy system equipment that generates and stores electricity for

1 use in a residence must conform to applicable requirements set forth in
2 section sixty-six-j of the public service law. Provided, however, where
3 solar energy system equipment is purchased and installed by a condomin-
4 ium management association or a cooperative housing corporation, for
5 purposes of this subsection only, the term "ten kilowatts" in such
6 section sixty-six-j shall be read as [~~"fifty"~~] "ten kilowatts multiplied
7 by the number of owner-occupied units in the cooperative or condominium
8 management association."

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

15 (5) Proportionate share. Where solar energy system equipment is
16 purchased and installed by a condominium management association or a
17 cooperative housing corporation, a taxpayer who is a member of the
18 condominium management association or who is a tenant-stockholder in the
19 cooperative housing corporation may for the purpose of this subsection
20 claim a proportionate share of the total expense as the expenditure for
21 the purposes of the credit attributable to [~~his~~] their principal resi-
22 dence.

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

29 (7) When credit allowed. The credit provided for herein shall be
30 allowed with respect to the taxable year, commencing after nineteen
31 hundred ninety-seven, in which the solar energy system equipment is
32 placed in service.

33 (8) Carryover of credit and refundability. If the amount of the cred-
34 it, and carryovers of such credit, allowable under this subsection for
35 any taxable year shall exceed the taxpayer's tax for such year, such
36 excess amount may be carried over to the five taxable years next follow-
37 ing the taxable year with respect to which the credit is allowed and may
38 be deducted from the taxpayer's tax for such year or years. For taxable
39 years beginning on or after January first, two thousand twenty-five, if
40 the amount of the credit allowable under this subsection shall exceed
41 the taxpayer's tax liability for such year, and the taxpayer meets the
42 definition of low to moderate income, as defined in subdivision (c) of
43 section nine hundred seventy-c of the general municipal law, or resides
44 in a disadvantaged community, as defined in subdivision five of section
45 75-0101 of the environmental conservation law, the excess shall be
46 treated as an overpayment of tax to be credited or refunded in accord-
47 ance with the provisions of section six hundred eighty-six of this arti-
48 cle, provided, however, that no interest shall be paid thereon.

49 § 2. This act shall take effect immediately.

50

PART Y

51 Section 1. Paragraphs 1 and 9 of subsection (g-4) of section 606 of
52 the tax law, as added by section 1 of part FF of chapter 59 of the laws
53 of 2022, are amended to read as follows:

1 (1) General. An individual taxpayer shall be allowed a credit against
2 the tax imposed by this article equal to twenty-five percent of quali-
3 fied geothermal energy system expenditures, except as provided in
4 subparagraph (D) of paragraph two of this subsection, not to exceed five
5 thousand dollars for qualified geothermal energy systems placed in
6 service before June thirtieth, two thousand twenty-four, and ten thou-
7 sand dollars for qualified geothermal energy equipment placed in service
8 on or after July first, two thousand twenty-four.

9 (9) Carryover of credit and refundability. If the amount of the cred-
10 it, and carryovers of such credit, allowable under this subsection for
11 any taxable year shall exceed the taxpayer's tax for such year, such
12 excess amount may be carried over to the five taxable years next follow-
13 ing the taxable year with respect to which the credit is allowed and may
14 be deducted from the taxpayer's tax for such year or years. For taxable
15 years beginning on or after January first, two thousand twenty-five, if
16 the amount of the credit allowable under this subsection shall exceed
17 the taxpayer's tax liability for such year, and the taxpayer meets the
18 definition of low-to-moderate income as defined in subdivision (c) of
19 section nine hundred seventy-c of the general municipal law, or resides
20 in a disadvantaged community, as defined in subdivision five of section
21 75-0101 of the environmental conservation law, the excess shall be
22 treated as an overpayment of tax to be credited or refunded. Any refund
23 paid pursuant to this paragraph shall be deemed to be a refund of an
24 overpayment of tax as provided in section six hundred eighty-six of this
25 article, provided, however, that no interest shall be paid thereon.

26 § 2. This act shall take effect immediately.

27 PART Z

28 Section 1. Section 1115 of the tax law is amended by adding a new
29 subdivision (11) to read as follows:

30 (11) The following shall be exempt from tax under this article: (1)
31 Receipts from the retail sale of, and consideration given or contracted
32 to be given for, or for the use of, residential energy storage systems
33 equipment and the service of installing such systems. For the purposes
34 of this subdivision, "residential energy storage systems equipment"
35 shall mean an arrangement or combination of components installed in a
36 residence that stores electricity for use at a later time to provide
37 heating, cooling, hot water and/or electricity.

38 (2) Receipts from the sale of electricity by a person primarily
39 engaged in the sale of energy storage system equipment and/or electric-
40 ity generated by such equipment pursuant to a written agreement under
41 which such electricity is generated by residential energy system storage
42 equipment that is: (A) owned by a person other than the purchaser of
43 such electricity; (B) installed on residential property of the purchaser
44 of such electricity; and (C) used to provide heating, cooling, hot water
45 or electricity.

46 § 2. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as
47 amended by section 5 of part J of chapter 59 of the laws of 2021, is
48 amended to read as follows:

49 (1) Either, all of the taxes described in article twenty-eight of this
50 chapter, at the same uniform rate, as to which taxes all provisions of
51 the local laws, ordinances or resolutions imposing such taxes shall be
52 identical, except as to rate and except as otherwise provided, with the
53 corresponding provisions in such article twenty-eight, including the
54 definition and exemption provisions of such article, so far as the

1 provisions of such article twenty-eight can be made applicable to the
2 taxes imposed by such city or county and with such limitations and
3 special provisions as are set forth in this article. The taxes author-
4 ized under this subdivision may not be imposed by a city or county
5 unless the local law, ordinance or resolution imposes such taxes so as
6 to include all portions and all types of receipts, charges or rents,
7 subject to state tax under sections eleven hundred five and eleven
8 hundred ten of this chapter, except as otherwise provided. Notwith-
9 standing the foregoing, a tax imposed by a city or county authorized
10 under this subdivision shall not include the tax imposed on charges for
11 admission to race tracks and simulcast facilities under subdivision (f)
12 of section eleven hundred five of this chapter. (i) Any local law, ordi-
13 nance or resolution enacted by any city of less than one million or by
14 any county or school district, imposing the taxes authorized by this
15 subdivision, shall, notwithstanding any provision of law to the contra-
16 ry, exclude from the operation of such local taxes all sales of tangible
17 personal property for use or consumption directly and predominantly in
18 the production of tangible personal property, gas, electricity, refrig-
19 eration or steam, for sale, by manufacturing, processing, generating,
20 assembly, refining, mining or extracting; and all sales of tangible
21 personal property for use or consumption predominantly either in the
22 production of tangible personal property, for sale, by farming or in a
23 commercial horse boarding operation, or in both; and all sales of fuel
24 sold for use in commercial aircraft and general aviation aircraft; and,
25 unless such city, county or school district elects otherwise, shall omit
26 the provision for credit or refund contained in clause six of subdivi-
27 sion (a) or subdivision (d) of section eleven hundred nineteen of this
28 chapter. (ii) Any local law, ordinance or resolution enacted by any
29 city, county or school district, imposing the taxes authorized by this
30 subdivision, shall omit the residential solar energy systems equipment
31 and electricity exemption provided for in subdivision (ee), the commer-
32 cial solar energy systems equipment and electricity exemption provided
33 for in subdivision (ii), the commercial fuel cell electricity generating
34 systems equipment and electricity generated by such equipment exemption
35 provided for in subdivision (kk), the residential energy storage systems
36 equipment and electricity exemption provided for in subdivision (ll),
37 and the clothing and footwear exemption provided for in paragraph thirty
38 of subdivision (a) of section eleven hundred fifteen of this chapter,
39 unless such city, county or school district elects otherwise as to such
40 residential solar energy systems equipment and electricity exemption,
41 such commercial solar energy systems equipment and electricity
42 exemption, commercial fuel cell electricity generating systems equipment
43 and electricity generated by such equipment exemption or such clothing
44 and footwear exemption.

45 § 3. Subdivision (d) of section 1210 of the tax law, as amended by
46 section 4 of part WW of chapter 60 of the laws of 2016, is amended to
47 read as follows:

48 (d) A local law, ordinance or resolution imposing any tax pursuant to
49 this section, increasing or decreasing the rate of such tax, repealing
50 or suspending such tax, exempting from such tax the energy sources and
51 services described in paragraph three of subdivision (a) or of subdivi-
52 sion (b) of this section or changing the rate of tax imposed on such
53 energy sources and services or providing for the credit or refund
54 described in clause six of subdivision (a) of section eleven hundred
55 nineteen of this chapter, or electing or repealing the exemption for
56 residential solar equipment and electricity in subdivision (ee) of

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

32 § 4. This act shall take effect on the first day of a sales tax quar-
33 terly period, as described in subdivision (b) of section 1136 of the tax
34 law, beginning at least 90 days after the date this act shall have
35 become a law and shall apply to sales made on or after such date.

36

PART AA

37 Section 1. Subdivisions (b) and (c) of section 45 of the tax law, as
38 added by section 1 of part 00 of chapter 59 of the laws of 2022, are
39 amended to read as follows:

40 (b) Allocation of credit. The aggregate amount of tax credits allowed
41 under this section, subdivision fifty-five of section two hundred ten-B
42 and subsection (nnn) of section six hundred six of this chapter in any
43 taxable year shall be five million dollars. Such credit shall be allo-
44 cated by the department of economic development in order of priority
45 based upon the date of filing an application for allocation of digital
46 gaming media production credit with such office. An applicant shall
47 submit an annual application which shall include all qualified digital
48 gaming media productions for the taxable year along with an estimate of
49 the digital gaming media production costs. The application can be
50 submitted no earlier than ninety days prior to the first day of the
51 applicable taxable year. If the total amount of allocated credits
52 applied for in any particular year exceeds the aggregate amount of tax
53 credits allowed for such year under this section, such excess shall be

1 treated as having been applied for on the first day of the subsequent
2 taxable year.

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

4 (1) "Qualified digital gaming media production" means: (i) a website,
5 the digital media production costs of which are paid or incurred predo-
6 minately in connection with (A) video simulation, animation, text,
7 audio, graphics or similar gaming related property embodied in digital
8 format, and (B) interactive features of digital gaming (e.g., links,
9 message boards, communities or content manipulation); (ii) video or
10 interactive games produced primarily for distribution over the internet,
11 wireless network or successors thereto; and (iii) animation, simulation
12 or embedded graphics digital gaming related software intended for
13 commercial distribution regardless of medium; provided, however, that
14 the qualified digital game development media productions described in
15 subparagraphs (i) through (iii) of this paragraph must have digital
16 media production costs equal to or in excess of [~~one hundred~~] fifty
17 thousand dollars per production. A qualified digital gaming media
18 production does not include a website, video, interactive game or soft-
19 ware that is used predominately for: electronic commerce (retail or
20 wholesale purposes other than the sale of video interactive games),
21 gambling (including activities regulated by a New York gaming agency),
22 or political advocacy purposes.

23 (2) "Digital gaming media production costs" means any costs for wages
24 [~~or salaries~~] paid to individuals, [~~other than actors or writers,~~
25 directly employed for services performed by those individuals directly
26 [~~and predominantly~~] in the creation of a digital gaming media production
27 or productions. [~~Up to one hundred thousand dollars in wages and sala-~~
28 ~~ries paid to such employees, other than actors and writers, directly~~
29 ~~employed shall be used in the calculation of this credit.~~] Digital
30 gaming media production costs include but shall not be limited to
31 payments for services performed directly [~~and predominantly~~] in the
32 development (including concept creation), [~~design,~~] production (includ-
33 ing concept creation), design, production (including testing), editing
34 (including encoding) and compositing (including the integration of
35 digital files for interaction by end users) of digital gaming media.
36 Digital gaming media production costs shall not include expenses
37 incurred for the distribution, marketing, promotion, or advertising
38 content generated by end users, other costs not directly [~~and predomi-~~
39 ~~nantly~~] related to the creation, production or modification of digital
40 gaming media or costs used by the taxpayer as a basis of the calculation
41 of any other tax credit allowed under this chapter. In addition, [~~sala-~~
42 ~~ries or other income distribution~~] wages related to the creation of
43 digital gaming media for any person who predominately serves in a corpo-
44 rate capacity in the role of chief executive officer, chief financial
45 officer, president, treasurer or similar corporate position and who is
46 not directly engaged in services related to the creation of a digital
47 gaming media production or productions shall not be included as digital
48 gaming media production costs if the digital gaming media production
49 entity has more than ten employees. [~~Salaries or other income~~] Wages
50 paid to a person serving in such a role for the digital gaming media
51 production entity shall also not be included if the person was employed
52 by a related person of the digital gaming media production entity within
53 sixty months of the date the digital gaming media production entity
54 applied for the tax credit certificate described in subdivision (d) of
55 this section. For purposes of the preceding sentence, a related person
56 shall have the same meaning as the term "related person" in section four

1 hundred sixty-five of the internal revenue code. [~~Furthermore, any~~
2 ~~income or other distribution to any individual including, but not limit-~~
3 ~~ed to, licensing or royalty fees, who holds an ownership interest in a~~
4 ~~digital gaming media production entity, whether or not such individual~~
5 ~~is serving in the role of chief executive officer, chief financial offi-~~
6 ~~cer, president, treasurer or similar position for such an entity, shall~~
7 ~~not be included as digital gaming media production costs. Up to four~~
8 ~~million dollars in qualified digital gaming media production costs per~~
9 ~~production shall be used in the calculation of this credit.] Digital
10 gaming media production costs shall not include those costs used by the
11 taxpayer or another taxpayer as the basis calculation of any other tax
12 credit allowed under this chapter.~~

13 (3) "Qualified digital gaming media production costs" means digital
14 gaming media production costs only to the extent such costs are attrib-
15 utable to the use of property or the performance of services by any
16 persons within the state directly [~~and predominantly~~] in the creation,
17 production or modification of digital gaming related media. [~~Such total~~
18 ~~production costs incurred and paid in this state shall be equal to or~~
19 ~~exceed seventy-five percent of total cost of an eligible production~~
20 ~~incurred and paid within and without this state.]~~

21 (4) "Digital gaming media production entity" means a corporation,
22 partnership, limited partnership or other entity or individual engaged
23 in qualified digital game development media production.

24 § 2. This act shall take effect immediately and shall apply to taxable
25 years beginning on and after January 1, 2023 and before January 1, 2028.

26 PART BB

27 Section 1. Subdivision (a) of section 1166-b of the tax law, as added
28 by section 2 of part WW of chapter 59 of the laws of 2019, is amended
29 and a new subdivision (d) is added to read as follows:

30 (a) In addition to the tax imposed under section eleven hundred sixty
31 of this article and in addition to any tax imposed under any other arti-
32 cle of this chapter, there is hereby imposed and there shall be paid a
33 tax at the rate of six percent upon the receipts from every rental of a
34 passenger car that is not subject to the tax described in section eleven
35 hundred sixty-six-a of this article and not otherwise exempt pursuant to
36 subdivision (d) of this section, but which is a retail sale of such
37 passenger car within the state.

38 (d) The transfer of possession of a motor vehicle for a consideration
39 shall not be considered a rental for purposes of this section if such
40 transfer is operated by a car-sharing organization which primarily
41 engages in such operation outside of the metropolitan commuter transpor-
42 tation district where it sells service. For purposes of this section, a
43 "car-sharing organization" is an organization described in paragraph
44 four of subdivision (a) of section eleven hundred sixteen of this chap-
45 ter and offers an alternative means to car ownership under which the
46 members of such entity are permitted to use a motor vehicle for a
47 consideration. In addition, to the extent such services have already
48 been or will be subject to the tax under this section for a use of a
49 passenger car, a person who used such a passenger car as a member of
50 such car-sharing organization shall be exempt from such use tax.

51 § 2. This act shall take effect June 1, 2024.

52 PART CC

1 Section 1. Subsection (e-1) of section 606 of the tax law, as added by
2 section 1 of part U of chapter 62 of the laws of 2006, paragraph 2 as
3 amended by chapter 532 of the laws of 2007, paragraph 3 as added and
4 paragraph 4 as renumbered by section 4 of part N of chapter 61 of the
5 laws of 2006, is amended to read as follows:

6 (e-1) Volunteer firefighters' and ambulance workers' credit. (1) For
7 taxable years beginning on and after January first, two thousand seven
8 and before January first, two thousand twenty-four, a resident taxpayer
9 who serves as an active volunteer firefighter as defined in subdivision
10 one of section two hundred fifteen of the general municipal law or as a
11 volunteer ambulance worker as defined in subdivision fourteen of section
12 two hundred nineteen-k of the general municipal law shall be allowed a
13 credit against the tax imposed by this article equal to two hundred
14 dollars. For taxable years beginning on and after January first, two
15 thousand twenty-four, a resident taxpayer who serves as an active volun-
16 teer firefighter as defined in subdivision one of section two hundred
17 fifteen of the general municipal law or as a volunteer ambulance worker
18 as defined in subdivision fourteen of section two hundred nineteen-k of
19 the general municipal law shall be allowed a credit against the tax
20 imposed by this article equal to eight hundred dollars. In order to
21 receive this credit a volunteer firefighter or volunteer ambulance work-
22 er must have been active for the entire taxable year for which the cred-
23 it is sought.

24 (2) If a taxpayer receives a real property tax exemption relating to
25 such service under title two of article four of the real property tax
26 law, such taxpayer shall not be eligible for this credit; provided,
27 however (A) if the taxpayer receives such real property tax exemption in
28 the two thousand seven taxable year as a result of making application
29 therefor in a prior year or (B) if the taxpayer notifies his or her
30 assessor in writing by December thirty-first, two thousand seven of the
31 taxpayer's intent to discontinue such real property tax exemption by not
32 re-applying for such real property tax exemption by the next taxable
33 status date, such taxpayer shall be eligible for this credit for the two
34 thousand seven taxable year.

35 (3) In the case of [~~a husband and wife~~] spouses who file a joint
36 return and who both individually qualify for the credit under this
37 subsection for taxable years beginning on and after January first, two
38 thousand seven and before January first, two thousand twenty-four, the
39 amount of the credit allowed shall be four hundred dollars. For taxable
40 years beginning on and after January first, two thousand twenty-four,
41 the amount of the credit shall be sixteen hundred dollars.

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

47 § 2. This act shall take effect immediately.

48

PART DD

49 Section 1. Clauses (vi) and (vii) of subparagraph (B) of paragraph 1
50 of subsection (a) of section 601 of the tax law, as amended by section 1
51 of subpart A of part A of chapter 59 of the laws of 2022, are amended to
52 read as follows:

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

1	If the New York taxable income is:	The tax is:
2	Not over \$17,150	4% of the New York taxable income
3	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
4		\$17,150
5	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
6		\$23,600
7	Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over
8		\$27,900
9	Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess over
10		\$161,550
11	Over \$323,200 but not over	\$18,252 plus 6.85% of excess over
12	\$2,155,350	\$323,200
13	Over \$2,155,350 but not over	\$143,754 plus 9.65% of excess over
14	\$5,000,000	\$2,155,350
15	Over \$5,000,000 but not over	\$418,263 plus 10.30% of
16		excess over \$5,000,000
17	\$25,000,000	
18	Over \$25,000,000	\$2,478,263 plus
19		10.90% of excess
20		over \$25,000,000

21 (vii) For taxable years beginning in two thousand twenty-four and
 22 before two thousand twenty-eight the following rates shall apply:

23	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
24	<u>Not over \$17,150</u>	<u>4% of the New York taxable income</u>
25	<u>Over \$17,150 but not over \$23,600</u>	<u>\$686 plus 4.5% of excess over</u>
26		<u>\$17,150</u>
27	<u>Over \$23,600 but not over \$27,900</u>	<u>\$976 plus 5.25% of excess over</u>
28		<u>\$23,600</u>
29	<u>Over \$27,900 but not over \$161,550</u>	<u>\$1,202 plus 5.5% of excess over</u>
30		<u>\$27,900</u>
31	<u>Over \$161,550 but not over \$323,200</u>	<u>\$8,553 plus 6.00% of excess</u>
32		<u>over \$161,550</u>
33	<u>Over \$323,200 but not over</u>	<u>\$18,252 plus 6.85% of excess</u>
34	<u>\$2,155,350</u>	<u>over \$323,200</u>
35	<u>Over \$2,155,350 but not over</u>	<u>\$143,754 plus 9.65% of excess</u>
36	<u>5,000,000</u>	<u>over \$2,155,350</u>
37	<u>Over \$5,000,000 but not over</u>	<u>\$418,263 plus 10.80% of excess</u>
38	<u>\$25,000,000</u>	<u>over \$5,000,000</u>
39	<u>Over \$25,000,000</u>	<u>\$2,578,263 plus 11.40% of excess</u>
40		<u>over \$25,000,000</u>

41 (viii) For taxable years beginning after two thousand twenty-seven the
 42 following rates shall apply:

43	If the New York taxable income is:	The tax is:
44	Not over \$17,150	4% of the New York taxable income
45	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
46		\$17,150
47	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
48		\$23,600
49	Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over
50		\$27,900
51	Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess
52		over \$161,550
53	Over \$323,200 but not over	\$18,252 plus 6.85% of excess

1	\$2,155,350	over \$323,200
2	Over \$2,155,350	\$143,754 plus 8.82% of excess
3		over \$2,155,350

4 § 2. Clauses (vi) and (vii) of subparagraph (B) of paragraph 1 of
5 subsection (b) of section 601 of the tax law, as amended by section 2 of
6 subpart A of part A of chapter 59 of the laws of 2022, are amended to
7 read as follows:

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

10	If the New York taxable income is:	The tax is:
11	Not over \$12,800	4% of the New York taxable income
12	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
13		\$12,800
14	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
15		\$17,650
16	Over \$20,900 but not over \$107,650	\$901 plus 5.5% of excess over
17		\$20,900
18	Over \$107,650 but not over \$269,300	\$5,672 plus 6.00% of excess over
19		\$107,650
20	Over \$269,300 but not over	\$15,371 plus 6.85% of excess over
21	\$1,616,450	\$269,300
22	Over \$1,616,450 but not over	\$107,651 plus 9.65% of excess over
23	\$5,000,000	\$1,616,450
24	Over \$5,000,000 but not over	\$434,163 plus 10.30%
25		of excess over \$5,000,000
26	\$25,000,000	
27	Over \$25,000,000	\$2,494,163 plus
28		10.90% of excess
29		over \$25,000,000

30 (vii) For taxable years beginning in two thousand twenty-four and
31 before two thousand twenty-eight the following rates shall apply:

32	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
33	<u>Not over \$12,800</u>	<u>4% of the New York taxable income</u>
34	<u>Over \$12,800 but not over \$17,650</u>	<u>\$512 plus 4.5% of excess over</u>
35		<u>\$12,800</u>
36	<u>Over \$17,650 but not over \$20,900</u>	<u>\$730 plus 5.25% of excess over</u>
37		<u>\$17,650</u>
38	<u>Over \$20,900 but not over \$107,650</u>	<u>\$901 plus 5.5% of excess over</u>
39		<u>\$20,900</u>
40	<u>Over \$107,650 but not over \$269,300</u>	<u>\$5,672 plus 6.00% of excess over</u>
41		<u>\$107,650</u>
42	<u>Over \$269,300 but not over</u>	<u>\$15,371 plus 6.85% of excess over</u>
43	<u>\$1,616,450</u>	<u>\$269,300</u>
44	<u>Over \$1,616,450 but not over</u>	<u>\$107,651 plus 9.65% of excess over</u>
45	<u>\$5,000,000</u>	<u>\$1,616,450</u>
46	<u>Over \$5,000,000 but not over</u>	<u>\$434,163 plus 10.80% of excess over</u>
47	<u>\$25,000,000</u>	<u>\$5,000,000</u>
48	<u>Over \$25,000,000</u>	<u>\$2,594,163 plus 11.40% of excess over</u>
49		<u>\$25,000,000</u>

50 (viii) For taxable years beginning after two thousand twenty-seven the
51 following rates shall apply:

52	If the New York taxable income is:	The tax is:
53	Not over \$12,800	4% of the New York taxable income

1	Over \$12,800 but not over	\$512 plus 4.5% of excess over
2	\$17,650	\$12,800
3	Over \$17,650 but not over	\$730 plus 5.25% of excess over
4	\$20,900	\$17,650
5	Over \$20,900 but not over	\$901 plus 5.5% of excess over
6	\$107,650	\$20,900
7	Over \$107,650 but not over	\$5,672 plus 6.00% of excess
8	\$269,300	over \$107,650
9	Over \$269,300 but not over	\$15,371 plus 6.85% of excess
10	\$1,616,450	over \$269,300
11	Over \$1,616,450	\$107,651 plus 8.82% of excess
12		over \$1,616,450

13 § 3. Clauses (vi) and (vii) of subparagraph (B) of paragraph 1 of
 14 subsection (c) of section 601 of the tax law, as amended by section 3 of
 15 subpart A of part A of chapter 59 of the laws of 2022, are amended to
 16 read as follows:

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

19	If the New York taxable income is:	The tax is:
20	Not over \$8,500	4% of the New York taxable income
21	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
22		\$8,500
23	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
24		\$11,700
25	Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over
26		\$13,900
27	Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess over
28		\$80,650
29	Over \$215,400 but not over	\$12,356 plus 6.85% of excess over
30	\$1,077,550	\$215,400
31	Over \$1,077,550 but not over	\$71,413 plus 9.65% of excess over
32	\$5,000,000	\$1,077,550
33	Over \$5,000,000 but not over	\$449,929 plus 10.30%
34		of excess over
35	\$25,000,000	\$5,000,000
36	Over \$25,000,000	\$2,509,929 plus
37		10.90% of excess over
38		\$25,000,000

39 (vii) For taxable years beginning in two thousand twenty-four and
 40 before two thousand twenty-eight the following rates shall apply:

41	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
42	<u>Not over \$8,500</u>	<u>4% of the New York taxable income</u>
43	<u>Over \$8,500 but not over \$11,700</u>	<u>\$340 plus 4.5% of excess over</u>
44		<u>\$8,500</u>
45	<u>Over \$11,700 but not over \$13,900</u>	<u>\$484 plus 5.25% of excess over</u>
46		<u>\$11,700</u>
47	<u>Over \$13,900 but not over \$80,650</u>	<u>\$600 plus 5.50% of excess over</u>
48		<u>\$13,900</u>
49	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,271 plus 6.00% of excess over</u>
50		<u>\$80,650</u>
51	<u>Over \$215,400 but not over</u>	<u>\$12,356 plus 6.85% of excess over</u>
52	<u>\$1,077,550</u>	<u>\$215,400</u>
53	<u>Over \$1,077,550 but not over</u>	<u>\$71,413 plus 9.65% of excess over</u>
54	<u>\$5,000,000</u>	<u>\$1,077,550</u>

1	<u>Over \$5,000,000 but not over</u>	<u>\$449,929 plus 10.80% of excess over</u>
2	<u>\$25,000,000</u>	<u>\$5,000,000</u>
3	<u>Over \$25,000,000</u>	<u>\$2,609,929 plus 11.40% of excess over</u>
4		<u>\$25,000,000</u>

5 (viii) For taxable years beginning after two thousand twenty-seven the
 6 following rates shall apply:

7	If the New York taxable income is:	The tax is:
8	Not over \$8,500	4% of the New York taxable income
9	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
10		\$8,500
11	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
12		\$11,700
13	Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over
14		\$13,900
15	Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess
16		over \$80,650
17	Over \$215,400 but not over	\$12,356 plus 6.85% of excess
18	\$1,077,550	over \$215,400
19	Over \$1,077,550	\$71,413 plus 8.82% of excess
20		over \$1,077,550

21 § 4. Subsection (d-4) of section 601 of the tax law, as added by
 22 section 3 of subpart B of part A of chapter 59 of the laws of 2022, is
 23 amended to read as follows:

24 (d-4) Alternative tax table benefit recapture. Notwithstanding the
 25 provisions of subsection (d), (d-1), (d-2) or (d-3) of this section, for
 26 taxable years beginning on or after two thousand twenty-three and before
 27 two thousand twenty-eight, there is hereby imposed a supplemental tax in
 28 addition to the tax imposed under subsections (a), (b) and (c) of this
 29 section for the purpose of recapturing the benefit of the tax tables
 30 contained in such subsections. During these taxable years, any reference
 31 in this chapter to subsection (d), (d-1), (d-2) or (d-3) of this section
 32 shall be read as a reference to this subsection.

33 (1) For resident married individuals filing joint returns and resident
 34 surviving spouses:

35 (A) If New York adjusted gross income is greater than \$107,650, but
 36 not over \$25,000,000:

37 (i) the recapture base and incremental benefit shall be determined by
 38 New York taxable income as follows:

39	Greater than	Not over	Recapture Base	Incremental Benefit
40	\$27,900	\$161,550	\$0	\$333
41	\$161,550	\$323,200	\$333	\$807
42	\$323,200	\$2,155,350	\$1,140	\$2,747
43	\$2,155,350	\$5,000,000	\$3,887	\$60,350
44	\$5,000,000	\$25,000,000	\$64,237	\$32,500

45 (ii) the applicable amount shall be determined by New York taxable
 46 income as follows:

47	Greater than	Not over	Applicable Amount
48	\$27,900	\$161,550	New York adjusted gross income minus \$107,650
49	\$161,550	\$323,200	New York adjusted gross income minus \$161,550
50	\$323,200	\$2,155,350	New York adjusted gross income minus \$323,200
51	\$2,155,350	\$5,000,000	New York adjusted gross income minus \$2,155,350
52	\$5,000,000	\$25,000,000	New York adjusted gross income minus \$5,000,000

1 (iii) the phase-in fraction shall be a fraction, the numerator of
2 which shall be the lesser of fifty thousand dollars or the applicable
3 amount and the denominator of which shall be fifty thousand dollars; and

4 (iv) the supplemental tax due shall equal the sum of the recapture
5 base and the product of (i) the incremental benefit and (ii) the phase-
6 in fraction. Provided, however, that if the New York taxable income of
7 the taxpayer is less than twenty-seven thousand nine hundred dollars,
8 the supplemental tax shall equal the difference between the product of
9 5.50 percent and New York taxable income and the tax table computation
10 on the New York taxable income set forth in paragraph one of subsection
11 (a) of this section, multiplied by a fraction, the numerator of which is
12 the lesser of fifty thousand dollars or New York adjusted gross income
13 minus one hundred seven thousand six hundred fifty dollars, and the
14 denominator of which is fifty thousand dollars.

15 (B) If New York adjusted gross income is greater than twenty-five
16 million dollars, the supplemental tax due shall equal the difference
17 between the product of [~~10.90~~ 11.40 percent and New York taxable income
18 and the tax table computation on the New York taxable income set forth
19 in paragraph one of subsection (a) of this section.

20 (2) For resident heads of households:

21 (A) If New York adjusted gross income is greater than \$107,650, but
22 not over \$25,000,000:

23 (i) the recapture base and incremental benefit shall be determined by
24 New York taxable income as follows:

Greater than	Not over	Recapture Base	Incremental Benefit
25 \$107,650	26 \$269,300	\$0	\$787
27 \$269,300	\$1,616,450	\$787	\$2,289
28 \$1,616,450	\$5,000,000	\$3,076	\$45,261
29 \$5,000,000	\$25,000,000	\$48,337	\$32,500

30 (ii) the applicable amount shall be determined by New York taxable
31 income as follows:

Greater than	Not over	Applicable Amount
32 \$107,650	33 \$269,300	New York adjusted gross income minus \$107,650
34 \$269,300	\$1,616,450	New York adjusted gross income minus \$269,300
35 \$1,616,450	\$5,000,000	New York adjusted gross income minus \$1,616,450
36 \$5,000,000	\$25,000,000	New York adjusted gross income minus \$5,000,000

37 (iii) the phase-in fraction shall be a fraction, the numerator of
38 which shall be the lesser of fifty thousand dollars or the applicable
39 amount and the denominator of which shall be fifty thousand dollars; and

40 (iv) the supplemental tax due shall equal the sum of the recapture
41 base and the product of (i) the incremental benefit and (ii) the phase-
42 in fraction. Provided, however, that if the New York taxable income of
43 the taxpayer is less than one hundred seven thousand six hundred fifty
44 dollars, the supplemental tax shall equal the difference between the
45 product of 6.00 percent and New York taxable income and the tax table
46 computation on the New York taxable income set forth in paragraph one of
47 subsection (b) of this section, multiplied by a fraction, the numerator
48 of which is the lesser of fifty thousand dollars or New York adjusted
49 gross income minus one hundred seven thousand six hundred fifty dollars,
50 and the denominator of which is fifty thousand dollars.

51 (B) If New York adjusted gross income is greater than twenty-five
52 million dollars, the supplemental tax due shall equal the difference
53 between the product of [~~10.90~~ 11.40 percent and New York taxable income
54 and the tax table computation on the New York taxable income set forth
55 in paragraph one of subsection (b) of this section.

(3) For resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts:

(A) If New York adjusted gross income is greater than \$107,650, but not over \$25,000,000:

(i) the recapture base and incremental benefit shall be determined by New York taxable income as follows:

Greater than	Not over	Recapture Base	Incremental Benefit
\$80,650	\$215,400	\$0	\$568
\$215,400	\$1,077,550	\$568	\$1,831
\$1,077,550	\$5,000,000	\$2,399	\$30,172
\$5,000,000	\$25,000,000	\$32,571	\$32,500

(ii) the applicable amount shall be determined by New York taxable income as follows:

Greater than	Not over	Applicable Amount
\$80,650	\$215,400	New York adjusted gross income minus \$107,650
\$215,400	\$1,077,550	New York adjusted gross income minus \$215,400
\$1,077,550	\$5,000,000	New York adjusted gross income minus \$1,077,550
\$5,000,000	\$25,000,000	New York adjusted gross income minus \$5,000,000

(iii) the phase-in fraction shall be a fraction, the numerator of which shall be the lesser of fifty thousand dollars or the applicable amount and the denominator of which shall be fifty thousand dollars; and

(iv) the supplemental tax due shall equal the sum of the recapture base and the product of (i) the incremental benefit and (ii) the phase-in fraction. Provided, however, that if the New York taxable income of the taxpayer is less than eighty thousand six hundred fifty dollars, the supplemental tax shall equal the difference between the product of 6.00 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (c) of this section, multiplied by a fraction, the numerator of which is the lesser of fifty thousand dollars or New York adjusted gross income minus one hundred seven thousand six hundred fifty dollars, and the denominator of which is fifty thousand dollars.

(B) If New York adjusted gross income is greater than twenty-five million dollars, the supplemental tax due shall equal the difference between the product of ~~10.90~~ 11.40 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (c) of this section.

§ 5. This act shall take effect immediately.

PART EE

Section 1. This act shall be known and may be cited as the "local journalism sustainability act".

§ 2. The tax law is amended by adding a new section 24-d to read as follows:

§ 24-d. Payroll credit for compensation of journalists. (a) In general. An eligible news journalist employer which 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 in this section, for each calendar quarter an amount equal to the applicable percentage of wages paid by such employer to news journalists for such calendar quarter.

(b) Limitations. (1) The amount of wages paid with respect to any individual which may be taken into account under subdivision (a) of this section during any calendar quarter by the eligible news journalist employer shall not exceed twelve thousand five hundred dollars. Credit is allowed for individuals paid in excess of this amount but shall be

1 limited to a portion of the wages paid up to twelve thousand five
2 hundred dollars per quarter.

3 (2) The provisions of this section shall only apply to the first four
4 calendar quarters beginning after the effective date of this section.

5 (3) This section shall not apply with respect to any eligible news
6 journalist employer for any calendar quarter if such employer elects (at
7 such time and in such manner as the commissioner may prescribe) not to
8 have this section apply.

9 (4) Any wages taken into account in determining the credit allowed
10 under this section shall not be taken into account for purposes of
11 determining any other credit allowed under this chapter.

12 (5) The credit allowable under this section shall be allowable for a
13 period of one year from the effective date of this section. No credit
14 shall be allowed under this section for any amount paid or incurred by
15 the taxpayer in a taxable year commencing after the close of the one-
16 year period. No credit shall be allowed under this section for any
17 portion of an amount paid or incurred by the taxpayer in a taxable year
18 for any wages that extend beyond the close of the one-year period begin-
19 ning on the effective date of this section.

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

22 (1) "Applicable percentage" means fifty percent.

23 (2) (A) "Eligible news journalist employer" means, with respect to any
24 calendar quarter, any employer which: (i) is a qualifying publication or
25 a qualifying broadcast station; (ii) employs news journalists; and (iii)
26 employs a total of one hundred employees or fewer.

27 (B) All persons treated as a single employer under subsection (a) or
28 (b) of section 52 of the Internal Revenue Code of 1986, or subsection
29 (m) or (o) of section 414 of such Code, shall be treated as one employer
30 for purposes of this paragraph; provided that each FCC licensed broad-
31 cast station or qualifying publication which serves a separate market
32 shall be treated as a separate and single news journalist employer for
33 the purposes of this tax credit.

34 (3) (A) "Qualifying broadcast station" means, with respect to any
35 calendar quarter, any employer which:

36 (i) provides local community news, which is broadcast during the
37 calendar quarter and has been broadcast during each of the four calendar
38 quarters preceding such calendar quarter;

39 (ii) owns or operates a broadcast station, as defined by section three
40 of the federal communications act of 1934;

41 (iii) is not a disqualified organization;

42 (iv) did not derive more than fifty percent of its gross receipts for
43 such calendar quarter from disqualified organizations; and

44 (v) discloses its ownership to the public at such times and in such
45 manner as identified by the commissioner.

46 (B) For purposes of this paragraph each FCC licensed broadcast station
47 servicing a separate market shall be treated as a separate and single news
48 journalist employer.

49 (4) "News journalist" means, with respect to any eligible news jour-
50 nalist for any calendar quarter, any full time employee who (A) provides
51 qualified services for an average of not less than thirty hours per week
52 for each week during which such employee is employed by the eligible
53 news journalist employer during the calendar quarter, and (B) resides
54 within the designated broadcast market or fifty miles of the local
55 community with respect to the qualifying publication or qualifying

1 broadcast station with respect to which the qualified services are
2 provided.

3 (5) "Qualified services" means services which consist of gathering,
4 preparing, directing the recording of, producing, collecting, photo-
5 graphing, recording, writing, editing, reporting, presenting or
6 publishing original news for dissemination to the local community.

7 (6) "Qualifying publication" means, with respect to any calendar quar-
8 ter, any print or digital publication:

9 (A) which provides local community news, which is published during the
10 calendar quarter and has been published during each of the four calendar
11 quarters preceding such calendar quarter;

12 (B) is not a disqualified organization;

13 (C) did not derive more than fifty percent of its gross receipts for
14 such calendar quarter from disqualified organizations;

15 (D) which is covered by media liability insurance for such calendar
16 quarter; and

17 (E) which publishes the owner's name pursuant to section three hundred
18 thirty of the general business law, provided that a digital publication
19 shall publish the information required by such section on the website of
20 such publication.

21 (7) (A) "Local community" means, with respect to any qualifying publi-
22 cation, a geographically contiguous area that does not exceed the bound-
23 aries of:

24 (i) the metropolitan or micropolitan statistical area, as defined by
25 the federal Office of Management and Budget, in which the qualifying
26 publication is primarily distributed;

27 (ii) if such qualifying publication is not primarily distributed in a
28 metropolitan or micropolitan statistical area, the county in which such
29 qualifying publication is primarily distributed; or

30 (iii) if such qualifying publication is not primarily distributed in a
31 metropolitan or micropolitan statistical area or a county, the state.

32 (B) A digital publication shall be considered to be primarily distrib-
33 uted in the area where such publication is intended to be primarily
34 consumed.

35 (8) "Disqualified organization" means:

36 (A) any organization described in section 501(c)(4) of the internal
37 revenue code and exempt from tax under section 501(a) of such code;

38 (B) any organization described in section 527 of the internal revenue
39 code; or

40 (C) any organization that is controlled, directly or indirectly, by
41 one or more organizations described in subparagraph (A) or (B) of this
42 paragraph.

43 (d) Maximum amount of credits. The maximum amount of tax credits
44 allowed under this section, subdivision sixty of section two hundred
45 ten-B and subsection (w) of section six hundred six of this chapter in
46 any calendar year shall be two hundred thousand dollars per eligible
47 news journalist employer. The maximum amount of tax credits allowed
48 under this section, subdivision sixty of section two hundred ten-B and
49 subsection (w) of section six hundred six of this chapter for all
50 taxpayers in the state is twenty million dollars.

51 (e) Administration. The commissioner shall issue such forms,
52 instructions, regulations, and guidance as are necessary:

53 (1) to allow the advance payment of the credit under subdivision (a)
54 of this section, subject to the limitations provided in this section,
55 based on such information as the commissioner shall require;

(2) to provide for the reconciliation of such advance payment with the amount advanced at the time of filing the return of tax for the applicable calendar quarter or taxable year; and

(3) with respect to the application of the credit under subdivision (a) of this section to third-party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors.

(f) Treatment of deposits. The commissioner shall waive any penalty under this chapter for any failure to make a deposit of any applicable employment taxes if the commissioner determines that such failure was due to the reasonable anticipation of the credit allowed under this section.

(g) 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 60.

(2) article 22: section 606: subsections (i) and (w).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 60 to read as follows:

60. Payroll credit for compensation of journalists. (a) Allowance of credit. A taxpayer who is eligible pursuant to section twenty-four-d of this chapter shall be allowed a credit to be computed as provided in such section 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 or if the taxpayer otherwise pays tax based on the fixed dollar minimum 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; and provided, further, that the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

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

(w) Payroll credit for compensation of journalists. (1) Allowance of credit. A taxpayer who is eligible pursuant to section twenty-four-d of this chapter shall be allowed a credit to be computed as provided in such section against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowable 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 as provided in section six hundred eighty-six of this article; provided, however, that no interest shall 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 (li) to read as follows:

<u>(li) Payroll credit for</u>	<u>Amount of credit for the sum of</u>
<u>compensation of journalists</u>	<u>payroll credit for compensation</u>
<u>under subsection (w)</u>	<u>of journalists under subdivision</u>
	<u>sixty of section</u>
	<u>two hundred ten-B</u>

1 § 6. This act shall take effect immediately and shall apply to tax
2 years commencing on and after January 1, 2024; provided that:

3 (a) this act shall expire and be deemed repealed January 1, 2029; and
4 (b) the expiration and repeal of this act shall not affect the proc-
5 essing or allowance of any tax credit provided in this act for any tax
6 year commencing prior to January 1, 2029.

7 Effective immediately, the addition, amendment and/or repeal of any
8 rule or regulation necessary for the implementation of this act on its
9 effective date are authorized to be made and completed on or before such
10 date.

11 PART FF

12 Section 1. The tax law is amended by adding a new section 49 to read
13 as follows:

14 § 49. Work opportunity tax credit. (a) General. A taxpayer subject to
15 tax under article nine-A, twenty-two, or thirty-three of this chapter
16 shall be allowed a credit against such tax in an amount equal to one
17 hundred percent of the credit that is allowed to the taxpayer under
18 section 51 of the internal revenue code that is attributable to quali-
19 fied wages paid to a New York resident who is a member of a targeted
20 group and for whom a certificate to that effect has been issued by the
21 department of labor.

22 (b) Definitions. The terms "qualified wages" and "targeted group"
23 shall have the same meanings as in section 51 of the internal revenue
24 code.

25 (c) Effect on other tax credits. Wages which are the basis of the
26 credit under this section may not be used as the basis for any other
27 credit allowed under this chapter.

28 (d) Limit on tax credits issued. Over the lifetime of the tax credit,
29 the total amount of tax credits provided for under this section shall
30 not exceed five million dollars.

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

33 (1) article 9-A: section 210-B, subdivision 60;

34 (2) article 22: section 606, subsection (bbb);

35 (3) article 33: section 1511, subdivision (ff).

36 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
37 sion 60 to read as follows:

38 60. Work opportunity tax credit. (a) Allowance of credit. A taxpayer
39 shall be allowed a credit, to be computed as provided in section forty-
40 nine of this chapter, against the tax imposed by this article. Such
41 credit may not exceed five hundred dollars per eligible employee per
42 year in any given tax year.

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

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

3 (bbb) Work opportunity tax credit. (1) Allowance of credit. A taxpayer
4 shall be allowed a credit, to be computed as provided in section forty-
5 nine of this chapter, against the tax imposed by this article. Such
6 credit may not exceed five hundred dollars per eligible employee per
7 year in any given tax year.

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

14 § 4. Section 1511 of the tax law is amended by adding a new subdivi-
15 sion (ff) to read as follows:

16 (ff) Work opportunity tax credit. (1) A taxpayer shall be allowed a
17 credit, to be computed as provided in section forty-nine of this chap-
18 ter, against the tax imposed by this article. Such credit may not
19 exceed five hundred dollars per eligible employee per year in any given
20 tax year.

21 (2) Application of credit. The credit allowed under this subdivision
22 shall not reduce the tax due for such year to be less than the minimum
23 fixed by paragraph four of subdivision (a) of section fifteen hundred
24 two or section fifteen hundred two-a of this article, whichever is
25 applicable. However, if the amount of the credit allowed under this
26 subdivision for any taxable year reduces the taxpayer's tax to such
27 amount, any amount of credit thus not deductible will be treated as an
28 overpayment of tax to be credited in accordance with the provisions of
29 section one thousand eighty-six of this chapter. Provided, however, the
30 provisions of subsection (c) of section one thousand eighty-eight of
31 this chapter notwithstanding, no interest shall be paid thereon.

32 § 5. This act shall take effect April 1, 2024 and shall apply to taxa-
33 ble years beginning on and after January 1, 2024 and shall apply to
34 wages paid to individuals hired on and after such effective date and
35 shall expire and be deemed repealed December 31, 2026.

36 PART GG

37 Section 1. Subdivision (m) of section 301-a of the tax law, as added
38 by section 20 of part K of chapter 61 of the laws of 2011, is amended to
39 read as follows:

40 (m) Special rate adjustment for certain vessels. Notwithstanding any
41 provision of this section to the contrary, the use of non-highway diesel
42 motor fuel in the engine of a vessel to propel such vessel shall be
43 subject to tax at the motor fuel and highway diesel motor fuel rate
44 provided for in this section, and shall be subject to the provisions of
45 section three hundred one-j of this article, including the adjustment
46 set forth in paragraph [~~four~~ **three**] of subdivision (a) of such section
47 three hundred one-j. A credit or refund shall be available to the extent
48 tax paid on gallonage used to propel any such vessel exceeds the amount
49 of tax due based on the tax rate set forth herein. Provided, however,
50 that the commissioner shall require such documentary proof to qualify
51 for any credit or reimbursement provided hereunder as the commissioner
52 deems appropriate.

53 § 2. Paragraph 3 of subdivision (f) and paragraph 4 of subdivision (g)
54 of section 301-a of the tax law are REPEALED.

1 § 3. Subdivisions (a) and (d) of section 301-b of the tax law, subdivi-
2 vision (a) as added by chapter 190 of the laws of 1990, paragraph 5 of
3 subdivision (a) as amended by section 3 of part E of chapter 59 of the
4 laws of 2012, paragraphs 6, 7 and 8 of subdivision (a) as added by
5 section 4 of part W-1 of chapter 109 of the laws of 2006, and subdivi-
6 sion (d) as amended by section 21 of part K of chapter 61 of the laws of
7 2011, are amended to read as follows:

8 (a) Products. (1) ~~[Kerosene sold or used by a petroleum business which~~
9 ~~is registered under article twelve-A of this chapter as a distributor of~~
10 ~~diesel motor fuel so long as (i) such product has not been blended or~~
11 ~~mixed with any other product constituting diesel motor fuel or motor~~
12 ~~fuel or a residual petroleum product and (ii) such product is not used~~
13 ~~by the petroleum business as fuel to operate a motor vehicle or sold by~~
14 ~~such petroleum business to a consumer for use as fuel to operate a motor~~
15 ~~vehicle.~~

16 ~~(2) Kero-jet fuel (i) sold by a petroleum business which is registered~~
17 ~~under article twelve-A of this chapter as a distributor of diesel motor~~
18 ~~fuel to a consumer for use exclusively as jet aircraft fuel or to a~~
19 ~~petroleum business registered under such article twelve-A as a "distrib-~~
20 ~~utor of kero-jet fuel only" where such fixed base operator is engaged~~
21 ~~solely in making or offering to make retail sales not in bulk of kero-~~
22 ~~jet fuel directly into the fuel tank of an airplane for the purpose of~~
23 ~~operating such airplane, (ii) used by a petroleum business, registered~~
24 ~~under article twelve-A of this chapter as a distributor of diesel motor~~
25 ~~fuel, exclusively as jet aircraft fuel, or (iii) sold at retail not in~~
26 ~~bulk by a petroleum business registered under article twelve-A of this~~
27 ~~chapter as a "distributor of kero-jet fuel only" where such fuel is~~
28 ~~delivered directly into the fuel tank of a jet airplane for use in the~~
29 ~~operation of such airplane.~~

30 ~~(3)~~ Aviation gasoline, meeting the specifications set forth in Ameri-
31 can Standard Testing Material Specification D910 or Military Specifica-
32 tion MIL-G-5572, which is imported or caused to be imported into this
33 state by a petroleum business which is registered under article twelve-A
34 of this chapter as a distributor of motor fuel or produced, refined,
35 manufactured or compounded in this state by such a petroleum business.

36 ~~[(4) Residual petroleum product sold by a petroleum business regis-~~
37 ~~tered under this article as a residual petroleum product business if~~
38 ~~such product is sold by such petroleum business to a consumer for use~~
39 ~~exclusively as bunker fuel for vessels or if such product is used by~~
40 ~~such petroleum business exclusively as bunker fuel in its own vessels.~~

41 ~~(5)~~ (2) Liquefied petroleum gases, such as butane, ethane or propane.

42 ~~[(6)]~~ (3) E85 imported or caused to be imported into this state or
43 produced, refined, manufactured or compounded in this state by a petro-
44 leum business registered under article twelve-A of this chapter, as a
45 distributor of motor fuel, and then sold by such petroleum business and
46 delivered to a filling station and placed in a storage tank of such
47 filling station for such E85 to be dispensed directly into a motor vehi-
48 cle for use in the operation of such vehicle.

49 ~~[(7)]~~ (i) Partial B20 exemption. B20 imported or caused to be imported
50 into this state or produced, refined, manufactured or compounded in this
51 state by a petroleum business registered under article twelve-A of this
52 chapter, as a distributor of diesel motor fuel, and then sold by such
53 petroleum business.

54 (ii) Calculation of partial exemption. The amount of the partial
55 exemption under this paragraph shall be determined by multiplying the

1 quantity of B20 times twenty percent of the applicable taxes otherwise
2 imposed by this article on such fuel.

3 [~~(8)~~] (4) CNG or hydrogen.

4 (d) Sales to consumers for heating purposes. [~~(1)~~] Total residential
5 heating exemption. Non-highway diesel motor fuel sold by a petroleum
6 business registered under article twelve-A of this chapter as a distribu-
7 tor of diesel motor fuel or residual petroleum product sold by a petro-
8 leum business registered under this article as a residual petroleum
9 product business to the consumer exclusively for residential heating
10 purposes only if such non-highway diesel motor fuel is delivered into a
11 storage tank which is not equipped with a hose or other apparatus by
12 which such fuel can be dispensed into the fuel tank of a motor vehicle
13 and such storage tank is attached to the heating unit burning such fuel.

14 [~~(2) Partial non-residential heating exemption. (A) Non-highway diesel~~
15 ~~motor fuel sold by a petroleum business registered under article~~
16 ~~twelve-A of this chapter as a distributor of diesel motor fuel or resi-~~
17 ~~dual petroleum product sold by a petroleum business registered under~~
18 ~~this article as a residual petroleum product business to the consumer~~
19 ~~exclusively for heating, other than residential heating purposes only if~~
20 ~~such non-highway diesel motor fuel is delivered into a storage tank~~
21 ~~which is not equipped with a hose or other apparatus by which such fuel~~
22 ~~can be dispensed into the fuel tank of a motor vehicle and such storage~~
23 ~~tank is attached to the heating unit burning such fuel (B) Calculation~~
24 ~~of partial exemption. The partial exemption under this paragraph shall~~
25 ~~be determined by multiplying the quantity of non-highway diesel motor~~
26 ~~fuel and residual petroleum product eligible for the exemption times the~~
27 ~~sum of the then current rate of the supplemental tax imposed by section~~
28 ~~three hundred one-j of this article and forty six percent of the then~~
29 ~~current rate of the tax imposed by section three hundred one-a of this~~
30 ~~article, with respect to the specific non-highway diesel motor fuel or~~
31 ~~residual petroleum product rate, as the case may be.]~~

32 § 4. The subdivision heading and paragraph 1 of subdivision (c) of
33 section 301-b of the tax law, as added by chapter 190 of the laws of
34 1990, are amended to read as follows:

35 Sales to [~~New York state and~~] the federal government. (1) Motor fuel
36 imported or caused to be imported into this state or produced, refined,
37 manufactured or compounded in this state by a petroleum business regis-
38 tered under article twelve-A of this chapter, as a distributor of motor
39 fuel, and then sold by such petroleum business to an organization
40 described in paragraph [~~one or~~] two of subdivision (a) of section eleven
41 hundred sixteen of this chapter where such motor fuel is used by such
42 organization for its own use or consumption.

43 § 5. The opening paragraph and subdivisions (a) and (b) of section
44 301-c of the tax law, the opening paragraph as amended by section 2 of
45 part T of chapter 59 of the laws of 2022, subdivision (a) as amended by
46 section 23 of part K of chapter 61 of the laws of 2011, and subdivision
47 (b) as amended by chapter 330 of the laws of 1991, are amended to read
48 as follows:

49 A subsequent purchaser shall be eligible for reimbursement of tax with
50 respect to the following gallonage, subsequently sold by such purchaser
51 in accordance with subdivision (a), (b), (e), (h), [~~(j), (k), (n) or~~
52 ~~(o)~~] (i), (k) or (l) of this section or used by such purchaser in
53 accordance with subdivision (c), (d), (f), (g), [~~(i), (l), (m)~~] (j) or
54 (q) of this section, which gallonage has been included in the measure of
55 the tax imposed by this article on a petroleum business:

1 (a) [~~Non-highway Diesel motor fuel used for heating purposes. (1)~~]
2 Total residential heating reimbursement. Non-highway Diesel motor fuel
3 purchased in this state and sold by such purchaser to a consumer for use
4 exclusively for residential heating purposes but only where (i) such
5 non-highway diesel motor fuel is delivered into a storage tank which is
6 not equipped with a hose or other apparatus by which such non-highway
7 Diesel motor fuel can be dispensed into the fuel tank of a motor vehicle
8 and such storage tank is attached to the heating unit burning such non-
9 highway Diesel motor fuel, (ii) the tax imposed pursuant to this article
10 has been paid with respect to such non-highway diesel motor fuel and the
11 entire amount of such tax has been absorbed by such purchaser, and (iii)
12 such purchaser possesses documentary proof satisfactory to the commis-
13 sioner evidencing the absorption by it of the entire amount of the tax
14 imposed pursuant to this article. Provided, however, that the commis-
15 sioner is authorized, in the event that the commissioner determines that
16 it would not threaten the integrity of the administration and enforce-
17 ment of the tax imposed by this article, to provide a reimbursement with
18 respect to a retail sale to a consumer for residential heating purposes
19 of less than ten gallons of non-highway diesel motor fuel provided such
20 fuel is not dispensed into the tank of a motor vehicle.

21 [~~(2) Partial non-residential heating reimbursement. (A) Non-highway
22 Diesel motor fuel purchased in this state and sold by such purchaser to
23 a consumer for use exclusively for heating, other than for residential
24 heating purposes, but only where (i) such non-highway diesel motor fuel
25 is delivered into a storage tank which is not equipped with a hose or
26 other apparatus by which such non-highway Diesel motor fuel can be
27 dispensed into the fuel tank of a motor vehicle and such storage tank is
28 attached to the heating unit burning such non-highway Diesel motor fuel,
29 (ii) the tax imposed pursuant to this article has been paid with respect
30 to such non-highway diesel motor fuel and the entire amount of such tax
31 has been absorbed by such purchaser, and (iii) such purchaser possesses
32 documentary proof satisfactory to the commissioner evidencing the
33 absorption by it of the entire amount of the tax imposed pursuant to
34 this article.~~

35 [~~(B) Calculation of partial reimbursement. Notwithstanding any other
36 provision of this article, the amount of the reimbursement under this
37 paragraph shall be determined by multiplying the quantity of non-highway
38 diesel motor fuel eligible for the reimbursement times the sum of the
39 then current rate of the supplemental tax imposed by section three
40 hundred one-j of this article and forty-six percent of the then current
41 rate of the tax imposed by section three hundred one-a of this article,
42 with respect to the non-highway diesel motor fuel rate, as the case may
43 be.]~~

44 (b) Sales to [~~New York state and~~] the federal government. Motor fuel
45 and diesel motor fuel purchased in this state and sold by such purchaser
46 in this state to an organization described in paragraph [~~one-or~~] two of
47 subdivision (a) of section eleven hundred sixteen of this chapter where
48 (i) such motor fuel or diesel motor fuel is for such organization's own
49 use or consumption, (ii) the tax imposed pursuant to this article has
50 been paid with respect to such motor fuel or diesel motor fuel and the
51 entire amount of such tax has been absorbed by such purchaser and, (iii)
52 such purchaser possesses documentary proof satisfactory to the commis-
53 sioner of taxation and finance evidencing the absorption by it of the
54 entire amount of the tax imposed pursuant to this article. Provided,
55 however, that the commissioner [~~of taxation and finance~~] shall require
56 such documentary proof to qualify for any reimbursement of tax provided

1 by this section as the commissioner deems appropriate, including the
2 expansion of any certification required pursuant to section two hundred
3 eighty-five-a or two hundred eighty-five-b of this chapter to cover the
4 taxes imposed pursuant to this article.

5 § 6. The opening paragraph of section 301-c of the tax law, as amended
6 by section 3 of part T of chapter 59 of the laws of 2022, is amended to
7 read as follows:

8 A subsequent purchaser shall be eligible for reimbursement of tax with
9 respect to the following gallonage, subsequently sold by such purchaser
10 in accordance with subdivision (a), (b), (e), (h), [~~(j)~~] or [~~(k)~~] (i) of
11 this section or used by such purchaser in accordance with subdivision
12 (c), (d), (f), (g), [~~(i)~~, ~~(l)~~, ~~(m)~~] (j) or (q) of this section, which
13 gallonage has been included in the measure of the tax imposed by this
14 article on a petroleum business:

15 § 7. Subdivisions (i), (j) and (l) of section 301-c of the tax law are
16 REPEALED.

17 § 8. Subdivisions (k), (m), (n), (o) and (p) of section 301-c of the
18 tax law are relettered subdivisions (i), (j), (k), (l) and (m).

19 § 9. Section 301-d of the tax law is REPEALED.

20 § 10. Subdivision (f) of section 301-e of the tax law is REPEALED.

21 § 11. Subdivision (a) of section 301-j of the tax law, as amended by
22 chapter 309 of the laws of 1996, paragraphs 1, 2, 3 and 4 as amended by
23 section 29 of part K of chapter 61 of the laws of 2011, is amended to
24 read as follows:

25 (a) Imposition of tax. (1) In addition to the taxes imposed by
26 sections three hundred one-a and three hundred one-e of this article,
27 there is hereby imposed upon every petroleum business subject to tax
28 imposed under section three hundred one-a of this article and every
29 aviation fuel business subject to the aviation gasoline component of the
30 tax imposed under section three hundred one-e of this article, a supple-
31 mental monthly tax for each or any part of a taxable month at a rate of
32 six and eight-tenths cents per gallon with respect to the products
33 included in each component of the taxes imposed by such section three
34 hundred one-a and the aviation gasoline component of the tax imposed by
35 such section three hundred one-e of this article.

36 (2) [~~Provided, however, "commercial gallonage," as such term is~~
37 ~~defined in subdivision (k) of section three hundred of this article,~~
38 ~~shall be exempt from the measure of the tax imposed under this section.~~

39 ~~(3)~~ Provided, further, "railroad diesel," as such term is defined in
40 subdivision (l) of section three hundred of this article, shall be
41 exempt from the measure of the tax imposed under this section.

42 [~~(4)~~] (3) Provided, further, a separate per gallon rate shall apply
43 with respect to highway diesel motor fuel. Such rate shall be determined
44 by taking the adjusted rate per gallon of tax imposed under paragraph
45 one of this subdivision as adjusted in accordance with paragraph [~~five~~]
46 four of this subdivision and subtracting therefrom one and three-quar-
47 ters cents. Commencing January first, two thousand twelve, and each
48 January thereafter, the per gallon rate applicable to highway diesel
49 motor fuel shall be the adjusted rate under paragraph one of this subdivi-
50 sion as adjusted in accordance with paragraph [~~five~~] four of this
51 subdivision which commences on such date minus one and three-quarters
52 cents. The resulting rate under this paragraph shall be expressed in
53 hundredths of a cent.

54 [~~(5)~~] (4) Except as herein provided, the tax imposed under this
55 section shall be calculated in the same respective manner as the taxes
56 imposed by section three hundred one-a and section three hundred one-e

1 of this article. Except [~~for section three hundred one d and except~~] as
2 otherwise provided in this section, all the provisions of this article
3 applicable to the taxes imposed by sections three hundred one-a and
4 three hundred one-e of this article, shall apply with respect to the
5 supplemental tax imposed by this section to the same extent as if it
6 were respectively imposed by such sections.

7 § 12. Subparagraphs (ix) and (x) of paragraph 3 and paragraph 5 of
8 subdivision (c) of section 1105 of the tax law, subparagraph (ix) of
9 paragraph 3 as added by chapter 395 of the laws of 1998, subparagraph
10 (x) of paragraph 3 as added by section 1 of part FF of chapter 407 of
11 the laws of 1999, and paragraph 5 as amended by chapter 321 of the laws
12 of 2005, are amended to read as follows:

13 (ix) [~~such services rendered with respect to tangible property used or~~
14 ~~consumed directly and predominantly in the production for sale of gas or~~
15 ~~oil by manufacturing, processing, generating, assembling, refining,~~
16 ~~mining, or extracting.~~

17 ~~(x)~~] such services rendered with respect to property described in
18 paragraph twelve-a of subdivision (a) of section eleven hundred fifteen
19 of this article.

20 (5) Maintaining, servicing or repairing real property, property or
21 land, as such terms are defined in the real property tax law, whether
22 the services are performed in or outside of a building, as distinguished
23 from adding to or improving such real property, property or land, by a
24 capital improvement as such term capital improvement is defined in para-
25 graph nine of subdivision (b) of section eleven hundred one of this
26 article, but excluding (i) services rendered by an individual who is not
27 in a regular trade or business offering his services to the public, (ii)
28 [~~services rendered directly with respect to real property, property or~~
29 ~~land used or consumed directly and predominantly in the production for~~
30 ~~sale of gas or oil by manufacturing, processing, generating, assembling,~~
31 ~~refining, mining, or extracting, (iii)] services rendered with respect
32 to real property, property or land used or consumed predominantly either
33 in the production of tangible personal property, for sale, by farming or
34 in a commercial horse boarding operation, or in both and [~~(iv)~~] (iii)
35 services of removal of waste material from a facility regulated as a
36 transfer station or construction and demolition debris processing facil-
37 ity by the department of environmental conservation, provided that the
38 waste material to be removed was not generated by the facility.~~

39 § 13. Subparagraph (xi) of paragraph 3 of subdivision (c) of section
40 1105 of the tax law is REPEALED.

41 § 14. Paragraph 9 of subdivision (a) of section 1115 of the tax law is
42 REPEALED.

43 § 15. Paragraphs 3 and 4 of subdivision (a) of section 1221 of the tax
44 law, paragraph 3 as amended by chapter 2 of the laws of 1995 and para-
45 graph 4 as added by chapter 93 of the laws of 1965 are amended and a new
46 paragraph 5 is added to read as follows:

47 (3) except in accordance with the provisions of section twenty-b of
48 the general city law, a tax upon gross incomes, gross operating incomes
49 or gross receipts of persons subject to taxation under the provisions of
50 section one hundred eighty-six-a or one hundred eighty-six-e of this
51 chapter, but this clause shall not be deemed to restrict the power to
52 tax persons not subject to taxation under such section of this chapter
53 who are otherwise subject to taxation under subdivision (a) of section
54 twelve hundred one, nor the power to provide for credits against any tax
55 imposed pursuant to such subdivision, nor to limit the rates of taxes

1 authorized to be imposed by such subdivision (a) of such section twelve
2 hundred one, [~~or~~]

3 (4) a tax upon interest or dividends received from a corporation by a
4 person referred to in this section[~~], or~~

5 (5) a tax on fuel sold to an airline for use in its airplanes.

6 § 16. Section 1148 of the tax law is amended by adding a new subdivi-
7 sion (d) to read as follows:

8 (d) Provided, however, before such funds are distributed pursuant to
9 subdivision (a) of this section, any revenue collected by the state,
10 from fuel sold to an airline for use in its airplanes, under the author-
11 ity granted to the state by this article shall be dedicated to the
12 aviation purpose account of the dedicated highway and bridge trust fund,
13 provided that the portion for the airport or aviation state program
14 shall be no less than forty million dollars annually, with the remaining
15 revenue collected from such taxes being dedicated to the capital
16 projects fund for aviation purposes required in connection therewith of
17 airports and aviation facilities, equipment and related projects.

18 § 17. Paragraph (ii) of subdivision (b) of section 1115 of the tax
19 law, as amended by section 30 of part Y of chapter 63 of the laws of
20 2000, is amended to read as follows:

21 (ii) [~~Gas, electricity~~] Electricity, refrigeration and steam, and
22 [~~gas,~~] electric, refrigeration and steam service of whatever nature for
23 use or consumption directly and exclusively in research and development
24 in the experimental or laboratory sense shall be exempt from the tax
25 imposed under subdivision (b) of section eleven hundred five and the
26 compensating use tax imposed under section eleven hundred ten of this
27 article. Such research and development shall not be deemed to include
28 the ordinary testing or inspection of materials or products for quality
29 control, efficiency surveys, management studies, consumer surveys,
30 advertising, promotions or research in connection with literary, histor-
31 ical or similar projects.

32 § 18. Paragraph 1 of subdivision (c) of section 1115 of the tax law,
33 as amended by section 7 of part B of chapter 63 of the laws of 2000, is
34 amended to read as follows:

35 (1) [~~Fuel, gas, electricity~~] Electricity, refrigeration and steam, and
36 [~~gas,~~] electric, refrigeration and steam service of whatever nature for
37 use or consumption directly and exclusively in the production of tangi-
38 ble personal property, [~~gas,~~] electricity, refrigeration or steam, for
39 sale, by manufacturing, processing, assembling, generating, refining,
40 mining or extracting shall be exempt from the taxes imposed under subdivi-
41 sions (a) and (b) of section eleven hundred five and the compensating
42 use tax imposed under section eleven hundred ten of this article.

43 § 19. Subdivision (j) of section 1115 of the tax law, as amended by
44 section 41 of part K of chapter 61 of the laws of 2011, is amended to
45 read as follows:

46 (j) The exemptions provided in this section shall not apply to the tax
47 required to be prepaid pursuant to the provisions of section eleven
48 hundred two of this article nor to the taxes imposed by sections eleven
49 hundred five and eleven hundred ten of this article with respect to
50 receipts from sales and uses of motor fuel or diesel motor fuel, [~~except~~
51 ~~that the exemptions provided in paragraphs nine and forty two of subdivi-~~
52 ~~vision (a) of this section shall apply to the tax required to be prepaid~~
53 ~~pursuant to the provisions of section eleven hundred two of this article~~
54 ~~and to the taxes imposed by sections eleven hundred five and eleven~~
55 ~~hundred ten of this article with respect to sales and uses of kero-jet~~
56 ~~fuel,~~] CNG, hydrogen and E85, provided, however, the exemption allowed

1 for E85 shall be subject to the additional requirements provided in
2 section eleven hundred two of this article with respect to E85. The
3 exemption provided in subdivision (c) of this section shall apply to
4 sales and uses of non-highway diesel motor fuel but only if all of such
5 fuel is consumed other than on the public highways of this state. The
6 exemption provided in subdivision (c) of this section shall apply to
7 sales and uses of non-highway diesel motor fuel for use or consumption
8 either in the production for sale of tangible personal property by farm-
9 ing or in a commercial horse boarding operation, or in both but only if
10 all of such fuel is consumed other than on the public highways of this
11 state (except for the use of the public highways to reach adjacent farm-
12 lands or adjacent lands used in a commercial horse boarding operation,
13 or both).

14 § 20. Subdivision (j) of section 1115 of the tax law, as amended by
15 section 41-a of part K of chapter 61 of the laws of 2011, is amended to
16 read as follows:

17 (j) The exemptions provided in this section shall not apply to the tax
18 required to be prepaid pursuant to the provisions of section eleven
19 hundred two of this article nor to the taxes imposed by sections eleven
20 hundred five and eleven hundred ten of this article with respect to
21 receipts from sales and uses of motor fuel or diesel motor fuel~~[, except~~
22 ~~that the exemption provided in paragraph nine of subdivision (a) of this~~
23 ~~section shall apply to the tax required to be prepaid pursuant to the~~
24 ~~provisions of section eleven hundred two of this article and to the~~
25 ~~taxes imposed by sections eleven hundred five and eleven hundred ten of~~
26 ~~this article with respect to sales and uses of kero-jet fuel]~~. The
27 exemption provided in subdivision (c) of this section shall apply to
28 sales and uses of non-highway diesel motor fuel but only if all of such
29 fuel is consumed other than on the public highways of this state. The
30 exemption provided in subdivision (c) of this section shall apply to
31 sales and uses of non-highway diesel motor fuel for use or consumption
32 either in the production for sale of tangible personal property by farm-
33 ing or in a commercial horse boarding operation, or in both but only if
34 all of such fuel is consumed other than on the public highways of this
35 state (except for the use of the public highways to reach adjacent farm-
36 lands or adjacent lands used in a commercial horse boarding operation,
37 or both).

38 § 21. Subdivision (s) of section 1115 of the tax law, as added by
39 chapter 201 of the laws of 1995, is relettered subdivision (p).

40 § 22. Subdivision (w) of section 1115 of the tax law, as added by
41 section 32 of part Y of chapter 63 of the laws of 2000, is amended to
42 read as follows:

43 (w) Receipts from the sale of [~~gas-or~~] electricity or [~~gas-or~~] elec-
44 tric service of whatever nature and consideration given or contracted to
45 be given for, or for the use of, [~~gas-or~~] electricity or [~~gas-or~~] elec-
46 tric service of whatever nature purchased for use or consumption direct-
47 ly and exclusively to provide [~~gas-or~~] electric service of whatever
48 nature consisting of operating [~~a gas pipeline or gas distribution line~~
49 ~~or~~] an electric transmission or distribution line [~~and ensuring the~~
50 ~~necessary working pressure in an underground gas storage facility]~~ shall
51 be exempt from sales and compensating use taxes imposed by this article.
52 Such exempt [~~gas-or~~] electricity or [~~gas-or~~] electric service of whatev-
53 er nature shall include, but shall not be limited to, such [~~gas-or~~]
54 electricity or [~~gas-or~~] electric service of whatever nature used or
55 consumed directly and exclusively to (1) [~~ensure necessary working pres-~~
56 ~~sure in a gas pipeline used to transport, transmit or distribute gas,~~

1 ~~(2) operate compressors used to transport, transmit or distribute gas~~
 2 ~~through such a gas pipeline or distribution line or used to ensure~~
 3 ~~necessary working pressure in such a storage facility, (3) operate heat-~~
 4 ~~ers to prevent gas in such a pipeline or distribution line from freez-~~
 5 ~~ing, (4) operate equipment which removes impurities and moisture from~~
 6 ~~gas in such a pipeline or distribution line, (5)] operate substations~~

7 and equipment related to electric transmission and distribution lines
 8 such as transformers, capacitors, meters, switches, communication
 9 devices and heating and cooling equipment, and [~~(6)~~] (2) ensure the
 10 reliability of electricity or electric service transmitted or distrib-
 11 uted through such lines, for example, by operating reserve capacity
 12 machinery and equipment.

13 § 23. Subdivision (k) of section 300 of the tax law, as amended by
 14 section 17 of part K of chapter 61 of the laws of 2011, is amended to
 15 read as follows:

16 (k) "Commercial gallonage" means gallonage (1) which is non-highway
 17 diesel motor fuel or residual petroleum product, (2) [~~which is included~~
 18 ~~in the full measure of the non-highway diesel motor fuel component or~~
 19 ~~the residual petroleum product component of the tax imposed under~~
 20 ~~section three hundred one-a of this article, (3)] which does not (and
 21 will not) qualify (A) [~~for the utility credit or reimbursement provided~~
 22 ~~for in section three hundred one-d of this article, (B)] as "manufactur-~~
 23 ~~ing gallonage", as such term is defined in subdivision (m) of this~~
 24 ~~section, [~~(C)~~] or (B) for the not-for-profit organization exemption~~
 25 ~~provided for in subdivision (h) of section three hundred one-b of this~~
 26 ~~article, [~~or (D) for the heating exemption provided for in paragraph two~~~~
 27 ~~~~of subdivision (d) of section three hundred one-b of this article or the~~~~
 28 ~~~~heating reimbursement provided for in paragraph two of subdivision (a)~~~~
 29 ~~~~of section three hundred one-c of this article,]~~ and [~~(4)~~] (3) which
 30 will not be used nor has been used in the fuel tank connecting with the
 31 engine of a vessel. No gallonage shall qualify as "commercial gallonage"
 32 where such gallonage is eligible for the [~~(i) utility credit or~~
 33 ~~reimbursement under such section three hundred one-d of this article,~~
 34 ~~(ii) "manufacturing exemption" under paragraph three of subdivision (f)~~
 35 ~~of section three hundred one-a of this article, (iii)] not-for-profit
 36 organization exemption under subdivision (h) of section three hundred
 37 one-b of this article[, ~~or (iv) heating exemption provided for in para-~~
 38 ~~graph two of subdivision (d) of section three hundred one-b of this~~
 39 ~~article or the heating reimbursement provided for in paragraph two of~~
 40 ~~subdivision (a) of section three hundred one-c of this article]. The
 41 commissioner shall require such documentary proof to substantiate the
 42 classification of product as "commercial gallonage" as the commissioner
 43 deems appropriate.~~~~~~~~

44 § 24. Paragraph 1 of subdivision (f) of section 301-b of the tax law,
 45 as amended by section 21 of part K of chapter 61 of the laws of 2011, is
 46 amended to read as follows:

47 (1) Residual petroleum product and non-highway diesel motor fuel sold
 48 to an electric corporation, [~~as described in subdivision (a) of section~~
 49 ~~three hundred one-d of this article,]~~ as defined in subdivision thirteen
 50 of section two of the public service law, subject to the supervision of
 51 the department of public service, which is registered with the depart-
 52 ment as a petroleum business tax direct pay permittee, and used by such
 53 electric corporation to fuel generators for the purpose of manufacturing
 54 or producing electricity where such electric corporation provides a copy
 55 of a direct pay permit authorized and issued by the commissioner, to the
 56 petroleum business making such sale. If so registered, such corporation

1 shall be a taxpayer under this article and (i) such electric corporation
2 shall file a return monthly and pay the applicable tax under this arti-
3 cle, after the application of allowable credits, on all such purchases
4 directly to the commissioner, (ii) such electric corporation shall be
5 subject to all of the provisions of this article relating to the respon-
6 sibilities and liabilities of taxpayers under this article with respect
7 to such residual petroleum product and non-highway diesel motor fuel.

8 § 25. This act shall take effect immediately and shall apply to taxa-
9 ble years commencing on or after the first of January next succeeding
10 the date on which it shall have become a law; provided, however, that:

11 (a) the amendments to paragraphs 6, 7 and 8 of subdivision (a) of
12 section 301-b made by section three of this act shall not affect the
13 repeal of such paragraphs and shall be deemed repealed therewith;

14 (b) the amendments to the opening paragraph of section 301-c of the
15 tax law made by section five of this act shall be subject to the expira-
16 tion and reversion of such paragraph pursuant to section 19 of part W-1
17 of chapter 109 of the laws of 2006, as amended, when upon such date the
18 provisions of section six of this act shall take effect;

19 (c) the amendments to subdivisions (k) and (l) of section 301-c of the
20 tax law made by section eight of this act shall not affect the repeal of
21 such subdivisions and shall be deemed repealed therewith; and

22 (d) the amendments to subdivision (j) of section 1115 of the tax law
23 made by section nineteen of this act shall be subject to the expiration
24 and reversion of such subdivision pursuant to section 19 of part W-1 of
25 chapter 109 of the laws of 2006, as amended, when upon such date the
26 provisions of section twenty of this act shall take effect.

27 PART HH

28 Section 1. Paragraph 1 of subsection (d) of section 606 of the tax
29 law, as amended by section 1 of part Q of chapter 63 of the laws of
30 2000, is amended to read as follows:

31 (1) General. A taxpayer shall be allowed a credit as provided herein
32 equal to (i) the applicable percentage of the earned income credit
33 allowed under section thirty-two of the internal revenue code for the
34 same taxable year, (ii) reduced by the credit permitted under subsection
35 (b) of this section.

36 The applicable percentage shall be (i) seven and one-half percent for
37 taxable years beginning in nineteen hundred ninety-four, (ii) ten
38 percent for taxable years beginning in nineteen hundred ninety-five,
39 (iii) twenty percent for taxable years beginning after nineteen hundred
40 ninety-five and before two thousand, (iv) twenty-two and one-half
41 percent for taxable years beginning in two thousand, (v) twenty-five
42 percent for taxable years beginning in two thousand one, (vi) twenty-
43 seven and one-half percent for taxable years beginning in two thousand
44 two, and (vii) thirty percent for taxable years beginning in two thou-
45 sand three and thereafter, provided that for taxable years beginning in
46 two thousand twenty-four and thereafter the percentage shall be twenty-
47 five percent for taxpayers with qualifying children as defined in 26
48 U.S.C. § 152(c). Provided, however, that if the reversion event, as
49 defined in this paragraph, occurs, the applicable percentage shall be
50 twenty percent for taxable years ending on or after the date on which
51 the reversion event occurred. The reversion event shall be deemed to
52 have occurred on the date on which federal action, including but not
53 limited to, administrative, statutory or regulatory changes, materially
54 reduces or eliminates New York state's allocation of the federal tempo-

1 rary assistance for needy families block grant, or materially reduces
2 the ability of the state to spend federal temporary assistance for needy
3 families block grant funds for the earned income credit or to apply
4 state general fund spending on the earned income credit toward the
5 temporary assistance for needy families block grant maintenance of
6 effort requirement, and the commissioner of the office of temporary and
7 disability assistance shall certify the date of such event to the
8 commissioner of taxation and finance, the director of the division of
9 the budget, the speaker of the assembly and the temporary president of
10 the senate.

11 § 2. Paragraph 1 of subsection (c-1) of section 606 of the tax law, as
12 amended by section 1 of part HH of chapter 56 of the laws of 2023, is
13 amended to read as follows:

14 (1) [A] For taxable years beginning prior to January first, two thou-
15 sand twenty-four, a resident taxpayer shall be allowed a credit as
16 provided herein equal to the greater of one hundred dollars times the
17 number of qualifying children of the taxpayer or the applicable percent-
18 age of the child tax credit allowed the taxpayer under section twenty-
19 four of the internal revenue code for the same taxable year for each
20 qualifying child. Provided, however, in the case of a taxpayer whose
21 federal adjusted gross income exceeds the applicable threshold amount
22 set forth by section 24(b)(2) of the Internal Revenue Code, the credit
23 shall only be equal to the applicable percentage of the child tax credit
24 allowed the taxpayer under section 24 of the Internal Revenue Code for
25 each qualifying child. For the purposes of this subsection, a qualifying
26 child shall be a child who meets the definition of qualified child under
27 section 24(c) of the internal revenue code. The applicable percentage
28 shall be thirty-three percent. For purposes of this subsection, any
29 reference to section 24 of the Internal Revenue Code shall be a refer-
30 ence to such section as it existed immediately prior to the enactment of
31 Public Law 115-97.

32 § 3. Section 606 of the tax law is amended by adding a new subsection
33 (c-2) to read as follows:

34 (c-2) New York state working families tax credit. (1) For taxable
35 years beginning on and after January first, two thousand twenty-four, a
36 resident taxpayer with a New York state adjusted gross income of less
37 than seventy-five thousand dollars in the case of an individual who is
38 not married; one hundred thirty thousand dollars in the case of a joint
39 return; or seventy-five thousand dollars in the case of a married indi-
40 vidual filing a separate return shall be allowed a credit equal to five
41 hundred fifty dollars times the number of qualifying children as defined
42 in 26 U.S.C. § 152 (c). The amount of the credit per child shall be
43 reduced by twenty dollars for each one thousand dollars by which the
44 taxpayer's New York state adjusted gross income exceeds seventy-five
45 thousand dollars in the case of an individual who is not married; one
46 hundred thirty thousand dollars in the case of a joint return; or seven-
47 ty-five thousand dollars in the case of a married individual filing a
48 separate return. Such resident taxpayer must provide the social securi-
49 ty number or individual taxpayer identification number for each qualify-
50 ing child in order to receive the credit described in this subsection.

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

1 (3) In the case of a husband and wife who file a joint federal return,
2 but who are required to determine their New York taxes separately, the
3 credit allowed pursuant to this subsection may be applied against the
4 tax imposed of either or divided between them as they may elect.

5 (4) Notwithstanding any provision of law to the contrary, the refunda-
6 ble credit and its payment authorized under this subsection shall be
7 treated in the same manner as the federal Earned Income Tax Credit and
8 shall not be considered as assets, income, or resources to the same
9 extent the credit and its payment would be disregarded pursuant to 26
10 U.S.C. § 6409 and the general welfare doctrine for purposes of determin-
11 ing eligibility for benefits or assistance, or the amount or extent of
12 those benefits or assistance, under any state or local program, includ-
13 ing benefits established under section ninety-five of the social
14 services law.

15 § 4. This act shall take effect immediately.

16 PART II

17 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of
18 section 210 of the tax law, as amended by section 1 of subpart A of part
19 I of chapter 59 of the laws of 2023, is amended to read as follows:

20 For taxable years beginning before January first, two thousand
21 sixteen, the amount prescribed by this paragraph shall be computed at
22 the rate of seven and one-tenth percent of the taxpayer's business
23 income base. For taxable years beginning on or after January first, two
24 thousand sixteen, the amount prescribed by this paragraph shall be six
25 and one-half percent of the taxpayer's business income base. For taxable
26 years beginning on or after January first, two thousand twenty-one and
27 before January first, two thousand [~~twenty-seven~~ twenty-four for any
28 taxpayer with a business income base for the taxable year of more than
29 five million dollars, the amount prescribed by this paragraph shall be
30 seven and one-quarter percent of the taxpayer's business income base.
31 For taxable years beginning on or after January first, two thousand
32 twenty-four and before January first, two thousand twenty-seven for any
33 taxpayer with a business income base for the taxable year of more than
34 five million dollars, the amount prescribed by this paragraph shall be
35 nine percent of the taxpayer's business income base. The taxpayer's
36 business income base shall mean the portion of the taxpayer's business
37 income apportioned within the state as hereinafter provided. However,
38 in the case of a small business taxpayer, as defined in paragraph (f) of
39 this subdivision, the amount prescribed by this paragraph shall be
40 computed pursuant to subparagraph (iv) of this paragraph and in the case
41 of a manufacturer, as defined in subparagraph (vi) of this paragraph,
42 the amount prescribed by this paragraph shall be computed pursuant to
43 subparagraph (vi) of this paragraph, and, in the case of a qualified
44 emerging technology company, as defined in subparagraph (vii) of this
45 paragraph, the amount prescribed by this paragraph shall be computed
46 pursuant to subparagraph (vii) of this paragraph.

47 § 2. This act shall take effect immediately.

48 PART JJ

49 Section 1. Paragraphs 2 and 4 of subsection (e-2) of section 606 of
50 the tax law, as amended by section 1 of part III of chapter 59 of the
51 laws of 2021, are amended to read as follows:

1 (2) For tax years beginning on or after January first, two thousand
2 twenty-one and before January first, two thousand [~~twenty-four~~] twenty-
3 seven, a qualified taxpayer shall be allowed a credit as provided in
4 paragraph three of this subsection against the taxes imposed by this
5 article. If the credit exceeds the tax for such year under this article,
6 the excess shall be treated as an overpayment, to be credited or
7 refunded, without interest.

8 (4) [~~No~~] For tax years beginning before January first, two thousand
9 twenty-four, no credit shall be allowed under this subsection if the
10 amount determined pursuant to paragraph three is less than two hundred
11 fifty dollars and for tax years beginning on or after January first, two
12 thousand twenty-four and before January first, two thousand twenty-seven
13 no credit shall be allowed under this subsection if the amount deter-
14 mined pursuant to paragraph three of this subsection is less than one
15 hundred dollars, provided further that if the amount determined pursuant
16 to paragraph three is in excess of three hundred fifty dollars the
17 taxpayer shall be allowed a credit of three hundred fifty dollars.

18 § 2. This act shall take effect immediately.

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

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