



FY 2016

Annual report on

New York State Tax Expenditures

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**Division of
the Budget**

**Department of
Taxation and Finance**

TAX EXPENDITURE REPORT

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INTRODUCTION

The twenty-fourth annual *New York State Tax Expenditure Report* has been prepared by the Department of Taxation and Finance and the Division of the Budget and is submitted in accordance with the provisions of Section 181 of the Executive Law. The Executive Law defines tax expenditures as “features of the Tax Law that by exemption, exclusion, deduction, allowance, credit, preferential tax rate, deferral, or other statutory device, reduce the amount of taxpayers’ liabilities to the State by providing either economic incentives or tax relief to particular classes of persons or entities, to achieve a public purpose.”

As required by statute, the Report includes:

- An enumeration of the tax expenditures (Section VI) associated with the:
 - Personal Income Tax (Article 22 of the Tax Law)
 - Corporate Franchise Tax (Article 9-A of the Tax Law)¹
 - Bank Tax (Article 32 of the Tax Law)¹
 - Insurance Tax (Article 33 of the Tax Law)
 - Corporation and Utility Taxes (Article 9 of the Tax Law, excluding the organization tax imposed under Section 180 of Article 9 of the Tax Law, which the Department of State administers)
 - Sales and Compensating Use Tax (Article 28 of the Tax Law)
 - Petroleum Business Tax (Article 13-A of the Tax Law)
 - Real Estate Transfer Tax (Article 31 of the Tax Law);
- The provisions of law authorizing the tax expenditures, their effective dates, and where applicable, the date that such tax expenditures expire or are reduced (Section VI);
- Estimates (if reliable data are available) of the costs of the tax expenditures for the current taxable or calendar year and the five preceding years² (Section VI);
- An analysis of tax expenditure proposals included in the Governor’s 2015-16 Executive Budget (Section VIII); and
- Cautionary or advisory notes regarding the use of the Report and data limitations (Section II).

As provided in prior years, the report also includes information that summarizes:

- Tax expenditures that appear in more than one Article of the Tax Law, i.e., “Cross-Article Tax Expenditures” (Section VII); and
- State legislation enacted in recent years has resulted in the addition, deletion, or modification of various tax expenditure provisions (Section V).

The report also includes the following additional information:

¹ Pre-reform Article 9-A and Bank Tax data have been moved to Appendices A and B, respectively.

² Section 181 of the Executive Law provides that any information relating to tax expenditures furnished by the Commissioner of Taxation and Finance be furnished in accordance with the secrecy provisions of the Tax Law.

INTRODUCTION

- An illustration of the impact of tax expenditures on tax liability under the Personal Income Tax (Section III);
- A summary of tax expenditures by general policy area (Section IV);
- A glossary of terms used in this report (Section IX).
- Appendices containing the following:
 - Historical tax expenditures for the pre-reform corporation franchise tax (Appendix A)
 - Historical tax expenditures for the pre-reform bank tax (Appendix B)
 - Federal exclusions from income (Appendix C).

USE OF THIS REPORT AND DATA LIMITATIONS

As defined by the Executive Law,³ tax expenditures in this report are defined as “features of the Tax Law that by exemption, exclusion, deduction, allowance, credit, preferential tax rate, deferral, or other statutory device, reduce the amount of taxpayers’ liabilities to the State by providing either economic incentives or tax relief to particular classes of persons or entities, to achieve a public purpose.” This definition is less subjective than an approach that defines tax expenditures by first defining a normal tax structure because it avoids judgments about what constitutes “normal.”

This report does not purport to offer an official list of tax expenditures. Rather, it describes as many tax expenditures as possible and provides revenue estimates for as many provisions as can be isolated and measured. Where applicable data is available, tax expenditure estimates generally cover five historical years. Forecasted estimates project the cost of a tax expenditure as reflected in the Tax Law as it was in effect on January 1, 2015. The forecasted estimates do not reflect changes proposed in the Executive Budget. A description of the Executive Budget Tax Expenditure proposals is included in a separate section of this report. As a result of new or improved information, the estimates may differ from those published in previous reports. The estimates in the report do not reflect the impact of the Metropolitan Transportation Authority (MTA) surcharge, imposed on businesses operating in the Metropolitan Transportation Commuter District (MCTD).

The “cost of a tax expenditure,⁴” or the tax expenditure revenue estimate, is the amount by which a tax expenditure reduces taxpayers’ liability to the State for a taxable year or on a calendar year basis if a taxable year basis is not appropriate. The reduction in taxpayer liability is the difference between tax liability under the current Tax Law and tax liability if the particular expenditure did not exist. In the case of certain tax credits, the cost also includes amounts refunded to taxpayers. It is important to acknowledge that each tax expenditure estimate is measured separately and independently of other tax provisions (i.e., other taxes are held constant) and no changes in taxpayer behavior are assumed. Thus, the tax expenditure estimates provided in this report are not equivalent to the impact on the State’s Financial Plan if the expenditure were repealed or modified. In addition, since the expenditure estimates are measured separately and independently, individual tax expenditures cannot be summed.

The following table lists the taxes included in this report and the years for which tax expenditure estimates are provided.

	Historical	Forecast
Personal Income Tax	2008, 2009, 2010, 2011, 2012	2015
Corporate Franchise Tax*	2007, 2008, 2009, 2010, 2011	2015
Bank Tax*	2007, 2008, 2009, 2010, 2011	Not applicable
Insurance Tax*	2007, 2008, 2009, 2010, 2011	2015
Corporation and Utilities	2007, 2008, 2009, 2010, 2011	2015
Sales and Use Tax	2008, 2009, 2010, 2011, 2012	2015
Petroleum Business Tax	2009, 2010, 2011, 2012, 2013	2015
Real Estate Transfer Tax	2009-10, 2010-11, 2011-12, 2012-13	2015-16

*Tax year is year with liability period beginning in the respective calendar year.

³ Section 181(a).

⁴ Section 181(b).

USE OF THIS REPORT AND DATA LIMITATIONS

Comprehensive Corporate Tax Reform

In 2014, New York enacted comprehensive corporate tax reform, which takes effect for tax years beginning on or after January 1, 2015. Some of the major reform provisions are listed in the “recently enacted legislation” section of this report. This section discusses the impact corporate reform has on the structure of the *Tax Expenditure Report*. The most salient change is the merger of the Bank Tax (Article 32) into the Corporate Franchise Tax (Article 9-A).

In keeping with the practice of the *Tax Expenditure Report* to reflect the law as it is in effect in the year it is produced, 2015 in this instance, the main body of the report contains a description of the new Article 9-A and each of its tax expenditures. However, estimates for the individual expenditures will not be available for several years. This is because the complete, verified study file that will contain the 2015 tax returns will not be available until 2018. The extent of the changes under reform are so vast, and the nature of the changes are so interrelated, it is not possible to forecast discrete components in isolation using existing study files. Forecasting of tax expenditures under the new 9-A will not be possible until tax returns containing actual data for these expenditure items are filed.

The previously separate sections for pre-reform Article 9-A and bank tax have now been moved to new appendices. Data will continue to be reported through the 2014 tax year for the expenditures in each tax article. This will allow for a full history of these taxes and their expenditures prior to their reform. After 2014 tax year data is reported, these appendix sections will cease.

Federal Exclusions

The personal income (Article 22), corporate franchise (Article 9-A), and insurance (Article 33) taxes are all based, to some extent, on the Federal tax structure. There are provisions in Federal law that reduce the base subject to New York tax because the exclusion flows through to New York law. For example, employer contributions for medical insurance and care are excluded from Federal adjusted gross income. This exclusion flows through to New York which uses Federal adjusted gross income as a starting point for determining New York income. In most cases, New York policymakers have opted to conform to the Federal base for these taxes. Conformity eases administration of the Tax Law while at the same time promoting taxpayer compliance. These items do not constitute tax expenditures in the same sense as provisions specifically designed by New York policymakers to promote economic development or to provide specific tax relief. To focus attention on New York source tax expenditures, Federal exclusions are listed in the Appendix which provides estimates of the revenue foregone by conformity to these provisions.

Reliability of the Estimates

Estimates of the cost of tax expenditures have different levels of reliability based on the accuracy of both the data and the estimation procedure. For all of the taxes, with the exception of the Sales and Compensating Use Tax, the Department of Taxation and Finance assigns the highest category of reliability, Level 1, to estimates based on information from actual tax returns that were verified for accuracy. It assigns Level 2 to estimates based on

USE OF THIS REPORT AND DATA LIMITATIONS

data files containing unverified or incomplete information from actual tax returns. Neither of these return data sources is augmented with audit information. In Level 3 estimates, average marginal tax rates are applied to aggregate data. This sometimes includes Federal tax return data from the Internal Revenue Service's *Statistics of Income*. Level 4 estimates are based on national tax expenditure estimates made by the Federal Joint Committee on Taxation (JCT) or the Office of Management and Budget (OMB) or are estimates derived from non-tax data sources.

Estimates for most of the Sales Tax expenditures are derived from non-tax data sources. Therefore, a somewhat different reliability scheme is employed with all estimates given the fourth level of reliability. Within this fourth level, the report further categorizes estimates based on the accuracy and suitability of the data sources. Category A estimates use both New York State and industry-specific data. Category B estimates use New York-specific data from industry sources, or national data derived from direct industry information such as industry associations. Category C estimates use data other than state or industry-specific data.

The last level of estimates, Level 5, includes those items for which no reliable data source currently exists.

In some cases the reliability of estimates can change from year to year. This is especially the case for base year and forecast estimates versus historical estimates. For example, provisions previously estimated with either less reliable tax return data or Federal tax information might become Level 1 (highest reliability) if added directly to tax returns and verified for accuracy. This could cause current and projected estimates to differ from historical estimates.

Regardless of data source, the reliability of estimates for the budget year is of distinctly lower quality than that of the historical numbers. The hazards of forecasting generally are exacerbated when point estimates of the value of particular provisions of law are involved. Changes in taxpayer behavior, business organization, and other factors as well as "updating" methodologies can all have profound implications for the estimates of particular provisions in the budget year.

USE OF THIS REPORT AND DATA LIMITATIONS

AN ILLUSTRATION OF THE IMPACT OF TAX EXPENDITURES ON PERSONAL INCOME TAX LIABILITY

The following flow chart (Figure 1) provides an illustration of how tax expenditures impact the computation of tax liability under the Personal Income Tax. The (●) reflects components of income that are included in computing tax liability and ∇ reflects tax expenditures that, if applicable to a taxpayer, reduce their tax liability.

New York is one of approximately 28 states that use Federal adjusted gross income (FAGI) as the starting point in calculating their personal income taxes. New York is one of 15 states that automatically conform to changes in FAGI. The additional 13 states conform to FAGI as of a certain point in time.

IMPACT ON PERSONAL INCOME TAX LIABILITY

**Figure 1: Calculation of New York Personal Income Tax Liability
Tax Year 2015**

Federal Gross Income	<ul style="list-style-type: none"> • Wages, salaries, bonuses, and tips • Annuities, pensions, and taxable IRA distributions • Dividends received • Taxable interest received • Net business income • Net gain on sales or exchanges • Certain taxable fringe benefits • Net rent, royalty, partnership, or S-corporation income • Prizes • Net farm income • Taxable Social Security • Unemployment compensation • Alimony received • Other income
<i>minus</i>	
Adjustments to Gross Income	<ul style="list-style-type: none"> • Self-employed retirement plan contributions • Alimony paid • Income earned abroad • Contributions to individual retirement accounts • Interest forfeited upon premature withdrawals • Employment-related moving expenses • Other Federal exclusions • Other adjustments
<i>equals</i>	
Federal Adjusted Gross Income	
<i>minus</i>	
Negative Modifications	<ul style="list-style-type: none"> ∇ Pension/Annuity exclusion ∇ Social Security and Tier 1 Railroad Retirement exclusion ∇ Interest on U.S. obligations ∇ State and Federal pensions ∇ Disability income exclusion ∇ Exclusion of certain dividends ∇ Accelerated death benefits ∇ Contributions to NYS college choice tuition savings program ∇ Deferral of gain from sale on qualified emerging technology investments ∇ Payments to victims of Nazi persecution ∇ Militia compensation ∇ Exclusion for living human organ donors ∇ Exclusion of compensation for active service in a combat zone ∇ Small business and/or farm income exclusion ∇ Exclusion of Wages Received from an employer located in a tax-free New York area ∇ Exclusion of income attributable to the New York business incubator and innovation hot spot ∇ Exclusion of Service Award for Volunteer Firefighters and Ambulance Workers ∇ Other subtractions
<i>plus</i>	
Positive Modifications	<ul style="list-style-type: none"> • Interest on state and local bonds from other states • Public employee retirement contributions • Unqualified withdrawals from college choice savings accounts • Other additions
<i>equals</i>	
New York Adjusted Gross Income	
<i>minus</i>	

IMPACT ON PERSONAL INCOME TAX LIABILITY

Deductions	•	Standard deduction or
	∇	Itemized deductions
<i>minus</i>		
Exemptions	∇	Dependent exemptions
<i>equals</i>		
New York Taxable Income	•	Multiplied by tax rate schedule
<i>yields</i>		
New York Tax Liability Before Credits		
<i>minus</i>		
Credits	∇	Household credit
	∇	Earned income credit
	∇	Child and dependent care credit
	∇	Real property tax credit
	∇	Farmer's school property tax credit
	∇	Investment credit
	∇	Investment credit for financial securities industry
	∇	Accumulation distribution credit
	∇	Empire zone and zone equivalent areas tax credits
	∇	Qualified empire zone credits
	∇	Solar energy system equipment credit
	∇	Credit for employment of persons with disabilities
	∇	Qualified emerging technology company credits
	∇	College tuition credit
	∇	Credit for the purchase of an automated external defibrillator
	∇	Green building credit
	∇	Low income housing credit
	∇	Long-term care insurance credit
	∇	Empire state film and commercial production credits
	∇	Brownfields tax credits
	∇	Nursing home assessment tax credit
	∇	Special additional mortgage recording tax credit
	∇	Security training tax credit
	∇	Empire state child credit
	∇	Enhanced state earned income tax credit for certain non-custodial parents
	∇	Volunteer firefighters and ambulance workers credit
	∇	Biofuel production credit
	∇	Land conservation easement credit
	∇	Rehabilitation of historic properties credit
	∇	Historic homeownership rehabilitation credit
	∇	Clean heating fuel credit
	∇	Excelsior jobs program (EJP) tax credits
	∇	Economic transformation and facility redevelopment program tax credit
	∇	Youth works tax credit
	∇	Empire state jobs retention program credit
	∇	Credit for companies who provide transportation to individuals with disabilities
	∇	Beer production credit
	∇	Credit for alternative fuel vehicle refueling property and electric vehicle recharging property
	∇	Family tax relief credit
	∇	Minimum wage reimbursement credit
	∇	START-UP NY tax elimination credit
	∇	Hire A Vet credit
	∇	Enhanced Real Property Tax credit
	∇	Real Property Tax Freeze credit
	∇	Musical and Theatrical Production credit
	∇	Real Property Tax Relief credit for Manufacturing

IMPACT ON PERSONAL INCOME TAX LIABILITY

	∇	Credit for the excise tax on telecommunication services paid by START-UP NY businesses
	∇	Workers with disabilities tax credit
	•	Resident credit
<i>equals</i>		
New York Tax Liability After Credits		
∇ Tax expenditure		

SUMMARY OF TAX EXPENDITURES

The Joint Committee on Taxation (JCT) of the U.S. Congress publishes an annual report on Federal Tax Expenditures.⁵ One feature of this report is that tax expenditures are presented by Federal budgetary outlay categories.⁶ JCT classifies Federal tax expenditures into 12 different outlay categories. This classification allows policymakers to consider tax expenditures in the same policy context as direct expenditures, should they choose to do so. This section of the *New York State Tax Expenditure Report* attempts to provide the same form of data presentation.

The state tax expenditures are listed by the general policy area. The classification scheme utilized for this report attempts to follow – where practicable – the JCT scheme. That is, it is not appropriate to strictly follow the JCT methodology given that the Federal report only provides data on income taxes, whereas New York’s report includes many additional taxes (i.e., Bank Tax, Insurance Tax, Corporation Tax, Sales and Use Tax, Petroleum Business Tax, Real Estate Transfer Tax).

In addition, the Federal and New York State governments fulfill different roles in society. The classic example of the difference in their roles is that the Federal government, unlike New York State, makes outlays for the purpose of national defense. Similarly, New York does not typically engage in international affairs. Accordingly, the JCT categories were modified slightly to better represent the various functions of New York State government. The categories for New York State tax expenditures are:

- Government;
- General Science and Technology;
- Energy, Natural Resources, and Environment;
- Agriculture;
- Economic Development;
- Other Business and Commerce;
- Housing;
- Transportation;
- Education and Training;
- Social Services;
- Health;
- Income Security, Social Security, and Railroad Retirement;
- Veterans’ Benefits and Services; and
- General Purpose Fiscal Assistance.

In keeping with JCT practice, several individual (personal) income tax expenditures were classified into multiple categories. These specific tax expenditures are the itemized deduction for charitable contributions (found in the Education and Training, Social Services, and Health categories), the itemized deduction for taxes paid (only a portion of which is found in Education and Training and General Purpose Fiscal Assistance), and dependent exemptions (only a portion of which is found in Education and Training). In keeping with this scheme, it was also necessary to classify several Sales and Use Tax expenditures into

⁵Joint Committee on Taxation, *Estimates of Federal Tax Expenditures for Fiscal Years 2014-2018*.

⁶ For a discussion of the origins and uses of the Federal budget functions, see U.S. General Accounting Office. *Budget Function Classifications: Origins, Trends, and Implications for Current Use*. GAO/AIMD-98-67. Washington, D.C., February 1998.

SUMMARY OF TAX EXPENDITURES

multiple categories. These include the exemptions for New York State and its political subdivisions (found in Government and Education and Training) and the exemption for charitable organizations (found in the Education and Training, Social Services, and Health).

Table 1 shows the five largest tax expenditures, in terms of base year estimates (Minimal or larger), for each of the governmental function categories noted above. In two categories, there are less than five tax expenditures: Veterans' Benefits and Services; and General Purpose Fiscal Assistance.

Table 1
(\$ millions)

1 GOVERNMENT				
<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	117	New York State Agencies or Political Subdivisions	2012	640.0
SUT	119	Federal Agencies	2012	251.0
PBT	7	Governments	2013	67.8
PIT	3	Exclusion of Interest on U.S. Obligations	2012	57.8
SUT	125	Indian Nations and Members of Such Indian Nations	2012	7.0
SUT	126	U.S. Military Post Exchanges	2012	7.0
2 GENERAL SCIENCE & TECHNOLOGY				
<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	72	Research and Development Property	2012	67.0
PIT	7a	QETC Capital Tax Credit	2012	1.5
CORP FR	22b	QETC Employment Credit	2011	0.5
PIT	7b	QETC Employment Credit	2012	0.3
CORP FR	22a	QETC Capital Tax Credit	2011	*
3 ENERGY, NATURAL RESOURCES & ENVIRONMENT				
<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	39	Automotive Fuel Receipts Exceeding Two Dollars Per Gallon	2012	332.0
PBT	8	Residential Heating	2013	210.2
PBT	3	Crude Oil and Liquid Petroleum Gases	2013	63.8
PIT	14a	Brownfields Redevelopment Tax Credit	2012	31.1
CORP FR	29a	Brownfields Redevelopment Tax Credit	2011	14.6

SUMMARY OF TAX EXPENDITURES

4 AGRICULTURE

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	71	Farm Production and Commercial Horse Boarding	2012	76.0
PIT	5	Farmers' School Property Tax Credit	2012	35.7
SUT	33	Fuel, Gas, Electricity, Refrigeration and Steam Used in Farming and Commercial Horse Boarding	2012	13.0
PBT	10	Fuel Used for Farm Production	2013	8.2
CORP FR	20	Farmers School Property Tax Credit	2011	1.1

5 ECONOMIC DEVELOPMENT

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
CORP FR	1	Exclusion of Interest, Dividends and Capital Gains from Subsidiary Capital	2011	1,043.6
CORP FR	27a	Empire State Film Production Credit	2011	273.6
CORP FR	19d	QEZE Real Property Tax Credit	2011	118.9
BANK	4	Deduction of 60 Percent of Dividend Income and Excess Gains from Subsidiary Capital	2011	98.2
PIT	4d	QEZE Real Property Tax Credit	2012	80.4

6 OTHER BUSINESS & COMMERCE

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	102	Precious Metal Bullion and Coins	2012	504.0
SUT	73	Machinery and Equipment Used in Production	2012	330.0
PIT	21f	Miscellaneous Deductions Subject to 2 Percent of AGI Limitation	2012	288.2
INSURANCE	7	Exclusion from the Premiums Tax of Premiums Written on Certain Reinsurance Policies	2011	234.2
SUT	57	Interstate or International Telephone & Telegraph Service	2012	234.0

7 HOUSING

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
PIT	21b	Interest Deduction	2012	877.4
SUT	5	Capital Improvement Installation Services	2012	507.0
BANK	18	Low Income Housing Credit	2011	16.6
BANK	24	Credit for Rehabilitation of Historic Properties	2011	5.9
CORP FR	33	Credit for Rehabilitation of Historic Properties	2011	4.3

SUMMARY OF TAX EXPENDITURES

8 TRANSPORTATION

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	45	Fuel Sold to Airlines	2012	64.0
PBT	2	Bunker fuel	2013	31.1
SUT	52	Tractor-Trailer Combinations	2012	13.0
SUT	44	Commercial Aircraft	2012	12.0
SUT	54	Commercial Buses	2012	7.0

9 EDUCATION & TRAINING

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	117	New York State Agencies or Political Subdivisions	2012	640.0
PIT	21e	Taxes Paid Deduction	2012	431.6
PIT	29	College Tuition Credit	2012	239.0
SUT	19	Food Sold at School Cafeterias	2012	129.0
PIT	21c	Charitable Contribution Deduction	2012	80.5

10 SOCIAL SERVICES

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
PIT	31	Empire State Child Credit	2012	671.3
PIT	21c	Charitable Contribution Deduction	2012	467.2
SUT	122	Charitable Organizations	2012	437.5
PIT	26	Child and Dependent Care Credit	2012	193.6
SUT	99	Property Sold to Contractors for Capital Improvements or Repairs for Exempt Organizations	2012	101.0

11 HEALTH

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	27	Drugs, Medicine and Medical Supplies	2012	1,009.0
SUT	28	Eyeglasses, Hearing Aids and Prosthetic Aids	2012	134.0
PIT	21a	Medical/Dental Deduction	2012	119.3
PIT	21c	Charitable Contribution Deduction	2012	21.5
SUT	122	Charitable Organizations	2012	20.1

12 INCOME SECURITY, SOCIAL SECURITY & RAILROAD RETIREMENT

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
SUT	17	Certain Food Products	2012	1,252.0
PIT	24	Earned Income Credit	2012	993.6
PIT	4	Exclusion of Pensions, Annuities, Interest and Lump Sum Payments Received by NYS & Municipal Retirees	2012	784.8
PIT	2	Exclusion of Social Security and Tier I Railroad Retirement Benefits	2012	783.5
SUT	31	Residential Energy	2012	784.8

SUMMARY OF TAX EXPENDITURES

13 VETERANS BENEFITS & SERVICES

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
PBT	11	Not-For-Profit Groups and Veterans Organizations	2013	9.7
SUT	123	Veterans Posts or Organizations	2012	*
SUT	124	Veterans Home Gift Shops	2012	*
PBT	28	Not-For-Profit Groups and Veterans Organizations	2013	*

14 GENERAL PURPOSE FISCAL ASSISTANCE

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
PIT	21e	Taxes Paid Deduction	2012	287.7

15 OTHER

<u>Tax</u>	<u>Item #</u>	<u>Tax Expenditure</u>	<u>Base Year</u>	<u>Amount</u>
PIT	20	Value of Standard Deductions for Those Returns with Itemized Deductions in Excess of Standard Deduction	2012	1,533.2
SUT	82	Trade-In Allowance	2012	694.0
INSURANCE	10	Exemption from Article 33 for Specified Types of Entities Engaged in an Insurance business	2011	342.3
SUT	59	Cable Television Service	2012	295.0
SUT	58	Internet Access Service	2012	271.0

SUMMARY OF TAX EXPENDITURES

RECENT LEGISLATION THAT HAS AFFECTED TAX EXPENDITURES

State legislation enacted in recent years has resulted in the addition, deletion, or modification of various provisions in the report this year. The changes are as follows:

Additions:

- Comprehensive corporate tax reform is enacted for tax years beginning on or after January 1, 2015. The most notable changes include merging the bank franchise tax (Article 32) into the corporate franchise tax (Article 9-A), eliminating two alternative tax bases, restructuring the classifications of income and capital, reducing the business income base tax rate, implementing a single receipts apportionment factor using customer based sourcing rules, and adopting full unitary water's-edge combined reporting.
- Two new manufacturing benefits are available for tax years beginning on or after January 1, 2014. First, the corporate income tax rate for qualified New York manufacturers is now 0 percent. Second, a new real property tax relief credit for manufacturing is available to qualified New York manufacturers subject to tax under Articles 9-A and 22. The credit is equal to 20 percent of the real property taxes paid during the tax year for real property located in New York and principally used in manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture or commercial fishing.
- For taxable years beginning on or after January 1, 2014, a new exclusion of service awards included in gross income for Federal tax purposes for volunteer firefighters and ambulance workers who have not attained the age of 59 ½ is available to Article 22 taxpayers.
- For taxable years beginning on or after January 1, 2014 and before January 1, 2016, a refundable enhanced real property tax circuit breaker credit is available to homeowners and renters residing in New York City for tax years 2014 and 2015 under Article 22 of the Tax Law. Only one credit per household and per qualified taxpayer will be allowed in each tax year.
- For taxable years beginning on or after January 1, 2014 and before January 1, 2017, a real property tax freeze credit is available to Article 22 taxpayers. The credit is applicable against school district and municipal taxes levied outside of the City of New York. Credits against school tax increases will be provided for school years 2014-15 and 2015-16. Credits against all other municipal taxes will be provided in 2015 and 2016. The credits will be sent as an advance payment, with the initial 2014-15 school tax payment occurring in the fall of 2014.
- For tax years beginning on or after January 1, 2015 and before January 1, 2019, a new musical and theatrical production credit is available to eligible production companies taxable under Articles 9-A and 22. To be eligible, a company must produce a live,

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dramatic stage presentation in a qualified production facility on a tour that consists of eight or more shows in three or more localities within New York State.

- Approved Article 9-A and Article 22 businesses or owners of a business that are approved to participate in the START-UP NY program and located in a tax-free NY area may claim a refundable credit for the excise tax on telecommunication services paid by START-UP New York businesses. The credit is equal to the 2.5 percent excise tax on telecommunication services imposed by section 186-e of the Tax Law that is passed through to the approved business. The credit may be claimed for tax years beginning on or after January 1, 2014.
- For taxable years beginning on or after January 1, 2015 and before January 1, 2020, a new nonrefundable workers with disabilities tax credit is available to qualified employers subject to tax under Articles 9-A and 22 for employing individuals with developmental disabilities. The credit is equal to 15 percent of the qualified wages for qualified full-time employees and 10 percent of the qualified wages for qualified part-time employees. Any unused credit may be carried forward for 3 years. An employer is not allowed to concurrently claim this credit and any other credit for the employment of persons with disabilities for the same employee.
- Any taxpayer who stands convicted of an offense defined in Article 200 or 496 or Section 195.20 of the Penal Law is ineligible for any business credits. Furthermore, the office responsible for prosecuting the offense must report the conviction to the Department, along with the names of any firm, partnership or corporation in which the convicted person is a member, shareholder, partner, officer or director.

Deletions:

Corporate tax reform resulted in the repeal of the following tax provisions:

- Section 180 (organization tax on In-State corporations) and Section 181 (license and maintenance fees on Out-of-State corporations).
- The retail enterprise tax credit and rehabilitation credit for historic barns, available to Article 9-A and Article 22 taxpayers.
- The Article 9, Section 185 franchise tax on agricultural cooperatives, effective for tax years beginning on or after January 1, 2018.

Modifications:

- The empire state commercial production credit, available to Article 9-A and Article 22 taxpayers, was modified and extended through tax year 2016. The threshold minimum activity required for the pool of credit allocated to production outside of the Metropolitan Commuter Transportation District is lowered from \$200,000 to \$100,000.
- The sales tax exemption for vending machine sales of candy, juice and soft drinks was modified in 2014 to increase the exemption threshold from \$0.75 to \$1.50.

- The prepayment element of the family tax relief credit was eliminated for tax years beginning on or after January 1, 2015. The relief will be administered as a regular Personal Income Tax credit and provide that the eligibility for the credit will be based on the taxpayer's tax information for the current year.
- The earned income tax credit (EITC) for certain noncustodial parents, available to Article 22 taxpayers, was extended through tax year 2016.
- The empire state film production credit, available to Article 9-A and Article 22 taxpayers, was amended to add Albany and Schenectady Counties to the list of upstate counties where additional credit based on wages may be earned. The aggregate amount of tax credits allowed for the additional credit is \$5 million dollars each year during the period 2015 through 2019.
- The START-UP NY Program was amended to include four correctional facilities owned by the State of New York as tax-free START-UP NY areas. Specifically included beginning July 26, 2014, are any land or buildings owned by New York on the premises of Butler Correctional Facility, Chateaugay Correctional Facility, Monterey Shock Incarceration Correctional Facility, and Mount McGregor Correctional Facility.
- The aggregate dollar amount of the low income housing credit that the Commissioner of the Division of Housing and Community Renewal may allocate to eligible low-income buildings was increased from \$48 million to \$56 million and further raised to \$64 million dollars effective April 1, 2015.
- The youth works tax credit, available to Article 9-A and Article 22 taxpayers, was enhanced to provide an additional \$1,000 tax credit for each youth retained in full-time status for one additional year and an additional \$500 for each youth retained in part-time status for one additional year. The part-time hourly threshold was also reduced from 20 hours to 10 hours for full-time high school students. The allocations for years two through five of the Youth Works Programs was increased from \$6 million to \$10 million.
- The preferential tax rate on conveyances of real property to existing real estate investment trusts (REITs) under the Real Estate Transfer Tax (RETT) was extended beyond the sunset date of September 1, 2014. This reduced tax rate now applies to all such conveyances occurring before September 1, 2017.

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PERSONAL INCOME TAX

This section provides revenue estimates of tax expenditures for 91 provisions of the 2015 New York State Personal Income Tax. Tax expenditures are first estimated for the 2012 tax year (the latest year for which historical tax data are available) and then projected to the 2015 tax year. This section also provides historical estimates from 2008 through 2011 for comparison. Table 2 lists the income tax provisions for which estimates exist, and the estimates themselves. To provide some perspective, it also shows total Personal Income Tax liability for the 2012 tax year. The data used to generate the estimates do not include late filed returns, audited returns, or fiduciary returns because no contemporaneous data exist to make the estimates. On average, the sample used to make the estimates covers between 90 and 95 percent of total Personal Income Tax liability.

Description of Tax

The computation of the New York State Personal Income Tax starts with the Federal definition of adjusted gross income as included in the Internal Revenue Code (IRC). The IRC permits certain exclusions and adjustments in arriving at Federal adjusted gross income. New York allows several subtraction modifications and requires certain addition modifications in arriving at New York adjusted gross income (NYAGI). Taxpayers can then reduce their NYAGI by subtracting the higher of the New York standard deduction or New York itemized deductions. New York itemized deductions generally conform to Federal itemized deductions; however, certain modifications, such as an add-back for income taxes, apply. Federal law, to which New York conforms, requires certain high-income taxpayers to further limit itemized deductions. In addition, an overall New York State deduction limitation applies to upper-income taxpayers. New York taxpayers may also subtract from NYAGI a \$1,000 exemption for each dependent, not including the taxpayer and spouse.

The above computation determines taxable income. After computing taxable income, taxpayers apply a marginal tax rate schedule to compute their tax. For tax years 2003-2005, the top rate was 7.7 percent on taxable incomes above \$500,000 for all filing statuses. For tax years 2006-2008, the top rate returned to the pre-2003 level of 6.85 percent applying to taxable income in excess of \$20,000 for single individuals, \$30,000 for head of household, and \$40,000 for married couples filing jointly. For tax years 2009-2011, the top rate was 8.97 percent on taxable incomes above \$500,000 for all filing statuses. In 2012, the top rate was 8.82 percent on taxable incomes over \$1,000,000 for single individuals, \$1,500,000 for head of household, and \$2,000,000 for married couples filing jointly. For tax years 2013 through 2017, the tax brackets are indexed by a cost of living percentage adjustment. In 2015, the top rate remains 8.82 percent on taxable incomes over \$1,062,650 for single individuals, \$1,594,050 for head of household, and \$2,125,450 for married couples filing jointly. If New York adjusted gross income exceeds \$106,200, then taxpayers must also compute a supplemental tax that recaptures the tax benefit that results from income being taxed at less than the top marginal rate. Taxpayers may then subtract certain credits in arriving at their actual tax liability.

Many of the effective dates for the income tax items occurred in 1960. The State Personal Income Tax was originally enacted in 1919, but the present system of Federal conformity with respect to income and deductions did not begin until 1960. Therefore, the report uses 1960 as the effective date for the provisions existing since the reorganization of the State's income tax. Many provisions have also been amended since their enactment;

PERSONAL INCOME TAX

however, this report does not provide a detailed legislative history of each item covering the entire intervening time frame.

The descriptive paragraph on each income tax expenditure summarizes the provision as it appears in the Tax Law in effect as of January 1, 2015. It also includes any differences applicable between the 2012 and 2015 tax years. The listing does not include provisions repealed or sunsetted prior to 2014. Also, only tax credits specific to the Personal Income Tax are described here. Descriptions of tax credits available under multiple tax articles are contained in the Cross-Article Tax Credits section of the report

Data Sources

The major sources of data used in this section and the Appendix include:

- 2012 Personal Income Tax Study File — A data file based on a statistical sample of approximately 762,500 New York State Personal Income Tax returns. The sample is weighted to be consistent with income and liability totals for the taxpayer population contained on the New York State Department of Taxation and Finance’s master file. Double-checking all sample data ensures accuracy and reliability. This data file is then used in conjunction with a Personal Income Tax simulation model, a set of complex computer programs which simulate the various features of the Tax Law and variations thereof for the years being estimated.
- 2012 Personal Income Tax Population File — A data file based on approximately 9,935,000 Personal Income Tax returns filed in 2013 with the New York State Department of Taxation and Finance. The data represent amounts accepted by the Department’s tax return processing system.
- 2012 Federal Statistics of Income (SOI) — An annual statistical report produced by the U.S. Treasury Department. It contains Internal Revenue Service data collected from the Federal tax returns filed by New York residents. Verification of the data for accuracy ensures high data quality. The SOI sample of New York taxpayers contains 50,951 returns.
- Office of Management and Budget (OMB) Federal tax expenditure estimates — OMB’s estimates of Federal tax expenditure items listed in this report came from the fiscal year 2015 *Corporate and Individual Income Tax Revenue Loss Estimates for Tax Expenditures*. Historical estimates were based on prior reports.
- U.S. Congressional Joint Committee on Taxation (JCT) Federal tax expenditure estimates — JCT’s estimates of Federal tax expenditure items listed in this report came from *Estimates of Federal Tax Expenditures for Fiscal Years 2014-2018*. The JCT publishes this pamphlet annually. Historical estimates are based on prior reports.

Methodology

For estimating tax expenditures in 2015, components of income, modifications, and itemized deductions on the 2012 sample return file are extrapolated to 2015 levels using growth assumptions based on the economic forecast provided by the New York State Division of the Budget during December 2014. This data file is then used with the Personal Income Tax model revised to simulate 2015 tax law.

The Federal Office of Management and Budget and U.S. Joint Committee on Taxation tax expenditure estimates of Federal tax expenditure items are prorated to New York using New York's share of total U.S. personal income and applying New York State effective tax rates.

Tax expenditures with values of less than \$0.1 million are indicated with an asterisk.

PERSONAL INCOME TAX

Table 2
2015 Personal Income Tax Expenditure Estimates
(2012 Total Personal Income Tax Liability = \$38,026 Million)
(Millions of Dollars)

Tax Item	History					Forecast	Reliability
	2008	2009	2010	2011	2012	2015	Level
New York Modifications							
1. Pension/Annuity Exclusion	503.1	427.0	548.4	595.5	591.0	694.0	1
2. Exclusion of Social Security and Tier I Railroad Retirement Benefits (Taxable Social Security for Federal Purposes but New York Exempt)	617.1	614.7	715.7	742.8	783.5	975.0	1
3. Exclusion of Interest on U.S. Obligations	133.1	95.0	70.7	66.0	57.8	65.0	1
4. Exclusion of Pensions, Annuities, Interest, and Lump Sum Payments Received by New York State and Municipal Retirees	607.4	678.1	748.3	787.0	784.8	833.0	1
5. Exclusion of Pensions, Annuities, Interest, and Lump Sum Payments by Federal Retirement Systems	120.9	134.0	147.3	154.0	152.3	159.0	1
6. Disability Income Exclusion	N/A	N/A	N/A	N/A	N/A	N/A	5
7. Exclusion of Interest or Dividends on Obligations or Securities of a U.S. Agency	N/A	N/A	N/A	N/A	N/A	N/A	5
8. Exclusion of Interest or Dividend Income on Obligations or Securities Taxable for Federal Purposes but Exempt for New York Tax Purposes	N/A	N/A	N/A	N/A	N/A	N/A	5
9. Exclusion of Accelerated Death Benefits and Viatical Settlements	*	*	*	*	*	*	4
10. Exclusion for Contributions to New York State College Choice Tuition Savings Program	45.9	50.0	56.6	60.3	57.0	55.0	1
11. Deferral of Gain from Sale of Qualified Emerging Technology Investments	*	*	*	*	*	*	4
12. Exclusion of Payments to Victims of Nazi Persecution	*	*	*	*	*	*	4
13. Exclusion of Compensation for Members of an Organized Militia	*	*	*	*	*	*	4
14. Exclusion for Living Human Organ Donors	*	*	*	*	*	*	4
15. Exclusion of Compensation for Service in a Combat Zone for Members of the Armed Services	*	*	*	*	*	*	4
16. Exclusion of Small Business and/or Farm Income	--	--	--	--	--	45.0	4
17. Exclusion of Income Attributable to the New York State Business Incubator and Innovation Hot Spot Support Act	--	--	--	--	--	*	4
18. Exclusion of Wages Received From an Employer Located in START-UP New York Area	--	--	--	--	--	35.0	4
19. Exclusion of Service Award for Volunteer Firefighters and Ambulance Workers	--	--	--	--	--	1.0	4
New York Itemized Deductions and Exemptions							
20. Value of Standard Deductions for Those Returns with Itemized Deductions in Excess of Standard Deduction	1,681.4	1,677.5	1,652.9	1,645.4	1,533.2	1,531.0	1
21. Itemized Deductions							
a. Medical/Dental Deduction	108.0	100.5	113.8	118.0	119.3	121.0	1
b. Interest Deduction	1,327.4	1,195.6	1,104.4	1,029.0	877.4	804.0	1
c. Charitable Contribution Deduction	614.1	615.7	561.3	559.3	569.2	640.0	1
d. Casualty/Theft Deduction	6.0	4.9	2.6	10.4	70.0	12.7	1
e. Taxes Paid Deduction	750.0	790.0	771.5	775.0	719.3	786.0	1
f. Miscellaneous Deductions Subject to 2 Percent of AGI Limitation	370.5	300.5	303.7	316.0	288.2	264.0	1

PERSONAL INCOME TAX

Tax Item	History					Forecast	Reliability
	2008	2009	2010	2011	2012	2015	Level
g. Other Miscellaneous Deductions	95.7	41.2	40.1	35.0	31.6	32.0	1
22. Dependent Exemptions	293.9	304.1	308.8	308.8	292.0	309.0	1
New York Credits							
23. Household Credit	93.2	95.8	99.6	99.6	99.2	96.0	1
24. Earned Income Credit	811.1	966.9	943.8	986.3	993.6	1,117.0	1
25. Real Property Tax Credit (Circuit Breaker)	25.5	23.9	20.2	23.1	19.7	18.0	1
26. Child and Dependent Care Credit	297.4	245.7	199.6	184.7	193.6	194.0	1
27. Accumulation Distribution Credit ²	*	*	0.1	0.1	0.1	0.1	1
28. Solar Energy System Equipment Credit ^{1,2,4}	3.2	4.7	7.4	6.4	7.2	13.0	1
29. College Tuition Credit ³	247.8	268.3	248.5	254.0	239.0	244.0	1
30. Nursing Home Assessment Tax Credit	12.3	12.2	12.8	16.3	16.7	18.0	1
31. Empire State Child Credit	655.2	705.3	694.1	687.4	671.3	642.0	1
32. Enhanced State Earned Income Tax Credit for Certain Non-Custodial Parents	2.8	4.4	3.5	4.4	3.6	4.0	1
33. Volunteer Firefighters and Ambulance Workers Credit	13.0	13.4	13.9	15.0	15.4	16.0	1
34. Historic Homeownership Rehabilitation Credit ⁴	*	*	0.2	0.3	0.4	0.5	1
35. Family Tax Relief Credit	--	--	--	--	--	400.0	4
36. Enhanced Real Property Tax Credit	--	--	--	--	--	85.0	4
37. Real Property Tax Freeze Credit	--	--	--	--	--	783.0	4
Cross-Article Credits							
1. Investment Credit ^{2,4}	25.2	17.0	21.3	27.4	23.1	25.0	1
2. Investment Credit for Financial Services Industry ^{2,4}	0.5	0.1	0.2	0.1	0.1	0.2	1
3. Special Additional Mortgage Recording Tax Credit ^{2,4}	11.2	6.3	4.0	6.6	11.6	12.0	1
4. Empire Zone (EZ), Qualified Zone Enterprise (QEZE), and Zone Equivalent Areas Tax Credit ^{2,4}							
a. EZ Investment Tax Credit and Employment Incentive Credit	12.2	11.7	15.1	13.6	10.7	6.0	1
b. EZ/ZEA Wage Tax Credit	17.0	17.2	17.8	14.6	11.7	7.0	1
c. EZ Capital Credit	1.2	0.9	1.5	1.5	0.2	0.1	1
d. QEZE Real Property Tax Credit	70.7	83.2	86.1	91.7	80.4	54.0	1
e. QEZE Tax Reduction Credit	29.8	40.9	52.9	52.5	74.9	14.0	1
5. Farmers' School Property Tax Credit	28.6	29.1	31.2	33.5	35.7	38.0	1
6. Credit for Employment of Persons with Disabilities ^{2,4}	*	*	*	*	*	*	1
7. Qualified Emerging Technology Company Credits ^{2,4}							
a. QETC Capital Tax Credit	0.9	0.7	1.0	1.5	1.5	2.0	1
b. QETC Employment Credit	0.2	0.2	0.2	0.1	0.3	0.4	1
8. Low-Income Housing Credit ^{2,4}	0.1	*	*	*	*	*	1
9. Credit for Purchase of an Automated External Defibrillator ^{2,4}	*	*	0.1	1.0	0.1	0.2	1
10. Green Building Credit ^{2,4}	*	0.2	*	*	0.1	0.3	1
11. Long-Term Care Insurance Credit ²	63.9	51.7	71.3	74.7	79.6	90.0	1
12. Empire State Film and Commercial Production Credits							
a. Empire State Film Production Credit ²	8.3	7.8	8.8	7.7	3.4	10.0	1
b. Empire State Film Post Production Credit	--	--	0.0	0.1	0.1	1.0	1

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Tax Item	History					Forecast	Reliability
	2008	2009	2010	2011	2012	2015	Level
c. Empire State Commercial Production Credit	*	*	1.0	0.9	*	1.0	1
13. Security Training Tax Credit ^{2,4}	*	0.2	0.1	*	*	*	1
14. Brownfields Tax Credits ⁴	82.3	71.5	7.8	64.1	33.4	73.5	1
a. Brownfield Redevelopment Tax Credit	81.4	70.3	5.6	62.3	31.1	68.5	1
b. Remediated Brownfield Credit for Real Property Taxes	0.9	1.2	2.2	1.8	2.3	5.0	1
c. Environmental Remediation Insurance Credit	0.0	0.0	0.0	0.0	*	*	1
15. Biofuel Production Credit ⁴	5.8	6.1	1.8	*	*	*	1
16. Land Conservation Easement Credit ⁴	1.1	1.2	1.2	1.4	1.4	1.5	1
17. Clean Heating Fuel Credit ⁴	0.3	0.4	0.3	0.6	0.7	1.0	1
18. Rehabilitation of Historic Properties Credit ⁴	0.1	0.2	0.5	0.6	1.5	2.0	1
19. Excelsior Jobs Program (EJP) Tax Credits	--	--	--	*	*	75.0	1
20. Credit for Companies Who Provide Transportation to Individuals with Disabilities	--	--	--	--	0.1	*	4
21. Economic Transformation and Facility Redevelopment Program Tax Credit	--	--	--	*	*	*	1
22. New York Youth Works Tax Credit	--	--	--	--	1.0	1.0	4
23. Empire State Jobs Retention Program Credit ⁵	--	--	--	--	--	--	4
24. Beer Production Credit	--	--	--	--	0.6	1.0	4
25. Alternative Fuels and Electric Vehicle Recharging Property Credit ¹	--	--	--	--	--	*	4
26. START-UP NY Tax Elimination Credit ¹	--	--	--	--	--	31.0	4
27. Minimum Wage Reimbursement Credit ¹	--	--	--	--	--	14.0	4
28. Hire A Vet Credit ¹	--	--	--	--	--	12.0	4
29. Musical and Theatrical Production Credit ¹	--	--	--	--	--	1.0	4
30. Real Property Tax Relief Credit for Manufacturing ¹	--	--	--	--	--	15.0	4
31. Credit for the Excise Tax on Telecommunication Services Paid by START-UP NY Businesses ¹	--	--	--	--	--	*	4
32. Workers with Disabilities Tax Credit ¹	--	--	--	--	--	2.0	4

1/ A new tax expenditure item or a revision of the methodology or revisions in the data sources resulted in an estimate which better reflects the tax expenditure value.

2/ Credit estimates include non-refundable amount used to reduce current year tax liability. Figure also includes refundable amounts where applicable.

3/ Estimate includes value of itemized deduction and credit.

4/ For tax years 2010, 2011, and 2012, credits subject to deferral. Values reported reflect the amount of credit computed absent deferral rules.

5/ 2014 Estimate included in Excelsior Jobs Program Credit.

* Less than \$0.1 Million

-- The tax expenditure was not applicable for these years.

N/A No data available.

NOTE: Totals may differ from estimates included with individual components of expenditure items due to rounding.

New York Modifications

The NYAGI of a resident or nonresident individual is defined as Federal adjusted gross income with modifications as specified by New York Tax Law, Article 22, Section 612.

1. **Pension/Annuity Exclusion**

Citation: Section 612(c)(3-a)

Effective Date: Effective for taxable years beginning on or after January 1, 1982

Description: Taxpayers aged 59 ½ and over may exclude from New York adjusted gross income pensions and annuities, to the extent included in Federal adjusted gross income, but not in excess of \$20,000 (\$20,000 each for two married pensioners or annuitants filing jointly).

Estimates: 2012: \$591.0 million — 2015: \$694.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

2. **Exclusion of Social Security and Tier 1 Railroad Retirement Benefits (Taxable Social Security for Federal Purposes but New York Exempt)**

Citation: Section 612(c)(3-c)

Effective Date: Effective for taxable years beginning after December 31, 1983

Description: Taxpayers may exclude from New York adjusted gross income Social Security and Tier 1 railroad retirement benefits, to the extent included in Federal adjusted gross income.

Estimates: 2012: \$783.5 million — 2015: \$975.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

3. **Exclusion of Interest on U.S. Obligations**

Citation: Section 612(c)(1)

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: Taxpayers may exclude from New York adjusted gross income interest income on obligations of the United States and its possessions, to the extent included in FAGI. Federal law prohibits New York from taxing this item.

Estimates: 2012: \$57.8 million — 2015: \$65.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

4. **Exclusion of Pensions, Annuities, Interest, and Lump Sum Payments Received by New York State and Municipal Retirees**

Citation: Section 612(c)(3)(i)

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: Retirement payments received by officers and employees (or their beneficiaries) of New York State and its municipalities (including corporations and authorities), to the extent includable in Federal adjusted gross income, may be subtracted in computing New York adjusted gross income. The State Constitution prohibits taxation of this income.

Estimates: 2012: \$784.8 million — 2015: \$833.0 million

Data Source: PIT Simulation Model

PERSONAL INCOME TAX

Reliability: Level 1

5. **Exclusion of Pensions, Annuities, Interest, and Lump Sum Payments by Federal Retirement Systems**

Citation: Section 612(c)(3)(ii)

Effective Date: Effective for tax years beginning on or after January 1, 1989

Description: Payments received by officers and employees (and their beneficiaries) from Federal retirement systems, to the extent includable in Federal adjusted gross income, may be subtracted in determining New York adjusted gross income. A 1989 U.S. Supreme Court ruling (*Davis v. Michigan Department of Treasury*) mandated that states must provide equal tax treatment for Federal and state/local pensions.

Estimates: 2012: \$152.3 million — 2015: \$159.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

6. **Disability Income Exclusion**

Citation: Section 612(c)(3-b)

Effective Date: Effective for taxable years beginning after December 31, 1983

Description: A taxpayer may subtract up to \$5,200 of disability income included in Federal adjusted gross income, to the extent that such income would have been excluded from Federal gross income prior to January 1, 1984, under the repealed provisions of IRC Section 105(d). The total exclusion for disability and pension and annuity income may not exceed \$20,000. The exclusion is reduced by the amount that the taxpayer's adjusted gross income exceeds \$15,000.

Estimate: No data available. Included in "other" category for New York modifications in second pass data and, therefore, cannot be separately identified.

Reliability: Level 5

7. **Exclusion of Interest or Dividends on Obligations or Securities of a U.S. Agency**

Citation: Section 612(c)(2)

Effective Date: Effective for taxable years on or after January 1, 1960

Description: Taxpayers may subtract from Federal adjusted gross income, interest or dividend income on obligations or securities of a U.S. agency, to the extent that such income has been included in Federal adjusted gross income. Federal law prohibits New York from taxing this income.

Estimate: No data available. Included in "other" category for New York modifications in second pass data and, therefore, cannot be separately identified.

Reliability: Level 5

8. **Exclusion of Interest or Dividend Income on Obligations or Securities Taxable for Federal Purposes but Exempt for New York Tax Purposes**

Citation: Section 612(c)(6)

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: The taxpayer may subtract from Federal adjusted gross income interest or dividend income on obligations or securities, to the extent that such income is exempt for New York income tax purposes under New York law but is subject to Federal income tax.

Estimate: No data available. Included in “other” category for New York modifications in second pass data and, therefore, cannot be separately identified.

Reliability: Level 5

9. Exclusion of Accelerated Death Benefits and Viatical Settlements

Citation: Section 612(c)(30)

Effective Date: Effective for taxable years beginning on or after January 1, 1991 for death benefits and for payments received on or after July 27, 1994 on viatical settlements

Description: Taxpayers may subtract from Federal adjusted gross income accelerated payments of part or all of the death benefit or special surrender value of a life insurance policy as a result of certain diagnoses (i.e., terminal illnesses), specified in the Insurance Law. Also, taxpayers may subtract the amount received from a viatical settlement company from the sale of a life insurance policy. Persons with catastrophic or life threatening illnesses are eligible for this subtraction when they sell such policies to a viatical settlement company licensed by the State Insurance Department.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: Federal Office of Management and Budget

Reliability: Level 4

10. Exclusion for Contributions to New York State College Choice Tuition Savings Program

Citation: Section 612(c)(32)

Effective Date: Effective for taxable years beginning after December 31, 1997

Description: Taxpayers may subtract from Federal adjusted gross income up to \$5,000 per year (\$10,000 for married couples filing jointly) of contributions to “family tuition accounts,” as defined in Article 14-A of the Education Law, to the extent not deductible or eligible for credit for Federal tax purposes. The maximum account balance may not exceed \$235,000 per beneficiary, and the State Comptroller has authority to increase this figure to reflect increases in higher education costs.

Estimates: 2012: \$57.0 million — 2015: \$55.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

11. Deferral of Gain from Sale of Qualified Emerging Technology Investments

Citation: Section 612(c)(34)

Effective Date: Effective for qualified investments acquired on or after March 12, 1998

Description: Gain from the sale of qualified emerging technology investments may be subtracted from Federal adjusted gross income, if reinvested in another qualified emerging technology investment. The amount subtracted must be added to Federal adjusted gross income when the reinvestment is sold, if the gain is not reinvested in a qualified emerging technology investment.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: Industry Data

Reliability: Level 4

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12. Exclusion of Payments to Victims of Nazi Persecution

Citation: Sections 612(c)(35) and (36)

Effective Date: Effective for taxable years beginning on or after January 1, 1995

Description: Taxpayers may subtract certain distributions, to the extent included in FAGI, made based on their status as a victim of Nazi persecution as defined in Public Law 103-286. The subtraction also applies to distributions received by victims' spouses and needy descendants. In addition, a subtraction is allowed for items of income included in FAGI attributable to assets stolen or hidden from, or otherwise lost by victims of Nazi persecution immediately prior to, during, or after World War II.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Banking Department

Reliability: Level 4

13. Exclusion of Compensation for Members of an Organized Militia

Citation: Section 612(c)(8-b)(i)(ii)

Effective Date: Effective for taxable years beginning on or after January 1, 2004

Description: An individual who is a member of a New York State organized militia may subtract from Federal adjusted gross income compensation received for performing active service within New York State pursuant to active duty orders issued by the Governor or the Federal government.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: Level 4

14. Exclusion for Living Human Organ Donors

Citation: Section 612(c)(38)

Effective Date: Effective for taxable years beginning on or after January 1, 2007

Description: Resident taxpayers may subtract certain unreimbursed expenses from Federal adjusted gross income which are incurred by the taxpayer while donating one or more of their human organs, while living, to another human being for human organ transplantation. Unreimbursed expenses include travel expenses, lodging expenses and lost wages. In addition, a "human organ" is defined as all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The subtraction can only be claimed once and must be claimed in the taxable year in which the human organ transplantation occurs. The maximum allowable subtraction is \$10,000 per taxpayer.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: Level 4

15. Exclusion of Compensation for Service in a Combat Zone for Members of the Armed Services of the United States

Citation: Section 612(c)(8-c)

Effective Date: Effective for taxable years beginning on or after January 1, 2008

Description: An individual who is a member of the armed services of the United States may subtract from federal adjusted gross income compensation received for performing active service in an area designated by the President of the United States by executive order as a "combat zone."

Estimates: 2012: Minimal — 2015: Minimal
Data Source: New York State Division of the Budget
Reliability: Level 4

16. Exclusion of Small Business and/or Farm Income

Citation: Section 612(c)(39)

Effective Date: Effective for taxable years beginning on or after January 1, 2014

Description: Resident taxpayers with small business and/or farm income may subtract three percent of the net items of income, gain, loss and deduction attributable to a business or farm included in federal adjusted gross income (but not less than zero) for tax year 2014. This is increased to 3.75 percent in tax year 2015 and five percent for tax year 2016 and after. Small business is defined as a sole proprietor or a farm business employing one or more persons during the taxable year that has net business income or net farm income of less than \$250,000.

Estimates: 2012: Not Applicable – 2015: \$45.0 million

Data Source: New York State Division of the Budget

Reliability: Level 4

17. Exclusion of Income Attributable to the New York State Business Incubator and Innovation Hot Spot Support Act

Citation: Section 612(c)(39)

Effective Date: Effective for taxable years beginning on or after January 1, 2014

Description: The creation of the New York State Business Incubator and Innovation Hot Spot Support Act allows an exclusion for five years beginning with the first tax year a qualified entity becomes a tenant in or part of an innovation hot spot. An individual who is the sole proprietor of a qualified entity, or a member of a limited liability company treated as a partnership, a partner in a partnership, or a shareholder in a New York S corporation, who is taxable under Article 22 is allowed a deduction (in the form of a subtraction modification) for the amount of income or gain included in his or her federal adjusted gross income, only to the extent that the income or gain is attributable to the operations of the qualified entity at (or as part of) an innovation hot spot. The amount of the subtraction modification is determined using books and records.

Estimates: 2012: Not Applicable – 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: Level 5

18. Exclusion of Wages Received From an Employer Located in a START-UP New York Area

Citation: Section 612(c)(40)

Effective Date: Effective for taxable years beginning on or after January 1, 2014

Description: Resident taxpayers may subtract any wages received as an employee of a business located within a tax-free NY area during the first five years of such business's ten year taxable year period to the extent the wages are included in federal adjusted gross income. During the second five years of such business's ten year taxable period, resident taxpayers may subtract the first \$200,000 of such wages in the case of a taxpayer filing as a single individual, the first \$250,000 of such wages in the case of a taxpayer filing as a head of household, and \$300,000 of such wages in the

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case of a taxpayer filing a joint return, to the extent included in federal adjusted gross income.

Estimates: 2012: Not Applicable – 2015: \$35.0 million

Data Source: New York State Division of the Budget

Reliability: Level 5

19. Exclusion of Service Award for Volunteer Firefighters and Ambulance Workers

Citation: Section 612(c)(41)

Effective Date: Effective for taxable years beginning on or after January 1, 2014

Description: Volunteer firefighters and volunteer ambulance workers who have not attained the age of 59 ½ may subtract service awards included in gross income for Federal tax purposes. To qualify for the subtraction modification, the service award must be from a length of service defined contribution plan or defined benefit plan as provided for in Articles eleven-A, eleven-AA, eleven-AAA, and eleven-AAAA of the General Municipal Law and be included in the computation of the taxpayer's federal adjusted gross income for the tax year. However, a service award will not qualify for the subtraction modification if it is distributed in the form of a lump-sum distribution as defined in section 402(e)(4)(A) of the Internal Revenue Code (IRC) and taxed under section 603 of the Tax Law.

PIT Estimates: 2012: Not Applicable – 2015: \$1.0 million

Data Sources: New York State Division of the Budget

Reliability: Level 4

New York Itemized Deductions and Exemptions

Individual taxpayers who elect not to use the standard deduction may reduce their New York adjusted gross income by their itemized deductions, and all taxpayers are allowed exemptions for dependents who qualify for the Federal exemption.

20. Value of Standard Deductions for Those Returns with Itemized Deductions in Excess of Standard Deduction

Citation: Section 614

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: Because all taxpayers are entitled to a standard deduction as a minimum, itemizers have their standard deduction “built into” their total deduction.

Estimates: 2012: \$1,533.2 million — 2015: \$1,531.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

21. Itemized Deductions

Taxpayers who itemize deductions on their Federal returns may also itemize on their New York State returns if the aggregate of such deductions, minus state and local income taxes and certain other modifications, exceeds the New York standard deduction.

New York itemized deductions flow through from Federal law. Thus, the citations below reference the Internal Revenue Code. They are authorized in New York Tax Law, Article 22, Section 615. New York limits the availability of itemized deductions

for certain high income taxpayers. The percentage of disallowed deductions varies according to the taxpayer's NYAGI and filing status. Itemized deductions for a single taxpayer with NYAGI in excess of \$100,000 are reduced by up to 25 percent. This reduction also applies to married taxpayers filing jointly with NYAGI in excess of \$200,000 and heads of household with NYAGI exceeding \$250,000. For all taxpayers with NYAGI above \$475,000, itemized deductions are reduced by up to an additional 25 percent, equaling 50 percent for all taxpayers with NYAGI above \$525,000. Beginning in tax year 2009 and after, the New York itemized deduction limitation has been revised to further limit a taxpayer's New York itemized deduction. If a taxpayer's NYAGI is more than \$1,000,000, but not more than \$10 million, the New York itemized deduction is limited to 50 percent of the federal itemized deduction for charitable contributions. For tax years 2013, 2014 and 2015, if an individual's NYAGI is more than \$10 million, the itemized deduction is limited to 25 percent of the federal itemized deduction for charitable contributions. All other federal itemized deductions are reduced to zero based on the new limitation.

The Federal itemized deduction limitation further reduces the value of the deductions. However, for tax years after 2012, the Federal itemized deduction limitation is repealed for families with incomes below \$300,000 and single taxpayers with income below \$250,000.

a. **Medical/Dental Deduction**

Citation: IRC Section 213

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: Medical and dental expenses paid during the taxable year by and on behalf of the individual or his/her spouse or dependent may be deducted from Federal adjusted gross income, as an itemized deduction, to the extent that the expenses (a) exceed 7.5 percent of adjusted gross income, and (b) are not compensated for by insurance or otherwise.

Estimates: 2012: \$119.3 million — 2015: \$121.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

b. **Interest Deduction**

Citation: IRC Section 163

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: A taxpayer may deduct mortgage and investment interest paid or accrued during the taxable year on debt owed by the taxpayer. However, interest incurred on loans made to purchase securities, the income from which is tax-exempt in New York, is not deductible for New York purposes. Generally, mortgage interest is totally deductible (certain limitations apply).

Estimates: 2012: \$877.4 million — 2015: \$804.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

c. **Charitable Contribution Deduction**

Citation: IRC Section 170

Effective Date: Effective for taxable years beginning on or after January 1, 1960

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Description: Taxpayers may subtract from Federal adjusted gross income contributions made to qualified organizations, up to a limit of 50 percent of their adjusted gross income. In certain cases, lower limits may apply.

Estimates: 2012: \$569.2 million — 2015: \$640.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

d. **Casualty/Theft Deduction**

Citation: IRC Section 165

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: Individuals may deduct casualty losses. Casualty losses mean uncompensated losses sustained as a result of the total or partial destruction of property, caused by a sudden, unexpected, or unusual event. Losses incurred as a consequence of the theft or embezzlement of the taxpayer's property may also be deducted from Federal gross income. In both cases, a deduction is allowed only with respect to individual losses which exceed \$100 and to the extent that total net losses exceed 10 percent of Federal adjusted gross income.

Estimates: 2012: \$70.0 million — 2015: \$12.7 million

Data Source: PIT Simulation Model

Reliability: Level 1

e. **Taxes Paid Deduction**

Citation: IRC Section 164, Section 615(c)(1)

Effective Date: Effective for taxable years beginning on or after January 1, 1960 for property taxes. Effective for taxable years beginning on or after January 1, 2010 and expiring at the end of tax year 2011 for sales and use taxes.

Description: Individuals may deduct from Federal adjusted gross income, real and personal property taxes which have been paid to any state, local or foreign government during the year.

Estimates: 2012: \$719.3 million — 2015: \$786.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

f. **Miscellaneous Deductions Subject to 2 Percent of AGI Limitation**

Citation: IRC Sections 67, 212, 280A

Effective Date: Effective for taxable years beginning after December 31, 1986 (Sec. 67); on or after January 1, 1960 (Sec. 212); after December 31, 1975 (Sec. 280A)

Description: Taxpayers may deduct certain miscellaneous expenses. Miscellaneous itemized deductions consist of three broad categories of personal expenses: deductible employee expenses, deductible expenses of producing income, and other deductible expenses (essentially, tax counsel and assistance and appraisal fees). The first two categories include such items as work clothes and uniforms, union dues and expenses, safe deposit box rentals, and malpractice insurance premiums.

Estimates: 2012: \$288.2 million — 2015: \$264.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

g. **Other Miscellaneous Deductions**

Citation: IRC Section 67

Effective Date: Effective for taxable years beginning on or after January 1, 1987

Description: Taxpayers may deduct miscellaneous expenses **not** subject to the 2 percent AGI limitation. These include gambling losses (up to the amount of gambling winnings), impairment-related work expenses, and certain other expenses.

Estimates: 2012: \$31.6 million — 2015: \$32.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

22. **Dependent Exemptions**

Citation: Section 616

Effective Date: Effective for taxable years beginning on or after January 1, 1960

Description: In computing taxable income, taxpayers may deduct \$1,000 for each exemption for qualified dependents to which they are entitled a deduction for Federal income tax purposes.

Estimates: 2012: \$292.0 million — 2015: \$309.0 million

Data Source: PIT Simulation Model

Reliability: Level 1

New York Credits

Credits are amounts which may be subtracted from the individual's computed State tax liability. Improvements in data sources and methodology allow the reporting of credit claims by New York adjusted gross income class for many of the largest income tax credits for tax year 2010. Furthermore, the nonrefundable credit amounts reported for 2010 are credit "used" to reduce liability for the tax year. For tax years beginning in 2010 and ending after tax year 2012, taxpayers were required to defer the use and refund of certain tax credits if they exceed \$2 million in aggregate. See Table 2 for a list of affected tax credits. The credits described below are specific to the Personal Income Tax. Descriptions of other tax credits that are available under the Personal Income Tax as well as other tax articles are contained in the Cross-Article Tax Credits section of the report.

23. **Household Credit**

Citation: Section 606(b)

Credit Type: Non-refundable/Non-carryforward

Effective Date: Effective for taxable years beginning on or after January 1, 1978

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Description: Taxpayers with certain incomes may claim a credit as shown in the table below:

Single Filing Status If Federal AGI is:			All Other Filing Statuses If Federal AGI is:			+	For Each Federal Exemption
Over	But Not Over	The Credit Is	Over	But Not Over	The Credit Is		
\$ 0	\$ 5,000	\$75	\$ 0	\$ 5,000	\$75		\$15
5,000	6,000	60	5,000	6,000	60		15
6,000	7,000	50	6,000	7,000	50		15
7,000	20,000	45	7,000	20,000	45		15
20,000	25,000	40	20,000	22,000	50		10
25,000	28,000	20	22,000	25,000	40		10
28,000	No Credit		25,000	28,000	35		5
			28,000	32,000	15		5
			32,000	No Credit			

Estimates: 2012: \$99.2 million — 2015: \$96.0 million

Data Source: PIT Population File

Reliability: Level 1

24. Earned Income Credit

Citation: IRC Section 32, Tax Law Section 606(d)

Credit Type: Refundable (Residents only)

Effective Date: Effective for taxable years beginning after 1993

Description: Taxpayers may claim a credit equal to 30 percent of their Federal earned income credit. In previous tax years, the credit equaled the following percentages of the Federal credit:

1994	1995	1996-1999	2000	2001	2002	2003+
7.5%	10%	20%	22.5%	25%	27.5%	30.0%

The table below shows income eligibility parameters and maximum amounts for the 2015 tax year:

	Maximum Creditable Earnings	Federal Credit Rate	Maximum State Credit	Income for Start of Phase-out (MFJ)*	Others	Income Cut-off (MFJ)*	Others
Taxpayers With 1 Child	\$9,880	34%	\$1,007	\$23,630	\$18,110	\$44,651	\$39,131
Taxpayers With 2 Children	\$13,870	40%	\$1,664	\$23,630	\$18,110	\$49,974	\$44,454
Taxpayers With 3 or More Children	\$13,870	45%	\$1,873	\$23,630	\$18,110	\$53,267	\$47,747
Taxpayers Age 25-64 Without Children	\$6,580	7.65%	\$151	\$13,750	8,240	\$20,330	\$14,820

* Earned income or Federal adjusted gross income, whichever is greater.

Taxpayers must subtract from the earned income credit the amount of household credit used to reduce tax liability.

Estimates: 2012: \$993.6 million — 2015: \$1,117.0 million

Data Source: Earned Income Tax Credit Study

Reliability: Level 1

25. **Real Property Tax Credit (Circuit Breaker)**

Citation: Section 606(e)

Credit Type: Refundable

Effective Date: Effective for taxable years beginning after December 31, 1977

Description: Qualified individuals may claim a credit in the amount of 50 percent of excess real property taxes, determined according to the level of household gross income, subject to certain specified conditions and limits. Eligibility for the credit depends on the size of household gross income (\$18,000 or less), property use, the value of the property, or the adjusted rent of a tenant. The credit claimant must be a New York resident for the entire taxable year. The maximum credit is \$375 for taxpayers age 65 and over and \$75 for taxpayers under age 65. The amount of the credit decreases as household gross income increases. Only one credit is allowed per household.

Estimates: 2012: \$19.7 million — 2015: \$18.0 million

Data Source: Real Property Tax Credit Study

Reliability: Level 1

26. **Child and Dependent Care Credit**

Citation: Section 606(c)

Credit Type: Refundable (Residents only)

Effective Date: Effective for taxable years beginning after December 31, 1976

Description: Taxpayers may claim a credit for a percentage of the Federal credit for household and dependent care expenses necessary to allow gainful employment. The Federal credit was significantly enhanced beginning in 2003 when allowable expenses increased from \$2,400 per child (\$4,800 maximum) to \$3,000 per child (\$6,000 maximum) and the credit rate schedule was enriched. Beginning in 2013, these enhancements have been permanently extended with the maximum credit rate increasing from 30 percent to 35 percent and the minimum credit available for incomes over \$43,000 instead of \$28,000. A taxpayer and spouse filing a joint Federal return, but electing to file separate New York returns, may apply the credit only against the tax of the spouse with the lower taxable income.

The credit equals the following percentages of the Federal credit:

- 110 percent for NYAGI of \$25,000 or less
- 110-100 percent for NYAGI between \$25,000 and \$40,000
- 100 percent for NYAGI between \$40,000 and \$50,000
- 100-20 percent for NYAGI between \$50,000 and \$65,000
- 20 percent for NYAGI greater than \$65,000

Estimates: 2012: \$193.6 million — 2015: \$194.0 million

Data Source: Child and Dependent Care Credit Study

Reliability: Level 1

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27. **Accumulation Distribution Credit**

Citation: Sections 621 and 635

Credit Type: Non-refundable/Non-carryforward

Effective Date: Effective for taxable years beginning on or after January 1, 1962

Description: Beneficiaries of trusts (residents and nonresidents) receiving an accumulation distribution can claim a credit for tax paid by the trust fiduciary on income included in the distribution.

Estimates: 2012: \$0.1 million — 2015: \$0.1 million

Data Source: PIT Population File

Reliability: Level 1

28. **Solar Energy System Equipment Credit**

Citation: Section 606(g-1)

Credit Type: Non-refundable/Carryforward

Effective Date: Effective for property placed in service in taxable years beginning on or after January 1, 1998

Description: Taxpayers may claim a credit equal to 25 percent of qualified solar energy system equipment expenditures which are expenditures for the purchase and installation of solar energy system equipment used at a principal residence in New York. Qualified expenditures also includes expenditures for the leasing of solar energy systems equipment or the purchase of power generated by qualified systems under a written agreement that spans at least ten years. The credit was expanded in 2008 to apply to members of large multi-unit dwellings like cooperative housing corporations and condominium associations. Qualified expenditures include material and installation costs relating to components utilizing solar radiation to produce energy designed to provide heating, cooling, hot water, or electricity for residential use. The credit is capped at \$3,750 for equipment placed in service before September 1, 2006 and \$5,000 for equipment placed in service after such date. If the credit exceeds tax liability, taxpayers may carry over the credit for five years.

Estimates: 2012: \$7.2 million — 2015: \$13.0 million

Data Source: PIT Population File

Reliability: Level 1

29. **College Tuition Credit/Deduction**

Citation: Sections 606(t), 615(d)(4)

Credit Type: Refundable

Effective Date: Effective for tax years beginning on or after January 1, 2001

Description: A credit is permitted for undergraduate college tuition expenses paid by New York residents on behalf of themselves, their spouses, or dependents to attend qualifying in-state or out-of-state institutions of higher education. The credit equals 4 percent of expenses, up to a maximum of \$10,000 of expenses per student. The minimum credit equals the lesser of expenses or \$200.

In lieu of the credit, both resident and nonresident taxpayers may elect to deduct qualifying expenses as an itemized deduction. The maximum deduction is a maximum of \$10,000 of expenses per student.

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Qualifying tuition expenses are defined as net of scholarships and financial aid. Qualifying institutions include colleges and business, trade, technical, or other occupational schools recognized and approved by the Regents of the University of the State of New York, or by other nationally recognized accrediting agencies accepted by the Regents, which provide study leading to a post-secondary degree, certificate, or diploma. Tuition paid by a dependent student who is claimed on a parent's New York return is attributed to the parent and used by the parent to claim the credit or deduction.

Estimates: 2012: \$239.0 million — 2015: \$244.0 million

*College Tuition Credit/Deduction Claims in 2012
By New York Adjusted Gross Income*

NYAGI	Number of Taxpayers	Tax Expenditure (Millions \$)
Less than \$10,000	83,065	\$ 21.5
\$ 10,000 - \$24,999	139,042	34.1
\$ 25,000 - \$49,999	149,455	38.6
\$ 50,000 - \$99,999	173,304	55.8
\$100,000 - \$199,999	144,835	62.2
\$200,000 and over	56,582	26.8
Total:	746,283	\$239.0

Data Source: PIT Simulation Model

Reliability: Level 1

30. Nursing Home Assessment Tax Credit

Citation: Section 606 (hh)

Credit Type: Refundable

Effective Date: Effective for taxable years beginning on or after January 1, 2005

Description: Taxpayers may claim a nursing home assessment tax credit equal to the assessment imposed on the gross receipts of residential health care facilities under Public Health Law §2807-d. The credit is allowed in cases where the assessment is paid by the taxpayer and is not covered under Medicaid or private insurance.

Estimates: 2012: \$16.7 million — 2015: \$18.0 million

*Nursing Home Assessment Tax Credit Claims in 2012
By New York Adjusted Gross Income*

NYAGI	Number of Claims	Amount Claimed (Millions \$)
Less than \$10,000	2,132	\$7.9
\$ 10,000 - \$24,999	616	2.5
\$ 25,000 - \$49,999	532	2.3
\$ 50,000 - \$99,999	433	2.2
\$100,000 - \$199,999	193	1.2
\$200,000 and over	78	0.6
Total:	3,984	\$16.7

Data Source: PIT Population File

Reliability: Level 1

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31. Empire State Child Credit

Citation: Section 606(c-1)

Credit Type: Refundable (Residents only)

Effective Date: Effective for taxable years beginning on or after January 1, 2006

Description: Resident taxpayers with children ages 4-16 may claim a credit equal to the greater of \$100 times the number of children who qualify for the Federal child tax credit, or 33 percent of the taxpayer's allowed Federal child tax credit. The Federal credit is currently a maximum of \$1,000 per qualifying child. The Federal credit phases-out beginning at \$110,000 of Modified Federal Adjusted Gross Income (MFAGI) for married taxpayers filing jointly, and \$75,000 for others. New York taxpayers with MFAGI above these thresholds may only claim a New York credit equal to 33 percent of their allowed Federal credit.

Estimates: 2012: \$671.3 million — 2015: \$642.0 million

*Empire State Child Credit Claims in 2012
By New York Adjusted Gross Income*

NYAGI	Number of Claims	Amount Claimed (Millions \$)
Less than \$10,000	137,814	\$ 31.4
\$ 10,000 - \$24,999	430,377	177.1
\$ 25,000 - \$49,999	421,633	204.8
\$ 50,000 - \$99,999	387,042	192.2
\$100,000 - \$199,999	162,179	65.7
\$200,000 and over	253	0.1
Total:	1,539,298	\$671.3

Data Sources: PIT Population File

Reliability: Level 1

32. Enhanced State Earned Income Tax Credit for Certain Non-Custodial Parents

Citation: Section 606(d-1)

Credit Type: Refundable (Residents only)

Effective Date: Effective for taxable years beginning on or after January 1, 2006 and before January 1, 2015

Description: Certain taxpayers may claim an enhanced State earned income tax credit (EITC). To qualify for the enhanced credit, claimants must be a resident taxpayer, age 18 and over, and have a minor child with whom they do not reside. The credit is equal to the greater of 20 percent of the Federal EITC that the taxpayer would otherwise be able to claim for one qualifying child (if he/she were a custodial parent) or 2.5 times the EITC for taxpayers without qualifying children. Claimants must have a child support order in effect for at least half the tax year and have made required support payments. In addition, unlike the existing State EITC, the amount of credit allowed is not reduced by the amount of the State household credit used by the taxpayer. Taxpayers are not allowed more than one credit if they have multiple children or support orders.

Estimates: 2012: \$3.6 million — 2015: \$4.0 million

Data Source: Earned Income Tax Credit Study

Reliability: Level 1

33. Volunteer Firefighters and Ambulance Workers Credit

Citation: Section 606(e-1)

Credit Type: Refundable

Effective Date: Effective for taxable years beginning on or after January 1, 2007

Description: Resident taxpayers serving as active volunteer firefighters or volunteer ambulance workers may claim a \$200 credit. To receive the credit, the taxpayer must be an active volunteer for the entire taxable year and must not be receiving a real property tax exemption relating to such service. In the case of a taxpayer and spouse filing jointly who both qualify for the credit, the amount of the credit is \$400.

Estimates: 2012: \$15.4 million — 2015: \$16.0 million

Data Source: PIT Population File

Reliability: Level 1

34. Historic Homeownership Rehabilitation Credit

Citation: Section 606(pp)

Credit Type: Non-refundable/Carryforward/Refundable to certain taxpayers

Effective Date: Effective for taxable years beginning on or after January 1, 2007/Amended credit effective for taxable years beginning on or after January 1, 2010 and before January 1, 2020.

Description: Taxpayers may claim a tax credit for the rehabilitation of historic homes located in New York State. The amount of the credit is equal to 20 percent of qualified rehabilitation expenditures made by the taxpayer with respect to a qualified historic home. A qualified historic home is defined as one located in a targeted area within the meaning of section 143(j) of the Internal Revenue Code and located in an area of a city, town, or village whose governing body has identified by resolution that such area is an area in need of community renewal and which has adopted an historic preservation and community renewal program. The taxpayer must own the home and reside there during the taxable year. The credit is limited to \$25,000 per residence. For taxable years beginning on or after January 1, 2010, the credit is amended by increasing the credit cap from \$25,000 to \$50,000, making the credit refundable for taxpayers with New York adjusted gross income that is less than or equal to \$60,000, and expanding the definition of eligible properties to include those located within a census tract that is at or below 100 percent of the state median family income in the most recent federal census. After December 31, 2019, the credit reverts back to pre-2010 law.

Estimates: 2012: \$0.4 million — 2015: \$0.5 million

Data Source: PIT Population File

Reliability: Level 1

35. Family Tax Relief Credit

Citation: Section 606(vv)

Credit Type: Refundable

Effective Date: Effective for taxable years beginning on or after January 1, 2014 and before January 1, 2017

Description: Resident taxpayers may claim a refundable credit equal to \$350 if the taxpayer claimed one or more dependents who were under the age of 17 on the last day of the tax year, had New York adjusted gross income of at least \$40,000 but no

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greater than \$300,000, and had tax less other credits greater than or equal to zero on the return they filed two years prior to the effective date (for tax year 2014). For tax years 2015 and 2016 eligibility for the credit is based on a taxpayer's current personal income tax return filed for the applicable tax year (2015 or 2016).

Estimates: 2012: Not applicable – 2015: \$400.0 million

Data Source: New York State Division of the Budget

Reliability: Level 4

36. Enhanced Real Property Tax Credit

Citation: Section 606(e-1)

Credit Type: Refundable

Effective Date: Effective for taxable years beginning on or after January 1, 2014 and before January 1, 2016

Description: A refundable enhanced real property tax circuit breaker credit is available to homeowners and renters residing in New York City for tax years 2014 and 2015. To qualify for the credit, a taxpayer must be a full-year New York City resident, pay either real property taxes or rent for his or her residence, occupy the same residence for six months or more during the tax year, and have household gross income of less than \$200,000 for the tax year. Qualifying property taxes include all real property taxes levied. The credit applies to excess real property tax above a certain percentage of household gross income and is a maximum of \$500. This threshold varies from 4 to 6% of income and the credit rates range from 1.5 to 4.5 percent of excess real property. The real property tax equivalent for renters is set at 15.75 percent of adjusted rent paid in the taxable year. In addition, only one credit per household and per qualified taxpayer will be allowed in each tax year.

PIT Estimates: 2012: Not Applicable – 2015: \$85.0 million

Data Sources: New York State Division of the Budget

Reliability: Level 4

37. Real Property Tax Freeze Credit

Citation: Section 606(bbb)

Credit Type: Refundable

Effective Date: For taxable years beginning on or after January 1, 2014 and before January 1, 2017

Description: The credit is applicable against school district and municipal taxes levied outside of the City of New York. Credits against school tax increases will be provided for school years 2014-15 and 2015-16. Credits against all other municipal taxes will be provided in 2015 and 2016. The credits will be sent as an advance payment, with the initial 2014-15 school tax payment occurring in the fall of 2014.

In the first year of the applicable credit, taxpayers who reside in taxing jurisdictions that keep growth in their real property tax levy at or below the real property tax cap will receive a credit equal to the change in their real property taxes from the prior year or the product of their previous year's taxes and the inflation factor used in the real property tax cap determination, whichever is greater. Only those taxes levied by jurisdictions that are cap compliant will be included in the calculation of the credit.

In the second year, a credit will be available to taxpayers who reside in taxing jurisdictions that stay within the cap and produce state approved government efficiency plans that demonstrate 3-year savings and efficiencies from shared services, cooperation agreements and/or mergers or efficiencies. For those jurisdictions that were cap compliant in the first year, the second year's credit includes a repeat payment of the first year's credit as well.

Any tax bill increase that is due to a physical improvement, exemption loss, or disproportionate tax bill increase due to a general reassessment of all properties is not included in the credit. If a district reduces taxes over the relevant period, or increases them by a percentage that is lower than the inflation factor used in the tax cap determination, then eligible taxpayers receive a freeze credit equal to the prior year's tax bill times the allowed inflation factor.

PIT Estimates: 2012: Not Applicable – 2015: \$783.0 million

Data Sources: New York State Division of the Budget

Reliability: Level 4

CORPORATION FRANCHISE TAX

The 2014-15 Enacted Budget contained the most significant reform of the State's corporate tax system since the 1940s. The new structure modernized and streamlined the tax code, made numerous simplifications, created clarity and certainty, and addressed the most common areas of dispute between taxpayers and the Tax Department. The reform plan also cut tax rates and eliminated two tax bases.

The biggest change was the merger of the Bank Tax into the Article 9-A Corporate Franchise Tax. Prior to reform, New York taxed banks and other financial corporations under separate tax articles respectively. Merging the Bank Tax with the Corporate Franchise Tax reflects the modern landscape of New York's leading industry. Corporate reform also recognized the shift to a service and knowledge-based economy by adopting a comprehensive market state tax approach. Certain other corporations (public utilities and insurance companies) continue to pay tax under other articles of the Tax Law.

This section of the report provides tax expenditure estimates for 74 separate provisions of the Corporation Franchise Tax on general business corporations and banks. Historical estimates are not available because either the provisions did not previously exist or the changes under reform were of such significance that a historical estimate would be inappropriate. The list of tax expenditures is based on the Tax Law as of January 1, 2015. Table 3 summarizes the tax expenditure estimates.

Description of Tax

The Corporate Franchise Tax has three separate bases: business income base; business capital base; and a fixed dollar minimum tax. The business income base is the primary tax base, with the business capital and fixed dollar minimum tax bases as alternatives. Corporations pay the highest tax computed on these bases less applicable credits, but generally not less than the fixed dollar amount.

The computation of Corporate Franchise Tax on business income begins with Federal taxable income (FTI) for U.S. corporations (including domestic banks) or effectively connected income (ECI), with treaty benefits added back, for alien (non-U.S.) corporations. Taxpayers then make several state specific modifications to arrive at ENI. Many of these modifications are the tax expenditures included in this section. Investment income and other exempt income are then subtracted from ENI, resulting in business income (BI). Taxpayers doing business within and without the State use a single receipts factor with market-based sourcing rules to apportion BI to New York State.

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The following table provides the tax rate schedule as it applies to the BI base:

Type of Business	Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018 and Thereafter
Qualified New York Manufacturers	0.0%	0.0%	0.0%	0.0%
Qualified Emerging Technology Companies (QETCs)	5.7005%	5.499%	5.499%	4.875%
Small Businesses ¹	6.5%	6.5%	6.5%	6.5%
Remaining Taxpayers	7.1%	6.5%	6.5%	6.5%

¹ For the 2015 tax year, graduated rates apply to small businesses with BI over \$290,000 but below \$390,000. A flat 6.5% rate applies to tax years beginning on or after January 1, 2016.

The tax on business capital starts with the taxpayer's total assets reduced by its liabilities to arrive at total capital before apportionment. Taxpayers then subtract out investment capital as only business capital is subject to tax. Taxpayers multiply business capital by the business apportionment percentage to determine the apportioned business capital base. The tax is capped at \$350,000 for qualified New York manufacturers and qualified emerging technology companies (QETCs) and \$5 million for all other taxpayers. Small business taxpayers are exempt from the capital base tax in their first two years of existence.

The capital base phases out over a six year period beginning in tax year 2016. The following rate schedule applies to the capital base:

Type of Business	Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018	Tax Year 2019	Tax Year 2020	Tax Year 2021 and Thereafter
Qualified New York Manufacturers & QETCs	0.15%	0.106%	0.085%	0.056%	0.038%	0.019%	0%
Cooperative Housing Corporation	0.04%	0.04%	0.04%	0.04%	0.04%	0.025%	0%
Remaining Taxpayers	0.15%	0.125%	0.100%	0.075%	0.050%	0.025%	0%

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The fixed dollar minimum (FDM) tax ranges from \$25 to \$200,000 depending on the taxpayer's amount of New York receipts for the taxable year. Manufacturers and QETCs are subject to lower amounts. The following tables provide the FDM schedules for the respective corporations:

Qualified New York manufacturers and QETCs are subject to the following FDM schedule:

New York Receipts	Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018 and Thereafter
Not more than \$100,000	\$22	\$21	\$21	\$19
More than \$100,000 but not over \$250,000	\$66	\$63	\$63	\$56
More than \$250,000 but not over \$500,000	\$153	\$148	\$148	\$131
More than \$500,000 but not over \$1,000,000	\$439	\$423	\$423	\$375
More than \$1,000,000 but not over \$5,000,000	\$1,316	\$1,269	\$1,269	\$1,125
More than \$5,000,000 but not over \$25,000,000	\$3,070	\$2,961	\$2,961	\$2,625
Over \$25 million	\$4,385	\$4,230	\$4,230	\$3,750

Remaining taxpayers are subject to the following FDM schedule:

New York Receipts	Tax Year 2015 and Thereafter
Not more than \$100,000	\$25
More than \$100,000 but not more than \$250,000	\$75
More than \$250,000 but not over \$500,000	\$175
More than \$500,000 but not over \$1,000,000	\$500
More than \$1,000,000 but not over \$5,000,000	\$1,500
More than \$5,000,000 but not over \$25,000,000	\$3,500
More than \$25,000,000 but not over \$50,000,000	\$5,000
More than \$50,000,000 but not over \$100,000,000	\$10,000
More than \$100,000,000 but not over \$250,000,000	\$20,000
More than \$250,000,000 but not over \$500,000,000	\$50,000
More than \$500,000,000 but not over \$1,000,000,000	\$100,000
Over \$1 billion	\$200,000

Data Sources and Methodology

In 2014, New York enacted comprehensive corporate tax reform, which takes effect for tax years beginning on or after January 1, 2015. The estimates for the new Article 9-A's individual tax expenditures will not be available for several years. This is because the complete, verified study file that will contain the 2015 tax returns will not be available until 2018. The extent of the changes under reform are so vast, and the nature of the changes are so interrelated, it is not possible to forecast discrete components in isolation using existing study files. Forecasting of tax expenditures under the new Article 9-A will not be possible until tax returns containing actual data for these expenditure items are filed.

The limitations on developing estimates do not extend to tax credits. Credits generally operate as discrete spending programs and follow more stable, predictable trends. Refundable credits, which have increased in number, are particularly immune to changes in

CORPORATION FRANCHISE TAX

the underlying tax system as the entire fiscal impact of the credit will be realized either as an offset against liability or as a direct payment to the claimant. Finally, the universe of credit claimants is small - approximately 1% of general business corporations and banks.

Historical estimates for credits are provided in the Cross-Article Tax Credits section, where Article 9-A and Article 32 amounts are reported separately. Forecast values in this section represent the estimates for all taxpayers filing under the newly constituted Article 9-A.

CORPORATION FRANCHISE TAX

Table 3
2015 New York State Article 9-A Tax Expenditure Estimates
(Millions of Dollars)

Tax Item	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
New York Modifications to Federal Taxable Income¹							
1. Deduction of Distributions Made to Victims or Targets of Nazi Persecution	--	--	--	--	--	N/A	5
2. Deduction of Receipts from School Bus Operations	--	--	--	--	--	N/A	5
3. Refund of Qualified Empire Zone Enterprise (QEZE) Credit for Real Property Taxes	--	--	--	--	--	N/A	5
4. Deduction of Taxable Refunds or Credits of State Tax	--	--	--	--	--	N/A	5
5. Wage and Salary Expense Allowed as Federal Credits but not as Federal Expenses	--	--	--	--	--	N/A	5
6. Deferred Gain on Qualified Emerging Technology Investment (QETI)	--	--	--	--	--	N/A	5
7. Federal IRC Section 179 Deduction Recapture for a Sport Utility Vehicle (SUV)	--	--	--	--	--	N/A	5
8. Modification for Qualified Residential Loan Portfolios	--	--	--	--	--	N/A	5
9. Modification for Community Banks and Small Thrifts	--	--	--	--	--	N/A	5
10. Captive REIT Modification for Small Thrifts and Community Banks	--	--	--	--	--	N/A	5
11. Exclusion of Income for Foreign Airlines	--	--	--	--	--	N/A	5
12. Deductions for Qualified Public Utility Corporations, Power Producers, and Pipeline Companies	--	--	--	--	--	N/A	5
New York Modifications to Entire Net Income¹							
13. Deduction for Investment Income	--	--	--	--	--	N/A	5
14. Deduction for Other Exempt Income							
a. Exempt Controlled Foreign Corporation (CFC) Income	--	--	--	--	--	N/A	5
b. Exempt Unitary Corporation Dividends from Cross-Article Affiliates	--	--	--	--	--	N/A	5
c. Exempt Other Unitary Corporation Dividends	--	--	--	--	--	N/A	5
Corporate Exemptions¹							
15. Companies Operating in an Innovation Hot Spot	--	--	--	--	--	N/A	5
16. Exempt Companies	--	--	--	--	--	N/A	5
17. Companies Whose Income "Passes Through" to Shareholders							
a. Real Estate Investment Trusts (REITs) ²	--	--	--	--	--	N/A	5
b. Regulated Investment Companies (RICs) ²	--	--	--	--	--	N/A	5
18. Homeowners Association Exemption from Fixed Dollar Minimum Tax	--	--	--	--	--	N/A	5
19. New Small Business Capital Base Exemption	--	--	--	--	--	N/A	5
Preferential Tax Rates¹							
20. Special BI Rates for Qualifying Small Business Corporations	--	--	--	--	--	N/A	5
21. Special Tax Benefits for New York Manufacturers/QETCs							
a. Manufacturers							
1. Zero Percent BI Rate	--	--	--	--	--	N/A	5
2. Reduced Capital Business Base Rate	--	--	--	--	--	N/A	5
3. Lower Capital Base Liability Cap	--	--	--	--	--	N/A	5

CORPORATION FRANCHISE TAX

Tax Item	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
4. Reduced Fixed Minimum Base Amount	--	--	--	--	--	N/A	5
b. Qualified Emerging Technology Companies (QETCs)							
1. Reduced BI Rate	--	--	--	--	--	N/A	5
2. Reduced Capital Business Base Rate	--	--	--	--	--	N/A	5
3. Lower Capital Base Liability Cap	--	--	--	--	--	N/A	5
4. Reduced Fixed Minimum Base Amount	--	--	--	--	--	N/A	5
Cross-Article Credits³							
22. Investment Tax Credit and Employment Incentive Credit	--	--	--	--	--	97.0	1
23. Investment Tax Credit for the Financial Services Industry	--	--	--	--	--	24.0	1
24. Credit for Servicing SONYMA Mortgages	--	--	--	--	--	9.0	1
25. Special Additional Mortgage Recording Tax Credit	--	--	--	--	--	25.0	1
26. Empire Zone (EZ) and Qualified Empire Zone Enterprise (QEZE) Credits							
a. EZ Investment Tax Credit and Employment Incentive Credit	--	--	--	--	--	11.5	1
b. EZ and Zone Equivalent Area Wage Tax Credit	--	--	--	--	--	5.0	1
c. EZ Capital Credit	--	--	--	--	--	*	1
d. QEZE Real Property Tax Credit	--	--	--	--	--	92.0	1
e. QEZE Tax Reduction Credit	--	--	--	--	--	14.5	1
27. Farmers' School Property Tax Credit	--	--	--	--	--	1.0	1
28. Credit for Employment of Persons with Disabilities	--	--	--	--	--	*	1
29. Qualified Emerging Technology Company (QETC) Credits							
a. QETC Capital Tax Credit	--	--	--	--	--	*	1
b. QETC Employment Credit	--	--	--	--	--	1.0	1
30. Low-Income Housing Credit	--	--	--	--	--	19.0	1
31. Credit for Purchase of an Automated External Defibrillator						*	1
32. Green Building Credit	--	--	--	--	--	1.0	1
33. Long-Term Care Insurance Credit	--	--	--	--	--	0.1	1
34. Empire State Film and Commercial Credits							
a. Empire State Film Production Credit	--	--	--	--	--	385.0	1
b. Empire State Film Post Production Credit	--	--	--	--	--	24.0	1
c. Empire State Commercial Production Credit	--	--	--	--	--	6.0	1
35. Security Training Tax Credit	--	--	--	--	--	*	1
36. Brownfields Tax Credits							
a. Brownfield Redevelopment Tax Credit	--	--	--	--	--	56.0	1
b. Remediated Brownfield Credit for Real Property Taxes	--	--	--	--	--	0.5	1
c. Environmental Remediation Insurance Credit	--	--	--	--	--	*	1
37. Biofuel Production Credit	--	--	--	--	--	2.0	1
38. Land Conservation Easement Credit	--	--	--	--	--	*	1
39. Clean Heating Fuel Credit	--	--	--	--	--	*	1
40. Credit for Rehabilitation of Historic Properties	--	--	--	--	--	13.5	1
41. Excelsior Jobs Program Tax Credit	--	--	--	--	--	75.0	1

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Tax Item	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
42. Credit for Companies Who Provide Transportation to Individuals with Disabilities	--	--	--	--	--	*	1
43. Economic Transformation and Facility Redevelopment Program Tax Credit	--	--	--	--	--	*	1
44. New York Youth Works Tax Credit	--	--	--	--	--	9.0	4
45. Empire State Jobs Retention Program Tax Credit ²	--	--	--	--	--	--	4
46. Beer Production Credit	--	--	--	--	--	2.0	4
47. Alternative Fuels and Electric Vehicle Recharging Property Credit	--	--	--	--	--	1.0	4
48. Minimum Wage Reimbursement Credit	--	--	--	--	--	29.0	4
49. START-UP NY Tax Elimination Credit	--	--	--	--	--	22.5	4
50. Credit for the Excise Tax on Telecommunication Services Paid by START-UP NY Business ¹	--	--	--	--	--	*	4
51. Real Property Tax Relief Credit for Manufacturing ¹	--	--	--	--	--	85.0	4
52. Hire A Vet Credit	--	--	--	--	--	25.0	4
53. Musical and Theatrical Production Credit ¹	--	--	--	--	--	3.0	4
54. Workers with Disabilities Credit ¹	--	--	--	--	--	4.0	4

1/ A new tax expenditure item, a revision of the methodology or revisions in the data sources resulting in an estimate which better reflects the tax expenditure value.

2/ Forecast is included in the forecast for Excelsior Jobs Program Tax Credits.

3/ See Cross-Article Tax Credits section for historical estimates under the prior Articles 9-A and 32 respectively. However, forecast estimates take into account the fact that Article 32 taxpayers are subject to Article 9-A for tax years beginning on or after January 1, 2015.

* Less than \$0.1 million

-- The tax expenditure was not applicable for these years

N/A No data available

New York Modifications to Federal Taxable Income

In computing New York entire net income (ENI), Article 9-A allows certain modifications to Federal taxable income.

1. Deduction of Distributions Made to Victims or Targets of Nazi Persecution

Citation: Section 13

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer may exclude the amount received (including accumulated interest) from an eligible settlement fund, or from an eligible grantor trust established for the benefit of the victims or targets of Nazi persecution when computing New York ENI.

Estimate: 2011: Not applicable – 2015: No data available

Reliability: Level 5

2. Deduction of Receipts from School Bus Operations

Citation: Section 208(9)(a)(4)

Effective Date: Effective for tax years beginning on or after January 1, 2015

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Description: A taxpayer may exclude income and deductions with respect to amounts received from school districts and nonprofit religious, charitable, or educational organizations for the operation of school buses in determining ENI.

Estimate: 2011: Not applicable – 2015: No data available

Reliability: Level 5

3. Refund of Qualified Empire Zone Enterprise (QEZE) Credit for Real Property Taxes

Citation: Section 208(9)(a)(5)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer may exclude the amount of refund of the qualified empire zone enterprise (QEZE) credit for real property taxes that is included in their applicable Federal income.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

4. Deduction of Taxable Refunds or Credits of State Tax

Citation: Section 208(9)(a)(5)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer may exclude any refund or credit of a tax imposed under Tax Law Article 9 (sections 183, 183-a, 184, and 184-a), or Article 9-A, 23, or 33 that was properly included as income for Federal income tax purposes, and for which no exclusion or deduction was allowed in determining the taxpayer's ENI for any prior year.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

5. Wage and Salary Expenses Allowed as Federal Credits but not as Federal Expenses

Citation: Section 208(9)(a)(7)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer may exclude the amount of wages disallowed under IRC section 280C in the computation of their applicable Federal income.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

6. Deferred Gain on Qualified Emerging Technology Investment (QETI)

Citation: Section 208(9)(a)(14)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A deferral of gain on the sale of a qualified emerging technology investment (QETI) is available to taxpayers for a QETI that is (1) held for more than 36 months and (2) rolled over into the purchase of a replacement QETI within 365 days. Gain deferred under this provision must be recognized when the replacement QETI is sold. However, gain on the sale of the replacement QETI can be deferred if another replacement QETI is acquired within 365 days.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

7. **Federal IRC Section 179 Deduction Recapture for a Sport Utility Vehicle (SUV)**

Citation: Section 208(9)(a)(16)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer that previously claimed an IRC section 179 deduction with respect to an SUV may exclude the amount of that deduction that was recaptured in computing Federal income.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

8. **Modification for Qualified Residential Loan Portfolios**

Citation: Section 208(9)(a)(19) and Section 208(9)(r)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A thrift institution or a qualified community bank that maintains a qualified residential loan portfolio may deduct from ENI the amount, if any, by which thirty-two percent of its entire net income exceeds the amounts deducted by the taxpayer pursuant to sections 166 and 585 of the Internal Revenue Code less any amounts included in Federal taxable income as a result of a recovery of a loan. A taxpayer utilizing this modification may not use the modifications described in items 9 and 10.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

9. **Modification for Community Banks and Small Thrifts**

Citation: Section 208(9)(a)(19) and Section 208(9)(s)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A qualified community bank or a small thrift institution may be allowed a deduction in computing ENI equal to fifty percent of the taxpayer's net interest income from loans multiplied by a ratio of gross interest income during the taxable year from qualifying loans to gross interest income during the taxable year from all loans. A taxpayer utilizing this modification may not use the modifications described in items 8 and 10.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

10. **Captive REIT Modification for Small Thrifts and Community Banks**

Citation: Section 208(9)(a)(19) and Section 208(9)(t)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A small thrift institution or a qualified community bank that maintained a captive real estate investment trust (REIT) on April 1, 2014 must utilize a REIT subtraction equal to one hundred sixty percent of the dividends paid deductions allowed to that captive REIT for the taxable year for Federal income tax purposes. A taxpayer utilizing this modification may not use the modifications described in items 8 or 9.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

11. Exclusion of Income for Foreign Airlines

Citation: Section 208(9)(c-1)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Certain foreign airlines may exclude all income from international operations of aircraft effectively connected to the United States, foreign passive income, and income earned overseas from overseas operations of aircraft from ENI. These foreign airlines may also exclude business and investment assets connected with such exempt income from the capital base tax. These tax benefits apply provided the “home country” provides similar treatment to United States airlines.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

12. Deductions for Qualified Public Utilities, Power Producers and Pipeline Companies

Citation: Section 208(9)(c-2)(4)and(5) and Section 208(9)(c-3)(4)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers which are qualified public utility corporations, qualified power producers, or qualified pipeline corporations are allowed certain depreciation and expense deductions in determining ENI.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

New York Modifications to Entire Net Income

In computing New York BI, Article 9-A allows certain modifications to entire net income (ENI).

13. Deduction for Investment Income

Citation: Section 208(6) and Section 208(8)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer may deduct investment income, defined as dividends and net gains from stock in non-unitary corporations held for more than six months and income from debt that cannot be apportioned under the U.S. Constitution. Investment income must be reduced by interest expenses directly or indirectly attributable to those items of income.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

14. Deduction for Other Exempt Income

a. Exempt Controlled Foreign Corporation (CFC) Income

Citation: Section 208(6-a)(b) and Section 208(8)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer may deduct the income that is received from a corporation that is conducting a unitary business with the taxpayer but is not included in a combined report with the taxpayer, required to be included in the taxpayer’s Federal gross income pursuant to subsection (a) of section 951 of the

IRC. CFC income must be reduced by interest expenses directly or indirectly attributable to such income.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

b. **Exempt Unitary Corporation Dividends from Cross-Article Affiliates**

Citation: Section 208(6-a)(c) and Section 208(8)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer is allowed a deduction for dividends received from a corporation that is conducting a unitary business with the taxpayer but is taxable under a franchise tax imposed by Article 9 or Article 33 of the Tax Law, less interest deductions directly or indirectly attributable to that income.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

c. **Exempt Other Unitary Corporation Dividends**

Citation: Section 208(6-a)(c) and Section 208(8)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: A taxpayer is allowed a deduction for dividends, less interest deductions directly or indirectly attributable to those dividends, from a corporation that is conducting a unitary business with the taxpayer but is not included in a combined report with the taxpayer. These unitary corporations not included in the group include alien corporations with no effectively connected income and corporations less than 50 percent directly or indirectly owned.

Estimate: 2011: Not applicable - 2015: No data available

Reliability: Level 5

Corporate Exemptions

15. **Companies Operating In an Innovation Hot Spot**

Citation: Section 38, Section 208(9)(a)(18), Section 209(11)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: The New York State Business Incubator and Innovation Hot Spot Support Act created special tax benefits for qualified entities operating in Innovation Hot Spots. These tax benefits are allowed for five tax years beginning with the first tax year the qualified entity becomes a tenant in (or part of) an Innovation Hot Spot.

Qualified entities located completely within an Innovation Hot Spot are exempt from the business income (BI) and capital tax bases. Instead, these entities must only pay the fixed dollar minimum tax.

Qualified entities located both within and without an Innovation Hot Spot, or that are a corporate partner in a qualified entity, are allowed a deduction in computing ENI for the amount of income or gain attributable to the operations at (or as part of) the Innovation Hot Spot.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

CORPORATION FRANCHISE TAX

16. Exempt Companies

Citation: Sections 3 and 209(4)(5)(6)(7) and (9)

Effective Date: Effective for tax years beginning on or after January 1, 2015.

Description: The following companies or organizations are exempt from taxation under Article 9-A:

- Limited Profit Housing Companies
- Limited Dividend Housing Companies
- Trust Companies organized under a law of New York, all of the stock of which is owned by not less than 20 savings banks organized under a law of New York
- Urban Development Corporation and its subsidiaries
- Domestic corporations exclusively engaged in the operation of one or more vessels in foreign commerce
- Domestic International Sales Corporations (DISCs), to the extent a DISC is required to have its income imputed to its shareholders
- Passive Trusts
- Certain corporations organized other than for profit and those corporations which are generally exempt from Federal tax by the Internal Revenue Code
- Corporations exempt pursuant to Federal Public Law 86-272 wherein a foreign corporation has limited its activities in New York to the mere solicitation of orders for tangible property by its employees or representatives
- Real Estate Mortgage Investment Conduits (REMICs)
- Industrial Development Agencies
- Housing Development Fund Companies
- Corporations exempt from tax under IRC Sections 501(c)(2) and (25)
- Certain cooperative heating and cooling service companies that are organized without capital stock and that are exempt from tax pursuant to IRC Section 501(c)(12). Such corporations pay an annual fee of \$10 to the Commissioner of Taxation and Finance in lieu of all corporation franchise taxes.
- Federal and State credit unions chartered under 12 U.S. Code Section 1768, I.R.C. Section 501(c)(14)(A), or New York State Banking Law Section 479.

Estimate: 2011: Not applicable – 2015: No data available

Reliability: Level 5

17. Companies Whose Income “Passes Through” to Shareholders

a. Real Estate Investment Trusts (REITs)

Citation: Section 209(5)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: To the extent that the REIT passes through its income to shareholders, the REIT is exempt from the franchise tax. The shareholders have their dividend or distributed gain taxed at their own rate of tax, usually under the Personal Income Tax. Any undistributed income by the REIT would be subject to the franchise tax. Captive REITs are required to be included in either an Article 9-A or Article 33 combined group.

Estimate: 2011: Not applicable – 2015: No data available

Reliability: Level 5

b. Regulated Investment Companies (RICs)

Citation: Section 209(7)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: To the extent that the RIC passes through its income to shareholders, the RIC is exempt from the franchise tax. The shareholders have their dividend or distributed gain taxed at their own rate of tax, usually under the Personal Income Tax. Any undistributed income by the RIC would be subject to the franchise tax. Captive RICs are required to be included in either an Article 9-A or Article 33 combined group.

Estimate: 2011: Not applicable – 2015: No data available

Reliability: Level 5

18. Homeowners Association Exemption from Fixed Dollar Minimum Tax

Citation: Section 210(1)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Article 9-A exempts qualified homeowners associations that have no homeowner's taxable income from payment of the fixed dollar minimum tax. The associations would still be subject to the other taxable bases under Article 9-A, if applicable.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

19. New Small Business Capital Base Exemption

Citation: Section 210(1-c)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: The law exempts new small businesses from the tax based on allocated business capital. This exemption applies to the first two years of operation of a business that:

- has an entire net income of not more than \$390,000 for the taxable year;
- the aggregate amount of money and other property received by the corporation for stock, as a contribution to capital, and as paid-in surplus, does not exceed \$1 million;
- which is not part of an affiliated group, as defined in section 1504 of the IRC, unless such group, if it had filed a report under article 9-A on a combined basis, would have itself qualified as a "small business taxpayer"; and
- which has an average of one hundred or fewer individuals, excluding general executive officers, employed full-time in the state during the taxable year.

Estimate: No data available

Reliability: Level 5

Preferential Tax Rates

20. Special BI Rates for Qualifying Small Business Corporations

Citation: Section 210(1)(a)(iv)

Effective Date: Effective for tax years beginning on or after January 1, 2015 and before January 1, 2016

CORPORATION FRANCHISE TAX

Description: Preferential tax rates apply to small business taxpayers, as defined in item 19 above. A flat 6.5 percent rate applies to taxpayers with BI of \$290,000 or less. Taxpayers with a BI base of more than \$290,000 but not more than \$390,000 pay \$18,850 plus 7.1 percent of the amount over \$290,000, plus 4.35 percent of the amount over \$350,000.

Estimates: 2011: Not applicable – 2015: No data available

Reliability: Level 5

21. Special Tax Benefits for New York Manufacturers and Qualified Emerging Technology Companies (QETCs)

a. Special Tax Benefits for New York Manufacturers

Manufacturers in New York are subject to reduced tax rates and fixed dollar minimum amounts, as well as a lower capital base liability cap.

A manufacturer is defined as “a taxpayer...principally engaged in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture, or commercial fishing.” The generation and distribution of electricity, the distribution of natural gas, and the production of steam associated with the generation of electricity is specifically excluded for purposes of the lower ENI rates and FDM amounts.

To be a *qualified New York manufacturer* eligible for the preferential tax treatment, the taxpayer must meet two tests. First, the taxpayer, or the combined group, must be principally engaged in manufacturing. This test is satisfied if more than 50 percent of the taxpayer’s or group’s gross receipts are derived from the sale of goods produced by the activities listed above.

The second test requires the taxpayer to have manufacturing property in New York State with a Federal adjusted basis of at least \$1 million, or have all of its real and personal property located in New York State.

A taxpayer, or combined group, that fails the receipts test may still be a *qualified New York manufacturer* if it has at least 2,500 New York manufacturing employees and at least \$100 million of manufacturing property in New York.

1. Zero Percent BI Rate

Citation: Section 210(1)(a)(vi)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers that are qualified New York manufacturers are subject to a 0 percent BI rate.

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

CORPORATION FRANCHISE TAX

2. **Reduced Capital Base Tax Rate**

Citation: Section 210(1)(b)(1)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers that are qualified New York manufacturers are subject to the following reduced capital base rates:

Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018	Tax Year 2019	Tax Year 2020	Tax Year 2021 and Thereafter
0.15%	0.106%	0.085%	0.056%	0.038%	0.019%	0.000%

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

3. **Lower Capital Base Liability Cap**

Citation: Section 210(1)(b)(1)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: The maximum liability under the capital base is \$5 million, except taxpayers that are qualified New York manufacturers are subject to a lower cap of \$350,000.

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

4. **Reduced FDM Amounts**

Citation: Section 210(1)(d)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers that are manufacturers are subject to the following reduced fixed dollar minimum amounts:

NY Receipts	Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018 and Thereafter
Not more than \$100,000	\$22	\$21	\$21	\$19
More than \$100,000 but not more than \$250,000	\$66	\$63	\$63	\$56
More than \$250,000 but not more than \$500,000	\$153	\$148	\$148	\$131
More than \$500,000 but not more than \$1,000,000	\$439	\$423	\$423	\$375
More than \$1,000,000 but not more than \$5,000,000	\$1,316	\$1,269	\$1,269	\$1,125
More than \$5,000,000 but not more than \$25,000,000	\$3,070	\$2,961	\$2,961	\$2,625
Over \$25 million	\$4,385	\$4,230	\$4,230	\$3,750

Estimates: 2011: Not Applicable — 2015: No data available

Reliability: Level 5

b. **Special Tax Benefits for Qualified Emerging Technology Companies (QETCs)**

QETCs in New York are subject to reduced tax rates and fixed dollar minimum amounts, as well as a lower capital base liability cap.

CORPORATION FRANCHISE TAX

A corporation is a *qualified emerging technology company* if it meets the definition in Public Authorities Law Section 3102-e(1)(c), except that the \$10 million limitation under 3102-e(1)(c)(1) does not apply. A combined group may be considered a QETC and meet the definition of a qualified New York manufacturer if all members of the group meet the definition of a QETC.

1. Reduced BI Rate

Citation: Section 210(1)(a)(vii)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers that are QETCs are subject to the following reduced BI rates:

Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018	Tax Year 2019 and Thereafter
5.9%	5.7005%	5.499%	5.499%	4.875%

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

2. Reduced Capital Base Tax Rate

Citation: Section 210(1)(b)(1)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers that are QETCs are subject to the following reduced capital base rates:

Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018	Tax Year 2019	Tax Year 2020	Tax Year 2021 and Thereafter
0.15%	0.106%	0.085%	0.056%	0.038%	0.019%	0.000%

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

3. Lower Capital Base Liability Cap

Citation: Section 210(1)(b)(1)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: The maximum liability under the capital base is \$5 million, except taxpayers that are QETCs are subject to a lower cap of \$350,000.

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

4. **Reduced FDM Amounts**

Citation: Section 210(1)(d)

Effective Date: Effective for tax years beginning on or after January 1, 2015

Description: Taxpayers that are QETCs are subject to the following reduced fixed dollar minimum amounts:

NY Receipts	Tax Year 2015	Tax Year 2016	Tax Year 2017	Tax Year 2018 and Thereafter
Not more than \$100,000	\$22	\$21	\$21	\$19
More than \$100,000 but not more than \$250,000	\$66	\$63	\$63	\$56
More than \$250,000 but not more than \$500,000	\$153	\$148	\$148	\$131
More than \$500,000 but not more than \$1,000,000	\$439	\$423	\$423	\$375
More than \$1,000,000 but not more than \$5,000,000	\$1,316	\$1,269	\$1,269	\$1,125
More than \$5,000,000 but not more than \$25,000,000	\$3,070	\$2,961	\$2,961	\$2,625
Over \$25 million	\$4,385	\$4,230	\$4,230	\$3,750

Estimates: 2011: Not applicable — 2015: No data available

Reliability: Level 5

Cross-Article Credits

Credits include amounts that the taxpayer may subtract in calculating New York tax liability or request as a refund or apply as a payment for the next tax period. Full descriptions of all the tax credits available under Article 9-A as well as other tax articles are contained in the Cross-Article Tax Credits section of this report. For tax years 2010, 2011, and 2012, taxpayers are required to defer the use and refund of certain tax credits if they exceed \$2 million in aggregate.

CORPORATION FRANCHISE TAX

INSURANCE TAX

This section of the report provides tax expenditure estimates for 44 separate provisions of the corporate franchise tax on insurance companies. The list of tax expenditures contained in Table 4 is based on the Tax Law as of January 1, 2015. The estimates are based on data from the 2011 tax year, the latest year for which Article 33 tax return data are available. They are also extrapolated to the 2015 tax year. The tax years refer to both the 2011 and 2015 calendar years and fiscal tax years beginning in 2011 and 2015. Total insurance tax liability for the 2011 tax year has been included to provide some perspective to the tax expenditure estimates.

Description of Tax

Article 33 imposes a franchise tax on insurance companies. There are two components of the tax: (1) an income tax based on the higher of four bases plus a tax on subsidiary capital; and (2) a tax based on gross direct premiums written on State-located risks or residents in the State. Life insurance corporations are subject to both the income tax component and the premiums tax. Non-life insurance corporations are subject only to the tax on premiums.

The income tax component is based on one of four alternative bases. A life insurance corporation's tax liability for this component is based on the alternative that results in the largest tax, plus an additional 0.08 percent tax on subsidiary capital allocated to New York. The four bases are:

- 7.1 percent of allocated entire net income; or
- 0.16 percent on allocated business and investment capital; or
- 9 percent of 30 percent of allocated entire net income plus officers' salaries less specified deductions; or
- a fixed dollar minimum tax of \$250.

The second component of the Article 33 tax is a tax on gross premiums, less return premiums thereon, written on risks located or resident in New York. The rate of the tax on premiums varies according to the type of insurance risk covered by a premium. Furthermore, accident and health premiums are taxed at different rates depending on the type of insurer. A 0.7 percent tax rate applies to premiums received by corporations licensed as life and health insurers, including premiums on accident and health contracts. A 2.0 percent tax rate applies to premiums written by corporations licensed as property and casualty insurers. However, a 1.75 percent tax rate applies to premiums on accident and health contracts written by property and casualty insurers.

Life insurance corporations doing business within and without the State allocate entire net income, business and investment capital, and entire net income plus officers' salaries bases to New York based on weighted ratios of premiums and wages earned or paid in New York to those earned or paid everywhere.

INSURANCE TAX

In computing the Article 33 tax, life insurance corporations add the tax on gross premiums to the highest of the four alternative taxes. The total tax liability of the two components, less Empire Zone (EZ) credits, cannot be greater than 2 percent or less than 1.5 percent of taxable premiums. Taxpayers may then claim other credits against the total tax liability. The Article 33 tax for non-life insurance corporations is solely the tax on gross premiums, although a fixed dollar minimum tax of \$250 still applies.

Data Sources

The major sources of data used to compute the tax expenditure estimates under Article 33 Insurance Tax include:

- 2011 Article 33 Insurance Tax Study File — This file, compiled by the Department of Taxation and Finance, includes the tax returns of all insurance companies filing under Article 33.
- Congressional Joint Committee on Taxation Estimates of Federal Tax Expenditures — No data are available for Federal items at the State level. Federal tax expenditure items estimated by the JCT are prorated to New York.
- New York State Department of Financial Services aggregate data.

Methodology

The projections of the tax expenditures from 2011 to 2015 use a variety of economic forecast variables. Projections of items under Federal exclusions from income in the Appendix were taken from JCT estimates of Federal tax expenditures and prorated to New York.

Tax expenditures whose values are less than \$0.1 million are considered minimal and are designated by an asterisk.

INSURANCE TAX

Table 4
2015 New York State Insurance Tax Expenditure Estimates
(2011 Total Insurance Tax Liability = \$1,169.6 Million)
(Millions of Dollars)

Tax Item	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
New York Modifications to Federal Taxable Income							
1. Exclusion of Interest, Dividends, and Capital Gains from Subsidiary Capital ¹	2.3	0.2	0.2	0.2	0.1	*	1
2. Deduction of 50 Percent of Dividends from Non-Subsidiary Corporations ¹	2.4	0.4	4.3	3.8	8.5	9.0	1
Alternative Bases							
3. Exclusion of Assets Held as Reserves Under NYS Insurance Law Sections 1303, 1304, and 1305 ¹	*	*	*	*	*	*	4
Exclusions from Premiums Based Tax							
4. Exclusion of Annuities from the Tax on Premiums ¹	11.9	20.5	15.0	14.5	17.5	18.0	1
5. Exclusion of Premiums Written on Certain Joint Underwriting Policies ¹	3.0	5.1	3.7	3.6	4.4	4.0	1
6. Exclusion of Premiums Written on Marine Vessels	7.4	7.1	6.3	6.2	6.6	7.0	1
7. Exclusion of Premiums Written on Certain Reinsurance Policies	228.2	293.9	317.3	205.8	234.2	234.0	1
8. Exclusion for Certain Non-New York Property or Individuals	N/A	N/A	N/A	N/A	N/A	N/A	5
Limitation on Tax							
9. Limitation on Tax Liability ¹	99.5	60.2	77.0	65.2	116.5	117.0	1
Corporate Exemptions							
10. Exemption from Article 33 for Specific Types of Entities Engaged in an Insurance Business	271.3	285.5	308.4	326.2	342.3	369.0	4
Preferential Tax Rates							
11. Preferential Tax Treatment for Captive Insurance Companies	15.6	17.6	17.0	14.1	18.3	21.0	2
Insurance Tax Credits							
12. Fire Insurance Premiums Tax Credit	47.0	47.7	49.6	47.7	48.5	53.0	1
13. Retaliatory Tax Credit	58.6	56.5	34.1	36.5	42.1	50.0	1
14. Credit for Assessments Paid to the Life Insurance Company Guaranty Corporation ¹	0.0	0.0	0.0	0.0	0.0	91.0	4
15. Credit for Investment in Certified Capital Companies ²	35.3	36.4	33.7	30.1	23.8	12.0	1
Cross-Article Credits							
16. Investment Tax Credit for the Financial Services Industry ²	0.0	0.0	0.0	0.0	0.0	*	1
17. Special Additional Mortgage Recording Tax Credit ²	0.0	0.0	0.0	0.0	0.0	*	1
18. Empire Zone (EZ) and Qualified Empire Zone Enterprise (QEZE) Tax Credits ²						*	
a. EZ and Zone Equivalent Area Wage Tax Credit	3.1	4.3	0.4	0.4	*	*	1
b. EZ Capital Credit	0.0	0.0	0.0	0.0	0.0	*	1
c. QEZE Real Property Tax Credit	0.1	0.1	0.2	0.2	0.2	*	1
d. QEZE Tax Reduction Credit	21.7	16.0	10.1	15.8	15.0	7.0	1
19. Credit for Employment of Persons with Disabilities ²	0.0	0.0	0.0	0.0	0.0	*	1
20. Low-Income Housing Credit ²	0.1	0.1	0.0	0.1	0.1	1.0	1
21. Credit for Purchase of Automated External Defibrillator ²	0.0	0.0	0.0	0.0	0.0	*	1
22. Green Buildings Credit ²	0.4	0.4	0.0	0.0	0.0	*	1

INSURANCE TAX

Tax Item	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
23. Long-Term Care Insurance Credit	0.0	0.1	0.2	0.0	0.0	*	1
24. Security Training Tax Credit ²	0.0	0.0	0.0	0.0	0.0	*	1
25. Brownfields Tax Credits ²							
a. Brownfield Redevelopment Tax Credit	0.0	0.0	0.0	0.0	0.7	*	1
b. Remediated Brownfield Credit for Real Property Taxes	0.0	0.0	0.0	0.0	0.0	*	1
c. Environmental Remediation Insurance Credit	0.0	0.0	0.0	0.0	0.0	*	1
26. Credit for Rehabilitation of Historic Properties ²	--	--	--	2.0	3.4	4.5	1
27. Excelsior Jobs Program (EJP) Tax Credit	--	--	--	0.0	0.0	*	1
28. Economic Transformation and Facility Redevelopment Program Tax Credit	--	--	--	--	0.0	*	1
29. Empire State Jobs Retention Program Credit ⁴	--	--	--	--	--	*	4
30. Minimum Wage Reimbursement Credit	--	--	--	--	--	*	4
31. Hire A Vet Credit	--	--	--	--	--	*	4

1/ Tax expenditure item applies only to life insurance corporations

2/ For tax years 2010, 2011, and 2012, credit is subject to deferral. Values reported reflect the amount of credit computed absent deferral rules.

3/ A new tax expenditure item, a revision of the methodology or revisions in the data sources resulting in an estimate which better reflects the tax expenditure value.

4/ Forecast is included in the forecast for Excelsior Jobs Program Tax Credits.

* Less than \$0.1 million.

-- The tax expenditure was not applicable for these years.

N/A No data available.

New York Modifications to Federal Taxable Income

In computing New York entire net income, modifications to Federal taxable income are provided for under Article 33 of the Tax Law. These modifications apply only to life insurance corporations.

- 1. Exclusion of Interest, Dividends, and Capital Gains from Subsidiary Capital**
Citation: Section 1503(b)(1)(A)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: In computing New York entire net income, taxpayers may subtract from Federal taxable income dividends, interest, and gains derived from subsidiary corporations that are not part of the combined filing entity.
Estimates: 2011: \$0.1 million — 2015: Minimal
Data Source: Insurance Tax Study File
Reliability: Level 1
- 2. Deduction of 50 Percent of Dividends from Non-Subsidiary Corporations**
Citation: Section 1503(b)(1)(B)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: Insurance corporations may deduct from Federal taxable income, before Federal exclusion, 50 percent of the company's share of dividend income received from non-subsidiary corporations.
Estimates: 2011: \$8.5 million — 2015: \$9.0 million
Data Source: Insurance Tax Study File
Reliability: Level 1

Alternative Bases

One tax expenditure item applicable to life insurance corporations is provided for under the alternative tax base measured by business and investment capital.

- 3. Exclusion of Assets Held as Reserves Under NYS Insurance Law Sections 1303, 1304, and 1305**
Citation: State Insurance Law Sections 1303, 1304, and 1305; Tax Law Section 1500(I)(j)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: Insurance corporations may exclude assets that are held for loss or claim reserves, valuation reserves, and unearned premium reserves (as specified in the Insurance Law) from the definition of business capital and investment capital for purposes of computing tax liability under the capital base tax.
Estimates: 2011: Minimal — 2015: Minimal
Data Source: Insurance Tax Study File, Industry Data
Reliability: Level 4

INSURANCE TAX

Exclusions from Premiums Base Tax

The premiums tax base excludes premiums from several types of insurance.

4. **Exclusion of Annuities from the Tax on Premiums**
Citation: Section 1510(c)(1)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: The premiums tax base excludes annuities.
Estimates: 2011: \$17.5 million — 2015: \$18.0 million
Data Source: Insurance Study File
Reliability: Level 1

5. **Exclusion of Premiums Written on Certain Joint Underwriting Policies**
Citation: Section 1510(c)(2)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: The premiums tax base does not include premiums on joint underwriting of group health insurance for persons aged 65 and over.
Estimates: 2011: \$4.4 million — 2015: \$4.0 million
Data Source: Insurance Study File
Reliability: Level 1

6. **Exclusion of Premiums Written on Marine Vessels**
Citation: Section 1510(c)(2)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: The premiums tax base does not include premiums for ocean marine insurance.
Estimates: 2011: \$6.6 million — 2015: \$7.0 million
Data Source: Insurance Study File
Reliability: Level 1

7. **Exclusion of Premiums Written on Certain Reinsurance Policies**
Citation: Section 1510(c)(3)(A-B)
Effective Date: Effective for tax years beginning on or after January 1, 1974
Description: The premiums tax base does not include premiums received by way of reinsurance from corporations or other insurers authorized to transact business in New York. It also excludes premiums received by way of reinsurance from corporations or other insurers not authorized to transact business in New York if such premiums are subject to the Excess Line Tax imposed under the Insurance Law.
Estimates: 2011: \$234.2 million — 2015: \$234.0 million
Data Source: Insurance Study File
Reliability: Level 1

8. **Exclusion for Certain Non-New York Property or Individuals**
Citation: Section 1512(b)(1)-(3)
Effective Date: Effective for tax years beginning on or after January 1, 1974 (Section 1512(b)(3) effective for tax years beginning on or after January 1, 1978)
Description: The premiums tax base does not include premiums from:

- Property, risks, or residents located outside of New York written by nonprofit life or fire insurance companies;
- Insurance risks on residents outside of the State of New York written by federally exempt life insurance companies organized by nonprofit voluntary employees' beneficiary associations.

Estimate: No data available

Reliability: Level 5

Limitation on Tax

Article 33 provides for a maximum tax liability cap for life insurance corporations. The total tax less EZ credits, but before other credits, may not exceed 2 percent of taxable premiums. Taxpayers may apply all other insurance corporation tax credits to reduce the tax as determined under the cap.

9. **Limitation on Tax Liability**

Citation: Section 1505

Effective Date: Effective for tax years beginning on or after January 1, 1977

Description: Article 33 limits the total tax liability of a life insurance corporation. Effective for taxable years beginning on or after January 1, 1998, the limitation, or cap, equals 2.0 percent of gross premiums for life insurers. An insurance corporation's tax liability equals the lower of (1) the tax determined under the cap, or (2) the tax determined on the highest of four alternative bases, plus the taxes on the subsidiary capital and premiums bases.

Estimates: 2011: \$116.5 million — 2015: \$117.0 million

Data Source: Insurance Tax Study File

Reliability: Level 1

Corporate Exemptions

Article 33 of the Tax Law does not apply to several types of entities that may be engaged in an insurance business. Several additional types of entities are exempt only from the premiums tax.

10. **Exemption from Article 33 for Specific Types of Entities Engaged in an Insurance Business**

Citation: Section 1512(a)(1)-(8), (c)

Effective Date: Effective for tax years beginning on or after January 1, 1974 (Sections 1512(a)(8) and 1512 (c) effective for taxable years beginning on or after January 1, 1978)

Description: Entities exempt from tax under Article 33 include:

- Charitable, religious, missionary, educational, and philanthropic non-stock corporations. (1512(a)(2))
- Retirement systems or pension funds engaged solely in an annuity business. (1512(a)(3))
- Nonprofit medical expense indemnity or hospital service corporations. (1512(a)(4))
- Incorporated or unincorporated fraternal benefit societies. (1512(a)(5))

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- Corporations for the insurance of domestic animals on a cooperative plan. (1512(a)(6))
- A town or county cooperative insurance corporation exempt from tax under Section 187 of the Tax Law as it existed prior to 1974. (1512(a)(7))
- Not-for-profit voluntary employees' beneficiary associations exempted from Federal income tax the members of which are employees (or beneficiaries or dependent of employees) of a single employer. (1512(a)(8))
- Any nonprofit property/casualty insurance company organized pursuant to Section 6703 of the Insurance Law. (1512(a)(9))
- Entities conducting insurance business as a member of the New York Insurance Exchange. (1512 (c))

Estimates: 2011: \$342.3 million — 2015: \$369.0 million

Data Source: New York State Department of Financial Services

Reliability: Level 4

Preferential Tax Rates

11. Preferential Tax Treatment for Captive Insurance Companies

Citation: Section 1502-b

Effective Date: Effective for tax years beginning on or after January 1, 1998

Description: Captive insurers are subject to a special premiums tax at lower rates than the rate that applies to other insurers. The tax imposed on captives equals the greater of the sum of the tax imposed on gross direct premiums and the tax imposed on assumed reinsurance premiums, or \$5,000. The tax rates that apply to gross direct premiums and assumed reinsurance premiums decrease as the amount of premiums subject to tax increases, with the highest rate equaling 0.4 percent.

For tax years beginning on or after January 1, 2009 and before January 1, 2014, an overcapitalized captive insurance company must be included in a combined return under either Article 9-A or 32 with the closest corporation that directly or indirectly owns or controls over 50 percent of the voting stock of the overcapitalized captive insurance company. For tax years beginning on or after January 1, 2015, a combinable captive insurance company must be included in a combined return under Article 9-A if it is more than 50 percent owned by an Article 9-A corporation.

Estimates: 2011: \$18.3 million — 2015: \$21.0 million

Data Source: Captive Tax Return Data

Reliability: Level 2

Credits

Credits are amounts, enumerated by Article 33 of the New York State Tax Law, that insurance corporations may subtract from their calculated New York tax liability. Article 33 credits are available to both life and non-life insurance corporations unless otherwise noted. For tax years 2010, 2011, and 2012, taxpayers were required to defer the use and refund of certain tax credits if they exceeded \$2 million in aggregate.

Insurance Tax Credits

The credits described below are specific to the Insurance Tax.

12. Fire Insurance Premiums Tax Credit

Citation: Section 1511(a)

Credit Type: Non-refundable/Non-Carryforward

Effective Date: Effective for tax years beginning on or after January 1, 1974

Description: A credit is allowed for additional taxes on premiums written by foreign or alien corporations for any insurance against loss or damage by fire, paid by foreign and alien fire insurance companies and foreign mutual fire insurance companies. Such taxes are imposed under the Insurance Law and under the charters of the cities of Buffalo and New York. Taxpayers must have paid or accrued the taxes during the tax year covered by the return.

Estimates: 2011: \$48.5 million — 2015: \$53.0 million

Data Source: Insurance Tax Study File

Reliability: Level 1

13. Retaliatory Tax Credit

Citation: Section 1511(c)

Credit Type: Refundable

Effective Date: Effective for tax years beginning on or after January 1, 1974

Description: Taxpayers may claim a credit for up to 90 percent of any retaliatory taxes paid to other states by New York domiciled or organized insurers as a result of New York State imposed taxes on insurers domiciled or organized in those other states.

Estimates: 2011: \$42.1 million — 2015: \$50.0 million

Data Source: Insurance Tax Study File

Reliability: Level 1

14. Credit for Assessments Paid to the Life Insurance Company Guaranty Corporation

Citation: Insurance Law Section 7712(a)(b); Tax Law Section 1511(f)

Credit Type: Non-refundable/Carryforward

Effective Date: Effective for tax years beginning after December 31, 1986

Description: Life insurance corporations may claim a tax credit for a portion of the cost of assessments paid to the life insurance company guaranty corporation in prior years. The maximum credit allowed to all life insurance companies for a particular year is limited to the greater of \$40 million or 40 percent of the total tax liability of all such companies. To calculate its respective credit amount, an individual corporation multiplies the \$40 million/40 percent maximum by the assessments it paid divided by the sum all assessments paid by all corporations.

Estimates: 2011: \$0.0 million — 2015: \$91.0 million

Data Source: New York State Division of the Budget

Reliability: Level 5

15. Credit for Investment in Certified Capital Companies

Citation: Section 1511(k)

Credit Type: Non-refundable/Carryforward

Effective Date: Effective for tax years beginning after 1998, although the credit may be earned before 1999; the credit has been expanded four times since its enactment, to a combined statewide cap for all five programs of \$400 million, effective January 1, 2007

Description: Under the five programs, taxpayers may claim a credit for 100 percent of the amount invested in certified capital companies (CAPCOs). The credit can be claimed over 10 years, at a rate of 10 percent per year. The combined statewide cap is \$400 million on the total amount of investments for which credits may be claimed. The total for all five programs may not exceed \$40 million in any year.

Estimates: 2011: \$23.8 million — 2015: \$12.0 million

Data Source: Insurance Tax Study File

Reliability: Level 1

Cross-Article Credits

Descriptions of other tax credits that are available under the Insurance Tax as well as other tax articles are contained in the Cross-Article Tax Credits section of the report.

CORPORATION TAX

This section of the report provides descriptions of 38 separate tax expenditure provisions of the Article 9 tax. It contains estimates of the tax expenditures for tax years 2007 through 2011 (2011 is the latest year for which Article 9 tax return data is available). The list of tax expenditures is based on the Tax Law as of January 1, 2015. The estimates are also extrapolated to the 2015 tax year. The tax year refers to both the 2015 calendar year and fiscal years beginning in 2015. Table 6 summarizes the tax expenditure estimates. It also includes total tax liability of Article 9 to provide perspective.

Description of Tax

Article 9 of the Tax Law imposes initial taxes and annual fees on domestic (in-state) and foreign (out-of-state) corporations. It also imposes gross receipts-based taxes on a variety of specialized businesses.

Section 183 imposes a franchise tax on transportation and transmission companies and associations (excluding aviation companies which are taxable under Article 9-A) on the basis of allocated capital stock. Generally, a corporation's stock is allocated to New York in the ratio that the corporation's gross assets employed in the State bear to gross assets everywhere. U.S. obligations and cash in hand are excluded from the calculation. The tax equals the highest of the three amounts computed by the following methods: (1) allocated value of issued capital stock multiplied by 1.5 mills; (2) allocated value of issued capital stock on which dividends are paid 6 percent or more, multiplied by 0.375 mills for each one percent of dividends paid; or (3) a fixed minimum tax of \$75. Effective January 1998, trucking and railroad companies previously taxable under Section 183 became taxable under Article 9-A, unless an election had been made to remain taxable under Article 9. Effective January 1, 2000, gas pipelines became taxable under Article 9-A.

Section 184 imposes an additional franchise tax on transportation and transmission corporations and associations based on their gross earnings within the State. The tax is 3/8 percent of gross earnings received from business conducted in New York. Beginning in 1995, Section 184 no longer applies to inter-exchange carriers, but applies only to those telecommunications corporations or associations principally engaged in a local telephone business. Companies principally engaged in long distance services are excluded from the tax. In addition, the law provided two exclusions to equalize the tax treatment of telecommunications services provided by local carriers, which remain subject to the Section 184 tax, and inter-exchange carriers. One hundred percent of receipts from sales for ultimate consumption from interLATA, interstate, or international services and 30 percent of intraLATA toll services, including interregion regional calling plan services are excluded in the computation of tax under Section 184. In January 1998, trucking and railroad companies formerly taxable under Section 184 became taxable under Article 9-A, unless they elected to remain taxable under Article 9. In January 2000, gas pipelines became taxable under Article 9-A.

Section 185 imposes a franchise tax on farmers, fruit growers, and other like agricultural corporations organized and operated on a cooperative basis. The tax is the highest amount computed under the following calculations: (1) allocated value of issued capital stock multiplied by one mill; (2) allocated value of issued capital stock on which dividends paid are six percent or more, multiplied by ¼ mill for each one percent of

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dividends paid; or (3) a fixed dollar minimum tax of \$10. Section 185 is repealed for tax years beginning on or after January 1, 2018.

Section 186, which was repealed effective January 1, 2000, provided for a franchise tax on waterworks companies, gas companies, electric or steam heating, lighting, and power companies. The tax was imposed at a rate of .75 percent on New York gross earnings and 4.5 percent on the amount of dividends paid which exceeded 4 percent of the amount of the taxpayer's paid-in capital employed in New York State. The minimum tax alternative of \$125 applied, but only in case and to the extent that the tax computed under the primary method was less than \$125. An additional excess dividends tax may have also applied. Energy and water companies formerly taxable under this Section are now taxable under Article 9-A. However, a company may elect to remain a continuing Section 186 taxpayer, and be subject to the tax as it existed in 1999, if certain conditions apply.

Section 186-a provides for a gross receipts tax on the furnishing of utility services. A utility is defined as any seller of gas, electricity, steam, water, or refrigeration. The tax is imposed on receipts from transportation, transmission, distribution, or delivery of energy for residential customers at a rate of 2.0 percent. Utilities that provide telephone or telegraph services which are subject to the supervision of the Public Service Commission pay the tax on their gross receipts not derived from the sale of telecommunications services at a rate of 2.5 percent. Telecommunications service receipts are taxable under Section 186-e.

For tax years in the History portion of the following Table 8, the tax rate was reduced to 2.5 percent effective January 1, 2000. The tax is now imposed on receipts from transportation, transmission, distribution, or delivery of energy for residential customers at a rate of 2.0 percent. For taxable years beginning on or after January 1, 2000 separate additional rate reduction schedules are applied to receipts from the sale of an energy commodity and to receipts from charges for the transportation, transmission, distribution, or delivery of energy, as follows:

Calendar Year	2000	2001	2002	2003	2004	2005 and After
Commodity Rate	2.1%	2.0%	1.9%	0.85%	0.4%	0%
T&D Rate	2.5%	2.45%	2.4%	2.25%	2.125%	2.0%

Section 186-e provides for an excise tax on telecommunications services at a rate of 2.5 percent on the gross receipts of all providers of telecommunications services. The tax applies to gross receipts from all intrastate services and interstate and international services that either originate or terminate in New York and are billed to a service address in the State. Providers of mobile telecommunication services source gross receipts to their customer's place of primary use.

Most of the revenue from the Article 9 tax resulted from the gross receipts-based taxes (Sections 184, 186, 186-a, and 186-e).

Data Sources

The major source of data used to compute the tax expenditure estimates under Article 9 is the 2011 Corporation Tax Study File. This file, compiled by the Department of Taxation and Finance, includes all corporations filing under Article 9. It includes selected data items from the tax returns of each corporation. Simulations of the file generate the base case tax expenditures.

Methodology

The projections of the tax expenditures from 2011 to 2015 use a variety of economic forecast variables.

Tax expenditures whose values are less than \$0.1 million are considered minimal and are designated by an asterisk.

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Table 5
2015 New York State Corporation and Utilities (Article 9) Tax Expenditure Estimates
(2011 Corporation and Utilities Tax Liability = \$668.1 Million)
(Millions of Dollars)

Tax Item ¹	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
New York Modifications to Gross Income							
1. Exclusion of Interstate and Foreign Income	N/A	N/A	N/A	N/A	N/A	N/A	5
2. Exclusion of Receipts from InterLATA, Interstate, and International Telephone Services	4.3	5.1	4.6	4.5	6.5	6.0	1
3. Exclusion of Thirty Percent of Receipts from IntraLATA Toll Telephone Services	4.0	4.6	3.8	3.5	3.6	3.5	1
4. Exclusion of Cable Television Service	97.0	116.0	121.0	123.0	122.0	129.0	3
5. Exclusion of Receipts from Certain Telecommunications Services for Air Safety and Navigation Purposes	N/A	N/A	N/A	N/A	N/A	N/A	5
Corporate Exemptions							
6. Certain Banking and Insurance Companies	N/A	N/A	N/A	N/A	N/A	N/A	5
7. Ferry Companies	N/A	N/A	N/A	N/A	N/A	N/A	5
8. Taxicabs and Omnibuses	N/A	N/A	N/A	N/A	N/A	N/A	5
9. Railroads and Vessels Engaged in Interstate or Foreign Commerce	N/A	N/A	N/A	N/A	N/A	N/A	5
10. Corporations Principally Engaged in Providing Telecommunications for Air Safety and Navigation Purposes	N/A	N/A	N/A	N/A	N/A	N/A	5
11. Foreign Commerce	N/A	N/A	N/A	N/A	N/A	N/A	5
12. Railroad Leasing	N/A	N/A	N/A	N/A	N/A	N/A	5
13. Foreign Taxicabs and Omnibuses	N/A	N/A	N/A	N/A	N/A	N/A	5
14. Exempt Companies	N/A	N/A	N/A	N/A	N/A	N/A	5
15. Exempt Organizations – Section 186-a	N/A	N/A	N/A	N/A	N/A	N/A	5
16. Water Pollution Facilities	N/A	N/A	N/A	N/A	N/A	N/A	5
17. Commercial, Industrial, and Not-For-Profit Relief	N/A	N/A	N/A	N/A	N/A	N/A	5
18. Exempt Organizations – Section 186-e	N/A	N/A	N/A	N/A	N/A	N/A	5
Corporation Tax Credits							
19. Credit for Tax Paid in Another Jurisdiction ¹	*	*	*	*	*	*	1
Cross-Article Credits							
20. Special Additional Mortgage Recording Tax Credit ^{1,2}	0.0	0.0	0.0	0.0	0.0	*	1
21. Empire Zone (EZ) and Qualified Empire Zone Enterprise (QEZE) Credits ^{1,2}							
a. EZ Investment Tax Credit and Employment Incentive Credit ²	*	0.1	*	*	*	*	1
b. EZ Wage Tax Credit ¹	*	*	0.1	*	*	*	1
c. QEZE Real Property Tax Credit ¹	0.3	0.4	0.4	0.3	0.3	*	
22. Credit for Employment of Persons with Disabilities ^{1,2}	0.0	0.0	0.0	0.0	0.0	*	1
23. Green Building Credit ^{1,2}	0.0	0.0	0.0	0.0	0.0	*	1
24. Long-Term Care Insurance Credit ¹	0.0	0.0	0.0	0.0	0.0	*	1
25. Security Training Tax Credit ²	0.0	0.0	0.0	0.0	0.0	*	1
26. Brownfields Tax Credits ^{2,3}							

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Tax Item ¹	History					Forecast	Reliability
	2007	2008	2009	2010	2011	2015	Level
. Brownfield Redevelopment Tax Credit	0.0	0.0	0.0	0.0	0.0	*	1
. Remediated Brownfield Credit for Real Property Taxes	0.0	0.0	0.0	0.0	0.0	*	1
. Environmental Remediation Insurance Credit	0.0	0.0	0.0	0.0	0.0	*	1
27. Biofuel Production Credit ²	0.0	0.0	0.0	0.0	0.0	*	1
28. Economic Transformation and Facility Redevelopment Program Tax Credit	--	--	--	--	0.0	*	1
29. Alternative Fuels and Electrical Vehicle Recharging Property Credit ³	--	--	--	--	--	*	4
30. Minimum Wage Reimbursement Credit ³	--	--	--	--	--	*	4

1/ Amounts in the table are the sum of the expenditure estimates across all Article 9 tax sections. See specific descriptions to determine the sections to which the expenditure applies and to view the section-specific estimates.

2/ For tax years 2010, 2011, and 2012, credits subject to deferral. Values reported reflect the amount of credit computed absent deferral rules.

3/ A new tax expenditure item, a revision of the methodology or revisions in the data sources resulting in an estimate which better reflects the tax expenditure value.

* Less than \$0.1 million.

-- The tax expenditure was not applicable for these years.

N/A No data available.

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New York Modifications to Gross Income

Article 9 of the New York State Tax Law provides for select modifications when computing New York gross income.

1. **Exclusion of Interstate and Foreign Income**

Citation: Section 184(1)

Effective Date: June 15, 1896

Description: Corporations, joint stock corporations, or associations formed for or principally engaged in canal, steamboat, ferry, navigation, or corporations formed for or principally engaged in the operation of vessels may exclude earnings derived from business of an interstate or foreign character.

Section 184 Estimate: No data available

Reliability: Level 5

2. **Exclusion of Receipts from InterLATA, Interstate, and International Telephone Services**

Citation: Section 184(1)

Effective Date: January 1, 1995

Description: Telephone companies subject to the tax may exclude 100 percent of receipts (other than those from the provision of carrier access services) from sales for ultimate consumption of interLATA, interstate, and international services.

Section 184 Estimates: 2011: \$6.5 million — 2015: \$6.0 million

Data Source: Corporation Tax Study File

Reliability: Level 1

3. **Exclusion of Thirty Percent of Receipts from IntraLATA Toll Telephone Services**

Citation: Section 184.1

Effective Date: Effective for tax years beginning on or after January 1, 1996

Description: Telephone companies subject to the tax may exclude 30 percent of receipts (other than those from the provision of carrier access services) from sales for ultimate consumption of intra-LATA toll services, including inter-region regional calling plan services.

Section 184 Estimates: 2011: \$3.6 million — 2015: \$3.5 million

Data Source: Corporation Tax Study File

Reliability: Level 1

4. **Exclusion of Cable Television Service**

Citation: Section 186-e(2)(b)(2)

Effective Date: January 1, 1995

Description: Cable television service is specifically excluded from the definition of telecommunications services and receipts from the sale of such service are not subject to tax.

Section 186-e Estimates: 2011: \$122.0 million — 2015: \$129.0 million

Data Source: Annual Reports to the New York State Public Service Commission

Reliability: Level 3

5. Exclusion of Receipts from Certain Telecommunications Services for Air Safety and Navigation Purposes

Citation: Section 186-e(2)(b)(3)

Effective Date: January 1, 1995

Description: Receipts from the sale of telecommunications to air carriers solely for the purposes of air safety and navigation are excluded from the tax. Providers must be at least 90 percent owned (directly or indirectly) by air carriers and have the principal function of fulfilling requirements of the Federal Aviation Administration (FAA) or International Civil Aviation Organization (ICAO) relating to the existence of a communication system between aircraft and dispatcher, aircraft and air traffic control or ground station and ground station (or any combination of these entities).

Section 186-e Estimate: No data available

Reliability: Level 5

Corporate Exemptions

6. Banking and Insurance Companies

Citation: Section 181(1) (license fee); 181(2) (annual maintenance fee)

Effective Date: April 4, 1895; September 1, 1976

Description: Certain banking corporations, fire, marine, casualty and life insurance companies, cooperative fraternal insurance companies, and building and loan associations are exempt from the license fee or the annual maintenance fee imposed on foreign corporations.

Section 181 Estimate: No data available

Reliability: Level 5

7. Ferry Companies

Citation: Sections 183(1)(b) and 184(1)

Effective Date: April 14, 1914

Description: Ferry companies operating between any of the boroughs of the City of New York under a lease granted by the City are exempt from tax under Sections 183 and 184.

Section 183 Estimate: No data available

Section 184 Estimate: No data available

Reliability: Level 5

8. Taxicabs and Omnibuses

Citation: Section 183(1)(c)

Effective Date: April 11, 1951 (taxicabs); January 1, 1960 (omnibuses)

Description: With certain exceptions, and so long as the State tax on motor fuel exceeds two cents per gallon, corporations classified as taxicabs and omnibuses are taxable under Article 9-A and therefore are exempt from the tax imposed by Section 183.

Section 183 Estimate: No data available

Reliability: Level 5

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9. **Railroads and Vessels Engaged in Interstate or Foreign Commerce**
Citation: Section 183(7)
Effective Date: November 11, 1981 for taxable periods beginning on or after January 1, 1981 (original exclusion for vessels only, June 15, 1896)
Description: A railroad, palace car, or sleeping car corporation, navigation, canal, ferry (except a ferry operating between any of the boroughs of New York under a lease granted by the City), steamboat, or any other corporation formed for or principally engaged in the operation of vessels in interstate or foreign commerce is not subject to the Section 183 tax, even though it maintains an office or otherwise employs capital in New York.
Section 183 Estimate: No data available
Reliability: Level 5
10. **Corporations Principally Engaged in Providing Telecommunications for Air Safety and Navigation Purposes**
Citation: Sections 183(1)(b) and 184(1)
Effective Date: January 1, 1995
Description: Corporations principally engaged in selling of telecommunications to air carriers solely for the purposes of air safety and navigation are exempt from the tax under Sections 183 and 184. Providers must be at least 90 percent owned (directly or indirectly) by air carriers and have the principal function of fulfilling requirements of the Federal Aviation Administration (FAA) or International Civil Aviation Organization (ICAO) relating to the existence of a communication system between aircraft and dispatcher, aircraft and air traffic control or ground station and ground station (or any combination of these entities).
Section 183 Estimate: No data available
Section 184 Estimate: No data available
Reliability: Level 5
11. **Foreign Commerce**
Citation: Section 3
Effective Date: November 11, 1981 (original exclusion for vessels only, June 15, 1896)
Description: All corporations incorporated under the laws of the State of New York, exclusively engaged in the operation of vessels in foreign commerce, are exempted from tax on their capital stock, franchises, and earnings for State and local purposes.
Section 184 Estimate: No data available
Reliability: Level 5
12. **Railroad Leasing**
Citation: Section 184(3)
Effective Date: June 1, 1917
Description: In lieu of the tax on gross earnings, a railroad corporation involved in leasing railroad property to another railroad is subject to an excess income tax measured at the rate of 4 ½ percent on that portion of dividends paid in a calendar year in excess of 4 percent on the capital stock of the company.
Section 184 Estimate: No data available

Reliability: Level 5

13. **Foreign Taxicabs and Omnibuses**

Citation: Section 184(2)(b)(1)(iv)

Effective Date: January 1, 1988

Description: A foreign taxicab or omnibus company doing business in New York by making fewer than 12 trips into New York State on an annual basis, but not otherwise owning or leasing property, maintaining an office, or otherwise doing business in the State so as to become subject to tax, pays a tax equal to \$15 per trip.

Section 184 Estimate: No data available

Reliability: Level 5

14. **Exempt Companies**

Citation: Section 186-a(2)(a)

Effective Date: January 1, 1960 (omnibuses)

Description: Persons engaged in operating omnibuses having a seating capacity of more than seven persons; or, street surface, rapid transit, subway, and elevated railroads are not subject to the Section 186-a tax.

Section 186-a Estimate: No data available

Reliability: Level 5

15. **Exempt Organizations**

Citation: Section 186-a(2)(b)

Effective Date: 1937

Description: The furnishing of utilities services by the State is exempt from tax. Utility services furnished by municipalities, political and civil subdivisions of the State or a municipality, public districts, and certain corporations and associations organized and operated exclusively for religious, charitable, or educational purposes are exempt from tax under certain circumstances.

Section 186-a Estimate: No data available

Reliability: Level 5

16. **Water Pollution Facilities**

Citation: Section 186-a(2)(b)

Effective Date: January 1, 1969

Description: Section 186-a does not apply to a corporation organized and operated exclusively for the purpose of leasing from a city a water works system designed to alleviate water pollution within the city.

Section 186-a Estimate: No data available

Reliability: Level 5

17. **Commercial, Industrial, and Not-For-Profit Relief**

Citation: Section 182-a(2)(c)(1)

Effective Date: January 1, 2000

Description: In addition to the reduction and elimination of the tax on the commodity, the Section 186-a tax on transmission and distribution for commercial, industrial and not-for-profit customers was eliminated through a phased in exclusion according to the following schedule:

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<u>Calendar Year</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005 and After</u>
Exclusion	0%	0%	25%	50%	75%	100%

Section 186-a Estimate: No data available

Data Source: No data available

Reliability: Level 5

18. Exempt Organizations

Citation: Section 186-e(1)(c)

Effective Date: January 1, 1995

Description: Telecommunications services provided by the State, municipalities, political and civil subdivisions of the State or municipality, public districts, and corporations and associations organized and operated exclusively for religious, charitable, or educational purposes are exempt from Section 186-e tax.

Section 186-e Estimate: No data available

Reliability: Level 5

Credits

Credits include amounts, stipulated by the New York State Tax Law, which the taxpayer may subtract in calculating New York tax liability. For tax years 2010, 2011, and 2012, taxpayers are required to defer the use and refund of certain tax credits if they exceed \$2 million in aggregate.

Corporation Tax Credits

The credits described below are specific to the Corporation Tax.

19. Credit for Tax Paid in Another Jurisdiction

Citation: Section 186-e(4)(a)(2)

Credit Type: Non-refundable/Non-Carryforward

Effective Date: January 1, 1995

Description: To prevent actual multijurisdictional taxation of sales of telecommunications services, providers of interstate and international telecommunications services may claim a credit for a like tax paid to another state or country on a telecommunications service taxable under Section 186-e. The amount of the credit is the amount of tax lawfully due and paid to the other country or jurisdiction not exceeding the tax due to New York.

Section 186-e Estimates: 2011: Minimal — 2015: Minimal

Data Source: Corporation Tax Study File

Reliability: Level 1

Cross-Article Credits

Descriptions of tax credits that are available under the Corporation Tax as well as other tax articles are contained in the Cross-Article Tax Credits section of the report.

CORPORATION TAX

SALES AND USE TAX

This section of the report provides tax expenditure descriptions and estimates for 153 provisions of the Sales and Use Tax Law. The list of expenditures is based on the Tax Law in effect as of January 1, 2015. The tax expenditure estimates only pertain to the State portion of the tax and do not include any estimates of the revenue foregone by local governments levying sales and use taxes.

The report presents historical estimates for calendar years 2008 through 2012. Table 7 lists the tax expenditures and provides historical year and projected 2015 estimates. It also lists the years for which data are available. For recently added tax expenditures, the report displays historical estimates only for years the item existed as a tax expenditure. The effective dates recorded in the report refer to the date the applicable provision took effect.

Description of Tax

The New York State Sales and Use Tax was enacted in 1965 and took effect August 1, 1965. This tax applies primarily to sales of tangible personal property in New York State, not for subsequent resale. The Sales and Use Tax also applies to a variety of services, notably, services to real or personal property, telephone service, and commercial energy use. Certain admissions, hotel occupancies, and restaurant meals are also taxed. Generally the tax base includes tangible personal property unless the law provides a specific exclusion or exemption and does not include services unless the law specifically enumerates the service as taxable.

The Tax Law provides manufacturers with exemptions for the purchase, repair, and maintenance of machinery and equipment used in production. Other exempt items include food, medicine, residential energy, and sales to exempt entities. Although most services are not subject to sales or use tax, this report examines only services which are specifically exempted by New York State law. Thus, this report does not list unenumerated services (e.g., accounting services, engineering services) as tax expenditures.

The Department of Taxation and Finance administers the Sales and Use Tax for the State and its constituent jurisdictions that also impose the tax. The State rate equals 4 percent. Local rates range from 3 percent to 4.75 percent. Communities within the Metropolitan Commuter Transportation District are subject to an additional 3/8 of 1 percent tax rate. In State fiscal year 2013-14, the Department collected about \$11.8 billion for the State and approximately \$14.8 billion for local governments from sales and use taxes.

Data Sources

Most tax expenditure estimates for the Sales Tax use aggregate, non-tax data sources because no tax return data exists for the many exclusions and exemptions. Thus, the estimates are only suggestive of the revenue loss associated with each of the provisions. The estimates are rounded to the nearest million dollars.

SALES AND USE TAX

The major non-tax data sources used to compute the tax expenditure estimates include:

- Government publications and surveys such as the U.S. Census Bureau's *Economic Census*;
- Data compiled by individual New York State agencies; and
- Industry surveys and information, such as the information provided by the International Dairy Food Association.

Methodology

The report bases the historical estimates on the most recent data available. If data are not available for a particular year covered by the report, the tax expenditure is estimated from the most recent data. For example, where 2007 represents the latest year for which relevant data are available, the 2007 data are used to derive the historical estimates. Historical estimates may vary from prior year reports due to the availability of more recent data. From the most recent data, tax expenditure estimates are projected to 2015 levels. Historical estimates are projected to 2015 levels using the New York State Division of the Budget's forecast of the U.S. and New York economies. Where applicable, such measures as price, employment, and productivity were used to extrapolate to the expenditure value.

A sales tax transaction can be exempt from tax because the good or service is exempt or because its use, purchaser, or seller is exempt. In valuing the exemptions, no account is taken of the fact that if the good or service were made taxable, some of the transactions would remain exempt because of the nature of the use, purchaser, or seller. Hence, the value of a particular good or service may be included in two or more tax expenditure estimates. Because of this overlapping, the revenue value of eliminating an exemption would not necessarily coincide with the estimated value herein.

SALES AND USE TAX

Table 6
2015 New York State Sales and Use Tax Expenditure Estimates
(2013-14 Total NY Sales and Use Tax Liability = \$11,857.0 Million)
(Millions of Dollars)

Tax Item	Data Source	History				Forecast		Reliability
	Year(s)	2008	2009	2010	2011	2012	2015	Level
Services								
1. Certain Information Services		N/A	N/A	N/A	N/A	N/A	N/A	5
2. Certain Information Services Provided Over the Telephone		N/A	N/A	N/A	N/A	N/A	N/A	5
3. Services Performed on a Non-Trade Basis		N/A	N/A	N/A	N/A	N/A	N/A	5
4. Laundering, Tailoring, Shoe Repair, and Similar Services	2007	75.0	77.0	79.0	82.0	85.0	93.0	4B
5. Capital Improvement Installation Services	2008-2009	738.0	540.0	486.0	494.0	507.0	559.0	4C
6. Services Related to Railroad Rolling Stock	2008	2.0	2.0	2.0	2.0	2.0	2.0	4B
7. Services to Property Delivered Outside New York		N/A	N/A	N/A	N/A	N/A	N/A	5
8. Municipal Parking Services	2010	8.0	8.0	9.0	9.0	9.0	10.0	4A
9. Parking and Garaging at a Private Residence	2010	*	*	*	*	*	*	4A
10. Certain Protective and Detective Services	2008-2010	*	*	*	*	*	*	4A
11. Medical Emergency Alarm Call Services	2010	1.0	1.0	1.0	1.0	1.0	1.0	4C
12. Coin-Operated Car Wash Services	2007	8.0	9.0	9.0	9.0	10.0	12.0	4C
13. Trash Removal from a Waste Transfer Facility	2008-2010	3.0	3.0	3.0	3.0	2.0	2.0	4B
14. Transportation Services in Connection with Funerals ²	2010	--	*	1.0	1.0	1.0	1.0	4C
15. Transportation Services Provided by Affiliated Livery Vehicles ²	2010	--	1.0	3.0	3.0	3.0	3.0	4C
16. Water and Sewer Line Protection Services	2013	--	--	--	--	--	*	4C
Food								
17. Certain Food Products	2008-2010	1,143.0	1,168.0	1,147.0	1,204.0	1,252.0	1,395.0	4B
18. Food Sold to Airlines	2010	6.0	5.0	5.0	5.0	6.0	6.0	4A
19. Food Sold at School Cafeterias	2008-2010	116.0	117.0	119.0	124.0	129.0	146.0	4A
20. Food Purchased with Food Stamps	2008-2010	112.0	174.0	206.0	212.0	219.0	256.0	4A
21. Water Delivered Through Mains or Pipes	2008-2010	68.0	73.0	77.0	78.0	79.0	82.0	4B
22. Mandatory Gratuity Charges	2008-2009	29.0	27.0	28.0	28.0	29.0	31.0	4A
23. Wine Used for Wine Tastings	2010	*	*	*	*	*	*	4A
24. Vending Machine Sales of Hot Drinks and Certain Foods	2008-2010	17.0	16.0	14.0	13.0	13.0	13.0	4C
25. Vending Machine Sales of Candy, Juice and Soft Drinks ¹	2008-2010	6.0	4.0	3.0	3.0	3.0	9.0	4C
26. Food Sold at Senior Citizen Housing Communities	2008	*	*	*	*	*	*	4B
Medical								
27. Drugs, Medicine, and Medical Supplies	2008-2010	841.0	877.0	913.0	966.0	1,009.0	1,267.0	4C
28. Eyeglasses, Hearing Aids and Prosthetic Aids	2007	117.0	123.0	129.0	131.0	134.0	141.0	4C
29. Veterinarian Services	2008, 2010	31.0	32.0	33.0	34.0	35.0	38.0	4B
30. Service Dogs	2010	*	*	*	*	*	*	4B

SALES AND USE TAX

Tax Item	Data Source	History				Forecast		Reliability
	Year(s)	2008	2009	2010	2011	2012	2015	Level
Energy								
31. Residential Energy	2008-2010	806.0	730.0	749.0	754.0	760.0	798.0	4A
32. Fuel, Gas, Electricity, Refrigeration, and Steam Used in Research and Development and Production	2008-2010	207.0	147.0	164.0	175.0	177.0	185.0	4C
33. Fuel, Gas, Electricity, Refrigeration, and Steam Used in Farming and Commercial Horse Boarding	2008-2010	13.0	11.0	11.0	13.0	13.0	16.0	4B
34. Reduced Rate on Gas and Electric Delivery	2008	49.0	53.0	57.0	58.0	59.0	62.0	4B
35. Gas and Electricity Used in Transmission, Distribution and Storage	2008-2010	7.0	6.0	6.0	6.0	6.0	7.0	4C
36. Residential Solar Energy Systems	2010	*	*	*	*	*	*	4B
37. Commercial Solar Energy Systems	2010	--	--	--	--	--	1.0	4C
38. Electricity, Refrigeration, and Steam Sold by Certain Cooperative Corporations	2010	N/A	N/A	N/A	N/A	N/A	N/A	5
39. Automotive Fuel Receipts Exceeding Two Dollars Per Gallon	2008-2010	312.0	70.0	178.0	314.0	332.0	95.0	4A
40. Alternative Fuels	2008-2010	*	*	*	*	*	*	4A
41. B20 Bio-Diesel Fuel	2008-2010	*	*	*	*	*	*	4A
Transportation								
42. Commercial Vessels		N/A	N/A	N/A	N/A	N/A	N/A	5
43. Barge Repairs	2007	*	*	*	*	*	*	4C
44. Commercial Aircraft	2010	20.0	15.0	12.0	12.0	12.0	13.0	4C
45. Fuel Sold to Airlines	2008-2010	109.0	46.0	52.0	62.0	64.0	66.0	4A
46. Parts for Foreign Aircraft		N/A	N/A	N/A	N/A	N/A	N/A	5
47. Services to Private Aircraft	2010	3.0	4.0	4.0	4.0	4.0	4.0	4C
48. Intra-family Sales of Motor Vehicles		N/A	N/A	N/A	N/A	N/A	N/A	5
49. Motor Vehicles and Vessels Sold to Nonresidents		N/A	N/A	N/A	N/A	N/A	N/A	5
50. Motor Vehicles Purchased Out-of-State by a Member of the Military Service	2013	--	--	--	--	--	3.0	4C
51. Rental of Trucks in Certain Cases		N/A	N/A	N/A	N/A	N/A	N/A	5
52. Tractor-Trailer Combinations	2010	10.0	10.0	10.0	12.0	13.0	15.0	4A
53. Sales of Property by Railroads in Reorganization	2008-2010	0.0	0.0	0.0	0.0	0.0	0.0	4A
54. Commercial Buses	2010	5.0	5.0	5.0	6.0	7.0	7.0	4A
55. Marine Terminal Facility Equipment	2008	*	*	*	*	*	*	4B
56. Ferry Boats	2008-2009	*	*	*	*	*	*	4A
Communication and Media								
57. Interstate or International Telephone and Telegraph Service	2008-2009	221.0	244.0	237.0	230.0	234.0	253.0	4A
58. Internet Access Service	2008-2010	186.0	208.0	233.0	261.0	271.0	305.0	4C
59. Cable Television Service	2008-2011	234.0	249.0	264.0	280.0	295.0	344.0	4C
60. Newspapers and Periodicals	2008-2009	58.0	53.0	50.0	48.0	48.0	46.0	4B
61. Electronic News Services and Electronic Periodicals ²	2010	--	--	--	--	*	*	4C
62. Shopping Papers	2008-2009	1.0	1.0	1.0	1.0	1.0	1.0	4C
63. Telephone Service Used by the Media		N/A	N/A	N/A	N/A	N/A	N/A	5

SALES AND USE TAX

Tax Item	Data Source	History				Forecast		Reliability
	Year(s)	2008	2009	2010	2011	2012	2015	Level
64. Certain Coin-Operated Telephone Charges	2008	1.0	1.0	1.0	1.0	1.0	*	4C
65. Telecommunications and Internet Equipment	2008-2010	74.0	72.0	74.0	74.0	77.0	88.0	4B
66. Internet Data Centers	2011	11.0	11.0	12.0	12.0	12.0	14.0	4C
67. Radio and Television Broadcasting	2008-2011	4.0	3.0	4.0	3.0	3.0	4.0	4C
68. Film Production		N/A	N/A	N/A	N/A	N/A	N/A	5
69. Certain Mobile Telecommunication Services	2008-2010	5.0	4.0	4.0	4.0	4.0	4.0	4B
Industry								
70. Tools and Supplies Used in Production		N/A	N/A	N/A	N/A	N/A	N/A	5
71. Farm Production and Commercial Horse Boarding	2008-2011	70.0	61.0	65.0	73.0	76.0	82.0	4B
72. Research and Development Property	2008-2009	59.0	61.0	63.0	65.0	67.0	74.0	4B
73. Machinery and Equipment Used in Production	2008-2011	302.0	335.0	319.0	325.0	330.0	343.0	4B
74. Services to Machinery and Equipment Used in Production	2007	16.0	16.0	16.0	16.0	16.0	17.0	4B
75. Wrapping and Packaging Materials		N/A	N/A	N/A	N/A	N/A	N/A	5
76. Milk Crates	2010, 2013	*	*	1.0	1.0	1.0	1.0	4C
77. Commercial Fishing Vessels	2008-2011	1.0	1.0	1.0	1.0	*	*	4B
78. Certain Services Used in Gas or Oil Production	2008-2011	4.0	2.0	1.0	1.0	1.0	1.0	4C
79. Pollution Control Equipment	2008-2011	9.0	10.0	11.0	14.0	14.0	15.0	4C
80. Property Manufactured by the User	2009-2010	*	*	*	*	*	*	4B
Miscellaneous								
81. Certain Property Sold Through Vending Machines	2008-2011	1.0	1.0	1.0	1.0	1.0	1.0	4C
82. Trade-in Allowance	2008-2011	493.0	449.0	541.0	638.0	694.0	840.0	4A
83. Certain Hotel Room Rent		N/A	N/A	N/A	N/A	N/A	N/A	5
84. Dues for Fraternal Societies	2008-2011	18.0	17.0	17.0	17.0	17.0	19.0	4C
85. Homeowner Association Dues		N/A	N/A	N/A	N/A	N/A	N/A	5
86. Homeowner Association Parking Services		N/A	N/A	N/A	N/A	N/A	N/A	5
87. Property Sold by Morticians	2008-2011	9.0	9.0	9.0	9.0	9.0	10.0	4C
88. Flags		N/A	N/A	N/A	N/A	N/A	N/A	5
89. Military Decorations	2008-2011	*	*	*	*	*	*	4C
90. Military Flags and Banners ²	2012	--	--	--	--	*	*	4C
91. Garage Sales		N/A	N/A	N/A	N/A	N/A	N/A	5
92. New Mobile Homes	2008-2011	1.0	1.0	1.0	1.0	1.0	1.0	4A
93. Used Mobile Homes		N/A	N/A	N/A	N/A	N/A	N/A	5
94. Modular Homes ²	2008	--	*	*	*	*	*	4B
95. Registered Race Horses		N/A	N/A	N/A	N/A	N/A	N/A	5
96. Race Horses Purchased Through Claiming Races		N/A	N/A	N/A	N/A	N/A	N/A	5
97. Race Horses Purchased Out of State		N/A	N/A	N/A	N/A	N/A	N/A	5
98. Training and Maintaining Race Horses	2007	3.0	3.0	3.0	3.0	3.0	3.0	4C
99. Property Sold to Contractors for Capital Improvements or Repairs for Exempt Organizations	2008-2011	97.0	102.0	98.0	96.0	101.0	114.0	4C
100. Property Donated by a Manufacturer to an Exempt Organization		N/A	N/A	N/A	N/A	N/A	N/A	5

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Tax Item	Data Source	History				Forecast		Reliability
	Year(s)	2008	2009	2010	2011	2012	2015	Level
101. Sales and Use Tax Paid to Other States		N/A	N/A	N/A	N/A	N/A	N/A	5
102. Precious Metal Bullion and Coins	2011	267.0	294.0	373.0	494.0	504.0	528.0	4C
103. Computer Software Transferred to Affiliated Corporations		N/A	N/A	N/A	N/A	N/A	N/A	5
104. Services to Computer Software		N/A	N/A	N/A	N/A	N/A	N/A	5
105. Self-use of Prewritten Software by its Author		N/A	N/A	N/A	N/A	N/A	N/A	5
106. Computer System Hardware	2008-2011	13.0	12.0	16.0	14.0	14.0	15.0	4C
107. Promotional Materials Mailed Out of State		N/A	N/A	N/A	N/A	N/A	N/A	5
108. Printed Promotional Materials	2007	43.0	46.0	50.0	54.0	56.0	54.0	4C
109. U.S. Postage Used in the Distribution of Promotional Materials		N/A	N/A	N/A	N/A	N/A	N/A	5
110. Clothing and Footwear	2008-2012	715.0	700.0	515.0	359.0	712.0	867.0	4B
111. Coin-Operated Photocopying Machines	2008-2011	*	*	*	*	*	*	4C
112. Luggage Carts	2012	*	*	*	*	*	*	4C
113. Emissions Testing Equipment	2008-2012	*	*	*	*	*	*	4A
114. College Textbooks	2008-2011	24.0	25.0	25.0	25.0	25.0	21.0	4B
115. Live Dramatic or Musical Arts Production	2008	4.0	4.0	4.0	4.0	5.0	5.0	4A
116. Lower Manhattan Commercial Office Space	2012	9.0	14.0	9.0	7.0	8.0	9.0	4B
Exempt Organizations								
117. New York State Agencies and Political Subdivisions	2008-2010	1,316.0	1,261.0	1,275.0	1,277.0	1,280.0	1,304.0	4C
118. Industrial Development Agencies	2008-2010	109.0	72.0	73.0	74.0	76.0	80.0	4A
119. Federal Agencies	2008-2012	340.0	340.0	333.0	271.0	251.0	254.0	4B
120. United Nations		N/A	N/A	N/A	N/A	N/A	N/A	5
121. Diplomats and Foreign Missions		N/A	N/A	N/A	N/A	N/A	N/A	5
122. Charitable Organizations	2008-2011	471.0	488.0	508.0	530.0	533.0	562.0	4C
123. Veterans' Posts or Organizations	2008-2012	*	*	*	*	*	*	4C
124. Veterans' Home Gift Shops	2007	*	*	*	*	*	*	4C
125. Indian Nations and Members of Such Indian Nations	2010	4.0	4.0	5.0	6.0	7.0	7.0	4C
126. U.S. Military Base Post Exchanges	2008	7.0	7.0	7.0	7.0	7.0	8.0	4A
127. Nonprofit Health Maintenance Organizations	2008-2012	14.0	14.0	14.0	15.0	17.0	18.0	4A
128. Nonprofit Medical Expense Indemnity or Hospital Service Corporations	2008-2012	6.0	5.0	5.0	5.0	5.0	5.0	4A
129. Nonprofit Property/Casualty Insurance Companies		N/A	N/A	N/A	N/A	N/A	N/A	5
130. Certain State Credit Unions	2008-2012	2.0	2.0	2.0	2.0	2.0	3.0	4A
131. Rural Electric Cooperatives	2008-2012	*	*	*	1.0	1.0	1.0	4A
132. Municipal Trash Removal Services	2008-2012	40.0	40.0	38.0	37.0	37.0	34.0	4B
Exempt Admission Charges								
133. Certain Admission Charges	2007	67.0	69.0	72.0	74.0	77.0	82.0	4B
134. Amusement Park Admissions	2012	2.0	2.0	2.0	2.0	2.0	3.0	4A
135. Events Given for the Benefit of Charitable Organizations, Veterans Posts, and Indian Nations		N/A	N/A	N/A	N/A	N/A	N/A	5

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Tax Item	Data Source	History				Forecast		Reliability
	Year(s)	2008	2009	2010	2011	2012	2015	Level
136. Events Given for the Benefit of Certain Orchestras and Opera Companies		N/A	N/A	N/A	N/A	N/A	N/A	5
137. National Guard Organization Events		N/A	N/A	N/A	N/A	N/A	N/A	5
138. Municipal Police and Fire Department Events		N/A	N/A	N/A	N/A	N/A	N/A	5
139. Certain Athletic Games		N/A	N/A	N/A	N/A	N/A	N/A	5
140. Carnivals or Rodeos for Certain Charitable Organizations	2008	1.0	1.0	1.0	1.0	1.0	1.0	4B
141. Agricultural Fairs	2008-2012	1.0	1.0	1.0	1.0	1.0	1.0	4A
142. Historical Homes, Gardens, Sites, and Museums		N/A	N/A	N/A	N/A	N/A	N/A	5
143. Performances at a Roof Garden or Cabaret	2008, 2012	3.0	3.0	3.0	3.0	3.0	3.0	4C
Credits								
144. Sales Tax Vendor Credit	2008-2012	95.0	96.0	79.0	74.0	76.0	84.0	3
145. Tangible Property Sold by Contractors in Certain Situations		N/A	N/A	N/A	N/A	N/A	N/A	5
146. Veterinary Drugs		N/A	N/A	N/A	N/A	N/A	N/A	5
147. Construction Materials Used in Empire Zones		N/A	N/A	N/A	N/A	N/A	N/A	5
148. Bus Companies Providing Local Transit Service	2008-2009	1.0	1.0	1.0	1.0	1.0	1.0	4A
149. Vessel Operators Providing Local Transit Service	2012	*	*	*	*	*	*	4B
150. Qualified Empire Zone Enterprises ²	2010	--	*	20.0	20.0	20.0	20.0	4C
151. Economic Transformation and Facility Redevelopment Program	2012	--	--	--	--	0.0	0.0	4B
152. New York State Business Incubator and Innovation Hot Spot Program	2013	--	--	--	--	--	*	4C
153. START-UP NY Tax Elimination Credit	2013	--	--	--	--	--	17.0	4C

1/ A new tax expenditure item or a revision of the methodology, data or data sources resulting in an estimate that better reflects the tax expenditure value.

2/ First estimate in history is a partial calendar year estimate.

-- The tax expenditure was not applicable for these years.

* Less than \$1 million.

N/A No data available.

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Services

1. **Certain Information Services**

Citation: Section 1105(c)(1)

Effective Date: August 1, 1965; September 1, 1995 for meteorological services; March 1, 2012 for electronic news services.

Description: An exclusion is allowed for the furnishing of information that is personal or individual in nature, the services of advertising or other agents acting in a representative capacity, information services used by newspapers, electronic news services, radio broadcasters, and television broadcasters in the collection and dissemination of news, and meteorological services.

Estimate: No data available

Reliability: Level 5

2. **Certain Information Services Provided Over the Telephone**

Citation: Section 1105(c)(9)

Effective Date: September 1, 1990

Description: An information service that would be exempt from tax if delivered in printed form is also exempt from tax when provided over the telephone. This exemption complements Section 1105(c)(1), which is Item number 1 above.

Estimate: No data available

Reliability: Level 5

3. **Services Performed on a Non-Trade Basis**

Citation: Section 1105(c)(3)(i) and Section 1105(c)(5)(i)

Effective Date: August 1, 1965

Description: An exclusion is allowed for installation, repair, and maintenance services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering those services to the public.

Estimate: No data available

Reliability: Level 5

4. **Laundering, Tailoring, Shoe Repair, and Similar Services**

Citation: Section 1105(c)(3)(ii)

Effective Date: August 1, 1965

Description: Charges for laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing, and shoe shining are excluded from tax.

Estimates: 2012: \$85.0 million — 2015: \$93.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4B

5. **Capital Improvement Installation Services**

Citation: Section 1105(c)(3)(iii)

Effective Date: August 1, 1965

Description: An exclusion is allowed for installing property which, when installed, will constitute an addition or capital improvement to real property.

Estimates: 2012: \$507.0 million — 2015: \$559.0 million

Data Source: U.S. Census Bureau, F.W. Dodge

Reliability: Level 4C

6. **Services Related to Railroad Rolling Stock**

Citation: Section 1105(c)(3)(viii)

Effective Date: September 1, 1985

Description: Excluded from tax are repair and maintenance services rendered with respect to railroad rolling stock primarily engaged in carrying freight, but not including any charge for parts.

Estimates: 2012: \$2.0 million — 2015: \$2.0 million

Data Source: New York State Department of Transportation

Reliability: Level 4B

7. **Services to Property Delivered Outside New York**

Citation: Section 1115(d)

Effective Date: August 1, 1965

Description: Services to tangible personal property are exempt when the property is delivered outside New York State for use outside the State.

Estimate: No data available

Reliability: Level 5

8. **Municipal Parking Services**

Citation: Section 1105(c)(6)

Effective Date: December 1, 1996

Description: Charges for parking, garaging, or storing motor vehicles are exempt at facilities owned and operated by local governments and local public parking authorities.

Estimates: 2012: \$9.0 million — 2015: \$10.0 million

Data Source: New York State Office of the Comptroller; City of New York Office of Management and Budget

Reliability: Level 4A

9. **Parking and Garaging at a Private Residence**

Citation: Section 1105(c)(6)

Effective Date: June 1, 1990

Description: Charges for parking, garaging or storing vehicles at a garage that constitutes part of the premises occupied solely as a private one- or two-family dwelling are exempt.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4A

10. **Certain Protective and Detective Services**

Citation: Section 1105(c)(8)

Effective Date: June 1, 1990

Description: Protective and detective services provided by a port watchman licensed by the Waterfront Commission of New York Harbor are exempt from tax.

Estimates: 2012: Minimal — 2015: Minimal

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- Data Source:** New York Shipping Association, Inc.
Reliability: Level 4A
11. **Medical Emergency Alarm Call Services**
Citation: Section 1115(r)
Effective Date: September 1, 1994
Description: Exempt from tax are medical emergency alarm services.
Estimates: 2012: \$1.0 million — 2015: \$1.0 million
Data Source: U.S. Census Bureau; Philips Lifeline, Inc.
Reliability: Level 4C
12. **Coin-Operated Car Wash Services**
Citation: Section 1115(t)
Effective Date: December 1, 1997; December 1, 2004 for certain vacuuming services; December 1, 2005 for additional automated services.
Description: The sales tax exempts the service of washing, waxing, or vacuuming a motor vehicle or other property by means of coin-operated equipment.
Estimates: 2012: \$10.0 million — 2015: \$12.0 million
Data Source: U.S. Census Bureau; Professional Car Washing & Detailing Magazine
Reliability: Level 4C
13. **Trash Removal from a Waste Transfer Facility**
Citation: Section 1105(c)(5)(iv)
Effective Date: December 1, 2005
Description: Excluded from tax is the removal of waste material from a waste transfer station or construction and demolition debris processing facility, where the waste to be removed was not originally generated by the facility.
Estimate: 2012: \$2.0 million — 2015: \$2.0 million
Data Source: New York State Department of Environmental Conservation; New York State Department of Taxation and Finance
Reliability: Level 4B
14. **Transportation Services in Connection with Funerals**
Citation: Sections 1101(b)(34)
Effective Date: June 1, 2009
Description: Excluded from tax is the transportation service of transporting persons in connection with funerals.
Estimates: 2012: \$1.0 million — 2015: \$1.0 million
Data Source: New York State Department of Health; National Funeral Directors Association
Reliability: Level 4B
15. **Transportation Services Provided by Affiliated Livery Vehicles**
Citation: Sections 1101(b)(34)
Effective Date: June 1, 2009

Description: Charges for transportation services provided by affiliated livery vehicles within New York City are excluded from the sales tax on certain transportation services.

Estimates: 2012: \$3.0 million — 2015: \$3.0 million

Data Source: New York State Division of the Budget

Reliability: 4C

16. **Water and Sewer Service Line Protection Services**

Citation: Section 1115(ii)

Effective Date: October 21, 2013

Description: Water and sewer service line protection programs sold to owners of residential property are exempt from tax.

Estimates: 2012: Not Applicable — 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: 4C

Food

17. **Certain Food Products**

Citation: Sections 1115(a)(1), 1105(d)(i)(3)

Effective Date: August 1, 1965

Description: Exempt from tax are food, food products, beverages, dietary foods, and health supplements sold for human consumption. The exemption does not include candy and confectionery, fruit drinks which contain less than 70 percent of natural fruit juice, soft drinks, sodas, beer, wine, or other alcoholic beverages. In addition, sales of food (other than sandwiches) or drink of a type commonly sold in food stores (other than food stores principally engaged in selling prepared foods) are exempt when sold by a restaurant or other establishment in an unheated state, for off-premises consumption.

Estimates: 2012: \$1,252.0 million — 2015: \$1,395.0 million

Data Source: U.S. Bureau of Labor Statistics

Reliability: Level 4B

18. **Food Sold to Airlines**

Citation: Section 1105(d)(ii)(A)

Effective Date: August 1, 1965

Description: The sales tax does not apply to food or drink that is sold to an airline for consumption by passengers while in flight.

Estimates: 2012: \$6.0 million — 2015: \$6.0 million

Data Source: Air Transport Association

Reliability: Level 4A

19. **Food Sold at School Cafeterias**

Citation: Section 1105(d)(ii)(B)

Effective Date: September 1, 1968

Description: Food or drink sold to nursery school, kindergarten, elementary, or secondary school students at a restaurant or cafeteria located at the school is excluded from tax. Also excluded are food and nonalcoholic beverages sold at a

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restaurant, tavern, or other establishment located on the premises of a college or university when sold to enrolled students under a contractual arrangement whereby the students do not pay cash at the time they are served.

Estimates: 2012: \$129.0 million— 2015: \$146.0 million

Data Source: New York State Department of Education

Reliability: Level 4A

20. **Food Purchased with Food Stamps**

Citation: Section 1115(k)

Effective Date: October 1, 1987

Description: Food and beverages eligible to be purchased with Food Stamps (the Supplemental Nutrition Assistance Program) are exempt from tax.

Estimates: 2012: \$219.0 million — 2015: \$256.0 million

Data Source: New York State Office of Temporary and Disability Assistance

Reliability: Level 4A

21. **Water Delivered Through Mains or Pipes**

Citation: Section 1115(a)(2)

Effective Date: August 1, 1965

Description: Water delivered to consumers through mains or pipes is exempt.

Estimates: 2012: \$79.0 million — 2015: \$82.0 million

Data Source: New York State Department of Public Service; New York State Office of the State Comptroller; New York City Water and Sewer System

Reliability: Level 4B

22. **Mandatory Gratuity Charges**

Citation: Section 1105(d) and Regulation Section 527.8(l)

Effective Date: August 1, 1965

Description: A separately stated charge specifically designated as a gratuity is exempt where all such monies received are paid over to employees.

Estimates: 2012: \$29.0 million — 2015: \$31.0 million

Data Source: New York State Department of Taxation and Finance; Cornell University School of Hotel and Food Service Management

Reliability: Level 4A

23. **Wine Used for Wine Tastings**

Citation: Section 1115(a)(33)

Effective Date: December 1, 1997

Description: Exempt from tax is the wine that a winery, wine wholesaler, or wine importer furnishes to customers or prospective customers at a wine tasting.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4A

24. **Vending Machine Sales of Hot Drinks and Certain Foods**
Citation: Section 1105(d)(i)(3)
Effective Date: December 1, 1997; December 1, 1999 for credit/debit card-operated machines.
Description: Exempt from tax are hot drinks sold through coin-operated vending machines and vending machines accepting credit cards or debit cards. In addition, vending machine sales of other food and beverage, including food and beverage sold for on-premises consumption, are exempt if the food or beverage would be exempt when sold at a grocery store.
Estimates: 2012: \$13.0 million — 2015: \$13.0 million
Data Source: Vending Times; U.S. Census Bureau
Reliability: Level 4C
25. **Vending Machine Sales of Candy, Juice and Soft Drinks**
Citation: Section 1115(a)(1)
Effective Date: September 1, 2000; \$1.50 exemption effective June 1, 2014
Description: Candy, fruit drinks, and soft drinks sold for \$1.50 or less through a vending machine are exempt from tax. For September 1, 2000 through May 31, 2014, the exemption threshold was 75 cents.
Estimates: 2012: \$3.0 million — 2015: \$9.0million
Data Source: Vending Times; U.S. Census Bureau
Reliability: Level 4C
26. **Food Sold at Senior Citizen Housing Communities**
Citation: Section 1115(w)
Effective Date: December 1, 2000
Description: Sales by a senior citizen independent housing community of food or drink (except alcoholic beverages) for on-premise consumption are exempt from tax when served to residents and their guests at the dining facility or in the resident's room.
Estimates: 2012: Minimal — 2015: Minimal
Data Source: New York State Department of Taxation and Finance; New York State Department of Health
Reliability: Level 4B

Medical

27. **Drugs, Medicine, and Medical Supplies**
Citation: Section 1115(a)(3), (g)
Effective Date: August 1, 1965 for drugs and medicines; September 1, 1976 for medical equipment and supplies and services to medical equipment.
Description: Exempt from tax are drugs and medicines intended for use, internally or externally, in the cure, mitigation, treatment, or prevention of illnesses or diseases in human beings. The exemption extends to medical equipment and supplies required for such use or to correct or alleviate physical incapacity, services to medical equipment, and products consumed by humans for the preservation of health. This exemption does not include cosmetics or toilet articles and does not

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include purchases of medical equipment and supplies by a person who provides medical or dental services for compensation.

Estimates: 2012: \$1,009.0 million — 2015: \$1,267.0 million

Data Source: U.S. Department of Commerce; U.S. Census Bureau

Reliability: Level 4C

28. **Eyeglasses, Hearing Aids, and Prosthetic Aids**

Citation: Section 1115(a)(4), (g)

Effective Date: August 1, 1965 (Sec. 1115(a)(4)); September 1, 1969 (Sec. 1115(g))

Description: Eyeglasses, hearing aids, prosthetic aids, and artificial devices and component parts purchased to correct physical incapacity in human beings, as well as services performed upon these items, are exempt from tax.

Estimates: 2012: \$134.0 million — 2015: \$141.0 million

Data Source: U.S. Department of Commerce; U.S. Census Bureau

Reliability: Level 4C

29. **Veterinarian Services**

Citation: Section 1115(f)

Effective Date: June 1, 1967

Description: Services rendered by a licensed veterinarian in the practice of veterinary medicine are exempt from tax. Tangible personal property designed for use by domestic animals or poultry is also exempt when sold by a veterinarian. However, the veterinarian is liable for the sales tax on the purchase of such property.

Estimates: 2012: \$35.0 million — 2015: \$38.0 million

Data Source: American Veterinary Medical Association; The Nelson A. Rockefeller Institute of Government

Reliability: Level 4B

30. **Service Dogs**

Citation: Section 1115(s)

Effective Date: September 24, 1995

Description: The sale of any good or service necessary to acquire, sustain, or maintain a guide dog, a hearing dog, or a service dog which is used by a person with a disability is exempt.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Agriculture and Markets; New York City Department of Health

Reliability: Level 4B

Energy

31. **Residential Energy**

Citation: Sections 1105-A, 1115(a)(25)

Effective Date: October 1, 1980 (Section 1105-A); September 1, 1985 (Section 1115(a)(25))

Description: Receipts from the retail sale of wood used for residential heating purposes, fuel oil, propane (except when sold in containers that hold less than 100

pounds), natural gas, electricity and steam, and gas, electric, and steam services used for residential purposes are taxed at the rate of zero percent and thus are exempt from State sales tax. Residential use of natural gas obtained from a gas well located on the landowner's property is exempt.

Estimates: 2012: \$760.0 million — 2015: \$798.0 million

Data Source: New York State Department of Taxation and Finance; New York State Energy Research and Development Authority; U.S. Census Bureau

Reliability: Level 4A

32. **Fuel, Gas, Electricity, Refrigeration, and Steam Used in Research and Development and Production**

Citation: Section 1115(a)(10), (b)(ii), (c)(1)

Effective Date: August 1, 1965

Description: Fuel, gas, electricity, refrigeration, and steam; and gas, electric, refrigeration, and steam service used directly and exclusively in research and development in the experimental or laboratory sense, or used directly and exclusively in the production of tangible personal property, gas, electricity, refrigeration, or steam, for sale, by manufacturing, processing, assembling, generating, refining, mining, or extracting are exempt from the sales tax.

Estimates: 2012: \$177.0 million — 2015: \$185.0 million

Data Source: New York State Energy Research and Development Authority; U.S. Department of Energy

Reliability: Level 4C

33. **Fuel, Gas, Electricity, Refrigeration, and Steam Used in Farming and Commercial Horse Boarding**

Citation: Section 1115(c)(2)

Effective Date: September 1, 2000

Description: Fuel, gas, electricity, refrigeration, and steam; and gas, electric, refrigeration, and steam service used in the production of tangible personal property, for sale, by farming or in a commercial horse boarding operation are exempt from tax.

Estimates: 2012: \$13.0 million — 2015: \$16.0 million

Data Source: U.S. Department of Agriculture; New York State Department of Agriculture and Markets

Reliability: Level 4B

34. **Reduced Rate on Gas and Electric Delivery**

Citation: Section 1105-C

Effective Date: September 1, 2000

Description: Effective September 1, 2003, the sales and use tax rate on transportation, transmission, or distribution of gas or electricity is zero percent. The tax rate had been reduced by 25 percent per year beginning September 1, 2000.

Estimates: 2012: \$59.0 million — 2015: \$62.0 million

Data Source: New York State Public Service Commission

Reliability: Level 4B

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35. **Gas and Electricity Used in Transmission, Distribution and Storage**
Citation: Section 1115(w)
Effective Date: June 1, 2000
Description: Gas or electricity or gas or electric service used directly and exclusively to provide gas or electric service consisting of operating a gas pipeline or gas distribution line or an electric transmission or distribution line and ensuring the necessary working pressure in an underground gas storage facility is exempt.
Estimates: 2012: \$6.0 million — 2015: \$7.0 million
Data Source: New York State Public Service Commission; U.S. Department of Energy, Energy Information Administration
Reliability: Level 4C
36. **Residential Solar Energy Systems**
Citation: Section 1115(ee)
Effective Date: September 1, 2005
Description: Residential solar energy systems equipment and the service of installing such systems is exempt from tax.
Estimate: 2012: Minimal — 2015: Minimal
Data Source: New York State Energy Research and Development Authority; U.S. Department of Energy, Energy Information Administration
Reliability: Level 4B
37. **Commercial Solar Energy Systems**
Citation: Section 1115(hh)
Effective Date: January 1, 2013
Description: Commercial solar energy systems equipment and the service of installing such systems is exempt from tax.
Estimates: 2012: Not Applicable — 2015: \$1.0 million
Data Source: New York State Division of the Budget
Reliability: 4C
38. **Electricity, Refrigeration, and Steam Sold by Certain Cooperative Corporations**
Citation: Section 1115(b)(iii)
Effective Date: March 1, 2006
Description: Exempt from tax are electricity, steam, and refrigeration produced by a cogeneration facility owned and operated by certain cooperative corporations and distributed to tenants.
Estimate: No data available
Reliability: Level 5
39. **Automotive Fuel Receipts Exceeding Two Dollars Per Gallon**
Citation: Section 1111(m)
Effective Date: June 1, 2006
Description: Certain motor fuel and diesel motor fuel sales are subject to tax at the rate of 8 cents per gallon. This effectively exempts the portion of the taxable receipt exceeding two dollars per gallon.

Estimate: 2012: \$332.0 million — 2015: \$95.0 million

Data Source: New York State Department of Taxation and Finance; New York State Energy Research and Development Authority

Reliability: Level 4A

40. **Alternative Fuels**

Citation: Section 1115(a)(42)

Effective Date: September 1, 2006

Description: E85, CNG, or hydrogen is exempt from sales tax when used directly and exclusively in the engine of a motor vehicle.

Termination Date: Expires August 31, 2016

Estimate: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4A

41. **B20 Bio-Diesel Fuel**

Citation: Section 1111(n)

Effective Date: September 1, 2006

Description: Bio-diesel fuel that is B20 is exempt from 20 percent of the cents-per-gallon sales tax rate imposed on certain sales of diesel motor fuel.

Termination Date: Expires August 31, 2016

Estimate: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4A

Transportation

42. **Commercial Vessels**

Citation: Sections 1101(b)(16), 1105(c)(3)(iv), 1115(a)(8)

Effective Date: August 1, 1965 (Sections 1105(c)(3)(iv), 1115(a)(8)); December 1, 1996 (Section 1101(b)(16))

Description: Sales of commercial vessels primarily engaged in interstate or foreign commerce and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance, and repairs are exempt. Services rendered with respect to commercial vessels are also exempt.

Estimates: No data available

Reliability: Level 5

43. **Barge Repairs**

Citation: Section 1115(q)

Effective Date: December 1, 1993

Description: Exempt from tax are maintenance and repair services (including parts) performed on a barge having a cargo capacity of at least 1,000 short tons used exclusively to transport goods in the conduct of its owner's business and primarily engaged in transportation between New York State and any other state or foreign country.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: U.S. Department of Commerce; U.S. Army Corps of Engineers

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Reliability: Level 4C

44. **Commercial Aircraft**

Citation: Sections 1101(b)(17), 1105(c)(3)(v), 1115(a)(21)

Effective Date: March 1, 1979 (Sections 1105(c)(3)(v), 1115(a)(21));
December 1, 1996 (Section 1101(b)(17))

Description: Exempt from tax are commercial aircraft primarily engaged in intrastate, interstate, or foreign commerce; machinery or equipment to be installed on such aircraft; property used by or purchased for the use of such aircraft for maintenance and repairs; flight simulators purchased by commercial airlines; and services rendered with respect to exempt purchases.

Estimates: 2012: \$12.0 million — 2015: \$13.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4C

45. **Fuel Sold to Airlines**

Citation: Section 1115(a)(9)

Effective Date: August 1, 1965

Description: Fuel sold to an airline for use in its airplanes is exempt from tax.

Estimates: 2012: \$64.0 million — 2015: \$66.0 million

Data Source: New York State Energy Research and Development Authority

Reliability: Level 4A

46. **Parts for Foreign Aircraft**

Citation: Section 1118(8)

Effective Date: September 1, 1977

Description: Parts, engines, consumable technical supplies, and maintenance and ground equipment used exclusively in the operation, handling, or maintenance of aircraft are exempt from use tax if it is a foreign airline which brings such items into New York from a foreign country. These items must be used on aircraft owned by the foreign airline, and are exempt only if similar items would not be subject to tax in the airline's home country if taken into such country by a U.S. airline.

Estimate: No data available

Reliability: Level 5

47. **Services to Private Aircraft**

Citation: Section 1115(dd)

Effective Date: December 1, 2004

Description: A sales and use tax exemption is provided for maintenance and certain other services performed on private aircraft, as well as the tangible personal property purchased and used in performing the services and any related storage charges.

Estimate: 2012: \$4.0 million — 2015: \$4.0 million

Data Source: General Aviation Manufacturers Association; New York State Department of Transportation

Reliability: Level 4C

48. Intra-family Sales of Motor Vehicles

Citation: Section 1115(a)(14)

Effective Date: September 1, 1969 for transactions between spouses, and September 1, 1972 for transactions between parents and children.

Description: Motor vehicles sold between spouses, or by a parent to a child or child to parent are exempt from tax.

Estimate: No data available

Reliability: Level 5

49. Motor Vehicles and Vessels Sold to Nonresidents

Citation: Section 1117(a)

Effective Date: August 1, 1965, as amended December 1, 1994 and March 1, 2001.

Description: Sales of motor vehicles and vessels in New York to nonresidents are exempt from the sales tax provided the nonresident purchaser is not registering the newly purchased vehicle or vessel for use in New York.

Estimate: No data available

Reliability: Level 5

50. Motor Vehicles Purchased Out-of-State by a Member of the Military Service

Citation: Section 1115(a)(14-a)

Effective Date: December 18, 2013

Description: Motor vehicles purchased in another state by a person while he or she was in the military service of the United States are exempt from tax.

Estimates: 2012: Not Applicable — 2015: \$3.0 million

Data Source: New York State Division of the Budget

Reliability: 4C

51. Rental of Trucks in Certain Cases

Citation: Section 1115(a)(22)

Effective Date: May 15, 1981

Description: Certain rentals or leases of trucks, tractors, or tractor-trailer combinations to an authorized carrier, pursuant to a written contractual agreement are exempt. To qualify for exemption the equipment must be for use as augmenting equipment in the transportation, for hire, of tangible personal property, provided the owner of the vehicle, or an employee of the owner, operates the vehicle.

Estimate: No data available

Reliability: Level 5

52. Tractor-Trailer Combinations

Citation: Section 1115(a)(26), (g)

Effective Date: January 1, 1988

Description: Exempt from tax are tractors, trailers or semitrailers, and property installed on such vehicles for their equipping, maintenance, or repair, provided the vehicle is used in combination where the gross weight of such combination exceeds 26,000 pounds. Related services performed on these vehicles are also exempt.

Estimates: 2012: \$13.0 million — 2015: \$15.0 million

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- Data Source:** New York State Department of Motor Vehicles; U.S. Census Bureau
Reliability: Level 4A
53. **Sales of Property by Railroads in Reorganization**
Citation: Section 1115(h)
Effective Date: August 1, 1975
Description: Sales of tangible personal property by a railroad in reorganization to a profitable railroad are exempt if the transactions are part of a reorganization plan.
Estimates: 2012: \$0.0 million — 2015: \$0.0 million
Data Source: New York State Department of Transportation
Reliability: Level 4A
54. **Commercial Buses**
Citation: Section 1115(a)(32), (u)
Effective Date: December 1, 1997
Description: Exempt from tax are buses and parts, equipment, and lubricants used in operating the bus, provided the vehicle weighs at least 26,000 pounds and measures 40 feet and is used to transport persons for hire. Related services performed on these vehicles are also exempt.
Estimates: 2012: \$7.0 million — 2015: \$7.0 million
Data Source: New York State Department of Motor Vehicles; The Bus Association of New York State
Reliability: Level 4A
55. **Marine Terminal Facility Equipment**
Citation: 1115(a)(41)
Effective Date: December 1, 2005
Description: Exempt from tax are machinery and equipment for use directly and predominantly in loading, unloading, and handling cargo at a marine terminal facility located in a city with a population of one million or more which in 2003, handled more than 350,000 twenty-foot equivalent units (TEUs).
Estimate: 2012: Minimal — 2015: Minimal
Data Source: New York State Division of the Budget
Reliability: Level 4B
56. **Ferry Boats**
Citation: Section 1115(a)(43)
Effective Date: September 1, 2008
Description: Exempt from tax are ferry boats and property used in conjunction with exempt boats for fuel, provisions, supplies, maintenance and repairs.
Estimates: 2012: Minimal — 2015: Minimal
Data Source: New York State Department of Taxation and Finance
Reliability: 4A

Communication and Media

57. **Interstate or International Telephone and Telegraph Service**
Citation: Section 1105(b)
Effective Date: August 1, 1965
Description: Charges for interstate and international telephone and telegraph services are exempt.
Estimates: 2012: \$234.0 million — 2015: \$253.0 million
Data Source: New York State Department of Taxation and Finance
Reliability: Level 4A
58. **Internet Access Service**
Citation: Section 1115(v)
Effective Date: February 1, 1997
Description: The sales tax exempts Internet access service. Incidental services such as Internet communications or navigation software, an email address, and news headlines when offered in conjunction with Internet access are considered part of the exempt service.
Estimates: 2012: \$271.0 million — 2015: \$305.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4C
59. **Cable Television Service**
Citation: Section 1105(c)(9)
Effective Date: September 1, 1990
Description: Cable television service is exempt from tax.
Estimates: 2012: \$295.0 million — 2015: \$344.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4C
60. **Newspapers and Periodicals**
Citation: Sections 1101(b)(6), 1115(a)(5), Regulation Section 528.6, Section 1118(5)
Effective Date: August 1, 1965 (Section 1115(a)(5)); December 1, 1994 (Section 1101(b)(6))
Description: The sales of newspapers and periodicals, including newspapers and periodicals delivered electronically, are exempt from tax. In addition, the paper and ink used to publish newspapers and periodicals are exempt.
Estimates: 2012: \$48.0 million — 2015: \$46.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4B
61. **Electronic News Services and Electronic Periodicals**
Citation: Section 1115(gg)
Effective Date: March 1, 2012
Description: Certain electronic news services and electronic periodicals are exempt from tax.
Estimates: 2012: Minimal — 2015: Minimal
Data Source: New York State Department of Taxation and Finance

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Reliability: 4C

62. **Shopping Papers**

Citation: Section 1115(a)(20), (i)

Effective Date: September 1, 1977

Description: Receipts from the retail sale of a shopping paper to the publisher are exempt as well as the receipts from the sale of printing services performed in publishing such paper. In addition, the paper and ink used to publish a shopping paper are exempt.

Estimates: 2012: \$1.0 million— 2015: \$1.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4C

63. **Telephone Service Used by the Media**

Citation: Section 1115(b)(i)

Effective Date: August 1, 1965; March 1, 2012 for electronic news services

Description: Charges for telephone and telegraph service used by newspapers, electronic news services, radio broadcasters, and television broadcasters in the collection or dissemination of news are exempt if the charges are toll charges or charges for mileage.

Estimates: No data available

Data Source: New York State Department of Taxation and Finance

Reliability: Level 5

64. **Certain Coin-Operated Telephone Charges**

Citation: Section 1115(e)

Effective Date: September 1, 1998

Description: Coin-operated telephone charges of 25 cents or less are exempt.

Estimates: 2012: \$1.0 million — 2015: Minimal

Data Source: U.S. Federal Communications Commission; New York State Public Service Commission

Reliability: Level 4C

65. **Telecommunications and Internet Equipment**

Citation: Sections 1115(a)(12-a), 1105(c)(3)(x)

Effective Date: September 1, 2000

Description: Exempt from tax is tangible personal property used directly and predominantly in the receiving, initiating, amplifying, processing, transmitting, re-transmitting, switching, or monitoring or switching of telecommunications services for sale or Internet access services for sale.

Estimates: 2012: \$77.0 million — 2015: \$88.0 million

Data Source: New York State Public Service Commission; CTIA – The Wireless Association

Reliability: Level 4B

66. **Internet Data Centers**

Citation: Section 1115(a)(37), (y)

Effective Date: September 1, 2000

Description: Machinery, equipment, and certain other tangible personal property sold to a person operating an Internet data center that is required for and directly related to the provision of Internet Web site hosting and other Web site services at the data center are exempt. Also exempt are certain services to the exempt tangible personal property and building security services.

Estimates: 2012: \$12.0 million — 2015: \$14.0 million

Data Source: The Uptime Institute

Reliability: Level 4C

67. **Radio and Television Broadcasting**

Citation: Section 1115(a)(38), (aa)

Effective Date: September 1, 2000

Description: Exempt from tax are purchases by radio and television broadcasters of machinery, equipment, parts, tools, and supplies used in the production and transmission of live or recorded programs. Installing, maintaining, servicing, or repairing the exempt items is also exempt. Moreover, the services of producing, fabricating, processing, printing, or imprinting tangible personal property furnished to the service provider by the broadcaster and performed in connection with the production, post-production, or the transmission of live or recorded programs are exempt. A broadcaster includes Federal Communications Commission licensed radio and television stations, radio and television networks, and cable television networks.

Estimates: 2012: \$3.0 million — 2015: \$4.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4C

68. **Film Production**

Citation: Section 1115(a)(39) and Section 1115(bb)

Effective Date: December 1, 2002

Description: Tangible personal property used or consumed directly and predominantly in the production of a film for sale is exempt, regardless of the medium by which the film is conveyed to the purchaser. For purposes of this exemption, *film* means feature films, documentary films, shorts, television films, television commercials, and similar productions. The exemption also extends to services rendered to the exempt property and to fuel and utility services used directly and exclusively in production.

Estimate: No data available

Reliability: Level 5

69. **Certain Mobile Telecommunication Services**

Citation: Section 1115(cc)

Effective Date: August 1, 2002

Description: The sale of mobile telecommunication services by a home service provider is exempt from tax if the mobile telecommunications customer's place of primary use is outside of New York State.

Estimate: 2012: \$4.0 million — 2015: \$4.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4B

Industry

70. **Tools and Supplies Used in Production**

Citation: Sections 1105-B(a), 1115(a)(36)

Effective Date: March 1, 1981, December 1, 1998 (Section 1115(a)(36))

Description: Receipts from the retail sale of parts with a useful life of one year or less, tools and supplies for use or consumption directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration, or steam for sale by manufacturing, processing, generating, assembling, refining, mining, or extracting are exempt from sales tax.

Estimate: No data available

Reliability: Level 5

71. **Farm Production and Commercial Horse Boarding**

Citation: Sections 1115(a)(6), 1105(c)(3)(vi), 1105(c)(5)(iii)

Effective Date: August 1, 1965 (Section 1115(a)(6)); September 1, 1982 (Section 1105(c)(3)(vi)), September 1, 2000 (Section 1105(c)(5)(iii))

Description: Exempt from tax is tangible personal property for use or consumption predominantly in the production, for sale, of tangible personal property by farming or in a commercial horse boarding operation. Also exempt are the services of installing, repairing, maintaining, and servicing tangible personal property and real property used predominantly in farming or in a commercial horse boarding operation.

Estimates: 2012: \$76.0 million — 2015: \$82.0 million

Data Source: U.S. Department of Agriculture, Economic Research Service; New York State Department of Agriculture and Markets; U.S. Agriculture Statistics Service

Reliability: Level 4B

72. **Research and Development Property**

Citation: Section 1115(a)(10)

Effective Date: August 1, 1965

Description: Tangible personal property purchased for use or consumption directly and predominantly in research and development in the experimental or laboratory sense is exempt from tax.

Estimates: 2012: \$67.0 million — 2015: \$74.0 million

Data Source: National Science Foundation

Reliability: Level 4B

73. **Machinery and Equipment Used in Production**

Citation: Section 1115(a)(12)

Effective Date: August 1, 1965

Description: Exempt from sales tax are machinery and equipment for use or consumption directly or predominantly in the production of tangible personal property, gas, electricity, refrigeration, or steam for sale by manufacturing, processing, generating, assembling, refining, mining, or extracting.

Estimates: 2012: \$330.0 million — 2015: \$343.0 million

- Data Source:** U.S. Census Bureau
Reliability: Level 4B
74. **Services to Machinery and Equipment Used in Production**
Citation: Section 1105-B(b)
Effective Date: March 1, 1981
Description: The services of installing, repairing, maintaining, or servicing exempt production machinery and equipment or exempt parts, tools, and supplies are exempt.
Estimates: 2012: \$16.0 million — 2015: \$17.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4B
75. **Wrapping and Packaging Materials**
Citation: Section 1115(a)(19)
Effective Date: July 1, 1974
Description: Cartons, containers, wrapping, and packaging materials and supplies are nontaxable when used by a vendor in packaging or packing tangible personal property for sale and actually transferred by the vendor to the purchaser.
Estimate: No data available
Reliability: Level 5
76. **Milk Crates**
Citation: Section 1115(a)(19-a)
Effective Date: September 1, 2007
Description: Exempt from tax are milk crates purchased by a dairy farmer or licensed milk distributor used exclusively and directly for packaging and delivering milk and milk products to customers.
Estimates: 2012: \$1.0 million — 2015: \$1.0 million
Data Source: New York State Division of the Budget
Reliability: Level 4C
77. **Commercial Fishing Vessels**
Citation: Sections 1115(a)(24), 1105(c)(3)(vii)
Effective Date: August 1, 1985
Description: Exempt from tax are the sales of commercial fishing vessels used directly and predominantly in the harvesting of fish for sale, and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance, and repairs. Related services are also exempt.
Estimates: 2012: Minimal — 2015: Minimal
Data Source: National Marine Fisheries Services
Reliability: Level 4B
78. **Certain Services Used in Gas or Oil Production**
Citation: Section 1105(c)(3)(ix), (c)(5)
Effective Date: December 1, 1998
Description: Exempt from tax are the services of installing, maintaining, repairing, or servicing tangible personal property used directly and predominately

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in producing gas or oil for sale. Also exempt are maintenance and repair services rendered to real property or land used directly and predominately in producing gas or oil for sale.

Estimates: 2012: \$1.0 million — 2015: \$1.0 million

Data Source: U.S. Department of Commerce, Bureau of Economic Analysis

Reliability: Level 4C

79. **Pollution Control Equipment**

Citation: Section 1115(a)(40)

Effective Date: March 1, 2001

Description: Machinery or equipment used directly and predominantly in the control, prevention, or abatement of pollution or contaminants from manufacturing or industrial facilities is exempt to the extent not exempted under expenditure Item number 73.

Estimates: 2012: \$14.0 million — 2015: \$15.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4C

80. **Property Manufactured by the User**

Citation: Section 1110(c)

Effective Date: March 1, 2001

Description: The Compensating Use Tax imposed on certain self-produced items used by a manufacturer on its own premises is computed on the cost of materials rather than on the manufacturer's normal selling price.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4B

Miscellaneous

81. **Certain Property Sold Through Vending Machines**

Citation: Section 1115(a)(13), (13-a)

Effective Date: August 1, 1965 (Section 1115(a)(13)); 50-cent exemption effective Department 1, 1997 (Section 1115(a)(13-a))

Description: Tangible personal property sold through coin-operated vending machines at 10 cents or less is exempt, provided the retailer is primarily engaged in making such sales. Also exempt is tangible personal property sold through coin-operated bulk vending machines at 50 cents or less, provided the retailer is primarily engaged in making such sales.

Estimates: 2012: \$1.0 million — 2015: \$1.0 million

Data Source: Vending Times; U.S. Census Bureau

Reliability: Level 4C

82. **Trade-in Allowance**

Citation: Section 1101(b)(3)

Effective Date: August 1, 1965

Description: A credit for a trade-in on an automobile and/or other item qualifies as a reduction of the taxable receipts, provided the item traded in is intended for resale by the vendor.

Estimates: 2012: \$694.0 million — 2015: \$840.0 million

Data Source: National Automobile Dealers Association

Reliability: Level 4B

83. **Certain Hotel Room Rent**

Citation: Section 1105(e)(1),(2)

Effective Date: August 1, 1965

Description: The rent for occupancy of a hotel room by a permanent resident or where the rent is not more than two dollars per day is exempt from tax.

Estimates: No data available

Reliability: Level 5

84. **Dues for Fraternal Societies**

Citation: Section 1105(f)(2)(ii)(a), (b)

Effective Date: August 1, 1965

Description: Dues and initiation fees paid to a fraternal society, order, or association operating under the lodge system or any fraternal association of students of a college or university are excluded from tax. Also excluded are dues paid to any social or athletic club which are ten dollars or less a year.

Estimates: 2012: \$17.0 million — 2015: \$19.0 million

Data Source: U.S. Department of Commerce

Reliability: Level 4C

85. **Homeowner Association Dues**

Citation: Section 1105(f)(ii)(c)

Effective Date: September 1, 1995

Description: The Tax Law exempts the dues paid to a homeowner association operating social or athletic facilities for its members.

Estimate: No data available

Reliability: Level 5

86. **Homeowner Association Parking Services**

Citation: Section 1105(c)(6)

Effective Date: December 1, 1997

Description: Charges paid by a homeowner association member for parking, garaging, or storing motor vehicles at a facility owned or operated by the association are exempt.

Estimates: No data available

Reliability: Level 5

87. **Property Sold by Morticians**

Citation: Section 1115(a)(7)

Effective Date: August 1, 1965

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- Description:** Exempt from tax is tangible personal property sold by a mortician, undertaker, or funeral director. However, sales to them for use in conducting funerals do not qualify as a sale for resale and are taxable.
- Estimates:** 2012: \$9.0 million — 2015: \$10.0 million
- Data Source:** National Funeral Directors' Association; Cremation Association of North America
- Reliability:** Level 4C
88. **Flags**
Citation: Section 1115(a)(11)
Effective Date: August 1, 1965
Description: Flags of the United States of America and the State of New York are exempt.
Estimate: No data available
Reliability: Level 5
89. **Military Decorations**
Citation: Section 1115(a)(11-a)
Effective Date: December 1, 2006
Description: Purchases of military decorations (e.g., ribbons, medals, and lapel pins) by a veteran or active member of the United States military are exempt from tax.
Estimate: 2012: Minimal — 2015: Minimal
Data Source: New York State Division of the Budget
Reliability: Level 4C
90. **Military Flags and Banners**
Citation: Section 1115(a)(11-b)
Effective Date: December 1, 2012
Description: Military service flags, prisoner of war flags and blue star banners are exempt from tax.
Estimates: 2012: Minimal — 2015: Minimal
Data Source: New York State Division of the Budget
Reliability: 4C
91. **Garage Sales**
Citation: Section 1115(a)(18)
Effective Date: September 1, 1973
Description: Certain sales of property at private residences are not taxable if the sales do not take place more than three days in a calendar year, are reasonably expected not to exceed \$600, if no member of the household conducts a trade or business selling similar products, and the sale is not held to liquidate an estate.
Estimate: No data available
Reliability: Level 5
92. **New Mobile Homes**
Citation: Section 1111(f)
Effective Date: September 1, 1983

Description: Thirty percent of the receipts or consideration from sales of new mobile homes is exempt from tax.

Estimates: 2012: \$1.0 million — 2015: \$1.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4A

93. **Used Mobile Homes**

Citation: Section 1115(a)(23)

Effective Date: January 1, 1982

Description: Sales of used mobile homes are tax exempt.

Estimate: No data available

Reliability: Level 5

94. **Modular Homes**

Citation: Section 1111(p)

Effective Date: December 1, 2009

Description: Forty percent of a vendor's receipt from the sale of a new modular home module is exempt from sales tax.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York Housing Association Inc.; Modular Building Systems Association; Manufactured Housing Institute

Reliability: Level 4B

95. **Registered Race Horses**

Citation: Section 1115(a)(29)

Effective Date: June 1, 1994

Description: The Sales Tax exempts racehorses registered with the Jockey Club, the United States Trotting Association, or the National Steeplechase and Hunt Association (or such a horse during the first 24 months of its life if eligible to be so registered) purchased or used for entry in events on which pari-mutuel wagering is authorized by law. The exemption, however, does not apply to a horse which had never raced in such an event during the first four years of its life.

Estimate: No data available

Reliability: Level 5

96. **Race Horses Purchased Through Claiming Races**

Citation: Section 1111(g)

Effective Date: July 1, 1985

Description: The sale in New York of race horses through claiming races, if not otherwise exempt, is taxable on the full initial purchase price. On the second or later sale of the same horse in the same calendar year within the State, the tax applies only to the excess of the purchase price over the highest of the prior purchase prices.

Estimate: No data available

Reliability: Level 5

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97. **Race Horses Purchased Out of State**
Citation: Section 1118(9), (10)
Effective Date: July 28, 1981 (Section 1118(9)); July 1, 1985 (Section 1118(10))
Description: Race horses purchased by New York residents outside New York and brought into the State for the purpose of entering racing events on five or less days in any one calendar year for which pari-mutuel racing is authorized, if not otherwise exempt, are exempt from use tax. For those race horses not otherwise exempt and entered in racing events in New York on more than five days and subject to use tax, the tax does not apply to the extent that the value of the race horse exceeds \$100,000.
Estimate: No data available
Reliability: Level 5
98. **Training and Maintaining Race Horses**
Citation: Section 1115(m)
Effective Date: July 19, 1988
Description: Exempt from tax are the services of training and maintaining race horses. Also exempt is the tangible personal property actually transferred by a trainer to the race horse owner in conjunction with the above services.
Estimates: 2012: \$3.0 million — 2015: \$3.0 million
Data Source: American Horse Council Foundation; New York State Agricultural Statistics Service
Reliability: Level 4C
99. **Property Sold to Contractors for Capital Improvements or Repairs for Exempt Organizations**
Citation: Section 1115(a)(15), (16)
Effective Date: September 1, 1969
Description: Tangible personal property sold to a contractor, subcontractor, or repairman is exempt from tax if the property is used in erecting structures, maintaining, servicing, repairing, or adding to or altering the real property of an exempt organization and such property becomes an integral component part of the realty.
Estimates: 2012: \$101.0 million — 2015: \$114.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4C
100. **Property Donated by a Manufacturer to an Exempt Organization**
Citation: Section 1115(l)
Effective Date: September 1, 1986
Description: Tangible personal property manufactured and donated by the manufacturer to an exempt organization is exempt from tax provided that the manufacturer offers the same kind of property for sale in the regular course of business and that the manufacturer has not made any other use of the donated property.
Estimate: No data available
Reliability: Level 5

101. **Sales and Use Tax Paid to Other States**
Citation: Section 1118(7)
Effective Date: August 1, 1965
Description: Exempt from tax are property or services upon which a sales or use tax was properly paid to another state, providing such state allows a corresponding exemption for taxable purchases in New York, and no credit or refund is available from such other state. However, tax is due to New York to the extent that the tax imposed by New York is at a higher rate than the rate of such other state.
Estimate: No data available
Reliability: Level 5
102. **Precious Metal Bullion and Coins**
Citation: Section 1115(a)(27)
Effective Date: September 1, 1989
Description: Precious metal bullion and coins purchased for investment are exempt.
Estimates: 2012: \$504.0 million — 2015: \$528.0 million
Data Source: New York Mercantile Exchange
Reliability: Level 4C
103. **Computer Software Transferred to Affiliated Corporations**
Citation: Section 1115(a)(28)
Effective Date: September 1, 1991
Description: Computer software that was originally purchased as a nontaxable custom computer program, and which is subsequently sold by the original purchaser to a corporation which is a member of an affiliated group to which the original purchaser also belongs, is exempt from tax.
Estimate: No data available
Reliability: Level 5
104. **Services to Computer Software**
Citation: Section 1115(o)
Effective Date: September 1, 1991
Description: Installing, maintaining, servicing, or repairing prewritten computer software is exempt from tax.
Estimate: No data available
Reliability: Level 5
105. **Self-use of Prewritten Software by its Author**
Citation: Section 1110(g)
Effective Date: September 1, 1991
Description: The Use Tax on prewritten computer software used by its author or creator is calculated on the cost of the blank medium, such as the disks or tapes, and not at the price at which the software is normally offered for sale.
Estimate: No data available
Reliability: Level 5

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106. **Computer System Hardware**
Citation: Section 1115(a)(35)
Effective Date: June 1, 1998; March 1, 2001 for Internet Web sites
Description: Exempt from tax are purchases, leases, or rentals of computer system hardware used or consumed directly and predominantly in designing and developing computer software for sale or in providing the service, for sale, of designing and developing Internet Web sites.
Estimates: 2012: \$14.0 million — 2015: \$15.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4C
107. **Promotional Materials Mailed Out of State**
Citation: Section 1115(n)(1), (2)
Effective Date: September 1, 1989
Description: Exempt from tax are promotional materials mailed out of state, envelopes, and Cheshire labels used in mailing promotional materials from points in New York State to customers outside New York State. A pro rata exemption is also allowed for charges for the use of a mailing list, in connection with mailing such promotional materials.
Estimates: No data available
Reliability: Level 5
108. **Printed Promotional Materials**
Citation: Section 1115(n)(4), (5) and (6)
Effective Date: March 1, 1997
Description: Exempt from tax are printed promotional materials distributed by U.S. mail or common carrier. Also exempt are certain services purchased in connection with the exempt promotional materials, such as mailing list services and a printer's storage service.
Estimates: 2012: \$56.0 million — 2015: \$54.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4C
109. **U.S. Postage Used in the Distribution of Promotional Materials**
Citation: Section 1115(n)(3)
Effective Date: September 1, 1991
Description: Separately stated charges by a vendor to the purchaser of promotional materials, or of taxable services to such promotional material, for the cost of mailing such promotional materials by means of the United States Postal Service to the purchaser's customers or prospective customers are exempt from tax where such charges do not exceed the vendor's United States Postal Service costs.
Estimate: No data available
Reliability: Level 5
110. **Clothing and Footwear**
Citation: Section 1115(a)(30)
Effective Date: March 1, 2000; Suspended June 1, 2003 through March 31, 2006; Eliminated for the period October 1, 2010 through March 31, 2011; Reimposed at

a \$55 exemption threshold for the April 1, 2011 through March 31, 2012 period; Exemption threshold reinstated at \$110 on April 1, 2012.

Description: Exempt from tax are items of clothing and footwear costing less than \$110. The exemption applies to most clothing and footwear worn by human beings. It also applies to most fabric, thread, yarn, buttons, snaps, hooks, zippers, and like items which become a physical component part of exempt clothing or are used to make or repair the exempt clothing.

Estimates: 2012: \$712.0 million — 2015: \$867.0 million

Data Source: New York State Division of the Budget; New York State Department of Taxation and Finance

Reliability: Level 4B

111. **Coin-Operated Photocopying Machines**

Citation: Section 1115(a)(31)

Effective Date: December 1, 1997

Description: Copies made using a coin-operated photocopy machine where the charge is 50 cents or less per copy are exempt from tax.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: Vending Times

Reliability: Level 4C

112. **Luggage Carts**

Citation: Section 1115(a)(13-b)

Effective Date: December 1, 1997

Description: Exempt from tax are temporary transportation devices (e.g., luggage carts) sold through coin operated equipment, provided the retailer is primarily engaged in making such sales.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4C

113. **Emissions Testing Equipment**

Citation: Section 1115(a)(31)

Effective Date: September 1, 1997

Description: Exempt from tax is enhanced emissions inspection equipment certified by the Department of Environmental Conservation for use in an enhanced emissions inspection and maintenance program as required by the Federal Clean Air Act of 1990, where such equipment is purchased and used by an official inspection station authorized to conduct the enhanced emissions inspections.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Environmental Conservation

Reliability: Level 4A

114. **College Textbooks**

Citation: Section 1115(a)(34)

Effective Date: June 1, 1998

Description: Course textbooks purchased by full or part-time students enrolled in an institution of higher education are exempt.

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Estimates: 2012: \$25.0 million — 2015: \$21.0 million
Data Source: New York State Department of Education
Reliability: Level 4B

115. Live Dramatic or Musical Arts Production

Citation: Section 1115(x)

Effective Date: March 1, 2001

Description: Exempt from sales and use taxes are certain items of tangible personal property and certain services that are used directly and predominantly in producing live dramatic or musical arts performances. The performances must take place in a theater or other similar place of assembly with a fixed seating capacity of at least 100.

Estimates: 2012: \$5.0 million — 2015: \$5.0 million

Data Source: Alliance for the Arts

Reliability: Level 4A

116. Lower Manhattan Commercial Office Space

Citation: Section 1115(ee)

Effective Date: September 1, 2005

Description: Exempt from sales and compensating use tax is a commercial tenant's, landlord's, and contractor's purchases and uses of certain property used to outfit, furnish, and equip certain leased commercial office space in eligible areas in Lower Manhattan.

Estimate: 2012: \$8.0 million — 2015: \$9.0 million

Data Source: New York State Division of the Budget

Reliability: Level 4B

Exempt Organizations

117. New York State Agencies and Political Subdivisions

Citation: Section 1116(a)(1)

Effective Date: August 1, 1965

Description: Exempt from tax is the State of New York, or any of its agencies, instrumentalities, public corporations, or political subdivisions where it is the purchaser, user, or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons.

Estimates: 2012: \$1,280.0 million — 2015: \$1,304.0 million

Data Source: New York State Division of the Budget; U.S. Department of Commerce

Reliability: Level 4C

118. Industrial Development Agencies

Citation: Section 1116(a)(1), and General Municipal Law Article 18-A

Effective Date: May 26, 1969

Description: An Industrial Development Agency (IDA) qualifies as an exempt government organization under Section 1116(a)(1) and receives all the benefits of that status. In addition, Article 18-A of the General Municipal Law grants tax exempt status to purchases made by an IDA project beneficiary (as agent of the

IDA) and for sales by an IDA even where it is a vendor of services or property of a kind ordinarily sold by private persons.

Estimates: 2012: \$76.0 million — 2015: \$80.0 million

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4A

119. **Federal Agencies**

Citation: Section 1116(a)(2), and 12 U.S. Code, Section 1768

Effective Date: August 1, 1965

Description: Exempt from tax is the United States of America, and any of its agencies and instrumentalities where it is the purchaser, user, or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

Estimates: 2012: \$251.0 million — 2015: \$254.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4B

120. **United Nations**

Citation: Section 1116(a)(3)

Effective Date: August 1, 1965

Description: Exempt from tax is the United Nations, or any international organization of which the United States is a member, where it is the purchaser, user, or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

Estimate: No data available

Reliability: Level 5

121. **Diplomats and Foreign Missions**

Citation: Federal treaties with diplomat's country

Effective Date: Effective dates vary by Federal treaties

Description: Diplomats of foreign countries and foreign missions are exempt from all national, state, and local taxes if the treaty with the foreign nation provides a reciprocal exemption for U.S. diplomats abroad.

Estimate: No data available

Reliability: Level 5

122. **Charitable Organizations**

Citation: Section 1116(a)(4)

Effective Date: August 1, 1965

Description: Exempt from tax are purchases by nonprofit organizations organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, fostering national or international amateur sports competition, or for the prevention of cruelty to children or animals. These organizations may not be engaged substantially in political activities and no part of net earnings may inure to the benefit of a private shareholder or individual.

Estimates: 2012: \$533.0 million — 2015: \$562.0 million

Data Source: U.S. Department of Commerce

Reliability: Level 4C

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123. **Veterans Posts or Organizations**

Citation: Section 1116(a)(5), (g)

Effective Date: September 1, 1974 (Section 1116(a)(5)); December 1, 1993 (Section 1116(g))

Description: Exempt from tax are purchases by posts or organizations of past or present members of the Armed Forces of the United States, provided that such post or organization is organized in New York and at least 75 percent of its members are past or present members of the U.S. Armed Forces, and no part of net earnings inures to the benefit of a private shareholder or individual. Purchases of hotel accommodations by individual members acting as duly authorized representatives of the post or organization are also exempt from tax.

Estimates: 2012: Minimal — 2015: Minimal

Data Source: New York State Department of Taxation and Finance; Food Institute

Reliability: Level 4C

124. **Veterans' Homes Gift Shops**

Citation: Section 1115(ff)

Effective Date: December 1, 2006

Description: Sales of tangible personal property by any gift shop located in a veterans' home are exempt.

Estimate: 2012: Minimal — 2015: Minimal

Data Source: U.S. Census Bureau

Reliability: Level 4C

125. **Indian Nations and Members of Such Indian Nations**

Citation: Section 1116(a)(6); Federal restrictions

Effective Date: September 1, 1976

Description: The following Indian Nations residing in New York are exempt where they are the purchaser, user, or consumer: Cayuga, Oneida, Onondaga, Poospatuck, Saint Regis Mohawk, Seneca, Shinnecock, Tonawanda, and Tuscarora. In addition, members of these Nations are excluded from tax for purchases made by them on the reservation in New York State.

Estimates: 2012: \$7.0 million — 2015: \$7.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4C

126. **U.S. Military Base Post Exchanges**

Citation: 4 U.S. Code, Sections 104-110

Effective Date: August 1, 1965

Description: Sales, except sales of motor fuel, made on a military base at a post exchange or commissary are exempt.

Estimates: 2012: \$7.0 million — 2015: \$8.0 million

Data Source: Regional sales offices of U.S. Armed Services

Reliability: Level 4A

127. **Nonprofit Health Maintenance Organizations**
Citation: Section 1116(a)(7)
Effective Date: April 1, 1980
Description: Purchases by a nonprofit health maintenance organization subject to the provisions of Article 44 of the Public Health Law are tax exempt.
Estimates: 2012: \$17.0 million — 2015: \$18.0 million
Data Source: New York State Department of Health
Reliability: Level 4A
128. **Nonprofit Medical Expense Indemnity or Hospital Service Corporations**
Citation: Insurance Law Article 43, Section 4310(j)
Effective Date: June 15, 1939
Description: The Insurance Law provides for an exemption from all State and local taxes (including State and local sales taxes) for certain entities. These entities include nonprofit corporations organized for the purpose of family medical expense indemnity, dental expense indemnity, hospital services, or health services.
Estimates: 2012: \$5.0 million — 2015: \$5.0 million
Data Source: New York State Insurance Department
Reliability: Level 4A
129. **Nonprofit Property/Casualty Insurance Companies**
Citation: Insurance Law, Article 67, Section 6707
Effective Date: December 20, 2000
Description: The Insurance Law provides for an exemption from sales tax for a nonprofit property/casualty insurance company subject to the provisions of Article 67 with respect to any property owned by it or under its jurisdiction, control, or supervision.
Estimate: No data available
Reliability: Level 5
130. **Certain State Credit Unions**
Citation: Section 1116(a)(9)
Effective Date: March 1, 2006
Description: New York State chartered credit unions are exempt from tax if they had converted to a State charter from a federal charter on or after January 1, 2006.
Estimate: 2012: \$2.0 million — 2015: \$3.0 million
Data Source: New York State Credit Union League
Reliability: Level 4A
131. **Rural Electric Cooperatives**
Citation: Section 1116(a)(8)
Effective Date: September 1, 1983
Description: Exempt from tax on their purchases are cooperatives and foreign corporations doing business in this State pursuant to the Rural Electric Cooperative Law.
Estimates: 2012: \$1.0 million — 2015: \$1.0 million
Data Source: U.S. Department of Agriculture

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Reliability: Level 4A

132. **Municipal Trash Removal Services**

Citation: Section 1116(e)

Effective Date: June 30, 1980

Description: Receipts from the service of trash removal are exempt from tax where such service is rendered by or on behalf of a municipal corporation of the State other than New York City.

Estimates: 2012: \$37.0 million — 2015: \$34.0 million

Data Source: New York State Office of the Comptroller

Reliability: Level 4B

Admission Charges

133. **Certain Admission Charges**

Citation: Section 1105(f)(1)

Effective Date: August 1, 1965; December 1, 1997 for circus admissions

Description: Exempt from tax are admission charges of ten cents or less, plus admission charges to: race tracks; boxing or wrestling matches; live circus performances, dramatic, or musical arts performances; motion picture theaters; and sporting facilities where the patron is to be a participant, such as bowling alleys, health and fitness centers, and swimming pools.

Estimates: 2012: \$77.0 million — 2015: \$82.0 million

Data Source: U.S. Census Bureau

Reliability: Level 4B

134. **Amusement Park Admissions**

Citation: Section 1122

Effective Date: July 27, 2004

Description: An exemption from Sales and Use Tax applies to 75 percent of the admission charge to certain amusement parks when the charge includes a fee for the use of amusement rides within the park.

Estimate: 2012: \$2.0 million — 2015: \$3.0 million

Data Source: New York State Department of Taxation and Finance

Reliability: 4A

135. **Events Given for the Benefit of Charitable Organizations, Veterans Posts, and Indian Nations**

Citation: Section 1116(d)(1)(A)

Effective Date: August 1, 1965

Description: In general, admissions are exempt if all of the proceeds go exclusively to the benefit of a tax-exempt charitable organization, Indian Nations, or organization of past or present members of the Armed Forces.

Estimate: No data available

Reliability: Level 5

136. **Events Given for the Benefit of Certain Orchestras and Opera Companies**
Citation: Section 1116(d)(1)(B)
Effective Date: August 1, 1965
Description: Admissions are exempt if all of the proceeds go exclusively to the benefit of a society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions.
Estimate: No data available
Reliability: Level 5
137. **National Guard Organization Events**
Citation: Section 1116(d)(1)(c)
Effective Date: August 1, 1965
Description: Admissions are exempt if all of the proceeds go exclusively to the benefit of a National Guard organization.
Estimate: No data available
Reliability: Level 5
138. **Municipal Police and Fire Department Events**
Citation: Section 1116(d)(1)(D)
Effective Date: August 1, 1965
Description: Admissions are exempt if all of the proceeds go exclusively to the benefit of a police or fire department of a political subdivision of the State, including its pension or disability funds, or to volunteer fire and ambulance companies.
Estimate: No data available
Reliability: Level 5
139. **Certain Athletic Games**
Citation: Section 1116(d)(2)(A)
Effective Date: August 1, 1965
Description: Admissions to any athletic game or exhibition are exempt where the proceeds go exclusively to the benefit of elementary or secondary schools.
Estimate: No data available
Reliability: Level 5
140. **Carnivals or Rodeos for Certain Charitable Organizations**
Citation: Section 1116(d)(2)(B)
Effective Date: July 30, 1983
Description: Admissions to carnivals or rodeos in which any professional performer or operator participates for compensation are exempt when the entire net profit inures exclusively to the benefit of a tax-exempt charitable organization having as its charitable purpose the operation of a school.
Estimates: 2012: \$1.0 million — 2015: \$1.0 million
Data Source: U.S. Census Bureau
Reliability: Level 4B

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141. **Agricultural Fairs**

Citation: Section 1116(d)(3)(A)

Effective Date: August 1, 1965

Description: Admissions to agricultural fairs are exempt if no part of net earnings inures to the benefit of any stockholders or members of the association conducting the fair, and if the proceeds from the fair are used exclusively for the improvement, maintenance, and operation of such agricultural fairs.

Estimates: 2012: \$1.0 million — 2015: \$1.0 million

Data Source: New York State Department of Agriculture

Reliability: Level 4A

142. **Historical Homes, Gardens, Sites, and Museums**

Citation: Section 1116(d)(3)(B), (c)

Effective Date: August 1, 1965

Description: Admissions to an historical home or garden, historic sites, houses and shrines, or museums which are maintained and operated by a society or organization devoted to the preservation and maintenance of such historic places are exempt, provided that no part of net earnings goes to the benefit of any private stockholder or individual.

Estimate: No data available

Reliability: Level 5

143. **Performances at a Roof Garden or Cabaret**

Citation: Section 1123

Effective Date: December 1, 2006

Description: The admission charge to a roof garden, cabaret, or similar place to attend a dramatic or musical arts performance is exempt from tax when separate from other charges such as charges for food or drink.

Estimate: 2012: \$3.0 million — 2015: \$3.0 million

Data Source: New York State Department of Taxation and Finance

Reliability: Level 4C

Credits

144. **Sales Tax Vendor Credit**

Citation: Section 1137(f)

Effective Date: September 1, 1994; September 1, 2006 for current rates; September 1, 2010 for limitation of the credit to quarterly and annual filers.

Description: A vendor allowance is provided to vendors that timely file and fully pay quarterly or annual returns. The credit is equal to five percent of State and local taxes remitted up to \$200 per return.

Estimates: 2012: \$76.0 million — 2015: \$84.0 million

Data Source: New York State Department of Taxation and Finance

Reliability: Level 3

145. **Tangible Property Sold by Contractors in Certain Situations**
Citation: Section 1119(a)
Effective Date: August 1, 1965
Description: A credit for taxes paid is allowed on the sale to or use by a contractor or subcontractor of tangible personal property if that property is used solely in the performance of a preexisting lump sum or unit price construction contract. The credit would only be applicable following a sales and use tax rate change.
Estimate: No data available
Reliability: Level 5
146. **Veterinary Drugs**
Citation: Section 1119(a)
Effective Date: September 1, 1978
Description: A credit for taxes paid is allowed on the sale to, or use by, a veterinarian of drugs or medicine if they are used by the veterinarian in rendering exempt services to livestock or poultry used in the production for sale of tangible personal property by farming. The credit also extends to farmers, who qualify for the farming exemption, for use by such persons on livestock or poultry.
Estimate: No data available
Reliability: Level 5
147. **Construction Materials Used in Empire Zones**
Citation: Section 1119(a)
Effective Date: September 1, 1986
Description: A credit for taxes paid is allowed on the sale of tangible personal property purchased for use in constructing, expanding, or rehabilitating industrial or commercial real property located in an Empire Zone, but only to the extent that such property becomes an integral component part of the real property.
Estimate: No data available
Reliability: Level 5
148. **Bus Companies Providing Local Transit Service**
Citation: Section 1119(b)
Effective Date: March 1, 1974
Description: A credit for taxes paid is allowed on the sale to, or use by, an omnibus carrier in New York of any omnibus, parts, equipment, lubricants, motor fuel, diesel fuel, maintenance or service, or repair purchased and used in the operation of any such omnibus by such carrier. The amount of credit is based on the ratio of the vehicle mileage in local transit service in New York to the total vehicle mileage in the State.
Estimates: 2012: \$1.0 million — 2015: \$1.0 million
Data Source: New York State Department of Taxation and Finance
Reliability: Level 4A

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149. **Vessel Operators Providing Local Transit Service**
Citation: Section 1119(b)
Effective Date: December 1, 2004
Description: A credit or refund for taxes paid is allowed on the sale to, or use by, a vessel operator of any vessel, parts, equipment, lubricants, diesel motor fuel, maintenance, servicing, or repairs purchased and used in the operation of certain vessels providing local transit service (e.g., water taxis). The credit or refund is provided according to the percentage of the vessel's use in local transit service.
Estimate: 2012: Minimal — 2015: Minimal
Data Source: New York State Department of Taxation and Finance
Reliability: 4B
150. **Qualified Empire Zone Enterprises**
Citation: Section 1119(d)
Effective Date: September 1, 2009
Description: A credit or refund is available for tax paid on tangible personal property and certain services purchased by a Qualified Empire Zone Enterprise (QEZE) and used directly and predominantly in an Empire Zone in which the QEZE has qualified for benefits. A refund or credit is also allowed for tax paid on tangible personal property sold to a contractor, subcontractor or repairman if the property is used in erecting a structure or building of a QEZE, or used in adding to, altering, improving, maintaining, servicing, or repairing the real property of a QEZE. (Prior to September 1, 2009, the QEZE sales tax benefit was available as a sales tax exemption instead of a credit or refund.)
Estimates: 2012: \$20.0 million — 2015: \$20.0 million
Data Source: New York State Department of Taxation and Finance
Reliability: Level 4C
151. **Economic Transformation and Facility Redevelopment Program**
Citation: Section 1119(f)
Effective Date: March 31, 2011
Description: A refund is available to a participant in this program (or its contractor) for State tax paid on tangible personal property used in the construction, expansion, or rehabilitation of industrial or commercial real property located in an economic transformation area, but only to the extent that such property becomes an integral component part of the real property.
Estimates: 2012: \$0.0 million — 2015: \$0.0 million
Data Source: New York State Division of the Budget
Reliability: 4B
152. **New York State Business Incubator and Innovation Hot Spot Program**
Citation: Section 1119(d)
Effective Date: March 28, 2013
Description: A credit or refund for taxes paid is allowed on tangible personal property and certain services purchased by a qualified entity that is a tenant in or part of a New York State innovation hot spot.
Estimates: 2012: Not Applicable — 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: 4C

153. **START-UP NY Tax Elimination Credit**

Citation: Section 1119(d)

Effective Date: March 1, 2014

Description: A credit or refund is available for tax paid on tangible personal property and certain services purchased by an approved business that is located in a tax-free NY area. In addition, a credit or refund is available for certain purchases of tangible personal property by contractors, subcontractors, and repairmen that is used in constructing, improving, maintaining, servicing, or repairing real property of such an approved business.

Estimates: 2012: Not Applicable — 2015: \$17.0 million

Data Source: New York State Division of the Budget

Reliability: 4C

SALES AND USE TAX

PETROLEUM BUSINESS TAX

This section provides tax expenditure estimates for 34 provisions of the Petroleum Business Tax. Table 8 provides a list of expenditures based on the Tax Law as of January 1, 2015. The estimates are based on data for the 2013 calendar year (the latest complete year for which tax return data is available) and then extrapolated to the 2015 calendar year. Total Petroleum Business Tax liability for calendar 2013 is provided as a benchmark for the tax expenditure estimates.

Description of Tax

Article 13-A of the Tax Law imposes a business privilege tax on petroleum businesses operating in New York State. The tax is measured by the quantity of various petroleum products refined or sold in the State or imported for sale or use in the State. Imposition of the tax occurs at different points in the distribution chain, depending upon the type of petroleum product. Motor fuel (gasoline) is subject to tax upon importation to New York State. Highway diesel motor fuel is taxable upon removal from an in-state registered fuel terminal. Non-highway diesel motor fuel and residual petroleum products become taxable on the final sale or use of the product in New York.

The Article 13-A business privilege tax was added to the Tax Law in 1983 and was imposed on the gross receipts of such businesses. The tax was initially imposed at the rate of 3.25 percent and was reduced to 2.75 percent on April 1, 1984. On June 1, 1990, the rate was increased to 7.2 percent and was subject to a 15 percent surcharge similar to that applied temporarily to other businesses. On September 1, 1990, the tax was restructured, converting the annual gross receipts tax to a monthly tax measured by gallons.

Some of the exemptions, credits, and reimbursements provided for in the restructuring applied to the prior gross receipts tax. Although these provisions already had been in place, the effective dates and estimates cited herein reflect the date on which they were restructured.

The rate schedule displays the petroleum business tax rates effective January 1, 2015. These rates generally have two components: the basic tax whose rates vary by product type and the supplemental tax. For example, the motor fuel tax rate of 17.8 cents per gallon consists of a 10.7 cents per gallon basic tax and a 7.1 cents per gallon supplemental tax.

Data Sources

The major sources of data used to compute the tax expenditure estimates under Article 13-A include:

- Petroleum Business Tax (PBT) Master File for 2009-2013. This is an unverified file of all taxpayers filing a return under Article 13-A. Some of the expenditure items, as indicated, were simulated using this file by reading the gallons from the database and applying the statutory tax rate for the appropriate periods to arrive at an estimate of revenue foregone. For kerosene, bunker fuel, and liquid petroleum gas, where no statutory tax rate existed, the most closely associated tax rate was selected. The rate used for each type of fuel are as follows: kerosene — the non-

PETROLEUM BUSINESS TAX

highway diesel fuel rate; bunker fuel — the residual petroleum products rate; and for liquid petroleum gas — the motor fuel rate and non-highway diesel rates.

- Refund data from the Department of Taxation and Finance’s Audit Division.
- Nontax data sources such as: Data from the U.S. Department of Energy and U.S. Department of Defense and New York State Energy Research and Development Authority.

Methodology

The projections of the tax expenditures from 2013 to 2015 are based, where possible, on forecasted consumption of various petroleum products. These forecasts were produced by the United States Department of Energy - Energy Information Agency. The remaining expenditure estimates used forecasts of appropriate economic variables.

Tax expenditures whose values are less than \$0.1 million are considered Minimal and are designated by an asterisk.

PETROLEUM BUSINESS TAX

Petroleum Business Tax Rates as of January 1, 2015 (Cents-Per-Gallon)

Product	Base Tax	Supplemental Tax	Total Tax
Taxes:			
Motor Fuel and Aviation Gasoline	10.7	7.1	17.8
Highway Diesel Fuel	10.7	5.35	16.05
Railroad Diesel	9.4	—	9.4
Kero-jet Fuel	7.1	—	7.1
Non-highway Diesel Fuel	9.7	7.1	16.8
Residual Petroleum Product	7.4	7.1	14.5
	Base Credit	Supplemental Credit	Total Credit
Credits/Reimbursements:			
Electric Utility Credit/Reimbursement			
Non-highway Diesel Fuel	6.53	—	6.53
Residual Fuel	6.49	—	6.49
Manufacturing Reimbursement ¹			
Non-highway Diesel Motor Fuel	9.7	7.1	16.8
Residual Petroleum Product	7.4	7.1	14.5
Commercial Gallonage			
Non-highway Diesel Fuel	—	7.1	7.1
Residual Petroleum Product	—	7.1	7.1
Non-residential Heating ⁴			
Non-highway Diesel Motor Fuel	4.5	—	4.5
Residual Petroleum Product	3.4	—	3.4
Railroad Gallonage	1.3	5.35	6.65
Farm Use Reimbursement ²			
Motor Fuel	10.7	7.1	17.8
Commercial Fisherman Reimbursement			
Motor Fuel	10.7	7.1	17.8
Diesel Motor Fuel	10.7	5.35	16.05
Distributor of Aviation Gasoline Reimbursement	3.6	7.1	10.7
Not-for-Profit and Veterans' Group Credit/Reimbursement ³			
Non-highway Diesel Motor Fuel	9.7	7.1	16.8
Residual Petroleum Product	7.4	7.1	14.5
Alternative Fuels Reimbursements			
E-85 and CNG	10.7	7.1	17.8
B-20	2.14	1.07	3.21

¹ Non-highway diesel motor fuel and residual petroleum product used and consumed directly and exclusively in the production of tangible personal property are exempt from the tax.

² Diesel motor fuel and residual petroleum product for farm use are exempt from the tax.

³ Non-highway diesel motor fuel and residual petroleum product used and consumed exclusively by certain not-for-profit organizations and veterans' groups for related activities are exempt from the tax.

⁴ This reimbursement rate applies where the PBT commercial gallonage rate of 9.7 cents per gallon was paid at the time of purchase and the product was subsequently used for non-residential heating purposes. Other reimbursement rates would apply if the product used was the full highway or non-highway diesel rates were paid at the time of purchase and the product was subsequently used for non-residential heating purposes.

PETROLEUM BUSINESS TAX

Table 7
2015 New York State Petroleum Business Tax Expenditure Estimates
(2013 Calendar Year Total Petroleum Business Tax Liability = \$1,140.5 Million)
(Millions of Dollars)

Tax Item	History				2013	Forecast	Reliability
	2009	2010	2011	2012		2015	Level
Exemptions							
Products							
1. Kerosene	3.4	2.0	1.7	1.3	1.7	1.6	2
2. Bunker Fuel	56.2	45.0	32.0	42.9	31.1	30.8	2
3. Liquid Petroleum Gases	47.9	48.2	53.8	51.3	63.8	61.9	4
4. CNG and Hydrogen ¹	0.3	0.3	0.4	2.7	0.6	1.6	2
5. E-85 ¹	0.3	0.6	1.3	1.5	1.3	1.0	2
6. B-20 ¹	0.2	0.2	0.4	0.5	0.5	0.4	2
Sales							
7. Governments	61.7	57.8	58.7	58.2	67.8	70.5	2
8. Residential Heating	239.7	207.0	198.3	171.4	210.2	218.7	2
9. Fuel Used for Manufacturing Purposes	8.7	7.8	7.8	6.9	7.2	6.6	2
10. Fuel Used for Farm Production	7.8	7.8	7.9	8.2	9.0	8.6	2
11. Not-for-Profit Organizations and Veterans Groups	11.0	8.6	8.8	8.7	9.7	9.3	2
12. Fuel Used for Railroad Purposes	1.1	1.3	1.6	2.3	2.2	2.2	2
13. Certain Commercial Gallonage	18.9	8.4	6.4	4.4	5.1	6.9	2
14. Fuel Used for Non-Residential Heating Purposes	10.8	8.6	8.8	7.4	9.0	9.0	2
Credit, Refund, or Reimbursement							
15. Residential Heating Fuel	*	*	*	*	*	*	2
16. Governments	2.8	4.8	5.4	5.4	5.6	5.2	2
17. Omnibus Carriers	5.0	5.1	5.1	5.4	4.8	4.8	2
18. Non-Public School Operators	0.2	0.2	0.2	0.2	0.3	0.3	2
19. Regulated Electric Utilities	0.2	0.1	0.1	0.1	0.1	0.1	2
20. Fuel Used for Manufacturing Purposes	*	*	*	*	0.2	*	2
21. Certain Commercial Gallonage	*	*	*	*	*	*	2
22. Fuel Used by Commercial Fishers	0.3	0.2	0.5	0.3	0.2	0.2	2
23. Fuel Used for Farm Production	0.5	0.4	0.4	0.4	0.6	0.4	2
24. Fuel Used for Railroad Purposes	*	*	*	*	*	*	2
25. Fuel Used for Non-Residential Heating Purposes	*	*	*	*	*	*	2
26. Fuel Used for Mining or Extracting Purposes	1.5	1.2	1.6	1.3	1.2	1.2	2
27. Bad Debts	*	0.1	0.2	*	*	*	2
28. Not-for-Profit Organizations and Veterans Groups	*	*	*	*	*	*	2
29. Fuel Used by Passenger Commuter Ferries	0.3	0.3	0.2	0.3	0.3	0.3	2
30. E-85 ¹	*	*	*	*	*	*	2
31. B-20 ¹	*	*	*	*	*	*	2

PETROLEUM BUSINESS TAX

Tax Item	History				Forecast		Reliability Level
	2009	2010	2011	2012	2013	2015	
Exempt Entities							
32. Fuel Used by Voluntary Ambulance Services and Volunteer Fire Departments	--	--	--	--	*	*	2
33. Governments, the United Nations and Certain Not-for-Profit Organizations	*	*	*	*	*	*	4
34. Certain Airlines	1.0	1.1	1.2	1.3	1.9	2.2	2

1) Effective for sales through August 31, 2015.

* Less than \$0.1 million.

-- The tax expenditure was not applicable for these years

N/A No data available.

PETROLEUM BUSINESS TAX

Exemptions

The Petroleum Business Tax allows certain exemptions for gallonage otherwise included in the calculation of tax.

Products

1. **Kerosene**

Citation: Section 301-b(a)(1)

Effective Date: September 1, 1990

Description: Exemptions from tax apply to kerosene sold or used by a petroleum business registered as a diesel motor fuel distributor. The exemption applies to kerosene which has not been blended or mixed with any diesel motor fuel, motor fuel, or residual petroleum product and is not used by the petroleum business as fuel to operate a motor vehicle or sold to a consumer to use as fuel for operation of a motor vehicle.

Estimates: 2013: \$1.7 million — 2015: \$1.6 million

Data Source: PBT Master File

Reliability: Level 2

2. **Bunker Fuel**

Citation: Section 301-b(a)(4)

Effective Date: September 1, 1990

Description: This section exempts from tax residual petroleum products sold by a business registered as a “residual petroleum business” to a consumer for exclusive use as bunker fuel, or, for use by the residual petroleum business as bunker fuel for its own vessels. Bunker fuel is petroleum fuel used in ships.

Estimates: 2013: \$31.1 million — 2015: \$30.8 million

Data Source: PBT Master File

Reliability: Level 2

3. **Liquid Petroleum Gases**

Citation: Section 301-b(a)(5)

Effective Date: September 1, 1990

Description: An exemption from tax is allowed for liquid petroleum gases such as butane, ethane, or propane.

Estimates: 2013: \$63.8 million — 2015: \$61.9 million

Data Source: Crude oil: U.S. Department of Energy; Liquid Petroleum Gases: PBT Master File and U.S. Department of Energy

Reliability: Level 4

4. **CNG and Hydrogen**

Citation: Section 301-b(a)(8)

Effective Date: September 1, 2006

Description: Exemptions from tax apply to compressed natural gas (CNG) and hydrogen which are suitable for use in the engine of a motor vehicle. This provision sunsets on September 1, 2016.

Estimates: 2013: \$0.6 million — 2015: \$1.6 million

Data Source: PBT Master File

Reliability: Level 2

5. **E-85**

Citation: Section 301-b(a)(6)

Effective Date: September 1, 2006

Description: Exemptions from tax apply to sales of E-85 provided the E-85 is delivered to and placed in a storage tank of a filling station to be dispensed directly into a motor vehicle for use in the operation of the motor vehicle. This provision sunsets on September 1, 2016.

Estimates: 2013: \$1.3 million — 2015: \$1.0 million

Data Source: PBT Master File

Reliability: Level 2

6. **B-20**

Citation: Section 301-b(a)(7)(i,ii)

Effective Date: September 1, 2006

Description: A partial exemption from tax applies to sales of B-20 (20% biodiesel and 80% diesel motor fuel). The partial exemption is equal to a 20 percent reduction of the otherwise applicable PBT rates on diesel motor fuel. This provision sunsets on September 1, 2016.

Estimates: 2013: \$0.5 million — 2015: \$0.4million

Data Source: PBT Master File

Reliability: Level 2

Sales

7. **Governments**

Citation: Section 301-b(c), 301-e(e)(4)

Effective Date: September 1, 1990

Description: The petroleum business tax exempts the sales of motor fuel, diesel motor fuel, or residual petroleum products to the State of New York, the United States of America, or any of their agencies, instrumentalities, or political subdivisions. The exemption applies where such fuel is used by these entities for its own use or consumption. An exemption from tax also exists for naphtha based aviation fuel used solely for propelling military jet aircraft of the United States Armed Forces.

Estimates: 2013: \$67.8 million — 2016: \$70.5 million

Data Source: PBT Master File and U.S. Department of Defense

Reliability: Level 2

8. **Residential Heating**

Citation: Section 301-b(d)(1)

Effective Date: September 1, 1990

Description: An exemption from tax applies to non-highway diesel motor fuel and residual petroleum product sold by a registered distributor of the product to a consumer, exclusively for residential heating purposes.

Estimates: 2013: \$210.2 million — 2015: \$218.7 million

Data Source: PBT Master File

PETROLEUM BUSINESS TAX

Reliability: Level 2

9. **Fuel Used for Manufacturing Purposes**

Citation: Section 301-a(f)(4), 301-a(g)(4)

Effective Date: January 1, 1998

Description: The sale or use of residual fuel or non-highway diesel fuel for use and consumption directly and exclusively in the production of tangible personal property for sale by manufacturing, processing, or assembly are exempt from the full petroleum business tax. Prior to January 1, 1998 (effective in September 1994), the above sales or uses of such fuels were exempt from the supplemental portion of the petroleum business tax. (See item 20: “Fuel Used for Manufacturing Purposes” for reimbursement if the tax was paid on subsequent sales.)

Estimates: 2013: \$7.2 million — 2015: \$6.6 million

Data Source: PBT Master File

Reliability: Level 2

10. **Fuel Used for Farm Production**

Citation: Section 301-b(g)

Effective Date: September 1, 1994

Description: The sale or use of non-highway diesel motor fuel and residual petroleum product for off-highway farm production of goods for sale are exempt from the tax. However, the fuel must be delivered on the farm site. (See item 23: “Fuel Used for Farm Production.”)

Estimates: 2013: \$9.0 million — 2015: \$8.6 million

Data Source: PBT Master File

Reliability: Level 2

11. **Not-for-Profit Organizations and Veterans Groups**

Citation: Section 301-b(h)

Effective Date: January 1, 1996

Description: Not-for-profit organizations and veterans’ groups purchasing and using residual fuel, non-highway diesel motor fuel for their exclusive use are eligible for a full, up-front exemption from the tax. These organizations include not-for-profit groups organized for religious, charitable, scientific, testing for public safety, literary or educational purposes, to foster national or international amateur sports competition, for the prevention of cruelty to children or animals, or veteran groups as listed in Section 1116(a)(4) or (5) of the Tax Law. (See item 28: “Not-for-Profit Organizations and Veterans Groups” for a full credit/reimbursement of the tax.)

Estimates: 2013: \$9.7 million — 2016: \$9.3 million

Data Source: PBT Master File

Reliability: Level 2

12. **Fuel Used for Railroad Purposes**

Citation: Section 301-a(e)(4); 301-j(a)(3)

Effective Date: January 1, 1997

Description: The sale of non-highway diesel motor fuel for use or consumption directly and exclusively in the operation of a locomotive or a self-propelled vehicle run only on rails or tracks is exempt from the supplemental portion of the tax. Such fuel is also taxed at a preferential rate under the base portion of the tax which is computed as the automotive diesel base rate less 1.3 cents. (See item 24: “Fuel Used for Railroad Purposes” for refund/reimbursement of tax.)

Estimates: 2013: \$2.2 million — 2015: \$2.2 million

Data Source: PBT Master File and refund data from the Department of Taxation and Finance’s Audit Division

Reliability: Level 2

13. **Certain Commercial Gallonage**

Citation: Section 301-j(a)(2)

Effective Date: March 1, 1997

Description: Commercial gallonage defined as non-highway type diesel motor fuel and residual fuel that does not qualify for the utility credit/reimbursement or the manufacturing exemption or the not-for-profit exemption or the non-residential heating rate or will not be used in a commercial vessel is exempt from the supplemental portion of the tax. This fuel is primarily used for electric generation purposes. (See item 21: “Certain Commercial Gallonage” for refund/reimbursement of tax.)

Estimates: 2013: \$5.1 million — 2015: \$6.9 million

Data Source: PBT Master File

Reliability: Level 2

14. **Fuel Used for Non-Residential Heating Purposes**

Citation: Section 301-b(d)(2)

Effective Date: April 1, 2001

Description: A partial exemption from tax applies to non-highway diesel motor fuel and residual petroleum product sold by a registered distributor of the product to a consumer exclusively for non-residential heating purposes. The rate of the partial exemption was calculated as the then-current PBT supplemental tax rate (imposed under Section 301-j) plus 20 percent of the then current PBT base rate (imposed under Section 301-a) for the applicable fuel above. Effective September 1, 2002, this partial exemption is calculated as the then-current supplemental tax rate plus 46 percent of the then-current PBT base rate.

Estimates: 2013: \$9.0 million — 2015: \$9.0 million

Data Source: PBT Master File

Reliability: Level 2

PETROLEUM BUSINESS TAX

Credit, Refund, or Reimbursement

A credit, refund, or reimbursement is allowed against taxes paid by certain petroleum businesses for particular petroleum products.

15. **Residential Heating Fuel**

Citation: Section 301-c(a)(1)

Effective Date: September 1, 1990

Description: A reimbursement is allowed for taxes paid by subsequent purchasers of non-highway diesel motor fuel purchased in the State and sold to a consumer for use exclusively for residential heating purposes.

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Refund data from the Department of Taxation and Finance's Audit Division

Reliability: Level 2

16. **Governments**

Citation: Section 301-c(b)

Effective Date: September 1, 1990

Description: This section provides a reimbursement for taxes paid pursuant to the petroleum business tax on motor fuel and diesel motor fuel purchased in the State and then sold by the purchaser to the State of New York, the United States of America, or any of their instrumentalities, agencies, or political subdivisions.

Estimates: 2013: \$5.6 million — 2015: \$5.2 million

Data Source: Refund data from the Department of Taxation and Finance's Audit Division

Reliability: Level 2

17. **Omnibus Carriers**

Citation: Section 301-c(c)

Effective Date: April 1, 1992

Description: A reimbursement is allowed for taxes paid on motor fuel and diesel motor fuel purchased in the State by an omnibus carrier. The reimbursement applies to fuel used in the operation of: i) an omnibus in local transit service pursuant to a certificate of convenience and necessity issued by the Commissioner of the Department of Transportation, or issued by the Interstate Commerce Commission of the United States, or pursuant to a contract, franchise, or consent with a city having a population of one million or more; and ii) as a school bus used for the transportation of children in the State pursuant to the Education Law.

Estimates: 2013: \$4.8 million — 2015: \$4.8 million

Data Source: Refund data from the Department of Taxation and Finance's Audit Division

Reliability: Level 2

18. **Non-Public School Operators**

Citation: Section 301-c(d)

Effective Date: April 1, 1992

Description: This section provides a reimbursement for taxes paid on motor fuel and diesel motor fuel purchased in the State by a non-public school operator and consumed by the operator exclusively for education related activities.

Estimates: 2013: \$ 0.3 million — 2015: \$0.3 million

Data Source: Refund data from the Department of Taxation and Finance’s Audit Division

Reliability: Level 2

19. **Regulated Electric Utilities**

Citation: Section 301-d

Effective Date: September 1, 1990

Description: This section extends a credit, refund, or reimbursement for the tax surcharge and part of the basic tax for fuel used in the production of electricity. For periods July 1991 and August 1991, this credit was available only for petroleum used to produce residential electricity.

Estimates: 2013: \$0.1 million — 2015: \$0.1 million

Data Source: PBT Master File

Reliability: Level 2

20. **Fuel Used for Manufacturing Purposes**

Citation: Section 301-c(j)

Effective Date: January 1, 1998

Description: Purchasers who subsequently sell residual fuel or non-highway diesel fuel used and consumed for manufacturing purposes may be reimbursed for the full Petroleum Business Tax. (See item 9: “Fuel Used for Manufacturing Purposes” for the up-front exemption.) Prior to January 1, 1998 (effective in September 1994), the above purchasers making such sales were eligible for reimbursement of the supplemental portion of the petroleum business tax.

Estimates: 2013: \$0.2 million — 2015: Minimal

Data Source: Refund data from the Department of Taxation and Finance’s Audit Division

Reliability: Level 2

21. **Certain Commercial Gallonage**

Citation: Section 301-c(i)(1, 2)

Effective Date: March 1, 1997

Description: Reimbursements are allowed to a consumer where such consumer purchased non-highway type diesel fuel or residual fuel, absorbed the supplemental portion of the tax in the purchase price and used such gallonage as “commercial gallonage.” The reimbursement is calculated as the amount of such gallonage multiplied by the then-applicable supplemental tax rate. (See item 13: “Certain Commercial Gallonage” for refund/reimbursement of tax.) Prior to March 1997 (and subsequent to September 1994), commercial gallonage was eligible for a credit/reimbursement at a rate of one-half the then-applicable supplemental tax plus surcharge on the supplemental tax under Section 301-k.

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Refund data from the Department of Taxation and Finance’s Audit Division

PETROLEUM BUSINESS TAX

Reliability: Level 2

22. **Fuel Used by Commercial Fishers**

Citation: Section 301-c(g)

Effective Date: September 1, 1994

Description: A reimbursement is allowed for diesel motor fuel and motor fuel used in the operation of a commercial fishing vessel by commercial fishers while such vessel is engaged in harvesting fish for sale.

Estimates: 2013: \$0.2 million — 2015: \$0.2 million

Data Source: Refund data from the Department of Taxation and Finance’s Audit Division

Reliability: Level 2

23. **Fuel Used for Farm Production**

Citation: Section 301-c(e), (f)

Effective Date: September 1, 1994

Description: Reimbursements are allowed for non-highway diesel motor fuel and residual fuel purchased in this State and sold by such purchaser to a consumer for farm use. In addition, a purchaser of motor fuel who uses the fuel for farm production is eligible for a reimbursement of the PBT. The reimbursement is only allowed if it is not more than 1,500 gallons of gasoline purchased in a 30 day period, or for greater amounts with prior clearance by the Commissioner of Taxation and Finance. The motor fuel must be delivered on the farm site and consumed off-highway in the production of goods for sale. (See item 10: “Fuel Used for Farm Production” for the up-front exemption)

Estimates: 2013: \$0.6 million — 2015: \$0.4 million

Data Source: Refund data from the Department of Taxation and Finance’s Audit Division

Reliability: Level 2

24. **Fuel Used for Railroad Purposes**

Citation: Section 301-c(k)(1, 2)

Effective Date: January 1, 1997

Description: Reimbursements are allowed to subsequent purchasers, who are registered as distributors of diesel motor fuel, have absorbed the full PBT non-highway diesel rate and then sell such fuel as “railroad diesel.” The amount of the reimbursement is equal to the difference between the full non-highway diesel rate and the railroad diesel rate. (See item 12: “Fuel Used for Railroad Purposes” for the exemption from tax.)

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Department of Taxation and Finance Audit Division

Reliability: Level 2

25. **Fuel Used for Non-Residential Heating Purposes**

Citation: Section 301-c(a)(2)

Effective Date: April 1, 2001

Description: A partial reimbursement from tax applies to non-highway diesel motor fuel purchased in the State and then sold by such purchaser to a consumer exclusively for non-residential heating purposes. The partial reimbursement is provided only when such non-highway diesel motor fuel is delivered into a storage tank (which is not equipped with a hose or other apparatus where such fuel can be dispensed into the tank of a motor vehicle) – and where such tank is attached to the heating unit burning such fuel. Additionally, the purchaser must possess documentary proof that it absorbed the full amount of the PBT.

The rate of the partial reimbursement was calculated as the then-current PBT supplemental tax rate (imposed under Section 301-j) plus 20 percent of the then-current PBT base rate (imposed under Section 301-a) applicable for the specific diesel motor fuel rate above. Effective September 1, 2002, this partial exemption is calculated as the then-current supplemental tax rate plus 46 percent of the then-current PBT base rate.

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Department of Taxation and Finance Audit Division

Reliability: Level 2

26. **Fuel Used for Mining or Extracting Purposes**

Citation: Section 301-c(1)

Effective Date: April 1, 2001

Description: A purchaser may obtain a reimbursement of the PBT paid on non-highway diesel motor fuel or residual petroleum product when such fuel is purchased exclusively for use and consumption directly and exclusively in the production of tangible personal property for sale by mining or extracting. The reimbursement is provided only where such fuel is delivered at the mining or extracting site and is consumed other than on the public highways of the State. Additionally, the purchaser must possess documentary proof that it absorbed the full amount of the PBT.

Estimates: 2013: \$1.2 million — 2015: \$1.2 million

Data Source: Refund data from the Department of Taxation and Finance’s Audit Division

Reliability: Level 2

27. **Bad Debts**

Citation: Section 301-l

Effective Date: September 1, 1994

Description: A registered petroleum business or aviation fuel business may apply for a refund for PBT that it has paid with respect to gallonage sold in-bulk by the business for the purchaser’s own consumption. The same must then give rise to a debt that becomes worthless for Federal income tax purposes. In addition, a sale of motor fuel and highway diesel motor fuel to a filling station is a sale in-bulk for such filling station’s own use and consumption. Sales by a filling station are not eligible for this refund.

Estimates: 2013: Minimal — 2015: Minimal

PETROLEUM BUSINESS TAX

Data Source: Refund data from the Department of Taxation and Finance's Audit Division

Reliability: Level 2

28. Not-for-Profit Organizations and Veterans Groups

Citation: Section 301-c(h)

Effective Date: January 1, 1996

Description: Purchasers who subsequently sell residual fuel or non-highway diesel motor fuel used and consumed exclusively by certain not-for-profit organizations and veterans' groups may apply for a full refund of the PBT. These organizations include the organizations listed in Section 1116(a)(4) or (5) of the Tax Law. (See item 8: "Not-for-Profit Organizations and Veterans Groups" for the full up-front exemption.)

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Refund data from the Department of Taxation and Finance's Audit Division

Reliability: Level 2

29. Fuel Used by Passenger Commuter Ferries

Citation: 301-c(m)

Effective Date: December 1, 2000

Description: A reimbursement is allowed for non-highway diesel motor fuel and residual petroleum product used and consumed by a passenger commuter ferry when such fuel is used exclusively in providing a mass transportation service.

Estimates: 2013: \$0.3 million — 2015: \$0.3 million

Data Source: Refund data from the Department of Taxation and Finance's Audit Division

Reliability: Level 2

30. E-85

Citation: Section 301-c(n)

Effective Date: September 1, 2006

Description: A reimbursement of tax applies for purchases of E-85 where the tax was paid by the purchaser and the E-85 was delivered to and placed in a storage tank of a filling station to be dispensed directly into a motor vehicle for use in the operation of the motor vehicle. This provision sunsets on September 1, 2014.

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Department of Taxation and Finance Audit Division

Reliability: Level 2

31. B-20

Citation: 301-c(o)

Effective Date: September 1, 2006

Description: A partial reimbursement of tax applies for purchases of B-20 where the tax was paid by the purchaser and subsequently resold. The partial reimbursement is equal to 20 percent of the PBT tax paid on diesel motor fuel. This provision sunsets on September 1, 2014.

Estimates: 2013: Minimal — 2015: Minimal

Data Source: Department of Taxation and Finance Audit Division

Reliability: Level 2

EXEMPT ENTITIES

32. **Fuel Used by Volunteer Ambulance Services and Volunteer Fire Departments**
Citation: Section 301-c (p)
Effective Date: June 1, 2013
Description: A reimbursement is allowed for petroleum business tax paid on motor fuel and diesel motor fuel purchased by volunteer ambulance services (as defined in section three thousand one of the Public Health Law), volunteer fire companies and volunteer fire departments (as defined in section three of the volunteer firefighters' benefit law) and volunteer rescue squads. To qualify, the entity must be the purchaser, user or consumer of the motor fuel or diesel motor fuel and use it in a vehicle owned and operated by such entity exclusively for its purposes.
Estimates: 2013: Minimal — 2015: Minimal
Reliability: Level 2
33. **Governments, The United Nations, and Certain Not-for-Profit Organizations**
Citation: Section 305
Effective Date: July 1, 1983
Description: Organizations exempt under the Sales Tax Law Section 1116(a) that import petroleum into New York exclusively for their own use and consumption are not considered petroleum businesses and are exempt from the PBT. These organizations include: the State of New York, the United States of America and any of its agencies, instrumentalities, or political subdivisions; the United Nations; or any international organization of which the United States is a member; any trust, corporation, association, fund, or foundation operated exclusively for religious, charitable, or scientific purposes, or to foster international amateur sports competition, for the prevention of cruelty to children or animals, or veteran's groups; certain Indian nations or tribes; and certain not-for-profit health maintenance organizations.
Estimates: 2013: Minimal — 2015: Minimal
Data Source: PBT Master File
Reliability: Level 4
34. **Certain Airlines**
Citation: 301-e(f)
Effective Date: June 1, 2005
Description: Aviation fuel businesses (i.e., airlines) which service four or more cities in the State with direct non-stop flights between these cities are fully exempt from the PBT. This provision will allow these airlines to "burn" jet fuel on take-offs in New York State without paying the PBT whether the associated flights or legs of flights are intra or interstate in destination.
Estimates: 2013: \$1.9 million — 2015: \$2.2 million
Data Source: PBT Master File
Reliability: Level 2

PETROLEUM BUSINESS TAX

REAL ESTATE TRANSFER TAX

This section of the report provides tax expenditure estimates for 18 separate provisions of the Real Estate Transfer Tax. Table 9 provides a list of expenditures based on the Tax Law as of January 1, 2015. The estimates are based on liability data from the 2012-13 fiscal year. Base year 2012-13 liability is also extrapolated to the 2015-16 fiscal year. The estimates are based on an examination of liability incurred between April 1 and March 31. Real Estate Transfer Tax liability for the 2012-13 fiscal year has been included to provide some perspective to the tax expenditure estimates.

Description of Tax

Adopted in 1968, Article 31 of the New York State Tax Law imposes a Real Estate Transfer Tax on the conveyance of real property or an interest in real property where the consideration exceeds \$500. Payment is due no later than fifteen days after the delivery of the instrument affecting the conveyance (such as a deed). The rate of tax equals two dollars for every five hundred dollars (or fraction thereof) of consideration. Responsibility for payment rests with the person making the conveyance, the grantor. If the grantor (the seller) has failed to pay the tax or is exempt from liability, the grantee (the buyer) is responsible for payment.

The transfer tax also applies to conveyances of shares of stock in a cooperative housing corporation, the creation of long-term leaseholds and subleases, and transfers or acquisitions of a controlling interest in an entity which owns an interest in real property.

Together with the basic transfer tax, an additional one percent tax (the “mansion” tax) is imposed on the conveyance of residential real property or interest therein where the consideration is one million dollars or more. The additional tax is imposed upon the grantee. However, if the grantee is exempt from tax, then the tax is imposed on the grantor.

Data Sources

The major source of data used to compute the tax expenditure estimates include:

- Real Estate Transfer Tax Return Database — This file, compiled by the Department of Taxation and Finance, includes information on selected transfers of real property. It includes data items from the TP-584 tax return filed with these transfers and is an unverified data file.

Methodology

Historical estimates are projected to Fiscal Year 2015-16 levels using various economic forecast variables.

REAL ESTATE TRANSFER TAX

Table 8
2015 New York State Real Estate Transfer Tax Expenditure Estimates
(Fiscal Year 2013 Total Real Estate Transfer Tax Liability = \$756.35 Million)

Tax Item	History				Forecast	Reliability
	2009-10	2010-11	2011-12	2012-13	2015-16	Level
Exclusions						
1. Continuing Lien Deduction	1.7	2.1	1.6	2.0	1.9	2
Exemptions						
2. State of New York	N/A	N/A	N/A	N/A	N/A	5
3. The United Nations and United States of America	N/A	N/A	N/A	N/A	N/A	5
4. Conveyances to the United Nations, United States of America, or State of New York	4.8	4.3	4.8	2.8	4.0	2
5. Conveyances Which Secure a Debt or Other Obligation	0.3	0.1	0.3	0.1	0.2	2
6. Conveyances that Confirm, Correct, Modify, or Supplement a Prior Conveyance	0.1	0.1	0.1	0.1	0.1	2
7. Bona Fide Gifts and Conveyance Without Consideration	0.4	0.6	0.4	0.5	0.5	2
8. Tax Sale	0.5	0.4	1.1	0.5	0.6	2
9. Mere Changes of Identity	0.7	8.6	1.6	2.1	2.7	2
10. Deeds of Partition	*	*	*	*	*	2
11. Federal Bankruptcy Act	1.6	2.8	5.1	9.3	5.0	2
12. Contract to Sell or Option to Purchase Without Use	0.1	0.1	*	*	0.1	2
13. Option or Contract to Purchase With Right to Occupy	*	*	*	*	*	2
14. START-UP NY Leases	--	--	--	--	*	2
Credits						
15. Credit for Prior Transfer Tax Paid	*	0.1	0.1	*	0.1	2
16. Cooperative Housing Corporation Transfer Credit	0.8	0.4	0.6	0.4	0.5	2
Preferential Tax Rates						
17. Real Estate Investment Trust Transfers (Initial Formation REITS)	0.0	0.0	0.0	0.0	0.0	2
18. Real Estate Investment Trust Transfers (Existing REITS)	D/	D/	3.5	0.3	0.8	2

-- The tax expenditure was not applicable for these years.

* Less than \$0.1 million

N/A No data available.

D/ Tax Law prohibits the disclosure of individual taxpayer information.

Exclusions

1. Continuing Lien Deduction

Citation: Section 1402

Effective Date: August 1, 1968 (amended May 1, 1983)

Description: The Real Estate Transfer Tax excludes the amount of any lien or encumbrance remaining at the time of sale involving a one-, two-, or three-family house or individual residential condominium unit, from the total consideration used to calculate the tax due. Additionally, consideration does not include the value of any lien or encumbrance at the time of sale where consideration is less than \$500,000.

Estimates: FY2013: \$2.0 million — FY2016: \$1.9 million

Data Source: RETT Database

Reliability: Level 2

Exemptions

Section 1405 of the New York State Tax Law exempts certain organizations from payment of the transfer tax. Liability for any tax incurred, when an exempt organization is the grantor, becomes the responsibility of the grantee and is payable no later than 15 days after delivery of the instrument effecting the conveyance. Where both parties are exempt there is no tax due. Section 1405 also exempts certain conveyances from tax.

2. State of New York

Citation: Section 1405(a)(1)

Effective Date: August 1, 1968

Description: This section exempts the State of New York or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to an agreement with another state or Dominion of Canada) from liability for the transfer tax.

Estimate: No data available

Reliability: Level 5

3. The United Nations and United States of America

Citation: Section 1405(a)(2)

Effective Date: August 1, 1968

Description: The real estate transfer tax excuses the United Nations, the United States of America, and any of its agencies or instrumentalities from incurring liability for payment of the tax.

Estimate: No data available

Reliability: Level 5

4. Conveyances to the United Nations, United States of America, or State of New York

Citation: Section 1405(b)(1)

Effective Date: August 1, 1968

Description: Exempt from tax are conveyances to the United Nations, the United States of America, the State of New York, or any of their agencies, political subdivisions, instrumentalities, or any public corporation (including public

REAL ESTATE TRANSFER TAX

corporations created pursuant to an agreement with another state or Dominion of Canada).

Estimates: FY2013: \$2.8 million — FY2016: \$4.0 million

Data Source: RETT Database

Reliability: Level 2

5. Conveyances which Secure a Debt or Other Obligation

Citation: Section 1405(b)(2)

Effective Date: August 1, 1968

Description: The transfer tax exempts conveyances used to secure a debt or other obligation.

Estimates: FY2013: \$0.1 million — FY2016: \$0.2 million

Data Source: RETT Database

Reliability: Level 2

6. Conveyances that Confirm, Correct, Modify, or Supplement a Prior Conveyance

Citation: Section 1405(b)(3)

Effective Date: August 1, 1968

Description: The real estate transfer tax does not apply to conveyances which without additional consideration confirm, correct, modify, or supplement a prior conveyance.

Estimates: FY2013: \$0.1 million — FY2016: \$0.1 million

Data Source: RETT Database

Reliability: Level 2

7. Bona Fide Gifts and Conveyance Without Consideration

Citation: Section 1405(b)(4)

Effective Date: August 1, 1968

Description: Conveyances exempted from the tax include: conveyances made without consideration, bona fide gifts, bequests, or inheritances.

Estimates: FY2013: \$0.5 million — FY2016: \$0.5million

Data Source: RETT Database

Reliability: Level 2

8. Tax Sale

Citation: Section 1405(b)(5)

Effective Date: August 1, 1968

Description: The real estate transfer tax exempts any conveyance given in connection with a tax sale.

Estimates: FY2013: \$0.5 million — FY2016: \$0.6million

Data Source: RETT Database

Reliability: Level 2

9. Mere Changes of Identity

Citation: Section 1405(b)(6)

Effective Date: July 1, 1989

Description: The transfer tax does not apply to a conveyance used to effectuate a mere change in identity or form of ownership where there is no change in beneficial

ownership. This exemption is not applicable to conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling.

Estimates: FY2013: \$2.1 million — FY2016: \$2.7 million

Data Source: RETT Database

Reliability: Level 2

10. Deeds of Partition

Citation: Section 1405(b)(7)

Effective Date: August 1, 1968

Description: Exempt from the tax are conveyances which consist of a deed of partition. Partition is the division of property between several persons who are co-owners of the property. The object of a partition is to end the joint tenancy or tenancy in common and divide the property among the respective co-owners.

Estimates: FY2013: Minimal — FY2016: Minimal

Data Source: RETT Database

Reliability: Level 2

11. Federal Bankruptcy Act

Citation: Section 1405(b)(8)

Effective Date: August 1, 1968

Description: This section exempts from taxation any conveyance given pursuant to the Federal Bankruptcy Act.

Estimates: FY2013: \$9.3 million — FY2016: \$5.0 million

Data Source: RETT Database

Reliability: Level 2

12. Contract to Sell or Option to Purchase Without Use

Citation: Section 1405(b)(9)

Effective Date: July 1, 1989

Description: The real estate transfer tax exempts a conveyance which consists of a contract to sell real property without the use or occupancy of such property. Likewise, exempt from tax are conveyances granting an option to purchase real property without the use or occupancy of the property.

Estimates: FY2013: Minimal — FY2016: \$0.1 million

Data Source: RETT Database

Reliability: Level 2

13. Option or Contract to Purchase With Right to Occupy

Citation: Section 1405(b)(10)

Effective Date: July 1, 1989

Description: An exemption from the transfer tax is allowed for conveyances of an option or contract to purchase real property, which includes the right to use or occupy the property, providing:

- a. the consideration is less than \$200,000;
- b. such property or at least one unit of a two- or three-family house was used solely as the grantor's personal residence; and

REAL ESTATE TRANSFER TAX

- c. the real property consists of a one-, two-, or three-family house, an individual residential condominium unit or the sale of stock in a cooperative housing corporation in connection with a grant or transfer of a proprietary leasehold covering an individual residential cooperative unit.

Estimates: FY2013: Minimal — FY2016: Minimal

Data Source: RETT Database

Reliability: Level 2

14. **START-UP NY Leases**

Citation: Section 1405(b)(11)

Effective Date: January 1, 2014

Description: Under the Real Estate Transfer Tax certain leases created for a term in excess of 49 years, as well as assignments of any existing leases, are taxable. An exemption is allowed for these leases of real property located in tax-free NY areas to an approved business participating in the START-UP N Y program.

Estimates: FY 2013: N/A – FY 2016: Minimal

Data Source: RETT Database

Reliability: Level 1

Credits

The real estate transfer tax allows credits for taxes paid in certain transactions.

15. **Credit for Prior Transfer Tax Paid**

Citation: Section 1405-A

Effective Date: July 1, 1989

Description: A grantor is allowed credit against the tax due on a conveyance of real property to the extent tax was paid by the grantor on a prior creation of a leasehold for all or a portion of the same real property or on the granting of a contract or option to purchase all or a part of the same real property.

Estimates: FY2013: Minimal — FY2016: \$0.1 million

Data Source: RETT Database

Reliability: Level 2

16. **Cooperative Housing Corporation Transfer Credit**

Citation: Section 1405-B

Effective Date: July 1, 1989

Description: A credit is allowed for a proportionate part of the amount of tax paid upon the conveyance to the cooperative housing corporation of real property comprising the cooperative dwelling(s). The credit applies to the conveyance of cooperative shares to unit purchases. It is allowed only to the extent that the original conveyance of the real property to the cooperative housing corporation effectuates a mere change in identity or form of ownership, and not a change in the beneficial ownership of the property.

Estimates: FY2013: \$0.4 million — FY2016: \$0.5 million

Data Source: RETT Database

Reliability: Level 2

Preferential Tax Rates

The Real Estate Transfer Tax allows a preferential tax rate in the following instances.

17. **Real Estate Investment Trust Transfers (Initial Formation REITs)**

Citation: Section 1402(b)

Effective Date: June 9, 1994 (amended July 13, 1996)

Description: The transfer tax rate is reduced to \$1.00 per \$500 (or fractional part thereof) on transfers of real property effected through qualifying “real estate investment trust transfers” in order to form a REIT occurring on or after June 9, 1994.

Estimates: FY2013: \$0.0 million — FY2016: \$0.0 million

Data Source: New York State Department of Taxation and Finance

Reliability: Level 2

18. **Real Estate Investment Trust Transfers (Existing REITs)**

Citation: Section 1402(b)

Effective Date: July 13, 1996

Description: The transfer tax rate is reduced to \$1.00 per \$500 (or fractional part thereof) on transfers of real property to existing REITs effected through qualifying “real estate investment trust transfers” occurring on or after July 13, 1996 and before September 1, 2017.

Estimates: FY2013: \$0.3 million — FY2016: \$0.8 million

Data Source: New York State Department of Taxation and Finance

Reliability: Level 2

REAL ESTATE TRANSFER TAX

CROSS-ARTICLE TAX CREDITS

Many of the tax credits New York State offers are available to taxpayers regardless of the tax article to which they are subject. This section provides descriptions of these credits and notes where there may be article-specific differences. The section also provides an estimate for the credit under each article where it is available. Credits that are only available under one tax article are reported in their respective section.

The historical data reflects the separation between Article 9-A for general business corporations (CFT) and Article 32 for banks (Bank). Starting in 2015, Article 32 will no longer exist, which necessitates the "--" indication in the Bank forecast column. The 2015 forecast for CFT includes the estimated impact from taxpayers formerly filing under Article 32 but now filing under Article 9-A as a result of the recently enacted corporate tax reform.

Taxpayers using and refunding over \$2 million in certain tax credits in tax years 2010, 2011, and 2012 were required to defer excess amounts. Taxpayers can begin to redeem deferred credits starting in the 2013 tax year. All deferred nonrefundable tax credits are aggregated into the *temporary deferral nonrefundable payout credit* and may be applied to the extent permitted by the taxpayer's liability. Amounts in excess of any liability limitations will be allowed to be carried forward indefinitely for future use. All deferred refundable credits are aggregated into the *temporary deferral refundable payout credit*. Taxpayers may use and refund 50 percent of the total credit in tax year 2013, 75 percent of the remainder in tax year 2014, and the remaining balance in tax year 2015.

Because the temporary credit deferral program was essentially a shift in the timing of credit utilization, credit amounts reported in the Tax Expenditure Report do not account for the impact of deferral. Thus, data for the 2010-2012 tax years reflect the cost of credits as if deferral was not in place. This allows for a consistent basis against which to measure trends in credit utilization without needing to adjust for the timing distortion caused by the deferral program.

Because credit amounts in 2010-2012 are reported without regard to deferral, including the amounts of the deferral payout credits would amount to double-counting of the cost of credits. In the years where deferral was in effect, the impact on the financial plan was lower than the reported credit amounts. Likewise, in years where deferral payout credits are claimed, the total cost of credits is higher than what is shown. However, the two amounts will offset each other.

CROSS-ARTICLE TAX CREDITS

Table 9
2015 New York State Cross-Article Tax Credits Estimates

Tax Item	History						Forecast
	2007	2008	2009	2010	2011	2012 ³	2015
1. Investment Tax Credit and Employment Incentive Credit ^{4,9}							
PIT ¹	25.7	25.2	17.0	21.3	27.4	23.1	25.0
CFT ²	99.0	106.5	106.6	82.3	74.9		97.0
Total	124.7	131.7	123.6	103.6	102.3		122.0
2. Investment Tax Credit for the Financial Services Industry ⁴							
PIT	0.1	0.5	0.1	0.2	0.1	0.1	0.2
CFT	6.8	20.5	18.6	18.1	5.0		24.0
Bank	1.4	11.6	14.9	7.7	11.3		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Total	8.3	32.6	33.6	26.0	16.4		24.2
3. Credit for Servicing SONYMA Mortgages ⁴							
CFT	0.0	0.0	0.0	0.0	0.0		9.0
Bank	5.8	7.7	5.7	7.2	11.2		--
Total	5.8	7.7	5.7	7.2	11.2		9.0
4. Special Additional Mortgage Recording Tax Credit ⁴							
PIT	19.3	11.2	6.3	4.0	6.6	11.6	12.0
CFT	7.0	3.4	3.9	2.7	3.5		25.0
Bank	15.4	19.6	14.5	21.8	22.7		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186	0.0	0.0	0.0	0.0	0.0		*
Total	41.7	34.2	24.7	28.5	32.8		37.0
5. Empire Zone (EZ), Qualified Empire Zone Enterprise (QEZE), and Zone Equivalent Areas Tax Credits ^{4,6}							
a. EZ Investment Tax Credit and Employment Incentive Credit							
PIT	17.8	12.2	11.7	15.1	13.6	10.7	6.0
CFT	30.9	32.3	21.8	26.2	22.9		11.5
Article 9, §185	*	0.1	*	*	*		*
b. EZ/ZEI Wage Tax Credit							
PIT	30.0	17.0	17.2	17.8	14.6	11.7	7.0
CFT	28.9	23.4	14.6	11.9	10.9		5.0
Bank	0.9	0.2	0.7	0.7	0.9		--
Insurance	3.1	4.3	0.4	0.4	*		*
Article 9, §185	*	*	0.1	0.1	*		*
c. EZ Capital Credit							
PIT	1.5	1.2	0.9	1.5	1.5	0.2	0.1
CFT	0.1	0.1	*	*	*		*
Bank	*	*	*	*	*		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
d. QEZE Real Property Tax Credit							
PIT	100.9	70.7	83.2	86.1	91.7	80.4	54.0
CFT	118.6	119.0	128.0	131.8	118.9		92.0
Bank	3.1	4.9	10.6	4.9	4.7		--
Insurance	0.1	0.1	0.2	0.2	0.2		*
Article 9, §185	0.3	0.4	0.4	0.3	0.3		*
e. QEZE Tax Reduction Credit							
PIT	53.1	29.8	40.9	52.9	52.5	74.9	14.0
CFT	30.8	31.7	28.5	28.4	21.9		14.5
Bank	0.9	1.2	1.2	8.7	7.6		--
Insurance	21.7	16.0	10.1	15.8	15.0		7.0
Total	442.7	364.6	370.5	402.8	377.2		211.0
6. Farmers' School Property Tax Credit							
PIT	26.0	28.6	29.1	31.2	33.5	35.7	38.0
CFT	1.1	1.1	1.2	1.1	1.1		1.0
Total	27.1	29.7	30.3	32.3	34.6		39.0

CROSS-ARTICLE TAX CREDITS

Tax Item	History						Forecast
	2007	2008	2009	2010	2011	2012 ³	2015
7. Credit for Employment of Persons with Disabilities ⁴							
PIT	*	*	*	*	*	*	*
CFT	0.1	*	*	*	*	*	*
Bank	0.0	0.0	0.0	0.0	*		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186	0.0	0.0	0.0	0.0	0.0		*
Total	0.0	0.0	0.0	0.0	0.0		*
	0.1	0.0	0.0	0.0	0.0		*
8. Qualified Emerging Technology Company (QETC) Credits ⁴							
a. QETC Capital Tax Credit							
PIT	0.5	0.9	0.7	1.0	1.5	1.5	2.0
CFT	*	*	*	*	*		*
b. QETC Employment Credit							
PIT	0.2	0.2	0.2	0.2	0.1	0.3	0.4
CFT	0.3	0.4	0.4	0.4	0.5		1.0
Total	1.0	1.5	1.3	1.6	2.1		3.4
9. Low-Income Housing Credit ⁴							
PIT	0.1	0.1	*	*	*	*	*
CFT	*	0.0	*	0.0	0.0		19.0
Bank	0.3	4.1	8.0	11.8	16.6		--
Insurance	0.1	0.1	0.0	0.1	0.1		1.0
Total	0.5	4.3	8.0	11.9	16.7		20.0
10. Credit for Purchase of an Automated External Defibrillator ⁴							
PIT	0.1	*	*	0.1	1.0	0.1	0.2
CFT	*	0.1	*	*	*		*
Bank	*	*	0.0	0.0	*		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Total	0.1	0.1	0.0	0.1	1.0		0.2
11. Green Buildings Credit ⁴							
PIT	0.3	*	0.2	*	*	0.1	0.3
CFT	1.2	1.2	3.7	0.4	0.0		1.0
Bank	0.0	0.6	6.2	0.0	0.0		--
Insurance	0.4	0.4	0.0	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186	0.0	0.0	0.0	0.0	0.0		*
Total	1.9	2.2	10.1	0.4	0.0		1.3
12. Long-Term Care Insurance Credit							
PIT	63.6	63.9	51.7	71.3	74.7	79.6	90.0
CFT	0.1	0.1	0.2	0.2	0.1		0.1
Bank	*	0.0	*	*	*		--
Insurance	0.0	0.1	0.2	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186-a	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186-e	0.0	0.0	0.0	0.0	0.0		*
Total	63.7	64.1	52.0	71.5	74.8		90.1
13. Empire State Film and Commercial Credits							
a. Empire State Film Production Credit							
PIT	5.8	8.3	7.8	8.8	7.7	3.4	10.0
CFT	61.4	137.1	102.6	200.4	273.6		385.0
b. Empire State Film Post Production Credit							
PIT	--	--	--	0.0	0.1	0.1	1.0
CFT	--	--	--	0.0	0.2		24.0
c. Empire State Commercial Production Credit ⁴							
PIT	--			1.0	0.9	*	1.0
CFT	0.6	1.6	0.8	1.0	0.8		6.0
Total	67.8	147.0	111.2	211.2	283.3		427.0

CROSS-ARTICLE TAX CREDITS

Tax Item	History						Forecast
	2007	2008	2009	2010	2011	2012 ³	2015
14. Security Training Tax Credit ⁴							
PIT	0.2	*	0.2	0.1	*	*	*
CFT	0.4	0.3	0.2	*	0.0		*
Bank	0.0	0.0	0.0	0.0	0.0		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186-a	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186-e	0.0	0.0	0.0	0.0	0.0		*
Total	0.6	0.3	0.4	0.1	0.0		*
15. Brownfields Tax Credit ⁴							
a. Brownfield Redevelopment Tax Credit							
PIT	87.9	81.4	70.3	5.6	62.3	31.1	68.5
CFT	126.4	32.4	8.7	171.6	14.6		56.0
Bank	0.0	2.0	59.1	0.1	0.0		--
Insurance	0.0	0.0	0.0	0.0	0.7		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
b. Remediated Brownfield Credit for Real Property Taxes							
PIT	*	0.9	1.2	2.2	1.8	2.3	5.0
CFT	1.5	2.6	2.8	2.8	3.2		0.5
Bank	0.0	0.0	0.0	0.0	0.0		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
c. Environmental Remediation Insurance Credit							
PIT	*	0.0	0.0	0.0	0.0	*	*
CFT	0.1	0.0	0.0	0.0	0.0		*
Bank	0.0	0.0	0.0	0.0	0.0		--
Insurance	0.0	0.0	0.0	0.0	0.0		*
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Total	216.2	119.3	142.1	182.3	82.6		130.0
16. Biofuel Production Credit ⁴							
PIT	0.3	5.8	6.1	1.8	*	*	*
CFT	0.0	0.0	*	2.4	2.5		2.0
Article 9, §183	0.0	0.0	0.0	0.0	0.0		*
Article 9, §184	0.0	0.0	0.0	0.0	0.0		*
Article 9, §185	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186-a	0.0	0.0	0.0	0.0	0.0		*
Article 9, §186-e	0.0	0.0	0.0	0.0	0.0		*
Total	0.3	5.8	6.1	4.2	2.5		2.0
17. Land Conservation Easement Credit ⁴							
PIT	1.1	1.1	1.2	1.2	1.4	1.4	1.5
CFT	*	*	*	*	*		*
Total	1.1	1.1	1.2	1.2	1.4		1.5
18. Clean Heating Fuel Credit ⁴							
PIT	0.5	0.3	0.4	0.3	0.6	0.7	1.0
CFT	*	*	*	*	*		*
Total	0.5	0.3	0.4	0.3	0.6		1.0
19. Rehabilitation of Historic Properties Credit ⁴							
PIT	0.2	0.1	0.2	0.5	0.6	1.5	2.0
CFT	0.3	*	*	1.0	4.3		13.5
Bank	--	--	--	7.1	5.9		--
Insurance	--	--	--	2.0	3.4		4.5
Total	0.5	0.1	0.2	10.6	14.2		20.0

CROSS-ARTICLE TAX CREDITS

Tax Item	History						Forecast
	2007	2008	2009	2010	2011	2012 ³	2015
20. Excelsior Jobs Program Tax Credits							
PIT	--	--	--	--	*	*	75.0
CFT	--	--	--	--	*		75.0
Bank	--	--	--	--	0.0		--
Insurance	--	--	--	--	0.0		*
Total					0.0		150.0
21. Credit for Companies who Provide Transportation to Individuals with Disabilities							
PIT	--	--	--	--	--	0.1	*
CFT	--	--	--	--	*		*
Total					0.0		*
22. Economic Transformation and Facility Redevelopment Program Tax Credit ⁷							
PIT	--	--	--	--	*	*	*
CFT	--	--	--	--	0.0		*
Bank	--	--	--	--	0.0		--
Insurance	--	--	--	--	0.0		*
Article 9, §185	--	--	--	--	0.0		*
Total					0.0		*
23. New York Youth Works Tax Credit							
PIT	--	--	--	--	--	1.0	1.0
CFT	--	--	--	--	--		9.0
Total							10.0
24. Empire State Jobs Retention Program Credit							
PIT	--	--	--	--	--	--	5/
CFT	--	--	--	--	--	--	5/
Bank	--	--	--	--	--	--	5/
Insurance	--	--	--	--	--	--	5/
Total							
25. Beer Production Credit							
PIT	--	--	--	--	--	0.6	1.0
CFT	--	--	--	--	--		2.0
Total							3.0
26. Alternative Fuels and Electric Vehicle Recharging Property Credit							
PIT	--	--	--	--	--	--	*
CFT	--	--	--	--	--	--	1.0
Article 9, §183	--	--	--	--	--	--	*
Article 9, §184	--	--	--	--	--	--	*
Article 9, §185	--	--	--	--	--	--	*
Total							1.0
27. Minimum Wage Reimbursement Credit							
PIT	--	--	--	--	--	--	14.0
CFT	--	--	--	--	--	--	29.0
Bank	--	--	--	--	--	--	--
Insurance	--	--	--	--	--	--	*
Article 9, §185	--	--	--	--	--	--	*
Total							43.0
28. START-UP NY Tax Elimination Credit ⁸							
PIT	--	--	--	--	--	--	31.0
CFT	--	--	--	--	--	--	22.5
Total							53.5
29. Credit for the Excise Tax on Telecommunication Services Paid by START-UP New York Businesses							
PIT	--	--	--	--	--	--	*
CFT	--	--	--	--	--	--	*
Total							*
30. Real Property Tax Relief Credit for Manufacturing							
PIT	--	--	--	--	--	--	15.0

CROSS-ARTICLE TAX CREDITS

	Tax Item	History						Forecast
		2007	2008	2009	2010	2011	2012 ³	2015
	CFT	--	--	--	--	--	--	85.0
	Total							100.0
31.	Hire A Vet Credit							
	PIT	--	--	--	--	--	--	12.0
	CFT	--	--	--	--	--	--	25.0
	Bank	--	--	--	--	--	--	--
	Insurance	--	--	--	--	--	--	*
	Total							37.0
32.	Musical and Theatrical Production Credit							
	PIT	--	--	--	--	--	--	1.0
	CFT	--	--	--	--	--	--	3.0
	Total							4.0
33.	Workers with Disabilities Tax Credit							
	PIT	--	--	--	--	--	--	2.0
	CFT	--	--	--	--	--	--	4.0
	Total							6.0

1/ Personal Income Tax

2/ Corporation Franchise Tax

3/ Data for non-PIT items is not yet available

4/ For tax years 2010, 2011, and 2012, credits subject to deferral. Values reported reflect the amount of credit computed absent deferral rules.

5/ Forecasts for this program are included in the Excelsior Jobs Program estimates and are not separately available for PIT, CFT, Bank, and Insurance taxes.

6/ The total forecast for the EZ/QEZE Program, including \$20.0 million for Sales Tax, is \$231.0 million.

7/ The total forecast for the Economic Transformation and Facility Redevelopment Program, including a minimal amount for Sales Tax, is minimal.

8/ The total forecast for the START-UP NY Program, including \$17.5 million for Sales Tax and \$35.0 million for PIT Exclusion of Wages, is \$106.0 million.

9/ Data for tax years prior to 2015 include the costs of the retail enterprise tax credit and the rehabilitation credit for historic barns.

* Less than \$0.1 million

-- Tax expenditure not applicable for these years

1. Investment Tax Credit and Employment Incentive Credit

a. Investment Tax Credit (ITC)

Citation: Section 210-b(1), Section 606(a), a-1

Pre-Reform Citation: Section 210(12)

Credit Type: Refundable to New Businesses Only

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1969; the sections of this credit covering research and development (R&D) property and pollution control facilities represent a consolidation of previously separate tax benefits and are effective for tax years beginning on or after January 1, 1987

Description: The law allows a credit based on the cost or other basis for Federal tax purposes of depreciable tangible personal property, including buildings and their structural components, acquired, constructed, reconstructed, or erected after December 31, 1968 having a useful life of four years or more, located within the State of New York, and used primarily for the production of goods by a variety of processes. The claiming of a depreciation or expense deduction for such property under certain other tax provisions, or the leasing of the property to another individual or corporation, unless explicitly allowed, disqualifies the taxpayer from exercising a claim under this provision. A taxpayer may carry forward any unused credit and apply it against the tax for subsequent years or, in the case of a qualified new business, claim it as a refund.

Taxpayers who provide three or more services, such as a studio lighting grid, lighting and grip equipment, or industrial scale electrical capacity to qualified film productions are eligible to claim the ITC on property used in the qualified film production facility.

The law allows a credit for expenditures paid or incurred during the tax year for the construction, reconstruction, erection, or improvement of pollution control, waste treatment, and acid rain control facilities. To qualify for the credit, facilities must be located within the State, used in regular business activities, and certified by the State Commissioner of Environmental Conservation.

Tangible property, including buildings and structural components of buildings used for the purpose of research and development in the laboratory or experimental sense is eligible for a higher credit rate. However, credit is not allowed with respect to property that has been leased to another individual or corporation, or that has been the basis of a claim for an elective expense deduction or a regular ITC.

PIT Filers – The credit rate equals 4 percent of the investment credit base. The taxpayer may claim a rate of 7 percent on R&D property but is not allowed to also claim the employment incentive credit. Where the allowable credit exceeds the taxpayer's liability for a given year, the taxpayer may carry forward the excess credit for 10 subsequent tax years. In the case of a new business, excess credit may be received as a refund.

CROSS-ARTICLE TAX CREDITS

CFT Filers – The credit rate equals 5 percent of the first \$350 million of the investment credit base. A 4 percent rate applies to amounts above \$350 million. The taxpayer may claim a rate of 9 percent on R&D property but is not allowed to also claim the employment incentive credit. Where the allowable credit exceeds the taxpayer’s liability for a given year, the taxpayer may carry forward the excess credit for 15 subsequent tax years. In the case of a new business, excess credit may be received as a refund.

NOTE: When qualified ITC property is disposed of or ceases to be in qualified use prior to the end of its useful life, a portion of the credit must be recaptured. Any ITC recapture may be added to the tax otherwise due in the year of disposition or disqualification.

b. Employment Incentive Credit (EIC)

Citation: Section 210-b(2), Section 606(a-1)

Pre-Reform Citation: Section 210(12-D)

Credit Type: CFT - Non-refundable/Carryforward; PIT - Refundable to New Businesses Only

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1987 for corporate franchise taxpayers; January 1, 1997 for personal income taxpayers

Description: Taxpayers that increase employment may be eligible for the employment incentive credit, which is allowed for each of the two years succeeding the taxable year in which the ITC is earned. The amount of the credit is as follows:

- 1.5 percent of the ITC base if employment is at least 101 percent but less than 102 percent of the employment base year;
- 2.0 percent of the ITC base if employment is at least 102 percent but less than 103 percent of the employment base year;
- 2.5 percent of the ITC base if employment is at least 103 percent of the employment base year.

NOTE: As part of corporate tax reform, passed in the SFY 2014-15 Enacted Budget, the rehabilitation credit for historic barns and the retail enterprise tax credit were eliminated under Article 9-A (the Corporate Franchise Tax). These credits are still available under the personal income tax.

PIT Estimates: 2012: \$23.1 million — 2015: \$25.0 million

CFT Estimates: 2011: \$74.9 million — 2015: \$97.0 million

Information on the amount of credits used and refunded in any year is not separately available for these two credits.

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

2. Investment Tax Credit for the Financial Services Industry

Citation: Section 210-b(1), Section 606(a)(2)(A), Section 1511(q)

Pre-Reform Citation: Section 210(12), Section 1456(i)

Credit Type: Refundable to New Businesses Only

CROSS-ARTICLE TAX CREDITS

Effective Date of Credit: PIT/CFT/Bank - Effective for property placed in service on or after October 1, 1998; Insurance - Available for property placed in service on or after January 1, 2002

Description: An ITC and EIC are allowed for qualified property used in the financial services industry and employment increases respectively. The rate of credit, maximum amounts, refund/carryforward provisions, and recapture rules are generally the same as for the regular ITC/EIC available under the corporate franchise and personal income taxes.

Qualified property includes property principally used in the ordinary course of the taxpayer's trade or business:

- as a broker or dealer in connection with the purchase or sale of stocks, bonds, or other securities (as defined in Internal Revenue Code (IRC) Section 475(c)(2)), or of commodities (as defined in IRC Section 475(e)), or in providing lending, loan arrangement, or loan origination services to customers in connection with the purchase or sale of securities as defined in IRC Section 475(c)(2);
- of providing investment advisory services for a regulated investment company as described in IRC Section 851; or
- as an exchange registered as a national securities exchange (such as the New York Stock Exchange) or a board of trade defined under the New York Not-For-Profit Corporation Law, or an entity wholly owned by one or more national security exchanges or boards of trade that provides automation or technical services to the national security exchanges or boards of trade.

Property purchased by a taxpayer affiliated with a regulated broker, dealer, registered investment advisor, or national securities exchange or board of trade, or property leased by a taxpayer to an affiliated regulated broker, dealer, registered investment advisor, national securities exchange, or board of trade is eligible for this credit if the property is used by the affiliate in an activity described above.

Taxpayers must also satisfy an annual employment test that measures New York State employment in the current tax year against one of three standards:

- 80% current-year test: 80% or more of the employees performing the administrative and support functions resulting from or relating to the qualifying uses of the property are located in New York State;
- 95% three-year back-office test: The average number of employees located in New York State performing the administrative and support functions resulting from or related to the qualifying uses of such equipment during the tax year is equal to or greater than 95% of the number during the 36 months immediately preceding the year for which the credit is claimed; or
- 90% end-of-year test: The number of New York State employees during the current tax year is equal to or greater than 90 percent of the number on December 31, 1998 or, if the taxpayer was not a calendar year taxpayer in 1998, the last day of its first taxable year ending after December 31, 1998.

PIT Estimates: 2012: \$0.1 million — 2015: \$0.2 million

CFT Estimates: 2011: \$5.0 million — 2015: \$24.0 million

Bank Tax Estimates: 2011: \$11.3 million — 2015: Not applicable

CROSS-ARTICLE TAX CREDITS

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Data Source: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

3. Credit for Servicing SONYMA Mortgages

Citation: Section 210-b(10)

Pre-Reform Citation: Section 210(21-a), Section 1456(a)

Credit Type: Non-refundable/Non-carryforward

Effective Date of Credit: Bank Tax - Effective for tax years beginning on or after April 25, 1972; CFT - Effective for tax years beginning on or after January 1, 1995

Description: Banking corporations and mortgage bankers registered under Article 12-D of the Banking Law and meeting certain regulatory requirements established by the State of New York Mortgage Agency (SONYMA) may claim a credit for servicing mortgages acquired by SONYMA. The credit equals 2.93 percent of the total principal and interest collected for each SONYMA mortgage secured by a one-to-four family residence. In addition, banks and mortgage bankers may receive an amount equal to the interest collected during the taxable year on each SONYMA mortgage secured by a five or more family residence multiplied by a fraction. The fraction depends on the types of properties which secure the serviced mortgage loans. The credit may reduce tax liability to zero.

CFT Estimates: 2011: \$0.0 million — 2015: \$9.0 million

Bank Tax Estimates: 2011: \$11.2 million — 2015: Not applicable

Data Sources: CFT Study File, Bank Tax Study File

Reliability: Level 1

4. Special Additional Mortgage Recording Tax Credit

Citation: Section 187, Section 210-b(9, 27), Section 606(f)(3), Section 1511(e)

Pre-Reform Citation: Section 210(17, 21), Section 1456(c)

Credit Type: Non-refundable/Carryforward (Refundable for Residential Mortgages Only)

Effective Date of Credit: CFT/Bank/Insurance/Corporation - Effective for tax years beginning after December 31, 1978; PIT - Effective for tax years beginning after 2003

Description: Taxpayers may claim a credit equal to the special additional mortgage recording tax paid on certain mortgages. The credit is not available for special additional tax paid on mortgages of real property principally improved by one or more structures containing in the aggregate not more than six residential dwelling units, each dwelling unit having its own separate cooking facilities, where the real property is located in one or more of the counties comprising the Metropolitan Commuter Transportation District or Erie County.

Effective for special additional mortgage recording tax paid in tax years beginning after January 1, 1994, an S corporation may elect to treat the unused portion of the credit as either a refund or carryforward instead of passing the credit through to shareholders. S corporations may also elect to take a refund regardless of whether the credit is carried from a New York C year or a New York S year.

PIT Estimates: 2012: \$11.6 million — 2015: \$12.0 million

CFT Estimates: 2011: \$3.5 million — 2015: \$25.0 million

Bank Tax Estimates: 2011: \$22.7 million — 2015: Not applicable

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186 Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

5. **Empire Zone (EZ), Qualified Empire Zone Enterprise (QEZE), and Zone Equivalent Area Tax Credits**

The Empire Zones (EZ) Program expired on June 30, 2010. No new entrants will be admitted to the Program, but existing participants can continue to earn credits for several years. Taxpayers will be allowed to utilize the remainder of their five year period for the EZ wage tax credit and the remainder of their benefit period for the Qualified Empire Zone (QEZE) credits (15 or 10 years, depending on the date of first certification). Taxpayers will be allowed to earn additional Empire Zone Investment Tax Credit (EZ-ITC) until April 1, 2014, but qualified investment projects (QUIPs) can earn EZ-ITC for their next nine tax years. The Empire Zone Employment Incentive Credit (EZ-EIC) will be fully available for the three years after an EZ-ITC is claimed if the taxpayer meets the requisite employment tests. Finally, taxpayers can continue to earn the EZ capital credit through March 31, 2014 for certified contributions in fulfillment of a pledge made to an EZ community development project.

a. **EZ-ITC and EZ-EIC***

Citation: Section 187-k, Section 187-l, Section 210-b(3), Section 210-b(4), Section 606(j), Section 606(j-1)

Pre-Reform Citation: Section 210(12-B), Section 210(12-C)

Credit Type: EZ-ITC - 50 percent Refundable to New Businesses Only; EZ-EIC - Non-refundable/Carryforward for corporate taxpayers; EZ-EIC - 50 percent Refundable to New Businesses Only for Personal Income Taxpayers

Effective Date of Credit: PIT/CFT - Effective for tax years beginning on or after January 1, 1986; Article 9, Section 185 Agricultural Cooperatives - Effective for tax years beginning on or after January 1, 2004

Description: Taxpayers may qualify for an enhanced investment tax credit (EZ-ITC) equal to a percentage of the cost or other Federal basis of tangible personal property, including buildings and structural components of buildings, located within a designated EZ. The credit is also available to taxpayers in the financial services industry and contains the same rules and qualifications as the regular financial services ITC. The credit rate is 10 percent for corporate taxpayers and 8 percent for personal income taxpayers.

Taxpayers may also claim an EZ-EIC similar to the regular EIC, based upon EZ-ITC claimed and employment increased within an EZ. The amount of the EZ-EIC allowed is 30 percent of the EZ-ITC for each of the three years following the

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year for which the original EZ-ITC was allowed. The EZ-EIC is allowed only for those years during which the average number of employees (except general executive officers) in the EZ is at least 101 percent of the average number of employees (except general executive officers) in the EZ during the tax year immediately preceding the tax year for which the original EZ-ITC was allowed.

PIT Estimates: 2012: \$10.7 million — 2015: \$6.0 million

CFT Estimates: 2011: \$22.9 million — 2015: \$11.5 million

Section 185 Estimates: 2011: Minimal — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Corporation Tax Study File

Reliability: Level 1

**Estimates include combined amounts of EZ financial services ITC and EIC.*

b. EZ/ZEA Wage Tax Credit

Citation: Section 187-m, Section 210-b(46), Section 606(k), Section 1511(g)

Pre-Reform Citation: Section 210(19), Section 1456(e)

Credit Type: 50 percent Refundable to New Business Only

Effective Date of Credit: PIT/CFT/Bank/Insurance - Effective for tax years beginning on or after January 1, 1986; Article 9, Section 185 Agricultural Cooperatives - Effective for tax years beginning on or after January 1, 2004

Description: A taxpayer may claim a wage tax credit (EZ-WTC) for doing business and creating full-time jobs in an Empire Zone. The credit equals the product of the average number of newly hired targeted EZ employees receiving EZ wages multiplied by \$3,000. The corresponding credit amount for nontargeted employees is \$1,500. Taxpayers certified in Investment Zones may claim an additional \$500 for each employee paid over \$40,000 in wages. The EZ-WTC is available for five years. Taxpayers employing individuals in areas that met EZ eligibility criteria but were not so designated - Zone Equivalent Areas, or ZEAs - could claim a credit for ZEA wages paid for full-time employment in jobs created in the ZEA. The ZEA credit expired in 2004, but taxpayers are allowed to use carryforwards until exhausted. The total wage tax credit cannot exceed 50 percent of tax due before credits.

PIT Estimates: 2012: \$11.7 million — 2015: \$7.0 million

CFT Estimates: 2011: \$10.9 million — 2015: \$5.0 million

Bank Tax Estimates: 2011: \$0.9 million — 2015: Not applicable

Insurance Tax Estimates: 2011: Minimal — 2015: Minimal

Section 185 Estimates: 2011: Minimal — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

NOTE: Excess amounts of EZ-ITC and EZ-WTC are 50 percent refundable to new business taxpayers or taxpayers designated as owners of a qualified investment project (QUIP) or a significant capital investment project (SCIP). Owners of QUIPs or SCIPs may also refund 50 percent of excess EZ-EIC.

c. **EZ Capital Credit**

Citation: Section 210-b(46), Section 606(l), Section 1511(h)

Pre-Reform Citation: Section 210(20), Section 1456(d)

Credit Type: Non-refundable/Carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1986

Description: Taxpayers may qualify for a credit for direct equity investments in certified zone businesses and contributions to community development projects. The credit equals 25 percent of the sum of each type of investment. The maximum credit per taxpayer is \$100,000 for each investment type for an aggregate limit of \$200,000 and cannot exceed one half of the taxpayer's pre-credit tax. Taxpayers may carry unused credits forward indefinitely.

PIT Estimates: 2012: \$0.2 million — 2015: \$0.1 million

CFT Estimates: 2011: Minimal — 2015: Minimal

Bank Tax Estimates: 2011: Minimal — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Simulation Model, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

d. **QEZE Real Property Tax Credit**

Citation: Section 14, Section 15, Section 187-j, Section 210-b(5), Section 606(bb), Section 1511(r)

Pre-Reform Citation: Section 210(27), Section 1456(o)

Credit Type: Refundable

Effective Date of Credit: PIT/CFT/Bank/Insurance - Effective for tax years beginning on or after January 1, 2001; Article 9, Section 185 Agricultural Cooperatives - Effective for tax years beginning on or after January 1, 2004

Description: For taxpayers certified prior to April 1, 2005, the QEZE real property tax credit (RPTC) is the product of three factors. The benefit period factor is 1.0 in the first ten years of certification, declining by 0.2 each year thereafter. The employment increase factor is based upon the QEZE's job growth. The final factor is the QEZE's real property taxes for the current tax year.

For taxpayers certified on or after April 1, 2005 and located in an Investment Zone (IZ), the credit equals 25 percent of the wages and health and retirement benefits of net new employees. Taxpayers located in a Development Zone (DZ) use the same formula but include an additional factor, the DZ employment increase factor, scaled to reward greater job increases. The credit can exceed these amounts if the capital investment limitation is greater, but the credit is capped at the amount of real property taxes.

Taxpayers certified on or after April 1, 2009 must reduce the computed credit amount by 25 percent.

PIT Estimates: 2012: \$80.4 million — 2015: \$54.0 million

CFT Estimates: 2011: \$118.9 million — 2015: \$92.0 million

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Bank Tax Estimates: 2011: \$4.7 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.2 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.3 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

e. **QEZE Tax Reduction Credit**

Citation: Section 14, Section 16, Section 210-b(6), Section 606(cc), Section 1511(s)

Pre-Reform Citation: Section 210(28), Section 1456(p)

Credit Type: Non-refundable/Non-carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2001

Description: The QEZE tax reduction credit is the product of four factors: the benefit period factor, the employment increase factor, the zone allocation factor, and the tax factor. The first two factors are discussed above. The zone allocation factor measures the QEZE's economic presence in the zone. The tax factor depends on the type of filer:

Tax Type	For Tax Years Beginning on or after January 1, 2015 the Tax Factor is:
Personal Income Tax	The amount of personal income tax attributable to allocated QEZE income
Corporation Franchise Tax	The QEZE's tax on the BI base
Insurance Tax	The greater of the QEZE's tax on the ENI or ENI plus compensation bases

For corporation franchise taxpayers located entirely within an EZ, the tax reduction credit can be applied against the fixed dollar minimum tax, potentially reducing a taxpayer's liability to zero.

PIT Estimates: 2012: \$74.9 million — 2015: \$14.0 million

CFT Estimates: 2011: \$21.9 million — 2015: \$14.5 million

Bank Tax Estimates: 2011: \$7.6 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$15.0 million — 2015: \$7.0 million

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

6. **Farmers' School Property Tax Credit**

Citation: Section 210-b(11), Section 606(n)

Pre-Reform Citation: Section 210(22)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1997

Description: Taxpayers primarily engaged in farming may claim a credit equal to 100 percent of total school property taxes paid on qualified New York agricultural property up to 350 acres, and 50 percent of the school taxes paid on acres in excess of 350. To be eligible, taxpayers must earn two-thirds of their Federal income from farming, with three-year income averaging allowed in determining this threshold.

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Recapture provisions apply if the taxpayer converts the property to a nonqualified use in the two years subsequent to first use of the credit.

PIT Filers - For purposes of this test, total gross income is reduced by the sum (not to exceed \$30,000) of earned income, pensions, social security, interest, and dividends. The credit begins to phase out for taxpayers with NYAGI in excess of \$200,000, after subtracting principal on farm indebtedness, and is phased out completely at \$300,000.

CFT Filers - The credit begins to phase out for taxpayers with New York entire net income in excess of \$200,000 and is phased out completely at \$300,000. Shareholders may elect to claim their pro rata share of the corporation's income and principal payments on farm indebtedness when determining the farmers' school tax credit. In such instances, the corporation does not claim any credit.

PIT Estimates: 2012: \$35.7 million — 2015: \$38.0 million

CFT Estimates: 2011: \$1.1 million — 2015: \$1.0 million

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

7. Credit for Employment of Persons with Disabilities

Citation: Section 187-a, Section 210-b(12), Section 606(o), Section 1511(j)

Pre-Reform Citation: Section 210(23), Section 1456(f)

Credit Type: Non-refundable/Carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1998, applicable to individuals who begin work on or after January 1, 1997

Description: Employers may claim a credit equal to 35 percent of the first \$6,000 of first year wages paid to employees with disabilities (a maximum of \$2,100 per employee). However, if the first year's wages qualify for the Federal work opportunity tax credit, the New York credit will apply to second year wages. To be eligible for the State credit, the disabled employee must work for the employer on a full time basis for at least 180 days or 400 hours, and must be certified by the State Department of Education or another designated State agency. Visually handicapped individuals may receive certification from the appropriate agency responsible for vocational rehabilitation of the blind and visually impaired.

PIT Estimates: 2012: Minimal — 2015: Minimal

CFT Estimates: 2011: Minimal — 2015: Minimal

Bank Tax Estimates: 2011: Minimal — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186 Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

CROSS-ARTICLE TAX CREDITS

8. Qualified Emerging Technology Company (QETC) Credits

a. QETC Capital Tax Credit

Citation: Section 210-b(8), Section 606(r)

Pre-Reform Citation: Section 210(12-F)

Credit Type: Non-refundable/Carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1999

Description: Taxpayers who make a qualified investment in a certified QETC can receive a credit that varies depending upon how long the investment is held. Taxpayers claim the credit in the year the investment is made and certify the duration of the holding period. Investments held for four years from the close of the tax year in which the credit is first claimed qualify for a 10 percent credit. Investments held for nine years qualify for a 20 percent credit. If the property is sold, transferred, or disposed of prior to the end of the holding period, the taxpayer must recapture a portion of the credit. The aggregate limits for all years are \$150,000 for the 10 percent credit, and \$300,000 for the 20 percent credit. The amount of credit deducted may not exceed 50 percent of the tax due before any credits.

PIT Estimates: 2012: \$1.5 million — 2015: \$2.0 million

CFT Estimates: 2011: Minimal — 2015: Minimal

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

b. QETC Employment Credit

Citation: Section 210-b(7), Section 606(q)

Pre-Reform Citation: Section 210(12-E)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 1999

Description: A QETC may claim a credit equaling \$1,000 for each individual employed over a base year level. Credit is allowed for three years.

PIT Estimates: 2012: \$0.3 million — 2015: \$0.4 million

CFT Estimates: 2011: \$0.5 million — 2015: \$1.0 million

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

9. Low-Income Housing Credit

Citation: Section 18, Section 210-b(15), Section 606(x), Section 1511(n)

Pre-Reform Citation: Section 210(30), Section 1456(l)

Credit Type: Non-refundable/Carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2000, with respect to commitments for construction of low-income housing agreed upon on or after May 15, 2000

Description: The “New York State Low-Income Housing Tax Credit Program,” based on the existing Federal program, requires an agreement between the taxpayer and the commissioner of the New York State Division of Housing and Community

Renewal (DHCR) for a long-term commitment to low-income housing. The amount of the credit is determined by DHCR and depends on the applicable percentage of the qualified basis of each low-income building. The credit amount allocated is allowed as a credit against tax for 10 tax years.

PIT Estimates: 2012: Minimal — 2015: Minimal

CFT Estimates: 2011: \$0.0 million — 2015: \$19.0 million

Bank Tax Estimates: 2011: \$16.6 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.1 million — 2015: \$1.0 million

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

10. **Credit for Purchase of an Automated External Defibrillator**

Citation: Section 210-b(13), Section 606(s), Section 1511(l)

Pre-Reform Citation: Section 210(25), Section 1456(j)

Credit Type: Non-refundable/Non-carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2001

Description: Taxpayers may claim a credit for the purchase of an automated external defibrillator, as defined in section 3000-b of the Public Health Law. The amount of credit equals the cost of each unit, up to a maximum of \$500 per defibrillator.

PIT Estimates: 2012: \$0.1 million — 2015: \$0.2 million

CFT Estimates: 2011: Minimal — 2015: Minimal

Bank Tax Estimates: 2011: Minimal — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

11. **Green Buildings Credit**

Citation: Section 19, Section 187-d, Section 210-b(16), Section 606(y), Section 1511(o)

Pre-Reform Citation: Section 210(31), Section 1456(m)

Credit Type: Non-refundable/Carryforward

Effective Date of Credit: Effective for taxable years beginning on or after January 1, 2001

Description: The green building credit consists of several incentives for the purchase of recyclable building materials and other environmentally preferable tangible personal property. It also contains components for the purchase of fuel cells, photovoltaic modules, and environmentally sensitive non-ozone depleting refrigerants. Phase I authorized \$25 million in credit for costs incurred on or after June 1, 1999, for property placed in service or that received a final certificate of occupancy in tax years from January 1, 2001 to 2004. Phase II of the program began in the 2005 tax year. An additional \$25 million in total credit could be issued, but the amount on any one credit certificate was limited to \$2 million.

PIT Estimates: 2012: \$0.1 million — 2015: \$0.3 million

CFT Estimates: 2011: \$0.0 million — 2015: \$1.0 million

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Bank Tax Estimates: 2011: \$0.0 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186 Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

12. **Long-Term Care Insurance Credit**

Citation: Section 190, Section 210-b(14), Section 606(aa), Section 1511(m)

Pre-Reform Citation: Section 210(25-a), Section 1456(k)

Credit Type: Non-refundable/Carryforward

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2002

Description: Taxpayers may take a credit equal to a percentage of the premiums paid for the purchase of, or continuing coverage under, a long-term care insurance policy approved by the New York State Department of Financial Services. When enacted, the credit rate was 10 percent. Subsequent legislation increased the credit to 20 percent for tax years beginning after 2003.

PIT Estimates: 2012: \$79.6 million — 2015: \$90.0 million

CFT Estimates: 2011: \$0.1 million — 2015: \$0.1 million

Bank Tax Estimates: 2011: Minimal — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186-a Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186-e Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

13. **Empire State Film and Commercial Credits**

a. **Empire State Film Production Credit**

Citation: Section 24, Section 210-b(20), Section 606(gg),

Pre-Reform Citation: Section 210(36)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2004

Description: Taxpayers satisfying a threshold level of film production activity in New York State may claim the Empire State film production credit. The credit equals 30 percent of qualified production costs incurred in the production of films and certain television shows. For tax years 2015 through 2019, Empire State film production and post-production projects are eligible for an additional

CROSS-ARTICLE TAX CREDITS

credit equal to 10 percent of the wages or salaries of individuals employed by a qualified film or independent film production company for services performed in specific Upstate New York counties. Credit is awarded on a first come, first served basis with applications made to the New York State Governor's Office for Motion Picture and Television Development (MP/TV).

The annual amount of credit that can be allocated by MP/TV is \$420 million in 2010 through 2019. Initially, up to \$7 million of the annual allocation was available for the Empire State film post production credit. Starting in 2015, the amount of the allocation dedicated to the post production credit increases to \$25 million annually. MP/TV has the authority to redirect Empire State film post production credit funds to the film credit if there are insufficient claims for the post production credit and applications for the film production credit exceed the allotted total. For tax years prior to January 1, 2008, the film credit was refundable across two years. For tax years starting in 2008, the credit was fully refundable. For tax years beginning on or after January 1, 2009, the utilization of the credit is spread across several years, depending on the size of the credit:

If the amount of the credit is:	Then the film credit is claimed:
under \$1 million	in the taxable year in which the film is completed
at least \$1 million but less than \$5 million	over a two year period, with half claimed each year
at least \$5 million	over a three year period, with one-third claimed each year

Taxpayers awarded credit from the 2010-2019 allocations claim credit in the later of the tax year the production of the qualified film is completed or the tax year immediately following the allocation year from which the taxpayer was awarded credit.

PIT Estimates: 2012: \$3.4 million — 2015: \$10.0 million

CFT Estimates: 2011: \$273.6 million — 2015: \$385.0 million

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

b. Empire State Film Post Production Credit

Citation: Section 31, Section 210-b(32), Section 606(qq)

Pre-Reform Citation: Section 210(41)

Credit Type: Refundable – Over 2 Years

Effective Date of Credit: Effective for tax years beginning on or after August 11, 2010

Description: Companies that are ineligible for the film production credit may qualify for the film post production credit. To be eligible for the post production credit, the costs incurred at a qualified post production facility, generally a facility in New York State, must equal or exceed 75 percent of the total post production costs at any post production facility. The credit is allowed for the taxable year in which the production of the qualified film is completed. However, as of March 28, 2013, the utilization of the credit is subject to the same rules as the film credit.

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The credit is administered by the Governor's Office for Motion Picture and Television Development (MP/TV) and was initially capped at \$7 million per year (total allocation of \$35 million) through tax year 2014. Starting in 2015, the amount of the allocation dedicated to the Empire State film post production credit increases to \$25 million annually. As enacted, the credit equaled 10 percent of qualified post production costs paid in the production of a qualified film at a qualified post production facility. Subsequent legislation increased the credit rate to 30 percent for costs incurred in the Metropolitan Commuter Transportation District (MCTD) and 35 percent for cost incurred outside the MCTD.

PIT Estimates: 2012: \$0.1 million – 2015: \$1.0 million

CFT Estimates: 2011: \$0.2 million – 2015: \$24.0 million

Data Source: New York State Division of the Budget

Reliability: Level 4 (PIT), Level 5 (CFT)

c. **Empire State Commercial Production Credit**

Citation: Section 28, Section 210-b(23), Section 606(jj)

Pre-Reform Citation: Section 210(38)

Credit Type: Refundable – Over 2 Years

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2007 and before January 1, 2017

Description: A taxpayer satisfying a threshold level of commercial production activity may claim a tax credit for qualified commercial production in New York State. The credit is capped at \$7 million per year and is administered by the Governor's Office for Motion Picture and Television Development (MP/TV). The credit consists of three components:

- **Incremental cost component (\$1 million):** 20 percent of qualified production costs in excess of the average of the three prior years' costs. The credit is distributed on a *pro rata* basis among all credit applicants, although no individual company may receive an annual allocation greater than \$300,000.
- **MCTD component (\$3 million):** 5 percent of qualified production costs in excess of \$500,000 during the calendar year for work within the MCTD. This component is also awarded on a *pro rata* basis, but with no per company limitation.
- **Outside MCTD component (\$3 million):** 5 percent of qualified production costs in excess of \$100,000 during the calendar year for work done outside the MCTD. This component is distributed in the same matter as the MCTD component. If the amount authorized for this component exceeds credit claims, MP/TV may redirect the excess to the incremental cost component.

PIT Estimates: 2012: Minimal — 2015: \$1.0 million

CFT Estimates: 2011: \$0.8 million — 2015: \$6.0 million

Data Source: PIT Population File, CFT Study File

Reliability: Level 1

14. **Security Training Tax Credit**

Citation: Section 26, Section 187-n, Section 210-b(21), Section 606(ii), Section 1511(x)

Pre-Reform Citation: Section 210(37), Section 1456(t)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2005

Description: Owners of commercial buildings over 500,000 square feet can claim \$3,000 for each security guard employed who has undergone training certified by the New York State Office of Homeland Security (OHS) and is paid a certain minimum wage. The credit is administered by OHS.

PIT Estimates: 2012: Minimal — 2015: Minimal

CFT Estimates: 2011: \$0.0 million — 2015: Minimal

Bank Tax Estimates: 2011: \$0.0 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186-a Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186-e Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

15. **Brownfields Tax Credits**

a. **Brownfield Redevelopment Tax Credit**

Citation: Section 21, Section 187-g, Section 210-b(17), Section 606(dd), Section 1511(u)

Pre-Reform Citation: Section 210(33), Section 1456(q)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after April 1, 2005

Description: The brownfield redevelopment tax credit consists of three components relating to costs associated with: site preparation; tangible property; and on-site groundwater remediation. For sites accepted into the Brownfield Cleanup Program (BCP) prior to June 23, 2008, the credit equals 10 percent of costs associated with each component for personal income taxpayers, and 12 percent for corporate taxpayers. The credit increases by two percent if the site is remediated to a Track 1 cleanup level (determined by the Department of Environmental Conservation), and by another eight percent if at least one half of the site is located in an Environmental Zone (En-Zone). An En-Zone is an area designated by the Commissioner of Economic Development, and as of the 2000 census, has a poverty rate of at least 20 percent and an unemployment rate of at least 1 1/4 times the statewide unemployment rate, or an area that has a poverty rate of at least two times the poverty rate for the county in which the site is located provided the site was subject to a cleanup agreement before September 1, 2010.

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Sites accepted into the BCP after June 23, 2008 are subject to a different credit calculation. The site preparation and groundwater remediation component rates are as follows:

Cleanup Standard	Rate	Track 4
Soil cleanup for unrestricted use; protection of groundwater/ecological resources	50%	n/a
Residential use	40%	28%
Commercial use	33%	25%
Industrial Use	27%	22%

NOTE: Track 4 is a cleanup level that will be protective for the site's current, intended, or reasonably anticipated residential, commercial, or industrial use with restrictions and with reliance on the long-term employment of institutional or engineering controls to achieve such level.

The rates for the tangible property component remain the same with a new 2 percent bonus rate available for sites redeveloped in conformity with the goals and priorities of the brownfield opportunity area (determined by the Department of State) in which the site is located. Also, sites are subject to a cap on the amount of tangible property component they can generate. The cap is the lesser of:

- \$35 million or three times the site preparation and groundwater component costs; or
- \$45 million or six times the site preparation and groundwater component costs if the site is to be used for manufacturing.

PIT Estimates: 2012: \$31.1 million — 2015: \$68.5 million

CFT Estimates: 2011: \$14.6 million — 2015: \$56.0 million

Bank Tax Estimates: 2011: \$0.0 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.7 million — 2015: Minimal

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

b. Remediated Brownfield Credit for Real Property Taxes

Citation: Section 22, Section 187-h, Section 210-b(18), Section 606(ee), Section 1511(v)

Pre-Reform Citation: Section 210(34), Section 1456(r)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after April 1, 2005

Description: The remediated brownfield credit for real property taxes equals 25 percent of the product of the taxpayer's employment factor (a percentage based on the number of persons employed by the taxpayer on a qualified site) and the taxpayer's eligible real property taxes. If the site is located in an En-Zone the credit increases to 100 percent. The credit is limited to the number of full time employees at the qualified site multiplied by \$10,000.

PIT Estimates: 2012: \$2.3 million — 2015: \$5.0 million

CFT Estimates: 2011: \$3.2 million — 2015: \$0.5 million
Bank Tax Estimates: 2011: \$0.0 million — 2015: Not applicable
Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal
Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal
Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal
Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal
Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File
Reliability: Level 1

c. **Environmental Remediation Insurance Credit**

Citation: Section 23, Section 187-i, Section 210-b(19), Section 606(ff), Section 1511(w)

Pre-Reform Citation: Section 210(35), Section 1456(s)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after April 1, 2005

Description: The environmental remediation insurance credit is allowed one time for premiums paid for environmental remediation insurance up to the lesser of \$30,000 or 50 percent of the cost of the premiums.

PIT Estimates: 2012: Minimal — 2015: Minimal

CFT Estimates: 2011: \$0.0 million — 2015: Minimal

Bank Tax Estimates: 2011: \$0.0 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million — 2015: Minimal

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File, Corporation Tax Study File

Reliability: Level 1

16. **Biofuel Production Credit**

Citation: Section 28, Section 187-c, Section 210-b(24), Section 606(jj)

Pre-Reform Citation: Section 210(38)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after 2006 and before January 1, 2020

Description: Taxpayers may claim a tax credit for the production of biofuel. Biofuel is defined as fuel which includes biodiesel and ethanol. Biodiesel is fuel comprised exclusively of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, which meets the specifications of American Society of Testing and Materials designated D 6751. The credit equals 15 cents per gallon after the production of the first 40,000 gallons per year presented to market. The credit is capped at \$2.5 million per taxpayer per year for up to four consecutive years per biofuel plant. The cap is applied at the entity level in the case of partnerships, limited liability companies, and S corporations. For taxpayers subject to tax under both Section 183 and 184, the credit must first be deducted from

CROSS-ARTICLE TAX CREDITS

the taxes imposed under Section 183. Any credit remaining must then be deducted from the taxes imposed under Section 184.

PIT Estimates: 2012: Minimal — 2015: Minimal

CFT Estimates: 2011: \$2.5 million — 2015: \$2.0 million

Section 183 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 184 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186 Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186-a Estimates: 2011: \$0.0 million — 2015: Minimal

Section 186-e Estimates: 2011: \$0.0 million — 2015: Minimal

Data Sources: PIT Population File, CFT Study File, Corporation Tax Study File

Reliability: Level 1

17. **Land Conservation Easement Credit**

Citation: Section 210-b(22), Section 606(kk)

Pre-Reform Citation: Section 210(38)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2006

Description: Taxpayers may claim a tax credit equal to 25 percent of the school district, county, and city/town real property taxes paid on land that is under a conservation easement held by a public or private conservation agency. The maximum allowable tax credit is \$5,000. The credit, in combination with any other credit for property taxes, may not exceed such taxes. The term *conservation easement* means a perpetual and permanent conservation easement as defined in Article 49 of the Environmental Conservation Law (ECL) that serves to protect open space, scenic, natural resources, biodiversity, agricultural, watershed, and/or historic preservation resources. Any conservation easement for which a tax credit is claimed must be filed with the Department of Environmental Conservation and comply with the provisions of Article 49 Title 3 of the ECL and the provisions of subdivision (h) of section 170 of the Internal Revenue Code.

PIT Estimates: 2012: \$1.4 million — 2015: \$1.5 million

CFT Estimates: 2011: Minimal — 2015: Minimal

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

18. **Clean Heating Fuel Credit**

Citation: Section 210-b(25), Section 606(mm)

Pre-Reform Citation: Section 210(39)

Credit Type: Refundable

Effective Date of Credit: Effective for purchases made on July 1, 2006 through June 30, 2007 and on or after January 1, 2008 and before January 1, 2017

Description: Taxpayers may claim a tax credit for bioheat used for space heating or hot water production for residential purposes within the state. The credit equals 1 cent per percent of biodiesel per gallon of bioheat purchased by the taxpayer and is capped at 20 cents per gallon. Biodiesel is defined as fuel comprised exclusively of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, which meets the specifications of American Society of Testing and

Materials designated D6751. In addition, bioheat means a fuel comprised of biodiesel blended with conventional home heating oil, which meets the specifications of the American Society of Testing and Materials designation D396 or D975.

PIT Estimates: 2012: \$0.7 million — 2015: \$1.0 million

CFT Estimates: 2011: Minimal — 2015: Minimal

Data Sources: PIT Population File, CFT Study File

Reliability: Level 1

19. **Rehabilitation of Historic Properties Credit**

Citation: Section 210-b(26), Section 606(oo), Section 1511(y)

Pre-Reform Citation: Section 210(40), Section 1456(u)

Credit Type: Non-refundable/Carryforward/Refundable for qualified rehabilitations placed in service on/after 1/1/15

Effective Date of Credit: PIT/CFT - Effective for tax years beginning on or after January 1, 2007. Bank/Insurance - Effective for tax years beginning on or after January 1, 2010. Amended credit effective for tax years beginning on or after January 1, 2010 and before January 1, 2020

Description: Taxpayers may claim a tax credit for the rehabilitation of historic properties located in New York State. The amount of the State credit is based on the credit amount allowed for the same taxable year under subsection (a)(2) of section 47 of the Federal Internal Revenue Code (IRC). IRC §47(c)(3) defines a certified historic structure as a building and its structural components that are listed in the National Register of Historic Places or located in a registered historic district and certified to be of historic significance to the district. Any State credit taken must be recaptured if the Federal credit upon which it is based is recaptured by the taxpayer.

For tax years beginning on or after January 1, 2010, the credit is 100 percent of the amount of the federal historic properties credit claimed by the taxpayer, capped at \$5 million. The cap is imposed at the entity level for partnerships, LLCs, or S corporations. Also, the credit is limited to projects located in distressed areas as defined in IRC§143(j) or located within a census tract that is at or below 100 percent of the State median family income in the most recent American Community Survey. After December 31, 2019, the credit reverts to a 30 percent rate and \$100,000 cap. For qualified rehabilitation projects placed in service on or after January 1, 2015 the credit is refundable.

PIT Estimates: 2012: \$1.5 million — 2015: \$2.0 million

CFT Estimates: 2011: \$4.3 million — 2015: \$13.5 million

Bank Tax Estimates: 2011: \$5.9 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$3.4 million — 2015: \$4.5 million

Data Sources: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

20. **Excelsior Jobs Program Tax Credits**

Citation: Section 31, Section 210-b(31), Section 606(qq), Section 1511(y)

Pre-Reform Citation: Section 210(41), Section 1456(u)

Credit Type: Refundable

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Effective Date of Credit: Program effective in 2010; credit effective for tax years beginning on or after January 1, 2011

Description: The Excelsior Jobs Program (EJP) Act was created by Chapter 59 of the Laws of 2010 and subsequently amended by Chapter 61 of the Laws of 2011. The program is administered by Empire State Development (ESD) and offers four tax credits focused on certain strategic industries. To claim credits, taxpayers must first apply to and be approved by ESD. ESD can issue up to \$50 million in new credits annually, with a fully effective annual total program cost of \$250 million. ESD will calculate the amount of each credit annually and issue a certificate of tax credit to participants entitling them to the credits. As initially enacted, taxpayers were allowed to claim credits for five consecutive years. Pursuant to Chapter 61, participants accepted into the program after April 1, 2011 have a 10 year benefit period.

a. **Excelsior Jobs Tax Credit**

EJP participants may claim a credit for each net new job created in the State. For participants accepted into the program on or before April 1, 2011, the value of the credit cannot exceed \$5,000 per new job and is computed on marginal wages plus benefit basis as follows:

- 5 percent of wages plus benefits of \$50,000 or less;
- 4 percent of wages plus benefits between \$50,001 and \$75,000; and
- 1.33 percent of wages plus benefits over \$75,000.

For taxpayers accepted into the program after April 1, 2011, the credit is equal to the gross wages multiplied by 6.85 percent.

b. **Excelsior Investment Tax Credit (EJP-ITC)**

EJP participants may claim a credit equal to two percent of the cost of qualified investments in New York. Taxpayers cannot claim both the EJP-ITC and the brownfield tangible property credit component for the same property in a given year. In addition, taxpayers accepted into the program on or before April 1, 2011 are prohibited from claiming both the EJP-ITC and the regular ITC.

c. **Excelsior Research and Development Tax Credit (EJP-R&D)**

EJP participants may claim a credit for research and development expenditures in New York. The credit is a percentage of the portion of the taxpayer's federal research and development credit pertaining to expenditures attributable to New York. Eligible expenditures are defined in section 41 of the Internal Revenue Code. For taxpayers accepted into the program on or before April 1, 2011, the percentage is ten percent. For those accepted into the program after April 1, 2011, the percentage is fifty percent, subject to a limit of three percent of qualified research and development expenditures attributable to New York activity.

d. **Excelsior Real Property Tax Credit (EJP-RPTC)**

EJP participants located in areas formerly designated as Investment Zones under the Empire Zones Program or that qualify as regionally significant projects may claim a credit for real property taxes. The credit equals 50 percent of the

property taxes assessed and paid in the year immediately prior to a taxpayer's application to the EJP and is gradually phased out. For taxpayers accepted into the program on or before April 1, 2011, the credit is phased down ten percent a year over five years. For those accepted into the program after April 1, 2011, the credit declines by 5 percent a year over ten years.

PIT Estimates: 2012: Minimal – 2015: \$75.0 million

CFT Estimates: 2011: Minimal – 2015: \$75.0 million

Bank Tax Estimates: 2011: \$0.0 million – 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million – 2015: Minimal

Data Source: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

21. **Credit for Companies who Provide Transportation to Individuals with Disabilities**

Citation: Section 210-b(38), Section 606(tt),

Pre-Reform Citation: Section 210(44)

Credit Type: Non-refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2011 and before January 1, 2017

Description: Taxpayers providing taxicab or livery service may claim a tax credit equal to the incremental cost associated with upgrading a vehicle so that it is accessible by individuals with disabilities. In addition, taxpayers may also claim the credit for the purchase of new vehicles manufactured to be accessible by individuals with disabilities and for which there is no comparable make or model. The credit is limited to \$10,000 per vehicle. Vehicles accessible for individuals with disabilities must comply with the Americans with Disabilities Act and other Federal regulations. Corporation franchise taxpayers may use the credit to reduce liability to zero. A similar credit existed for tax years beginning on or after January 1, 2006 and before January 1, 2011.

PIT Estimates: 2012: \$0.1 million – 2015: Minimal

CFT Estimates: 2011: Minimal – 2015: Minimal

Data Source: PIT Population File, CFT Study File

Reliability: Level 1

22. **Economic Transformation and Facility Redevelopment Program Tax Credit**

Citation: Sections 35, Section 187-r, Section 210-b(35), Section 606(ss), Section 1511(aa)

Pre-Reform Citation: Section 210(43), Section 1456(x)

Credit Type: Refundable

Effective Date of Credit: Effective On or After March 31, 2011 and before December 31, 2021

Description: Chapter 61 of the Laws of 2011 created the Economic Transformation and Facility Redevelopment Program designed to mitigate the economic consequences in communities where correctional facilities and facilities operated by the Office of Children and Family Services (OCFS) were closed through the period ending March 31, 2012. The program is administered by Empire State Development

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(ESD) and offers a tax credit with four components to redevelop closed facilities and attract new businesses to the surrounding areas. Taxpayers may claim credit for five consecutive years.

a. **Economic Transformation and Facility Redevelopment Jobs Tax Credit Component**

Participants may claim a credit for each net new job created in the State. The credit is equal to the gross wages multiplied by 6.85 percent.

b. **Economic Transformation and Facility Redevelopment Investment Tax Credit Component**

Participants may claim a credit for qualified investments in the economic transformation area. For investments on the grounds of a closed facility, the credit is 10 percent of the cost of the investment, not to exceed \$8 million for the facility. For investments in areas outside of the facility but within the economic transformation area, the credit is 6 percent of the cost of the investment, not to exceed \$4 million per entity.

c. **Economic Transformation and Facility Redevelopment Job Training Tax Credit Component**

Participants may claim a credit for fifty percent of qualified training expenses paid during the year for employees displaced by a facility closure, not to exceed \$4,000 per employee per tax year.

d. **Economic Transformation and Facility Redevelopment Real Property Tax Credit Component**

Participants may claim a credit equal to 50 percent of the real property taxes assessed and paid in the first tax year of the benefit period for property located entirely within the grounds of a closed facility. The percentage decreases by 10 percent each year for the subsequent years of the benefit period. For property located outside of the facility but within the economic transformation area, the credit is equal to 25 percent of the real property taxes assessed and paid decreasing by 5 percent each year for subsequent years of the benefit period.

PIT Estimates: 2012: Minimal – 2015: Minimal

CFT Estimates: 2011: \$0.0 million – 2015: Minimal

Bank Tax Estimates: 2011: \$0.0 million — 2015: Not applicable

Insurance Tax Estimates: 2011: \$0.0 million – 2015: Minimal

Section 185 Estimates: 2011: \$0.0 million – 2015: Minimal

Data Source: PIT Population File, CFT Study File, Bank Tax Study File, Insurance Tax Study File

Reliability: Level 1

23. **New York Youth Works Tax Credit**

Citation: Section 210-b(36), Section 606(tt)

Pre-Reform Citation: Section 210(44)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2012 and before January 1, 2018

Description: Chapter 56 of the Laws of 2011 created the New York Youth Works Tax Credit Program designed to provide tax incentives to employers for employing at-risk youth in full-time and part-time positions in tax years 2012 through 2017. The program is administered by the New York State Department of Labor (NYDOL). The credit equals \$500 per month for up to six months for each qualified full-time employee or \$250 per month for each qualified part-time position of at least 20 hours per week, or 10 hours if a full-time high school student. An additional \$1,000 per full time employee or \$500 per part time employee is available if the qualified employee remains employed for at least an additional six months. Finally, an additional \$1,000 tax credit for each youth retained in full-time status and an additional \$500 for each youth retained in part-time status is available if the qualified employee remains employed for one additional year. Four additional independent annual credit programs were added, one each year beginning in 2014 and ending in 2017. The allocation for each of the new programs is capped at \$10 million. To claim the credit, employers must first apply to and be approved by NYDOL. NYDOL will calculate the maximum amount of credit the employer will be allowed to claim and issue a certificate of eligibility to participants entitling them to the credit.

PIT Estimates: 2012: \$0.1 million – 2015: \$1.0 million

CFT Estimates: 2011: Not applicable – 2015: \$9.0 million

Data Source: PIT Population File, New York State Division of the Budget

Reliability: PIT: Level 1, CFT: Level 4

24. **Empire State Jobs Retention Program Credit**

Citation: Section 36, Section 210-b(37), Section 606(tt), Section 1511(bb)

Pre-Reform Citation: Section 210(44), Section 1456(y)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2012 pertaining to emergencies declared on or after January 1, 2011

Description: Chapter 56 of the Laws of 2011 created the Empire State Jobs Retention Program designed to support the retention of strategic businesses and jobs directly impacted by an event that leads to an emergency declaration by the Governor. The Program offers a jobs tax credit equal to the product of 6.85 percent and the gross wages paid for each impacted job, defined as a job existing at the relevant location on the day before an event occurs that leads to an emergency declaration. A participant may also be eligible for a 2 percent ITC, but only for costs in excess of costs recovered by insurance. Taxpayers may claim the credit for ten consecutive years.

For a business to be eligible for the credit it must: (a) be located in the county where an emergency is declared; (b) must demonstrate substantial physical damage and economic harm; and (c) must retain or exceed 100 full-time equivalent jobs in the county where the emergency is declared. To claim credit, taxpayers must apply to and be approved by Empire State Development (ESD). ESD will calculate the amount of credit annually and issue a certificate of tax credit to participants entitling

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- them to the credit. The total amount of tax credit issued by ESD shall be allocated from the funds available for tax credits under the Excelsior Jobs Program Act.
- PIT Estimates:** 2012: Not applicable – 2015: Not applicable
CFT Estimates: 2011: Not applicable – 2015: Not applicable
Bank Tax Estimates: 2011: Not applicable – 2015: Not applicable
Insurance Tax Estimates: 2011: Not applicable – 2015: Not applicable
Data Source: PIT Population File, New York State Division of the Budget
Reliability: PIT: Level 1, CFT/Bank Tax/Insurance Tax: Level 4
25. **Beer Production Credit**
Citation: Section 37, Section 210-b(39), Section 606(uu)
Pre-Reform Citation: Section 210(45)
Credit Type: Refundable
Effective Date of Credit: Effective for tax years beginning on or after January 1, 2012
Description: The beer production credit is equal to 14 cents per gallon for the first 500,000 gallons produced in New York State during the tax year, plus 4.5 cents per gallon for each additional gallon over 500,000 (up to 15 million additional gallons) produced in New York State in the same tax year, for a maximum credit amount of \$745,000. The credit cap is applied at the entity level for partnerships, LLCs, and S corporations. To be eligible, a taxpayer must be a registered distributor under Article 18 of the Tax Law and produce 60 million or fewer gallons of beer in New York State in the tax year the credit is claimed.
PIT Estimates: 2012: \$0.6 million – 2015: \$1.0 million
CFT Estimates: 2011: Not applicable – 2015: \$2.0 million
Data Source: PIT Population File, New York State Division of the Budget
Reliability: PIT: Level 1, CFT: Level 4
26. **Alternative Fuels and Electric Vehicle Recharging Property Credit**
Citation: Section 187-b, Section 210-b(30), Section 606(p)
Pre-Reform Citation: Section 210(24)
Credit Type: Nonrefundable
Effective Date of Credit: Effective for taxable years beginning on or after January 1, 2013 and before January 1, 2018
Description: Taxpayers may claim a nonrefundable credit equal to the lesser of \$5,000 or 50 percent of the cost of alternative fuel vehicle refueling property or electric vehicle recharging property located in New York State for which none of the costs have been paid from the proceeds of grants. This credit replaces a prior alternative fuels credit that expired in 2010.
PIT Estimates: 2012: Not applicable – 2015: Minimal
CFT Estimates: 2011: Not applicable – 2015: \$1.0 million
Section 183 Estimates: 2011: Not applicable – 2015: Minimal
Section 184 Estimates: 2011: Not applicable – 2015: Minimal
Section 185 Estimates: 2011: Not applicable – 2015: Minimal
Data Source: New York State Division of the Budget
Reliability: Level 4

27. **Minimum Wage Reimbursement Credit**

Citation: Section 38, Section 187-s, Section 210-b(40), Section 606(aaa), Section 1511(cc)

Pre-Reform Citation: Section 210(46), Section 1456(z)

Credit Type: Refundable

Effective Date of Credit: Effective for taxable years beginning on or after January 1, 2014 and before January 1, 2019

Description: Eligible employers may claim a credit for wages paid to eligible employees equal to the number of hours worked by eligible employees multiplied by the credit rate. The credit rate increases from \$0.75 in tax year 2014 to \$1.31 in tax year 2015, to \$1.35 in tax years 2017 and 2018. Eligible employees must be employed by an eligible employer in New York, paid at the minimum wage rate, be between the ages of 16 and 19, and be a student. In the event that the federal minimum wage is increased to more than 85 percent of New York's minimum wages, the credit rates will be reduced to the difference between New York's minimum wage and the federal minimum wage. The reduction will be effective on the first day that the eligible employer is required to pay the increased federal minimum wage, if such an increase takes place.

PIT Estimates: 2012: Not applicable – 2015: \$14.0 million

CFT Estimates: 2011: Not applicable – 2015: \$29.0 million

Bank Tax Estimates: 2011: Not applicable – 2015: Not applicable

Insurance Tax Estimates: 2011: Not applicable – 2015: Minimal

Section 185 Estimates: 2011: Not applicable – 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: Level 4

28. **START-UP NY Tax Elimination Credit**

Citation: Section 39, Section 40, Section 210-b(41), Section 606(ww)

Pre-Reform Citation: Section 210(47)

Credit Type: Refundable

Effective Date of Credit: Effective for taxable years beginning on or after January 1, 2014

Description: The tax-free NY area tax elimination credit is available to general business corporations, sole proprietorships, partnerships (including limited liability companies taxed as partnerships), and New York S corporations participating in the SUNY Tax-Free Areas to Revitalize and Transform Upstate New York Program (START-UP NY). The credit is equal to the product of:

- the tax-free NY area allocation factor and
- the tax factor.

The tax-free NY area allocation factor is the percentage of the business's economic presence in the tax-free NY area where the business was approved to locate under Article 21 of the Economic Development Law.

For Article 9-A taxpayers, the tax factor is the largest of the taxes on the business income base, capital base, or fixed dollar minimum tax after the deduction of any

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other credits. For Article 22 taxpayers, the tax factor is determined by reducing the individual's tax computed under section 601(a)-(d) of the Tax Law for the tax year by any other allowable credits and adjusting that reduced amount by the ratio of the income from business in the tax-free New York area to the taxpayer's New York adjusted gross income. In both cases, the ratios may not exceed 1.0.

For corporate franchise taxpayers, the credit cannot reduce the tax due below the fixed dollar minimum unless the taxpayer has a tax-free NY area allocation factor of 100%. In that instance, the tax can be reduced to zero. Any excess credit may be refunded. For personal income taxpayers, the credit may reduce the tax to zero and any excess may be refunded.

PIT Estimates: 2012: Not applicable – 2015: \$31.0 million

CFT Estimates: 2011: Not applicable – 2015: \$22.5 million

Data Source: New York State Division of the Budget

Reliability: Level 4

29. **Credit for the Excise Tax on Telecommunication Services Paid by START-UP New York Businesses**

Citation: Section 210-b(44), Section 606(yy)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2014

Description: The credit is available to a business or owner of a business that is approved to participate in the START-UP NY program and located in a tax-free NY area. The credit is equal to the 2.5 percent excise tax on telecommunication services imposed by section 186-e of the Tax Law that is passed through to the approved business. The credit may be claimed when the tax is separately stated on a bill from the telecommunication service provider and the bill has been paid by such business. If a taxpayer claimed any federal deduction for excise taxes on telecommunication services and also claims the START-UP NY telecommunication services excise tax credit, when computing the taxpayer's New York adjusted gross income (or New York taxable income in the case of an estate or trust), the taxpayer must add back the federal deduction amount for excise taxes on telecommunication services used in the calculation of the credit.

PIT Estimates: 2012: Not applicable – 2015: Minimal

CFT Estimates: 2011: Not applicable – 2015: Minimal

Data Sources: New York State Division of the Budget

Reliability: Level 4

30. **Real Property Tax Relief Credit for Manufacturing**

Citation: Section 210-b(43), Section 606(i), Section 606(xx)

Credit Type: CFT – Non-refundable/PIT - Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2014

Description: A qualified New York manufacturer is allowed a credit equal to 20 percent of the real property taxes paid during the tax year for real property located in New York and principally used in manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture

or commercial fishing. A manufacturer must have at least 50 percent of its receipts from the forgoing activities and either all or at least \$1 million of manufacturing property located in New York. A manufacturer that fails the receipts test may still qualify if it employs at least 2,500 people in manufacturing in New York and has \$100 million in manufacturing property in the state.

PIT Estimates: 2012: Not applicable – 2015: \$15.0 million

CFT Estimates: 2011: Not applicable – 2015: \$85.0 million

Data Sources: New York State Division of the Budget

Reliability: Level 4

31. **Hire A Vet Credit**

Citation: Section 210-b(29), Section 606(a-2), Section 1511 (g-1)

Pre-Reform Citation: Section 210(23-a), Section 1456(e-1)

Credit Type: Nonrefundable/Carryforward for 3 years

Effective Date of Credit: Credit effective for taxable years beginning on or after January 1, 2015 and before January 1, 2017, but hiring may commence on January 1, 2014.

Description: Employers hiring a qualified veteran to begin employment on or after January 1, 2014 but before January 1, 2016, and who is employed in New York State for at least one year and 35 hours each week may claim the credit in the tax year in which the qualified veteran completes one year of employment with the taxpayer. The credit equals 10 percent of the total amount of wages paid during the veteran's first full year of employment, or 15 percent for a disabled veteran. The credit is capped at \$5,000 per veteran or \$15,000 per disabled veteran.

PIT Estimates: 2012: Not applicable – 2015: \$12.0 million

CFT Estimates: 2011: Not applicable – 2015: \$25.0 million

Insurance Tax Estimates: 2011: Not applicable – 2015: Minimal

Data Source: New York State Division of the Budget

Reliability: Level 4

32. **Musical and Theatrical Production Credit**

Citation: Section 24-A, Section 210-b(47), Section 606(u)

Credit Type: Refundable

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2015 and before January 1, 2019

Description: Eligible production companies taxable under Articles 9-A and 22 can claim a refundable credit equal to 25 percent of certain costs. The total amount of credit is capped at \$4 million per year and the credit is administered by Empire State Development (ESD). To be eligible, a company must produce a live, dramatic stage presentation in a qualified production facility on a tour that consists of eight or more shows in three or more localities. A qualified production facility is a 1,000 or more seat theater located outside of New York City for which ticket receipts constitute 75 percent or more of the total receipts. The credit is based on costs for tangible property used and services performed in the course of production, with personal compensation expenses capped at \$200,000 per week. The credit is also allowed for transportation expenditures, which includes costs for packaging, crating, and transporting production equipment, sets, costumes, and cast and crew.

PIT Estimates: 2012: Not applicable – 2015: \$1.0 million

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CFT Estimates: 2011: Not applicable – 2015: \$3.0 million

Data Sources: New York State Division of the Budget

Reliability: Level 4

33. **Workers with Disabilities Tax Credit**

Citation: Section 210-b(48), Section 606(zz)

Credit Type: Non-refundable/Carryforward for three years

Effective Date of Credit: Effective for tax years beginning on or after January 1, 2015 and before January 1, 2020

Description: The Workers with Disabilities Tax Credit Program, administered by the New York State Department of Labor (DOL), annually provides \$6 million in tax credits for employing individuals with developmental disabilities. To participate in the program, a taxpayer must apply to DOL by November 30th of the prior year. At the end of the tax year, the employer must obtain a final certificate of eligibility from DOL that states the maximum amount of credit allowed and provides verification for the credit claims.

The credit is equal to 15 percent of the qualified wages for qualified full-time employees and 10 percent of the qualified wages for qualified part-time employees. Full-time employment is defined as working at least 30 hours per week, and part-time employment at least 8 hours per week, each for at least 6 months. The credit is available for qualified wages paid after January 1, 2015. An employer is not allowed to concurrently claim this credit and any other credit for the employment of persons with disabilities for the same employee. Any unused credit may be carried forward for 3 years.

PIT Estimates: 2012: Not applicable – 2015: \$2.0 million

CFT Estimates: 2011: Not applicable – 2015: \$4.0 million

Data Sources: New York State Division of the Budget

Reliability: Level 4

2015-16 EXECUTIVE BUDGET TAX EXPENDITURE PROPOSALS

This section describes the proposals contained in the 2015-16 Executive Budget that modify, add, or repeal specific tax expenditures. Each description begins with background information regarding the proposal, a summary of the proposal, reasons for recommending the change, and an estimate of the revenue implications. Table 10 provides a listing of these provisions.

**Table 10
2015-16 Executive Budget Proposals Affecting Tax Expenditures
(Millions of Dollars)**

	2015-16 Fiscal Year Estimate
Personal Income Tax	
1. Establish a Real Property Tax Relief Credit	0.0
2. Convert New STAR Exemptions into an Income Tax Credit	0.0
3. Make Permanent the Limitation on Charitable Contribution Deductions For High Income New York State and New York City Personal Income Taxpayers	0.0
Personal Income and Corporate Franchise Taxes	
4. Establish an Education Tax Credit	0.0
5. Reform the Investment Tax Credit Provided for Master Tapes	0.0
6. Create the Urban Youth Jobs Program Tax Credit	0.0
7. Create the Employee Training Incentive Program (ETIP) Tax Credit	0.0
Personal Income, Corporate Franchise and Insurance Taxes	
8. Amend Excelsior Tax Credit Qualifying Business Language	0.0
Personal Income, Corporate Franchise, Insurance and Corporation Tax	
9. Extend and Reform the Brownfield Cleanup Program	0.0
Corporate Franchise Taxes	
10. Reduce the Business Income Base Tax Rate on Small Businesses	0.0
State and Local Sales Tax	
11. Exempt Solar Power Purchase Agreements from Sales Tax	0.0
12. Extend the Wine Tasting Sales Tax Exemption to Other Alcoholic Beverages	*
13. Reform the Industrial Development Agency Program	4.0
Petroleum Business Tax	
14. Provide PBT Reimbursement for Highway Diesel Motor Fuel Used in Farm Production	(0.4)

*Minimal

EXECUTIVE BUDGET PROPOSALS

1. Proposal to Establish a Real Property Tax Relief Credit

Background: New York homeowners face some of the highest property tax bills in the nation, whether measured in absolute terms or as a percentage of home value. Property taxes have become a serious burden on New York's working families and senior citizens. These burdens not only make the dream of homeownership unaffordable for many New Yorkers, but they also have a negative impact on New York's economy.

Proposal: This proposal will create a new real property tax relief credit for resident taxpayers with incomes of up to \$250,000 and whose qualified property taxes exceed 6 percent of annual gross income. The new credit will be available to both homeowners and renters Statewide and will supplement the existing real property circuit breaker credit and the enhanced real property circuit breaker credit for New York City residents. For homeowners, only property taxes paid to local taxing jurisdictions that are compliant with the real property tax cap will qualify. Renters may claim the credit regardless of local tax compliance. In New York City, the credit will be allowed for all property taxes levied without regard to compliance with a property tax cap. However, in the event that the State property tax cap expires, no credit shall be provided.

The credit will be phased in over a period of four years beginning in tax year. For tax year 2015, only school taxes that exceed 3.75 percent of gross income shall qualify, so long as those taxes are paid to cap-compliant school districts. For 2016 and after, all property taxes paid to cap-compliant jurisdictions will be eligible for the credit. In the event that the State property tax cap expires, no benefits will be provided. The maximum credit allowed for homeowners will be capped at \$500 in 2015 and will increase annually until tax year 2018, at which point the credit will be capped at \$2,000. Fully phased-in, the credit will be valued at up to 50 percent of qualified property taxes that exceed 6 percent of gross income. The specific amount of the credit within that 50 percent will be determined along a progressive income scale, so that taxpayers with the highest tax burdens and lowest income levels may receive the greatest amount of tax relief. No credit will be available to homeowners whose qualified gross income exceeds \$250,000.

A credit will also be available for qualified renters with income of up to \$150,000, with the assumption that 13.75 percent of annual gross rent is attributed to property taxes. The value of the credit will be determined along a sliding scale and will be applied to the attributed amount of gross rent in excess of 6 percent of income. The maximum credit amount for renters will be fixed across all income levels and will only vary depending on place of residence, with Downstate renters receiving up to \$750 and Upstate renters receiving up to \$500.

Discussion: While the property tax cap and the property tax freeze credit have been successful in constraining the growth of property taxes, New York residents continue to be overburdened by property taxes. This bill creates a new real property tax relief credit for all local tax jurisdictions that stay within the property tax cap. The credit is targeted to help low-income and middle class resident taxpayers and includes a renters' credit based upon the assumption that a significant portion of annual gross rent is attributed to property taxes. The proposal also keeps the existing circuit breaker credit in place so that New York taxpayers currently receiving tax relief are not denied a benefit if their taxing jurisdictions do not comply with the property tax cap.

According to the Division of the Budget, for tax year 2015, an average credit of \$216 will be awarded to an estimated 1.2 million homeowners, with an additional 1.07 million renters receiving \$79 on average. By tax year 2018, an estimated

1.3 million homeowners will receive a fully effective average benefit of \$956, with 1.02 million renters receiving \$400 on average. The program is estimated to cost the State a total of \$348 million in 2015, with approximately \$159 million or 46 percent of the total benefit going to Downstate homeowners. Once the program is fully phased in, a total of \$1.66 billion in tax relief will be provided annually, with downstate homeowners realizing approximately \$674 million or 38.9 percent of the total benefit.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

2. **Convert New STAR Exemptions into an Income Tax Credit**

Background: The School Tax Relief (STAR) program has been administered as an exemption to real property since its inception in the late 1990's. Local assessors award basic STAR exemptions to qualified residential property and enhanced STAR benefits to qualified elderly homeowners. There is also an income limit of \$500,000 on owners of property that receive basic STAR exemptions.

Proposal: This bill would gradually convert the School Tax Relief (STAR) program from a program that offers a real property tax exemption into a program that offers a personal income tax credit.

Discussion: This bill would close the existing STAR exemption program to new applicants and establish a new refundable personal income tax (PIT) credit in its place. Current recipients of STAR exemptions would be permitted to keep those exemptions as long as they continue to own their current homes, but once their homes are transferred to new owners, the new owners would transfer to the PIT credit program. Current STAR recipients would also have the option of giving up their STAR exemptions if they wish to receive the PIT credit instead, but they would be under no obligation to do so.

The eligibility requirements for the new STAR PIT credit would be essentially identical to those of the existing STAR exemption. Most notably, (i) the property would still have to be owned by, and the primary residence of, the applicant(s); (ii) the income of the applicants would have to be less than the applicable limit (\$500,000 for Basic STAR, a much lower figure for Enhanced STAR that is annually adjusted for inflation); and (iii) for Enhanced STAR, all owners would have to be at least 65 years of age (or 62 for spouses and siblings).

Likewise, the value of the STAR credit within each school district would be virtually the same as the value of the tax savings under the STAR exemption. The special eligibility features that have been part of the existing STAR program (e.g., allowing co-op tenant-shareholders and trust beneficiaries to receive the benefits even though technically they don't own the property) would be carried over into the new STAR PIT program as well.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

3. **Proposal to Make Permanent the Limitation on Charitable Contribution Deductions For High Income New York State and New York City Personal Income Taxpayers**

Background: The provision to completely eliminate the use of itemized deductions, except for the current 50 percent of federal charitable contributions, by a taxpayer with more than \$1 million of adjusted gross income (NYAGI) has been in effect since tax year 2009. Similarly, the provision to further limit itemized deductions to 25 percent of federal charitable contribution deductions for those with NYAGI over \$10 million has been in effect since tax year 2010.

EXECUTIVE BUDGET PROPOSALS

Proposal: This proposal will make permanent the charitable deduction limitation under the State and New York City personal income tax for individuals with adjusted gross income of more than \$1 million and less than \$10 million (50 percent of federal charitable deductions) and for individuals with adjusted gross income of over \$10 million (25 percent of federal charitable deductions). The current provisions are set to expire after tax year 2015.

Discussion: New York has historically limited the availability of itemized deductions for certain high income taxpayers. The maximum percentage of disallowed deductions equals 50 percent for all taxpayers with NYAGI above \$525,000. Making the additional itemized deduction limitations for taxpayers above \$1 million and \$10 million in NYAGI permanent will provide revenue to support vital state programs and facilitate reductions in tax burdens for other taxpayers annually.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

4. Proposal to Establish an Education Tax Credit

Background: The Education Law and Tax Law would be amended to authorize the New York State Education Tax Credit (ETC). The tax credit would provide an incentive for individual and business donations to support public schools' educational improvement programs, as well as public and non-public school scholarships for elementary and secondary school students.

Proposal: The proposal creates an Education Tax Credit (ETC) for contributions to public education entities, school improvement organizations, local education funds, and educational scholarship organizations and applies to taxable years beginning on or after January 1, 2016. However, the proposal will only take effect upon the enactment of the Dream Act.

Corporation franchise and individual taxpayers will receive a nonrefundable credit equal to 75 percent of their authorized contributions, up to a maximum annual credit of \$1 million. Unused credit may be carried forward for up five tax years. The program will be capped at \$100 million in aggregate education tax credits annually, half of the annual cap will be dedicated to public education entities, school improvement organizations, and local education funds. The other half will be allocated to educational scholarship organizations that provide support to low-and middle-income students hoping to attend a public school outside of their district or a nonpublic school.

Discussion: The bill directs the State Education Department (SED) and the Department of Taxation and Finance (DTF) to oversee and monitor various aspects of the program. SED would certify and monitor organizations eligible to receive donations through this program. DTF will administer and manage credits provided within the program cap.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

5. Proposal to Reform the Investment Tax Credit Provided for Master Tapes

Background: Currently, a production company can produce a film with shooting and production activities occurring in locations all over the world. Once filming is completed, the production company or owner of the film can bring what is called the master to New York and use the master for duplication purposes, such as making copies for transmission on the West Coast, syndication, dubbing, etc. When used for duplication purposes, the master is essentially considered the same as a new piece of manufacturing equipment and may be eligible for the Investment Tax Credit (ITC). Under current law, the credit reflects the full cost of creating the master, including filming, production and

other activities, regardless of whether those activities occur in New York. As a result, a credit meant to encourage manufacturing, investment and job growth in New York currently is being used to support activities that happen outside of the State.

Proposal: This bill would reform the ITC to ensure that the investment credit base of a master of a film, television show or commercial only includes those costs incurred in New York State and to ensure that no “double-dipping” occurs with respect to the same costs. This bill would take effect immediately and applies to taxable years beginning on or after January 1, 2016.

Discussion: The bill would amend the ITC allowed under the corporate franchise tax and personal income tax by limiting the investment credit base of a master of a film, television show or commercial to only those costs associated with the creation, production or reproduction of such film, television show or commercial that were incurred solely in New York State and excluding from the base those costs used in the calculation of any other credit allowed under the Tax Law. The corporate franchise tax and personal income tax secrecy provisions would also be amended to allow the Department to disclose information related to such costs claimed on another taxpayer’s return. Finally, the principally engaged test to be a qualified New York manufacturer would also be amended to exclude receipts from the license of a master of a film, television show or commercial.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

6. **Proposal to Create the Urban Youth Jobs Program Tax Credit**

Background: The New York Youth Works Tax Credit Program, administered by the Department of Labor, was established in 2011 to provide corporate and income tax incentives to qualified businesses employing at-risk youths in full-time and part-time positions. The program has since been amended to extend certain program deadlines, enhance the credit, and increase the credit allocations.

Proposal: This bill would rename the Youth Works Tax Credit Program as the Urban Youth Jobs Program tax credit, include new criteria to target the program to youths in areas of high unemployment and poverty, and allocate additional money to the program.

Discussion: This bill would amend Labor Law section 25-a to authorize an additional allocation of \$10 million per year for 2015-2017 to be used only for the employment of qualified employees who reside in certain cities and towns with high rates of poverty and unemployment. The name of the Program would be changed from the New York Youth Works Tax Credit Program to the Urban Youth Jobs Program tax credit to reflect the new targeting of the benefits. The bill would also make technical amendments to the Labor Law and the Tax Law to clarify when the tax credits may be claimed.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

7. **Proposal to Create the Employee Training Incentive Program (ETIP) Tax Credit**

Background: New York State faces a significant skills gap in its workforce; thousands of jobs requiring technical skills remain unfilled. Without confidence that an adequately skilled workforce exists to support operations in rapidly evolving industries, employers put off making significant capital expenditures to update equipment and processes, and even relocate from New York State to regions with greater quantities of skilled workers.

Proposal: This proposal would establish the Employee Training Incentive Program. Specifically, the bill would provide for a tax credit for employers that procure skills training for their employees necessary to cultivate a talented workforce that will root

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participating employers to New York State. The tax credit would equal 50% of eligible training costs, up to ten thousand dollars per employee receiving eligible training. The New York State Department of Economic Development (DED) would administer the program. DED would determine that a business entity meets the eligibility criteria established under the program and will issue certificates of tax credit to business entities upon successful completion. The total amount of tax credits for any taxable year may not exceed five million dollars and will be allotted from the funds available for tax credits under the Excelsior Jobs Program Act. This bill would take effect immediately and apply to taxable years commencing on and after January 1, 2015.

Discussion: A critical component to retaining mobile businesses in rapidly evolving industries is to ensure that New York State can guarantee such employers a talented and versatile workforce. In order to incentivize employers to create such a workforce in this State, rather than relocating to other states or countries with significant quantities of highly skilled workers, this legislation provides a tax credit to employers undertaking to hire and train new employees or train existing employees on new equipment and processes. This legislation provides the DED with an additional resource to encourage employers to stay and grow in New York State. This legislation is necessary to fill a gap left by the now defunct Strategic Training Alliance Program, which funded customized worker training for new and existing employers and targeted both new and incumbent employees. Furthermore, the proposed legislation is critical to ensuring that New York State does not fall behind regional competitors vying to attract mobile businesses that rely on skilled employees. Massachusetts, New Jersey, and Pennsylvania all offer programs comparable to that proposed in this legislation. By adopting this legislation, New York State would protect existing jobs at risk of being attracted to more robust labor markets and would stimulate job creation and capital investments that employers in strategic industries have heretofore withheld for lack of workers with the necessary skills and training.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

8. Proposal to Amend Excelsior Tax Credit Qualifying Business Language

Background: The Excelsior Jobs Program (EJP) Act is administered by Empire State Development (ESD) and offers four tax credits focused on certain strategic industries. The EJP is targeted towards firms engaged in biotechnology, pharmaceutical, high-tech, clean-tech, green-tech, financial services, agriculture, and manufacturing. Program participants pledge to make a substantial commitment to growth and credit is only awarded upon a demonstration that the commitment has been satisfied.

Proposal: The bill would amend the Excelsior Jobs Program to allow certain entertainment companies to participate in the program. The term “entertainment company” would include an entity principally engaged in the production or post production of motion pictures, televised commercial advertisements, animated films or cartoons, music videos, and television programs. Certain types of companies would be excluded from this definition, including companies principally engaged in the live performance of events, including, but not limited to, theatrical productions, concerts, circuses, and sporting events.

To qualify for Excelsior tax credits, an entertainment company would need to create or obtain net new jobs. These would include jobs obtained by an entertainment company in this state (i) as a result of the termination of a licensing agreement with another

entertainment company, (ii) that the commissioner determines to be at risk of leaving the state, (iii) that are either full-time wage-paying jobs or equivalent to a full-time wage-paying job requiring at least thirty-five hours per week, and (iv) that are filled for more than six months.

Discussion: Under current law, entertainment companies are not eligible to participate in the Excelsior Jobs Program. Amending the law to allow entertainment companies to participate in the Program would enable the State to safeguard strategic jobs in the entertainment industry that may be at risk of leaving the State.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

9. Proposal to Extend and Reform the Brownfield Cleanup Program

Background: Tax credits for projects in the Brownfield Cleanup Program (BCP), which is administered by the Department of Environmental Conservation (DEC), first became effective in 2005. These include a redevelopment tax credit consisting of separate components for site preparation, groundwater remediation, and tangible property costs, a real property tax credit for remediated brownfields, and an environmental remediation insurance tax credit. In 2008, program amendments instituted a new rate structure and imposed tangible property component caps on the redevelopment tax credit. The credits are scheduled to sunset after December 31, 2015.

Proposal: This proposal would institute a third credit structure for the redevelopment credit, applicable to projects accepted by DEC into the BCP on or after April 1, 2015. It would also make a number of technical changes designed to better focus and streamline the credit. Notable changes include:

- Limiting eligibility for the tangible property component to: sites where the property value is less than cleanup costs; sites located in Environmental Zones (En-Zones); and affordable housing projects;
- Creating a base 10% credit with 5% bonuses for sites in an En-Zone, sites in a Brownfield Opportunity Area, affordable housing projects, and sites used in manufacturing; the rate is capped at 24% however;
- Adding lead, asbestos, and PCB remediation to allowable site preparation costs.

The proposal also repeals the property tax and remediation insurance credits.

Discussion: The BCP has catalyzed the cleanup of over 190 contaminated sites on more than 1,000 acres, incentivizing redevelopment of brownfields across the State. The BCP, however, has also resulted in the awarding of over \$900 million in tax credits without regard to the need for financial assistance. This bill would implement the NYS Tax Reform and Fairness Commission's recommendation that the BCP be amended to prevent developments that would have gone forward without tax credits from taking advantage of the program.

To make the best use of the State's finite resources, this bill would focus the BCP's tax credits on sites, projects, and areas of the State that are most in need of tax credits to incentivize their redevelopment.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

10. Proposal to Reduce the Business Income Base Tax Rate on Small Businesses

Background: Small business taxpayers with an entire net income (ENI) base of \$290,000 or less are subject to a rate of 6.5 percent, which rises in stages to 7.1 percent as ENI increases to \$390,000. Corporate tax reform enacted in 2014 changed the name of the ENI base to the business income base, effective for tax years starting in 2015.

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Proposal: This proposal would reduce the business income base rate for small businesses in New York State beginning in 2016. The bill would take effect immediately.

Discussion: The rate for small businesses would be cut in half in tax year 2016 from 6.5 percent to 3.25 percent, to 2.9 percent in 2017, and further to a new permanent rate of 2.5 percent in 2018 and thereafter. The final rate for small businesses would represent a greater than 60 percent overall cut in the tax rate on such businesses.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

11. Proposal to Exempt Solar Power Purchase Agreements from Sales Tax

Background: State sales tax is imposed on electricity and electric service regardless of the means by which the electricity is generated. However, certain residential and industrial uses are exempt from tax.

Proposal: This proposal would exempt the sale of electricity that is generated by solar energy system equipment under a power purchase agreement.

Discussion: Residential and commercial solar energy systems are exempt from State sales tax. This proposal expands on these exemptions to include electricity that is generated by solar equipment, if it is sold under a power purchase agreement. Under such an agreement, the owner of the solar energy equipment installs its equipment on a customer's premises at no charge to the customer, and sells the power generated by the equipment to the customer at a fixed rate established in the agreement.

Revenue: This proposal would have no effect on revenues in SFY 2015-16.

12. Proposal to Extend the Wine Tasting Sales Tax Exemption to Other Alcoholic Beverages

Background: Currently, no tax is due on the wine furnished by a winery, farm winery, wholesaler, or importer at a wine tasting. The bottles, corks, caps, or labels used to package the wine served are also tax exempt. However, no similar provision applies to other alcoholic beverages.

Proposal: The proposal would exempt beer, cider and liquor used at tastings held in conformity with the Alcoholic Beverage Control Law from compensating use tax. It would also exempt certain of items used to package such beverages from sales and use tax.

Discussion: Brewers, distilleries, cideries and wineries are an important growing part of New York's economy. These producers often host tastings, in which customers are able to sample the producers' products. The tastings provide the producers with an opportunity to win new customers and are a key marketing tool. Under current law, the items that these producers take from inventory to use at the tastings are subject to use tax, including the liquor, beer, or cider being sampled. This bill would exempt those items from use tax and would reduce the cost of the tastings.

Revenue: This proposal would decrease revenue in SFY 2015-16 by a minimal amount.

13. Proposal to Reform the Industrial Development Agency Program

Background: Industrial Development Agencies (IDAs) are intended to encourage economic development and job growth. An IDA is a public benefit corporation that qualifies as an exempt organization under the Tax Law. Purchases by an IDA or its agent are exempt from State and local sales and use tax.

Proposal: Under the legislation, the Empire State Development Corporation must approve any IDA projects that contain State tax benefits. In addition, the Tax Commissioner is authorized to audit IDA projects and agents to see if job and investment and other targets were met. The proposal also expands existing laws relating to the “recapture” of State tax exemption benefits and implements a tax clearance for project operators and agents. The proposal also relates to improving IDA compliance with the Open Meetings Law and other laws, as well as mandating various information to be posted on each IDA’s web site.

Discussion: This proposal would make various reforms to the IDA program to make IDAs more transparent and accountable.

Revenue: This proposal would increase revenues in SFY 2015-16 by \$4 million.

14. **Proposal to Provide Petroleum Business Tax Reimbursement for Highway Diesel Motor Fuel Used in Farm Production**

Background: Under current law, sales of non-highway diesel motor fuel (i.e., dyed diesel fuel) are exempt from the petroleum business tax when such fuel will be used directly and exclusively in the production for sale of tangible personal property by farming and the fuel is not used on public highways other than for access to adjacent farmlands. In addition, farmers can seek reimbursement of the petroleum business tax on limited purchases of motor fuel (i.e., gasoline) when such fuel is similarly used in farm production. This proposal would extend this farming reimbursement to highway diesel motor fuel (i.e., undyed diesel fuel) by authorizing reimbursement of the petroleum business tax on limited purchases of such fuel when the fuel is used directly and exclusively in the production for sale of tangible personal property by farming and is not used on public highways other than for access to adjacent farmlands.

Proposal: This proposal would add a reimbursement of the petroleum business tax for highway diesel motor fuel for gallonage used in farm production.

Discussion: Farmers are able to purchase tax-exempt non-highway diesel motor fuel for their farm production activities, but they also need highway diesel motor fuel for their travels on state highways (beyond the limited field-to-field tax exemption exception). Because the cost of maintaining separate storage tanks for highway and non-highway diesel fuel is prohibitive, many farmers purchase taxed highway diesel motor fuel both for farm production and highway travel purposes in order to assure a supply of the highway diesel motor fuel required for their highway transportation needs. Allowing farmers to seek reimbursement of the business petroleum tax on the highway diesel motor fuel they use in their farm production activities will enable these farmers to purchase and store this undyed fuel in a single storage tank serving both farming and highway fuel needs. These farmers will need to maintain books and records documenting the amount of such fuel used for farm production, as opposed to non-reimbursable highway fuel use; the Tax Department believes this can be monitored effectively and will not increase opportunities for tax evasion.

Revenue: This proposal would decrease State revenue by less than \$400,000 in SFY 2015-16.

GLOSSARY

Compensating Use Tax: Tax levied on tangible personal property and services for its consumption, storage, or use in the State of residency upon which sales tax has not been collected.

Corporate Exemption: The partial or full statutory exemption of certain types of business entities from taxation.

Credit: Credits are amounts that are subtracted from tax liability (i.e., credits reduce the amount of tax due by the amount of the credit):

Credit Earned: The amount of credit generated in the current tax year.

Credit Claimed: The amount of credit which taxpayers have available during the taxable year. Taxpayers determine this by adding credit earned in the current year to any unused credit from prior years and subtracting any applicable credit recapture. The claimed amount also reflects the imposition of any statutory limitations.

Credit Used: The amount of credit which taxpayers actually apply to their tax liability.

Credit Carried Forward: Any unused amount of credit which is allowed to be used to offset tax liability in future years. The amount of credit carried forward is determined by subtracting the amount of credit used or refunded in the current year from the amount of credit claimed.

Credit Refunded: Unused credit amounts requested as a refund or applied against the next liability period. These are requested amounts from the tax return, not necessarily amounts actually paid. Refund requests are subject to audit and adjustment by the Tax Department and the Office of the State Comptroller.

Deduction: An amount which a taxpayer is allowed to subtract when computing the tax base.

Deferral: The legal authorization to delay the obligation to pay tax to a future period (e.g., a future tax year).

Dependent Exemptions: A fixed amount that is subtracted from New York Adjusted Gross Income for an individual's dependents, not including the taxpayer or spouse.

Entire Net Income (ENI): The amount of the taxable income base for corporate taxpayers. ENI equals federal taxable income after certain additions and subtractions for items that New York treats differently. The major adjustment in the computation of ENI for most taxpayers is the exclusion of income from subsidiary capital.

Excise Tax: A fixed, per unit tax imposed on a commodity or commodities (e.g., 11 cents per gallon of beer).

Exclusion/Exemption: The statutory elimination of certain items or transactions from the tax base.

GLOSSARY

Federal Adjusted Gross Income (FAGI): The amount of Federal income earned or received during the income year after certain exclusions and adjustments. Major exclusions from gross income include many government transfer payments, employer-provided pension contributions and fringe benefits, most capital gains from the sale of a primary residence, and a portion of social security benefits. Major adjustments to gross income include deductions for individual retirement arrangements, alimony paid, employee moving expenses, and one-half of self-employment tax paid.

Federal Conformity: The extent to which State tax laws adopt or conform to various provisions of Federal Tax Law.

Federal Taxable Income (FTI): The amount of taxable income before certain deductions reported by a corporate taxpayer on its Federal tax return. FTI includes all income received by the taxpayer during the tax year and most deductions from income. It does not include the Federal net operating loss deduction or the special Federal deductions for dividends received.

Flow-Through Provisions: Provisions (e.g., definitions, deductions, exclusions) that are derived from provisions of the Federal Tax Law and are applied to or flow-through to State Tax Law.

Franchise Tax: A tax imposed on business corporations for the privilege of conducting business in the State.

Gross Receipts Tax: Tax levied on the total receipts (e.g., income from sales) of a business.

Itemized Deductions: Individual deductions that are subtracted from New York Adjusted Gross Income and are applied in lieu of a standard deduction.

New York Adjusted Gross Income (NYAGI): The amount of Federal adjusted gross income earned or received during the income year after certain modifications and before the subtraction of either the standard deduction or itemized deductions, and dependent exemptions. For example, New York State income tax refunds, included in FAGI, are subtracted in determining NYAGI.

Personal Income Tax: A tax imposed on the income of persons. Examples of income that may be subject to tax include wages, non-wage income (interests, dividends, capital gains), business income, and investment income.

Premiums Tax: A tax imposed on insurance corporations and levied on the amount of net premiums received.

Reimbursement: An amount due to a taxpayer where there was a payment of tax, but no liability.

Sales Tax: An ad valorem tax levied on sales at retail.

Service: The performance of an action or activity for others.

Standard Deduction: A statutorily fixed amount, determined by filing status, subtracted from New York adjusted gross income.

Tangible Personal Property: Corporeal personal property of any nature.

Tax Expenditure: Features of the Tax Law that by exemption, exclusion, deduction, allowance, credit, preferential tax rate, deferral, or other statutory device, reduce the amount of taxpayers' liabilities to the State by providing either economic incentives or tax relief to particular classes of persons or entities, to achieve a public purpose.

Taxable Income: The amount to which the applicable tax rate is applied. Taxable income is gross income (prior to any adjustments) minus modifications, deductions, and exemptions.

Tax Liability: The amount of tax required to be paid by a taxpayer.

Transfer Tax: A tax imposed on the transfer of tangible personal property (e.g., real property) from one individual or entity to another.

GLOSSARY

APPENDIX A: PRE-REFORM CORPORATION FRANCHISE TAX

This section of the report provides tax expenditure estimates for the separate provisions of the Corporation Franchise Tax on general business corporations **as it existed on December 31, 2014**. It contains historical estimates of the tax expenditures for tax years 2007 through 2011, the latest year for which Article 9-A tax return data are available. Table 1 summarizes the tax expenditure estimates and includes total Article 9-A corporate franchise tax liability for the 2011 tax year to provide a benchmark for the tax expenditure estimates. This section will be continued until tax year 2014 data is reported to provide a full history of these expenditures under the pre-reform structure.

Description of Tax

Article 9-A imposes a Corporate Franchise Tax on general business corporations for the privilege of conducting business in New York. Certain other corporations (public utilities, banks, and insurance companies) pay tax under other articles of the Tax Law. The Corporation Franchise Tax has four separate bases: allocated entire net income (ENI); allocated business and investment capital; allocated minimum taxable income (AMT); and a fixed dollar minimum. Corporations pay the highest tax computed on these bases less applicable credits, but generally not less than the fixed dollar amount. The Tax Law imposes an additional tax on allocated subsidiary capital. Because of the similarities between the ENI and AMT computations, the tax expenditure provisions and estimates discussed in this section pertain only to the allocated ENI and allocated business and investment capital bases.

The computation of Corporation Franchise Tax on the allocated ENI and allocated AMT bases generally starts with Federal taxable income. Taxpayers then make several state-specific modifications to arrive at New York ENI and AMT. Both income bases consist of business and investment income. Taxpayers allocate each type of income to New York by its respective allocation percentage. The sum of these allocated incomes equals the taxable income bases. For most corporations, the tax rate is 7.1 percent of allocated ENI or 1.5 percent of AMT. Lower tax rates apply to small businesses, manufacturers, and qualified emerging technology companies (QETCs).

The tax on allocated business and investment capital starts with the taxpayer's total assets. Taxpayers reduce their assets by both long- and short-term liabilities to arrive at total capital. Total capital minus subsidiary capital and investment capital equals business capital. Taxpayers then multiply each type of capital by its respective allocation percentage. Total allocated business and investment capital forms the allocated capital base. (A separate tax applies to allocated subsidiary capital.) The tax rate of 0.15 percent applies to allocated capital of most corporations. Lower rates apply to manufacturers and QETCs. The maximum tax under this base is capped at \$350,000 for manufacturers and QETCs and \$1 million for all other taxpayers. For tax years 2008 through 2010, non-manufacturers/non-QETCs were subject to a temporary \$10 million cap.

In tax years beginning on or after January 1, 2008, the fixed dollar minimum tax generally ranges from \$25 to \$5,000 depending on the amount of New York receipts for the taxable year. Manufacturers and QETCs are subject to lower amounts. Prior to the 2008 tax

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year, the fixed dollar minimum tax was based on a taxpayer's gross payroll. The amounts ranged from \$100 to \$1,500, although in the 2004 and 2005 tax years, the \$1,500 amount was temporarily raised to \$5,000 and \$10,000. Also in those two tax years, taxpayers with gross payroll between \$250,001 and \$500,000 paid \$100 instead of the \$225 amount in effect for tax years prior to 2004 and in 2006 and 2007.

Starting in the 2012 tax year, manufacturers begin to benefit from a series of additional tax rate preferences. In tax years 2012 through 2014, eligible qualified New York manufacturers will have an AMT rate of 0.75 percent and fixed dollar minimum amounts that are one-half of the amounts for other taxpayers. In addition, the ENI rate for eligible qualified New York manufacturers will be 3.25 percent in 2012 and 2013. Starting in the 2014 tax year, all qualified New York manufacturers (including eligible qualified New York manufacturers) will also receive a 0 percent ENI rate. In addition, in 2014, the remaining base rates and fixed dollar minimum amounts will be cut by 9.2 percent for all qualified New York manufacturers. This results in a 1.362 percent AMT rate, a 0.1362 percent capital base rate, and commensurate reductions in each of the seven fixed dollar minimum amounts.

The 9.2 percent reduction in rates and fixed dollar minimum amounts in 2014 for qualified New York manufacturers also applies to QETCs. In addition, the ENI rate for QETCs will be 5.9 percent in 2014.

Data Sources

The major sources of data used to compute the tax expenditure estimates include:

- 2011 Article 9-A Corporation Franchise Tax (CFT) Study File — This file, compiled by the Department of Taxation and Finance, includes all corporations filing under Article 9-A except certain fixed minimum tax filers and S corporations. It includes selected data items from the tax returns for each corporation.
- Congressional Joint Committee on Taxation (JCT) Estimates of Federal Tax Expenditures and relevant fiscal analyses.

Methodology

Simulations and queries of the study file generate the base case tax expenditures.

Because no data for Federal exclusion items which are listed in Appendix C exist at the State level, the estimates of the Federal tax expenditure items come from prorations of JCT estimates to New York.

Tax expenditures whose values are less than \$0.1 million are considered minimal and are designated by an asterisk.

The study file is comprised of taxpayers whose filing period began in 2011.

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No 2015 forecast values are provided because the structure of Article 9-A will be substantially different than the pre-reform structure.

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Table A-1
Pre-Reform Corporate Franchise Tax Expenditure Estimates
(2011 Total Corporate Franchise Tax Liability = \$2,091.8 Million)
(Millions of Dollars)

Tax Item	History					Reliability
	2007	2008	2009	2010	2011	Level
New York Modifications to Federal Taxable Income						
1. Exclusion of Interest, Dividends, and Capital Gains from Subsidiary Capital	1,796.1	592.3	1,031.2	1,221.9	1,043.6	1
2. Deduction of Fifty Percent of Dividends from Non-Subsidiary Corporations	20.9	12.5	22.9	32.5	19.7	1
3. New Small Business Exemption (Capital Base only)	N/A	N/A	N/A	N/A	N/A	5
4. Deduction of Receipts from School Bus Operation	N/A	N/A	N/A	N/A	N/A	5
5. Exclusion of Income for Foreign Airlines	N/A	N/A	N/A	N/A	N/A	5
Allocation Percentages						
6. Optional Treatment of Cash	8.9	22.3	20.9	18.5	5.1	1
Corporate Exemptions						
7. Exempt Companies	N/A	N/A	N/A	N/A	N/A	5
8. Companies Whose Income "Passes Through" to Shareholders						
a. Real Estate Investment Trusts (REITs) ²	N/A	N/A	N/A	N/A	N/A	5
b. Regulated Investment Companies (RICs) ²	N/A	N/A	N/A	N/A	N/A	5
9. Businesses Using Fulfillment Services	N/A	N/A	N/A	N/A	N/A	5
10. Corporate Parent with Bank and Insurance Subsidiaries or Gas and Electric Subsidiaries	14.2	9.8	16.7	14.7	14.1	1
11. Homeowners Association Exemption from Fixed Dollar Minimum Tax	N/A	N/A	N/A	N/A	N/A	5
12. Companies Operating In an Innovation Hot Spot	--	--	--	--	--	5
Preferential Tax Rates						
13. Special ENI Rates for Qualifying Small Business Corporations	6.8	6.8	6.0	6.1	6.1	1
14. Special Tax Benefits for QETCs and New York Manufacturers						
a. Lower Capital Base Liability Cap ³	4.4	4.2	13.2	7.8	0.8	1
b. Reduced 6.5 Percent ENI Rate	4.9	3.4	4.5	6.2	6.0	1
c. Zero Percent ENI Rate	--	--	--	--	--	5
d. Percent Reduction in All Tax Rates	--	--	--	--	--	5
e. Capped Tax Cut for Eligible Qualified New York Manufacturers	--	--	--	--	--	5
Cross-Article Credits						
15. Investment Tax Credit, Retail Enterprise Tax Credit, Employment Incentive Credit, and Rehabilitation Credit for Historic Barns ⁴	99.0	106.5	106.6	82.3	74.9	1
16. Investment Tax Credit for the Financial Services Industry ⁴	6.8	20.5	18.6	18.1	5.0	1
17. Credit for Servicing SONYMA Mortgages ⁴	0.0	0.0	0.0	0.0	0.0	1
18. Special Additional Mortgage Recording Tax Credit ⁴	7.0	3.4	3.9	2.7	3.5	1
19. Empire Zone (EZ) and Qualified Empire Zone Enterprise (QEZE) Credits ⁴						
a. EZ Investment Tax Credit and Employment Incentive Credit	30.9	32.3	21.8	26.2	22.9	1
b. EZ and Zone Equivalent Area Wage Tax Credit	28.9	23.4	14.6	11.9	10.9	1
c. EZ Capital Credit	0.1	0.1	*	*	*	1
d. QEZE Real Property Tax Credit	118.6	119.0	128.0	131.8	118.9	1

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Tax Item	History					Reliability
	2007	2008	2009	2010	2011	Level
e. QEZE Tax Reduction Credit	30.8	31.7	28.5	28.4	21.9	1
20. Farmers' School Property Tax Credit	1.1	1.1	1.2	1.1	1.1	1
21. Credit for Employment of Persons with Disabilities ⁴	0.1	*	*	*	*	1
22. Qualified Emerging Technology Company (QETC) Credits ⁴						
a. QETC Capital Tax Credit	*	*	*	*	*	1
b. QETC Employment Credit	0.3	0.4	0.4	0.4	0.5	1
23. Low-Income Housing Credit ⁴	*	0.0	*	0.0	0.0	1
24. Credit for Purchase of an Automated External Defibrillator ⁴	*	0.1	*	*	*	1
25. Green Building Credit ⁴	1.2	1.2	3.7	0.4	0.0	1
26. Long-Term Care Insurance Credit	0.1	0.1	0.2	0.2	0.1	1
27. Empire State Film and Commercial Credits						
a. Empire State Film Production Credit	61.4	137.1	102.6	200.4	273.6	1
b. Empire State Film Post Production Credit	--	--	--	0.0	0.2	1
c. Empire State Commercial Production Credit	0.6	1.6	0.8	1.0	0.8	1
28. Security Training Tax Credit ⁴	0.4	0.3	0.2	*	0.0	1
29. Brownfields Tax Credits ⁴						
15. Brownfield Redevelopment Tax Credit	126.4	32.4	8.7	171.6	14.6	1
b. Remediated Brownfield Credit for Real Property Taxes	1.5	2.6	2.8	2.8	3.2	1
c. Environmental Remediation Insurance Credit	0.1	0.0	0.0	0.0	0.0	1
30. Biofuel Production Credit ⁴	0.0	0.0	*	2.4	2.5	1
31. Land Conservation Easement Credit ⁴	*	*	*	*	*	1
32. Clean Heating Fuel Credit ⁴	*	*	*	*	*	1
33. Credit for Rehabilitation of Historic Properties ⁴	0.3	*	*	1.0	4.3	1
34. Excelsior Jobs Program Tax Credit	--	--	--	--	*	1
35. Credit for Companies Who Provide Transportation to Individuals with Disabilities	--	--	--	--	*	1
36. Economic Transformation and Facility Redevelopment Program Tax Credit	--	--	--	--	0.0	1
37. New York Youth Works Tax Credit	--	--	--	--	--	5
38. Empire State Jobs Retention Program Tax Credit	--	--	--	--	--	5
39. Beer Production Credit	--	--	--	--	--	5
40. Alternative Fuels and Electric Vehicle Recharging Property Credit	--	--	--	--	--	5
41. Minimum Wage Reimbursement Credit	--	--	--	--	--	5
42. START-UP NY Tax Elimination Credit	--	--	--	--	--	5
43. Credit for the Excise Tax on Telecommunication Services Paid by START-UP New York Businesses ¹	--	--	--	--	--	5
44. Real Property Tax Relief Credit for Manufacturing ¹	--	--	--	--	--	5

1/ A new tax expenditure item, a revision of the methodology or revisions in the data sources resulting in an estimate which better reflects the tax expenditure value.

2/ The income of a REIT or RIC which is passed through to its shareholders is not subject to entity level taxes imposed by the Federal government. (The income of the REIT or RIC that is paid to its shareholders is subject to individual income taxes imposed on the shareholders). New York conforms to the Federal government's treatment of REIT or RIC income. As a result, the Federal taxable income, which is the starting point for determining the State tax liability, of a REIT or RIC is minimal or zero. Thus, the New York State tax returns filed by a REIT or RIC do not provide the data necessary to determine or estimate the value of this tax expenditure.

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Tax Item	History					Reliability
	2007	2008	2009	2010	2011	Level
3/	In 2005, the liability cap only applied to manufacturers. For tax years beginning on or after January 1, 2008, the cap was extended to QETCs.					
4/	For tax years 2010, 2011, and 2012, credit is subject to deferral. Values reported reflect the amount of credit computed absent deferral rules.					
*	Less than \$0.1 million					
--	The tax expenditure was not applicable for these years					
N/A	No data available					

APPENDIX A: PRE-REFORM CORPORATION FRANCHISE TAX

New York Modifications to Federal Taxable Income

In computing New York entire net income (ENI), Article 9-A allows certain modifications to Federal taxable income.

1. **Exclusion of Interest, Dividends, and Capital Gains from Subsidiary Capital**
Citation: Section 208(9)(a)(1)
Effective Date: Effective for tax years beginning on or after January 1, 1944
Description: In computing New York entire net income, taxpayers may subtract dividends, interest, and gains derived from subsidiary corporations (other than DISCs) that are not part of the combined filing entity from Federal taxable income.
Estimate: 2011: \$1,043.6 million
Data Source: CFT Study File
Reliability: Level 1

2. **Deduction of Fifty Percent of Dividends from Non-Subsidiary Corporations**
Citation: Section 208(9)(a)(2)
Effective Date: Effective for tax years beginning on or after January 1, 1944
Description: A New York corporation may deduct 50 percent of dividend income received from non-subsidiary corporations (other than DISCs) from Federal taxable income. For tax years beginning on or after January 1, 1989, New York conforms to IRC Section 246(c); stock must be held for 45 days or more to qualify for the deduction.
Estimate: 2011: \$19.7 million
Data Source: CFT Study File
Reliability: Level 1

3. **New Small Business Exemption (Capital Base only)**
Citation: Section 210(1-c)
Effective Date: Effective for tax years beginning on or after January 1, 1981
Description: The law exempts new small businesses from the tax based on allocated business and investment capital. This exemption applies to the first two years of operation of a business that:
 - operates as a small business corporation as defined under the Internal Revenue Code;
 - has at least 90 percent of its assets and 80 percent of its employees located and employed within New York State;
 - is not a subsidiary of a taxable New York corporation; and
 - is not a corporation which is substantially similar in operation and in ownership to a business entity (or entities) previously taxable under Article 9-A.**Estimate:** No data available
Reliability: Level 5

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4. Deduction of Receipts from School Bus Operation

Citation: Section 208(9)(a)(4)

Effective Date: Effective for tax years beginning on or after January 1, 1962

Description: A taxpayer may exclude income and deductions with respect to amounts received from school districts and nonprofit religious, charitable, or educational organizations for the operation of school buses in determining a corporation's taxable entire net income.

Estimate: No data available

Reliability: Level 5

5. Exclusion of Income for Foreign Airlines

Citation: Section 208(9)(c-1)

Effective Date: The law applies income provisions retroactive to January 1, 1989; the allocation of foreign airlines' business capital became effective for taxable years beginning on or after January 1, 1994

Description: Certain foreign airlines may exclude all income from international operations of aircraft effectively connected to the United States, foreign passive income, and income earned overseas from overseas operations of aircraft from entire net income. These foreign airlines may also exclude business and investment assets connected with such exempt income from the capital base tax. These tax benefits apply provided the "home country" provides similar treatment to United States airlines.

Estimate: No data available

Reliability: Level 5

Allocation Percentages

Business corporations are subject to tax only on the portion of their income and capital attributable to New York activities. Consequently, formulas have been devised (called allocation percentages) for the purpose of determining the portion of a corporation's business income and capital, investment income and capital, and subsidiary capital taxable in New York. The tax provisions listed in this section are the consequence of preferences given through the calculation of the allocation percentages contained in Article 9-A.

6. Optional Treatment of Cash

Citation: Section 208(7)

Effective Date: Effective for tax years beginning on or after January 1, 1944

Description: Taxpayers with investment capital may elect to report cash as either investment or business capital. Taxpayers reporting cash as investment capital allocate using the generally lower investment allocation percentage.

Estimate: 2011: \$5.1 million

Data Source: CFT Study File

Reliability: Level 1

APPENDIX A: PRE-REFORM CORPORATION FRANCHISE TAX

Corporate Exemptions

Certain entities are exempt from the Article 9-A corporate franchise tax.

7. Exempt Companies

Citation: Sections 3 and 209(4)(5)(6)(7) and (9)

Effective Date: Certain companies have been exempt from tax since Article 9-A was enacted in 1944. Other exemptions have been added over the years as new entities have been granted an exemption legislatively or in accordance with Federal exemption language. The approximate effective date of each of the following types of companies or organizations is noted in parentheses after each item.

Description: The following companies or organizations are exempt from taxation under Article 9-A:

- Limited Profit Housing Companies (6/7/74)
- Limited Dividend Housing Companies (1/1/74)
- Trust Companies organized under a law of New York, all of the stock of which is owned by not less than 20 savings banks organized under a law of New York (3/31/44)
- Urban Development Corporation and its subsidiaries (1/1/69)
- Domestic corporations exclusively engaged in the operation of one or more vessels in foreign commerce (3/31/44)
- Domestic International Sales Corporations (DISCs), to the extent a DISC is required to have its income imputed to its shareholders (1/1/71)
- Passive Trusts (3/31/44)
- Certain corporations organized other than for profit and those corporations which are generally exempt from Federal tax by the Internal Revenue Code (3/31/44)
- Corporations exempt pursuant to Federal Public Law 86-272 wherein a foreign corporation has limited its activities in New York to the mere solicitation of orders by its employees or representative (9/14/59)
- Real Estate Mortgage Investment Conduits (REMICs) (1/1/87)
- Industrial Development Agencies (1/1/69)
- Housing Development Fund Companies (7/24/86)
- Corporations exempt from tax under IRC Sections 501(c)(2) and (25) (1/1/87)
- Certain cooperative heating and cooling service companies that are organized without capital stock and that are exempt from tax pursuant to IRC Section 501(c)(12). Such corporations pay an annual fee of \$10 to the Commissioner of Taxation and Finance in lieu of all corporation franchise taxes. (1/1/95)

Estimate: No data available

Reliability: Level 5

8. Companies Whose Income “Passes Through” to Shareholders

c. Real Estate Investment Trusts (REITs)

Citation: Section 209(5)

Effective Date: Effective for tax years beginning after December 31, 1972

Description: To the extent that the REIT passes through its income to the shareholders, the REIT is exempt from the franchise tax. The shareholders have their dividend or distributed gain taxed at their own rate of tax, usually under the Personal Income Tax. Any undistributed income by the REIT would be subject

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to the franchise tax. Effective for taxable years beginning on or after January 1, 2007, REITs that were subsidiaries of corporate franchise taxpayers were required to file combined with their parents and did not receive preferential tax treatment at the entity level. Effective for tax years beginning on or after January 1, 2008, the 2007 combined reporting rules were modified to require captive REITs to now file combined with their closest controlling stockholder.

Estimate: No data available

Reliability: Level 5

d. **Regulated Investment Companies (RICs)**

Citation: Section 209(7)

Effective Date: Effective for tax years beginning after December 31, 1980

Description: To the extent that the RIC passes through its income to the shareholders, the RIC is exempt from the franchise tax. The shareholders have their dividend or distributed gain taxed at their own rate of tax, usually under the Personal Income Tax. Any undistributed income by the RIC would be subject to the franchise tax. Effective for tax years beginning on or after January 1, 2007, RICs that were subsidiaries of corporate franchise taxpayers were required to file combined with their parents and did not receive preferential tax treatment at the entity level. Effective for tax years beginning on or after January 1, 2008, the 2007 combined reporting rules were modified to require captive RICs to now file combined with their closest controlling stockholder.

Estimate: No data available

Reliability: Level 5

9. **Businesses Using Fulfillment Services**

Citation: Sections 208(19) and 209(2)

Effective Date: September 1, 1997

Description: A corporation shall not be deemed to be doing business, employing capital, owning or leasing property, or maintaining an office in the State for purposes of the Corporation Franchise Tax by reason of the use of fulfillment services of an entity other than an affiliated entity and the ownership of property stored on the premises of such entity in conjunction with such services. Fulfillment services are defined as the: acceptance of orders; responses to consumers inquiries; billing collection activities; and shipment of orders from an inventory of products regularly offered for sale by the purchaser of such services.

Estimate: No data available

Reliability: Level 5

10. **Corporate Parent with Bank and Insurance Subsidiaries or Gas and Electric Subsidiaries**

Citation: Section 210(1)(e)(2)

Effective Date: Effective for tax years beginning after December 31, 1999 for corporate parents with bank and insurance subsidiaries; for corporate parents with gas and electric subsidiaries, the 30 percent exclusion is effective for tax years beginning on or after January 1, 2000; the 100 percent exclusion applies to tax years beginning on or after January 1, 2001.

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- Description:** A corporate parent is allowed to exclude from its subsidiary capital tax base, capital attributable to subsidiaries taxable under Article 32 (bank) or 33 (insurance) taxes. The corporate parent is also allowed to exclude from its subsidiary capital tax base, capital attributable to gas and electric subsidiaries taxable under Section 186 of the Tax Law.
- Estimate:** 2011: \$14.1 million
- Data Source:** CFT Study File
- Reliability:** Level 1
11. **Homeowners Association Exemption from Fixed Dollar Minimum Tax**
Citation: Section 210(1)
Effective Date: Effective for tax years beginning on or after January 1, 2000
Description: Article 9-A exempts qualified homeowners associations that have no homeowner's taxable income from payment of the fixed dollar minimum tax. The associations would still be subject to the other taxable bases under Article 9-A, if applicable.
Estimate: No data available
Reliability: Level 5
12. **Companies Operating In an Innovation Hot Spot**
Citation: Section 38, Section 208(9)(a)(18), Section 209(11)
Effective Date: Effective for tax years beginning on or after January 1, 2014
Description: The New York State Business Incubator and Innovation Hot Spot Support Act created special tax benefits for qualified entities operating in Innovation Hot Spots. These tax benefits are allowed for five tax years beginning with the first tax year the qualified entity becomes a tenant in (or part of) an Innovation Hot Spot.
- Qualified entities located completely within an Innovation Hot Spot are exempt from the ENI, AMT, and capital tax bases. Instead, these entities must only pay the fixed dollar minimum tax.
- Qualified entities located both within and without an Innovation Hot Spot, or that are a corporate partner in a qualified entity, are allowed a deduction in computing ENI for the amount of income or gain attributable to the operations at (or as part of) the Innovation Hot Spot.
- Estimate:** 2011: Not Applicable
- Reliability:** Level 5

Preferential Tax Rates

13. **Special ENI Rates for Qualifying Small Business Corporations**
Citation: Section 210(1)(a)(iv)
Effective Date: Effective for tax years beginning after December 31, 1986
Description: Special tax rates apply to corporations that qualify as small business taxpayers. The law defines a small business taxpayer as a taxpayer that meets the Federal definition of a small business (IRC Section 1244(c)(3)) and that has worldwide entire net income (ENI) of not more than \$290,000 for the taxable year.

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Prior to the 2005 tax year, small business taxpayers with an ENI base of \$200,000 or less paid a 6.85 percent rate. Taxpayers with an ENI base of more than \$200,000 but not more than \$290,000 paid \$13,700 plus 7.5 percent of the amount over \$200,000, plus 3.25 percent of the amount over \$250,000.

For tax years beginning on or after January 1, 2005, the preferential small business rate was lowered and the ENI threshold was raised to \$390,000. Taxpayers with an ENI base of \$290,000 or less paid a 6.5 percent rate. Taxpayers with an ENI base of more than \$290,000 but not more than \$390,000 paid \$18,850 plus 7.5 percent of the amount over \$290,000 plus 7.25 percent of the amount over \$350,000. To account for changes in the Article 9-A rate, starting in tax years beginning on or after January 1, 2007, taxpayers with an ENI base of \$290,000 or less continued to pay a 6.5 percent rate. However, taxpayers with an ENI base of more than \$290,000 but not more than \$390,000 pay \$18,850 plus 7.1 percent of the amount over \$290,000, plus 4.35 percent of the amount over \$350,000.

Estimate: 2011: \$6.1 million

Data Source: CFT Study File

Reliability: Level 1

14. Special Tax Benefits for Qualified Emerging Technology Companies and New York Manufacturers

Qualified emerging technology companies (QETCs) and manufacturers in New York are subject to reduced tax rates and fixed dollar minimum amounts, as well as a lower capital base liability cap.

A corporation is a *qualified emerging technology company* if it meets the definition in Public Authorities Law Section 3102-e(1)(c), except that the \$10 million limitation under 3102-e(1)(c)(1) does not apply.

A *manufacturer* is defined as “a taxpayer...principally engaged in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture, or commercial fishing.” The generation and distribution of electricity, the distribution of natural gas, and the production of steam associated with the generation of electricity is specifically excluded for purposes of the lower ENI rates, AMT rates, and FDM amounts.

To be a *qualified New York manufacturer* eligible for the preferential tax treatment, the taxpayer must meet two tests. First, the taxpayer, or the combined group, must be principally engaged in manufacturing. This test is satisfied if more than 50 percent of the taxpayer’s or group’s gross receipts are derived from the sale of goods produced by the activities listed above.

The second test requires the taxpayer to have manufacturing property in New York State with a federal adjusted basis of at least \$1 million or have all of its real and personal property located in New York State.

For the 2014 tax year, a taxpayer, or combined group, that fails the receipts test may still be a *qualified New York manufacturer* if it has at least 2,500 New York

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manufacturing employees and at least \$100 million of manufacturing property in New York.

Eligible qualified New York manufacturers are subject to even lower rates for tax years 2012 through 2014. To be eligible, a qualified New York manufacturer must have a Metropolitan Commuter Transportation District allocation percentage of less than 15 percent for that year and have an average of 100 or fewer full-time equivalent employees in New York State during the tax year.

a. **Lower Capital Base Liability Cap**

Citation: Section 210(1)(b)(1)(vi)

Effective Date: Effective for qualified New York manufacturers for tax years beginning on or after January 1, 2005; Effective for QETCs for tax years beginning on or after January 1, 2008

Description: The maximum liability under the capital base is \$1 million, except taxpayers that are qualified New York manufacturers or QETCs are subject to a lower cap of \$350,000. For tax years beginning on or after January 1, 2008 and before January 1, 2011, the non-manufacturer/non-QETC cap was temporarily raised to \$10 million.

Estimate: 2011: \$0.8 million

Data Source: CFT Study File

Reliability: Level 1

b. **Reduced 6.5 Percent ENI Rate**

Citation: Section 210(1)(a)(vi)

Effective Date: Effective for tax years beginning on or after January 31, 2007 and before January 1, 2014

Description: Taxpayers that are qualified New York manufacturers or QETCs are subject to a reduced ENI rate of 6.5 percent.

Estimate: 2011: \$6.0 million

Data Source: CFT Study File

Reliability: Level 1

c. **Zero Percent ENI Rate**

Citation: Section 210(1)(a)(vi)

Effective Date: Effective for tax years beginning on or after January 1, 2014

Description: Taxpayers that are qualified New York manufacturers (including eligible qualified New York manufacturers) are subject to a 0 percent ENI rate.

Estimate: 2011: Not Applicable

Data Source: New York State Division of the Budget

Reliability: Level 5

d. **Percent Reduction in All Tax Rates**

Citation: Section 210(1)(a)(vi), Section 210(b)(1)(3), Section 210(c)(1)(iii), Section 210(d)(1)(6)

Effective Date: Effective for tax years beginning on or after January 1, 2014 and before January 1, 2015

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Description: For qualified New York manufacturers and QETCs, the tax rates applicable to the capital and AMT bases, as well as the fixed-dollar minimum amounts, are reduced by 9.2 percent. This results in a 1.362 percent AMT rate, a 0.1362 percent capital base rate, and commensurate reductions in each of the seven fixed dollar minimum amounts. The ENI rate for QETCs is also reduced by 9.2 percent, resulting in a 5.9 percent rate (see Item 14c for the 2014 ENI rate for qualified New York manufacturers).

Estimate: 2011: Not Applicable

Data Source: New York State Division of the Budget

Reliability: Level 5

e. **Capped Tax Cut for Eligible Qualified New York Manufacturers**

Citation: Section 210(1)(a)(vi), 210(1)(c)(ii), 210(1)(d)(5)

Effective Date: Effective for tax years beginning on or after January 1, 2012 and before January 1, 2015

Description: Eligible qualified New York manufacturers are subject to the following tax base preferences:

- entire net income rate of 3.25 percent in 2012 and 2013 (See Item 14c for the 2014 ENI rate for eligible qualified New York manufacturers);
- alternative minimum tax rate of 0.75 percent; and
- fixed dollar minimum amounts equal to half the amounts applicable to all other taxpayers.

Estimate: 2011: Not Applicable

Data Source: New York State Division of the Budget

Reliability: Level 5

Cross-Article Credits

Credits include amounts that the taxpayer may subtract in calculating New York tax liability or request as a refund or apply as a payment for the next tax period. Full descriptions of all the tax credits available under Article 9-A as well as other tax articles are contained in the Cross-Article Tax Credits section of this report. For tax years 2010, 2011, and 2012, taxpayers are required to defer the use and refund of certain tax credits if they exceed \$2 million in aggregate.

The following summary table presents total credit amounts for Article 9-A tax credits and their various components for the most recent year for which there is data. The definitions of the components are:

- Credit earned — the amount of credit generated in the current tax year.
- Unused credit from the prior year — amounts carried forward from the previous tax year.
- Recaptured credit — amounts that taxpayers had to subtract from credit available because the basis for the credit was no longer qualified.
- Credit claimed — credit available less recaptured credit; the claimed amount also reflects the impact of any statutory credit limitations.
- Credit used — amounts of credit actually applied by the taxpayer to reduce liability.

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- Refundable credit — the amount of excess credit, where applicable, requested as a refund by the taxpayer or applied as a payment to the next tax period.
- Credit carried forward — unused, unrefunded amounts of credit allowed to offset tax liability in future years.

The amount of credit used plus refunded is the tax expenditure for the year. For additional detail on credits, see the Office of Tax Policy Analysis' annual publication, *Analysis of Article 9-A General Business Corporation Franchise Tax Credits*.

	2011 (\$ in millions)								
	Total Credit Earned	Unused Credit from the Prior Year	Total Credit Available	Recaptured Credit	Credit Claimed	Credit Used	Refundable Credit ¹	Credit Deferred	Credit Carried Forward
Investment Tax Credit	\$141.4	\$1,131.7	\$1,273.1	\$5.9	\$1,235.0	\$74.3	\$0.6	\$25.1	\$1,160.1
Investment Tax Credit for the Financial Services Industry	14.4	31.7	46.1	d/	46.1	5.0	0.0	d/	41.1
Mortgage Servicing Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Special Additional Mortgage Recording Tax Credit	4.2	2.9	7.1	0.0	7.1	2.1	1.3	0.0	3.6
Empire Zone Credits	332.5	1,240.9	1,573.4	d/	1,498.3	70.4	104.2	57.2	1,323.6
Alternative Minimum Tax Credit	2.0	18.0	20.1	0.0	20.1	0.5	0.0	--	19.6
Farmers' School Tax Credit	1.2	1.6	2.8	d/	2.8	0.0	1.1	--	1.7
Credit for Employment of Persons with Disabilities	0.0	0.0	0.1	0.0	0.1	0.0	0.0	d/	0.0
Alternative Fuels Credit ²	0.0	d/	d/	0.0	d/	d/	0.0	0.0	0.0
QETC Employment Credit	0.5	0.0	0.5	0.0	0.5	0.0	0.5	0.0	0.0
QETC Capital Tax Credit	1.0	0.5	1.4	0.0	1.4	0.1	0.0	0.0	0.7
QETC Facilities, Operations, and Training Credit	13.6	0.0	13.6	0.0	10.7	0.6	10.1	0.0	0.0
Low-Income Housing Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Credit for Purchase of an Automated External Defibrillator	0.1	0.0	0.1	0.0	0.1	0.1	0.0	d/	0.0
Green Building Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Long-Term Care Insurance Credit	0.2	0.3	0.5	0.0	0.5	0.1	0.0	--	0.3
Empire State Film Production Credit ³	227.0	177.4	404.4	0.0	273.6	15.2	258.4	--	209.2
Empire State Commercial Production Credit	0.6	0.5	1.1	0.0	1.1	d/	0.7	0.0	0.3
Security Officer Training Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Fuel Cell Electric Generating Equipment Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Brownfield Tax Credits	17.7	0.0	17.7	0.0	17.7	0.4	17.3	7.3	0.0
Biofuel Production Credit	d/	0.0	d/	0.0	d/	d/	d/	d/	0.0
Conservation Easement Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Clean Heating Fuel Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Historic Properties Rehabilitation Credit	6.8	d/	8.5	0.0	8.5	4.3	0.0	0.0	4.2
Credit for Taxicabs & Livery Service Vehicles									
Accessible to Persons with Disabilities	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Empire State Film Post-Production Credit	0.5	0.0	0.5	0.0	0.5	0.0	0.2	--	0.2
Excelsior Jobs Program Tax Credit	d/	0.0	d/	0.0	d/	0.0	d/	--	0.0
Economic Transformation & Facility Redevelopment Program Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	--	0.0
Total⁴	\$766.4	\$2,607.5	\$3,373.9	\$35.0	\$3,126.9	\$173.8	\$396.6	\$90.3	\$2,765.0

¹Credit refunded includes amounts eligible for refund, but instead claimed as an overpayment applied against next year's tax liability at the discretion of the taxpayer.

²The provisions of this credit allow for the transfer of excess credit to affiliates of the taxpayer. In 2010 and 2011, no corporation transferred credit to affiliates.

³The amount of credit claimed only reflects amounts that will be used and refunded during the tax year. The amount of credit carried forward is the amount that was deferred due to the bifurcation rules of the credit. It will be utilized in the following year or two years depending on the size of the respective credit amount earned.

⁴Total row reflects the vertical summation of the individual credit components. Horizontal calculations within the row are not valid. Totals may not add due to rounding.

d/ Tax Law provisions prohibit the disclosure of data.

APPENDIX A: PRE-REFORM CORPORATION FRANCHISE TAX

APPENDIX B: PRE-REFORM BANK TAX

This section of the report provides tax expenditure estimates for separate provisions of the Franchise Tax on Banking Corporations **as it existed on December 31, 2014**. It contains historical estimates of the tax expenditures for tax years 2007 through 2011, the latest year for which Article 32 tax return data are available. Table 2 summarizes the tax expenditure estimates and includes total Article 32 tax liability for the 2011 tax year to provide a benchmark for the tax expenditure estimates. This section will be continued until tax year 2014 data is reported to provide a full history of these expenditures under the pre-reform structure.

Description of Tax

Article 32 imposes a franchise tax on banking corporations for the privilege of doing business in New York. Under Article 32, a bank's tax liability equals the larger of:

- 7.1 percent of allocated entire net income (ENI);
- 0.01 percent on each dollar of allocated assets (reduced rates of 0.002 percent or 0.004 percent apply to a bank that meets certain criteria based on its net worth to asset ratio and the percentage of mortgages included in its total assets);
- 3 percent of allocated alternative ENI; or
- a fixed dollar minimum tax of \$250.

Corporations doing business within and without the State use formula apportionment to determine the portion of the tax base (i.e., ENI, alternative ENI, or assets) attributable to New York. Taxpayers determine the base allocable to New York by multiplying the unallocated base by an allocation percentage based on the ratio of receipts, deposits, and payroll earned or paid in New York to those everywhere. The receipts and deposits factors are double-weighted. The payroll factor is single-weighted, but taxpayers can discount 20 percent of New York wages, salary, and compensation.

Calculation of the taxes on allocated ENI or allocated alternative ENI starts with Federal taxable income, which includes certain exclusions and deductions. Taxpayers then make several New York modifications and allocate the income to arrive at New York ENI, which is multiplied by the tax rate. Alternative ENI is the same as ENI, except that the deductions for subsidiary interest, subsidiary dividends, and interest on government obligations are not allowed. In addition, the factors of the alternative income allocation percentage are single-weighted. A three percent tax rate applies to allocated alternative ENI.

The tax on allocated taxable assets starts with the taxpayer's total assets. Taxable assets equal total assets minus assets attributable to the Federal Deposit Insurance Corporation (FDIC) and Federal Savings and Loan Insurance Corporation (FSLIC). Taxpayers multiply the total by their allocation percentage. The tax rate imposed on this amount (0.01 percent, 0.002 percent, or 0.004 percent), is determined by the taxpayer's net-worth-to-assets ratio and the percentage of its loans secured by mortgages.

APPENDIX B: PRE-REFORM BANK TAX

Taxpayers apply certain credits against the highest tax liability to determine their after-credit tax liability.

Data Sources

The major data sources used to compute the tax expenditure estimates for the Article 32 Bank Tax include:

- 2011 Bank Tax Study File — This file, compiled by the Department of Taxation and Finance, includes all banks filing under Article 32. The file is used to simulate the tax expenditure items.
- Congressional Joint Committee on Taxation (JCT) Estimates of Federal Tax Expenditures — Since no data for Federal exclusion items are available at the State level, Federal tax expenditure items estimated by the JCT are prorated to New York.

Methodology

Simulations and queries of the study file generate the base case tax expenditures.

Projections of items under Federal exclusions from income in Appendix C were taken from JCT estimates of Federal tax expenditures and prorated to New York.

Tax expenditures whose values are less than \$0.1 million are considered minimal and are designated by an asterisk.

The study file is comprised of taxpayers whose filing period began in 2011.

No 2015 forecast values are provided because Article 32 will cease to exist.

APPENDIX B: PRE-REFORM BANK TAX

Table B-1
Pre-Reform Bank Tax Expenditure Estimates
(2011 Total Bank Tax Liability = \$1,001.1 Million)
(Millions of Dollars)

Tax Item	History					Reliability
	2007	2008	2009	2010	2011	Level
New York Modifications to Federal Taxable Income						
1. Deduction of Money Received from the FDIC and FSLIC	0.0	0.0	*	4.0	8.8	1
2. Deduction for Eligible Net Income of IBFs	1.8	4.5	*	2.3	0.4	1
3. Deduction of 17 Percent of Interest Income from Subsidiary Capital	11.9	1.2	1.3	0.8	0.7	1
4. Deduction of 60 Percent of Dividend Income and Excess Gains from Subsidiary Capital	84.7	31.4	33.9	36.1	98.2	1
5. Deduction of 22.5 Percent of Interest Income from Government Obligations	5.4	3.7	3.2	9.3	10.0	1
Alternative Bases						
6. Reduced Rate of Asset-Based Tax for Banks Meeting Net Worth and Mortgage Holdings Criteria	*	1.4	0.1	*	1.0	1
7. Exclusion of Money Received from FDIC and FSLIC from Asset Based Tax	0.0	*	*	*	*	1
Allocation Percentages						
8. Discounting of the Wage Factor in the Calculation of Entire Net Income and Taxable Assets Allocation Percentages	26.7	28.4	24.8	32.8	37.6	1
9. Exclusion of Wages of Executive Officers in the Calculation of Entire Net Income, Alternative Entire Net Income, and Taxable Assets Allocation Percentages	N/A	N/A	N/A	N/A	N/A	5
10. IBF Formula Allocation Election	30.3	33.0	22.6	8.6	39.3	1
Corporate Exemptions						
11. Exemption of Trust Companies Whose Capital Stock is Owned by Twenty or More New York Savings Banks	*	*	*	*	*	4
12. Exemption of Federal and State Chartered Credit Unions	32.1	34.1	38.7	32.6	38.5	4
Cross-Article Credits						
13. Investment Credit for Financial Services Industry ¹	1.4	11.6	14.9	7.7	11.3	1
14. Credit for Servicing SONYMA Mortgages	5.8	7.7	5.7	7.2	11.2	1
15. Special Additional Mortgage Recording Tax Credit ¹	15.4	19.6	14.5	21.8	22.7	1
16. Empire Zone (EZ) and Qualified Empire Zone Enterprise (QEZE) Credits ¹						
a. EZ and Zone Equivalent Area Wage Tax Credit	0.9	0.2	0.7	0.7	0.9	1
b. EZ Capital Credit	*	*	*	*	*	1
c. QEZE Real Property Tax Credit	3.1	4.9	10.6	4.9	4.7	1
d. QEZE Tax Reduction Credit	0.9	1.2	1.2	8.7	7.6	1
17. Credit for Employment of Persons with Disabilities ¹	0.0	0.0	0.0	0.0	*	1
18. Low-Income Housing Credit ¹	0.3	4.1	8.0	11.8	16.6	1
19. Credit for Purchase of an Automated External Defibrillator ¹	*	*	0.0	0.0	*	1
20. Green Buildings Credit ¹	0.0	0.6	6.2	0.0	0.0	1
21. Long-Term Care Insurance Credit	*	0.0	*	*	*	1
22. Security Training Tax Credit ¹	0.0	0.0	0.0	0.0	0.0	1

APPENDIX B: PRE-REFORM BANK TAX

Tax Item	History					Reliability
	2007	2008	2009	2010	2011	Level
23. Brownfields Tax Credits ¹						
a. Brownfield Redevelopment Tax Credit	0.0	2.0	59.1	0.1	0.0	1
b. Remediated Brownfield Credit for Real Property Taxes	0.0	0.0	0.0	0.0	0.0	1
c. Environmental Remediation Insurance Credit	0.0	0.0	0.0	0.0	0.0	1
24. Credit for Rehabilitation of Historic Properties ¹	--	--	--	7.1	5.9	1
25. Excelsior Jobs Program Tax Credits	--	--	--	--	0.0	1
26. Economic Transformation and Facility Redevelopment Program Tax Credit	--	--	--	--	0.0	1
27. Empire State Jobs Retention Program Credit	--	--	--	--	--	5
28. Minimum Wage Reimbursement Credit	--	--	--	--	--	5

1/ For tax years 2010, 2011, and 2012, credits subject to deferral. Values reported reflect the amount of credit computed absent deferral rules.

2/ A new tax expenditure item, a revision of the methodology or revisions in the data sources resulting in an estimate which better reflects the tax expenditure value.

* Less than \$0.1 million.

-- The tax expenditure was not applicable for these years.

N/A No data available.

New York Modifications to Federal Taxable Income

In computing New York entire net income, Article 32 permits modifications to Federal taxable income.

1. Deduction of Money Received from the Federal Deposit Insurance Corporation (FDIC) and Federal Savings and Loan Insurance Corporation (FSLIC)

Citation: Section 1453(e)(9)-(10)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: A taxpayer may deduct certain money or other property received from the FDIC or FSLIC to the extent not deductible in determining Federal taxable income.

Estimate: 2011: \$8.8 million

Data Source: Bank Tax Study File

Reliability: Level 1

2. Deduction for Eligible Net Income of International Banking Facilities (IBF)

Citation: Section 1453(f)

Effective Date: Effective for tax years ending on or after December 3, 1981

Description: An International Banking Facility is a separate set of asset and liability accounts established for the purpose of receiving deposits from, and extending credit to, foreign individuals or businesses. IBFs are free from domestic reserve requirements and limitations on interest rates and may be established by United States banks as well as agencies of foreign banks. A financial institution which establishes an IBF within New York may deduct, in computing its ENI, the adjusted eligible net income of the IBF.

Estimate: 2011: \$0.4 million

Data Source: Bank Tax Study File

Reliability: Level 1

3. Deduction of 17 Percent of Interest Income from Subsidiary Capital

Citation: Section 1453(e)(11)(i)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: In computing New York ENI, banks may deduct 17 percent of interest income from subsidiary capital. For purposes of calculating the amount of the deduction, interest income from subsidiary capital is not reduced by expenses directly or indirectly attributable to subsidiary capital.

Estimate: 2011: \$0.7 million

Data Source: Bank Tax Study File

Reliability: Level 1

4. Deduction of 60 Percent of Dividend Income and Net Gains from Subsidiary Capital

Citation: Section 1453(e)(11)(ii) and (iii)

Effective Date: Effective for tax years beginning on or after January 1, 1985; Net gains added for taxable years beginning on or after January 1, 1994

Description: In computing New York entire net income, banks may deduct 60 percent of dividend income and net gains from subsidiary capital. For purposes of

APPENDIX B: PRE-REFORM BANK TAX

calculating the amount of the deduction, dividend income and net gains from subsidiary capital are not reduced by expenses directly or indirectly attributable to subsidiary capital.

Estimate: 2011: \$98.2 million

Data Source: Bank Tax Study File

Reliability: Level 1

5. Deduction of 22.5 Percent of Interest Income from Government Obligations

Citation: Section 1453(e)(12)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: Taxpayers may deduct 22.5 percent of interest income on New York or U.S. obligations, other than obligations held for resale in connection with regular trading activities. For purposes of calculating the amount of the deduction, income from New York and U.S. obligations is not reduced by expenses directly or indirectly attributable to that capital.

Estimate: 2011: \$10.0 million

Data Source: Bank Tax Study File

Reliability: Level 1

Alternative Bases

Article 32 of the Tax Law provides that the franchise tax paid by a banking corporation is to be determined by an asset-based tax if it results in a tax that is greater than that determined under the income or alternative income bases or the \$250 minimum tax. Two tax expenditure items exist under the asset-based tax.

6. Reduced Rate of Asset-Based Tax for Banks Meeting Net Worth and Mortgage Holdings Criteria

Citation: Section 1455(b)(1)(i)-(iv)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: Under the asset-based alternative tax, banks with a net worth below 5 percent of total assets and whose assets are comprised of at least 33 percent mortgages are subject to reduced rates of 0.00002 or 0.00004. The regular rate of the asset based tax equals 0.0001.

Estimate: 2011: \$1.0 million

Data Source: Bank Tax Study File

Reliability: Level 1

7. Exclusion of Money Received from Federal Deposit Insurance Corporation (FDIC) and Federal Savings and Loan Insurance Corporation (FSLIC) from Asset Based Tax

Citation: Section 1455(b)(1)(v)(A)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: Under the asset based alternative tax, taxable assets do not include certain monies or other property received from the FDIC or the FSLIC.

Estimate: 2011: Minimal

Data Source: Bank Tax Study File

Reliability: Level 1

Allocation Percentages

Banking corporations are taxed on the portion of their income and assets attributable to New York activities. Consequently, formulas have been devised (called allocation percentages) for the purpose of determining the portion of a banking corporation's income and assets taxable in New York. The tax expenditures listed result from preferences given through the calculation of the allocation percentages.

8. Discounting of the Wage Factor in the Calculation of Entire Net Income and Taxable Assets Allocation Percentages

Citation: Section 1454(a), (b) and (d)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: In computing both the ENI and taxable assets allocation percentages, the numerator of the wage factor is discounted to 80 percent of the taxpayer's wages, salaries, and other personal service compensation during the taxable year.

Estimate: 2011: \$37.6 million

Data Source: Bank Tax Study File

Reliability: Level 1

9. Exclusion of Wages of Executive Officers in the Calculation of Entire Net Income, Alternative Entire Net Income, and Taxable Assets Allocation Percentages

Citation: Section 1454(a) and (d)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: The wages, salaries, and other personal service compensation paid to general executive officers are not included in the computation of a banking corporation's ENI, alternative ENI, and taxable asset allocation percentages.

Estimate: No data available

Reliability: Level 5

10. International Banking Facility (IBF) Formula Allocation Election

Citation: Section 1454(b)(2)(A)

Effective Date: Effective for tax years beginning on or after January 1, 1985

Description: A banking corporation that establishes an IBF within New York may deduct, in computing its ENI, the adjusted eligible net income of the IBF. In lieu of this deduction, such banking corporation may elect to modify its ENI and alternative ENI allocation percentages by reducing payroll, receipts, and deposits (from foreign persons) which are attributable to the gross income of an IBF.

Estimate: 2011: \$39.3 million

Data Source: Bank Tax Study File

Reliability: Level 1

APPENDIX B: PRE-REFORM BANK TAX

Corporate Exemptions

Certain banks are exempt from taxation under Article 32 of the Tax Law.

11. **Exemption of Trust Companies Whose Capital Stock is Owned by Twenty or More New York Savings Banks**

Citation: Section 1452(c)

Effective Date: Effective for tax years beginning on or after January 1, 1973

Description: Trust companies, all of whose capital stock is owned by 20 or more savings banks organized under New York law, are exempt from the corporation franchise tax on banking corporations.

Estimate: 2011: Minimal

Data Source: Industry Data

Reliability: Level 4

12. **Exemption of Federal and State Chartered Credit Unions**

Citation: 12 U.S. Code Section 1768; I.R.C. Section 501(c)(14)(A); New York State Banking Law Section 479

Effective Date: Effective March 13, 1945

Description: Pursuant to Federal law and the State Banking Law, Federal and State chartered credit unions are not subject to tax under Article 32.

Estimate: 2011: \$38.5 million

Data Source: JCT estimates prorated to New York

Reliability: Level 4

Cross-Article Credits

Credits are amounts stipulated by Article 32 that banking corporations may subtract from their calculated New York tax liability. For tax years 2010, 2011, and 2012, taxpayers are required to defer the use and refund of certain tax credits if they exceed \$2 million in aggregate. Descriptions of the tax credits that are available under the Bank Tax as well as other tax articles are contained in the Cross-Article Tax Credits section of the report.

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

Federal Exclusions from Income

This Appendix summarizes Federal “flow through” tax expenditure provisions which impact the New York State Personal Income, Corporate Franchise, Bank, and Insurance Taxes. It should be noted the Appendix items under the Insurance Tax apply only to life insurance corporations. These taxes begin with definitions of income which are derived from provisions of the Federal Internal Revenue Code. As a result of this “coupling” of State definitions of income base to Federal definitions, exclusions, or deductions from income at the Federal level become exclusions or deductions at the State level. Therefore, these provisions automatically become tax expenditures at the State level. The descriptions apply for Federal law as of January 1, 2015. Therefore, estimates for the 2008-2012 tax years (2007-2011 for Corporate Franchise Tax, Bank Tax, and Insurance Tax) might reflect law provisions which have changed since that time.

Code Sections 101-137 set forth items that are excluded from income. In addition, other special types of income are specifically excluded by law. The following types of income are also exempt:

- items that are protected by the U.S. Constitution,
- items that are exempted by virtue of any act of Congress, and
- items that arise under the provisions of foreign tax treaties.

These exclusions (and exemptions) are not interchangeable with deductions from gross income (e.g., losses, expenses, bad debts, etc.). Deductions must be shown on the taxpayer’s return, while exclusions generally are not.

Each of these estimates is derived from methodologies which allocate Federal tax expenditures to a New York State tax equivalent. Federal exclusions and deductions from income and their associated New York State tax expenditure value are presented in the following tables.

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

New York State Tax Expenditure Estimates of Federal Exclusions from and Adjustments to Income

Provision	2008	2009	2010	2011	2012	2015
Personal Income Tax						
1. <i>Deduction for IRA and Keogh Contributions</i> Taxpayers may deduct up to \$5,500 of contributions to qualified IRA plans. For married couples, each spouse may deduct \$5,500. Limitations apply for taxpayers covered by an employer-provided retirement plan. In addition, taxpayers may exclude earnings from plans for which they elected not to deduct contributions. Separate limits apply for contributions to a Keogh plan.	128.8	115.0	116.7	118.0	130.0	156.0
2. <i>Exclusion of Income Earned Abroad by U.S. Citizens</i> A citizen or resident of the United States whose principal residence is in a foreign country may exclude, for Federal income tax purposes, income earned in foreign countries and related housing costs.	121.0	163.0	139.7	136.0	95.0	98.0
3. <i>Limited Exception to Passive Loss Rules on Rental Real Estate</i> Taxpayers may deduct up to \$25,000 of passive losses attributable to rental real estate against active income.	137.0	231.3	279.0	257.0	186.0	239.0
4. <i>Exclusion of Capital Gains on Home Sales</i> Taxpayers may exclude up to \$250,000 (single) and \$500,000 (married joint) of gain from the sale or exchange of a principal residence. This exclusion applies for each sale or exchange.	535.0	583.1	480.0	550.0	735.0	1,250.0
5. <i>Exclusion of Capital Gains from Small Business Stock</i> Investors may exclude, subject to certain dollar limitations, 50 percent of capital gains from investment in the stock of a qualified small business when held at least five years. In addition, a portion of the gain may be an AMT preference item.	9.0	13.1	8.0	10.0	3.0	14.0
6. <i>Exclusion of Scholarship and Fellowship Income</i> Scholarship and fellowship income may be excluded from a student's Federal gross income.	47.3	72.6	77.0	70.0	62.0	70.0
7. <i>Exclusion of Employee Meals and Lodging</i> The value of meals supplied on the employer's business premises and lodging provided as a condition of employment are excluded from an employee's Federal gross income.	23.0	27.9	30.0	35.0	47.0	86.0
8. <i>Exclusion of Public Assistance Benefits</i> Public assistance benefits are excluded from Federal gross income.	13.6	16.8	16.9	18.0	17.0	19.0
9. <i>Exclusion of Veterans' Benefits</i> Various benefits received by veterans or their beneficiaries are tax-exempt.	100.1	126.3	157.6	140.0	129.0	169.0
10. <i>Exclusion of Employer Contributions for Medical Insurance and Care and Long-Term Care Insurance</i> Contributions made by an employer to a health insurance plan which provides compensation to the employee for personal injury and sickness and premiums for long-term care insurance may be excluded from the employee's gross income for Federal income tax purposes.	3,285.0	4,212.7	4,104.0	4,645.0	3,977.0	4,758.0
11. <i>Exclusion of Employer Contributions for Employee Pensions</i> Employer contributions to an employee's pension plan are excluded from the employee's Federal gross income. Also, earnings are excludible until distributed. Various limitations apply to contributions on behalf of highly-compensated employees.	1,930.0	2,415.9	2,260.0	2,282.0	1,900.0	2,668.0
12. <i>Exclusion of Workers' Compensation Benefits</i> Amounts received under workers' compensation acts, accident and health insurance, and similar plans are excluded from gross income.	132.0	178.1	177.5	272.0	217.0	233.0
13. <i>Exclusion of Employer-Provided Tuition Assistance</i> Employees may exclude up to \$5,250 of employer-paid tuition for undergraduate and graduate college education.	15.0	17.9	23.0	17.0	15.0	19.0
14. <i>Exclusion of Employer-Provided Child Care</i> The value of child care provided by an employer is excluded from the employee's Federal gross income. The exclusion may not exceed \$5,000 (\$2,500 for married filing separately).	17.5	32.1	21.1	34.0	19.0	23.0

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

Provision	2008	2009	2010	2011	2012	2015
Personal Income Tax						
15. Exclusion of Certain Employer-Provided Transportation Benefits Employees may exclude from income certain qualified transportation fringe benefits for commuter vehicles, transit passes, and parking.	79.6	93.4	91.1	81.0	71.0	80.0
16. Exclusion of Benefits and Allowances to Armed Forces Personnel Combat pay and certain other in-kind benefits and cash allowances received by members of the Armed Forces are excluded from Federal gross income.	125.0	145.0	155.0	275.0	249.0	267.0
17. Exclusion of Accelerated Death Benefits Taxpayers may exclude accelerated death benefits paid under life insurance contracts.	4.0	4.0	4.0	4.0	4.0	4.0
18. Deduction for Self-Employed Persons' Health and Long-Term Care Insurance Self-employed taxpayers may deduct the entire cost of health insurance and long-term care premiums they provide for themselves and their families. The deduction is not allowed for any month in which the taxpayer or spouse is eligible to participate in an employer's health insurance plan.	97.6	121.0	103.0	100.0	112.0	136.0
19. Exclusion of Employer-Provided Adoption Assistance Taxpayers may exclude up to \$13,190 per child of qualified adoption expenses provided by their employers.	12.0	17.4	30.2	15.0	10.0	13.0
20. Exclusion of Employer-Paid Premiums on Life Insurance, Accident Disability Insurance, and Accidental Death Insurance Plans Employer-paid life insurance premiums for coverage up to \$50,000 and premiums for accident disability and accidental death may be excluded from an employee's Federal gross income.	57.1	60.5	59.2	48.0	48.0	52.0
21. Exclusion of Interest on Life Insurance Policy and Annuity Cash Value Interest which is credited annually on the cash value of a life insurance policy or annuity contract is not included in the income of the policy holder or annuitant.	426.0	484.4	494.4	380.0	337.0	447.0
22. Exclusion of Interest on Qualified New York State and Local Bonds Interest payments from qualified New York State and municipal bonds are excluded from the taxpayer's Federal gross income.	470.0	540.0	534.0	552.0	481.0	673.0
23. Expensing of Exploration and Development Costs of Oil and Gas Investors in oil and gas extraction enterprises may deduct from Federal gross income exploration and development costs incurred during the taxable year.	*	*	*	*	*	*
24. Capital Gains at Death Capital gains on property which is transferred at death by inheritance or otherwise is exempt from taxation, being excluded from the Federal gross income of both the deceased and the recipient of the property.	578.0	668.3	601.0	580.0	495.0	625.0
25. Farm Income Stabilization: Expensing of Capital Outlays Farmers are allowed to deduct certain capital outlays for the taxable year during which they are paid or incurred instead of being apportioned over an extended period in the form of depreciation deductions.	20.2	18.7	21.1	28.0	25.0	29.0
26. Capital Asset Treatment of Timber Income, Iron Ore, and Coal Royalties Income earned from the sale of timber or royalties received pursuant to the lease of coal or iron ore mining rights may be treated as income from long term capital assets, allowing the owner to claim any capital losses against either capital gains or ordinary income.	*	*	*	*	*	*
27. Expensing of R&D Costs A taxpayer may elect to deduct costs incurred or paid during the taxable year with respect to research and development in connection with the taxpayer's trade or business. Alternatively, these expenses may, under specified conditions, be amortized over a period of not less than 60 months.	5.4	5.9	8.9	7.5	11.0	8.0

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

Provision	2008	2009	2010	2011	2012	2015
Personal Income Tax						
28. Expensing up to \$25,000 on Certain Depreciable Business Property Businesses investing in certain depreciable property during the taxable year may deduct as an expense, in lieu of depreciation, up to \$25,000 of the cost of new equipment put in service during the tax year. This "Section 179" expensing deduction begins to phase out dollar for dollar when the total cost of such property exceeds \$200,000.	65.0	18.4	116.0	100.0	73.0	40.0
29. Exclusion of Social Security and Tier I Railroad Retirement Benefits A minimum one-half of Social Security and Tier I benefits received by single taxpayers with modified adjusted gross income (MAGI) between \$25,000 and \$34,000 is excluded from Federal gross income. For single taxpayers with income above \$34,000, a minimum of 15 percent is excluded. For married taxpayers with MAGI between \$32,000 and \$44,000, a minimum of one half of Social Security is excluded, and for married taxpayers with MAGI above \$44,000, a minimum of 15 percent is excluded.	717.0	819.0	835.4	850.0	829.0	953.0
30. Deferred Tax on Installment Sales Non-dealer taxpayers may report certain sales using the installment method of accounting as provided by IRC Section 453.	11.4	13.2	13.0	13.0	25.0	20.0
31. Deduction for Student Loan Interest Taxpayers may deduct up to \$2,500 of interest paid on qualified education loans. The deduction phases out when modified AGI exceeds \$80,000 (single) and \$160,000 (married joint).	28.4	38.9	35.2	37.0	37.0	39.0
32. Exclusion for Education IRAs Taxpayers may exclude distributions (including earnings) from education IRAs if used for qualified higher education. The exclusion is completely phased out when modified AGI exceeds \$110,000 (single) and \$220,000 (married joint).	0.9	1.6	1.8	1.5	2.0	2.0
33. Exclusion of Earnings of Qualified Tuition Programs Taxpayers may exclude the earnings and distributions of qualified tuition programs, such as New York's "College Choice" programs.	7.0	10.5	15.0	45.0	36.0	45.0
34. Deduction for Contributions to Health Savings Accounts Eligible taxpayers may deduct contributions to HSA's equal to the lesser of the annual deductible under their high deductible health insurance plan or \$6,550 for those with family coverage (\$3,250 for those with individual coverage).	15.9	23.7	30.0	38.0	67.0	134.0

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

Provision	2007	2008	2009	2010	2011	2015
Corporate Franchise Tax						
No 2015 forecast values are provided because the structure of Article 9-A will be substantially different than the pre-reform structure						
1. Expensing of Certain Outlays for Farmers (Soil and Water Conservation Expenditures, etc.) Farmers may deduct certain capital outlays from gross income for the tax year in which they pay or incur such costs, instead of apportioning them over an extended period in the form of depreciation deductions.	0.5	0.5	0.4	0.4	0.5	--
2. Expensing up to \$25,000 on Certain Depreciable Business Property Businesses investing in certain depreciable property during the taxable year may deduct as an expense, in lieu of depreciation, up to \$25,000 of the cost of new equipment put in service during the tax year. This "Section 179" expensing deduction begins to phase out dollar for dollar when the total cost of such property exceeds \$200,000.	*	*	*	*	*	--
3. Utility Generation Property Transition Provisions Taxpayers that are qualified public utilities and were taxed under former Section 186 in 1999 and earlier may claim for New York depreciation on property placed in service before January 1, 2000, a deduction equal to the amount of depreciation expense shown on the taxpayer's books and records for the taxable year, rather than the Federal MACRS amount. Similarly, the basis for gain or loss upon disposition of such transition property that the taxpayer owned in 1999 is generally the book cost of the property less the aggregate of New York depreciation deductions taken.	N/A	N/A	N/A	N/A	N/A	--
4. Expensing of Research and Development Costs A corporation may deduct from Federal gross income costs incurred or paid during the tax year for research and development in connection with its business.	195.0	259.0	201.9	228.9	255.5	--
5. Amortization of Business Start-Up Costs A corporation may amortize, over a period of at least 180 months, certain investigatory and business start-up expenses.	0.2	0.2	0.2	0.2	0.2	--
6. Deferred Tax on Installment Sales Non-dealer sellers of property, other than inventory, may use the installment method of accounting as provided by IRC Section 453.	7.0	3.5	2.7	3.1	3.5	--
7. Deductibility of Charitable Contributions Taxpayers may deduct charitable contributions, not exceeding 10 percent of taxable income computed as specified, from gross income.	35.0	37.0	28.8	32.7	36.5	--
8. Expensing of Exploration and Development Costs Taxpayers may deduct exploration costs and development expenditures of a mine or natural deposit as expenses in the year incurred.	*	*	*	*	*	--
9. Completed Contract Accounting Under the completed contract accounting method, taxpayers report income and expenses associated with a long term contract in the tax year of contract completion. Expenses that are not allowable to the contract (i.e., period costs), are deductible in the year paid or incurred depending on the accounting method employed.	1.0	1.0	0.8	0.9	1.0	--
10. Amortization of Pollution Control Facilities and Reforestation Expenditures Instead of taking MACRS depreciation, a taxpayer may elect to amortize over a 60-month period qualified pollution control facilities, used in connection with a plant or other property in operation before 1976.	N/A	N/A	N/A	N/A	N/A	--

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

Provision	2007	2008	2009	2010	2011	2015
Bank Tax						
No 2015 forecast values are provided because Article 32 will cease to exist.						
1. Expensing up to \$25,000 on Certain Depreciable Business Property Businesses investing in certain depreciable property during the taxable year may deduct as an expense, in lieu of depreciation, up to \$25,000 of the cost of new equipment put in service during the tax year. This "Section 179" expensing deduction begins to phase out dollar for dollar when the total cost of such property exceeds \$200,000.	*	*	*	*	*	--
2. Deductibility of Charitable Contributions A corporation may deduct charitable contributions, not exceeding 10 percent of taxable income computed as specified, from gross income.	40.4	43.0	48.8	41.1	48.5	--
3. Amortization of Business Start-Up Costs A corporation may elect to amortize, over a period of 180 months or more, the investigatory and start-up expenses of a business.	N/A	N/A	N/A	N/A	N/A	--
4. Deferred Tax on Installment Sales Pursuant to the Tax Reform Act of 1986, non-dealer taxpayers may report certain sales using the installment method of accounting as provided by IRC Section 453.	35.0	18.0	20.4	17.2	20.3	--

APPENDIX C: FEDERAL EXCLUSIONS FROM INCOME

Provision	2007	2008	2009	2010	2011	2015
Insurance Tax						
1. Expensing up to \$25,000 on Certain Depreciable Business Property Businesses investing in certain depreciable property during the taxable year may deduct as an expense, in lieu of depreciation, up to \$25,000 of the cost of new equipment put in service during the tax year. This "Section 179" expensing deduction begins to phase out dollar for dollar when the total cost of such property exceeds \$200,000.	*	*	*	*	*	*
2. Deductibility of Charitable Contributions Charitable contributions, not exceeding 10 percent of taxable income computed as specified, may be deducted from a corporation's gross income.	*	*	*	*	*	*
3. Amortization of Business Start-Up Costs A corporation may elect to amortize, over a period of no less than 180 months, the investigatory and start-up expenses of a business.	N/A	N/A	N/A	N/A	N/A	N/A
4. Deferred Tax on Installment Sales Pursuant to the Tax Reform Act of 1986, non-dealer taxpayers may report certain sales using the installment method of accounting as provided by IRC Section 453.	*	*	*	*	*	*
5. Small Life Insurance Company Taxable Income Adjustment Small life insurance companies may claim a special deduction from gross income which is not available to other insurance corporations. The deduction is 60 percent of that portion of tentative life insurance company taxable income which does not exceed \$3 million for the taxable year. A phase out of the deduction occurs for amounts over \$3 million.	0.9	1.0	1.3	1.1	1.2	1.0
6. Deduction of Life Insurance Reserves for Life Insurance Companies Life insurance companies may deduct a net increase in reserves which are maintained with respect to its insurance contracts and annuity contracts.	8.1	8.0	10.1	9.2	9.6	11.0
7. Exclusion of Investment Income on Life Insurance and Annuity Contracts Life insurance gross income excludes investment income on life insurance and annuity contracts, in the form of policy holder dividends.	3.8	4.0	5.0	4.6	4.8	5.0

* Less than \$0.1 million.

-- The tax expenditure was not applicable for these years.

N/A No data available.