

STATE OF NEW YORK

S. 3009--C

A. 3009--C

SENATE - ASSEMBLY

January 22, 2025

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

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

AN ACT to amend the tax law, in relation to the inflation refund credit (Part A); to amend the tax law, in relation to providing for a middle-class tax cut and extending the temporary personal income tax high income surcharge (Part B); to amend the tax law, in relation to enhancing the empire state child credit for three years (Part C); to amend the public housing law, in relation to certain eligibility for the New York state low income housing tax credit program and increases to the aggregate amount of the allocable tax credit (Part D); to amend the tax law, in relation to credits for the rehabilitation of historic properties (Part E); to amend the real property law, in relation to the purchase of residential real property by certain purchasers (Subpart A); to amend the tax law, in relation to depreciation and interest deduction adjustments for properties owned by institutional investors in residential properties (Subpart B); and to amend the real property law, in relation to public notice of real property solicitation cease and desist zones (Subpart C) (Part F); intentionally omitted (Part G); to amend the economic development law and the tax law, in relation to the excelsior jobs program; and to repeal article 22 of the economic development law relating to the employee training incentive program (Subpart A); and to amend the economic development law,

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

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in relation to the empire state jobs retention program (Subpart B) (Part H); to amend the tax law, in relation to film production and post-production credits (Part I); to amend the economic development law and the tax law, in relation to the newspaper and broadcast media jobs program (Part J); to amend the tax law, in relation to the empire state digital gaming media production credit (Part K); to amend subpart B of part PP of chapter 59 of the laws of 2021 amending the tax law and the state finance law relating to establishing the New York city musical and theatrical production tax credit and establishing the New York state council on the arts cultural program fund, in relation to the effectiveness thereof; and to amend the tax law, in relation to the New York city musical and theatrical production tax credit (Part L); to amend the tax law, in relation to clarifying the notices afforded protest rights (Part M); to amend the tax law, in relation to the filing of tax warrants and warrant-related records (Part N); to amend the real property tax law and the tax law, in relation to simplifying STAR income determinations; and to repeal certain provisions of such laws relating thereto (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the tax law, in relation to increasing the estimated tax threshold under article nine-A of the tax law (Part R); to amend the tax law, in relation to establishing a tax credit for organ donation (Part S); to amend the tax law, in relation to extending the estate tax three-year gift addback rule (Part T); amend the tax law, in relation to expanding the credit for employment of persons with disabilities (Part U); to amend the tax law, in relation to reporting of federal partnership adjustments (Subpart A); and to amend the administrative code of the city of New York, in relation to reporting of federal partnership adjustments (Subpart B) (Part V); to amend the tax law and the administrative code of the city of New York, in relation to establishing a credit against the tax on personal income of certain residents of a city having a population of one million or more inhabitants (Part W); intentionally omitted (Part X); to amend the tax law, in relation to extending the clean heating fuel credit for three years (Part Y); to amend the tax law, in relation to extending the alternative fuels and electric vehicle recharging property credit for three years (Part Z); to amend the tax law, in relation to extending the sales tax exemption for certain sales made through vending machines (Part AA); to amend the labor law, in relation to extending the workers with disabilities tax credit (Part BB); to amend the tax law, in relation to extending the hire a vet credit (Part CC); to amend part HH of chapter 59 of the laws of 2014, amending the tax law relating to a musical and theatrical production credit, in relation to the effectiveness thereof (Part DD); to amend part U of chapter 59 of the laws of 2017, amending the tax law, relating to the financial institution data match system for state tax collection purposes, in relation to extending the effectiveness thereof (Part EE); to amend the racing, pari-mutuel wagering and breeding law, in relation to simplifying the pari-mutuel tax rate system; and to repeal section 908 of the racing, pari-mutuel wagering and breeding law relating thereto (Subpart A); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting, in relation to

the effectiveness thereof; and to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to the effectiveness thereof (Subpart B); and to amend the racing, pari-mutuel wagering and breeding law and the state finance law, in relation to market origin credits and fees (Subpart C)(Part FF); to amend the racing, pari-mutuel wagering and breeding law, in relation to the tax on gaming revenues in certain regions; to amend part 000 of chapter 59 of the laws of 2021 amending the racing, pari-mutuel wagering and breeding law relating to the tax on gaming revenues, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part GG); to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Capital off-track betting corporations' capital acquisition funds (Part HH); to amend the racing, pari-mutuel wagering and breeding law, in relation to enhancing the health and safety of thoroughbred horses; and providing for the repeal of such provisions upon expiration thereof (Part II); to amend the tax law and chapter 60 of the laws of 2016 amending the tax law relating to creating a farm workforce retention credit, in relation to extending the provisions thereof (Part JJ); to amend the agriculture and markets law and the tax law, in relation to the farm employer overtime credit (Part KK); to amend part H of chapter 59 of the laws of 2024 amending the tax law relating to the filing of amended returns under article 28 thereof, in relation to making technical corrections thereto (Part LL); to amend the tax law, in relation to vendor fees paid to certain vendor tracks; and providing for the repeal of such provisions upon expiration thereof (Part MM); to amend the racing, pari-mutuel wagering and breeding law, in relation to members of the franchised corporation appointed by the New York racing association (Part NN); to amend the racing, pari-mutuel wagering and breeding law, in relation to mobile sports tax revenue be used for problem gambling (Part OO); to extend the duration of certain brownfield redevelopment and remediation tax credits for certain sites (Part PP); to amend the tax law, in relation to the relief from sales tax liability provided to certain limited partners and members of limited liability companies (Part QQ); to amend the tax law, in relation to simplifying the property tax credit; and to repeal certain provisions of such law relating thereto (Part RR); to amend the tax law, in relation to authorizing an occupancy tax in the city of Auburn; and providing for the repeal of such provisions upon expiration thereof (Part SS); to amend the tax law, in relation to authorizing the city of Buffalo to impose a hotel and motel tax; and providing for the repeal of such provisions upon the expiration thereof (Part TT); to amend the tax law, in relation to geothermal energy systems tax credits (Part UU); to amend the tax law, in relation to the metropolitan commuter transportation mobility tax; and to amend the public authorities law, in relation to amending the rates of tax and the distribution of revenue therefrom (Part VV); to amend the tax law, in relation to sales and compensating use taxes for the metropolitan commuter transportation district; to amend the state finance law, in relation to the mass transportation operating assistance fund and the dedicated mass transportation trust fund; and to amend the public authorities law, in relation to the metropolitan transportation authority dedicated tax fund (Part WW); and to amend the public authorities law, in relation to the aggregate principal amount of bonds, notes or other obligations issued by the metropolitan

transit authority, the triborough bridge and tunnel authority and the New York city transit authority (Part XX)

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 2025-2026
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through XX. 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. Section 606 of the tax law is amended by adding a new
14 subsection (qqq) to read as follows:

15 (qqq) Inflation refund credit. (1) A taxpayer who meets the eligibil-
16 ity standards in paragraph two of this subsection shall be allowed a
17 credit against the taxes imposed by this article in the amount specified
18 in paragraph three of this subsection for tax year two thousand twenty-
19 five.

20 (2) To be eligible for the credit, the taxpayer (or taxpayers filing
21 joint returns)(a) must have been a full-year resident in the state of
22 New York in tax year two thousand twenty-three, (b) (i) must have had
23 New York adjusted gross income of three hundred thousand dollars or less
24 in tax year two thousand twenty-three if they filed a New York state
25 resident income tax return as married taxpayers filing jointly or a
26 qualified surviving spouse, or (ii) must have had New York adjusted
27 gross income of one hundred fifty thousand dollars or less in tax year
28 two thousand twenty-three if they filed a New York state resident income
29 tax return as a single taxpayer, married taxpayer filing a separate
30 return, or head of household, and (c) must not have been claimed as a
31 dependent by another taxpayer in tax year two thousand twenty-three.

32 (3) Amount of credit. (a) For taxpayers who meet the eligibility stan-
33 dards in paragraph two who filed a New York state resident income tax
34 return as married taxpayers filing jointly or a qualified surviving
35 spouse, (i) with New York adjusted gross income of greater than one
36 hundred fifty thousand dollars but no greater than three hundred thou-
37 sand dollars in tax year two thousand twenty-three, the credit amount
38 shall be three hundred dollars, or (ii) with New York adjusted gross
39 income of no greater than one hundred fifty thousand dollars in tax year
40 two thousand twenty-three, the credit amount shall be four hundred
41 dollars, and (b) for taxpayers who meet the eligibility standards in
42 paragraph two who filed a New York state resident income tax return as a
43 single taxpayer, married taxpayer filing a separate return, or head of
44 household, (i) with New York adjusted gross income of greater than
45 seventy-five thousand dollars but no greater than one hundred fifty
46 thousand dollars in tax year two thousand twenty-three, the credit
47 amount shall be one hundred fifty dollars, or (ii) with New York

1 adjusted gross income of no greater than seventy-five thousand dollars
2 in tax year two thousand twenty-three, the credit amount shall be two
3 hundred dollars.

4 (4) The amount of the credit shall be treated as an overpayment of tax
5 to be credited or refunded in accordance with the provisions of section
6 six hundred eighty-six of this article, provided, however, that no
7 interest shall be paid thereon. The commissioner shall determine the
8 taxpayer's eligibility for this credit utilizing the information avail-
9 able to the commissioner on the taxpayer's personal income tax return
10 filed for tax year two thousand twenty-three. For those taxpayers whom
11 the commissioner has determined eligible for this credit, the commis-
12 sioner shall advance a payment in the amount specified in paragraph
13 three of this subsection. A taxpayer who failed to receive an advance
14 payment that they believe was due, or who received an advance payment
15 that they believe is less than the amount that was due, may request
16 payment of the claimed deficiency in a manner prescribed by the commis-
17 sioner.

18 § 2. Notwithstanding any provision of law to the contrary, any credit
19 paid pursuant to this act, to the extent includible in gross income for
20 federal income tax purposes, shall not be subject to state or local
21 income tax.

22 § 3. This act shall take effect immediately.

23 PART B

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

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

31 If the New York taxable income is:	The tax is:
32 Not over \$17,150	4% of the New York taxable income
33 Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
34	\$17,150
35 Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
36	\$23,600
37 Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over
38	\$27,900
39 Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess over
40	\$161,550
41 Over \$323,200 but not over	\$18,252 plus 6.85% of excess over
42 \$2,155,350	\$323,200
43 Over \$2,155,350 but not over	\$143,754 plus 9.65% of excess over
44 \$5,000,000	\$2,155,350
45 Over \$5,000,000 but not over	\$418,263 plus 10.30% of excess over
46 \$25,000,000	\$5,000,000
47 Over \$25,000,000	\$2,478,263 plus 10.90% of excess over
48	\$25,000,000

49 (vii) For taxable years beginning after two thousand [~~twenty-seven~~]
50 twenty-five and before two thousand twenty-seven the following rates
51 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
10	over \$161,550
11	Over \$323,200 but not over \$2,155,350 \$19,252 plus 6.85% of excess
12	over \$323,200
13	Over \$2,155,350 \$143,754 plus 8.82% of excess
14	over \$2,155,350]
15	<u>If the New York taxable income is: The tax is:</u>
16	<u>Not over \$17,150 3.90% of the New York taxable</u>
17	<u>income</u>
18	<u>Over \$17,150 but not over \$23,600 \$669 plus 4.40% of excess over</u>
19	<u>\$17,150</u>
20	<u>Over \$23,600 but not over \$27,900 \$953 plus 5.15% of excess over</u>
21	<u>\$23,600</u>
22	<u>Over \$27,900 but not over \$161,550 \$1,174 plus 5.40% of excess over</u>
23	<u>\$27,900</u>
24	<u>Over \$161,550 but not over \$323,200 \$8,391 plus 5.90% of excess over</u>
25	<u>\$161,550</u>
26	<u>Over \$323,200 but not over</u>
27	<u>\$2,155,350 \$17,928 plus 6.85% of excess</u>
28	<u>over \$323,200</u>
29	<u>Over \$2,155,350 but not over</u>
30	<u>\$5,000,000 \$143,430 plus 9.65% of excess</u>
31	<u>over \$2,155,350</u>
32	<u>Over \$5,000,000 but not over</u>
33	<u>\$25,000,000 \$417,939 plus 10.30% of excess</u>
	<u>over \$5,000,000</u>
	<u>Over \$25,000,000 \$2,477,939 plus 10.90% of excess</u>
	<u>over \$25,000,000</u>

34 § 2. Subparagraph (B) of paragraph 1 of subsection (a) of section 601
 35 of the tax law is amended by adding two new clauses (viii) and (ix) to
 36 read as follows:

37 (viii) For taxable years beginning after two thousand twenty-six and
 38 before two thousand thirty-three the following rates shall apply:

39	<u>If the New York taxable income is: The tax is:</u>
40	<u>Not over \$17,150 3.80% of the New York taxable</u>
41	<u>income</u>
42	<u>Over \$17,150 but not over \$23,600 \$652 plus 4.30% of excess over</u>
43	<u>\$17,150</u>
44	<u>Over \$23,600 but not over \$27,900 \$929 plus 5.05% of excess over</u>
45	<u>\$23,600</u>
46	<u>Over \$27,900 but not over \$161,550 \$1,146 plus 5.30% of excess over</u>
47	<u>\$27,900</u>
48	<u>Over \$161,550 but not over \$323,200 \$8,229 plus 5.80% of excess</u>
49	<u>over \$161,550</u>
50	<u>Over \$323,200 but not over</u>
51	<u>\$2,155,350 \$17,605 plus 6.85% of excess</u>
52	<u>over \$323,200</u>
53	<u>Over \$2,155,350 but not over</u>
54	<u>\$5,000,000 \$143,107 plus 9.65% of excess</u>
	<u>over \$2,155,350</u>
	<u>Over \$5,000,000 but not over</u>
	<u>\$417,616 plus 10.30% of excess</u>

1	<u>\$25,000,000</u>	<u>over \$5,000,000</u>
2	<u>Over \$25,000,000</u>	<u>\$2,477,616 plus 10.90% of excess</u>
3		<u>over \$25,000,000</u>

4 (ix) For taxable years beginning after two thousand thirty-two the
5 following rates shall apply:

6	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
7	<u>Not over \$17,150</u>	<u>3.80% of the New York taxable</u>
8		<u>income</u>
9	<u>Over \$17,150 but not over \$23,600</u>	<u>\$652 plus 4.30% of excess over</u>
10		<u>\$17,150</u>
11	<u>Over \$23,600 but not over \$27,900</u>	<u>\$929 plus 5.05% of excess over</u>
12		<u>\$23,600</u>
13	<u>Over \$27,900 but not over \$161,550</u>	<u>\$1,146 plus 5.30% of excess over</u>
14		<u>\$27,900</u>
15	<u>Over \$161,550 but not over \$323,200</u>	<u>\$8,229 plus 5.80% of excess</u>
16		<u>over \$161,550</u>
17	<u>Over \$323,200 but not over</u>	<u>\$17,605 plus 6.85% of excess</u>
18	<u>\$2,155,350</u>	<u>over \$323,200</u>
19	<u>Over \$2,155,350</u>	<u>\$143,107 plus 8.82% of excess</u>
20		<u>over \$2,155,350</u>

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

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

28	If the New York taxable income is:	The tax is:
29	Not over \$12,800	4% of the New York taxable income
30	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
31		\$12,800
32	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
33		\$17,650
34	Over \$20,900 but not over \$107,650	\$901 plus 5.5% of excess over
35		\$20,900
36	Over \$107,650 but not over \$269,300	\$5,672 plus 6.00% of excess over
37		\$107,650
38	Over \$269,300 but not over	\$15,371 plus 6.85% of excess over
39	\$1,616,450	\$269,300
40	Over \$1,616,450 but not over	\$107,651 plus 9.65% of excess over
41	\$5,000,000	\$1,616,450
42	Over \$5,000,000 but not over	\$434,163 plus 10.30% of excess over
43	\$25,000,000	\$5,000,000
44	Over \$25,000,000	\$2,494,163 plus 10.90% of excess over
45		\$25,000,000

46 (vii) For taxable years beginning after two thousand [~~twenty-seven~~]
47 twenty-five and before two thousand twenty-seven the following rates
48 shall apply:

49	If the New York taxable income is:	The tax is:
50	Not over \$12,800	4% of the New York taxable income
51	Over \$12,800 but not over	\$512 plus 4.5% of excess over
52	\$17,650	\$12,800
53	Over \$17,650 but not over	\$730 plus 5.25% of excess over

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

10	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
11	<u>Not over \$12,800</u>	<u>3.90% of the New York taxable</u>
12		<u>income</u>
13	<u>Over \$12,800 but not over</u>	<u>\$499 plus 4.40% of excess over</u>
14	<u>\$17,650</u>	<u>\$12,800</u>
15	<u>Over \$17,650 but not over</u>	<u>\$712 plus 5.15% of excess over</u>
16	<u>\$20,900</u>	<u>\$17,650</u>
17	<u>Over \$20,900 but not over</u>	<u>\$879 plus 5.40% of excess over</u>
18	<u>\$107,650</u>	<u>\$20,900</u>
19	<u>Over \$107,650 but not over</u>	<u>\$5,564 plus 5.90% of excess</u>
20	<u>\$269,300</u>	<u>over \$107,650</u>
21	<u>Over \$269,300 but not over</u>	<u>\$15,101 plus 6.85% of excess</u>
22	<u>\$1,616,450</u>	<u>over \$269,300</u>
23	<u>Over \$1,616,450 but not over</u>	<u>\$107,381 plus 9.65% of excess</u>
24	<u>\$5,000,000</u>	<u>over \$1,616,450</u>
25	<u>Over \$5,000,000 but not over</u>	<u>\$433,894 plus 10.30% of excess</u>
26	<u>\$25,000,000</u>	<u>over \$5,000,000</u>
27	<u>Over \$25,000,000</u>	<u>\$2,493,894 plus 10.90% of excess</u>
28		<u>over \$25,000,000</u>

29 § 4. Subparagraph (B) of paragraph 1 of subsection (b) of section 601
30 of the tax law is amended by adding two new clauses (viii) and (ix) to
31 read as follows:

32 (viii) For taxable years beginning after two thousand twenty-six and
33 before two thousand thirty-three the following rates shall apply:

34	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
35	<u>Not over \$12,800</u>	<u>3.80% of the New York taxable</u>
36		<u>income</u>
37	<u>Over \$12,800 but not over</u>	<u>\$486 plus 4.30% of excess over</u>
38	<u>\$17,650</u>	<u>\$12,800</u>
39	<u>Over \$17,650 but not over</u>	<u>\$695 plus 5.05% of excess over</u>
40	<u>\$20,900</u>	<u>\$17,650</u>
41	<u>Over \$20,900 but not over</u>	<u>\$859 plus 5.30% of excess over</u>
42	<u>\$107,650</u>	<u>\$20,900</u>
43	<u>Over \$107,650 but not over</u>	<u>\$5,457 plus 5.80% of excess</u>
44	<u>\$269,300</u>	<u>over \$107,650</u>
45	<u>Over \$269,300 but not over</u>	<u>\$14,833 plus 6.85% of excess</u>
46	<u>\$1,616,450</u>	<u>over \$269,300</u>
47	<u>Over \$1,616,450 but not over</u>	<u>\$107,113 plus 9.65% of excess</u>
48	<u>\$5,000,000</u>	<u>over \$1,616,450</u>
49	<u>Over \$5,000,000 but not over</u>	<u>\$433,626 plus 10.30% of excess</u>
50	<u>\$25,000,000</u>	<u>over \$5,000,000</u>
51	<u>Over \$25,000,000</u>	<u>\$2,493,626 plus 10.90% of excess</u>
52		<u>over \$25,000,000</u>

(ix) For taxable years beginning after two thousand thirty-two the following rates shall apply:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$12,800</u>	<u>3.80% of the New York taxable income</u>
<u>Over \$12,800 but not over \$17,650</u>	<u>\$486 plus 4.30% of excess over \$12,800</u>
<u>Over \$17,650 but not over \$20,900</u>	<u>\$695 plus 5.05% of excess over \$17,650</u>
<u>Over \$20,900 but not over \$107,650</u>	<u>\$859 plus 5.30% of excess over \$20,900</u>
<u>Over \$107,650 but not over \$269,300</u>	<u>\$5,457 plus 5.80% of excess over \$107,650</u>
<u>Over \$269,300 but not over \$1,616,450</u>	<u>\$14,833 plus 6.85% of excess over \$269,300</u>
<u>Over \$1,616,450</u>	<u>\$107,113 plus 8.82% of excess over \$1,616,450</u>

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

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

If the New York taxable income is:	The tax is:
Not over \$8,500	4% of the New York taxable income
Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over \$8,500
Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over \$11,700
Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over \$13,900
Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess over \$80,650
Over \$215,400 but not over \$1,077,550	\$12,356 plus 6.85% of excess over \$215,400
Over \$1,077,550 but not over \$5,000,000	\$71,413 plus 9.65% of excess over \$1,077,550
Over \$5,000,000 but not over \$25,000,000	\$449,929 plus 10.30% of excess over \$5,000,000
Over \$25,000,000	\$2,509,929 plus 10.90% of excess over \$25,000,000

(vii) For taxable years beginning after two thousand ~~[twenty-seven]~~ twenty-five and before two thousand twenty-seven the following rates shall apply:

If the New York taxable income is:	The tax is:
Not over \$8,500	4% of the New York taxable income
Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over \$8,500
Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over \$11,700
Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over \$13,900
Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess

1		over \$80,650
2	Over \$215,400 but not over	\$12,356 plus 6.85% of excess
3	\$1,077,550	over \$215,400
4	Over \$1,077,550	\$71,413 plus 8.82% of excess
5		over \$1,077,550]
6	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
7	<u>Not over \$8,500</u>	<u>3.90% of the New York taxable income</u>
8	<u>Over \$8,500 but not over \$11,700</u>	<u>\$332 plus 4.40% of excess over</u>
9		<u>\$8,500</u>
10	<u>Over \$11,700 but not over \$13,900</u>	<u>\$473 plus 5.15% of excess over</u>
11		<u>\$11,700</u>
12	<u>Over \$13,900 but not over \$80,650</u>	<u>\$586 plus 5.40% of excess over</u>
13		<u>\$13,900</u>
14	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,191 plus 5.90% of excess</u>
15		<u>over \$80,650</u>
16	<u>Over \$215,400 but not over</u>	<u>\$12,141 plus 6.85% of excess</u>
17	<u>\$1,077,550</u>	<u>over \$215,400</u>
18	<u>Over \$1,077,550 but not over</u>	<u>\$71,198 plus 9.65% of excess</u>
19	<u>\$5,000,000</u>	<u>over \$1,077,550</u>
20	<u>Over \$5,000,000 but not over</u>	<u>\$449,714 plus 10.30% of excess</u>
21	<u>\$25,000,000</u>	<u>over \$5,000,000</u>
22	<u>Over \$25,000,000</u>	<u>\$2,509,714 plus 10.90% of excess</u>
23		<u>over \$25,000,000</u>

24 § 6. Subparagraph (B) of paragraph 1 of subsection (c) of section 601
 25 of the tax law is amended by adding two new clauses (viii) and (ix) to
 26 read as follows:

27 (viii) For taxable years beginning after two thousand twenty-six and
 28 before two thousand thirty-three the following rates shall apply:

29	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
30	<u>Not over \$8,500</u>	<u>3.80% of the New York taxable income</u>
31	<u>Over \$8,500 but not over \$11,700</u>	<u>\$323 plus 4.30% of excess over</u>
32		<u>\$8,500</u>
33	<u>Over \$11,700 but not over \$13,900</u>	<u>\$461 plus 5.05% of excess over</u>
34		<u>\$11,700</u>
35	<u>Over \$13,900 but not over \$80,650</u>	<u>\$572 plus 5.30% of excess over</u>
36		<u>\$13,900</u>
37	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,110 plus 5.80% of excess</u>
38		<u>over \$80,650</u>
39	<u>Over \$215,400 but not over</u>	<u>\$11,926 plus 6.85% of excess</u>
40	<u>\$1,077,550</u>	<u>over \$215,400</u>
41	<u>Over \$1,077,550 but not over</u>	<u>\$70,983 plus 9.65% of excess</u>
42	<u>\$5,000,000</u>	<u>over \$1,077,550</u>
43	<u>Over \$5,000,000 but not over</u>	<u>\$449,499 plus 10.30% of excess</u>
44	<u>\$25,000,000</u>	<u>over \$5,000,000</u>
45	<u>Over \$25,000,000</u>	<u>\$2,509,499 plus 10.90% of excess</u>
46		<u>over \$25,000,000</u>

47 (ix) For taxable years beginning after two thousand thirty-two the
 48 following rates shall apply:

49	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
50	<u>Not over \$8,500</u>	<u>3.80% of the New York taxable income</u>
51	<u>Over \$8,500 but not over \$11,700</u>	<u>\$323 plus 4.30% of excess over</u>
52		<u>\$8,500</u>
53	<u>Over \$11,700 but not over \$13,900</u>	<u>\$461 plus 5.05% of excess over</u>
54		<u>\$11,700</u>
55	<u>Over \$13,900 but not over \$80,650</u>	<u>\$572 plus 5.30% of excess over</u>

1		<u>\$13,900</u>
2	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,110 plus 5.80% of excess</u>
3		<u>over \$80,650</u>
4	<u>Over \$215,400 but not over</u>	<u>\$11,926 plus 6.85% of excess</u>
5	<u>\$1,077,550</u>	<u>over \$215,400</u>
6	<u>Over \$1,077,550</u>	<u>\$70,983 plus 8.82% of excess</u>
7		<u>over \$1,077,550</u>

8 § 7. The opening paragraph of subsection (d-4) of section 601 of the
9 tax law, as added by section 3 of subpart B of part A of chapter 59 of
10 the laws of 2022, is amended to read as follows:

11 Alternative tax table benefit recapture. Notwithstanding the
12 provisions of subsection (d), (d-1), (d-2) or (d-3) of this section, for
13 taxable years beginning on or after two thousand twenty-three and before
14 two thousand [~~twenty-eight~~] twenty-six, there is hereby imposed a
15 supplemental tax in addition to the tax imposed under subsections (a),
16 (b) and (c) of this section for the purpose of recapturing the benefit
17 of the tax tables contained in such subsections. During these taxable
18 years, any reference in this chapter to subsection (d), (d-1), (d-2) or
19 (d-3) of this section shall be read as a reference to this subsection.

20 § 8. Section 601 of the tax law is amended by adding three new
21 subsections (d-5), (d-6) and (d-7) to read as follows:

22 (d-5) Alternative tax table benefit recapture. Notwithstanding the
23 provisions of subsection (d), (d-1), (d-2), (d-3), (d-4), (d-6) or (d-7)
24 of this section, for taxable years beginning on or after two thousand
25 twenty-six and before two thousand twenty-seven, there is hereby imposed
26 a supplemental tax in addition to the tax imposed under subsections (a),
27 (b) and (c) of this section for the purpose of recapturing the benefit
28 of the tax tables contained in such subsections. During these taxable
29 years, any reference in this chapter to subsection (d), (d-1), (d-2),
30 (d-3), (d-4), (d-6) or (d-7) of this section shall be read as a refer-
31 ence to this subsection.

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

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

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

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
38 <u>\$27,900</u>	<u>\$161,550</u>	<u>\$0</u>	<u>\$333</u>
39 <u>\$161,550</u>	<u>\$323,200</u>	<u>\$333</u>	<u>\$807</u>
40 <u>\$323,200</u>	<u>\$2,155,350</u>	<u>\$1,140</u>	<u>\$3,071</u>
41 <u>\$2,155,350</u>	<u>\$5,000,000</u>	<u>\$4,211</u>	<u>\$60,350</u>
42 <u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>\$64,561</u>	<u>\$32,500</u>

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

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

51 (iii) the phase-in fraction shall be a fraction, the numerator of
52 which shall be the lesser of fifty thousand dollars or the applicable
53 amount and the denominator of which shall be fifty thousand dollars; and
54

(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 twenty-seven thousand nine hundred dollars, the supplemental tax shall equal the difference between the product of 5.40 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (a) 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 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (a) of this section.

(2) For resident heads of households:

(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:

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
<u>\$107,650</u>	<u>\$269,300</u>	<u>\$0</u>	<u>\$787</u>
<u>\$269,300</u>	<u>\$1,616,450</u>	<u>\$787</u>	<u>\$2,559</u>
<u>\$1,616,450</u>	<u>\$5,000,000</u>	<u>\$3,346</u>	<u>\$45,260</u>
<u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>\$48,606</u>	<u>\$32,500</u>

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

<u>Greater than</u>	<u>Not over</u>	<u>Applicable Amount</u>
<u>\$107,650</u>	<u>\$269,300</u>	<u>New York adjusted gross income minus \$107,650</u>
<u>\$269,300</u>	<u>\$1,616,450</u>	<u>New York adjusted gross income minus \$269,300</u>
<u>\$1,616,450</u>	<u>\$5,000,000</u>	<u>New York adjusted gross income minus \$1,616,450</u>
<u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>New York adjusted gross income minus \$5,000,000</u>

(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 one hundred seven thousand six hundred fifty dollars, the supplemental tax shall equal the difference between the product of 5.90 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (b) 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 percent and New York taxable income and the tax table computation on the New York taxable income set forth 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:

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

Greater than	Not over	Recapture Base	Incremental Benefit
\$80,650	\$215,400	\$0	\$567
\$215,400	\$1,077,550	\$567	\$2,047
\$1,077,550	\$5,000,000	\$2,614	\$30,172
\$5,000,000	\$25,000,000	\$32,786	\$32,500

8 (ii) the applicable amount shall be determined by New York taxable
 9 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

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

18 (iv) the supplemental tax due shall equal the sum of the recapture
 19 base and the product of (i) the incremental benefit and (ii) the phase-
 20 in fraction. Provided, however, that if the New York taxable income of
 21 the taxpayer is less than eighty thousand six hundred fifty dollars, the
 22 supplemental tax shall equal the difference between the product of 5.90
 23 percent and New York taxable income and the tax table computation on the
 24 New York taxable income set forth in paragraph one of subsection (c) of
 25 this section, multiplied by a fraction, the numerator of which is the
 26 lesser of fifty thousand dollars or New York adjusted gross income minus
 27 one hundred seven thousand six hundred fifty dollars, and the denomina-
 28 tor of which is fifty thousand dollars.

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

34 (d-6) Alternative tax table benefit recapture. Notwithstanding the
 35 provisions of subsection (d), (d-1), (d-2), (d-3), (d-4), (d-5) or (d-7)
 36 of this section, for taxable years beginning on or after two thousand
 37 twenty-seven and before two thousand thirty-three, there is hereby
 38 imposed a supplemental tax in addition to the tax imposed under
 39 subsections (a), (b) and (c) of this section for the purpose of recap-
 40 turing the benefit of the tax tables contained in such subsections.
 41 During these taxable years, any reference in this chapter to subsection
 42 (d), (d-1), (d-2), (d-3), (d-4), (d-5) or (d-7) of this section shall be
 43 read as a reference to this subsection.

44 (1) For resident married individuals filing joint returns and resident
 45 surviving spouses:

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

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

Greater than	Not over	Recapture Base	Incremental Benefit
\$27,900	\$161,550	\$0	\$333
\$161,550	\$323,200	\$333	\$808
\$323,200	\$2,155,350	\$1,141	\$3,393
\$2,155,350	\$5,000,000	\$4,534	\$60,350
\$5,000,000	\$25,000,000	\$64,884	\$32,500

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

<u>Greater than</u>	<u>Not over</u>	<u>Applicable Amount</u>
<u>\$27,900</u>	<u>\$161,550</u>	<u>New York adjusted gross income</u> <u>minus \$107,650</u>
<u>\$161,550</u>	<u>\$323,200</u>	<u>New York adjusted gross income</u> <u>minus \$161,550</u>
<u>\$323,200</u>	<u>\$2,155,350</u>	<u>New York adjusted gross income</u> <u>minus \$323,200</u>
<u>\$2,155,350</u>	<u>\$5,000,000</u>	<u>New York adjusted gross income</u> <u>minus \$2,155,350</u>
<u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>New York adjusted gross income</u> <u>minus \$5,000,000</u>

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

17 (iv) the supplemental tax due shall equal the sum of the recapture
 18 base and the product of (i) the incremental benefit and (ii) the phase-
 19 in fraction. Provided, however, that if the New York taxable income of
 20 the taxpayer is less than twenty-seven thousand nine hundred dollars,
 21 the supplemental tax shall equal the difference between the product of
 22 5.30 percent and New York taxable income and the tax table computation
 23 on the New York taxable income set forth in paragraph one of subsection
 24 (a) of this section, multiplied by a fraction, the numerator of which
 25 is the lesser of fifty thousand dollars or New York adjusted gross
 26 income minus one hundred seven thousand six hundred fifty dollars, and
 27 the denominator of which is fifty thousand dollars.

28 (B) If New York adjusted gross income is greater than twenty-five
 29 million dollars, the supplemental tax due shall equal the difference
 30 between the product of 10.90 percent and New York taxable income and the
 31 tax table computation on the New York taxable income set forth in para-
 32 graph one of subsection (a) of this section.

33 (2) For resident heads of households:

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

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

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
<u>\$107,650</u>	<u>\$269,300</u>	<u>\$0</u>	<u>\$787</u>
<u>\$269,300</u>	<u>\$1,616,450</u>	<u>\$787</u>	<u>\$2,827</u>
<u>\$1,616,450</u>	<u>\$5,000,000</u>	<u>\$3,614</u>	<u>\$45,260</u>
<u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>\$48,874</u>	<u>\$32,500</u>

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

<u>Greater than</u>	<u>Not over</u>	<u>Applicable Amount</u>
<u>\$107,650</u>	<u>\$269,300</u>	<u>New York adjusted gross income</u> <u>minus \$107,650</u>
<u>\$269,300</u>	<u>\$1,616,450</u>	<u>New York adjusted gross income</u> <u>minus \$269,300</u>
<u>\$1,616,450</u>	<u>\$5,000,000</u>	<u>New York adjusted gross income</u> <u>minus \$1,616,450</u>
<u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>New York adjusted gross income</u> <u>minus \$5,000,000</u>

54 (iii) the phase-in fraction shall be a fraction, the numerator of
 55 which shall be the lesser of fifty thousand dollars or the applicable
 56 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 one hundred seven thousand six hundred fifty dollars, the supplemental tax shall equal the difference between the product of 5.80 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (b) 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 percent and New York taxable income and the tax table computation on the New York taxable income set forth 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:

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
<u>\$80,650</u>	<u>\$215,400</u>	<u>\$0</u>	<u>\$568</u>
<u>\$215,400</u>	<u>\$1,077,550</u>	<u>\$568</u>	<u>\$2,261</u>
<u>\$1,077,550</u>	<u>\$5,000,000</u>	<u>\$2,829</u>	<u>\$30,172</u>
<u>\$5,000,000</u>	<u>\$25,000,000</u>	<u>\$33,001</u>	<u>\$32,500</u>

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

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

(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 5.80 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 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.

(d-7) Alternative tax table benefit recapture. Notwithstanding the provisions of subsection (d), (d-1), (d-2), (d-3), (d-4), (d-5) or (d-6) of this section, for taxable years beginning on or after two thousand thirty-three, there is hereby imposed a supplemental tax in addition to the tax imposed under subsections (a), (b) and (c) of this section for the purpose of recapturing the benefit of the tax tables contained in such subsections. During these taxable years, any reference in this chapter to subsection (d), (d-1), (d-2), (d-3), (d-4), (d-5) or (d-6) of this section shall be read as a reference to this subsection.

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

(A) If New York adjusted gross income is greater than \$107,650:

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

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
<u>\$27,900</u>	<u>\$161,550</u>	<u>\$0</u>	<u>\$333</u>
<u>\$161,550</u>	<u>\$323,200</u>	<u>\$333</u>	<u>\$808</u>
<u>\$323,200</u>	<u>\$2,155,350</u>	<u>\$1,141</u>	<u>\$3,393</u>
<u>\$2,155,350</u>		<u>\$4,534</u>	<u>\$42,461</u>

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

<u>Greater than</u>	<u>Not over</u>	<u>Applicable Amount</u>
<u>\$27,900</u>	<u>\$161,550</u>	<u>New York adjusted gross income minus \$107,650</u>
<u>\$161,550</u>	<u>\$323,200</u>	<u>New York adjusted gross income minus \$161,550</u>
<u>\$323,200</u>	<u>\$2,155,350</u>	<u>New York adjusted gross income minus \$323,200</u>
<u>\$2,155,350</u>		<u>New York adjusted gross income minus \$2,155,350</u>

(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 twenty-seven thousand nine hundred dollars, the supplemental tax shall equal the difference between the product of 5.30 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (a) 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.

(2) For resident heads of households:

(A) If New York adjusted gross income is greater than \$107,650:

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

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
<u>\$107,650</u>	<u>\$269,300</u>	<u>\$0</u>	<u>\$787</u>
<u>\$269,300</u>	<u>\$1,616,450</u>	<u>\$787</u>	<u>\$2,827</u>
<u>\$1,616,450</u>		<u>\$3,614</u>	<u>\$31,844</u>

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

<u>Greater than</u>	<u>Not over</u>	<u>Applicable Amount</u>
<u>\$107,650</u>	<u>\$269,300</u>	<u>New York adjusted gross income minus \$107,650</u>
<u>\$269,300</u>	<u>\$1,616,450</u>	<u>New York adjusted gross income minus \$269,300</u>
<u>\$1,616,450</u>		<u>New York adjusted gross income minus \$1,616,450</u>

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 one hundred seven thousand six hundred fifty
 8 dollars, the supplemental tax shall equal the difference between the
 9 product of 5.80 percent and New York taxable income and the tax table
 10 computation on the New York taxable income set forth in paragraph one of
 11 subsection (b) of this section, multiplied by a fraction, the numerator
 12 of which is the lesser of fifty thousand dollars or New York adjusted
 13 gross income minus one hundred seven thousand six hundred fifty dollars,
 14 and the denominator of which is fifty thousand dollars.

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

17 (A) If New York adjusted gross income is greater than \$107,650:

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

<u>Greater than</u>	<u>Not over</u>	<u>Recapture Base</u>	<u>Incremental Benefit</u>
<u>\$80,650</u>	<u>\$215,400</u>	<u>\$0</u>	<u>\$568</u>
<u>\$215,400</u>	<u>\$1,077,550</u>	<u>\$568</u>	<u>\$2,261</u>
<u>\$1,077,550</u>		<u>\$2,829</u>	<u>\$21,228</u>

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

<u>Greater than</u>	<u>Not over</u>	<u>Applicable Amount</u>
<u>\$80,650</u>	<u>\$215,400</u>	<u>New York adjusted gross income minus \$107,650</u>
<u>\$215,400</u>	<u>\$1,077,550</u>	<u>New York adjusted gross income minus \$215,400</u>
<u>\$1,077,550</u>		<u>New York adjusted gross income minus \$1,077,550</u>

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

33 (iv) the supplemental tax due shall equal the sum of the recapture
 34 base and the product of (i) the incremental benefit and (ii) the phase-
 35 in fraction. Provided, however, that if the New York taxable income of
 36 the taxpayer is less than eighty thousand six hundred fifty dollars, the
 37 supplemental tax shall equal the difference between the product of 5.80
 38 percent and New York taxable income and the tax table computation on the
 39 New York taxable income set forth in paragraph one of subsection (c) of
 40 this section, multiplied by a fraction, the numerator of which is the
 41 lesser of fifty thousand dollars or New York adjusted gross income minus
 42 one hundred seven thousand six hundred fifty dollars, and the denomina-
 43 tor of which is fifty thousand dollars.

44 § 9. This act shall take effect immediately.

45 PART C

46 Section 1. Paragraph 1 of subsection (c-1) of section 606 of the tax
 47 law, as amended by section 1 of part HH of chapter 56 of the laws of
 48 2023, is amended to read as follows:

49 (1) [A] For taxable years beginning before January first, two thousand
 50 twenty-five, and taxable years beginning on or after January first, two
 51 thousand twenty-eight, a resident taxpayer shall be allowed a credit as
 52 provided herein equal to the greater of one hundred dollars times the
 53 number of qualifying children of the taxpayer or the applicable percent-
 54 age of the child tax credit allowed the taxpayer under section twenty-

1 four of the internal revenue code for the same taxable year for each
2 qualifying child. Provided, however, in the case of a taxpayer whose
3 federal adjusted gross income exceeds the applicable threshold amount
4 set forth by section 24(b)(2) of the Internal Revenue Code, the credit
5 shall only be equal to the applicable percentage of the child tax credit
6 allowed the taxpayer under section 24 of the Internal Revenue Code for
7 each qualifying child. For the purposes of this subsection, a qualifying
8 child shall be a child who meets the definition of qualified child under
9 section 24(c) of the internal revenue code. The applicable percentage
10 shall be thirty-three percent. For purposes of this subsection, any
11 reference to section 24 of the Internal Revenue Code shall be a refer-
12 ence to such section as it existed immediately prior to the enactment of
13 Public Law 115-97.

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

16 (1-a) (A) For taxable years beginning on and after January first, two
17 thousand twenty-five, and before January first, two thousand twenty-six,
18 a resident taxpayer shall be allowed a credit as provided herein, equal
19 to the sum of:

20 (i) one thousand dollars times the number of qualifying children of
21 the taxpayer aged three or younger, and

22 (ii) three hundred thirty dollars times the number of qualifying chil-
23 dren of the taxpayer who have attained age four and not yet attained age
24 seventeen.

25 (B) For taxable years beginning on and after January first, two thou-
26 sand twenty-six, and before January first, two thousand twenty-eight, a
27 resident taxpayer shall be allowed a credit as provided herein, equal to
28 the sum of:

29 (i) one thousand dollars times the number of qualifying children of
30 the taxpayer aged three or younger, and

31 (ii) five hundred dollars times the number of qualifying children of
32 the taxpayer who have attained age four and not yet attained age seven-
33 teen.

34 (C) The amount of the credit allowable under subparagraphs (A) and (B)
35 of this paragraph shall be reduced (but not below zero) by sixteen
36 dollars and fifty cents for each one thousand dollars by which the
37 taxpayer's federal adjusted gross income exceeds the threshold amount.
38 For the purposes of this subparagraph, the term "threshold amount" shall
39 mean: (i) one hundred ten thousand dollars in the case of married
40 taxpayers filing jointly; (ii) seventy-five thousand dollars in the case
41 of a taxpayer filing as single, head of household, or qualified surviving
42 spouse; and (iii) fifty-five thousand dollars in the case of a married
43 taxpayer filing a separate return.

44 (D) For the purposes of this paragraph, a qualifying child shall be an
45 individual who: (i) is a child, sibling, or stepsibling of the taxpayer,
46 or a descendent of any such relative; (ii) has the same principal place
47 of abode as the taxpayer for more than one-half of the taxable year;
48 (iii) has not attained age seventeen; (iv) has not provided over one-
49 half of such individual's own support for the calendar year in which the
50 taxable year of the taxpayer begins; (v) has not filed a joint return
51 (other than only for a claim of refund) with the individual's spouse
52 under section six hundred fifty-one of this article for the taxable
53 year; and (vi) is a citizen or national of the United States, or an
54 individual with an individual taxpayer identification number issued by
55 the internal revenue service.

1 (E) For the purposes of this paragraph, the term "child" shall mean an
2 individual who is the offspring or stepchild of the taxpayer, or an
3 eligible foster child of the taxpayer, or a legally adopted individual
4 of the taxpayer, or an individual who is lawfully placed with the
5 taxpayer for legal adoption by the taxpayer.

6 (F) (i) Except as provided in subparagraph (C) of this paragraph, if
7 an individual may be claimed as a qualifying child by two or more
8 taxpayers for a taxable year, such individual shall be treated as the
9 qualifying child of the taxpayer who is: (I) a parent of the individual,
10 or (II) if subclause (I) does not apply, the taxpayer with the highest
11 federal adjusted gross income for such taxable year.

12 (ii) If the parents claiming any qualifying child do not file a joint
13 return together, such child shall be treated as the qualifying child of:
14 (I) the parent with whom the child resided for the longest period of
15 time during the taxable year, or (II) if the child resides with both
16 parents for the same amount of time during such taxable year, the parent
17 with the highest federal adjusted gross income who files a return pursu-
18 ant to section six hundred fifty-one of this article.

19 (iii) If the parents of an individual may claim such individual as a
20 qualifying child but no parent so claims the individual, such individual
21 may be claimed as the qualifying child of another taxpayer, but only if
22 the federal adjusted gross income of such taxpayer is higher than the
23 highest federal adjusted gross income of any parent of the individual,
24 regardless of a requirement to file a return pursuant to section six
25 hundred fifty-one of this article.

26 § 3. This act shall take effect immediately.

27 PART D

28 Section 1. Subdivision 3 of section 22 of the public housing law, as
29 added by section 1 of part CC of chapter 63 of the laws of 2000, is
30 amended to read as follows:

31 3. Amount of credit. Except as provided in subdivisions four and five
32 of this section, the amount of low-income housing credit shall be the
33 applicable percentage of the qualified basis of each eligible low-income
34 building. Buildings financed by refunded bonds using the rules of
35 section 146(i)(6) of the internal revenue code, shall be eligible for
36 credit pursuant to the rules of section 42(b)(2) of the internal revenue
37 code.

38 § 2. Subdivision 4 of section 22 of the public housing law, as amended
39 by section 4 of part J of chapter 59 of the laws of 2022, is amended to
40 read as follows:

41 4. Statewide limitation. The aggregate dollar amount of credit which
42 the commissioner may allocate to eligible low-income buildings under
43 this article shall be one hundred [~~seventy-two~~] eighty-seven million
44 dollars. The limitation provided by this subdivision applies only to
45 allocation of the aggregate dollar amount of credit by the commission-
46 er[7] and does not apply to allowance to a taxpayer of the credit with
47 respect to an eligible low-income building for each year of the credit
48 period.

49 § 3. Subdivision 4 of section 22 of the public housing law, as amended
50 by section two of this act, is amended to read as follows:

51 4. Statewide limitation. The aggregate dollar amount of credit which
52 the commissioner may allocate to eligible low-income buildings under
53 this article shall be [~~one~~] two hundred [~~eighty-seven~~] seventeen million
54 dollars. The limitation provided by this subdivision applies only to

1 allocation of the aggregate dollar amount of credit by the commissioner
2 and does not apply to allowance to a taxpayer of the credit with respect
3 to an eligible low-income building for each year of the credit period.

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

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

13 § 5. Subdivision 4 of section 22 of the public housing law, as amended
14 by section four of this act, is amended to read as follows:

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

22 § 6. Subdivision 4 of section 22 of the public housing law, as amended
23 by section five of this act, is amended to read as follows:

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

31 § 7. This act shall take effect immediately; provided, however,
32 section two of this act shall take effect on the same date and in the
33 same manner as section 4 of part J of chapter 59 of the laws of 2022
34 takes effect; section three of this act shall take effect April 1, 2026;
35 section four of this act shall take effect April 1, 2027; section five
36 of this act shall take effect April 1, 2028; and section six of this act
37 shall take effect April 1, 2029.

38

PART E

39 Section 1. Subdivision 26 of section 210-B of the tax law, as added by
40 section 17 of part A of chapter 59 of the laws of 2014, paragraphs (a)
41 and (c) as amended by section 2 of part RR of chapter 59 of the laws of
42 2018, subparagraph (i) of paragraph (a) as amended by section 2, subpar-
43 agraph (ii) of paragraph (a) as amended by section 4 and paragraph (a-1)
44 as amended by section 3 of subpart B of part I of chapter 59 of the laws
45 of 2023, paragraph (e) as amended by section 1 of part U of chapter 59
46 of the laws of 2019, paragraph (f) as added by section 2 of part CCC of
47 chapter 59 of the laws of 2021, is amended to read as follows:

48 26. Credit for rehabilitation of historic properties. (a) Application
49 of credit. (i) For taxable years beginning on or after January first,
50 two thousand ten, and before January first, two thousand thirty, a
51 taxpayer, or a transferee of such a taxpayer as described in paragraph
52 (g) of this subdivision, shall be allowed a credit as hereinafter
53 provided, against the tax imposed by this article, in an amount equal to
54 one hundred percent of the amount of credit allowed the taxpayer for the

1 same taxable year with respect to a certified historic structure, and
2 one hundred fifty percent of the amount of credit allowed the taxpayer
3 with respect to a certified historic structure that is a small project,
4 under internal revenue code section 47(c)(3), determined without regard
5 to ratably allocating the credit over a five year period as required by
6 subsection (a) of such section 47, with respect to a certified historic
7 structure located within the state. Provided, however, the credit shall
8 not exceed five million dollars.

9 (ii) For taxable years beginning on or after January first, two thou-
10 sand thirty, a taxpayer, or a transferee of such a taxpayer as described
11 in paragraph (g) of this subdivision, shall be allowed a credit as here-
12 inafter provided, against the tax imposed by this article, in an amount
13 equal to thirty percent of the amount of credit allowed the taxpayer for
14 the same taxable year determined without regard to ratably allocating
15 the credit over a five year period as required by subsection (a) of
16 section 47 of the internal revenue code, with respect to a certified
17 historic structure under subsection (c)(3) of section 47 of the internal
18 revenue code with respect to a certified historic structure located
19 within the state. Provided, however, the credit shall not exceed one
20 hundred thousand dollars.

21 (a-1) If the taxpayer or transferee is a partner in a partnership or a
22 shareholder in a New York S corporation, then the credit caps imposed in
23 paragraph (a) of this subdivision shall be applied at the entity level,
24 so that the aggregate credit allowed to all the partners or shareholders
25 of each such entity in the taxable year does not exceed the credit cap
26 that is applicable in that taxable year.

27 (b) Tax credits allowed pursuant to this subdivision shall be allowed
28 in the taxable year that the qualified rehabilitation is placed in
29 service under section 167 of the federal internal revenue code.

30 (c) If the taxpayer is allowed a credit pursuant to section 47 of the
31 internal revenue code with respect to a qualified rehabilitation that is
32 also the subject of the credit allowed by this subdivision and that
33 credit pursuant to such section 47 is recaptured pursuant to subsection
34 (a) of section 50 of the internal revenue code, a portion of the credit
35 allowed under this subdivision must be added back by the taxpayer or
36 transferee in the same taxable year and in the same proportion as the
37 federal credit.

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

50 (e) [~~Except in the case of a qualified rehabilitation project under-~~
51 ~~taken within a state park, state historic site, or other land owned by~~
52 ~~the state, that is under the jurisdiction of the office of parks, recre-~~
53 ~~ation and historic preservation, to] To be eligible for the credit
54 allowable under this subdivision, the rehabilitation project shall be in
55 whole or in part located within a census tract which is identified as
56 being at or below one hundred percent of the state median family income~~

1 as calculated as of April first of each year using the most recent five
2 year estimate from the American community survey published by the United
3 States Census bureau. If there is a change in the most recent five year
4 estimate, a census tract that qualified for eligibility under this
5 program before information about the change was released will remain
6 eligible for a credit under this subdivision for an additional two
7 calendar years. The eligibility restrictions set forth in this paragraph
8 shall not be applicable if:

9 (i) a qualified rehabilitation project is undertaken within a state
10 park, state historic site, or other land owned by the state, that is
11 under the jurisdiction of the office of parks, recreation and historic
12 preservation; or

13 (ii) a qualified rehabilitation project is undertaken for the
14 provision of affordable housing and the taxpayer has entered into a
15 regulatory agreement with any state or federal agency or authority, or
16 any other government entity that is authorized to engage in the financ-
17 ing, construction or oversight of affordable housing within such enti-
18 ty's jurisdiction, and where such regulatory agreement sets forth
19 affordability requirements applicable for a period of not less than
20 thirty years and that is binding on all successors of the taxpayer.

21 (f) For purposes of this subdivision "small project" means qualified
22 rehabilitation expenditures totaling two million five hundred thousand
23 dollars or less.

24 (g)(i) A taxpayer allowed a credit pursuant to this subdivision may
25 transfer the credit, in whole or in part, to another person or entity,
26 who shall be referred to as the transferee, without regard to how any
27 tax credit authorized pursuant to section forty-seven of the internal
28 revenue code with respect to a qualified rehabilitation project may be
29 allocated and notwithstanding that such other person or entity owns no
30 interest in the qualified rehabilitation project or in an entity with an
31 ownership interest in the qualified rehabilitation project. A transferee
32 may not transfer any credit, or portion thereof, acquired by transfer.

33 (ii) A taxpayer seeking to transfer a credit allowed pursuant to this
34 subdivision must enter into a transfer contract with the transferee. The
35 transfer contract must specify:

36 (A) the building identification numbers for all buildings in the
37 project;

38 (B) the date each building was placed into service;

39 (C) the schedule of years for which the transfer credit may be claimed
40 and the amount of credit previously claimed;

41 (D) the amount of consideration received by the taxpayer for the
42 transfer credit; and

43 (E) the amount of credit being transferred.

44 (iii) No transfer shall be effective unless the taxpayer allowed a
45 credit pursuant to this subdivision and seeking to transfer the credit
46 files a transfer application with the commissioner of parks, recreation
47 and historic preservation prior to the transfer and such transfer appli-
48 cation is approved. The transfer application shall include the name and
49 federal identification numbers of the taxpayer and each proposed trans-
50 feree, the amount of credit proposed to be transferred to each proposed
51 transferee, a copy of the transfer contract, and such other information
52 as the commissioner or the commissioner of parks, recreation and histor-
53 ic preservation may require. The commissioner of parks, recreation and
54 historic preservation shall approve or deny each transfer application
55 and, if an application is denied, shall issue a written determination to
56 the taxpayer. If the transfer is approved, the commissioner of parks,

1 recreation and historic preservation shall issue a transfer approval
2 certificate that provides the name of the transferor and all transfer-
3 ees, the amount of credit being transferred and such other information
4 as the commissioner of parks, recreation and historic preservation and
5 the commissioner deem necessary. A copy of the transfer approval certif-
6 icate must be attached to each transferee's tax return. The commissioner
7 of parks, recreation and historic preservation, in consultation with the
8 commissioner, may establish such other procedures and standards deemed
9 necessary for the transferability of credits allowed under this subdivi-
10 sion.

11 (iv) The commissioner of parks, recreation and historic preservation
12 shall forward copies of all transfer applications and attachments there-
13 to and approval certificates to the commissioner within thirty days
14 after the transfer is approved.

15 (v) A taxpayer allowed a credit pursuant to section forty-seven of the
16 internal revenue code with respect to a qualified rehabilitation that is
17 also the subject of the credit allowed by this subdivision shall remain
18 solely liable for all obligations and liabilities imposed on the taxpay-
19 er with respect to the credit allowed by this subdivision, none of which
20 shall apply to a party to whom the credit has been subsequently trans-
21 ferred.

22 § 2. Subsection (oo) of section 606 of the tax law, as amended by
23 chapter 239 of the laws of 2009, paragraph 1 as amended by chapter 472
24 of the laws of 2010, subparagraph (A) of paragraph 1 as amended by
25 section 1 of subpart B of part I of chapter 59 of the laws of 2023,
26 paragraph 3 as amended by section 1 of part RR of chapter 59 of the laws
27 of 2018, paragraph 4 as amended by section 1 of part F of chapter 59 of
28 the laws of 2013, paragraph 5 as amended by section 2 of part U of chap-
29 ter 59 of the laws of 2019, paragraph 6 as added by section 1 of part
30 CCC of chapter 59 of the laws of 2021, is amended to read as follows:

31 (oo) Credit for rehabilitation of historic properties. (1) (A) For
32 taxable years beginning on or after January first, two thousand ten and
33 before January first, two thousand thirty, a taxpayer, or a transferee
34 of such a taxpayer as described in paragraph seven of this subsection,
35 shall be allowed a credit as hereinafter provided, against the tax
36 imposed by this article, in an amount equal to one hundred percent of
37 the amount of credit allowed the taxpayer with respect to a certified
38 historic structure, and one hundred fifty percent of the amount of cred-
39 it allowed the taxpayer with respect to a certified historic structure
40 that is a small project, under internal revenue code section 47(c)(3),
41 determined without regard to ratably allocating the credit over a five
42 year period as required by subsection (a) of such section 47, with
43 respect to a certified historic structure located within the state.
44 Provided, however, the credit shall not exceed five million dollars. For
45 taxable years beginning on or after January first, two thousand thirty,
46 a taxpayer, or a transferee of such a taxpayer as described in paragraph
47 seven of this subsection, shall be allowed a credit as hereinafter
48 provided, against the tax imposed by this article, in an amount equal to
49 thirty percent of the amount of credit allowed the taxpayer with respect
50 to a certified historic structure under internal revenue code section
51 47(c)(3), determined without regard to ratably allocating the credit
52 over a five year period as required by subsection (a) of such section
53 47, with respect to a certified historic structure located within the
54 state; provided, however, the credit shall not exceed one hundred thou-
55 sand dollars.

1 (B) If the taxpayer or transferee is a partner in a partnership or a
2 shareholder of a New York S corporation, then the credit cap imposed in
3 subparagraph (A) of this paragraph shall be applied at the entity level,
4 so that the aggregate credit allowed to all the partners or shareholders
5 of each such entity in the taxable year does not exceed the credit cap
6 that is applicable in that taxable year.

7 (2) Tax credits allowed pursuant to this subsection shall be allowed
8 in the taxable year that the qualified rehabilitation is placed in
9 service under section 167 of the federal internal revenue code.

10 (3) If the taxpayer is allowed a credit pursuant to section 47 of the
11 internal revenue code with respect to a qualified rehabilitation that is
12 also the subject of the credit allowed by this subsection and that cred-
13 it pursuant to such section 47 is recaptured pursuant to subsection (a)
14 of section 50 of the internal revenue code, a portion of the credit
15 allowed under this subsection must be added back by the taxpayer or
16 transferee in the same taxable year and in the same proportion as the
17 federal recapture.

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

23 (5) [~~Except in the case of a qualified rehabilitation project under~~
24 ~~taken within a state park, state historic site, or other land owned by~~
25 ~~the state, that is under the jurisdiction of the office of parks, recre-~~
26 ~~ation and historic preservation, to] To be eligible for the credit
27 allowable under this subsection the rehabilitation project shall be in
28 whole or in part located within a census tract which is identified as
29 being at or below one hundred percent of the state median family income
30 as calculated as of April first of each year using the most recent five
31 year estimate from the American community survey published by the United
32 States Census bureau. If there is a change in the most recent five year
33 estimate, a census tract that qualified for eligibility under this
34 program before information about the change was released will remain
35 eligible for a credit under this subsection for an additional two calen-
36 dar years. The eligibility restrictions set forth in this paragraph
37 shall not be applicable if:~~

38 (A) a qualified rehabilitation project is undertaken within a state
39 park, state historic site, or other land owned by the state, that is
40 under the jurisdiction of the office of parks, recreation and historic
41 preservation; or

42 (B) a qualified rehabilitation project is undertaken for the provision
43 of affordable housing and the taxpayer has entered into a regulatory
44 agreement with any state or federal agency or authority, or any other
45 government entity that is authorized to engage in the financing,
46 construction or oversight of affordable housing within such entity's
47 jurisdiction, and where such regulatory agreement sets forth affordabil-
48 ity requirements applicable for a period of not less than thirty years
49 and that is binding on all successors of the taxpayer.

50 (6) For purposes of this subsection the term "small project" means
51 qualified rehabilitation expenditures totaling two million five hundred
52 thousand dollars or less.

53 (7)(A) A taxpayer allowed a credit pursuant to this subsection may
54 transfer the credit, in whole or in part, to another person or entity,
55 who shall be referred to as the transferee, without regard to how any
56 tax credit authorized pursuant to section forty-seven of the internal

1 revenue code with respect to a qualified rehabilitation project may be
2 allocated and notwithstanding that such other person or entity owns no
3 interest in the qualified rehabilitation project or in an entity with an
4 ownership interest in the qualified rehabilitation project. A transferee
5 may not transfer any credit, or portion thereof, acquired by transfer.

6 (B) A taxpayer seeking to transfer a credit allowed pursuant to this
7 subsection must enter into a transfer contract with the transferee. The
8 transfer contract must specify:

9 (i) the building identification numbers for all buildings in the
10 project;

11 (ii) the date each building was placed into service;

12 (iii) the schedule of years for which the transfer credit may be
13 claimed and the amount of credit previously claimed;

14 (iv) the amount of consideration received by the taxpayer for the
15 transfer credit; and

16 (v) the amount of credit being transferred.

17 (C) No transfer shall be effective unless the taxpayer allowed a cred-
18 it pursuant to this subsection and seeking to transfer the credit files
19 a transfer application with the commissioner of parks, recreation and
20 historic preservation prior to the transfer and such transfer applica-
21 tion is approved. The transfer application shall include the name and
22 federal identification numbers of the taxpayer and each proposed trans-
23 feree, the amount of credit proposed to be transferred to each proposed
24 transferee, a copy of the transfer contract, and such other information
25 as the commissioner or the commissioner of parks, recreation and histor-
26 ic preservation may require. The commissioner of parks, recreation and
27 historic preservation shall approve or deny each transfer application
28 and, if an application is denied, shall issue a written determination to
29 the taxpayer. If the transfer is approved, the commissioner of parks,
30 recreation and historic preservation shall issue a transfer approval
31 certificate that provides the name of the transferor and all transfer-
32 ees, the amount of credit being transferred and such other information
33 as the commissioner of parks, recreation and historic preservation and
34 the commissioner deem necessary. A copy of the transfer approval certif-
35 icate must be attached to each transferee's tax return. The commissioner
36 of parks, recreation and historic preservation, in consultation with the
37 commissioner, may establish such other procedures and standards deemed
38 necessary for the transferability of credits allowed under this
39 subsection.

40 (D) The commissioner of parks, recreation and historic preservation
41 shall forward copies of all transfer applications and attachments there-
42 to and approval certificates to the commissioner within thirty days
43 after the transfer is approved.

44 (E) A taxpayer allowed a credit pursuant to section forty-seven of the
45 internal revenue code with respect to a qualified rehabilitation that is
46 also the subject of the credit allowed by this subsection shall remain
47 solely liable for all obligations and liabilities imposed on the taxpay-
48 er with respect to the credit allowed by this subsection, none of which
49 shall apply to a party to whom the credit has been subsequently trans-
50 ferred.

51 § 3. Subdivision (y) of section 1511 of the tax law, as added by chap-
52 ter 472 of the laws of 2010, subparagraph (A) of paragraph 1 as amended
53 by section 5 of subpart B of part I of chapter 59 of the laws of 2023,
54 paragraph 3 as amended by section 3 of part RR of chapter 59 of the laws
55 of 2018, paragraph 4 as amended by section 4 of part F of chapter 59 of
56 the laws of 2013, paragraph 5 as amended by section 3 of part U of chap-

1 ter 59 of the laws of 2019, paragraph 6 as added by section 3 of part
2 CCC of chapter 59 of the laws of 2021, is amended to read as follows:

3 (y) Credit for rehabilitation of historic properties. (1) (A) For
4 taxable years beginning on or after January first, two thousand ten and
5 before January first, two thousand thirty, a taxpayer, or a transferee
6 of such a taxpayer as described in paragraph seven of this subdivision,
7 shall be allowed a credit as hereinafter provided, against the tax
8 imposed by this article, in an amount equal to one hundred percent of
9 the amount of credit allowed the taxpayer with respect to a certified
10 historic structure, and one hundred fifty percent of the amount of cred-
11 it allowed the taxpayer with respect to a certified historic structure
12 that is a small project, under internal revenue code section 47(c)(3),
13 determined without regard to ratably allocating the credit over a five
14 year period as required by subsection (a) of such section 47, with
15 respect to a certified historic structure located within the state.
16 Provided, however, the credit shall not exceed five million dollars. For
17 taxable years beginning on or after January first, two thousand thirty,
18 a taxpayer, or a transferee of such a taxpayer as described in paragraph
19 seven of this subdivision, shall be allowed a credit as hereinafter
20 provided, against the tax imposed by this article, in an amount equal to
21 thirty percent of the amount of credit allowed the taxpayer with respect
22 to a certified historic structure under internal revenue code section
23 47(c)(3), determined without regard to ratably allocating the credit
24 over a five year period as required by subsection (a) of such section 47
25 with respect to a certified historic structure located within the state.
26 Provided, however, the credit shall not exceed one hundred thousand
27 dollars.

28 (B) If the taxpayer or transferee is a partner in a partnership, then
29 the cap imposed in subparagraph (A) of this paragraph shall be applied
30 at the entity level, so that the aggregate credit allowed to all the
31 partners of such partnership in the taxable year does not exceed the
32 credit cap that is applicable in that taxable year.

33 (2) Tax credits allowed pursuant to this subsection shall be allowed
34 in the taxable year that the qualified rehabilitation is placed in
35 service under section 167 of the federal internal revenue code.

36 (3) If the taxpayer is allowed a credit pursuant to section 47 of the
37 internal revenue code with respect to a qualified rehabilitation that is
38 also the subject of the credit allowed by this subdivision and that
39 credit pursuant to such section 47 is recaptured pursuant to subsection
40 (a) of section 50 of the internal revenue code, a portion of the credit
41 allowed under this subdivision in the taxable year the credit was
42 claimed must be added back by the taxpayer or transferee in the same
43 taxable year and in the same proportion as the federal recapture.

44 (4) The credit allowed under this subdivision for any taxable year
45 shall not reduce the tax due for such year to less than the minimum
46 fixed by paragraph four of subdivision (a) of section fifteen hundred
47 two or section fifteen hundred two-a of this article, whichever is
48 applicable. However, if the amount of credits allowed under this subdivi-
49 sion for any taxable year reduces the tax to such amount, any amount
50 of credit thus not deductible in such taxable year shall be treated as
51 an overpayment of tax to be credited or refunded in accordance with the
52 provisions of section one thousand eighty-six of this chapter. Provided,
53 however, the provisions of subsection (c) of section one thousand eight-
54 y-eight of this chapter notwithstanding, no interest shall be paid ther-
55 eon.

1 (5) [~~Except in the case of a qualified rehabilitation project under~~
2 ~~taken within a state park, state historic site, or other land owned by~~
3 ~~the state, that is under the jurisdiction of the office of parks, recre-~~
4 ~~ation and historic preservation, to] To be eligible for the credit
5 allowable under this subdivision, the rehabilitation project shall be in
6 whole or in part located within a census tract which is identified as
7 being at or below one hundred percent of the state median family income
8 as calculated as of April first of each year using the most recent five
9 year estimate from the American community survey published by the United
10 States Census bureau. If there is a change in the most recent five year
11 estimate, a census tract that qualified for eligibility under this
12 program before information about the change was released will remain
13 eligible for a credit under this subdivision for an additional two
14 calendar years. The eligibility restrictions set forth in this paragraph
15 shall not be applicable if:~~

16 (A) a qualified rehabilitation project is undertaken within a state
17 park, state historic site, or other land owned by the state, that is
18 under the jurisdiction of the office of parks, recreation and historic
19 preservation; or

20 (B) a qualified rehabilitation project is undertaken for the provision
21 of affordable housing and the taxpayer has entered into a regulatory
22 agreement with any state or federal agency or authority, or any other
23 government entity that is authorized to engage in the financing,
24 construction or oversight of affordable housing within such entity's
25 jurisdiction, and where such regulatory agreement sets forth affordabil-
26 ity requirements applicable for a period of not less than thirty years
27 and that is binding on all successors of the taxpayer.

28 (6) For purposes of this subdivision "small project" means qualified
29 rehabilitation expenditures totaling two million five hundred thousand
30 dollars or less.

31 (7)(A) A taxpayer allowed a credit pursuant to this subdivision may
32 transfer the credit, in whole or in part, to another person or entity,
33 who shall be referred to as the transferee, without regard to how any
34 tax credit authorized pursuant to section forty-seven of the internal
35 revenue code with respect to a qualified rehabilitation project may be
36 allocated and notwithstanding that such other person or entity owns no
37 interest in the qualified rehabilitation project or in an entity with an
38 ownership interest in the qualified rehabilitation project. A transferee
39 may not transfer any credit, or portion thereof, acquired by transfer.

40 (B) A taxpayer seeking to transfer a credit allowed pursuant to this
41 subdivision must enter into a transfer contract with the transferee. The
42 transfer contract must specify:

43 (i) the building identification numbers for all buildings in the
44 project;

45 (ii) the date each building was placed into service;

46 (iii) the schedule of years for which the transfer credit may be
47 claimed and the amount of credit previously claimed;

48 (iv) the amount of consideration received by the taxpayer for the
49 transfer credit; and

50 (v) the amount of credit being transferred.

51 (C) No transfer shall be effective unless the taxpayer allowed a cred-
52 it pursuant to this subdivision and seeking to transfer the credit files
53 a transfer application with the commissioner of parks, recreation and
54 historic preservation prior to the transfer and such transfer applica-
55 tion is approved. The transfer application shall include the name and
56 federal identification numbers of the taxpayer and each proposed trans-

1 feree, the amount of credit proposed to be transferred to each proposed
2 transferee, a copy of the transfer contract, and such other information
3 as the commissioner or the commissioner of parks, recreation and histor-
4 ic preservation may require. The commissioner of parks, recreation and
5 historic preservation shall approve or deny each transfer application
6 and, if an application is denied, shall issue a written determination to
7 the taxpayer. If the transfer is approved, the commissioner of parks,
8 recreation and historic preservation shall issue a transfer approval
9 certificate that provides the name of the transferor and all transfer-
10 ees, the amount of credit being transferred and such other information
11 as the commissioner of parks, recreation and historic preservation and
12 the commissioner deem necessary. A copy of the transfer approval certif-
13 icate must be attached to each transferee's tax return. The commissioner
14 of parks, recreation and historic preservation, in consultation with the
15 commissioner, may establish such other procedures and standards deemed
16 necessary for the transferability of credits allowed under this subdivi-
17 sion.

18 (D) The commissioner of parks, recreation and historic preservation
19 shall forward copies of all transfer applications and attachments there-
20 to and approval certificates to the commissioner within thirty days
21 after the transfer is approved.

22 (E) A taxpayer allowed a credit pursuant to section forty-seven of the
23 internal revenue code with respect to a qualified rehabilitation that is
24 also the subject of the credit allowed by this subdivision shall remain
25 solely liable for all obligations and liabilities imposed on the taxpay-
26 er with respect to the credit allowed by this subdivision, none of which
27 shall apply to a party to whom the credit has been subsequently trans-
28 ferred.

29 § 4. This act shall take effect immediately and shall apply to taxable
30 years beginning on and after January 1, 2026.

31 PART F

32 Section 1. This Part enacts into law major components of legislation
33 relating to the purchase of residential real property by certain
34 purchasers, taxation relating thereto, and notice regarding nonsolicita-
35 tion orders adopted by the secretary of state. Each component is wholly
36 contained within a Subpart identified as Subparts A through C. The
37 effective date for each particular provision contained within such
38 Subpart is set forth in the last section of such Subpart. Any provision
39 in any section contained within a Subpart, including the effective date
40 of the Subpart, which makes a reference to a section "of this act", when
41 used in connection with that particular component, shall be deemed to
42 mean and refer to the corresponding section of the Subpart in which it
43 is found. Section three of this Part sets forth the general effective
44 date of this Part.

45 SUBPART A

46 Section 1. The real property law is amended by adding a new article 16
47 to read as follows:

48 ARTICLE 16
49 NINETY-DAY WAITING PERIOD FOR
50 SALE OF SINGLE-FAMILY AND TWO-FAMILY
51 RESIDENCES TO CERTAIN PURCHASERS

52 Section 520. Definitions.

1 521. Ninety-day waiting period.

2 522. Enforcement.

3 § 520. Definitions. As used in this article, the following terms shall
4 have the following meanings:

5 1. "Community land trust" shall mean a nonprofit organization exempt
6 from certain taxes pursuant to section 501 (c) (3) or section 501(c) (4)
7 of the United States internal revenue code and/or that is incorporated
8 under the not-for-profit corporation law whose primary purpose is to
9 provide affordable housing by owning land and leasing or selling resi-
10 dential housing situated on that land to households that meet certain
11 income requirements.

12 2. (a) "Covered entity" shall mean an institutional real estate inves-
13 tor or an entity that receives funding from an institutional real estate
14 investor for the purchase of a single-family residence or two-family
15 residence. A loan provided in exchange for a mortgage of the residence
16 that is being purchased shall not be considered funding for the purposes
17 of this subdivision, provided that such mortgage must be of a type for
18 which members of the general public can apply.

19 (b) "Covered entity" shall not include:

20 (i) an organization which is described in section 501(c)(3) of the
21 Internal Revenue Code and exempt from tax under section 501(a) of the
22 Internal Revenue Code;

23 (ii) a land bank;

24 (iii) a community land trust; or

25 (iv) a creditor or its loan servicer acquiring ownership of real prop-
26 erty in full or partial satisfaction of a secured debt.

27 3. (a) "Institutional real estate investor" shall mean an entity or
28 combined group that, directly or indirectly:

29 (i) owns ten or more single-family residences and/or two-family resi-
30 dences;

31 (ii) manages or receives funds pooled from investors and acts as a
32 fiduciary with respect to one or more investors; and

33 (iii) has thirty million dollars or more in net value or assets under
34 management on any day during the taxable year.

35 (b) An entity is considered owning a single-family residence or two-
36 family residence if it directly owns the single-family residence or
37 two-family residence or indirectly owns ten percent or more of the
38 single-family residence or two-family residence.

39 4. "Land bank" shall mean an entity created in accordance with article
40 sixteen of the not-for-profit corporation law.

41 5. "Single-family residence" shall mean a residential property
42 consisting of one dwelling unit; provided that such term shall not
43 include:

44 (a) any single-family residence that is to be used as the principal
45 residence of any person who has an ownership interest in the covered
46 entity that seeks to purchase the single-family residence; or

47 (b) any single-family residence constructed, acquired, or operated
48 with federal, state, or local appropriated funding sources.

49 6. "Two-family residence" shall mean a residential property consisting
50 of two dwelling units; provided that such term shall not include:

51 (a) any two-family residence in which one of the dwelling units is to
52 be used as the principal residence of any person who has an ownership
53 interest in the covered entity that seeks to purchase the two-family
54 residence; or

55 (b) any two-family residence constructed, acquired, or operated with
56 federal, state, or local appropriated funding sources.

1 § 521. Ninety-day waiting period. 1. Notwithstanding any other
2 provision of law, on and after July first, two thousand twenty-five, it
3 shall be unlawful for a covered entity to purchase, acquire, or offer to
4 purchase or acquire any interest in a single-family residence or two-fa-
5 family residence unless the single-family residence or two-family resi-
6 dence has been listed for sale to the general public for at least ninety
7 days.

8 2. The ninety-day waiting period set forth in subdivision one of this
9 section shall restart if the seller changes the asking price for the
10 single-family residence or two-family residence, and a covered entity
11 shall be prohibited from purchasing, acquiring, or offering to purchase
12 or acquire any interest in the single-family residence or two-family
13 residence until it has been listed for sale to the general public at the
14 new asking price for at least an additional ninety days.

15 3. A covered entity that violates subdivision one or two of this
16 section may be subject to civil damages and penalties in an amount not
17 to exceed two hundred fifty thousand dollars.

18 4. (a) At the time an offer is made by a covered entity purchasing
19 such residence, such covered entity shall be required to submit to the
20 seller or anyone acting as an agent for such seller, a form that has
21 been signed by the covered entity purchaser, or an authorized agent
22 thereof, and notarized, stating that the purchaser is a covered entity.

23 (b) Within three days of submitting a form to a seller or seller's
24 agent pursuant to paragraph (a) of this subdivision, a covered entity
25 shall file such form with the department of law. The department of law
26 may issue regulations or guidance regarding the procedure for making
27 such filing.

28 (c) Any covered entity or covered entity's agent that violates this
29 subdivision may be subject to civil damages and penalties in an amount
30 not to exceed ten thousand dollars.

31 5. The following form shall be completed by a covered entity purchas-
32 ing a single-family residence or two-family residence:

33 "COMPLIANCE WITH REAL PROPERTY LAW ARTICLE 16

34 Pursuant to Article 16 of the New York State Real Property Law,
35 covered entities are required to wait at least 90 days after a single-
36 family residence or two-family residence has been listed for sale to the
37 general public to purchase, acquire, or offer to purchase or acquire any
38 interest in the single-family residence or two-family residence. At the
39 time an offer is made, the covered entity or its agent is required to
40 complete this form and submit it to the seller stating that the purchas-
41 er is a covered entity. Within three days of submitting the form to the
42 seller, the covered entity or its agent is required to file this form
43 with the New York state office of the attorney general, in accordance
44 with any regulations or guidance that the attorney general may issue
45 with respect to such filing.

46 The buyer of this single-family residence or two-family residence is a
47 covered entity as defined in New York State Real Property Law § 520. The
48 buyer is subject to the statutory 90-day waiting period. Failure to
49 comply with the 90-day waiting period may result in civil fines and
50 penalties.

51 Any covered entity or covered entity's agent that does not complete
52 and submit this form as required by statute, or abide by the statutory
53 waiting period, may be liable for civil damages.

54 IDENTIFYING INFORMATION

55 BUYER OR BUYERS OF THIS RESIDENCE:
56 _____

1 Printed Name and Mailing Address

2 _____
3 Printed Name and Mailing Address

4 By signing this form, the buyer or its agent affirms that the statements
5 herein are true under the penalties of perjury.

6 SIGNATURE OF BUYER(S) OR ITS AGENT OF THIS SINGLE-FAMILY RESIDENCE OR
7 TWO-FAMILY RESIDENCE:

8 _____
9 Signature Date

10 _____
11 Signature Date

12 _____
13 SIGNATURE OF WITNESSES

14 _____
15 Signature Date

16 _____
17 Signature Date

18 _____
19 NOTARY ACKNOWLEDGEMENT

20 (insert notary acknowledgement for this form here)"

21 § 522. Enforcement. Notwithstanding any other provision of law, the
22 attorney general of the state of New York shall have the authority to
23 enforce the provisions of section five hundred twenty-one of this arti-
24 cle by applying, in the name of the people of the state of New York, to
25 the supreme court of the state of New York, on notice of five days, for
26 an order enjoining the continuance of such violative activity, including
27 but not limited to by bringing an action for injunctive or declaratory
28 relief if a single-family residence or two-family residence is in the
29 process of being or has been sold in a manner that contravenes the
30 requirements of section five hundred twenty-one of this article, and
31 imposing civil damages and penalties pursuant to subdivisions three and
32 four of section five hundred twenty-one of this article, as applicable.

33 § 2. Severability. If any provision of this act, or any application of
34 any provision of this act, is held to be invalid, that shall not affect
35 the validity or effectiveness of any other provision of this act, or of
36 any other application of any provision of this act, which can be given
37 effect without that provision or application; and to that end, the
38 provisions and applications of this act are severable.

39 § 3. This act shall take effect on the one hundred twentieth day after
40 it shall have become a law. Effective immediately, the addition, amend-
41 ment and/or repeal of any rule or regulation necessary for the implemen-
42 tation of this act on its effective date are authorized to be made and
43 completed on or before such effective date.

44 SUBPART B

45 Section 1. Subdivision 9 of section 208 of the tax law is amended by
46 adding a new paragraph (c-4) to read as follows:

47 (c-4) Depreciation and interest deduction adjustments for covered
48 properties owned by an institutional real estate investor. (1) Notwith-
49 standing any other provision of this section, in the case of a corpo-
50 ration or combined group that is an institutional real estate investor
51 or a partner, member or shareholder of an entity that is an institu-
52 tional real estate investor, entire net income shall be computed with
53 the adjustments for depreciation and interest related to covered proper-
54 ties as set forth in this paragraph.

1 (2) Definitions. (A) "Institutional real estate investor" means an
2 entity or combined group that, directly or indirectly (i) owns ten or
3 more covered properties, (ii) manages funds pooled from investors and
4 acts as a fiduciary with respect to one or more investors, and (iii) has
5 thirty million dollars or more in net value or assets under management
6 on any day during the taxable year. An entity is considered owning a
7 covered property if it directly owns the covered property or indirectly
8 owns ten percent or more of the covered property.

9 (B) "Covered property" means a residential property consisting of no
10 more than two dwelling units located in New York state.

11 (3) Depreciation deductions. With respect to covered properties, no
12 deduction for depreciation allowed under the internal revenue code or
13 this section shall be allowed.

14 (4) Interest deductions. With respect to covered properties, the
15 interest deduction for federal income tax purposes allowed under section
16 one hundred sixty-three of the internal revenue code shall not be
17 allowed and must be added back in the computation of entire net income,
18 except with respect to interest paid or accrued in the taxable year when
19 such covered property is sold to an individual for use as the principal
20 residence of such individual or sold to a nonprofit organization that
21 has as its principal purpose the creation, development, or preservation
22 of affordable housing. For purposes of this subparagraph, any amount of
23 interest that would have been allowed under section one hundred sixty-
24 three of the internal revenue code in connection with a covered property
25 but for an election to treat such interest as chargeable to capital
26 account shall be treated as an amount allowed under section one hundred
27 sixty-three of the internal revenue code.

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

30 (y) Depreciation and interest adjustments for covered properties owned
31 by an institutional real estate investor. (1) Notwithstanding any other
32 provision of this section, in the case of a taxpayer that is a partner,
33 member or shareholder of an entity that is an institutional real estate
34 investor as defined in paragraph (c-4) of subdivision nine of section
35 two hundred eight of this chapter, New York adjusted gross income shall
36 be computed with adjustments for depreciation and interest related to
37 covered properties as set forth in this subsection.

38 (2) Depreciation deductions. With respect to covered properties, no
39 deduction for depreciation allowed under the internal revenue code or
40 this section shall be allowed.

41 (3) Federal interest deductions. With respect to covered properties,
42 the interest deduction for federal income tax purposes allowed under
43 section one hundred sixty-three of the internal revenue code shall not
44 be allowed and must be added back in the computation of New York
45 adjusted gross income, except with respect to interest paid or accrued
46 in the taxable year when such covered property is sold to an individual
47 for use as the principal residence of such individual or sold to a
48 nonprofit organization that has as its principal purpose the creation,
49 development, or preservation of affordable housing. For purposes of this
50 paragraph, any amount of interest that would have been allowed under
51 section one hundred sixty-three of the internal revenue code in
52 connection with a covered property but for an election to treat such
53 interest as chargeable to capital account shall be treated as an amount
54 allowed under section one hundred sixty-three of the internal revenue
55 code.

1 § 3. Subdivision (b) of section 1503 of the tax law is amended by
2 adding a new paragraph 17 to read as follows:

3 (17) Depreciation and interest adjustments for covered properties
4 owned by an institutional real estate investor. (A) Notwithstanding any
5 other provision of this section, in the case of a taxpayer that is an
6 institutional real estate investor or partner, member or shareholder of
7 an entity that is an institutional real estate investor as defined in
8 paragraph (c-4) of subdivision nine of section two hundred eight of this
9 chapter, entire net income shall be computed with adjustments for depre-
10 ciation and interest related to covered properties as set forth in this
11 paragraph.

12 (B) Depreciation deductions. With respect to covered properties, no
13 deduction for depreciation allowed under the internal revenue code or
14 this section shall be allowed.

15 (C) Federal interest deductions. With respect to covered properties,
16 the interest deduction for federal income tax purposes allowed under
17 section one hundred sixty-three of the internal revenue code shall not
18 be allowed and must be added back in the computation of entire net
19 income, except with respect to interest paid or accrued in the taxable
20 year when such covered property is sold to an individual for use as the
21 principal residence of such individual or sold to a nonprofit organiza-
22 tion that has as its principal purpose the creation, development, or
23 preservation of affordable housing. For purposes of this subparagraph,
24 any amount of interest that would have been allowed under section one
25 hundred sixty-three of the internal revenue code in connection with a
26 covered property but for an election to treat such interest as chargea-
27 ble to capital account shall be treated as an amount allowed under
28 section one hundred sixty-three of the internal revenue code.

29 § 4. This act shall take effect immediately and shall apply to taxable
30 years beginning on or after January 1, 2025.

31 SUBPART C

32 Section 1. Paragraph (a) of subdivision 3 of section 442-h of the real
33 property law, as amended by chapter 505 of the laws of 2001, is amended
34 to read as follows:

35 (a) If the secretary of state determines that some owners of residen-
36 tial real property within a defined geographic area are subject to
37 intense and repeated solicitation by real estate brokers and salesper-
38 sons to place their property for sale with such real estate brokers or
39 salespersons, or are subject to intense and repeated solicitation by
40 other persons regularly engaged in the trade or business of buying and
41 selling real estate to sell their real estate, the secretary of state
42 may adopt a rule establishing a cease and desist zone, which zone shall
43 be bounded or otherwise specifically defined in the rule. After the
44 secretary of state has established a cease and desist zone, the owners
45 of residential real property located within the zone may file an owner's
46 statement with the secretary of state expressing their wish not to be
47 solicited by real estate brokers, salespersons or other persons regular-
48 ly engaged in the trade or business of buying and selling real estate.
49 The form and content of the statement shall be prescribed by the secre-
50 tary of state. After a cease and desist zone has been established by
51 the secretary of state, the secretary of state shall provide public
52 notice on its website of such zone, shall publish notice of such zone at
53 least once annually in a newspaper of general circulation in the area
54 affected by the cease and desist zone, and shall provide such further

1 public notice of such cease and desist zone as the secretary of state
2 deems necessary to maximize awareness to owners of residential real
3 property located within the cease and desist zone that they may file a
4 statement pursuant to this paragraph. After a cease and desist zone has
5 been established by the secretary of state, no real estate broker,
6 salesperson or other person regularly engaged in the trade or business
7 of buying and selling real estate shall solicit a listing from any owner
8 who has filed a statement with the secretary of state if such owner's
9 name appears on the current cease and desist list prepared by the secre-
10 tary of state. The prohibition on solicitation shall apply to direct
11 forms of solicitation such as the use of the telephone, the mail,
12 personal contact and other forms of direct solicitation as may be speci-
13 fied by the secretary of state.

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

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 Subparts A through C of this act shall
30 be as specifically set forth in the last section of such Subparts.

31 PART G

32 Intentionally Omitted

33 PART H

34 Section 1. This Part enacts into law major components of legislation
35 relating to the excelsior jobs program and the empire state jobs
36 retention program. Each component is wholly contained within a Subpart
37 identified as Subpart A and Subpart B. The effective date for each
38 particular provision contained within such Subpart is set forth in the
39 last section of such Subpart. Any provision in any section contained
40 within a Subpart, including the effective date of the Subpart, which
41 makes a reference to a section "of this act", when used in connection
42 with that particular component, shall be deemed to mean and refer to the
43 corresponding section of the Subpart in which it is found. Section three
44 of this Part sets forth the general effective date of this Part.

45 SUBPART A

46 Section 1. Section 352 of the economic development law is amended by
47 adding a new subdivision 25 to read as follows:

48 25. "Semiconductor supply chain project" means a project deemed by the
49 commissioner to make products or develop technologies that are primarily

1 aimed at supporting the growth of the semiconductor manufacturing and
2 related equipment and material supplier sector. "Semiconductor supply
3 chain project" shall include, but need not be limited to, semiconductor
4 device manufacturing, producers of component parts, direct input materi-
5 als and equipment necessary for the manufacture of semiconductor chips,
6 machinery, equipment, and materials necessary for the operational effi-
7 ciency of semiconductor manufacturing facilities, other such inputs
8 directly supportive of the domestic production of semiconductor chips,
9 and companies engaged in the assembly, testing, packaging and advanced
10 packaging semiconductor value chain. "Semiconductor supply chain
11 project" shall not include a project primarily composed of: (i) machin-
12 ery, equipment, or materials that are inputs to manufacturing generally,
13 but are not direct inputs to semiconductor manufacturing in specific;
14 (ii) the production of products or development of technologies that
15 would produce only marginal and incremental benefits to the semiconduc-
16 tor manufacturing sector; (iii) projects that would otherwise qualify as
17 a Green CHIPS project as defined in section twenty-four of this section.

18 § 2. Paragraphs (m) and (n) of subdivision 1 of section 353 of the
19 economic development law, as amended by chapter 494 of the laws of 2022,
20 are amended and a new paragraph (o) is added to read as follows:

21 (m) as a participant operating in one of the industries listed in
22 paragraphs (a) through (k) of this subdivision and operating or sponsor-
23 ing child care services to its employees as defined in section three
24 hundred fifty-two of this article; ~~(n)~~

25 (n) as a Green CHIPS project~~;~~ or

26 (o) as a company operating in one of the industries listed in para-
27 graphs (a) through (k) of this subdivision and engaging in a semiconduc-
28 tor supply chain project as defined in section three hundred fifty-two
29 of this article.

30 § 3. Subdivisions 1, 2 and 3 of section 355 of the economic develop-
31 ment law, as amended by chapter 494 of the laws of 2022, are amended to
32 read as follows:

33 1. Excelsior jobs tax credit component. A participant in the excelsior
34 jobs program shall be eligible to claim a credit for each net new job it
35 creates in New York state. In a project that is not a green project, the
36 amount of such credit per job shall be equal to the product of the gross
37 wages paid and up to 6.85 percent. In a green project, or a Green CHIPS
38 project, the amount of such credit per job shall be equal to the product
39 of the gross wages paid and up to 7.5 percent. Provided, however, given
40 the transformational nature of Green CHIPS projects, only the first two
41 hundred thousand dollars of gross wages per job shall be eligible for
42 this credit. The maximum amount of gross wages per job for a Green CHIPS
43 project may be adjusted for inflation at an annual amount determined by
44 the commissioner in a manner substantially similar to the cost of living
45 adjustments calculated by the United States Social Security Adminis-
46 tration based on changes in consumer price indices or a rate of four
47 percent per year, whichever is higher. In a semiconductor supply chain
48 project, the amount of such credit per job shall be equal to the product
49 of the gross wages paid and up to seven percent.

50 2. Excelsior investment tax credit component. A participant in the
51 excelsior jobs program shall be eligible to claim a credit on qualified
52 investments. In a project that is not a green project, the credit shall
53 be equal to two percent of the cost or other basis for federal income
54 tax purposes of the qualified investment. In a green project, the credit
55 shall be equal to five percent of the cost or other basis for federal
56 income tax purposes of the qualified investment. In a project for child

1 care services or a Green CHIPS project, the credit shall be up to five
2 percent of the cost or other basis for federal income tax purposes of
3 the qualified investment in child care services or in the Green CHIPS
4 project as applicable. In a semiconductor supply chain project, the
5 credit shall be up to three percent of the cost or other basis for
6 federal income tax purposes of the qualified investment. A participant
7 may not claim both the excelsior investment tax credit component and the
8 investment tax credit set forth in subdivision one of section two
9 hundred ten-B, subsection (a) of section six hundred six, the former
10 subsection (i) of section fourteen hundred fifty-six, or subdivision (q)
11 of section fifteen hundred eleven of the tax law for the same property
12 in any taxable year, except that a participant may claim both the
13 excelsior investment tax credit component and the investment tax credit
14 for research and development property. In addition, a taxpayer who or
15 which is qualified to claim the excelsior investment tax credit compo-
16 nent and is also qualified to claim the brownfield tangible property
17 credit component under section twenty-one of the tax law may claim
18 either the excelsior investment tax credit component or such tangible
19 property credit component, but not both with regard to a particular
20 piece of property. A credit may not be claimed until a business enter-
21 prise has received a certificate of tax credit, provided that qualified
22 investments made on or after the issuance of the certificate of eligi-
23 bility but before the issuance of the certificate of tax credit to the
24 business enterprise, may be claimed in the first taxable year for which
25 the business enterprise is allowed to claim the credit. Expenses
26 incurred prior to the date the certificate of eligibility is issued are
27 not eligible to be included in the calculation of the credit.

28 3. Excelsior research and development tax credit component. A partic-
29 ipant in the excelsior jobs program shall be eligible to claim a credit
30 equal to fifty percent of the portion of the participant's federal
31 research and development tax credit that relates to the participant's
32 research and development expenditures in New York state during the taxa-
33 ble year; provided however, if not a green project, the excelsior
34 research and development tax credit shall not exceed six percent of the
35 qualified research and development expenditures attributable to activ-
36 ities conducted in New York state, or, if a green project or a Green
37 CHIPS project, the excelsior research and development tax credit shall
38 not exceed eight percent of the research and development expenditures
39 attributable to activities conducted in New York state, or if a semicon-
40 ductor supply chain project, the excelsior research and development tax
41 credit shall not exceed seven percent of the qualified research and
42 development expenditures attributable to activities conducted in New
43 York state. If the federal research and development credit has expired,
44 then the research and development expenditures relating to the federal
45 research and development credit shall be calculated as if the federal
46 research and development credit structure and definition in effect in
47 two thousand nine were still in effect. Notwithstanding any other
48 provision of this chapter to the contrary, research and development
49 expenditures in this state, including salary or wage expenses for jobs
50 related to research and development activities in this state, may be
51 used as the basis for the excelsior research and development tax credit
52 component and the qualified emerging technology company facilities,
53 operations and training credit under the tax law.

54 § 4. Section 359 of the economic development law, as amended by chap-
55 ter 494 of the laws of 2022, is amended to read as follows:

1 ty-nine. Provided, however, no tax credits may be allowed for taxable
2 years beginning on or after January first, two thousand [~~forty~~] fifty.

3 4. The total amount of tax credits issued by the commissioner for the
4 taxable years two thousand twenty-two to two thousand forty-one for
5 Green CHIPS projects shall not exceed five hundred million per year. One
6 hundred percent of any amount of tax credits not awarded for a partic-
7 ular taxable year may be used by the commissioner to award tax credits
8 in another taxable year. Notwithstanding the foregoing, Green CHIPS
9 projects may be allowed to claim credits for taxable years up to January
10 first, two thousand fifty.

11 § 5. Article 22 of the economic development law is REPEALED.

12 § 6. Paragraph (a) of subdivision 50 of section 210-B of the tax law,
13 as added by section 2 of part 0 of chapter 59 of the laws of 2015, is
14 amended to read as follows:

15 (a) [~~A~~] For taxable years beginning before January first, two thousand
16 twenty-nine, a taxpayer that has been approved by the commissioner of
17 economic development to participate in the employee training incentive
18 program and has been issued a certificate of tax credit pursuant to
19 section four hundred forty-three of the economic development law shall
20 be allowed to claim a credit against the tax imposed by this article.
21 The credit shall equal fifty percent of a taxpayer's eligible training
22 costs, up to a credit of ten thousand dollars per employee completing
23 eligible training pursuant to paragraph (a) of subdivision three of
24 section four hundred forty-one of the economic development law. The
25 credit shall equal fifty percent of the stipend paid to an intern, up to
26 a credit of three thousand dollars per intern completing eligible train-
27 ing pursuant to paragraph (b) of subdivision three of section four
28 hundred forty-one of the economic development law. In no event shall a
29 taxpayer be allowed a credit greater than the amount of credit listed on
30 the certificate of tax credit issued by the commissioner of economic
31 development. The credit will be allowed in the taxable year in which the
32 eligible training is completed.

33 § 7. Paragraph 1 of subsection (ddd) of section 606 of the tax law, as
34 added by section 3 of part 0 of chapter 59 of the laws of 2015, is
35 amended to read as follows:

36 (1) [~~A~~] For taxable years beginning before January first, two thousand
37 twenty-nine, a taxpayer that has been approved by the commissioner of
38 economic development to participate in the employee training incentive
39 program and has been issued a certificate of tax credit pursuant to
40 section four hundred forty-three of the economic development law shall
41 be allowed to claim a credit against the tax imposed by this article.
42 The credit shall equal fifty percent of a taxpayer's eligible training
43 costs, up to a credit of ten thousand dollars per employee completing
44 eligible training pursuant to paragraph (a) of subdivision three of
45 section four hundred forty-one of the economic development law. The
46 credit shall equal fifty percent of the stipend paid to an intern, up to
47 a credit of three thousand dollars per intern completing eligible train-
48 ing pursuant to paragraph (b) of subdivision three of section four
49 hundred forty-one of the economic development law. In no event shall a
50 taxpayer be allowed a credit greater than the amount listed on the
51 certificate of tax credit issued by the commissioner of economic devel-
52 opment. In the case of a taxpayer who is a partner in a partnership,
53 member of a limited liability company or shareholder in an S corpo-
54 ration, the taxpayer shall be allowed its pro rata share of the credit
55 earned by the partnership, limited liability company or S corporation.

1 The credit will be allowed in the taxable year in which the eligible
2 training is completed.

3 § 8. The economic development law is amended by adding a new article
4 17-A to read as follows:

5 ARTICLE 17-A

6 SEMICONDUCTOR RESEARCH AND DEVELOPMENT PROJECT PROGRAM

7 Section 359-a. Short title.

8 359-b. Statement of legislative findings and declaration.

9 359-c. Definitions.

10 359-d. Eligibility criteria.

11 359-e. Application and approval process.

12 359-f. Powers and duties of the commissioner.

13 359-g. Semiconductor research and development tax credit.

14 359-h. Reporting.

15 § 359-a. Short title. This article shall be known and may be cited as
16 the "semiconductor research and development project act".

17 § 359-b. Statement of legislative findings and declaration. It is
18 hereby found and declared that New York state needs, as a matter of
19 public policy, to create competitive financial incentives to attract
20 large scale semiconductor research and development projects to New York
21 state, and to position New York state to be at the center of cutting
22 edge innovations in the semiconductor industry.

23 § 359-c. Definitions. For the purposes of this article:

24 1. "Certificate of eligibility" means the document issued by the
25 department to an applicant that has completed an application to be
26 admitted into the semiconductor research and development project program
27 and has been accepted into the program by the department. Possession of
28 a certificate of eligibility does not by itself guarantee the eligibil-
29 ity to claim the tax credit.

30 2. "Certificate of tax credit" means the document issued to a partic-
31 ipant by the department, after the department has verified that the
32 participant has met all applicable eligibility criteria in this article.
33 The certificate shall be issued annually if such criteria are satisfied
34 and shall specify the exact amount of the tax credit under this article
35 that a participant may claim and shall specify the taxable year in which
36 such credit may be claimed.

37 3. "Participant" means a business entity that:

38 (a) has completed an application prescribed by the department to be
39 admitted into the program;

40 (b) has been issued a certificate of eligibility by the department;

41 (c) has demonstrated that it meets the eligibility criteria in section
42 three hundred fifty-nine-d and subdivision two of section three hundred
43 fifty-nine-e of this article; and

44 (d) has been certified as a participant by the commissioner.

45 4. "Preliminary schedule of benefits" means the aggregate amount of
46 the tax credit that a participant in the semiconductor research and
47 development project program may be eligible to receive pursuant to this
48 article. The schedule shall indicate the annual amount of the credit a
49 participant may claim in each of its ten years of eligibility. The
50 preliminary schedule of benefits shall be issued by the department when
51 the department approves the application for admission into the program.

52 5. "Qualified investment" means an investment in tangible property
53 (including a building or a structural component of a building) owned by
54 a business enterprise which:

1 (a) is depreciable pursuant to section one hundred sixty-seven of the
2 internal revenue code;

3 (b) has a useful life of four years or more;

4 (c) is acquired by purchase as defined in section one hundred seven-
5 ty-nine (d) of the internal revenue code;

6 (d) has a situs in this state; and

7 (e) is placed in service in the state on or after the date the certif-
8 icate of eligibility is issued to the business enterprise.

9 6. "Semiconductor research and development project" means a project
10 for a physical research and development facility, deemed by the commis-
11 sioner as being primarily aimed at supporting research and development
12 within the semiconductor manufacturing and related equipment and materi-
13 al supplier sector. Such project shall incur at least one hundred
14 million dollars in qualified investment in New York state. Such project
15 must lead to the establishment and operation of a research and develop-
16 ment facility separate and apart from new or existing semiconductor or
17 semiconductor supply chain manufacturing facilities.

18 § 359-d. Eligibility criteria. 1. To be a participant in the semicon-
19 ductor research and development project program, a business entity shall
20 operate in New York state and be undertaking a semiconductor research
21 and development project as defined in section three hundred fifty-nine-c
22 of this article.

23 2. A business entity must be in compliance with all worker protection
24 and environmental laws and regulations. In addition, a business entity
25 may not owe past due state taxes or local property taxes unless the
26 business entity is making payments and complying with an approved bind-
27 ing payment agreement entered into with the taxing authority.

28 § 359-e. Application and approval process. 1. A business enterprise
29 must submit a completed application as prescribed by the commissioner.

30 2. As part of such application, each business enterprise must:

31 (a) Agree to allow the department of taxation and finance to share the
32 business enterprise's tax information with the department. However, any
33 information shared as a result of this agreement shall not be available
34 for disclosure or inspection under the state freedom of information law;

35 (b) Agree to allow the department of labor to share its employer
36 information with the department. However, any information shared as a
37 result of this agreement shall not be available for disclosure or
38 inspection under the state freedom of information law;

39 (c) Allow the department and its agents access to any and all books
40 and records the department may require to monitor compliance;

41 (d) Provide to the department, upon request, a plan outlining the
42 schedule for meeting the investment requirements as set forth in subdi-
43 vision six of section three hundred fifty-nine-c of this article. Such
44 plan must include the amount and description of projected qualified
45 investments for which it plans to claim the semiconductor research and
46 development tax credit;

47 (e) Agree to allow the department and the department of taxation and
48 finance to share and exchange information contained in or derived from
49 the applications for admission into the semiconductor research and
50 development project program and the credit claim forms submitted to the
51 department of taxation and finance. However, any information shared as a
52 result of this agreement shall not be available for disclosure or
53 inspection under the state freedom of information law.

54 (f) Certify, under penalty of perjury, that it is in substantial
55 compliance with all environmental, worker protection, and local, state,
56 and federal tax laws.

1 3. After reviewing a business enterprise's completed application and
2 determining that the business enterprise will meet the condition set
3 forth in subdivision six of section three hundred fifty-nine-c of this
4 article, the department may admit the applicant into the program and
5 provide the applicant with a certificate of eligibility and a prelimi-
6 nary schedule of benefits by year based on the applicant's projections
7 as set forth in its application. This preliminary schedule of benefits
8 delineates the maximum possible benefits an applicant may receive.

9 4. In order to become a participant in the program, an applicant must
10 submit evidence that it satisfies the eligibility criteria specified in
11 section three hundred fifty-nine-d of this article and subdivision two
12 of this section in such form as the commissioner may prescribe. After
13 reviewing such evidence and finding it sufficient, the department shall
14 certify the applicant as a participant and issue to that participant a
15 certificate of tax credit for one taxable year. To receive a certificate
16 of tax credit for subsequent taxable years, the participant must submit
17 to the department a performance report demonstrating that the partic-
18 ipant continues to satisfy the eligibility criteria specified in this
19 article.

20 5. A participant may claim tax benefits commencing in the first taxa-
21 ble year that the business enterprise receives a certificate of tax
22 credit. A participant may claim such benefits for the next nine consec-
23 utive taxable years, provided that the participant demonstrates to the
24 department that it continues to satisfy the eligibility criteria speci-
25 fied in section three hundred fifty-nine-d of this article and subdivi-
26 sion two of this section in each of those taxable years.

27 § 359-f. Powers and duties of the commissioner. 1. The commissioner
28 may promulgate regulations establishing an application process and
29 eligibility criteria, that will be applied consistent with the purposes
30 of this article, so as not to exceed the annual cap on tax credits set
31 forth in section three hundred fifty-nine-g of this article which,
32 notwithstanding any provisions to the contrary in the state administra-
33 tive procedure act, may be adopted on an emergency basis.

34 2. The commissioner shall, in consultation with the department of
35 taxation and finance, develop a certificate of tax credit that shall be
36 issued by the commissioner to participants. Participants must include
37 the certificate of tax credit with their tax return to receive any tax
38 benefits under this article.

39 3. The commissioner shall solely determine the eligibility of any
40 applicant applying for entry into the program and shall remove any
41 participant from the program for failing to meet any of the requirements
42 set forth in subdivision six of section three hundred fifty-nine-c of
43 this article and section three hundred fifty-nine-d of this article.

44 § 359-g. Semiconductor research and development tax credit. 1. A
45 participant in the semiconductor research and development project
46 program shall be eligible to claim a credit on qualified investments in
47 semiconductor research and development projects in New York state. The
48 amount of such credit shall be equal to fifteen percent of the cost or
49 other basis for federal income tax purposes of the qualified investment.

50 2. The total amount of tax credits listed on certificates of tax cred-
51 it issued by the commissioner shall be allotted from the funds available
52 for Green CHIPS tax credits as provided under subdivision four of
53 section three hundred fifty-nine of this chapter.

54 § 359-h. Reporting. The corporation, beginning February first, two
55 thousand twenty-seven, and annually thereafter provided program funds
56 remain, shall submit a report to the governor, the temporary president

1 of the senate, and the speaker of the assembly. Such annual report shall
2 include, but need not be limited to: the number of participants approved
3 for the program; names of business entities admitted to the program;
4 regional economic development council region wherein the project
5 resides; the total amount of benefits approved per business and in total
6 for the program; total private sector co-investment provided by each
7 approved business and in total for the program; total jobs created at
8 the project location for all years in which the recipient is receiving
9 benefits under the program, including the median wage paid to employees
10 at the project location and types of jobs created; and such other infor-
11 mation as the commissioner determines is necessary and appropriate.
12 Additionally, in all years in which the program is fully operational,
13 such report shall include noteworthy projects which serve to highlight
14 the developments occurring in New York state as a result of the program.
15 Such report shall be included on the corporation's website and all
16 program participants shall also be included in the database of economic
17 incentives as defined in section fifty-eight of section one of chapter
18 one hundred seventy-four of the laws of nineteen hundred sixty-eight
19 constituting the urban development corporation act.

20 § 9. Section 210-B of the tax law is amended by adding a new subdivi-
21 sion 61 to read as follows:

22 61. Semiconductor research and development tax credit. (a) Allowance
23 of credit. A taxpayer that has been approved by the commissioner of
24 economic development to participate in the semiconductor research and
25 development program and has been issued a certificate of tax credit
26 pursuant to section three hundred fifty-nine-e of the economic develop-
27 ment law shall be allowed to claim a credit against the tax imposed by
28 this article. The credit shall equal up to fifteen percent of the cost
29 or other basis for federal income tax purposes of the qualified invest-
30 ment and shall be allowable in each taxable year for which the commis-
31 sioner of economic development has issued a certificate of tax credit,
32 for up to ten consecutive taxable years. In no event shall a taxpayer be
33 allowed a credit greater than the amount of credit listed on the certifi-
34 cate of tax credit issued by the commissioner of economic development.
35 No cost or expense paid or incurred by the taxpayer that is the basis
36 for this credit shall be the basis for any other tax credit provided by
37 this chapter.

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

50 (c) Reporting. The taxpayer shall attach to its tax return its certifi-
51 cate of tax credit issued by the commissioner of economic development
52 pursuant to section three hundred fifty-nine-e of the economic develop-
53 ment law. In no event shall the taxpayer be allowed a credit greater
54 than the amount of the credit listed on the certificate of tax credit,
55 or in the case of a taxpayer who is a partner in a partnership, a member
56 of a limited liability company, or shareholder in an S corporation, its

1 pro rata share of the amount of credit listed on the certificate of tax
2 credit.

3 (d) Credit recapture. If a certificate of eligibility or a certificate
4 of tax credit issued by the department of economic development under
5 article seventeen-A of the economic development law is revoked by such
6 department because the taxpayer does not meet the eligibility require-
7 ment set forth in subdivision six of section three hundred fifty-nine-c
8 of the economic development law, the amount of credit described in this
9 subdivision and claimed by the taxpayer prior to that revocation shall
10 be added back to tax in the taxable year in which any such revocation
11 becomes final.

12 § 10. Section 606 of the tax law is amended by adding a new subsection
13 (rrr) to read as follows:

14 (rrr) Semiconductor research and development tax credit. (1) Allowance
15 of credit. A taxpayer that has been approved by the commissioner of
16 economic development to participate in the semiconductor research and
17 development tax credit program and has been issued a certificate of tax
18 credit pursuant to section three hundred fifty-nine-e of the economic
19 development law shall be allowed to claim a credit against the tax
20 imposed by this article. The credit shall equal up to fifteen percent of
21 the cost or other basis for federal income tax purposes of the qualified
22 investment and shall be allowable in each taxable year for which the
23 commissioner of economic development has issued a certificate of tax
24 credit, for up to ten consecutive taxable years. In no event shall a
25 taxpayer be allowed a credit greater than the amount listed on the
26 certificate of tax credit issued by the commissioner of economic devel-
27 opment. In the case of a taxpayer who is a partner in a partnership,
28 member of a limited liability company or shareholder in an S corpo-
29 ration, the taxpayer shall be allowed its pro rata share of the credit
30 earned by the partnership, limited liability company or S corporation.
31 No cost or expense paid or incurred by the taxpayer that is the basis
32 for this credit shall be the basis for any other tax credit provided by
33 this chapter.

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

40 (3) Reporting. The taxpayer shall attach to its tax return its certif-
41 icate of tax credit issued by the commissioner of economic development
42 pursuant to section three hundred fifty-nine-e of the economic develop-
43 ment law. In no event shall the taxpayer be allowed a credit greater
44 than the amount of the credit listed on the certificate of tax credit,
45 or in the case of a taxpayer who is a partner in a partnership, a member
46 of a limited liability company, or shareholder in an S corporation, its
47 pro rata share of the amount of credit listed on the certificate of tax
48 credit.

49 (4) Credit recapture. If a certificate of eligibility or a certificate
50 of tax credit issued by the department of economic development under
51 article seventeen-A of the economic development law is revoked by such
52 department because the taxpayer does not meet the eligibility require-
53 ment set forth in subdivision six of section three hundred fifty-nine-c
54 of economic development law, the amount of credit described in this
55 subdivision and claimed by the taxpayer prior to that revocation shall

1 be added back to tax in the taxable year in which any such revocation
2 becomes final.

3 § 11. The economic development law is amended by adding a new article
4 28 to read as follows:

5 ARTICLE 28

6 SEMICONDUCTOR MANUFACTURING WORKFORCE TRAINING INCENTIVE PROGRAM

7 Section 501. Definitions.

8 502. Eligibility criteria.

9 503. Application and approval process.

10 504. Powers and duties of the commissioner.

11 505. Recordkeeping requirements.

12 506. Cap on tax credit.

13 507. Reporting.

14 § 501. Definitions. As used in this article, the following terms shall
15 have the following meanings:

16 1. "Approved provider" means an entity approved by the commissioner
17 that may provide eligible training to employees of a business entity
18 participating in the semiconductor manufacturing workforce training
19 incentive program. Such criteria shall ensure that any approved provider
20 possesses adequate credentials to provide the training described in an
21 application by a business entity to the commissioner to participate in
22 the semiconductor manufacturing workforce training incentive program.

23 2. "Eligible training" means training provided to an employee hired
24 within twelve months of the business entity applying for this program by
25 the business entity or an approved provider that is:

26 (a) to upgrade, retrain or improve the productivity of employees;

27 (b) determined by the commissioner to satisfy a business need on the
28 part of a participating business entity;

29 (c) not designed to train or upgrade skills as required by a federal
30 or state entity; and

31 (d) structured to result in measurable advancements in skills and
32 competencies that will contribute to opportunities for advancement for
33 employees who complete the training.

34 3. "Manufacturing business" means a business that is engaged in the
35 process of working raw materials into products suitable for use or which
36 gives new shapes, new quality or new combinations to matter which has
37 already gone through some artificial process by the use of machinery,
38 tools, appliances, or other similar equipment. "Manufacturing" does not
39 include an operation that involves only the assembly of components,
40 provided, however, that the assembly of motor vehicles or other high
41 value-added products shall be considered manufacturing.

42 4. "Semiconductor manufacturing business" means a business deemed by
43 the commissioner to make products or develop technologies that are
44 primarily aimed at supporting the growth of the semiconductor manufac-
45 turing and related equipment and material supplier sector. This shall
46 include, but need not be limited to, semiconductor device manufacturing,
47 producers of component parts, direct input materials and equipment
48 necessary for the manufacture of semiconductor chips, machinery, equip-
49 ment, and materials necessary for the operational efficiency of semicon-
50 ductor manufacturing facilities, other such inputs directly supportive
51 of the domestic production of semiconductor chips, and companies engaged
52 in the assembly, testing, packaging and advanced packaging semiconductor
53 value chain. The "semiconductor and supply chain" tier shall not
54 include a project primarily composed of: (a) machinery, equipment, or
55 materials that are inputs to manufacturing generally, but are not direct
56 inputs to semiconductor manufacturing in specific; or (b) the production

1 of products or development of technologies that would produce only
2 marginal and incremental benefits to the semiconductor manufacturing
3 sector.

4 5. "Wrap around services" means transportation, childcare, case
5 management and other services designed to maximize the economic impact
6 of workforce development training for participants, and to provide the
7 support services necessary to ensure trainees can access training.

8 § 502. Eligibility criteria. In order to participate in the manufac-
9 turing workforce training incentive program, a business entity must
10 satisfy the following criteria:

11 1. The business entity must operate in the state as a semiconductor
12 manufacturing business or a manufacturing business as defined in this
13 article;

14 2. The business entity must demonstrate that it is conducting eligible
15 training or obtaining eligible training from an approved provider; and

16 3. The business entity must be in compliance with all worker
17 protection and environmental laws and regulations. In addition, the
18 business entity may not owe past due state taxes or local property
19 taxes.

20 4. The business entity must submit a report upon completion of the
21 eligible training that specifies the total amount of eligible training
22 costs covered, including a breakdown between training expenses, wages,
23 and wraparound services; the total number of employees that begin train-
24 ing; the total number of employees that finish training; the skills or
25 type of training provided, including a list of applicable transferrable
26 credentialing opportunities that were provided and information on wheth-
27 er or not the program is a registered apprenticeship program; informa-
28 tion on any formalized agreements or partnerships with community or
29 labor organizations to support the training program; the name of the
30 training provider; and whether the covered employee is retained one year
31 after the completion of the funded training.

32 § 503. Application and approval process. 1. A business entity must
33 submit a completed application in such form and with such information as
34 prescribed by the commissioner.

35 2. As part of such application, each business entity must:

36 (a) provide such documentation as the commissioner may require in
37 order for the commissioner to determine that the business entity intends
38 to conduct eligible training or procure eligible training for its
39 employees from an approved provider;

40 (b) agree to allow the department of taxation and finance to share its
41 tax information with the department. However, any information shared as
42 a result of this agreement shall not be available for disclosure or
43 inspection under the state freedom of information law;

44 (c) agree to allow the department of labor to share its tax and
45 employer information with the department. However, any information
46 shared as a result of this agreement shall not be available for disclo-
47 sure or inspection under the state freedom of information law;

48 (d) allow the department and its agents access to any and all books
49 and records the department may require to monitor compliance; and

50 (e) agree to allow the department and the department of taxation and
51 finance to share and exchange information contained in or derived from
52 the applications for admission into the semiconductor manufacturing
53 workforce training incentive program and the credit claim forms submit-
54 ted to the department of taxation and finance. However, any information
55 shared as a result of this agreement shall not be available for disclo-
56 sure or inspection under the state freedom of information law.

1 3. The commissioner may approve an application from a business entity
2 upon determining that such business entity meets the eligibility crite-
3 ria established in section five hundred two of this article. Following
4 approval by the commissioner of an application by a business entity to
5 participate in the semiconductor manufacturing workforce training incen-
6 tive program, the commissioner shall issue a certificate of tax credit
7 to the business entity upon its demonstrating successful completion of
8 such eligible training to the satisfaction of the commissioner. For
9 eligible training as defined by subdivision two of section five hundred
10 one of this article the amount of the credit shall be equal to seventy-
11 five percent of wages, salaries or other compensation, training costs,
12 and wrap around services, up to a credit of twenty-five thousand dollars
13 per employee receiving eligible training, up to one million dollars per
14 eligible non-semiconductor manufacturing business and up to five million
15 dollars per eligible semiconductor manufacturing business. The tax cred-
16 its shall be claimed by the qualified employer as specified in subdivi-
17 sion sixty-two of section two hundred ten-B and subsection (rrr) of
18 section six hundred six of the tax law.

19 § 504. Powers and duties of the commissioner. 1. The commissioner
20 shall promulgate regulations consistent with the purposes of this arti-
21 cle that, notwithstanding any provisions to the contrary in the state
22 administrative procedure act, may be adopted on an emergency basis. Such
23 regulations shall include, but not be limited to, eligibility criteria
24 for business entities desiring to participate in the semiconductor manu-
25 facturing workforce training incentive program, procedures for the
26 receipt and evaluation of applications from business entities to partic-
27 ipate in the program, and such other provisions as the commissioner
28 deems to be appropriate in order to implement the provisions of this
29 article.

30 2. The commissioner shall, in consultation with the department of
31 taxation and finance, develop a certificate of tax credit that shall be
32 issued by the commissioner to participating business entities. Partic-
33 ipants may be required by the commissioner of taxation and finance to
34 include the certificate of tax credit with their tax return to receive
35 any tax benefits under this article.

36 3. The commissioner shall solely determine the eligibility of any
37 applicant applying for entry into the program and shall remove any
38 participant from the program for failing to meet any of the requirements
39 set forth in section five hundred two of this article or for making a
40 material misrepresentation with respect to its participation in the
41 program.

42 § 505. Recordkeeping requirements. Each business entity participating
43 in the program shall maintain all relevant records for the duration of
44 its program participation plus three years.

45 § 506. Cap on tax credit. The total amount of tax credits listed on
46 certificates of tax credit issued by the commissioner for any taxable
47 year may not exceed twenty million dollars, and shall be allotted from
48 the funds available for tax credits under the excelsior jobs program act
49 pursuant to section three hundred fifty-nine of this chapter.

50 § 507. Reporting. The corporation, beginning October first, two thou-
51 sand twenty-seven, and annually thereafter provided program funds
52 remain, shall submit a report to the governor, the temporary president
53 of the senate, and the speaker of the assembly. Such annual report shall
54 include, but need not be limited to: the number of business participants
55 in the program, the total number of workers trained under the program in
56 total and per participating business including an articulation of the

1 number of workers that begin training, complete training, and are still
2 employed with the participating business one year after training is
3 completed, the total program funding level allocated in total and per
4 participating business, the regional economic development council region
5 wherein each participating business resides, a breakdown between funding
6 allocated to training, wages, and wraparound services, a summary of the
7 skills or type of training provided per participating business, and such
8 other information as the commissioner determines is necessary and appro-
9 priate. Additionally, in all years in which the program is fully opera-
10 tional, such report shall include noteworthy projects which serve to
11 highlight the developments occurring in New York state as a result of
12 the program. Such report shall be included on the corporation's website
13 and all program participants shall also be included in the database of
14 economic incentives as defined in section fifty-eight of section one of
15 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
16 eight constituting the urban development corporation act.

17 § 12. Section 210-B of the tax law is amended by adding a new subdivi-
18 sion 62 to read as follows:

19 62. Semiconductor manufacturing workforce training program tax credit.

20 (a) Allowance of tax credit. A taxpayer that has been approved by the
21 commissioner of economic development to participate in the semiconductor
22 manufacturing workforce training program and has been issued a certif-
23 icate of tax credit pursuant to section five hundred three of the
24 economic development law shall be allowed to claim a credit against the
25 tax imposed by this article. The credit shall equal seventy-five percent
26 of wages, salaries or other compensation, training costs, and wrap
27 around services, up to a credit of twenty-five thousand dollars per
28 employee receiving eligible training, up to one million dollars per
29 eligible non-semiconductor manufacturing business and up to five million
30 dollars per eligible semiconductor manufacturing business pursuant to
31 subdivision three of section five hundred three of the economic develop-
32 ment law. In no event shall a taxpayer be allowed a credit greater than
33 the amount of credit listed on the certificate of tax credit issued by
34 the commissioner of economic development. The credit shall be allowed in
35 the taxable year in which the eligible training is completed. No cost or
36 other expense paid or incurred by the taxpayer that is the basis for
37 this credit shall be the basis for any other tax credit provided by this
38 chapter.

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

51 (c) Reporting. The taxpayer shall attach to its tax return its certif-
52 icate of tax credit issued by the commissioner of economic development
53 pursuant to section five hundred three of the economic development law.
54 In no event shall the taxpayer be allowed a credit greater than the
55 amount of the credit listed on the certificate of tax credit, or in the
56 case of a taxpayer who is a partner in a partnership, a member of a

1 limited liability company, or shareholder in an S corporation, its pro
2 rata share of the amount of credit listed in the certificate of tax
3 credit.

4 (d) Credit recapture. If a certificate of eligibility or a certificate
5 of tax credit issued by the department of the economic development under
6 article twenty-eight of the economic development law is revoked by such
7 department because the taxpayer does not meet the eligibility require-
8 ment set forth in subdivision three of section five hundred three of the
9 economic development law, the amount of credit described in this subdivi-
10 vision and claimed by the taxpayer prior to that revocation shall be
11 added back to tax in the taxable year in which any such revocation
12 becomes final.

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

15 (sss) Semiconductor workforce training program tax credit. (1) Allow-
16 ance of tax credit. A taxpayer that has been approved by the commis-
17 sioner of economic development to participate in the semiconductor workforce
18 training program and has been issued a certificate of tax credit pursu-
19 ant to section five hundred three of the economic development law shall
20 be allowed to claim a credit against the tax imposed by this article.
21 The credit shall equal seventy-five percent of wages, salaries or other
22 compensation, training costs, and wrap around services, up to a credit
23 of twenty-five thousand dollars per employee receiving eligible train-
24 ing, up to one million dollars per eligible non-semiconductor manufac-
25 turing business and up to five million dollars per eligible semiconduc-
26 tor manufacturing business pursuant to subdivision three of section five
27 hundred three of the economic development law. In no event shall a
28 taxpayer be allowed a credit greater than the amount listed on the
29 certificate of tax credit issued by the commissioner of economic devel-
30 opment. In the case of a taxpayer who is a partner in a partnership,
31 member of a limited liability company or shareholder in an S corpo-
32 ration, the taxpayer shall be allowed its pro rata share of the credit
33 earned by the partnership, limited liability company or S corporation.
34 The credit shall be allowed in the taxable year in which the eligible
35 training is completed. No cost or expense paid or incurred by the
36 taxpayer that is the basis for this credit shall be the basis for any
37 other tax credit provided by this chapter.

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

44 (3) Reporting. The taxpayer shall attach to its tax return its certif-
45 icate of tax credit issued by the commissioner of economic development
46 pursuant to section five hundred three of the economic development law.
47 In no event shall the taxpayer be allowed a credit greater than the
48 amount of the credit listed on the certificate of tax credit, or in the
49 case of a taxpayer who is a partner in a partnership, a member of a
50 limited liability company, or shareholder in an S corporation, its pro
51 rata share of the amount of credit listed on the certificate of tax
52 credit.

53 (4) Credit recapture. If a certificate of eligibility or a certificate
54 of tax credit issued by the department of economic development under
55 article twenty-eight of the economic development law is revoked by such
56 department because the taxpayer does not meet the eligibility require-

1 ment set forth in subdivision three of section five hundred three of the
2 economic development law, the amount of credit described in this
3 subsection and claimed by the taxpayer prior to that revocation shall be
4 added back to tax in the taxable year in which any such revocation
5 becomes final.

6 § 14. This act shall take effect immediately and apply to taxable
7 years beginning on or after January 1, 2025; provided, however, that
8 section five of this act shall take effect December 31, 2028.

9

SUBPART B

10 Section 1. Section 421 of the economic development law, as added by
11 section 1 of part E of chapter 56 of the laws of 2011, is amended to
12 read as follows:

13 § 421. Statement of legislative findings and declaration. It is hereby
14 found and declared that New York state needs, as a matter of public
15 policy, to create competitive financial incentives to retain [~~strategie~~]
16 businesses, including small businesses and jobs that are at risk of
17 leaving the state or closing operations due to the impact on its busi-
18 ness operations of an event leading to an emergency declaration by the
19 governor. The empire state jobs retention program is created to support
20 the retention of the state's [~~most-strategie~~] businesses, including
21 small businesses in the event of an emergency.

22 This legislation creates a jobs tax credit for each job of a [~~strate-~~
23 ~~gie~~] business, including a small business directly impacted by an emer-
24 gency and protects state taxpayers' dollars by ensuring that New York
25 provides tax benefits only to businesses that can demonstrate substan-
26 tial physical damage and economic harm resulting from an event leading
27 to an emergency declaration by the governor.

28 § 2. Section 422 of the economic development law, as added by section
29 1 of part E of chapter 56 of the laws of 2011, is amended to read as
30 follows:

31 § 422. Definitions. For the purposes of this article:

32 1. [~~"Agriculture" means both agricultural production (establishments~~
33 ~~performing the complete farm or ranch operation, such as farm owner op-~~
34 ~~erators, tenant farm operators, and sharecroppers) and agricultural~~
35 ~~support (establishments that perform one or more activities associated~~
36 ~~with farm operation, such as soil preparation, planting, harvesting, and~~
37 ~~management, on a contract or fee basis).~~

38 2. [~~"Back office operations" means a business function that may include~~
39 ~~one or more of the following activities: customer service, information~~
40 ~~technology and data processing, human resources, accounting and related~~
41 ~~administrative functions.~~

42 3. [~~"Certificate of eligibility" means the document issued by the~~
43 ~~department to an applicant that has completed an application to be~~
44 ~~admitted into the empire state jobs retention program and has been~~
45 ~~accepted into the program by the department. Possession of a certificate~~
46 ~~of eligibility does not by itself guarantee the eligibility to claim the~~
47 ~~tax credit.~~

48 [4.] 2. "Certificate of tax credit" means the document issued to a
49 participant by the department, after the department has verified that
50 the participant has met all applicable eligibility criteria in this
51 article. The certificate shall be issued annually if such criteria are
52 satisfied and shall specify the exact amount of each tax credit under
53 this article that a participant may claim, pursuant to section four

1 hundred twenty-five of this article, and shall specify the taxable year
2 in which such credit may be claimed.

3 ~~[5. "Distribution center" means a large scale facility involving proc-~~
4 ~~essing, repackaging and/or movement of finished or semi-finished goods~~
5 ~~to retail locations across a multi-state area.~~

6 ~~6. "Financial services data centers" or "financial services customer~~
7 ~~back office operations" means operations that manage the data or~~
8 ~~accounts of existing customers or provide product or service information~~
9 ~~and support to customers of financial services companies, including~~
10 ~~banks, other lenders, securities and commodities brokers and dealers,~~
11 ~~investment banks, portfolio managers, trust offices, and insurance~~
12 ~~companies.~~

13 ~~7.]~~ 3. "Impacted jobs" means jobs [~~existing~~] at a business enterprise
14 [~~at a location or locations within the county declared an emergency by~~
15 ~~the governor on the day immediately preceding the day on which the event~~
16 ~~leading to the emergency declaration by the governor occurred]~~ existing
17 the day before an event leading to an emergency declaration by the
18 governor at a location or locations which demonstrate substantial phys-
19 ical damage and economic harm caused by the event for which the emergen-
20 cy declaration was made.

21 ~~[8. "Manufacturing" means the process of working raw materials into~~
22 ~~products suitable for use or which gives new shapes, new quality or new~~
23 ~~combinations to matter which has already gone through some artificial~~
24 ~~process by the use of machinery, tools, appliances, or other similar~~
25 ~~equipment. "Manufacturing" does not include an operation that involves~~
26 ~~only the assembly of components, provided, however, the assembly of~~
27 ~~motor vehicles or other high value added products shall be considered~~
28 ~~manufacturing.~~

29 ~~9.]~~ 4. "Participant" means a business entity that:

30 (a) has completed an application prescribed by the department to be
31 admitted into the program;

32 (b) has been issued a certificate of eligibility by the department;

33 (c) has demonstrated that it meets the eligibility criteria in section
34 four hundred twenty-three and subdivision two of section four hundred
35 twenty-four of this article; and

36 (d) has been certified as a participant by the commissioner.

37 ~~[10.]~~ 5. "Preliminary schedule of benefits" means the maximum aggre-
38 gate amount of the tax credit that a participant in the empire state
39 jobs retention program is eligible to receive pursuant to this article.
40 The schedule shall indicate the annual amount of the credit a partic-
41 ipant may claim in [~~each of~~] its [~~ten years~~] six months of eligibility.
42 The preliminary schedule of benefits shall be issued by the department
43 when the department approves the application for admission into the
44 program. The commissioner may amend that schedule, provided that the
45 commissioner complies with the credit caps in section three hundred
46 fifty-nine of this chapter.

47 ~~[11.]~~ 6. "Related person" means a related person pursuant to subpara-
48 graph (c) of paragraph three of subsection (b) of section four hundred
49 sixty-five of the internal revenue code.

50 ~~[12. "Scientific research and development" means conducting research~~
51 ~~and experimental development in the physical, engineering, and life~~
52 ~~sciences, including but not limited to agriculture, electronics, envi-~~
53 ~~ronmental, biology, botany, biotechnology, computers, chemistry, food,~~
54 ~~fisheries, forests, geology, health, mathematics, medicine, oceanogra-~~
55 ~~phy, pharmacy, physics, veterinary, and other allied subjects. For the~~

1 ~~purposes of this article, scientific research and development does not~~
2 ~~include medical or veterinary laboratory testing facilities.~~

3 ~~13. "Software development" means the creation of coded computer~~
4 ~~instructions and includes new media as defined by the commissioner in~~
5 ~~regulations.]~~

6 7. "Business entity" means a for profit business duly authorized to do
7 business in and in good standing in the state of New York.

8 § 3. Section 423 of the economic development law, as added by section
9 1 of part E of chapter 56 of the laws of 2011, is amended to read as
10 follows:

11 § 423. Eligibility criteria. 1. [~~To be a participant in the empire~~
12 ~~state jobs retention program, a business entity shall operate in New~~
13 ~~York state predominantly.~~

14 ~~(a) as a financial services data center or a financial services back~~
15 ~~office operation;~~

16 ~~(b) in manufacturing;~~

17 ~~(c) in software development and new media;~~

18 ~~(d) in scientific research and development;~~

19 ~~(e) in agriculture;~~

20 ~~(f) in the creation or expansion of back office operations in the~~
21 ~~state; or~~

22 ~~(g) in a distribution center.~~

23 ~~2. When determining whether an applicant is operating predominantly in~~
24 ~~one of the industries listed in subdivision one of this section, the~~
25 ~~commissioner will examine the nature of the business activity at the~~
26 ~~location for the proposed project and will make eligibility determi-~~
27 ~~nations based on such activity.~~

28 ~~3.] For the purposes of this article, in order to participate in the~~
29 ~~empire state jobs retention program[~~, a business entity operating in one~~~~
30 ~~of the strategic industries listed in subdivision one of this section~~
31 ~~(a) must be located in a county in which an emergency has been declared~~
32 ~~by the governor] on or after [January] June first, two thousand [~~eleven~~]~~
33 ~~twenty-five, [(b)] a business entity must demonstrate substantial phys-~~
34 ~~ical damage and economic harm at a location or locations within an area~~
35 ~~for which the governor has issued an emergency declaration and~~ resulting
36 from the event leading to the emergency declaration by the governor[~~,~~
37 ~~and (c) must have had at least one hundred full-time equivalent jobs in~~
38 ~~the county in which an emergency has been declared by the governor on~~
39 ~~the day immediately preceding the day on which the event leading to the~~
40 ~~emergency declaration by the governor occurred, and must retain or~~
41 ~~exceed that number of jobs in New York state.~~

42 ~~4. A not for profit business entity, a business entity whose primary~~
43 ~~function is the provision of services including personal services, busi-~~
44 ~~ness services, or the provision of utilities, a business entity engaged~~
45 ~~predominantly in the retail or entertainment industry, or a company~~
46 ~~engaged in the generation or distribution of electricity, the distrib-~~
47 ~~ution of natural gas, or the production of steam associated with the~~
48 ~~generation of electricity are not eligible to receive the tax credit~~
49 ~~described in this article]. At the time of application, a business enti-~~
50 ~~ty shall submit to the department a plan to retain, restore or increase~~
51 ~~staffing levels within one year from the date of application to at least~~
52 ~~the staffing levels that existed at the site the day prior to the date~~
53 ~~of the applicable declaration of the state of emergency. Any recipient~~
54 ~~that does not adhere to its jobs retention plan, shall have its program~~
55 ~~award rescinded unless the recipient can demonstrate economic hardship~~

1 to the commissioner, in which case any such program award may be reduced
2 proportionally by the number of employees not restored or retained.

3 [~~5.~~] 2. A business entity must be in compliance with all worker
4 protection and environmental laws and regulations. In addition, a busi-
5 ness entity may not owe past due state taxes. In addition, a business
6 entity must not owe local property taxes for any year prior to the year
7 in which it applies to participate in the empire state jobs retention
8 program.

9 § 4. Section 424 of the economic development law, as added by section
10 1 of part E of chapter 56 of the laws of 2011, is amended to read as
11 follows:

12 § 424. Application and approval process. 1. A business [~~enterprise~~]
13 entity must submit a completed application as prescribed by the commis-
14 sioner. Such completed application must be submitted to the commissioner
15 within [~~(a)~~] one hundred eighty days of the declaration of an emergency
16 by the governor in the county in which the business enterprise is
17 located [~~or (b) one hundred eighty days of the enactment of this arti-~~
18 ~~cle, if such date is later than the date specified in paragraph (a) of~~
19 ~~this subdivision~~]; provided, however, that the eligibility period for
20 the credit shall begin upon the date of declaration of an emergency by
21 the governor covering the county in which the business entity is
22 located.

23 2. As part of such application, each business [~~enterprise~~] entity
24 must:

25 (a) agree to allow the department of taxation and finance to share its
26 tax information with the department. However, any information shared as
27 a result of this agreement shall not be available for disclosure or
28 inspection under the state freedom of information law.

29 (b) agree to allow the department of labor to share its tax and
30 employer information with the department. However, any information
31 shared as a result of this agreement shall not be available for disclo-
32 sure or inspection under the state freedom of information law.

33 (c) allow the department and its agents access to any and all books
34 and records the department may require to monitor compliance.

35 (d) agree to be permanently disqualified for empire zone tax benefits
36 at any location or locations that qualify for empire state jobs
37 retention program benefits if admitted into the empire state jobs
38 retention program.

39 (e) provide the following information to the department upon request:

40 (i) a plan outlining the schedule for meeting the jobs retention
41 requirements as set forth in subdivision [~~three~~] one of section four
42 hundred twenty-three of this article. Such plan must include details on
43 jobs titles and expected salaries;

44 (ii) the prior three years of federal and state income or franchise
45 tax returns, unemployment insurance quarterly returns, real property tax
46 bills and audited financial statements; and

47 (iii) the employer identification or social security numbers for all
48 related persons to the applicant, including those of any members of a
49 limited liability company or partners in a partnership.

50 (f) provide a clear and detailed presentation of all related persons
51 to the applicant to assure the department that jobs are not being shift-
52 ed within the state.

53 (g) certify, under penalty of perjury, that it is in substantial
54 compliance with all environmental, worker protection, and local, state,
55 and federal tax laws.

1 3. After reviewing a business enterprise's completed application and
2 determining that the business enterprise will meet the conditions set
3 forth in subdivision [~~three~~] one of section four hundred twenty-three of
4 this article, the department may admit the applicant into the program
5 and provide the applicant with a certificate of eligibility and a
6 preliminary schedule of benefits by year based on the applicant's
7 projections as set forth in its application. This preliminary schedule
8 of benefits delineates the maximum possible benefits an applicant may
9 receive.

10 4. In order to become a participant in the program, an applicant must
11 submit evidence that it satisfies the eligibility criteria specified in
12 section four hundred twenty-three of this article and subdivision two of
13 this section in such form as the commissioner may prescribe. After
14 reviewing such evidence and finding it sufficient, the department shall
15 certify the applicant as a participant and issue to that participant a
16 certificate of tax credit [~~for one taxable year. To receive a certifi-~~
17 ~~cate of tax credit for subsequent taxable years, the participant must~~
18 ~~submit to the department a performance report demonstrating that the~~
19 ~~participant continues to satisfy the eligibility criteria specified in~~
20 ~~section four hundred twenty-three of this article and subdivision two of~~
21 ~~this section~~].

22 5. A participant may claim tax benefits commencing in the first tax-
23 able year that the business enterprise receives a certificate of tax
24 credit or the first taxable year listed on its preliminary schedule of
25 benefits, whichever is later. [~~A participant may claim such benefits for~~
26 ~~the next nine consecutive taxable years, provided that the participant~~
27 ~~demonstrates to the department that it continues to satisfy the eligi-~~
28 ~~bility criteria specified in section four hundred twenty-three of this~~
29 ~~article and subdivision two of this section in each of those taxable~~
30 ~~years.~~]

31 § 5. Section 425 of the economic development law, as added by section
32 1 of part E of chapter 56 of the laws of 2011, is amended to read as
33 follows:

34 § 425. Empire state jobs retention program credit. 1. A participant in
35 the empire state jobs retention program shall be eligible to claim a
36 credit for the impacted jobs. [~~The~~] For a business entity that employes
37 three to forty-nine employees, the amount of such credit shall be equal
38 to the product of the gross wages paid for the impacted jobs and [6.85]
39 up to 15 percent. For a business entity that employs fifty to one
40 hundred employees, the amount of such credit shall be equal to the prod-
41 uct of the gross wages paid for the impacted jobs and up to 7.5 percent.
42 For a business entity that employs greater than one hundred employees,
43 the amount of such credit shall be equal to the product of the gross
44 wages paid for the impacted jobs and up to 3.75 percent. An eligible
45 business entity may only receive up to \$500,000 in tax credits per event
46 triggering an emergency declaration by the governor.

47 2. The tax credit established in this section shall be refundable as
48 provided in the tax law. If a participant fails to satisfy the eligibil-
49 ity criteria [~~in any one year~~], it will lose the ability to claim credit
50 [~~for that year~~]. The event of such failure shall not extend the original
51 [~~ten year~~] six-month eligibility period.

52 3. The business enterprise shall be allowed to claim the credit as
53 prescribed in section thirty-six of the tax law[~~, provided, however, a~~
54 ~~business enterprise shall not be allowed to claim the credit prior to~~
55 ~~tax year two thousand twelve~~].

1 4. A participant may be eligible for benefits under this article as
2 well as article seventeen of this chapter, provided the participant can
3 only receive benefits pursuant to subdivision two of section three
4 hundred fifty-five of this chapter for costs in excess of costs recov-
5 ered by insurance.

6 § 6. Section 426 of the economic development law, as added by section
7 1 of part E of chapter 56 of the laws of 2011, is amended to read as
8 follows:

9 § 426. Powers and duties of the commissioner. 1. The commissioner
10 shall promulgate regulations establishing [~~an~~] the type of application
11 process and the eligibility criteria, that will be applied consistent
12 with the purposes of this article, so as not to exceed thirty million
13 dollars from the annual cap on tax credits set forth in section three
14 hundred fifty-nine of this chapter which, notwithstanding any provisions
15 to the contrary in the state administrative procedure act, may be
16 adopted on an emergency basis. Such regulations shall include, but not
17 be limited to, criteria for determining whether a business entity demon-
18 strates substantial physical damage and economic harm from the event
19 leading to an emergency declaration by the governor.

20 2. 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 participants. Participants may be required
23 by the commissioner of taxation and finance to include the certificate
24 of tax credit with their tax return to receive any tax benefits under
25 this article.

26 3. The commissioner shall solely determine the eligibility of any
27 applicant applying for entry into the program and shall remove any
28 participant from the program for failing to meet any of the requirements
29 set forth in subdivision two of section four hundred twenty-four of this
30 article, or for failing to meet the job retention requirements set forth
31 in [~~subdivision three of~~] section four hundred twenty-three of this
32 article[~~, or for failing to meet the requirements of subdivision five of~~
33 ~~section four hundred twenty-three of this article~~].

34 § 7. This act shall take effect immediately.

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

44 § 3. This act shall take effect immediately, provided, however, that
45 the applicable effective date of Subparts A and B of this act shall be
46 as specifically set forth in the last section of such Subparts.

47

PART I

48 Section 1. Paragraphs 2 and 5 of subdivision (a) of section 24 of the
49 tax law, paragraph 2 as amended by section 1 and paragraph 5 as amended
50 by section 2 of part D of chapter 59 of the laws of 2023, are amended
51 and a new paragraph 6 is added to read as follows:

52 (2) The amount of the credit shall be the product (or pro rata share
53 of the product, in the case of a member of a partnership) of thirty
54 percent and the qualified production costs paid or incurred in the

1 production of a qualified film, provided that: (i) the qualified
2 production costs (excluding post production costs) paid or incurred
3 which are attributable to the use of tangible property or the perform-
4 ance of services at a qualified film production facility in the
5 production of such qualified film equal or exceed seventy-five percent
6 of the production costs (excluding post production costs) paid or
7 incurred which are attributable to the use of tangible property or the
8 performance of services at any film production facility within and with-
9 out the state in the production of such qualified film, [~~and~~] (ii)
10 except with respect to a qualified independent film production company
11 or pilot, at least ten percent of the total principal photography shoot-
12 ing days spent in the production of such qualified film must be spent at
13 a qualified film production facility, and (iii) qualified production
14 costs that are attributable to scoring shall be eligible for an addi-
15 tional ten percent credit on such scoring costs when incurred within the
16 state and when such scoring costs include payment to a minimum of five
17 musicians. However, if the qualified production costs (excluding post
18 production costs) which are attributable to the use of tangible property
19 or the performance of services at a qualified film production facility
20 in the production of such qualified film is less than three million
21 dollars, then the portion of the qualified production costs attributable
22 to the use of tangible property or the performance of services in the
23 production of such qualified film outside of a qualified film production
24 facility shall be allowed only if the shooting days spent in New York
25 outside of a film production facility in the production of such quali-
26 fied film equal or exceed seventy-five percent of the total shooting
27 days spent within and without New York outside of a film production
28 facility in the production of such qualified film. The credit shall be
29 allowed for the taxable year in which the production of such qualified
30 film is completed. However, in the case of a qualified film that
31 receives funds from additional pool 2, no credit shall be claimed before
32 the later of (1) the taxable year the production of the qualified film
33 is complete, or (2) the taxable year that includes the last day of the
34 allocation year for which the film has been allocated credit by the
35 department of economic development. If the amount of the credit is at
36 least one million dollars but less than five million dollars, the credit
37 shall be claimed over a two year period beginning in the first taxable
38 year in which the credit may be claimed and in the next succeeding taxa-
39 ble year, with one-half of the amount of credit allowed being claimed in
40 each year. If the amount of the credit is at least five million dollars,
41 the credit shall be claimed over a three year period beginning in the
42 first taxable year in which the credit may be claimed and in the next
43 two succeeding taxable years, with one-third of the amount of the credit
44 allowed being claimed in each year. Provided, however, in the case of a
45 qualified film for which the credit application was received on or after
46 January first, two thousand twenty-five, the credit shall be claimed in
47 the taxable year that includes the last day of the allocation year for
48 which the film has been allocated a credit by the department of economic
49 development.

50 (5) For the period two thousand fifteen through two thousand [~~thirty-~~
51 ~~four~~] thirty-six, in addition to the amount of credit established in
52 paragraph two of this subdivision, a taxpayer shall be allowed a credit
53 equal to (i) the product (or pro rata share of the product, in the case
54 of a member of a partnership) of ten percent and the wages, salaries or
55 other compensation constituting qualified production costs as defined in
56 paragraph two of subdivision (b) of this section, paid to individuals

1 directly employed by a qualified film production company or a qualified
2 independent film production company for services performed by those
3 individuals in one of the counties specified in this paragraph in
4 connection with a qualified film with a minimum budget of five hundred
5 thousand dollars, and (ii) the product (or pro rata share of the prod-
6 uct, in the case of a member of a partnership) of ten percent and the
7 qualified production costs (excluding wages, salaries or other compen-
8 sation) paid or incurred in the production of a qualified film where the
9 property constituting such qualified production costs was used, and the
10 services constituting such qualified production costs were performed in
11 any of the counties specified in this paragraph in connection with a
12 qualified film with a minimum budget of five hundred thousand dollars
13 where the majority of principal photography shooting days in the
14 production of such film were shot in any of the counties specified in
15 this paragraph. Provided, however, that the aggregate total eligible
16 qualified production costs constituting wages, salaries or other compen-
17 sation, for writers, directors, composers, producers, and performers
18 shall not exceed forty percent of the aggregate sum total of all other
19 qualified production costs. For purposes of the credit, the services
20 must be performed and the property must be used in one or more of the
21 following counties: Albany, Allegany, Broome, Cattaraugus, Cayuga, Chau-
22 tauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutch-
23 ess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer,
24 Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara,
25 Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam,
26 Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St.
27 Lawrence, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washing-
28 ton, Wayne, Wyoming, or Yates.

29 (6) Production plus program. (i) A qualified independent film
30 production company or a qualified film production company, or a company
31 that is a majority owner of one or more qualified film production compa-
32 nies or qualified independent film production companies, may apply to
33 participate in the production plus program after it, or qualified film
34 production companies or qualified independent film production companies
35 of which it is the majority owner, has submitted two or more initial
36 applications to the empire state film production tax credit program
37 after January first, two thousand twenty-five.

38 (ii) A qualified film production company or qualified independent film
39 production company that has been accepted into the production plus
40 program, or is majority-owned by a company that has been accepted into
41 the production plus program, may be eligible to receive an additional
42 tax credit equal to the product of ten percent and the qualified
43 production costs in New York state if program acceptance was based on
44 initial applications, the sum of which totaled at least one hundred
45 million dollars in qualified production costs in New York state.

46 (iii) A qualified independent film production company that has been
47 accepted into the production plus program, or is majority-owned by a
48 company that has been accepted into the production plus program, that is
49 engaging in the production of a feature length film, television film or
50 television series as defined in the regulations promulgated for this
51 program, may receive an additional tax credit equal to the product of
52 five percent and the qualified production costs incurred on all subse-
53 quent films or series applied for if program acceptance was based on
54 initial applications the sum of which totaled at least twenty million
55 dollars in qualified production costs in New York state.

1 (iv) Initial applications for feature length films and new television
2 series submitted after December thirty-first, two thousand twenty-eight
3 shall not be eligible for the program pursuant to this paragraph;
4 provided, however, a television series that enters the program pursuant
5 to this paragraph before January first, two thousand twenty-nine shall
6 continue to be eligible.

7 § 2. Paragraphs 2 and 7 of subdivision (b) of section 24 of the tax
8 law, paragraph 2 as amended by section 3 of part D of chapter 59 of the
9 laws of 2023, paragraph 7 as added by section 9 of part Q of chapter 57
10 of the laws of 2010, are amended to read as follows:

11 (2) "Production costs" means any costs for tangible property used and
12 services performed directly and predominantly in the production (includ-
13 ing pre-production and post production) of a qualified film.
14 "Production costs" shall not include [~~(i)~~] costs for a story, script or
15 scenario to be used for a qualified film [~~and (ii) wages or salaries or~~
16 ~~other compensation for writers, directors, composers, and performers~~
17 ~~(other than background actors with no scripted lines) to the extent~~
18 ~~those wages or salaries or other compensation exceed five hundred thou-~~
19 ~~sand dollars per individual]. "Production costs" generally include the
20 wages or salaries or other compensation for writers, directors, compos-
21 ers and performers, technical and crew production costs, such as expend-
22 itures for film production facilities, or any part thereof, props, make-
23 up, wardrobe, film processing, camera, sound recording, set
24 construction, lighting, shooting, editing and meals, and shall include
25 the wages, salaries or other compensation of no more than two producers
26 per qualified film[, ~~not to exceed five hundred thousand dollars per~~
27 ~~producer, where only one of whom is the principal individual responsible~~
28 ~~for overseeing the creative and managerial process of production of the~~
29 ~~qualified film and only one of whom is the principal individual respon-~~
30 ~~sible for the day-to-day operational management of production of the~~
31 ~~qualified film; provided, however, that such producers are not compen-~~
32 ~~sated for any other position on the qualified film by a qualified film~~
33 ~~production company or a qualified independent film production company~~
34 ~~for services performed].~~~~

35 (7) "Qualified independent film production company" is a corporation,
36 partnership, limited partnership, or other entity or individual, that or
37 who (i) is principally engaged in the production of a qualified film
38 [~~with a maximum budget of fifteen million dollars~~], [and] (ii) [~~controls~~
39 ~~the qualified film during production~~] is not publicly traded, and (iii)
40 [~~either is not a publicly traded entity, or no more than five percent of~~
41 ~~the beneficial ownership of which is owned, directly or indirectly, by a~~
42 ~~publicly traded entity~~] is not majority owned, fifty-one percent or more,
43 by a company publicly traded on a United States stock exchange.

44 § 3. Paragraph 4 of subdivision (e) of section 24 of the tax law, as
45 amended by section 2 of chapter 606 of the laws of 2023, is amended to
46 read as follows:

47 (4) Additional pool 2 - The aggregate amount of tax credits allowed in
48 subdivision (a) of this section shall be increased by an additional four
49 hundred twenty million dollars in each year starting in two thousand ten
50 through two thousand twenty-three and seven hundred million dollars in
51 each year starting in two thousand twenty-four through two thousand
52 [~~thirty-four~~] thirty-six, provided however, seven million dollars of the
53 annual allocation shall be available for the empire state film post
54 production credit pursuant to section thirty-one of this article in two
55 thousand thirteen and two thousand fourteen, twenty-five million dollars
56 of the annual allocation shall be available for the empire state film

1 post production credit pursuant to section thirty-one of this article in
2 each year starting in two thousand fifteen through two thousand twenty-
3 three, and forty-five million dollars of the annual allocation shall be
4 available for the empire state film post production credit pursuant to
5 section thirty-one of this article in each year starting in two thousand
6 twenty-four through two thousand [~~thirty-four~~] thirty-six. Provided
7 further, five million dollars of the annual allocation shall be made
8 available for the television writers' and directors' fees and salaries
9 credit pursuant to section twenty-four-b of this article in each year
10 starting in two thousand twenty through two thousand [~~thirty-four~~] thir-
11 ty-six. This amount shall be allocated by the department of economic
12 development among taxpayers in accordance with subdivision (a) of this
13 section. If the commissioner of economic development determines that the
14 aggregate amount of tax credits available from additional pool 2 for the
15 empire state film production tax credit have been previously allocated,
16 and determines that the pending applications from eligible applicants
17 for the empire state film post production tax credit pursuant to section
18 thirty-one of this article is insufficient to utilize the balance of
19 unallocated empire state film post production tax credits from such
20 pool, the remainder, after such pending applications are considered,
21 shall be made available for allocation in the empire state film tax
22 credit pursuant to this section, subdivision twenty of section two
23 hundred ten-B and subsection (gg) of section six hundred six of this
24 chapter. Also, if the commissioner of economic development determines
25 that the aggregate amount of tax credits available from additional pool
26 2 for the empire state film post production tax credit have been previ-
27 ously allocated, and determines that the pending applications from
28 eligible applicants for the empire state film production tax credit
29 pursuant to this section is insufficient to utilize the balance of unal-
30 located film production tax credits from such pool, then all or part of
31 the remainder, after such pending applications are considered, shall be
32 made available for allocation for the empire state film post production
33 credit pursuant to this section, subdivision thirty-two of section two
34 hundred ten-B and subsection (qq) of section six hundred six of this
35 chapter. The department of economic development must notify taxpayers of
36 their allocation year and include the allocation year on the certificate
37 of tax credit. Taxpayers eligible to claim a credit must report the
38 allocation year directly on their empire state film production credit
39 tax form for each year a credit is claimed and include a copy of the
40 certificate with their tax return. In the case of a qualified film that
41 receives funds from additional pool 2 where the taxpayer filed an
42 initial application before April first, two thousand twenty-three and
43 before January first, two thousand twenty-five, no empire state film
44 production credit shall be claimed before the later of (1) the taxable
45 year the production of the qualified film is complete, or (2) the taxa-
46 ble year immediately following the allocation year for which the film
47 has been allocated credit by the department of economic development. In
48 the case of a qualified film that receives funds from additional pool 2
49 where the taxpayer filed an initial application on or after April first,
50 two thousand twenty-three and before January first, two thousand twen-
51 ty-five, no empire state film production credit shall be claimed before
52 the later of (1) the taxable year the production of the qualified film
53 is complete, or (2) the taxable year that includes the last day of the
54 allocation year for which the film has been allocated credit by the
55 department of economic development. In the case of a qualified film for
56 which the taxpayer filed an initial application on or after January

1 first, two thousand twenty-five, the credit shall be claimed in the
2 taxable year that includes the last day of the allocation year for which
3 the production of such qualified film has been allocated a credit by the
4 department of economic development.

5 § 4. Paragraph 4 of subdivision (e) of section 24 of the tax law, as
6 amended by section 3 of chapter 606 of the laws of 2023, is amended to
7 read as follows:

8 (4) Additional pool 2 - The aggregate amount of tax credits allowed in
9 subdivision (a) of this section shall be increased by an additional four
10 hundred twenty million dollars in each year starting in two thousand ten
11 through two thousand twenty-three and seven hundred million dollars each
12 year starting in two thousand twenty-four through two thousand [~~thirty-~~
13 ~~four~~] thirty-six, provided however, seven million dollars of the annual
14 allocation shall be available for the empire state film post production
15 credit pursuant to section thirty-one of this article in two thousand
16 thirteen and two thousand fourteen, twenty-five million dollars of the
17 annual allocation shall be available for the empire state film post
18 production credit pursuant to section thirty-one of this article in each
19 year starting in two thousand fifteen through two thousand twenty-three,
20 and forty-five million dollars of the annual allocation shall be avail-
21 able for the empire state film post production credit pursuant to
22 section thirty-one of this article in each year starting in two thousand
23 twenty-four through two thousand [~~thirty-four~~] thirty-six. This amount
24 shall be allocated by the department of economic development among
25 taxpayers in accordance with subdivision (a) of this section. If the
26 commissioner of economic development determines that the aggregate
27 amount of tax credits available from additional pool 2 for the empire
28 state film production tax credit have been previously allocated, and
29 determines that the pending applications from eligible applicants for
30 the empire state film post production tax credit pursuant to section
31 thirty-one of this article is insufficient to utilize the balance of
32 unallocated empire state film post production tax credits from such
33 pool, the remainder, after such pending applications are considered,
34 shall be made available for allocation in the empire state film tax
35 credit pursuant to this section, subdivision twenty of section two
36 hundred ten-B and subsection (gg) of section six hundred six of this
37 chapter. Also, if the commissioner of economic development determines
38 that the aggregate amount of tax credits available from additional pool
39 2 for the empire state film post production tax credit have been previ-
40 ously allocated, and determines that the pending applications from
41 eligible applicants for the empire state film production tax credit
42 pursuant to this section is insufficient to utilize the balance of unal-
43 located film production tax credits from such pool, then all or part of
44 the remainder, after such pending applications are considered, shall be
45 made available for allocation for the empire state film post production
46 credit pursuant to this section, subdivision thirty-two of section two
47 hundred ten-B and subsection (qq) of section six hundred six of this
48 chapter. The department of economic development must notify taxpayers of
49 their allocation year and include the allocation year on the certificate
50 of tax credit. Taxpayers eligible to claim a credit must report the
51 allocation year directly on their empire state film production credit
52 tax form for each year a credit is claimed and include a copy of the
53 certificate with their tax return. In the case of a qualified film that
54 receives funds from additional pool 2 where the taxpayer filed an
55 initial application before April first, two thousand twenty-three, no
56 empire state film production credit shall be claimed before the later of

1 (1) the taxable year the production of the qualified film is complete,
2 or (2) the taxable year immediately following the allocation year for
3 which the film has been allocated credit by the department of economic
4 development. In the case of a qualified film that receives funds from
5 additional pool 2 where the taxpayer filed an initial application on or
6 after April first, two thousand twenty-three and before January first,
7 two thousand twenty-five, no empire state film production credit shall
8 be claimed before the later of (1) the taxable year the production of
9 the qualified film is complete, or (2) the taxable year that includes
10 the last day of the allocation year for which the film has been allo-
11 cated credit by the department of economic development. Provided, howev-
12 er, in the case of a qualified film for which the credit application was
13 received on or after January first, two thousand twenty-five, the credit
14 shall be claimed in the taxable year that includes the last day of the
15 allocation year for which the film has been allocated a credit by the
16 department of economic development.

17 § 5. Section 24 of the tax law is amended by adding a new subdivision
18 (g) to read as follows:

19 (g) Credit recapture. If a certificate of tax credit issued by the
20 department of economic development pursuant to this section is revoked
21 by such department because the taxpayer does not meet the eligibility
22 requirements of this section, the amount of credit described in this
23 section and claimed by the taxpayer prior to that revocation shall be
24 added back to tax in the taxable year in which any such revocation
25 becomes final.

26 § 6. Paragraphs 3, 5 and 6 of subdivision (a) of section 31 of the tax
27 law, paragraph 3 as amended by section 5 and paragraph 5 as added by
28 section 5-a of part B of chapter 59 of the laws of 2013, and paragraph 6
29 as amended by section 9 of part D of chapter 59 of the laws of 2023, are
30 amended to read as follows:

31 (3) (i) A taxpayer shall not be eligible for the credit established by
32 this section for qualified post production costs, excluding the costs
33 for visual effects and animation, unless the qualified post production
34 costs, excluding the costs for visual effects and animation, at a quali-
35 fied post production facility meet or exceed one million dollars or
36 seventy-five percent of the total post production costs, excluding the
37 costs for visual effects and animation, paid or incurred in the post
38 production of the qualified film at any post production facility, which-
39 ever is less. (ii) A taxpayer shall not be eligible for the credit
40 established by this section for qualified post production costs which
41 are costs for visual effects or animation unless the qualified post
42 production costs for visual effects or animation at a qualified post
43 production facility meet or exceed [~~three million~~] five hundred thousand
44 dollars or [twenty] ten percent of the total post production costs for
45 visual effects or animation paid or incurred in the post production of a
46 qualified film at any post production facility, whichever is less. (iii)
47 A taxpayer may claim a credit for qualified post production costs
48 excluding the costs for visual effects and animation, and for qualified
49 post production costs of visual effects and animation, provided that the
50 criteria in subparagraphs (i) and (ii) of this paragraph are both satis-
51 fied. The credit shall be allowed for the taxable year in which the
52 production of such qualified film is completed.

53 (5) If the amount of the credit is at least one million dollars but
54 less than five million dollars, the credit shall be claimed over a two
55 year period beginning in the first taxable year in which the credit may
56 be claimed and in the next succeeding taxable year, with one-half of the

1 amount of credit allowed being claimed in each year. If the amount of
2 the credit is at least five million dollars, the credit shall be claimed
3 over a three year period beginning in the first taxable year in which
4 the credit may be claimed and in the next two succeeding taxable years,
5 with one-third of the amount of the credit allowed being claimed in each
6 year. Provided, however, in the case of a qualified film for which the
7 taxpayer filed an initial application on or after January first, two
8 thousand twenty-five, the credit shall be claimed for the taxable year
9 in which such qualified film is completed.

10 (6) For the period two thousand fifteen through two thousand [~~thirty-~~
11 ~~four~~] thirty-six, in addition to the amount of credit established in
12 paragraph two of this subdivision, a taxpayer shall be allowed a credit
13 equal to the product (or pro rata share of the product, in the case of a
14 member of a partnership) of ten percent and the amount of wages or sala-
15 raries paid to individuals directly employed (excluding those employed as
16 writers, directors, composers, producers and performers, other than
17 background actors with no scripted lines) for services performed by
18 those individuals in one of the counties specified in this paragraph in
19 connection with the post production work on a qualified film with a
20 minimum budget of five hundred thousand dollars at a qualified post
21 production facility in one of the counties listed in this paragraph. For
22 purposes of this additional credit, the services must be performed in
23 one or more of the following counties: Albany, Allegany, Broome, Catta-
24 raugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cort-
25 land, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee,
26 Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison,
27 Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans,
28 Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie,
29 Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins,
30 Ulster, Warren, Washington, Wayne, Wyoming, or Yates.

31 § 7. Paragraph 2 of subdivision (b) of section 31 of the tax law, as
32 added by section 12 of part Q of chapter 57 of the laws of 2010, is
33 amended to read as follows:

34 (2) "~~Post~~ Qualified production costs" means production of original
35 content for a qualified film employing traditional, emerging and new
36 workflow techniques used in post-production for picture, sound and music
37 editorial, rerecording and mixing, visual effects, graphic design,
38 original scoring, animation, and musical composition in the state; but
39 shall not include the editing of previously produced content for a qual-
40 ified film.

41 § 8. Section 31 of the tax law, as added by section 12 of part Q of
42 chapter 57 of the laws of 2010, is amended by adding a new subdivision
43 (f) to read as follows:

44 (f) Credit recapture. If a certificate of tax credit issued by the
45 department of economic development pursuant to this section is revoked
46 by such department because the taxpayer does not meet the eligibility
47 requirements of this section, the amount of credit described in this
48 section and claimed by the taxpayer prior to that revocation shall be
49 added back to tax in the taxable year in which any such revocation
50 becomes final.

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

53 § 24-d. Empire state independent film production credit. (a) (1)
54 Allowance of credit. A taxpayer which is a qualified independent film
55 production company, or which is a sole proprietor of or a member of a
56 partnership which is a qualified independent film production company,

1 and which is subject to tax under articles nine-A or twenty-two of this
2 chapter, shall be allowed a credit against such tax, pursuant to the
3 provisions referenced in subdivision (c) of this section, to be computed
4 as hereinafter provided.

5 (2) (i) The amount of the credit shall be the product (or pro rata
6 share of the product, in the case of a member of a partnership) of thir-
7 ty percent and the qualified production costs paid or incurred in the
8 production of a qualified film, provided that the qualified production
9 costs (excluding post production costs) paid or incurred which are
10 attributable to the use of tangible property or the performance of
11 services at a qualified film production facility in the production of
12 such qualified film equal or exceed seventy-five percent of the
13 production costs (excluding post production costs) paid or incurred
14 which are attributable to the use of tangible property or the perform-
15 ance of services at any film production facility within and without the
16 state in the production of such qualified film. However, if the quali-
17 fied production costs (excluding post production costs) which are
18 attributable to the use of tangible property or the performance of
19 services at a qualified film production facility in the production of
20 such qualified film is less than three million dollars, then the portion
21 of the qualified production costs attributable to the use of tangible
22 property or the performance of services in the production of such quali-
23 fied film outside of a qualified film production facility shall be
24 allowed only if the shooting days spent in New York outside of a film
25 production facility in the production of such qualified film equal or
26 exceed seventy-five percent of the total shooting days spent within and
27 without the state outside of a film production facility in the
28 production of such qualified film. The credit shall be allowed for the
29 taxable year in which the production of such qualified film is
30 completed. A taxpayer shall not be eligible for a tax credit established
31 by this section for the production of more than two qualified films per
32 calendar year.

33 (ii) In addition to the amount of credit established in subparagraph
34 (i) of this paragraph, a taxpayer shall be allowed a credit equal to (A)
35 the product (or pro rata share of the product, in the case of a member
36 of a partnership) of ten percent and the wages, salaries or other
37 compensation constituting qualified production costs as defined in para-
38 graph one of subdivision (b) of this section, paid to individuals
39 directly employed by a qualified independent film production company for
40 services performed by those individuals in one of the counties specified
41 in this subparagraph in connection with a qualified independent film
42 with a minimum budget of five hundred thousand dollars, and (B) the
43 product (or pro rata share of the product, in the case of a member of a
44 partnership) of ten percent and the qualified production costs (exclud-
45 ing wages, salaries or other compensation) paid or incurred in the
46 production of a qualified film where the property constituting such
47 qualified production costs was used, and the services constituting such
48 qualified production costs were performed in any of the counties speci-
49 fied in this subparagraph in connection with a qualified film with a
50 minimum budget of five hundred thousand dollars where the majority of
51 principal photography shooting days in the production of such film
52 were shot in any of the counties specified in this paragraph. Provided,
53 however, that the aggregate total eligible qualified production costs
54 constituting wages, salaries or other compensation, for writers,
55 directors, composers, producers, and performers shall not exceed forty
56 percent of the aggregate sum total of all other qualified production

1 costs. For purposes of the credit, the services must be performed and
2 the property must be used in one or more of the following counties:
3 Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung,
4 Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex,
5 Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis,
6 Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga,
7 Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga,
8 Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sulli-
9 van, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, or
10 Yates and (C) qualified production costs that are attributable to scor-
11 ing shall be eligible for an additional ten percent credit on such scor-
12 ing costs when incurred within the state and when such scoring costs
13 include payment to a minimum of five musicians.

14 (3) No qualified production costs used by a taxpayer either as the
15 basis for the allowance of the credit provided for under this section or
16 used in the calculation of the credit provided for under this section
17 shall be used by such taxpayer to claim any other credit allowed pursu-
18 ant to this chapter.

19 (4) Notwithstanding the foregoing provisions of this subdivision, a
20 qualified independent film production company that has applied for cred-
21 it under the provisions of this section, agrees as a condition for the
22 granting of the credit: (i) to include in each qualified film distrib-
23 uted by DVD, or other media for the secondary market, a New York promo-
24 tional video approved by the governor's office of motion picture and
25 television development or to include in the end credits of each quali-
26 fied film "Filmed With the Support of the New York State Governor's
27 Office of Motion Picture and Television Development" and a logo provided
28 by the governor's office of motion picture and television development,
29 and (ii) to certify that it will purchase taxable tangible property and
30 services, defined as qualified production costs pursuant to paragraph
31 one of subdivision (b) of this section, only from companies registered
32 to collect and remit state and local sales and use taxes pursuant to
33 articles twenty-eight and twenty-nine of this chapter.

34 (b) Definitions. As used in this section, the following terms shall
35 have the following meanings:

36 (1) "Qualified production costs" means production costs only to the
37 extent such costs, excluding labor costs, do not exceed sixty million
38 dollars and are attributable to the use of tangible property or the
39 performance of services within the state directly and predominantly in
40 the production (including pre-production and post production) of a qual-
41 ified film. In the case of an eligible relocated television series, the
42 term "qualified production costs" shall include, in the first season
43 that the eligible relocated television series is produced in New York
44 after relocation, qualified relocation costs. Provided, however, that
45 the aggregate total eligible qualified production costs for producers,
46 writers, directors, performers (other than background actors with no
47 scripted lines), and composers shall not exceed forty percent of the
48 aggregate sum total of all other qualified production costs.

49 (2) "Production costs" means any costs for tangible property used and
50 services performed directly and predominantly in the production (includ-
51 ing pre-production and post production) of a qualified film.
52 "Production costs" shall not include costs for a story, script or
53 scenario to be used for a qualified film. "Production costs" generally
54 include writers, directors, composers and performers, technical and crew
55 production costs, such as expenditures for film production facilities,
56 or any part thereof, props, makeup, wardrobe, film processing, camera,

1 sound recording, scoring, set construction, lighting, shooting, editing
2 and meals.

3 (3) "Qualified film" means a scripted narrative feature-length film,
4 television film, relocated television series or television series,
5 regardless of the medium by means of which the film or series is created
6 or conveyed. For the purposes of the credit provided by this section
7 only, a "qualified film" whose majority of principal photography shoot-
8 ing days in the production of the qualified film are shot in Westches-
9 ter, Rockland, Nassau, or Suffolk county or any of the five New York
10 City boroughs shall have a minimum budget of one million dollars. A
11 "qualified film", whose majority of principal photography shooting days
12 in the production of the qualified film are shot in any other county of
13 the state than those listed in the preceding sentence shall have a mini-
14 imum budget of two hundred fifty thousand dollars. "Qualified film" shall
15 not include: (i) a television pilot, documentary film, news or current
16 affairs program, interview or talk program, "how-to" (i.e., instruc-
17 tional) film or program, film or program consisting primarily of stock
18 footage, sporting event or sporting program, game show, award ceremony,
19 film or program intended primarily for industrial, corporate or institu-
20 tional end-users, fundraising film or program, daytime drama (i.e.,
21 daytime "soap opera"), commercials, music videos or "reality" program;
22 (ii) a production for which records are required under section 2257 of
23 title 18, United States code, to be maintained with respect to any
24 performer in such production (reporting of books, films, etc. with
25 respect to sexually explicit conduct); or (iii) a television series
26 commonly known as variety entertainment, variety sketch and variety
27 talk, i.e., a program with components of improvisational or scripted
28 content (monologues, sketches, interviews), either exclusively or in
29 combination with other entertainment elements such as musical perform-
30 ances, dancing, cooking, crafts, pranks, stunts, and games and which may
31 be further defined in regulations of the commissioner of economic devel-
32 opment.

33 (4) "Film production facility" shall mean a building and/or complex of
34 buildings and their improvements and associated back-lot facilities in
35 which films are or are intended to be regularly produced and which
36 contain at least one sound stage, provided, however, that an armory
37 owned by the state or city of New York located in the city of New York
38 shall not be considered to be a "film production facility" unless such
39 facility is used by a qualified independent film production company.

40 (5) "Qualified film production facility" shall mean a film production
41 facility in the state, which contains at least one sound stage having a
42 minimum of seven thousand square feet of contiguous production space.

43 (6) "Qualified independent film production company" is a corporation,
44 partnership, limited partnership, or other entity or individual, that or
45 who (i) is principally engaged in the production of a qualified film,
46 (ii) is not publicly traded, and (iii) is not majority owned, fifty-one
47 percent or more, by a company publicly traded on a United States stock
48 exchange.

49 (7) "Relocated television series" shall mean the first two years of a
50 regularly occurring production intended to run in its initial broadcast,
51 regardless of the medium or mode of its distribution, in a series of
52 narrative and/or thematically related episodes, each of which has a
53 running time of at least thirty minutes in length (inclusive of commer-
54 cial advertisement and interstitial programming, if any), which had
55 filmed a minimum of six episodes of the television series outside the
56 state immediately prior to relocating to the state, where the television

1 series had a total minimum budget of at least one million dollars per
2 episode. For the purposes of this definition only, a television series
3 produced by and for media services providers described as streaming
4 services and/or digital platforms (and excluding network/cable) shall
5 mean a regularly occurring production intended to run in its initial
6 release in a series of narrative and/or thematically related episodes,
7 the aggregate length of which is at least seventy-five minutes, although
8 the episodes themselves may vary in duration from the thirty minutes
9 specified for network/cable production.

10 (8) "Qualified relocation costs" means the costs incurred, excluding
11 wages, salaries and other compensation, in the first season that a relo-
12 cated television series relocates to New York, including such costs
13 incurred to transport sets, props and wardrobe to New York and other
14 costs as determined by the department of economic development to the
15 extent such costs do not exceed six million dollars.

16 (9) If the total amount of allocated credits applied for in any
17 particular year is less than the aggregate amount of tax credits allowed
18 for such year under this section, any unused portion may be carried over
19 and added to the aggregate amount of credits allowed in the next
20 succeeding taxable year or years.

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

23 (1) article 9-A: section 210-B: subdivision 20-a.

24 (2) article 22: section 606: subsection (gg-1).

25 (d) Notwithstanding any provision of this chapter, employees and offi-
26 cers of the governor's office of motion picture and television develop-
27 ment and the department shall be allowed and are directed to share and
28 exchange information regarding the credits applied for, allowed, or
29 claimed pursuant to this section and taxpayers who are applying for
30 credits or who are claiming credits, including information contained in
31 or derived from credit claim forms submitted to the department and
32 applications for credit submitted to the governor's office of motion
33 picture and television development.

34 (e) Allocation of credit. The aggregate amount of tax credits allowed
35 under this section, subdivision twenty-a of section two hundred ten and
36 subsection (gg-1) of section six hundred six of this chapter in any
37 calendar year shall be (1) twenty million dollars for qualified films
38 with a budget of less than ten million dollars of qualified production
39 costs; and (2) eighty million dollars for qualified films with a budget
40 of ten million dollars or more of qualified production costs. There
41 shall be at least two application periods each year; such aggregate
42 amount of credits shall be allocated by the governor's office for motion
43 picture and television development among taxpayers in order of priority
44 based upon the date of filing of an application for allocation of the
45 independent film production credit with such office within each applica-
46 tion period. If the commissioner of economic development determines that
47 the aggregate amount of tax credits available for an application period
48 under paragraph one of this subdivision have been previously allocated,
49 and determines that the pending applications from eligible applicants
50 for the other application period in such calendar year is insufficient
51 to utilize the balance of unallocated tax credits for such period, then
52 such commissioner may allocate to productions eligible under such para-
53 graph any credits that remain unallocated for such period pursuant to
54 paragraph two of this subdivision. Provided, however, the total amount
55 of allocated credits applied in any calendar year shall not exceed the

1 aggregate amount of tax credits allowed for such year under this
2 section.

3 (f) (1) The commissioner of economic development shall reduce by one-
4 half of one percent the amount of credit allowed to a taxpayer and this
5 reduced amount shall be reported on a certificate of tax credit issued
6 pursuant to this section and the regulations promulgated by the commis-
7 sioner of economic development to implement this credit program.

8 (2) By January thirty-first of each year, the commissioner of economic
9 development shall report to the comptroller the total amount of such
10 reductions of tax credit during the immediately preceding calendar year.
11 On or before March thirty-first of each year, the comptroller shall
12 transfer without appropriations from the general fund to the empire
13 state entertainment diversity job training development fund established
14 under section ninety-seven-ff of the state finance law an amount equal
15 to the total amount of such reductions reported by the commissioner of
16 economic development for the immediately preceding calendar year.

17 (g) Credit recapture. If a certificate of tax credit issued by the
18 department of economic development pursuant to this section is revoked
19 by such department because the taxpayer does not meet the eligibility
20 requirements of this section, the amount of credit described in this
21 section and claimed by the taxpayer prior to that revocation shall be
22 added back to tax in the taxable year in which any such revocation
23 becomes final.

24 § 10. Section 210-B of the tax law is amended by adding a new subdivi-
25 sion 20-a to read as follows:

26 20-a. Empire state independent film production credit. (a) Allowance
27 of credit. A taxpayer who is eligible pursuant to section twenty-four-d
28 of this chapter shall be allowed a credit to be computed as provided in
29 such section twenty-four-d against the tax imposed by this article.

30 (b) Application of credit. The credit allowed under this subdivision
31 for any taxable year shall not reduce the tax due for such year to less
32 than the fixed dollar minimum amount prescribed in paragraph (d) of
33 subdivision one of section two hundred ten of this article. Provided,
34 however, that if the amount of the credit allowable under this subdivi-
35 sion for any taxable year reduces the tax to such amount or if the
36 taxpayer otherwise pays tax based on the fixed dollar minimum amount,
37 the excess shall be treated as an overpayment of tax to be credited or
38 refunded in accordance with the provisions of section one thousand
39 eighty-six of this chapter. Provided, however, the provisions of
40 subsection (c) of section one thousand eighty-eight of this chapter
41 notwithstanding, no interest shall be paid thereon.

42 § 11. Section 606 of the tax law is amended by adding a new subsection
43 (gg-1) to read as follows:

44 (gg-1) Empire state independent film production credit. (1) Allowance
45 of credit. A taxpayer who is eligible pursuant to section twenty-four-d
46 of this chapter shall be allowed a credit to be computed as provided in
47 such section twenty-four-d against the tax imposed by this article.

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

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

56 (lii) Empire state film Amount of credit for qualified

1 production credit under
2 subsection (gg-1)

production costs in production of
a qualified film under
subdivision twenty-a of
section two hundred ten-B

3
4
5 § 13. This act shall take effect immediately and shall apply to
6 initial applications received on or after January 1, 2025, provided,
7 however, that the amendments to paragraph 4 of subdivision (e) of
8 section 24 of the tax law made by section three of this act shall take
9 effect on the same date and in the same manner as section 6 of chapter
10 683 of the laws of 2019, takes effect.

11 PART J

12 Section 1. Subdivisions 1, 2, 3, 4, 7, 9, 10 and 13 of section 492 of
13 the economic development law, as added by section 2 of part AAA of chap-
14 ter 56 of the laws of 2024, are amended to read as follows:

15 1. "Average full-time employment" shall mean the average number of
16 full-time positions employed by [a] an eligible business [entity] in an
17 eligible industry during a given period.

18 2. "Average starting full-time employment" shall be calculated as the
19 average number of full-time positions employed by [a] an eligible busi-
20 ness [entity] in an eligible industry during a timeframe to be deter-
21 mined by the department of economic development.

22 3. "Average ending full-time employment" shall be calculated as the
23 average number of full-time positions employed by [a] an eligible busi-
24 ness [entity] in an eligible industry during a timeframe to be deter-
25 mined by the department of economic development.

26 4. "Certificate of tax credit" means the document issued to [a] an
27 eligible business [entity] by the department after the department has
28 verified that the eligible business [entity] has met all applicable
29 eligibility criteria in this article. The certificate shall specify the
30 exact amount of the tax credit under this article that [a] an eligible
31 business [entity] may claim, pursuant to section four hundred ninety-
32 five and section four hundred ninety-six of this article.

33 7. "Eligible business" shall mean a print media or broadcast media
34 business operating within an eligible industry, which also carries media
35 liability insurance. For the purposes of this subdivision, each print
36 media publication serving a separate market, as determined by the
37 department, shall be treated as a separate print media business.

38 9. "Eligible industry" means [a] an eligible business [entity] operat-
39 ing predominantly in the newspaper publishing sector or the broadcast
40 media sector, as determined by the department.

41 10. "Net employee increase" means an increase of at least one full-
42 time employee between the average starting full-time employment and the
43 average ending full-time employment of [a] an eligible business [enti-
44 ty], as defined by the department.

45 13. "Independently owned" shall mean a business entity that is not[+
46 (a)] a publicly traded entity or no more than five percent of the bene-
47 ficial ownership of which is owned, directly or indirectly by a publicly
48 traded entity[; (b) a subsidiary; and (c) any other criteria that the
49 department shall determine via regulations to ensure the business is not
50 controlled by another business entity].

51 § 2. Subdivision 3 of section 494 of the economic development law, as
52 added by section 2 of part AAA of chapter 56 of the laws of 2024, is
53 amended to read as follows:

1 3. After reviewing a business entity's completed final application and
2 determining that the business entity meets the eligibility criteria as
3 set forth in this article, the department may issue [~~to that business~~
4 ~~entity~~] a certificate of tax credit. [~~A business entity may claim the~~
5 ~~tax credit.~~]

6 § 3. Subdivisions 1, 2 and 3 of section 495 of the economic develop-
7 ment law, as added by section 2 of part AAA of chapter 56 of the laws of
8 2024, are amended to read as follows:

9 1. A business entity that meets the eligibility requirements of
10 section four hundred ninety-three of this article, and meets any addi-
11 tional eligibility criteria as articulated in regulations established
12 pursuant to this section, and demonstrates a net employee increase, may
13 be [~~eligible to claim~~] issued a certificate of tax credit equal to five
14 thousand dollars per each full-time net employee increase as defined in
15 section four hundred ninety-two of this article. A business entity,
16 including a partnership, limited liability company and subchapter S
17 corporation, may not receive in excess of twenty thousand dollars in tax
18 credits for each print media business or broadcast media business under
19 this program.

20 2. A business entity that meets the eligibility requirements of
21 section four hundred ninety-three of this article, and meets any addi-
22 tional eligibility criteria as articulated in regulations established
23 pursuant to this section, may be [~~eligible to claim~~] issued a certif-
24 icate of tax credit equal to fifty percent of annual wages of an eligi-
25 ble employee. The calculation of such a credit shall only be applied to
26 up to fifty thousand dollars in wages paid annually per eligible employ-
27 ee. A business entity, including a partnership, limited liability compa-
28 ny and subchapter S corporation, may not receive in excess of three
29 hundred thousand dollars in tax credits for each print media business or
30 broadcast media business under this program.

31 3. The total amount of tax credits listed on certificates of tax cred-
32 it issued by the commissioner pursuant to this article may not exceed
33 thirty million dollars for each year the credit is available. Within
34 this amount, the newspaper and broadcast media new job creation compo-
35 nent of the credit may not exceed four million dollars per year and the
36 newspaper and broadcast media existing jobs component of the credit may
37 not exceed twenty-six million dollars per year. Fifty percent of the
38 newspaper and broadcast media existing jobs component credits will be
39 set-aside for eligible [~~business entities~~] businesses with one hundred
40 or fewer employees. Fifty percent of the newspaper and broadcast media
41 existing jobs component credits will be set-aside for eligible [~~business~~
42 ~~entities~~] businesses with over one hundred employees. In both instances
43 the cap will be three hundred thousand dollars under this program.

44 § 4. Subdivisions (a), (b) and (c) of section 49 of the tax law, as
45 added by section 3 of part AAA of chapter 56 of the laws of 2024, are
46 amended to read as follows:

47 (a) Allowance of credit. A taxpayer subject to tax under article
48 nine-A or twenty-two of this chapter shall be allowed a credit against
49 such tax, pursuant to the provisions referenced in subdivision (e) of
50 this section. The amount of the credit is equal to the amount determined
51 pursuant to article twenty-seven of the economic development law and
52 shall be based on the certificates of tax credit issued to eligible
53 businesses owned by the taxpayer or by an entity of which the taxpayer
54 is a partner or shareholder. 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 shall be allowed its pro-rata share of the credit

1 allowed for the partnership, limited liability company or subchapter S
2 corporation. No cost or expense paid or incurred that is included as
3 part of the calculation of this credit shall be the basis of any other
4 tax credit allowed under this chapter.

5 (b) Eligibility. To be eligible to claim the newspaper and broadcast
6 media jobs tax credit the eligible businesses owned by the taxpayer or
7 by an entity of which the taxpayer is a partner or shareholder shall
8 have been issued a certificate of tax credit by the department of
9 economic development pursuant to article twenty-seven of the economic
10 development law, which certificate or certificates shall set forth the
11 amount of the credit that may be claimed for the taxable year. The
12 taxpayer shall be allowed to claim only the amount or amounts listed on
13 the certificate or certificates of tax credit issued to eligible busi-
14 nesses owned by the taxpayer or by an entity of which the taxpayer is a
15 partner or shareholder for that taxable year.

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

20 § 5. This act shall take effect immediately and apply to taxable years
21 beginning on or after January 1, 2025.

22

PART K

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

26 (b) Allocation of credit. The aggregate amount of tax credits allowed
27 under this section, subdivision fifty-five of section two hundred ten-B
28 and subsection (nnn) of section six hundred six of this chapter in any
29 taxable year shall be five million dollars. Such credit shall be allo-
30 cated by the department of economic development in order of priority
31 based upon the date of filing an application for allocation of digital
32 gaming media production credit with such office. If the total amount of
33 allocated credits applied for in any particular year exceeds the aggre-
34 gate amount of tax credits allowed for such year under this section,
35 such excess shall be treated as having been applied for on the first day
36 of the subsequent taxable year. Provided, however, that for taxable
37 years beginning on or after January first, two thousand twenty-three, if
38 the total amount of allocated credits applied for in any particular year
39 is less than the aggregate amount of tax credits allowed for such year
40 under this section, any unused portion may be carried over and added to
41 the aggregate amount of credits allowed in the next succeeding taxable
42 year or years.

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

44 (1) "Qualified digital gaming media production" means: (i) a website,
45 the digital media production costs of which are paid or incurred predo-
46 minately in connection with (A) video simulation, animation, text,
47 audio, graphics or similar gaming related property embodied in digital
48 format, and (B) interactive features of digital gaming (e.g., links,
49 message boards, communities or content manipulation); (ii) video or
50 interactive games produced primarily for distribution over the internet,
51 wireless network or successors thereto; and (iii) animation, simulation
52 or embedded graphics digital gaming related software intended for
53 commercial distribution regardless of medium; provided, however, that
54 the qualified digital game development media productions described in

1 subparagraphs (i) through (iii) of this paragraph must have digital
2 media production costs equal to or in excess of [~~one hundred~~] fifty
3 thousand dollars per production. A qualified digital gaming media
4 production does not include a website, video, interactive game or soft-
5 ware that is used predominately for: electronic commerce (retail or
6 wholesale purposes other than the sale of video interactive games),
7 gambling (including activities regulated by a New York gaming agency),
8 or political advocacy purposes.

9 (2) "Digital gaming media production costs" means any costs for wages
10 or salaries paid to individuals, other than actors or writers, directly
11 employed for services performed by those individuals directly and
12 predominantly in the creation of a digital gaming media production or
13 productions. Up to [~~one~~] two hundred thousand dollars in wages and sala-
14 ries paid to such employees, other than actors and writers, directly
15 employed shall be used in the calculation of this credit. Digital gaming
16 media production costs include but shall not be limited to payments for
17 services performed directly and predominantly in the development
18 (including concept and prototype creation), design (including narrative
19 direction and sound design), production (including [~~concept creation~~]
20 testing and encoding), [~~design, production (including testing), editing~~
21 ~~(including encoding)~~] editing (including bug fixing) and compositing
22 (including the integration of digital files for interaction by end
23 users) of digital gaming media. Digital gaming media production costs
24 shall not include expenses incurred for the distribution, marketing,
25 promotion, or advertising content generated by end users, other costs
26 not directly [~~and predominantly~~] related to the creation, production or
27 modification of digital gaming media or costs used by the taxpayer as a
28 basis of the calculation of any other tax credit allowed under this
29 chapter. In addition, [~~salaries or other income distribution~~] wages
30 related to the creation of digital gaming media for any person who
31 predominantly serves in a corporate capacity in the role of chief execu-
32 tive officer, chief financial officer, president, treasurer or similar
33 corporate position shall not be included as digital gaming media
34 production costs if the digital gaming media production entity has more
35 [~~then~~] than ten employees. [~~Salaries or other income~~] Wages paid to a
36 person serving in such a role for the digital gaming media production
37 entity shall also not be included if the person was employed by a
38 related person of the digital gaming media production entity within
39 sixty months of the date the digital gaming media production entity
40 applied for the tax credit certificate described in subdivision (d) of
41 this section. For purposes of the preceding sentence, a related person
42 shall have the same meaning as the term "related person" in section four
43 hundred sixty-five of the internal revenue code. Furthermore, any income
44 or other distribution to any individual including, but not limited to,
45 licensing or royalty fees, who holds an ownership interest in a digital
46 gaming media production entity, whether or not such individual is serv-
47 ing in the role of chief executive officer, chief financial officer,
48 president, treasurer or similar position for such an entity, shall not
49 be included as digital gaming media production costs. Up to [~~four~~] five
50 million dollars in qualified digital gaming media production costs per
51 production shall be used in the calculation of this credit. Digital
52 gaming media production costs shall not include those costs used by the
53 taxpayer or another taxpayer as the basis calculation of any other tax
54 credit allowed under this chapter.

55 (3) "Qualified digital gaming media production costs" means digital
56 gaming media production costs only to the extent such costs are attrib-

1 utable to the use of property or the performance of services by any
2 persons within the state directly and predominantly in the creation,
3 production or modification of digital gaming related media. Such total
4 production costs incurred and paid in this state shall be equal to or
5 exceed [~~seventy-five~~] fifty-one percent of total cost of an eligible
6 production incurred and paid within and without this state.

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

10 § 2. This act shall take effect immediately.

11

PART L

12 Section 1. Section 6 of subpart B of part PP of chapter 59 of the laws
13 of 2021 amending the tax law and the state finance law relating to
14 establishing the New York city musical and theatrical production tax
15 credit and establishing the New York state council on the arts cultural
16 program fund, as amended by section 1 of subpart E of part I of chapter
17 59 of the laws of 2023, is amended to read as follows:

18 § 6. This act shall take effect immediately; provided however, that
19 sections one, two, three and four of this act shall apply to taxable
20 years beginning on or after January 1, 2021, and before January 1,
21 [~~2026~~] 2028 and shall expire and be deemed repealed January 1, [~~2026~~]
22 2028; provided further, however that the obligations under paragraph 3
23 of subdivision (g) of section 24-c of the tax law, as added by section
24 one of this act, shall remain in effect until December 31, [~~2027~~] 2029.

25 § 2. Subparagraph (i) of paragraph 5 of subdivision (b) of section
26 24-c of the tax law, as amended by section 3 of subpart E of part I of
27 chapter 59 of the laws of 2023, is amended to read as follows:

28 (i) "The credit period of a qualified New York city musical and theat-
29 rical production company" is the period starting on the production start
30 date and ending on the earlier of the date the qualified musical and
31 theatrical production has expended sufficient qualified production
32 expenditures to reach its credit cap, September thirtieth, two thousand
33 [~~twenty-five~~] twenty-seven or the date the qualified musical and theat-
34 rical production closes.

35 § 3. Subdivision (c) of section 24-c of the tax law, as amended by
36 section 4 of subpart E of part I of chapter 59 of the laws of 2023, is
37 amended to read as follows:

38 (c) The credit shall be allowed for the taxable year beginning on or
39 after January first, two thousand twenty-one but before January first,
40 two thousand [~~twenty-six~~] twenty-eight. A qualified New York city
41 musical and theatrical production company shall claim the credit in the
42 year in which its credit period ends.

43 § 4. Subdivision (f) of section 24-c of the tax law, as added by
44 section 1 of subpart B of part PP of chapter 59 of the laws of 2021,
45 paragraphs 1 and 2 as amended by section 5 of subpart E of part I of
46 chapter 59 of the laws of 2023, is amended to read as follows:

47 (f) Maximum amount of credits. (1) The aggregate amount of tax cred-
48 its allowed under this section, subdivision fifty-seven of section two
49 hundred ten-B and subsection (mmm) of section six hundred six of this
50 chapter shall be [~~three~~] four hundred million dollars. Such aggregate
51 amount of credits shall be allocated by the department of economic
52 development among taxpayers based on the date of first performance of
53 the qualified musical and theatrical production.

1 (2) The commissioner of economic development, after consulting with
2 the commissioner, shall promulgate regulations to establish procedures
3 for the allocation of tax credits as required by this section. Such
4 rules and regulations shall include provisions describing the applica-
5 tion process, the due dates for such applications, the standards that
6 will be used to evaluate the applications, the documentation that will
7 be provided by applicants to substantiate to the department the amount
8 of qualified production expenditures of such applicants, and such other
9 provisions as deemed necessary and appropriate. Notwithstanding any
10 other provisions to the contrary in the state administrative procedure
11 act, such rules and regulations may be adopted on an emergency basis. In
12 no event shall a qualified New York city musical and theatrical
13 production submit an application for this program after June thirtieth,
14 two thousand [~~twenty-five~~] twenty-seven.

15 § 5. This act shall take effect immediately; provided, however, that
16 the amendments to section 24-c of the tax law, made by sections two,
17 three and four of this act, shall not affect the repeal of such section
18 and shall be deemed to be repealed therewith.

19

PART M

20 Section 1. Section 35 of the tax law, as added by section 12 of part U
21 of chapter 61 of the laws of 2011, is amended to read as follows:

22 § 35. Use of electronic means of communication. Notwithstanding any
23 other provision of New York state law, where the department has obtained
24 authorization of an online services account holder, in such form as may
25 be prescribed by the commissioner, the department may use electronic
26 means of communication to furnish any document it is required to mail
27 per law or regulation. If the department furnishes such document in
28 accordance with this section, department records of such transaction
29 shall constitute appropriate and sufficient proof of delivery thereof
30 and be admissible in any action or proceeding. Provided, however, that
31 if a taxpayer uses a department system to access taxpayer information,
32 including, but not limited to, notices, documents and account balance
33 information, that is not an electronic communication furnished in lieu
34 of mailing in accordance with this section, such accessed information
35 shall not give the taxpayer the right to a hearing in the division of
36 tax appeals, unless the right to protest such information is expressly
37 authorized by this chapter or another provision of law.

38 § 2. Subdivision 1 of section 2008 of the tax law, as amended by
39 section 3 of subpart C of part V-1 of chapter 57 of the laws of 2009, is
40 amended to read as follows:

41 1. All proceedings in the division of tax appeals shall be commenced
42 by the filing of a petition with the division of tax appeals protesting
43 any written notice of the division of taxation, including any electronic
44 notice provided in accordance with section thirty-five of this chapter,
45 which has advised the petitioner of a tax deficiency, a determination of
46 tax due, a denial of a refund or credit application, a cancellation,
47 revocation or suspension of a license, permit or registration, a denial
48 of an application for a license, permit or registration or any other
49 notice which expressly gives a person the right to a hearing in the
50 division of tax appeals under this chapter or other law. Provided,
51 however, that any written communications of the division of taxation
52 that advise a taxpayer of a past-due tax liability, as defined in
53 section one hundred seventy-one-v of this chapter, shall not give a
54 person the right to a hearing in the division of tax appeals.

1 § 3. This act shall take effect immediately.

2 PART N

3 Section 1. Section 6 of the tax law, as added by chapter 765 of the
4 laws of 1985, is amended to read as follows:

5 § 6. Filing of electronic warrants and warrant-related records in the
6 department of state. [~~Wherever under the provisions~~] 1. Notwithstanding
7 any provision of this chapter or a [warrant is required to] related
8 statute to the contrary, all warrants and warrant-related records issued
9 by the department shall be filed electronically by the department in the
10 department of state [~~in order to create a lien on personal property such~~
11 ~~requirement shall be satisfied if there is filed a record of the fact of~~
12 ~~the issuance of such warrant, including the name of the person on the~~
13 ~~basis of whose tax liability the warrant is issued, the last known~~
14 ~~address of such person, and the amount of such tax liability, including~~
15 ~~penalties and interest~~]. No fee shall be required to be paid for such
16 [~~filing of such warrant or such record~~] filings. [~~The term "filed" in~~
17 ~~such provisions shall mean presentation to the department of state, for~~
18 ~~filing, of such warrant or such record.~~] On the date of the electronic
19 filing of a warrant, as confirmed by the department of state pursuant to
20 subdivision five of this section:

21 (a) the amount of the tax stated in the warrant shall become a lien
22 upon the title to and interest in all real, personal or other property
23 located in New York state, owned by the person or persons named in the
24 warrant. The lien so created shall:

25 (i) attach to all real property and rights to real property located in
26 New York state that is owned by the person or persons named in the
27 warrant at any time during the period of the lien, including any real
28 property or rights to real property located in New York state that is
29 acquired by such person or persons after the lien arises; and

30 (ii) apply to all personal or other property and rights to personal or
31 other property located in New York state that is owned by the person or
32 persons named in the warrant at any time during the period of the lien,
33 including any personal or other property or rights to personal or other
34 property located in New York state that is acquired by such person or
35 persons after the lien arises; and

36 (b) the commissioner shall, in the right of the people of the state of
37 New York, be deemed to have obtained a judgment against the person or
38 persons named in the warrant for the amount of the tax stated in the
39 warrant.

40 2. Enforcement of a judgment obtained pursuant to subdivision one of
41 this section shall be as prescribed in article fifty-two of the civil
42 practice law and rules.

43 3. A written or electronic copy of any electronic warrant or warrant-
44 related record filed in the department of state shall be filed by the
45 department in the office of the clerk of the county named in the warrant
46 or warrant-related record.

47 4. Notwithstanding any provision of this chapter or a related statute
48 to the contrary, all warrant-related records issued by the department
49 that are authorized by applicable laws, including, but not limited to,
50 warrant satisfactions, vacatur, amendments and expirations, and any
51 warrant-related record issued by the department on or after July first,
52 two thousand twenty-five that pertains to a warrant filed prior to July
53 first, two thousand twenty-five, shall be filed electronically by the
54 department in the department of state. No fee shall be required to be

1 paid for such filings. A written or electronic copy of the electronic
2 warrant-related record filed in the department of state shall be filed
3 by the department in the office of the clerk of the county named in the
4 warrant-related record.

5 5. The department shall file warrants and warrant-related records
6 electronically with the department of state. The department of state
7 shall provide electronic notice to the department confirming the date of
8 filing of the warrants and warrant-related records. The department of
9 state shall also make information regarding the warrants and warrant-re-
10 lated records, including the date of filing, available to the public and
11 searchable by the name of the person or persons listed in the tax
12 warrant. Upon request of the commissioner, the department of state shall
13 certify that a warrant or warrant-related record has been filed and the
14 date of such filing.

15 6. Notwithstanding any other provision of this chapter concerning the
16 place of filing of a tax warrant and the creation thereby of a tax lien
17 and judgment, the provisions of this section shall govern such matters
18 for purposes of any taxes imposed by or pursuant to this chapter.

19 § 2. Subdivision 1 of section 174-a of the tax law, as added by chap-
20 ter 176 of the laws of 1997, is amended to read as follows:

21 1. General rule. Notwithstanding any provision of law to the contrary,
22 the provisions of the civil practice law and rules relating to the dura-
23 tion of a lien of a docketed judgment in and upon real property of a
24 judgment debtor, and the extension of any such lien, shall apply to any
25 warrant or other warrant-related document electronically filed on behalf
26 of the commissioner against a taxpayer with the [~~clerk of a county wher-~~
27 ~~ein such taxpayer owns or has an interest in real property~~] department
28 of state, whether such warrant is being enforced by a sheriff or an
29 officer or employee of the department.

30 § 3. Section 175 of the tax law, as amended by chapter 170 of the laws
31 of 1994, is amended to read as follows:

32 § 175. Manner of execution of instruments by the commissioner.
33 Notwithstanding any other provision of law, whenever a statute author-
34 izes or requires the commissioner to execute an instrument, such instru-
35 ment shall be executed by having the name or title of the commissioner
36 appear on such instrument and, underneath such name or title, such
37 instrument shall be signed by the commissioner or by a deputy tax
38 commissioner or by the secretary to such commissioner[~~, and the~~]. An
39 electronic signature may be used in lieu of a signature affixed by hand
40 pursuant to article three of the state technology law. The seal of such
41 commissioner [~~shall~~] may be affixed or [~~shall~~] appear on such instrument
42 as a facsimile which is engraved, printed or reproduced in any other
43 manner. No acknowledgment of the execution of any such instrument shall
44 be necessary for the purpose of the recordation thereof or for any other
45 purpose.

46 § 4. This act shall take effect July 1, 2025 and shall apply to
47 warrants and warrant-related records pertaining to such warrants filed,
48 or deemed to have been filed, on or after such date; provided, however,
49 that the department of taxation and finance and the department of state
50 are authorized to take any steps necessary to implement this act on or
51 before such effective date.

1 Section 1. Paragraph (b-1) of subdivision 3 of section 425 of the real
2 property tax law, as amended by section 1 of part RR of chapter 59 of
3 the laws of 2019, is amended to read as follows:

4 (b-1) Income. For final assessment rolls to be used for the levy of
5 taxes for the two thousand eleven-two thousand twelve through two thou-
6 sand eighteen-two thousand nineteen school years, the parcel's affil-
7 iated income may be no greater than five hundred thousand dollars, as
8 determined by the commissioner pursuant to subdivision fourteen of this
9 section or section one hundred seventy-one-u of the tax law, in order to
10 be eligible for the basic exemption authorized by this section. Begin-
11 ning with the two thousand nineteen-two thousand twenty school year, for
12 purposes of the exemption authorized by this section, the parcel's
13 affiliated income may be no greater than two hundred fifty thousand
14 dollars, as so determined. As used herein, the term "affiliated income"
15 shall mean the combined income of all of the owners of the parcel who
16 resided primarily thereon on the applicable taxable status date, and of
17 any owners' spouses residing primarily thereon. For exemptions on final
18 assessment rolls to be used for the levy of taxes for the two thousand
19 eleven-two thousand twelve school year, affiliated income shall be
20 determined based upon the parties' incomes for the income tax year
21 ending in two thousand nine. In each subsequent school year, the appli-
22 cable income tax year shall be advanced by one year. The term "income"
23 as used herein shall have the same meaning as in subdivision four of
24 this section, and the provisions of clause (B) of subparagraph (ii) of
25 paragraph (b) of subdivision four of this section shall be equally
26 applicable to the basic exemption.

27 § 2. Paragraph (a) of subdivision 4 of section 425 of the real proper-
28 ty tax law, as amended by section 4 of part A of chapter 405 of the laws
29 of 1999 and subparagraph (i) as amended by section 2 of part E of chap-
30 ter 83 of the laws of 2002, is amended to read as follows:

31 (a) Age. (i) [~~All~~] At least one of the owners who resides primarily on
32 the property must be [~~at least~~] sixty-five years of age or older as of
33 the date specified herein [~~, or in the case of property owned by husband~~
34 ~~and wife or by siblings, one of the owners must be at least sixty-five~~
35 ~~years of age as of that date and the property must serve as the primary~~
36 ~~residence of that owner~~]. For the two thousand--two thousand one school
37 year, eligibility for the exemption shall be based upon age as of Decem-
38 ber thirty-first, two thousand. For each subsequent school year, the
39 applicable date shall be advanced by one year.

40 (ii) [~~The term "siblings" as used herein shall have the same meaning~~
41 ~~as set forth in section four hundred sixty seven of this article.~~

42 (iii)] In the case of property owned by [~~husband and wife, one of~~
43 ~~whom~~] a married couple, if only one of the spouses is sixty-five years
44 of age or over, the exemption, once granted, shall not be rescinded
45 solely because of the death of the older spouse so long as the surviving
46 spouse is at least sixty-two years of age as of the date specified in
47 this paragraph.

48 § 3. The opening paragraph of subparagraph (i) of paragraph (b) of
49 subdivision 4 of section 425 of the real property tax law, as amended by
50 section 3 of part E of chapter 83 of the laws of 2002, is amended to
51 read as follows:

52 The combined income of all of the owners who primarily reside on the
53 property, and of any owners' spouses primarily residing on the [~~prem-~~
54 ~~ises~~] property, may not exceed the applicable income standard specified
55 herein.

1 § 4. Subparagraph (ii) of paragraph (b) of subdivision 4 of section
2 425 of the real property tax law, as amended by section 1 of part B of
3 chapter 59 of the laws of 2018, is amended to read as follows:

4 (ii) The term "income" as used herein shall mean the "adjusted gross
5 income" for federal income tax purposes as reported on the applicant's
6 federal or state income tax return for the applicable income tax year,
7 subject to any subsequent amendments or revisions, reduced by distrib-
8 utions, to the extent included in federal adjusted gross income,
9 received from an individual retirement account and an individual retire-
10 ment annuity; provided that if no such return was filed for the applica-
11 ble income tax year, "income" shall mean the [~~adjusted gross income~~
12 amount that would have been so reported if such a return had been filed.
13 Provided further, that [~~effective~~]:

14 (A) Effective with exemption applications for final assessment rolls
15 to be completed in two thousand nineteen, where an income-eligibility
16 determination is wholly or partly based upon the income of one or more
17 individuals who did not file a return for the applicable income tax
18 year, then in order for the application to be considered complete, each
19 such individual must file a statement with the department showing the
20 source or sources of [~~his or her~~] such individual's income for that
21 income tax year, and the amount or amounts thereof, that would have been
22 reported on such a return if one had been filed. Such statement shall be
23 filed at such time, and in such form and manner, as may be prescribed by
24 the department, and shall be subject to the secrecy provisions of the
25 tax law to the same extent that a personal income tax return would be.
26 The department shall make such forms and instructions available for the
27 filing of such statements. The local assessor shall upon the request of
28 a taxpayer assist such taxpayer in the filing of the statement with the
29 department.

30 (B) Notwithstanding the foregoing provisions of this subparagraph,
31 where property is owned solely by a person or persons who received the
32 exemption for three consecutive years without having filed returns for
33 the applicable income tax years, but who demonstrated their eligibility
34 for the exemption to the commissioner's satisfaction by filing state-
35 ments pursuant to clause (A) of this subparagraph, such person or
36 persons shall be presumed to satisfy the applicable income-eligibility
37 requirements each year thereafter and shall not be required to continue
38 to file such statements in the absence of a specific request therefor
39 from the commissioner. Nothing contained herein shall be construed to
40 prevent the commissioner from denying an exemption pursuant to this
41 section when the commissioner determines that a property owner has a
42 source of income that renders that owner ineligible for that exemption.

43 § 5. Clauses (C) and (D) of subparagraph (iv) of paragraph (b) of
44 subdivision 4 of section 425 of the real property tax law are REPEALED
45 and a new clause (C) is added to read as follows:

46 (C) When the commissioner determines that property is ineligible for a
47 STAR exemption, notice of such determination and an opportunity for
48 review thereof shall be provided in the manner set forth in subdivision
49 four-b of this section.

50 § 6. Section 425 of the real property tax law is amended by adding a
51 new subdivision 4-b to read as follows:

52 4-b. Authority of the commissioner in relation to eligibility determi-
53 nations. (a) (i) Notwithstanding any provision of this section to the
54 contrary, it shall be the responsibility of the commissioner to deter-
55 mine eligibility for the basic and enhanced STAR exemptions authorized
56 by this section, in consultation with local assessors as necessary.

1 (ii) The commissioner's eligibility determinations shall be based upon
2 data the commissioner has obtained from local assessment rolls, personal
3 income tax returns, the STAR registration program, the STAR income
4 verification program and such other data sources as may be available to
5 the commissioner.

6 (iii) The process followed by the commissioner to verify eligibility
7 for the basic and enhanced STAR exemptions shall be the same, except to
8 the extent that differences are required by law.

9 (b) If the commissioner should determine that a parcel that has a
10 basic STAR exemption is eligible for an enhanced STAR exemption, the
11 commissioner shall so notify the assessor. The assessor shall thereupon
12 grant the parcel an enhanced STAR exemption without requesting a new
13 application from the owner.

14 (c) If the commissioner determines that property is not eligible for a
15 STAR exemption it has been receiving, the provisions of this subdivision
16 shall be applicable.

17 (i) The commissioner shall provide the property owners with notice and
18 an opportunity to show the commissioner that the property is eligible to
19 receive the exemption. If the owners fail to respond to such notice
20 within forty-five days from the mailing thereof, or if their response
21 does not show to the commissioner's satisfaction that the property is
22 eligible for the exemption, the commissioner shall direct the assessor
23 or other person having custody or control of the assessment roll or tax
24 roll to remove or deny the exemption, and to correct the roll according-
25 ly. Such a directive shall be binding upon the assessor or other person
26 having custody or control of the assessment roll or tax roll, and shall
27 be implemented by such person without the need for further documentation
28 or approval.

29 (ii) Neither an assessor nor a board of assessment review has the
30 authority to consider an objection to the removal or denial of an
31 exemption pursuant to this subdivision, nor may such an action be
32 reviewed in a proceeding to review an assessment pursuant to title one
33 or one-A of article seven of this chapter. Such an action may only be
34 challenged before the department of taxation and finance. If a taxpayer
35 is dissatisfied with the department's final determination, the taxpayer
36 may appeal that determination to the state board of real property tax
37 services in a form and manner to be prescribed by the commissioner. Such
38 appeal shall be filed within forty-five days from the issuance of the
39 department's final determination. If dissatisfied with the state board
40 of real property tax services' determination, the taxpayer may seek
41 judicial review thereof pursuant to article seventy-eight of the civil
42 practice law and rules. The taxpayer shall otherwise have no right to
43 challenge such final determination in a court action, administrative
44 proceeding or any other form of legal recourse against the commissioner,
45 the department of taxation and finance, the state board of real property
46 tax services, the assessor or other person having custody or control of
47 the assessment roll or tax roll regarding such action.

48 § 7. The section heading of section 171-u of the tax law, as added by
49 section 2 of part FF of chapter 57 of the laws of 2010, is amended to
50 read as follows:

51 Verification of [~~income~~] eligibility for [~~basic~~] STAR exemption.

52 § 8. Subdivisions 1, 2, 3 and 4 of section 171-u of the tax law are
53 REPEALED, subdivision 5 is renumbered subdivision 2, and a new subdivi-
54 sion 1 is added to read as follows:

1 (1) The commissioner shall verify the eligibility of properties for
2 STAR exemptions in the manner provided by section four hundred twenty-
3 five of the real property tax law.

4 § 9. Subparagraphs (B) and (E) of paragraph 1 of subsection (eee) of
5 section 606 of the tax law, subparagraph (B) as amended by section 10 of
6 part B of chapter 59 of the laws of 2018 and subparagraph (E) as amended
7 by section 2 of part H of chapter 59 of the laws of 2017, are amended to
8 read as follows:

9 (B) (i) "Affiliated income" shall mean [~~for purposes of the basic STAR~~
10 ~~credit,~~] the combined income of all of the owners of the parcel who
11 resided primarily thereon as of [~~December thirty-first~~] July first of
12 the taxable year, and of any owners' spouses residing primarily thereon
13 as of such date[, ~~and for purposes of the enhanced STAR credit, the~~
14 ~~combined income of all of the owners of the parcel as of December thir-~~
15 ~~ty-first of the taxable year, and of any owners' spouses residing prima-~~
16 ~~rily thereon as of such date, provided that for both purposes]; provided
17 that the income to be so combined shall be the "adjusted gross income"
18 for the taxable year as reported for federal income tax purposes, or
19 that would be reported as adjusted gross income if a federal income tax
20 return were required to be filed, reduced by distributions, to the
21 extent included in federal adjusted gross income, received from an indi-
22 vidual retirement account and an individual retirement annuity.~~

23 (ii) For taxable years beginning on and after January first, two thou-
24 sand nineteen, where an income-eligibility determination is wholly or
25 partly based upon the income of one or more individuals who did not file
26 a return pursuant to section six hundred fifty-one of this article for
27 the applicable income tax year, then in order to be eligible for the
28 credit authorized by this subsection, each such individual must file a
29 statement with the department showing the source or sources of [~~his or~~
30 ~~her~~] such individual's income for that income tax year, and the amount
31 or amounts thereof, that would have been reported on such a return if
32 one had been filed. Such statement shall be filed at such time, and in
33 such form and manner, as may be prescribed by the department, and shall
34 be subject to the provisions of section six hundred ninety-seven of this
35 article to the same extent that a return would be. The department shall
36 make such forms and instructions available for the filing of such state-
37 ments. The local assessor shall upon the request of a taxpayer assist
38 such taxpayer in the filing of the statement with the department.
39 [~~Provided further, that if the qualified taxpayer was an owner of the~~
40 ~~property during the taxable year but did not own it on December thirty-~~
41 ~~first of the taxable year, then the determination as to whether the~~
42 ~~income of an individual should be included in "affiliated income" shall~~
43 ~~be based upon the ownership and/or residency status of that individual~~
44 ~~as of the first day of the month during which the qualified taxpayer~~
45 ~~ceased to be an owner of the property, rather than as of December thir-~~
46 ~~ty-first of the taxable year.]~~

47 (iii) Notwithstanding the foregoing provisions of this subparagraph,
48 where property is owned solely by a person or persons who received the
49 credit for three consecutive years without having filed returns for the
50 applicable income tax years, but who demonstrated their eligibility for
51 the credit to the commissioner's satisfaction by filing statements
52 pursuant to clause (ii) of this subparagraph, such person or persons
53 shall be presumed to satisfy the applicable income-eligibility require-
54 ments each year thereafter and shall not be required to continue to file
55 such statements in the absence of a specific request therefor from the
56 commissioner. Nothing contained herein shall be construed to prevent the

1 commissioner from denying a credit pursuant to this subsection when the
2 commissioner determines that a property owner has a source of income
3 that renders that owner temporarily or permanently ineligible for that
4 credit.

5 (E) "Qualifying taxes" means the school district taxes that were or
6 are to be levied upon the taxpayer's primary residence for the associ-
7 ated fiscal year [~~that were actually paid by the taxpayer during the~~
8 ~~taxable year~~]; or, in the case of a city school district that is subject
9 to article fifty-two of the education law, the combined city and school
10 district taxes that were or are to be levied upon the taxpayer's primary
11 residence for the associated fiscal year [~~that were actually paid by the~~
12 ~~taxpayer during the taxable year~~]. Provided, however, that in the case
13 of a cooperative apartment, "qualifying taxes" means the school district
14 taxes that would have been levied upon the tenant-stockholder's primary
15 residence if it were separately assessed, as determined by the commis-
16 sioner based on the statement provided by the assessor pursuant to
17 subparagraph (ii) of paragraph (k) of subdivision two of section four
18 hundred twenty-five of the real property tax law, or in the case of a
19 cooperative apartment corporation that is described in subparagraph (iv)
20 of paragraph (k) of subdivision two of section four hundred twenty-five
21 of the real property tax law, one third of such amount. In no case shall
22 the term "qualifying taxes" be construed to include penalties or inter-
23 est.

24 § 10. Paragraph 2 of subsection (eee) of section 606 of the tax law is
25 REPEALED.

26 § 11. The opening paragraph and clause (i) of subparagraph (A) of
27 paragraph 4 of subsection (eee) of section 606 of the tax law, as
28 amended by section 8 of part A of chapter 73 of the laws of 2016, are
29 amended to read as follows:

30 Beginning with taxable years after two thousand [~~fifteen~~] twenty-four,
31 an enhanced STAR credit shall be available to a qualified taxpayer where
32 both of the following conditions are satisfied:

33 (i) [~~All~~] At least one of the owners of the parcel that serves as the
34 taxpayer's primary residence [~~are~~] is at least sixty-five years of age
35 as of December thirty-first of the taxable year [~~or, in the case of~~
36 ~~property owned by a married couple or by siblings, at least one of the~~
37 ~~owners is at least sixty-five years of age as of that date. The terms~~
38 ~~"siblings" as used herein shall have the same meaning as set forth in~~
39 ~~section four hundred sixty-seven of the real property tax law~~]. In the
40 case of property owned by a married couple, [~~one of whom~~] if only one of
41 the spouses is sixty-five years of age or over, the credit, once
42 allowed, shall not be disallowed because of the death of the older
43 spouse so long as the surviving spouse is at least sixty-two years of
44 age as of December thirty-first of the taxable year.

45 § 12. Subsection (eee) of section 606 of the tax law is amended by
46 adding a new paragraph 14 to read as follows:

47 (14) The process employed by the commissioner in verifying eligibility
48 for the basic STAR credit shall be the same as for the enhanced STAR
49 credit, except to the extent that differences are required by law.

50 § 13. This act shall take effect immediately; provided, however, that
51 sections two, three, five, six, seven, eight, eleven and twelve of this
52 act shall take effect January 1, 2026; and the amendments to clause (i)
53 of subparagraph (B) of paragraph 1 of subsection (eee) of section 606 of
54 the tax law made by section nine of this act shall take effect January
55 1, 2026.

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PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Section 1. Subdivision (a) of section 213-a of the tax law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

(a) Requirement of declaration.--Every taxpayer subject to the tax imposed by section two hundred nine of this [~~chapter~~] article shall make a declaration of its estimated tax for the current privilege period, containing such information as the commissioner of taxation and finance may prescribe by regulations or instructions, if such estimated tax can reasonably be expected to exceed one thousand dollars for taxable years beginning before January first, two thousand twenty-six, or five thousand dollars for taxable years beginning on or after January first, two thousand twenty-six. If a taxpayer is subject to the tax surcharge imposed under section two hundred nine-B of this article and such taxpayer's estimated tax under section two hundred nine of this article can reasonably be expected to exceed one thousand dollars for taxable years beginning before January first, two thousand twenty-six, or five thousand dollars for taxable years beginning on or after January first, two thousand twenty-six, such taxpayer shall also make a declaration of its estimated tax surcharge for the current privilege period.

§ 2. Subdivision (a) of section 213-b of the tax law, as amended by section 4 of part Z of chapter 59 of the laws of 2019, is amended to read as follows:

(a) First installments for certain taxpayers.--In privilege periods of twelve months ending at any time during the calendar year nineteen hundred seventy and thereafter, every taxpayer subject to the tax imposed by section two hundred nine of this [~~chapter~~] article must pay with the report required to be filed for the preceding privilege period, or with an application for extension of the time for filing the report, for taxable years beginning before January first, two thousand sixteen, and must pay on or before the fifteenth day of the third month of such privilege periods, for taxable years beginning on or after January first, two thousand sixteen, an amount equal to (i) twenty-five percent of the second preceding year's tax if the second preceding year's tax exceeded one thousand dollars for taxable years beginning before January first, two thousand twenty-six, or five thousand dollars for taxable years beginning on or after January first, two thousand twenty-six, but was equal to or less than one hundred thousand dollars, or (ii) forty percent of the second preceding year's tax if the second preceding year's tax exceeded one hundred thousand dollars. If the second preceding year's tax under section two hundred nine of this [~~chapter~~] article exceeded one thousand dollars for taxable years beginning before January first, two thousand twenty-six, or five thousand dollars for taxable years beginning on or after January first, two thousand twenty-six, and the taxpayer is subject to the tax surcharge imposed by section two hundred nine-B of this [~~chapter~~] article, the taxpayer must also pay

1 with the tax surcharge report required to be filed for the second
2 preceding privilege period, or with an application for extension of the
3 time for filing the report, for taxable years beginning before January
4 first, two thousand sixteen, and must pay on or before the fifteenth day
5 of the third month of such privilege periods, for taxable years begin-
6 ning on or after January first, two thousand sixteen, an amount equal to
7 (i) twenty-five percent of the tax surcharge imposed for the second
8 preceding year if the second preceding year's tax was equal to or less
9 than one hundred thousand dollars, or (ii) forty percent of the tax
10 surcharge imposed for the second preceding year if the second preceding
11 year's tax exceeded one hundred thousand dollars. Provided, however,
12 that every taxpayer that is a New York S corporation must pay with the
13 report required to be filed for the preceding privilege period, or with
14 an application for extension of the time for filing the report, an
15 amount equal to (i) twenty-five percent of the preceding year's tax if
16 the preceding year's tax exceeded one thousand dollars for taxable years
17 beginning before January first, two thousand twenty-six, or five thou-
18 sand dollars for taxable years beginning on or after January first, two
19 thousand twenty-six, but was equal to or less than one hundred thousand
20 dollars, or (ii) forty percent of the preceding year's tax if the
21 preceding year's tax exceeded one hundred thousand dollars.
22 § 3. This act shall take effect immediately.

23

PART S

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

26 (ttt) Organ donation credit. (1) For taxable years beginning on or
27 after January first, two thousand twenty-five, a full-year resident
28 taxpayer who, while living, donates one or more of their human organs to
29 another human being for human organ transplantation will be allowed a
30 credit against the taxes imposed by this article in the amount specified
31 in paragraph two of this subsection. For purposes of this paragraph,
32 "human organ" means all or part of a liver, pancreas, kidney, intestine,
33 lung, or bone marrow.

34 (2) A taxpayer may claim the credit allowed under this subsection only
35 once and in the taxable year in which the human organ transplantation
36 occurs. Such credit may be claimed, in an amount not to exceed ten thou-
37 sand dollars, for only the following unreimbursed expenses that are
38 incurred by the taxpayer and related to the taxpayer's organ donation:

39 (A) travel expenses;

40 (B) lodging expenses; and

41 (C) lost wages.

42 Provided, however, that this credit shall not apply to any organ
43 donation for which the taxpayer has received benefits under section
44 forty-three hundred seventy-one of the public health law.

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

50 § 2. Paragraph 38 of subsection (c) of section 612 of the tax law, as
51 added by chapter 565 of the laws of 2006, the opening paragraph as
52 amended by chapter 814 of the laws of 2022, is amended to read as
53 follows:

1 (38) [~~An~~] For taxable years beginning before January first, two thou-
2 sand twenty-five, an amount of up to ten thousand dollars if a taxpayer,
3 while living, donates one or more of [~~his or her~~] the taxpayer's human
4 organs to another human being for human organ transplantation. For
5 purposes of this paragraph, "human organ" means all or part of a liver,
6 pancreas, kidney, intestine, lung, or bone marrow. A subtract modifica-
7 tion allowed under this paragraph shall be claimed in the taxable year
8 in which the human organ transplantation occurs. Provided, however, that
9 this deduction shall not apply to any donation for which the taxpayer
10 has received benefits under section forty-three hundred seventy-one of
11 the public health law.

12 (A) A taxpayer shall claim the subtract modification allowed under
13 this paragraph only once and such subtract modification shall be claimed
14 for only the following unreimbursed expenses which are incurred by the
15 taxpayer and related to the taxpayer's organ donation:

- 16 (i) travel expenses;
17 (ii) lodging expenses; and
18 (iii) lost wages.

19 (B) The subtract modification allowed under this paragraph shall not
20 be claimed by a part-year resident or a non-resident of this state.

21 § 3. This act shall take effect immediately.

22

PART T

23 Section 1. Paragraph 3 of subsection (a) of section 954 of the tax
24 law, as amended by section 1 of part F of chapter 59 of the laws of
25 2019, is amended to read as follows:

26 (3) Increased by the amount of any taxable gift under section 2503 of
27 the internal revenue code not otherwise included in the decedent's
28 federal gross estate, made during the three year period ending on the
29 decedent's date of death, but not including any gift made: (A) when the
30 decedent was not a resident of New York state; or (B) before April
31 first, two thousand fourteen; or (C) between January first, two thousand
32 nineteen and January fifteenth, two thousand nineteen; or (D) that is
33 real or tangible personal property having an actual situs outside New
34 York state at the time the gift was made. Provided, however that this
35 paragraph shall not apply to the estate of a decedent dying on or after
36 January first, two thousand [~~twenty-six,~~] thirty-two. The amount by
37 which the total tax imposed under this article exceeds the total tax
38 that would have been imposed under this article if this paragraph did
39 not apply shall be treated as an obligation of the decedent as of the
40 decedent's death that is subject to the provisions of this article (but
41 which shall not be deductible for purposes of this article).

42 § 2. This act shall take effect immediately.

43

PART U

44 Section 1. Paragraphs (c) and (d) of subdivision 12 of section 210-B
45 of the tax law, as added by section 17 of part A of chapter 59 of the
46 laws of 2014, are amended to read as follows:

47 (c) Amount of credit. Except as provided in paragraph (d) of this
48 subdivision, the amount of credit for taxable years beginning before
49 January first, two thousand twenty-five shall be thirty-five percent of
50 the first six thousand dollars in qualified first-year wages earned by
51 each qualified employee and for taxable years beginning on or after
52 January first, two thousand twenty-five shall be the first five thousand

1 dollars in qualified first-year wages earned by each qualified employee.
2 "Qualified first-year wages" means wages paid or incurred by the taxpay-
3 er during the taxable year to qualified employees which are attribut-
4 able, with respect to any such employee, to services rendered during the
5 one-year period beginning with the day the employee begins work for the
6 taxpayer.

7 (d) Credit where federal work opportunity tax credit applies. With
8 respect to any qualified employee whose qualified first-year wages under
9 paragraph (c) of this subdivision also constitute qualified first-year
10 wages for purposes of the work opportunity tax credit for vocational
11 rehabilitation referrals under section fifty-one of the internal revenue
12 code, the amount of credit under this subdivision for taxable years
13 beginning before January first, two thousand twenty-five shall be thir-
14 ty-five percent of the first six thousand dollars in qualified second-
15 year wages earned by each such employee and for taxable years beginning
16 on or after January first, two thousand twenty-five shall be the first
17 five thousand dollars in qualified second-year wages earned by each
18 qualified employee. "Qualified second-year wages" means wages paid or
19 incurred by the taxpayer during the taxable year to qualified employees
20 which are attributable, with respect to any such employee, to services
21 rendered during the one-year period beginning one year after the employ-
22 ee begins work for the taxpayer.

23 § 2. Paragraphs 3 and 4 of subsection (o) of section 606 of the tax
24 law, as added by chapter 142 of the laws of 1997, are amended to read as
25 follows:

26 (3) Amount of credit. Except as provided in paragraph four of this
27 subsection, the amount of credit for taxable years beginning before
28 January first, two thousand twenty-five shall be thirty-five percent of
29 the first six thousand dollars in qualified first-year wages earned by
30 each qualified employee and for taxable years beginning on or after
31 January first, two thousand twenty-five shall be the first five thousand
32 dollars in qualified first-year wages earned by each qualified employee.
33 "Qualified first-year wages" means wages paid or incurred by the taxpay-
34 er during the taxable year to qualified employees which are attribut-
35 able, with respect to any such employee, to services rendered during the
36 one-year period beginning with the day the employee begins work for the
37 taxpayer.

38 (4) Credit where federal work opportunity tax credit applies. With
39 respect to any qualified employee whose qualified first-year wages under
40 paragraph three of this subsection also constitute qualified first-year
41 wages for purposes of the work opportunity tax credit for vocational
42 rehabilitation referrals under section fifty-one of the internal revenue
43 code, the amount of credit under this subsection shall be for taxable
44 years beginning before January first, two thousand twenty-five thirty-
45 five percent of the first six thousand dollars in qualified second-year
46 wages earned by each such employee and for taxable years beginning on or
47 after January first, two thousand twenty-five shall be the first five
48 thousand dollars in qualified second-year wages earned by each qualified
49 employee. "Qualified second-year wages" means wages paid or incurred by
50 the taxpayer during the taxable year to qualified employees which are
51 attributable, with respect to any such employee, to services rendered
52 during the one-year period beginning one year after the employee begins
53 work for the taxpayer.

54 § 3. This act shall take effect immediately.

1 Section 1. This Part enacts into law major components of legislation
2 relating to the reporting of federal partnership audit adjustments. Each
3 component is wholly contained within a Subpart identified as Subpart A
4 and Subpart B. The effective date for each particular provision
5 contained within such Subpart is set forth in the last section of such
6 Subpart. Any provision in any section contained within a Subpart,
7 including the effective date of the Subpart, which makes a reference to
8 a 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 Subpart in which it is found. Section three of this Part
11 sets forth the general effective date of this Part.

12

SUBPART A

13 Section 1. Subdivision 3 of section 211 of the tax law, as amended by
14 section 19 of part A of chapter 59 of the laws of 2014, is amended to
15 read as follows:

16 3. If the amount of taxable income for any year of any taxpayer
17 (including any taxpayer which has elected to be taxed under subchapter s
18 of chapter one of the internal revenue code), as returned to the United
19 States treasury department is changed or corrected by the commissioner
20 of internal revenue or other officer of the United States or other
21 competent authority, or where a renegotiation of a contract or subcon-
22 tract with the United States results in a change in taxable income, such
23 taxpayer shall report such changed or corrected taxable income, or the
24 results of such renegotiation, within ninety days (or one hundred twenty
25 days, in the case of a taxpayer making a combined report under this
26 article for such year) after the final determination of such change or
27 correction or renegotiation, or as required by the commissioner, and
28 shall concede the accuracy of such determination or state wherein it is
29 erroneous. Provided however, if the taxpayer is a direct or indirect
30 partner of a partnership required to report adjustments in accordance
31 with section six hundred fifty-nine-a of this chapter, such taxpayer
32 shall also report such adjustments in accordance with section six
33 hundred fifty-nine-a of this chapter. The allowance of a tentative
34 carryback adjustment based upon a net operating loss carryback or net
35 capital loss carryback pursuant to section sixty-four hundred eleven of
36 the internal revenue code, as amended, shall be treated as a final
37 determination for purposes of this subdivision. Any taxpayer filing an
38 amended return with such department shall also file within ninety days
39 (or one hundred twenty days, in the case of a taxpayer making a combined
40 report under this article for such year) thereafter an amended report
41 with the commissioner.

42 § 2. Subsection (b) of section 653 of the tax law, as added by chapter
43 563 of the laws of 1960, is amended to read as follows:

44 (b) Partnerships. Any return, statement or other document required of
45 a partnership shall be signed by one or more partners. The fact that a
46 partner's name is signed to a return, statement, or other document,
47 shall be prima facie evidence for all purposes that such partner is
48 authorized to sign on behalf of the partnership.

49 (1) If a partnership is required to report federal adjustments arising
50 from a partnership level audit or an administrative adjustment request
51 pursuant to section six hundred fifty-nine-a of this part, the partner-
52 ship's federal partnership representative is the New York partnership
53 representative unless the partnership designates, in a manner determined

1 by the commissioner, that another person shall act on behalf of the
2 partnership.

3 (2) The New York partnership representative shall have the sole
4 authority to act on behalf of the partnership and its direct and indi-
5 rect partners shall be bound by these actions.

6 § 3. Section 659 of the tax law, as amended by section 8 of part J of
7 chapter 59 of the laws of 2014, is amended to read as follows:

8 § 659. Report of federal changes, corrections or disallowances. If the
9 amount of a taxpayer's federal taxable income, total taxable amount or
10 ordinary income portion of a lump sum distribution or includible gain of
11 a trust reported on [~~his~~] their federal income tax return for any taxa-
12 ble year, or the amount of a taxpayer's earned income credit or credit
13 for employment-related expenses set forth on such return, or the amount
14 of any federal foreign tax credit affecting the calculation of the cred-
15 it for Canadian provincial taxes under section six hundred twenty or six
16 hundred twenty-A of this article, or the amount of any claim of right
17 adjustment, is changed or corrected by the United States internal reven-
18 ue service or other competent authority or as the result of a renegoti-
19 ation of a contract or subcontract with the United States, or the amount
20 an employer is required to deduct and withhold from wages for federal
21 income tax withholding purposes is changed or corrected by such service
22 or authority or if a taxpayer's claim for credit or refund of federal
23 income tax is disallowed in whole or in part, the taxpayer or employer
24 shall report such change or correction or disallowance within ninety
25 days after the final determination of such change, correction, renegoti-
26 ation or disallowance, or as otherwise required by the commissioner, and
27 shall concede the accuracy of such determination or state wherein it is
28 erroneous. Provided, however, if the taxpayer is a direct or indirect
29 partner of a partnership required to report adjustments in accordance
30 with section six hundred fifty-nine-a of this part, such taxpayer shall
31 also report such adjustments in accordance with section six hundred
32 fifty-nine-a of this part. The allowance of a tentative carryback
33 adjustment based upon a net operating loss carryback pursuant to section
34 sixty-four hundred eleven of the internal revenue code shall be treated
35 as a final determination for purposes of this section. Any taxpayer
36 filing an amended federal income tax return and any employer filing an
37 amended federal return of income tax withheld shall also file within
38 ninety days thereafter an amended return under this article, and shall
39 give such information as the commissioner may require. The commissioner
40 may by regulation prescribe such exceptions to the requirements of this
41 section as [~~he or she deems~~] they deem appropriate. For purposes of this
42 section, (i) the term "taxpayer" shall include a partnership having a
43 resident partner or having any income derived from New York sources, and
44 a corporation with respect to which the taxable year of such change,
45 correction, disallowance or amendment is a year with respect to which
46 the election provided for in subsection (a) of section six hundred sixty
47 of this article is in effect, and (ii) the term "federal income tax
48 return" shall include the returns of income required under sections six
49 thousand thirty-one and six thousand thirty-seven of the internal reven-
50 ue code. In the case of such a corporation, such report shall also
51 include any change or correction of the taxes described in paragraphs
52 two and three of subsection (f) of section thirteen hundred sixty-six of
53 the internal revenue code. Reports made under this section by a partner-
54 ship or corporation shall indicate the portion of the change in each
55 item of income, gain, loss or deduction (and, in the case of a corpo-
56 ration, of each change in, or disallowance of a claim for credit or

1 refund of, a tax referred to in the preceding sentence) allocable to
2 each partner or shareholder and shall set forth such identifying infor-
3 mation with respect to such partner or shareholder as may be prescribed
4 by the commissioner.

5 § 4. The tax law is amended by adding a new section 659-a to read as
6 follows:

7 § 659-a. Reporting of federal partnership adjustments. (a) If any
8 item required to be shown on a federal partnership return, for any part-
9 nership that has a resident partner or any income derived from New York
10 sources, including any gross income, gain, loss, deduction, penalty,
11 credit, or tax for any year of such partnership, including any amount of
12 any partner's distributive share, is changed or corrected by the commis-
13 sioner of internal revenue or other officer of the United States or
14 other competent authority, and the partnership is issued an adjustment
15 under section sixty-two hundred twenty-five of the internal revenue code
16 or makes a federal election for alternative payment with the internal
17 revenue service as part of a partnership level audit, or files an admin-
18 istrative adjustment request, the partnership shall report, in the
19 manner prescribed by the commissioner, each change or correction in
20 sufficient detail to allow for the computation of the New York tax
21 change or correction for the reviewed year within ninety days after the
22 date of each final federal determination, or ninety days after the
23 filing of an administrative adjustment request.

24 (b) Definitions. As used in this section, the following terms shall
25 have the following meanings:

26 (1) "Administrative adjustment request" means an administrative
27 adjustment request filed by a partnership under section sixty-two
28 hundred twenty-seven of the internal revenue code.

29 (2) "Direct partner" means a partner that holds an interest directly
30 in an impacted partnership during the reviewed year.

31 (3) "Federal election for alternative payment" means the election
32 described in section sixty-two hundred twenty-six of the internal reven-
33 ue code, relating to alternative payment of imputed underpayment by
34 partnership.

35 (4) "Final federal adjustment" means a change to an item of gross
36 income, gain, loss, deduction, penalty, credit, or a partner's distribu-
37 tive share, of an impacted partnership determined under section sixty-
38 two hundred twenty-five of the internal revenue code that is considered
39 fixed and final under the internal revenue code.

40 (5) "Final federal determination date" means the date on which each
41 adjustment or resolution resulting from an internal revenue service
42 examination is assessed pursuant to section sixty-two hundred three of
43 the internal revenue code.

44 (6) "Impacted partnership" means a partnership that (i) was issued a
45 final federal adjustment; or (ii) made a federal election for alterna-
46 tive payment with the internal revenue service as part of a federal
47 partnership level audit; or (iii) filed an administrative adjustment
48 request with the internal revenue service.

49 (7) "Indirect partner" means a partner, member, or shareholder in a
50 partnership or other pass-through entity that itself held an interest
51 indirectly, or through another indirect partner, in an impacted partne-
52 ship during the reviewed year.

53 (8) "New York election for alternative payment" means the election
54 described in paragraph three of subsection (d) of this section, relating
55 to payment by the impacted partnership in lieu of taxes owed by its
56 direct and indirect partners.

1 (9) "Reviewed year" has the meaning provided in paragraph one of
2 subsection (d) of section sixty-two hundred twenty-five of the internal
3 revenue code.

4 (10) "Tiered partner" means any partner in an impacted partnership
5 where such partner is a partnership, S corporation, or other pass-
6 through entity for New York tax purposes.

7 (c) Reporting adjustments to federal taxable income. Where partner-
8 ships and partners were required to report final federal adjustments or
9 administrative adjustment requests for federal purposes by taking such
10 adjustments into account on a timely filed amended federal income tax
11 return for the reviewed year, such partnerships and partners shall
12 report and pay any New York tax owed under article nine-A, twenty-two,
13 thirty-three, or any law authorized by article thirty of this chapter in
14 the same manner for the reviewed year. Such partnerships and partners
15 shall report final federal adjustments arising from an audit or other
16 action by the internal revenue service or reported by the taxpayer on a
17 timely filed amended federal income tax return, including a return or
18 other similar report filed pursuant to section sixty-two hundred twen-
19 ty-five of the internal revenue code, or federal claim for refund by
20 filing a federal adjustments report and, if applicable, such partner-
21 ships and partners shall pay the additional tax due no later than one
22 hundred eighty days after the final determination date.

23 (d) Reporting federal adjustments pursuant to a partnership level
24 audit and administrative adjustment request. Except for adjustments
25 required to be reported under subsection (c) of this section, partner-
26 ships and partners shall report final federal adjustments arising from a
27 partnership level audit or an administrative adjustment request and make
28 payments as required under this subsection in the year of adjustment.

29 (1) Unless a de minimis exception applies, impacted partnerships
30 must report any final federal adjustments and administrative adjustment
31 requests regardless of tax impact. Such report must include the
32 impacted partnership's direct and indirect partner identifying informa-
33 tion and any other information the commissioner may require.

34 (2) Except for those subject to a properly made election for alterna-
35 tive payment under paragraph three of this subsection, any changes or
36 corrections made by the internal revenue service pursuant to such a
37 final federal adjustment or as a result of an administrative adjustment
38 request must be reported by the impacted partnership as follows:

39 (A) No later than ninety days after the final determination date, the
40 partnership shall:

41 (i) file a completed federal adjustments report, including any infor-
42 mation as required by the commissioner;

43 (ii) notify each of its direct partners of their distributive share of
44 the final federal adjustment, including any information required by the
45 commissioner;

46 (iii) file an amended return as required under paragraph one of
47 subsection (c) of section six hundred fifty-eight and section six
48 hundred fifty-nine of this article for the reviewed year;

49 (iv) file an amended group return if the partnership originally filed
50 a group return, and remit the additional amount that would have been due
51 under subsection (c) of section six hundred fifty-eight of this article
52 had the final federal adjustments been properly reported originally as
53 required; and

54 (v) remit any additional amounts that would have been due under para-
55 graph four of subsection (c) of section six hundred fifty-eight of this

1 article had the final federal adjustments been properly originally
2 reported as required.

3 (B) No later than one hundred eighty days after the final determi-
4 nation date, each direct partner of an impacted partnership that is
5 taxed under article nine-A, twenty-two, thirty-three, or any law author-
6 ized by article thirty of this chapter, other than a direct partner that
7 is included on a group return under clause (iv) of subparagraph (A) of
8 this paragraph, shall:

9 (i) file a federal adjustments report reporting their distributive
10 share of the adjustments reported to them by the impacted partnership
11 under clause (ii) of subparagraph (A) of this paragraph; and

12 (ii) remit any additional amount of tax due, plus any penalty and
13 interest computed under this article based on the due date of the
14 originally filed return for the reviewed year, less any credit for
15 amounts paid or withheld and remitted on behalf of the direct partner.

16 (3) New York election for alternative payment by the partnership. An
17 impacted partnership making an election under this subsection shall:

18 (A) no later than ninety days after the final determination date, file
19 a completed federal adjustments report, including any information as
20 required by the commissioner, and provide notice, in the manner required
21 by the commissioner, that it is making the election under this
22 subsection.

23 (B) no later than one hundred eighty days after the final determi-
24 nation date, pay an amount, in lieu of taxes owed by its direct and
25 indirect partners. Such amount shall be determined based on the sum of
26 the following:

27 (i) for direct partners subject to tax pursuant to article nine-A or
28 thirty-three of this chapter in the reviewed year, the partner's
29 distributive share of gross income or gain and deduction apportioned to
30 New York using the apportionment rules described in article nine-A of
31 this chapter multiplied by the highest tax rate under such article
32 nine-A in effect for the reviewed year; and

33 (ii) for a direct partner subject to tax under this article that is
34 treated as a nonresident pursuant to paragraph two of subsection (b) of
35 section six hundred five of this article in the reviewed year, the part-
36 ner's distributive share of gross income or gain and deduction allocated
37 to New York using the allocation rules described in this article multi-
38 plied by the highest tax rate under this article in effect for the
39 reviewed year; and

40 (iii) for a direct partner subject to tax under this article that is
41 treated as a resident pursuant to paragraph one of subsection (b) of
42 section six hundred five of this article in the reviewed year, the part-
43 ner's distributive share of gross income or gain and deduction multi-
44 plied by the highest tax rate under this article in effect for the
45 reviewed year; and

46 (iv) for a direct partner subject to tax under article thirty of this
47 chapter that is treated as a resident pursuant to subsection (a) of
48 section thirteen hundred five of this chapter in the reviewed year, the
49 amount described in clause (iii) of this subparagraph and the partner's
50 distributive share of gross income or gain and deduction multiplied by
51 the highest tax rate under section thirteen hundred four of this chapter
52 in effect for the reviewed year; and

53 (v) for tiered partners, include the sum of:

54 (I) the amount of gross income, gain or deduction from the adjustment
55 that would ultimately flow to a taxpayer subject to tax under article
56 nine-A or thirty-three of this chapter in the reviewed year apportioned

1 to New York using the apportionment rules described in article nine-A of
2 this chapter multiplied by the highest tax rate under such article
3 nine-A in effect for the reviewed year; and

4 (II) the amount of gross income, gain or deduction from the adjustment
5 that would ultimately flow to a taxpayer subject to tax under this arti-
6 cle and treated as a nonresident pursuant to paragraph two of subsection
7 (b) of section six hundred five of this article in the reviewed year
8 allocated to New York using the allocation rules described in this arti-
9 cle multiplied by the highest tax rate under this article in effect for
10 the reviewed year; and

11 (III) the amount of gross income, gain or deduction from the adjust-
12 ment that would ultimately flow to a taxpayer subject to tax under this
13 article and treated as a resident pursuant to paragraph one of
14 subsection (b) of section six hundred five of this article in the
15 reviewed year multiplied by the highest tax rate under this article in
16 effect for the reviewed year; and

17 (IV) any amount of gross income, gain or deduction from the adjustment
18 that cannot be established to be properly allocable to a taxpayer
19 described in items (I) or (II) of this clause, multiplied by the highest
20 tax rate under this article in effect for the reviewed year; and

21 (vi) any applicable penalty and interest as required by this article.

22 (4) Tiered partners. The direct and indirect partners of an impacted
23 partnership that are tiered partners, and all of the partners of those
24 tiered partners that are subject to tax under article nine-a, twenty-
25 two, thirty-three, or any law authorized by article thirty of this chap-
26 ter, are subject to the reporting and payment requirements of paragraph
27 two of this subsection and the tiered partners are entitled to make the
28 elections provided in paragraphs three and five of this subsection. The
29 tiered partners or their partners shall make all required reports and
30 payments no later than ninety days after the time for filing and
31 furnishing statements to tiered partners and their partners pursuant to
32 section sixty-two hundred twenty-six of the internal revenue code and
33 the regulations thereunder.

34 (5) Modified reporting and payment method. In the manner required by
35 the commissioner, an impacted partnership or tiered partner may enter
36 into an agreement with the commissioner to utilize an alternative
37 reporting and payment method, including applicable time requirements or
38 any other provision of this section, if the impacted partnership or
39 tiered partner demonstrates that the requested method will reasonably
40 provide for the reporting and payment of taxes, penalties, and interest
41 due under the provisions of this section, or if the impacted partnership
42 or tiered partner can show that their direct partners have agreed to
43 allow a refund of the tax to the entity. Application for approval of an
44 alternative reporting and payment method must be made by the impacted
45 partnership or tiered partner within the time for election as provided
46 in paragraph three or four of this subsection, as appropriate.

47 (6) Effect of election by impacted partnership or tiered partner and
48 payment of amount due. (A) The election made pursuant to paragraph
49 three or five of this subsection is irrevocable, unless the commission-
50 er, in their discretion, determines otherwise.

51 (B) If properly reported and paid by the impacted partnership or
52 tiered partner, the amount determined in subparagraph (B) of paragraph
53 three of this subsection, or similarly under an optional election pursu-
54 ant to paragraph five of this subsection, will be treated as a payment
55 in lieu of taxes owed by its direct and indirect partners, to the extent
56 applicable, on the same final federal adjustment. The direct partners or

1 indirect partners may not take any deduction or credit for this amount
2 or claim a refund of such amount. Provided, however, that nothing in
3 this paragraph shall preclude a resident direct partner from claiming a
4 credit against taxes paid to the commissioner pursuant to article twenty-
5 two of this chapter for any amounts paid by the impacted partnership
6 or tiered partner on such resident partner's behalf to another state or
7 local tax jurisdiction in accordance with the provisions of section six
8 hundred twenty of this article.

9 (7) Failure of impacted partnership or tiered partner to report or
10 remit. Nothing in this section shall prevent the commissioner
11 from assessing direct or indirect partners for any taxes due, using the
12 best information available, in the event that an impacted partnership,
13 or a direct or indirect partner of an impacted partnership, fails to
14 timely report or remit any report or additional taxes due required by
15 this section for any reason.

16 (e) De minimis exception. The commissioner shall have the discretion
17 to promulgate regulations to establish a de minimis amount upon which a
18 taxpayer shall not be required to comply with subsections (c) and/or (d)
19 of this section.

20 (f) Estimated tax payments during the course of a federal audit. An
21 impacted partnership may make estimated payments of the tax expected to
22 result from a pending internal revenue service audit, prior to the due
23 date of the federal adjustments report and prior to filing the report
24 with the commissioner. If an impacted partnership makes an estimated
25 payment under this subsection, other than an estimated payment made
26 under paragraph four of subsection (c) of section six hundred fifty-
27 eight of this article, such estimated payment must be accompanied by an
28 irrevocable election under paragraph three of subsection (d) of this
29 section. The estimated tax payments shall be credited against any tax
30 liability ultimately found to be due and will limit the accrual of
31 further statutory interest on such amount. If the estimated tax payments
32 exceed the final tax liability and statutory interest ultimately deter-
33 mined to be due, the taxpayer is entitled to a refund or credit of the
34 excess, provided the taxpayer files a federal adjustments report or
35 claim for refund or credit of tax pursuant to section six hundred eight-
36 y-six of this article, no later than one year following the final deter-
37 mination date.

38 (g) Claims for refund or credits of tax arising from a final federal
39 adjustment. Except for final federal adjustments required to be reported
40 for the year of the adjustment, a taxpayer may file a claim for refund
41 or credit of tax arising from federal adjustments on or before the later
42 of:

43 (1) the expiration of the last day for filing a claim for refund or
44 credit pursuant to section six hundred eighty-seven of this article,
45 including any extensions; or

46 (2) one year from the date a federal adjustment report pursuant to
47 subsection (c) or (d) of this section, as applicable, was due, including
48 any extensions pursuant to subsection (h) of this section.

49 (h) Scope of adjustments and extensions of time. (1) Unless otherwise
50 agreed in writing by the taxpayer and the commissioner, any adjustments
51 by the commissioner or the taxpayer made after the period of limitations
52 for assessment or refund has terminated under article nine-A, twenty-
53 two, thirty-three, or any law authorized by article thirty of this chap-
54 ter, is limited to changes to the taxpayer's tax liability arising from
55 such a final federal adjustment.

56 (2) The time periods provided for in this section may be extended:

1 (A) automatically, upon written notice to the commissioner, by sixty
2 days for an impacted partnership or tiered partner which has ten thou-
3 sand or more direct partners; or

4 (B) by written agreement between the taxpayer and the commissioner.

5 (3) Any extension granted under this subsection for filing a federal
6 adjustments report extends the last day prescribed by law for assessing
7 any additional tax arising from the adjustments to federal taxable
8 income and the period for filing a claim for refund or credit of taxes
9 under article nine-A, twenty-two, thirty-three, or any law authorized by
10 article thirty of this chapter.

11 § 5. Subsection (e) of section 681 of the tax law, as amended by chap-
12 ter 381 of the laws of 1975, paragraph 1 as amended by chapter 28 of the
13 laws of 1987, is amended to read as follows:

14 (e) Exceptions where federal changes, corrections or disallowances are
15 not reported.---

16 (1) If the taxpayer or employer fails to comply with section six
17 hundred fifty-nine or section six hundred fifty-nine-a, instead of the
18 mode and time of assessment provided for in subsection (b) of this
19 section, the [~~tax-commission~~] commissioner may assess a deficiency based
20 upon such federal change, correction or disallowance by mailing to the
21 taxpayer a notice of additional tax due specifying the amount of the
22 deficiency, and such deficiency, together with the interest, additions
23 to tax and penalties stated in such notice, shall be deemed assessed on
24 the date such notice is mailed unless within thirty days after the mail-
25 ing of such notice a report of the federal change, correction or disal-
26 lowance or an amended return, where such return was required by section
27 six hundred fifty-nine or section six hundred fifty-nine-a, is filed
28 accompanied by a statement showing wherein such federal determination
29 and such notice of additional tax due are erroneous.

30 (2) Such notice shall not be considered as a notice of deficiency for
31 the purposes of this section, subsection (f) of section six hundred
32 eighty-seven (limiting credits or refunds after petition to the [~~tax~~
33 ~~commission~~] division of tax appeals), or subsection (b) of section six
34 hundred eighty-nine (authorizing the filing of a petition with the [~~tax~~
35 ~~commission~~] division of tax appeals based on a notice of deficiency),
36 nor shall such assessment or the collection thereof be prohibited by the
37 provisions of subsection (c).

38 (3) If [~~a husband and wife~~] spouses are jointly liable for tax, a
39 notice of additional tax due may be a single joint notice, except that
40 if the [~~tax-commission~~] commissioner has been notified by either spouse
41 that separate residences have been established, then, in lieu of the
42 joint notice, a duplicate original of the joint notice shall be mailed
43 to each spouse at [~~his or her~~] their last known address in or out of
44 this state. If the taxpayer is deceased or under a legal disability, a
45 notice of additional tax due may be mailed to [~~his~~] their last known
46 address in or out of this state, unless the [~~tax-commission~~] commission-
47 er has received notice of the existence of a fiduciary relationship with
48 respect to the taxpayer.

49 § 6. Subsection (a) of section 682 of the tax law, as amended by
50 section 3 of part F of chapter 60 of the laws of 2004, is amended to
51 read as follows:

52 (a) Assessment date.--The amount of tax which a return shows to be
53 due, or the amount of tax which a return would have shown to be due but
54 for a mathematical or clerical error, shall be deemed to be assessed on
55 the date of filing of the return (including any amended return showing
56 an increase of tax). In the case of a return properly filed without

1 computation of tax, the tax computed by the commissioner shall be deemed
2 to be assessed on the date on which payment is due. If a notice of defi-
3 ciency has been mailed, the amount of the deficiency shall be deemed to
4 be assessed on the date specified in subsection (b) of section six
5 hundred eighty-one if no petition to the division of tax appeals is
6 filed, or if a petition is filed, then upon the date when a determi-
7 nation or decision rendered in the division of tax appeals establishing
8 the amount of the deficiency becomes final. If an amended return or
9 report filed pursuant to section six hundred fifty-nine or six hundred
10 fifty-nine-a concedes the accuracy of a federal change or correction,
11 any deficiency in tax under this article resulting therefrom shall be
12 deemed to be assessed on the date of filing such report or amended
13 return, and such assessment shall be timely notwithstanding section six
14 hundred eighty-three. If a notice of additional tax due, as prescribed
15 in subsection (e) of section six hundred eighty-one, has been mailed,
16 the amount of the deficiency shall be deemed to be assessed on the date
17 specified in such subsection unless within thirty days after the mailing
18 of such notice a report of the federal change or correction or an
19 amended return, where such return was required by section six hundred
20 fifty-nine or six hundred fifty-nine-a, is filed accompanied by a state-
21 ment showing wherein such federal determination and such notice of addi-
22 tional tax due are erroneous. Any amount paid as a tax or in respect of
23 a tax, other than amounts withheld at the source or paid as estimated
24 income tax, shall be deemed to be assessed upon the date of receipt of
25 payment, notwithstanding any other provisions.

26 § 7. Paragraphs 1, 2 and 3 of subsection (c) of section 683 of the tax
27 law, paragraph 1 as amended by chapter 526 of the laws of 1973, subpara-
28 graph (C) of paragraph 1 and paragraph 3 as amended by chapter 28 of
29 the laws of 1987 and paragraph 2 as added by chapter 1011 of the laws of
30 1962, are amended to read as follows:

31 (1) Assessment at any time.--The tax may be assessed at any time if--
32 (A) no return is filed,
33 (B) a false or fraudulent return is filed with intent to evade tax, or
34 (C) the taxpayer or employer fails to comply with section six hundred
35 fifty-nine or six hundred fifty-nine-a.

36 (2) Extension by agreement.--Where, before the expiration of the time
37 prescribed in this section for the assessment of tax, both the [~~tax~~
38 ~~commissioner~~] commissioner and the taxpayer have consented in writing to
39 its assessment after such time, the tax may be assessed at any time
40 prior to the expiration of the period agreed upon. The period so agreed
41 upon may be extended by subsequent agreements in writing made before the
42 expiration of the period previously agreed upon.

43 (3) Report of federal changes, corrections or disallowances.--If the
44 taxpayer or employer complies with section six hundred fifty-nine or six
45 hundred fifty-nine-a, the assessment (if not deemed to have been made
46 upon the filing of the report or amended return) may be made at any time
47 within two years after such report or amended return was filed. The
48 amount of such assessment of tax shall not exceed the amount of the
49 increase in New York tax attributable to such federal change or
50 correction. The provisions of this paragraph shall not affect the time
51 within which or the amount for which an assessment may otherwise be
52 made.

53 § 8. Paragraph 2 of subsection (h) of section 685 of the tax law, as
54 amended by section 5 of part I of chapter 59 of the laws of 2014, is
55 amended to read as follows:

1 (2) If any partnership, S corporation, or trust required to file a
2 return or report under subsection (c) or subsection (f) of section six
3 hundred fifty-eight or under section six hundred fifty-nine or six
4 hundred fifty-nine-a of this article for any taxable year fails to file
5 such return or report at the time prescribed therefor (determined with
6 regard to any extension of time for filing), or files a return or report
7 which fails to show the information required under such subsection (c)
8 [~~or~~] of section six hundred fifty-nine of this article, or files a
9 return or report which fails to show the information required under
10 subsection (d) of section six hundred fifty-nine-a of this article,
11 unless it is shown that such failure is due to reasonable cause and not
12 due to willful neglect, there shall, upon notice and demand by the
13 commissioner and in the same manner as tax, be paid by the partnership
14 or S corporation a penalty for each month (or fraction thereof) during
15 which such failure continues (but not to exceed five months). The amount
16 of such penalty for any month is the product of fifty dollars, multi-
17 plied by the number of partners in the partnership or shareholders in
18 the S corporation during any part of the taxable year who were subject
19 to tax under this article during any part of such taxable year, except
20 that, in the case of a trust, the penalty shall be equal to one hundred
21 fifty dollars a month up to a maximum of fifteen hundred dollars per
22 taxable year.

23 § 9. Subsection (c) of section 687 of the tax law, as amended by chap-
24 ter 61 of the laws of 1989, is amended to read as follows:

25 (c) Notice of federal change or correction.--A claim for credit or
26 refund of any overpayment of tax attributable to a federal change or
27 correction required to be reported pursuant to section six hundred
28 fifty-nine or by a partner of a partnership required to report a federal
29 change or correction pursuant to section six hundred fifty-nine-a shall
30 be filed by the taxpayer within two years from the time the notice of
31 such change or correction or such amended return was required to be
32 filed with the commissioner of taxation and finance. If the report or
33 amended return required by section six hundred fifty-nine or six hundred
34 fifty-nine-a is not filed within the ninety day period therein speci-
35 fied, no interest shall be payable on any claim for credit or refund of
36 the overpayment attributable to the federal change or correction. The
37 amount of such credit or refund shall not exceed the amount of the
38 reduction in tax attributable to such federal change, correction or
39 items amended on the taxpayer's amended federal income tax return. This
40 subsection shall not affect the time within which or the amount for
41 which a claim for credit or refund may be filed apart from this
42 subsection.

43 § 10. Subsection (g) of section 688 of the tax law, as amended by
44 chapter 61 of the laws of 1989, is amended to read as follows:

45 (g) Cross-reference.--For provision with respect to interest after
46 failure to file notice of federal change under section six hundred
47 fifty-nine or six hundred fifty-nine-a, see subsection (c) of section
48 six hundred eighty-seven.

49 § 11. Subsection (a) of section 1312 of the tax law, as amended by
50 section 9 of part Q of chapter 407 of the laws of 1999, is amended to
51 read as follows:

52 (a) Except as otherwise provided in this article, any tax imposed
53 pursuant to the authority of this article shall be administered and
54 collected by the commissioner in the same manner as the tax imposed by
55 article twenty-two of this chapter is administered and collected by the
56 commissioner. All of the provisions of article twenty-two of this chap-

1 ter relating to or applicable to payment of estimated tax, returns,
2 payment of tax, claim of right adjustment, withholding of tax from
3 wages, employer's statements and returns, employer's liability for taxes
4 required to be withheld and all other provisions of article twenty-two
5 of this chapter relating to or applicable to the administration,
6 collection, liability for and review of the tax imposed by article twen-
7 ty-two of this chapter, including sections six hundred fifty-two through
8 six hundred fifty-four, sections six hundred fifty-seven through [~~six~~
9 ~~hundred fifty-nine~~] six hundred fifty-nine-a, sections six hundred
10 sixty-one and six hundred sixty-two, sections six hundred seventy-one
11 and six hundred seventy-two, sections six hundred seventy-four through
12 six hundred seventy-eight and sections six hundred eighty-one through
13 six hundred ninety-seven of this chapter, inclusive, shall apply to a
14 tax imposed pursuant to the authority of this article with the same
15 force and effect as if those provisions had been incorporated in full
16 into this article, and had expressly referred to the tax imposed pursu-
17 ant to the authority of this article, except where inconsistent with a
18 provision of this article. Whenever there is joint collection of state
19 and city personal income taxes, it shall be deemed that such collections
20 shall represent proportionately the applicable state and city personal
21 income taxes in determining the amount to be remitted to the city.

22 § 12. Paragraph 1 of subdivision (e) of section 1515 of the tax law,
23 as amended by chapter 770 of the laws of 1992, is amended to read as
24 follows:

25 (1) If the amount of the life insurance company taxable income (which
26 shall include, in the case of a stock life insurance company which has
27 an existing policyholders surplus account, the amount of direct and
28 indirect distributions during the taxable year to shareholders from such
29 account), taxable income of a partnership or taxable income, as the case
30 may be, or alternative minimum taxable income for any year of any
31 taxpayer as returned to the United States treasury department is changed
32 or corrected by the commissioner of internal revenue or other officer of
33 the United States or other competent authority, such taxpayer shall
34 report such change or corrected taxable income or alternative minimum
35 taxable income within ninety days (or one hundred twenty days, in the
36 case of a taxpayer making a combined return under this article for such
37 year) after the final determination of such change or correction or as
38 required by the commissioner, and shall concede the accuracy of such
39 determination or state wherein it is erroneous. Provided, however, if
40 the taxpayer is a direct or indirect partner of a partnership required
41 to report adjustments in accordance with section six hundred
42 fifty-nine-a of this chapter, such taxpayer shall also report such
43 adjustments in accordance with section six hundred fifty-nine-a of this
44 chapter. Any taxpayer filing an amended return with such department
45 shall also file within ninety days (or one hundred twenty days, in the
46 case of a taxpayer making a combined return under this article for such
47 year) thereafter an amended return with the commissioner which shall
48 contain such information as the commissioner shall require. The allow-
49 ance of a tentative carryback adjustment based upon a net operating loss
50 carryback or net capital loss carryback pursuant to section sixty-four
51 hundred eleven of the internal revenue code or upon an operations loss
52 carryback pursuant to section eight hundred ten of the internal revenue
53 code, shall be treated as a final determination for purposes of this
54 subdivision.

55 § 13. This act shall take effect immediately; provided, however, that
56 adjustments to a taxpayer's federal taxable income or tax liability with

1 a final determination date or administrative adjustment request occur-
2 ring prior to the effective date of this act must be reported within one
3 year of such effective date; provided further that no interest shall
4 accrue on adjustments occurring prior to the effective date of this act.

5 SUBPART B

6 Section 1. Section 11-501 of the administrative code of the city of
7 New York is amended by adding four new subdivisions (n), (o), (p) and
8 (q) to read as follows:

9 (n) "Administrative adjustment request" when used in this chapter
10 shall mean a request for an administrative adjustment filed by a part-
11 nership under section sixty-two hundred twenty-seven of the internal
12 revenue code.

13 (o) "Alternative adjustment action" when used in this chapter shall
14 mean (i) a final federal adjustment; (ii) a federal election for alter-
15 native payment; or (iii) the filing of an administrative adjustment
16 request.

17 (p) "Federal election for alternative payment" when used in this chap-
18 ter shall mean the election described in section sixty-two hundred twen-
19 ty-six of the internal revenue code, relating to alternative payment of
20 imputed underpayment by a partnership.

21 (q) "Final federal adjustment" when used in this chapter shall mean a
22 change to an item of gross income, gain, loss, deduction, penalty, cred-
23 it or a partner's distributive share, of a partnership that is deter-
24 mined under section sixty-two hundred twenty-five of the internal reven-
25 ue code that is considered fixed and final under the internal revenue
26 code.

27 § 2. Section 11-519 of the administrative code of the city of New York
28 is amended to read as follows:

29 § 11-519 Report of change in federal or New York state taxable income.
30 (a) If the amount of a taxpayer's federal or New York state taxable
31 income reported on [~~his or her~~] such taxpayer's federal or New York
32 state income tax for any taxable year is changed or corrected by the
33 United States internal revenue service or the New York state tax commis-
34 sion or other competent authority, or as the result of a renegotiation
35 of a contract or subcontract with the United States or the state of New
36 York, or if a taxpayer, pursuant to subsection (d) of section sixty-two
37 hundred thirteen of the internal revenue code, executes a notice of
38 waiver of the restrictions provided in subsection (a) of said section,
39 or if a taxpayer, pursuant to subsection (f) of section six hundred
40 eighty-one of the tax law, executes a notice or waiver of the
41 restrictions provided in subsection (c) of such section of the tax law,
42 the taxpayer shall report such change or correction in federal or New
43 York state taxable income or such execution of such notice of waiver and
44 the changes or corrections of the taxpayer's federal or New York state
45 taxable income on which it is based, within ninety days after the final
46 determination of such change, correction, or renegotiation, or such
47 execution of such notice of waiver, or as otherwise required by the
48 commissioner of finance, and shall concede the accuracy of such determi-
49 nation or state wherein it is erroneous. Any taxpayer filing an amended
50 federal or New York state income tax return shall also file within nine-
51 ty days thereafter an amended return under this chapter, and shall give
52 such information as the commissioner of finance may require.

53 (b) A taxpayer that is a partner in a partnership that is required to
54 report a change or correction in its federal or New York state taxable

1 income pursuant to subdivision (a) of this section shall report its
2 distributive share of such change or correction as if such change or
3 correction was made directly to such taxpayer's federal or New York
4 state taxable income.

5 (c) Any taxpayer subject to an alternative adjustment action, or that
6 is a partner in a partnership subject to an alternative adjustment
7 action, shall report such alternative adjustment action within ninety
8 days after the alternative adjustment action occurs, as applicable,
9 regardless of the tax impact of such action. The commissioner of finance
10 may require such report to be filed electronically. Such report shall
11 include the identity of any partners of such taxpayer, as applicable,
12 and any other information as the commissioner of finance deems necessary
13 in order to determine the impact of such alternative adjustment action.

14 (d) The commissioner of finance may [~~by regulation~~] prescribe such
15 exceptions to the requirements of this section as [~~the~~] such commissioner
16 deems appropriate to facilitate the administration of this section.

17 § 3. Subparagraph (C) of paragraph 1 of subdivision (c) of section
18 11-523 of the administrative code of the city of New York, as amended by
19 chapter 839 of the laws of 1986, is amended to read as follows:

20 (C) the taxpayer fails to comply with section 11-519 of this chapter
21 in not reporting a change or correction increasing or decreasing the
22 taxpayer's federal or New York state taxable income as reported on the
23 taxpayer's federal or New York state income tax return, or the execution
24 of a notice of waiver and the changes or corrections on which it is
25 based, or in not reporting a change or correction which is treated in
26 the same manner as if it were a deficiency for federal or New York state
27 income tax purposes, or in not reporting an alternative adjustment
28 action, or in not filing an amended return, or

29 § 4. Subdivision (c) of section 11-527 of the administrative code of
30 the city of New York, as amended by chapter 241 of the laws of 1989, is
31 amended to read as follows:

32 (c) Notice of change or correction of federal or New York state tax-
33 able income. If a taxpayer is required by section 11-519 of this chapter
34 to report a change or correction in federal or New York state taxable
35 income reported on the taxpayer's federal or New York state income tax
36 return, or to report a change or correction which is treated in the same
37 manner as if it were an overpayment for federal or New York state income
38 tax purposes, or to report an alternative adjustment action, or to file
39 an amended return with the commissioner of finance, claim for credit or
40 refund of any resulting overpayment of tax shall be filed by the taxpay-
41 er within two years from the time the notice of such change or
42 correction, or such report of an alternative adjustment action, or such
43 amended return was required to be filed with the commissioner of
44 finance. If the report or amended return required by section 11-519 of
45 this chapter is not filed within the ninety day period therein speci-
46 fied, no interest shall be payable on any claim for credit or refund of
47 the overpayment attributable to the federal or New York state change or
48 correction. The amount of such credit or refund shall not exceed the
49 amount of the reduction in tax attributable to such federal or New York
50 state change, correction or items amended on the taxpayer's amended
51 federal or New York state income tax return. This subdivision shall not
52 affect the time within which or the amount for which a claim for credit
53 or refund may be filed apart from this subdivision.

54 § 5. Paragraph 4 of subdivision (d) of section 11-529 of the adminis-
55 trative code of the city of New York, as amended by chapter 808 of the
56 laws of 1992, is amended to read as follows:

1 (4) Restriction on further notices of deficiency. If the taxpayer
2 files a petition with the tax appeals tribunal under this section, no
3 notice of deficiency under section 11-521 of this chapter may thereafter
4 be issued by the commissioner of finance for the same taxable year,
5 except in case of fraud or with respect to a change or correction in
6 federal or New York state taxable income or an alternative adjustment
7 action required to be reported under section 11-519 of this chapter or
8 with respect to a state change or correction of sales and compensating
9 use tax liability to be reported under section 11-519.1 of this chapter.

10 § 6. Paragraph 3 of subdivision (e) of section 11-529 of the adminis-
11 trative code of the city of New York, as amended by chapter 808 of the
12 laws of 1992, is amended to read as follows:

13 (3) whether the petitioner is liable for any increase in a deficiency
14 where such increase is asserted initially after a notice of deficiency
15 was mailed and a petition under this section filed, unless such increase
16 in deficiency is the result of a change or correction of federal or New
17 York state taxable income or an alternative adjustment action required
18 to be reported under section 11-519 of this chapter, and of which change
19 [~~or~~], correction, or alternative adjustment action the commissioner of
20 finance had no notice at the time [~~he or she~~] such commissioner mailed
21 the notice of deficiency or unless such increase in deficiency is the
22 result of a change or correction of sales and compensating use tax
23 liability required to be reported under section 11-519.1 of this chap-
24 ter, and of which change or correction the commissioner of finance had
25 no notice at the time [~~he or she~~] such commissioner mailed the notice of
26 deficiency; and

27 § 7. Section 11-601 of the administrative code of the city of New York
28 is amended by adding four new subdivisions 13-a, 13-b, 13-c and 13-d to
29 read as follows:

30 13-a. "Administrative adjustment request" means a request for an
31 administrative adjustment filed by a partnership under section sixty-two
32 hundred twenty-seven of the internal revenue code.

33 13-b. "Alternative adjustment action" means (i) a final federal
34 adjustment; (ii) a federal election for alternative payment; or (iii)
35 the filing of an administrative adjustment request.

36 13-c. "Federal election for alternative payment" means the election
37 described in section sixty-two hundred twenty-six of the internal reven-
38 ue code, relating to alternative payment of imputed underpayment by a
39 partnership.

40 13-d. "Final federal adjustment" means a change to an item of gross
41 income, gain, loss, deduction, penalty, credit or a partner's distribu-
42 tive share, of a partnership that is determined under section sixty-two
43 hundred twenty-five of the internal revenue code that is considered
44 fixed and final under the internal revenue code.

45 § 8. Section 11-605 of the administrative code of the city of New York
46 is amended by adding three new subdivisions 3-a, 3-b and 3-c to read as
47 follows:

48 3-a. A taxpayer that is a partner in a partnership that is required to
49 report a change or correction in its federal or New York state taxable
50 income shall report its distributive share of such change or correction
51 as if such change or correction was made directly to such taxpayer's
52 federal or New York state taxable income, alternative minimum taxable
53 income or other basis of tax and was required to be reported pursuant to
54 this section.

55 3-b. Any taxpayer that is a partner in a partnership subject to an
56 alternative adjustment action shall report such alternative adjustment

1 action, within ninety days after the alternative adjustment action
2 occurs, as applicable, regardless of the tax impact of such action. Such
3 report shall include any other information as the commissioner of
4 finance deems necessary in order to determine the impact of such alter-
5 native adjustment action.

6 3-c. The commissioner of finance may require the reports required
7 pursuant to subdivisions three-a and three-b of this section to be filed
8 electronically and shall establish exceptions from a taxpayer's require-
9 ment to file such reports as the commissioner of finance determines are
10 appropriate to facilitate the administration of such subdivisions.

11 § 9. Section 11-646 of the administrative code of the city of New York
12 is amended by adding three new subdivisions (e-1), (e-2) and (e-3) to
13 read as follows:

14 (e-1) A taxpayer that is a partner in a partnership that is required
15 to report a change or correction in its federal or New York state taxa-
16 ble income shall report its distributive share of such change or
17 correction as if such change or correction was made directly to such
18 taxpayer's federal or New York state taxable income, alternative minimum
19 taxable income or other basis of tax and was required to be reported
20 pursuant to this section.

21 (e-2) Any taxpayer that is a partner in a partnership subject to an
22 alternative adjustment action shall report such alternative adjustment
23 action, within ninety days after the alternative adjustment action
24 occurs, as applicable, regardless of the tax impact of such action. Such
25 report shall include any other information as the commissioner of
26 finance deems necessary in order to determine the impact of such alter-
27 native adjustment action.

28 (e-3) The commissioner of finance may require the reports required by
29 subdivisions (e-1) and (e-2) of this section to be filed electronically
30 and shall establish exceptions from a taxpayer's requirement to file
31 such reports as the commissioner of finance determines are appropriate
32 to facilitate the administration of such subdivisions.

33 § 10. Section 11-655 of the administrative code of the city of New
34 York is amended by adding three new subdivisions 3-a, 3-b and 3-c to
35 read as follows:

36 3-a. A taxpayer that is a partner in a partnership that is required to
37 report a change or correction in its federal or New York state taxable
38 income shall report its distributive share of such change or correction
39 as if such change or correction was made directly to such taxpayer's
40 federal or New York state taxable income or other basis of tax and was
41 required to be reported pursuant to this section.

42 3-b. Any taxpayer that is a partner in a partnership subject to an
43 alternative adjustment action shall report such alternative adjustment
44 action, within ninety days after the alternative adjustment action
45 occurs, as applicable, regardless of the tax impact of such action. Such
46 report shall include any other information as the commissioner of
47 finance deems necessary in order to determine the impact of such alter-
48 native adjustment action.

49 3-c. The commissioner of finance may require the reports required by
50 subdivisions three-a and three-b of this section to be filed electron-
51 ically and shall establish exceptions from a taxpayer's requirement to
52 file such reports as the commissioner of finance determines are appro-
53 priate to facilitate the administration of this subdivision.

54 § 11. Paragraph (a) of subdivision 5 of section 11-672 of the adminis-
55 trative code of the city of New York, as amended by section 8 of part D
56 of chapter 60 of the laws of 2015, is amended to read as follows:

1 (a) If the taxpayer fails to comply with subchapter two, three or
2 three-A of this chapter in not reporting a change or correction or rene-
3 gotiation, or computation or recomputation of tax, increasing or
4 decreasing its federal or New York state taxable income, alternative
5 minimum taxable income or other basis of tax as reported on its federal
6 or New York state income tax return, or in not reporting a change or
7 correction or renegotiation, or computation or recomputation of tax,
8 which is treated in the same manner as if it were a deficiency for
9 federal or New York state income tax purposes, or in not reporting an
10 alternative adjustment action, or in not filing an amended return, or in
11 not reporting the execution of a notice of waiver executed pursuant to
12 subsection (d) of section six thousand two hundred thirteen of the
13 internal revenue code or pursuant to subdivision (f) of section one
14 thousand eighty-one of the tax law, instead of the mode and time of
15 assessment provided for in subdivision two of this section, the commis-
16 sioner of finance may assess a deficiency based upon such increased or
17 decreased federal or New York state taxable income, alternative minimum
18 taxable income or other basis of tax by mailing to the taxpayer a notice
19 of additional tax due specifying the amount of the deficiency, and such
20 deficiency, together with the interest, additions to tax and penalties
21 stated in such notice, shall be deemed assessed on the date such notice
22 is mailed unless within thirty days after the mailing of such notice a
23 report of the federal or New York state change or correction or renego-
24 tiation, or computation or recomputation of tax, or report of an alter-
25 native adjustment action, or an amended return, where such return was
26 required by subchapter two, three or three-A, is filed accompanied by a
27 statement showing wherein such federal or New York state determination
28 and such notice of additional tax due are erroneous.

29 § 12. Subdivision 3 of section 11-678 of the administrative code of
30 the city of New York, as amended by section 16 of part D of chapter 60
31 of the laws of 2015, is amended to read as follows:

32 3. Notice of change or correction of federal or New York state income
33 or other basis of tax. (a) If a taxpayer is required by subchapter two,
34 three or three-A of this chapter to file a report or amended return in
35 respect of [~~(a)~~] (i) a decrease or increase in federal or New York state
36 taxable income, alternative minimum taxable income or other basis of tax
37 or federal or New York state tax, [~~(b)~~] (ii) a federal or New York state
38 change or correction or renegotiation, or computation or recomputation
39 of tax, which is treated in the same manner as if it were an overpayment
40 for federal or New York state income tax purposes, or (iii) an alterna-
41 tive adjustment action, claim for credit or refund of any resulting
42 overpayment of tax shall be filed by the taxpayer within two years from
43 the time such report or amended return was required to be filed with the
44 commissioner of finance. If the report or amended return required by
45 subchapter two, three or three-A of this chapter is not filed within the
46 ninety day period therein specified, no interest shall be payable on any
47 claim for credit or refund of the overpayment attributable to the feder-
48 al or New York state change or correction.

49 (b) The amount of such credit or refund[~~(a)~~
50 ~~(a)~~] shall, (i) for taxable years beginning before January first, two
51 thousand fifteen, be computed without change of the allocation of income
52 or capital upon which the taxpayer's return (or any additional assess-
53 ment) was based, and, (ii) for taxable years beginning on or after Janu-
54 ary first, two thousand fifteen, be computed without change of the allo-
55 cation of income or capital upon which the taxpayer's return (or any
56 additional assessment) was based to the extent that the claim for refund

1 arises from a decrease or increase in federal taxable income or other
2 basis of tax or federal tax, or from a federal change, correction, rene-
3 gotiation, computation or recomputation of tax, which is treated in the
4 same manner as if it were an overpayment for federal income tax
5 purposes[~~, and~~].

6 [~~(d)~~] (c) The amount of such credit or refund shall not exceed the
7 amount of the reduction in tax attributable to such decrease or increase
8 in federal or New York state taxable income, alternative minimum taxable
9 income or other basis of tax or federal or New York state tax or to such
10 federal or New York state change or correction or renegotiation, or
11 computation or recomputation of tax.

12 § 13. Paragraph (d) of subdivision 4 of section 11-680 of the adminis-
13 trative code of the city of New York, as amended by section 18 of part D
14 of chapter 60 of the laws of 2015, is amended to read as follows:

15 (d) Restriction on further notices of deficiency. If the taxpayer
16 files a petition with the tax appeals tribunal under this section, no
17 notice of deficiency under section 11-672 of this subchapter may there-
18 after be issued by the commissioner of finance for the same taxable
19 year, except in case of fraud or with respect to an increase or decrease
20 in federal or New York state taxable income, alternative minimum taxable
21 income or other basis of tax or federal or New York state tax, or a
22 federal or New York state change or correction or renegotiation, or
23 computation or recomputation of tax, which is treated in the same manner
24 as if it were a deficiency for federal or New York state income tax
25 purposes, or an alternative adjustment action, required to be reported
26 under subchapter two, three or three-A of this chapter or with respect
27 to a state change or correction of sales and compensating use tax
28 liability required to be reported under subchapter two or three-A of
29 this chapter.

30 § 14. Paragraph (c) of subdivision 5 of section 11-680 of the adminis-
31 trative code of the city of New York, as amended by section 19 of part D
32 of chapter 60 of the laws of 2015, is amended to read as follows:

33 (c) whether the petitioner is liable for any increase in a deficiency
34 where such increase is asserted initially after a notice of deficiency
35 was mailed and a petition under this section filed, unless such increase
36 in deficiency is the result of an increase or decrease in federal or New
37 York state taxable income, alternative minimum taxable income or other
38 basis of tax or federal or New York state tax, or a federal or New York
39 state change [~~or~~], correction [~~or~~], renegotiation, [~~or~~] computation, or
40 recomputation of tax, which is treated in the same manner as if it were
41 a deficiency for federal or New York state income tax purposes, or an
42 alternative adjustment action, required to be reported under subchapter
43 two, three or three-A of this chapter, and of which increase, decrease,
44 change [~~or~~], correction [~~or~~], renegotiation, [~~or~~] computation [~~or~~],
45 recomputation, or adjustment, the commissioner of finance had no notice
46 at the time [~~he or she~~] such commissioner mailed the notice of deficien-
47 cy or unless such increase in deficiency is the result of a change or
48 correction of sales and compensating use tax liability required to be
49 reported under subchapter two or three-A of this chapter, and of which
50 change or correction the commissioner of finance had no notice at the
51 time [~~he or she~~] such commissioner mailed the notice of deficiency; and

52 § 15. This act shall take effect on the ninetieth day after it shall
53 have become a law; provided, that, notwithstanding section 11-519 of the
54 administrative code of the city of New York, as amended by section two
55 of this act, or subdivision 3-b of section 11-605, subdivision (e-2) of
56 section 11-646, or subdivision 3-b of section 11-655 of such administra-

1 tive code, as added by sections eight, nine and ten of this act, an
 2 alternative adjustment action, as defined by either subdivision (o) of
 3 section 11-501 or subdivision 13-b of section 11-601 of such administra-
 4 tive code, as added by sections one and seven of this act, occurring
 5 prior to such date shall not be required to be reported prior to 270
 6 days after this act takes effect; and for the purposes of this section,
 7 an alternative adjustment action shall be deemed to occur when the
 8 applicable administrative adjustment request, federal election for
 9 alternative payment or final federal adjustment, as such terms are
 10 defined by subdivisions (n), (p) or (q) of section 11-501 and subdivi-
 11 sions 13-a, 13-c, and 13-d of section 11-601 of such administrative
 12 code, as added by sections one and seven of this act, occurs.

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

22 § 3. This act shall take effect immediately, provided, however, that
 23 the applicable effective date of Subparts A and B of this act shall be
 24 as specifically set forth in the last section of such Subparts.

25

PART W

26 Section 1. Section 1310 of the tax law is amended by adding a new
 27 subsection (h) to read as follows:

28 (h) Credit for certain taxpayers with incomes below certain thresh-
 29 olds. (1) Notwithstanding any other provision of law to the contrary,
 30 for taxable years beginning on or after January first, two thousand
 31 twenty-five, a credit shall be allowed to a taxpayer against the tax
 32 imposed pursuant to the authority of this article in an amount equal to
 33 the tax otherwise due under this article for such taxable year, reduced
 34 by all the credits permitted by this article for such taxable year, if:

35 (A) such taxpayer is entitled to a deduction for such taxable year
 36 under subsection (c) of section one hundred fifty-one of the internal
 37 revenue code;

38 (B) such taxpayer meets the following income thresholds for such taxa-
 39 ble year:

40 (i) for city taxpayers who filed a resident income tax return as
 41 married taxpayers filing jointly or a qualified surviving spouse:

42	<u>If the number of</u>	<u>Income no greater than:</u>
43	<u>dependents is:</u>	
44	<u>1</u>	<u>\$36,789</u>
45	<u>2</u>	<u>\$46,350</u>
46	<u>3</u>	<u>\$54,545</u>
47	<u>4</u>	<u>\$61,071</u>
48	<u>5</u>	<u>\$68,403</u>
49	<u>6</u>	<u>\$75,204</u>
50	<u>7 or more</u>	<u>\$91,902</u>

(ii) for city taxpayers who filed a resident income tax return as a single taxpayer, married taxpayer filing a separate return, or head of household:

<u>If the number of dependents is:</u>	<u>Income no greater than:</u>
<u>1</u>	<u>\$31,503</u>
<u>2</u>	<u>\$36,824</u>
<u>3</u>	<u>\$46,512</u>
<u>4</u>	<u>\$53,711</u>
<u>5</u>	<u>\$59,928</u>
<u>6</u>	<u>\$65,712</u>
<u>7</u>	<u>\$74,565</u>
<u>8 or more</u>	<u>\$88,361</u>

(iii) for any taxable year beginning on or after January first, two thousand twenty-six, the commissioner shall multiply the amounts in this subparagraph by one plus the cost-of-living adjustment, which shall be the percentage by which the consumer price index for the preceding calendar year exceeds the consumer price index for calendar year two thousand twenty-four;

(C) such taxpayer is not allowed a credit pursuant to:

(i) subsection (a) of section eight hundred sixty-three of this chapter against the tax imposed pursuant to article twenty-two of this chapter; or

(ii) subsection (a) of section eight hundred seventy of this chapter against the tax imposed pursuant to the authority of article thirty of this chapter; and

(D) such taxpayer does not report disqualified income in excess of ten thousand dollars in the taxable year, as defined in subsection (i) of section thirty-two of the internal revenue code.

(2) Where the income of a taxpayer exceeds the amount indicated in subparagraph (B) of paragraph one of this subsection for such taxpayer by five thousand dollars or less, and such taxpayer satisfies subparagraph (A) and subparagraphs (C) and (D) of paragraph one of this subsection, a credit shall be allowed in the amount determined by multiplying: (A) the tax otherwise due under this article for such taxable year reduced by all the credits permitted by this article for such taxable year by (B) a fraction the numerator of which is five thousand dollars minus the amount by which such income exceeds the amount indicated in subparagraph (B) of paragraph one of this subsection and the denominator of which is five thousand dollars.

(3) For purposes of this subsection:

(A) "Consumer price index" means the most recent consumer price index for all-urban consumers published by the United States department of labor. The consumer price index for any calendar year shall be the average of the consumer price index as of the close of the twelve-month period ending on August thirty-first of such calendar year.

(B) "Income" means federal adjusted gross income for the taxable year.

§ 2. Section 11-1706 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) Credit for certain taxpayers with incomes below certain thresholds. (1) Notwithstanding any other provision of law to the contrary, for any taxable year beginning on or after January first, two thousand twenty-five, a credit shall be allowed to a taxpayer against the taxes

imposed pursuant to the authority of this chapter in an amount equal to the tax otherwise due under this chapter for such taxable year reduced by all the credits permitted by this chapter for such taxable year if:

(A) such taxpayer is entitled to a deduction for such taxable year under subsection (c) of section one hundred fifty-one of the internal revenue code;

(B) such taxpayer meets the following income thresholds for such taxable year:

(i) for city taxpayers who filed a resident income tax return as married taxpayers filing jointly or a qualified surviving spouse:

<u>If the number of dependents is:</u>	<u>Income no greater than:</u>
<u>1</u>	<u>\$36,789</u>
<u>2</u>	<u>\$46,350</u>
<u>3</u>	<u>\$54,545</u>
<u>4</u>	<u>\$61,071</u>
<u>5</u>	<u>\$68,403</u>
<u>6</u>	<u>\$75,204</u>
<u>7 or more</u>	<u>\$91,902</u>

(ii) for city taxpayers who filed a resident income tax return as a single taxpayer, married taxpayer filing a separate return, or head of household:

<u>If the number of dependents is:</u>	<u>Income no greater than:</u>
<u>1</u>	<u>\$31,503</u>
<u>2</u>	<u>\$36,824</u>
<u>3</u>	<u>\$46,512</u>
<u>4</u>	<u>\$53,711</u>
<u>5</u>	<u>\$59,928</u>
<u>6</u>	<u>\$65,712</u>
<u>7</u>	<u>\$74,565</u>
<u>8 or more</u>	<u>\$88,361</u>

(iii) for any taxable year beginning on or after January first, two thousand twenty-six, the commissioner of the state department of taxation and finance shall multiply the amounts in this subparagraph by one plus the cost-of-living adjustment, which shall be the percentage by which the consumer price index for the preceding calendar year exceeds the consumer price index for calendar year two thousand twenty-four;

(C) such taxpayer is not allowed a credit pursuant to: (i) subsection (a) of section eight hundred sixty-three of the tax law against the tax imposed pursuant to article twenty-two of such law; or (ii) subdivision (g) of this section against the tax imposed pursuant to this chapter;

(D) such taxpayer does not report disqualified income in excess of ten thousand dollars in the taxable year, as such term is defined in subsection (i) of section thirty-two of the internal revenue code.

(2) Where the income of a taxpayer exceeds the amount indicated in subparagraph (B) of paragraph one of this subdivision for such taxpayer by five thousand dollars or less, and such taxpayer satisfies subparagraph (A) and subparagraphs (C) and (D) of paragraph one of this subdivision, a credit shall be allowed in the amount determined by multiplying: (A) the tax otherwise due under this article for such taxable year reduced by all the credits permitted by this article for such taxable year by (B) a fraction the numerator of which is five thousand dollars

1 minus the amount by which such income exceeds the amount indicated in
2 subparagraph (B) of paragraph one of this subdivision and the denomina-
3 tor of which is five thousand dollars.

4 (3) For purposes of this subdivision:

5 (A) "Consumer price index" means the most recent consumer price index
6 for all-urban consumers published by the United States department of
7 labor. The consumer price index for any calendar year shall be the
8 average of the consumer price index as of the close of the twelve-month
9 period ending on August thirty-first of such calendar year.

10 (B) "Income" means federal adjusted gross income for a taxable year.

11 § 3. This act shall take effect immediately and shall apply to taxable
12 years beginning on or after January 1, 2025.

13 PART X

14 Intentionally Omitted

15 PART Y

16 Section 1. Paragraph (a) of subdivision 25 of section 210-B of the tax
17 law, as amended by section 1 of part K of chapter 59 of the laws of
18 2022, is amended to read as follows:

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

29 § 2. Paragraph 1 of subsection (mm) of section 606 of the tax law, as
30 amended by section 2 of part K of chapter 59 of the laws of 2022, is
31 amended to read as follows:

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

44 § 3. This act shall take effect immediately.

45 PART Z

46 Section 1. Subdivision 6 of section 187-b of the tax law, as amended
47 by section 1 of part P of chapter 59 of the laws of 2022, is amended to
48 read as follows:

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

4 § 2. Paragraph (f) of subdivision 30 of section 210-B of the tax law,
5 as amended by section 2 of part P of chapter 59 of the laws of 2022, is
6 amended to read as follows:

7 (f) Termination. The credit allowed by paragraph (b) of this subdivi-
8 sion shall not apply in taxable years beginning after December thirty-
9 first, two thousand [~~twenty-five~~] twenty-eight.

10 § 3. Paragraph 6 of subsection (p) of section 606 of the tax law, as
11 amended by section 3 of part P of chapter 59 of the laws of 2022, is
12 amended to read as follows:

13 (6) Termination. The credit allowed by this subsection shall not apply
14 in taxable years beginning after December thirty-first, two thousand
15 [~~twenty-five~~] twenty-eight.

16 § 4. This act shall take effect immediately.

17 PART AA

18 Section 1. Subparagraph (B) of paragraph 1 of subdivision (a) of
19 section 1115 of the tax law, as amended by section 1 of part J of chap-
20 ter 59 of the laws of 2024, is amended to read as follows:

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

29 § 2. This act shall take effect immediately.

30 PART BB

31 Section 1. Subdivision (f) of section 25-b of the labor law, as added
32 by section 2 of part Q of chapter 59 of the laws of 2022, is amended to
33 read as follows:

34 (f) The tax credits provided under this program shall be applicable to
35 taxable periods beginning before January first, two thousand [~~twenty-~~
36 ~~six~~] twenty-nine.

37 § 2. This act shall take effect immediately.

38 PART CC

39 Section 1. Paragraph (a) of subdivision 29 of section 210-B of the
40 tax law, as amended by section 1 of part H of chapter 59 of the laws of
41 2022, is amended to read as follows:

42 (a) Allowance of credit. For taxable years beginning on or after Janu-
43 ary first, two thousand fifteen and before January first, two thousand
44 [~~twenty-six~~] twenty-nine, a taxpayer shall be allowed a credit, to be
45 computed as provided in this subdivision, against the tax imposed by
46 this article, for hiring and employing, for not less than twelve contin-
47 uous and uninterrupted months (hereinafter referred to as the twelve-
48 month period) in a full-time or part-time position, a qualified veteran
49 within the state. The taxpayer may claim the credit in the year in which
50 the qualified veteran completes the twelve-month period of employment by
51 the taxpayer. If the taxpayer claims the credit allowed under this

1 subdivision, the taxpayer may not use the hiring of a qualified veteran
2 that is the basis for this credit in the basis of any other credit
3 allowed under this article.

4 § 2. Subparagraph 2 of paragraph (b) of subdivision 29 of section
5 210-B of the tax law, as amended by section 1 of part H of chapter 59 of
6 the laws of 2022, is amended to read as follows:

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

10 § 3. Paragraph 1 of subsection (a-2) of section 606 of the tax law, as
11 amended by section 2 of part H of chapter 59 of the laws of 2022, is
12 amended to read as follows:

13 (1) Allowance of credit. For taxable years beginning on or after Janu-
14 ary first, two thousand fifteen and before January first, two thousand
15 [~~twenty-six~~] twenty-nine, a taxpayer shall be allowed a credit, to be
16 computed as provided in this subsection, against the tax imposed by this
17 article, for hiring and employing, for not less than twelve continuous
18 and uninterrupted months (hereinafter referred to as the twelve-month
19 period) in a full-time or part-time position, a qualified veteran within
20 the state. The taxpayer may claim the credit in the year in which the
21 qualified veteran completes the twelve-month period of employment by the
22 taxpayer. If the taxpayer claims the credit allowed under this
23 subsection, the taxpayer may not use the hiring of a qualified veteran
24 that is the basis for this credit in the basis of any other credit
25 allowed under this article.

26 § 4. Subparagraph (B) of paragraph 2 of subsection (a-2) of section
27 606 of the tax law, as amended by section 2 of part H of chapter 59 of
28 the laws of 2022, is amended to read as follows:

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

32 § 5. Paragraph 1 of subdivision (g-1) of section 1511 of the tax law,
33 as amended by section 3 of part H of chapter 59 of the laws of 2022, is
34 amended to read as follows:

35 (1) Allowance of credit. For taxable years beginning on or after Janu-
36 ary first, two thousand fifteen and before January first, two thousand
37 [~~twenty-six~~] twenty-nine, a taxpayer shall be allowed a credit, to be
38 computed as provided in this subdivision, against the tax imposed by
39 this article, for hiring and employing, for not less than twelve contin-
40 uous and uninterrupted months (hereinafter referred to as the twelve-
41 month period) in a full-time or part-time position, a qualified veteran
42 within the state. The taxpayer may claim the credit in the year in which
43 the qualified veteran completes the twelve-month period of employment by
44 the taxpayer. If the taxpayer claims the credit allowed under this
45 subdivision, the taxpayer may not use the hiring of a qualified veteran
46 that is the basis for this credit in the basis of any other credit
47 allowed under this article.

48 § 6. Subparagraph (B) of paragraph 2 of subdivision (g-1) of section
49 1511 of the tax law, as amended by section 3 of part H of chapter 59 of
50 the laws of 2022, is amended to read as follows:

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

54 § 7. This act shall take effect immediately.

1 Section 1. Section 5 of part HH of chapter 59 of the laws of 2014,
2 amending the tax law relating to a musical and theatrical production
3 credit, as amended by section 1 of part HH of chapter 59 of the laws of
4 2021, is amended to read as follows:

5 § 5. This act shall take effect immediately, provided that section two
6 of this act shall take effect on January 1, 2015, and shall apply to
7 taxable years beginning on or after January 1, 2015, with respect to
8 "qualified production expenditures" and "transportation expenditures"
9 paid or incurred on or after such effective date, regardless of whether
10 the production of the qualified musical or theatrical production
11 commenced before such date, provided further that this act shall expire
12 and be deemed repealed January 1, [~~2026~~] 2030.

13 § 2. This act shall take effect immediately.

14 PART EE

15 Section 1. Section 2 of part U of chapter 59 of the laws of 2017, amend-
16 ing the tax law, relating to the financial institution data match system
17 for state tax collection purposes, as amended by section 1 of part A of
18 chapter 59 of the laws of 2020, is amended to read as follows:

19 § 2. This act shall take effect immediately and shall expire April 1,
20 [~~2025~~] 2030 when upon such date the provisions of this act shall be
21 deemed repealed.

22 § 2. This act shall take effect immediately.

23 PART FF

24 Section 1. This act enacts into law major components of legislation
25 necessary to implement certain provisions regarding simplifying the
26 pari-mutuel tax rate system. Each component is wholly contained within a
27 Subpart identified as Subparts A through C. The effective date for each
28 particular provision contained within such Subpart is set forth in the
29 last section of such Subpart. Any provision in any section contained
30 within a Subpart, including the effective date of the Subpart, which
31 makes a reference to a section "of this act", when used in connection
32 with that particular component, shall be deemed to mean and refer to the
33 corresponding section of the Subpart in which it is found. Section three
34 of this act sets forth the general effective date of this act.

35 SUBPART A

36 Section 1. The racing, pari-mutuel wagering and breeding law is
37 amended by adding a new section 136 to read as follows:

38 § 136. Pari-mutuel wagering tax. 1. Notwithstanding any law to the
39 contrary, the excise tax imposed on any racing association or corpo-
40 ration or regional off-track betting corporation, authorized to conduct
41 pari-mutuel wagering shall be seven-tenths of one percent (0.7%) of all
42 money wagered through such association or corporation.

43 2. Beginning with state fiscal year two thousand twenty-six, the
44 aggregate amount of the pari-mutuel wagering tax paid by a harness track
45 pursuant to paragraph (b) of subdivision one of this section in a state
46 fiscal year shall not exceed the pari-mutuel wagering tax attributable
47 to live racing handle paid by such harness track in state fiscal year
48 two thousand twenty-four.

1 3. All pari-mutuel wagering taxes shall be collected and remitted in
2 the same manner as such taxes were collected and remitted prior to the
3 enactment of this section.

4 4. Breaks, as defined in sections two hundred thirty-six, two hundred
5 thirty-eight, three hundred eighteen, and four hundred eighteen of this
6 chapter are not permitted, unless required by another jurisdiction
7 pursuant to section nine hundred five of this chapter. All distributions
8 to the holders of winning tickets shall be calculated to the nearest
9 penny.

10 5. Notwithstanding subdivision four of this section, a racetrack may
11 round to the nearest nickel for bets made at the facility, however the
12 breaks must be directed to the retired and rescued thoroughbred horse
13 aftercare fund pursuant to section two hundred nine-n of the tax law if
14 the bet was made on a thoroughbred race, and to the retired and rescued
15 standardbred horse aftercare fund pursuant to section two hundred nine-o
16 of the tax law if the bet was made on a standardbred race.

17 § 2. Section 908 of the racing, pari-mutuel wagering and breeding law
18 is REPEALED.

19 § 3. Section 1011 of the racing, pari-mutuel wagering and breeding
20 law, as amended by chapter 243 of the laws of 2020, is amended to read
21 as follows:

22 § 1011. Certain credit to off-track betting corporations. a. [~~During~~
23 ~~the period that a franchised corporation is simulcasting from a facility~~
24 ~~operated by such franchised corporation in the second zone as defined in~~
25 ~~section two hundred forty-seven of this chapter to a facility operated~~
26 ~~by such franchised corporation pursuant to section one thousand seven of~~
27 ~~this article, any off-track betting corporation operating in a county in~~
28 ~~which such association maintains a racetrack shall receive a credit of~~
29 ~~twenty-five percent of the state taxes due pursuant to section five~~
30 ~~hundred twenty-seven of this chapter on wagers placed on races conducted~~
31 ~~by such association, provided that such corporation has entered into an~~
32 ~~agreement with the employee organization representing the employees of~~
33 ~~such corporation in which it has agreed not to reduce its workforce as a~~
34 ~~result of such simulcasting.~~

35 ~~b.]~~ During the days that a franchised corporation is simulcasting from
36 a racetrack facility operated by such franchised corporation and located
37 in the first zone to a racetrack facility operated by such franchised
38 corporation located wholly within a city of one million or more, one
39 percent of the total wagers placed at such receiving facility shall be
40 paid to such city.

41 [~~e.]~~ b. During the days that a franchised corporation is simulcasting
42 from a facility located wholly within a city in the first zone to a
43 racetrack facility operated by such franchised corporation located
44 partially within a city with a population in excess of one million and
45 partially within a county, one-half percent of the total wagers placed
46 at such receiving facility shall be paid to such city and one-half
47 percent of such wagers shall be paid to such county.

48 § 4. This act shall take effect September 1, 2025.

49 SUBPART B

50 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the
51 racing, pari-mutuel wagering and breeding law, as amended by section 1
52 of part P of chapter 59 of the laws of 2024, is amended to read as
53 follows:

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

55 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
56 1007 of the racing, pari-mutuel wagering and breeding law, as amended by

1 section 2 of part P of chapter 59 of the laws of 2024, is amended to
2 read as follows:

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

15 § 3. The opening paragraph of subdivision 1 of section 1014 of the
16 racing, pari-mutuel wagering and breeding law, as amended by section 3
17 of part P of chapter 59 of the laws of 2024, is amended to read as
18 follows:

19 The provisions of this section shall govern the simulcasting of races
20 conducted at thoroughbred tracks located in another state or country on
21 any day during which a franchised corporation is conducting a race meet-
22 ing in Saratoga county at Saratoga thoroughbred racetrack until June
23 thirtieth, two thousand [~~twenty-five~~] twenty-six and on any day regard-
24 less of whether or not a franchised corporation is conducting a race
25 meeting in Saratoga county at Saratoga thoroughbred racetrack after June
26 thirtieth, two thousand [~~twenty-five~~] twenty-six. On any day on which a
27 franchised corporation has not scheduled a racing program but a
28 thoroughbred racing corporation located within the state is conducting
29 racing, each off-track betting corporation branch office and each simul-
30 casting facility licensed in accordance with section one thousand seven
31 (that has entered into a written agreement with such facility's repre-
32 sentative horsemen's organization, as approved by the commission), one
33 thousand eight, or one thousand nine of this article shall be authorized
34 to accept wagers and display the live simulcast signal from thoroughbred
35 tracks located in another state or foreign country subject to the
36 following provisions:

37 § 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering
38 and breeding law, as amended by section 4 of part P of chapter 59 of the
39 laws of 2024, is amended to read as follows:

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

45 § 5. The opening paragraph of subdivision 1 of section 1016 of the
46 racing, pari-mutuel wagering and breeding law, as amended by section 5
47 of part P of chapter 59 of the laws of 2024, is amended to read as
48 follows:

49 The provisions of this section shall govern the simulcasting of races
50 conducted at thoroughbred tracks located in another state or country on
51 any day during which a franchised corporation is not conducting a race
52 meeting in Saratoga county at Saratoga thoroughbred racetrack until June
53 thirtieth, two thousand [~~twenty-five~~] twenty-six. Every off-track
54 betting corporation branch office and every simulcasting facility
55 licensed in accordance with section one thousand seven that have entered
56 into a written agreement with such facility's representative horsemen's

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

10 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel
11 wagering and breeding law, as amended by section 6 of part P of chapter
12 59 of the laws of 2024, is amended to read as follows:

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

29 § 7. Section 32 of chapter 281 of the laws of 1994, amending the
30 racing, pari-mutuel wagering and breeding law and other laws relating to
31 simulcasting, as amended by section 7 of part P of chapter 59 of the
32 laws of 2024, is amended to read as follows:

33 § 32. This act shall take effect immediately and the pari-mutuel tax
34 reductions in section six of this act shall expire and be deemed
35 repealed on July 1, [~~2025~~] ~~2026~~; provided, however, that nothing
36 contained herein shall be deemed to affect the application, qualifica-
37 tion, expiration, or repeal of any provision of law amended by any
38 section of this act, and such provisions shall be applied or qualified
39 or shall expire or be deemed repealed in the same manner, to the same
40 extent and on the same date as the case may be as otherwise provided by
41 law; provided further, however, that sections twenty-three and twenty-
42 five of this act shall remain in full force and effect only until May 1,
43 1997 and at such time shall be deemed to be repealed.

44 § 8. Section 54 of chapter 346 of the laws of 1990, amending the
45 racing, pari-mutuel wagering and breeding law and other laws relating to
46 simulcasting and the imposition of certain taxes, as amended by section
47 8 of part P of chapter 59 of the laws of 2024, is amended to read as
48 follows:

49 § 54. This act shall take effect immediately; provided, however,
50 sections three through twelve of this act shall take effect on January
51 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
52 ing law, as added by section thirty-eight of this act, shall expire and
53 be deemed repealed on July 1, [~~2025~~] ~~2026~~; and section eighteen of this
54 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
55 two of this act shall take effect as of the same date as chapter 772 of
56 the laws of 1989 took effect.

1 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,
2 pari-mutuel wagering and breeding law, as amended by section 9 of part P
3 of chapter 59 of the laws of 2024, is amended to read as follows:

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

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

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

50 § 10. This act shall take effect immediately.

51

SUBPART C

52 Section 1. Subdivision 1 and paragraphs a and b of subdivision 2 of
53 section 115-b of the racing, pari-mutuel wagering and breeding law, as

1 added by chapter 174 of the laws of 2013, are amended to read as
2 follows:

3 1. Notwithstanding any other provision of law to the contrary, any
4 racing associations and corporations, franchised corporations, and off-
5 track betting corporations that makes a payment of the regulatory fees
6 imposed by this chapter may reduce such payment by an amount equal to
7 the market origin credit allocated to such racing association or corpo-
8 ration, franchised corporation, or off-track betting corporation by the
9 commission. The commission shall allocate credits in an amount equal to
10 [~~ninety~~] eighty-two and six-tenths percent of the amount received from
11 the market origin fee paid pursuant to subdivision six of section one
12 thousand twelve-a of this chapter for the period from the sixteenth day
13 of the preceding month through the fifteenth day of the current month.
14 The commission shall notify participants of allocations on or before the
15 twentieth day of the current month.

16 a. [~~Forty~~] Thirty-six and seven-tenths percent of the amount received
17 from the market origin fee paid pursuant to subdivision six of section
18 one thousand twelve-a of this chapter to regional off-track betting
19 corporations. Allocations to individual regional off-track betting
20 corporations shall be made based on a ratio where the numerator is the
21 regional corporation's total in-state handle for the previous calendar
22 year as calculated by the commission and the denominator is the total
23 in-state handle of all the regional off-track betting corporations for
24 the previous calendar year as calculated by the commission;

25 b. [~~Fifty~~] Forty-five and nine-tenths percent of the amount received
26 from the market origin fee paid pursuant to subdivision six of section
27 one thousand twelve-a of this chapter to the racing associations and
28 corporations and franchised corporations. Allocations to individual
29 racing associations and corporations and franchised corporations shall
30 be made as follows:

31 (i) Sixty percent to thoroughbred racing associations and franchised
32 corporations. Five-sixths shall be allocated to a franchised corporation
33 and one-sixth shall be allocated to a thoroughbred racing association.

34 (ii) Forty percent to harness racing associations and corporations.
35 Allocations to individual harness racing associations and corporations
36 shall be made based on a ratio where the numerator is the association's
37 or corporation's total in-state handle on live racing for the previous
38 calendar year as calculated by the commission and the denominator is the
39 total in-state on live handle for all harness racing associations and
40 corporations for the previous calendar year as calculated by the commis-
41 sion.

42 § 2. Subdivision 6 of section 1012-a of the racing, pari-mutuel wager-
43 ing and breeding law, as amended by chapter 243 of the laws of 2020, is
44 amended to read as follows:

45 6. multi-jurisdictional account wagering providers shall:

46 (a) pay a market origin fee equal to five and forty-five hundredths
47 percent on each wager accepted from New York residents. [~~Multi-jurisdic-~~
48 ~~tional account wagering providers shall~~]

49 (b) pay an additional fee equal to one percent on each wager accepted
50 from New York residents which shall be directed to the general fund of
51 the state treasury.

52 (c) make the required payments to the market origin account on or
53 before the fifth business day of each month and such required payments
54 shall cover payments due for the period of the preceding calendar month;
55 provided, however, that such payments required to be made on April
56 fifteenth shall be accompanied by a report under oath, showing the total

1 of all such payments, together with such other information as the
2 commission may require. A penalty of five percent and interest at the
3 rate of one percent per month from the date the report is required to be
4 filed to the date the payment shall be payable in case any payments
5 required by this subdivision are not paid when due. If the commission
6 determines that any moneys received under this subdivision were paid in
7 error, the commission may cause the same to be refunded without interest
8 out of any moneys collected thereunder, provided an application therefor
9 is filed with the commission within one year from the time the erroneous
10 payment was made. The commission shall pay into the racing regulation
11 account, under the joint custody of the comptroller and the commission,
12 the total amount of the fee collected pursuant to paragraph (a) of this
13 ~~[section]~~ subdivision.

14 § 3. Subdivision 3 of section 99-i of the state finance law, as
15 amended by chapter 174 of the laws of 2013, is amended to read as
16 follows:

17 3. Moneys of this account shall be available to the commission to pay
18 for the costs of carrying out the purposes of the racing, pari-mutuel
19 wagering and breeding law; provided, however, an amount equal to ~~[five]~~
20 twelve and eight-tenths percent of the amount received by the account
21 from the market origin fee imposed by subdivision six of section one
22 thousand twelve-a of the racing, pari-mutuel wagering and breeding law
23 shall be transferred to the state department of taxation and finance and
24 the department shall deem this transfer as a payment of a pari-mutuel
25 tax.

26 § 4. This act shall take effect immediately.

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

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

39

PART GG

40 Section 1. Subdivision 1 of section 1351 of the racing, pari-mutuel
41 wagering and breeding law, as added by chapter 174 of the laws of 2013,
42 is amended to read as follows:

43 1. (a) For a gaming facility in zone two, there is hereby imposed a
44 tax on gross gaming revenues. The amount of such tax imposed shall be as
45 follows; provided, however, should a licensee have agreed within its
46 application to supplement the tax with a binding supplemental fee
47 payment exceeding the aforementioned tax rate, such tax and supplemental
48 fee shall apply for a gaming facility:

49 ~~[(a)]~~ (1) in region two, forty-five percent of gross gaming revenue
50 from slot machines and ten percent of gross gaming revenue from all
51 other sources.

52 ~~[(b)]~~ (2) in region one, thirty-nine percent of gross gaming revenue
53 from slot machines and ten percent of gross gaming revenue from all
54 other sources.

1 [~~e~~] (3) in region five, thirty-seven percent of gross gaming revenue
2 from slot machines and ten percent of gross gaming revenue from all
3 other sources.

4 (b) (1) Notwithstanding the tax rates on gross gaming revenue from
5 slot machines provided in paragraph (a) of this subdivision, for the
6 period of April first, two thousand twenty-six through June thirtieth,
7 two thousand thirty-one, each gaming facility in zone two shall continue
8 to be subject to the same tax rate on gross gaming revenue from slot
9 machines as was imposed in the preceding fiscal year.

10 (2) As a condition of the lower slot machine tax rate, the licensed
11 gaming facility must:

12 (i) be current on all statutory obligations to the state or have
13 entered into and be in compliance with a repayment agreement with the
14 state. If the commission, in its sole discretion, determines that a
15 gaming facility has not adhered to this condition for any such time
16 period, the gaming facility shall forfeit this lower slot machine tax
17 rate for such time period.

18 (ii) have provided the initial report to the governor, the speaker of
19 the assembly, the temporary president of the senate, and the commission
20 as required pursuant to subdivision one-b of this section.

21 (3) (i) Each gaming facility shall provide an annual fiscal report to
22 the governor, the speaker of the assembly, the temporary president of
23 the senate, director of the division of budget and the commission
24 detailing actual use of the funds resulting from the lower slot machine
25 tax rate. Such report shall include, but not be limited to, any impact
26 on employment levels since receiving the lower slot machine tax rate, an
27 accounting of the use of such funds, any other measures implemented to
28 improve the financial stability of the gaming facility and any other
29 information as deemed necessary by the commission. Such report shall be
30 due no later than January first of each year and shall be posted on the
31 commission website.

32 (ii) At the conclusion of each year, a licensed gaming facility shall
33 provide an affirmation in writing to the commission stating the employ-
34 ment goal in subdivision one-b of this section was either met or not met
35 as described in the initial report. If the licensed gaming facility is
36 found to have not adhered to the plan by the commission, then the appli-
37 cable slot tax rate may be adjusted at the discretion of the commission
38 as follows:

39 (A) If the actual employment number is more than fifty percent less
40 than the employment goal, then the slot tax rate shall be increased by
41 ten percentage points.

42 (B) If the actual employment number is more than forty percent less
43 than the employment goal, then the slot tax rate shall be increased by
44 eight percentage points.

45 (C) If the actual employment number is more than thirty percent less
46 than the employment goal, then the slot tax rate shall be increased by
47 six percentage points.

48 (D) If the actual employment number is more than twenty percent less
49 than the employment goal, then the slot tax rate shall be increased by
50 four percentage points.

51 (E) If the actual employment number is more than ten percent less than
52 the employment goal, then the slot tax rate shall be increased by two
53 percentage points.

54 (iii) Such finding and the reasoning thereof shall occur no later than
55 thirty days following submission of the written affirmation.

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

3 1-b. As a condition of the lower slot machine tax rate taking effect
4 April first, two thousand twenty-six, pursuant to subdivision one of
5 this section, the licensed gaming facility must provide an initial
6 report to the governor, the speaker of the assembly, the temporary pres-
7 ident of the senate, and the commission clearly detailing the estab-
8 lished quarterly and annual employment goals of increasing full-time
9 employees for each year that the facility will receive a lower tax rate
10 and any substantial changes to the initial plan. This report is due no
11 later than January first, two thousand twenty-six and shall be posted on
12 the commission's website.

13 § 3. Section 2 of part 000 of chapter 59 of the laws of 2021 amending
14 the racing, pari-mutuel wagering and breeding law relating to the tax
15 on gaming revenues, is amended to read as follows:

16 § 2. This act shall take effect immediately and shall expire and be
17 deemed repealed [~~five years after such date~~] April 1, 2026.

18 § 4. This act shall take effect immediately; provided however, that
19 section one of this act shall take effect on the same date as the rever-
20 sion of subdivision 1 of section 1351 of the racing, pari-mutuel wager-
21 ing and breeding law as provided in section 2 of part 000 of chapter 59
22 of the laws of 2021, as amended; provided further, that sections one and
23 two of this act shall expire and be deemed repealed July 1, 2031.

24

PART HH

25 Section 1. Subdivision 2 of section 509-a of the racing, pari-mutuel
26 wagering and breeding law, as amended by section 1 of part 0 of chapter
27 59 of the laws of 2024, is amended to read as follows:

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

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

49 c. Notwithstanding any other provision of law or regulation to the
50 contrary, from April first, two thousand twenty-three to March thirty-
51 first, two thousand twenty-four, twenty-three percent of the funds, not
52 to exceed two and one-half million dollars, in the Catskill off-track
53 betting corporation's capital acquisition fund established pursuant to
54 this section, and one million dollars in the Capital off-track betting

1 corporation's capital acquisition fund established pursuant to this
2 section, shall be available to such off-track betting corporation for
3 the purposes of expenditures necessary to accept authorized wagers; past
4 due statutory obligations to New York licensed or franchised racing
5 corporations or associations; past due contractual obligations due to
6 other racing associations or organizations for the costs of acquiring a
7 simulcast signal; past due statutory payment obligations due to the New
8 York state thoroughbred breeding and development fund corporation, agri-
9 culture and New York state horse breeding development fund, and the
10 Harry M. Zweig memorial fund for equine research; and past due obli-
11 gations due the state.

12 d. Notwithstanding any other provision of law or regulation to the
13 contrary, from April first, two thousand twenty-four to March thirty-
14 first, two thousand twenty-five, twenty-three percent of the funds, not
15 to exceed two and one-half million dollars, in the Catskill off-track
16 betting corporation's capital acquisition fund established pursuant to
17 this section, and one million dollars in the Capital off-track betting
18 corporation's capital acquisition fund established pursuant to this
19 section, shall be available to such off-track betting corporation for
20 the purposes of expenditures necessary to accept authorized wagers; past
21 due statutory obligations to New York licensed or franchised racing
22 corporations or associations; past due contractual obligations due to
23 other racing associations or organizations for the costs of acquiring a
24 simulcast signal; past due statutory payment obligations due to the New
25 York state thoroughbred breeding and development fund corporation, agri-
26 culture and New York state horse breeding development fund, and the
27 Harry M. Zweig memorial fund for equine research; and past due obli-
28 gations due the state.

29 e. Notwithstanding any other provision of law or regulation to the
30 contrary, from April first, two thousand twenty-five to March thirty-
31 first, two thousand twenty-six, one million dollars in the Capital off-
32 track betting corporation's capital acquisition fund established pursu-
33 ant to this section shall be available to such off-track betting
34 corporation for the purposes of expenditures necessary to accept author-
35 ized wagers; past due statutory obligations to New York licensed or
36 franchised racing corporations or associations; past due contractual
37 obligations due to other racing associations or organizations for the
38 cost of acquiring a simulcast signal; past due statutory payment obli-
39 gations due to the New York state thoroughbred breeding and development
40 fund corporation, agriculture and New York state horse breeding develop-
41 ment fund, and the Harry M. Zweig memorial fund for equine research; and
42 past due obligations due the state.

43 f. Prior to a corporation being able to utilize the funds authorized
44 by paragraph c [~~e~~], d or e of this subdivision, the corporation must
45 attest that the surcharge monies from section five hundred thirty-two of
46 this chapter are being held separate and apart from any amounts other-
47 wise authorized to be retained from pari-mutuel pools and all surcharge
48 monies have been and will continue to be paid to the localities as
49 prescribed in law. Once this condition is satisfied, the corporation
50 must submit an expenditure plan to the gaming commission for review.
51 Such plan shall include the corporation's outstanding liabilities,
52 projected revenue for the upcoming year, a detailed explanation of how
53 the funds will be used, and any other information necessary to detail
54 such plan as determined by the commission. Upon review, the commission
55 shall make a determination as to whether the requirements of this para-
56 graph have been satisfied and notify the corporation of expenditure plan

1 approval. In the event the commission determines the requirements of
2 this paragraph have not been satisfied, the commission shall notify the
3 corporation of all deficiencies necessary for approval. As a condition
4 of such expenditure plan approval, the corporation shall provide a
5 report to the commission no later than the last day of the calendar year
6 for which the funds are requested, which shall include an accounting of
7 the use of such funds. At such time, the commission may cause an inde-
8 pendent audit to be conducted of the corporation's books to ensure that
9 all moneys were spent as indicated in such approved plan. The audit
10 shall be paid for from money in the fund established by this section. If
11 the audit determines that a corporation used the money authorized under
12 this section for a purpose other than one listed in their expenditure
13 plan, then the corporation shall reimburse the capital acquisition fund
14 for the unauthorized amount.

15 § 2. This act shall take effect immediately.

16

PART II

17 Section 1. Section 703 of the racing, pari-mutuel wagering and breed-
18 ing law is amended by adding a new subdivision 1-a to read as follows:

19 1-a. All amounts necessary to conduct the research project specified
20 in subdivision seven of section seven hundred four of this article shall
21 be appropriated or transferred to the fund from the general fund of the
22 state treasury. Such funds shall be used for the purposes contained in
23 the agreement established pursuant to subdivision seven of section seven
24 hundred four of this article, provided that such amount shall not exceed
25 what is necessary to cover all expenses as contained in such agreement.

26 § 2. Section 704 of the racing, pari-mutuel wagering and breeding law
27 is amended by adding a new subdivision 7 to read as follows:

28 7. (a) The moneys appropriated or transferred to the fund from the
29 general fund of the state treasury pursuant to subdivision one-a of
30 section seven hundred three of this article shall be expended for a
31 three-year research project conducted pursuant to an agreement between
32 the dean of the Cornell University College of Veterinary Medicine and
33 the executive director of the commission. Such agreement shall, at a
34 minimum, require the following:

35 (i) proposed research to identify the incident of fetlock fractures
36 and pre-fracture pathology in thoroughbred racehorses, with and without
37 lameness;

38 (ii) proposed research to determine the sensitivity and specificity of
39 standing computed tomography, positron emission tomography, and magnetic
40 resonance imaging of thoroughbred racehorses compared to that of digital
41 radiographs;

42 (iii) use of photo-counting computed tomography and high field magnet-
43 ic resonance imaging to further define early bone pathology in thorough-
44 bred racehorses that suffer fatal fractures of the fetlock joint, to
45 further characterize blood biomarker findings in healthy and clinically
46 lame horses in a large population of thoroughbred racehorses;

47 (iv) attempted refinement of a risk factor index for fatal musculosk-
48 keletal injury for thoroughbred racing based on epidemiological findings,
49 preliminary scanning technology, clinical examination, and advance imag-
50 ing; and

51 (v) that an annual update shall be provided to the governor, temporary
52 president of the senate, and speaker of the assembly regarding the
53 progression of the research project. Such annual update to the governor,
54 temporary president of the senate, and speaker of the assembly shall be

1 due no later than December first each year. The final report outlined in
2 paragraph (c) of this subdivision shall satisfy the annual report
3 requirement outlined in this subparagraph for the last year of the
4 study.

5 (b) The moneys appropriated or transferred to the fund from the gener-
6 al fund of the state treasury pursuant to subdivision one-a of section
7 seven hundred three of this article may be used to purchase equipment
8 and fund staffing needs necessary to carry out the research tasks speci-
9 fied in paragraph (a) of this subdivision.

10 (c) A final report that describes the results of the research project
11 shall be provided to the governor, the temporary president of the
12 senate, the speaker of the assembly, the commission, the franchised
13 corporation, and any entity licensed pursuant to article two of this
14 chapter. Such final report shall include, at a minimum:

15 (i) an accounting of all expenditures related to the research project
16 outlined in this subdivision, including expenditures for equipment,
17 supplies, personnel, operations, and administration;

18 (ii) a description of the procedures for selecting horse participants
19 in the research project outlined in this subdivision, including criteria
20 for selection and any screening or eligibility requirements; and

21 (iii) a summary of findings gathered from the research project
22 outlined in this subdivision, including an analysis of risk factors
23 contributing to racehorse injuries and conclusions drawn regarding safe-
24 ty protocols.

25 (d) The researcher may also make recommendations for changes to any
26 existing rules or regulations that the researcher may determine would be
27 helpful toward maintaining the health of the equine athlete.

28 (e) To the extent practicable, screenings and advanced imaging
29 services conducted pursuant to this agreement may be conducted near
30 racetracks at both Belmont and Saratoga.

31 (f) (i) Screenings and advanced imaging services of horses enrolled in
32 the research project shall be offered to horsemen free of charge.

33 (ii) Subject to availability, Cornell Ruffian may provide screenings
34 and imaging services for New York horses that are not enrolled in the
35 research project. Cornell Ruffian may only charge such owners and train-
36 ers its actual costs for any screening or imaging service provided to
37 such non-enrolled horse.

38 (iii) Cornell Ruffian shall have no responsibility to interpret or
39 analyze the results of any scan or advanced image provided to an owner
40 or trainer of a non-enrolled horse.

41 (iv) For purposes of this paragraph, a New York horse is a horse that
42 has been stabled in New York for four of the six months immediately
43 preceding the date of the screening or advance imaging.

44 (v) The costs charged associated with screenings and advanced images
45 authorized pursuant to this subparagraph shall be included in the annual
46 update outlined in subparagraph (v) of paragraph (a) of this subdivi-
47 sion.

48 (g) Any screening and imaging equipment purchased pursuant to this
49 subdivision shall be owned by the Cornell University College of Veteri-
50 nary Medicine.

51 § 3. Section 208 of the racing, pari-mutuel wagering and breeding law
52 is amended by adding a new subdivision 10 to read as follows:

53 10. It is incumbent upon the franchised corporation to ensure the
54 health and safety of its equine participants. To accomplish that goal,
55 the franchised corporation shall, by September first, two thousand twen-
56 ty-five, make a one-time contribution of two million dollars to the

Harry M. Zweig memorial fund, established under section seven hundred one of this chapter, for the sole purpose of off-setting the cost of purchasing screening and imaging equipment for the research project as specified in subdivision seven of section seven hundred four of this chapter. The Harry M. Zweig memorial fund shall hold such money in an escrow account until such time as it is necessary to purchase the equipment required to conduct the research. The money in the escrow account shall not be used for any purposes other than purchasing equipment to be used for such research.

§ 4. This act shall take effect immediately, and shall expire and be deemed repealed September 1, 2028.

PART JJ

Section 1. Subdivision (e) of section 42 of the tax law, as amended by section 1 of subpart B of part B of chapter 59 of the laws of 2022, is amended to read as follows:

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

§ 2. Section 5 of part RR of chapter 60 of the laws of 2016 amending the tax law relating to creating a farm workforce retention credit, as amended by section 2 of subpart B of part B of chapter 59 of the laws of 2022, is amended to read as follows:

§ 5. This act shall take effect immediately and shall apply only to taxable years beginning on or after January 1, 2017 and before January 1, ~~2026~~ 2029.

§ 3. This act shall take effect immediately.

PART KK

Section 1. The agriculture and markets law is amended by adding a new article 25-C to read as follows:

Article 25-CFARM EMPLOYER OVERTIME CREDIT PROGRAMSection 333. Short title.334. Definitions.335. Tax credit; overtime expense certification.

§ 333. Short title. This article shall be known and may be cited as the "farm employer overtime credit program."

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

1. "Commissioner" shall mean the commissioner of agriculture and markets.

2. "Department" shall mean the department of agriculture and markets.

3. "Eligible farm employee" shall mean an individual who meets the definition of a "farm laborer" under section two of the labor law who is employed in New York state by (a) a farm employer or (b) a qualified professional employer organization.

4. "Eligible overtime" shall mean the aggregate number of hours of work performed during the calendar year by an eligible farm employee that in any calendar week exceeds the overtime work threshold set by the commissioner of labor pursuant to the recommendation of the farm laborers wage board, provided that work performed in such calendar week in excess of sixty hours shall not be included.

5. "Farm employer" shall mean a corporation (including a New York S corporation), a sole proprietorship, a limited liability company or a partnership whose principal business is farming activity.

6. "Farming activity" shall include, but not be limited to, the cultivation of crops, operation, or management of a farm for gain or profit, including the operation or management of livestock, dairy, poultry, aquaculture, fruit, fur-bearing animal, field crop, horticultural specialty, and vegetable farms.

7. "Overtime expense" shall mean the product of (a) the eligible overtime hours worked during the calendar year by the eligible farm employee and (b) the overtime rate paid to the eligible farm employee less such eligible farm employee's regular rate of pay.

8. "Qualified farm employer" shall mean a farm employer that:

(a) primarily engaged in farming activity during the calendar year;

(b) utilized eligible farm employees in its farming activity during the calendar year; and

(c) directly, or indirectly through a qualified professional employer organization, paid eligible overtime to eligible farm employees during the calendar year.

9. "Qualified professional employer organization" shall mean an entity who provides remuneration to or otherwise employs eligible farm employees on behalf of a farm employer.

§ 335. Tax credit; overtime expense certification. 1. A qualified farm employer who is issued an overtime expense certificate by the department may be allowed a credit pursuant to section forty-two-a of the tax law equal to one hundred eighteen percent of the aggregate amount of overtime expenses certified by the department pursuant to this section. A qualified farm employer who is issued a preliminary overtime expense certificate may be eligible to receive an advance payment of such tax credit pursuant to subdivision (e) of section forty-two-a of the tax law.

2. Certificate application and approval process. A farm employer must submit a complete application as prescribed by the commissioner by the first of February after the end of the calendar year. As part of the application, each farm employer shall provide evidence in the form and

1 manner prescribed by the commissioner sufficient to establish that it is
2 a qualified farm employer and to determine the overtime expense per
3 eligible farm employee paid by such qualified farm employer during the
4 preceding calendar year. If, after reviewing a farm employer's completed
5 application, the department determines that the farm employer is a qual-
6 ified farm employer, the department may issue to such qualified farm
7 employer an overtime expense certificate for each year that the eligi-
8 bility criteria are satisfied that specifies (a) the total number of
9 eligible farm employees who were paid eligible overtime by the qualified
10 farm employer; (b) the aggregate amount of overtime expense paid by the
11 qualified farm employer; and (c) the calendar year in which such over-
12 time expense was paid.

13 3. Preliminary overtime expense certificate. A farm employer who
14 intends to request an advance payment of the tax credit pursuant to
15 subdivision (e) of section forty-two-a of the tax law must submit a
16 complete application as prescribed by the commissioner by September
17 thirtieth of the calendar year. As part of the application, each farm
18 employer shall provide evidence in the form and manner prescribed by the
19 commissioner sufficient to establish that it is a qualified farm employ-
20 er and to determine the overtime expense per eligible farm employee paid
21 by such qualified farm employer from January first through July thirty-
22 first of such calendar year. If, after reviewing a farm employer's
23 completed application, the department determines that the farm employer
24 is a qualified farm employer, the department may issue to such qualified
25 farm employer a preliminary overtime expense certificate that specifies
26 (a) the total number of eligible farm employees who were paid eligible
27 overtime by the qualified farm employer from January first through July
28 thirty-first of such calendar year; and (b) the aggregate amount of
29 overtime expense paid by the qualified farm employer during such period.

30 § 2. Section 42-a of the tax law, as added by section 2 of subpart C
31 of part B of chapter 59 of the laws of 2022, is amended to read as
32 follows:

33 § 42-a. Farm employer overtime credit. (a) Notwithstanding subdivision
34 (f) of section forty-two of this article, a taxpayer that is [~~a~~] an
35 eligible farm employer or an owner of [~~a~~] an eligible farm employer
36 shall be eligible for a credit against the tax imposed under article
37 nine-A or twenty-two of this chapter, pursuant to the provisions refer-
38 enced in subdivision [~~(i)~~] (h) of this section.

39 [~~A farm employer is a corporation (including a New York S corpo-~~
40 ~~ration), a sole proprietorship, a limited liability company or a part-~~
41 ~~nership that is an eligible farmer.~~

42 [~~(e)~~] For purposes of this section, the term "eligible [~~farmer~~] farm
43 employer" means a taxpayer who received an overtime expense certificate
44 pursuant to section three hundred thirty-five of the agriculture and
45 markets law and whose federal gross income from farming as defined in
46 subsection (n) of section six hundred six of this chapter for the taxa-
47 ble year is at least two-thirds of excess federal gross income. Excess
48 federal gross income means the amount of federal gross income from all
49 sources for the taxable year in excess of thirty thousand dollars. For
50 purposes of this section, payments from the state's farmland protection
51 program, administered by the department of agriculture and markets,
52 shall be included as federal gross income from farming for otherwise
53 eligible farmers.

54 [~~(d) An eligible farm employee is an individual who meets the defi-~~
55 ~~inition of a "farm laborer" under section two of the labor law who is~~

1 ~~employed by a farm employer in New York state, but excluding general~~
2 ~~executive officers of the farm employer.~~

3 ~~(e) Eligible overtime is the aggregate number of hours of work~~
4 ~~performed during the taxable year by an eligible farm employee that in~~
5 ~~any calendar week exceeds the overtime work threshold set by the commis-~~
6 ~~sioner of labor pursuant to the recommendation of the farm laborers wage~~
7 ~~board, provided that work performed in such calendar week in excess of~~
8 ~~sixty hours shall not be included.~~

9 ~~(f)]~~ (c) Special rules. If more than fifty percent of such eligible
10 [~~farmer's~~] farm employer's federal gross income from farming is from the
11 sale of wine from a licensed farm winery as provided for in article six
12 of the alcoholic beverage control law, or from the sale of cider from a
13 licensed farm cidery as provided for in section fifty-eight-c of the
14 alcoholic beverage control law, then an eligible farm employee of such
15 eligible farmer shall be included for purposes of calculating the amount
16 of credit allowed under this section only if such eligible farm employee
17 is employed by such eligible farmer on qualified agricultural property
18 as defined in paragraph four of subsection (n) of section six hundred
19 six of this chapter.

20 [~~(g)]~~ (d) The amount of the credit allowed under this section shall be
21 equal to one hundred eighteen percent of the aggregate amount of [~~such~~
22 ~~credit allowed per eligible farm employee, as follows. The amount of the~~
23 ~~credit allowed per eligible farm employee shall be equal to one hundred~~
24 ~~eighteen percent of the product of (1) the eligible overtime worked~~
25 ~~during the taxable year by the eligible farm employee and (2) the over-~~
26 ~~time rate paid by the farm employer to the eligible farm employee less~~
27 ~~such employee's regular rate of pay] overtime expense paid by the quali-
28 fied farm employer as certified by the department of agriculture and
29 markets pursuant to section three hundred thirty-five of the agriculture
30 and markets law.~~

31 [~~(h)(1) Taxpayers~~] (e) A taxpayer who received a preliminary overtime
32 expense certificate pursuant to section three hundred thirty-five of the
33 agriculture and markets law shall have the option to request an advance
34 payment of the portion of the amount of tax credit they are allowed
35 under this section [~~for the amount of eligible overtime~~] equal to one
36 hundred eighteen percent of aggregate amount of overtime expense that
37 the farm employer paid from January first through July thirty-first, as
38 certified by the department of agriculture and markets pursuant to
39 section three hundred thirty-five of the agriculture and markets law.

40 [~~To be eligible for the advance payment, the farm employer must submit~~
41 ~~by September thirtieth a properly completed application to the depart-~~
42 ~~ment of agriculture and markets, in a form prescribed by the commis-~~
43 ~~ioner of agriculture and markets, that demonstrates how much the farm~~
44 ~~employer paid in eligible overtime during that period. After reviewing a~~
45 ~~farm employer's completed application for the advance payment of a~~
46 ~~portion of the amount of tax credit allowed under this section, the~~
47 ~~department of agriculture and markets may issue to that farm employer a~~
48 ~~certificate of tax credit that specifies the exact amount of the tax~~
49 ~~credit under this article that a taxpayer may claim as an advance~~
50 ~~payment pursuant to this subdivision.~~

51 (2) A taxpayer must submit [a] an advanced payment request to the
52 department in the manner prescribed by the commissioner after it has
53 been issued a preliminary overtime expense certificate [~~of tax credit~~]
54 by the department of agriculture and markets pursuant to [~~paragraph one~~
55 ~~of this subdivision~~] article twenty-five-C of the agriculture and
56 markets law (or such certificate has been issued to a partnership,

1 limited liability company or subchapter S corporation in which it is a
2 partner, member or shareholder, respectively, that is a farm employer),
3 but such request must be submitted no later than November first of the
4 taxable year for which the credit is being claimed. For those taxpayers
5 who have requested an advance payment and for whom the commissioner has
6 determined to be eligible for this credit, the commissioner shall
7 advance a payment of the portion of the amount of tax credit allowed to
8 the taxpayer. The taxpayer will claim on the taxpayers' return for the
9 taxable year the portion of the amount of tax credit allowed for eligi-
10 ble overtime paid by the farm employer from August first through Decem-
11 ber thirty-first. The taxpayer must properly reconcile the advance
12 payment of tax credit allowed under this subdivision on the taxpayer's
13 return.

14 [~~(3)~~] (f) If a taxpayer that has received an advance payment is not an
15 eligible [~~farmer~~] farm employer or an owner of an eligible farm employer
16 for the taxable year for which it received an advance payment, the
17 taxpayer shall be required to add back as tax the amount of advance
18 payment the taxpayer received during the taxable year.

19 [~~(4)~~] (g) Notwithstanding any provision of this chapter, employees of
20 the department of agriculture and markets and the department shall be
21 allowed to share and exchange:

22 (i) information derived from tax returns or reports that is relevant
23 to a taxpayer's eligibility for the credit allowed by this section;

24 (ii) information regarding the credit applied for, allowed or claimed
25 pursuant to this section and regarding taxpayers that are applying for
26 the credit or that are claiming the credit; and

27 (iii) information collected by the department of agriculture and
28 markets and exchanged between the department of agriculture and markets
29 and the department pursuant to this section shall not be subject to
30 disclosure or inspection under the state's freedom of information law.

31 [~~(i)~~] (h) Cross references: For application of the credit provided in
32 this section, see the following provisions of this chapter:

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

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

35 § 3. Notwithstanding any provision of law to the contrary, a farm
36 employer shall be allowed a credit, pursuant to section forty-two-a of
37 the tax law, for the eligible overtime indirectly paid to eligible farm
38 employees through a professional employer organization during the two
39 thousand twenty-four and/or two thousand twenty-five calendar years as
40 if such remuneration was paid directly by the farm employer to the
41 eligible farm employees. A farm employer must apply for and receive
42 certification by the department of agriculture and markets of the aggre-
43 gate amount of eligible overtime indirectly paid by the farm employer to
44 eligible farm employees through a professional employer organization
45 during the two thousand twenty-four and two thousand twenty-five calen-
46 dar years. A farm employer shall have the option to request an advance
47 payment of the credit, pursuant to subdivision (h) of section
48 forty-two-a of the tax law, for the eligible overtime indirectly paid by
49 the farm employer during the period from January first, two thousand
50 twenty-four, through July thirty-first, two thousand twenty-five, in
51 which case the farm employer must apply for and receive preliminary
52 certification by the department of agriculture and markets of the eligi-
53 ble overtime indirectly paid by the farm employer to eligible farm
54 employees during such period. The farm employer may request an advance
55 credit from the commissioner of taxation and finance in the form and
56 manner prescribed by such commissioner; provided, however, if a taxpayer

1 that has received an advance payment is not an eligible farmer for the
2 taxable year when the indirect overtime expense was incurred, the
3 taxpayer shall be required to add back as tax the amount of advance
4 payment the taxpayer received.

5 § 4. This act shall take effect immediately; provided, however, that
6 sections one and two of this act shall apply to taxable years beginning
7 on or after January 1, 2026; and provided further that section three of
8 this act shall apply to taxable years beginning on or after January 1,
9 2025, and before January 1, 2026.

10

PART LL

11 Section 1. Section 4 of part H of chapter 59 of the laws of 2024
12 amending the tax law relating to the filing of amended returns under
13 article 28 thereof, is amended to read as follows:

14 § 4. This act shall take effect immediately, provided, however, the
15 amendments made by section one of this act shall apply to returns filed
16 or amended [~~for periods commencing~~] on and after December 1, 2024.

17 § 2. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after April 20, 2024.

19

PART MM

20 Section 1. Subparagraph (ii) of paragraph 1 of subdivision b of
21 section 1612 of the tax law is amended by adding a new clause (E) to
22 read as follows:

23 (E) notwithstanding clause (B) of this subparagraph, beginning on June
24 first, two thousand twenty-five, when the vendor track is located in the
25 county of Genesee and within forty miles of a Native American class III
26 gaming facility as defined in 25 U.S.C. §2703(8), at a rate of fifty-six
27 percent of the total revenue wagered at the vendor track after payout
28 for prizes pursuant to this chapter; provided, however, that the follow-
29 ing additional provisions shall apply to such vendor track:

30 (1) From the vendor fee amount equivalent to fifty-six percent of the
31 total revenue wagered at the vendor track after payout for prizes pursu-
32 ant to this clause, a portion equivalent to five percent of the total
33 revenue wagered at the vendor track after payout for prizes shall be
34 defined as and hereinafter be referred to as the "additional vendor
35 fee".

36 (2) Such additional vendor fee shall be accounted for separately by
37 the vendor track and shall be used exclusively for the following
38 purposes, in proportions determined annually by such vendor track in
39 accordance with a plan submitted to the gaming commission pursuant to
40 subclause four of this clause:

41 (A) reducing the costs paid by non-executive and non-managerial
42 employees of such vendor track for healthcare coverage offered by such
43 vendor track;

44 (B) increasing salaries, hourly wages, or benefits paid to non-execu-
45 tive and non-managerial employees of such vendor track, or funding
46 increases in the number of full-time equivalent non-executive and non-
47 managerial employees; and

48 (C) supplementing distributions payable to participating counties or
49 municipalities as required under existing law.

50 (3) Additional vendor fee revenue utilized pursuant to this clause
51 shall not be included in any calculation used to determine amounts paya-
52 ble pursuant to subclause two of this clause or payments required under

1 subclause two of this clause to the appropriate breeding fund estab-
2 lished pursuant to article three of the racing, pari-mutuel wagering and
3 breeding law.

4 (4) (A) Such vendor track shall annually submit a plan to the commis-
5 sion, no later than sixty days prior to the beginning of its fiscal
6 year, detailing the allocation and use of the additional vendor fee
7 revenue among the purposes specified in subclause two of this clause for
8 the upcoming fiscal year. Such plan shall include specific projections
9 for cost reductions in employee healthcare, increases in employee
10 compensation specifying the job titles or categories benefiting there-
11 from, and supplemental amounts for local distributions.

12 (B) Such vendor track shall submit a plan to the commission, no later
13 than sixty days after the effective date of this clause, detailing the
14 allocation and use of such additional vendor fee among the purposes
15 specified in subclause two of this clause for the remainder of fiscal
16 year two thousand twenty-five. Such plan shall include specific projec-
17 tions for cost reductions in employee healthcare, increases in employee
18 compensation specifying the job titles or categories benefiting there-
19 from, and projections of supplemental amounts of local distributions.
20 Such plan shall also detail allocations already made between this act
21 going into effect and the date such plan has been submitted to the
22 commission.

23 (5) Such vendor track shall also submit an annual report to the gaming
24 commission, the governor, the temporary president of the senate, and the
25 speaker of the assembly, no later than ninety days after the end of each
26 fiscal year, detailing the actual allocation and use of such additional
27 vendor fee during the preceding fiscal year. Such report shall specify
28 the amounts applied to each purpose outlined in subclause two of this
29 clause, provide data demonstrating the impact on employee healthcare
30 costs and compensation including the specific job titles or categories
31 that received increased compensation pursuant to item (B) of subclause
32 two of this clause, detail the supplemental distributions made to local-
33 ities, compare actual use to the plan, and provide justification for any
34 significant variances.

35 (6) (A) The additional vendor fee shall only be used to supplement
36 amounts previously allocated or appropriated by the corporation for the
37 purposes stated in subclause two of this clause and may not be used to
38 replace or backfill such amounts.

39 (B) The gaming commission shall have the authority to audit the use of
40 such additional vendor fee by such vendor track. If the gaming commis-
41 sion determines, after notice and an opportunity for a hearing, that
42 such funds have been used for purposes other than those authorized in
43 subclause two of this clause or inconsistent with the plan, including a
44 failure to benefit non-executive and non-managerial employees as
45 required by item (B) of subclause two of this clause, the gaming
46 commission may impose monetary penalties pursuant to its authority under
47 the racing, pari-mutuel wagering and breeding law and may require that
48 an amount equivalent to any funds used in a manner inconsistent with the
49 provisions of this clause shall be expended for authorized purposes
50 pursuant to an amended plan.

51 (7) Nothing contained in this clause shall affect any existing collec-
52 tive bargaining agreement or the obligation of such vendor track to
53 negotiate terms and conditions of employment with any certified employee
54 representative.

55 § 2. This act shall take effect immediately and shall expire and be
56 deemed repealed April 1, 2030.

1

PART NN

2 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 1 of
3 section 207 of the racing, pari-mutuel wagering and breeding law, as
4 amended by section 1 of part NN of chapter 59 of the laws of 2017, is
5 amended and two new subparagraphs (iv) and (v) are added to read as
6 follows:

7 (ii) The term of voting membership on the New York racing association
8 board shall be three years. Individual appointees shall be limited to
9 serving as a voting member the lesser of three terms or nine years.
10 Notwithstanding the foregoing, the initial term of one member appointed
11 by each of the governor, temporary president of the senate, and speaker
12 of the assembly, the member appointed by the New York thoroughbred
13 horsemen's association, and the member appointed by the New York
14 Thoroughbred Breeders, Inc. shall expire March thirty-first, two thou-
15 sand eighteen; the initial term of the remaining members appointed by
16 each of the governor, temporary president of the senate, and speaker of
17 the assembly and two members appointed by the New York racing associ-
18 ation reorganization board shall expire on March thirty-first, two thou-
19 sand nineteen; ~~[and the remaining members shall serve full three-year~~
20 ~~terms]~~ the initial term of three members appointed by the New York
21 racing association reorganization board shall expire on March thirty-
22 first, two thousand twenty-one, and the initial term of three members
23 appointed by the New York racing association reorganization board shall
24 expire on March thirty-first, two thousand twenty-three. The eight
25 initial members appointed by the New York racing association reorganiza-
26 tion board shall hold appointment as a voting member for the greater of
27 three terms or nine years.

28 (iv) Beginning January first, two thousand twenty-six, one member
29 appointed by the governor, one member appointed by the temporary presi-
30 dent of the senate, one member appointed by the speaker of the assembly,
31 and four members appointed by the executive committee of the New York
32 racing association board of directors shall satisfy at least one of the
33 following requirements at the time of appointment or reappointment: (1)
34 over the three years prior, owned or trained horses with a cumulative
35 average of fifteen starts at New York race tracks per year, (2) be a
36 breeder of record registered with the thoroughbred breeding and develop-
37 ment fund, (3) be a managing partner in a New York state-based ownership
38 syndicate licensed with the commission, or (4) have a cogent interest in
39 the racing and breeding industry in the state. The provisions of this
40 subparagraph shall not impact any members serving as of January first,
41 two thousand twenty-six.

42 (v) Beginning January first, two thousand twenty-six, all non-publicly
43 appointed members must hold a license pursuant to section two hundred
44 twenty of this article.

45 § 2. Subdivision 1 of section 220 of the racing, pari-mutuel wagering
46 and breeding law, as amended by section 1 of part S of chapter 59 of the
47 laws of 2024, is amended to read as follows:

48 1. For the purpose of maintaining a proper control over race meetings
49 conducted pursuant to sections two hundred five and two hundred six of
50 this article, the commission shall license owners, which term shall be
51 deemed to include part-owners and lessees, trainers, assistant trainers
52 and jockeys, jockey agents, stable employees, non-publicly appointed
53 members of the board of a franchised corporation, and such other persons
54 as the commission may by rule prescribe at running races and at steeple-
55 chases, provided, however, that no such license shall be required for

1 seasonal employees hired solely to work for no longer than six weeks
2 during the summer meet at Saratoga racetrack, and any such other times
3 as race dates historically assigned to Belmont Park are conducted at the
4 Saratoga racetrack in two thousand twenty-four and two thousand twenty-
5 five as approved in writing by the commission. In the event that a
6 proposed licensee is other than a natural person, the commission shall
7 require by regulation disclosure of the names and addresses of all
8 owners of an interest in such entity. The commission may retain, employ
9 or appoint such officers, employees and agents, as it may deem necessary
10 to receive, examine and make recommendations, for the consideration of
11 the commission, in respect of applications for such licenses; prescribe
12 their duties in connection therewith, and fix their compensation there-
13 for within the limitations prescribed by law. Each applicant for a
14 license shall pay to the commission an annual license fee as follows:
15 owner's license, if a renewal, fifty dollars, and if an original appli-
16 cation, one hundred dollars; trainer's license, thirty dollars; assist-
17 ant trainer's license, thirty dollars; jockey's license, fifty dollars;
18 jockey agent's license, twenty dollars; and stable employee's license,
19 five dollars. Each applicant may apply for a two-year or three-year
20 license by payment to the commission of the appropriate multiple of the
21 annual fee. The commission may by rule fix the license fees to be paid
22 by other persons required to be licensed by the rules of the commission,
23 not to exceed thirty dollars per category. The application for the
24 license shall be in writing in such form as the commission may
25 prescribe, and contain such information as the commission may require.
26 The commission shall henceforth cause all applicants for licenses to be
27 photographed and fingerprinted and may issue identification cards to
28 licensees. Such fingerprints shall be submitted to the division of crim-
29 inal justice services for a state criminal history record check, as
30 defined in subdivision one of section three thousand thirty-five of the
31 education law, and may be submitted to the federal bureau of investi-
32 gation for a national criminal history record check. A fee equal to the
33 actual cost of issuance shall be charged for the initial issuance of
34 such identification cards. Each such license unless revoked for cause
35 shall be for the period of no more than one, two or three years, deter-
36 mined by rule of the commission, expiring on the applicant's birth date.
37 Licenses of non-publicly appointed members of the board of a franchised
38 corporation shall be issued without fee and remain in effect for the
39 duration of their board service. Licenses current on the effective date
40 of this provision shall not be reduced in duration by this provision. An
41 applicant who applies for a license that, if issued, would take effect
42 less than six months prior to the applicant's birth date may, by payment
43 of a fifty percent higher fee, receive a license which shall not expire
44 until the applicant's second succeeding birth date. All receipts of the
45 commission derived from the operation of this section shall be paid by
46 it into the state treasury on or before the tenth day of each month. All
47 officials connected with the actual conduct of racing shall be subject
48 to approval by the commission.

49 § 3. Subdivision 1 of section 220 of the racing, pari-mutuel wagering
50 and breeding law, as amended by section 243 of the laws of 2020, is
51 amended to read as follows:

52 1. For the purpose of maintaining a proper control over race meetings
53 conducted pursuant to sections two hundred five and two hundred six of
54 this article, the commission shall license owners, which term shall be
55 deemed to include part-owners and lessees, trainers, assistant trainers
56 and jockeys, jockey agents, stable employees, non-publicly appointed

1 members of the board of a franchised corporation, and such other persons
2 as the commission may by rule prescribe at running races and at steeple-
3 chases, provided, however, that no such license shall be required for
4 seasonal employees hired solely to work for no longer than six weeks
5 during the summer meet at Saratoga racetrack. In the event that a
6 proposed licensee is other than a natural person, the commission shall
7 require by regulation disclosure of the names and addresses of all
8 owners of an interest in such entity. The commission may retain, employ
9 or appoint such officers, employees and agents, as it may deem necessary
10 to receive, examine and make recommendations, for the consideration of
11 the commission, in respect of applications for such licenses; prescribe
12 their duties in connection therewith, and fix their compensation there-
13 for within the limitations prescribed by law. Each applicant for a
14 license shall pay to the commission an annual license fee as follows:
15 owner's license, if a renewal, fifty dollars, and if an original appli-
16 cation, one hundred dollars; trainer's license, thirty dollars; assist-
17 ant trainer's license, thirty dollars; jockey's license, fifty dollars;
18 jockey agent's license, twenty dollars; and stable employee's license,
19 five dollars. Each applicant may apply for a two-year or three-year
20 license by payment to the commission of the appropriate multiple of the
21 annual fee. The commission may by rule fix the license fees to be paid
22 by other persons required to be licensed by the rules of the commission,
23 not to exceed thirty dollars per category. The application for the
24 license shall be in writing in such form as the commission may
25 prescribe, and contain such information as the commission may require.
26 The commission shall henceforth cause all applicants for licenses to be
27 photographed and fingerprinted and may issue identification cards to
28 licensees. Such fingerprints shall be submitted to the division of crim-
29 inal justice services for a state criminal history record check, as
30 defined in subdivision one of section three thousand thirty-five of the
31 education law, and may be submitted to the federal bureau of investi-
32 gation for a national criminal history record check. A fee equal to the
33 actual cost of issuance shall be charged for the initial issuance of
34 such identification cards. Each such license unless revoked for cause
35 shall be for the period of no more than one, two or three years, deter-
36 mined by rule of the commission, expiring on the applicant's birth date.
37 Licenses of non-publicly appointed members of the board of a franchised
38 corporation shall be issued without fee and remain in effect for the
39 duration of their board service. Licenses current on the effective date
40 of this provision shall not be reduced in duration by this provision. An
41 applicant who applies for a license that, if issued, would take effect
42 less than six months prior to the applicant's birth date may, by payment
43 of a fifty percent higher fee, receive a license which shall not expire
44 until the applicant's second succeeding birth date. All receipts of the
45 commission derived from the operation of this section shall be paid by
46 it into the state treasury on or before the tenth day of each month. All
47 officials connected with the actual conduct of racing shall be subject
48 to approval by the commission.

49 § 4. The New York racing association shall immediately identify which
50 members are designated to which specific seats on the board.

51 § 5. This act shall take effect immediately and shall apply to all
52 initial appointments by the New York racing association reorganization
53 board; provided, however, that if section 1 of part NN of chapter 59 of
54 the laws of 2017 shall not have taken effect on or before such date then
55 section one of this act shall take effect on the same date and in the
56 same manner as such section of such part of such chapter of the laws of

1 2017 takes effect; and provided, further, that the amendments to subdi-
2 vision 1 of section 220 of the racing, pari-mutuel wagering and breeding
3 law made by section two of this act shall be subject to the expiration
4 and reversion of such subdivision pursuant to section 2 of part S of
5 chapter 59 of the laws of 2024, as amended, when upon such date the
6 provisions of section three of this act shall take effect.

7

PART OO

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

11 8. Notwithstanding section thirteen hundred fifty-one of this article,
12 mobile sports wagering gross gaming revenue and tax revenue shall be
13 excluded from sports wagering gross gaming revenue and tax revenue.
14 Mobile sports wagering tax revenue shall be separately maintained and
15 returned to the state for deposit into the state lottery fund for educa-
16 tion aid except as otherwise provided in this subdivision. Any interest
17 and penalties imposed by the commission relating to those taxes, all
18 penalties levied and collected by the commission, and the appropriate
19 funds, cash or prizes forfeited from sports wagering shall be deposited
20 into the state lottery fund for education. In [~~the first fiscal year in~~
21 ~~which mobile sports wagering licensees commence operations and accept~~
22 ~~mobile sports wagers pursuant to this section~~] fiscal year two thousand
23 twenty-two, the commission shall pay into the commercial gaming fund one
24 percent of the state tax imposed on mobile sports wagering by this
25 section to be distributed for problem gambling education and treatment
26 purposes pursuant to paragraph a of subdivision four of section ninety-
27 seven-nnnn of the state finance law; provided however, that such amount
28 shall be equal to six million dollars for each fiscal year through
29 fiscal year two thousand twenty-six and twelve million dollars for each
30 fiscal year thereafter, provided that this amount may only be expended
31 pursuant to a plan approved by the director of the budget. In [~~the first~~
32 ~~fiscal year in which mobile sports wagering licensees commence oper-~~
33 ~~ations and accept mobile sports wagers pursuant to this section~~] fiscal
34 year two thousand twenty-two, the commission shall pay one percent of
35 the state tax imposed on mobile sports wagering by this section to the
36 general fund, a program to be administered by the office of children and
37 family services for a statewide youth sports activities and education
38 grant program for the purpose of providing annual awards to sports
39 programs for underserved youth under the age of eighteen years; provided
40 however, that such amount shall be equal to five million dollars for
41 each fiscal year thereafter. The commission shall require at least
42 monthly deposits by a platform provider of any payments pursuant to
43 subdivision seven of this section, at such times, under such conditions,
44 and in such depositories as shall be prescribed by the state comp-
45 troller. The deposits shall be deposited to the credit of the state
46 commercial gaming revenue fund. The commission shall require a monthly
47 report and reconciliation statement to be filed with it on or before the
48 tenth day of each month, with respect to gross revenues and deposits
49 received and made, respectively, during the preceding month.

50 § 2. This act shall take effect immediately.

51

PART PP

1 Section 1. (a) Notwithstanding any provision of law, rule or regu-
2 lation to the contrary, any site for which (i) a brownfield cleanup
3 agreement with the department of environmental conservation was entered
4 into prior to June 23, 2008 with respect to a site located within the
5 Renaissance Commerce Park situate within the city of Lackawanna, Erie
6 county, (ii) which received a certificate of completion on or before
7 December 31, 2017, and (iii) that has not otherwise had property placed
8 in service upon such a site as of the effective date of this act, shall
9 be a qualified site for purposes of the brownfield redevelopment tax
10 credits available to such a site pursuant to section 21 of the tax law
11 as in effect for such a site as of the effective date of this act
12 provided that both the site preparation credit component and the on-site
13 groundwater remediation credit component shall be allowed for all eligi-
14 ble costs incurred on such a site prior to and within the tax year in
15 which qualified tangible property on such a site is placed in service,
16 and for a seven year period following the year such property is first
17 placed in service upon such a site, provided, such a date occurs prior
18 to the 2036 tax year, and the tangible property credit component shall
19 be allowed for all eligible costs incurred on such a site prior to and
20 within the tax year in which qualified tangible property on such a site
21 is placed in service, and for a ten year period (120 months) following
22 the year such property is first placed in service upon such a site,
23 provided such a date occurs prior to the 2036 tax year.

24 (b) In addition, any site for which (i) a brownfield cleanup agreement
25 with the department of environmental conservation was entered into prior
26 to June 23, 2008 with respect to a site located within the Renaissance
27 Commerce Park situate within the city of Lackawanna, Erie county, (ii)
28 which received a certificate of completion on or before December 31,
29 2017, and (iii) that has not otherwise had property placed in service
30 upon such a site as of the effective date of this act shall be eligible
31 to claim the tax credit for remediated brownfields available to such a
32 site pursuant to section 22 of the tax law as in effect for such a site
33 as of the effective date of this act provided the benefit period as
34 applicable thereto shall be deemed to be a ten-consecutive-tax-year
35 period beginning with the tax year in which qualified tangible property
36 on such a site is placed in service where said benefit period shall
37 begin no later than the 2036 tax year.

38 (c) Further, any site for which (i) a brownfield cleanup agreement
39 with the department of environmental conservation was entered into prior
40 to June 23, 2008 with respect to a site located within the Renaissance
41 Commerce Park situate within the city of Lackawanna, Erie county, (ii)
42 which received a certificate of completion on or before December 31,
43 2017, and (iii) that has not otherwise had property placed in service
44 upon such a site as of the effective date of this act, shall be a quali-
45 fied site for purposes of claiming the tax credit for remediated brown-
46 fields available to such a site pursuant to section 22 of the tax law,
47 provided that such developer as defined under section 22 of the tax law
48 has purchased or in any other way has been conveyed all or any portion
49 of such a site from any other party who or which has been issued a
50 certificate of completion with respect to such site and further provided
51 that such purchase or conveyance occurs no later than the 2036 tax year.

52 § 2. This act shall take effect immediately.

1 Section 1. Section 171 of the tax law is amended by adding a new
2 subdivision fifteenth-a to read as follows:

3 Fifteenth-a. Notwithstanding any other provision of this chapter: (i)
4 the commissioner may grant the relief described in paragraph (iii) of
5 this subdivision to a limited partner of a limited partnership (but not
6 a partner of a limited liability partnership) or a member of a limited
7 liability company if such limited partner or member demonstrates to the
8 satisfaction of the commissioner that such limited partner's or member's
9 ownership interest and the percentage of their distributive share of the
10 profits and losses of such limited partnership or limited liability
11 company are each less than fifty percent, and such limited partner or
12 member was not under a duty to act, and did not act, for such limited
13 partnership or limited liability company in complying with any require-
14 ment of the taxes imposed under article twenty-eight of this chapter and
15 pursuant to the authority of article twenty-nine of this chapter.
16 Provided, however, the commissioner shall deny an application for relief
17 if: (A) such limited partner or member had a duty to act or has acted on
18 behalf of such limited partnership or limited liability company in
19 complying with any requirement of the taxes imposed under article twen-
20 ty-eight of this chapter and pursuant to the authority of article twen-
21 ty-nine of this chapter; (B) such limited partner or member has been
22 convicted of a crime provided in this chapter; (C) such limited partner
23 or member has a past-due tax liability, as such term is defined in
24 section one hundred seventy-one-v of this article; (D) approval of such
25 application would undermine compliance with the taxes or other imposi-
26 tions administered by the commissioner; or (E) approval of such applica-
27 tion would be adverse to the best interests of the state.

28 (ii) The relief described in paragraph (iii) of this subdivision shall
29 not be provided unless a limited partner or member submits a properly
30 completed application for relief on a form prescribed by the commis-
31 sioner. The information provided in such application must be true and
32 complete in all material respects. Providing materially false or fraudu-
33 lent information on such application shall disqualify such limited part-
34 ner or member for the relief described in paragraph (iii) of this subdivi-
35 sion, shall void any agreement with the commissioner with respect to
36 such relief, and shall result in such limited partner or member bearing
37 strict liability for the total amount of tax, interest and penalty owed
38 by their respective limited partnership or limited liability company
39 under article twenty-eight of this chapter and pursuant to the authority
40 of article twenty-nine of this chapter.

41 (iii) If the commissioner approves such application, such limited
42 partner or member shall be liable for the percentage of the original
43 liability under article twenty-eight of this chapter and pursuant to the
44 authority of article twenty-nine of this chapter of their respective
45 limited partnership or limited liability company that reflects such
46 limited partner's or member's ownership interest or distributive share
47 of the profits and losses of such limited partnership or limited liabil-
48 ity company, whichever is higher. Such original liability shall include
49 any interest accrued thereon up to and including the date of payment by
50 such limited partner or member at the underpayment rate set by the
51 commissioner pursuant to section eleven hundred forty-two of this chap-
52 ter, and shall be reduced by the sum of any payments made by the limited
53 partnership or limited liability company. Provided, however, such limit-
54 ed partner or member shall not be liable for any penalty owed by such
55 limited partnership or limited liability company or any other partner or
56 member of such limited partnership or limited liability company; and

1 provided further that the sum of the amounts owed by all of the persons
2 required to collect tax of a limited partnership or limited liability
3 company shall not exceed the total liability of such limited partnership
4 or limited liability company.

5 (iv) The denial of a limited partner's or member's application for
6 relief shall not be reviewable by the division of tax appeals, but may
7 be reviewed pursuant to article seventy-eight of the civil practice law
8 and rules by a proceeding commenced within four months of such denial in
9 the county where the commissioner has their principal office.

10 (v) Any payment made by a limited partner or member in excess of such
11 limited partner's or member's percentage of ownership or distributive
12 share, whichever is higher, shall be deemed a payment by the respective
13 limited partnership or limited liability company, and such limited part-
14 ner or member shall not be entitled to a refund of such amount.

15 § 2. Subdivision (a) of section 1133 of the tax law, as amended by
16 section 2 of part X of chapter 59 of the laws of 2018, is amended to
17 read as follows:

18 (a) [~~1~~] Except as otherwise provided in [~~paragraph two of this~~
19 ~~subdivision and in~~] section eleven hundred thirty-seven of this part,
20 every person required to collect any tax imposed by this article shall
21 be personally liable for the tax imposed, collected or required to be
22 collected under this article. Any such person shall have the same right
23 in respect to collecting the tax from [~~his~~] their customer or in respect
24 to nonpayment of the tax by the customer as if the tax were a part of
25 the purchase price of the property or service, amusement charge or rent,
26 as the case may be, and payable at the same time; provided, however,
27 that the tax commission shall be joined as a party in any action or
28 proceeding brought to collect the tax.

29 [~~2~~] ~~Notwithstanding any other provision of this article: (i) The~~
30 ~~commissioner shall grant the relief described in subparagraph (iii) of~~
31 ~~this paragraph to a limited partner of a limited partnership (but not a~~
32 ~~partner of a limited liability partnership) or a member of a limited~~
33 ~~liability company if such limited partner or member demonstrates to the~~
34 ~~satisfaction of the commissioner that such limited partner's or member's~~
35 ~~ownership interest and the percentage of the distributive share of the~~
36 ~~profits and losses of such limited partnership or limited liability~~
37 ~~company are each less than fifty percent, and such limited partner or~~
38 ~~member was not under a duty to act for such limited partnership or~~
39 ~~limited liability company in complying with any requirement of this~~
40 ~~article. Provided, however, the commissioner may deny an application for~~
41 ~~relief to any such limited partner or member who the commissioner finds~~
42 ~~has acted on behalf of such limited partnership or limited liability~~
43 ~~company in complying with any requirement of this article or has been~~
44 ~~convicted of a crime provided in this chapter or who has a past-due~~
45 ~~liability, as such term is defined in section one hundred seventy-one-v~~
46 ~~of this chapter.~~

47 ~~(ii) Such limited partner or member must submit an application for~~
48 ~~relief, on a form prescribed by the commissioner, and the information~~
49 ~~provided in such application must be true and complete in all material~~
50 ~~respects. Providing materially false or fraudulent information on such~~
51 ~~application shall disqualify such limited partner or member for the~~
52 ~~relief described in subparagraph (iii) of this paragraph, shall void any~~
53 ~~agreement with the commissioner with respect to such relief, and shall~~
54 ~~result in such limited partner or member bearing strict liability for~~
55 ~~the total amount of tax, interest and penalty owed by their respective~~

~~limited partnership or limited liability company pursuant to this subdivision.~~

~~(iii) A limited partner of a limited partnership or member of a limited liability company, who meets the requirements set forth in this paragraph and whose application for relief is approved by the commissioner, shall be liable for the percentage of the original sales and use tax liability of their respective limited partnership or limited liability company that reflects such limited partner's or member's ownership interest of distributive share of the profits and losses of such limited partnership or limited liability company, whichever is higher. Such original liability shall include any interest accrued thereon up to and including the date of payment by such limited partner or member at the underpayment rate set by the commissioner pursuant to section eleven hundred forty-two of this part, and shall be reduced by the sum of any payments made by (A) the limited partnership or limited liability company, (B) any person required to collect tax not eligible for relief, and (C) any person required to collect tax who was eligible for relief but had not been approved for relief by the commissioner at the time such payment was made. Provided, however, such limited partner or member shall not be liable for any penalty owed by such limited partnership or limited liability company or any other partner or member of such limited partnership or limited liability company. Any payment made by a limited partner or member pursuant to the provisions of this paragraph shall not be credited against the liability of other limited partners or members of their respective limited partnership or limited liability company who are eligible for the same relief; provided, however that the sum of the amounts owed by all of the persons required to collect tax of a limited partnership or limited liability company shall not exceed the total liability of such limited partnership or limited liability company.]~~

§ 3. This act shall take effect immediately.

PART RR

Section 1. Subparagraphs (A), (E) and (F) of paragraph 1 of subsection (e) of section 606 of the tax law, subparagraph (A) and (F) as amended by chapter 28 of the laws of 1987 and subparagraph (E) as amended by chapter 105 of the laws of 2006, are amended to read as follows:

(A) [~~Qualified~~] (i) For taxable years beginning before January first, two thousand twenty-five, "qualified taxpayer" means a resident individual of the state who has occupied the same residence for six months or more of the taxable year, and is required or chooses to file a return under this article.

(ii) For taxable years beginning on or after January first, two thousand twenty-five, "qualified taxpayer" means a resident individual of the state who has occupied the same residence for six months or more of the taxable year, and has qualifying real property taxes as defined in clause (ii) of subparagraph (E) of this paragraph, or a real property tax equivalent as defined in clause (ii) of subparagraph (F) of this paragraph, in excess of the following percentages of federal adjusted gross income:

<u>If federal adjusted gross income for the taxable year is:</u>	<u>Percentage</u>
<u>\$3,000 or less</u>	<u>3 1/2</u>
<u>Over \$3,000 but not over \$5,000</u>	<u>4</u>

1	<u>Over \$5,000 but not over \$7,000</u>	<u>4 1/2</u>
2	<u>Over \$7,000 but not over \$9,000</u>	<u>5</u>
3	<u>Over \$9,000 but not over \$11,000</u>	<u>5 1/2</u>
4	<u>Over \$11,000 but not over \$14,000</u>	<u>6</u>
5	<u>Over \$14,000 but not over \$18,000</u>	<u>6 1/2</u>

6 (E) [~~Qualifying~~] (i) For taxable years beginning before January
7 first, two thousand twenty-five, "qualifying real property taxes" means
8 all real property taxes, special ad valorem levies and special assess-
9 ments, exclusive of penalties and interest, levied on the residence of a
10 qualified taxpayer and paid during the taxable year less the credit
11 claimed under subsection (n-1) of this section. In addition, for taxable
12 years beginning after December thirty-first, nineteen hundred eighty-
13 four, a qualified taxpayer may elect to include any additional amount
14 that would have been levied in the absence of an exemption from real
15 property taxation pursuant to section four hundred sixty-seven of the
16 real property tax law. If tenant-stockholders in a cooperative housing
17 corporation have met the requirements of section two hundred sixteen of
18 the internal revenue code by which they are allowed a deduction for real
19 estate taxes, the amount of taxes so allowable, or which would be allow-
20 able if the taxpayer had filed returns on a cash basis, shall be quali-
21 fying real property taxes. If a residence is owned by two or more indi-
22 viduals as joint tenants or tenants in common, and one or more than one
23 individual is not a member of the household, qualifying real property
24 taxes is that part of such taxes on the residence which reflects the
25 ownership percentage of the qualified taxpayer and members of [~~his~~]
26 their household. If a residence is an integral part of a larger unit,
27 qualifying real property taxes shall be limited to that amount of such
28 taxes paid as may be reasonably apportioned to such residence. If a
29 household owns and occupies two or more residences during different
30 periods in the same taxable year, qualifying real property taxes shall
31 be the sum of the prorated qualifying real property taxes attributable
32 to the household during the periods such household occupies each of such
33 residences. If the household owns and occupies a residence for part of
34 the taxable year and rents a residence for part of the same taxable
35 year, it may include both the proration of qualifying real property
36 taxes on the residence owned and the real property tax equivalent with
37 respect to the months the residence is rented. Provided, however, for
38 purposes of the credit allowed under this subsection, qualifying real
39 property taxes may be included by a qualified taxpayer only to the
40 extent that such taxpayer or the spouse of such taxpayer occupying such
41 residence for six months or more of the taxable year owns or has owned
42 the residence and paid such taxes.

43 (ii) For taxable years beginning on or after January first, two thou-
44 sand twenty-five, "qualifying real property taxes" means all real prop-
45 erty taxes, special ad valorem levies and special assessments, exclusive
46 of penalties and interest, levied on the residence of a qualified
47 taxpayer and paid during the taxable year less any school tax relief
48 credit allowed under subsection (eee) of this section. A qualified
49 taxpayer may elect to include any additional amount that would have been
50 levied in the absence of an exemption from real property taxation pursu-
51 ant to section four hundred sixty-seven of the real property tax law. If
52 tenant-stockholders in a cooperative housing corporation have met the
53 requirements of section two hundred sixteen of the internal revenue code
54 by which they are allowed a deduction for real estate taxes, the amount
55 of taxes so allowable, or which would be allowable if the taxpayer had

1 filed returns on a cash basis, shall be qualifying real property taxes.
2 If a residence is owned by two or more individuals as joint tenants or
3 tenants in common, qualifying real property taxes is that part of such
4 taxes on the residence which reflects the ownership percentage of the
5 qualified taxpayer. If a residence is an integral part of a larger unit,
6 qualifying real property taxes shall be limited to that amount of the
7 taxes paid as may be reasonably apportioned to such residence. If a
8 qualified taxpayer owns and occupies two or more residences during
9 different periods in the same taxable year, qualifying real property
10 taxes shall be the sum of the prorated qualifying real property taxes
11 attributable to the qualified taxpayer during the periods the taxpayer
12 occupies each of the residences. If a qualified taxpayer owns and occu-
13 pies a residence for part of the taxable year and rents a residence for
14 part of the same taxable year, the taxpayer may include both the
15 proration of qualifying real property taxes on the residence owned and
16 the real property tax equivalent with respect to the months the resi-
17 dence is rented. Provided, however, for purposes of the credit allowed
18 under this subsection, qualifying real property taxes may be included by
19 a qualified taxpayer only to the extent that such taxpayer or the spouse
20 of such taxpayer occupying such residence for six months or more of the
21 taxable year owns or has owned the residence and paid such taxes.

22 (F) [~~Real~~] (i) For taxable years beginning before January first, two
23 thousand twenty-five, "real property tax equivalent" means twenty-five
24 percent of the adjusted rent actually paid in the taxable year by a
25 household solely for the right of occupancy of its New York residence
26 for the taxable year. If [~~(i)~~] (I) a residence is rented to two or more
27 individuals as cotenants, or such individuals share in the payment of a
28 single rent for the right of occupancy of such residence, and [~~(ii)~~]
29 (II) each of such individuals is a member of a different household, one
30 or more of which individuals shares such residence, real property tax
31 equivalent is that portion of twenty-five percent of the adjusted rent
32 paid in the taxable year which reflects that portion of the rent attrib-
33 utable to the qualified taxpayer and the members of [~~his~~] their house-
34 hold.

35 (ii) For taxable years beginning on or after January first, two thou-
36 sand twenty-five, "real property tax equivalent" means twenty-five
37 percent of the adjusted rent actually paid in the taxable year by a
38 qualified taxpayer solely for the right of occupancy of their New York
39 residence for the taxable year.

40 § 2. Paragraph 2 of subsection (e) of section 606 of the tax law, as
41 amended by chapter 28 of the laws of 1987, is amended to read as
42 follows:

43 (2) [~~A~~] (A) For taxable years beginning before January first, two
44 thousand twenty-five, a qualified taxpayer shall be allowed a credit as
45 provided in subparagraph (A) of paragraph three [~~hereof~~] of this
46 subsection against the taxes imposed by this article reduced by the
47 credits permitted by this article. If the credit exceeds the tax as so
48 reduced for such year under this article the qualified taxpayer may
49 receive, and the comptroller, subject to a certificate of the [~~state tax~~
50 ~~commission~~] commissioner, shall pay as an overpayment, without interest,
51 any excess between such tax as so reduced and the amount of the credit.
52 If a qualified taxpayer is not required to file a return pursuant to
53 section six hundred fifty-one, a qualified taxpayer may nevertheless
54 receive and the comptroller, subject to a certificate of the [~~state tax~~
55 ~~commission~~] commissioner, shall pay as an overpayment the full amount of
56 the credit, without interest.

(B) For taxable years beginning on or after January first, two thousand twenty-five, a qualified taxpayer shall be allowed a credit against the tax imposed by this article as provided for in subparagraph (B) of paragraph three of this subsection. If the amount of the credit allowed under this subsection exceeds the taxpayer's tax for the taxable year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon. If a taxpayer is not required to file a return pursuant to section six hundred fifty-one, a qualified taxpayer may nevertheless receive and the comptroller, subject to a certificate of the commissioner, shall pay as an overpayment the full amount of the credit, without interest.

§ 3. Paragraph 3 of subsection (e) of section 606 of the tax law, as amended by chapter 28 of the laws of 1987, is amended to read as follows:

(3) Determination of credit. (A) For taxable years beginning before January first, two thousand twenty-five, (i) for qualified taxpayers who have attained the age of sixty-five years before the beginning of or during the taxable year the amount of the credit allowable under this subsection shall be fifty percent, or in the case of a qualified taxpayer who has elected to include an additional amount pursuant to subparagraph (E) of paragraph one of this subsection, twenty-five percent, of the excess of real property taxes or the excess of real property tax equivalent determined as follows:

	Excess real property taxes are the excess of real property tax equivalent or the excess of qualifying real property taxes over the following percentage of household gross income:
If household gross income for the taxable year is:	
\$3,000 or less	3 1/2
Over \$3,000 but not over \$5,000	4
Over \$5,000 but not over \$7,000	4 1/2
Over \$7,000 but not over \$9,000	5
Over \$9,000 but not over \$11,000	5 1/2
Over \$11,000 but not over \$14,000	6
Over \$14,000 but not over \$18,000	6 1/2

Notwithstanding the foregoing provisions, the maximum credit determined under this ~~subparagraph~~ clause may not exceed the amount determined in accordance with the following table:

	The maximum credit is:
If household gross income for the taxable year is:	
\$1,000 or less	\$375
Over \$1,000 but not over \$2,000	\$358
Over \$2,000 but not over \$3,000	\$341
Over \$3,000 but not over \$4,000	\$324
Over \$4,000 but not over \$5,000	\$307
Over \$5,000 but not over \$6,000	\$290
Over \$6,000 but not over \$7,000	\$273
Over \$7,000 but not over \$8,000	\$256

1	Over \$8,000 but not over \$9,000	\$239
2	Over \$9,000 but not over \$10,000	\$222
3	Over \$10,000 but not over \$11,000	\$205
4	Over \$11,000 but not over \$12,000	\$188
5	Over \$12,000 but not over \$13,000	\$171
6	Over \$13,000 but not over \$14,000	\$154
7	Over \$14,000 but not over \$15,000	\$137
8	Over \$15,000 but not over \$16,000	\$120
9	Over \$16,000 but not over \$17,000	\$103
10	Over \$17,000 but not over \$18,000	\$ 86

11 [~~(B) For~~] (ii) for all other qualified taxpayers the amount of the
 12 credit allowable under this subsection shall be fifty percent of excess
 13 real property taxes or the excess of the real property tax equivalent
 14 determined as follows:

15		Excess real property taxes are the
16		excess of real property tax equiv-
17		alent or the excess of qualifying
18		real property taxes over the
19	If household gross income for the	following percentage of household
20	taxable year is:	gross income:
21	-----	-----
22	\$3,000 or less	3 1/2
23	Over \$3,000 but not over \$5,000	4
24	Over \$5,000 but not over \$7,000	4 1/2
25	Over \$7,000 but not over \$9,000	5
26	Over \$9,000 but not over \$11,000	5 1/2
27	Over \$11,000 but not over \$14,000	6
28	Over \$14,000 but not over \$18,000	6 1/2

29 Notwithstanding the foregoing provisions, the maximum credit deter-
 30 mined under this [~~subparagraph~~] clause may not exceed the amount deter-
 31 mined in accordance with the following table:

32	If household gross income for the		The maximum credit is:
33	taxable year is:		
34	-----		-----
35	\$1,000 or less	\$75	
36	Over \$1,000 but not over \$2,000	\$73	
37	Over \$2,000 but not over \$3,000	\$71	
38	Over \$3,000 but not over \$4,000	\$69	
39	Over \$4,000 but not over \$5,000	\$67	
40	Over \$5,000 but not over \$6,000	\$65	
41	Over \$6,000 but not over \$7,000	\$63	
42	Over \$7,000 but not over \$8,000	\$61	
43	Over \$8,000 but not over \$9,000	\$59	
44	Over \$9,000 but not over \$10,000	\$57	
45	Over \$10,000 but not over \$11,000	\$55	
46	Over \$11,000 but not over \$12,000	\$53	
47	Over \$12,000 but not over \$13,000	\$51	
48	Over \$13,000 but not over \$14,000	\$49	
49	Over \$14,000 but not over \$15,000	\$47	
50	Over \$15,000 but not over \$16,000	\$45	
51	Over \$16,000 but not over \$17,000	\$43	
52	Over \$17,000 but not over \$18,000	\$41	

1 (B) For taxable years beginning on or after January first, two thou-
 2 sand twenty-five, (i) for qualified taxpayers who have attained the age
 3 of sixty-five years before the beginning of or during the taxable year
 4 or are claiming dependents as defined under section one hundred fifty-
 5 two of the internal revenue code who have attained the age of sixty-five
 6 years before the beginning of or during the taxable year, the credit
 7 allowable under this subsection shall be:

8 <u>If the taxpayer's federal adjusted gross</u>		<u>The credit amount is:</u>
9 <u>income for the taxable year is:</u>		
10 <u>\$3,000 or less</u>		<u>\$375</u>
11 <u>Over \$3,000 but not over \$5,000</u>		<u>\$330</u>
12 <u>Over \$5,000 but not over \$7,000</u>		<u>\$300</u>
13 <u>Over \$7,000 but not over \$9,000</u>		<u>\$260</u>
14 <u>Over \$9,000 but not over \$11,000</u>		<u>\$230</u>
15 <u>Over \$11,000 but not over \$14,000</u>		<u>\$200</u>
16 <u>Over \$14,000 but not over \$18,000</u>		<u>\$150</u>

17 (ii) for all other taxpayers the amount of the credit allowable under
 18 this subsection shall be:

19 <u>If the taxpayer's federal adjusted gross</u>		<u>The credit amount is:</u>
20 <u>income for the taxable year is:</u>		
21 <u>\$5,000 or less</u>		<u>\$75</u>
22 <u>Over \$5,000 but not over \$9,000</u>		<u>\$70</u>
23 <u>Over \$9,000 but not over \$14,000</u>		<u>\$60</u>
24 <u>Over \$14,000 but not over \$18,000</u>		<u>\$50</u>

25 § 4. Paragraph 4 of subsection (e) of section 606 of the tax law, as
 26 amended by chapter 28 of the laws of 1987, is amended to read as
 27 follows:

28 (4) If a qualified taxpayer occupies a residence for a period of less
 29 than twelve months during the taxable year or occupies two or more resi-
 30 dences during different periods in such taxable year, the credit allowed
 31 pursuant to this subsection shall be computed in such manner as the [~~tax~~
 32 ~~commission~~] commissioner may[~~, by regulation,~~] prescribe in order to
 33 properly reflect the credit or portion thereof attributable to such
 34 residence or residences and such period or periods.

35 § 5. Paragraph 5 of subsection (e) of section 606 of the tax law is
 36 REPEALED.

37 § 6. Paragraph 6 of subsection (e) of section 606 of the tax law, as
 38 amended by chapter 28 of the laws of 1987, is amended to read as
 39 follows:

40 (6) [~~Only~~] (A) For taxable years beginning before January first, two
 41 thousand twenty-five, only one credit per household and per qualified
 42 taxpayer shall be allowed per taxable year under this subsection.
 43 [~~When~~] Where two or more members of a household are able to meet the
 44 qualifications for a qualified taxpayer, the credit shall be equally
 45 divided between or among such individuals unless such individuals file
 46 with the [~~tax-commissioner~~] commissioner a written agreement among such
 47 individuals setting forth a different division. Where two or more
 48 members of a household are able to meet the qualifications of a quali-
 49 fied taxpayer and one of them is sixty-five years of age or more, the
 50 credit which may be taken shall be the credit applicable to individuals
 51 who have attained the age of sixty-five years.

1 ~~(A)~~ (B) For taxable years beginning on or after January first, two
2 thousand twenty-five, only one credit per qualified taxpayer shall be
3 allowed per taxable year under this subsection.

4 (C) Provided, however, where a joint income tax return has been filed
5 pursuant to the provisions of section six hundred fifty-one by a quali-
6 fied taxpayer and ~~his~~ their spouse (or where both spouses are quali-
7 fied taxpayers and have filed such joint return), the credit, or the
8 portion of the credit if divided, to which the ~~husband and wife~~ spous-
9 es are entitled shall be applied against the tax of both spouses and any
10 overpayment shall be made to both spouses.

11 ~~(B)~~ (D) Where any return required to be filed pursuant to the
12 provisions of section six hundred fifty-one is combined with any return
13 of tax imposed pursuant to the authority of this chapter or any other
14 law if such tax is administered by the ~~tax commission~~ commissioner,
15 the credit or the portion of the credit if divided, allowed to the qual-
16 ified taxpayer may be applied by the ~~tax commission~~ commissioner
17 toward any liability for the aforementioned taxes.

18 § 7. Subparagraph (A) of paragraph 7 of subsection (e) of section 606
19 of the tax law, as amended by chapter 28 of the laws of 1987, is amended
20 to read as follows:

21 (A) ~~if~~ (i) For taxable years beginning before January first, two
22 thousand twenty-five, if household gross income for the taxable year
23 exceeds eighteen thousand dollars.

24 (ii) For taxable years beginning on or after January first, two thou-
25 sand twenty-five, if the taxpayer's federal adjusted gross income
26 exceeds eighteen thousand dollars.

27 § 8. Paragraphs 9, 10 and 14 of subsection (e) of section 606 of the
28 tax law, paragraphs 9 and 10 as amended by chapter 28 of the laws of
29 1987 and paragraph 14 as amended by chapter 23 of the laws of 1990, are
30 amended to read as follows:

31 (9) Returns. If a qualified taxpayer is not required to file a return
32 pursuant to section six hundred fifty-one, a claim for a credit may be
33 taken on a return filed with the ~~tax commission~~ commissioner, or a
34 form prescribed by the commissioner, within three years from the time it
35 would have been required that a return be filed pursuant to such section
36 had the qualified taxpayer had a taxable year ending on December thir-
37 ty-first. Returns under this paragraph shall be in such form as shall be
38 prescribed by the ~~tax commission~~ commissioner, which shall make avail-
39 able such forms and instructions for filing such returns.

40 (10) Proof of claim. The ~~tax commission~~ commissioner may require a
41 qualified taxpayer to furnish the following information in support of
42 ~~his~~ their claim for credit under this subsection: federal adjusted
43 gross income, household gross income, rent paid, name and address of
44 owner or managing agent of the property rented, real property taxes
45 levied or that would have been levied in the absence of an exemption
46 from real property tax pursuant to section four hundred sixty-seven of
47 the real property tax law, the names of members of the household and
48 other qualifying taxpayers occupying the same residence and their iden-
49 tifying numbers including social security numbers, household gross
50 income, size and nature of property claimed as residence and all other
51 information which may be required by the ~~tax commission~~ commissioner
52 to determine the credit.

53 (14) ~~The~~ (A) For calendar years before two thousand twenty-five,
54 the commissioner ~~of taxation and finance~~ shall prepare a preliminary
55 written report after July thirty-first and a final written report after
56 December thirty-first of each calendar year, which shall contain statis-

1 tical information regarding the credits granted on or before such dates
2 under this subsection during such calendar year. Copies of these
3 reports shall be submitted by [~~such~~] the commissioner to the governor,
4 the temporary president of the senate, the speaker of the assembly, the
5 [~~chairman~~] chair of the senate finance committee and the [~~chairman~~]
6 chair of the assembly ways and means committee within sixty days of July
7 thirty-first with respect to the preliminary report, and within forty-
8 five days of December thirty-first with respect to the final report.
9 Such reports shall contain, but need not be limited to, the number of
10 credits and the average amount of such credits allowed; and of those,
11 the number of credits and the average amount of such credits allowed to
12 qualified taxpayers in each county; and of those, the number of credits
13 and the average amount of such credits allowed to qualified taxpayers
14 whose household gross income falls within each of the household gross
15 income ranges set forth in paragraph three of this subsection; and of
16 those, the number of credits and the average amount of such credits
17 allowed to qualified taxpayers whose credit amount falls within credit
18 amount ranges set forth in twenty-five dollar increments.

19 (B) For calendar years beginning with two thousand twenty-five, the
20 commissioner of taxation and finance shall prepare an annual report by
21 September first of each such year, which shall contain statistical
22 information regarding the credits claimed under this subsection for the
23 second preceding taxable year. Copies of such report shall be submitted
24 by the commissioner to the governor, the temporary president of the
25 senate, the speaker of the assembly, the chair of the senate finance
26 committee and the chair of the assembly ways and means committee. Such
27 report shall contain, but need not be limited to, the number of credits
28 and the amount of such credits allowed; and of those, the number of
29 credits and the amount of such credits allowed to qualified taxpayers in
30 each county; and of those, the number of credits and the amount of such
31 credits allowed to qualified taxpayers whose federal adjusted gross
32 income falls within each of the federal adjusted gross income ranges set
33 forth in paragraph three of this subsection.

34 § 9. This act shall take effect immediately.

35 PART SS

36 Section 1. The tax law is amended by adding a new section 1202-z-5 to
37 read as follows:

38 § 1202-z-5. Occupancy tax in the city of Auburn. (1) Notwithstanding
39 any other provision of law to the contrary, the city of Auburn, in the
40 county of Cayuga, is hereby authorized and empowered to adopt and amend
41 local laws imposing in such city a tax, in addition to any other tax
42 authorized and imposed pursuant to this article, such as the legislature
43 has or would have the power and authority to impose upon persons occupy-
44 ing any room for hire in any hotel. For the purposes of this section,
45 the term "hotel" shall mean a building or portion of it which is regu-
46 larly used and kept open as such for the lodging of guests. The term
47 "hotel" includes an apartment hotel, a motel, a boarding house, and
48 facilities designated and commonly known as a "bed and breakfast" and
49 similar "tourist" facilities, whether or not meals are served. The rate
50 of such tax shall not exceed five percent of the per diem rental rate
51 for each room whether such room is rented on a daily or longer basis.

52 (2) Such taxes may be collected and administered by the chief fiscal
53 officer of the city of Auburn by such means and in such manner as other

1 taxes which are now collected and administered by such officer or as
2 otherwise may be provided by such local law.

3 (3) Such local laws may provide that any taxes imposed shall be paid
4 by the person liable therefor to the owner of the room for hire in the
5 tourist home, inn, club, hotel, motel or other similar place of public
6 accommodation occupied or to the person entitled to be paid the rent or
7 charge the room for hire in the tourist home, inn, club, hotel, motel or
8 other similar place of public accommodation occupied for and on account
9 of the city of Auburn imposing the tax and that such owner or person
10 entitled to be paid the rent or charge shall be liable for the
11 collection and payment of the tax; and that such owner or person enti-
12 tled to be paid the rent or charge shall have the same right in respect
13 to collecting the tax from the person occupying the room for hire in the
14 tourist home, inn, club, hotel, motel or other similar place of public
15 accommodation, or in respect to nonpayment of the tax by the person
16 occupying the room for hire in the tourist home, inn, club, hotel, motel
17 or similar place of public accommodation, as if the taxes were a part of
18 the rent or charge and payable at the same time as the rent or charge;
19 provided, however, that the chief fiscal officer of the city, specified
20 in such local laws, shall be joined as a party in any action or proceed-
21 ing brought to collect the tax by the owner or by the person entitled to
22 be paid the rent or charge.

23 (4) Such local laws may provide for the filing of returns and the
24 payment of the taxes on a monthly basis or on the basis of any longer or
25 shorter period of time.

26 (5) This section shall not authorize the imposition of such tax upon
27 any of the following:

28 a. The state of New York, or any public corporation (including a
29 public corporation created pursuant to agreement or compact with another
30 state or the dominion of Canada), improvement district or other poli-
31 tical subdivision of the state;

32 b. The United States of America, insofar as it is immune from taxa-
33 tion;

34 c. Any corporation or association, or trust, or community chest, fund
35 or foundation organized and operated exclusively for religious, charita-
36 ble or educational purposes, or for the prevention of cruelty to chil-
37 dren or animals, and no part of the net earnings of which inures to the
38 benefit of any private shareholder or individual and no substantial part
39 of the activities of which is carrying on propaganda, or otherwise
40 attempting to influence legislation; provided, however, that nothing in
41 this paragraph shall include an organization operated for the primary
42 purpose of carrying on a trade or business for profit, whether or not
43 all of its profits are payable to one or more organizations described in
44 this paragraph; or

45 d. A permanent resident of a hotel or motel. For the purposes of this
46 section, the term "permanent resident" shall mean a natural person occu-
47 pying any room or rooms in a hotel or motel for at least ninety consec-
48 utive days.

49 (6) Any final determination of the amount of any tax payable hereunder
50 shall be reviewable for error, illegality or unconstitutionality or any
51 other reason whatsoever by a proceeding under article seventy-eight of
52 the civil practice law and rules if application therefor is made to the
53 supreme court within thirty days after the giving of notice of such
54 final determination, provided, however, that any such proceeding under
55 article seventy-eight of the civil practice law and rules shall not be
56 instituted unless:

1 a. The amount of any tax sought to be reviewed, with such interest and
2 penalties thereon as may be provided for by local laws or regulations
3 shall be first deposited and there shall be filed an undertaking, issued
4 by a surety company authorized to transact business in this state and
5 approved by the superintendent of financial services of this state as to
6 solvency and responsibility, in such amount as a justice of the supreme
7 court shall approve to the effect that if such proceeding be dismissed
8 or the tax confirmed the petitioner will pay all costs and charges which
9 may accrue in the prosecution of such proceeding; or

10 b. At the option of the petitioner, such undertaking may be in a sum
11 sufficient to cover the taxes, interests and penalties stated in such
12 determination plus the costs and charges which may accrue against it in
13 the prosecution of the proceeding, in which event the petitioner shall
14 not be required to pay such taxes, interest or penalties as a condition
15 precedent to the application.

16 (7) Where any taxes imposed hereunder shall have been erroneously,
17 illegally or unconstitutionally collected and application for the refund
18 therefor duly made to the proper fiscal officer or officers, and such
19 officer or officers shall have made a determination denying such refund,
20 such determination shall be reviewable by a proceeding under article
21 seventy-eight of the civil practice law and rules, provided, however,
22 that such proceeding is instituted within thirty days after the giving
23 of the notice of such denial, that a final determination of tax due was
24 not previously made, and that an undertaking is filed with the proper
25 fiscal officer or officers in such amount and with such sureties as a
26 justice of the supreme court shall approve to the effect that if such
27 proceeding be dismissed or the taxes confirmed, the petitioner will pay
28 all costs and charges which may accrue in the prosecution of such
29 proceeding.

30 (8) Except in the case of a willfully false or fraudulent return with
31 intent to evade the tax, no assessment of additional tax shall be made
32 after the expiration of more than three years from the date of the
33 filing of a return, provided, however, that where no return has been
34 filed as provided by law the tax may be assessed at any time.

35 (9) All revenues resulting from the imposition of the tax under the
36 local laws shall be paid into the treasury of the city of Auburn and
37 shall be credited to and deposited in the general fund of the city. Such
38 revenues may be used for any lawful purpose.

39 (10) Each enactment of such a local law may provide for the imposition
40 of a hotel or motel tax for a period of time no longer than two years
41 from the date of its enactment. Nothing in this section shall prohibit
42 the adoption and enactment of local laws, pursuant to the provisions of
43 this section, upon the expiration of any other local law adopted pursu-
44 ant to this section.

45 (11) If any provision of this section or the application thereof to
46 any person or circumstance shall be held invalid, the remainder of this
47 section and the application of such provision to other persons or
48 circumstances shall not be affected thereby.

49 § 2. This act shall take effect immediately and shall expire and be
50 deemed repealed December 31, 2027.

51

PART TT

52 Section 1. The tax law is amended by adding a new section 1202-kk to
53 read as follows:

1 § 1202-kk. Hotel or motel taxes in the city of Buffalo. (1) Notwith-
2 standing any other provisions of law to the contrary, the city of
3 Buffalo, in the county of Erie, is hereby authorized and empowered to
4 adopt and amend local laws imposing in such city a tax, in addition to
5 any other tax authorized and imposed pursuant to this article such as
6 the legislature has or would have the power and authority to impose upon
7 persons occupying hotel or motel rooms in such city. For the purposes of
8 this section, the term "hotel" or "motel" shall mean and include any
9 facility consisting of rentable units and providing lodging on an over-
10 night basis and shall include those facilities designated and commonly
11 known as "bed and breakfast" and "tourist" facilities. The rates of such
12 tax shall not exceed three percent of the per diem rental rate for each
13 room, provided however, that such tax shall not be applicable to a
14 permanent resident of a hotel or motel. For the purposes of this section
15 the term "permanent resident" shall mean a person occupying any room or
16 rooms in a hotel or motel for at least ninety consecutive days.

17 (2) Such tax may be collected and administered by the commissioner of
18 administration, finance, policy and urban affairs of the city of Buffalo
19 by such means and in such manner as other taxes which are now collected
20 and administered by such officer or as otherwise may be provided by such
21 local law.

22 (3) Such local laws may provide that any tax imposed shall be paid by
23 the person liable therefor to the owner of the hotel or motel room occu-
24 pied or to the person entitled to be paid the rent or charge for the
25 hotel or motel room occupied for and on account of the city of Buffalo
26 imposing the tax and that such owner or person entitled to be paid the
27 rent or charge shall be liable for the collection and payment of the
28 tax; and that such owner or person entitled to be paid the rent or
29 charge shall have the same right in respect to collecting the tax from
30 the person occupying the hotel or motel room, or in respect to nonpay-
31 ment of the tax by the person occupying the hotel or motel room, as if
32 the tax were a part of the rent or charge and payable at the same time
33 as the rent or charge; provided, however, that the commissioner of
34 administration, finance, policy and urban affairs of the city, specified
35 in such local law, shall be joined as a party in any action or proceed-
36 ing brought to collect the tax by the owner or by the person entitled to
37 be paid the rent or charge.

38 (4) Such local laws may provide for the filing of returns and the
39 payment of the tax on a monthly basis or on the basis of any longer or
40 shorter period of time.

41 (5) This section shall not authorize the imposition of such tax upon
42 any transaction, by or with any of the following in accordance with
43 section twelve hundred thirty of this article:

44 a. The state of New York, or any public corporation (including a
45 public corporation created pursuant to agreement or compact with another
46 state or the Dominion of Canada), improvement district or other poli-
47 tical subdivision of the state;

48 b. The United States of America, insofar as it is immune from taxa-
49 tion;

50 c. Any corporation or association, or trust, or community chest, fund
51 or foundation organized and operated exclusively for religious, charita-
52 ble or educational purposes, or for the prevention of cruelty to chil-
53 dren or animals, and no part of the net earnings of which inures to the
54 benefit of any private shareholder or individual and no substantial part
55 of the activities of which is carrying on propaganda, or otherwise
56 attempting to influence legislation; provided, however, that nothing in

1 this paragraph shall include an organization operated for the primary
2 purpose of carrying on a trade or business for profit, whether or not
3 all of its profits are payable to one or more organizations described in
4 this paragraph.

5 (6) Any final determination of the amount of any tax payable hereunder
6 shall be reviewable for error, illegality or unconstitutionality or any
7 other reason whatsoever by a proceeding under article seventy-eight of
8 the civil practice law and rules if application therefor is made to the
9 supreme court within thirty days after the giving of the notice of such
10 final determination, provided, however, that any such proceeding under
11 article seventy-eight of the civil practice law and rules shall not be
12 instituted unless:

13 a. The amount of any tax sought to be reviewed, with such interest and
14 penalties thereon as may be provided for by local law shall be first
15 deposited and there is filed an undertaking, issued by a surety company
16 authorized to transact business in this state and approved by the super-
17 intendent of financial services of this state as to solvency and respon-
18 sibility, in such amount as a justice of the supreme court shall approve
19 to the effect that if such proceeding be dismissed or the tax confirmed
20 the petitioner will pay all costs and charges which may accrue in the
21 prosecution of such proceeding; or

22 b. At the option of the petitioner such undertaking may be in a sum
23 sufficient to cover the taxes, interests and penalties stated in such
24 determination plus the costs and charges which may accrue against it in
25 the prosecution of the proceeding, in which event the petitioner shall
26 not be required to pay such taxes, interest or penalties as a condition
27 precedent to the application.

28 (7) Where any tax imposed hereunder shall have been erroneously, ille-
29 gally or unconstitutionally collected and application for the refund
30 thereof duly made to the proper fiscal officer or officers, and such
31 officer or officers shall have made a determination denying such refund,
32 such determination shall be reviewable by a proceeding under article
33 seventy-eight of the civil practice law and rules, provided, however,
34 that such proceeding is instituted within thirty days after the giving
35 of the notice of such denial, that a final determination of tax due was
36 not previously made, and that an undertaking is filed with the proper
37 fiscal officer or officers in such amount and with such sureties as a
38 justice of the supreme court shall approve to the effect that if such
39 proceeding be dismissed or the tax confirmed, the petitioner will pay
40 all costs and charges which may accrue in the prosecution of such
41 proceeding.

42 (8) Except in the case of a willfully false or fraudulent return with
43 intent to evade the tax, no assessment of additional tax shall be made
44 after the expiration of more than three years from the date of the
45 filing of a return, provided, however, that where no return has been
46 filed as provided by law the tax may be assessed at any time.

47 (9) All revenues resulting from the imposition of the tax under the
48 local laws shall be paid into the treasury of the city of Buffalo and
49 shall be credited to and deposited in the general fund of the city. Such
50 revenues shall be used as follows: twenty-five percent of such revenue
51 from this tax shall be allocated to support organizations dedicated to
52 maintenance of the city-owned public realm and city-owned parking facil-
53 ities in downtown as well as public safety initiatives undertaken by the
54 Buffalo police department and other organizations in downtown, and
55 seventy-five percent shall be allocated for capital improvements to

1 city-owned cultural facilities citywide, the city-owned public realm in
2 downtown, and city-owned professional sporting venues.

3 (10) If any provision of this section or the application thereof to
4 any person or circumstance shall be held invalid, the remainder of this
5 section and the application of such provision to other persons or
6 circumstances shall not be affected thereby.

7 § 2. This act shall take effect immediately and shall expire and be
8 deemed repealed December 31, 2027.

9

PART UU

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

13 (1) General. An individual taxpayer shall be allowed a credit against
14 the tax imposed by this article equal to twenty-five percent of quali-
15 fied geothermal energy system expenditures, except as provided in
16 subparagraph (D) of paragraph two of this subsection, not to exceed five
17 thousand dollars for qualified geothermal energy systems placed in
18 service on or before June thirtieth, two thousand twenty-five, and ten
19 thousand dollars for qualified geothermal energy equipment placed in
20 service on or after July first, two thousand twenty-five.

21 (9) [~~Carryover~~] Application of credit. If the amount of the credit,
22 and carryovers of such credit, allowable under this subsection for any
23 taxable year shall exceed the taxpayer's tax for such year, such excess
24 amount may be carried over to the five taxable years next following the
25 taxable year with respect to which the credit is allowed and may be
26 deducted from the taxpayer's tax for such year or years. For taxable
27 years beginning on or after January first, two thousand twenty-six,
28 taxpayers who are (A) married filing jointly or qualifying surviving
29 spouses with a federal adjusted gross income of one hundred eighty thou-
30 sand dollars or less, or (B) single, married filing separate, or heads
31 of household with a federal adjusted gross income of ninety thousand
32 dollars or less, may elect to receive such excess amount as a refund.
33 Any refund paid pursuant to this paragraph shall be deemed to be a
34 refund of an overpayment of tax as provided in section six hundred
35 eighty-six of this article, provided, however, that no interest shall be
36 paid thereon.

37 § 2. This act shall take effect immediately.

38

PART VV

39 Section 1. Section 800 of the tax law, as added by section 1 of part C
40 of chapter 25 of the laws of 2009, subsection (b) as amended by section
41 1 of part B of chapter 56 of the laws of 2011, paragraph 4 of subsection
42 (b) as amended by section 1 of part YY of chapter 59 of the laws of 2015
43 and subsection (e) as amended by section 1 of part B of chapter 59 of
44 the laws of 2023, is amended to read as follows:

45 § 800. Definitions. For the purposes of this article:

46 (a) Metropolitan commuter transportation district. The metropolitan
47 commuter transportation district ("MCTD") means the area of the state
48 included in the district created and governed by section twelve hundred
49 sixty-two of the public authorities law. The MCTD shall have two zones:

50 (1) MCTD zone one shall be comprised of the counties of Bronx, Kings,
51 New York, Queens, and Richmond.

1 (2) MCTD zone two shall be comprised of the counties of Dutchess,
2 Nassau, Orange, Putnam, Rockland, Suffolk and Westchester.

3 (b) Employer. Employer means an employer required by section six
4 hundred seventy-one of this chapter to deduct and withhold tax from
5 wages, [~~that has a payroll expense in excess of three hundred twelve~~
6 ~~thousand five hundred dollars in any calendar quarter,~~] other than

7 (1) any agency or instrumentality of the United States;

8 (2) the United Nations;

9 (3) an interstate agency or public corporation created pursuant to an
10 agreement or compact with another state or the Dominion of Canada; ~~or~~

11 (4) Any eligible educational institution. An "eligible educational
12 institution" shall mean any public school district, a board of cooper-
13 ative educational services, a public elementary or secondary school, a
14 school approved pursuant to article eighty-five or eighty-nine of the
15 education law to serve students with disabilities of school age, or a
16 nonpublic elementary or secondary school that provides instruction in
17 grade one or above, all public library systems as defined in subdivision
18 one of section two hundred seventy-two of the education law, and all
19 public and free association libraries as such terms are defined in
20 subdivision two of section two hundred fifty-three of the education law;
21 or

22 (5) any local government employer whose covered employees are within
23 MCTD zone two.

24 (c) Payroll expense. Payroll expense means wages and compensation as
25 defined in sections 3121 and 3231 of the internal revenue code (without
26 regard to section 3121(a)(1) and section 3231(e)(2)(A)(i)), paid to all
27 covered employees.

28 (d) Covered employee. Covered employee means an employee who is
29 employed within the MCTD.

30 (e) Net earnings from self-employment. Net earnings from self-employ-
31 ment has the same meaning as in section 1402 of the internal revenue
32 code, provided, however, that for purposes of determining whether the
33 exclusion pursuant to paragraph 13 of subsection (a) of section 1402 of
34 the internal revenue code applies, an individual shall not be considered
35 a limited partner if the individual, directly or indirectly, takes part
36 in the control, or participates in the management or operations of the
37 partnership such that the individual is not a passive investor, regard-
38 less of the individual's title or characterization in a partnership or
39 operating agreement.

40 (f) Local government employer. Local government employer means (1) a
41 county, city, town, village or any other political subdivision or civil
42 division of the state, (2) a public improvement or special district, (3)
43 a public authority, commission, community college, or public benefit
44 corporation, (4) any other public corporation, agency or instrumentality
45 or unit of government which exercises governmental powers under the laws
46 of the state, or (5) in the case of a county sheriff's office in those
47 counties where the office of sheriff is an elected position, both the
48 county and the sheriff, shall be designated as a joint public employer
49 for all purposes of this article.

50 § 2. Section 801 of the tax law, as added by section 1 of part C of
51 chapter 25 of the laws of 2009, subsection (a) as amended by section 1
52 of part N of chapter 59 of the laws of 2012, paragraph 1 of subsection
53 (a) as amended by section 1 and subparagraph (B) of paragraph 2 of
54 subsection (a) as amended by section 3 of part Q of chapter 58 of the
55 laws of 2023 and subparagraph (A) of paragraph 2 of subsection (a) as

1 amended by section 1 of part C of chapter 59 of the laws of 2024, is
2 amended to read as follows:

3 § 801. Imposition of tax and rate. (a) For the sole purpose of provid-
4 ing an additional stable and reliable dedicated funding source for the
5 metropolitan transportation authority and its subsidiaries and affil-
6 iates to preserve, operate and improve essential transit and transporta-
7 tion services in the metropolitan commuter transportation district, a
8 tax is hereby imposed on employers and individuals as follows: (1) (A)
9 For tax quarters beginning before July first, two thousand twenty-five,
10 employers who engage in business within the MCTD, in the counties of
11 Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester, the
12 tax is imposed at a rate of (i) eleven hundredths (.11) percent of the
13 payroll expense for employers with payroll expense greater than three
14 hundred twelve thousand five hundred dollars and no greater than three
15 hundred seventy-five thousand dollars in any calendar quarter, (ii)
16 twenty-three hundredths (.23) percent of the payroll expense for employ-
17 ers with payroll expense greater than three hundred seventy-five thou-
18 sand dollars and no greater than four hundred thirty-seven thousand five
19 hundred dollars in any calendar quarter, and (iii) thirty-four
20 hundredths (.34) percent of the payroll expense for employers with
21 payroll expense in excess of four hundred thirty-seven thousand five
22 hundred dollars in any calendar quarter. If the employer is a profes-
23 sional employer organization, as defined in section nine hundred sixteen
24 of the labor law, the employer's tax shall be calculated by determining
25 the payroll expense attributable to each client who has entered into a
26 professional employer agreement with such organization and the payroll
27 expense attributable to such organization itself, multiplying each of
28 those payroll expense amounts by the applicable rate set forth in this
29 paragraph and adding those products together.

30 (B) For tax quarters beginning before July first, two thousand twen-
31 ty-five, employers who engage in business within the MCTD, in the coun-
32 ties of Bronx, Kings, New York, Queens, and Richmond, the tax is imposed
33 at a rate of (i) eleven hundredths (.11) percent of the payroll expense
34 for employers with payroll expense greater than three hundred twelve
35 thousand five hundred dollars and no greater than three hundred seven-
36 ty-five thousand dollars in any calendar quarter, (ii) twenty-three
37 hundredths (.23) percent of the payroll expense for employers with
38 payroll expense greater than three hundred seventy-five thousand dollars
39 and no greater than four hundred thirty-seven thousand five hundred
40 dollars in any calendar quarter, and (iii) sixty hundredths (.60)
41 percent of the payroll expense for employers with payroll expense in
42 excess of four hundred thirty-seven thousand five hundred dollars in any
43 calendar quarter. If the employer is a professional employer organiza-
44 tion, as defined in section nine hundred sixteen of the labor law, the
45 employer's tax shall be calculated by determining the payroll expense
46 attributable to each client who has entered into a professional employer
47 agreement with such organization and the payroll expense attributable to
48 such organization itself, multiplying each of those payroll expense
49 amounts by the applicable rate set forth in this paragraph and adding
50 those products together.

51 (C) For tax quarters beginning on and after July first, two thousand
52 twenty-five, for employers within MCTD zone one, the tax is imposed at a
53 rate of (i) fifty-five thousandths (.055) percent of the payroll expense
54 for employers with payroll expense greater than three hundred twelve
55 thousand five hundred dollars and no greater than three hundred seven-
56 ty-five thousand dollars in any calendar quarter, (ii) one hundred

1 fifteen thousandths (.115) percent of the payroll expense for employers
2 with payroll expense greater than three hundred seventy-five thousand
3 dollars and no greater than four hundred thirty-seven thousand five
4 hundred dollars in any calendar quarter, (iii) sixty hundredths (.60)
5 percent of the payroll expense for employers with payroll expense great-
6 er than four hundred thirty-seven thousand five hundred dollars and no
7 greater than two million five hundred thousand dollars in any calendar
8 quarter; and (iv) eight hundred ninety-five thousandths (.895) percent
9 of the payroll expense for employers with payroll expense in excess of
10 two million five hundred thousand dollars in any calendar quarter.
11 Provided, however, that for employers within MCTD zone one who are local
12 government employers as defined in this article with payroll expense in
13 excess of two million five hundred thousand dollars in any calendar
14 quarter, the tax is imposed at a rate of sixty hundredths (.60) percent
15 of the payroll expense. If the employer is a professional employer
16 organization, as defined in section nine hundred sixteen of the labor
17 law, the employer's tax shall be calculated by determining the payroll
18 expense attributable to each client who has entered into a professional
19 employer agreement with such organization and the payroll expense
20 attributable to such organization itself, multiplying each of those
21 payroll expense amounts by the applicable rate set forth in this para-
22 graph and adding those products together.

23 (D) For tax quarters beginning on and after July first, two thousand
24 twenty-five, for employers within MCTD zone two that are not local
25 government employers, the tax is imposed at a rate of (i) fifty-five
26 thousandths (.055) percent of the payroll expense for employers with
27 payroll expense greater than three hundred twelve thousand five hundred
28 dollars and no greater than three hundred seventy-five thousand dollars
29 in any calendar quarter, (ii) one hundred fifteen thousandths (.115)
30 percent of the payroll expense for employers with payroll expense great-
31 er than three hundred seventy-five thousand dollars and no greater than
32 four hundred thirty-seven thousand five hundred dollars in any calendar
33 quarter, (iii) thirty-four hundredths (.34) percent of the payroll
34 expense for employers with payroll expense greater than four hundred
35 thirty-seven thousand five hundred dollars and no greater than two
36 million five hundred thousand dollars in any calendar quarter; and (iv)
37 six hundred thirty-five thousandths (.635) percent of the payroll
38 expense for employers with payroll expense in excess of two million five
39 hundred thousand dollars in any calendar quarter. If the employer is a
40 professional employer organization, as defined in section nine hundred
41 sixteen of the labor law, the employer's tax shall be calculated by
42 determining the payroll expense attributable to each client who has
43 entered into a professional employer agreement with such organization
44 and the payroll expense attributable to such organization itself, multi-
45 plying each of those payroll expense amounts by the applicable rate set
46 forth in this paragraph and adding those products together.

47 (2) For individuals in calendar years beginning before January first,
48 two thousand twenty-six: (A) [~~For individuals,~~] the tax is imposed at a
49 rate of thirty-four hundredths (.34) percent of the net earnings from
50 self-employment of individuals that are attributable to the MCTD, in the
51 counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and
52 Westchester, if such earnings attributable to the MCTD exceed fifty
53 thousand dollars for the tax year.

54 (B) [~~For individuals,~~] the tax is imposed at a rate of sixty
55 hundredths (.60) percent of the net earnings from self-employment of
56 individuals that are attributable to the MCTD, in the counties of Bronx,

1 Kings, New York, Queens, and Richmond, if such earnings attributable to
2 the MCTD exceed fifty thousand dollars for the tax year.

3 (3) For individuals in calendar years beginning on and after January
4 first, two thousand twenty-six: (A) the tax is imposed at a rate of
5 sixty hundredths (.60) percent of the net earnings from self-employment
6 of individuals that are attributable to MCTD zone one, if such earnings
7 attributable to the MCTD exceed one hundred fifty thousand dollars for
8 the tax year.

9 (B) the tax is imposed at a rate of thirty-four hundredths (.34)
10 percent of the net earnings from self-employment of individuals that are
11 attributable to MCTD zone two, if such earnings attributable to the MCTD
12 exceed one hundred fifty thousand dollars for the tax year.

13 (b)(1) An individual having net earnings from self-employment from
14 activity both within and without the metropolitan commuter transporta-
15 tion district is required to allocate and apportion such net earnings to
16 the MCTD in the manner required for allocation and apportionment of
17 income under article twenty-two of this chapter.

18 (2) In the case of individuals with earnings from self-employment, the
19 net earnings from self employment threshold in [~~paragraph~~] paragraphs
20 two or three of subsection (a) of this section will be computed on an
21 individual basis regardless of whether that individual filed a joint
22 personal income tax return.

23 (c) The determination of whether a covered employee is employed within
24 the MCTD will be made by utilizing the rules applicable to the jurisdic-
25 tion of employment for purposes of the statewide wage reporting system
26 under section one hundred seventy-one-a of this chapter and substituting
27 the MCTD for the state in that application.

28 § 3. Subdivision 4 of section 1270-h of the public authorities law is
29 renumbered subdivision 5 and a new subdivision 4 is added to read as
30 follows:

31 4. Commencing September first, two thousand twenty-five, no later than
32 the last business day of each month, after satisfying the requirements
33 of any debt service or reserve requirements, if any, of any resolution
34 authorizing bonds, notes or other obligations, the authority shall
35 transfer twenty-eight and five-tenths percent of the revenue, including
36 taxes, interest and penalties collected in accordance with article twen-
37 ty-three of the tax law to the 2025 to 2029 capital program account in
38 the metropolitan transportation authority capital lockbox fund estab-
39 lished pursuant to section five hundred fifty-three-j of this chapter.

40 § 4. Section 553-j of the public authorities law, as added by section
41 5 of subpart A of part ZZZ of chapter 59 of the laws of 2019, is amended
42 to read as follows:

43 § 553-j. [~~Additional powers and provisions in relation to central~~
44 ~~business district tolling program] Metropolitan transportation authority
45 capital lockbox fund. 1. The authority shall establish a fund to be
46 known as the [~~central business district tolling~~] metropolitan transpor-
47 ation authority capital lockbox fund which shall be kept separate from
48 and shall not be commingled with any other monies of the authority. The
49 fund shall consist of two separate and distinct accounts: (i) the "2020
50 to 2024 capital program account" and (ii) the "2025 to 2029 capital
51 program account".~~

52 (a) The 2020 to 2024 capital program account shall consist of all
53 monies received by the authority pursuant to article forty-four-C of the
54 vehicle and traffic law, subdivision twelve-a of section five hundred
55 fifty-three of this title, and revenues of the real estate transfer tax
56 deposited pursuant to subdivision (b) of section fourteen hundred twen-

1 ty-one of the tax law, and sales tax pursuant to subdivision (c) of
2 section eleven hundred forty-eight of the tax law, subparagraph (B) of
3 paragraph five of subdivision (c) of section twelve hundred sixty-one of
4 the tax law, and funds appropriated from the central business district
5 trust fund established pursuant to section [~~ninty-nine-ff~~] ninety-nine-
6 ff of the state finance law.

7 (b) The 2025 to 2029 capital program account shall consist of all
8 monies deposited pursuant to subdivision four of section twelve hundred
9 seventy-h of this chapter.

10 2. Monies in the [~~fund~~] 2020 to 2024 capital program account shall be
11 applied, subject to agreements with bondholders and applicable federal
12 law, to the payment of operating, administration, and other necessary
13 expenses of the authority, or to the city of New York subject to the
14 memorandum of understanding executed pursuant to subdivision two-a of
15 section seventeen hundred four of the vehicle and traffic law properly
16 allocable to such program, including the planning, designing, construct-
17 ing, installing or maintaining of the central business district tolling
18 program, including, without limitation, the central business district
19 tolling infrastructure, the central business district tolling collection
20 system and the central business district tolling customer service
21 center, and the costs of any metropolitan transportation authority capi-
22 tal projects included within the 2020 to 2024 MTA capital program or any
23 successor programs. Monies in the [~~fund~~] 2020 to 2024 capital program
24 account may be: (a) pledged by the authority to secure and be applied to
25 the payment of the bonds, notes or other obligations of the authority to
26 finance the costs of the central business district tolling program,
27 including, without limitation, the central business district tolling
28 infrastructure, the central business district tolling collection system
29 and the central business district tolling customer service center, and
30 the costs of any metropolitan transportation authority capital projects
31 included within the 2020 to 2024 MTA capital program or any successor
32 programs, including debt service, reserve requirements, if any, the
33 payment of amounts required under bond and note facilities or agreements
34 related thereto, the payment of federal government loans, security or
35 credit arrangements or other agreements related thereto; or (b) used by
36 the authority for the payment of such capital costs of the central busi-
37 ness district tolling program and the costs of any metropolitan trans-
38 portation authority capital projects included within the 2020 to 2024
39 MTA capital program or any successor programs; or (c) transferred to the
40 metropolitan transportation authority and (1) pledged by the metropol-
41 itan transportation authority to secure and be applied to the payment of
42 the bonds, notes or other obligations of the metropolitan transportation
43 authority to finance the costs of any metropolitan transportation
44 authority capital projects included within the 2020 to 2024 MTA capital
45 program or any successor programs, including debt service, reserve
46 requirements, if any, the payment of amounts required under bond and
47 note facilities or agreements related thereto, the payment of federal
48 government loans, security or credit arrangements or other agreements
49 related thereto, or (2) used by the metropolitan transportation authori-
50 ty for the payment of or to reimburse the costs, including debt service,
51 of any metropolitan transportation authority capital projects included
52 within the 2020 to 2024 MTA capital program or any successor programs.
53 Such revenues shall only supplement and shall not supplant any federal,
54 state, or local funds expended by the authority or the metropolitan
55 transportation authority, or such authority's or metropolitan transpor-
56 tation authority's affiliates or subsidiaries for such respective

1 purposes. Central business district toll revenues may be used as
2 required to obtain, utilize, or maintain federal authorization to
3 collect tolls on federal aid highways.

4 2-a. Monies in the 2025 to 2029 capital program account shall be
5 applied, subject to agreements with bondholders and applicable federal
6 law, to the payment of the costs of any metropolitan transportation
7 authority capital projects included within the 2025 to 2029 MTA capital
8 program or any successor programs. Monies in the 2025 to 2029 capital
9 program account may be: (a) pledged by the authority to secure and be
10 applied to the payment of the bonds, notes or other obligations of the
11 authority to finance the costs of any metropolitan transportation
12 authority capital projects included within the 2025 to 2029 MTA capital
13 program or any successor programs, including debt service, reserve
14 requirements, if any, the payment of amounts required under bond and
15 note facilities or agreements related thereto, the payment of federal
16 government loans, security or credit arrangements or other agreements
17 related thereto; or (b) used by the authority for the payment of such
18 capital costs of any metropolitan transportation authority capital
19 projects included within the 2025 to 2029 MTA capital program or any
20 successor programs; or (c) transferred to the metropolitan transporta-
21 tion authority and (1) pledged by the metropolitan transportation
22 authority to secure and be applied to the payment of the bonds, notes or
23 other obligations of the metropolitan transportation authority to
24 finance the costs of any metropolitan transportation authority capital
25 projects included within the 2025 to 2029 MTA capital program or any
26 successor programs, including debt service, reserve requirements, if
27 any, the payment of amounts required under bond and note facilities or
28 agreements related thereto, the payment of federal government loans,
29 security or credit arrangements or other agreements related thereto, or
30 (2) used by the metropolitan transportation authority for the payment of
31 or to reimburse the costs, including debt service, of any metropolitan
32 transportation authority capital projects included within the 2025 to
33 2029 MTA capital program or any successor programs. Such revenues shall
34 only supplement and shall not supplant any federal, state, or local
35 funds expended by the authority or the metropolitan transportation
36 authority, or such authority's or metropolitan transportation authori-
37 ty's affiliates or subsidiaries for such respective purposes.

38 3. Any monies deposited in the fund shall be held in the fund free and
39 clear of any claim by any person arising out of or in connection with
40 article forty-four-C of the vehicle and traffic law [~~and~~], subdivision
41 twelve-a of section five hundred fifty-three of this title, and article
42 twenty-three of the tax law. Without limiting the generality of the
43 foregoing, no person paying any amount that is deposited into the fund
44 shall have any right or claim against the authority or the metropolitan
45 transportation authority, any of their bondholders, any of the authori-
46 ty's or the metropolitan transportation authority's subsidiaries or
47 affiliates to any monies in or distributed from the fund or in respect
48 of a refund, rebate, credit or reimbursement of monies arising out of or
49 in connection with article forty-four-C of the vehicle and traffic law
50 [~~and~~], subdivision twelve-a of section five hundred fifty-three of this
51 title, and article twenty-three of the tax law.

52 3-a. Of the capital project costs paid by this fund: eighty percent
53 shall be capital project costs of the New York city transit authority
54 and its subsidiary, Staten Island Rapid Transit Operating Authority, and
55 MTA Bus with priority given to the subway system, new signaling, new
56 subway cars, track and car repair, accessibility, buses and bus system

1 improvements and further investments in expanding transit availability
2 to areas in the outer boroughs that have limited mass transit options;
3 ten percent shall be capital project costs of the Long Island Rail Road,
4 including but not limited to, parking facilities, rolling stock, capaci-
5 ty enhancements, accessibility, and expanding transit availability to
6 areas in the Metropolitan Commuter Transportation District that have
7 limited mass transit options; and ten percent shall be capital project
8 costs of the Metro-North Commuter Railroad Company, including but not
9 limited to, parking facilities, rolling stock, capacity enhancements,
10 accessibility, and expanding transit availability to areas in the Metro-
11 politan Commuter Transportation District that have limited mass transit
12 options.

13 4. The authority shall report annually on all receipts and expendi-
14 tures of the fund and each account within the fund. The report shall
15 detail operating expenses of the central business district tolling
16 program and all fund expenditures including capital projects. The report
17 shall be readily available to the public, and shall be posted on the
18 authority's website and be submitted to the governor, the temporary
19 president of the senate, the speaker of the assembly, the mayor and
20 council of the city of New York, the metropolitan transportation author-
21 ity board, and the metropolitan transportation authority capital program
22 review board.

23 5. Any operating funding used for the purposes of a central business
24 district tolling program shall only be from [~~this fund~~] the 2020 to 2024
25 capital program account and shall be approved, annually, in a plan of
26 expenditures, by the director of the budget.

27 § 5. This act shall take effect immediately; provided, however, that
28 sections three and four of this act shall apply to tax quarters begin-
29 ning on and after July 1, 2025.

30

PART WW

31 Section 1. Paragraph 2 of subdivision (d) of section 1109 of the tax
32 law, as added by chapter 485 of the laws of 1981, is amended to read as
33 follows:

34 (2) On or before the twelfth day of each month, after reserving such
35 amount for such refunds and such costs, the commissioner of taxation and
36 finance shall certify to the comptroller the amount of all revenues so
37 received during the prior month as a result of the taxes, interest and
38 penalties so imposed and in addition on or before the last day of June
39 the commissioner shall certify the amount of such revenues received
40 during and including the first twenty-five days of June. [~~The amount of~~
41 ~~revenues so certified shall be deposited by the comptroller in the mass~~
42 ~~transportation operating assistance fund established by section eighty-~~
43 ~~eight-a of the state finance law to the credit of the metropolitan mass~~
44 ~~transportation operating assistance account therein.] Fifteen percent of
45 the revenues so certified shall be deposited by the comptroller in the
46 mass transportation operating assistance fund established by section
47 eighty-eight-a of the state finance law to the credit of the metropol-
48 itan mass transportation operating assistance account therein. Eighty-
49 five percent of the revenues so certified shall be deposited by the
50 comptroller in the dedicated mass transportation trust fund established
51 pursuant to section eighty-nine-c of the state finance law to be
52 distributed as follows: eighty-five percent of such amount shall be
53 allocated to the New York city transit authority and its subsidiaries
54 and the Staten Island rapid transit operating authority and fifteen~~

1 percent of such amount shall be allocated to the Long Island Rail Road
2 Company and Metro-North commuter railroad company in accordance with the
3 procedures for payment and distribution specified in section twelve
4 hundred seventy-c of the public authorities law, for payment, subject to
5 appropriation, to the metropolitan transportation authority dedicated
6 tax fund established pursuant to section twelve hundred seventy-c of the
7 public authorities law.

8 § 2. Paragraph 3 of subdivision g of section 1109 of the tax law, as
9 amended by section 2 of part GG of chapter 57 of the laws of 2010, is
10 amended to read as follows:

11 (3) By the fifteenth day of the month in which the commissioner has
12 made the certifications to the comptroller described in paragraph two of
13 this subdivision, the comptroller shall bill any county, city or school
14 district in such metropolitan commuter transportation district which
15 provides such clothing and footwear exemption, and any city in such
16 district in which the taxes imposed by section eleven hundred eight of
17 this part are in effect, an amount equal to one-half of the amount
18 certified to the comptroller by the commissioner in respect of such
19 county, city or school district; and such county, city or school
20 district shall pay the amount of such bill to the comptroller by the
21 twenty-fifth day of such month. The comptroller shall deposit any such
22 amounts received [~~in the mass transportation operating assistance fund~~
23 ~~established by section eighty eight a of the state finance law to the~~
24 ~~credit of the metropolitan mass transportation operating assistance~~
25 ~~account therein]~~ as provided in subdivision (d) of this section.

26 § 3. Paragraph 4 of subdivision g of section 1109 of the tax law, as
27 amended by section 2 of part GG of chapter 57 of the laws of 2010, is
28 amended to read as follows:

29 (4) In the event that a county, city or school district imposing tax
30 pursuant to the authority of subpart B of part I of article twenty-nine
31 of this chapter does not pay in full a bill described in paragraph three
32 of this subdivision by the twenty-fifth day of the month described in
33 paragraphs two and three of this subdivision, the comptroller shall
34 deduct any amount not paid from the amount of the next payment or
35 payments due such county, city or school district pursuant to subdivi-
36 sion (c) of section twelve hundred sixty-one of this chapter until such
37 amount not paid has been recovered. The comptroller shall deposit the
38 amounts so deducted and recovered [~~in the mass transportation operating~~
39 ~~assistance fund]~~ to be credited as provided in paragraph three of this
40 subdivision.

41 § 4. Paragraph 5 of subdivision g of section 1109 of the tax law, as
42 amended by section 2 of part GG of chapter 57 of the laws of 2010, is
43 amended to read as follows:

44 (5) In the event that a city in which the taxes imposed by section
45 eleven hundred eight of this article are in effect does not pay in full
46 a bill described in paragraph three of this subdivision by the twenty-
47 fifth day of the month described in paragraphs two and three of this
48 subdivision, the comptroller shall deduct any amount not paid from the
49 amount of any other moneys due such city from the comptroller, not
50 otherwise pledged, dedicated or encumbered pursuant to other state law,
51 until such amount not paid has been recovered. The comptroller shall
52 deposit the amounts so deducted and recovered [~~in the mass transporta-~~
53 ~~tion operating assistance fund]~~ to be credited as provided in paragraph
54 three of this subdivision.

1 § 5. Paragraph 7 of subdivision g of section 1109 of the tax law, as
2 amended by section 2 of part GG of chapter 57 of the laws of 2010, is
3 amended to read as follows:

4 (7) On the same date that the comptroller is required to bill a coun-
5 ty, city or school district an amount as provided in paragraph three of
6 this subdivision, the comptroller shall, after having first made any
7 deposits required by section ninety-two-r of the state finance law and
8 only to the extent that there are moneys remaining after having made
9 such required deposits, withdraw from the state treasury, to the debit
10 of the general fund, an amount equal to the total of the amounts
11 required to be billed to counties, cities and school districts pursuant
12 to such subdivision three and deposit such total amount [~~in the mass
13 transportation operating assistance fund~~] to be credited as provided in
14 such paragraph three. The amount of any over calculation or under calcu-
15 lation determined in paragraph six of this subdivision shall likewise be
16 applied to the amounts required to be deposited under this paragraph, so
17 that the amounts deposited under this paragraph equal the total of the
18 amounts required to be billed to counties, cities and school districts
19 under such paragraph three, as adjusted, pursuant to paragraph six of
20 this subdivision.

21 § 6. Paragraph 3 of subdivision h of section 1109 of the tax law, as
22 amended by section 2 of part M-1 of chapter 109 of the laws of 2006, is
23 amended to read as follows:

24 (3) The comptroller shall, after having first made any deposits
25 required by section ninety-two-r of the state finance law and only to
26 the extent that there are moneys remaining after having made such
27 required deposits, withdraw from the state treasury, to the debit of the
28 general fund, and shall deposit the amount certified by the commissioner
29 as such revenue foregone [~~in the mass transportation operating assist-
30 ance fund established by section eighty-eight-a of the state finance law
31 to the credit of the metropolitan mass transportation operating assist-
32 ance account therein~~] as provided in subdivision (d) of this section.

33 § 7. Paragraph (a) of subdivision 7 of section 88-a of the state
34 finance law, as added by chapter 481 of the laws of 1981, is amended to
35 read as follows:

36 (a) The "metropolitan mass transportation operating assistance
37 account" shall consist of that proportion of the revenues derived from
38 the taxes for the metropolitan transportation district imposed by
39 section eleven hundred nine of the tax law as specified in such section
40 and that proportion of the receipts received pursuant to the tax imposed
41 by article [~~nine-a~~] nine-A of such law as specified in section one
42 hundred seventy-one-a of such law, and that proportion of the receipts
43 received pursuant to the tax imposed by article nine of such law as
44 specified in section two hundred five of such law, and the receipts
45 required to be deposited pursuant to the provisions of section one
46 hundred eighty-two-a of such law, and all other moneys credited or
47 transferred thereto from any other fund or source pursuant to law.

48 § 8. Subdivision 3 of section 89-c of the state finance law, as
49 amended by chapter 56 of the laws of 1993, is amended to read as
50 follows:

51 3. Moneys in the dedicated mass transportation trust fund shall,
52 following appropriation by the legislature, be utilized for the recon-
53 struction, replacement, purchase, modernization, improvement, recondi-
54 tioning, preservation and maintenance of mass transit facilities, vehi-
55 cles and rolling stock, or the payment of debt service or operating
56 expenses incurred by mass transit operating agencies, and for rail

1 projects authorized pursuant to section fourteen-j of the transportation
2 law, for payments to the general debt service fund of amounts equal to
3 amounts required for service contract payments related to rail projects
4 as provided and authorized by section three hundred eighty-six of the
5 public authorities law and for programs to assist small and minority and
6 women-owned firms engaged in transportation construction and recon-
7 struction projects, including a revolving fund for working capital
8 loans, and a bonding guarantee assistance program in accordance with
9 provisions of this chapter. It is the intent of the governor to submit
10 and the legislature to enact in a budget bill for fiscal year nineteen
11 hundred ninety-four--ninety-five, two appropriations from the dedicated
12 mass transportation trust fund to the metropolitan transportation
13 authority dedicated tax fund established by section twelve hundred
14 seventy-c of the public authorities law. One such appropriation shall be
15 equal to the amounts expected to be available for such purpose pursuant
16 to subdivision (d) of section three hundred one-j of the tax law during
17 the nineteen hundred ninety-four--ninety-five fiscal year and shall be
18 effective in that fiscal year. The other such appropriation shall be
19 equal to the amount expected to be available for such purpose pursuant
20 to subdivision (d) of section three hundred one-j of the tax law during
21 the nineteen hundred ninety-five--ninety-six fiscal year and shall,
22 notwithstanding the provisions of section forty of this chapter, take
23 effect on the first day of the nineteen hundred ninety-five--ninety-six
24 fiscal year and lapse on the last day of that fiscal year. It is the
25 intent of the governor to submit and the legislature to enact for each
26 fiscal year after the nineteen hundred ninety-four--ninety-five fiscal
27 year in an annual budget bill: (i) an appropriation for the amount
28 expected to be available in the dedicated mass transportation trust fund
29 during such fiscal year for the metropolitan transportation authority
30 pursuant to subdivision (d) of section three hundred one-j of the tax
31 law and paragraph two of subdivision (d) of section eleven hundred nine
32 of the tax law, including any amounts on deposit therein from any prior
33 year which have been previously appropriated, and (ii) an appropriation
34 of the amounts projected by the director of the budget to be deposited
35 in the metropolitan transportation authority dedicated tax fund from the
36 dedicated mass transportation trust fund pursuant to subdivision (d) of
37 section three hundred one-j of the tax law and paragraph two of subdivi-
38 sion (d) of section eleven hundred nine of the tax law, for the next
39 succeeding fiscal year. Such appropriation for payment of revenues
40 expected to be received in the succeeding fiscal year shall, notwith-
41 standing section forty of this chapter, take effect on the first day of
42 such succeeding fiscal year and lapse on the last day of such fiscal
43 year. If for any fiscal year commencing on or after the first day of
44 April, nineteen hundred ninety-four the governor fails to submit a budg-
45 et bill containing the foregoing, or the legislature fails to enact a
46 bill with such provisions, then the authority shall notify the comp-
47 troller, the director of the budget, the chairperson of the senate
48 finance committee and the chairperson of the assembly ways and means
49 committee of amounts required to be disbursed from the appropriation
50 made during the preceding fiscal year for payment in such fiscal year.
51 In no event shall the comptroller make any payments from such appropri-
52 ation prior to May first of such fiscal year, and unless and until the
53 director of the budget, the chairperson of the senate finance committee
54 and the chairperson of the assembly ways and means committee have been
55 notified of the required payments and the timing of such payments to be
56 made from the dedicated mass transportation trust fund to the metropol-

1 itan transportation authority dedicated tax fund at least forty-eight
2 hours prior to any such payments. Until such time as payments pursuant
3 to such appropriation are made in full, revenues in the dedicated mass
4 transportation trust fund shall not be paid over to any person other
5 than the metropolitan transportation authority. Nothing contained in
6 this subdivision shall be deemed to restrict the right of the state to
7 amend, repeal, modify or otherwise alter statutes imposing or relating
8 to the taxes imposed pursuant to section three hundred one-j of the tax
9 law, the taxes imposed pursuant to paragraph two of subdivision (d) of
10 section eleven hundred nine of the tax law, or the appropriations relat-
11 ing thereto. The metropolitan transportation authority shall not include
12 within any resolution, contract or agreement with holders of the bonds
13 or notes issued under section twelve hundred sixty-nine of the public
14 authorities law any provision which provides that a default occurs as a
15 result of the state exercising its right to amend, repeal, modify or
16 otherwise alter such taxes or appropriations.

17 § 9. Subdivision 2 of section 1270-c of the public authorities law, as
18 added by chapter 56 of the laws of 1993, is amended to read as follows:

19 2. There shall be deposited, pursuant to appropriation, into the fund
20 the moneys deposited in the dedicated mass transportation trust fund for
21 payment to the metropolitan transportation authority dedicated tax fund
22 pursuant to the provisions of subdivision (d) of section three hundred
23 one-j of the tax law, paragraph two of subdivision (d) of section eleven
24 hundred nine of the tax law, and any other moneys collected for or
25 transferred to such fund pursuant to section eighty-eight-a of the state
26 finance law and any other provision of law directing or permitting the
27 deposit of moneys in such fund.

28 § 10. Subdivision 3 of section 1270-c of the public authorities law,
29 as amended by section 30 of part 0 of chapter 61 of the laws of 2000, is
30 amended to read as follows:

31 3. Moneys in the fund may be (a) pledged by the authority to secure
32 and be applied to the payment of its bonds, notes or other obligations
33 specified by the authority and issued to finance (i) transit projects
34 undertaken for the New York city transit authority and its subsidiaries
35 and (ii) transportation facilities undertaken for the authority and its
36 subsidiaries and (b) used for payment of operating costs, and capital
37 costs, including debt service, reserve requirements, if any, the payment
38 of amounts required under bond and note facilities or agreements related
39 thereto, the payment of federal government loans, security or credit
40 arrangements or other agreements related thereto, and the payment of all
41 costs related to such obligations, of or for the authority, the New York
42 city transit authority and their subsidiaries as the authority shall
43 determine. To the extent moneys in the fund have been pledged by the
44 authority to secure and pay its bonds, notes or other obligations as
45 herein provided, moneys deposited into the fund shall first be deposited
46 into the pledged amounts account to the extent necessary to satisfy the
47 requirements of any debt service or reserve requirements, if any, of the
48 resolution authorizing such bonds, notes or other obligations. After
49 satisfaction of such requirements of the resolution, or if the authority
50 has not so pledged the moneys in the fund, moneys deposited in the fund
51 shall be directly deposited into the operating and capital costs account
52 and, subject to the provisions of any resolutions of the authority not
53 secured by the pledged amounts account, transferred forthwith to or for
54 the benefit of the New York city transit authority and its subsidiaries
55 and the Staten Island rapid transit operating authority (the "TA") and
56 to and for the benefit of the Long Island Rail Road company and the

1 Metro-North commuter rail road company (the "CRR") as provided in this
2 section.

3 Moneys in the operating and capital costs account which were deposited
4 in the fund pursuant to appropriation from moneys deposited in the dedi-
5 cated mass transportation trust fund for payment to the metropolitan
6 transportation authority dedicated tax fund pursuant to subdivision (d)
7 of section three hundred one-j of the tax law or paragraph two of subdivi-
8 vision (d) of section eleven hundred nine of the tax law (the "remaining
9 PBT amount") shall be distributed by the authority as follows: an amount
10 equal to the debt service incurred in such calendar year as a result of
11 obligations issued and secured by moneys in the fund, to the extent such
12 debt service is to be paid from money deposited in the fund pursuant to
13 appropriation from moneys deposited in the dedicated mass transportation
14 trust fund for payment to the metropolitan transportation authority
15 dedicated tax fund pursuant to subdivision (d) of section three hundred
16 one-j of the tax law or paragraph two of subdivision (d) of section
17 eleven hundred nine of the tax law ("PBT debt service"), shall be added
18 to the remaining PBT amount. The sum of these figures shall then be
19 allocated as follows: eighty-five per centum of such sum shall be allo-
20 cated to the TA and fifteen per centum of such sum shall be allocated to
21 the CRR. The amounts so allocated shall then be reduced respectively by
22 the proportional amount of PBT debt service attributable to the payments
23 for transit projects undertaken for the TA and transportation facility
24 projects undertaken for the CRR. The remaining amounts shall constitute
25 the respective distributable shares of the remaining PBT amount and
26 shall be distributed to or for the benefit of the TA and the CRR.

27 Moneys in the operating and capital costs account which were deposited
28 in the fund pursuant to section eighty-eight-a of the state finance law
29 (the "remaining MMTOA amount") shall be distributed by the authority as
30 follows: an amount equal to the debt service incurred in such calendar
31 year as a result of obligations issued and secured by money in the fund,
32 to the extent such debt service is to be paid from money deposited in
33 the fund pursuant to section eighty-eight-a of the state finance law
34 ("MMTOA debt service"), shall be added to the remaining MMTOA amount.
35 The sum of these figures shall then be allocated as follows: there shall
36 be allocated (i) to the TA an amount of such sum which bears the same
37 proportion to such sum as the amount appropriated and paid during such
38 calendar year from the metropolitan mass transportation operating
39 assistance account to the authority for the operating expenses of the TA
40 bears to the total amounts so appropriated and paid from such operating
41 assistance account during such calendar year to the TA and CRR combined
42 and (ii) to the CRR an amount of such sum which bears the same propor-
43 tion to such sum as the amount appropriated and paid during such calen-
44 dar year from the metropolitan mass transportation operating assistance
45 account to the CRR bears to the total amounts so appropriated and paid
46 from such operating assistance account during such calendar year to the
47 TA and CRR combined. The amounts so allocated shall then be reduced
48 respectively by the proportional amount of MMTOA debt service attribut-
49 able to the payments for transit projects undertaken for the TA and
50 transportation facility projects undertaken for the CRR. The remaining
51 amounts shall constitute the respective distributable shares of the
52 remaining MMTOA amount and shall be distributed to or for the benefit of
53 the TA and the CRR. In no event shall the authority utilize any measure
54 or calculation for determining such distributable shares other than the
55 formula prescribed herein nor shall the authority take any action which

1 would result in the use of such money which is different from or incon-
2 sistent with the use prescribed in this section.

3 To the extent that amounts described in the preceding two paragraphs
4 are distributed more frequently than annually, each such distribution
5 shall be made as nearly as may be practicable in accordance with the
6 allocations described above to the TA and the CRR. Within thirty days
7 after the end of each calendar year, the authority shall certify to the
8 director of the budget, the chairperson of the senate finance committee
9 and the chairperson of the assembly ways and means committee, the amount
10 of money deposited in the fund pursuant to appropriation from moneys
11 deposited in the dedicated mass transportation trust fund for payment to
12 the metropolitan transportation authority dedicated tax fund pursuant to
13 subdivision (d) of section three hundred one-j of the tax law, paragraph
14 two of subdivision (d) of section eleven hundred nine of the tax law,
15 and section eighty-eight-a of the state finance law, the amounts
16 expended from the pledged amounts account for the benefit of the TA and
17 the CRR, and the amounts of the remaining PBT amount and the remaining
18 MMTOA amount distributed during the prior calendar year to the TA and
19 the CRR and specifying in each case the appropriation or appropriations
20 which was the source of such amounts.

21 § 11. Subdivision 4 of section 1270-c of the public authorities law,
22 as added by chapter 56 of the laws of 1993, is amended to read as
23 follows:

24 4. Any money deposited in the fund shall be held in the fund free and
25 clear of any claim by any person arising out of or in connection with
26 article thirteen-A and article twenty-eight of the tax law. Without
27 limiting the generality of the foregoing and without limiting the rights
28 and duties of the commissioner of taxation and finance under article
29 thirteen-A of the tax law, no petroleum business, as defined in section
30 three hundred of the tax law, or any other person, including the state,
31 shall have any right or claim against the authority, any of its bond-
32 holders, the TA or the CRR to any moneys in or distributed from the fund
33 or in respect of a refund, rebate, credit or reimbursement of taxes paid
34 under article thirteen-A and article twenty-eight of the tax law.

35 § 12. This act shall take effect April 1, 2026.

36

PART XX

37 Section 1. Subdivision 12 of section 1269 of the public authorities
38 law, as amended by section 1 of part I of chapter 58 of the laws of
39 2020, is amended to read as follows:

40 12. The aggregate principal amount of bonds, notes or other obli-
41 gations issued after the first day of January, nineteen hundred ninety-
42 three by the authority, the Triborough bridge and tunnel authority and
43 the New York city transit authority to fund projects contained in capi-
44 tal program plans approved pursuant to section twelve hundred sixty-
45 nine-b of this title for the period nineteen hundred ninety-two through
46 two thousand [~~twenty-four~~] twenty-nine shall not exceed [~~ninety~~] one
47 hundred fifteen billion [~~one~~] five hundred million dollars. Such aggre-
48 gate principal amount of bonds, notes or other obligations or the
49 expenditure thereof shall not be subject to any limitation contained in
50 any other provision of law on the principal amount of bonds, notes or
51 other obligations or the expenditure thereof applicable to the authori-
52 ty, the Triborough bridge and tunnel authority or the New York city
53 transit authority. The aggregate limitation established by this subdivi-
54 sion shall not include (i) obligations issued to refund, redeem or

1 otherwise repay, including by purchase or tender, obligations thereto-
2 fore issued either by the issuer of such refunding obligations or by the
3 authority, the New York city transit authority or the Triborough bridge
4 and tunnel authority, (ii) obligations issued to fund any debt service
5 or other reserve funds for such obligations, (iii) obligations issued or
6 incurred to fund the costs of issuance, the payment of amounts required
7 under bond and note facilities, federal or other governmental loans,
8 security or credit arrangements or other agreements related thereto and
9 the payment of other financing, original issue premiums and related
10 costs associated with such obligations, (iv) an amount equal to any
11 original issue discount from the principal amount of such obligations or
12 to fund capitalized interest, (v) obligations incurred pursuant to
13 section twelve hundred seven-m of this article, (vi) obligations
14 incurred to fund the acquisition of certain buses for the New York city
15 transit authority as identified in a capital program plan approved
16 pursuant to chapter fifty-three of the laws of nineteen hundred ninety-
17 two, (vii) obligations incurred in connection with the leasing, selling
18 or transferring of equipment, and (viii) bond anticipation notes or
19 other obligations payable solely from the proceeds of other bonds, notes
20 or other obligations which would be included in the aggregate principal
21 amount specified in the first sentence of this subdivision, whether or
22 not additionally secured by revenues of the authority, or any of its
23 subsidiary corporations, New York city transit authority, or any of its
24 subsidiary corporations, or Triborough bridge and tunnel authority.

25 § 2. This act shall take effect immediately.

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

35 § 3. This act shall take effect immediately provided, however, that
36 the applicable effective date of Parts A through XX of this act shall be
37 as specifically set forth in the last section of such Parts.