

# STATE OF NEW YORK

5716

2023-2024 Regular Sessions

## IN SENATE

March 15, 2023

Introduced by Sens. KENNEDY, MANNION -- read twice and ordered printed,  
and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to establishing a tree removal  
and emerald ash elimination credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

3 (bbb) Tree removal and emerald ash elimination credit. (1) General.  
4 An individual taxpayer shall be allowed a credit for taxable years  
5 beginning on or after January first, two thousand twenty-four against  
6 the tax imposed by this article for the costs of removal of a tree  
7 infested with the emerald ash borer (*Agurilus planipennis*), when such  
8 removal is recommended by a certified arborist or forester for the lone  
9 reason of hosting an emerald ash borer infection. The amount of the  
10 credit shall be the lesser of three hundred dollars per tree or fifty  
11 percent of the total cost of removal per tree.

12 (2) Tax credit. An individual taxpayer shall be allowed a credit for  
13 taxable years beginning on or after January first, two thousand twenty-  
14 four against the tax imposed by this article for the costs associated  
15 with insecticide injection treatments to a tree infected with the emer-  
16 ald ash borer. The amount of the credit shall be the lesser of one  
17 hundred dollars per tree or fifty percent of the total cost of treatment  
18 per tree.

19 (3) Tree removal and emerald ash elimination costs. (A) The term  
20 "costs of removal" includes the cost of an assessment from an arborist  
21 or forester, any initial appraisals of the tree or trees, municipal or  
22 otherwise, labor costs of removing the tree, any disposal fees, and any  
23 cleanup fees; except any state or local sales tax applicable to the  
24 services performed.

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

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1 (B) The term "costs associated with insecticide injection treatments"  
2 includes the costs of an assessment from an arborist or forester, any  
3 initial appraisals of the tree or trees, municipal or otherwise, costs  
4 of application services of the treatment or treatments, and any follow-  
5 up fees; except any state or local sales tax applicable to the services  
6 performed.

7 (4) Amount of credit. The aggregate amount of tax credits allowed  
8 under this subsection in any calendar year statewide shall be ten  
9 million dollars.

10 (5) Tree removal and emerald ash elimination for qualified taxpayers.  
11 A property owner who incurs costs for removing or treating with  
12 injections a tree or trees as in this section, must be removing or  
13 injecting the tree from residential property or mixed-use property,  
14 which is:

15 (A) located in this state;

16 (B) owned by the taxpayer; and

17 (C) used by the taxpayer as his or her principal residence, secondary  
18 residence, or rental property.

19 (6) When credit allowed. The credit provided for in this subsection  
20 shall be allowed with respect to the taxable year, commencing after  
21 January first, two thousand twenty-four in which the removal work is  
22 completed and paid for.

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

29 § 2. This act shall take effect on the one hundred eightieth day after  
30 it shall have become a law. Effective immediately, the addition, amend-  
31 ment and/or repeal of any rule or regulation necessary for the implemen-  
32 tation of this act on its effective date are authorized to be made and  
33 completed on or before such effective date.