

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. MARTINEZ, ASHBY, CANZONERI-FITZPATRICK, COONEY, HOYLMAN-SIGAL, MURRAY, RHOADS, C. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law and the tax law in relation to enacting the lift our communities advertise locally (LOCAL) program; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "lift our communities advertise locally (LOCAL) program".

3 § 2. The economic development law is amended by adding a new article
4 29 to read as follows:

ARTICLE 29

LIFT OUR COMMUNITIES ADVERTISE LOCALLY PROGRAM

5
6 Section 510. Short title.

7 511. Definitions.

8 512. Application and approval process.

9 513. Local newspaper and broadcast media business advertising
10 tax credit.

11 514. Powers and duties of the commissioner.

12 § 510. Short title. This article shall be known and may be cited as
13 the "lift our communities advertise locally (LOCAL) program".

14 § 511. Definitions. For the purposes of this article:

15 1. "Certificate of tax credit" shall mean the document issued to an
16 eligible business by the department after the department has verified
17 that such eligible business has met all applicable eligibility criteria
18 under this article. The certificate shall specify the exact amount of
19

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

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1 the tax credit under this article that an eligible business may claim,
2 pursuant to section five hundred thirteen and section five hundred four-
3 teen of this article.

4 2. "Eligible business" shall mean a minority-owned business enterprise
5 as defined in section three hundred ten of the executive law, a women-
6 owned business enterprise as defined in section three hundred ten of the
7 executive law, a certified service-disabled veteran-owned business
8 enterprise as defined in section forty of the veterans' services law, or
9 a small business as defined in this section.

10 3. "Excluded organization" shall mean:

11 (a) an organization described in subsection four, five or six of
12 section 501(c) of the United States internal revenue code;

13 (b) a political organization as defined in section 527(e) of the
14 United States internal revenue code;

15 (c) any organizations that received more than one hundred thousand
16 dollars, in the aggregate, from organizations described in paragraph (a)
17 or (b) of this subdivision;

18 (d) a publicly-traded company that reported at least one billion
19 dollars in revenue, in the aggregate, during the immediately preceding
20 four quarters; or

21 (e) an organization that is a subsidiary of, or at least five percent
22 owned by, organizations described in paragraph (d) of this subdivision.

23 4. "Local news journalist" shall mean any resident of the state of New
24 York who regularly gathers, prepares, produces, collects, edits, photo-
25 graphs, records, directs the recording of, writes, presents, broadcasts,
26 prints, publishes or reports news or information that concerns local or
27 current events of a New York state county, town, village, city, or
28 hamlet, or any combination thereof.

29 5. "Local newspaper" shall mean a print or digital publication that:

30 (a) publishes news content that is primarily focused on local or
31 current events of a New York state county, town, village, city, or
32 hamlet, or any combination thereof, otherwise known as such local news-
33 paper's primary coverage area;

34 (b) employs at least one full-time local news journalist that resides
35 in, or within fifty miles of, the publication's primary coverage area;

36 (c) publishes and distributes local news content not less frequently
37 than once per week, and has done so continuously for the preceding
38 twelve-month period;

39 (d) carries valid libel or medial liability insurance; and

40 (e) for a local newspaper that distributes in only a digital format,
41 (i) earned revenue of at least one hundred thousand dollars in the
42 preceding taxable year and (ii) derives at least thirty-three percent of
43 its audience, averaged over the preceding twelve-month period, from its
44 primary coverage area.

45 5-a. For the purposes of this section, a print or digital publication
46 shall not be considered a local newspaper or broadcast media business if
47 such publication is:

48 (a) distributed or made available primarily for advertising or enter-
49 tainment purposes; or

50 (b) majority owned by, or derives at least fifty percent of its reven-
51 ue from, excluded organizations.

52 6. "Broadcast media business" shall mean any broadcast station which:

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

55 (b) discloses its ownership to the public at such times and in such
56 manner as identified by the commissioner;

1 (c) broadcasts news content that is primarily focused on local or
2 current events of a New York state county, town, village, city, or
3 hamlet, or any combination thereof, otherwise known as such broadcast
4 media business' primary coverage area;

5 (d) employs at least one full-time local news journalist that resides
6 in, or within fifty miles of, the broadcast media business' primary
7 coverage area;

8 (e) broadcasts local news content not less frequently than once per
9 week, and has done so continuously for the preceding twelve-month peri-
10 od;

11 (f) carries valid libel or media liability insurance; and

12 (g) for a broadcast media business that distributes in only a digital
13 format: (i) earned revenue of at least one hundred thousand dollars in
14 the preceding taxable year; and (ii) derives at least thirty-three
15 percent of its audience, averaged over the preceding twelve-month peri-
16 od, from its primary coverage area.

17 6-a. For the purposes of this section, a broadcast station shall not
18 be considered a broadcast media business if such broadcast station is:
19 (a) broadcast primarily for advertising or entertainment purposes; or
20 (b) majority owned by, or derives at least fifty percent of its revenue
21 from, excluded organizations.

22 7. "Advertising" shall mean providing consideration for the publica-
23 tion, broadcast, dissemination, solicitation, or circulation of visual,
24 aural, spoken, or written communication to directly or indirectly: (a)
25 induce any person or organization to purchase a good, program, product,
26 or service, or to contribute financially to a cause; or (b) raise aware-
27 ness of a brand, good, program, product, service, or issue.

28 8. "Qualified local media advertising expenses" means amounts paid or
29 incurred in the ordinary course of a trade or business for advertising
30 using a product, service, or other offering that is fully owned and
31 operated by a local newspaper or broadcast media business. For the
32 purposes of this section, advertising distributed in a programmatic
33 fashion in a digital format shall not be considered qualified local
34 media advertising expenses.

35 9. "Small business" shall mean ten employees or fewer and shall be
36 deemed to be one which is resident in this state, independently owned
37 and operated and not dominant in its field.

38 § 512. Application and approval process. 1. An eligible business shall
39 submit a complete application as prescribed by the commissioner.

40 2. The commissioner shall establish procedures and a timeframe for
41 eligible businesses to submit applications. As part of the application,
42 each eligible business shall:

43 (a) provide evidence in a form and manner prescribed by the commis-
44 sioner of their status as an eligible business;

45 (b) agree to allow the department of taxation and finance to share the
46 eligible business's tax information with the department;

47 (c) agree to allow the department of labor to share its tax and
48 employer information with the department provided, however, any informa-
49 tion shared as a result of this program shall not be available for
50 disclosure or inspection under the state freedom of information law;

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

53 (e) agree to provide any additional information required by the
54 department relevant to this article.

55 3. After reviewing an eligible business's completed final application
56 and determining that such eligible business meets the eligibility crite-

1 ria as set forth in this article, the department may issue to such
2 eligible business a certificate of tax credit. An eligible business may
3 claim such tax credit.

4 § 513. Local newspaper and broadcast media business advertising tax
5 credit. 1. An eligible business that meets the eligibility requirements
6 of this article, and meets any additional eligibility criteria as
7 prescribed by regulations established pursuant to this section, may be
8 eligible to claim a credit equaling eighty percent of such eligible
9 business's expenditures towards qualified local media advertising
10 expenses. Such expenditures towards qualified local media advertising
11 expenses used to calculate such credit shall not exceed five thousand
12 dollars.

13 2. The total amount of tax credits listed on certificates of tax cred-
14 it issued by the commissioner pursuant to this article shall not exceed
15 ten million dollars for each year the credit is available per eligible
16 business for the taxable year. Within this amount, six million dollars
17 shall be set aside for minority-owned business enterprises as defined in
18 section three hundred ten of the executive law, women-owned business
19 enterprises as defined in section three hundred ten of the executive law
20 and certified service-disabled veteran-owned business enterprise as
21 defined in section forty of the veterans' services law and four million
22 dollars shall be set aside for small businesses as defined in section
23 five hundred eleven of this article. Allocations may be utilized across
24 the above referenced businesses should either one be under-allocated.

25 3. The credit shall be allowed as provided in section fifty of the tax
26 law.

27 § 514. Powers and duties of the commissioner. 1. The commissioner
28 shall 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 this section which, notwithstanding any provisions to the
32 contrary in the state administrative procedure act, may be adopted on an
33 emergency basis.

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

39 3. The commissioner shall solely determine the eligibility of any
40 applicant applying for such tax credit.

41 § 3. The tax law is amended by adding a new section 50 to read as
42 follows:

43 § 50. Local newspaper and broadcast media business advertising tax
44 credit. (a) Allowance of credit. A taxpayer subject to tax under article
45 nine-A or twenty-two of this chapter shall be allowed a credit against
46 such tax, pursuant to the provisions referenced in subdivision (e) of
47 this section. The amount of the credit is equal to the amount determined
48 pursuant to article twenty-eight of the economic development law. A
49 taxpayer that is a partner in a partnership, member of a limited liabil-
50 ity company or shareholder in a subchapter S corporation shall be
51 allowed its pro rata share of the credit allowed for the partnership,
52 limited liability company or subchapter S corporation. No cost or
53 expense paid or incurred that is included as part of the calculation of
54 this credit shall be the basis of any other tax credit allowed under
55 this chapter.

1 (b) Eligibility. To be eligible to claim the local newspaper or broad-
2 cast media business advertising tax credit the taxpayer shall have been
3 issued a certificate of tax credit by the department of economic devel-
4 opment pursuant to article twenty-eight of the economic development law,
5 which certificate shall set forth the amount of the credit that may be
6 claimed for the taxable year. The taxpayer shall be allowed to claim
7 only the amount listed on the certificate of tax credit for that taxable
8 year.

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

13 (d) Credit recapture. If a certificate of tax credit issued by the
14 department of economic development under article twenty-eight of the
15 economic development law is revoked by such department, the amount of
16 credit described in this section and claimed by the taxpayer prior to
17 that revocation shall be added back to tax in the taxable year in which
18 any such revocation becomes final.

19 (e) Cross references. For application of the credit provided in this
20 section see the following provisions of this chapter:

21 (1) article 9-A: section 210-B, subdivision 63.

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

23 § 4. Section 210-B of the tax law is amended by adding a new subdivi-
24 sion 63 to read as follows:

25 63. Local newspaper and broadcast media business advertising tax cred-
26 it. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be
27 computed as provided in section fifty of this chapter, against the taxes
28 imposed by this article.

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

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

43 (uuu) Local newspaper and broadcast media business advertising tax
44 credit. (1) Allowance of credit. A taxpayer shall be allowed a credit,
45 to be computed as provided in section fifty of this chapter, against the
46 tax imposed by this article.

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

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

1 (Liii) Local newspaper advertising Amount of credit under
2 under subsection (uuu) subdivision sixty-three of section
3 two hundred ten-B
4 § 7. This act shall take effect immediately and shall apply to tax
5 years beginning on or after January 1, 2026 and shall expire January 1,
6 2030 when upon such date the provisions of this act shall be deemed
7 repealed.