

# STATE OF NEW YORK

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3009--B

## IN ASSEMBLY

February 1, 2023

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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

AN ACT to amend the tax law, in relation to providing the authority to abate interest for taxpayers impacted by declared disasters (Part A); to amend the tax law, in relation to clarifying the definition of limited partner for the purposes of the metropolitan commuter transportation mobility tax (Part B); to amend the tax law, in relation to making the investment tax credit refundable for eligible farmers for five years (Part C); to amend the tax law, in relation to the empire state film production credit and the empire state film post-production credit (Part D); to amend the tax law, in relation to the abatement of penalties for underpayment of estimated tax by a corporation (Part E); to amend the economic development law, in relation to the COVID-19 capital costs tax credit program (Part F); to amend the social services law and the tax law, in relation to creating a tax credit for the creation and expansion of child care (Part G); to amend the tax law, in relation to extending the authorization of any city having a population of one million or more to provide a biotechnology credit against the general corporation tax, unincorporated business tax, and banking corporation tax of such city (Part H); to amend the tax law, in relation to extending the current corporate tax rates; to amend the tax law, in relation to deposit and disposition of revenue; to amend the public authorities law, in relation to the metropolitan transportation authority special assistance fund; and to amend the state finance law, in relation to the mass transportation operating assistance fund (Subpart A); to amend the tax law and the parks, recreation and historic preservation law, in relation to establishing the large projects historic rehabilitation tax credit and the "white elephant" housing historic rehabilitation projects tax credit program (Subpart B); to amend the tax law, in relation to extending the empire state commercial production tax credit for five years (Subpart C); to amend the tax law, in relation to extending provisions of law relating to the grade No. 6 heating oil conversion tax credit (Subpart D); to

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

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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 (Subpart E) (Part I); to amend the tax law, in relation to making technical corrections to the credit for companies who provide transportation to individuals with disabilities (Subpart A); to amend the tax law, in relation to eligibility for the brownfield redevelopment tax credit (Subpart B); to amend the tax law, in relation to the pass-through entity tax and city pass-through entity tax and making technical corrections thereto (Subpart C) (Part J); to amend the real property tax law, in relation to simplifying the senior citizens real property tax exemption and the exemption for persons with disabilities and limited income (Part K); to amend chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, in relation to the effectiveness thereof (Part L); intentionally omitted (Part M); to amend the real property tax law and the state administrative procedure act, in relation to clarifying the solar or wind energy system appraisal model (Part N); intentionally omitted (Part O); to repeal certain provisions of the tax law, relating to eliminating congestion surcharge registration requirements (Part P); to amend the tax law, in relation to the payment of tax on increased quantities of motor fuel and Diesel motor fuel on which the taxes pursuant to articles 12-A, 13-A and 28 were not previously paid (Part Q); to amend the tax law, in relation to extending the sales tax exemption for certain sales made through vending machines (Part R); to amend the tax law, in relation to an increase in the rate of tax on cigarettes (Part S); intentionally omitted (Part T); to amend the tax law and the administrative code of the city of New York, in relation to extending the tax rate reduction under the New York state real estate transfer tax and the New York city real property transfer tax for conveyances of real property to existing real estate investment funds (Part U); intentionally omitted (Part V); to amend the state finance law, in relation to clarifying the deposit timeframe for moneys deposited by the commissioner of taxation and finance (Part W); to amend the tax law, in relation to requiring the New York Racing Association, Inc. to enter into a repayment agreement with the state of New York for the repayment of funds provided by the state for the renovation of Belmont Park (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Capital region and Catskill off-track betting corporations' capital acquisition funds (Part AA); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part BB); intentionally omitted (Part CC); to



amend the tax law, in relation to adjusting certain income tax rates (Part DD); to amend the tax law, in relation to extending supplemental earned income tax credit and empire state child credit payments and expanding existing programs (Part EE); to amend the tax law, the public authorities law and the state finance law, in relation to sales tax on digital products (Part FF); to amend the tax law, in relation to establishing small business savings accounts (Part GG); to amend the tax law, in relation to pass-through manufacturers zero percent tax rate (Part HH); to amend the tax law, in relation to the amount of credit for cider, wine, and liquor under the alcoholic beverage production credit (Part II); to amend the tax law, the public authorities law and the state finance law, in relation to adding a fee on delivery transactions (Part JJ); to amend the state finance law, in relation to the liability of a person who presents false claims for money or property to the state or a local government (Part KK); providing for the administration of certain funds and accounts related to the 2023-2024 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts; to amend the military law, in relation to the deposit of funds for the use of armories; to amend the state finance law, in relation to the rainy day reserve fund; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds & notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to the nonprofit infrastructure capital investment program; to amend the New York state urban development corporation act, in relation to state-supported debt issued during the 2024 fiscal year; to amend the New York state urban development corporation act, in relation to permitting the dormitory authority, the New York state urban development corporation, and the thruway authority to issue bonds for the purpose of refunding obligations of the power authority of the state of New York to fund energy efficiency projects at state agencies; to amend the public authorities law, in relation to financing of metropolitan transportation authority (MTA) transportation facilities; to amend the state finance law, in relation to payments of bonds; to amend the state finance law, in relation to the mental health services fund; to amend the state finance law, in relation to the issuance of revenue bonds; to amend part D of chapter 63 of the



laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; authorizing the dormitory authority and the urban development corporation to issue certain bonds or notes; and providing for the repeal of certain provisions upon expiration thereof (Part LL); to amend the public authorities law and the labor law, in relation to unemployment insurance fund bond financing (Part MM); and to amend the county law, in relation to enacting the "Suffolk county water quality restoration act", authorizing the county of Suffolk to establish a water quality restoration fund, and authorizing the county of Suffolk to form a county sewer and wastewater management district and extend the existing one-quarter of one percent sales tax utilized to finance the county drinking water protection program until 2060; to amend the tax law, in relation to the Suffolk county water quality restoration fund; and to amend the local finance law, in relation to the period of probable usefulness of septic systems funded by programs established by the county of Suffolk (Part NN)

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 2023-2024  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through NN. 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. The opening paragraph of paragraph a of subdivision twen-  
14 ty-eighth of section 171 of the tax law, as amended by chapter 451 of  
15 the laws of 2022, is amended to read as follows:

16 [In the case of a taxpayer who is determined for federal tax purposes  
17 under the provisions of] Have the authority to postpone certain dead-  
18 lines for a period of up to ninety days, or longer when necessary to  
19 align with relief provided by the Internal Revenue Service pursuant to  
20 section seven thousand five hundred eight-A of the internal revenue code  
21 [to be affected by a presidentially declared disaster, or who], for a  
22 taxpayer who is determined [under regulations promulgated by the commis-  
23 sioner] to be affected by a presidentially declared disaster or by a  
24 disaster emergency declared by the governor[, have authority to provide  
25 that a period of up to ninety days, or a longer period when necessary to  
26 align with relief that has already been provided by the Internal Revenue  
27 Service under the authority to postpone certain deadlines in section  
28 seven thousand five hundred eight-A of the internal revenue code, may].  
29 Any extension period provided pursuant to the authority in this subdivi-  
30 sion shall be disregarded in determining under the tax law, or under a  
31 law enacted pursuant to the authority of the tax law or former article

2-E of the general city law where administered by the commissioner, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such taxpayer:

§ 2. Paragraph c of subdivision twenty-eighth of section 171 of the tax law, as added by chapter 8 of the laws of 1998, is amended to read as follows:

c. Definitions. 1. Presidentially declared disaster. For purposes of this subdivision, the term "presidentially declared disaster" means any disaster which, with respect to an area, resulted in a subsequent determination by the president of the United States that such area warrants assistance by the federal government under the disaster relief and emergency assistance act.

2. Taxpayer. For purposes of this subdivision, the term "taxpayer" means any person or entity required to file a return or remit any tax to the commissioner pursuant to this chapter.

§ 3. Subdivision twenty-eighth of section 171 of the tax law is amended by adding a new paragraph d to read as follows:

d. Where a taxpayer who, pursuant to section seven thousand five hundred eight-a of the internal revenue code, is determined for federal tax purposes to be affected by a presidentially declared disaster, or who is determined to be affected by a disaster emergency declared by the governor, but the commissioner has not postponed a tax deadline pursuant to the authority in paragraph a of this subdivision due to such disaster, the commissioner may abate any amount of interest from the underpayment of any tax administered by the commissioner under this chapter that accrued for the period during which the taxpayer was unable to meet such deadline due to direct impacts of the disaster.

§ 4. This act shall take effect immediately.

#### PART B

Section 1. Subsection (e) of section 800 of the tax law, as added by section 1 of part C of chapter 25 of the laws of 2009, is amended to read as follows:

(e) Net earnings from self-employment. Net earnings from self-employment has the same meaning as in section 1402 of the internal revenue code, provided, however, that for purposes of determining whether the exclusion pursuant to paragraph 13 of subsection (a) of section 1402 of the internal revenue code applies, an individual shall not be considered a limited partner if the individual, directly or indirectly, takes part in the control, or participates in the management or operations of the partnership such that the individual is not a passive investor, regardless of the individual's title or characterization in a partnership or operating agreement.

§ 2. This act shall take effect immediately.

#### PART C

Section 1. Paragraph (d) of subdivision 1 of section 210-B of the tax law, as amended by section 31 of part T of chapter 59 of the laws of 2015, is amended to read as follows:

(d) Except as otherwise provided in this paragraph, the credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivi-



sion for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven and not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years but in no event shall such credit be carried over to taxable years commencing on or after January first, two thousand two, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the fifteen taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of such carryover, (i) any such taxpayer which qualifies as a new business under paragraph (f) of this subdivision may elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter, and (ii) any such taxpayer that is an eligible farmer, as defined in subdivision eleven of this section, may for taxable years beginning before January first, two thousand twenty-eight, elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter, provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

§ 2. Paragraph 5 of subsection (a) of section 606 of the tax law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

(5) If the amount of credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years, but in no event shall such credit be carried over to taxable years commencing on or after January first, nineteen hundred ninety-seven, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the ten taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of carrying over any such excess, (A) a taxpayer who qualifies as an owner of a new business for purposes of paragraph ten of this subsection may, at [his] the taxpayer's option, receive such excess as a refund, and (B) a taxpayer that is an eligible farmer as defined in subsection (n) of this section may, at the taxpayer's option, for taxable years beginning before January first, two thousand twenty-eight receive such excess as a refund. Any refund paid pursuant to this paragraph shall be deemed to be a refund of an overpayment of tax as provided in section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 3. This act shall take effect immediately, and apply to taxable years beginning on or after January 1, 2023.

#### PART D

Section 1. Paragraph 2 of subdivision (a) of section 24 of the tax law, as separately amended by sections 1 and 2 of part M of chapter 59 of the laws of 2020, is amended to read as follows:



(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership) of [twenty-five] thirty percent, or thirty-five percent in the case of an eligible relocated television series, and the qualified production costs paid or incurred in the production of a qualified film, provided that: (i) the qualified production costs (excluding post production costs) paid or incurred which are attributable to the use of tangible property or the performance of services at a qualified film production facility in the production of such qualified film equal or exceed seventy-five percent of the production costs (excluding post production costs) paid or incurred which are attributable to the use of tangible property or the performance of services at any film production facility within and without the state in the production of such qualified film, and (ii) except with respect to a qualified independent film production company or pilot, at least ten percent of the total principal photography shooting days spent in the production of such qualified film must be spent at a qualified film production facility. However, if the qualified production costs (excluding post production costs) which are attributable to the use of tangible property or the performance of services at a qualified film production facility in the production of such qualified film is less than three million dollars, then the portion of the qualified production costs attributable to the use of tangible property or the performance of services in the production of such qualified film outside of a qualified film production facility shall be allowed only if the shooting days spent in New York outside of a film production facility in the production of such qualified film equal or exceed seventy-five percent of the total shooting days spent within and without New York outside of a film production facility in the production of such qualified film. The credit shall be allowed for the taxable year in which the production of such qualified film is completed. However, in the case of a qualified film that receives funds from additional pool 2, no credit shall be claimed before the later of (1) the taxable year the production of the qualified film is complete, or (2) the [first] taxable year [beginning immediately after the] that includes the last day of the allocation year for which the film has been allocated credit by the [governor's office for motion picture and television] department of economic development. If the amount of the credit is at least one million dollars but less than five million dollars, the credit shall be claimed over a two year period beginning in the first taxable year in which the credit may be claimed and in the next succeeding taxable year, with one-half of the amount of credit allowed being claimed in each year. If the amount of the credit is at least five million dollars, the credit shall be claimed over a three year period beginning in the first taxable year in which the credit may be claimed and in the next two succeeding taxable years, with one-third of the amount of the credit allowed being claimed in each year.

§ 2. Paragraph 5 of subdivision (a) of section 24 of the tax law, as amended by section 2 of part M of chapter 59 of the laws of 2022, is amended to read as follows:

(5) For the period two thousand fifteen through two thousand [twenty-nine] thirty-four, in addition to the amount of credit established in paragraph two of this subdivision, a taxpayer shall be allowed a credit equal to the product (or pro rata share of the product, in the case of a member of a partnership) of ten percent and the amount of wages or salaries paid to individuals directly employed (excluding those employed as writers, directors, [music directors] composers, producers and perform-



ers, [including] other than background actors with no scripted lines to the extent those wages or salaries or other compensation exceed five hundred thousand dollars per individual) by a qualified film production company or a qualified independent film production company for services performed by those individuals in one of the counties specified in this paragraph in connection with a qualified film with a minimum budget of five hundred thousand dollars. Provided, however, the aggregate total eligible qualified production costs for producers, writers, directors, performers (other than background actors with no scripted lines), and composers shall not exceed forty percent of the aggregate sum total of all other qualified production costs. For purposes of this additional credit, the services must be performed in one or more of the following counties: Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, or Yates. The aggregate amount of tax credits allowed pursuant to the authority of this paragraph shall be five million dollars each year during the period two thousand fifteen through two thousand [twenty-nine] twenty-three and fifteen million dollars each year during the period two thousand twenty-four through two thousand thirty-four of the annual allocation made available to the program pursuant to paragraph four of subdivision (e) of this section. Such aggregate amount of credits shall be allocated by the [governor's office for motion picture and television] department of economic development among taxpayers in order of priority based upon the date of filing an application for allocation of film production credit [with such office]. If the total amount of allocated credits applied for under this paragraph in any year exceeds the aggregate amount of tax credits allowed for such year under this paragraph, such excess shall be treated as having been applied for on the first day of the next year. If the total amount of allocated tax credits applied for under this paragraph at the conclusion of any year is less than five million dollars each year during the period two thousand fifteen through two thousand twenty-three and fifteen million dollars each year during the period two thousand twenty-four through two thousand thirty-four, the remainder shall be treated as part of the annual allocation made available to the program pursuant to paragraph four of subdivision (e) of this section. However, in no event may the total of the credits allocated under this paragraph and the credits allocated under paragraph five of subdivision (a) of section thirty-one of this article exceed five million dollars [in any year during the period two thousand fifteen through two thousand twenty-nine]; provided further, however, that during the period two thousand twenty-four through two thousand thirty-four, in no event may the total of the credits allocated under this paragraph exceed fifteen million dollars or the credits allocated under paragraph five of subdivision (a) of section thirty-one of this article exceed five million dollars.

§ 2-a. Paragraph 1 of subdivision (b) of section 24 of the tax law, as amended by section 4 of part B of chapter 59 of the laws of 2013, is amended to read as follows:

(1) "Qualified production costs" means production costs only to the extent such costs are attributable to the use of tangible property or the performance of services within the state directly and predominantly



1 in the production (including pre-production and post production) of a  
2 qualified film. The aggregate total eligible qualified production  
3 costs for producers, writers, directors, performers (other than back-  
4 ground actors with no scripted lines), and composers shall not exceed  
5 forty percent of the aggregate sum total of all other qualified  
6 production costs.

7 § 3. Paragraph 2 of subdivision (b) of section 24 of the tax law, as  
8 added by section 1 of part P of chapter 60 of the laws of 2004, is  
9 amended to read as follows:

10 (2) "Production costs" means any costs for tangible property used and  
11 services performed directly and predominantly in the production (includ-  
12 ing pre-production and post production) of a qualified film.  
13 "Production costs" shall not include (i) costs for a story, script or  
14 scenario to be used for a qualified film and (ii) wages or salaries or  
15 other compensation for writers, directors, [including music directors]  
16 composers, producers and performers (other than background actors with  
17 no scripted lines) to the extent those wages or salaries or other  
18 compensation exceed five hundred thousand dollars per individual.  
19 "Production costs" generally include technical and crew production  
20 costs, such as expenditures for film production facilities, or any part  
21 thereof, props, makeup, wardrobe, film processing, camera, sound record-  
22 ing, set construction, lighting, shooting, editing and meals.

23 § 4. Paragraph 8 of subdivision (b) of section 24 of the tax law, as  
24 added by section 2 of part B of chapter 59 of the laws of 2013, is  
25 amended to read as follows:

26 (8) "Relocated television production" shall mean, notwithstanding the  
27 limitations in subparagraph (i) of paragraph three of this subdivision,  
28 a television production that is a talk or variety program that filmed at  
29 least [five] two seasons outside the state prior to its first relocated  
30 season in New York, the episodes are filmed before a studio audience of  
31 two hundred or more, and the relocated television production incurs (i)  
32 at least thirty million dollars in annual production costs in the state,  
33 or (ii) at least ten million dollars in capital expenditures at a quali-  
34 fied production facility in the state.

35 § 5. Subdivision (b) of section 24 of the tax law is amended by adding  
36 a new paragraph 9 to read as follows:

37 (9) "Eligible relocated television series" shall mean the first two  
38 years of a regularly occurring production intended to run in its initial  
39 broadcast, regardless of the medium or mode of its distribution, in a  
40 series of narrative and/or thematically related episodes, each of which  
41 has a running time of at least thirty minutes in length (inclusive of  
42 commercial advertisement and interstitial programming, if any). For the  
43 purposes of this definition only, a television series produced by and  
44 for media services providers described as streaming services and/or  
45 digital platforms (and excluding network/cable) shall mean a regularly  
46 occurring production intended to run in its initial release in a series  
47 of narrative and/or thematically related episodes, the aggregate length  
48 of which is at least seventy-five minutes, although the episodes them-  
49 selves may vary in duration from the thirty minutes specified for  
50 network/cable production, which had filmed a minimum of six episodes of  
51 the television series outside the state immediately prior to relocating  
52 to the state, where the television series had a total minimum budget of  
53 at least one million dollars per episode.

54 § 6. Paragraph 4 of subdivision (e) of section 24 of the tax law, as  
55 amended by section 3 of part M of chapter 59 of the laws of 2022, is  
56 amended to read as follows:



(4) Additional pool 2 - The aggregate amount of tax credits allowed in subdivision (a) of this section shall be increased by an additional four hundred twenty million dollars in each year starting in two thousand ten through two thousand [twenty-nine] twenty-three and seven hundred million dollars each year starting in two thousand twenty-four through two thousand thirty-four, provided however, seven million dollars of the annual allocation shall be available for the empire state film post production credit pursuant to section thirty-one of this article in two thousand thirteen and two thousand fourteen, twenty-five million dollars of the annual allocation shall be available for the empire state film post production credit pursuant to section thirty-one of this article in each year starting in two thousand fifteen through two thousand [twenty-nine and] twenty-three, and forty-five millions dollars of the annual allocation shall be available for the empire state film post production credit pursuant to section thirty-one of this article in each year starting in two thousand twenty-four through two thousand thirty-four. Provided further, five million dollars of the annual allocation shall be made available for the television writers' and directors' fees and salaries credit pursuant to section twenty-four-b of this article in each year starting in two thousand twenty through two thousand [twenty-nine] thirty-four. This amount shall be allocated by the [governor's office for motion picture and television] department of economic development among taxpayers in accordance with subdivision (a) of this section. If the commissioner of economic development determines that the aggregate amount of tax credits available from additional pool 2 for the empire state film production tax credit have been previously allocated, and determines that the pending applications from eligible applicants for the empire state film post production tax credit pursuant to section thirty-one of this article is insufficient to utilize the balance of unallocated empire state film post production tax credits from such pool, the remainder, after such pending applications are considered, shall be made available for allocation in the empire state film tax credit pursuant to this section, subdivision twenty of section two hundred ten-B and subsection (gg) of section six hundred six of this chapter. Also, if the commissioner of economic development determines that the aggregate amount of tax credits available from additional pool 2 for the empire state film post production tax credit have been previously allocated, and determines that the pending applications from eligible applicants for the empire state film production tax credit pursuant to this section is insufficient to utilize the balance of unallocated film production tax credits from such pool, then all or part of the remainder, after such pending applications are considered, shall be made available for allocation for the empire state film post production credit pursuant to this section, subdivision thirty-two of section two hundred ten-B and subsection (qq) of section six hundred six of this chapter. The [governor's office for motion picture and television] department of economic development must notify taxpayers of their allocation year and include the allocation year on the certificate of tax credit. Taxpayers eligible to claim a credit must report the allocation year directly on their empire state film production credit tax form for each year a credit is claimed and include a copy of the certificate with their tax return. In the case of a qualified film that receives funds from additional pool 2, no empire state film production credit shall be claimed before the later of (1) the taxable year the production of the qualified film is complete, or (2) the taxable year [immediately following] that includes the last day of the allocation year for which the



1 film has been allocated credit by the [governor's office for motion  
2 picture and television] department of economic development.

3 § 7. Paragraph 4 of subdivision (e) of section 24 of the tax law, as  
4 amended by section 4 of part M of chapter 59 of the laws of 2022, is  
5 amended to read as follows:

6 (4) Additional pool 2 - The aggregate amount of tax credits allowed in  
7 subdivision (a) of this section shall be increased by an additional four  
8 hundred twenty million dollars in each year starting in two thousand ten  
9 through two thousand [twenty-nine] twenty-three and seven hundred  
10 million dollars in each year starting in two thousand twenty-four  
11 through two thousand thirty-four, provided however, seven million  
12 dollars of the annual allocation shall be available for the empire state  
13 film post production credit pursuant to section thirty-one of this arti-  
14 cle in two thousand thirteen and two thousand fourteen [and], twenty-  
15 five million dollars of the annual allocation shall be available for the  
16 empire state film post production credit pursuant to section thirty-one  
17 of this article in each year starting in two thousand fifteen through  
18 two thousand [twenty-nine] twenty-three, and forty-five million dollars  
19 of the annual allocation shall be available for the empire state film  
20 post production credit pursuant to section thirty-one of this article in  
21 each year starting in two thousand twenty-four through two thousand  
22 thirty-four. This amount shall be allocated by the [governor's office  
23 for motion picture and television] department of economic development  
24 among taxpayers in accordance with subdivision (a) of this section. If  
25 the commissioner of economic development determines that the aggregate  
26 amount of tax credits available from additional pool 2 for the empire  
27 state film production tax credit have been previously allocated, and  
28 determines that the pending applications from eligible applicants for  
29 the empire state film post production tax credit pursuant to section  
30 thirty-one of this article is insufficient to utilize the balance of  
31 unallocated empire state film post production tax credits from such  
32 pool, the remainder, after such pending applications are considered,  
33 shall be made available for allocation in the empire state film tax  
34 credit pursuant to this section, subdivision twenty of section two  
35 hundred ten-B and subsection (gg) of section six hundred six of this  
36 chapter. Also, if the commissioner of economic development determines  
37 that the aggregate amount of tax credits available from additional pool  
38 2 for the empire state film post production tax credit have been previ-  
39 ously allocated, and determines that the pending applications from  
40 eligible applicants for the empire state film production tax credit  
41 pursuant to this section is insufficient to utilize the balance of unal-  
42 located film production tax credits from such pool, then all or part of  
43 the remainder, after such pending applications are considered, shall be  
44 made available for allocation for the empire state film post production  
45 credit pursuant to this section, subdivision thirty-two of section two  
46 hundred ten-B and subsection (qq) of section six hundred six of this  
47 chapter. The [governor's office for motion picture and television]  
48 department of economic development must notify taxpayers of their allo-  
49 cation year and include the allocation year on the certificate of tax  
50 credit. Taxpayers eligible to claim a credit must report the allocation  
51 year directly on their empire state film production credit tax form for  
52 each year a credit is claimed and include a copy of the certificate with  
53 their tax return. In the case of a qualified film that receives funds  
54 from additional pool 2, no empire state film production credit shall be  
55 claimed before the later of (1) the taxable year the production of the  
56 qualified film is complete, or (2) the taxable year [immediately follow-



ing] that includes the last day of the allocation year for which the film has been allocated credit by the [governor's office for motion picture and television] department of economic development.

§ 8. Paragraph 2 of subdivision (a) of section 31 of the tax law, as amended by section 5 of part M of chapter 59 of the laws of 2020, is amended to read as follows:

(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership) of [twenty-five] thirty percent and the qualified post production costs paid in the production of a qualified film at a qualified post production facility located within the metropolitan commuter transportation district as defined in section twelve hundred sixty-two of the public authorities law or [thirty] thirty-five percent and the qualified post production costs paid in the production of a qualified film at a qualified post production facility located elsewhere in the state.

§ 9. Paragraph 6 of subdivision (a) of section 31 of the tax law, as amended by section 6 of part M of chapter 59 of the laws of 2022, is amended to read as follows:

(6) For the period two thousand fifteen through two thousand [twenty-nine] thirty-four, in addition to the amount of credit established in paragraph two of this subdivision, a taxpayer shall be allowed a credit equal to the product (or pro rata share of the product, in the case of a member of a partnership) of ten percent and the amount of wages or salaries paid to individuals directly employed (excluding those employed as writers, directors, [music directors] composers, producers and performers, [including] other than background actors with no scripted lines) for services performed by those individuals in one of the counties specified in this paragraph in connection with the post production work on a qualified film with a minimum budget of five hundred thousand dollars at a qualified post production facility in one of the counties listed in this paragraph. For purposes of this additional credit, the services must be performed in one or more of the following counties: Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, or Yates. The aggregate amount of tax credits allowed pursuant to the authority of this paragraph shall be five million dollars each year during the period two thousand fifteen through two thousand [twenty-nine] thirty-four of the annual allocation made available to the empire state film post production credit pursuant to paragraph four of subdivision (e) of section twenty-four of this article. Such aggregate amount of credits shall be allocated by the [governor's office for motion picture and television] department of economic development among taxpayers in order of priority based upon the date of filing an application for allocation of post production credit with such office. If the total amount of allocated credits applied for under this paragraph in any year exceeds the aggregate amount of tax credits allowed for such year under this paragraph, such excess shall be treated as having been applied for on the first day of the next year. If the total amount of allocated tax credits applied for under this paragraph at the conclusion of any year is less than five million dollars, the remainder shall be treated as part of the annual allocation for two thousand seventeen made available to the



1 empire state film post production credit pursuant to paragraph four of  
2 subdivision (e) of section twenty-four of this article. However, in no  
3 event may the total of the credits allocated under this paragraph and  
4 the credits allocated under paragraph five of subdivision (a) of section  
5 twenty-four of this article exceed five million dollars in any year  
6 during the period two thousand fifteen through two thousand [twenty-  
7 nine] thirty-four.

8 § 9-a. Paragraph 3 of subdivision (b) of section 24 of the tax law, as  
9 amended by section 5 of part F of chapter 59 of the laws of 2021, is  
10 amended to read as follows:

11 (3) "Qualified film" means a feature-length film, television film,  
12 relocated television production, television pilot or television series,  
13 regardless of the medium by means of which the film, pilot or series is  
14 created or conveyed. For the purposes of the credit provided by this  
15 section only, a "qualified film" whose majority of principal photography  
16 shooting days in the production of the qualified film are shot in West-  
17 chester, Rockland, Nassau, or Suffolk county or any of the five New York  
18 City boroughs shall have a minimum budget of one million dollars. A  
19 "qualified film", whose majority of principal photography shooting days  
20 in the production of the qualified film are shot in any other county of  
21 the state than those listed in the preceding sentence shall have a mini-  
22 mum budget of two hundred fifty thousand dollars. "Qualified film" shall  
23 not include: (i) a documentary film, news or current affairs program,  
24 interview or talk program, "how-to" (i.e., instructional) film or  
25 program, film or program consisting primarily of stock footage, sporting  
26 event or sporting program, game show, award ceremony, film or program  
27 intended primarily for industrial, corporate or institutional end-users,  
28 fundraising film or program, daytime drama (i.e., daytime "soap opera"),  
29 commercials, music videos or "reality" program; (ii) a production for  
30 which records are required under section 2257 of title 18, United States  
31 code, to be maintained with respect to any performer in such production  
32 (reporting of books, films, etc. with respect to sexually explicit  
33 conduct); or (iii) other than a relocated television production, a tele-  
34 vision series commonly known as variety entertainment, variety sketch  
35 and variety talk, i.e., a program with components of improvisational or  
36 scripted content (monologues, sketches, interviews), either exclusively  
37 or in combination with other entertainment elements such as musical  
38 performances, dancing, cooking, crafts, pranks, stunts, and games and  
39 which may be further defined in regulations of the commissioner of  
40 economic development. However, a qualified film shall include a tele-  
41 vision series as described in subparagraph (iii) of this paragraph only  
42 if an application for such series has been deemed conditionally eligible  
43 for the tax credit under this section prior to April first, two thousand  
44 twenty, such series remains in continuous production for each season,  
45 and an annual application for each season of such series is continually  
46 submitted for such series after April first, two thousand twenty.  
47 Notwithstanding subparagraph (iii) of this paragraph, an entity receiv-  
48 ing a credit pursuant to this section for a television series commonly  
49 known as variety entertainment, that would otherwise be prohibited from  
50 receiving a tax credit, shall be eligible for a new variety enter-  
51 tainment show credit if the amount of the initial year credit does not  
52 exceed the previous year's amount, at least fifty percent of the staff  
53 are maintained in the first year of the credit, the same eligible entity  
54 applies for the subsequent season's credit, and such application is made  
55 prior to March thirty-first, two thousand twenty-four.



1 § 10. This act shall take effect immediately for initial applications  
2 received on or after such effective date; provided, however, that the  
3 amendments to paragraph 4 of subdivision (e) of section 24 of the tax  
4 law made by section six of this act shall take effect on the same date  
5 and in the same manner as section 6 of chapter 683 of the laws of 2019,  
6 as amended, takes effect.

## 7 PART E

8 Section 1. Section 1085 of the tax law is amended by adding a new  
9 subsection (e-1) to read as follows:

10 (e-1) Waiver of addition for underpayment of estimated tax. No addi-  
11 tion to tax shall be imposed under subsection (c) of this section with  
12 respect to any underpayment to the extent the commissioner determines  
13 that by reason of casualty, disaster or other unusual circumstances the  
14 imposition of such addition to tax would be against equity and good  
15 conscience.

16       § 2. This act shall take effect immediately.

## 17 PART F

18 Section 1. Subdivision 4 of section 484 of the economic development  
19 law, as added by section 1 of part E of chapter 59 of the laws of 2022,  
20 is amended to read as follows:

21 4. The business entity must submit its application by [March thirty-  
22 first] September thirtieth, two thousand twenty-three.

23      § 2. This act shall take effect immediately.

24 PART G

25 Section 1. Article 6 of the social services law is amended by adding a  
26 new title 1-A to read as follows:

27 TITLE 1-A

28 CHILD CARE CREATION AND EXPANSION TAX CREDIT PROGRAM

29      Section 394.      Short title.

30 394-a. Definitions.

31 394-b. Eligibility criteria.

32 394-c. Application and approval process.

33 394-d. Child care creation and expansion tax credit.

34 394-e. Allocation of credit.

35                    394-f. Powers and duties of the commissioner.

36 394-g. Maintenance of records.

37     § 394. Short title. This title shall be known and may be cited as the  
38     "child care creation and expansion tax credit program act".

39      § 394-a. Definitions. For the purposes of this title:

40 1. "Certificate of tax credit" shall mean the document issued to a  
41 business entity by the office after the office has verified that the  
42 business entity has met all applicable eligibility criteria in this  
43 title. The certificate shall specify the exact amount of the tax credit  
44 under this title that a business entity may claim, pursuant to section  
45 three hundred ninety-four-d of this title, and the service year.

46 2. "Child care program" shall mean a child day care for which a  
47 license or registration to operate such program has been issued by the  
48 office pursuant to section three hundred ninety of this article.

49     3. "Child care rate" shall mean the weekly child care subsidy market  
50 rates, based on the eightieth percentile of the 2021-22 New York state

1 child care market rate survey, for infant and toddler care provided by a  
2 licensed or registered child care program, as reflected in the 2022  
3 child care market rate survey report published by the office in compli-  
4 ance with section 98.45 of title forty-five of the code of federal regu-  
5 lations.

6 4. "Child care seats" shall mean the maximum number of children to be  
7 allowed on the premises of a child care program at any time that such  
8 program is in operation as specified on the license or registration  
9 issued for such program by the office.

10 5. "Creates child care" shall mean the making available of child care  
11 seats in a child care program by a business entity, directly or through  
12 a third-party, for employees of such business entity, where such child  
13 care program was not available prior to April first, two thousand twen-  
14 ty-three, provided that the costs imposed on such employees for such  
15 child care program do not exceed forty percent of the child care rate.

16 6. "Commissioner" shall mean commissioner of the office of children  
17 and family services.

18 7. "Expands child care" shall mean the increase in the number of child  
19 care seats in a child care program made available by a business entity,  
20 directly or through a third party, for employees of such business enti-  
21 ty, provided that such increase requires a new or amended license or  
22 registration issued by the office pursuant to section three hundred  
23 ninety of this article on or after April first, two thousand twenty-  
24 three, and, provided further, that the costs imposed on such employees  
25 for such child care program do not exceed forty percent of the child  
26 care rate.

27 8. "Occupied" shall mean, for each service year in which a child care  
28 program is in operation, the average daily number of children in attend-  
29 ance on the premises of such child care program.

30 9. "Office" shall mean the office of children and family services.

31 10. "Service year" shall mean the twelve-month period, or portion  
32 thereof, commencing on January first and ending on December thirty-  
33 first.

34 § 394-b. Eligibility criteria. 1. To be eligible for a tax credit  
35 under the child care creation and expansion tax credit program, a busi-  
36 ness entity must:

37 (a) be a business entity that is required to file a tax return pursu-  
38 ant to article nine-A, twenty-two or thirty-three of the tax law;

39 (b) be a child care program, or contract with such child care program,  
40 as defined in this title that is licensed or registered pursuant to  
41 section three hundred ninety of this article;

42 (c) create or expand child care seats, directly or through a third  
43 party, for the employees of such business entity on or after April  
44 first, two thousand twenty-three and before January first, two thousand  
45 twenty-five;

46 (d) operate a business location in New York state;

47 (e) be in substantial compliance with any child care licensing laws  
48 and regulations related to the entity's business sector or other laws  
49 and regulations as determined by the commissioner; and

50 (f) not owe past due state taxes or local property taxes unless the  
51 business entity is making payments and complying with an approved bind-  
52 ing payment agreement entered into with the taxing authority.

53 § 394-c. Application and approval process. 1. A business entity must  
54 submit a complete application as prescribed by the commissioner by the  
55 thirty-first of January after the end of the service year.



1     2. The commissioner shall establish procedures for a business entity  
2 to submit applications. As part of the application, each business entity  
3 must:

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

6     (b) provide the license or registration issued to the business entity,  
7 directly or through a third party, by the office to operate a child care  
8 program indicating the number of child care seats created or, in the  
9 case of a child care program that has experienced an expansion of child  
10 care seats, the license or registration issued by the office demonstrat-  
11 ing such expansion;

12     (c) provide evidence in a form and manner prescribed by the commis-  
13 sioner establishing:

14     (i) the total number of child care seats that were occupied during the  
15 service year;

16     (ii) of such total number of child care seats that were occupied, the  
17 number of infant child care seats that were occupied and the number of  
18 toddler child care seats that were occupied;

19     (iii) that, to the extent the business entity, directly or through a  
20 third party, has expanded child care, the number of child care seats in  
21 existence before such expansion and the number of such child care seats  
22 that were occupied before such expansion; and

23     (iv) that the costs imposed on the business entity's employees for  
24 such child care program do not exceed forty percent of the child care  
25 rate.

26     (d) agree to allow the department of taxation and finance to share the  
27 business entity's tax information relevant to the administration of this  
28 title with the office. However, any information shared as a result of  
29 this title shall not be available for disclosure or inspection under the  
30 state freedom of information law;

31     (e) allow the office and its agents access to any and all books and  
32 records the office may require to monitor compliance; and

33     (f) agree to provide any additional information required by the office  
34 relevant to this title.

35     3. After reviewing a business entity's completed final application and  
36 determining that the business entity meets the eligibility criteria as  
37 set forth in this title, the office may issue to that business entity a  
38 certificate of tax credit, which shall set forth the amount of the cred-  
39 it that may be claimed and the service year.

40     § 394-d. Child care creation and expansion tax credit. Allowance of  
41 credit. 1. A business entity in the child care creation and expansion  
42 tax credit program that meets the eligibility requirements of section  
43 three hundred ninety-four-b of this title may be eligible to claim a  
44 credit for the portion of the service year in which the child care  
45 program was in operation, equal to the sum of: (a) the product of the  
46 number of infant child care seats that have been created or expanded and  
47 twenty percent of the child care rate for such infant child care seats  
48 and (b) the product of the number of toddler child care seats that have  
49 been created or expanded and twenty percent of the child care rate for  
50 such toddler child care seats; provided that such infant and toddler  
51 child care seats are child care seats that are occupied. Notwithstand-  
52 ing the preceding sentence, a credit shall not be allowed for more than  
53 twenty-five child care seats that are occupied, and the amount of such  
54 credit may be reduced as a result of an allocation of available funds,  
55 as described in section three hundred ninety-four-e of this title.





1     2. The credit shall be allowed as provided in section forty-eight,  
2     subdivision fifty-nine of section two hundred ten-B, subsection (ooo) of  
3     section six hundred six and subdivision (ee) of section fifteen hundred  
4     eleven of the tax law.

5     § 394-e. Allocation of credit. The aggregate amount of tax credits  
6     allowed under this title, subdivision fifty-nine of section two hundred  
7     ten-B, subsection (ooo) of section six hundred six and subdivision (ee)  
8     of section fifteen eleven of the tax law shall be twenty-five million  
9     dollars each year during the period two thousand twenty-three and two  
10    thousand twenty-four. Such aggregate amount of credits shall be allo-  
11    cated by the office on a pro rata basis to each business entity that  
12    demonstrates eligibility pursuant to section three hundred ninety-four-b  
13    of this title.

14    § 394-f. Powers and duties of the commissioner. 1. The commissioner  
15    may promulgate regulations establishing an application process and  
16    eligibility criteria, which will be applied consistent with the purposes  
17    of this title so as not to exceed the annual cap on tax credits set  
18    forth in this title, that, notwithstanding any provisions to the contra-  
19    ry in the state administrative procedure act, may be adopted on an emer-  
20    gency basis.

21    2. The commissioner shall, in consultation with the department of  
22    taxation and finance, develop a certificate of tax credit that shall be  
23    issued by the commissioner to eligible businesses. Such certificate  
24    shall contain such information as required by the department of taxation  
25    and finance.

26    3. The commissioner shall solely determine the eligibility of any  
27    business entity applying for entry into the program and shall remove any  
28    business entity from the program for failing to meet any of the require-  
29    ments set forth in section three hundred ninety-four-b of this title.

30    § 394-g. Maintenance of records. Each business entity participating in  
31    the program shall keep all relevant records for the duration of their  
32    participation in the program for at least three years.

33    § 2. The tax law is amended by adding a new section 48 to read as  
34    follows:

35    § 48. Child care creation and expansion tax credit. (a) Allowance of  
36    credit. A taxpayer subject to tax under article nine-A, twenty-two or  
37    thirty-three of this chapter shall be allowed a credit against such tax,  
38    pursuant to the provisions referenced in subdivision (f) of this  
39    section. The amount of the credit is equal to the amount determined  
40    pursuant to section three hundred ninety-four-d of the social services  
41    law and shall be claimed in the taxable year that includes the last day  
42    of the service year for which the credit is calculated. No cost or  
43    expense paid or incurred by the taxpayer that is included as part of the  
44    calculation of this credit shall be the basis of any other tax credit  
45    allowed under this chapter.

46    (b) Eligibility. To be eligible for the child care creation and expan-  
47    sion tax credit, the taxpayer shall have been issued a certificate of  
48    tax credit by the office of children and family services pursuant to  
49    section three hundred ninety-four-c of the social services law. A  
50    taxpayer that is a partner in a partnership, member of a limited liabil-  
51    ity company or shareholder in a subchapter S corporation that has  
52    received a certificate of tax credit shall be allowed its pro rata share  
53    of the credit earned by the partnership, limited liability company or  
54    subchapter S corporation.

55    (c) Tax return requirement. The taxpayer shall be required to attach  
56    to its tax return in the form prescribed by the commissioner, proof of

1 receipt of its certificate of tax credit issued by the commissioner of  
2 the office of children and family services.

3 (d) Information sharing. Notwithstanding any provision of this chap-  
4 ter, employees of the office of children and family services and the  
5 department shall be allowed and are directed to share and exchange:

6 (1) information regarding the credit applied for, allowed or claimed  
7 pursuant to this section and taxpayers that are applying for the credit  
8 or that are claiming the credit; and

9 (2) information contained in or derived from credit claim forms  
10 submitted to the department. Except as provided in paragraph one of this  
11 subdivision, all information exchanged between the office of children  
12 and family services and the department shall not be subject to disclo-  
13 sure or inspection under the state's freedom of information law.

14 (e) Credit recapture. If a certificate of tax credit issued by the  
15 office of children and family services under title 1-A of article six of  
16 the social services law is revoked by such office, the amount of credit  
17 described in this section and claimed by the taxpayer prior to that  
18 revocation shall be added back to tax in the taxable year in which any  
19 such revocation becomes final.

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

22 (1) article 9-A: section 210-B, subdivision 59;

23 (2) article 22: section 606, subsection (ooo);

24 (3) article 33: section 1511, subdivision (ee).

25 § 3. Section 210-B of the tax law is amended by adding a new subdivi-  
26 sion 59 to read as follows:

27 59. Child care creation and expansion tax credit. (a) Allowance of  
28 credit. A taxpayer shall be allowed a credit, to be computed as  
29 provided in section forty-eight of this chapter, against the taxes  
30 imposed by this article.

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

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

45 (ooo) Child care creation and expansion tax credit. (1) Allowance of  
46 credit. A taxpayer shall be allowed a credit, to be computed as provided  
47 in section forty-eight of this chapter, against the tax imposed by this  
48 article.

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

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





1 For taxable years beginning before January first, two thousand  
2 sixteen, the amount prescribed by this paragraph shall be computed at  
3 the rate of seven and one-tenth percent of the taxpayer's business  
4 income base. For taxable years beginning on or after January first, two  
5 thousand sixteen, the amount prescribed by this paragraph shall be six  
6 and one-half percent of the taxpayer's business income base. For taxable  
7 years beginning on or after January first, two thousand twenty-one and  
8 before January first, two thousand [twenty-four] twenty-three for any  
9 taxpayer with a business income base for the taxable year of more than  
10 five million dollars, the amount prescribed by this paragraph shall be  
11 seven and one-quarter percent of the taxpayer's business income base.  
12 For taxable years beginning on or after January first two thousand twen-  
13 ty-three and before January first, two thousand twenty-seven for any  
14 taxpayer with a business income base for the taxable year of more than  
15 five million dollars, the amount prescribed by this paragraph shall be  
16 nine and one-quarter percent of the taxpayer's business income base. The  
17 taxpayer's business income base shall mean the portion of the taxpayer's  
18 business income apportioned within the state as hereinafter provided.  
19 However, in the case of a small business taxpayer, as defined in para-  
20 graph (f) of this subdivision, the amount prescribed by this paragraph  
21 shall be computed pursuant to subparagraph (iv) of this paragraph and in  
22 the case of a manufacturer, as defined in subparagraph (vi) of this  
23 paragraph, the amount prescribed by this paragraph shall be computed  
24 pursuant to subparagraph (vi) of this paragraph, and, in the case of a  
25 qualified emerging technology company, as defined in subparagraph (vii)  
26 of this paragraph, the amount prescribed by this paragraph shall be  
27 computed pursuant to subparagraph (vii) of this paragraph.

28 § 2. Subparagraph 1 of paragraph (b) of subdivision 1 of section 210  
29 of the tax law, as amended by section 2 of part HHH of chapter 59 of the  
30 laws of 2021, is amended to read as follows:

31 (1) (i) The amount prescribed by this paragraph shall be computed  
32 at .15 percent for each dollar of the taxpayer's total business capital,  
33 or the portion thereof apportioned within the state as hereinafter  
34 provided for taxable years beginning before January first, two thousand  
35 sixteen. However, in the case of a cooperative housing corporation as  
36 defined in the internal revenue code, the applicable rate shall be .04  
37 percent until taxable years beginning on or after January first, two  
38 thousand twenty and zero percent for taxable years beginning on or after  
39 January first, two thousand twenty-one. The rate of tax for subsequent  
40 tax years shall be as follows: .125 percent for taxable years beginning  
41 on or after January first, two thousand sixteen and before January  
42 first, two thousand seventeen; .100 percent for taxable years beginning  
43 on or after January first, two thousand seventeen and before January  
44 first, two thousand eighteen; .075 percent for taxable years beginning  
45 on or after January first, two thousand eighteen and before January  
46 first, two thousand nineteen; .050 percent for taxable years beginning  
47 on or after January first, two thousand nineteen and before January  
48 first, two thousand twenty; .025 percent for taxable years beginning on  
49 or after January first, two thousand twenty and before January first,  
50 two thousand twenty-one; and .1875 percent for years beginning on or  
51 after January first, two thousand twenty-one and before January first,  
52 two thousand [twenty-four] twenty-seven, and zero percent for taxable  
53 years beginning on or after January first, two thousand [twenty-four]  
54 twenty-seven. Provided however, for taxable years beginning on or after  
55 January first, two thousand twenty-one, the rate of tax for a small  
56 business as defined in paragraph (f) of this subdivision shall be zero



1 percent. The rate of tax for a qualified New York manufacturer shall be  
2 .132 percent for taxable years beginning on or after January first, two  
3 thousand fifteen and before January first, two thousand sixteen, .106  
4 percent for taxable years beginning on or after January first, two thou-  
5 sand sixteen and before January first, two thousand seventeen, .085  
6 percent for taxable years beginning on or after January first, two thou-  
7 sand seventeen and before January first, two thousand eighteen; .056  
8 percent for taxable years beginning on or after January first, two thou-  
9 sand eighteen and before January first, two thousand nineteen; .038  
10 percent for taxable years beginning on or after January first, two thou-  
11 sand nineteen and before January first, two thousand twenty; .019  
12 percent for taxable years beginning on or after January first, two thou-  
13 sand twenty and before January first, two thousand twenty-one; and zero  
14 percent for years beginning on or after January first, two thousand  
15 twenty-one. (ii) In no event shall the amount prescribed by this para-  
16 graph exceed three hundred fifty thousand dollars for qualified New York  
17 manufacturers and for all other taxpayers five million dollars.

18 § 3. Section 218 of the tax law, as added by chapter 69 of the laws of  
19 1978, is amended to read as follows:

20 § 218. Deposit and disposition of revenue. 1. All taxes, interest and  
21 penalties collected or received by the tax commission under this article  
22 shall be deposited and disposed of pursuant to the provisions of section  
23 one hundred seventy-one-a of this chapter.

24 2. Provided, however, after the comptroller retains an amount neces-  
25 sary for refunds and reimbursements to which taxpayers shall be entitled  
26 under this article as described in section one hundred seventy-one-a of  
27 this chapter, she or he shall deposit into the credit of the corporate  
28 transportation account of the metropolitan transportation authority  
29 special assistance fund established by section twelve hundred seventy-a  
30 of the public authorities law for the costs of the New York city transit  
31 authority, to be applied as provided in paragraph (e) of subdivision  
32 two of such section in the following amounts: (i) in state fiscal year  
33 two thousand twenty-three--two thousand twenty-four, an amount equal to  
34 six hundred ninety-two million dollars; and (ii) in state fiscal year  
35 two thousand twenty-four--two thousand twenty-five, an amount equal to  
36 nine hundred twenty-three million dollars; and (iii) in state fiscal  
37 year two thousand twenty-five--two thousand twenty-six, an amount equal  
38 to seven hundred fifty-two million dollars; and (iv) in state fiscal  
39 year two thousand twenty-six--two thousand twenty-seven, an amount equal  
40 to eight hundred seventeen million dollars.

41 3. Provided further, after such funds are distributed pursuant to  
42 subdivision two of this section but before such funds are distributed  
43 pursuant to subdivision one of this section, such funds shall be  
44 distributed into the credit of the metropolitan mass transportation  
45 operating assistance account established by section eighty-eight-a of  
46 the state finance law in the following amounts: (i) in state fiscal  
47 year two thousand twenty-three--two thousand twenty-four, an amount  
48 equal to one hundred thirty million dollars; and (ii) in state fiscal  
49 year two thousand twenty-four--two thousand twenty-five, an amount equal  
50 to one hundred seventy-three million dollars; and (iii) in state fiscal  
51 year two thousand twenty-five--two thousand twenty-six, an amount equal  
52 to one hundred forty-one million dollars; and (iv) in state fiscal year  
53 two thousand twenty-six--two thousand twenty-seven an amount equal to  
54 one hundred fifty-three million dollars.

55 4. And, provided further, after funds are distributed pursuant to  
56 subdivisions two and three of this section, but before such funds are



1 distributed pursuant to subdivision one of this section, such funds  
2 shall be deposited into the credit of the public transportation systems  
3 operating assistance account established by section eighty-eight-a of  
4 the state finance law in the following amounts: (i) in state fiscal year  
5 two thousand twenty-three--two thousand twenty-four, an amount equal to  
6 forty-three million dollars; and (ii) in state fiscal year two thousand  
7 twenty-four--two thousand twenty-five, an amount equal to fifty-eight  
8 million dollars; and (iii) in state fiscal year two thousand twenty-  
9 five--two thousand twenty-six, an amount equal to forty-seven million  
10 dollars; and (iv) in state fiscal year two thousand twenty-six--two  
11 thousand twenty-seven, an amount equal to fifty-one million dollars.

12 § 4. The closing paragraph of subdivision 1 of section 1270-a of the  
13 public authorities law, as amended by section 7 of part FF of chapter 58  
14 of the laws of 2019, is amended to read as follows:

15 The authority shall make deposits in the transit account and the  
16 commuter railroad account of the moneys received by it pursuant to the  
17 provisions of subdivision one of section two hundred sixty-one of the  
18 tax law in accordance with the provisions thereof, and shall make depos-  
19 its in the corporate transportation account of the moneys received by it  
20 pursuant to the provisions of subdivision two of section two hundred  
21 sixty-one of the tax law and section ninety-two-ff of the state finance  
22 law. The comptroller shall deposit, without appropriation, into the  
23 corporate transportation account the revenue fees, taxes, interest and  
24 penalties collected in accordance with paragraph (b-1) of subdivision  
25 two of section five hundred three of the vehicle and traffic law, para-  
26 graph (c-3) of subdivision two of section five hundred three of the  
27 vehicle and traffic law, article seventeen-C of the vehicle and traffic  
28 law, article twenty-nine-A of the tax law [and], section eleven hundred  
29 sixty-six-a of the tax law, and subdivision two of section two hundred  
30 eighteen of the tax law.

31 § 5. Paragraph (a) of subdivision 7 of section 88-a of the state  
32 finance law, as added by chapter 481 of the laws of 1981, is amended to  
33 read as follows:

34 (a) The "metropolitan mass transportation operating assistance  
35 account" shall consist of the revenues derived from the taxes for the  
36 metropolitan transportation district imposed by section eleven hundred  
37 nine of the tax law and that proportion of the receipts received pursu-  
38 ant to the tax imposed by article [nine-a] nine-A of such law as speci-  
39 fied in section one hundred seventy-one-a of such law, [and] that  
40 proportion of the receipts received pursuant to the tax imposed by arti-  
41 cle nine of such law as specified in section two hundred five of such  
42 law, and subdivision three of section two hundred eighteen of the tax  
43 law and the receipts required to be deposited pursuant to the provisions  
44 of section one hundred eighty-two-a, and all other moneys credited or  
45 transferred thereto from any other fund or source pursuant to law.

46 § 6. Paragraph (a) of subdivision 5 of section 88-a of the state  
47 finance law, as added by chapter 481 of the laws of 1981, is amended to  
48 read as follows:

49 (a) The "public transportation systems operating assistance account"  
50 shall consist of revenues required to be deposited therein pursuant to  
51 the provisions of section one hundred eighty-two-a of the tax law,  
52 subdivision four of section two hundred eighteen of the tax law and all  
53 other moneys credited or transferred thereto from any other fund or  
54 source pursuant to law.

55 § 7. Subdivision 1 of section 171-a of the tax law, as amended by  
56 chapter 129 of the laws of 2022, is amended to read as follows:



1 1. All taxes, interest, penalties and fees collected or received by  
2 the commissioner or the commissioner's duly authorized agent under arti-  
3 cles nine (except section one hundred eighty-two-a thereof and except as  
4 otherwise provided in section two hundred five thereof), nine-A (except  
5 as otherwise provided in section two hundred eighteen therefor),  
6 twelve-A (except as otherwise provided in section two hundred eighty-  
7 four-d thereof), thirteen, thirteen-A (except as otherwise provided in  
8 section three hundred twelve thereof), eighteen, nineteen, twenty  
9 (except as otherwise provided in section four hundred eighty-two there-  
10 of), twenty-B, twenty-C, twenty-D, twenty-one, twenty-two, twenty-four,  
11 twenty-four-A, twenty-six, twenty-eight (except as otherwise provided in  
12 section eleven hundred two or eleven hundred three thereof),  
13 twenty-eight-A, twenty-eight-D (except as otherwise provided in section  
14 eleven hundred ninety-seven, twenty-nine-B),[, ] thirty-one (except as  
15 otherwise provided in section fourteen hundred twenty-one thereof),  
16 thirty-three and thirty-three-A of this chapter shall be deposited daily  
17 in one account with such responsible banks, banking houses or trust  
18 companies as may be designated by the comptroller, to the credit of the  
19 comptroller. Such an account may be established in one or more of such  
20 depositories. Such deposits shall be kept separate and apart from all  
21 other money in the possession of the comptroller. The comptroller shall  
22 require adequate security from all such depositories. Of the total  
23 revenue collected or received under such articles of this chapter, the  
24 comptroller shall retain in the comptroller's hands such amount as the  
25 commissioner may determine to be necessary for refunds or reimbursements  
26 under such articles of this chapter out of which amount the comptroller  
27 shall pay any refunds or reimbursements to which taxpayers shall be  
28 entitled under the provisions of such articles of this chapter. The  
29 commissioner and the comptroller shall maintain a system of accounts  
30 showing the amount of revenue collected or received from each of the  
31 taxes imposed by such articles. The comptroller, after reserving the  
32 amount to pay such refunds or reimbursements, shall, on or before the  
33 tenth day of each month, pay into the state treasury to the credit of  
34 the general fund all revenue deposited under this section during the  
35 preceding calendar month and remaining to the comptroller's credit on  
36 the last day of such preceding month, (i) except that the comptroller  
37 shall pay to the state department of social services that amount of  
38 overpayments of tax imposed by article twenty-two of this chapter and  
39 the interest on such amount which is certified to the comptroller by the  
40 commissioner as the amount to be credited against past-due support  
41 pursuant to subdivision six of section one hundred seventy-one-c of this  
42 article, (ii) and except that the comptroller shall pay to the New York  
43 state higher education services corporation and the state university of  
44 New York or the city university of New York respectively that amount of  
45 overpayments of tax imposed by article twenty-two of this chapter and  
46 the interest on such amount which is certified to the comptroller by the  
47 commissioner as the amount to be credited against the amount of defaults  
48 in repayment of guaranteed student loans and state university loans or  
49 city university loans pursuant to subdivision five of section one  
50 hundred seventy-one-d and subdivision six of section one hundred seven-  
51 ty-one-e of this article, (iii) and except further that, notwithstanding  
52 any law, the comptroller shall credit to the revenue arrearage account,  
53 pursuant to section ninety-one-a of the state finance law, that amount  
54 of overpayment of tax imposed by article nine, nine-A, twenty-two, thir-  
55 ty, thirty-A, thirty-B or thirty-three of this chapter, and any interest  
56 thereon, which is certified to the comptroller by the commissioner as



1 the amount to be credited against a past-due legally enforceable debt  
2 owed to a state agency pursuant to paragraph (a) of subdivision six of  
3 section one hundred seventy-one-f of this article, provided, however, he  
4 shall credit to the special offset fiduciary account, pursuant to  
5 section ninety-one-c of the state finance law, any such amount credita-  
6 ble as a liability as set forth in paragraph (b) of subdivision six of  
7 section one hundred seventy-one-f of this article, (iv) and except  
8 further that the comptroller shall pay to the city of New York that  
9 amount of overpayment of tax imposed by article nine, nine-A, twenty-  
10 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any  
11 interest thereon that is certified to the comptroller by the commission-  
12 er as the amount to be credited against city of New York tax warrant  
13 judgment debt pursuant to section one hundred seventy-one-l of this  
14 article, (v) and except further that the comptroller shall pay to a  
15 non-obligated spouse that amount of overpayment of tax imposed by arti-  
16 cle twenty-two of this chapter and the interest on such amount which has  
17 been credited pursuant to section one hundred seventy-one-c, one hundred  
18 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or  
19 one hundred seventy-one-l of this article and which is certified to the  
20 comptroller by the commissioner as the amount due such non-obligated  
21 spouse pursuant to paragraph six of subsection (b) of section six  
22 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct  
23 a like amount which the comptroller shall pay into the treasury to the  
24 credit of the general fund from amounts subsequently payable to the  
25 department of social services, the state university of New York, the  
26 city university of New York, or the higher education services corpo-  
27 ration, or the revenue arrearage account or special offset fiduciary  
28 account pursuant to section ninety-one-a or ninety-one-c of the state  
29 finance law, as the case may be, whichever had been credited the amount  
30 originally withheld from such overpayment, and (vii) with respect to  
31 amounts originally withheld from such overpayment pursuant to section  
32 one hundred seventy-one-l of this article and paid to the city of New  
33 York, the comptroller shall collect a like amount from the city of New  
34 York.

35 § 7. This act shall take effect immediately.

36 SUBPART B

37 Section 1. Subsection (oo) of section 606 of the tax law, as amended  
38 by chapter 239 of the laws of 2009, paragraph 1 as amended by chapter  
39 472 of the laws of 2010, subparagraph (A) of paragraph 1 as amended and  
40 paragraph 6 as added by section 1 of part CCC of chapter 59 of the laws  
41 of 2021, paragraph 3 as amended by section 1 of part RR of chapter 59 of  
42 the laws of 2018, paragraph 4 as amended by section 1 of part F of chap-  
43 ter 59 of the laws of 2013 and paragraph 5 as amended by section 2 of  
44 part U of chapter 59 of the laws of 2019, is amended to read as follows:

45 (oo) Credit for rehabilitation of historic properties. (1) (A) For  
46 taxable years beginning on or after January first, two thousand ten and  
47 before January first, two thousand [twenty-five] thirty, a taxpayer  
48 shall be allowed a credit as hereinafter provided, against the tax  
49 imposed by this article, in an amount equal to:

50 (i) one hundred percent of the amount of credit allowed the taxpayer  
51 with respect to a certified historic structure, and one hundred fifty  
52 percent of the amount of credit allowed the taxpayer with respect to a  
53 certified historic structure that is a small project, under internal  
54 revenue code section 47(c)(3), determined without regard to ratably





1 allocating the credit over a five year period as required by subsection  
2 (a) of such section 47; and

3 (ii) one hundred percent of the amount of credit allowed the taxpayer  
4 with respect to a certified historic structure that is a white  
5 elephant project, under internal revenue code section 47(c)(3) (ratably  
6 allocating the credit over a five-year period), with respect to a certi-  
7 fied historic structure located within the state. Provided, however, the  
8 credit shall not exceed five million dollars, unless such credit is  
9 allowed with respect to a certified historic structure that is a white  
10 elephant project, in which case, the credit shall not exceed fifty  
11 million dollars. Provided, further, that whenever the commissioner of  
12 parks, recreation and historic preservation receives an application for  
13 a white elephant project from an applicant for which such commissioner  
14 has previously certified credit for an eligible white elephant project,  
15 the commissioner of parks, recreation and historic preservation may deem  
16 such subsequent application to be phase II of the original eligible  
17 project if such commissioner determines that the two projects are  
18 reasonably related, as determined by such commissioner; the previous  
19 project qualified as an eligible white elephant project with seventy-  
20 five million dollars or less of qualified rehabilitation expenditures;  
21 and the phase II application has been submitted within five years of  
22 such commissioner's previous certification of credit for the previously  
23 eligible white elephant project.

24 (B) For taxable years beginning on or after January first, two thou-  
25 sand [twenty-five] thirty, a taxpayer shall be allowed a credit as here-  
26 inafter provided, against the tax imposed by this article, in an amount  
27 equal to thirty percent of the amount of credit allowed the taxpayer  
28 with respect to a certified historic structure under internal revenue  
29 code section 47(c)(3), determined without regard to ratably allocating  
30 the credit over a five year period as required by subsection (a) of such  
31 section 47, with respect to a certified historic structure located with-  
32 in the state; provided, however, the credit shall not exceed one hundred  
33 thousand dollars, unless such credit is allowed with respect to a certi-  
34 fied historic structure that is a white elephant project, in which case,  
35 the credit shall not exceed three hundred thousand dollars.

36 [(B)] (C) If the taxpayer is a partner in a partnership or a share-  
37 holder of a New York S corporation, then the credit cap imposed in  
38 [subparagraph] subparagraphs (A) and (B) of this paragraph shall be  
39 applied at the entity level, so that the aggregate credit allowed to all  
40 the partners or shareholders of each such entity in the taxable year  
41 does not exceed the credit cap that is applicable in that taxable year.

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

45 (3) If the taxpayer is allowed a credit pursuant to section 47 of the  
46 internal revenue code with respect to a qualified rehabilitation that is  
47 also the subject of the credit allowed by this subsection and that cred-  
48 it pursuant to such section 47 is recaptured pursuant to subsection (a)  
49 of section 50 of the internal revenue code, a portion of the credit  
50 allowed under this subsection must be added back in the same taxable  
51 year and in the same proportion as the federal recapture.

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



(5) Except in the case of (A) a qualified rehabilitation project undertaken within a state park, state historic site, or other land owned by the state, that is under the jurisdiction of the office of parks, recreation and historic preservation, or (B) a qualified white elephant rehabilitation project that is also a qualified low-income housing project under article two-A of the public housing law, to be eligible for the credit allowable under this subsection the rehabilitation project shall be in whole or in part located within a census tract which is identified as being at or below one hundred percent of the state median family income as calculated as of April first of each year using the most recent five year estimate from the American community survey published by the United States Census bureau. If there is a change in the most recent five year estimate, a census tract that qualified for eligibility under this program before information about the change was released will remain eligible for a credit under this subsection for an additional two calendar years.

(6) [For purposes of this subsection the term] As used in this subsection, the following terms shall have the following meanings:

[ "small" ] (A) "Small project" means qualified rehabilitation expenditures totaling two million five hundred thousand dollars or less[.];

(B) "White elephant project" means qualified rehabilitation expenditures totaling fifty million dollars or more with respect to a certified historic structure that has been vacant, as determined by local code enforcement or other reasonable means, for at least ten of fifteen consecutive years preceding the date of the taxpayer's application for the rehabilitation credit; and

(C) "Phase II housing project" means a white elephant housing project which the commissioner determines (i) is reasonably related to a prior eligible white elephant project or eligible white elephant housing project by the same applicant, (ii) such prior project qualified as eligible with seventy-five million dollars or less of qualified rehabilitation expenditures, and (iii) the phase II application has been submitted within five years of the commissioner's previous allowance of credit for the prior eligible white elephant project or eligible white elephant housing project.

(7) The commissioner shall report annually, on or before the first day of November, on the aggregate amount of credits claimed and awarded pursuant to this subdivision on returns filed during the preceding calendar year. Such report shall be provided to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee and shall be made publicly available on the department's website.

(8) The aggregate amount of tax credits allocated for white elephant projects pursuant to article fourteen-A of the parks, recreation and historic preservation law shall be fifty million dollars each year. If the total amount of allocated credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for such year under this section, such excess shall be treated as having been applied for on the first day of the subsequent year.

§ 2. Subdivision 26 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, paragraphs (a) and (c) as amended by section 2 of part RR of chapter 59 of the laws of 2018, subparagraph (i) of paragraph (a) as amended and paragraph (f) as added by section 2 of part CCC of chapter 59 of the laws of 2021, and paragraph (e) as amended by section 1 of part U of chapter 59 of the laws of 2019, is amended to read as follows:



1 26. Credit for rehabilitation of historic properties. (a) Application  
2 of credit. (i) For taxable years beginning on or after January first,  
3 two thousand ten, and before January first, two thousand [twenty-five]  
4 thirty, a taxpayer shall be allowed a credit as hereinafter provided,  
5 against the tax imposed by this article, in an amount equal to:

6 (A) one hundred percent of the amount of credit allowed the taxpayer  
7 for the same taxable year with respect to a certified historic struc-  
8 ture, and one hundred fifty percent of the amount of credit allowed the  
9 taxpayer with respect to a certified historic structure that is a small  
10 project, under internal revenue code section 47(c)(3), determined with-  
11 out regard to ratably allocating the credit over a five year period as  
12 required by subsection (a) of such section 47; and

13 (B) one hundred percent of the amount of credit allowed the taxpayer  
14 with respect to a certified historic structure that is a "white elephant  
15 project", under internal revenue code section 47(c)(3) (ratably allocat-  
16 ing the credit over a five-year period), with respect to a certified  
17 historic structure located within the state. Provided, however, the  
18 credit shall not exceed five million dollars, unless such credit is  
19 allowed with respect to a certified historic structure that is a white  
20 elephant project, in which case, the credit shall not exceed fifty  
21 million dollars. Provided, further, that whenever the commissioner of  
22 parks, recreation and historic preservation receives an application for  
23 a white elephant project from an applicant for which such commissioner  
24 has previously certified credit for an eligible white elephant project,  
25 the commissioner of parks, recreation and historic preservation may deem  
26 such subsequent application to be phase II of the original eligible  
27 project if such commissioner determines that the two projects are  
28 reasonably related, as determined by such commissioner; the previous  
29 project qualified as an eligible white elephant project with seventy-  
30 five million dollars or less of qualified rehabilitation expenditures;  
31 and the phase II application has been submitted within five years of  
32 such commissioner's previous certification of credit for the previously  
33 eligible white elephant project.

34 (ii) For taxable years beginning on or after January first, two thou-  
35 sand [twenty-five] thirty, a taxpayer shall be allowed a credit as here-  
36 inafter provided, against the tax imposed by this article, in an amount  
37 equal to thirty percent of the amount of credit allowed the taxpayer for  
38 the same taxable year determined without regard to ratably allocating  
39 the credit over a five year period as required by subsection (a) of  
40 section 47 of the internal revenue code, with respect to a certified  
41 historic structure under subsection (c)(3) of section 47 of the internal  
42 revenue code with respect to a certified historic structure located  
43 within the state. Provided, however, the credit shall not exceed one  
44 hundred thousand dollars, unless such credit is allowed with respect to  
45 a certified historic structure that is a white elephant project, in  
46 which case, the credit shall not exceed three hundred thousand dollars.

47 [(B)] (iii) If the taxpayer is a partner in a partnership or a share-  
48 holder in a New York S corporation, then the credit caps imposed in  
49 [subparagraph (A)] subparagraphs (i) and (ii) of this paragraph shall be  
50 applied at the entity level, so that the aggregate credit allowed to all  
51 the partners or shareholders of each such entity in the taxable year  
52 does not exceed the credit cap that is applicable in that taxable year.

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

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

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

(e) Except in the case of (A) a qualified rehabilitation project undertaken within a state park, state historic site, or other land owned by the state, that is under the jurisdiction of the office of parks, recreation and historic preservation, or (B) a qualified white elephant rehabilitation project that is also a qualified low-income housing project under article two-A of the public housing law, to be eligible for the credit allowable under this subdivision, the rehabilitation project shall be in whole or in part located within a census tract which is identified as being at or below one hundred percent of the state median family income as calculated as of April first of each year using the most recent five year estimate from the American community survey published by the United States Census bureau. If there is a change in the most recent five year estimate, a census tract that qualified for eligibility under this program before information about the change was released will remain eligible for a credit under this subdivision for an additional two calendar years.

(f) [For purposes of this subdivision] Definitions. As used in this subdivision, the following terms shall have the following meanings:

[ "small" (A) "Small project" means qualified rehabilitation expenditures totaling two million five hundred thousand dollars or less[.];

(B) "White elephant project" means qualified rehabilitation expenditures totaling fifty million dollars or more with respect to a certified historic structure that has been vacant, as determined by local code enforcement or other reasonable means, for at least ten of fifteen consecutive years preceding the date of the taxpayer's application for the rehabilitation credit; and

(C) "Phase II housing project" means a white elephant housing project which the commissioner determines (i) is reasonably related to a prior eligible white elephant project or eligible white elephant housing project by the same applicant, (ii) such prior project qualified as eligible with seventy-five million dollars or less of qualified rehabilitation expenditures, and (iii) the phase II application has been submitted within five years of the commissioner's previous allowance of credit for the prior eligible white elephant project or eligible white elephant housing project.

(g) The commissioner shall report annually, on or before the first day of November, on the aggregate amount of credits claimed and awarded



1 pursuant to this subdivision on returns filed during the preceding  
2 calendar year. Such report shall be provided to the governor, temporary  
3 president of the senate, speaker of the assembly, chair of the senate  
4 finance committee and chair of the assembly ways and means committee and  
5 shall be made publicly available on the department's website.

6 (h) The aggregate amount of tax credits allocated for white elephant  
7 projects pursuant to article 14-A of the parks, recreation and historic  
8 preservation law shall be fifty million dollars each year. If the total  
9 amount of allocated credits applied for in any particular year exceeds  
10 the aggregate amount of tax credits allowed for such year under this  
11 section, such excess shall be treated as having been applied for on the  
12 first day of the subsequent year.

13 § 3. Subdivision (y) of section 1511 of the tax law, as added by chap-  
14 ter 472 of the laws of 2010, subparagraph (A) of paragraph 1 as amended  
15 and paragraph 6 as added by section 3 of part CCC of chapter 59 of the  
16 laws of 2021, paragraph 3 as amended by section 3 of part RR of chapter  
17 59 of the laws of 2018, paragraph 4 as amended by section 4 of part F of  
18 chapter 59 of the laws of 2013 and paragraph 5 as amended by section 3  
19 of part U of chapter 59 of the laws of 2019, is amended to read as  
20 follows:

21 (y) Credit for rehabilitation of historic properties. (1) (A) For  
22 taxable years beginning on or after January first, two thousand ten and  
23 before January first, two thousand [twenty-five] thirty, a taxpayer  
24 shall be allowed a credit as hereinafter provided, against the tax  
25 imposed by this article, in an amount equal to:

26 (i) one hundred percent of the amount of credit allowed the taxpayer  
27 with respect to a certified historic structure, and one hundred fifty  
28 percent of the amount of credit allowed the taxpayer with respect to a  
29 certified historic structure that is a small project, under internal  
30 revenue code section 47(c)(3), determined without regard to ratably  
31 allocating the credit over a five year period as required by subsection  
32 (a) of such section 47;and

33 (ii) one hundred percent of the amount of credit allowed the taxpayer  
34 with respect to a certified historic structure that is a "white  
35 elephant project", under internal revenue code section 47(c)(3) (ratably  
36 allocating the credit over a five-year period), with respect to a certi-  
37 fied historic structure located within the state. Provided, however, the  
38 credit shall not exceed five million dollars, unless such credit is  
39 allowed with respect to a certified historic structure that is a "white  
40 elephant project", in which case, the credit shall not exceed fifty  
41 million dollars. Provided, further, that whenever the commissioner of  
42 parks, recreation and historic preservation receives an application for  
43 a white elephant project from an applicant for which such commissioner  
44 has previously certified credit for an eligible white elephant project,  
45 the commissioner of parks, recreation and historic preservation may deem  
46 such subsequent application to be "phase II" of the original eligible  
47 project if such commissioner determines that the two projects are  
48 reasonably related, as determined by such commissioner; the previous  
49 project qualified as an eligible white elephant project with seventy-  
50 five million dollars or less of qualified rehabilitation expenditures;  
51 and the "phase II" application has been submitted within five years of  
52 such commissioner's previous certification of credit for the previously  
53 eligible white elephant project.

54 (B) For taxable years beginning on or after January first, two thou-  
55 sand [twenty-five] thirty, a taxpayer shall be allowed a credit as here-  
56 inafter provided, against the tax imposed by this article, in an amount



1 equal to thirty percent of the amount of credit allowed the taxpayer  
2 with respect to a certified historic structure under internal revenue  
3 code section 47(c)(3), determined without regard to ratably allocating  
4 the credit over a five year period as required by subsection (a) of such  
5 section 47 with respect to a certified historic structure located within  
6 the state. Provided, however, the credit shall not exceed one hundred  
7 thousand dollars, unless such credit is allowed with respect to a certi-  
8 fied historic structure that is a white elephant project, in which case,  
9 the credit shall not exceed three hundred thousand dollars.

10 [(B)] (C) If the taxpayer is a partner in a partnership, then the cap  
11 imposed in [subparagraph] subparagraphs (A) and (B) of this paragraph  
12 shall be applied at the entity level, so that the aggregate credit  
13 allowed to all the partners of such partnership in the taxable year does  
14 not exceed the credit cap that is applicable in that taxable year.

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

18 (3) If the taxpayer is allowed a credit pursuant to section 47 of the  
19 internal revenue code with respect to a qualified rehabilitation that is  
20 also the subject of the credit allowed by this subdivision and that  
21 credit pursuant to such section 47 is recaptured pursuant to subsection  
22 (a) of section 50 of the internal revenue code, a portion of the credit  
23 allowed under this subdivision in the taxable year the credit was  
24 claimed must be added back in the same taxable year and in the same  
25 proportion as the federal recapture.

26 (4) The credit allowed under this subdivision for any taxable year  
27 shall not reduce the tax due for such year to less than the minimum  
28 fixed by paragraph four of subdivision (a) of section fifteen hundred  
29 two or section fifteen hundred two-a of this article, whichever is  
30 applicable. However, if the amount of credits allowed under this subdivi-  
31 sion for any taxable year reduces the tax to such amount, any amount  
32 of credit thus not deductible in such taxable year shall be treated as  
33 an overpayment of tax to be credited or refunded in accordance with the  
34 provisions of section one thousand eighty-six of this chapter. Provided,  
35 however, the provisions of subsection (c) of section one thousand eight-  
36 y-eight of this chapter notwithstanding, no interest shall be paid ther-  
37 eon.

38 (5) Except in the case of a (A) qualified rehabilitation project  
39 undertaken within a state park, state historic site, or other land owned  
40 by the state, that is under the jurisdiction of the office of parks,  
41 recreation and historic preservation, or (B) a qualified white elephant  
42 rehabilitation project that is also a qualified low-income housing  
43 project under article two-A of the public housing law, to be eligible  
44 for the credit allowable under this subdivision, the rehabilitation  
45 project shall be in whole or in part located within a census tract which  
46 is identified as being at or below one hundred percent of the state  
47 median family income as calculated as of April first of each year using  
48 the most recent five year estimate from the American community survey  
49 published by the United States Census bureau. If there is a change in  
50 the most recent five year estimate, a census tract that qualified for  
51 eligibility under this program before information about the change was  
52 released will remain eligible for a credit under this subdivision for an  
53 additional two calendar years.

54 (6) [For purposes of this subdivision] As used in this subdivision,  
55 the following terms shall have the following meanings:



1 ["small] (A) "Small project" means qualified rehabilitation expendi-  
2 tures totaling two million five hundred thousand dollars or less[.];

3 (B) "White elephant project" means qualified rehabilitation expendi-  
4 tures totaling fifty million dollars or more with respect to a certified  
5 historic structure that has been vacant, as determined by local code  
6 enforcement or other reasonable means, for at least ten of fifteen  
7 consecutive years preceding the date of the taxpayer's application for  
8 the rehabilitation credit; and

9 (C) "Phase II housing project" means a white elephant housing project  
10 which the commissioner determines (1) is reasonably related to a prior  
11 eligible white elephant project or eligible white elephant housing  
12 project by the same applicant, (2) such prior project qualified as  
13 eligible with seventy-five million dollars or less of qualified rehabil-  
14 itation expenditures, and (3) the phase II application has been submit-  
15 ted within five years of the commissioner's previous allowance of credit  
16 for the prior eligible white elephant project or eligible white elephant  
17 housing project.

18 (7) The commissioner shall report annually, on or before the first day  
19 of November, on the aggregate amount of credits claimed and awarded  
20 pursuant to this subdivision on returns filed during the preceding  
21 calendar year. Such report shall be provided to the governor, temporary  
22 president of the senate, speaker of the assembly, chair of the senate  
23 finance committee and chair of the assembly ways and means committee and  
24 shall be made publicly available on the department's website.

25 (8) The aggregate amount of tax credits allocated for white elephant  
26 projects pursuant to article 14-A of the parks, recreation and historic  
27 preservation law shall be fifty million dollars each year. If the total  
28 amount of allocated credits applied for in any particular year exceeds  
29 the aggregate amount of tax credits allowed for such year under this  
30 section, such excess shall be treated as having been applied for on the  
31 first day of the subsequent year.

32 § 4. The parks, recreation and historic preservation law is amended by  
33 adding a new article 14-A to read as follows:

34 ARTICLE 14-A

35 WHITE ELEPHANT HOUSING HISTORIC REHABILITATION PROJECTS TAX

36 CREDIT PROGRAM

37 Section 14.15 Definitions.

38 14.16 Allowance of credit, amount and limitations.

39 14.17 Project monitoring.

40 14.18 Regulations, coordination with federal rehabilitation  
41 credit provisions.

42 § 14.15 Definitions. As used in this article, the following terms  
43 shall have the following meanings:

44 1. "Eligibility statement" means a statement issued by the commission-  
45 er, in consultation with the commissioner of the division of community  
46 housing and renewal, certifying that a white elephant housing project is  
47 eligible for white elephant housing project historic rehabilitation  
48 credits under this article and low income housing tax credits under  
49 article two-A of the public housing law. Such statement shall set forth  
50 the taxable year in which the building is placed in service, the dollar  
51 amount of rehabilitation credit certified by the commissioner to such  
52 building as provided in section 14.16 of this article, the dollar amount  
53 of low income housing tax credit allocated by the commissioner of commu-  
54 nity housing and renewal to such building as provided in section twen-  
55 ty-two of the public housing law, sufficient information to identify  
56 each such building and the taxpayer or taxpayers with respect to each



1 such building, whether the project is a phase II housing project, and  
2 such other information as the commissioner, in consultation with the  
3 commissioner of taxation and finance and commissioner of community hous-  
4 ing and renewal, shall prescribe. Such eligibility statement shall be  
5 first issued following the close of the first taxable year, and there-  
6 after, to the extent required by the commissioner of taxation and  
7 finance, following the close of each of the following four taxable  
8 years.

9 2. "Eligible white elephant project" means a white elephant project as  
10 defined in section two hundred ten-B, six hundred six or one thousand  
11 five hundred eleven of the tax law that qualifies for historic rehabili-  
12 tation tax credit.

13 3. "Eligible white elephant housing project" means an eligible white  
14 elephant project as defined in this section that also qualifies for low  
15 income housing tax credit under article two-A of the public housing law.

16 4. "Phase II housing project" means a white elephant housing project  
17 which the commissioner determines (a) is reasonably related to a prior  
18 eligible white elephant project or eligible white elephant housing  
19 project by the same applicant, (b) such prior project qualified as  
20 eligible with less than seventy-five million dollars of qualified reha-  
21 bilitation expenditures, and (c) the phase II application has been  
22 submitted within five years of the commissioner's previous allowance of  
23 credit for the prior eligible white elephant project or eligible white  
24 elephant housing project.

25 5. "Qualified rehabilitation expenditures" shall have the same meaning  
26 as in section 47 of the internal revenue code.

27 6. "White elephant project" means a project as defined in section two  
28 hundred ten-B, six hundred six or one thousand five hundred eleven of  
29 the tax law.

30 7. "White elephant housing project" means a "white elephant project"  
31 as defined in section two hundred ten-B, six hundred six or one thousand  
32 five hundred eleven of the tax law that is also a housing project.

33 8. References in this article to section 47 of the internal revenue  
34 code shall mean such section as amended from time to time.

35 § 14.16 Allowance of credit, amount and limitations. A taxpayer  
36 subject to tax under article nine-A, twenty-two, or thirty-three of the  
37 tax law which owns an interest in one or more eligible white elephant  
38 housing projects shall be allowed a credit against such tax for the  
39 amount of white elephant housing project historic rehabilitation credit  
40 certified by the commissioner to each such structure. If the taxpayer is  
41 a partner in a partnership or a shareholder of a New York S corporation,  
42 then the credit shall be applied at the entity level, so that the aggre-  
43 gate credit allowed to all the partners or shareholders of each such  
44 entity in the taxable year does not exceed the credit allowed to the  
45 entity. The aggregate amount of tax credits allocated for white elephant  
46 projects shall be fifty million dollars each year.

47 § 14.17 Project monitoring. The commissioner shall establish such  
48 procedures deemed necessary for monitoring compliance of an eligible  
49 white elephant housing project with the provisions of this article, and  
50 for notifying the commissioner of taxation and finance of any such  
51 noncompliance.

52 § 14.18 Regulations, coordination with federal rehabilitation credit  
53 provisions. 1. The commissioner shall promulgate rules and regulations  
54 necessary to administer the provisions of this article.

55 2. The provisions of section 47 of the internal revenue code shall  
56 apply to the credit under this article, provided however, to the extent



1 such provisions are inconsistent with this article, the provisions of  
2 this article shall control.

3 § 5. Paragraph 2 of subsection (pp) of section 606 of the tax law, as  
4 amended by section 4 of part RR of chapter 59 of the laws of 2018, is  
5 amended and a new paragraph 13 is added to read as follows:

6 (2) (A) With respect to any particular residence of a taxpayer, the  
7 credit allowed under paragraph one of this subsection shall not exceed  
8 fifty thousand dollars for taxable years beginning on or after January  
9 first, two thousand ten and before January first, two thousand [twenty-  
10 five] thirty and twenty-five thousand dollars for taxable years begin-  
11 ning on or after January first, two thousand [twenty-five] thirty. In  
12 the case of a husband and wife, the amount of the credit shall be  
13 divided between them equally or in such other manner as they may both  
14 elect. If a taxpayer incurs qualified rehabilitation expenditures in  
15 relation to more than one residence in the same year, the total amount  
16 of credit allowed under paragraph one of this subsection for all such  
17 expenditures shall not exceed fifty thousand dollars for taxable years  
18 beginning on or after January first, two thousand ten and before January  
19 first, two thousand [twenty-five] thirty and twenty-five thousand  
20 dollars for taxable years beginning on or after January first, two thou-  
21 sand [twenty-five] thirty.

22 (B) For taxable years beginning on or after January first, two thou-  
23 sand ten and before January first, two thousand [twenty-five] thirty, if  
24 the amount of credit allowable under this subsection shall exceed the  
25 taxpayer's tax for such year, and the taxpayer's New York adjusted gross  
26 income for such year does not exceed sixty thousand dollars, the excess  
27 shall be treated as an overpayment of tax to be credited or refunded in  
28 accordance with the provisions of section six hundred eighty-six of this  
29 article, provided, however, that no interest shall be paid thereon. If  
30 the taxpayer's New York adjusted gross income for such year exceeds  
31 sixty thousand dollars, the excess credit that may be carried over to  
32 the following year or years and may be deducted from the taxpayer's tax  
33 for such year or years. For taxable years beginning on or after January  
34 first, two thousand [twenty-five] thirty, if the amount of credit allow-  
35 able under this subsection shall exceed the taxpayer's tax for such  
36 year, the excess may be carried over to the following year or years and  
37 may be deducted from the taxpayer's tax for such year or years.

38 (13) The commissioner shall report annually, on or before the first  
39 day of November, on the aggregate amount of credits claimed and awarded  
40 pursuant to this subdivision on returns filed during the preceding  
41 calendar year. Such report shall be provided to the governor, temporary  
42 president of the senate, speaker of the assembly, chair of the senate  
43 finance committee and chair of the assembly ways and means committee,  
44 shall be made publicly available on the department's website.

45 § 6. Section 14.05 of the parks, recreation and historic preservation  
46 law is amended by adding a new subdivision 5 to read as follows:

47 5. (a) The commissioner shall report annually, on or before the first  
48 day of November, on the tax credit projects applied for in accordance  
49 with subdivision twenty-six of section two hundred ten-B, subsection  
50 (oo) of section six hundred six, and subdivision (y) of section fifteen  
51 hundred eleven of the tax law on returns filed during the preceding  
52 calendar year. Such report shall be provided to the governor, temporary  
53 president of the senate, speaker of the assembly, chair of the senate  
54 finance committee and chair of the assembly ways and means committee,  
55 shall be made publicly available on the department's website and shall  
56 include the following information:



1 (i) the number and value of tax credit projects applied for during the  
2 state fiscal year, organized by municipality and county, and project  
3 size;

4 (ii) the number and value of tax credit projects certified by the  
5 national park service during the state fiscal year, organized by munici-  
6 pality and county, and project size;

7 (iii) the total value of credits certified annually for each of the  
8 taxable years beginning on or after January first, two thousand seven to  
9 the present, by municipality and county;

10 (iv) the number of housing units before and after rehabilitation;

11 (v) the number of low-moderate housing units before and after rehabil-  
12 itation; and

13 (vi) the number of projects certified for both federal and state cred-  
14 its, and the number of projects certified for federal credits only.

15 (b) The commissioner shall report annually, on or before the first day  
16 of November, on the tax credit projects applied for pursuant to subdivi-  
17 sion (pp) of section six hundred six of the tax law on returns filed  
18 during the preceding calendar year. Such report shall be provided to the  
19 governor, temporary president of the senate, speaker of the assembly,  
20 chair of the senate finance committee and chair of the assembly ways and  
21 means committee, shall be made publicly available on the office's  
22 website and shall include the following information:

23 (i) the number and value of tax credit projects applied for during the  
24 state fiscal year, organized by municipality and county, and project  
25 size;

26 (ii) the number and value of tax credit projects certified by the  
27 office during the state fiscal year, organized by municipality and coun-  
28 ty, and project size;

29 (iii) the total value of credits certified annually for each of the  
30 taxable years beginning on or after January first, two thousand seven to  
31 the present, by municipality and county;

32 (iv) the number of housing units before and after rehabilitation; and

33 (v) the number of projects certified for state credits by the office.

34 § 7. This act shall take effect immediately and shall apply to taxable  
35 years beginning on or after January 1, 2024.

36 SUBPART C

37 Section 1. Paragraph 1 of subdivision (a) of section 28 of the tax  
38 law, as amended by section 1 of part AAA of chapter 59 of the laws of  
39 2019, is amended to read as follows:

40 (1) A taxpayer which is a qualified commercial production company, or  
41 which is a sole proprietor of a qualified commercial production company,  
42 and which is subject to tax under article nine-A or twenty-two of this  
43 chapter, shall be allowed a credit against such tax, pursuant to the  
44 provisions referenced in subdivision (c) of this section, to be computed  
45 as provided in this section. Provided, however, to be eligible for such  
46 credit, at least seventy-five percent of the production costs (excluding  
47 post production costs) paid or incurred directly and predominantly in  
48 the actual filming or recording of the qualified commercial must be  
49 costs incurred in New York state. The tax credit allowed pursuant to  
50 this section shall apply to taxable years beginning before January  
51 first, two thousand [twenty-four] twenty-nine.

52 § 2. Paragraph (c) of subdivision 23 of section 210-B of the tax law,  
53 as amended by chapter 518 of the laws of 2018, is amended to read as  
54 follows:



(c) Expiration of credit. The credit allowed under this subdivision shall not be applicable to taxable years beginning on or after January first, two thousand [twenty-four] twenty-nine.

§ 3. Paragraph 1 of subsection (jj) of section 606 of the tax law, as amended by chapter 518 of the laws of 2018, is amended to read as follows:

(1) Allowance of credit. A taxpayer that is eligible pursuant to the provisions of section twenty-eight of this chapter shall be allowed a credit to be computed as provided in such section against the tax imposed by this article. The tax credit allowed pursuant to this section shall apply to taxable years beginning before January first, two thousand [twenty-four] twenty-nine.

§ 4. This act shall take effect immediately.

#### SUBPART D

Section 1. Paragraph 1 of subdivision (a) of section 47 of the tax law, as added by section 1 of part I of chapter 59 of the laws of 2022, is amended to read as follows:

(1) Allowance of credit. A taxpayer that meets the eligibility requirements of subdivision (b) of this section and is subject to tax under article nine-A or twenty-two of this chapter may be eligible to claim a grade no. 6 heating oil conversion tax credit in the taxable year the conversion is complete. The credit shall be equal to fifty percent of the conversion costs for all of the taxpayer's buildings located at a facility regulated pursuant to section 19-0302 or title ten of article seventeen of the environmental conservation law, paid by such taxpayer on or after January first, two thousand twenty-two and before [July] January first, two thousand [twenty-three] twenty-four. The credit cannot exceed five hundred thousand dollars per facility.

§ 2. This act shall take effect immediately.

#### SUBPART E

Section 1. Section 6 of 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, as amended by section 7 of part F of chapter 59 of the laws of 2022, is amended to read as follows:

§ 6. This act shall take effect immediately; provided however, that [section] sections one, two, three and four of this act shall apply to taxable years beginning on or after January 1, 2021, and before January 1, [2024] 2026 and shall expire and be deemed repealed January 1, [2024] 2026; provided further, however that the obligations under paragraph 3 of subdivision (g) of section 24-c of the tax law, as added by section one of this act, shall remain in effect until December 31, [2025] 2027.

§ 2. Paragraph 2 of subdivision (a) of section 24-c of the tax law, as amended by section 1 of part F of chapter 59 of the laws of 2022, is amended to read as follows:

(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership) of twenty-five percent and the sum of the qualified production expenditures paid for during the qualified New York city musical and theatrical production's credit period. Provided however that the amount of the credit cannot exceed three million dollars per qualified New York city musical and



1 theatrical production for productions whose first performance is prior  
2 to January first, two thousand [twenty-three] twenty-five. [For  
3 productions whose first performance is on or after January first, two  
4 thousand twenty-three, such cap shall decrease to one million five  
5 hundred thousand dollars per qualified New York city musical and theat-  
6 rical production unless the New York city tourism economy has not suffi-  
7 ciently recovered, as determined by the department of economic develop-  
8 ment in consultation with the division of the budget. In determining  
9 whether the New York city tourism economy has sufficiently recovered,  
10 the department of economic development will perform an analysis of key  
11 New York city economic indicators which shall include, but not be limit-  
12 ed to, hotel occupancy rates and travel metrics. The department of  
13 economic development's analysis shall also be informed by the status of  
14 any remaining COVID-19 restrictions affecting New York city musical and  
15 theatrical productions.] In no event shall a qualified New York city  
16 musical and theatrical production be eligible for more than one credit  
17 under this program.

18 § 3. Subparagraph (i) of paragraph 5 of subdivision (b) of section  
19 24-c of the tax law, as amended by section 2 of part F of chapter 59 of  
20 the laws of 2022, is amended to read as follows:

21 (i) "The credit period of a qualified New York city musical and theat-  
22 rical production company" is the period starting on the production start  
23 date and ending on the earlier of the date the qualified musical and  
24 theatrical production has expended sufficient qualified production  
25 expenditures to reach its credit cap, September thirtieth, two thousand  
26 [twenty-three] twenty-five or the date the qualified musical and theat-  
27 rical production closes.

28 § 4. Subdivision (c) of section 24-c of the tax law, as added by  
29 section 1 of subpart B of part PP of chapter 59 of the laws of 2021, is  
30 amended to read as follows:

31 (c) The credit shall be allowed for the taxable year beginning on or  
32 after January first, two thousand twenty-one but before January first,  
33 two thousand [twenty-four] twenty-six. A qualified New York city  
34 musical and theatrical production company shall claim the credit in the  
35 year in which its credit period ends.

36 § 5. Paragraphs 1 and 2 of subdivision (f) of section 24-c of the tax  
37 law, paragraph 1 as amended by section 3 of part F of chapter 59 of the  
38 laws of 2022, and paragraph 2 as amended by section 4 of part F of chap-  
39 ter 59 of the laws of 2022, are amended to read as follows:

40 (1) The aggregate amount of tax credits allowed under this section,  
41 subdivision fifty-seven of section two hundred ten-B and subsection  
42 (mmm) of section six hundred six of this chapter shall be [two] three  
43 hundred million dollars. Such aggregate amount of credits shall be allo-  
44 cated by the department of economic development among taxpayers based on  
45 the date of first performance of the qualified musical and theatrical  
46 production.

47 (2) The commissioner of economic development, after consulting with  
48 the commissioner, shall promulgate regulations to establish procedures  
49 for the allocation of tax credits as required by this section. Such  
50 rules and regulations shall include provisions describing the applica-  
51 tion process, the due dates for such applications, the standards that  
52 will be used to evaluate the applications, the documentation that will  
53 be provided by applicants to substantiate to the department the amount  
54 of qualified production expenditures of such applicants, and such other  
55 provisions as deemed necessary and appropriate. Notwithstanding any  
56 other provisions to the contrary in the state administrative procedure

1 act, such rules and regulations may be adopted on an emergency basis. In  
2 no event shall a qualified New York city musical and theatrical  
3 production submit an application for this program after June thirtieth,  
4 two thousand [twenty-three] twenty-five.

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

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

18 § 3. This act shall take effect immediately provided, however, that  
19 the applicable effective dates of Subparts A through E of this act shall  
20 be as specifically set forth in the last section of such Subparts.

21

## PART J

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

32

## SUBPART A

33 Section 1. Paragraph (b) of subdivision 38 of section 210-B of the tax  
34 law, as amended by section 2 of part L of chapter 59 of the laws of  
35 2022, is amended to read as follows:

36 (b) Definitions. The term "accessible by individuals with disabili-  
37 ties" shall, for the purposes of this subdivision, refer to a vehicle  
38 that complies with federal regulations promulgated pursuant to the Amer-  
39 icans with Disabilities Act applicable to vans under twenty-two feet in  
40 length, by the federal Department of Transportation, in Code of Federal  
41 Regulations, title 49, parts 37 and 38[, and by the federal Architecture  
42 and Transportation Barriers Compliance Board, in Code of Federal Regu-  
43 lations, title 36, section 1192.23,] and the Federal Motor Vehicle Safe-  
44 ty Standards, Code of Federal Regulations, title 49, part [57] 571. The  
45 term "electric vehicle" shall, for the purposes of this subdivision,  
46 have the same meaning as in section sixty-six-s of the public service  
47 law.

48 § 2. Paragraph 2 of subsection (tt) of section 606 of the tax law, as  
49 amended by section 4 of part L of chapter 59 of the laws of 2022, is  
50 amended to read as follows:

51 (2) Definitions. The term "accessible by individuals with disabili-  
52 ties" shall, for the purposes of this subsection, refer to a vehicle



1 that complies with federal regulations promulgated pursuant to the Amer-  
2 icans with Disabilities Act applicable to vans under twenty-two feet in  
3 length, by the federal Department of Transportation, in Code of Federal  
4 Regulations, title 49, parts 37 and 38[, and by the federal Architecture  
5 and Transportation Barriers Compliance Board, in Code of Federal Regu-  
6 lations, title 36, section 1192.23,] and the Federal Motor Vehicle Safe-  
7 ty Standards, Code of Federal Regulations, title [29] 49, part [57] 571.  
8 The term "electric vehicle" shall, for the purposes of this subsection,  
9 have the same meaning as in section sixty-six-s of the public service  
10 law.

11 § 3. This act shall take effect immediately and shall apply to taxable  
12 years beginning on or after January 1, 2023.

13

## SUBPART B

14 Section 1. Paragraph 2 of subdivision (b) of section 21 of the tax  
15 law, as amended by section 7 of part LL of chapter 58 of the laws of  
16 2022, is amended to read as follows:

17 (2) Site preparation costs. The term "site preparation costs" shall  
18 mean all amounts properly chargeable to a capital account, which are  
19 paid or incurred which are necessary to implement a site's investi-  
20 gation, remediation, or qualification for a certificate of completion,  
21 and shall include costs of: excavation; demolition; activities undertak-  
22 en under the oversight of the department of labor or in accordance with  
23 standards established by the department of health to remediate and  
24 dispose of regulated materials including asbestos, lead or polychlori-  
25 nated biphenyls; environmental consulting; engineering; legal costs;  
26 transportation, disposal, treatment or containment of contaminated soil;  
27 remediation measures taken to address contaminated soil vapor; cover  
28 systems consistent with applicable regulations; physical support of  
29 excavation; dewatering and other work to facilitate or enable remedi-  
30 ation activities; sheeting, shoring, and other engineering controls  
31 required to prevent off-site migration of contamination from the quali-  
32 fied site or migrating onto the qualified site; and the costs of fenc-  
33 ing, temporary electric wiring, scaffolding, and security facilities  
34 until such time as the certificate of completion has been issued. Site  
35 preparation shall include all costs paid or incurred within sixty months  
36 after the last day of the tax year in which the certificate of  
37 completion is issued that are necessary for compliance with the certif-  
38 icate of completion or subsequent modifications thereof, or the remedial  
39 program defined in such certificate of completion including but not  
40 limited to institutional controls, engineering controls, an approved  
41 site management plan, and an environmental easement with respect to the  
42 qualified site; provided, however, with respect to any qualified site  
43 for which [the department of environmental conservation has issued a  
44 notice to the taxpayer on or after July first, two thousand fifteen but  
45 on or before June twenty-fourth, two thousand twenty-one that its  
46 request for participation has been accepted under subdivision six of  
47 section 27-1407 of the environmental conservation law] a certificate of  
48 completion was issued on or after July first, two thousand fifteen but  
49 on or before June twenty-fourth, two thousand twenty-one, site prepara-  
50 tion shall include all costs paid or incurred within eighty-four months  
51 after the last day of the tax year in which the certificate of  
52 completion is issued that are necessary for compliance with the certif-  
53 icate of completion or subsequent modifications thereof, or the remedial  
54 program defined in such certificate of completion including but not



1 limited to institutional controls, engineering controls, an approved  
2 site management plan, and an environmental easement with respect to the  
3 qualified site. Site preparation cost shall not include the costs of  
4 foundation systems that exceed the cover system requirements in the  
5 regulations applicable to the qualified site.

6 § 2. This act shall take effect immediately and shall be deemed to  
7 have been in effect on and after April 9, 2022.

8 SUBPART C

9 Section 1. Paragraphs 1, 2 and 3 of subsection (h) of section 860 of  
10 the tax law, paragraph 1 as added by section 1 of part C of chapter 59  
11 of the laws of 2021, and paragraph 2 as amended and paragraph 3 as added  
12 by section 2 of subpart A of part MM of chapter 59 of the laws of 2022,  
13 are amended to read as follows:

14 (1) In the case of an electing partnership, the sum of (i) all items  
15 of income, gain, loss, or deduction derived from or connected with New  
16 York sources to the extent they are included in the taxable income of a  
17 nonresident partner subject to tax under article twenty-two, under para-  
18 graph one of subsection (a) of section six hundred thirty-two of this  
19 chapter; [and] (ii) all items of income, gain, loss, or deduction to the  
20 extent they are included in the taxable income of a resident partner  
21 subject to tax under article twenty-two of this chapter; and (iii) all  
22 pass-through entity taxes including taxes paid under this article to New  
23 York, taxes paid under article twenty-four-B of this chapter to the city  
24 of New York, and taxes paid to other jurisdictions that are substantial-  
25 ly similar to the taxes paid under this article, to the extent that, for  
26 federal income tax purposes, the taxes are paid and deducted in the  
27 taxable year, and are included in the taxable income of the partners  
28 subject to tax under article twenty-two of this chapter for the taxable  
29 year.

30 (2) In the case of an electing standard S corporation, the sum of (i)  
31 all items of income, gain, loss, or deduction derived from or connected  
32 with New York sources to the extent they would be included under para-  
33 graph two of subsection (a) of section six hundred thirty-two of this  
34 chapter in the taxable income of a shareholder subject to tax under  
35 article twenty-two of this chapter; and (ii) all pass-through entity  
36 taxes including taxes paid under this article to New York, taxes paid  
37 under article twenty-four-B of this chapter to the city of New York, and  
38 taxes paid to other jurisdictions that are substantially similar to the  
39 taxes paid under this article, to the extent that, for federal income  
40 tax purposes, the taxes are paid and deducted in the taxable year, and  
41 are included in the taxable income of the shareholders subject to tax  
42 under article twenty-two of this chapter for the taxable year.

43 (3) In the case of an electing resident S corporation, the sum of (i)  
44 all items of income, gain, loss, or deduction to the extent they are  
45 included in the taxable income of a shareholder subject to tax under  
46 article twenty-two of this chapter; and (ii) all pass-through entity  
47 taxes including taxes paid under this article to New York, taxes paid  
48 under article twenty-four-B of this chapter to the city of New York, and  
49 taxes paid to other jurisdictions that are substantially similar to  
50 taxes paid under this article, to the extent that, for federal income  
51 tax purposes, the taxes are paid and deducted in the taxable year, and  
52 are included in the taxable income of the shareholders subject to tax  
53 under article twenty-two of this chapter for the taxable year.



§ 2. Subsection (c) of section 861 of the tax law, as amended by section 3 of subpart A of part MM of chapter 59 of the laws of 2022, is amended to read as follows:

(c) The annual election must be made [by] on or before the due date of the first estimated payment under section eight hundred sixty-four of this article and will take effect for the current taxable year. Only one election may be made during each calendar year. An election made under this section is irrevocable [as of] after the due date.

§ 3. Paragraphs 1 and 2 of subsection (b) of section 867 of the tax law, as added by section 1 of subpart B of part MM of chapter 59 of the laws of 2022, are amended to read as follows:

(1) In the case of an electing city partnership, the sum of (i) all items of income, gain, loss, or deduction to the extent they are included in the city taxable income of a partner or member of the electing city partnership who is a city taxpayer; and (ii) all pass-through entity taxes including taxes paid under article twenty-four-A of this chapter to New York, taxes paid under this article to the city of New York, and taxes paid to other jurisdictions that are substantially similar to taxes paid under article twenty-four-A of this chapter, to the extent that, for federal income tax purposes, the taxes were paid and deducted in the taxable year, and they are included in the taxable income of the partners subject to tax under article twenty-two of this chapter for the taxable year.

(2) In the case of an electing city resident S corporation, the sum of (i) all items of income, gain, loss, or deduction to the extent they would be included in the city taxable income of a shareholder of the electing city resident S corporation who is a city taxpayer; and (ii) all pass-through entity taxes including taxes paid under article twenty-four-A of this chapter to New York, taxes paid under this article to the city of New York, and taxes paid to other jurisdictions that are substantially similar to taxes paid under article twenty-four-A of this chapter, to the extent that, for federal income tax purposes, the taxes were paid and deducted in the taxable year, and they are included in the taxable income of the shareholders subject to tax under article twenty-two of this chapter for the taxable year.

§ 4. Subsection (e) of section 867 of the tax law, as added by section 1 of subpart B of part MM of chapter 59 of the laws of 2022, is amended to read as follows:

(e) City taxpayer. A city taxpayer means [a city resident individual subject to the tax imposed pursuant to the authority of article thirty of this chapter]:

(1) a city resident individual, as defined in subsection (a) of section thirteen hundred five of this chapter; and

(2) a city resident trust or estate, as defined in subsection (c) of section thirteen hundred five of this chapter.

§ 5. Subsection (i) of section 867 of the tax law, as added by section 1 of subpart B of part MM of chapter 59 of the laws of 2022, is amended to read as follows:

(i) Eligible city partnership. Eligible city partnership means any partnership as provided for in section 7701(a)(2) of the Internal Revenue Code that has a filing requirement under paragraph one of subsection

(c) of section six hundred fifty-eight of this chapter other than a publicly traded partnership as defined in section 7704 of the Internal Revenue Code, where at least one partner or member is a city [resident individual] taxpayer. An eligible city partnership includes any entity, including a limited liability company, treated as a partnership for





1 federal income tax purposes that otherwise meets the requirements of  
2 this subsection.

3 § 6. Subsection (j) of section 867 of the tax law, as added by section  
4 1 of subpart B of part MM of chapter 59 of the laws of 2022, is amended  
5 to read as follows:

6 (j) Eligible city resident S corporation. Eligible city resident S  
7 corporation means any New York S corporation as defined pursuant to  
8 subdivision one-A of section two hundred eight of this chapter that is  
9 subject to tax under section two hundred nine of this chapter that has  
10 only city [resident individual] taxpayer shareholders. An eligible city  
11 resident S corporation includes any entity, including a limited liabil-  
12 ity company, treated as an S corporation for federal income tax purposes  
13 that otherwise meets the requirements of this subsection.

14 § 7. Subsection (c) of section 868 of the tax law, as added by section  
15 1 of subpart B of part MM of chapter 59 of the laws of 2022, is amended  
16 to read as follows:

17 (c) The annual election to be taxed pursuant to this article must be  
18 made [by] on or before the due date of the first estimated payment under  
19 section eight hundred sixty-four of this chapter and will take effect  
20 for the current taxable year. Only one election to be taxed pursuant to  
21 this article may be made during each calendar year. An election made  
22 under this section is irrevocable [as of] after such due date. To the  
23 extent an election made under section eight hundred sixty-one of this  
24 chapter is revoked or otherwise invalidated an election made under this  
25 section is automatically invalidated.

26 § 8. This act shall take effect immediately, provided, however, that:  
27 (i) sections one and two of this act shall be deemed to have been in  
28 full force and effect on and after the effective date of part C of chap-  
29 ter 59 of the laws of 2021; (ii) sections three and seven of this act  
30 shall be deemed to have been in full force and effect on and after the  
31 effective date of section 1 of subpart B of part MM of chapter 59 of the  
32 laws of 2022; and (iii) sections four, five and six of this act shall  
33 apply to taxable years beginning on or after January 1, 2023.

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

43 § 3. This act shall take effect immediately; provided, however, that  
44 the applicable effective dates of Subparts A through C of this act shall  
45 be as specifically set forth in the last section of such Subparts.

46 PART K

47 Section 1. Paragraphs (a) and (d) of subdivision 1 of section 467 of  
48 the real property tax law, as amended by section 1 of part B of chapter  
49 686 of the laws of 2022, are amended to read as follows:

50 (a) Real property owned by one or more persons, each of whom is  
51 sixty-five years of age or over, or real property owned by [husband and  
52 wife] a married couple or by siblings, one of whom is sixty-five years  
53 of age or over, or real property owned by one or more persons, some of  
54 whom qualify under this section and the others of whom qualify under

1 section four hundred fifty-nine-c of this title, shall be exempt from  
2 payments in lieu of taxes (PILOT) to the battery park city authority or  
3 from taxation by any municipal corporation in which located to the  
4 extent of fifty per centum of the assessed valuation thereof, provided  
5 the governing board of such municipality, after public hearing, adopts a  
6 local law, ordinance or resolution providing therefor. For the purposes  
7 of this section, [sibling shall mean a brother or a sister, whether  
8 related] the term "sibling" shall include persons whose relationship as  
9 siblings has been established through either half blood, whole blood or  
10 adoption.

11 (d) The real property tax or PILOT exemption on real property owned by  
12 [husband and wife] a married couple, one of whom is sixty-five years of  
13 age or over, once granted, shall not be rescinded by any municipal  
14 corporation solely because of the death of the older spouse so long as  
15 the surviving spouse is at least sixty-two years of age.

16 § 2. Subdivision 3 of section 467 of the real property tax law, as  
17 amended by section 1 of part B of chapter 686 of the laws of 2022, para-  
18 graph (a) as separately amended by chapter 488 of the laws of 2022, is  
19 amended to read as follows:

20 3. No exemption shall be granted:

21 (a) (i) if the income of the owner or the combined income of the  
22 owners of the property for the applicable income tax year [immediately  
23 preceding the date of making application for exemption] exceeds the sum  
24 of three thousand dollars, or such other sum not less than three thou-  
25 sand dollars nor more than [twenty-six thousand dollars beginning July  
26 first, two thousand six, twenty-seven thousand dollars beginning July  
27 first, two thousand seven, twenty-eight thousand dollars beginning July  
28 first, two thousand eight, twenty-nine thousand dollars beginning July  
29 first, two thousand nine, fifty thousand dollars beginning July first,  
30 two thousand twenty-two, and in a city with a population of one million  
31 or more fifty thousand dollars beginning July first, two thousand seven-  
32 teen,] fifty thousand dollars, as may be provided by the local law,  
33 ordinance or resolution adopted pursuant to this section.

34 (ii) Where the taxable status date is on or before April fourteenth,  
35 the applicable income tax year shall [mean] be the twelve-month period  
36 for which the owner or owners filed a federal personal income tax return  
37 for the year before the income tax year immediately preceding the date  
38 of application and where the taxable status date is on or after April  
39 fifteenth, the applicable income tax year shall [mean] be the twelve-  
40 month period for which the owner or owners filed a federal personal  
41 income tax return for the income tax year immediately preceding the date  
42 of application.

43 (iii) Where title is vested in [either the husband or the wife, their]  
44 a married person, the combined income of such person and such person's  
45 spouse may not exceed such sum, except where [the husband or wife, or  
46 ex-husband or ex-wife] one-spouse or ex-spouse is absent from the prop-  
47 erty as provided in subparagraph (ii) of paragraph (d) of this subdivi-  
48 sion, then only the income of the spouse or ex-spouse residing on the  
49 property shall be considered and may not exceed such sum. [Such income  
50 shall include social security and retirement benefits, interest, divi-  
51 dends, total gain from the sale or exchange of a capital asset which may  
52 be offset by a loss from the sale or exchange of a capital asset in the  
53 same income tax year, net rental income, salary or earnings, and net  
54 income from self-employment, but shall not include a return of capital,  
55 gifts, inheritances, payments made to individuals because of their  
56 status as victims of Nazi persecution, as defined in P.L. 103-286 or



monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law, ordinance or resolution providing therefor. In addition, an exchange of an annuity for an annuity contract, which resulted in non-taxable gain, as determined in section one thousand thirty-five of the internal revenue code, shall be excluded from such income. Provided that such exclusion shall be based on satisfactory proof that such an exchange was solely an exchange of an annuity for an annuity contract that resulted in a non-taxable transfer determined by such section of the internal revenue code. Furthermore, such income shall not include the proceeds of a reverse mortgage, as authorized by section six-h of the banking law, and sections two hundred eighty and two hundred eighty-a of the real property law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;]

(iv) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, plus any social security benefits not included in such adjusted gross income, minus any distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that the governing board of a municipality may adopt a local law, ordinance or resolution providing that any social security benefits that were not included in the applicant's adjusted gross income shall not be considered income for purposes of this section;

(b) unless the owner shall have held an exemption under this section for [his] the owner's previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of [either a husband or wife] a married person in whose name title of the property shall have been vested at the time of death and then becomes vested solely in [the survivor] such person's surviving spouse by virtue of devise by or descent from the deceased [husband or wife] spouse, the time of ownership of the property by the deceased [husband or wife] spouse shall be deemed also a time of ownership by the [survivor] surviving spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. In the event of a transfer by [either a husband or wife to the other] a married person to such person's spouse of all or part of the



1 title to the property, the time of ownership of the property by the  
2 transferor spouse shall be deemed also a time of ownership by the trans-  
3 feree spouse and such ownership shall be deemed continuous for the  
4 purposes of computing such period of twelve consecutive months. Where  
5 property of the owner or owners has been acquired to replace property  
6 formerly owned by such owner or owners and taken by eminent domain or  
7 other involuntary proceeding, except a tax sale, the period of ownership  
8 of the former property shall be combined with the period of ownership of  
9 the property for which application is made for exemption and such peri-  
10 ods of ownership shall be deemed to be consecutive for purposes of this  
11 section. Where a residence is sold and replaced with another within one  
12 year and both residences are within the state, the period of ownership  
13 of both properties shall be deemed consecutive for purposes of the  
14 exemption from taxation by a municipality within the state granting such  
15 exemption. Where the owner or owners transfer title to property which as  
16 of the date of transfer was exempt from taxation or PILOT under the  
17 provisions of this section, the reacquisition of title by such owner or  
18 owners within nine months of the date of transfer shall be deemed to  
19 satisfy the requirement of this paragraph that the title of the property  
20 shall have been vested in the owner or one of the owners for such period  
21 of twelve consecutive months. Where, upon or subsequent to the death of  
22 an owner or owners, title to property which as of the date of such death  
23 was exempt from taxation or PILOT under such provisions, becomes vested,  
24 by virtue of devise or descent from the deceased owner or owners, or by  
25 transfer by any other means within nine months after such death, solely  
26 in a person or persons who, at the time of such death, maintained such  
27 property as a primary residence, the requirement of this paragraph that  
28 the title of the property shall have been vested in the owner or one of  
29 the owners for such period of twelve consecutive months shall be deemed  
30 satisfied;

31 (c) unless the property is used exclusively for residential purposes,  
32 provided, however, that in the event any portion of such property is not  
33 so used exclusively for residential purposes but is used for other  
34 purposes, such portion shall be subject to taxation or PILOT and the  
35 remaining portion only shall be entitled to the exemption provided by  
36 this section;

37 (d) unless the real property is the legal residence of and is occupied  
38 in whole or in part by the owner or by all of the owners of the proper-  
39 ty: except where, (i) an owner is absent from the residence while  
40 receiving health-related care as an inpatient of a residential health  
41 care facility, as defined in section twenty-eight hundred one of the  
42 public health law, provided that any income accruing to that person  
43 shall only be income only to the extent that it exceeds the amount paid  
44 by such owner, spouse, or co-owner for care in the facility, and  
45 provided further, that during such confinement such property is not  
46 occupied by other than the spouse or co-owner of such owner; or, (ii)  
47 the real property is owned by a [husband and/or wife, or an ex-husband  
48 and/or an ex-wife, and either] married person or a married couple, or by  
49 a formerly married person or a formerly married couple, and one spouse  
50 or ex-spouse is absent from the residence due to divorce, legal sepa-  
51 ration or abandonment and all other provisions of this section are met  
52 provided that where an exemption was previously granted when both  
53 resided on the property, then the person remaining on the real property  
54 shall be sixty-two years of age or over.



1 § 3. Paragraph (a) of subdivision 3-a of section 467 of the real prop-  
2 erty tax law, as amended by section 1 of part B of chapter 686 of the  
3 laws of 2022, is amended to read as follows:

4 (a) For the purposes of this section, title to that portion of real  
5 property owned by a cooperative apartment corporation in which a  
6 tenant-stockholder of such corporation resides and which is represented  
7 by [his] the tenant-stockholder's share or shares of stock in such  
8 corporation as determined by its or their proportional relationship to  
9 the total outstanding stock of the corporation, including that owned by  
10 the corporation, shall be deemed to be vested in such tenant-stockhold-  
11 er.

12 § 4. Subdivisions 5 and 5-a of section 467 of the real property tax  
13 law, as amended by section 1 of part B of chapter 686 of the laws of  
14 2022, are amended to read as follows:

15 5. Application for such exemption must be made by the owner, or all of  
16 the owners of the property, on forms prescribed by the commissioner to  
17 be furnished by the appropriate assessing authority and shall furnish  
18 the information and be executed in the manner required or prescribed in  
19 such forms, and shall be filed in such assessor's office on or before  
20 the appropriate taxable status date. Notwithstanding any other provision  
21 of law, at the option of the municipal corporation, any person otherwise  
22 qualifying under this section shall not be denied the exemption under  
23 this section if [he] such person becomes sixty-five years of age after  
24 the appropriate taxable status date and on or before December thirty-  
25 first of the same year.

26 5-a. Any local law or ordinance adopted pursuant to paragraph (a) of  
27 subdivision one of this section may be amended, or a local law or ordi-  
28 nance may be adopted to provide, notwithstanding subdivision five of  
29 this section, that an application for such exemption may be filed with  
30 the assessor after the appropriate taxable status date but not later  
31 than the last date on which a petition with respect to complaints of  
32 assessment may be filed, where failure to file a timely application  
33 resulted from: (a) a death of the applicant's spouse, child, parent[,  
34 brother or sister] or sibling; or (b) an illness of the applicant or of  
35 the applicant's spouse, child, parent[, brother or sister] or sibling,  
36 which actually prevents the applicant from filing on a timely basis, as  
37 certified by a licensed physician. The assessor shall approve or deny  
38 such application as if it had been filed on or before the taxable status  
39 date.

40 § 5. Subdivision 6 of section 467 of the real property tax law, as  
41 amended by section 1 of part B of chapter 686 of the laws of 2022, is  
42 amended to read as follows:

43 6. (a) At least sixty days prior to the appropriate taxable status  
44 date, the assessing authority shall mail to each person who was granted  
45 exemption pursuant to this section on the latest completed assessment  
46 roll an application form and a notice that such application must be  
47 filed on or before the taxable status date and be approved in order for  
48 the exemption to be granted. The assessing authority shall, within three  
49 days of the completion and filing of the tentative assessment roll,  
50 notify by mail any applicant [who has included with his] whose applica-  
51 tion includes at least one self-addressed, pre-paid envelope, of the  
52 approval or denial of the application; provided, however, that the  
53 assessing authority shall, upon the receipt and filing of the applica-  
54 tion, send by mail notification of receipt to any applicant who has  
55 included two of such envelopes with the application. Where an applicant  
56 is entitled to a notice of denial pursuant to this subdivision, such

1 notice shall be on a form prescribed by the commissioner and shall state  
2 the reasons for such denial and shall further state that the applicant  
3 may have such determination reviewed in the manner provided by law.  
4 Failure to mail any such application form or notices or the failure of  
5 such person to receive any of the same shall not prevent the levy,  
6 collection and enforcement of the payment of the taxes or PILOT on prop-  
7 erty owned by such person.

8 (b) Except in cities of one million or more, any person who has been  
9 granted exemption pursuant to this section on five (5) consecutive  
10 completed assessment rolls, including any years when the exemption was  
11 granted to a property owned by [a husband and/or wife] a married person  
12 or a married couple while both spouses resided in such property, shall  
13 not be subject to the requirements set forth in paragraph (a) of this  
14 subdivision provided the governing board of the municipality in which  
15 said property is situated after public hearing adopts a local law, ordi-  
16 nance or resolution providing therefor however said person shall be  
17 mailed an application form and a notice [informing him of his] setting  
18 forth such person's rights. Such exemption shall be automatically grant-  
19 ed on each subsequent assessment roll. Provided, however, that when tax  
20 payment is made by such person a sworn affidavit must be included with  
21 such payment which shall state that such person continues to be eligible  
22 for such exemption. Such affidavit shall be on a form prescribed by the  
23 commissioner. If such affidavit is not included with the tax payment,  
24 the collecting officer shall proceed pursuant to section five hundred  
25 fifty-one-a of this chapter.

26 (c) In cities of one million or more, any person who has been granted  
27 exemption pursuant to this section shall file the completed application  
28 with the appropriate assessing authority every twenty-four months from  
29 the date such exemption was granted without the necessity of having been  
30 granted exemption pursuant to this section on five (5) consecutive  
31 completed assessment rolls including any years when the exemption was  
32 granted to a property owned by [a husband and/or wife] a married person  
33 or a married couple while both spouses resided in such property.

34 § 6. Subdivision 8-a of section 467 of the real property tax law, as  
35 amended by section 1 of part B of chapter 686 of the laws of 2022, is  
36 amended to read as follows:

37 8-a. Notwithstanding any provision of law to the contrary, the local  
38 governing body of a municipal corporation that is authorized to adopt a  
39 local law pursuant to subdivision eight of this section is further  
40 authorized to adopt a local law providing that where a renewal applica-  
41 tion for the exemption authorized by this section has not been filed on  
42 or before the taxable status date, and the owner believes that good  
43 cause existed for the failure to file the renewal application by that  
44 date, the owner may, no later than the last day for paying taxes or  
45 PILOT without incurring interest or penalty, submit a written request to  
46 the assessor asking [him or her] the assessor to extend the filing dead-  
47 line and grant the exemption. Such request shall contain an explanation  
48 of why the deadline was missed, and shall be accompanied by a renewal  
49 application, reflecting the facts and circumstances as they existed on  
50 the taxable status date. The assessor may extend the filing deadline and  
51 grant the exemption if [he or she] the assessor is satisfied that (i)  
52 good cause existed for the failure to file the renewal application by  
53 the taxable status date, and that (ii) the applicant is otherwise enti-  
54 tled to the exemption. The assessor shall make a determination and mail  
55 notice [of his or her determination] thereof to the owner. If the deter-  
56 mination states that the assessor has granted the exemption, [he or she]



1 the assessor shall thereupon be authorized and directed to correct the  
2 assessment roll accordingly, or, if another person has custody or  
3 control of the assessment roll, to direct that person to make the appro-  
4 priate corrections. If the correction is not made before taxes are  
5 levied, the failure to take the exemption into account in the computa-  
6 tion of the tax shall be deemed a "clerical error" for purposes of title  
7 three of article five of this chapter, and shall be corrected according-  
8 ly.

9 § 7. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision 2  
10 of section 459-c of the real property tax law, as amended by section 2  
11 of part B of chapter 686 of the laws of 2022, are amended to read as  
12 follows:

13 (a) Real property owned by one or more persons with disabilities, or  
14 real property owned by a [husband, wife] married couple, or both, or by  
15 siblings, at least one of whom has a disability, or real property owned  
16 by one or more persons, some of whom qualify under this section and the  
17 others of whom qualify under section four hundred sixty-seven of this  
18 title, and whose income, as hereafter defined, is limited by reason of  
19 such disability, shall be exempt from payments in lieu of taxes (PILOT)  
20 to the battery city park authority or from taxation by any municipal  
21 corporation in which located to the extent of fifty per centum of the  
22 assessed valuation thereof as hereinafter provided. After a public hear-  
23 ing, the governing board of a county, city, town or village may adopt a  
24 local law and a school district, other than a school district subject to  
25 article fifty-two of the education law, may adopt a resolution to grant  
26 the exemption authorized pursuant to this section.

27 (a) ["sibling" shall mean a brother or a sister, whether related] the  
28 term "sibling" shall include persons whose relationship as siblings has  
29 been established through either half blood, whole blood or adoption.

30 § 8. Paragraph (a) of subdivision 5 of section 459-c of the real prop-  
31 erty tax law, as separately amended by section 2 of part B of chapter  
32 686 and chapter 488 of the laws of 2022, is amended to read as follows:

33 (a) (i) if the income of the owner or the combined income of the  
34 owners of the property for the income tax year [immediately preceding  
35 the date of making application for exemption] exceeds the sum of three  
36 thousand dollars, or such other sum not less than three thousand dollars  
37 nor more than [twenty-six thousand dollars beginning July first, two  
38 thousand six, twenty-seven thousand dollars beginning July first, two  
39 thousand seven, twenty-eight thousand dollars beginning July first, two  
40 thousand eight, twenty-nine thousand dollars beginning July first, two  
41 thousand nine, and fifty thousand dollars beginning July first, two  
42 thousand twenty-two, and in a city with a population of one million or  
43 more fifty thousand dollars beginning July first, two thousand seven-  
44 teen] fifty thousand dollars, as may be provided by the local law or  
45 resolution adopted pursuant to this section. [Income]

46 (ii) the applicable income tax year shall [mean] be the twelve month  
47 period for which the owner or owners filed a federal personal income tax  
48 return, or if no such return is filed, the calendar year.

49 (iii) Where title is vested in [either the husband or the wife, their]  
50 a married person, the combined income of such person and such person's  
51 spouse may not exceed such sum, except where [the husband or wife, or  
52 ex-husband or ex-wife] one-spouse or ex-spouse is absent from the prop-  
53 erty due to divorce, legal separation or abandonment, then only the  
54 income of the spouse or ex-spouse residing on the property shall be  
55 considered and may not exceed such sum. [Such income shall include  
56 social security and retirement benefits, interest, dividends, total gain

1 from the sale or exchange of a capital asset which may be offset by a  
2 loss from the sale or exchange of a capital asset in the same income tax  
3 year, net rental income, salary or earnings, and net income from self-  
4 employment, but shall not include a return of capital, gifts, inheri-  
5 tances or monies earned through employment in the federal foster grand-  
6 parent program and any such income shall be offset by all medical and  
7 prescription drug expenses actually paid which were not reimbursed or  
8 paid for by insurance, if the governing board of a municipality, after a  
9 public hearing, adopts a local law or resolution providing therefor. In  
10 computing net rental income and net income from self-employment no  
11 depreciation deduction shall be allowed for the exhaustion, wear and  
12 tear of real or personal property held for the production of income;]

13 (iv) The term "income" as used herein shall mean the "adjusted gross  
14 income" for federal income tax purposes as reported on the applicant's  
15 federal or state income tax return for the applicable income tax year,  
16 subject to any subsequent amendments or revisions, plus any social secu-  
17 rity benefits not included in such adjusted gross income, minus any  
18 distributions, to the extent included in federal adjusted gross income,  
19 received from an individual retirement account and an individual retire-  
20 ment annuity; provided that if no such return was filed for the applica-  
21 ble income tax year, the applicant's income shall be determined based on  
22 the amounts that would have so been reported if such a return had been  
23 filed; and provided further, that the governing board of a municipality  
24 may adopt a local law, ordinance or resolution providing that any social  
25 security benefits that were not included in the applicant's adjusted  
26 gross income shall not be considered income for purposes of this  
27 section;

28 § 9. Paragraph (a) of subdivision 6 of section 459-c of the real prop-  
29 erty tax law, as amended by section 2 of part B of chapter 686 of the  
30 laws of 2022, is amended to read as follows:

31 (a) If so provided in the local law or resolution adopted pursuant to  
32 this section, title to that portion of real property owned by a cooper-  
33 ative apartment corporation in which a tenant-stockholder of such corpo-  
34 ration resides, and which is represented by [his] the tenant-  
35 stockholder's share or shares of stock in such corporation as determined  
36 by its or their proportional relationship to the total outstanding stock  
37 of the corporation, including that owned by the corporation, shall be  
38 deemed to be vested in such tenant-stockholder.

39 § 10. This act shall take effect immediately and shall apply to all  
40 applications for exemptions pursuant to section 467 and section 459-c of  
41 the real property tax law on assessment rolls that are based on taxable  
42 status dates occurring on and after October 1, 2023.

43

## PART I

44 Section 1. Section 2 of chapter 540 of the laws of 1992, amending the  
45 real property tax law relating to oil and gas charges, as amended by  
46 section 1 of part C of chapter 59 of the laws of 2020, is amended to  
47 read as follows:

48 § 2. This act shall take effect immediately and shall be deemed to  
49 have been in full force and effect on and after April 1, 1992; provided,  
50 however that any charges imposed by section 593 of the real property tax  
51 law as added by section one of this act shall first be due for values  
52 for assessment rolls with tentative completion dates after July 1, 1992,  
53 and provided further, that this act shall remain in full force and  
54 effect until March 31, [2024] 2027, at which time section 593 of the





1 real property tax law as added by section one of this act shall be  
2 repealed.

3 § 2. This act shall take effect immediately.

4 PART M

5 Intentionally Omitted

6 PART N

7 Section 1. Section 575-b of the real property tax law is amended by  
8 adding a new subdivision 1-a to read as follows:

9 1-a. Notwithstanding any provision of law to the contrary, the solar  
10 or wind energy system appraisal model authorized by this section shall  
11 be identified, formulated, adopted, published, and updated periodically  
12 in the manner provided in this section without regard to the provisions  
13 of article two of the state administrative procedure act.

14 § 2. Subparagraph (viii) of paragraph (b) of subdivision 2 of section  
15 102 of the state administrative procedure act, as amended by chapter 74  
16 of the laws of 1987, is amended to read as follows:

17 (viii) appraisal models, discount rates, state equalization rates,  
18 class ratios, special equalization rates and special equalization ratios  
19 established pursuant to the real property tax law;

20 § 3. No assessing unit that failed to use the appraisal model pursu-  
21 ant to section 575-b of the real property tax law in 2022 shall be held  
22 liable for failing to use such model in 2022. Within fifteen days from  
23 the effective date of this act, the commissioner of taxation and finance  
24 may readopt the 2022 appraisal model or models and discount rates for  
25 use in 2023, without additional consultation with the New York state  
26 energy research and development authority or the New York state asses-  
27 sors association, and without soliciting or considering additional  
28 public comments.

29 § 4. This act shall take effect immediately and shall be deemed to  
30 have been in full force and effect on and after the effective date of  
31 part X of chapter 59 of the laws of 2021.

32 PART O

33 Intentionally Omitted

34 PART P

35 Section 1. Section 1299-C of the tax law is REPEALED.

36 § 2. Notwithstanding any provision of law to the contrary, there shall  
37 be no refund of any registration fees paid prior to the effective date  
38 of this act.

39 § 3. This act shall take effect immediately.

40 PART Q

41 Section 1. Section 285-a of the tax law is amended by adding a new  
42 subdivision 4 to read as follow:

43 4. Upon each sale of motor fuel, other than a sale that is otherwise  
44 exempt under this article, the distributor must charge the tax imposed



1 by this article to the purchaser on each gallon sold. If the taxes  
2 imposed by this article have not already been assumed or paid by a  
3 distributor on any quantity of such fuel for any reason, including, but  
4 not limited to, the expansion of such fuel as a result of temperature  
5 fluctuation, the distributor must remit such taxes to the commissioner  
6 on the return for the period in which such sale was made.

7 § 2. Section 285-b of the tax law is amended by adding a new subdivi-  
8 sion 5 to read as follows:

9 5. Upon each sale of Diesel motor fuel, other than a sale that is  
10 otherwise exempt under this article, the distributor must charge the tax  
11 imposed by this article to the purchaser on each gallon sold. If the  
12 taxes imposed by this article have not already been assumed or paid by a  
13 distributor on any quantity of such fuel for any reason, including, but  
14 not limited to, the expansion of such fuel as a result of temperature  
15 fluctuation, the distributor must remit such taxes to the commissioner  
16 on the return for the period in which such sale was made.

17 § 3. Section 308 of the tax law is amended by adding a new subdivision  
18 (j) to read as follows:

19 (j) Every petroleum business subject to tax under this article that is  
20 also a distributor, as defined in section two hundred eighty-two of this  
21 chapter, must charge the tax imposed by this article to the purchaser on  
22 each gallon sold, unless otherwise exempt. If the taxes imposed by this  
23 article have not already been assumed or paid by such petroleum business  
24 on any quantity of such fuel for any reason, including, but not limited  
25 to, the expansion of such fuel as a result of temperature fluctuation,  
26 such petroleum business must remit such taxes to the commissioner on the  
27 return for the period in which such sale was made.

28 § 4. Section 1102 of the tax law is amended by adding a new subdivi-  
29 sion (g) to read as follows:

30 (g) The tax imposed by this section must be charged on the sale, other  
31 than a retail sale or a sale that is otherwise exempt under this arti-  
32 cle, of each gallon of motor fuel or Diesel motor fuel. If the taxes  
33 imposed by this section have not already been assumed or paid by the  
34 distributor on any quantity of such fuel for any reason, including, but  
35 not limited to, the expansion of such fuel as a result of temperature  
36 fluctuation, the distributor must remit such taxes to the commissioner  
37 on the return for the period in which such sale was made.

38 § 5. This act shall take effect on September 1, 2023 and shall apply  
39 to sales of motor fuel and Diesel motor fuel on or after such date.

40 PART R

41 Section 1. Subparagraph (B) of paragraph 1 of subdivision (a) of  
42 section 1115 of the tax law, as amended by section 1 of part GG of chap-  
43 ter 59 of the laws of 2022, is amended to read as follows:

44 (B) Until May [thirty first] thirty-first, two thousand [twenty-three]  
45 twenty-four, the food and drink excluded from the exemption provided by  
46 clauses (i), (ii) and (iii) of subparagraph (A) of this paragraph, and  
47 bottled water, shall be exempt under this subparagraph: (i) when sold  
48 for one dollar and fifty cents or less through any vending machine that  
49 accepts coin or currency only; or (ii) when sold for two dollars or less  
50 through any vending machine that accepts any form of payment other than  
51 coin or currency, whether or not it also accepts coin or currency.

52 § 2. This act shall take effect June 1, 2023.

53 PART S



1 Section 1. Subdivision 1 of section 471 of the tax law, as amended by  
2 section 1 of part D of chapter 134 of the laws of 2010, is amended to  
3 read as follows:

4 1. There is hereby imposed and shall be paid a tax on all cigarettes  
5 possessed in the state by any person for sale, except that no tax shall  
6 be imposed on cigarettes sold under such circumstances that this state  
7 is without power to impose such tax, including sales to qualified Indi-  
8 ans for their own use and consumption on their nations' or tribes' qual-  
9 ified reservation, or sold to the United States or sold to or by a  
10 voluntary unincorporated organization of the armed forces of the United  
11 States operating a place for the sale of goods pursuant to regulations  
12 promulgated by the appropriate executive agency of the United States, to  
13 the extent provided in such regulations and policy statements of such an  
14 agency applicable to such sales. The tax imposed by this section is  
15 imposed on all cigarettes sold on an Indian reservation to non-members  
16 of the Indian nation or tribe and to non-Indians and evidence of such  
17 tax shall be by means of an affixed cigarette tax stamp. Indian nations  
18 or tribes may elect to participate in the Indian tax exemption coupon  
19 system established in section four hundred seventy-one-e of this article  
20 which provides a mechanism for the collection of the tax imposed by this  
21 section on cigarette sales on qualified reservations to such non-members  
22 and non-Indians and for the delivery of quantities of tax-exempt ciga-  
23 rettes to Indian nations or tribes for the personal use and consumption  
24 of qualified members of the Indian nation or tribe. If an Indian nation  
25 or tribe does not elect to participate in the Indian tax exemption  
26 coupon system, the prior approval system shall be the mechanism for the  
27 delivery of quantities of tax-exempt cigarettes to Indian nations or  
28 tribes for the personal use and consumption of qualified members of the  
29 Indian nation or tribe as provided for in paragraph (b) of subdivision  
30 five of this section. Such tax on cigarettes shall be at the rate of  
31 [four] five dollars and thirty-five cents for each twenty cigarettes or  
32 fraction thereof, provided, however, that if a package of cigarettes  
33 contains more than twenty cigarettes, the rate of tax on the cigarettes  
34 in such package in excess of twenty shall be one dollar and [eight]  
35 thirty-three and three-quarters cents for each five cigarettes or frac-  
36 tion thereof. Such tax is intended to be imposed upon only one sale of  
37 the same package of cigarettes. It shall be presumed that all cigarettes  
38 within the state are subject to tax until the contrary is established,  
39 and the burden of proof that any cigarettes are not taxable hereunder  
40 shall be upon the person in possession thereof.

41 § 2. Section 471-a of the tax law, as amended by section 5 of part D  
42 of chapter 134 of the laws of 2010, is amended to read as follows:

43 § 471-a. Use tax on cigarettes. There is hereby imposed and shall be  
44 paid a tax on all cigarettes used in the state by any person, except  
45 that no tax shall be imposed (1) if the tax provided in section four  
46 hundred seventy-one of this article is paid, (2) on the use of ciga-  
47 rettes which are exempt from the tax imposed by said section, or (3) on  
48 the use of four hundred or less cigarettes, brought into the state on,  
49 or in the possession of, any person. Such tax on cigarettes shall be at  
50 the rate of [four] five dollars and thirty-five cents for each twenty  
51 cigarettes or fraction thereof, provided, however, that if a package of  
52 cigarettes contains more than twenty cigarettes, the rate of tax on the  
53 cigarettes in such package in excess of twenty shall be one dollar and  
54 [eight] thirty-three and three-quarters cents for each five cigarettes  
55 or fraction thereof. Within twenty-four hours after liability for the  
56 tax accrues, each such person shall file with the commissioner a return



1 in such form as the commissioner may prescribe together with a remit-  
2 tance of the tax shown to be due thereon. For purposes of this article,  
3 the word "use" means the exercise of any right or power actual or  
4 constructive and shall include but is not limited to the receipt, stor-  
5 age or any keeping or retention for any length of time, but shall not  
6 include possession for sale. All other provisions of this article if not  
7 inconsistent shall apply to the administration and enforcement of the  
8 tax imposed by this section in the same manner as if the language of  
9 said provisions had been incorporated in full into this section.

10 § 3. Notwithstanding any other provision of law to the contrary, the  
11 tax due on cigarettes possessed in New York state as of the close of  
12 business on August 31, 2023, by any person for sale solely attributable  
13 to the increase imposed by the amendments to section 471 of the tax law,  
14 as amended by section one of this act, shall be paid by November 20,  
15 2023, subject to such terms and conditions as the commissioner of taxa-  
16 tion and finance shall prescribe.

17 § 4. This act shall take effect on September 1, 2023, and shall apply  
18 to all cigarettes possessed in this state by any person for sale and all  
19 cigarettes used in this state by any person on or after such date.

20 PART T

21 Intentionally Omitted

22 PART U

23 Section 1. The opening paragraph of subparagraph (B) of paragraph 2 of  
24 subdivision (b) of section 1402 of the tax law, as amended by section 1  
25 of item UUU of subpart B of part XXX of chapter 58 of the laws of 2020,  
26 is amended to read as follows:

27 For purposes of this subdivision, the phrase "real estate investment  
28 trust transfer" shall mean any conveyance of real property or an inter-  
29 est therein to a REIT, or to a partnership or corporation in which a  
30 REIT owns a controlling interest immediately following the conveyance,  
31 which conveyance (I) occurs in connection with the initial formation of  
32 the REIT, provided that the conditions set forth in clauses (i) and (ii)  
33 of this subparagraph are satisfied, or (II) in the case of any real  
34 estate investment trust transfer occurring on or after July thirteenth,  
35 nineteen hundred ninety-six and before September first, two thousand  
36 [twenty-three] twenty-six, is described in the last sentence of this  
37 subparagraph.

38 § 2. Subparagraph 2 of paragraph (xi) of subdivision (b) of section  
39 1201 of the tax law, as amended by section 2 of item UUU of subpart B of  
40 part XXX of chapter 58 of the laws of 2020, is amended to read as  
41 follows:

42 (2) any issuance or transfer of an interest in a REIT, or in a part-  
43 nership or corporation in which a REIT owns a controlling interest imme-  
44 diately following the issuance or transfer, in connection with a trans-  
45 action described in subparagraph one of this paragraph. Notwithstanding  
46 the foregoing, a transaction described in the preceding sentence shall  
47 not constitute a real estate investment trust transfer unless (A) it  
48 occurs in connection with the initial formation of the REIT and the  
49 conditions described in subparagraphs three and four of this paragraph  
50 are satisfied, or (B) in the case of any real estate investment trust  
51 transfer occurring on or after July thirteenth, nineteen hundred nine-



1 ty-six and before September first, two thousand [twenty-three] twenty-  
2 six, the transaction is described in subparagraph five of this paragraph  
3 in which case the provisions of such subparagraph shall apply.

4 § 3. Subparagraph (B) of paragraph 2 of subdivision e of section  
5 11-2102 of the administrative code of the city of New York, as amended  
6 by section 3 of item UUU of subpart B of part XXX of chapter 58 of the  
7 laws of 2020, is amended to read as follows:

8 (B) any issuance or transfer of an interest in a REIT, or in a part-  
9 nership or corporation in which a REIT owns a controlling interest imme-  
10 diately following the issuance or transfer in connection with a trans-  
11 action described in subparagraph (A) of this paragraph. Notwithstanding  
12 the foregoing, a transaction described in the preceding sentence shall  
13 not constitute a real estate investment trust transfer unless (i) it  
14 occurs in connection with the initial formation of the REIT and the  
15 conditions described in subparagraphs (C) and (D) of this paragraph are  
16 satisfied, or (ii) in the case of any real estate investment trust  
17 transfer occurring on or after July thirteenth, nineteen hundred nine-  
18 ty-six and before September first, two thousand [twenty-three] twenty-  
19 six, the transaction is described in subparagraph (E) of this paragraph  
20 in which case the provision of such subparagraph shall apply.

21 § 4. This act shall take effect immediately.

22 PART V

23 Intentionally Omitted

24 PART W

25 Section 1. Subdivision 1 of section 105 of the state finance law, as  
26 amended by chapter 204 of the laws of 2002, is amended to read as  
27 follows:

28 1. All moneys received by the commissioner of taxation and finance on  
29 account of the state, excepting such moneys as are required by law to be  
30 deposited to the credit of the comptroller, but including such moneys as  
31 are thereafter paid into the state treasury by the comptroller, shall be  
32 deposited by the commissioner of taxation and finance within three busi-  
33 ness days after the receipt thereof, either as a demand deposit or an  
34 interest-bearing time deposit (other than a time certificate of depos-  
35 it), as [he] the commissioner and the comptroller may determine, in such  
36 banks, trust companies and industrial banks as in [his] the opinion of  
37 the commissioner and the opinion of the comptroller are secure. The  
38 moneys so deposited shall be placed to the account of the commissioner  
39 of taxation and finance. [He] The commissioner shall keep a bankbook in  
40 which shall be entered [his] their account of deposit in and moneys  
41 drawn from the banks and trust companies and industrial banks in which  
42 deposits are made by [him] the commissioner, which [he] they shall  
43 exhibit to the comptroller for [his] inspection on the first Tuesday of  
44 every month and oftener if required. [He] The commissioner shall not  
45 draw any moneys from such banks, trust companies or industrial banks  
46 unless by checks signed and countersigned in the manner prescribed by  
47 section one hundred one, unless otherwise provided by law. No moneys  
48 shall be paid by any such bank, trust company or industrial bank out of  
49 any such deposit except upon such checks. Moneys may be paid through  
50 electronic transfer in accordance with procedures developed by the  
51 commissioner of taxation and finance and the comptroller and consistent



1 with the requirements of this section for recording payments. Such  
2 payments through electronic transfer shall be considered, for purposes  
3 of this chapter, to be moneys drawn by check. Every such bank, trust  
4 company or industrial bank shall transmit to the comptroller monthly  
5 statements of all moneys received and paid by it on account of the  
6 commissioner of taxation and finance.  
7 § 2. This act shall take effect immediately.

8

## PART X

9 Section 1. Legislative findings. The legislature finds that it is in  
10 the interests of the state to assist The New York Racing Association,  
11 Inc., which is the franchised corporation pursuant to section two  
12 hundred six of the racing, pari-mutuel wagering and breeding law, to  
13 renovate Belmont Park racetrack. The legislature further finds and  
14 determines that the anticipated cost of renovating Belmont Park race-  
15 track is four hundred fifty-five million dollars and that the renovation  
16 of Belmont Park racetrack shall initially be financed by the state  
17 subject to the provisions of the repayment agreement of the franchised  
18 corporation required by section two of this act. The franchised corpo-  
19 ration will be responsible for repayment of the state funds in accord-  
20 ance with the terms of such repayment agreement.

21 § 2. Prior to, and as a condition to the state initially providing  
22 funds for the renovation of Belmont Park racetrack, the franchised  
23 corporation shall enter into a repayment agreement with the state  
24 authorizing and directing that a portion of the funds of the franchised  
25 corporation dedicated for capital expenditures of the franchised corpo-  
26 ration pursuant to paragraph 3 of subdivision f and paragraph 3 of  
27 subdivision f-1 of section 1612 of the tax law shall be used to repay  
28 the state for the funds provided by the state for the renovation of  
29 Belmont Park racetrack, in accordance with the repayment agreement  
30 between the state and the franchised corporation. Such agreement shall  
31 further provide that in the event the franchised corporation receives  
32 future statutory payments enacted for the specific purpose of holding  
33 the franchised corporation harmless for any loss of payments pursuant to  
34 paragraph 3 of subdivision f and paragraph 3 of subdivision f-1 of  
35 section 1612 of the tax law, such statutory payments shall also be used  
36 to repay the state for the funds provided by the state for the reno-  
37 vation of Belmont Park racetrack. Such agreement may also be amended  
38 from time to time as agreed to by the state and the franchised corpo-  
39 ration. At any time prior to the repayment of the state funds for the  
40 renovation of Belmont Park racetrack, the state may issue state personal  
41 income tax revenue bonds or state sales tax revenue bonds. In the event  
42 of the issuance of such bonds, the repayment agreement shall be revised  
43 to reflect the obligation of the franchised corporation to fully repay  
44 the debt service costs associated with such bonds.

45 § 3. As a condition of the state initially providing funds for the  
46 renovation of Belmont Park racetrack, the franchise oversight board  
47 shall include a requirement in any request for proposals for such reno-  
48 vation that any projects in connection with such work shall only be  
49 undertaken pursuant to a project labor agreement in accordance with  
50 section 222 of the labor law. For the purposes of this section, "project  
51 labor agreement" shall have the meaning set forth in subdivision 1 of  
52 section 213 of the racing, pari-mutuel wagering and breeding law.

53 § 4. The New York State Gaming Commission shall ensure that to the  
54 extent that the law allows for a franchise agreement for the operation

1 of Belmont Park racetrack with a franchisee other than the franchised  
2 corporation, the term of any such franchise agreement awarded after  
3 funding provided by the state for the renovation of Belmont Park race-  
4 track described by section one of this act shall include a provision  
5 obligating such franchisee to assume the payments of the franchised  
6 corporation required by section two of this act.

7 § 5. The opening paragraph of paragraph 3 of subdivision f of section  
8 1612 of the tax law is designated subparagraph (i) and a new subpara-  
9 graph (ii) is added to read as follows:

10 (ii) Notwithstanding subparagraph (i) of this paragraph, in the event  
11 the state provides funds to the franchised corporation for the reno-  
12 vation of Belmont Park racetrack, out of the amount payable to the fran-  
13 chised corporation for capital expenditures pursuant to subparagraph (i)  
14 of this paragraph during any state fiscal year, an amount pursuant to  
15 the repayment agreement between the state and the franchised corporation  
16 shall instead be deposited into the miscellaneous capital projects fund,  
17 New York racing capital improvement fund as required to repay the state  
18 for funds provided for the renovation of Belmont Park racetrack. Any  
19 amount payable to the franchised corporation in any state fiscal year  
20 for capital expenditures pursuant to subparagraph (i) of this paragraph  
21 in excess of the amount pursuant to the repayment agreement between  
22 the state and the franchised corporation shall be deposited pursuant to  
23 subparagraph (i) of this paragraph. Once the state has been fully reim-  
24 bursed for the costs related to the renovation of Belmont Park race-  
25 track, this subparagraph shall no longer apply and subparagraph (i) of  
26 this paragraph shall apply.

27 § 6. The opening paragraph of paragraph 3 of subdivision f-1 of  
28 section 1612 of the tax law is designated subparagraph (i) and a new  
29 subparagraph (ii) is added to read as follows:

30 (ii) Notwithstanding subparagraph (i) of this paragraph, in the event  
31 the state provides funds to the franchised corporation for the reno-  
32 vation of Belmont Park racetrack, and in the event the amount deposited  
33 pursuant to subparagraph (ii) of paragraph three of subdivision f of  
34 this section is insufficient to make the required repayment pursuant to  
35 such subparagraph during any state fiscal year, an amount payable to the  
36 franchised corporation for capital expenditures pursuant to subparagraph  
37 (i) of this paragraph shall instead be deposited into the miscellaneous  
38 capital projects fund, New York racing capital improvement fund to the  
39 extent necessary, when combined with the amount set forth in subpara-  
40 graph (ii) of paragraph three of subdivision f of this section, to make  
41 any required repayment of funds provided by the state related to the  
42 renovation of Belmont Park racetrack during such fiscal year. Any amount  
43 payable to the franchised corporation in any state fiscal year for capi-  
44 tal expenditures pursuant to subparagraph (i) of this paragraph in  
45 excess of the amount pursuant to the repayment agreement between the  
46 state and the franchised corporation shall be deposited pursuant to  
47 subparagraph (i) of this paragraph. Once the state has been fully reim-  
48 bursed for such costs related to the renovation of Belmont Park race-  
49 track, this subparagraph shall no longer apply and subparagraph (i) of  
50 this paragraph shall apply.

51 § 7. The state comptroller is hereby authorized and directed to loan  
52 money in accordance with the provisions set forth in subdivision 5 of  
53 section 4 of the state finance law to the miscellaneous capital projects  
54 fund, New York racing capital improvement fund.

55 § 8. 1. Notwithstanding any other provisions of law to the contrary,  
56 the dormitory authority, the urban development corporation, and the New



1 York state thruway authority are hereby authorized to issue personal  
2 income tax revenue bonds or notes or state sales tax revenue bonds or  
3 notes in one or more series in an aggregate principal amount not to  
4 exceed four hundred fifty-five million dollars (\$455,000,000) excluding  
5 bonds or notes issued to pay costs of issuance of such bonds or notes  
6 and bonds or notes issued to refund or otherwise repay such bonds or  
7 notes previously issued, for the purpose of financing the renovation of  
8 Belmont Park racetrack.

9 2. Notwithstanding any other provision of law to the contrary, in  
10 order to assist the dormitory authority, urban development corporation,  
11 and the New York state thruway authority in undertaking the financing  
12 for the renovation of Belmont Park racetrack, the director of the budget  
13 is hereby authorized to enter into one or more financing agreements with  
14 the dormitory authority, the urban development corporation, and the New  
15 York state thruway authority, upon such terms and conditions as the  
16 director of the budget and the dormitory authority, the urban develop-  
17 ment corporation and the New York state thruway authority agree, so as  
18 to annually provide to the dormitory authority, the urban development  
19 corporation, and the New York state thruway authority, in the aggregate,  
20 a sum not to exceed the principal, interest, and related expenses  
21 required for such bonds and notes. Any financing agreement entered into  
22 pursuant to this section shall provide that the obligation of the state  
23 to pay the amount therein provided shall not constitute a debt of the  
24 state within the meaning of any constitutional or statutory provision  
25 and shall be deemed executory only to the extent of monies available and  
26 that no liability shall be incurred by the state beyond the monies  
27 available for such purpose, subject to annual appropriation by the  
28 legislature. Any such contract or any payments made or to be made there-  
29 under may be assigned and pledged by the dormitory authority, the urban  
30 development corporation, and the New York state thruway authority as  
31 security for such bonds and notes, as authorized by this section.

32 § 9. Notwithstanding any law to the contrary, and in accordance with  
33 section 4 of the state finance law, the comptroller is hereby authorized  
34 and directed in each state fiscal year to transfer, upon request of the  
35 director of the budget, up to the unencumbered balance or an amount up  
36 to twenty-five million eight hundred thousand dollars (\$25,800,000) from  
37 the miscellaneous capital projects fund, New York racing capital  
38 improvement fund to the general fund.

39 § 10. This act shall take effect immediately.

40 PART Y

41 Intentionally Omitted

42 PART Z

43 Intentionally Omitted

44 PART AA

45 Section 1. Subdivision 2 of section 509-a of the racing, pari-mutuel  
46 wagering and breeding law, as amended by section 1 of part DD of chapter  
47 59 of the laws of 2022, is amended to read as follows:





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

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

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

d. Prior to a corporation being able to utilize the funds authorized by [paragraph] paragraphs b and c of this subdivision, the corporation must submit an expenditure plan to the gaming commission for review. Such plan shall include the corporation's outstanding liabilities, projected revenue for the upcoming year, a detailed explanation of how the funds will be used, and any other information determined necessary by the commission. Upon review, the commission will make a determination as to whether access to the funds is needed and warranted.

§ 2. This act shall take effect immediately.

#### PART BB

Section 1. Paragraph (a) of subdivision 1 of section 1003 of the racing, pari-mutuel wagering and breeding law, as amended by section 1 of part EE of chapter 59 of the laws of 2022, is amended to read as follows:

(a) Any racing association or corporation or regional off-track betting corporation, authorized to conduct pari-mutuel wagering under this chapter, desiring to display the simulcast of horse races on which pari-mutuel betting shall be permitted in the manner and subject to the conditions provided for in this article may apply to the commission for a license so to do. Applications for licenses shall be in such form as may be prescribed by the commission and shall contain such information or other material or evidence as the commission may require. No license

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

47 § 2. Subparagraph (iii) of paragraph d of subdivision 3 of section  
48 1007 of the racing, pari-mutuel wagering and breeding law, as amended by  
49 section 2 of part EE of chapter 59 of the laws of 2022, is amended to  
50 read as follows:

51 (iii) Of the sums retained by a receiving track located in Westchester  
52 county on races received from a franchised corporation, for the period  
53 commencing January first, two thousand eight and continuing through June  
54 thirtieth, two thousand [twenty-three] twenty-four, the amount used  
55 exclusively for purses to be awarded at races conducted by such receiv-  
56 ing track shall be computed as follows: of the sums so retained, two and



1 one-half percent of the total pools. Such amount shall be increased or  
2 decreased in the amount of fifty percent of the difference in total  
3 commissions determined by comparing the total commissions available  
4 after July twenty-first, nineteen hundred ninety-five to the total  
5 commissions that would have been available to such track prior to July  
6 twenty-first, nineteen hundred ninety-five.

7 § 3. The opening paragraph of subdivision 1 of section 1014 of the  
8 racing, pari-mutuel wagering and breeding law, as amended by section 3  
9 of part EE of chapter 59 of the laws of 2022, is amended to read as  
10 follows:

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

29 § 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering  
30 and breeding law, as amended by section 4 of part EE of chapter 59 of  
31 the laws of 2022, is amended to read as follows:

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

37 § 5. The opening paragraph of subdivision 1 of section 1016 of the  
38 racing, pari-mutuel wagering and breeding law, as amended by section 5  
39 of part EE of chapter 59 of the laws of 2022, is amended to read as  
40 follows:

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



1 required of a franchised corporation licensed in accordance with section  
2 one thousand seven of this article:

3 § 6. The opening paragraph of section 1018 of the racing, pari-mutuel  
4 wagering and breeding law, as amended by section 6 of part EE of chapter  
5 59 of the laws of 2022, is amended to read as follows:

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

22 § 7. Section 32 of chapter 281 of the laws of 1994, amending the  
23 racing, pari-mutuel wagering and breeding law and other laws relating to  
24 simulcasting, as amended by section 7 of part EE of chapter 59 of the  
25 laws of 2022, is amended to read as follows:

26 § 32. This act shall take effect immediately and the pari-mutuel tax  
27 reductions in section six of this act shall expire and be deemed  
28 repealed on July 1, [2023] 2024; provided, however, that nothing  
29 contained herein shall be deemed to affect the application, qualifica-  
30 tion, expiration, or repeal of any provision of law amended by any  
31 section of this act, and such provisions shall be applied or qualified  
32 or shall expire or be deemed repealed in the same manner, to the same  
33 extent and on the same date as the case may be as otherwise provided by  
34 law; provided further, however, that sections twenty-three and twenty-  
35 five of this act shall remain in full force and effect only until May 1,  
36 1997 and at such time shall be deemed to be repealed.

37 § 8. Section 54 of chapter 346 of the laws of 1990, amending the  
38 racing, pari-mutuel wagering and breeding law and other laws relating to  
39 simulcasting and the imposition of certain taxes, as amended by section  
40 8 of part EE of chapter 59 of the laws of 2022, is amended to read as  
41 follows:

42 § 54. This act shall take effect immediately; provided, however,  
43 sections three through twelve of this act shall take effect on January  
44 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-  
45 ing law, as added by section thirty-eight of this act, shall expire and  
46 be deemed repealed on July 1, [2023] 2024; and section eighteen of this  
47 act shall take effect on July 1, 2008 and sections fifty-one and fifty-  
48 two of this act shall take effect as of the same date as chapter 772 of  
49 the laws of 1989 took effect.

50 § 9. Paragraph (a) of subdivision 1 of section 238 of the racing,  
51 pari-mutuel wagering and breeding law, as amended by section 9 of part  
52 EE of chapter 59 of the laws of 2022, is amended to read as follows:

53 (a) The franchised corporation authorized under this chapter to  
54 conduct pari-mutuel betting at a race meeting or races run thereat shall  
55 distribute all sums deposited in any pari-mutuel pool to the holders of  
56 winning tickets therein, provided such tickets are presented for payment



1 before April first of the year following the year of their purchase,  
2 less an amount that shall be established and retained by such franchised  
3 corporation of between twelve to seventeen percent of the total deposits  
4 in pools resulting from on-track regular bets, and fourteen to twenty-  
5 one percent of the total deposits in pools resulting from on-track  
6 multiple bets and fifteen to twenty-five percent of the total deposits  
7 in pools resulting from on-track exotic bets and fifteen to thirty-six  
8 percent of the total deposits in pools resulting from on-track super  
9 exotic bets, plus the breaks. The retention rate to be established is  
10 subject to the prior approval of the commission.

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

33 For the period April first, two thousand one through December thirty-  
34 first, two thousand [twenty-three] twenty-four, such tax on all wagers  
35 shall be one and six-tenths percent, plus, in each such period, twenty  
36 percent of the breaks. Payment to the New York state thoroughbred breed-  
37 ing and development fund by such franchised corporation shall be one-  
38 half of one percent of total daily on-track pari-mutuel pools resulting  
39 from regular, multiple and exotic bets and three percent of super exotic  
40 bets and for the period April first, two thousand one through December  
41 thirty-first, two thousand [twenty-three] twenty-four, such payment  
42 shall be seven-tenths of one percent of regular, multiple and exotic  
43 pools.

44 § 10. This act shall take effect immediately.

45 PART CC

46 Intentionally Omitted

47 PART DD

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



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

If the New York taxable income is:	The tax is:
Not over \$17,150	4% of the New York taxable income
Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over \$17,150
Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over \$23,600
Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over \$27,900
Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess over \$161,550
Over \$323,200 but not over \$2,155,350	\$18,252 plus 6.85% of excess over \$323,200
Over \$2,155,350 but not over \$5,000,000	\$143,754 plus 9.65% of excess over \$2,155,350
Over \$5,000,000 but not over \$25,000,000	\$418,263 plus [10.30] <u>10.80%</u> of excess over \$5,000,000
Over \$25,000,000	\$[2,478,263] <u>2,578,663</u> plus [10.90] <u>11.40%</u> of excess over \$25,000,000

§ 2. Clause (vi) of subparagraph (B) of paragraph 1 of subsection (b) of section 601 of the tax law, as amended by section 2 of subpart A of part A of chapter 59 of the laws of 2022, is amended to read as follows:

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

If the New York taxable income is:	The tax is:
Not over \$12,800	4% of the New York taxable income
Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over \$12,800
Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over \$17,650
Over \$20,900 but not over \$107,650	\$901 plus 5.5% of excess over \$20,900
Over \$107,650 but not over \$269,300	\$5,672 plus 6.00% of excess over \$107,650
Over \$269,300 but not over \$1,616,450	\$15,371 plus 6.85% of excess over \$269,300
Over \$1,616,450 but not over \$5,000,000	\$107,651 plus 9.65% of excess over \$1,616,450
Over \$5,000,000 but not over \$25,000,000	\$434,163 plus [10.30] <u>10.80%</u> of excess over \$5,000,000
Over \$25,000,000	\$[2,494,163] <u>2,594,163</u> plus [10.90] <u>11.40%</u> of excess over \$25,000,000

§ 3. Clause (vi) 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, is amended to read as follows:

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



1	If the New York taxable income is:	The tax is:
2	Not over \$8,500	4% of the New York taxable income
3	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
4		\$8,500
5	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
6		\$11,700
7	Over \$13,900 but not over \$80,650	\$600 plus 5.50% of excess over
8		\$13,900
9	Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess over
10		\$80,650
11	Over \$215,400 but not over	\$12,356 plus 6.85% of excess over
12	\$1,077,550	\$215,400
13	Over \$1,077,550 but not over	\$71,413 plus 9.65% of excess over
14	\$5,000,000	\$1,077,550
15	Over \$5,000,000 but not over	\$449,929 plus [10.30] <u>10.80%</u>
16		of excess over
17	\$25,000,000	\$5,000,000
18	Over \$25,000,000	\$[2,509,929] <u>2,609,929</u> plus
19		[10.90] <u>11.40%</u> of excess over
20		\$25,000,000

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

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

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

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

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

39 Greater than	Not over	Recapture Base	Incremental Benefit
40 \$27,900	\$161,550	\$0	\$333
41 \$161,550	\$323,200	\$333	\$807
42 \$323,200	\$2,155,350	\$1,140	\$2,747
43 \$2,155,350	\$5,000,000	\$3,887	\$60,350
44 \$5,000,000	\$25,000,000	\$64,237	[\$32,500]
45			<u>\$57,500</u>

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

48 Greater than	Not over	Applicable Amount
49 \$27,900	\$161,550	New York adjusted gross income minus \$107,650
50 \$161,550	\$323,200	New York adjusted gross income minus \$161,550
51 \$323,200	\$2,155,350	New York adjusted gross income minus \$323,200
52 \$2,155,350	\$5,000,000	New York adjusted gross income minus \$2,155,350
53 \$5,000,000	\$25,000,000	New York adjusted gross income minus \$5,000,000

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 twenty-seven thousand nine hundred dollars, the supplemental tax shall equal the difference between the product of 5.50 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] 11.40 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (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:

Greater than	Not over	Recapture Base	Incremental Benefit
\$107,650	\$269,300	\$0	\$787
\$269,300	\$1,616,450	\$787	\$2,289
\$1,616,450	\$5,000,000	\$3,076	\$45,261
\$5,000,000	\$25,000,000	\$48,337	[\$32,500]
			<u>\$57,500</u>

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

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

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

(iv) the supplemental tax due shall equal the sum of the recapture base and the product of (i) the incremental benefit and (ii) the phase-in fraction. Provided, however, that if the New York taxable income of the taxpayer is less than one hundred seven thousand six hundred fifty dollars, the supplemental tax shall equal the difference between the product of 6.00 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (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] 11.40 percent and New York taxable income and the tax table computation on the New York taxable income set forth in paragraph one of subsection (b) of this section.

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





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

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

Greater than	Not over	Recapture Base	Incremental Benefit
\$80,650	\$215,400	\$0	\$568
\$215,400	\$1,077,550	\$568	\$1,831
\$1,077,550	\$5,000,000	\$2,399	\$30,172
\$5,000,000	\$25,000,000	\$32,571	[\$32,500]
			<u>\$57,500</u>

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

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

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

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

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

§ 5. Notwithstanding any provision of law to the contrary, the method of determining the amount to be deducted and withheld from wages on account of taxes imposed by or pursuant to the authority of article 22 of the tax law in connection with the implementation of the provisions of this act shall be prescribed by regulations of the commissioner of taxation and finance with due consideration to the effect such withholding tables and methods would have on the receipt and amount of revenue. The commissioner of taxation and finance shall adjust such withholding tables and methods in regard to taxable years beginning in 2023 and after in such manner as to result, so far as practicable, in withholding from an employee's wages an amount substantially equivalent to the tax reasonably estimated to be due for such taxable years as a result of the provisions of this act. Any such regulations to implement a change in withholding tables and methods for tax year 2023 shall be adopted and effective as soon as practicable and the commissioner of taxation and finance may adopt such regulations on an emergency basis notwithstanding anything to the contrary in section 202 of the state administrative procedure act.

§ 6. This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2023.



1

## PART EE

2 Section 1. Subsection (c-1) of section 606 of the tax law is amended  
3 by adding a new paragraph 5 to read as follows:

4 (5) (A) For tax year two thousand twenty-two, the commissioner shall  
5 issue a payment of a supplemental empire state child credit in the  
6 amount of (i) one hundred percent of the empire state child credit  
7 calculated and allowed pursuant to this subsection to taxpayers whose  
8 federal adjusted gross income was less than ten thousand dollars; (ii)  
9 seventy-five percent of the empire state child credit calculated and  
10 allowed pursuant to this subsection to taxpayers whose federal adjusted  
11 gross income was greater than or equal to ten thousand dollars but less  
12 than twenty-five thousand dollars; (iii) fifty percent of the empire  
13 state child credit calculated and allowed pursuant to this subsection to  
14 taxpayers whose federal adjusted gross income was greater than or equal  
15 to twenty-five thousand dollars but less than fifty thousand dollars;  
16 and (iv) twenty-five percent of the empire state child credit calculated  
17 and allowed pursuant to this subsection to taxpayers whose federal  
18 adjusted gross income was greater than or equal to fifty thousand  
19 dollars. Provided, however, that no payment shall be issued if it is  
20 less than twenty-five dollars.

21 (B) The supplemental payment pursuant to this paragraph shall be  
22 allowed to taxpayers who timely filed returns pursuant to section six  
23 hundred fifty-one of this article, determined with regard to extensions  
24 pursuant to section six hundred fifty-seven of this article.

25 § 2. Subsection (d) of section 606 of the tax law is amended by adding  
26 a new paragraph 9 to read as follows:

27 (9) For tax year two thousand twenty-two, the commissioner shall issue  
28 a payment of a supplemental earned income tax credit to resident taxpay-  
29 ers in the amount of twenty-five percent of the earned income tax credit  
30 calculated and allowed pursuant to this subsection. Such payment will be  
31 allowed to resident taxpayers who timely filed returns pursuant to  
32 section six hundred fifty-one of this article, determined with regard to  
33 extensions pursuant to section six hundred fifty-seven of this article.  
34 Provided, however, that no payment shall be issued if it is less than  
35 twenty-five dollars.

36 § 3. Subsection (d-1) of section 606 of the tax law is amended by  
37 adding a new paragraph 10 to read as follows:

38 (10) For tax year two thousand twenty-two, the commissioner shall  
39 issue a payment of a supplemental enhanced earned income tax credit in  
40 the amount of twenty-five percent of the enhanced earned income tax  
41 credit calculated and allowed pursuant to this subsection. Such payment  
42 will be allowed to taxpayers who timely filed returns pursuant to  
43 section six hundred fifty-one of this article, determined with regard to  
44 extensions pursuant to section six hundred fifty-seven of this article.  
45 Provided, however, that no payment shall be issued if it is less than  
46 twenty-five dollars.

47 § 4. Paragraph 1 of subsection (c-1) of section 606 of the tax law, as  
48 amended by section 1 of part P of chapter 59 of the laws of 2018, is  
49 amended to read as follows:

50 (1) A resident taxpayer shall be allowed a credit as provided herein  
51 equal to the greater of one hundred dollars times the number of qualify-  
52 ing children of the taxpayer or the applicable percentage of the child  
53 tax credit allowed the taxpayer under section twenty-four of the inter-  
54 nal revenue code for the same taxable year for each qualifying child.  
55 Provided, however, in the case of a taxpayer whose federal adjusted

gross income exceeds the applicable threshold amount set forth by section 24(b)(2) of the Internal Revenue Code, the credit shall only be equal to the applicable percentage of the child tax credit allowed the taxpayer under section 24 of the Internal Revenue Code for each qualifying child. For the purposes of this subsection, a qualifying child shall be a child who meets the definition of qualified child under section 24(c) of the internal revenue code [and is at least four years of age]. The applicable percentage shall be thirty-three percent. For purposes of this subsection, any reference to section 24 of the Internal Revenue Code shall be a reference to such section as it existed immediately prior to the enactment of Public Law 115-97.

§ 5. Subsection (d) of section 606 of the tax law is amended by adding a new paragraph 10 to read as follows:

(10) Notwithstanding any provision to the contrary, for taxable years two thousand twenty-three and thereafter, an eligible individual, who filed a New York personal income tax return using a valid United States individual taxpayer identification number (ITIN) or if such individual otherwise satisfies the requirements of this paragraph, shall be eligible for the credit under this subsection. A federal individual taxpayer identification number or a social security number must be provided for each spouse in the case of a couple filing jointly or separately and for each child in order to be eligible for the credit. For purposes of this paragraph, an eligible individual, upon request by the commissioner, shall be required to submit proof including, but not limited to, (i) (A) an eligible individual filed a tax return for each tax year such credit is allowed with the department using a valid United States individual identification number, or (B) alternatively, such individual may submit one or more proofs of work described in paragraph (k) of subsection five of section two of part EEE of chapter fifty-nine of the laws of two thousand twenty-one; and (ii) the proof of identity as described in paragraph (a) of subsection five of section two of part EEE of chapter fifty-nine of the laws of two thousand twenty-one. The commissioner in conjunction with the commissioner of labor may, by regulation, establish alternative documents that sufficiently demonstrate an eligible individual's qualification for the tax credit, including but not limited to proof of identity as described in paragraph (a) of subsection five of section two of part EEE of chapter fifty-nine of the laws of two thousand twenty-one, provided that such additional documents clearly demonstrate that such individual was employed and received monetary earnings for each tax year such individual is eligible for the credit prior to the date such individual certifies that he or she became eligible for the credit allowed under this subsection.

§ 6. This act shall take effect immediately; provided, however, that sections four and five of this act shall apply to taxable years beginning on and after January 1, 2023; and provided, further, that the commissioner of the department of taxation and finance and the commissioner of the department of labor are authorized to promulgate regulations necessary to implement the provisions of this act.

#### PART FF

Section 1. Subdivision (b) of section 1105 of the tax law is amended by adding a new paragraph 5 to read as follows:

(5) The receipts from every retail sale of tangible personal property shall include a digital product as described in paragraph thirty-nine of subdivision (b) of section eleven hundred one of this article.



1     § 2. Subdivision (b) of section 1101 of the tax law is amended by  
2 adding a new paragraph 39 to read as follows:

3     (39) Digital product. The term digital product shall mean, whether  
4 electronically or digitally delivered, streamed or accessed and whether  
5 purchased individually, by subscription or in any other manner, includ-  
6 ing maintenance, updates and support (but excluding similar property or  
7 any related similar service otherwise exempt pursuant to section eleven  
8 hundred five or section eleven hundred fifteen or any other sections of  
9 this article) of the following:

10     (i) television shows and movies, excluding cable television and satel-  
11 lite television;

12     (ii) photographs;

13     (iii) audiobooks;

14     (iv) any other otherwise taxable printed matter electronically or  
15 digitally delivered, streamed or accessed, excluding newspapers and  
16 periodicals;

17     (v) application platforms commonly known as "apps";

18     (vi) games excluding games otherwise taxable as the furnishing of an  
19 entertainment service described in subparagraph (i) of paragraph nine of  
20 subdivision (c) of section eleven hundred five of this article;

21     (vii) music;

22     (viii) podcasts;

23     (ix) any other audio, including satellite radio or any subscription  
24 service; or

25     (x) any other otherwise taxable tangible personal property electron-  
26 ically or digitally delivered, streamed or accessed.

27     § 2-a. Subdivision (1) of section 1111 of the tax law is amended by  
28 adding a new paragraph 4 to read as follows:

29     (4) With respect to receipts from retail sale of tangible personal  
30 property described in paragraph thirty-nine of subdivision (b) of  
31 section eleven hundred one of this article, digital product that is  
32 electronically or digitally delivered, streamed or accessed to the  
33 customer within the state the customer shall pay such tax, on receipts  
34 from any charge that is aggregated with and not separately stated from  
35 other charges for receipt from retail sale of such property. Provided,  
36 however, if seller chooses an objective, reasonable and verifiable stan-  
37 dard for identifying each of the components of the charge for such  
38 receipts, then such seller may separately account for and quantify the  
39 amount of each such component charge. If a seller chooses to so sepa-  
40 rately account for and quantify and separately sells any such property,  
41 then the charge for such property shall be based upon the price for such  
42 property as separately sold. If a seller chooses to so separately  
43 account for and quantify and does not separately sell such property,  
44 then the charge for such property shall be based upon the prevailing  
45 retail price of comparable property sold separately by other sellers. In  
46 any case, the charge for such property shall be reasonable and propor-  
47 tionate to the total charge to the customer. Nothing herein shall be  
48 construed to exempt from tax or subject to tax any such property other-  
49 wise subject to tax or exempt from tax under this article.

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

52     (d) Provided however, after funds are distributed pursuant to subdivi-  
53 sions (b) and (c) of this section but before such funds are distributed  
54 pursuant to subdivision (a) of this section, funds shall be deposited as  
55 follows:



(1) into the credit of the metropolitan mass transportation operating assistance account established by section eighty-eight-a of the state finance law in the following amounts: (i) in state fiscal year two thousand twenty-three--two thousand twenty-four, an amount equal to sixteen million dollars and (ii) in state fiscal year two thousand twenty-four--two thousand twenty-five, an amount equal to twenty-seven million dollars and (iii) in state fiscal year two thousand twenty-five--two thousand twenty-six, an amount equal to thirty-one million dollars and (iv) in state fiscal year two thousand twenty-six--two thousand twenty-seven and thereafter, an amount equal to thirty-six million dollars.

(2) Provided, however, after such funds are distributed pursuant to subdivisions (b) and (c) of this section, and paragraph one of this subdivision but before such funds are distributed pursuant to subdivision (a) of this section, such funds shall be distributed into the credit of the corporate transportation account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law for the costs of the New York city transit authority, to be applied as provided in paragraph (e) of subdivision four of such section in the following amounts: (i) in state fiscal year two thousand twenty-three--two thousand twenty-four, an amount equal to twenty-nine million dollars and (ii) in state fiscal year two thousand twenty-four--two thousand twenty-five, an amount equal to forty-eight million dollars and (iii) in state fiscal year two thousand twenty-five--two thousand twenty-six, an amount equal to fifty-five million dollars and (iv) in state fiscal year two thousand twenty-six--two thousand twenty-seven and thereafter, an amount equal to sixty-three million dollars.

(3) And, provided further, after funds are distributed pursuant to subdivisions (b) and (c) of this section, and paragraphs one and two of this subdivision but before such funds are distributed pursuant to subdivision (a) of this section, such funds shall be deposited into the credit of the public transportation systems operating assistance account established by section eighty-eight-a of the state finance law in the following amounts: (i) in state fiscal year two thousand twenty-three--two thousand twenty-four, an amount equal to twenty-one million dollars and (ii) in state fiscal year two thousand twenty-four--two thousand twenty-five, an amount equal to thirty-five million dollars and (iii) in state fiscal year two thousand twenty-five--two thousand twenty-six, an amount equal to forty million dollars and (iv) in state fiscal year two thousand twenty-six--two thousand twenty-seven and thereafter, an amount equal to forty-six million dollars.

§ 4. The closing paragraph of subdivision 1 of section 1270-a of the public authorities law, as amended by section 7 of part FF of chapter 58 of the laws of 2019, is amended to read as follows:

The authority shall make deposits in the transit account and the commuter railroad account of the moneys received by it pursuant to the provisions of subdivision one of section two hundred sixty-one of the tax law in accordance with the provisions thereof, and shall make deposits in the corporate transportation account of the moneys received by it pursuant to the provisions of subdivision two of section two hundred sixty-one of the tax law and section ninety-two-ff of the state finance law. The comptroller shall deposit, without appropriation, into the corporate transportation account the revenue fees, taxes, interest and penalties collected in accordance with paragraph (b-1) of subdivision two of section five hundred three of the vehicle and traffic law, para-



graph (c-3) of subdivision two of section five hundred three of the vehicle and traffic law, article seventeen-C of the vehicle and traffic law, article twenty-nine-A of the tax law and section eleven hundred sixty-six-a of the tax law, and paragraph two of subdivision (d) of section eleven hundred forty-eight of the tax law.

§ 5. Paragraph (a) of subdivision 7 of section 88-a of the state finance law, as added by chapter 481 of the laws of 1981, is amended to read as follows:

(a) The "metropolitan mass transportation operating assistance account" shall consist of the revenues derived from the taxes for the metropolitan transportation district imposed by section eleven hundred nine of the tax law and that proportion of the receipts received pursuant to the tax imposed by article [nine-a] nine-A of such law as specified in section one hundred seventy-one-a of such law, and that proportion of the receipts received pursuant to the tax imposed by article nine of such law as specified in section two hundred five of such law, and paragraph one of subdivision (d) of section eleven hundred forty-eight of the tax law and the receipts required to be deposited pursuant to the provisions of section one hundred eighty-two-a of the tax law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

§ 6. Paragraph (a) of subdivision 5 of section 88-a of the state finance law, as added by chapter 481 of the laws of 1981, is amended to read as follows:

(a) The "public transportation systems operating assistance account" shall consist of revenues required to be deposited therein pursuant to the provisions of section one hundred eighty-two-a of the tax law, paragraph three of subdivision (d) of section eleven hundred forty-eight of the tax law and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

§ 7. This act shall take effect immediately and shall apply to sales made on or after June 1, 2023.

#### PART GG

Section 1. Short title. This act shall be known and may be cited as the "savings accounts for a variable economy (SAVE) for small businesses act".

§ 2. The tax law is amended by adding a new section 48 to read as follows:

§ 48. Small business savings accounts. (a) General. (1) The commissioner shall establish a program to administer small business savings accounts under this section.

(2) The commissioner shall establish minimum standards for small business savings accounts and shall establish accounts, or enter into agreements that meet these standards to administer such accounts. In establishing such standards and making such agreements the commissioner shall, to the extent practicable, seek to minimize fees, minimize risk of loss of principal, and ensure a range of investment risk options available to account beneficiaries. Any eligible small business may establish a small business savings account with respect to such business under terms which meet the requirements of this section.

(b) Definition. For the purposes of this section, the term "small business savings account" means a tax preferred savings account which is designated at the time of establishment of the plan as a small business



1 savings account. Such designation shall be made in such manner as the  
2 commissioner may by regulation prescribe.

3 (c) Contributions. (1) There shall be allowed as a deduction an amount  
4 equal to the contributions to a small business savings account for the  
5 taxable year.

6 (2) The aggregate amount of contributions for any taxable year to all  
7 small business savings accounts maintained for the benefit of an eligi-  
8 ble small business shall not exceed an amount equal to ten percent of  
9 the entire net income of greater than zero but less than two hundred  
10 fifty thousand dollars for article nine-A taxpayers and ten percent of  
11 the New York source gross income of greater than zero but less than two  
12 hundred fifty thousand dollars for a limited liability company, partner-  
13 ship, or New York S corporation.

14 (d) Distributions. (1) Any qualified distribution from a small busi-  
15 ness savings account shall not be includible in gross income.

16 (2) Any amounts distributed out of a small business savings account  
17 that are not qualified distributions shall be included in gross income  
18 for the taxable year of the distribution.

19 (3) For purposes of this section:

20 (A) The term "qualified distribution" means any amount:

21 (i) distributed from a small business savings account during a speci-  
22 fied period of economic hardship; and

23 (ii) the distribution of which is certified by the taxpayer as part of  
24 a plan which provides for the reinvestment of such distribution for the  
25 funding of worker hiring or financial stabilization for the purposes of  
26 job retention or creation.

27 (B) The term "specified period of economic hardship" means:

28 (i) any one-year period beginning immediately after the end of any two  
29 consecutive quarters during which the annual rate of real gross domestic  
30 product (as determined by the Bureau of Economic Analysis of the Depart-  
31 ment of Commerce) decreases, or

32 (ii) any period, in no event shorter than one year, specified by the  
33 commissioner for purposes of this section.

34 (C) The commissioner may specify a period under clause (ii) of subpara-  
35 graph (B) of this paragraph with respect to a specified area in the  
36 case of an area determined by the governor to warrant assistance from  
37 the Federal Government under the Robert T. Stafford Disaster Relief and  
38 Emergency Assistance Act.

39 (D) The commissioner shall, for each specified period of economic  
40 hardship establish a distribution limitation for qualified distributions  
41 from eligible small business accounts with respect to such period. The  
42 aggregate qualified distributions for any such period from all accounts  
43 with respect to an eligible small business shall not exceed such limita-  
44 tion.

45 (E) Any distribution not used in the manner certified under subpara-  
46 graph (A) of this paragraph shall be treated as a distribution other  
47 than a qualified distribution in the taxable year of such distribution.

48 (F) Any amount contributed to a small business savings account (and  
49 any earnings attributable thereto), once distributed, shall not be  
50 treated as a qualified distribution unless such distribution is made not  
51 later than eight years after the date of such contribution. For purposes  
52 of this subparagraph, amounts (and the earnings attributable thereto)  
53 shall be treated as distributed on a first-in first-out basis.

54 (e) Eligible small business. For purposes of this section:

55 (1) The term "eligible small business" means, with respect to any  
56 calendar year, any person if the annual average number of full-time



1 employees employed by such person during the preceding calendar year was  
2 twenty-five or fewer and such person has an annual net income of less  
3 than two hundred fifty thousand dollars. For purposes of this paragraph,  
4 a preceding calendar year may be taken into account only if the person  
5 was in existence throughout the year.

6 (2) (A) The term "full-time employee" means, with respect to any year,  
7 an employee who is employed on average at least forty hours of service  
8 per week.

9 (B) The commissioner shall prescribe such regulations, rules, and  
10 guidance as may be necessary to determine the hours of service of an  
11 employee, including rules for the application of this subdivision to  
12 employees who are not compensated on an hourly basis.

13 (f) Effect of pledging account as security. If, during any taxable  
14 year of the eligible small business for whose benefit an account is  
15 established, the account or any portion thereof is pledged as security  
16 for a loan, the portion so pledged shall be treated as distributed in a  
17 distribution other than a qualified distribution.

18 (g) Annual report. The commissioner shall prepare and deliver an annu-  
19 al report on the efficacy of small business savings accounts to the  
20 temporary president of the senate and the speaker of the assembly. Such  
21 report shall include, but not be limited to, an evaluation as to whether  
22 small business savings accounts contribute to financial stabilization of  
23 the small business during times of economic hardship, job retention or  
24 creation.

25 § 3. Paragraph (a) of subdivision 9 of section 208 of the tax law is  
26 amended by adding a new subparagraph 24 to read as follows:

27 (24) For taxable years beginning on or after January first, two thou-  
28 sand twenty-three, contributions and qualified distributions by an  
29 eligible small business, as such term is defined pursuant to section  
30 forty-eight of this chapter.

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

33 (28) For taxable years beginning on or after January first, two thou-  
34 sand twenty-three, any amounts of ineligible contributions and distrib-  
35 utions described in section forty-eight of this chapter.

36 § 5. Subsection (c) of section 612 of the tax law is amended by adding  
37 a new paragraph 47 to read as follows:

38 (47) For taxable years beginning on or after January first, two thou-  
39 sand twenty-three, contributions and qualified distributions by an  
40 eligible small business, as such term is defined pursuant to section  
41 forty-eight of this chapter.

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

44 (44) For taxable years beginning on or after January first, two thou-  
45 sand twenty-three, any amounts of ineligible contributions and distrib-  
46 utions described in section forty-eight of this chapter.

47 § 7. This act shall take effect immediately and shall apply to taxable  
48 years beginning on or after January 1, 2023.

49 PART HH

50 Section 1. Subsection (b) of section 612 of the tax law is amended by  
51 adding a new paragraph 44 to read as follows:

52 (44) Any income, gain, loss and deduction, to the extent it is  
53 included in federal adjusted gross income and is, when combined and  
54 combined with additions for federal depreciation required by paragraph





1 eight of this subsection and subtractions for New York allowed by  
2 subsection (k) of this section, less than zero, of an individual or  
3 trust from a qualified pass-through manufacturer, as defined in para-  
4 graph forty-seven of subsection (c) of this section.

5 § 2. Paragraph 39 of subsection (c) of section 612 of the tax law, as  
6 amended by section 1 of part C of chapter 59 of the laws of 2022, is  
7 amended and a new paragraph 47 is added to read as follows:

8 (39) (A) In the case of a taxpayer who is a small business or a  
9 taxpayer who is a member, partner, or shareholder of a limited liability  
10 company, partnership, or New York S corporation, respectively, that is a  
11 small business, who or which has business income and/or farm income as  
12 defined in the laws of the United States, an amount equal to fifteen  
13 percent of the net items of income, gain, loss and deduction attribut-  
14 able to such business or farm entering into federal adjusted gross  
15 income, but not less than zero.

16 (B) (i) For the purposes of this paragraph, the term small business  
17 shall mean: (I) a sole proprietor who employs one or more persons during  
18 the taxable year and who has net business income or net farm income of  
19 greater than zero but less than two hundred fifty thousand dollars;

20 (II) a limited liability company, partnership, or New York S corpo-  
21 ration that during the taxable year employs one or more persons and has  
22 net farm income attributable to a farm business that is greater than  
23 zero but less than two hundred fifty thousand dollars; [or]

24 (III) a limited liability company, partnership, or New York S corpo-  
25 ration that during the taxable year employs one or more persons and has  
26 New York gross business income attributable to a non-farm business that  
27 is greater than zero but less than one million five hundred thousand  
28 dollars[.]; or

29 (IV) For the purposes of this paragraph, the term small business shall  
30 exclude any business that is a qualified pass-through manufacturer, as  
31 defined in paragraph forty-seven of this subsection for the current tax  
32 year.

33 (ii) For purposes of this paragraph, the term New York gross business  
34 income shall mean: (I) in the case of a limited liability company or a  
35 partnership, New York source gross income as defined in subparagraph (B)  
36 of paragraph three of subsection (c) of section six hundred fifty-eight  
37 of this article; and (II) in the case of a New York S corporation, New  
38 York receipts included in the numerator of the apportionment factor  
39 determined under section two hundred ten-A of this chapter for the taxa-  
40 ble year.

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

47 (47) (A) Any income, gain, loss and deduction, to the extent included  
48 in federal adjusted gross income and is, when combined and combined with  
49 additions for federal depreciation required by paragraph eight of  
50 subsection (b) of this section and subtractions for New York allowed by  
51 subsection (k) of this section, greater than zero, of an individual or  
52 trust from a qualified pass-through manufacturer. Income from a quali-  
53 fied pass-through manufacturer shall include wages of an individual  
54 controlling ten percent or more of the qualified business or entity.  
55 Income or loss from a qualified pass-through manufacturer shall not  
56 include an amount representing reasonable compensation for personal



1 services, as defined in the internal revenue code section one hundred  
2 sixty-two regulations, for an individual controlling ten percent or more  
3 of the qualified business or entity.

4 (B) The qualified pass-through manufacturer may be organized as a sole  
5 proprietorship, a partnership, a limited liability company electing to  
6 be treated as a partnership or sole proprietorship, or an S corporation.

7 (C) For the purposes of this subsection, the term qualified pass-  
8 through manufacturer shall mean a business that is a qualified New York  
9 manufacturer, as defined by subparagraph (vi) of paragraph (a) of subdi-  
10 vision one of section two hundred ten of this chapter, except that the  
11 term "gross receipts" shall be replaced by "business receipts" in deter-  
12 mining whether the business is "principally engaged" in manufacturing. A  
13 qualified pass-through manufacturer shall not include a business that is  
14 currently participating in the START-UP NY program.

15 § 3. Paragraph 2 of subsection (a) of section 606 of the tax law is  
16 amended by adding a new subparagraph (B-1) to read as follows:

17 (B-1) Property placed in service during the tax year that is otherwise  
18 eligible for the investment tax credit described in subparagraph (A) of  
19 this paragraph, will not be eligible for the investment tax credit if  
20 the use of the property is by a qualified pass-through manufacturer, as  
21 defined in paragraph forty-seven of subsection (c) of section six  
22 hundred twelve of this article for the current tax year.

23 § 4. Subdivision 1 of section 210-B of the tax law is amended by  
24 adding a new paragraph (g) to read as follows:

25 (g) Property placed in service during the tax year that is otherwise  
26 eligible for the investment tax credit described in this subdivision,  
27 will not be eligible for the investment tax credit if the use of the  
28 property is by a qualified New York manufacturer, as defined in subpara-  
29 graph (vi) of paragraph (a) of subsection one of section two hundred ten  
30 of this article for the current tax year.

31 § 5. For purposes of determining the modifications of paragraphs 39  
32 and 47 of subsection (c) of section 612 of the tax law and the invest-  
33 ment tax credit disallowance of subparagraph (B-1) of paragraph 2 of  
34 subsection (a) of section 606 of the tax law, the amounts shall be  
35 multiplied by the following percentages: (a) for tax years beginning on  
36 or after January 1, 2025: forty percent; (b) for tax years beginning on  
37 or after January 1, 2026: eighty percent; and (c) for tax years begin-  
38 ning on or after January 1, 2027: one hundred percent.

39 § 6. This act shall take effect immediately and shall apply to tax  
40 years beginning on or after January 1, 2025.

## 41 PART II

42 Section 1. Paragraph 1 of subdivision (b) of section 37 of the tax  
43 law, as amended by section 1 of part V of chapter 60 of the laws of  
44 2016, is amended to read as follows:

45 (1) for the first five hundred thousand gallons of:

46 i. beer[, cider, wine or liquor] produced in this state in the taxable  
47 year, the credit shall equal fourteen cents per gallon; [and]

48 ii. cider, artificially carbonated sparkling cider, and natural spar-  
49 kling cider, containing more than three and two-tenths per centum of  
50 alcohol by volume produced in this state in the taxable year, the credit  
51 shall equal three and seventy-nine hundredths cents per gallon;

52 iii. still wine, artificially carbonated sparkling wine, and natural  
53 sparkling wine produced in this state in the taxable year, the credit  
54 shall equal thirty cents per gallon;



1 iv. liquors containing not more than twenty-four per centum of alcohol  
2 by volume, but more than two per centum of alcohol per volume, produced  
3 in this state in the taxable year, the credit shall equal two dollars  
4 and fifty-four cents per gallon;

5 v. liquors containing more than zero per centum of alcohol by volume,  
6 but not more than two per centum of alcohol by volume, produced in this  
7 state in the taxable year, the credit shall equal zero;

8 vi. all other liquors produced in this state in the taxable year, the  
9 credit shall equal six dollars and forty-four cents per gallon; and

10 § 2. This act shall take effect immediately and shall apply to taxable  
11 years beginning on or after January 1, 2023.

12 PART JJ

13 Section 1. The tax law is amended by adding a new article 29-D to read  
14 as follows:

15 ARTICLE 29-D

16 FEE ON DELIVERY TRANSACTIONS

17 Section 1299-M. Definitions.

18 1299-N. Imposition of fee on delivery transaction.

19 1299-O. Liability for fee.

20 1299-P. Registration.

21 1299-Q. Returns and payment of fee.

22 1299-R. Records to be kept.

23 1299-S. Secrecy of returns.

24 1299-T. Practice and procedure.

25 1299-U. Deposit and disposition of revenue.

26 1299-V. Cooperation by regulatory agencies.

27 § 1299-M. Definitions. (a) "Person" means an individual, partnership,  
28 limited liability company, society, association, joint stock company,  
29 corporation, estate, receiver, trustee, assignee, referee or any other  
30 person acting in a fiduciary or representative capacity, whether  
31 appointed by a court or otherwise, any combination of individuals and  
32 any other form of unincorporated enterprise owned or conducted by two or  
33 more persons.

34 (b) "Delivery transaction" means a transaction that results in the  
35 delivery of personal tangible property from retail sale, whether  
36 purchased online or not, to the purchaser within the state.

37 (c) "Purchaser" means for the purposes of this article the person  
38 receiving the personal tangible property in the delivery transaction.

39 § 1299-N. Imposition of fee on delivery transaction. (a) In addition  
40 to any other tax or assessment imposed by this chapter or other law,  
41 there is hereby imposed, beginning on September first, two thousand  
42 twenty-three, a fee on delivery transactions of twenty-five cents for  
43 each delivery transaction where the delivery is made within the state,  
44 except for deliveries of:

45 (1) drugs and medicines intended for use, internally or externally, in  
46 the cure, mitigation, treatment or prevention of illnesses or diseases  
47 in human beings, medical equipment, including component parts thereof,  
48 and supplies required for such use or to correct or alleviate physical  
49 incapacity, and products consumed by humans for the preservation of  
50 health but not including cosmetics or toilet articles notwithstanding  
51 the presence of medicinal ingredients therein or medical equipment,  
52 including component parts thereof, and supplies, other than such drugs  
53 and medicines, purchased at retail for use in performing medical and  
54 similar services for compensation, as such terms are defined in para-



1 graph three of subdivision (a) of section eleven hundred fifteen of this  
2 chapter;

3 (2) diapers intended for human use including, but not limited to:  
4 disposable, reusable, adult, and children's diapers, as such terms are  
5 defined in paragraph thirty-a of subdivision (a) of section eleven  
6 hundred fifteen of this chapter;

7 (3) baby formula intended for feeding infants; or

8 (4) any food or food products.

9 (b) The provisions of this article shall not apply to any delivery  
10 transaction related to:

11 (1) operating over a rural route and engage exclusively in the trans-  
12 portation of United States mail under contract; or

13 (2) owned and operated by the United States, this state or any other  
14 state or any county, city, town or municipality in this state, or any  
15 other state or by any agency or department thereof.

16 § 1299-O. Liability for fee. (a) Notwithstanding any provision of law  
17 to the contrary, every person that sells personal tangible property from  
18 retail sales to be delivered within the state shall be personally liable  
19 for the fees imposed by this article. For the purposes of this section,  
20 a seller shall include a marketplace provider and marketplace seller as  
21 such terms are defined in paragraphs one and two of subdivision (e) of  
22 section eleven hundred one of this chapter. Provided, however, a market-  
23 place seller may be relieved of liability if a marketplace provider  
24 collects the fee on behalf of such marketplace seller as described in  
25 paragraph one of subdivision (1) of section eleven hundred thirty-two of  
26 this chapter.

27 (b) The fee imposed by this article shall be passed along to the  
28 purchaser and separately stated on any receipt that is provided to such  
29 purchaser. Provided, however, failure to collect such fee shall not  
30 relieve the liability imposed on such seller and such fee shall not be  
31 construed by any court or administrative body as the imposition of the  
32 fee on the purchaser.

33 (c) The fee imposed by this article shall not apply to any purchaser  
34 using the supplemental nutrition assistance program, special supple-  
35 mental nutrition program for women, infants and children, or any succes-  
36 sor programs as full or partial payment for the items purchased where  
37 all items purchased in the delivery transaction are purchasable using  
38 such programs.

39 § 1299-P. Registration. (a) Every person liable for the fee imposed by  
40 this article shall file with the commissioner a properly completed  
41 application for a certificate of registration, in a form prescribed by  
42 the commissioner. Such application shall be accompanied by a fee of one  
43 dollar and fifty cents, and shall set forth the name and address of the  
44 registrant, and any other information that the commissioner may require.

45 (b) Except as otherwise provided in this section, the commissioner  
46 shall issue a certificate of registration to each person that applies  
47 for one for a specified term of not less than three years. Any certif-  
48 icate of registration referred to in this subdivision shall be subject  
49 to renewal in accordance with rules promulgated by the commissioner, and  
50 upon the payment of a fee of one dollar fifty cents. Whether or not such  
51 certificate of registration is issued for a specified term, it shall be  
52 subject to suspension or revocation as provided for in this section.  
53 Each certificate shall state the registrant and the registrant's taxpay-  
54 er ID number it is applicable to. Certificates of registration issued  
55 pursuant to this article shall be non-assignable and non-transferable,  
56 and shall be surrendered to the commissioner immediately upon the regis-



1 trant's ceasing to do business at the address provided in its applica-  
2 tion, unless the registrant amends its certificate of registration in  
3 accordance with rules promulgated by the commissioner. All registrants  
4 must notify the commissioner of changes to any of the information stated  
5 on their certificate of registration, including vehicle changes, if any,  
6 on a calendar quarterly basis, and shall amend their certificates of  
7 registration accordingly.

8 (c) (1) The commissioner may refuse to issue a certificate of regis-  
9 tration to a person, or may suspend or revoke a certificate of registra-  
10 tion that was issued to a person, pursuant to this section upon finding  
11 that: (i) such person failed to pay any monies that are finally deter-  
12 mined to be due for any tax or imposition that is administered by the  
13 commissioner; (ii) such person failed to file any return that is due  
14 from it under this chapter; (iii) such person willfully filed a false  
15 return or other document due under this chapter; (iv) such person will-  
16 fully violated any provisions of this article, or any rule or regulation  
17 of the commissioner promulgated under this article; or (v) a certificate  
18 of registration issued pursuant to this section to such person, or to  
19 any business or entity under control of such person, or that is subject  
20 to substantially the same ownership, direction or control of such  
21 person, that has been revoked or suspended within one year from the date  
22 on which a certificate of registration is filed.

23 (2) A notice of proposed revocation, suspension or refusal to issue  
24 shall be given to the person that applies for a certificate of registra-  
25 tion pursuant to this section in the manner prescribed for a notice of  
26 deficiency in subsection (a) of section one thousand eighty-one of this  
27 chapter, and except as otherwise provided herein, all the provisions of  
28 article twenty-seven of this chapter applicable to a notice of deficien-  
29 cy shall apply to a notice issued pursuant to this paragraph, insofar as  
30 such provisions can be made applicable to such notice, and with such  
31 modifications as may be necessary in order to adapt the language of such  
32 provisions to the notice authorized by this paragraph. All notices of  
33 proposed revocation, suspension or refusal to issue shall contain a  
34 statement advising the person to whom it is issued that the suspension,  
35 revocation or refusal to issue may be challenged through a hearing proc-  
36 ess and that the petition for such challenge must be filed with the  
37 division of tax appeals within ninety days after the giving of such  
38 notice.

39 (3) In the case of a proposed revocation or suspension, notice of  
40 such must be given to a person within three years from the date of the  
41 act or omission described in paragraph one of this subdivision, except  
42 that in the case of acts involving falsity or fraud, such notice may be  
43 issued at any time.

44 (4) In any of the foregoing instances where the commissioner may  
45 suspend or revoke or refuse to issue a certificate of registration, the  
46 commissioner may condition the retention or issuance of a certificate of  
47 registration upon the filing of a bond or the deposit of tax in the  
48 manner provided in paragraph two or three of subdivision (e) of section  
49 eleven hundred thirty-seven of this chapter.

50 (d) If the commissioner considers it necessary for the proper adminis-  
51 tration of the fee imposed by this article, he or she may require every  
52 person who holds a certificate of registration issued pursuant to this  
53 section to apply for a new certificate of registration in such form and  
54 at such time as the commissioner may prescribe, and to surrender each  
55 previously issued certificate of registration. The commissioner may  
56 require such filing and such surrender not more often than once every



1 three years. Upon the filing of an application for a new certificate of  
2 registration and the surrender of all previous such certificates, the  
3 commissioner shall issue, within such time as the commissioner may  
4 prescribe, a new certificate of registration, without charge, to each  
5 registrant.

6 § 1299-Q. Returns and payment of fee. (a) Every person liable for the  
7 fee imposed by this article shall file a return with the commissioner on  
8 a monthly basis. Each return shall show the number of delivery trans-  
9 actions completed subject to the fee imposed by this article in the  
10 month for which the return is filed, along with such other information  
11 as the commissioner may require. The returns required by this section  
12 shall be filed within twenty days after the end of the month covered  
13 thereby. If the commissioner deems it necessary to ensure the payment of  
14 the fee imposed by this article, he or she may require returns to be  
15 made for shorter periods than prescribed by the foregoing provisions of  
16 this section, and upon such dates as may be specified. The form of  
17 returns shall be prescribed by the commissioner and shall contain such  
18 information as the commissioner may deem necessary for the proper admin-  
19 istration of this article. The commissioner may require that returns be  
20 filed electronically.

21 (b) Every person liable for the fee imposed by this article shall, at  
22 the time of filing such return, pay to the commissioner the total amount  
23 of all fees due under this article. Such amount shall be due and payable  
24 on the date specified for the filing of the return for such period,  
25 without regard to whether a return is filed, or whether the return that  
26 is filed correctly shows the correct number of delivery transactions are  
27 subject to the fee, or the correct fee amount due thereon. The commis-  
28 sioner may require that the fee be paid electronically.

29 (c) In addition to any other penalty or interest provided for under  
30 this article or other law, and unless it is shown that such failure is  
31 due to reasonable cause and not due to willful neglect, any person  
32 liable for the fee imposed by this article that fails to pay such fee  
33 when due shall be liable for a penalty in an amount equal to two hundred  
34 percent of the total fee amount that is due.

35 § 1299-R. Records to be kept. Every person liable for the fee imposed  
36 by this article shall keep, and shall make available for review upon  
37 demand by the commissioner:

38 (a) records of delivery transaction completed by such person, includ-  
39 ing all amounts paid, charged or due thereon, in such form as the  
40 commissioner may require;

41 (b) true and complete copies of any records required to be kept by any  
42 applicable regulatory department or agency; and

43 (c) such other records and information as the commissioner may require  
44 to perform his or her duties under this article.

45 § 1299-S. Secrecy of returns. (a) Except in accordance with proper  
46 judicial order or as otherwise provided by law, it shall be unlawful for  
47 the commissioner, any officer or employee of the department, any person  
48 engaged or retained by the department on an independent contract basis,  
49 or any person who in any manner may acquire knowledge of the contents of  
50 a return filed with the commissioner pursuant to this article, to  
51 divulge or make known in any manner any particulars set forth or  
52 disclosed in any such return. The officers charged with the custody of  
53 such returns shall not be required to produce any of them or evidence of  
54 anything contained in them in any action or proceeding in any court,  
55 except on behalf of the commissioner in an action or proceeding under  
56 the provisions of this chapter, or in any other action or proceeding



1 involving the collection of a tax due under this chapter to which the  
2 state, the commissioner or an agency that is authorized to permit or  
3 regulate the provision of any relevant transportation is a party or a  
4 claimant, or on behalf of any party to any action, proceeding or hearing  
5 under the provisions of this article, when the returns or the facts  
6 shown thereby are directly involved in such action, proceeding or hear-  
7 ing, in any of which events the court, or in the case of a hearing, the  
8 division of tax appeals, may require the production of, and may admit in  
9 evidence so much of said returns or of the facts shown thereby as are  
10 pertinent to the action or proceeding and no more. Nothing herein shall  
11 be construed, however, to prohibit the commissioner, in his or her  
12 discretion, from allowing the inspection or delivery of a certified copy  
13 of any return filed under this article, or from providing any informa-  
14 tion contained in any such return, by or to a duly authorized officer or  
15 employee of the comptroller; nor to prohibit the inspection or delivery  
16 of a certified copy of any return filed under this article, or the  
17 provision of any information contained therein, by or to the attorney  
18 general or other legal representatives of the state when an action shall  
19 have been recommended or commenced pursuant to this chapter in which  
20 such returns or the facts shown thereby are directly involved; nor to  
21 prohibit the commissioner from providing or certifying to the division  
22 of the budget or the comptroller the total number of returns filed under  
23 this article in any reporting period and the total collections received  
24 therefrom; nor to prohibit the delivery to a person liable for the fee  
25 imposed by this article, or a duly authorized representative of such, a  
26 certified copy of any return filed by such person pursuant to this arti-  
27 cle, nor to prohibit the publication of statistics so classified as to  
28 prevent the identification of particular returns and the items thereof;  
29 nor to prohibit the disclosure, in such manner as the commissioner deems  
30 appropriate, of the names and other appropriate identifying information  
31 of those persons required to pay the fee imposed by this article.

32 (b) Notwithstanding the provisions of subdivision (a) of this section,  
33 the commissioner may permit the secretary of the treasury of the United  
34 States or such secretary's delegate, or the authorized representative of  
35 either such officer, to inspect any return filed under this article, or  
36 may furnish to such officer of such officer's authorized representative  
37 an abstract of any such return or supply such person with information  
38 concerning an item contained in any such return, or disclosed by any  
39 investigation of liability under this article, but such permission shall  
40 be granted or such information furnished only if the laws of the United  
41 States grant substantially similar privileges to the commissioner or  
42 officer of this state charged with the administration of the fee imposed  
43 by this article, and only if such information is to be used for purposes  
44 of tax administration only; and provided further the commissioner may  
45 furnish to the commissioner of internal revenue or such commissioner's  
46 authorized representative such returns filed under this article and  
47 other tax information, as such commissioner may consider proper, for use  
48 in court actions or proceedings under the internal revenue code, whether  
49 civil or criminal, where a written request therefor has been made to the  
50 commissioner by the secretary of the treasury of the United States or  
51 such secretary's delegate, provided the laws of the United States grant  
52 substantially similar powers to the secretary of the treasury of the  
53 United States or his or her delegate. Where the commissioner has so  
54 authorized use of returns and other information in such actions or  
55 proceedings, officers and employees of the department may testify in



1 such actions or proceedings in respect to such returns or other informa-  
2 tion.

3 (c)(1) Any officer or employer of the state who willfully violates the  
4 provisions of subdivision (a) of this section shall be dismissed from  
5 office and be incapable of holding any public office for a period of  
6 five years thereafter.

7 (2) Cross-reference: For criminal penalties, see article thirty-seven  
8 of this chapter.

9 § 1299-T. Practice and procedure. The provisions of article twenty-  
10 eight of this chapter shall apply with respect to the administration of  
11 and procedure with respect to the fee imposed by this article in the  
12 same manner and with the same force and effect as if the language of  
13 such article twenty-eight had been incorporated in full into this arti-  
14 cle and had expressly referred to the fee imposed by this article,  
15 except to the extent that any such provision is either inconsistent with  
16 a provision of this article or is not relevant to this article.

17 § 1299-U. Deposit and disposition of revenue. All taxes, interest and  
18 penalties collected or received by the commissioner under this article  
19 shall be deposited and disposed of pursuant to the provisions of section  
20 one hundred seventy-one-a of this chapter, except that after reserving  
21 amounts in accordance with such section one hundred seventy-one-a of  
22 this chapter:

23 (a) all taxes, interest and penalties collected or received within  
24 the counties of the city of New York be deposited and disposed daily  
25 with such responsible banks, banking houses or trust companies, as may  
26 be designated by the comptroller, in trust for the credit of the metro-  
27 politan transportation authority. An account may be established in one  
28 or more of such depositories. Such deposits will be kept separate and  
29 apart from all other money in the possession of the comptroller. Of the  
30 total revenue collected or received under this article, the comptroller  
31 shall retain such amount as the commissioner may determine to be neces-  
32 sary for refunds under this article. On or before the twelfth day of  
33 each month, after reserving such amount for such refunds and deducting  
34 such amounts for such costs, the commissioner shall certify to the comp-  
35 troller the amount of all revenues received pursuant to this article  
36 during the prior month as a result of the tax imposed, including any  
37 interest and penalties thereon. The amount of revenues so certified over  
38 the prior three months in total shall be paid over by the fifteenth day  
39 of the last month of each calendar quarter from such account, without  
40 appropriation, into the corporate transportation account of the metro-  
41 politan transportation authority special assistance fund established by  
42 section twelve hundred seventy-a of the public authorities law for the  
43 costs of the New York city transit authority, to be applied as provided  
44 in paragraph (e) of subdivision four of such section.

45 (b) all taxes, interest and penalties collected or received with  
46 respect to those counties, excluding the counties within the city of New  
47 York, comprising the metropolitan commuter transportation district, as  
48 defined by the provisions of section twelve hundred sixty-two of the  
49 public authorities law, shall be paid into the credit of the metropol-  
50 itan mass transportation operating assistance account established by  
51 section eighty-eight-a of the state finance law.

52 (c) all taxes, interest and penalties collected or received outside of  
53 the metropolitan commuter transportation shall be paid to the credit of  
54 the public transportation systems operating assistance account estab-  
55 lished by section eighty-eight-a of the state finance law.





1     § 1299-V. Cooperation by regulatory agencies. All regulatory agencies  
2 shall cooperate with and assist the commissioner to effectuate the  
3 purposes of this article and the commissioner's responsibilities here-  
4 under. Such cooperation shall also include furnishing to the commission-  
5 er all written, computerized, automated or electronic records in the  
6 regulatory agency's possession, or in the possession of any of its  
7 agents, instrumentalities, contractors, or any other person authorized  
8 or required to obtain or possess such records or information, that  
9 account for any person or entity liable under this article. Such infor-  
10 mation shall be provided to the commissioner without cost, and in a  
11 format prescribed by the commissioner.

12     § 2. The closing paragraph of subdivision 1 of section 1270-a of the  
13 public authorities law, as amended by section 7 of part FF of chapter 58  
14 of the laws of 2019, is amended to read as follows:

15     The authority shall make deposits in the transit account and the  
16 commuter railroad account of the moneys received by it pursuant to the  
17 provisions of subdivision one of section two hundred sixty-one of the  
18 tax law in accordance with the provisions thereof, and shall make depos-  
19 its in the corporate transportation account of the moneys received by it  
20 pursuant to the provisions of subdivision two of section two hundred  
21 sixty-one of the tax law and section ninety-two-ff of the state finance  
22 law. The comptroller shall deposit, without appropriation, into the  
23 corporate transportation account the revenue fees, taxes, interest and  
24 penalties collected in accordance with paragraph (b-1) of subdivision  
25 two of section five hundred three of the vehicle and traffic law, para-  
26 graph (c-3) of subdivision two of section five hundred three of the  
27 vehicle and traffic law, article seventeen-C of the vehicle and traffic  
28 law, article twenty-nine-A of the tax law and section eleven hundred  
29 sixty-six-a of the tax law, and subdivision (a) of section twelve  
30 hundred ninety-nine-U of the tax law.

31     § 3. Paragraph (a) of subdivision 5 of section 88-a of the state  
32 finance law, as added by chapter 481 of the laws of 1981, is amended to  
33 read as follows:

34     (a) The "public transportation systems operating assistance account"  
35 shall consist of revenues required to be deposited therein pursuant to  
36 the provisions of section one hundred eighty-two-a of the tax law,  
37 subdivision (c) of section twelve hundred ninety-nine-U of the tax law  
38 and all other moneys credited or transferred thereto from any other fund  
39 or source pursuant to law.

40     § 4. Paragraph (a) of subdivision 7 of section 88-a of the state  
41 finance law, as added by chapter 481 of the laws of 1981, is amended to  
42 read as follows:

43     (a) The "metropolitan mass transportation operating assistance  
44 account" shall consist of the revenues derived from the taxes for the  
45 metropolitan transportation district imposed by section eleven hundred  
46 nine of the tax law and that proportion of the receipts received pursu-  
47 ant to the tax imposed by article nine-a of such law as specified in  
48 section one hundred seventy-one-a of such law, and subdivision (b) of  
49 section twelve hundred ninety-nine-U of the tax law, and that proportion  
50 of the receipts received pursuant to the tax imposed by article nine of  
51 such law as specified in section two hundred five of such law, and the  
52 receipts required to be deposited pursuant to the provisions of section  
53 one hundred eighty-two-a, and all other moneys credited or transferred  
54 thereto from any other fund or source pursuant to law.

55     § 5. This act shall take effect immediately and shall apply to all  
56 delivery transactions on or after September 1, 2023.

1

## PART KK

2 Section 1. Paragraphs (a) and (b) of subdivision 4 of section 189 of  
3 the state finance law, as amended by section 8 of part A of chapter 56  
4 of the laws of 2013, are amended to read as follows:

5 (a) This section shall apply to [claims, records, or statements made  
6 under the] tax law violations only if: (i) the net income or sales of  
7 the person against whom the action is brought equals or exceeds one  
8 million dollars for any taxable year subject to any action brought  
9 pursuant to this article; (ii) the damages pleaded in such action exceed  
10 three hundred and fifty thousand dollars; [and (iii) the person is  
11 alleged to have violated paragraph (a), (b), (c), (d), (e), (f) or (g)  
12 of subdivision one of this section; provided, however, that nothing in  
13 this subparagraph shall be deemed to modify or restrict the application  
14 of such paragraphs to any act alleged that relates to a violation of the  
15 tax law] provided that (iii) for purposes of applying paragraph (h) of  
16 subdivision one of this section to a tax law violation, the person is  
17 alleged to have knowingly concealed or knowingly and improperly avoided  
18 an obligation to pay taxes to the state or a local government.

19 (b) The attorney general shall consult with the commissioner of the  
20 department of taxation and finance prior to filing or intervening in any  
21 action under this article that is based on [the filing of false claims,  
22 records or statements made under the tax law] a violation of the tax  
23 law. If the state declines to participate or to authorize participation  
24 by a local government in such an action pursuant to subdivision two of  
25 section one hundred ninety of this article, the qui tam plaintiff must  
26 obtain approval from the attorney general before making any motion to  
27 compel the department of taxation and finance to disclose tax records.

28 § 2. Nothing in this act shall be deemed to modify or restrict the  
29 application of paragraph (a), (b), (c), (d), (e), (f) or (g) of subdivi-  
30 sion 1 of section 189 of the state finance law to any act alleged that  
31 relates to a violation of the tax law.

32 § 3. This act shall take effect immediately and in any pending case  
33 shall apply to any tax obligation knowingly concealed or knowingly  
34 avoided before, on, or after such effective date.

35

## PART LL

36 Section 1. The state comptroller is hereby authorized and directed to  
37 loan money in accordance with the provisions set forth in subdivision 5  
38 of section 4 of the state finance law to the following funds and/or  
39 accounts:

- 40 1. DOL-Child performer protection account (20401).
- 41 2. Local government records management account (20501).
- 42 3. Child health plus program account (20810).
- 43 4. EPIC premium account (20818).
- 44 5. Education - New (20901).
- 45 6. VLT - Sound basic education fund (20904).
- 46 7. Sewage treatment program management and administration fund  
47 (21000).
- 48 8. Hazardous bulk storage account (21061).
- 49 9. Utility environmental regulatory account (21064).
- 50 10. Federal grants indirect cost recovery account (21065).
- 51 11. Low level radioactive waste account (21066).
- 52 12. Recreation account (21067).
- 53 13. Public safety recovery account (21077).



- 1 14. Environmental regulatory account (21081).
- 2 15. Natural resource account (21082).
- 3 16. Mined land reclamation program account (21084).
- 4 17. Great lakes restoration initiative account (21087).
- 5 18. Environmental protection and oil spill compensation fund (21200).
- 6 19. Public transportation systems account (21401).
- 7 20. Metropolitan mass transportation (21402).
- 8 21. Operating permit program account (21451).
- 9 22. Mobile source account (21452).
- 10 23. Statewide planning and research cooperative system account
- 11 (21902).
- 12 24. New York state thruway authority account (21905).
- 13 25. Mental hygiene program fund account (21907).
- 14 26. Mental hygiene patient income account (21909).
- 15 27. Financial control board account (21911).
- 16 28. Regulation of racing account (21912).
- 17 29. State university dormitory income reimbursable account (21937).
- 18 30. Criminal justice improvement account (21945).
- 19 31. Environmental laboratory reference fee account (21959).
- 20 32. Training, management and evaluation account (21961).
- 21 33. Clinical laboratory reference system assessment account (21962).
- 22 34. Indirect cost recovery account (21978).
- 23 35. Multi-agency training account (21989).
- 24 36. Bell jar collection account (22003).
- 25 37. Industry and utility service account (22004).
- 26 38. Real property disposition account (22006).
- 27 39. Parking account (22007).
- 28 40. Courts special grants (22008).
- 29 41. Asbestos safety training program account (22009).
- 30 42. Batavia school for the blind account (22032).
- 31 43. Investment services account (22034).
- 32 44. Surplus property account (22036).
- 33 45. Financial oversight account (22039).
- 34 46. Regulation of Indian gaming account (22046).
- 35 47. Rome school for the deaf account (22053).
- 36 48. Seized assets account (22054).
- 37 49. Administrative adjudication account (22055).
- 38 50. New York City assessment account (22062).
- 39 51. Cultural education account (22063).
- 40 52. Local services account (22078).
- 41 53. DHCR mortgage servicing account (22085).
- 42 54. Housing indirect cost recovery account (22090).
- 43 55. Voting Machine Examinations account (22099).
- 44 56. DHCR-HCA application fee account (22100).
- 45 57. Low income housing monitoring account (22130).
- 46 58. Restitution account (22134).
- 47 59. Corporation administration account (22135).
- 48 60. New York State Home for Veterans in the Lower-Hudson Valley
- 49 account (22144).
- 50 61. Deferred compensation administration account (22151).
- 51 62. Rent revenue other New York City account (22156).
- 52 63. Rent revenue account (22158).
- 53 64. Transportation aviation account (22165).
- 54 65. Tax revenue arrearage account (22168).
- 55 66. New York State Campaign Finance Fund account (22211).
- 56 67. New York state medical indemnity fund account (22240).



- 1 68. Behavioral health parity compliance fund (22246).
- 2 69. Pharmacy benefit manager regulatory fund (22255).
- 3 70. State university general income offset account (22654).
- 4 71. Lake George park trust fund account (22751).
- 5 72. Highway safety program account (23001).
- 6 73. DOH drinking water program account (23102).
- 7 74. NYCCC operating offset account (23151).
- 8 75. Commercial gaming revenue account (23701).
- 9 76. Commercial gaming regulation account (23702).
- 10 77. Highway use tax administration account (23801).
- 11 78. New York state secure choice administrative account (23806).
- 12 79. New York state cannabis revenue fund (24800).
- 13 80. Fantasy sports administration account (24951).
- 14 81. Mobile sports wagering fund (24955).
- 15 82. Highway and bridge capital account (30051).
- 16 83. State university residence hall rehabilitation fund (30100).
- 17 84. State parks infrastructure account (30351).
- 18 85. Clean water/clean air implementation fund (30500).
- 19 86. Hazardous waste remedial cleanup account (31506).
- 20 87. Youth facilities improvement account (31701).
- 21 88. Housing assistance fund (31800).
- 22 89. Housing program fund (31850).
- 23 90. Highway facility purpose account (31951).
- 24 91. New York racing account (32213).
- 25 92. Capital miscellaneous gifts account (32214).
- 26 93. Information technology capital financing account (32215).
- 27 94. New York environmental protection and spill remediation account
- 28 (32219).
- 29 95. Mental hygiene facilities capital improvement fund (32300).
- 30 96. Correctional facilities capital improvement fund (32350).
- 31 97. New York State Storm Recovery Capital Fund (33000).
- 32 98. OGS convention center account (50318).
- 33 99. Empire Plaza Gift Shop (50327).
- 34 100. Unemployment Insurance Benefit Fund, Interest Assessment Account
- 35 (50651).
- 36 101. Centralized services fund (55000).
- 37 102. Archives records management account (55052).
- 38 103. Federal single audit account (55053).
- 39 104. Civil service administration account (55055).
- 40 105. Civil service EHS occupational health program account (55056).
- 41 106. Banking services account (55057).
- 42 107. Cultural resources survey account (55058).
- 43 108. Neighborhood work project account (55059).
- 44 109. Automation & printing chargeback account (55060).
- 45 110. OFT NYT account (55061).
- 46 111. Data center account (55062).
- 47 112. Intrusion detection account (55066).
- 48 113. Domestic violence grant account (55067).
- 49 114. Centralized technology services account (55069).
- 50 115. Labor contact center account (55071).
- 51 116. Human services contact center account (55072).
- 52 117. Tax contact center account (55073).
- 53 118. Department of law civil recoveries account (55074).
- 54 119. Executive direction internal audit account (55251).
- 55 120. CIO Information technology centralized services account (55252).
- 56 121. Health insurance internal service account (55300).



1 122. Civil service employee benefits division administrative account  
2 (55301).  
3 123. Correctional industries revolving fund (55350).  
4 124. Employees health insurance account (60201).  
5 125. Medicaid management information system escrow fund (60900).  
6 126. Virtual currency assessments account.  
7 § 1-a. The state comptroller is hereby authorized and directed to loan  
8 money in accordance with the provisions set forth in subdivision 5 of  
9 section 4 of the state finance law to any account within the following  
10 federal funds, provided the comptroller has made a determination that  
11 sufficient federal grant award authority is available to reimburse such  
12 loans:  
13 1. Federal USDA-food and nutrition services fund (25000).  
14 2. Federal health and human services fund (25100).  
15 3. Federal education fund (25200).  
16 4. Federal block grant fund (25250).  
17 5. Federal miscellaneous operating grants fund (25300).  
18 6. Federal unemployment insurance administration fund (25900).  
19 7. Federal unemployment insurance occupational training fund (25950).  
20 8. Federal emergency employment act fund (26000).  
21 9. Federal capital projects fund (31350).  
22 § 2. Notwithstanding any law to the contrary, and in accordance with  
23 section 4 of the state finance law, the comptroller is hereby authorized  
24 and directed to transfer, upon request of the director of the budget, on  
25 or before March 31, 2024, up to the unencumbered balance or the follow-  
26 ing amounts:  
27 Economic Development and Public Authorities:  
28 1. \$1,175,000 from the miscellaneous special revenue fund, underground  
29 facilities safety training account (22172), to the general fund.  
30 2. An amount up to the unencumbered balance from the miscellaneous  
31 special revenue fund, business and licensing services account (21977),  
32 to the general fund.  
33 3. \$19,810,000 from the miscellaneous special revenue fund, code  
34 enforcement account (21904), to the general fund.  
35 4. \$3,000,000 from the general fund to the miscellaneous special  
36 revenue fund, tax revenue arrearage account (22168).  
37 Education:  
38 1. \$2,314,000,000 from the general fund to the state lottery fund,  
39 education account (20901), as reimbursement for disbursements made from  
40 such fund for supplemental aid to education pursuant to section 92-c of  
41 the state finance law that are in excess of the amounts deposited in  
42 such fund for such purposes pursuant to section 1612 of the tax law.  
43 2. \$1,033,000,000 from the general fund to the state lottery fund, VLT  
44 education account (20904), as reimbursement for disbursements made from  
45 such fund for supplemental aid to education pursuant to section 92-c of  
46 the state finance law that are in excess of the amounts deposited in  
47 such fund for such purposes pursuant to section 1612 of the tax law.  
48 3. \$131,200,000 from the general fund to the New York state commercial  
49 gaming fund, commercial gaming revenue account (23701), as reimbursement  
50 for disbursements made from such fund for supplemental aid to education  
51 pursuant to section 97-nnnn of the state finance law that are in excess  
52 of the amounts deposited in such fund for purposes pursuant to section  
53 1352 of the racing, pari-mutuel wagering and breeding law.  
54 4. \$895,897,000 from the general fund to the mobile sports wagering  
55 fund, education account (24955), as reimbursement for disbursements made  
56 from such fund for supplemental aid to education pursuant to section



1 92-c of the state finance law that are in excess of the amounts deposit-  
2 ed in such fund for such purposes pursuant to section 1367 of the  
3 racing, pari-mutuel wagering and breeding law.

4 5. \$7,000,000 from the interactive fantasy sports fund, fantasy sports  
5 education account (24950), to the state lottery fund, education account  
6 (20901), as reimbursement for disbursements made from such fund for  
7 supplemental aid to education pursuant to section 92-c of the state  
8 finance law.

9 6. An amount up to the unencumbered balance in the fund on March 31,  
10 2024 from the charitable gifts trust fund, elementary and secondary  
11 education account (24901), to the general fund, for payment of general  
12 support for public schools pursuant to section 3609-a of the education  
13 law.

14 7. Moneys from the state lottery fund (20900) up to an amount deposit-  
15 ed in such fund pursuant to section 1612 of the tax law in excess of the  
16 current year appropriation for supplemental aid to education pursuant to  
17 section 92-c of the state finance law.

18 8. \$300,000 from the New York state local government records manage-  
19 ment improvement fund, local government records management account  
20 (20501), to the New York state archives partnership trust fund, archives  
21 partnership trust maintenance account (20351).

22 9. \$900,000 from the general fund to the miscellaneous special revenue  
23 fund, Batavia school for the blind account (22032).

24 10. \$900,000 from the general fund to the miscellaneous special reven-  
25 ue fund, Rome school for the deaf account (22053).

26 11. \$343,400,000 from the state university dormitory income fund  
27 (40350) to the miscellaneous special revenue fund, state university  
28 dormitory income reimbursable account (21937).

29 12. \$8,318,000 from the general fund to the state university income  
30 fund, state university income offset account (22654), for the state's  
31 share of repayment of the STIP loan.

32 13. Intentionally omitted.

33 14. \$5,160,000 from the miscellaneous special revenue fund, office of  
34 the professions account (22051), to the miscellaneous capital projects  
35 fund, office of the professions electronic licensing account (32222).

36 15. \$24,000,000 from any of the state education department's special  
37 revenue and internal service funds to the miscellaneous special revenue  
38 fund, indirect cost recovery account (21978).

39 16. \$4,200,000 from any of the state education department's special  
40 revenue or internal service funds to the capital projects fund (30000).

41 17. \$30,013,000 from the general fund to the miscellaneous special  
42 revenue fund, HESC-insurance premium payments account (21960).

43 Environmental Affairs:

44 1. \$16,000,000 from any of the department of environmental conserva-  
45 tion's special revenue federal funds, and/or federal capital funds, to  
46 the environmental conservation special revenue fund, federal indirect  
47 recovery account (21065).

48 2. \$5,000,000 from any of the department of environmental conserva-  
49 tion's special revenue federal funds, and/or federal capital funds, to  
50 the conservation fund (21150) or Marine Resources Account (21151) as  
51 necessary to avoid diversion of conservation funds.

52 3. \$3,000,000 from any of the office of parks, recreation and historic  
53 preservation capital projects federal funds and special revenue federal  
54 funds to the miscellaneous special revenue fund, federal grant indirect  
55 cost recovery account (22188).



- 1 4. \$1,000,000 from any of the office of parks, recreation and historic  
2 preservation special revenue federal funds to the miscellaneous capital  
3 projects fund, I love NY water account (32212).
- 4 5. \$100,000,000 from the general fund to the environmental protection  
5 fund, environmental protection fund transfer account (30451).
- 6 6. \$6,000,000 from the general fund to the hazardous waste remedial  
7 fund, hazardous waste oversight and assistance account (31505).
- 8 7. An amount up to or equal to the cash balance within the special  
9 revenue-other waste management & cleanup account (21053) to the capital  
10 projects fund (30000) for services and capital expenses related to the  
11 management and cleanup program as put forth in section 27-1915 of the  
12 environmental conservation law.
- 13 8. \$1,800,000 from the miscellaneous special revenue fund, public  
14 service account (22011) to the miscellaneous special revenue fund, util-  
15 ity environmental regulatory account (21064).
- 16 9. \$7,000,000 from the general fund to the enterprise fund, state fair  
17 account (50051).
- 18 10. \$4,000,000 from the waste management & cleanup account (21053) to  
19 the general fund.
- 20 11. \$3,000,000 from the waste management & cleanup account (21053) to  
21 the environmental protection fund transfer account (30451).
- 22 12. Up to \$10,000,000 from the general fund to the miscellaneous  
23 special revenue fund, patron services account (22163).
- 24 Family Assistance:
- 25 1. \$7,000,000 from any of the office of children and family services,  
26 office of temporary and disability assistance, or department of health  
27 special revenue federal funds and the general fund, in accordance with  
28 agreements with social services districts, to the miscellaneous special  
29 revenue fund, office of human resources development state match account  
30 (21967).
- 31 2. \$4,000,000 from any of the office of children and family services  
32 or office of temporary and disability assistance special revenue federal  
33 funds to the miscellaneous special revenue fund, family preservation and  
34 support services and family violence services account (22082).
- 35 3. \$18,670,000 from any of the office of children and family services,  
36 office of temporary and disability assistance, or department of health  
37 special revenue federal funds and any other miscellaneous revenues  
38 generated from the operation of office of children and family services  
39 programs to the general fund.
- 40 4. \$175,000,000 from any of the office of temporary and disability  
41 assistance or department of health special revenue funds to the general  
42 fund.
- 43 5. \$2,500,000 from any of the office of temporary and disability  
44 assistance special revenue funds to the miscellaneous special revenue  
45 fund, office of temporary and disability assistance program account  
46 (21980).
- 47 6. \$35,000,000 from any of the office of children and family services,  
48 office of temporary and disability assistance, department of labor, and  
49 department of health special revenue federal funds to the office of  
50 children and family services miscellaneous special revenue fund, multi-  
51 agency training contract account (21989).
- 52 7. \$205,000,000 from the miscellaneous special revenue fund, youth  
53 facility per diem account (22186), to the general fund.
- 54 8. \$621,850 from the general fund to the combined gifts, grants, and  
55 bequests fund, WB Hoyt Memorial account (20128).



1 9. \$5,000,000 from the miscellaneous special revenue fund, state  
2 central registry (22028), to the general fund.

3 10. \$900,000 from the general fund to the Veterans' Remembrance and  
4 Cemetery Maintenance and Operation account (20201).

5 11. \$905,000,000 from the general fund to the housing program fund  
6 (31850).

7 12. Up to \$10,000,000 from any of the office of children and family  
8 services special revenue federal funds to the office of the court admin-  
9 istration special revenue other federal iv-e funds account.

10 General Government:

11 1. \$12,000,000 from the general fund to the health insurance revolving  
12 fund (55300).

13 2. \$292,400,000 from the health insurance reserve receipts fund  
14 (60550) to the general fund.

15 3. \$150,000 from the general fund to the not-for-profit revolving loan  
16 fund (20650).

17 4. \$150,000 from the not-for-profit revolving loan fund (20650) to the  
18 general fund.

19 5. \$3,000,000 from the miscellaneous special revenue fund, surplus  
20 property account (22036), to the general fund.

21 6. \$19,000,000 from the miscellaneous special revenue fund, revenue  
22 arrearage account (22024), to the general fund.

23 7. \$1,826,000 from the miscellaneous special revenue fund, revenue  
24 arrearage account (22024), to the miscellaneous special revenue fund,  
25 authority budget office account (22138).

26 8. \$1,000,000 from the miscellaneous special revenue fund, parking  
27 account (22007), to the general fund, for the purpose of reimbursing the  
28 costs of debt service related to state parking facilities.

29 9. \$11,460,000 from the general fund to the agencies internal service  
30 fund, central technology services account (55069), for the purpose of  
31 enterprise technology projects.

32 10. \$10,000,000 from the general fund to the agencies internal service  
33 fund, state data center account (55062).

34 11. \$12,000,000 from the miscellaneous special revenue fund, parking  
35 account (22007), to the centralized services, building support services  
36 account (55018).

37 12. \$30,000,000 from the general fund to the internal service fund,  
38 business services center account (55022).

39 13. \$8,000,000 from the general fund to the internal service fund,  
40 building support services account (55018).

41 14. \$1,500,000 from the combined expendable trust fund, plaza special  
42 events account (20120), to the general fund.

43 15. \$50,000,000 from the New York State cannabis revenue fund (24800)  
44 to the general fund.

45 16. A transfer from the general fund to the miscellaneous special  
46 revenue fund, New York State Campaign Finance Fund Account (22211), up  
47 to an amount equal to total reimbursements due to qualified candidates.

48 17. \$6,000,000 from the miscellaneous special revenue fund, standards  
49 and purchasing account (22019), to the general fund.

50 Health:

51 1. A transfer from the general fund to the combined gifts, grants and  
52 bequests fund, breast cancer research and education account (20155), up  
53 to an amount equal to the monies collected and deposited into that  
54 account in the previous fiscal year.

55 2. A transfer from the general fund to the combined gifts, grants and  
56 bequests fund, prostate cancer research, detection, and education





1 account (20183), up to an amount equal to the moneys collected and  
2 deposited into that account in the previous fiscal year.

3 3. A transfer from the general fund to the combined gifts, grants and  
4 bequests fund, Alzheimer's disease research and assistance account  
5 (20143), up to an amount equal to the moneys collected and deposited  
6 into that account in the previous fiscal year.

7 4. \$8,940,000 from the HCRA resources fund (20800) to the miscella-  
8 neous special revenue fund, empire state stem cell trust fund account  
9 (22161).

10 5. \$3,600,000 from the miscellaneous special revenue fund, certificate  
11 of need account (21920), to the miscellaneous capital projects fund,  
12 healthcare IT capital subfund (32216).

13 6. \$4,000,000 from the miscellaneous special revenue fund, vital  
14 health records account (22103), to the miscellaneous capital projects  
15 fund, healthcare IT capital subfund (32216).

16 7. \$6,000,000 from the miscellaneous special revenue fund, profes-  
17 sional medical conduct account (22088), to the miscellaneous capital  
18 projects fund, healthcare IT capital subfund (32216).

19 8. \$114,500,000 from the HCRA resources fund (20800) to the capital  
20 projects fund (30000).

21 9. \$6,550,000 from the general fund to the medical cannabis trust  
22 fund, health operation and oversight account (23755).

23 10. An amount up to the unencumbered balance from the charitable gifts  
24 trust fund, health charitable account (24900), to the general fund, for  
25 payment of general support for primary, preventive, and inpatient health  
26 care, dental and vision care, hunger prevention and nutritional assist-  
27 ance, and other services for New York state residents with the overall  
28 goal of ensuring that New York state residents have access to quality  
29 health care and other related services.

30 11. \$500,000 from the miscellaneous special revenue fund, New York  
31 State cannabis revenue fund, to the miscellaneous special revenue fund,  
32 environmental laboratory fee account (21959).

33 12. An amount up to the unencumbered balance from the public health  
34 emergency charitable gifts trust fund to the general fund, for payment  
35 of goods and services necessary to respond to a public health disaster  
36 emergency or to assist or aid in responding to such a disaster.

37 13. \$1,000,000,000 from the general fund to the health care transfor-  
38 mation fund (24850).

39 14. \$2,590,000 from the miscellaneous special revenue fund, patient  
40 safety center account (22140), to the general fund.

41 15. \$1,000,000 from the miscellaneous special revenue fund, nursing  
42 home receivership account (21925), to the general fund.

43 16. \$130,000 from the miscellaneous special revenue fund, quality of  
44 care account (21915), to the general fund.

45 17. \$2,200,000 from the miscellaneous special revenue fund, adult home  
46 quality enhancement account (22091), to the general fund.

47 18. \$7,429,000 from the general fund, to the miscellaneous special  
48 revenue fund, helen hayes hospital account (22140).

49 19. \$1,117,000 from the general fund, to the miscellaneous special  
50 revenue fund, New York city veterans' home account (22141).

51 20. \$813,000 from the general fund, to the miscellaneous special  
52 revenue fund, New York state home for veterans' and their dependents at  
53 oxford account (22142).

54 21. \$313,000 from the general fund, to the miscellaneous special  
55 revenue fund, western New York veterans' home account (22143).



1 22. \$1,473,000 from the general fund, to the miscellaneous special  
2 revenue fund, New York state for veterans in the lower-hudson valley  
3 account (22144).

4 Labor:

5 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and  
6 penalty account (21923), to the child performer's protection fund, child  
7 performer protection account (20401).

8 2. \$11,700,000 from the unemployment insurance interest and penalty  
9 fund, unemployment insurance special interest and penalty account  
10 (23601), to the general fund.

11 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-  
12 ment insurance special interest and penalty account (23601), and public  
13 work enforcement account (21998), to the general fund.

14 4. \$850,000 from the miscellaneous special revenue fund, DOL elevator  
15 safety program fund (22252) to the miscellaneous special revenue fund,  
16 DOL fee and penalty account (21923).

17 Mental Hygiene:

18 1. \$3,800,000 from the general fund, to the agencies internal service  
19 fund, civil service EHS occupational health program account (55056).

20 2. \$2,000,000 from the general fund, to the mental hygiene facilities  
21 capital improvement fund (32300).

22 3. \$20,000,000 from the opioid settlement fund (23817) to the miscel-  
23 laneous capital projects fund, opioid settlement capital account.

24 4. \$20,000,000 from the miscellaneous capital projects fund, opioid  
25 settlement capital account to the opioid settlement fund (23817).

26 Public Protection:

27 1. \$1,350,000 from the miscellaneous special revenue fund, emergency  
28 management account (21944), to the general fund.

29 2. \$2,587,000 from the general fund to the miscellaneous special  
30 revenue fund, recruitment incentive account (22171).

31 3. \$23,773,000 from the general fund to the correctional industries  
32 revolving fund, correctional industries internal service account  
33 (55350).

34 4. \$2,000,000,000 from any of the division of homeland security and  
35 emergency services special revenue federal funds to the general fund.

36 5. \$115,420,000 from the state police motor vehicle law enforcement  
37 and motor vehicle theft and insurance fraud prevention fund, state  
38 police motor vehicle enforcement account (22802), to the general fund  
39 for state operation expenses of the division of state police.

40 6. \$138,272,000 from the general fund to the correctional facilities  
41 capital improvement fund (32350).

42 7. \$5,000,000 from the general fund to the dedicated highway and  
43 bridge trust fund (30050) for the purpose of work zone safety activities  
44 provided by the division of state police for the department of transpor-  
45 tation.

46 8. \$10,000,000 from the miscellaneous special revenue fund, statewide  
47 public safety communications account (22123), to the capital projects  
48 fund (30000).

49 9. \$9,830,000 from the miscellaneous special revenue fund, legal  
50 services assistance account (22096), to the general fund.

51 10. \$1,000,000 from the general fund to the agencies internal service  
52 fund, neighborhood work project account (55059).

53 11. \$7,980,000 from the miscellaneous special revenue fund, finger-  
54 print identification & technology account (21950), to the general fund.



12. \$1,100,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

13. \$14,400,000 from the general fund to the miscellaneous special revenue fund, criminal justice improvement account (21945).

14. \$2,000,000 from the general fund to the miscellaneous special revenue fund, hazard mitigation revolving loan account.

Transportation:

1. \$20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which \$12,000,000 constitutes the base need for operations.

2. \$727,500,000 from the general fund to the dedicated highway and bridge trust fund (30050).

3. \$244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

4. \$5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

5. \$477,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

6. \$5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the general fund, for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the general fund for such purpose pursuant to section 94 of the transportation law.

Miscellaneous:

1. \$250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. \$500,000,000 from the general fund to the debt reduction reserve fund (40000).

3. \$450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. \$15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

5. \$100,000,000 from any special revenue federal fund to the general fund, state purposes account (10050).

6. \$8,250,000,000 from the special revenue federal fund, ARPA-Fiscal Recovery Fund (25546) to the general fund, state purposes account (10050) to cover eligible costs incurred by the state.

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2024:

1. Upon request of the commissioner of environmental conservation, up to \$12,745,400 from revenues credited to any of the department of environmental conservation special revenue funds, including \$4,000,000 from the environmental protection and oil spill compensation fund (21200), and \$1,834,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to \$3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.



1 3. Upon request of the commissioner of the division of housing and  
2 community renewal, up to \$6,221,000 from revenues credited to any divi-  
3 sion of housing and community renewal federal or miscellaneous special  
4 revenue fund to the miscellaneous special revenue fund, housing indirect  
5 cost recovery account (22090).

6 4. Upon request of the commissioner of the division of housing and  
7 community renewal, up to \$5,500,000 may be transferred from any miscel-  
8 laneous special revenue fund account, to any miscellaneous special  
9 revenue fund.

10 5. Upon request of the commissioner of health up to \$13,694,000 from  
11 revenues credited to any of the department of health's special revenue  
12 funds, to the miscellaneous special revenue fund, administration account  
13 (21982).

14 6. Upon the request of the attorney general, up to \$4,000,000 from  
15 revenues credited to the federal health and human services fund, federal  
16 health and human services account (25117) or the miscellaneous special  
17 revenue fund, recoveries and revenue account (22041), to the miscella-  
18 neous special revenue fund, litigation settlement and civil recovery  
19 account (22117).

20 § 4. On or before March 31, 2024, the comptroller is hereby authorized  
21 and directed to deposit earnings that would otherwise accrue to the  
22 general fund that are attributable to the operation of section 98-a of  
23 the state finance law, to the agencies internal service fund, banking  
24 services account (55057), for the purpose of meeting direct payments  
25 from such account.

26 § 5. Notwithstanding any law to the contrary, upon the direction of  
27 the director of the budget and upon requisition by the state university  
28 of New York, the dormitory authority of the state of New York is  
29 directed to transfer, up to \$22,000,000 in revenues generated from the  
30 sale of notes or bonds, the state university income fund general revenue  
31 account (22653) for reimbursement of bondable equipment for further  
32 transfer to the state's general fund.

33 § 6. Notwithstanding any law to the contrary, and in accordance with  
34 section 4 of the state finance law, the comptroller is hereby authorized  
35 and directed to transfer, upon request of the director of the budget and  
36 upon consultation with the state university chancellor or his or her  
37 designee, on or before March 31, 2024, up to \$16,000,000 from the state  
38 university income fund general revenue account (22653) to the state  
39 general fund for debt service costs related to campus supported capital  
40 project costs for the NY-SUNY 2020 challenge grant program at the  
41 University at Buffalo.

42 § 7. Notwithstanding any law to the contrary, and in accordance with  
43 section 4 of the state finance law, the comptroller is hereby authorized  
44 and directed to transfer, upon request of the director of the budget and  
45 upon consultation with the state university chancellor or his or her  
46 designee, on or before March 31, 2024, up to \$6,500,000 from the state  
47 university income fund general revenue account (22653) to the state  
48 general fund for debt service costs related to campus supported capital  
49 project costs for the NY-SUNY 2020 challenge grant program at the  
50 University at Albany.

51 § 8. Notwithstanding any law to the contrary, the state university  
52 chancellor or his or her designee is authorized and directed to transfer  
53 estimated tuition revenue balances from the state university collection  
54 fund (61000) to the state university income fund, state university  
55 general revenue offset account (22655) on or before March 31, 2024.



1 § 9. Notwithstanding any law to the contrary, and in accordance with  
2 section 4 of the state finance law, the comptroller is hereby authorized  
3 and directed to transfer, upon request of the director of the budget, up  
4 to \$1,439,512,500 from the general fund to the state university income  
5 fund, state university general revenue offset account (22655) during the  
6 period of July 1, 2023 through June 30, 2024 to support operations at  
7 the state university.

8 § 10. Notwithstanding any law to the contrary, and in accordance with  
9 section 4 of the state finance law, the comptroller is hereby authorized  
10 and directed to transfer, upon request of the director of the budget, up  
11 to \$62,340,000 from the general fund to the state university income  
12 fund, state university general revenue offset account (22655) during the  
13 period of July 1, 2023 to June 30, 2024 for general fund operating  
14 support pursuant to subparagraph (4-b) of paragraph h of subdivision 2  
15 of section three hundred fifty-five of the education law.

16 § 11. Notwithstanding any law to the contrary, and in accordance with  
17 section 4 of the state finance law, the comptroller is hereby authorized  
18 and directed to transfer, upon request of the director of the budget, up  
19 to \$20,000,000 from the general fund to the state university income  
20 fund, state university general revenue offset account (22655) during the  
21 period of July 1, 2023 to June 30, 2024 to fully fund the tuition credit  
22 pursuant to subdivision two of section six hundred sixty-nine-h of the  
23 education law.

24 § 12. Notwithstanding any law to the contrary, and in accordance with  
25 section 4 of the state finance law, the comptroller is hereby authorized  
26 and directed to transfer, upon request of the state university chancel-  
27 lor or his or her designee, up to \$55,000,000 from the state university  
28 income fund, state university hospitals income reimbursable account  
29 (22656), for services and expenses of hospital operations and capital  
30 expenditures at the state university hospitals; and the state university  
31 income fund, Long Island veterans' home account (22652) to the state  
32 university capital projects fund (32400) on or before June 30, 2024.

33 § 13. Notwithstanding any law to the contrary, and in accordance with  
34 section 4 of the state finance law, the comptroller, after consultation  
35 with the state university chancellor or his or her designee, is hereby  
36 authorized and directed to transfer moneys, in the first instance, from  
37 the state university collection fund, Stony Brook hospital collection  
38 account (61006), Brooklyn hospital collection account (61007), and Syra-  
39 cuse hospital collection account (61008) to the state university income  
40 fund, state university hospitals income reimbursable account (22656) in  
41 the event insufficient funds are available in the state university  
42 income fund, state university hospitals income reimbursable account  
43 (22656) to permit the full transfer of moneys authorized for transfer,  
44 to the general fund for payment of debt service related to the SUNY  
45 hospitals. Notwithstanding any law to the contrary, the comptroller is  
46 also hereby authorized and directed, after consultation with the state  
47 university chancellor or his or her designee, to transfer moneys from  
48 the state university income fund to the state university income fund,  
49 state university hospitals income reimbursable account (22656) in the  
50 event insufficient funds are available in the state university income  
51 fund, state university hospitals income reimbursable account (22656) to  
52 pay hospital operating costs or to permit the full transfer of moneys  
53 authorized for transfer, to the general fund for payment of debt service  
54 related to the SUNY hospitals on or before March 31, 2024.

55 § 14. Notwithstanding any law to the contrary, upon the direction of  
56 the director of the budget and the chancellor of the state university of



1 New York or his or her designee, and in accordance with section 4 of the  
2 state finance law, the comptroller is hereby authorized and directed to  
3 transfer monies from the state university dormitory income fund (40350)  
4 to the state university residence hall rehabilitation fund (30100), and  
5 from the state university residence hall rehabilitation fund (30100) to  
6 the state university dormitory income fund (40350), in an amount not to  
7 exceed \$100 million from each fund.

8 § 15. Notwithstanding any law to the contrary, and in accordance with  
9 section 4 of the state finance law, the comptroller is hereby authorized  
10 and directed to transfer, at the request of the director of the budget,  
11 up to \$700 million from the unencumbered balance of any special revenue  
12 fund or account, agency fund or account, internal service fund or  
13 account, enterprise fund or account, or any combination of such funds  
14 and accounts, to the general fund. The amounts transferred pursuant to  
15 this authorization shall be in addition to any other transfers expressly  
16 authorized in the 2023-24 budget. Transfers from federal funds, debt  
17 service funds, capital projects funds, the community projects fund, or  
18 funds that would result in the loss of eligibility for federal benefits  
19 or federal funds pursuant to federal law, rule, or regulation as assent-  
20 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
21 1951 are not permitted pursuant to this authorization.

22 § 16. Notwithstanding any law to the contrary, and in accordance with  
23 section 4 of the state finance law, the comptroller is hereby authorized  
24 and directed to transfer, at the request of the director of the budget,  
25 up to \$100 million from any non-general fund or account, or combination  
26 of funds and accounts, to the miscellaneous special revenue fund, tech-  
27 nology financing account (22207), the miscellaneous capital projects  
28 fund, the federal capital projects account (31350), information technol-  
29 ogy capital financing account (32215), or the centralized technology  
30 services account (55069), for the purpose of consolidating technology  
31 procurement and services. The amounts transferred to the miscellaneous  
32 special revenue fund, technology financing account (22207) pursuant to  
33 this authorization shall be equal to or less than the amount of such  
34 monies intended to support information technology costs which are  
35 attributable, according to a plan, to such account made in pursuance to  
36 an appropriation by law. Transfers to the technology financing account  
37 shall be completed from amounts collected by non-general funds or  
38 accounts pursuant to a fund deposit schedule or permanent statute, and  
39 shall be transferred to the technology financing account pursuant to a  
40 schedule agreed upon by the affected agency commissioner. Transfers from  
41 funds that would result in the loss of eligibility for federal benefits  
42 or federal funds pursuant to federal law, rule, or regulation as assent-  
43 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
44 1951 are not permitted pursuant to this authorization.

45 § 17. Notwithstanding any law to the contrary, and in accordance with  
46 section 4 of the state finance law, the comptroller is hereby authorized  
47 and directed to transfer, at the request of the director of the budget,  
48 up to \$400 million from any non-general fund or account, or combination  
49 of funds and accounts, to the general fund for the purpose of consol-  
50 idating technology procurement and services. The amounts transferred  
51 pursuant to this authorization shall be equal to or less than the amount  
52 of such monies intended to support information technology costs which  
53 are attributable, according to a plan, to such account made in pursuance  
54 to an appropriation by law. Transfers to the general fund shall be  
55 completed from amounts collected by non-general funds or accounts pursu-  
56 ant to a fund deposit schedule. Transfers from funds that would result



1 in the loss of eligibility for federal benefits or federal funds pursu-  
2 ant to federal law, rule, or regulation as assented to in chapter 683 of  
3 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted  
4 pursuant to this authorization.

5 § 18. Notwithstanding any provision of law to the contrary, as deemed  
6 feasible and advisable by its trustees, the power authority of the state  
7 of New York is authorized and directed to transfer to the state treasury  
8 to the credit of the general fund up to \$20,000,000 for the state fiscal  
9 year commencing April 1, 2023, the proceeds of which will be utilized to  
10 support energy-related state activities.

11 § 19. Notwithstanding any provision of law, rule or regulation to the  
12 contrary, the New York state energy research and development authority  
13 is authorized and directed to contribute \$913,000 to the state treasury  
14 to the credit of the general fund on or before March 31, 2024.

15 § 20. Notwithstanding any provision of law, rule or regulation to the  
16 contrary, the New York state energy research and development authority  
17 is authorized and directed to transfer five million dollars to the cred-  
18 it of the Environmental Protection Fund on or before March 31, 2024 from  
19 proceeds collected by the authority from the auction or sale of carbon  
20 dioxide emission allowances allocated by the department of environmental  
21 conservation.

22 § 21. Subdivision 5 of section 97-rrr of the state finance law, as  
23 amended by section 21 of part FFF of chapter 56 of the laws of 2022, is  
24 amended to read as follows:

25 5. Notwithstanding the provisions of section one hundred seventy-one-a  
26 of the tax law, as separately amended by chapters four hundred eighty-  
27 one and four hundred eighty-four of the laws of nineteen hundred eight-  
28 y-one, and notwithstanding the provisions of chapter ninety-four of the  
29 laws of two thousand eleven, or any other provisions of law to the  
30 contrary, during the fiscal year beginning April first, two thousand  
31 [twenty-two] twenty-three, the state comptroller is hereby authorized  
32 and directed to deposit to the fund created pursuant to this section  
33 from amounts collected pursuant to article twenty-two of the tax law and  
34 pursuant to a schedule submitted by the director of the budget, up to  
35 [\$1,830,985,000,] \$1,716,913,000 as may be certified in such schedule as  
36 necessary to meet the purposes of such fund for the fiscal year begin-  
37 ning April first, two thousand [twenty-two] twenty-three.

38 § 22. Notwithstanding any law to the contrary, the comptroller is  
39 hereby authorized and directed to transfer, upon request of the director  
40 of the budget, on or before March 31, 2024, the following amounts from  
41 the following special revenue accounts to the capital projects fund  
42 (30000), for the purposes of reimbursement to such fund for expenses  
43 related to the maintenance and preservation of state assets:

44 1. \$43,000 from the miscellaneous special revenue fund, administrative  
45 program account (21982).

46 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes  
47 hospital account (22140).

48 3. \$456,000 from the miscellaneous special revenue fund, New York city  
49 veterans' home account (22141).

50 4. \$570,000 from the miscellaneous special revenue fund, New York  
51 state home for veterans' and their dependents at oxford account (22142).

52 5. \$170,000 from the miscellaneous special revenue fund, western New  
53 York veterans' home account (22143).

54 6. \$323,000 from the miscellaneous special revenue fund, New York  
55 state for veterans in the lower-hudson valley account (22144).



1 7. \$2,550,000 from the miscellaneous special revenue fund, patron  
2 services account (22163).

3 8. \$9,016,000 from the miscellaneous special revenue fund, state  
4 university general income reimbursable account (22653).

5 9. \$142,782,000 from the miscellaneous special revenue fund, state  
6 university revenue offset account (22655).

7 10. \$51,897,000 from the state university dormitory income fund, state  
8 university dormitory income fund (40350).

9 11. \$1,000,000 from the miscellaneous special revenue fund, litigation  
10 settlement and civil recovery account (22117).

11 § 23. Intentionally omitted.

12 § 24. Subdivision 5 of section 183 of the military law, as amended by  
13 section 2 of part 0 of chapter 55 of the laws of 2018, is amended to  
14 read as follows:

15 5. All moneys paid as rent as provided in this section, together with  
16 all sums paid to cover expenses of heating and lighting, shall be trans-  
17 mitted by the officer in charge and control of the armory through the  
18 adjutant general to the state treasury for deposit to the [agencies  
19 enterprise fund] miscellaneous special revenue fund - 339 armory rental  
20 account.

21 § 25. Subdivision 2 of section 92-cc of the state finance law, as  
22 amended by section 26 of part FFF of chapter 56 of the laws of 2022, is  
23 amended to read as follows:

24 2. Such fund shall have a maximum balance not to exceed [fifteen]  
25 twenty per centum of the aggregate amount projected to be disbursed from  
26 the general fund during the fiscal year immediately following the then-  
27 current fiscal year. At the request of the director of the budget, the  
28 state comptroller shall transfer monies to the rainy day reserve fund up  
29 to and including an amount equivalent to [three] ten per centum of the  
30 aggregate amount projected to be disbursed from the general fund [during  
31 the then-current fiscal year] within three days of the end of the then-  
32 current fiscal year, unless such transfer would increase the rainy day  
33 reserve fund to an amount in excess of [fifteen] twenty per centum of  
34 the aggregate amount projected to be disbursed from the general fund  
35 during the fiscal year immediately following the then-current fiscal  
36 year, in which event such transfer shall be limited to such amount as  
37 will increase the rainy day reserve fund to such [fifteen] twenty per  
38 centum limitation.

39 § 26. Notwithstanding any other law, rule, or regulation to the  
40 contrary, the state comptroller is hereby authorized and directed to use  
41 any balance remaining in the mental health services fund debt service  
42 appropriation, after payment by the state comptroller of all obligations  
43 required pursuant to any lease, sublease, or other financing arrangement  
44 between the dormitory authority of the state of New York as successor to  
45 the New York state medical care facilities finance agency, and the  
46 facilities development corporation pursuant to chapter 83 of the laws of  
47 1995 and the department of mental hygiene for the purpose of making  
48 payments to the dormitory authority of the state of New York for the  
49 amount of the earnings for the investment of monies deposited in the  
50 mental health services fund that such agency determines will or may have  
51 to be rebated to the federal government pursuant to the provisions of  
52 the internal revenue code of 1986, as amended, in order to enable such  
53 agency to maintain the exemption from federal income taxation on the  
54 interest paid to the holders of such agency's mental services facilities  
55 improvement revenue bonds. Annually on or before each June 30th, such  
56 agency shall certify to the state comptroller its determination of the





1 amounts received in the mental health services fund as a result of the  
2 investment of monies deposited therein that will or may have to be  
3 rebated to the federal government pursuant to the provisions of the  
4 internal revenue code of 1986, as amended.

5 § 27. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
6 of 1997, relating to the financing of the correctional facilities  
7 improvement fund and the youth facility improvement fund, as amended by  
8 section 30 of part FFF of chapter 56 of the laws of 2022, is amended to  
9 read as follows:

10 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
11 notwithstanding the provisions of section 18 of section 1 of chapter 174  
12 of the laws of 1968, the New York state urban development corporation is  
13 hereby authorized to issue bonds, notes and other obligations in an  
14 aggregate principal amount not to exceed [nine billion five hundred two  
15 million seven hundred thirty-nine thousand dollars \$9,502,739,000] nine  
16 billion eight hundred sixty-five million eight hundred fifty-nine thou-  
17 sand dollars \$9,865,859,000, and shall include all bonds, notes and  
18 other obligations issued pursuant to chapter 56 of the laws of 1983, as  
19 amended or supplemented. The proceeds of such bonds, notes or other  
20 obligations shall be paid to the state, for deposit in the correctional  
21 facilities capital improvement fund to pay for all or any portion of the  
22 amount or amounts paid by the state from appropriations or reappropri-  
23 ations made to the department of corrections and community supervision  
24 from the correctional facilities capital improvement fund for capital  
25 projects. The aggregate amount of bonds, notes or other obligations  
26 authorized to be issued pursuant to this section shall exclude bonds,  
27 notes or other obligations issued to refund or otherwise repay bonds,  
28 notes or other obligations theretofore issued, the proceeds of which  
29 were paid to the state for all or a portion of the amounts expended by  
30 the state from appropriations or reappropriations made to the department  
31 of corrections and community supervision; provided, however, that upon  
32 any such refunding or repayment the total aggregate principal amount of  
33 outstanding bonds, notes or other obligations may be greater than [nine  
34 billion five hundred two million seven hundred thirty-nine thousand  
35 dollars \$9,502,739,000] nine billion eight hundred sixty-five million  
36 eight hundred fifty-nine thousand dollars \$9,865,859,000, only if the  
37 present value of the aggregate debt service of the refunding or repay-  
38 ment bonds, notes or other obligations to be issued shall not exceed the  
39 present value of the aggregate debt service of the bonds, notes or other  
40 obligations so to be refunded or repaid. For the purposes hereof, the  
41 present value of the aggregate debt service of the refunding or repay-  
42 ment bonds, notes or other obligations and of the aggregate debt service  
43 of the bonds, notes or other obligations so refunded or repaid, shall be  
44 calculated by utilizing the effective interest rate of the refunding or  
45 repayment bonds, notes or other obligations, which shall be that rate  
46 arrived at by doubling the semi-annual interest rate (compounded semi-  
47 annually) necessary to discount the debt service payments on the refund-  
48 ing or repayment bonds, notes or other obligations from the payment  
49 dates thereof to the date of issue of the refunding or repayment bonds,  
50 notes or other obligations and to the price bid including estimated  
51 accrued interest or proceeds received by the corporation including esti-  
52 mated accrued interest from the sale thereof.

53 § 28. Subdivision (a) of section 27 of part Y of chapter 61 of the  
54 laws of 2005, relating to providing for the administration of certain  
55 funds and accounts related to the 2005-2006 budget, as amended by

1 section 31 of part FFF of chapter 56 of the laws of 2022, is amended to  
2 read as follows:

3 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
4 notwithstanding any provisions of law to the contrary, the urban devel-  
5 opment corporation is hereby authorized to issue bonds or notes in one  
6 or more series in an aggregate principal amount not to exceed [four  
7 hundred twenty-six million one hundred thousand dollars \$426,100,000]  
8 five hundred thirty-eight million one hundred thousand dollars  
9 \$538,100,000, excluding bonds issued to finance one or more debt service  
10 reserve funds, to pay costs of issuance of such bonds, and bonds or  
11 notes issued to refund or otherwise repay such bonds or notes previously  
12 issued, for the purpose of financing capital projects including IT  
13 initiatives for the division of state police, debt service and leases;  
14 and to reimburse the state general fund for disbursements made therefor.  
15 Such bonds and notes of such authorized issuer shall not be a debt of  
16 the state, and the state shall not be liable thereon, nor shall they be  
17 payable out of any funds other than those appropriated by the state to  
18 such authorized issuer for debt service and related expenses pursuant to  
19 any service contract executed pursuant to subdivision (b) of this  
20 section and such bonds and notes shall contain on the face thereof a  
21 statement to such effect. Except for purposes of complying with the  
22 internal revenue code, any interest income earned on bond proceeds shall  
23 only be used to pay debt service on such bonds.

24 § 29. Subdivision 3 of section 1285-p of the public authorities law,  
25 as amended by section 32 of part FFF of chapter 56 of the laws of 2022,  
26 is amended to read as follows:

27 3. The maximum amount of bonds that may be issued for the purpose of  
28 financing environmental infrastructure projects authorized by this  
29 section shall be [eight billion one hundred seventy-one million one  
30 hundred ten thousand dollars \$8,171,110,000] nine billion five hundred  
31 three million seven hundred ten thousand dollars \$9,503,710,000, exclu-  
32 sive of bonds issued to fund any debt service reserve funds, pay costs  
33 of issuance of such bonds, and bonds or notes issued to refund or other-  
34 wise repay bonds or notes previously issued. Such bonds and notes of the  
35 corporation shall not be a debt of the state, and the state shall not be  
36 liable thereon, nor shall they be payable out of any funds other than  
37 those appropriated by the state to the corporation for debt service and  
38 related expenses pursuant to any service contracts executed pursuant to  
39 subdivision one of this section, and such bonds and notes shall contain  
40 on the face thereof a statement to such effect.

41 § 30. Subdivision (a) of section 48 of part K of chapter 81 of the  
42 laws of 2002, relating to providing for the administration of certain  
43 funds and accounts related to the 2002-2003 budget, as amended by  
44 section 33 of part FFF of chapter 56 of the laws of 2022, is amended to  
45 read as follows:

46 (a) Subject to the provisions of chapter 59 of the laws of 2000 but  
47 notwithstanding the provisions of section 18 of the urban development  
48 corporation act, the corporation is hereby authorized to issue bonds or  
49 notes in one or more series in an aggregate principal amount not to  
50 exceed [three hundred eighty-three million five hundred thousand dollars  
51 \$383,500,000] four hundred seventy-six million five hundred thousand  
52 dollars \$476,500,000, excluding bonds issued to fund one or more debt  
53 service reserve funds, to pay costs of issuance of such bonds, and bonds  
54 or notes issued to refund or otherwise repay such bonds or notes previ-  
55 ously issued, for the purpose of financing capital costs related to  
56 homeland security and training facilities for the division of state



1 police, the division of military and naval affairs, and any other state  
2 agency, including the reimbursement of any disbursements made from the  
3 state capital projects fund, and is hereby authorized to issue bonds or  
4 notes in one or more series in an aggregate principal amount not to  
5 exceed [one billion six hundred four million nine hundred eighty-six  
6 thousand dollars \$1,604,986,000] one billion seven hundred ten million  
7 eighty-six thousand dollars \$1,710,086,000, excluding bonds issued to  
8 fund one or more debt service reserve funds, to pay costs of issuance of  
9 such bonds, and bonds or notes issued to refund or otherwise repay such  
10 bonds or notes previously issued, for the purpose of financing improve-  
11 ments to State office buildings and other facilities located statewide,  
12 including the reimbursement of any disbursements made from the state  
13 capital projects fund. Such bonds and notes of the corporation shall not  
14 be a debt of the state, and the state shall not be liable thereon, nor  
15 shall they be payable out of any funds other than those appropriated by  
16 the state to the corporation for debt service and related expenses  
17 pursuant to any service contracts executed pursuant to subdivision (b)  
18 of this section, and such bonds and notes shall contain on the face  
19 thereof a statement to such effect.

20 § 31. Paragraph (c) of subdivision 19 of section 1680 of the public  
21 authorities law, as amended by section 34 of part FFF of chapter 56 of  
22 the laws of 2022, is amended to read as follows:

23 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
24 thousand, the dormitory authority shall not issue any bonds for state  
25 university educational facilities purposes if the principal amount of  
26 bonds to be issued when added to the aggregate principal amount of bonds  
27 issued by the dormitory authority on and after July first, nineteen  
28 hundred eighty-eight for state university educational facilities will  
29 exceed [sixteen billion six hundred eleven million five hundred sixty-  
30 four thousand dollars \$16,611,564,000] eighteen billion five hundred  
31 million sixty-four thousand dollars \$18,500,064,000; provided, however,  
32 that bonds issued or to be issued shall be excluded from such limitation  
33 if: (1) such bonds are issued to refund state university construction  
34 bonds and state university construction notes previously issued by the  
35 housing finance agency; or (2) such bonds are issued to refund bonds of  
36 the authority or other obligations issued for state university educa-  
37 tional facilities purposes and the present value of the aggregate debt  
38 service on the refunding bonds does not exceed the present value of the  
39 aggregate debt service on the bonds refunded thereby; provided, further  
40 that upon certification by the director of the budget that the issuance  
41 of refunding bonds or other obligations issued between April first,  
42 nineteen hundred ninety-two and March thirty-first, nineteen hundred  
43 ninety-three will generate long term economic benefits to the state, as  
44 assessed on a present value basis, such issuance will be deemed to have  
45 met the present value test noted above. For purposes of this subdivi-  
46 sion, the present value of the aggregate debt service of the refunding  
47 bonds and the aggregate debt service of the bonds refunded, shall be  
48 calculated by utilizing the true interest cost of the refunding bonds,  
49 which shall be that rate arrived at by doubling the semi-annual interest  
50 rate (compounded semi-annually) necessary to discount the debt service  
51 payments on the refunding bonds from the payment dates thereof to the  
52 date of issue of the refunding bonds to the purchase price of the  
53 refunding bonds, including interest accrued thereon prior to the issu-  
54 ance thereof. The maturity of such bonds, other than bonds issued to  
55 refund outstanding bonds, shall not exceed the weighted average economic  
56 life, as certified by the state university construction fund, of the



1 facilities in connection with which the bonds are issued, and in any  
2 case not later than the earlier of thirty years or the expiration of the  
3 term of any lease, sublease or other agreement relating thereto;  
4 provided that no note, including renewals thereof, shall mature later  
5 than five years after the date of issuance of such note. The legislature  
6 reserves the right to amend or repeal such limit, and the state of New  
7 York, the dormitory authority, the state university of New York, and the  
8 state university construction fund are prohibited from covenanting or  
9 making any other agreements with or for the benefit of bondholders which  
10 might in any way affect such right.

11 § 32. Paragraph (c) of subdivision 14 of section 1680 of the public  
12 authorities law, as amended by section 35 of part FFF of chapter 56 of  
13 the laws of 2022, is amended to read as follows:

14 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
15 thousand, (i) the dormitory authority shall not deliver a series of  
16 bonds for city university community college facilities, except to refund  
17 or to be substituted for or in lieu of other bonds in relation to city  
18 university community college facilities pursuant to a resolution of the  
19 dormitory authority adopted before July first, nineteen hundred eighty-  
20 five or any resolution supplemental thereto, if the principal amount of  
21 bonds so to be issued when added to all principal amounts of bonds  
22 previously issued by the dormitory authority for city university commu-  
23 nity college facilities, except to refund or to be substituted in lieu  
24 of other bonds in relation to city university community college facili-  
25 ties will exceed the sum of four hundred twenty-five million dollars and  
26 (ii) the dormitory authority shall not deliver a series of bonds issued  
27 for city university facilities, including community college facilities,  
28 pursuant to a resolution of the dormitory authority adopted on or after  
29 July first, nineteen hundred eighty-five, except to refund or to be  
30 substituted for or in lieu of other bonds in relation to city university  
31 facilities and except for bonds issued pursuant to a resolution supple-  
32 mental to a resolution of the dormitory authority adopted prior to July  
33 first, nineteen hundred eighty-five, if the principal amount of bonds so  
34 to be issued when added to the principal amount of bonds previously  
35 issued pursuant to any such resolution, except bonds issued to refund or  
36 to be substituted for or in lieu of other bonds in relation to city  
37 university facilities, will exceed [ten billion two hundred fifty-four  
38 million six hundred eighty-six thousand dollars \$10,254,686,000] eleven  
39 billion four hundred thirty-three million one hundred fifty-two thousand  
40 dollars \$11,433,152,000. The legislature reserves the right to amend or  
41 repeal such limit, and the state of New York, the dormitory authority,  
42 the city university, and the fund are prohibited from covenanting or  
43 making any other agreements with or for the benefit of bondholders which  
44 might in any way affect such right.

45 § 33. Subdivision 10-a of section 1680 of the public authorities law,  
46 as amended by section 36 of part FFF of chapter 56 of the laws of 2022,  
47 is amended to read as follows:

48 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
49 two thousand, but notwithstanding any other provision of the law to the  
50 contrary, the maximum amount of bonds and notes to be issued after March  
51 thirty-first, two thousand two, on behalf of the state, in relation to  
52 any locally sponsored community college, shall be [one billion one  
53 hundred twenty-three million one hundred forty thousand dollars  
54 \$1,123,140,000] one billion two hundred twenty-seven million ninety-  
55 five thousand dollars \$1,227,095,000. Such amount shall be exclusive of  
56 bonds and notes issued to fund any reserve fund or funds, costs of issu-



1 ance and to refund any outstanding bonds and notes, issued on behalf of  
2 the state, relating to a locally sponsored community college.

3 § 34. Subdivision 1 of section 17 of part D of chapter 389 of the laws  
4 of 1997, relating to the financing of the correctional facilities  
5 improvement fund and the youth facility improvement fund, as amended by  
6 section 37 of part FFF of chapter 56 of the laws of 2022, is amended to  
7 read as follows:

8 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
9 notwithstanding the provisions of section 18 of section 1 of chapter 174  
10 of the laws of 1968, the New York state urban development corporation is  
11 hereby authorized to issue bonds, notes and other obligations in an  
12 aggregate principal amount not to exceed [nine hundred sixty-two million  
13 seven hundred fifteen thousand dollars \$962,715,000] one billion four-  
14 teen million seven hundred thirty-five thousand dollars \$1,014,735,000,  
15 which authorization increases the aggregate principal amount of bonds,  
16 notes and other obligations authorized by section 40 of chapter 309 of  
17 the laws of 1996, and shall include all bonds, notes and other obli-  
18 gations issued pursuant to chapter 211 of the laws of 1990, as amended  
19 or supplemented. The proceeds of such bonds, notes or other obligations  
20 shall be paid to the state, for deposit in the youth facilities improve-  
21 ment fund or the capital projects fund, to pay for all or any portion of  
22 the amount or amounts paid by the state from appropriations or reappro-  
23 priations made to the office of children and family services from the  
24 youth facilities improvement fund for capital projects. The aggregate  
25 amount of bonds, notes and other obligations authorized to be issued  
26 pursuant to this section shall exclude bonds, notes or other obligations  
27 issued to refund or otherwise repay bonds, notes or other obligations  
28 theretofore issued, the proceeds of which were paid to the state for all  
29 or a portion of the amounts expended by the state from appropriations or  
30 reappropriations made to the office of children and family services;  
31 provided, however, that upon any such refunding or repayment the total  
32 aggregate principal amount of outstanding bonds, notes or other obli-  
33 gations may be greater than [nine hundred sixty-two million seven  
34 hundred fifteen thousand dollars \$962,715,000] one billion fourteen  
35 million seven hundred thirty-five thousand dollars \$1,014,735,000, only  
36 if the present value of the aggregate debt service of the refunding or  
37 repayment bonds, notes or other obligations to be issued shall not  
38 exceed the present value of the aggregate debt service of the bonds,  
39 notes or other obligations so to be refunded or repaid. For the purposes  
40 hereof, the present value of the aggregate debt service of the refunding  
41 or repayment bonds, notes or other obligations and of the aggregate debt  
42 service of the bonds, notes or other obligations so refunded or repaid,  
43 shall be calculated by utilizing the effective interest rate of the  
44 refunding or repayment bonds, notes or other obligations, which shall be  
45 that rate arrived at by doubling the semi-annual interest rate  
46 (compounded semi-annually) necessary to discount the debt service  
47 payments on the refunding or repayment bonds, notes or other obligations  
48 from the payment dates thereof to the date of issue of the refunding or  
49 repayment bonds, notes or other obligations and to the price bid includ-  
50 ing estimated accrued interest or proceeds received by the corporation  
51 including estimated accrued interest from the sale thereof.

52 § 35. Paragraph b of subdivision 2 of section 9-a of section 1 of  
53 chapter 392 of the laws of 1973, constituting the New York state medical  
54 care facilities finance agency act, as amended by section 38 of part FFF  
55 of chapter 56 of the laws of 2022, is amended to read as follows:

1 b. The agency shall have power and is hereby authorized from time to  
2 time to issue negotiable bonds and notes in conformity with applicable  
3 provisions of the uniform commercial code in such principal amount as,  
4 in the opinion of the agency, shall be necessary, after taking into  
5 account other moneys which may be available for the purpose, to provide  
6 sufficient funds to the facilities development corporation, or any  
7 successor agency, for the financing or refinancing of or for the design,  
8 construction, acquisition, reconstruction, rehabilitation or improvement  
9 of mental health services facilities pursuant to paragraph a of this  
10 subdivision, the payment of interest on mental health services improve-  
11 ment bonds and mental health services improvement notes issued for such  
12 purposes, the establishment of reserves to secure such bonds and notes,  
13 the cost or premium of bond insurance or the costs of any financial  
14 mechanisms which may be used to reduce the debt service that would be  
15 payable by the agency on its mental health services facilities improve-  
16 ment bonds and notes and all other expenditures of the agency incident  
17 to and necessary or convenient to providing the facilities development  
18 corporation, or any successor agency, with funds for the financing or  
19 refinancing of or for any such design, construction, acquisition, recon-  
20 struction, rehabilitation or improvement and for the refunding of mental  
21 hygiene improvement bonds issued pursuant to section 47-b of the private  
22 housing finance law; provided, however, that the agency shall not issue  
23 mental health services facilities improvement bonds and mental health  
24 services facilities improvement notes in an aggregate principal amount  
25 exceeding [ten billion nine hundred forty-two million eight hundred  
26 thirty-three thousand dollars \$10,942,833,000] twelve billion four  
27 hundred nine million one hundred fifty-seven thousand dollars  
28 \$12,409,157,000, excluding mental health services facilities improvement  
29 bonds and mental health services facilities improvement notes issued to  
30 refund outstanding mental health services facilities improvement bonds  
31 and mental health services facilities improvement notes; provided,  
32 however, that upon any such refunding or repayment of mental health  
33 services facilities improvement bonds and/or mental health services  
34 facilities improvement notes the total aggregate principal amount of  
35 outstanding mental health services facilities improvement bonds and  
36 mental health facilities improvement notes may be greater than [ten  
37 billion nine hundred forty-two million eight hundred thirty-three thou-  
38 sand dollars \$10,942,833,000] twelve million four hundred nine million  
39 one hundred fifty-seven thousand dollars \$12,409,157,000, only if,  
40 except as hereinafter provided with respect to mental health services  
41 facilities bonds and mental health services facilities notes issued to  
42 refund mental hygiene improvement bonds authorized to be issued pursuant  
43 to the provisions of section 47-b of the private housing finance law,  
44 the present value of the aggregate debt service of the refunding or  
45 repayment bonds to be issued shall not exceed the present value of the  
46 aggregate debt service of the bonds to be refunded or repaid. For  
47 purposes hereof, the present values of the aggregate debt service of the  
48 refunding or repayment bonds, notes or other obligations and of the  
49 aggregate debt service of the bonds, notes or other obligations so  
50 refunded or repaid, shall be calculated by utilizing the effective  
51 interest rate of the refunding or repayment bonds, notes or other obli-  
52 gations, which shall be that rate arrived at by doubling the semi-annual  
53 interest rate (compounded semi-annually) necessary to discount the debt  
54 service payments on the refunding or repayment bonds, notes or other  
55 obligations from the payment dates thereof to the date of issue of the  
56 refunding or repayment bonds, notes or other obligations and to the



1 price bid including estimated accrued interest or proceeds received by  
2 the authority including estimated accrued interest from the sale there-  
3 of. Such bonds, other than bonds issued to refund outstanding bonds,  
4 shall be scheduled to mature over a term not to exceed the average  
5 useful life, as certified by the facilities development corporation, of  
6 the projects for which the bonds are issued, and in any case shall not  
7 exceed thirty years and the maximum maturity of notes or any renewals  
8 thereof shall not exceed five years from the date of the original issue  
9 of such notes. Notwithstanding the provisions of this section, the agen-  
10 cy shall have the power and is hereby authorized to issue mental health  
11 services facilities improvement bonds and/or mental health services  
12 facilities improvement notes to refund outstanding mental hygiene  
13 improvement bonds authorized to be issued pursuant to the provisions of  
14 section 47-b of the private housing finance law and the amount of bonds  
15 issued or outstanding for such purposes shall not be included for  
16 purposes of determining the amount of bonds issued pursuant to this  
17 section. The director of the budget shall allocate the aggregate princi-  
18 pal authorized to be issued by the agency among the office of mental  
19 health, office for people with developmental disabilities, and the  
20 office of addiction services and supports, in consultation with their  
21 respective commissioners to finance bondable appropriations previously  
22 approved by the legislature.

23 § 36. Subdivision (a) of section 28 of part Y of chapter 61 of the  
24 laws of 2005, relating to providing for the administration of certain  
25 funds and accounts related to the 2005-2006 budget, as amended by  
26 section 39 of part FFF of chapter 56 of the laws of 2022, is amended to  
27 read as follows:

28 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
29 notwithstanding any provisions of law to the contrary, one or more  
30 authorized issuers as defined by section 68-a of the state finance law  
31 are hereby authorized to issue bonds or notes in one or more series in  
32 an aggregate principal amount not to exceed [one hundred ninety-seven  
33 million dollars \$197,000,000] two hundred forty-seven million dollars  
34 \$247,000,000, excluding bonds issued to finance one or more debt service  
35 reserve funds, to pay costs of issuance of such bonds, and bonds or  
36 notes issued to refund or otherwise repay such bonds or notes previously  
37 issued, for the purpose of financing capital projects for public  
38 protection facilities in the Division of Military and Naval Affairs,  
39 debt service and leases; and to reimburse the state general fund for  
40 disbursements made therefor. Such bonds and notes of such authorized  
41 issuer shall not be a debt of the state, and the state shall not be  
42 liable thereon, nor shall they be payable out of any funds other than  
43 those appropriated by the state to such authorized issuer for debt  
44 service and related expenses pursuant to any service contract executed  
45 pursuant to subdivision (b) of this section and such bonds and notes  
46 shall contain on the face thereof a statement to such effect. Except for  
47 purposes of complying with the internal revenue code, any interest  
48 income earned on bond proceeds shall only be used to pay debt service on  
49 such bonds.

50 § 37. Section 53 of section 1 of chapter 174 of the laws of 1968,  
51 constituting the New York state urban development corporation act, as  
52 amended by section 40 of part FFF of chapter 56 of the laws of 2022, is  
53 amended to read as follows:

54 § 53. 1. Notwithstanding the provisions of any other law to the  
55 contrary, the dormitory authority and the urban development corporation  
56 are hereby authorized to issue bonds or notes in one or more series for

1 the purpose of funding project costs for the acquisition of equipment,  
2 including but not limited to the creation or modernization of informa-  
3 tion technology systems and related research and development equipment,  
4 health and safety equipment, heavy equipment and machinery, the creation  
5 or improvement of security systems, and laboratory equipment and other  
6 state costs associated with such capital projects. The aggregate princi-  
7 pal amount of bonds authorized to be issued pursuant to this section  
8 shall not exceed [three hundred ninety-three million dollars  
9 \$393,000,000] five hundred sixty-eight million dollars \$568,000,000,  
10 excluding bonds issued to fund one or more debt service reserve funds,  
11 to pay costs of issuance of such bonds, and bonds or notes issued to  
12 refund or otherwise repay such bonds or notes previously issued. Such  
13 bonds and notes of the dormitory authority and the urban development  
14 corporation shall not be a debt of the state, and the state shall not be  
15 liable thereon, nor shall they be payable out of any funds other than  
16 those appropriated by the state to the dormitory authority and the urban  
17 development corporation for principal, interest, and related expenses  
18 pursuant to a service contract and such bonds and notes shall contain on  
19 the face thereof a statement to such effect. Except for purposes of  
20 complying with the internal revenue code, any interest income earned on  
21 bond proceeds shall only be used to pay debt service on such bonds.

22 2. Notwithstanding any other provision of law to the contrary, in  
23 order to assist the dormitory authority and the urban development corpo-  
24 ration in undertaking the financing for project costs for the acquisi-  
25 tion of equipment, including but not limited to the creation or modern-  
26 ization of information technology systems and related research and  
27 development equipment, health and safety equipment, heavy equipment and  
28 machinery, the creation or improvement of security systems, and labora-  
29 tory equipment and other state costs associated with such capital  
30 projects, the director of the budget is hereby authorized to enter into  
31 one or more service contracts with the dormitory authority and the urban  
32 development corporation, none of which shall exceed thirty years in  
33 duration, upon such terms and conditions as the director of the budget  
34 and the dormitory authority and the urban development corporation agree,  
35 so as to annually provide to the dormitory authority and the urban  
36 development corporation, in the aggregate, a sum not to exceed the prin-  
37 cipal, interest, and related expenses required for such bonds and notes.  
38 Any service contract entered into pursuant to this section shall provide  
39 that the obligation of the state to pay the amount therein provided  
40 shall not constitute a debt of the state within the meaning of any  
41 constitutional or statutory provision and shall be deemed executory only  
42 to the extent of monies available and that no liability shall be  
43 incurred by the state beyond the monies available for such purpose,  
44 subject to annual appropriation by the legislature. Any such contract or  
45 any payments made or to be made thereunder may be assigned and pledged  
46 by the dormitory authority and the urban development corporation as  
47 security for its bonds and notes, as authorized by this section.

48 § 38. Subdivision (b) of section 11 of chapter 329 of the laws of  
49 1991, amending the state finance law and other laws relating to the  
50 establishment of the dedicated highway and bridge trust fund, as amended  
51 by section 41 of part FFF of chapter 56 of the laws of 2022, is amended  
52 to read as follows:

53 (b) Any service contract or contracts for projects authorized pursuant  
54 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
55 14-k of the transportation law, and entered into pursuant to subdivision  
56 (a) of this section, shall provide for state commitments to provide





1 annually to the thruway authority a sum or sums, upon such terms and  
2 conditions as shall be deemed appropriate by the director of the budget,  
3 to fund, or fund the debt service requirements of any bonds or any obli-  
4 gations of the thruway authority issued to fund or to reimburse the  
5 state for funding such projects having a cost not in excess of [thirteen  
6 billion fifty-three million eight hundred eighty-one thousand dollars  
7 \$13,053,881,000] thirteen billion nine hundred forty-seven million two  
8 hundred thirty-four thousand dollars \$13,947,234,000 cumulatively by the  
9 end of fiscal year [2022-23] 2023-24. For purposes of this subdivision,  
10 such projects shall be deemed to include capital grants to cities, towns  
11 and villages for the reimbursement of eligible capital costs of local  
12 highway and bridge projects within such municipality, where allocations  
13 to cities, towns and villages are based on the total number of New York  
14 or United States or interstate signed touring route miles for which such  
15 municipality has capital maintenance responsibility, and where such  
16 eligible capital costs include the costs of construction and repair of  
17 highways, bridges, highway-railroad crossings, and other transportation  
18 facilities for projects with a service life of ten years or more.

19 § 39. Subdivision 1 of section 1689-i of the public authorities law,  
20 as amended by section 42 of part FFF of chapter 56 of the laws of 2022,  
21 is amended to read as follows:

22 1. The dormitory authority is authorized to issue bonds, at the  
23 request of the commissioner of education, to finance eligible library  
24 construction projects pursuant to section two hundred seventy-three-a of  
25 the education law, in amounts certified by such commissioner not to  
26 exceed a total principal amount of [three hundred thirty-three million  
27 dollars \$333,000,000] three hundred eighty-seven million dollars  
28 \$387,000,000.

29 § 40. Section 44 of section 1 of chapter 174 of the laws of 1968,  
30 constituting the New York state urban development corporation act, as  
31 amended by section 43 of part FFF of chapter 56 of the laws of 2022, is  
32 amended to read as follows:

33 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the  
34 provisions of any other law to the contrary, the dormitory authority and  
35 the corporation are hereby authorized to issue bonds or notes in one or  
36 more series for the purpose of funding project costs for the regional  
37 economic development council initiative, the economic transformation  
38 program, state university of New York college for nanoscale and science  
39 engineering, projects within the city of Buffalo or surrounding envi-  
40 rons, the New York works economic development fund, projects for the  
41 retention of professional football in western New York, the empire state  
42 economic development fund, the clarkson-trudeau partnership, the New  
43 York genome center, the cornell university college of veterinary medi-  
44 cine, the olympic regional development authority, projects at nano  
45 Utica, onondaga county revitalization projects, Binghamton university  
46 school of pharmacy, New York power electronics manufacturing consortium,  
47 regional infrastructure projects, high tech innovation and economic  
48 development infrastructure program, high technology manufacturing  
49 projects in Chautauqua and Erie county, an industrial scale research and  
50 development facility in Clinton county, upstate revitalization initi-  
51 ative projects, downstate revitalization initiative, market New York  
52 projects, fairground buildings, equipment or facilities used to house  
53 and promote agriculture, the state fair, the empire state trail, the  
54 moynihan station development project, the Kingsbridge armory project,  
55 strategic economic development projects, the cultural, arts and public  
56 spaces fund, water infrastructure in the city of Auburn and town of



1 Owasco, a life sciences laboratory public health initiative, not-for-  
2 profit pounds, shelters and humane societies, arts and cultural facili-  
3 ties improvement program, restore New York's communities initiative,  
4 heavy equipment, economic development and infrastructure projects,  
5 Roosevelt Island operating corporation capital projects, Lake Ontario  
6 regional projects, Pennsylvania station and other transit projects,  
7 athletic facilities for professional football in Orchard Park, New York  
8 and other state costs associated with such projects. The aggregate prin-  
9 cipal amount of bonds authorized to be issued pursuant to this section  
10 shall not exceed [fourteen billion nine hundred sixty-eight million four  
11 hundred two thousand dollars \$14,968,402,000] seventeen billion six  
12 hundred fifteen million six hundred two thousand dollars  
13 \$17,615,602,000, excluding bonds issued to fund one or more debt service  
14 reserve funds, to pay costs of issuance of such bonds, and bonds or  
15 notes issued to refund or otherwise repay such bonds or notes previously  
16 issued. Such bonds and notes of the dormitory authority and the corpo-  
17 ration shall not be a debt of the state, and the state shall not be  
18 liable thereon, nor shall they be payable out of any funds other than  
19 those appropriated by the state to the dormitory authority and the  
20 corporation for principal, interest, and related expenses pursuant to a  
21 service contract and such bonds and notes shall contain on the face  
22 thereof a statement to such effect. Except for purposes of complying  
23 with the internal revenue code, any interest income earned on bond  
24 proceeds shall only be used to pay debt service on such bonds.

25 2. Notwithstanding any other provision of law to the contrary, in  
26 order to assist the dormitory authority and the corporation in undertak-  
27 ing the financing for project costs for the regional economic develop-  
28 ment council initiative, the economic transformation program, state  
29 university of New York college for nanoscale and science engineering,  
30 projects within the city of Buffalo or surrounding environs, the New  
31 York works economic development fund, projects for the retention of  
32 professional football in western New York, the empire state economic  
33 development fund, the clarkson-trudeau partnership, the New York genome  
34 center, the cornell university college of veterinary medicine, the olym-  
35 pic regional development authority, projects at nano Utica, onondaga  
36 county revitalization projects, Binghamton university school of pharma-  
37 cy, New York power electronics manufacturing consortium, regional  
38 infrastructure projects, New York State Capital Assistance Program for  
39 Transportation, infrastructure, and economic development, high tech  
40 innovation and economic development infrastructure program, high tech-  
41 nology manufacturing projects in Chautauqua and Erie county, an indus-  
42 trial scale research and development facility in Clinton county, upstate  
43 revitalization initiative projects, downstate revitalization initiative,  
44 market New York projects, fairground buildings, equipment or facilities  
45 used to house and promote agriculture, the state fair, the empire state  
46 trail, the moynihan station development project, the Kingsbridge armory  
47 project, strategic economic development projects, the cultural, arts and  
48 public spaces fund, water infrastructure in the city of Auburn and town  
49 of Owasco, a life sciences laboratory public health initiative, not-for-  
50 profit pounds, shelters and humane societies, arts and cultural facili-  
51 ties improvement program, restore New York's communities initiative,  
52 heavy equipment, economic development and infrastructure projects,  
53 Roosevelt Island operating corporation capital projects, Lake Ontario  
54 regional projects, Pennsylvania station and other transit projects,  
55 athletic facilities for professional football in Orchard Park, New York  
56 and other state costs associated with such projects the director of the



1 budget is hereby authorized to enter into one or more service contracts  
2 with the dormitory authority and the corporation, none of which shall  
3 exceed thirty years in duration, upon such terms and conditions as the  
4 director of the budget and the dormitory authority and the corporation  
5 agree, so as to annually provide to the dormitory authority and the  
6 corporation, in the aggregate, a sum not to exceed the principal, inter-  
7 est, and related expenses required for such bonds and notes. Any service  
8 contract entered into pursuant to this section shall provide that the  
9 obligation of the state to pay the amount therein provided shall not  
10 constitute a debt of the state within the meaning of any constitutional  
11 or statutory provision and shall be deemed executory only to the extent  
12 of monies available and that no liability shall be incurred by the state  
13 beyond the monies available for such purpose, subject to annual appro-  
14 priation by the legislature. Any such contract or any payments made or  
15 to be made thereunder may be assigned and pledged by the dormitory  
16 authority and the corporation as security for its bonds and notes, as  
17 authorized by this section.

18 § 41. Subdivision 1 of section 386-b of the public authorities law, as  
19 amended by section 44 of part FFF of chapter 56 of the laws of 2022, is  
20 amended to read as follows:

21 1. Notwithstanding any other provision of law to the contrary, the  
22 authority, the dormitory authority and the urban development corporation  
23 are hereby authorized to issue bonds or notes in one or more series for  
24 the purpose of financing peace bridge projects and capital costs of  
25 state and local highways, parkways, bridges, the New York state thruway,  
26 Indian reservation roads, and facilities, and transportation infrastruc-  
27 ture projects including aviation projects, non-MTA mass transit  
28 projects, and rail service preservation projects, including work appur-  
29 tenant and ancillary thereto. The aggregate principal amount of bonds  
30 authorized to be issued pursuant to this section shall not exceed [ten  
31 billion one hundred forty-seven million eight hundred sixty-three thou-  
32 sand dollars \$10,147,863,000] twelve billion four hundred eight million  
33 three hundred eleven thousand dollars \$12,408,311,000, excluding bonds  
34 issued to fund one or more debt service reserve funds, to pay costs of  
35 issuance of such bonds, and to refund or otherwise repay such bonds or  
36 notes previously issued. Such bonds and notes of the authority, the  
37 dormitory authority and the urban development corporation shall not be a  
38 debt of the state, and the state shall not be liable thereon, nor shall  
39 they be payable out of any funds other than those appropriated by the  
40 state to the authority, the dormitory authority and the urban develop-  
41 ment corporation for principal, interest, and related expenses pursuant  
42 to a service contract and such bonds and notes shall contain on the face  
43 thereof a statement to such effect. Except for purposes of complying  
44 with the internal revenue code, any interest income earned on bond  
45 proceeds shall only be used to pay debt service on such bonds.

46 § 42. Paragraph (a) of subdivision 2 of section 47-e of the private  
47 housing finance law, as amended by section 45 of part FFF of chapter 56  
48 of the laws of 2022, is amended to read as follows:

49 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
50 thousand, in order to enhance and encourage the promotion of housing  
51 programs and thereby achieve the stated purposes and objectives of such  
52 housing programs, the agency shall have the power and is hereby author-  
53 ized from time to time to issue negotiable housing program bonds and  
54 notes in such principal amount as shall be necessary to provide suffi-  
55 cient funds for the repayment of amounts disbursed (and not previously  
56 reimbursed) pursuant to law or any prior year making capital appropri-

1 ations or reappropriations for the purposes of the housing program;  
2 provided, however, that the agency may issue such bonds and notes in an  
3 aggregate principal amount not exceeding [thirteen billion eighty-two  
4 million eight hundred ninety-one thousand dollars \$13,082,891,000] four-  
5 teen billion four hundred sixty-three million seven hundred five thou-  
6 sand dollars \$14,463,705,000, plus a principal amount of bonds issued to  
7 fund the debt service reserve fund in accordance with the debt service  
8 reserve fund requirement established by the agency and to fund any other  
9 reserves that the agency reasonably deems necessary for the security or  
10 marketability of such bonds and to provide for the payment of fees and  
11 other charges and expenses, including underwriters' discount, trustee  
12 and rating agency fees, bond insurance, credit enhancement and liquidity  
13 enhancement related to the issuance of such bonds and notes. No reserve  
14 fund securing the housing program bonds shall be entitled or eligible to  
15 receive state funds apportioned or appropriated to maintain or restore  
16 such reserve fund at or to a particular level, except to the extent of  
17 any deficiency resulting directly or indirectly from a failure of the  
18 state to appropriate or pay the agreed amount under any of the contracts  
19 provided for in subdivision four of this section.

20 § 43. Subdivision 1 of section 50 of section 1 of chapter 174 of the  
21 laws of 1968, constituting the New York state urban development corpo-  
22 ration act, as amended by section 46 of part FFF of chapter 56 of the  
23 laws of 2022, is amended to read as follows:

24 1. Notwithstanding the provisions of any other law to the contrary,  
25 the dormitory authority and the urban development corporation are hereby  
26 authorized to issue bonds or notes in one or more series for the purpose  
27 of funding project costs undertaken by or on behalf of the state educa-  
28 tion department, special act school districts, state-supported schools  
29 for the blind and deaf, approved private special education schools,  
30 non-public schools, community centers, day care facilities, residential  
31 camps, day camps, Native American Indian Nation schools, and other state  
32 costs associated with such capital projects. The aggregate principal  
33 amount of bonds authorized to be issued pursuant to this section shall  
34 not exceed [three hundred one million seven hundred thousand dollars  
35 \$301,700,000] three hundred sixty-six million seven hundred ninety-nine  
36 thousand dollars \$366,799,000, excluding bonds issued to fund one or  
37 more debt service reserve funds, to pay costs of issuance of such bonds,  
38 and bonds or notes issued to refund or otherwise repay such bonds or  
39 notes previously issued. Such bonds and notes of the dormitory authority  
40 and the urban development corporation shall not be a debt of the state,  
41 and the state shall not be liable thereon, nor shall they be payable out  
42 of any funds other than those appropriated by the state to the dormitory  
43 authority and the urban development corporation for principal, interest,  
44 and related expenses pursuant to a service contract and such bonds and  
45 notes shall contain on the face thereof a statement to such effect.  
46 Except for purposes of complying with the internal revenue code, any  
47 interest income earned on bond proceeds shall only be used to pay debt  
48 service on such bonds.

49 § 44. Subdivision 1 of section 47 of section 1 of chapter 174 of the  
50 laws of 1968, constituting the New York state urban development corpo-  
51 ration act, as amended by section 47 of part FFF of chapter 56 of the  
52 laws of 2022, is amended to read as follows:

53 1. Notwithstanding the provisions of any other law to the contrary,  
54 the dormitory authority and the corporation are hereby authorized to  
55 issue bonds or notes in one or more series for the purpose of funding  
56 project costs for the office of information technology services, depart-



1 ment of law, and other state costs associated with such capital  
2 projects. The aggregate principal amount of bonds authorized to be  
3 issued pursuant to this section shall not exceed [one billion one  
4 hundred fifty-two million five hundred sixty-six thousand dollars  
5 \$1,152,566,000] one billion two hundred eighty-eight million eight  
6 hundred fifty-two thousand dollars \$1,288,852,000, excluding bonds  
7 issued to fund one or more debt service reserve funds, to pay costs of  
8 issuance of such bonds, and bonds or notes issued to refund or otherwise  
9 repay such bonds or notes previously issued. Such bonds and notes of the  
10 dormitory authority and the corporation shall not be a debt of the  
11 state, and the state shall not be liable thereon, nor shall they be  
12 payable out of any funds other than those appropriated by the state to  
13 the dormitory authority and the corporation for principal, interest, and  
14 related expenses pursuant to a service contract and such bonds and notes  
15 shall contain on the face thereof a statement to such effect. Except for  
16 purposes of complying with the internal revenue code, any interest  
17 income earned on bond proceeds shall only be used to pay debt service on  
18 such bonds.

19 § 45. Paragraph (b) of subdivision 1 of section 385 of the public  
20 authorities law, as amended by section 48 of part FFF of chapter 56 of  
21 the laws of 2022, is amended to read as follows:

22 (b) The authority is hereby authorized, as additional corporate  
23 purposes thereof solely upon the request of the director of the budget:

24 (i) to issue special emergency highway and bridge trust fund bonds and  
25 notes for a term not to exceed thirty years and to incur obligations  
26 secured by the moneys appropriated from the dedicated highway and bridge  
27 trust fund established in section eighty-nine-b of the state finance  
28 law; (ii) to make available the proceeds in accordance with instructions  
29 provided by the director of the budget from the sale of such special  
30 emergency highway and bridge trust fund bonds, notes or other obli-  
31 gations, net of all costs to the authority in connection therewith, for  
32 the purposes of financing all or a portion of the costs of activities  
33 for which moneys in the dedicated highway and bridge trust fund estab-  
34 lished in section eighty-nine-b of the state finance law are authorized  
35 to be utilized or for the financing of disbursements made by the state  
36 for the activities authorized pursuant to section eighty-nine-b of the  
37 state finance law; and (iii) to enter into agreements with the commis-  
38 sioner of transportation pursuant to section ten-e of the highway law  
39 with respect to financing for any activities authorized pursuant to  
40 section eighty-nine-b of the state finance law, or agreements with the  
41 commissioner of transportation pursuant to sections ten-f and ten-g of  
42 the highway law in connection with activities on state highways pursuant  
43 to these sections, and (iv) to enter into service contracts, contracts,  
44 agreements, deeds and leases with the director of the budget or the  
45 commissioner of transportation and project sponsors and others to  
46 provide for the financing by the authority of activities authorized  
47 pursuant to section eighty-nine-b of the state finance law, and each of  
48 the director of the budget and the commissioner of transportation are  
49 hereby authorized to enter into service contracts, contracts, agree-  
50 ments, deeds and leases with the authority, project sponsors or others  
51 to provide for such financing. The authority shall not issue any bonds  
52 or notes in an amount in excess of [nineteen billion seven hundred  
53 seventy-six million nine hundred twenty thousand dollars  
54 \$19,776,920,000] twenty billion six hundred forty-eight million five  
55 hundred seven thousand dollars \$20,648,507,000, plus a principal amount  
56 of bonds or notes: (A) to fund capital reserve funds; (B) to provide



capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 46. Subdivision 1 of section 1680-r of the public authorities law, as amended by section 50 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects, the health care facility transformation programs, the essential health care provider program, and other health care capital project costs. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [four billion six hundred fifty-three million dollars \$4,653,000,000] five billion one hundred fifty-three million dollars \$5,153,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 47. Subdivision 1 of section 1680-k of the public authorities law, as amended by section 51 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [forty million eight hundred thirty thousand dollars (\$40,830,000)] forty million nine hundred forty-five thousand dollars \$40,945,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant



1 to any service contract executed pursuant to subdivision two of this  
2 section and such bonds and notes shall contain on the face thereof a  
3 statement to such effect. Except for purposes of complying with the  
4 internal revenue code, any interest income earned on bond proceeds shall  
5 only be used to pay debt service on such bonds.

6 § 48. Intentionally omitted.

7 § 49. Intentionally omitted.

8 § 50. Subdivision 2 of section 58 of section 1 of chapter 174 of the  
9 laws of 1968, constituting the New York state urban development corpo-  
10 ration act, as added by section 56 of part FFF of chapter 56 of the laws  
11 of 2022, is amended to read as follows:

12 2. Definitions. When used in this section:

13 (a) "Commission" shall mean the gateway development commission, a  
14 bi-state commission and a body corporate and politic established by the  
15 state of New Jersey and the state of New York, acting in the public  
16 interest and exercising essential governmental functions in accordance  
17 with the Gateway development commission act, and any successor thereto.

18 (b) "Federal transportation loan" shall mean one or more loans made to  
19 the commission to finance the Hudson tunnel project under or pursuant to  
20 any U.S. Department of Transportation program or act, including but not  
21 limited to the Railroad Rehabilitation & Improvement Financing Program  
22 or the Transportation Infrastructure Finance and Innovation Act, which  
23 loan or loans are related to the state capital commitment.

24 (c) "Gateway development commission act" shall mean chapter 108 of the  
25 laws of New York, 2019, as amended.

26 (d) "Gateway project" shall mean the Hudson tunnel project.

27 (e) "Hudson tunnel project" shall mean the project consisting of  
28 construction of a tunnel connecting the states of New York and New  
29 Jersey and the completion of certain ancillary facilities including  
30 construction of concrete casing at Hudson Yards in Manhattan, New York  
31 and the rehabilitation of the existing North River Tunnels.

32 (f) "State capital commitment" shall mean an aggregate principal  
33 amount not to exceed [\$2,350,000,000] \$2,850,000,000, plus any interest  
34 costs, including capitalized interest, and related expenses and fees  
35 payable by the state of New York to the commission under one or more  
36 service contracts or other agreements pursuant to this section, as well  
37 as any expenses of the state incurred in connection therewith.

38 (g) "Related expenses and fees" shall mean commitment fees and other  
39 ancillary costs, expenses and fees incurred, and to become due and paya-  
40 ble, by the commission in connection with the Federal transportation  
41 loan.

42 § 51. Notwithstanding any law to the contrary, the comptroller is  
43 hereby authorized and directed to transfer, upon request of the director  
44 of the budget, on or before March 31, 2024 the following amounts from  
45 the following special revenue accounts or enterprise funds to the gener-  
46 al fund, for the purposes of offsetting principal and interest costs,  
47 incurred by the state pursuant to section fifty-three of this act,  
48 provided that the annual amount of the transfer shall be no more than  
49 the principal and interest that would have otherwise been due to the  
50 power authority of the state of New York, from any state agency, in a  
51 given state fiscal year. Amounts pertaining to special revenue accounts  
52 assigned to the state university of New York shall be considered inter-  
53 changeable between the designated special revenue accounts as to meet  
54 the requirements of this section and section fifty-three of this act:

55 1. \$15,000,000 from the miscellaneous special revenue fund, state  
56 university general income reimbursable account (22653).



1 2. \$5,000,000 from the miscellaneous special revenue fund, state  
2 university dormitory income reimbursable account (21937).

3 3. \$5,000,000 from the enterprise fund, city university senior college  
4 operating fund (60851).

5 § 52. Section 59 of section 1 of chapter 174 of the laws of 1968,  
6 constituting the New York state urban development corporation act, as  
7 added by section 59 of part FFF of chapter 56 of the laws of 2022, is  
8 amended to read as follows:

9 § 59. The dormitory authority of the state of New York, the New York  
10 state urban development corporation, and the New York state thruway  
11 authority are hereby authorized to issue bonds in one or more series  
12 under either article 5-C or article 5-F of the state finance law for the  
13 purpose of refunding obligations of the power authority of the state of  
14 New York to fund energy efficiency projects at state agencies including,  
15 but not limited to, the state university of New York, city university of  
16 New York, the New York state office of general services, New York state  
17 office of mental health, state education department, and New York state  
18 department of agriculture and markets. The aggregate principal amount  
19 of bonds authorized to be issued pursuant to this section shall not  
20 exceed [two hundred million dollars (\$200,000,000)] four hundred seven-  
21 ty-five million dollars (\$475,000,000), excluding bonds issued to pay  
22 costs of issuance of such bonds and to refund or otherwise repay such  
23 bonds. Such bonds issued by the dormitory authority of the state of New  
24 York, the New York state urban development corporation, and New York  
25 state thruway authority shall not be a debt of the state, and the state  
26 shall not be liable thereon, nor shall they be payable out of any funds  
27 other than those appropriated by the state under article 5-C or article  
28 5-F of the state finance law, as applicable.

29 § 53. Subdivision 1 of section 386-a of the public authorities law, as  
30 amended by section 49 of part FFF of chapter 56 of the laws of 2022, is  
31 amended to read as follows:

32 1. Notwithstanding any other provision of law to the contrary, the  
33 authority, the dormitory authority and the urban development corporation  
34 are hereby authorized to issue bonds or notes in one or more series for  
35 the purpose of assisting the metropolitan transportation authority in  
36 the financing of transportation facilities as defined in subdivision  
37 seventeen of section twelve hundred sixty-one of this chapter or other  
38 capital projects. The aggregate principal amount of bonds authorized to  
39 be issued pursuant to this section shall not exceed twelve billion five  
40 hundred fifteen million eight hundred fifty-six thousand dollars  
41 \$12,515,856,000, excluding bonds issued to fund one or more debt service  
42 reserve funds, to pay costs of issuance of such bonds, and to refund or  
43 otherwise repay such bonds or notes previously issued. Such bonds and  
44 notes of the authority, the dormitory authority and the urban develop-  
45 ment corporation shall not be a debt of the state, and the state shall  
46 not be liable thereon, nor shall they be payable out of any funds other  
47 than those appropriated by the state to the authority, the dormitory  
48 authority and the urban development corporation for principal, interest,  
49 and related expenses pursuant to a service contract and such bonds and  
50 notes shall contain on the face thereof a statement to such effect.  
51 Except for purposes of complying with the internal revenue code, any  
52 interest income earned on bond proceeds shall only be used to pay debt  
53 service on such bonds. Notwithstanding any other provision of law to  
54 the contrary, including the limitations contained in subdivision four of  
55 section sixty-seven-b of the state finance law, (A) any bonds and notes  
56 issued prior to April first, two thousand [twenty-three] twenty-four





1 pursuant to this section may be issued with a maximum maturity of fifty  
2 years, and (B) any bonds issued to refund such bonds and notes may be  
3 issued with a maximum maturity of fifty years from the respective date  
4 of original issuance of such bonds and notes.

5 § 54. Paragraph (b) of subdivision 4 of section 72 of the state  
6 finance law, as amended by section 46 of part JJ of chapter 56 of the  
7 laws of 2020, is amended to read as follows:

8 (b) On or before the beginning of each quarter, the director of the  
9 budget may certify to the state comptroller the estimated amount of  
10 monies that shall be reserved in the general debt service fund for the  
11 payment of debt service and related expenses payable by such fund during  
12 each month of the state fiscal year, excluding payments due from the  
13 revenue bond tax fund. Such certificate may be periodically updated, as  
14 necessary. Notwithstanding any provision of law to the contrary, the  
15 state comptroller shall reserve in the general debt service fund the  
16 amount of monies identified on such certificate as necessary for the  
17 payment of debt service and related expenses during the current or next  
18 succeeding quarter of the state fiscal year. Such monies reserved shall  
19 not be available for any other purpose. Such certificate shall be  
20 reported to the chairpersons of the Senate Finance Committee and the  
21 Assembly Ways and Means Committee. The provisions of this paragraph  
22 shall expire June thirtieth, two thousand [twenty-three] twenty-six.

23 § 55. Paragraph (b) of subdivision 3 and clause (B) of subparagraph  
24 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-  
25 ter 63 of the laws of 2005 relating to the composition and responsibil-  
26 ities of the New York state higher education capital matching grant  
27 board, as amended by section 52 of part FFF of chapter 56 of the laws of  
28 2022, are amended to read as follows:

29 (b) Within amounts appropriated therefor, the board is hereby author-  
30 ized and directed to award matching capital grants totaling [three  
31 hundred forty-five million dollars \$345,000,000] three hundred seventy-  
32 five million dollars \$375,000,000. Each college shall be eligible for a  
33 grant award amount as determined by the calculations pursuant to subdi-  
34 vision five of this section. In addition, such colleges shall be eligi-  
35 ble to compete for additional funds pursuant to paragraph (h) of subdi-  
36 vision four of this section.

37 (B) The dormitory authority shall not issue any bonds or notes in an  
38 amount in excess of [three hundred forty-five million dollars  
39 \$345,000,000] three hundred seventy-five million dollars \$375,000,000  
40 for the purposes of this section; excluding bonds or notes issued to  
41 fund one or more debt service reserve funds, to pay costs of issuance of  
42 such bonds, and bonds or notes issued to refund or otherwise repay such  
43 bonds or notes previously issued. Except for purposes of complying with  
44 the internal revenue code, any interest on bond proceeds shall only be  
45 used to pay debt service on such bonds.

46 § 56. Notwithstanding the provisions of any other law to the contrary,  
47 the dormitory authority and the urban development corporation are hereby  
48 authorized to issue bonds or notes in one or more series for the purpose  
49 of funding project costs for equipment and facilities related to veter-  
50 an's programs and other state costs associated with such capital  
51 projects. The aggregate principal amount of bonds authorized to be  
52 issued pursuant to this section shall not exceed ten million dollars  
53 \$10,000,000, excluding bonds issued to fund one or more debt service  
54 reserve funds, to pay costs of issuance of such bonds, and bonds or  
55 notes issued to refund or otherwise repay such bonds or notes previously  
56 issued. Such bonds and notes of the dormitory authority and the urban



1 development corporation shall not be a debt of the state, and the state  
2 shall not be liable thereon, nor shall they be payable out of any funds  
3 other than those appropriated by the state to the dormitory authority  
4 and the urban development corporation for principal, interest, and  
5 related expenses pursuant to a service contract and such bonds and notes  
6 shall contain on the face thereof a statement to such effect. Except for  
7 purposes of complying with the internal revenue code, any interest  
8 income earned on bond proceeds shall only be used to pay debt service on  
9 such bonds.

10 § 57. Notwithstanding the provisions of any other law to the contrary,  
11 the dormitory authority and the urban development corporation are hereby  
12 authorized to issue bonds or notes in one or more series for the purpose  
13 of funding project costs for equipment for facility upgrades for volun-  
14 teer fire companies and other state costs associated with such capital  
15 projects. The aggregate principal amount of bonds authorized to be  
16 issued pursuant to this section shall not exceed ten million dollars  
17 \$10,000,000, excluding bonds issued to fund one or more debt service  
18 reserve funds, to pay costs of issuance of such bonds, and bonds or  
19 notes issued to refund or otherwise repay such bonds or notes previously  
20 issued. Such bonds and notes of the dormitory authority and the urban  
21 development corporation shall not be a debt of the state, and the state  
22 shall not be liable thereon, nor shall they be payable out of any funds  
23 other than those appropriated by the state to the dormitory authority  
24 and the urban development corporation for principal, interest, and  
25 related expenses pursuant to a service contract and such bonds and notes  
26 shall contain on the face thereof a statement to such effect. Except for  
27 purposes of complying with the internal revenue code, any interest  
28 income earned on bond proceeds shall only be used to pay debt service on  
29 such bonds.

30 § 58. This act shall take effect immediately and shall be deemed to  
31 have been in full force and effect on and after April 1, 2023; provided,  
32 however, that the provisions of sections one, one-a, two, three, four,  
33 five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seven-  
34 teen, eighteen, nineteen, twenty and twenty-two, of this act shall  
35 expire March 31, 2024 when upon such date the provisions of such  
36 sections shall be deemed repealed.

37 PART MM

38 Section 1. The public authorities law is amended by adding a new  
39 section 1680-s to read as follows:

40 § 1680-s. Unemployment insurance fund bond financing. 1. As used in  
41 this section the following terms shall have the following meanings:

42 (a) "Ancillary bond facility" means any interest rate exchange or  
43 similar agreement or any bond insurance policy, letter of credit or  
44 other credit enhancement facility, liquidity facility, guaranteed  
45 investment or reinvestment agreement, or other similar agreement,  
46 arrangement or contract.

47 (b) "Benefitted party" means any person, firm or corporation that  
48 enters into an ancillary bond facility with the authority according to  
49 the provisions of this section.

50 (c) "Bonds" means any bonds, notes, certificates of participation and  
51 other evidence of indebtedness issued by the authority pursuant to  
52 subdivision five of this section.

53 (d) "Bond owners or owners of bonds" means any registered owners of  
54 bonds.



1 (e) "Code" means the United States Internal Revenue Code of 1986, as  
2 amended.

3 (f) "Costs of issuance" means any item of expense directly or indi-  
4 rectly payable or reimbursable by the authority and related to the  
5 authorization, sale, or issuance of bonds, including, but not limited  
6 to, underwriting fees and fees and expenses of professional consultants  
7 and fiduciaries.

8 (g) "Debt service" means actual debt service, comprised of principal,  
9 interest and associated costs, as defined in section five hundred  
10 fifty-four of the labor law.

11 (h) "Director of the budget" or "director" means the director of the  
12 budget of the state of New York.

13 (i) "Financing agreement" means any agreement authorized pursuant to  
14 subdivision four of this section between the commissioner of labor, the  
15 commissioner of taxation and finance and the authority.

16 (j) "Financing costs" means all costs of issuance, capitalized inter-  
17 est, capitalized operating expenses of the authority and, pursuant to  
18 the financing agreement, the initial capitalized operating expenses of  
19 the waiver agreement management office and debt service reserves, fees,  
20 costs of any ancillary bond facility, and any other fees, discounts,  
21 expenses and costs related to issuing, securing and marketing the bonds  
22 including, without limitation, any net original issue discount.

23 (k) "Investment securities" means: (i) general obligations of, or  
24 obligations guaranteed by, any state of the United States of America or  
25 political subdivision thereof, or the District of Columbia or any agency  
26 or instrumentality of any of them, receiving one of the three highest  
27 long-term unsecured debt rating categories available for such securities  
28 of at least one independent rating agency, or (ii) certificates of  
29 deposit, savings accounts, time deposits or other obligations or  
30 accounts of banks or trust companies in the state, secured, if the  
31 authority shall so require, in such manner as the authority may so  
32 determine, or (iii) obligations in which the comptroller is authorized  
33 to invest pursuant to either section ninety-eight or ninety-eight-a of  
34 the state finance law.

35 (l) "Interest rate exchange or similar agreement" means a written  
36 contract entered into in connection with the issuance of bonds or with  
37 such bonds outstanding with a counterparty to provide for an exchange or  
38 swap of payments based upon fixed and/or variable interest rates, and  
39 shall be for exchanges in currency of the United States of America only.

40 (m) "Net proceeds" means the amount of proceeds remaining following  
41 each sale of bonds which are not required by the authority for purposes  
42 of this section to pay or provide for debt service or financing costs,  
43 as provided in the financing agreement.

44 (n) "Operating expenses" means the reasonable or necessary operating  
45 expenses of the authority for purposes of this section, including, with-  
46 out limitation, the costs of: retention of auditors, preparation of  
47 accounting and other reports, maintenance of the ratings on the bonds,  
48 any operating expense reserve fund, insurance premiums, ancillary bond  
49 facilities, rebate payments, annual meetings or other required activ-  
50 ities of the authority, and professional consultants and fiduciaries.

51 (o) "Outstanding", when used with respect to bonds, shall exclude  
52 bonds that shall have been paid in full at maturity, or shall have  
53 otherwise been refunded, redeemed, defeased or discharged, or that may  
54 be deemed not outstanding pursuant to agreements with the holders there-  
55 of.



1     

(p) "Pledged assessments revenues", "pledged revenues" or "pledged  
2 assessments" means receipts of a percentage of contributions imposed on  
3 employers pursuant to article eighteen of the labor law and pledged for  
4 the payment of debt service on the bonds or amounts due pursuant to an  
5 ancillary bond facility, including the right to receive same, in an  
6 amount determined by the commissioner of labor, the commissioner of  
7 taxation and finance and the authority.

8     

(q) "State" means the state of New York.

9     

(r) "Unemployment insurance trust fund bond financing agreement" or  
10 "financing agreement" means an agreement authorized and created pursuant  
11 to subdivision four of this section and section five hundred fifty-four  
12 of the labor law, as same by its terms and bond proceedings, may be  
13 amended.

14     

2. The authority is hereby authorized to issue bonds to reduce the  
15 contributions of employers under section five hundred fifty of the labor  
16 law as a result of obligations owed to the "Unemployment Insurance Trust  
17 Fund" of the United States government or its authorized agent. The  
18 authority may enter into one or more unemployment insurance trust fund  
19 bond financing agreements described in section five hundred fifty-four  
20 of the labor law. All of the provisions of the authority relating to  
21 bonds and notes which are not inconsistent with the provisions of this  
22 section shall apply to obligations authorized by this section, including  
23 but not limited to the power to establish adequate reserves therefor and  
24 to issue renewal notes or refunding bonds thereof. The provisions of  
25 this section shall apply solely to obligations authorized by this  
26 section.

27     

3. It is found and declared that obligations owed to the "Unemployment  
28 Insurance Trust Fund" will, absent provision for long-term financing,  
29 result in the imposition of increased costs on employers through unem-  
30 ployment insurance assessments and contributions; that such increased  
31 assessments and contributions may have a detrimental impact on busi-  
32 nesses in New York state and on their ability to hire and retain employ-  
33 ees; that without such financing employers will continue to be required  
34 to pay higher assessments and contributions to pay such obligations;  
35 that the bonds will provide a more efficient means of covering such  
36 obligations in the short-term; that bonds issued by the authority would  
37 allow the state to limit the assessments and contributions needed to pay  
38 such obligations, thereby furthering the policy of the state to improve  
39 the business climate in the state; that all costs of the authority in  
40 relation to this section shall be paid from contributions provided for  
41 in the labor law; and that, therefore, the provisions of this section  
42 are for the public benefit and good and the authorization as provided in  
43 this section for the issuance of revenue obligations of the authority is  
44 declared to be for a public purpose and the exercise of an essential  
45 governmental function.

46     

4. (a) The authority, the commissioner of taxation and finance and the  
47 commissioner of labor shall execute a financing agreement prior to the  
48 issuance of any bonds. Such agreement shall contain such terms and  
49 conditions as are necessary to carry out and effectuate the purposes of  
50 this section, including covenants with respect to the assessment and  
51 enforcement of the assessments, the application and use of the proceeds  
52 of the sale of bonds to preserve the tax-exemption on the bonds, the  
53 interest on which is intended to be exempt from taxation. The state  
54 shall not be authorized to make any covenant, pledge, promise or agree-  
55 ment purporting to bind the state with respect to pledged revenues,  
56 except as otherwise specifically authorized by this section.



1     (b) The net proceeds of the bonds shall be deposited in accordance  
2 with the financing agreement and this section. Not inconsistent with  
3 this section, the authority may provide restrictions on the use and  
4 investment of net proceeds of the bonds and other amounts in the financ-  
5 ing agreement or otherwise in a tax regulatory agreement as necessary or  
6 desirable to assure that they are exempt from taxation.

7     5. (a) (i) The authority shall have the power and is hereby authorized  
8 to issue its bonds at such times and in such aggregate principal amount  
9 not to exceed two billion dollars (\$2,000,000,000) excluding bonds  
10 issued to finance one or more debt service reserve funds, to pay costs  
11 of issuance of such bonds, and bonds or notes issued to refund or other-  
12 wise repay such bonds or notes previously issued. The bonds shall be  
13 issued for the purpose of reducing the obligations owed to the "Unem-  
14 ployment Insurance Trust Fund" of the United States government or its  
15 authorized agent.

16     (ii) Each issuance of bonds shall be authorized by a resolution of the  
17 authority, provided, however, that any such resolution authorizing the  
18 issuance of bonds may delegate to an officer of the authority the power  
19 to issue such bonds from time to time and to fix the details of any such  
20 issues of bonds by an appropriate certificate of such authorized offi-  
21 cer. Every issue of the bonds of the authority for the unemployment  
22 insurance trust fund shall be special revenue obligations payable from  
23 and secured by a pledge of revenues and other assets, including those  
24 proceeds of such bonds deposited in a reserve fund for the benefit of  
25 bondholders, earnings on funds of the authority and such other funds and  
26 assets as may become available, upon such terms and conditions as speci-  
27 fied by the authority in the resolution under which the bonds are issued  
28 or in a related trust indenture.

29     (iii) The authority shall have the power and is hereby authorized from  
30 time to time to issue bonds to refund any bonds issued under this  
31 section by the issuance of new bonds, whether the bonds to be refunded  
32 have or have not matured, and to issue bonds partly to refund bonds then  
33 outstanding and partly for any of its other corporate purposes under  
34 this section. The refunding bonds may be exchanged for the bonds to be  
35 refunded or sold and the proceeds applied to the purchase, redemption or  
36 payment of such bonds.

37     (b) The bonds of the authority of each issue shall be dated, shall  
38 bear interest (which, in the opinion of bond counsel to the authority,  
39 may be includable in or excludable from the gross income of the owners  
40 for federal income tax purposes) at such fixed or variable rates, paya-  
41 ble at or prior to maturity, and shall mature at such time or times, as  
42 may be determined by the authority and may be made redeemable before  
43 maturity, at the option of the authority, at such price or prices and  
44 under such terms and conditions as may be fixed by the authority. The  
45 principal and interest of such bonds may be made payable in any lawful  
46 medium. The resolution or the certificate of the authorized officer  
47 shall determine the form of the bonds, either registered or book-entry  
48 form, and the manner of execution of the bonds and shall fix the denomi-  
49 nation or denominations of the bonds and the place or places of payment  
50 of principal and interest thereof, which may be at any bank or trust  
51 company within or outside the state. If any officer whose signature or a  
52 facsimile thereof appears on any bonds shall cease to be such officer  
53 before the delivery of such bonds, such signature or facsimile shall  
54 nevertheless be valid and sufficient for all purposes the same as if  
55 such officer had remained in office until such delivery. The authority

1 may also provide for temporary bonds and for the replacement of any  
2 bonds that shall become mutilated or shall be destroyed or lost.

3 (c) The authority may sell such bonds in such manner, either at a  
4 public or private sale and either on a competitive or negotiated basis,  
5 provided no such bonds may be sold by the authority at private sale  
6 unless such sale and the terms thereof have been approved in writing by  
7 the comptroller of the state of New York. The proceeds of such bonds  
8 shall be disbursed for the purposes for which such bonds were issued  
9 under such restrictions as the financing agreement and the resolution  
10 authorizing the issuance of such bonds or the related trust indenture  
11 may provide. Such bonds shall be issued upon approval of the authority  
12 and without any other approvals, filings, proceedings or the happening  
13 of any other conditions or things other than the approvals, findings,  
14 proceedings, conditions, and things that are specified and required by  
15 this section. Provided, however, that any issuance of bonds under the  
16 authority of this section shall be considered a project for the purposes  
17 of section fifty-one of this chapter, and subject to approval under such  
18 section.

19 (d) Any pledge made by the authority shall be valid and binding at the  
20 time the pledge is made. The assets, property, revenues, reserves or  
21 earnings so pledged shall immediately be subject to the lien of such  
22 pledge without any physical delivery thereof or further act and the lien  
23 of any such pledge shall be valid and binding as against all parties  
24 having claims of any kind against the authority, irrespective of whether  
25 such parties have notice thereof. Notwithstanding any other provision of  
26 law to the contrary, neither the bond resolution nor any indenture or  
27 other instrument, including the financing agreement, by which a pledge  
28 is created or by which the authority's interest in pledged assets, prop-  
29 erty, revenues, reserves or earnings thereon is assigned need be filed,  
30 perfected or recorded in any public records in order to protect the  
31 pledge thereof or perfect the lien thereof as against third parties,  
32 except that a copy thereof shall be filed in the records of the authori-  
33 ty.

34 (e) Whether or not the bonds of the authority are of such form and  
35 character as to be negotiable instruments under the terms of the uniform  
36 commercial code, the bonds are hereby made negotiable instruments for  
37 all purposes, subject only to the provisions of the bonds for registra-  
38 tion.

39 (f) At the sole discretion of the authority, any bonds issued by the  
40 authority and any ancillary bond facility made under the provisions of  
41 this subdivision may be secured by a resolution or trust indenture by  
42 and between the authority and the trust indenture trustee, which may be  
43 any trust company or bank having the powers of a trust company, whether  
44 located within or outside the state, provided it is carried out in  
45 accordance with section sixty-nine-d of the state finance law. Such  
46 trust indenture or resolution providing for the issuance of such bonds  
47 may provide for the creation and maintenance of such reserves as the  
48 authority shall determine to be proper and may include covenants setting  
49 forth the duties of the authority in relation to the bonds, the income  
50 of the authority, or the financing agreement. Such trust indenture or  
51 resolution may contain provisions: (i) respecting the custody, safe-  
52 guarding and application of all moneys and securities; (ii) protecting  
53 and enforcing the rights and remedies (pursuant to the trust indenture  
54 and the financing agreement) of the owners of the bonds and any other  
55 benefited party as may be reasonable and proper and not in violation of  
56 law; (iii) concerning the rights, powers and duties of the trustee



1 appointed by bondholders pursuant to paragraph (g) of this subdivision;  
2 or (iv) limiting or abrogating the right of the bondholders to appoint a  
3 trustee. It shall be lawful for any bank or trust company which may act  
4 as depository of the proceeds of bonds or of any other funds or obli-  
5 gations received on behalf of the authority to furnish such indemnifying  
6 bonds or to pledge such securities as may be required by the authority.  
7 Any such trust indenture or resolution may contain such other provisions  
8 as the authority may deem reasonable and proper for priorities and  
9 subordination among the owners of the bonds and other beneficiaries.  
10 For purposes of this section, a "resolution" of the authority shall  
11 include any trust indenture authorized thereby.

12 (g) The authority may enter into, amend or terminate, as it determines  
13 to be necessary or appropriate, any ancillary bond facility (i) to  
14 facilitate the issuance, sale, resale, purchase, repurchase or payment  
15 of bonds, interest rate savings or market diversification or the making  
16 or performance of interest rate exchange or similar agreements, includ-  
17 ing without limitation bond insurance, letters of credit and liquidity  
18 facilities, (ii) to attempt to manage or hedge risk or achieve a desira-  
19 ble effective interest rate or cash flow, or (iii) to place the obli-  
20 gations or investments of the authority, as represented by the bonds or  
21 the investment of reserved bond proceeds or other pledged revenues or  
22 other assets, in whole or in part, on the interest rate, cash flow or  
23 other basis, which facility may include without limitation contracts  
24 commonly known as interest rate exchange or similar agreements, forward  
25 purchase contracts or guaranteed investment contracts and futures or  
26 contracts providing for payments based on levels of, or changes in,  
27 interest rates. These contracts or arrangements may be entered into by  
28 the authority in connection with, or incidental to, entering into, or  
29 maintaining any (i) agreement which secures bonds of the authority or  
30 (ii) investment, or contract providing for investment of reserves or  
31 similar facility guaranteeing an investment rate for a period of years  
32 not to exceed the underlying term of the bonds. The determination by the  
33 authority that an ancillary bond facility or the amendment or termi-  
34 nation thereof is necessary or appropriate as aforesaid shall be conclu-  
35 sive. Any ancillary bond facility may contain such payment, security,  
36 default, remedy, and termination provisions and payments and other terms  
37 and conditions as determined by the authority, after giving due consid-  
38 eration to the creditworthiness of the counterparty or other obligated  
39 party, including any rating by any nationally recognized rating agency,  
40 and any other criteria as may be appropriate.

41 (h) The authority, subject to such agreements with bondholders as may  
42 then exist (including provisions which restrict the power of the author-  
43 ity to purchase bonds), or with the providers of any applicable ancil-  
44 lary bond facility, shall have the power out of any funds available  
45 therefor to purchase bonds of the authority, which may or may not there-  
46 upon be cancelled, at a price not substantially exceeding:

47 (i) if the bonds are then redeemable, the redemption price then appli-  
48 cable, including any accrued interest; or

49 (ii) if the bonds are not then redeemable, the redemption price and  
50 accrued interest applicable on the first date after such purchase upon  
51 which the bonds become subject to redemption.

52 (i) Neither the members of the authority nor any other person execut-  
53 ing the bonds or an ancillary bond facility of the authority shall be  
54 subject to any personal liability by reason of the issuance or execution  
55 and delivery thereof.



1     (j) The maturities of the bonds shall not exceed fifteen years from  
2 their respective issuance dates.

3     6. Neither any bond issued pursuant to this section nor any ancillary  
4 bond facility of the authority shall constitute a debt or moral obli-  
5 gation of the state or a state supported obligation within the meaning  
6 of any constitutional or statutory provision or a pledge of the faith  
7 and credit of the state or of the taxing power of the state, and the  
8 state shall not be liable to make any payments thereon nor shall any  
9 bond or any ancillary bond facility be payable out of any funds or  
10 assets other than pledged revenues and other assets of the authority and  
11 other funds and assets of or available to the authority pledged there-  
12 for, and the bonds and any ancillary bond facility of the authority  
13 shall contain on the face thereof or other prominent place thereon a  
14 statement to the foregoing effect.

15     7. (a) Subject to the provisions of subdivision five of this section  
16 in the event that the authority shall default in the payment of princi-  
17 pal of, or interest on, or sinking fund payment on, any issue of bonds  
18 after the same shall become due, whether at maturity or upon call for  
19 redemption, or in the event that the authority or the state shall fail  
20 to comply with any agreement made with the holders of any issue of  
21 bonds, the holders of twenty-five percent in aggregate principal amount  
22 of the bonds of such issue then outstanding, by instrument or instru-  
23 ments filed in the office of the clerk of the county of Albany and  
24 proved or acknowledged in the same manner as a deed to be recorded, may  
25 appoint a trustee to represent the holders of such bonds for the  
26 purposes herein provided.

27     (b) Such trustee may, and upon written request of the holders of twen-  
28 ty-five percent in principal amount of such bonds then outstanding  
29 shall, in his, her or its own name:

30     (i) by suit, action or proceeding in accordance with the civil prac-  
31 tice law and rules, enforce all rights of the bondholders, including the  
32 right to require the authority to carry out any agreement with such  
33 holders and to perform its duties under this section;

34     (ii) bring suit upon such bonds;

35     (iii) by action or suit, require the authority to account as if it  
36 were the trustee of an express trust for the holders of such bonds;

37     (iv) by action or suit, enjoin any acts or things which may be unlaw-  
38 ful or in violation of the rights of the holders of such bonds; and

39     (v) declare all such bonds due and payable, and if all defaults shall  
40 be made good, then, with the consent of the holders of twenty-five  
41 percent of the principal amount of such bonds then outstanding, annul  
42 such declaration and its consequences, provided, however, that nothing  
43 in this subdivision shall preclude the authority from agreeing that  
44 consent of the provider of an ancillary bond facility is required for an  
45 acceleration of related bonds in the event of a default other than a  
46 failure to pay principal of or interest on the bonds when due.

47     (c) The supreme court shall have jurisdiction of any suit, action or  
48 proceeding by the trustee on behalf of such bondholders. The venue of  
49 any such suit, action or proceeding shall be laid in the county of Alba-  
50 ny.

51     (d) Before declaring the principal of bonds due and payable, the trus-  
52 tee shall first give thirty days notice in writing to the authority.

53     8. All monies of the authority from whatever source derived shall be  
54 paid to the treasurer of the authority and shall be deposited forthwith  
55 in a bank or banks designated by the authority. The monies in such  
56 accounts shall be paid out or withdrawn on the order of such person or





1 persons as the authority may authorize to make such requisitions. All  
2 deposits of such monies shall either be secured by obligations of the  
3 United States or of the state or of any municipality of a market value  
4 equal at all times to the amount on deposit, or monies of the authority  
5 may be deposited in money market funds rated in the highest short-term  
6 or long-term rating category by at least one nationally recognized  
7 rating agency. To the extent practicable, and consistent with the  
8 requirements of the authority, all such monies shall be deposited in  
9 interest bearing accounts. The authority shall have power, notwithstand-  
10 ing the provisions of this section, to contract with the holders of any  
11 bonds as to the custody, collection, security, investment and payment of  
12 any monies of the authority or any monies held in trust or otherwise for  
13 the payment of bonds or any way to secure bonds, and carry out any such  
14 contract notwithstanding that such contract may be inconsistent with the  
15 provisions of this section. Monies held in trust or otherwise for the  
16 payment of bonds or in any way to secure bonds and deposits of such  
17 moneys may be secured in the same manner as monies of the authority and  
18 all banks and trust companies are authorized to give such security for  
19 such deposits. Any monies of the authority not required for immediate  
20 use or disbursement may, at the discretion of the authority, be invested  
21 in accordance with law and such guidelines as are approved by the  
22 authority.

23 9. (a) It is hereby determined that the carrying out by the authority  
24 of its corporate purposes under this section are in all respects for the  
25 benefit of the people of the state of New York and are public purposes.  
26 Accordingly, the authority shall be regarded as performing an essential  
27 governmental function in the exercise of the powers conferred upon it by  
28 this section. The property of the authority, its income and its oper-  
29 ations shall be exempt from taxation, assessments, special assessments  
30 and ad valorem levies. The authority shall not be required to pay any  
31 fees, taxes, special ad valorem levies or assessments of any kind,  
32 whether state or local, including, but not limited to, real property  
33 taxes, franchise taxes, sales taxes or other taxes, upon or with respect  
34 to any property owned by it or under its jurisdiction, control or super-  
35 vision, or upon the uses thereof, or upon or with respect to its activ-  
36 ities or operations in furtherance of the powers conferred upon it by  
37 this section, or upon or with respect to any assessments, rates, charg-  
38 es, fees, revenues or other income received by the authority.

39 (b) Any bonds issued pursuant to this section, their transfer and the  
40 income therefrom shall, at all times, be exempt from taxation except for  
41 estate or gift taxes and taxes on transfers.

42 (c) The state hereby covenants with the purchasers and with all subse-  
43 quent holders and transferees of bonds issued by the authority pursuant  
44 to this section, in consideration of the acceptance of and payment for  
45 the bonds, that the bonds of the authority issued pursuant to this  
46 section and the income therefrom and all assessments, revenues, moneys,  
47 and other property received by the authority and pledged to pay or to  
48 secure the payment of such bonds shall at all times be exempt from taxa-  
49 tion.

50 (d) In the case of any bonds of the authority, interest on which is  
51 intended to be exempt from federal income tax, the authority shall  
52 prescribe restrictions on the use of the proceeds thereof and related  
53 matters only as are necessary or desirable to assure such exemption, and  
54 the recipients of such proceeds shall be bound thereby to the extent  
55 such restrictions shall be made applicable to them. Any such recipient,  
56 including, but not limited to, the state, the state insurance fund, a



1 public benefit corporation, and a school district or municipality is  
2 authorized to execute a tax regulatory agreement with the authority or  
3 the state, as the case may be, and the execution of such an agreement  
4 may be treated by the authority or the state as a condition to receiving  
5 any such proceeds.

6 10. (a) The state, solely with respect to the resources of the unem-  
7 ployment insurance trust fund and as set forth in the financing agree-  
8 ment, covenants with the purchasers and all subsequent owners and trans-  
9 ferees of bonds issued by the authority pursuant to this section in  
10 consideration of the acceptance of the payment of the bonds, until the  
11 bonds, together with the interest thereon, with interest on any unpaid  
12 installment of interest and all costs and expenses in connection with  
13 any action or proceeding on behalf of the owners, are fully met and  
14 discharged or unless expressly permitted or otherwise authorized by the  
15 terms of each financing agreement and any contract made or entered into  
16 by the authority with or for the benefit of such owners, (i) that in the  
17 event bonds of the authority are sold as federally tax-exempt bonds, the  
18 state shall not take any action or fail to take action that would result  
19 in the loss of such federal tax exemption on said bonds, (ii) that the  
20 state may impose, charge, raise, levy, collect and apply the pledged  
21 assessments and other revenues, receipts, funds or moneys pledged for  
22 the payment of debt service requirements in each year in which bonds are  
23 outstanding, and (iii) further, that the state (A) will not materially  
24 limit or alter the duties imposed on the unemployment insurance trust  
25 fund, the authority and other officers of the state by the unemployment  
26 insurance trust fund financing agreement and the bond proceedings  
27 authorizing the issuance of bonds with respect to application of pledged  
28 assessments or other revenues, receipts, funds or moneys pledged for the  
29 payment of debt service requirements, (B) will not issue any bonds,  
30 notes or other evidences of indebtedness, other than the bonds, having  
31 any rights arising out of this section or secured by any pledge of or  
32 other lien or charge on the pledged revenues or other receipts, funds or  
33 moneys pledged for the payment of debt service requirements, (C) will  
34 not create or cause to be created any lien or charge on the pledged  
35 revenues, other than a lien or pledge created thereon pursuant to said  
36 sections, (D) will carry out and perform, or cause to be carried out and  
37 performed, each and every promise, covenant, agreement or contract made  
38 or entered into by the unemployment insurance trust fund financing  
39 agreement, by the authority or on its behalf with the bond owners of any  
40 bonds, (E) will not in any way impair the rights, exemptions or remedies  
41 of the bond owners, and (F) will not limit, modify, rescind, repeal or  
42 otherwise alter the rights or obligations of the appropriate officers of  
43 the state to impose, maintain, charge or collect the assessments and  
44 other revenues or receipts constituting the pledged revenues as may be  
45 necessary to produce sufficient revenues to fulfill the terms of the  
46 proceedings authorizing the issuance of the bonds, including pledged  
47 revenue coverage requirements, provided, however, (i) the remedies  
48 available to the authority and the bondholders for any breach of the  
49 pledges and agreements of the state set forth in this subclause shall be  
50 limited to injunctive relief, (ii) nothing in this subdivision shall  
51 prevent the authority from issuing evidences of indebtedness (A) which  
52 are secured by a pledge or lien which is, and shall on the face thereof,  
53 be expressly subordinate and junior in all respects to every lien and  
54 pledge created by or pursuant to said sections, or (B) which are secured  
55 by a pledge of or lien on moneys or funds derived on or after the date  
56 every pledge or lien thereon created by or pursuant to said sections



1 shall be discharged and satisfied, and (iii) nothing in this subdivision  
2 shall preclude the state from exercising its power, through a change in  
3 law, to limit, modify, rescind, repeal or otherwise alter the character  
4 of the pledged assessments or revenues or to substitute like or differ-  
5 ent sources of assessments, taxes, fees, charges or other receipts as  
6 pledged revenues if and when adequate provision shall be made by law for  
7 the protection of the holders of outstanding bonds pursuant to the  
8 proceedings under which the bonds are issued, including changing or  
9 altering the method of establishing the employer contribution rates.

10 The authority is authorized to include this covenant of the state, as  
11 a contract of the state, in any agreement with the owner of any bonds  
12 issued pursuant to this section and in any credit facility or reimburse-  
13 ment agreement with respect to such bonds. Notwithstanding these pledges  
14 and agreements by the state, the attorney general may in his or her  
15 discretion enforce any and all provisions related to the unemployment  
16 insurance trust fund, without limitation.

17 (b) Prior to the date which is one year and one day after the authori-  
18 ty no longer has any bonds issued pursuant to this section outstanding,  
19 the authority shall have no authority to file a voluntary petition under  
20 chapter nine of the federal bankruptcy code or such corresponding chap-  
21 ter or sections as may, from time to time, be in effect, and neither any  
22 public officer nor any organization, entity or other person shall  
23 authorize the authority to be or become a debtor under chapter nine or  
24 any successor or corresponding chapter or sections during such period.  
25 The state hereby covenants with the owners of the bonds of the authority  
26 that the state will not limit or alter the denial of authority under  
27 this subdivision during the period referred to in the preceding  
28 sentence. The authority is authorized to include this covenant of the  
29 state, as a contract of the state, in any agreement with the owner of  
30 any bonds issued pursuant to this section.

31 (c) To the extent deemed appropriate by the authority any pledge and  
32 agreement of the state with respect to the bonds as provided in this  
33 section may be extended to, and included in, any ancillary bond facility  
34 as a pledge and agreement of the state with the authority and the bene-  
35 fited party.

36 11. The bonds of the authority are hereby made securities in which all  
37 public officers and bodies of this state and all municipalities and  
38 political subdivisions, all insurance companies and associations and  
39 other persons carrying on an insurance business, all banks, bankers,  
40 trust companies, savings banks and savings associations, including  
41 savings and loan associations, building and loan associations, invest-  
42 ment companies and other persons carrying on a banking business, all  
43 administrators, guardians, executors, trustees and other fiduciaries,  
44 and all other persons whatsoever who are now or may hereafter be author-  
45 ized to invest in bonds or in other obligations of the state, may prop-  
46 erly and legally invest funds, including capital, in their control or  
47 belonging to them. The bonds are also hereby made securities which may  
48 be deposited with and may be received by all public officers and bodies  
49 of the state and all municipalities, political subdivisions and public  
50 corporations for any purpose for which the deposit of bonds or other  
51 obligations of the state is now or may hereafter be authorized.

52 12. (a) An action against the authority for death, personal injury or  
53 property damage or founded on tort shall not be commenced more than one  
54 year and ninety days after the cause of action thereof shall have  
55 accrued nor unless a notice of claim shall have been served on a member  
56 of the authority or officer or employee thereof designated by the



1 authority for such purpose, within the time limited by, and in compli-  
2 ance with the requirements of section fifty-e of the general municipal  
3 law.

4 (b) The venue of every action, suit or special proceeding brought  
5 against the authority or concerning the validity of this section shall  
6 be laid in the county of Albany.

7 (c) The bonds, and any obligation of the authority under any ancillary  
8 bond facility, may contain a recital that they are issued or executed,  
9 respectively, pursuant to this section, which recital shall be conclu-  
10 sive evidence of the validity of the bonds and any such obligation,  
11 respectively, and the regularity of the proceedings of the authority  
12 relating thereto.

13 13. Any action or proceeding to which the authority or the people of  
14 the state may be parties, in which any question arises as to the validi-  
15 ty of this section, shall be preferred over all other civil causes of  
16 action or cases, except election causes of action or cases, in all  
17 courts of the state and shall be heard and determined in preference to  
18 all other civil business pending therein, except election causes, irre-  
19 spective of position on the calendar. The same preference shall be  
20 granted upon application of the authority or its counsel in any action  
21 or proceeding questioning the validity of this section in which the  
22 authority may be allowed to intervene.

23 § 2. The labor law is amended by adding a new section 554 to read as  
24 follows:

25 § 554. Unemployment insurance trust fund bonds. 1. The commissioner,  
26 with the commissioner of taxation and finance, is authorized to enter  
27 into a financing agreement with the authority, to be known as the "unem-  
28 ployment insurance trust fund bond financing agreement". Such agreement  
29 shall set forth the process for calculating the annual debt service of  
30 bonds issued by the dormitory authority and any other associated costs  
31 in connection with the unemployment insurance trust fund, as set forth  
32 in section sixteen hundred eighty-s of the public authorities law. For  
33 purposes of this section, "associated costs" may include a coverage  
34 factor, reserve fund requirements, all costs of any nature incurred by  
35 the authority in connection with the unemployment insurance trust fund  
36 bond financing agreement or pursuant thereto, the costs of any independ-  
37 ent audits undertaken under this section, and any other costs for the  
38 implementation of this subdivision and the issuance of bonds by the  
39 authority, including interest rate exchange payments, rebate payments,  
40 liquidity fees, credit provider fees, fiduciary fees, remarketing, deal-  
41 er, auction agent and related fees and other similar bond-related  
42 expenses, unless otherwise funded. By September first of each year, the  
43 dormitory authority shall provide to the commissioner the calculation of  
44 the amount expected to be paid by the authority in debt service and  
45 associated costs for purposes of calculating the assessments for the  
46 debt service portion of the assessment provided for under this chapter.  
47 All monies received on account of such assessments shall be applied in  
48 accordance with this chapter and with the unemployment insurance trust  
49 fund bond financing agreement until the financial obligations of the  
50 authority in respect to its contract with its bondholders are met and  
51 all associated costs payable to or by the authority have been paid,  
52 notwithstanding any other provision of law respecting secured trans-  
53 actions. This provision may be included by the authority in any contract  
54 of the authority with its bondholders. The unemployment insurance trust  
55 fund bond financing agreement may restrict disbursements, investments,  
56 or rebates, and may prescribe a system of accounts applicable to the



1 unemployment insurance trust fund as consistent with the provisions of  
2 this chapter governing such fund, including custody of funds and  
3 accounts with a trustee that may be prescribed by the authority as part  
4 of its contract with the bondholders. For purposes of this subdivision,  
5 the term "bonds" shall include notes issued in anticipation of the issu-  
6 ance of bonds, or notes issued pursuant to a commercial paper program.

7 2. The commissioner is hereby authorized to receive and credit to the  
8 unemployment insurance trust fund any sum or sums that may at any time  
9 be contributed to the state by the United States of America under any  
10 act of Congress, or otherwise, to which the state may be or become enti-  
11 tled by reason of any payments made out of such fund.

12 § 3. This act shall take effect immediately.

13 PART NN

14 Section 1. Short title. This act shall be known and may be cited as  
15 the "Suffolk county water quality restoration act".

16 § 2. Legislative intent. The county of Suffolk ("county"), with a  
17 population of one million five hundred thousand persons, has in excess  
18 of three hundred eighty thousand existing onsite wastewater disposal  
19 systems, comprised mostly of cesspools and septic systems, with two  
20 hundred nine thousand of these onsite systems in environmentally sensi-  
21 tive areas which could benefit from nitrogen-reducing technologies. The  
22 United States Environmental Protection Agency recognizes Long Island as  
23 having a sole source aquifer system for its drinking water supply.  
24 Suffolk county has an imminent need to preserve this valuable water  
25 resource by reducing the amount of nitrogen discharged into the ground-  
26 water by onsite systems. The full water cycle is impacted by increasing  
27 quantities of nutrients, pathogens, pesticides, volatile organic contam-  
28 inants and saltwater intrusion, as well as a number of emerging threats  
29 such as prescription drugs and sea level rise.

30 The Suffolk county subwatersheds wastewater plan ("SWP"), certified by  
31 the department of environmental conservation as a Nine Elements  
32 Watershed (9E) plan, has documented the devastating effects of high  
33 levels of nitrogen pollution, not only on the drinking water quality,  
34 but also on coastal ecosystems, dissolved oxygen, water clarity,  
35 eelgrass, wetlands, shellfish, coastal resilience and in triggering  
36 harmful algal blooms. The SWP, is a long-term plan to address the need  
37 for wastewater treatment infrastructure throughout the county comprehen-  
38 sively over a period of fifty years. The SWP delineates the source and  
39 concentration of nitrogen loading in one hundred ninety-one subwat-  
40 ersheds throughout the county, and establishes nitrogen reduction goals  
41 for each watershed.

42 For many areas of the county, installing or connecting sewers is not a  
43 practical or cost-effective method of treating wastewater. For that  
44 reason, the SWP prescribes a hybrid approach that relies on sewerage  
45 where feasible, and the replacement of cesspools and septic systems with  
46 innovative/alternative onsite wastewater treatment systems. The consol-  
47 idation of any or all of the twenty-seven county sewer districts, as  
48 well as unsewered areas of the county, into a county wastewater manage-  
49 ment district, the establishment of a water quality restoration fund,  
50 and a county board of trustees to monitor progress and the allocation of  
51 resources consistent with the goals of the SWP would allow for the  
52 implementation of a much needed integrated long-term wastewater solution  
53 for the county through comprehensive planning and management to improve  
54 water quality.



1 The purpose of this act is to create a water quality restoration fund  
2 to finance capital projects for the protection, preservation, and reha-  
3 bilitation of groundwater and surface waters as recommended by the SWP.  
4 This act would allow the funding of capital projects that will mitigate  
5 wastewater pollutants utilizing the best available technology consistent  
6 with the SWP. The water quality restoration fund would be financed with  
7 a dedicated and recurring revenue source by the enactment of an addi-  
8 tional sales and compensating use tax at the rate of one-eighth of one  
9 percent until 2060. Such tax would be enacted pursuant to a mandatory  
10 referendum.

11 This act shall also provide Suffolk county with the authority to  
12 create a county wastewater management district through the consolidation  
13 of existing county sewer districts with currently unsewered areas of the  
14 county. A county wastewater management district will provide an inte-  
15 grated and efficient approach to managing wastewater services across the  
16 county; allow the county to enhance and expand its incentive program to  
17 property owners to upgrade their wastewater treatment systems; to  
18 manage, monitor and enforce nitrogen reduction programs throughout the  
19 county; complete additional sewer extension projects; improve the  
20 economic wellbeing of communities; and provide an opportunity to consol-  
21 idate and streamline the county's existing sewer district system and  
22 normalize the inequitable rate structure that has long existed.

23 In addition, this act will extend the existing one-quarter of one  
24 percent sales tax utilized to finance the county drinking water  
25 protection program until 2060.

26 § 3. The county law is amended by adding a new section 256-b to read  
27 as follows:

28 § 256-b. Suffolk county wastewater management district. 1. (a)  
29 Notwithstanding the provisions of any general, special or local law to  
30 the contrary, including this article, the county legislature of Suffolk  
31 county is hereby authorized to establish by resolution a Suffolk county  
32 wastewater management district, hereinafter referred to in this section  
33 as the "district", which shall include all powers of a sewer district  
34 and a wastewater disposal district as provided in section two hundred  
35 fifty of this article and as set forth in this subdivision, pursuant to  
36 the procedure contained in this section.

37 (b) In addition to the powers provided in section two hundred fifty of  
38 this article, the district shall have the power, as determined by the  
39 county legislature, to: (i) consolidate all of the original county sewer  
40 districts within the county as well as unsewered areas of the county,  
41 under the jurisdiction of the district; (ii) establish one or more zones  
42 of assessment within the district, coterminous with the territorial  
43 boundaries of the existing county sewer districts, consolidated pursuant  
44 to this section, the method of wastewater collection, treatment and  
45 disposal, existing or proposed, or both, and make changes to such zones  
46 of assessments; (iii) acquire interests in real property which may be  
47 completed by the transfer of property of original county sewer districts  
48 to the district, necessary for the installation and maintenance of  
49 district facilities; (iv) prioritize district projects in accordance  
50 with the Suffolk county subwatershed wastewater plan (SWP) adopted by  
51 the county legislature, and any amendments thereto; (v) receive funds  
52 from the Suffolk county water quality restoration fund, as established  
53 by section one thousand two hundred ten-F of the tax law, and distribute  
54 grant proceeds within the district in accordance with the goals estab-  
55 lished in the Suffolk county subwatershed wastewater plan; (vi) assume  
56 and pay any remaining indebtedness of each original county sewer



1 district; (vii) within the zones of assessment, establish and provide  
2 for the collection of charges, rates, taxes or assessments to provide  
3 for the costs of operation, expenses, the sums sufficient to pay the  
4 annual installment of principal of, and interest on, obligations for  
5 improvements of the district, maintenance and improvements of the  
6 district, including but not limited to: (A) special assessment as  
7 defined in subdivision fifteen of section one hundred two of the real  
8 property tax law; (B) special ad valorem levy as defined in subdivision  
9 fourteen of section one hundred two of the real property tax law; (C)  
10 sewer rent as provided under article fourteen-F of the general municipal  
11 law; (viii) distribute grant proceeds within the district in accordance  
12 with the goals established in the SWP; and (ix) adopt, amend and repeal,  
13 from time to time, rules and regulations for the operation of a county  
14 district. Nothing in this section shall be construed to permit the  
15 collection of charges, rates, taxes, or assessments authorized by this  
16 section outside of the established zones of assessment within the unsew-  
17 ered portions of the district or within town or village sewer districts.

18 2. Boundaries. The boundaries of the district upon formation shall  
19 include the boundaries of all county sewer districts consolidated into  
20 the district and all unsewered areas of the county.

21 3. County agency review and report. The county legislature may direct  
22 the county agency, appointed or established pursuant to section two  
23 hundred fifty-one of this article, to, or the county agency on its own  
24 motion may, review and report thereon to the county legislature on the  
25 creation of the district and the merger therewith of any or all existing  
26 county sewer districts in accordance with this section and such other  
27 details as may be directed by the county legislature consistent with  
28 this article. When the agency has caused such report to be prepared, it  
29 shall transmit it to the county legislature. Upon receipt of the report,  
30 the county legislature shall call a public hearing pursuant to subdivi-  
31 sion five of this section to create a Suffolk county wastewater manage-  
32 ment district in accordance with this section. Such report shall be  
33 filed in the office of the clerk of the legislature of Suffolk county.

34 4. Resolution. The county legislature of Suffolk county may adopt a  
35 resolution calling a public hearing upon the proposed creation of the  
36 district.

37 5. Notice. The clerk of the county legislature shall give notice of  
38 the hearing described in subdivision four of this section in such news-  
39 papers and within such time period as set forth in section two hundred  
40 fifty-four of this article. Such notice shall specify the time, date  
41 and location of such hearing and, in general terms, describe the  
42 proposed establishment of the district and the proposed basis of the  
43 future assessment of all costs of operation, maintenance and improve-  
44 ments of the district.

45 6. Hearing and resolution to establish. The county legislature shall  
46 meet at the time, date and location specified in such notice and hear  
47 all persons interested in the subject matter thereof concerning the  
48 same. If the county legislature determines that it is in the public  
49 interest to establish the district as specified in such notice, it shall  
50 further determine by resolution: (i) whether all property and property  
51 owners within the proposed district are benefited thereby; and (ii)  
52 whether all of the property and property owners benefited are included  
53 within the limits of the proposed district, the county legislature may  
54 adopt a resolution, subject to a permissive referendum, establishing the  
55 district.



1     7. Notice of adoption of resolution. Within ten days after the  
2 adoption by the county legislature of the resolution to establish the  
3 district described in subdivision six of this section, the county legis-  
4 lature shall give notice thereof, at the expense of the county, by the  
5 publication of a notice in such newspapers and within such time period  
6 as set forth in section one hundred of this chapter. Such notice shall  
7 set forth the date of adoption of the resolution and contain an abstract  
8 of such resolution, describing, in general terms, the district, the  
9 basis for the future assessment of all costs of operation, maintenance  
10 and improvements, and that such resolution was adopted subject to a  
11 permissive referendum.

12     8. Assessments, levies and charges. After the establishment of the  
13 district in accordance with this section, the county is hereby author-  
14 ized by resolution approved by majority vote of the total membership of  
15 the county legislature to assess, levy and collect upon each lot or  
16 parcel of land within the zones of assessment established by this  
17 section: (a) special assessments as that term is defined in subdivision  
18 fifteen of section one hundred two of the real property tax law; (b)  
19 special ad valorem levy as that term is defined in subdivision fourteen  
20 of section one hundred two of the real property tax law; and (c) sewer  
21 rents as provided by article fourteen-F of the general municipal law.  
22 Such costs and expenses may include, but shall not be limited to, the  
23 amount of money required to pay the annual expenses of maintenance,  
24 operation, personnel services of the district and the sums sufficient to  
25 pay the annual installment of principal of, and interest on, obligations  
26 for improvements of the district. Such sums so levied shall be  
27 collected by the local tax collectors or receivers of taxes and assess-  
28 ments and shall be paid over to the chief fiscal officer of the county,  
29 in the same manner and at the same time as taxes levied for general  
30 county purposes. The chief fiscal officer shall keep a separate account  
31 of such moneys and they shall be used only for purposes set forth in  
32 this section, and in addition, all monies collected from each zone of  
33 assessment established or amended in accordance with this section shall  
34 be further segregated and shall not be commingled with monies of other  
35 zones of assessment except upon approval by resolution of the county  
36 legislature upon recommendation of the board of trustees established in  
37 accordance with the Suffolk county water quality restoration act. Noth-  
38 ing in this section shall be construed to permit the collection of  
39 charges, rates, taxes, or assessments authorized by this section outside  
40 of the established zones of assessment within the unsewered portions of  
41 the district or within town or village sewer districts.

42     8-a. Recording determination. The clerk of the county legislature  
43 shall within ten days after the effective date of the resolution creat-  
44 ing the district cause a certified copy to be recorded in the office of  
45 the clerk of the county and when so recorded such order shall be  
46 presumptive evidence of the regularity of the proceedings for the  
47 creation of the district and of all other action taken by the county  
48 legislature pursuant to this section. A certified copy shall also be  
49 filed in the office of the state department of audit and control in  
50 Albany, New York.

51     9. Other laws. All provisions of the real property tax law and the  
52 Suffolk county tax act, as the same may be amended from time to time,  
53 not inconsistent with the provisions of this article, relating to the  
54 assessing, levy and collection and enforcement of special assessments,  
55 ad valorem levies and sewer rents in the county shall apply and be of  
56 equal force and applicability to special assessments, ad valorem levies



1 and sewer rents authorized pursuant to this section. Nothing in this  
2 section shall be construed to permit the collection of charges, rates,  
3 taxes, or assessments authorized by this section outside of the estab-  
4 lished zones of assessment within the unsewered portions of the district  
5 or within town or village sewer districts.

6 10. Towns and villages. This section shall not be construed as merging  
7 the sewer districts of towns and villages within the county of Suffolk  
8 into the district created by this section. The merger of any town or  
9 village sewer district, or village sewerage system with the district  
10 shall be in accordance with section two hundred seventy-seven of this  
11 article.

12 11. Water quality restoration fund. (a) Notwithstanding any provision  
13 of law to the contrary, the county of Suffolk shall deposit the net  
14 collections from the sales and compensating use tax authorized by  
15 section one thousand two hundred ten-F of the tax law into the Suffolk  
16 county water quality restoration fund established in accordance there-  
17 with, and shall utilize all monies transferred from the fund consistent  
18 with this section. Nothing contained in this section shall be construed  
19 to prevent the financing in whole or in part, pursuant to the local  
20 finance law, of any project authorized pursuant to this section. Monies  
21 from the fund may be utilized to repay any indebtedness or obligations  
22 incurred pursuant to the local finance law consistent with effectuating  
23 the purposes of this section. Where Suffolk county finances a project,  
24 in whole, or in part, pursuant to the local finance law, the resolution  
25 authorizing such indebtedness shall be accompanied by a report from the  
26 county executive demonstrating how said indebtedness will be repaid by  
27 the fund. Said report shall include an estimate of projected revenues of  
28 the fund during the period of indebtedness. The report shall also  
29 provide an accounting of all other indebtedness incurred against the  
30 fund to be repaid for the same period. The county legislature shall  
31 make findings by resolution that there will be sufficient revenue to  
32 repay such indebtedness in its entirety from the fund before authorizing  
33 such indebtedness. Monies in said fund may be appropriated from or  
34 expended in any fiscal year to implement the powers set forth in this  
35 section and to repay any indebtedness or obligations incurred pursuant  
36 to the local finance law for the purposes authorized pursuant to this  
37 section.

38 (b) (i) Water quality improvement projects shall be eligible for fund-  
39 ing pursuant to this section. For purposes of this section, "water  
40 quality improvement projects" shall mean the planning, design,  
41 construction, acquisition, enlargement, extension, or alteration of a  
42 county, town or village wastewater treatment facility, including indi-  
43 vidual hookups, or an individual septic system, including an alternative  
44 wastewater treatment facility or an individual septic system with active  
45 treatment, to treat, neutralize, stabilize, eliminate or partially elim-  
46 inate sewage or reduce pollutants, including permanent or pilot demon-  
47 stration wastewater treatment projects, or equipment or furnishings  
48 thereof. Such projects shall have as their purpose the remediation of  
49 existing water quality to meet specific water quality standards consist-  
50 ent with the SWP. Projects consistent with or listed in the SWP that are  
51 part of a plan adopted by a local government resulting in a net nitrogen  
52 reduction shall be eligible for consideration by the board of trustees,  
53 established in accordance with subdivision six of this section.

54 (ii) Of the annual collections of the fund, administration of the  
55 county wastewater management district shall not exceed ten percent. Not  
56 less than seventy-five percent of the remaining annual funds after



1 administration shall be used toward funding individual septic systems  
2 projects. In addition to water quality improvement projects, other  
3 eligible expenditures from the fund shall include the preparation of an  
4 annual SWP implementation action plan to protect, preserve, and rehabil-  
5 itate groundwater, surface water, and drinking water.

6 (iii) Other than for the payment of indebtedness or obligations  
7 incurred as set forth in paragraph (a) of this subdivision, and except  
8 for the preparation of the SWP implementation plan, itself, no monies  
9 may be expended until the SWP implementation plan has been prepared and  
10 approved as provided for in this section.

11 (c) (i) Within the local law, ordinance or resolution establishing the  
12 Suffolk county water quality restoration fund, pursuant to section one  
13 thousand two hundred ten-F of the tax law, the county shall establish a  
14 board of trustees of twenty-one members to prepare, review and approve  
15 the SWP implementation plan for submission to the county executive and  
16 county legislature and shall specify the powers and duties of the board  
17 of trustees, including the procedures for appointment of a chairperson.  
18 Such approval shall be in addition to all other approvals required by  
19 law. The board of trustees shall consist of: (A) a representative from  
20 the department of environmental conservation; (B) a representative from  
21 the East End supervisors and mayors association; (C) a representative of  
22 the Suffolk town supervisors association; (D) a representative of the  
23 Suffolk County Village Officials Association; (E) a town representative  
24 from the State Central Pine Barrens Joint Planning and Policy Commission  
25 to be designated by the commission; (F) a municipal representative from  
26 the Peconic Estuary Partnership; (G) a municipal representative from the  
27 State South Shore Estuary Reserve; (H) a municipal representative from  
28 the Long Island Sound Estuary; (I) a representative of the Long Island  
29 Federation of Labor; (J) a representative of Building and Construction  
30 Trades Council of Nassau & Suffolk counties; (K) a representative from a  
31 regional environmental organization; (L) the chair of the Suffolk county  
32 planning commission; (M) the county executive or designee; (N) the  
33 presiding officer of the county legislature or designee; (O) the minori-  
34 ty leader of the county legislature or designee; (P) the county depart-  
35 ment of public works commissioner or designee; (Q) the county department  
36 of health services commissioner or designee; (R) a representative from a  
37 regional economic development organization; (S) a representative from  
38 the liquid waste industry; (T) a representative from the Suffolk County  
39 Alliance of Chambers, Inc.; and (U) a representative from the Long  
40 Island Contractors Association.

41 (ii) The powers and duties of the board of trustees shall oversee the  
42 annual audit pursuant to paragraph (e) of this subdivision, making  
43 prudent recommendations for resource allocations for county-approved  
44 alternative wastewater treatment technologies not contemplated in the  
45 Suffolk county subwatersheds wastewater plan and long-term progress  
46 monitoring of the implementation of the Suffolk county subwatersheds  
47 wastewater plan regarding achievements of nitrogen load reductions and  
48 ecological endpoints.

49 (d) Annual SWP implementation plan. The board of trustees shall  
50 prepare, review and approve and submit to the county executive the SWP  
51 implementation plan within one year of the effective date of this  
52 section, and in every five years thereafter in a like manner. The board  
53 of trustees shall conduct a public hearing on said plan before its  
54 adoption or subsequent amendment. Said plan shall list every water qual-  
55 ity restoration project which the county plans to undertake pursuant to  
56 the fund and shall state how such project would improve existing water



1 quality. Funds may only be expended pursuant to this section for  
2 projects which have been included in said plan. Said plan shall be  
3 consistent with state, federal, county, and local government land use  
4 and wastewater management plans. After submission and approval by the  
5 county executive, such plan shall be submitted to the county legisla-  
6 ture. Upon review, the county legislature shall determine, by local  
7 law, whether to approve the proposed plan, if the plan is denied, the  
8 plan shall be remanded to the board of trustees for further study. Such  
9 plan shall not become effective until approved by local law. Projects  
10 may be added or removed from the currently effective SWP implementation  
11 plan in a like manner.

12 (e) Annual audit. The county shall annually commission an independent  
13 audit of the fund. The audit shall be conducted by an independent certi-  
14 fied public accountant or an independent public accountant. Said audit  
15 shall be performed by a certified public accountant or an independent  
16 public accountant other than the one that performs the general audit of  
17 the county's finances. Such audit shall be an examination of the fund  
18 and shall determine whether the fund has been administered consistent  
19 with the provisions of this section and all other applicable provisions  
20 of state law. Said audit shall be initiated within sixty days of the  
21 close of the fiscal year of the county and shall be completed within one  
22 hundred twenty days of the close of the fiscal year. A copy of the  
23 audit shall be submitted annually to the state comptroller and the coun-  
24 ty comptroller. A copy of the audit shall be made available to the  
25 public within thirty days of its completion. A notice of the completion  
26 of the audit shall be published in the official newspaper of the county  
27 and shall also be posted on the internet website for the county. The  
28 cost of the audit may be a charge to the fund.

29 (f) Annual report. In addition to any other report required by this  
30 section, the board of trustees, through its chairperson, shall deliver  
31 annually a report to the county legislature. Such report shall be  
32 presented by May fifteenth of each year. The report shall describe in  
33 detail the projects undertaken, the monies expended, and the administra-  
34 tive activities of the water quality fund and district established in  
35 accordance with this section, during the prior year. At the conclusion  
36 of the report, the chairperson of the board of trustees shall be  
37 prepared to answer the questions of the county legislature with respect  
38 to the projects undertaken, the monies expended, and the administrative  
39 activities during the past year.

40 § 4. Subdivisions (a) and (d) of section 1210-A of the tax law, as  
41 amended by chapter 683 of the laws of 2007, are amended to read as  
42 follows:

43 (a) In addition to the taxes imposed by section twelve hundred ten or  
44 any other provision of this article, the county of Suffolk is hereby  
45 authorized and empowered to adopt and amend a local law, ordinance or  
46 resolution imposing within the territorial limits of said county an  
47 additional sales and compensating use tax at the rate of one-quarter of  
48 one percent for the period beginning December first, nineteen hundred  
49 eighty-four and ending November thirtieth, two thousand [thirty] sixty,  
50 which tax shall be identical to the tax imposed by said county pursuant  
51 to section twelve hundred ten of this article. Except as hereinafter  
52 provided, all provisions of this article, including the definition and  
53 exemption provisions and the provisions relating to the administration,  
54 collection and distribution by the commissioner, shall apply for  
55 purposes of the tax imposed by this section in the same manner and with  
56 the same force and effect as if the language of this article had been



1 incorporated in full in this section and had expressly referred to the  
2 tax imposed by this section; provided, however, that any provision  
3 relating to a maximum rate shall be calculated without reference to the  
4 additional sales and compensating use tax herein authorized. For  
5 purposes of part IV of this article, relating to the disposition of  
6 revenues resulting from taxes collected and administered by the commis-  
7 sioner, the additional sales and compensating use tax herein provided  
8 shall be deemed to be imposed under the authority of section twelve  
9 hundred ten of this article and all provisions relating to the deposit,  
10 administration and disposition of taxes, penalties and interest relating  
11 to a tax imposed by a county under the authority of section twelve  
12 hundred ten of this article shall, except as otherwise specifically  
13 provided in this section, apply to the additional sales and compensating  
14 use tax imposed pursuant to this section.

15 (d) Notwithstanding any other provision of this article to the contra-  
16 ry, the net collections from the tax imposed pursuant to subdivision (a)  
17 of this section for the period beginning December first, nineteen  
18 hundred eighty-eight and ending November thirtieth, two thousand [thir-  
19 ty] sixty shall, upon payment to the county of Suffolk, be deposited in  
20 a special fund, to be designated as a drinking water protection reserve  
21 fund, to be created by said county therefor separate and apart from any  
22 other funds and accounts of the county. Moneys in such fund shall be  
23 deposited in one or more of the banks or trust companies designated, in  
24 the manner provided by law, as a depository of the funds of such county.  
25 Pending expenditure from such fund, moneys therein may be invested in  
26 the manner provided in section eleven of the general municipal law. Any  
27 interest earned or capital gain realized on the moneys so deposited or  
28 invested shall accrue to and become part of such fund. Moneys in said  
29 fund may be appropriated from and transferred to or expended in any  
30 fiscal year only for the purposes of making payments pursuant to subdivi-  
31 sions (b) and (c) of this section for the period beginning December  
32 first, nineteen hundred eighty-eight, to the extent that moneys in said  
33 fund are remaining, and if authorized by local law, for the following  
34 purposes:

35 (i) for the purposes of specific environmental protection (acquisition  
36 of: farmland development rights; open space, wetlands, woodlands, pine  
37 barrens and other lands for passive recreational uses; lands for hamlet  
38 greens, hamlet parks, pocket parks, historic parks, cultural parks and  
39 other lands for active/parkland recreational uses; lands necessary for  
40 maintaining and protecting the quality of surface water, groundwater and  
41 coastal resources);

42 (ii) for a water quality protection and restoration program or  
43 programs and land stewardship initiatives;

44 (iii) for the purposes of county-wide property tax protection; and

45 (iv) for the purpose of sewer taxpayer protection.

46 Notwithstanding any special or local law, resolution or charter  
47 provision to the contrary, moneys in said fund which have not been  
48 appropriated from and transferred to or expended in any fiscal year for  
49 the purposes of making payments pursuant to subdivisions (b) and (c) of  
50 this section, may alternatively be appropriated for the purposes of  
51 paying debt service on any new indebtedness incurred after the effective  
52 date of the chapter of the laws of two thousand one that enacted this  
53 paragraph pursuant to the local finance law in order to effectuate the  
54 purposes described in paragraph (i) or (ii) of this subdivision. For the  
55 purpose of allocating moneys in said fund pursuant to local law among  
56 the purposes described in paragraphs (i), (ii), (iii) and (iv) of this



1 subdivision, moneys applied to the payment of debt service under the  
2 authority of the previous sentence shall be considered by said county to  
3 have been expended for the purposes for which such indebtedness was  
4 incurred.

5 § 5. The tax law is amended by adding a new section 1210-F to read as  
6 follows:

7 § 1210-F. Sales and compensating use tax for purposes of the Suffolk  
8 county water quality restoration fund. (a) In addition to the taxes  
9 imposed by section twelve hundred ten, section twelve hundred ten-A, or  
10 any other provision of this article, the county of Suffolk is hereby  
11 authorized and empowered to adopt and amend a local law, ordinance or  
12 resolution, subject to a mandatory referendum, in accordance with the  
13 provisions set forth in section twenty-three of the municipal home rule  
14 law, imposing within the territorial limits of said county an additional  
15 sales and compensating use tax at the rate of one-eighth of one percent  
16 for the period beginning March first, two thousand twenty-four and  
17 ending February twenty-ninth, two thousand sixty, which tax shall be  
18 identical to the tax imposed by said county pursuant to section twelve  
19 hundred ten of this article. Except as hereinafter provided, all  
20 provisions of this article, including the definition and exemption  
21 provisions and the provisions relating to the administration, collection  
22 and distribution by the commissioner, shall apply for purposes of the  
23 tax imposed by this section in the same manner and with the same force  
24 and effect as if the language of this article had been incorporated in  
25 full in this section and had expressly referred to the tax imposed by  
26 this section; provided, however, that any provision relating to a maxi-  
27 mum rate shall be calculated without reference to the additional sales  
28 and compensating use tax herein authorized. For purposes of part IV of  
29 this article, relating to the disposition of revenues resulting from  
30 taxes collected and administered by the commissioner, the additional  
31 sales and compensating use tax herein provided shall be deemed to be  
32 imposed under the authority of section twelve hundred ten of this arti-  
33 cle and all provisions relating to the deposit, administration and  
34 disposition of taxes, penalties and interest relating to a tax imposed  
35 by a county under the authority of section twelve hundred ten of this  
36 article shall, except as otherwise specifically provided in this  
37 section, apply to the additional sales and compensating use tax imposed  
38 pursuant to this section.

39 (b) Notwithstanding any other provision of this article to the contra-  
40 ry, the net collections from the tax imposed pursuant to subdivision (a)  
41 of this section for the period beginning March first, two thousand twen-  
42 ty-four and ending February twenty-ninth, two thousand sixty shall, upon  
43 payment to the county of Suffolk, be deposited in a special fund, to be  
44 designated as the water quality restoration fund to be created by said  
45 county therefor separate and apart from any other funds and accounts of  
46 the county. Moneys in such fund shall be deposited and secured in the  
47 manner provided by section ten of the general municipal law and in no  
48 event shall moneys deposited be transferred to any other account. In  
49 addition to the net collections from the tax, deposits into the fund may  
50 include revenues of Suffolk county from whatever source and may include  
51 the acceptance of gifts. Pending expenditure from such fund, moneys  
52 therein may be invested in the manner provided in section eleven of the  
53 general municipal law. Any interest earned or capital gain realized on  
54 the moneys so deposited or invested shall accrue to and become part of  
55 such fund. Moneys in said fund may be appropriated from and transferred



1 to or expended in any fiscal year only for the purposes authorized by  
2 subdivision eleven of section two hundred fifty-six-b of the county law.

3 § 6. Paragraph a of section 11.00 of the local finance law is amended  
4 by adding a new subdivision 109 to read as follows:

5 109. Septic systems. The acquisition, construction, or reconstruction  
6 of or addition to septic systems funded by programs established by the  
7 county of Suffolk, twenty-five years.

8 § 7. This act shall take effect immediately.

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

18 § 3. This act shall take effect immediately provided, however, that  
19 the applicable effective date of Parts A through NN of this act shall be  
20 as specifically set forth in the last section of such Parts.

