

Office of Tax Policy Analysis

ANNUAL STATISTICAL REPORT



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# Analysis of Article 9-A General Business Corporation Franchise Tax Credits for 2008

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## Introduction

This report provides an accounting of credit activity under the General Business Corporation Franchise Tax (Article 9-A), as mandated by Section 109 (a) of the Business Tax Reform and Rate Reduction Act of 1987. The data used to generate this report come from an annual study conducted by the Office of Tax Policy Analysis (OTPA). The study is based on the latest available data drawn from New York State corporation tax returns. These data pertain to corporations whose taxable year began during the 2008 calendar year (hereinafter referred to as the 2008 tax liability year).

The appendices contain comprehensive information on corporate tax credits available in New York State. Appendices A and B provide descriptions of credits available during the 2008 liability year and subsequent periods, respectively. Appendix C lists the form numbers for each credit and the ordering rules applicable when claiming multiple credits. Appendix D recounts legislative actions since 2000 that impacted Article 9-A credits. Finally, Appendix E contains the legislative mandate for this report.

There are two notable limitations to this report. First, it only contains data for corporate franchise taxpayers filing under Article 9-A. It does not include statistics for taxpayers filing as banks under Article 32, insurance companies filing under Article 33, or taxpayers filing under any of the various sections of Article 9. Nor does it provide data for taxpayers claiming credits under Article 22, the Personal Income Tax. These taxpayers claim credit by virtue of being sole proprietors or as recipients of credit that originated with flow-through entities (i.e., S corporations, limited liability companies, or partnerships).

In addition, as noted above, the data is from the 2008 tax year. Due to the use of fiscal (as opposed to calendar) year periods and statutorily-permitted filing extensions, the Tax Department does not have complete data for a tax year until several years later. Accordingly, the data in this report may not accurately portray the magnitude of the fiscal impact of these credits in the current fiscal year. In particular, rapid increases in credit utilization that occur in years after the report year will not be reflected in the data. The

Department, in conjunction with the Division of the Budget, publishes another report, the annual *Tax Expenditure Report*, which provides estimates of the costs of every tax credit under all tax articles for the current tax year.

### Highlights for 2008

- Taxpayers earned over \$750 million in credits in 2008.
- Although this amount was a decrease of nearly \$100 million from 2007, taxpayers claimed approximately \$115 million more in credits in 2008 than in 2007.
- Total credits claimed topped \$3 billion for the first time.
- The fiscal impact of credits (i.e. used plus refunded) grew for the fifth straight year, albeit by only \$2.6 million.
- 2008 was the second year in a row where the overall amount of credits refunded exceeded the amount of credits used.
- At the end of the 2008 liability period, taxpayers carried forward an additional \$110 million in credits for use in subsequent liability periods, bringing the total to more than \$2.5 billion.
- The Empire Zones credits, the Empire State film tax credit, and the investment tax credit each exceeded \$100 million in fiscal impact in 2008.
- These three credits combined accounted for approximately \$450 million, or 85 percent, of the fiscal impact of all credits in 2008.
- Only three other credits had significant fiscal impacts: brownfield tax credits for \$35 million; financial services ITC for \$20 million; QETC facilities, operations, and training credit for \$16 million.
- The combined impact of these two groups of credits totaled over \$521 million, or 98 percent of the total fiscal impact of credits.
- The Empire State film credit saw the greatest increase in fiscal impact, more than doubling from \$61.4 million in 2007 to \$137.1 million in 2008.

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## **Analysis of Statistical Data**

#### **Description of Tables**

The following tables present information for Article 9-A corporate tax credits.

The tables contain data on the number of taxpayers taking the credit, the total amount of credit, the mean amount of credit, and the median amount of credit<sup>1</sup> for the following components:

Credit Earned The amount of credit generated in the

current tax year.

Credit Claimed The amount of credit that taxpayers

have available to use and refund during the taxable year. The amount of credit claimed is the amount earned in the current year plus the amount of unused credit from the prior year less any applicable credit recapture. It also reflects the imposition of any statutory limitations on the amount of credit

allowed.

Credit Used The amount of credit that taxpayers

actually apply to their tax liability.<sup>2</sup>

Credit Refunded Unused credit amounts requested as a

refund or applied against the next period's liability. 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.

Credit Carried Forward Any unused amount of credit that is

allowed to offset tax liability in future years. The amount of credit carried forward is determined by subtracting the amount of credit used and/or refunded in the current year from the

amount of credit claimed.<sup>3</sup>

A series of tables presents profiles of the credits distributed by different subgroupings. These include: basis of taxation after credits; major industry group; size of entire net income; and size of credit used. Secrecy provisions preclude providing all subgroupings for all credits and also generally require the omission of credit refund tables.

The basis of taxation tables reflect credits used by taxpayers whose tax is based on either the entire net income (ENI) base, the capital base, the alternative minimum tax (AMT) base, or the fixed dollar minimum tax. The ENI and capital bases represent taxpayers who began under these bases, used credits, and remained under these bases (despite the use of credits). The fixed dollar minimum and AMT bases represent two different classes of taxpayers. The bases could include taxpayers who started under one of the other bases such as ENI, but because of credits, ended up paying either the fixed dollar minimum tax or the AMT. These bases could also include taxpayers who used credits strictly to offset their subsidiary capital tax.

The major industry group category is based on the North American Industry Classification System (NAICS). Taxpayers report their principal business activity using NAICS codes from their federal tax returns. These codes identify the general type of business activity in which the entity is engaged. Taxpayers who fail to provide NAICS information, or who may report outdated codes, become unidentifiable by industry group and are classified as such in this report.

#### **Data Considerations**

The data contained in these tables come directly from the returns of corporations claiming the credits.<sup>4</sup> For credits where a limited number of claims triggers disclosure provisions, only credit component totals are displayed. In some cases, even this level of aggregation is not sufficient. For this reason, in this report there are no individual tables for the following credits:

- qualified emerging technology company capital credit,
- green building credit,
- low-income housing credit,
- fuel cell electric generating credit,
- brownfield real property tax credit,
- brownfield environmental remediation insurance credit,
- security officer training credit,
- credit for companies who provide transportation to individuals with disabilities,
- clean heating fuel credit,

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- conservation easement credit,
- biofuel production credit,
- Empire State commercial production credit, and
- credit for the rehabilitation of historic properties.

The Tax Law limits some credits to a percentage of tax due or only allows a percentage of the credit to be used and refunded. The Empire Zone/Zone Equivalent Area (EZ/ZEA) wage tax credit and the EZ capital tax credit individually cannot exceed 50 percent of corporation franchise tax before any credits. The Empire State commercial production credit only allows 50 percent of excess credit to be refunded, with the remainder being fully refunded in the following year. The Empire State film credit was fully refundable in 2008, but had different usage rules prior to and after 2008, respectively.<sup>5</sup>

Taxpayers permitted to take the investment tax credit (ITC), the employment incentive credit (EIC), the rehabilitation credit for historic barns, the retail enterprises tax credit, and the credit on research and development property report amounts earned during the tax year on separate lines on tax form CT-46-*Claim for Investment Tax Credit*. However, when computing the credit claimed, used, refunded, and carried forward, taxpayers report combined amounts. For consistency, this study presents the combined amount of credit earned. Similarly, all data for the EZ-ITC and the EZ-EIC are presented as combined amounts.

Several credits allow a refund of excess credit to new businesses only. The ITC and the ITC for the financial services industry allow a full refund to new businesses. The EZ wage tax credit, the EZ-ITC, and the EZ-ITC for the financial services industry allow 50 percent of excess credit to be refunded by new businesses.

The alternative fuels credit allows excess credit to be transferred to affiliates of the taxpayer.

The QEZE tax reduction credit, the mortgage servicing tax credit, and the credit for purchase of an automated external defibrillator do not allow any carryforward of excess credit.

(For more detail on these credits, see Appendix A.)

# Summary of Credit Activity

Tables in this report summarize tax credit activity by credit and component. The totals in the summary tables may not match the detail tables due to rounding and disclosure requirements.

In all tables, '--' indicates that the component does not apply to the credit or that the data for that component are not available.

A '0' means that the credit was available but not utilized by any taxpayers, or that the amount was less than \$100,000.

The letter 'd' indicates that the data cannot be presented due to the confidentiality restrictions of the Tax Law.

Total values for number of taxpayers, amount of credit, and mean and median credit were computed using all taxpayers in the study file.

The available data for all tables do not reflect changes made on audit or amended filings.

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### Overview of Credits Available During the 2008 Tax Liability Year

This section provides an overview of the credits available to taxpayers during the period covered by this report. The credits are discussed in detail in Appendix A.

Investment Tax Credit (ITC)

The ITC is available for property that is used primarily for the production of goods, for pollution control, waste treatment, or acid rain control facilities, or in film production facilities. The rate for the ITC equals 5 percent of the first \$350 million in investment, and 4 percent for investment over that amount.

# Employment Incentive Credit (EIC)

Taxpayers allowed an ITC may be eligible for a two-year credit determined by the original ITC base. The EIC rate equals:

- 1.5 percent of the ITC base if employment is at least 101 percent, but less than 102 percent of base year employment;
- 2 percent if employment is at least 102 percent, but less than 103 percent of base year employment;
- 2.5 percent if employment is at least 103 percent of base year employment.

Rehabilitation Credit for Historic Barns

Taxpayers may claim a corporate franchise tax credit for the rehabilitation of historic barns in New York State. The credit equals 25 percent of qualified rehabilitation expenditures. A taxpayer may not claim both the regular ITC and the ITC for rehabilitation of historic barns on the same property.

Rehabilitation Credit for Retail Enterprises

Retail enterprises that qualify for a federal credit under IRC 47(c) (2) may claim a credit for rehabilitation expenditures. The credit rates are the same as the regular ITC and apply to property employed in retail sales.

Credit on Research and Development Property Under the ITC

Research and development (R&D) property qualifies for the ITC at a higher rate. Taxpayers may either choose the R&D rate of 9 percent or the lower ITC rate. By electing the lower rate, taxpayers also become eligible for the EIC in subsequent years based on increased employment.

(Because of the consolidation of the above five credits on the credit form, separate data for each does not appear in this report.)

ITC for the Financial Services Industry

Taxpayers that are brokers or dealers in securities can receive the ITC for equipment or buildings used in broker/dealer activity and in activities connected with broker/dealer operations such as the provision of investment advisory services for a regulated investment company and lending activities associated with the purchase and sale of securities. The credit allowances are the same as the traditional ITC.

Special Additional Mortgage Recording Tax Credit A corporation may claim a credit equal to the special additional mortgage recording tax paid on mortgages recorded on property located within certain areas of New York State.

Empire Zone (EZ) Credits/Zone Equivalent Area Wage Tax Credit EZ credits include an ITC, a financial services ITC, a wage credit (for targeted and non-targeted employees), and a capital tax credit. A corresponding wage tax credit is available for employment in areas designated as Zone Equivalent Areas (ZEAs)<sup>6</sup>.

Qualified Empire Zone Enterprise (QEZE) Credits Qualified Empire Zone enterprises can receive a credit based on property taxes paid and a tax reduction credit. In order to qualify for the QEZE credits, a taxpayer must first satisfy an annual employment test.

Alternative Minimum Tax (AMT) Credit

In certain instances, taxpayers could be subject to double taxation on the same transaction under the regular tax system and the AMT. To eliminate this double-tax result, the law provides a credit mechanism. The AMT credit equals the taxpayer's adjusted minimum tax, minus any amount used as an AMT credit in prior years.

Farmers' School Tax Credit Eligible farmers may claim a tax credit equal to 100 percent of the school property taxes paid on up to 350 acres of qualified agricultural property and 50 percent of taxes paid on excess acreage.

Credit for Employment of Persons with Disabilities

Employers hiring individuals with disabilities may claim a credit of 35 percent of the first \$6,000 in wages, up to \$2,100 per employee.

Alternative Fuels Credit

A tax credit is allowed for clean fuel refueling property.

Qualified Emerging Technology Company (QETC) Tax Credits Credits are available to taxpayers that qualify as QETCs or to investors in such businesses. The employment credit equals \$1,000 for each employee hired by a QETC over a base year level. The capital tax credit is for companies investing in QETCs, and the amount of the credit varies depending upon how long the investment is held. The facilities, operations, and training credit consists of three components covering various costs, expenses, and fees associated with emerging technology activities.

Credit for Purchase of an Automated External Defibrillator

Taxpayers may claim a credit for the purchase of an automated external defibrillator. The amount of the credit is equal to the cost of the defibrillator but is capped at \$500 per unit.

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**Green Building Credit** 

The green building credit provides incentives for the construction, rehabilitation, and maintenance of buildings with high environmental standards and energy efficiency. The credit rewards the use of environmentally preferable building materials and renewable and clean energy technologies. The Department of Environmental Conservation (DEC) determines eligibility for the credit and the maximum credit amount allowable to the taxpayer.

Low-Income Housing Credit

The New York State low-income housing tax credit program coordinates with the federal low-income housing credit program. The state credit is administered by the New York State Division of Housing and Community Renewal (DHCR) and is allocated to low income buildings for which an eligibility statement has been issued by the Commissioner of DHCR.

Long-Term Care Insurance Credit

A credit is available for corporations that pay premiums for qualifying long-term care insurance policies. The credit is equal to 20 percent of the premiums paid during the tax year for the purchase of, or continuing coverage under, a long-term care insurance policy that qualifies for the credit pursuant to section 1117 of the Insurance Law.

Empire State Film Production Credit

Taxpayers meeting certain threshold levels of film and television production activity in New York State can apply for a tax credit equal to a percentage of qualified costs: 10 percent for tax years prior to 2008; 30 percent for 2008 and future tax years. Utilization and refund rules differ for tax years prior to 2008, 2008, and tax years after 2008<sup>5</sup>. The credit is administered by the Governor's Office for Motion Picture and Television Development (MP/TV).

Fuel Cell Electric Generating Equipment Credit Taxpayers can claim a credit equal to the lesser of the cost of fuel cell electric generating equipment expenditures or \$1,500 per unit.

Brownfields Tax Credits<sup>7</sup>

Three credits are available pertaining to remediated brownfields. The redevelopment credit rewards site preparation, groundwater cleanup, and on-site tangible property investment. A real property tax credit is available to developers who increase employment on the site. Finally, a credit is available to cover up to \$30,000 of the cost of environmental remediation insurance. These credits are administered jointly with DEC.

Security Officer Training Credit

Owners of certain buildings employing security personnel certified by the New York State Office of Homeland Security can receive a credit equal to \$3,000 per security officer.

Credit for Companies Who Provide Transportation to Individuals With Disabilities Taxpayers providing taxicab or livery services may claim a credit equal to the incremental cost associated with making a vehicle handicapped accessible. The credit is limited to \$10,000 per vehicle.

Clean Heating Fuel Credit

Taxpayers may claim a credit for bioheat used for space heating or hot water production for residential purposes. The credit equals 1 cent per percent of biodiesel per gallon of bioheat, capped at 20 cents per gallon. Prior to January 1, 2008, the credit was only allowed for bioheat purchases made on or after July 1, 2006 and before July 1, 2007.

Conservation Easement Tax Credit

Taxpayers may claim a credit equal to 25 percent of property taxes paid on land held under a conservation easement. The credit is capped at \$5,000.

**Biofuel Production Credit** 

Taxpayers can claim a credit of 15 cents per gallon of biofuel produced. The credit is capped at \$2.5 million per taxpayer per year for up to four consecutive years per biofuel plant.

Empire State Commercial Production Credit Taxpayers can claim a credit for costs incurred in the production of commercials in New York State. The credit is fifty percent refundable the first year, and fully refundable in the following year. The aggregate credit is capped at \$7 million per year and is administered by MP/TV.

Credit for Rehabilitation of Historic Properties Taxpayers may claim a tax credit for the rehabilitation of historic properties located in New York State. The amount of the credit is equal to 30 percent of the federal credit amount allowed for the same taxable year. The credit is capped at \$100,000. Taxpayers may carry forward unused credit amounts to subsequent tax years. (See Appendix A for changes applicable for tax years beginning on or after January 1, 2010.)

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## **Endnotes**

- 1. As used in this report, "mean amount of credit" is defined as the average amount of credit in a given category. "Median amount of credit" is defined as the central value representing an equal number of credit values above and below it.
- 2. Taxpayers may use credits to reduce their tax liabilities computed under the entire net income base, capital base, or subsidiary capital base. Generally, credits may not be used to reduce tax liability below the amount computed under the alternative minimum tax base or the fixed dollar minimum base, whichever is higher. However, the law does allow some credits to be applied against those bases. Where applicable, this is noted in the description of the particular credit.
- 3. The computation for credit carried forward does not apply to some credits. Fully refundable credits are not carried foward. The QEZE tax reduction credit, the mortgage servicing tax credit, and the credit for purchase of an automated external defibrillator do not allow any carryforward. The alternative fuels credit allows for a transfer of excess credits to affiliates of the taxpayer in addition to a credit carryforward.
  - Amounts carried forward from one year may not match amounts reported as carried in for the following year for several reasons. Audit adjustments in one year will change the utilization of credit in future years. Changes in the filing composition of a taxpayer due to mergers, acquisitions, or divestitures may impact the amount of credit reported. Some taxpayers may go out of business altogether. Finally, on the study file, credit carry forwards are not perpetuated in the absence of a credit form. If a taxpayer fails to file a credit form, the amount of credit carried forward is eliminated from the file.
- 4. Historical data presented in this report may differ from that presented in previous reports. This can occur as a result of changes made to the data collection process and minor adjustments made to the original data files. In certain limited instances, errors made on either prior or current year credit claim forms may also result in discrepancies.
- 5. Prior to tax years beginning on or after January 1, 2008, the credit was fully refundable across two years. For tax years beginning on or after January 1, 2009, credit usage was allowed over one, two, or three years, depending on the size of the credit claimed. See Appendix A for details.
- 6. The ZEA wage tax credit expired in 2004. Taxpayers may continue to claim unused amounts carried forward.
- 7. Qualified sites accepted into the Brownfield Cleanup Program on or after June 23, 2008 are subject to a different set of rules for the brownfield redevelopment tax credit. See Appendix A for details.

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Table 1: Comparison of Article 9-A Tax Credit Activity - 2007 and 2008

2007 (\$ in millions)

				(\$ in milli	ons)			
		Unused						
	Total	Credit	Total					Credit
	Credit	from the	Credit	Recaptured	Credit	Credit	Refundable	Carried
	Earned	Prior Year	Available	Credit	Claimed	Used	Credit1	Forward
Investment Tax Credit	\$163.8	\$1,096.5	\$1,260.4	\$8.7	\$1,245.9	\$91.1	\$7.9	\$1,146.9
Investment Tax Credit for the Financial Services Industry	22.0	129.9	151.9	0.3	151.6	6.8	0.0	144.8
Special Additional Mortgage Recording Tax Credit	8.7	4.6	13.2	0.0	13.2	4.4	2.6	6.2
Empire Zone Credits	427.6	893.0	1320.6	21.1	1257.3	86.5	122.8	1047.2
Alternative Minimum Tax Credit	1.9	14.1	16.0	0.0	16.0	0.9		15.1
Mortgage Servicing Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0		
Farmers' School Tax Credit	1.1	0.1	1.2	0.0	1.2	0.0	1.1	0.1
Credit for Employment of Persons with Disabilities	0.1	0.0	0.2	0.0	0.2	0.1		0.1
Alternative Fuels Credit <sup>2</sup>	0.2	2.9	3.2	0.0	3.2	1.2		2.0
QETC Employment Credit	0.3	0.0	0.3	0.0	0.3	0.0	0.3	
QETC Capital Tax Credit	0.0	0.3	0.3	0.0	0.3	0.0	0.0	0.3
QETC Facilities, Operations, and Training Credit	13.5	0.0	13.5	0.0	11.7	0.2	11.5	
Credit for Purchase of an Automated External Defibrillator	0.0	0.0	0.0	0.0	0.0	0.0		
Green Building Credit	d/	d/	d/	d/	d/	d/		d/
Low-Income Housing Credit	d/	d/	d/	d/	d/	d/		d/
Long-Term Care Insurance Credit	0.2	0.2	0.5	0.0	0.5	0.1		0.3
Empire State Film Production Credit	81.3	14.6	95.9	0.0	95.9	12.3	49.1	34.5
Fuel Cell Electric Generating Equipment Credit	d/	d/	d/	d/	d/	d/	d/	d/
Brownfield Tax Credits	128.0	0.0	128.0	0.0	127.9	5.4	122.5	
Security Officer Training Tax Credit	0.4	0.0	0.4	0.0	0.4	0.0	0.4	
Credit for Taxicabs & Livery Service Vehicles								
Accessible to Persons with Disabilities	0.1	0.1	0.2	0.0	0.2	0.0		0.1
Clean Heating Fuel Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Conservation Easement Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Biofuel Production Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Historic Properties Rehabilitation Credit	d/	d/	d/	d/	d/	d/	d/	d/
Empire State Commercial Production Credit	1.2	0.0	1.2	0.0	1.2	0.0	0.6	0.6
Total	\$852.0	\$2,156.3	\$3,008.6	\$30.1	\$2,928.6	\$210.8	\$318.9	\$2,398.2

2008 (\$ in millions)

	(\$ III IIIIIIOTS)							
		Unused						
	Total	Credit	Total					Credit
	Credit	from the	Credit	Recaptured	Credit	Credit	Refundable	Carried
	Earned	Prior Year	Available	Credit	Claimed	Used	Credit <sup>1</sup>	Forward
Investment Tax Credit	\$165.3	\$1,148.8	\$1,314.1	\$13.2	\$1,279.0	\$104.2	\$2.3	\$1,172.5
Investment Tax Credit for the Financial Services Industry	15.2	121.8	137.0	0.1	136.9	19.4	1.1	116.4
Special Additional Mortgage Recording Tax Credit	3.3	4.4	7.8	0.0	7.8	1.7	1.8	4.3
Empire Zone Credits	405.2	1,028.3	1,433.5	4.4	1,388.6	84.7	121.8	1,179.9
Alternative Minimum Tax Credit	1.0	32.3	33.3	0.0	33.3	0.8		32.5
Mortgage Servicing Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0		**
Farmers' School Tax Credit	1.1	0.1	1.2	0.0	1.2	0.0	1.0	0.1
Credit for Employment of Persons with Disabilities	0.1	0.0	0.1	0.0	0.1	0.1		0.0
Alternative Fuels Credit <sup>2</sup>	0.2	0.5	2.1	0.0	2.1	1.6		0.6
QETC Employment Credit	0.4	0.0	0.4	0.0	0.4	0.0	0.4	
QETC Capital Tax Credit	d/	d/	d/	d/	d/	d/	d/	d/
QETC Facilities, Operations, and Training Credit	18.7	0.0	18.7	0.0	15.7	0.3	15.4	
Credit for Purchase of an Automated External Defibrillator	0.1	0.0	0.1	0.0	0.1	0.1		
Green Building Credit	d/	d/	d/	d/	d/	d/		d/
Low-Income Housing Credit	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Long-Term Care Insurance Credit	0.3	0.3	0.6	0.0	0.6	0.1		0.5
Empire State Film Production Credit	104.8	32.3	137.1	0.0	137.1	10.3	126.8	0.0
Fuel Cell Electric Generating Equipment Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Brownfield Tax Credits	35.1	0.0	35.1	0.0	35.1	9.8	25.3	
Security Officer Training Tax Credit	0.3	0.0	0.3	0.0	0.3	0.0	0.3	
Credit for Taxicabs & Livery Service Vehicles								
Accessible to Persons with Disabilities	d/	d/	d/	d/	d/	d/		d/
Clean Heating Fuel Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Conservation Easement Tax Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Biofuel Production Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Historic Properties Rehabilitation Credit	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Empire State Commercial Production Credit	0.8	1.2	2.0	0.0	2.0	0.0	1.6	0.4
Total	\$753.4	\$2,370.4	\$3,125.2	\$17.7	\$3,042.0	\$234.4	\$297.8	\$2,507.6

Credit 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.

The provisions of this credit allow for the transfer of excess credit to affiliates of the taxpayer. In 2007, no corporations transferred credit to affiliates. In 2008, \$1.4 million was transferred to affiliates.

Total 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.

Table 2: Profile of Total New York State Tax Credits – Credits Earned by Type - 2007 and 2008

	200	7	200	2008		
	Number of	Amount of	Number of	Amount of		
Credit	Taxpayers	Credit Earned	Taxpayers	Credit Earned		
Investment Tax Credit	1,263	\$163,828,229	1,136	\$165,315,753		
Investment Tax Credit for the Financial Services Industry	30	22,012,059	24	15,220,815		
Special Additional Mortgage Recording Tax Credit	88	8,658,707	77	3,347,676		
EZ Wage Tax Credit	432	45,330,836	321	34,269,534		
EZ Capital Tax Credit	47	308,435	35	173,029		
EZ Investment Tax Credit	402	189,610,043	349	177,416,779		
EZ Investment Tax Credit for the Financial Services Industry	d/	d/	d/	d/		
ZEA Wage Credit						
QEZE Credit for Real Property Taxes	463	160,808,084	441	159,556,488		
QEZE Tax Reduction Credit	333	31,552,792	301	33,809,474		
Alternative Minimum Tax Credit	1,643	1,919,120	1,503	1,035,798		
Mortgage Servicing Tax Credit	0	0	0	0		
Farmers' School Tax Credit	142	1,116,428	131	1,129,869		
Credit for Employment of Persons with Disabilities	29	125,660	19	75,459		
Alternative Fuels Credit	d/	d/	4	186,033		
QETC Employment Credit	32	313,087	42	389,051		
QETC Capital Tax Credit	d/	d/	0	0		
QETC Facilities, Operations, and Training Credit	123	13,471,928	160	18,650,427		
Credit for Purchase of an Automated External Defibrillator	19	28,500	17	142,000		
Green Building Credit	d/	d/	d/	d/		
Low-Income Housing Credit	d/	d/	0	0		
Long-Term Care Insurance Credit	89	242,502	90	266,517		
Empire State Film Production Credit	36	81,290,883	25	104,775,700		
Fuel Cell Electric Generating Equipment Credit	d/	d/	0	0		
Brownfield Tax Credits	15	128,025,699	16	35,102,025		
Security Officer Training Tax Credit	3	407,400	3	327,000		
Credit for Taxicabs & Livery Service Vehicles Accessible						
to Persons with Disabilities	3	75,226	d/	d/		
Clean Heating Fuel Credit	7	24,493	5	17,452		
Conservation Easement Tax Credit	5	18,049	7	37,885		
Biofuel Production Credit	0	0	0	0		
Historic Properties Rehabilitation Credit	d/	d/	3	27,792		
Empire State Commercial Production Credit	7	1,248,088	7	820,567		

d/ Tax Law provisions prohibit disclosure of data.

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Table 3: Profile of Total New York State Tax Credits – Credits Claimed by Type - 2007 and 2008

	20	07	2008		
	Number of	Amount of	Number of	Amount of	
Credit	Taxpayers	Credit Claimed	Taxpayers	Credit Claimed	
Investment Tax Credit	2,100	\$1,245,880,593	1,950	\$1,279,008,189	
Investment Tax Credit for the Financial Services Industry	34	151,623,344	29	136,913,301	
Special Additional Mortgage Recording Tax Credit	157	13,212,995	142	7,787,361	
EZ Wage Tax Credit	789	161,623,230	691	155,622,115	
EZ Capital Tax Credit	64	581,161	62	767,296	
EZ Investment Tax Credit	517	914,930,891	483	1,058,173,452	
EZ Investment Tax Credit for the Financial Services Industry	4	2,027,984	3	1,026,065	
ZEA Wage Credit	36	27,950,291	30	20,154,642	
QEZE Credit for Real Property Taxes	464	118,612,295	447	119,002,732	
QEZE Tax Reduction Credit	333	31,552,792	301	33,809,474	
Alternative Minimum Tax Credit	4,858	16,013,493	5,128	33,331,023	
Mortgage Servicing Tax Credit	0	0	0	0	
Farmers' School Tax Credit	142	1,182,659	130	1,168,990	
Credit for Employment of Persons with Disabilities	48	171,536	33	107,646	
Alternative Fuels Credit	5	3,169,948	5	2,132,516	
QETC Employment Credit	32	313,087	42	389,051	
QETC Capital Tax Credit	4	283,067	d/	d/	
QETC Facilities, Operations, and Training Credit	124	11,737,173	160	15,702,709	
Credit for Purchase of an Automated External Defibrillator	19	28,500	17	142,000	
Green Building Credit	d/	d/	d/	d/	
Low-Income Housing Credit	d/	d/	0	0	
Long-Term Care Insurance Credit	96	475,490	97	602,775	
Empire State Film Production Credit	44	95,884,861	51	137,078,076	
Fuel Cell Electric Generating Equipment Credit	d/	d/	0	0	
Brownfield Tax Credits	15	127,939,078	16	35,101,611	
Security Officer Training Tax Credit	3	407,400	3	327,000	
Credit for Taxicabs & Livery Service Vehicles Accessible					
to Persons with Disabilities	3	150,586	d/	d/	
Clean Heating Fuel Credit	7	24,493	5	17,452	
Conservation Easement Tax Credit	5	16,019	7	18,010	
Biofuel Production Credit	0	0	0	0	
Historic Properties Rehabilitation Credit	d/	d/	6	46,802	
Empire State Commercial Production Credit	7	1,248,088	8	2,046,020	

d/ Tax Law provisions prohibit disclosure of data.

Table 4: Profile of Total New York State Tax Credits – Credits Used by Type - 2007 and 2008

	200	7	2008		
	Number of	Amount of	Number of	Amount of	
Credit	Taxpayers	Credit Used	Taxpayers	Credit Used	
Investment Tax Credit	1,450	\$91,051,353	1,139	\$104,222,762	
Investment Tax Credit for the Financial Services Industry	32	6,845,614	25	19,420,207	
Special Additional Mortgage Recording Tax Credit	101	4,433,578	82	1,681,148	
EZ Wage Tax Credit	473	15,662,113	333	12,512,560	
EZ Capital Tax Credit	32	73,157	20	141,360	
EZ Investment Tax Credit	246	17,631,793	188	18,047,541	
EZ Investment Tax Credit for the Financial Services Industry	d/	d/	d/	d/	
ZEA Wage Credit	23	3,091,408	18	2,760,165	
QEZE Credit for Real Property Taxes	136	18,090,474	104	19,278,326	
QEZE Tax Reduction Credit	320	30,836,319	292	31,692,933	
Alternative Minimum Tax Credit	611	943,981	460	836,207	
Mortgage Servicing Tax Credit	0	0	0	0	
Farmers' School Tax Credit	30	43,959	29	40,674	
Credit for Employment of Persons with Disabilities	27	103,581	15	67,782	
Alternative Fuels Credit	3	1,177,262	4	1,561,170	
QETC Employment Credit	3	5,645	4	5,993	
QETC Capital Tax Credit	3	4,575	d/	d/	
QETC Facilities, Operations, and Training Credit	49	232,928	58	272,348	
Credit for Purchase of an Automated External Defibrillator	15	19,582	15	139,776	
Green Building Credit	d/	d/	d/	d/	
Low-Income Housing Credit	d/	d/	0	0	
Long-Term Care Insurance Credit	65	126,879	57	135,165	
Empire State Film Production Credit	8	12,341,242	11	10,302,031	
Fuel Cell Electric Generating Equipment Credit	d/	d/	0	0	
Brownfield Tax Credits	4	5,392,031	6	9,756,109	
Security Officer Training Tax Credit	0	0	0	C	
Credit for Taxicabs & Livery Service Vehicles Accessible					
to Persons with Disabilities	d/	d/	d/	d	
Clean Heating Fuel Credit	6	15,922	3	6,810	
Conservation Easement Tax Credit	4	14,770	4	16,467	
Biofuel Production Credit	0	0	0	C	
Historic Properties Rehabilitation Credit	d/	d/	6	40,587	
Empire State Commercial Production Credit	3	9,437	3	3,982	

d/ Tax Law provisions prohibit disclosure of data.

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Table 5: Profile of Total New York State Tax Credits – Credits Refunded by Type - 2007 and 2008

		2007	2008		
		Amount of		Amount of	
	Number of	Credit	Number of	Credit	
Credit	Taxpayers	Refunded <sup>1</sup>	Taxpayers	Refunded	
Investment Tax Credit	26	\$7,944,431	18	\$2,251,996	
Investment Tax Credit for the Financial Services Industry	0	0	d/	d	
Special Additional Mortgage Recording Tax Credit	22	2,572,619	22	1,763,520	
EZ Wage Tax Credit	118	10,132,727	87	8,131,269	
EZ Capital Tax Credit					
EZ Investment Tax Credit	66	12,180,504	75	13,961,819	
EZ Investment Tax Credit for the Financial Services Industry	0	0	0	C	
ZEA Wage Credit					
QEZE Credit for Real Property Taxes	423	100,521,829	402	99,724,417	
QEZE Tax Reduction Credit					
Alternative Minimum Tax Credit					
Mortgage Servicing Tax Credit					
Farmers' School Tax Credit	131	1,062,524	115	1,011,100	
Credit for Employment of Persons with Disabilities					
Alternative Fuels Credit					
QETC Employment Credit	29	299,442	39	382,471	
QETC Capital Tax Credit	0	0	0	C	
QETC Facilities, Operations, and Training Credit	124	11,504,239	160	15,430,362	
Credit for Purchase of an Automated External Defibrillator					
Green Building Credit					
Low-Income Housing Credit					
Long-Term Care Insurance Credit					
Empire State Film Production Credit <sup>2</sup>	42	49,068,799	49	126,776,046	
Fuel Cell Electric Generating Equipment Credit	0	0	0	C	
Brownfield Tax Credits	13	122,547,047	14	25,345,503	
Security Officer Training Tax Credit	3	407,400	3	327,000	
Credit for Taxicabs & Livery Service Vehicles Accessible					
to Persons with Disabilities					
Clean Heating Fuel Credit	3	8,571	4	10,642	
Conservation Easement Tax Credit	d/	d/	d/	d	
Biofuel Production Credit	0	0	0	C	
Historic Properties Rehabilitation Credit	d/	d/	0	C	
Empire State Commercial Production Credit	7	619,343	8	1,633,746	

Credit 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.

For tax years beginning on or after January 1, 2008, the Empire State Film Production credit is fully refundable in one year.

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<sup>--</sup> Represents nonrefundable credit.

Table 6: Profile of Total New York State Tax Credits – Credits Carried Forward by Type - 2007 and 2008

		2007		08
		Amount of		Amount of
	Number of	Credit Carried	Number of	Credit Carried
Credit	Taxpayers	Forward	Taxpayers	Forward
Investment Tax Credit	1,810	\$1,146,884,809	1,711	\$1,172,533,417
Investment Tax Credit for the Financial Services Industry	16	144,777,730	13	116,415,288
Special Additional Mortgage Recording Tax Credit	101	6,206,798	98	4,342,693
EZ Wage Tax Credit	709	135,828,381	635	134,978,279
EZ Capital Tax Credit	44	508,004	47	625,936
EZ Investment Tax Credit	484	885,118,591	461	1,026,164,091
EZ Investment Tax Credit for the Financial Services Industry	4	933,996	d/	d/
ZEA Wage Credit	31	24,858,883	28	17,394,477
QEZE Credit for Real Property Taxes				
QEZE Tax Reduction Credit				
Alternative Minimum Tax Credit	4,432	15,069,656	4,827	32,494,819
Mortgage Servicing Tax Credit				
Farmers' School Tax Credit	11	76,176	14	117,217
Credit for Employment of Persons with Disabilities	29	67,955	19	39,864
Alternative Fuels Credit	3	1,992,686	4	571,346
QETC Employment Credit				
QETC Capital Tax Credit	d/	d/	d/	d/
QETC Facilities, Operations, and Training Credit				
Credit for Purchase of an Automated External Defibrillator				
Green Building Credit	0	0	d/	d/
Low-Income Housing Credit	d/	d/	0	0
Long-Term Care Insurance Credit	64	348,611	75	467,609
Empire State Film Production Credit <sup>1</sup>	34	34,474,815	0	0
Fuel Cell Electric Generating Equipment Credit	d/	d/	0	0
Brownfield Tax Credits				
Security Officer Training Tax Credit				
Credit for Taxicabs & Livery Service Vehicles Accessible				
to Persons with Disabilities	3	147,742	d/	d/
Clean Heating Fuel Credit				
Conservation Easement Tax Credit				
Biofuel Production Credit				
Historic Properties Rehabilitation Credit	d/	d/	d/	d/
Empire State Commercial Production Credit	7	619,307	7	408,292

For tax years beginning on or after January 1, 2008, the Empire State Film Production credit is fully refundable in one year.

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		Number of	Amount of	% of Credit	Median Credit	Mean Credit
redit Earned	Basis of Taxation	Taxpayers	Credit Earned	Earned	Earned	Earned
reuit Earrieu	Entire Net Income	152	\$10,286,063	6.22	\$8,315	\$67,671
	Fixed Dollar Minimum Tax	719	96,762,324	58.53	5,490	134,579
	Capital Base	34	1,184,437	0.72	1,759	34,836
	Alternative Minimum Tax	231	57,082,929	34.53	37,940	247,112
	Total	1,136	\$165,315,753	100.00	\$8,730	\$145,524
	Total	1,130	Ψ100,010,700	100.00	ΨΟ,730	ΨΙΤΟ,ΌΣΤ
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
edit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	188	\$13,723,592	1.07	\$10,036	\$72,998
	Fixed Dollar Minimum Tax	1,390	910,748,600	71.21	33,956	655,215
	Capital Base	43	11,030,040	0.86	3,205	256,513
	Alternative Minimum Tax	329	343,505,957	26.86	91,364	1,044,091
	Total	1,950	\$1,279,008,189	100.00	\$34,119	\$655,902
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
edit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	171	\$11,064,121	10.62	\$6,982	\$64,702
	Fixed Dollar Minimum Tax	625	52,118,388	50.01	1,345	83,389
	Capital Base	38	1,305,775	1.25	2,780	34,363
	Alternative Minimum Tax	305	39,734,478	38.12	12,158	130,277
	Total	1,139	\$104,222,762	100.00	\$2,797	\$91,504
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
edit Refunded	Basis of Taxation	Taxpayers	Credit Refunded	Refunded	Refunded	Refunded
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	16	\$2,213,492	98.29	\$46,539	\$138,343
	Capital Base	0	0	0	0	0
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	18	\$2,251,996	100.00	\$29,828	\$125,111
			Amount of	% of Credit	Median Credit	Mean Credit
		Number of	Credit Carried	Carried	Carried	Carried
edit Carried Forward	Basis of Taxation	Taxpayers	Forward	Forward	Forward	Forward
	Entire Net Income	20	\$2,659,471	0.23	\$19,100	\$132,974
	Fixed Dollar Minimum Tax	1,368	856,416,709	73.04	32,483	626,036
	Capital Base	8	9,724,265	0.83	24,293	1,215,533
	Alternative Minimum Tax	315	303,732,972	25.90	75,140	964,232
	Total	1,711	\$1,172,533,417	100.00	\$37,587	\$685,291

d/ Tax Law provisions prohibit disclosure of data.

Table 8: New York State Investment Tax Credit by Major Industry Group - 2008 Liability Year

Earned

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Earned	Earned	Earned	Earned
Agriculture, Forestry, Fishing & Hunting	140	\$2,801,130	1.69	\$4,134	\$20,008
Mining	15	528,672	0.32	12,128	35,245
Utilities	3	9,959,010	6.02	d/	3,319,670
Construction	25	864,833	0.52	3,355	34,593
Manufacturing	699	67,885,535	41.06	32,596	307,761
Wholesale Trade	41	1,711,101	1.04	3,697	41,734
Retail Trade	18	904,190	0.55	43,283	95,682
Transportation & Warehousing	5	874,479	0.53	21,825	219,149
Information	45	32,577,070	19.71	6,982	723,935
Finance and Insurance	7	8,090,528	4.89	15,811	1,155,790
Real Estate, Rental, & Leasing	d/	d/	d/	d/	d/
Professional, Scientific, & Technical Services	39	12,156,590	7.35	5,293	311,707
Management of Companies & Enterprises	62	9,487,061	5.74	56,496	153,017
Administrative & Support & Waste Management &					
Remediation Services	7	192,383	0.12	5,537	27,483
Educational Services	0	0	0.00	0	0
Health Care & Social Assistance	18	371,983	0.23	8,464	20,666
Arts, Entertainment, & Recreation	5	16,711,635	10.11	17,843	3,342,327
Accommodation & Food Services	d/	d/	d/	d/	d/
Other Services (except Public Adminstration)	4	24,405	0.01	4,256	6,101
Public Administration	0	0	0.00	0	0
Total	1,136	\$165,315,753	100.00	\$8,730	\$145,524

Credit Claimed

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
Agriculture, Forestry, Fishing & Hunting	218	\$18,555,883	1.45	\$20,221	\$85,119
Mining	24	4,401,389	0.34	76,742	183,391
Utilities	3	33,724,959	2.64	d/	11,241,653
Construction	39	3,122,857	0.24	15,841	80,073
Manufacturing	1,254	802,356,616	62.73	136,674	1,874,182
Wholesale Trade	82	12,168,966	0.95	14,731	148,402
Retail Trade	27	2,295,403	0.18	34,115	139,270
Transportation & Warehousing	6	1,805,050	0.14	28,294	361,574
Information	64	145,637,871	11.39	13,952	2,275,592
Finance and Insurance	9	108,768,247	8.50	45,230	12,085,361
Real Estate, Rental, & Leasing	12	611,860	0.05	11,651	50,988
Professional, Scientific, & Technical Services	71	51,734,254	4.04	22,717	728,651
Management of Companies & Enterprises	74	72,358,061	5.66	210,610	977,812
Administrative & Support & Waste Management &					
Remediation Services	10	852,374	0.07	18,093	85,237
Educational Services	d/	d/	d/	d/	d/
Health Care & Social Assistance	43	3,725,461	0.29	10,603	86,639
Arts, Entertainment, & Recreation	7	16,720,959	1.31	10,123	2,388,708
Accommodation & Food Services	d/	d/	d/	d/	d/
Other Services (except Public Adminstration)	6	154,830	0.01	22,259	25,805
Public Administration	0	0	0.00	0	0
Total	1,950	\$1,279,008,189	100.00	\$34,119	\$655,902

d/ Tax Law provisions prohibit disclosure of data.

Table 8: New York State Investment Tax Credit by Major Industry Group - 2008 Liability Year (Cont'd)

Credit U	Jsed
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	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Used	Used	Used	Used
Agriculture, Forestry, Fishing & Hunting	130	\$1,243,833	1.19	\$1,537	\$9,568
Mining	15	308,276	0.30	5,637	20,552
Utilities	3	7,360,460	7.06	d/	2,453,487
Construction	26	847,394	0.81	3,455	32,592
Manufacturing	711	28,892,955	27.72	9,460	132,283
Wholesale Trade	45	735,321	0.71	2,095	16,340
Retail Trade	17	1,115,576	1.07	27,303	110,090
Transportation & Warehousing	5	932511	0.89	24,222	233657
Information	45	16,616,168	15.94	6,477	369,248
Finance and Insurance	8	10,747,325	10.31	30521	1,343,416
Real Estate, Rental, & Leasing	6	165,308	0.16	706	27551
Professional, Scientific, & Technical Services	39	13,194,999	12.66	1,884	338,333
Management of Companies & Enterprises	60	5,171,767	4.96	16,349	86,196
Administrative & Support & Waste Management &					
Remediation Services	8	43,141	0.04	1,514	5,393
Educational Services	0	0	0.00	0	0
Health Care & Social Assistance	14	146,828	0.14	3,256	10,488
Arts, Entertainment, & Recreation	6	16,699,209	16.02	9,345	2,783,202
Accommodation & Food Services	d/	d/	d/	d/	d/
Other Services (except Public Adminstration)	d/	d/	d/	d/	d/
Public Administration	0	0	0.00	0	0
Total	1,139	\$104,222,762	100.00	\$2,797	\$91,504

Credit Carried Forward

		Amount of	% of Credit	Median Credit	Mean Credit
	Number of	Credit Carried	Carried	Carried	Carried
Major Industry Group	Taxpayers	Forward	Forward	Forward	Forward
Agriculture, Forestry, Fishing & Hunting	207	\$17,312,050	1.48	\$20,966	\$83,633
Mining	22	4,093,110	0.35	79,881	186,050
Utilities	3	26,364,499	2.25	d/	8,788,166
Construction	31	2,033,152	0.17	15,185	65,586
Manufacturing	1,120	773,129,649	65.94	145,391	2,036,312
Wholesale Trade	71	11,251,827	0.96	15,745	158,476
Retail Trade	18	1,179,827	0.10	31,614	105,178
Transportation & Warehousing	4	872,539	0.07	131,807	218,135
Information	45	129,021,704	11.00	19,623	2,867,149
Finance and Insurance	4	98,020,922	8.36	795,543	24,505,231
Real Estate, Rental, & Leasing	12	446552	0.04	11409	37213
Professional, Scientific, & Technical Services	63	38,506,507	3.28	23,498	611,214
Management of Companies & Enterprises	51	65,798,904	5.61	292,225	1,290,175
Administrative & Support & Waste Management &					
Remediation Services	10	809,233	0.07	17,898	80,923
Educational Services	d/	d/	d/	d/	d/
Health Care & Social Assistance	38	3,504,904	0.30	24,181	92,234
Arts, Entertainment, & Recreation	5	21,750	0.00	4,539	4,350
Accommodation & Food Services	d/	d/	d/	d/	d/
Other Services (except Public Adminstration)	6	153,139	0.01	22,259	25,523
Public Administration	0	0	0.00	0	0
Total	1,711	\$1,172,533,417	100.00	\$37,587	\$685,291

d/ Tax Law provisions prohibit disclosure of data.

Table 9: New York Sta	ate Investment Tax (	Credit by	Size of Entire Net Ir	come - 2008	Liability Year			
Credit Earned	Size of	Entire Net	Income	Number of Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Credit Earned
	Zero or Net Loss			427	\$55,152,975	33.36	\$6,416	\$129,164
	\$ 1	-	\$ 99,999	225	1,484,657	0.90	2,350	6,598
	100,000	-	499,999	137	2,582,997	1.56	8,864	18,854
	500,000	-	999,999	55	1,672,380	1.01	9,891	30,407
	1,000,000	-	24,999,999	173	13,777,316	8.33	26,120	79,638
	25,000,000	-	49,999,999	17	7,744,212	4.68	14,903	455,542
	50,000,000	-	99,999,999	24	10,628,637	6.43	109,572	442,860
	100,000,000	_	499,999,999	51	9,878,650	5.98	93,956	193,699
	500,000,000		and over	27	62,393,929	37.74	420,657	2,310,886
	000/000/000		Total	1,136	\$165,315,753	100.00	\$8,730	\$145,524
	-			Number of	Amount of	% of Credit	Median Credit	Mean Credit
redit Claimed	Size of	Entire Net	Income	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
realt oldlinea	Zero or Net Loss	LITTUIC INCT	moonic	852	\$695,453,003	54.37	\$35,927	\$816,259
	\$ 1		\$ 99,999	475	22,852,434	1.79	15,193	48,110
	100,000		499,999	194	21,595,568	1.69	38,217	111,317
	500,000		999,999	77	11,034,326	0.86	59,810	143,303
	1,000,000	-	24,999,999	223	106,070,719	8.29	87,265	475,653
		-	49,999,999	223	18,474,592		29,658	879,742
	25,000,000	-				1.44		
	50,000,000	-	99,999,999	26	43,748,650	3.42	411,569	1,682,640
	100,000,000	-	499,999,999	53	104,920,084	8.20	179,025	1,979,624
	500,000,000	-	and over Total	29 1,950	254,858,813 \$1,279,008,189	19.93	672,337 \$34,119	8,788,235 \$655,902
			rotar	1,700	ψ1,217,000,107	100.00		Ψ030,702
				Number of	Amount of	% of Credit	Median Credit	Mean Credit
redit Used	Size of	Entire Net	Income	Taxpayers	Credit Used	Used	Used	Used
	Zero or Net Loss			325	\$22,655,059	21.74	\$1,033	\$69,708
	\$ 1	-	\$ 99,999	250	347,166	0.33	901	1,389
	100,000	-	499,999	166	1,098,874	1.05	4,838	6,620
	500,000	-	999,999	68	926,815	0.89	4,528	13,630
	1,000,000	-	24,999,999	205	6,478,684	6.22	8,840	31,603
	25,000,000	-	49,999,999	21	1,428,659	1.37	16,011	68,031
	50,000,000	-	99,999,999	25	3,274,230	3.14	101,312	130,969
	100,000,000	-	499,999,999	51	11,542,462	11.07	115,555	226,323
	500,000,000	-	and over	28	56,470,813	54.18	438,409	2,016,815
			Total	1,139	\$104,222,762	100.00	\$2,797	\$91,504
					Amount of	% of Credit	Median Credit	Mean Credi
				Number of	Credit Carried	Carried	Carried	Carried
Credit Carried Forward	Size of	Entire Net	Income	Taxpayers	Forward	Forward	Forward	Forward
	Zero or Net Loss			813	\$670,665,437	57.20	\$37,659	\$824,927
	\$ 1	-	\$ 99,999	450	22,425,916	1.91	16,125	49,835
	100,000	-	499,999	167	20,496,691	1.75	51,666	122,735
	500,000	-	999,999	62	10,071,412	0.86	68,375	162,442
	1,000,000	-	24,999,999	159	99,592,032	8.49	241,688	626,365
	25,000,000	-	49,999,999	10	17,045,933	1.45	854,440	1,704,593
	50,000,000	-	99,999,999	17	40,474,420	3.45	711,439	2,380,848
	100,000,000	-	499,999,999	24	93,373,576	7.96	2,126,548	3,890,566
	500,000,000	-	and over	9	198,388,000	16.92	9,477,087	22,043,111
	300,000,000	•	Total	1.711	\$1.172.533.417	100.00	\$37.587	\$685,291

Total

\$1,172,533,417

100.00

\$37,587

				.,		iability Year			
Credit Earned		Size o	f Credit	llsed	Number of Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Cred Earne
ordan Edinied	Negativ		Orcuit	030 <b>u</b>	d/	d/	d/	d/	d
	Zero				365	\$9,748,675	5.90	\$3,039	\$26,70
	\$	1	_	\$ 499	d/	d/	d/	d/	d
		500	-	999	59	1,165,360	0.70	3,140	19,75
		1,000	_	4,999	208	4,540,789	2.75	4,664	21,83
	-	5,000	-	9,999	97	4,060,896	2.46	9,891	41,86
		10,000	_	24,999	100	5,766,147	3.49	23,772	57,66
		25,000	-	49,999	54	7,018,959	4.25	48,331	129,98
		50,000	-	99,999	49	9,480,314	5.73	84,261	193,47
		100,000	-	499,999	65	36,230,878	21.92	185,955	557,39
		500,000	-	and over	23	85,822,496	51.91	1,221,299	3,731,41
		500,000		Total	1,136	\$165,315,753	100.00	\$8,730	\$145,52
	-				Number of	Amount of	% of Credit	Median Credit	Mean Cred
redit Claimed		Size o	f Credit	Used	Taxpayers	Credit Claimed	Claimed	Claimed	Claime
	Negativ				9	(\$159,398)	(0.01)	(\$7,486)	(\$17,711
	Zero				811	176,769,720	13.82	24,946	217,96
	\$	1	-	\$ 499	232	15,064,582	1.18	9,899	64,93
		500	-	999	117	17,329,894	1.35	14,760	148,11
		1,000	-	4,999	324	45,158,531	3.53	28,571	139,37
		5,000	-	9,999	121	46,313,633	3.62	64,273	382,75
		10,000	-	24,999	116	49,957,473	3.91	98,247	430,66
		25,000	-	49,999	70	81,175,695	6.35	137,869	1,159,65
		50,000	-	99,999	55	45,164,142	3.53	209,111	821,16
		100,000	-	499,999	71	381,064,704	29.79	901,722	5,367,10
		500,000	-	and over	24	421,169,213	32.93	4,469,605	17,548,71
		,		Total	1,950	\$1,279,008,189	100.00	\$34,119	\$655,90
					Number of	Amount of	% of Credit	Median Credit	Mean Cred
redit Used		Size o	f Credit	Used	Taxpayers	Credit Used	Used	Used	Use
	Negativ				9	(\$159,398)	(0.15)	(\$7,486)	(\$17,71
	Zero				0	0	0.00	0	
	\$	1	-	\$ 499	232	43,797	0.04	156	18
		500	-	999	117	88,700	0.09	759	75
		1,000	-	4,999	324	807,306	0.77	2,289	2,49
		5,000	-	9,999	121	895,094	0.86	7,173	7,39
		10,000	-	24,999	116	1,813,509	1.74	14,536	15,63
		25,000	-	49,999	70	2,479,604	2.38	33,982	35,42
		50,000	-	99,999	55	3,912,962	3.75	70,464	71,14
		100,000	-	499,999	71	16,840,188	16.16	224,886	237,18
		500,000	-	and over	24	77,501,000	74.36	1,063,357	3,229,20
		,		Total	1,139	\$104,222,762	100.00	\$2,797	\$91,50
						Amount of	% of Credit	Median Credit	Mean Cred
					Number of	Credit Carried	Carried	Carried	Carrie
redit Carried Forward		Size o	f Credit	Used	Taxpayers	Forward	Forward	Forward	Forwar
	Negativ	re*			0	\$0	0.00	\$0	\$
	Zero				805	175,785,607	14.99	25,552	218,36
	\$	1	-	\$ 499	205	14,947,316	1.27	14,321	72,91
		500	-	999	97	16,998,882	1.45	22,843	175,24
		1,000	-	4,999	268	44,314,582	3.78	47,077	165,35
		5,000	-	9,999	95	45,305,952	3.86	84,355	476,90
	_	10,000	-	24,999	88	47,965,506	4.09	199,235	545,06
		25,000	-	49,999	52	78,660,948	6.71	275,400	1,512,71
		50,000	-	99,999	35	40,661,895	3.47	523,198	1,161,76
		100,000	-	499,999	49	364,224,516	31.06	1,643,350	7,433,15
	-	500,000	-	and over	17	343,668,213	29.31	5,669,700	20,215,77

<sup>\* &</sup>quot;Negative" means recapture exceeds amount of available credit.

d/ Tax Law provisions prohibit the disclosure of data.

Table 11: New York State Investment Tax Credit for the Financial Services Industry by Basis of Taxation - 2008 Liability Year

	D 1 (T 1)	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Earned	Basis of Taxation	Taxpayers	Credit Earned	Earned	Earned	Earned
	Entire Net Income	10	\$1,806,198	11.87	\$32,778	\$180,620
	Fixed Dollar Minimum Tax	6	8,355,120	54.89	40,440	1,392,520
	Capital Base	4	1,013,032	6.66	104,895	253,258
	Alternative Minimum Tax	4	4,046,465	26.59	411,241	1,011,616
	Total	24	\$15,220,815	100.00	\$32,778	\$634,201
		Number of	Amount of Credit	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Claimed	Claimed	Claimed	Claimed
	Entire Net Income	10	\$1,798,099	1.31	\$32,778	\$179,810
	Fixed Dollar Minimum Tax	9	118,065,096	86.23	256,701	13,118,344
	Capital Base	5	6,031,850	4.41	6,007	1,206,370
	Alternative Minimum Tax	5	11,018,256	8.05	810,752	2,203,651
	Total	29	\$136,913,301	100.00	\$135,599	\$4,721,148
		Number of	Amount of Credit		Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Used %	of Credit Used	Used	Used
	Entire Net Income	9	\$1,775,362	9.14	\$37,570	\$197,262
	Fixed Dollar Minimum Tax	6	9,295,298	47.86	14,800	1,549,216
	Capital Base	5	6,031,850	31.06	6,007	1,206,370
	Alternative Minimum Tax	5	2,317,697	11.93	203,090	463,539
	Total	25	\$19,420,207	100.00	\$27,986	\$776,808
			Amount of	% of Credit	Median Credit	Mean Credit
		Number of	Credit Carried	Carried	Carried	Carried
Credit Carried Forward	Basis of Taxation	Taxpayers	Forward	Forward	Forward	Forward
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	9	\$108,769,798	93.43	\$248,821	\$12,085,533
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	3	7,622,753	6.55	d/	2,540,918
	Total	13	\$116,415,288	100.00	\$248,821	\$8,955,022

d/ Tax Law provisions prohibit disclosure of data.

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Table 12: New York State Special Additional Mortgage Recording Tax Credit by Basis of Taxation - 2008 Liability Year

		Number of A	Amount of Credit	% of Credit	Median Credit	Mean Credit
Credit Earned	Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned
	Entire Net Income	8	\$120,923	3.61	\$8,375	\$15,115
	Fixed Dollar Minimum Tax	46	1,541,999	46.06	8,976	33,522
	Capital Base	15	157,032	4.69	6,226	10,469
	Alternative Minimum Tax	8	1,527,722	45.64	10,938	190,965
	Total	77	\$3,347,676	100.00	\$8,000	\$43,476
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	8	\$329,725	4.23	\$8,375	\$41,216
	Fixed Dollar Minimum Tax	99	4,991,841	64.10	7,553	50,423
	Capital Base	19	169,931	2.18	6,178	8,944
	Alternative Minimum Tax	16	2,295,864	29.48	27,880	143,492
	Total	142	\$7,787,361	100.00	\$7,903	\$54,841
		Number of	Amount of		Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers		of Credit Used	Used	Used
	Entire Net Income	7	\$310,030	18.44	\$8,000	\$44,290
	Fixed Dollar Minimum Tax	44	786,294	46.77	1,572	17,870
	Capital Base	1/				
		16	148,145	8.81	5,902	9,259
	Alternative Minimum Tax	15	148,145 436,679	8.81 25.98	5,902 13,918	9,259 29,112
	Alternative Minimum Tax	15	436,679 \$1,681,148	25.98 100.00	13,918 \$3,713	29,112 \$20,502
	Alternative Minimum Tax	15 82	436,679 \$1,681,148 Amount of	25.98 100.00 % of Credit	13,918 \$3,713 Median Credit	29,112 \$20,502 Mean Credit
Cradit Carried Faguerd	Alternative Minimum Tax Total	15 82 Number of	436,679 \$1,681,148 Amount of Credit Carried	25.98 100.00 % of Credit Carried	13,918 \$3,713 Median Credit Carried	29,112 \$20,502 Mean Credit Carried
Credit Carried Forward	Alternative Minimum Tax Total  Basis of Taxation	Number of Taxpayers	436,679 \$1,681,148 Amount of Credit Carried Forward	25.98 100.00 % of Credit Carried Forward	13,918 \$3,713 Median Credit Carried Forward	29,112 \$20,502 Mean Credit Carried Forward
Credit Carried Forward	Alternative Minimum Tax Total  Basis of Taxation Entire Net Income	Number of Taxpayers	436,679 \$1,681,148 Amount of Credit Carried Forward d/	25.98 100.00 % of Credit Carried Forward d/	13,918 \$3,713 Median Credit Carried Forward	29,112 \$20,502 Mean Credit Carried Forward
Credit Carried Forward	Alternative Minimum Tax Total  Basis of Taxation Entire Net Income Fixed Dollar Minimum Tax	Number of Taxpayers d/	436,679 \$1,681,148 Amount of Credit Carried Forward d/ \$3,429,061	25.98 100.00 % of Credit Carried Forward d/ 78.96	13,918 \$3,713 Median Credit Carried Forward d/ \$4,625	29,112 \$20,502 Mean Credit Carried Forward d/ \$42,334
Credit Carried Forward	Alternative Minimum Tax Total  Basis of Taxation Entire Net Income Fixed Dollar Minimum Tax Capital Base	Number of Taxpayers  d/ 81	436,679 \$1,681,148 Amount of Credit Carried Forward d/ \$3,429,061 d/	25.98 100.00 % of Credit Carried Forward d/ 78.96 d/	13,918 \$3,713 Median Credit Carried Forward d/ \$4,625 d/	29,112 \$20,502 Mean Credit Carried Forward d/ \$42,334 d/
Credit Carried Forward	Alternative Minimum Tax Total  Basis of Taxation Entire Net Income Fixed Dollar Minimum Tax	Number of Taxpayers d/	436,679 \$1,681,148 Amount of Credit Carried Forward d/ \$3,429,061	25.98 100.00 % of Credit Carried Forward d/ 78.96	13,918 \$3,713 Median Credit Carried Forward d/ \$4,625	29,112 \$20,502 Mean Credit Carried Forward d/ \$42,334

d/ Tax Law provisions prohibit disclosure of data.

able 13: New York S	State EZ Wage Tax Credit by	Basis of Taxa	tion - 2008 Lia	ability Year		
		Number of	Amount of	0/ of Crodit	Madian Cradit	Maan Crad
redit Earned	Basis of Taxation	Number of Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Cred Earne
reuit Earrieu	Entire Net Income	93	\$6,892,013	20.11	\$19,875	\$74,108
	Fixed Dollar Minimum Tax	185	22,691,218	66.21	16,125	122,655
	Capital Base	12	742,570	2.17	34,500	61,88
	Alternative Minimum Tax	31		11.51	28,250	127,217
	Total	321	3,943,733	100.00		
	TOTAL	321	\$34,269,534	100.00	\$18,000	\$106,759
		Number of	Amount of	% of Credit	Median Credit	Mean Credi
redit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	163	\$32,618,246	20.96	\$35,250	\$200,112
	Fixed Dollar Minimum Tax	431	101,313,654	65.10	45,459	235,066
	Capital Base	37	7,204,888	4.63	84,735	194,727
	Alternative Minimum Tax	60	14,485,327	9.31	79,372	241,422
	Total	691	\$155,622,115	100.00	\$47,028	\$225,213
		Number of	Amount of	% of Credit	Median Credit	Mean Credi
dit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	95	\$4,523,166	36.15	\$6,692	\$47,612
	Fixed Dollar Minimum Tax	154	3,553,932	28.40	1,413	23,077
	Capital Base	32	374,575	2.99	4,561	11,705
	Alternative Minimum Tax	52	4,060,887	32.45	6,068	78,094
	Total	333	12,512,560	100.00	3,400	37,575
		Number of	Credit	% of Credit	Median Credit	Mean Credi
edit Refunded	Basis of Taxation	Taxpayers	Refunded	Refunded	Refunded	Refunded
	Entire Net Income	15	\$677,940	8.34	\$12,938	\$45,196
	Fixed Dollar Minimum Tax	66	6,894,761	84.79	12,094	104,466
	Capital Base	d/	d/	d/	d/	d
	Alternative Minimum Tax	d/	d/	d/	d/	d
	Total	87	\$8,131,269	100.00	\$12,813	\$93,463
		Niverbanas	Amount of	% of Credit	Median Credit	Mean Credi
adit Carried Farmard	Basis of Taxation	Number of Taxpayers	Credit Carried Forward	Carried Forward	Carried Forward	Carried Forward
edit Carried Forward	Entire Net Income					
	Fixed Dollar Minimum Tax	134	\$27,417,139	20.31	\$45,616	\$204,606
		420	90,864,956	67.32	44,203	216,345
	Capital Base Alternative Minimum Tax	31	6,613,902	4.90	99,403	213,352
		50	10,082,282	7.47	78,782	201,646
	Total d/ Tax Law provisions prohibit	635	\$134,978,279	100.00	\$48,375	\$212,564

d/ Tax Law provisions prohibit disclosure of data.

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Table 14: New York State EZ Wage Tax Credit by Major Industry Group - 2008 Liability Year

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Earned	Earned	Earned	Earned
Agriculture, Forestry, Fishing & Hunting	d/	d/	d/	d/	d/
Mining	3	\$150,750	0.44	d/	\$50,250
Utilities	d/	d/	d/	d/	d/
Construction	21	593,300	1.73	17,082	28,252
Manufacturing	132	24,196,918	70.61	86,907	462,504
Wholesale Trade	27	991,500	2.89	16,500	36,722
Retail Trade	24	2,742,070	8.00	38,875	383,554
Transportation & Warehousing	9	478,250	1.40	56,438	78,813
Information	d/	d/	d/	d/	d/
Finance and Insurance	11	646,661	1.89	6,000	58,787
Real Estate, Rental, & Leasing	19	431434	1.26	3000	22707
Professional, Scientific, & Technical Services	28	904,519	2.64	9,188	32,304
Management of Companies & Enterprises	19	1,458,768	4.26	28,250	76,777
Administrative & Support & Waste Management &					
Remediation Services	d/	d/	d/	d/	d/
Educational Services	0	0	0	0	0
Health Care & Social Assistance	7	676,000	1.97	42,750	96,571
Arts, Entertainment, & Recreation	4	410,875	1.20	47,438	102,719
Accommodation & Food Services	8	170,360	0.50	13,313	21,295
Other Services (except Public Adminstration)	4	95,640	0.28	15,195	23,910
Public Administration	0	0	0.00	0	0
Total	321	\$34,269,534	100.00	\$18,000	\$106,759

Credit Claimed

Major Industry Group	Number of Taxpayers	Amount of Credit Claimed	% of Credit Claimed	Median Credit Claimed	Mean Credit Claimed
Agriculture, Forestry, Fishing & Hunting	d/	d/	d/	d/	d/
Mining	4	\$497,062	0.32	\$100,688	\$124,266
Utilities	d/	d/	d/	d/	d/
Construction	37	2,206,683	1.42	27,750	59,640
Manufacturing	290	94,432,159	60.68	210,573	869,938
Wholesale Trade	64	12,305,436	7.91	33,898	192,272
Retail Trade	57	5,321,165	3.42	63,456	262,462
Transportation & Warehousing	27	6,664,690	4.28	145,624	298,327
Information	9	4,364,482	2.80	91,224	484,942
Finance and Insurance	15	2,665,954	1.71	28,355	177,730
Real Estate, Rental, & Leasing	30	1293838	0.83	4250	43128
Professional, Scientific, & Technical Services	60	7,129,620	4.58	33,225	118,827
Management of Companies & Enterprises	36	7,603,814	4.89	43,063	211,217
Administrative & Support & Waste Management &					
Remediation Services	6	666,590	0.43	24,653	111,098
Educational Services	d/	d/	d/	d/	d/
Health Care & Social Assistance	17	4,984,942	3.20	125,756	293,232
Arts, Entertainment, & Recreation	6	2,217,312	1.42	176,974	369,552
Accommodation & Food Services	13	853,823	0.55	68,401	65,679
Other Services (except Public Adminstration)	16	2,013,066	1.29	43,048	125,817
Public Administration	0	0	0.00	0	0
Total	691	\$155,622,115	100.00	\$47,028	\$225,213

d/ Tax Law provisions prohibit disclosure of data.

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Table 14: New York State EZ Wage Tax Credit by Major Industry Group - 2008 Liability Year (Cont'd)

Crodit	1	11

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Used	Used	Used	Used
Agriculture, Forestry, Fishing & Hunting	d/	d/	d/	d/	d/
Mining	d/	d/	d/	d/	d/
Utilities	d/	d/	d/	d/	d/
Construction	20	\$112,343	0.90	\$2,082	\$5,617
Manufacturing	141	2,223,406	17.77	10,725	46,236
Wholesale Trade	31	246,844	1.97	3,943	7,963
Retail Trade	30	2,386,012	19.07	11,264	274,300
Transportation & Warehousing	12	1,029,225	8.23	7,453	103,059
Information	4	2,550,668	20.38	4,294	637,667
Finance and Insurance	8	790,088	6.31	1,070	98,761
Real Estate, Rental, & Leasing	15	448514	3.58	668	29901
Professional, Scientific, & Technical Services	32	1,631,389	13.04	5,260	50,981
Management of Companies & Enterprises	15	287,618	2.30	4,481	19,175
Administrative & Support & Waste Management &					
Remediation Services	d/	d/	d/	d/	d/
Educational Services	0	0	0	0	0
Health Care & Social Assistance	7	646,726	5.17	16,795	92,389
Arts, Entertainment, & Recreation	3	1,975	0.02	d/	658
Accommodation & Food Services	4	8,329	0.07	1,506	2,082
Other Services (except Public Adminstration)	6	35,605	0.28	3,869	5,934
Public Administration	0	0	0.00	0	0
Total	333	\$12,512,560	100.00	\$3,400	\$37,575

Credit Carried Forward

	Noushanaf	Amount of	% of Credit	Median Credit	Mean Credit
Malan Industry Consu	Number of	Credit Carried	Carried	Carried	Carried
Major Industry Group	Taxpayers	Forward	Forward	Forward	Forward
Agriculture, Forestry, Fishing & Hunting	d/	d/	d/	d/	d/
Mining	d/	d/	d/	d/	d/
Utilities	d/	d/	d/	d/	d/
Construction	35	\$2,079,089	1.54	\$27,750	\$59,403
Manufacturing	274	84,854,846	62.87	200,791	822,362
Wholesale Trade	59	11,869,591	8.79	34,428	201,180
Retail Trade	44	2,712,367	2.01	59,405	119,790
Transportation & Warehousing	26	5,624,590	4.17	126,760	261,800
Information	8	1,806,689	1.34	89,272	225,836
Finance and Insurance	14	1,875,866	1.39	32,308	133,990
Real Estate, Rental, & Leasing	25	737267	0.55	3750	29491
Professional, Scientific, & Technical Services	55	5,431,046	4.02	27,937	98,746
Management of Companies & Enterprises	32	7,289,046	5.40	43,211	227,783
Administrative & Support & Waste Management &					
Remediation Services	6	656,102	0.49	19,784	109,350
Educational Services	d/	d/	d/	d/	d/
Health Care & Social Assistance	17	4,316,841	3.20	71,625	253,932
Arts, Entertainment, & Recreation	6	2,172,399	1.61	155,022	362,067
Accommodation & Food Services	13	781,368	0.58	61,473	60,105
Other Services (except Public Adminstration)	15	1,976,711	1.46	43,445	131,781
Public Administration	0	0	0.00	0	0
Total	635	\$134,978,279	100.00	\$48,375	\$212,564

d/ Tax Law provisions prohibit disclosure of data.

Credit Earned	Size of Entire Net Income			Number of Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Credi Earned
	Zero or Net Loss			112	\$15,523,885	45.30	\$19,250	\$138,606
	\$ 1	- \$	99,999	80	1,366,844	3.99	6,000	17,086
	100,000	-	499,999	35	2,359,865	6.89	28,355	67,425
	500,000	-	999,999	18	984,625	2.87	37,000	54,70
	1,000,000	- 24	,999,999	51	6,945,065	20.27	35,250	136,178
	25,000,000	- 49	,999,999	4	312,500	0.91	31,000	78,125
	50,000,000	- 99	,999,999	6	465,625	1.36	53,250	77,60
	100,000,000	- 499	,999,999	11	4,872,625	14.22	234,000	442,96
	500,000,000	-	and over	4	1,438,500	4.20	195,188	359,62
			Total	321	\$34,269,534	100.00	\$18,000	\$106,75
Credit Claimed	Size of	Entire Net Income		Number of Amount of % of Credit Taxpayers Credit Claimed Claimed		Median Credit Mean Cr Claimed Clair		
orcuit oldimed	Zero or Net Loss	Entire Net income		260	\$62,077,750	39.89	\$48,469	\$238,76
	\$ 1	- \$	99,999	175	10,580,458	6.80	23,338	60,460
	100,000	- ψ	499,999	91	15,263,032	9.81	54,733	167,726
	500,000		999,999	35	4,219,597	2.71	82,299	120,560
	1,000,000	- 24	.999.999	97	38,165,842	24.52	118,044	393,462
	25,000,000		,999,999	5	564,441	0.36	43,441	112,888
	50,000,000		,999,999	7	8,088,623	5.20	232,500	1,155,518
	100,000,000		,999,999	12	9,646,394	6.20	680,313	803,866
	500,000,000		and over	9	7,015,978	4.51	518,073	779,553
	300,000,000		Total	691	\$155,622,115	100.00	\$47,028	\$225,213
				Number of	Amount of	% of Credit	Median Credit	Mean Credi
Credit Used	Size of	Entire Net Income		Taxpayers	Credit Used	Used	Used	Use
	Zero or Net Loss			81	\$692,728	5.54	\$1,795	\$8,552
	\$ 1	- \$	99,999	72	103,494	0.83	786	1,43
	100,000	-	499,999	65	322,730	2.58	4,463	4,965
	500,000	-	999,999	21	220,064	1.76	7,524	10,479
	1,000,000	- 24	,999,999	67	2,045,312	16.35	11,375	30,52
	25,000,000	- 49	,999,999	3	40,863	0.33	d/	13,62
	50,000,000	- 99	,999,999	4	165,896	1.33	43,011	41,47
	100,000,000	- 499	,999,999	11	2,885,393	23.06	105,812	262,30
	500,000,000	-	and over	9	6,036,080	48.24	518,073	670,67
			Total	333	\$12,512,560	100.00	\$3,400	\$37,57
					Amount of	% of Credit	Median Credit	Mean Cred
				Number of	Credit Carried	Carried	Carried	Carrie
Credit Carried Forward	Size of	Entire Net Income		Taxpayers	Forward	Forward	Forward	Forward
	Zero or Net Loss			254	\$55,770,460	41.32	\$47,393	\$219,569
	\$ 1	- \$	99,999	167	10,351,738	7.67	23,882	61,986
	100,000	-	499,999	86	14,565,613	10.79	53,721	169,368
	500,000	-	999,999	33	3,798,408	2.81	79,267	115,103
	1,000,000		,999,999	80	35,308,919	26.16	140,250	441,36
	25,000,000		,999,999	d/	d/	d/	d/	d
	50,000,000		,999,999	4	7,922,727	5.87	433,212	1,980,682
	,500,000							
	100 000 000	_ 499	999 999	7	5 874 876	4 35	739 875	839 26
	100,000,000		,999,999 and over	7 d/	5,874,876 d/	4.35 d/	739,875 d/	839,268 d

d/ Tax Law provisions prohibit disclosure of data.

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	Lato LE TT	ugo rux (	or our	by Size of Credit	0000 2000 2	ability Tour			
t Earned		Size of	Credit	Used	Number of Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Credit Earned
	Zero				163	\$17,603,628	51.37	\$16,125	\$107,998
	\$	1	-	\$ 499	24	286,178	0.84	6,938	11,924
		500	-	999	20	345,579	1.01	3,526	17,279
		1,000	-	4,999	40	2,126,584	6.21	12,625	53,165
		5,000	-	9,999	21	2.917.375	8.51	28,250	138,923
		10,000	-	24,999	25	3,814,707	11.13	22,125	152,588
		25,000		49,999	7	1,148,250	3.35	99,500	164,036
		50,000		99,999	11	1,218,500	3.56	82,500	110,773
				499,999	7	2,726,733	7.96	248,483	389,533
		100,000	-						
		500,000	-	and over	3	2,082,000	6.08	d/	694,000
				Total	321	\$34,269,534	100.00	\$18,000	\$106,759
t Claimed		Size of	f Credit	Used	Number of Taxpayers	Amount of Credit Claimed	% of Credit Claimed	Median Credit Claimed	Mean Credit Claimed
<del></del>	Zero	5,20 01	Juit		358	\$89,827,028	57.72	\$46,143	\$250,913
	\$	1	-	\$ 499	64	2,584,784	1.66	20,120	40,387
		500	-	999	32	1,789,317	1.15	11,502	55,916
		1,000		4,999	95	11,034,067	7.09	41,954	116,148
		5,000		9,999	55	13,440,816	8.64		244,378
								74,185	
		10,000	-	24,999	42	15,304,572	9.83	79,828	364,395
		25,000	-	49,999	15	3,164,123	2.03	106,480	210,942
		50,000	-	99,999	13	2,628,582	1.69	89,250	202,199
		100,000	-	499,999	9	5,494,605	3.53	627,368	610,512
		500,000	-	and over	8	10,354,221	6.65	1,239,124	1,294,278
		,				10/00 1/221		1,207,121	
				Total	691	\$155,622,115	100.00	\$47,028	\$225,213
t Used			f Credit						
t Used	Zero		f Credit		691 Number of	\$155,622,115 Amount of	100.00 % of Credit	\$47,028 Median Credit	\$225,213 Mean Credit
t Used	Zero \$		Credit		691 Number of Taxpayers	\$155,622,115  Amount of Credit Used	100.00 % of Credit Used	\$47,028 Median Credit Used	\$225,213 Mean Credit Used
t Used		Size of		Used	Number of Taxpayers 0 64	\$155,622,115  Amount of Credit Used \$0 12,781	% of Credit Used 0.00	\$47,028  Median Credit Used \$0	\$225,213  Mean Credit Used \$0 200
t Used		Size of 1 500	-	Used \$ 499 999	Number of Taxpayers 0 64 32	\$155,622,115  Amount of Credit Used \$0 12,781 23,637	% of Credit Used 0.00 0.10 0.19	\$47,028  Median Credit Used \$0 169 737	\$225,213  Mean Credit Used \$0 200 739
t Used		Size of 1 500 1,000	- - -	\$ 499 999 4,999	Number of Taxpayers  0 64 32 95	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692	% of Credit Used 0.00 0.10 0.19 1.96	\$47,028  Median Credit Used \$0 169 737 2,402	\$225,213  Mean Credit Used \$0 200 739 2,586
t Used		Size of 1 500 1,000 5,000	- - -	\$ 499 999 4,999 9,999	Number of Taxpayers 0 64 32 95 55	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860	% of Credit Used 0.00 0.10 0.19 1.96 3.06	\$47,028  Median Credit Used \$0 169 737 2,402 6,692	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961
t Used		Size of 1 500 1,000 5,000 10,000	- - -	\$ 499 999 4,999 9,999 24,999	Number of Taxpayers  0 64 32 95 55 42	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314	% of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198
t Used		Size of 1 500 1,000 5,000 10,000 25,000	- - - -	\$ 499 999 4,999 9,999 24,999 49,999	Number of Taxpayers  0 64 32 95 55 42	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105	% of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10 4.08	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074
it Used		Size of 1 500 1,000 5,000 10,000 25,000 50,000		\$ 499 999 4,999 9,999 24,999 49,999	Number of Taxpayers  0 64 32 95 55 42 15	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922	100.00  % of Credit Used  0.00  0.10  0.19  1.96  3.06  5.10  4.08  7.17	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994
it Used		Size of 1 500 1,000 5,000 10,000 25,000 50,000 100,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999	Number of Taxpayers  0 64 32 95 55 42 15 13	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905	100.00  % of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989
it Used		Size of 1 500 1,000 5,000 10,000 25,000 50,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over	Number of Taxpayers  0 64 32 95 55 42 15 13 9	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344	100.00  % of Credit Used  0.00  0.10  0.19  1.96  3.06  5.10  4.08  7.17  16.11  62.22	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168
t Used		Size of 1 500 1,000 5,000 10,000 25,000 50,000 100,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999	Number of Taxpayers  0 64 32 95 55 42 15 13	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905	100.00  % of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989
lit Used		Size of 1 500 1,000 5,000 10,000 25,000 50,000 100,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over	Number of Taxpayers  0 64 32 95 55 42 15 13 9	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344	100.00  % of Credit Used  0.00  0.10  0.19  1.96  3.06  5.10  4.08  7.17  16.11  62.22	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168
it Used		Size of 1 500 1,000 5,000 10,000 25,000 50,000 100,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over	Number of Taxpayers  0 64 32 95 55 42 15 13 9	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400	\$225,213  Mean Credit Used  \$0  200  739  2,586  6,961  15,198  34,074  68,994  223,989  973,168  \$37,575
		Size of 1 500 1,000 5,000 100,000 500,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over Total	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit	\$225,213  Mean Credit Used  \$0  200  739  2,586  6,961  15,198  34,074  68,994  223,989  973,168  \$37,575
	\$	Size of 1 500 1,000 5,000 100,000 500,000		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over Total	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward	100.00  % of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward	\$225,213  Mean Credit Used  \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward
	\$ Zero	Size of 1 500 1,000 5,000 100,000 500,000 Size of	- - - - - -	\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over Total	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293	100.00  % of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480	\$225,213  Mean Credit Used  \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054
	\$	Size of 1 500 1,000 5,000 100,000 500,000 Size of 1 1		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over Total  Used \$ 499	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491
	\$ Zero	Size of 1		\$ 499 999 4,999 9,999 24,999 49,999 499,999 and over Total  Used \$ 499 999	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549
	\$ Zero	Size of 1		\$ 499 999 4,999 9,999 24,999 49,999 49,999 and over Total  Used \$ 499 999 4,999	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605
	\$ Zero	Size of 1		Used  \$ 499 999 4,999 9,999 24,999 49,999 49,999 and over Total  Used  \$ 499 999 4,999 9,999	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84 46	\$155,622,115  Amount of Credit Used  \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778 11,967,188	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88 8.87	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473 101,420	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605 260,156
	\$ Zero	Size of 1,000 1,000 Size of 1 500 1,000 1,		Used  \$ 499 999 4,999 9,999 24,999 49,999 49,999 and over Total  Used  \$ 499 999 4,999 9,999 24,999	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84 46 30	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778 11,967,188 13,720,508	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88 8.87 10.17	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473 101,420 154,950	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605 260,156 457,350
	\$ Zero	Size of 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 25,000 25,000		## State	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84 46 30 12	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778 11,967,188 13,720,508 2,420,479	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88 8.87 10.17 1.79	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473 101,420 154,950 82,576	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605 260,156 457,350 201,707
it Used	\$ Zero	Size of 1,000 1,000 Size of 1 500 1,000 1,		Used  \$ 499 999 4,999 9,999 24,999 49,999 49,999 and over Total  Used  \$ 499 999 4,999 9,999 24,999	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84 46 30 12 6	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778 11,967,188 13,720,508	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88 8.87 10.17	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473 101,420 154,950	\$225,213  Mean Credit Used  \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605 260,156 457,350
	\$ Zero	Size of 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 5,000 1,000 25,000 25,000		## State	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84 46 30 12	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778 11,967,188 13,720,508 2,420,479	100.00  % of Credit Used  0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88 8.87 10.17 1.79	\$47,028  Median Credit Used \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473 101,420 154,950 82,576	\$225,213  Mean Credit Used  \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605 260,156 457,350 201,707
	\$ Zero	Size of 1,000 1,000 5,000 1,000 5,000 10,000 5,0		Used  \$ 499 999 4,999 9,999 24,999 49,999 49,999 and over Total  Used  \$ 499 999 4,999 4,999 4,999 9,999 49,999 9,999 9,999	Number of Taxpayers  0 64 32 95 55 42 15 13 9 8 333  Number of Taxpayers 358 61 28 84 46 30 12 6	\$155,622,115  Amount of Credit Used \$0 12,781 23,637 245,692 382,860 638,314 511,105 896,922 2,015,905 7,785,344 \$12,512,560  Amount of Credit Carried Forward \$84,507,293 2,530,924 1,695,366 10,634,778 11,967,188 13,720,508 2,420,479 1,559,409	% of Credit Used 0.00 0.10 0.19 1.96 3.06 5.10 4.08 7.17 16.11 62.22 100.00  % of Credit Carried Forward 62.61 1.88 1.26 7.88 8.87 10.17 1.79	\$47,028  Median Credit Used  \$0 169 737 2,402 6,692 14,813 32,070 66,125 187,258 775,482 \$3,400  Median Credit Carried Forward \$45,480 19,899 12,069 55,473 101,420 154,950 82,576	\$225,213  Mean Credit Used \$0 200 739 2,586 6,961 15,198 34,074 68,994 223,989 973,168 \$37,575  Mean Credit Carried Forward \$236,054 41,491 60,549 126,605 260,156 457,350 201,707

Table 17: New York State ZEA Wage Tax Credit by Basis of Taxation - 2008 Liability Year\* Number of % of Credit Median Credit Mean Credit Amount of Basis of Taxation Taxpayers Credit Claimed Claimed Claimed Claimed Credit Claimed Entire Net Income \$5,467,131 27.13 \$405,479 \$607,459 9 Fixed Dollar Minimum Tax 57.68 18 251,846 645,819 11,624,746 Capital Base d/ d/ d/ d/ Alternative Minimum Tax d/ d/ d/ d/ d/ Total 30 \$20,154,642 100.00 \$368,564 \$671,821 Number of Amount of % of Credit Median Credit Mean Credit Basis of Taxation Taxpayers Credit Used Used Used Used Credit Used Entire Net Income \$745,238 27.00 \$50,998 \$106,463 Fixed Dollar Minimum Tax 9 1,983,374 71.86 4,327 220,375 Capital Base d/ d/ d/ d/ Alternative Minimum Tax d/ d/ d/ d/ d/ Total 18 \$2,760,165 100.00 \$21,854 \$153,343

Credit Carried Forward

		Amount of	% of Credit	Median Credit	Mean Credit
	Number of	Credit Carried	Carried	Carried	Carried
Basis of Taxation	Taxpayers	Forward	Forward	Forward	Forward
Entire Net Income	9	\$4,721,893	27.15	\$362,554	\$524,655
Fixed Dollar Minimum Tax	16	9,641,372	55.43	245,406	602,586
Capital Base	d/	d/	d/	d/	d/
Alternative Minimum Tax	d/	d/	d/	d/	d/
Total	28	\$17,394,477	100.00	\$344,840	\$621,231

d/ Tax Law provisions prohibit disclosure of data.

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<sup>\*</sup> The ZEA wage tax credit expired on June 13, 2004. Taxpayers can no longer earn any new credit but may carry unused credit forward until completely used.

Table 18: New York State EZ Wage Tax Credit by Empire Zone\* - 2008 Liability Year

					Amount of
	Amount of	Amount of	Amount of	Amount of	Credit
	Credit	Credit	Credit	Credit	Carried
Empire Zone	Earned	Claimed	Used	Refunded	Forward
Albany (City)	\$196,515	\$946,633	\$114,596	\$0	\$832,037
Albany County	124,358	2,450,014	162,699	28,875	2,258,440
Amsterdam	d/	d/	d/	d/	d/
Auburn	68,625	1,216,981	66,456	2,813	1,147,712
Brookhaven	d/	d/	d/	d/	d/
Broome County	2,316,750	12,845,399	17,923	45,938	12,781,538
Buffalo	1,764,897	9,249,530	562,099	701,706	7,985,725
Buffalo #2	d/	d/	d/	d/	d/
Cattaraugus County	94,250	1,345,400	22,616	6,750	1,316,034
Chinatown, LES	d/	d/	d/	d/	d/
Clinton County	d/	d/	d/	d/	d/
Columbia County	0	0	0	0	0
Cortland County	d/	d/	d/	d/	d/
Delaware County	d/	d/	d/	d/	d/
Dunkirk/Sheridan	d/	d/	d/	d/	d/
Dutchess County	97,750	616,037	6,238	750	609,049
East Harlem	d/	d/	d/	d/	d/
East New York	d/	d/	d/	d/	d/
Elmira	341,125	1,721,757	153,261	952	1,567,544
Essex County/Moriah-Port Henry	d/	d/	d/	d/	d/
Far Rockaway	d/	d/	d/	d/	d/
Franklin County	d/	d/	d/	d/	d/
Friendship	d/	d/	d/	d/	d/
Fulton	d/	d/	d/	d/	d/
Genesee County	451,108	1,495,852	501,630	106,931	887,291
Geneva	d/	d/	d/	d/	d/
Gloversville	d/	d/	d/	d/	d/
Greene County	d/	d/	d/	d/	d/
Greater Jamestown	0	0	0	0	0
Herkimer County	d/	d/	d/	d/	d/
Hunts Point	117,750	591,860	32,511	0	559,349
Islip	d/	d/	d/	d/	d/
Jamestown	1,534,545	5,545,744	60,274	315,174	5,170,296
Kingston/Ulster County	d/	d/	d/	d/	d/
Lackawanna	d/	d/	d/	d/	d/
Lewis County	d/	d/	d/	d/	d/
Livingston County	d/	d/	d/	d/	d/
Madison County	574,625	2,318,651	3,396	0	2,315,255
Monroe County	1,198,750	2,156,366	314,939	21,000	1,820,427
Mount Vernon	92,250	1,240,394	116,913	6,563	1,116,917
Nassau County	d/	d/	d/	d/	d/
Niagara Falls	252,719	567,745	30,904	59,313	477,528

<sup>\*</sup> Due to disclosure requirements, data is displayed only for zones with more than seven taxpayers as of the 2008 studyfile.

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d/ Tax Law provisions prohibit disclosure of data.

Table 18: New York State EZ Wage Tax Credit by Empire Zone\* - 2008 Liability Year

					Amount of
	Amount of	Amount of	Amount of	Amount of	Credit
	Credit	Credit	Credit	Credit	Carried
Empire Zone	Earned	Claimed	Used	Refunded	Forward
North Brooklyn Navy Yard	\$116,051	\$1,413,086	\$20,707	\$36,688	\$1,355,691
Norwich	d/	d/	d/	d/	d/
Ogdensburg	d/	d/	d/	d/	d/
Oneida County	d/	d/	d/	d/	d/
Onondaga County	733,615	13,938,303	674,724	32,385	13,231,194
Orange County	d/	d/	d/	d/	d/
Orleans County	d/	d/	d/	d/	d/
Oswego	d/	d/	d/	d/	d/
Otsego County	d/	d/	d/	d/	d/
Plattsburgh	42,255	843,088	17,920	14,378	810,790
Port Morris	265,125	1,517,708	76,703	0	1,441,005
Potsdam	173,097	681,890	7,608	0	674,282
Rensselaer County	d/	d/	d/	d/	d/
Rochester	3,550,125	8,020,659	76,552	1,739,750	6,204,356
Rockland County	d/	d/	d/	d/	d/
Rome	d/	d/	d/	d/	d/
Saratoga County	1,638,960	3,856,000	86,480	781,312	2,988,208
Schenectady	162,625	2,606,445	15,981	41,563	2,548,901
Schuyler County	d/	d/	d/	d/	d/
Seneca County	0	0	0	0	0
Southwest Brooklyn	703,125	2,456,562	95,762	11,438	2,349,362
Staten Island North Shore	d/	d/	d/	d/	d/
Staten Island West Shore	d/	d/	d/	d/	d/
Steuben County	d/	d/	d/	d/	d/
Suffolk County	d/	d/	d/	d/	d/
Sullivan County	d/	d/	d/	d/	d/
Syracuse	119,062	2,237,937	29,488	8,156	2,200,292
Thompkins County	d/	d/	d/	d/	d/
Tioga County	d/	d/	d/	d/	d/
Tonawanda	268,500	1,020,297	31,361	48,625	940,311
Triples Cities	d/	d/	d/	d/	d/
Troy	d/	d/	d/	d/	d/
Utica	49,105	814,450	5,827	0	808,623
Warren County	d/	d/	d/	d/	d/
Washington County	23,625	251,491	8,904	8,062	234,524
Watertown	123,125	311,428	35,091	14,876	261,461
Wayne County	464,062	1,662,288	23,447	78,563	1,560,278
Wyoming	d/	d/	d/	d/	d/
Yonkers	693,737	2,586,025	20,487	0	2,565,538
Unidentified	468,211	4,537,064	148,743	220,910	4,167,410
Multiple Locations	9,464,625	31,533,510	7,225,042	2,796,626	21,511,841
Total	\$34,269,534	\$155,622,115	\$12,512,560	\$8,131,269	\$134,978,279

<sup>\*</sup> Due to disclosure requirements, data is displayed only for zones with more than seven taxpayers as of the 2008 studyfile.

d/ Tax Law provisions prohibit disclosure of data.

Table 19: New York State	te EZ Capital Tax Credit by Basi	s of Taxation -	2008 Liability \	'ear		
Credit Earned	Basis of Taxation	Number of Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Credit Earned
Credit Earned	Entire Net Income	9 Taxpayers	\$33,752	19.51	\$1,250	\$3,750
	Fixed Dollar Minimum Tax	18	105,438	60.94	1,980	5,858
	Capital Base	4	4,839	2.80	907	1,210
	Alternative Minimum Tax	4	29,000	16.76	5,000	7,250
	Total	35	\$173,029	100.00	\$1,875	\$4,944
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	15	\$123,305	16.07	\$2,861	\$8,220
	Fixed Dollar Minimum Tax	33	495,317	64.55	3,000	15,010
	Capital Base	5	10,799	1.41	938	2,160
	Alternative Minimum Tax	9	137,875	17.97	2,500	15,319
	Total	62	\$767,296	100.00	\$2,500	\$12,376
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	12	\$103,454	73.18	\$2,681	\$8,621
	Fixed Dollar Minimum Tax	d/	d/	d/	d/	d/
	Capital Base	4	5,852	4.14	1,239	1,463
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	20	\$141,360	100.00	\$1,707	\$7,068
			Amount of	% of Credit	Median Credit	Mean Credit
		Number of	Credit Carried	Carried	Carried	Carried
Credit Carried Forward	Basis of Taxation	Taxpayers	Forward	Forward	Forward	Forward
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	33	\$494,629	79.02	\$2,500	\$14,989
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	7	106,509	17.02	13,397	15,216
	Total	47	\$625,936	100.00	\$2,617	\$13,318

d/ Tax Law provisions prohibit disclosure of data.

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		Number of	Amount of Crodit	O/ of Crodit	Madian Cradit	Moon Crodit
Credit Earned	Basis of Taxation	Taxpayers	Amount of Credit Earned	% of Credit Earned	Median Credit Earned	Mean Credit Earned
reuit Earrieu	Entire Net Income	58	\$22,209,236	12.52	\$31,858	\$382,918
	Fixed Dollar Minimum Tax	239	93,607,881	52.76	44,319	391,665
	Capital Base	9	1,285,155	0.72	32,299	142,795
	Alternative Minimum Tax	43	60,314,507	34.00	93,065	1,402,663
	Total	349	\$177,416,779	100.00		\$508,358
	Total	349	\$177,410,779	100.00	\$47,438	\$000,300
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	73	\$62,867,322	5.94	\$56,975	\$861,196
	Fixed Dollar Minimum Tax	330	517,296,950	48.89	198,834	1,567,567
	Capital Base	16	17,047,773	1.61	59,950	1,065,486
	Alternative Minimum Tax	64	460,961,407	43.56	176,143	7,202,522
	Total	483	\$1,058,173,452	100.00	\$164,581	\$2,190,835
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	32	\$2,162,146	11.98	\$12,672	\$67,567
	Fixed Dollar Minimum Tax	116	12,907,634	71.52	3,057	111,273
	Capital Base	8	34,868	0.19	7,367	4,359
	Alternative Minimum Tax	32	2,942,893	16.31	21,298	91,965
	Total	188	\$18,047,541	100.00	\$5,434	\$95,998
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Refunded	Basis of Taxation		Credit Refunded	Refunded	Refunded	Refunded
redit Kelullueu	Entire Net Income	9	\$5,996,267	42.95	\$81,465	\$666,252
	Fixed Dollar Minimum Tax	62	7,878,859	56.43	14,900	127,078
	Capital Base	d/	7,878,839 d/	30.43 d/	14,900 d/	127,078 d/
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	75	\$13,961,819	100.00	\$17,976	\$186,158
			A	0/ -f 0	Marillana Caradit	Mana Candi
		Number of	Amount of Credit Carried	% of Credit Carried	Median Credit Carried	Mean Credit Carried
redit Carried Forward	Basis of Taxation	Number of Taxpayers	Forward	Forward	Forward	Forward
reun Garreu Furwaru	Entire Net Income	58	\$54,708,908	5.33	\$113,432	\$943,257
	Fixed Dollar Minimum Tax	329	496,510,457	48.39	192,423	1,509,150
	Capital Base	329 14		1.66		
	Alternative Minimum Tax	60	17,009,298 457,935,428	44.63	93,684 195,233	1,214,950 7,632,257
	Total	461	\$1,026,164,091	100.00	\$176,189	\$2,225,952

d/ Tax Law provisions prohibit disclosure of data.

Table 21: New York State EZ Investment Tax Credit by Size of Entire Net Income - 2008 Liability Year Number of Amount of Credit % of Credit Median Credit Mean Credit Credit Earned Size of Entire Net Income Taxpayers Earned Earned Earned Earned Zero or Net Loss 108 \$38,027,501 \$56,783 \$352,106 6,810 99,999 53 925,909 0.52 17,470 100,000 499,999 36 1,110,528 0.63 15,136 30,848 500,000 999,999 21 2,835,002 1.60 32,283 135,000 1,000,000 24,999,999 90 29,941,392 16.88 98,257 332,682 25,000,000 49,999,999 9 4,071,644 2.30 62,886 452,405 50,000,000 99,999,999 8 7,342,573 4.14 601,400 917.822 100,000,000 499,999,999 14 31,662,507 17.85 1.148.004 2,261,608 500,000,000 and over 10 61,499,723 34.66 975,678 6,149,972 Total 349 \$177,416,779 100.00 \$47,438 \$508,358 Number of Amount of % of Credit Median Credit Mean Credit Credit Claimed Size of Entire Net Income **Taxpayers** Credit Claimed Claimed Claimed Claimed Zero or Net Loss \$260,431,099 \$196,643 \$1,568,862 166 24.61 99,999 80 7,071,903 0.67 32,835 88,399 100,000 499,999 57 11,617,095 1.10 68,066 203,809 500,000 999,999 29 14,739,483 1.39 228,641 508,258 1,000,000 24,999,999 104 125,212,495 11.83 480,865 1,203,966 25,000,000 49,999,999 9 9,178,669 0.87 185,589 1,019,852 50,000,000 99,999,999 9 30,923,741 2.92 1,959,118 3,435,971 100,000,000 499,999,999 17 80,426,904 7.60 1,831,778 4,730,994 500,000,000 12 518,572,063 49.01 3,376,648 43,214,339 and over 483 \$1,058,173,452 100.00 \$164,581 Total \$2,190,835 % of Credit Mean Credit Number of Amount of Median Credit Credit Used Size of Entire Net Income Taxpayers Credit Used Used Used Used Zero or Net Loss \$699,939 3.88 \$2,679 \$19,998 99,999 20 0.15 1,325 499,999 100,000 30 112,168 0.62 3,107 3,739 500.000 999,999 14 129,292 0.72 2,747 9,235 24,999,999 1,000,000 58 1,421,440 10,047 24,508 25,000,000 49,999,999 221,423 34,233 36,904 6 1.23 50,000,000 99,999,999 6 254,721 1.41 23,099 42,454 100,000,000 499,999,999 9 1,292,429 151,590 143,603 7.16 500,000,000 10 13,889,624 76.96 619,761 1,388,962 and over 188 \$18,047,541 100.00 \$5,434 \$95,998 Total Mean Credit Amount of % of Credit Median Credit Number of Credit Carried Carried Carried Carried Credit Carried Forward Size of Entire Net Income **Taxpayers** Forward Forward Forward Forward Zero or Net Loss 164 \$254,489,619 24.80 \$189,038 \$1,551,766 99,999 7,019,786 88,858 79 0.68 33,527

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11,462,793

14,301,735

116,874,154

8,885,255

29,768,821

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1,000,000 25,000,000

50,000,000

100,000,000

500,000,000

Table 22: New York State EZ Investment Tax Credit by Size of Credit Used - 2008 Liability Year Number of Amount of % of Credit Median Credit Mean Credit Credit Farned Credit Earned Size of Credit Used Taxpayers Farned Farned Farned 0.00 Negative' Zero 205 118,387,197 66.73 38,891 577,499 \$ \$ 499 20 1,353,081 0.76 11,447 67,654 500 999 4 98,942 0.06 25,094 24,736 1,000 4,999 18,068,029 440,684 41 10.18 56,407 5,000 9,999 20 3,683,282 2.08 31,674 184,164 394,634 4.00 10.000 24 999 18 7.103.407 82.831 49,999 25,000 19 3,386,650 1.91 62,044 178,245 50,000 99,999 6 1,955,980 1.10 84,299 325,997 100,000 499,999 10 319,186 624,112 6,241,118 3.52 500,000 and over 17,139,093 9.66 1,057,551 2,856,516 6 Total 349 \$177,416,779 100.00 \$47,438 \$508,358 Number of Amount of % of Credit Median Credit Mean Credit Taxpayers Credit Claimed Claimed Claimed Claimed Credit Claimed Size of Credit Used Negative' Zero 295 \$716,466,425 67.71 \$125,996 \$2,428,700 499 397,473 \$ 26 10,334,305 0.98 30,804 500 999 d/ 1,000 4,999 75,381,369 7.12 208,542 1,370,570 5 000 9 999 29 29.141.953 2.75 338.790 1.004.895 10,000 24,999 22 24,717,566 2.34 208,049 1,123,526 25,000 49,999 20 20,824,462 1.97 192,150 1,041,223 99 999 32,199,358 3 04 4,024,920 50.000 8 1.161.784 100.000 499,999 12 1.77 1.368.581 1.561.450 18.737.395 500,000 128,674,159 13,366,846 18,382,023 and over 12.16 \$1,058,173,452 \$164,581 \$2,190,835 Number of % of Credit Median Credit Mean Credit Amount of Credit Used Size of Credit Used Taxpayers Credit Used Used Used Used d/ Negative\* Zero d/ d/ d/ d/ d/ 499 26 \$4,872 0.03 \$171 \$187 736 500 999 5 150 0.03 677 1.000 4.999 55 136.129 0.75 2.517 2.475 5,000 9,999 29 217,249 1.20 7,491 7,671 10.000 24,999 336,901 1.87 14.867 15,314 25.000 49,999 20 691,384 3.83 34.215 34.569 99,999 521,322 2.89 63,248 50,000 8 65,165 100,000 499,999 12 2,447,203 13.56 167,821 203,934 500,000 and over 76.06 1,961,110 13,727,771 667,579 188 \$18,047,541 100.00 \$5,434 \$95,998 Amount of % of Credit Median Credit Mean Credit Number of Credit Carried Carried Carried Carried Credit Carried Forward Size of Credit Used Taxpayers Forward Forward Forward Forward 0.00 Negative\* \$0 \$0 Zero 295 706,985,045 68.90 121,370 2,396,559 499 428,434 24 10,282,427 1.00 36,110 1 728 175 0.17 162 125 246 882 500 999 1.000 49 72.750.538 7.09 433.659 1.484.705 4.999 5,000 9,999 28 28,918,400 2.82 350,579 1,032,800 10.000 24,999 23.835.650 2 32 374,736 1,402,097 25.000 49,999 18 19,736,318 1.92 209,160 1,096,462 99,999 31,623,832 3.08 1,087,265 3,952,979 50,000 8 100,000 499,999 9 15,357,318 1.50 1,441,020 1,706,369 500,000 114,946,388 11.2 15,359,727 19,157,731 and over \$1,026,164,091 100.00 \$176,189 \$2,225,952

<sup>\* &</sup>quot;Negative" means recapture exceeds amount of available credit

d/ Tax Law provisions prohibit disclosure of data.

Table 23: New York State Investment Tax Credit by Empire Zone\* - 2008 Liability Year

	Amount of Credit				
Empire Zone	Earned	Claimed	Used	Refunded	Carried Forward
Albany (City)	d/	d/	d/	d/	d/
Albany County	d/	d/	d/	d/	d/
Amsterdam	d/	d/	d/	d/	d/
Auburn	\$1,071,720	\$5,429,310	\$58,733	\$111,201	\$5,259,376
Brookhaven	d/	d/	d/	d/	d/
Broome County	1,763,787	9,679,199	62,310	0	9,616,889
Buffalo	1,446,343	11,267,225	86,206	158,994	11,022,025
Buffalo #2	d/	d/	d/	d/	d/
Cattaraugus County	180,422	4,169,639	19,775	6,092	4,143,771
Clinton County	d/	d/	d/	d/	d/
Columbia County	0	0	0	0	0
Cortland County	d/	d/	d/	d/	d/
Delaware County	d/	d/	d/	d/	d/
Dunkirk/Sheridan	4,528,732	19,431,408	739,590	373,382	18,318,436
Dutchess County	d/	d/	d/	d/	d/
East Harlmen	d/	d/	d/	d/	d/
East New York	d/	d/	d/	d/	d/
Elmira	3,681,835	22,457,018	413,004	810,373	21,233,641
Essex County/Moriah-Port Henry	d/	d/	d/	d/	d/
Franklin County	d/	d/	d/	d/	d/
Friendship	d/	d/	d/	d/	d/
Fulton	d/	d/	d/	d/	d/
Genesee County	284,505	2,301,663	152,805	13,723	2,135,135
Geneva	d/	d/	d/	d/	d/
Gloversville	d/	d/	d/	d/	d/
Greene County	d/	d/	d/	d/	d/
Herkimer	d/	d/	d/	d/	d/
Hunts Point	d/	d/	d/	d/	d/
Islip	d/	d/	d/	d/	d/
Jamestown	3,035,012	8,723,924	361,468	43,585	8,318,871
Kingston/Ulster County	336,668	1,651,461	189,809	0	1,461,652
Lackawanna	d/	d/	d/	d/	d/
Lewis County	d/	d/	d/	d/	d/
Livingston County	d/	d/	d/	d/	d/
Madison County	728,834	3,274,908	5,382	0	3,269,526
Monroe County	7,362,515	12,500,611	326,883	975,835	11,197,894
Mount Vernon	d/	d/	d/	d/	d/
Nassau County	d/	d/	d/	d/	d/
Niagara Falls	5,271,302	8,591,499	43,280	261,117	8,287,102
North Brooklyn Navy Yard	d/	d/	d/	d/	d/
Norwich	1,289,650	4,993,234	1,092	60,359	4,931,783
Ogdensburg	d/	d/	d/	d/	d/
Oneida County	552,393	3,193,330	19,789	29,775	3,143,766
Onondaga County	21,169,888	67,804,179	1,298,897	154,532	66,350,750

<sup>\*</sup> Due to disclosure requirements, data is displayed only for zones with more than seven taxpayers as of the 2008 studyfile

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d/ Tax Law provisions prohibit disclosure of data.

Table 23: New York State Investment Tax Credit by Empire Zone\* - 2008 Liability Year

	Amount of Credit				
Empire Zone	Earned	Claimed	Used	Refunded	Carried Forward
Orange County	d/	d/	d/	d/	d/
Orleans County	d/	d/	d/	d/	d/
Oswego	d/	d/	d/	d/	d/
Otsego County	d/	d/	d/	d/	d/
Plattsburgh	\$316,152	\$2,858,033	\$28,956	\$2,232	\$2,826,845
Port Morris	d/	d/	d/	d/	d/
Potsdam	0	0	0	0	0
Rensselaer County	0	0	0	0	0
Rochester	4,152,998	24,078,597	189,620	79,524	23,809,453
Rockland County	d/	d/	d/	d/	d/
Rome	d/	d/	d/	d/	d/
Saratoga County	d/	d/	d/	d/	d/
Schenectady	480,794	3,978,671	196,599	3,012	3,779,060
Schuyler County	d/	d/	d/	d/	d/
Seneca County	0	0	0	0	0
South Jamaica	d/	d/	d/	d/	d/
Southwest Brooklyn	56,946	862,428	8,733	8,415	845,280
Staten Island North Shore	0	0	0	0	0
Steuben County	0	0	0	0	0
Suffolk County	d/	d/	d/	d/	d/
Sullivan County	d/	d/	d/	d/	d/
Syracuse	d/	d/	d/	d/	d/
Thompkins County	d/	d/	d/	d/	d/
Tioga County	d/	d/	d/	d/	d/
Tonawanda	702,460	2,573,031	17,573	7,394	2,548,064
Triples Cities	d/	d/	d/	d/	d/
Troy	d/	d/	d/	d/	d/
Utica	845,634	9,716,834	6,053	0	9,710,781
Warren County	d/	d/	d/	d/	d/
Washington County	3,288,721	7,457,781	20,106	116,727	7,320,948
Watertown	d/	d/	d/	d/	d/
Wayne County	1,100,954	6,367,911	11,787	8,257	6,347,867
Yonkers	150,494	758,363	65,137	910	692,316
Unidentified	2,187,154	54,701,882	569,206	0	54,132,676
Multiple Locations	21,340,109	167,738,026	11,776,236	1,227,689	154,734,101
Total	\$177,416,779	\$1,058,173,452	\$18,047,541	\$13,961,819	\$1,026,164,091

<sup>\*</sup> Due to disclosure requirements, data is displayed only for zones with more than seven taxpayers as of the 2008 studyfile d/ Tax Law provisions prohibit disclosure of data.

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Table 24: New York State QEZE Credit for Real Property Taxes\* by Basis of Taxation - 2008 Liability Year Number of Mean Credit Amount of % of Credit Basis of Taxation **Taxpayers** Credit Earned Earned Median Credit Earned Earned Credit Earned Entire Net Income \$399,594 \$35,164,281 28.97 \$50,613 Fixed Dollar Minimum Tax 220 40.51 49,169,894 43,162 223,500 Capital Base 98,335 11 1,081,685 0.89 49,578 Alternative Minimum Tax 58 29.63 620,008 35,960,455 38,172 377 Total \$121,376,315 100.00 \$43,851 \$321,953 Number of % of Credit Median Credit Mean Credit Amount of Basis of Taxation **Taxpayers** Credit Claimed Claimed Claimed Claimed Credit Claimed Entire Net Income 89 \$18,744,888 23.19 \$41,918 \$210,617 Fixed Dollar Minimum Tax 223 34,501 150,866 33,643,174 41.63 Capital Base 12 1,061,186 1.31 51,392 88,432 Alternative Minimum Tax 59 27,373,311 33.87 463,954 32,418 383 \$80,822,559 100.00 \$35,688 \$211,025 Total Number of % of Credit Median Credit Mean Credit Amount of Basis of Taxation **Taxpayers** Credit Used Used Used Used Credit Used Entire Net Income \$12,226,943 73.68 \$55,984 \$349,341 Fixed Dollar Minimum Tax d/ d/ d/ Capital Base d/ d/ d/ d/ Alternative Minimum Tax 222,447 19 2,985 4,226,494 25.47 Total 76 \$16,594,073 100.00 \$8,165 \$218,343 Number of Amount of Credit % of Credit Median Credit Mean Credit Credit Refunded Basis of Taxation Refunded Refunded Refunded Refunded **Taxpayers** Entire Net Income \$6,517,945 10.15 \$27,443 \$118,508 55 Fixed Dollar Minimum Tax 150,477 223 33,556,342 52.25 34,501 Capital Base 10 1,007,393 100,739 1.57 66,767 Alternative Minimum Tax 57 23,146,817 36.04 32,418 406,085 Total 345 \$186,170 \$64,228,497 100.00 \$33,666

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<sup>\*</sup> The provisions of this credit do not allow a carryforward of excess credit. However, credit earned may not equal credit claimed due to statutory credit limitations.

d/ Tax Law provisions prohibit disclosure of data.

Table 25: New York State QEZE Credit for Real Property Taxes for Corporate Partners\* by Basis of Taxation - 2008 Liability Year

		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Earned	Basis of Taxation	Taxpayers	Credit Earned	Earned	Earned	Earned
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	43	\$19,487,339	51.04	\$16,992	\$453,194
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	12	18,523,768	48.52	126,069	1,543,647
	Total	64	\$38,180,173	100.00	\$17,162	\$596,565
	-	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	5	\$108,395	4.04	\$6,866	\$21,679
	Fixed Dollar Minimum Tax	14	1,432,543	53.37	2,156	102,325
	Capital Base	0	0	0.00	0	0
	Alternative Minimum Tax	9	1,143,315	42.59	1,554	127,035
	Total	28	\$2,684,253	100.00	\$3,747	\$95,866
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Refunded	Basis of Taxation	Taxpayers	Credit Refunded	Refunded	Refunded	Refunded
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	41	\$18,054,796	50.86	\$16,992	\$440,361
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	12	17,380,453	48.96	70,613	1,448,371
	Total	57	\$35,495,920	100.00	\$17,332	\$622,735

<sup>\*</sup> The provisions of this credit do not allow a carryforward of excess credit. Any credit loss due to statutory limitations is computed at the entity level. Therefore, credit earned equals credit claimed when the credit is passed through to corporate partners.

d/ Tax Law provisions prohibit disclosure of data.

Table 26: New York State QEZE Tax Reduction Credit\* by Basis of Taxation - 2008 Liability Year

	Number of Amount of Credit		% of Credit	Median Credit	Mean Credit
Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned
Entire Net Income	136	\$20,862,339	70.62	\$15,698	\$153,400
Fixed Dollar Minimum Tax	105	2,728,833	9.24	962	25,989
Capital Base	6	18,656	0.06	2,551	3,109
Alternative Minimum Tax	43	5,929,931	20.07	6,706	137,905
Total	290	\$29,539,759	100.00	\$5,391	\$101,861

Credit Used

Basis of Taxation	Number of Taxpayers	Amount of Credit Used	% of Credit Used	Median Credit Used	Mean Credit Used
Entire Net Income	135	\$20,840,099	70.69	\$15,917	\$154,371
Fixed Dollar Minimum Tax	99	2,690,724	9.13	962	27,179
Capital Base	6	18,656	0.06	2,551	3,109
Alternative Minimum Tax	43	5,929,931	20.12	6,706	137,905
Total	283	\$29,479,410	100.00	\$5,428	\$104,168

<sup>\*</sup> The provisions of this credit do not allow a carryforward of excess credit. Therefore, credit earned is the same as credit claimed.

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Table 27: New York State QEZE Tax Reduction Credit for Corporate Partners\* by Basis of Taxation - 2008 Liability Year

	Number of Ar	mount of Credit	% of Credit	Median Credit	Mean Credit	
Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned	
Entire Net Income	3	\$166,406	3.90	d/	\$55,469	
Fixed Dollar Minimum Tax	5	2,700,957	63.26	7,179	540,191	
Capital Base	0	0	0.00	0	0	
Alternative Minimum Tax	3	1,402,352	32.84	d/	467,451	
Total	11	\$4,269,715	100.00	\$7,879	\$388,156	

Credit Used

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
Entire Net Income	3	\$166,406	7.52	d/	\$55,469
Fixed Dollar Minimum Tax	3	644,765	29.13	d/	214,922
Capital Base	0	0	0.00	0	0
Alternative Minimum Tax	3	1,402,352	63.35	d/	467,451
Total	9	\$2,213,523	100.00	\$7,879	\$245,947

<sup>\*</sup> The provisions of this credit do not allow a carryforward of excess credit. Therefore, credit earned is the same as credit claimed.

d/ Tax Law provisions prohibit disclosure of data.

Table 28: New York State QEZE Credits<sup>1</sup> by Empire Zone<sup>2</sup> - 2008 Liability Year<sup>3</sup>

	Credit f	or Real Property		Tax Reduction Credit		
	Amount of Credit	Amount of Credit	Amount of Credit	Amount of Credit	Amount of Credit	
Empire Zone	Claimed	Used	Refunded <sup>4</sup>	Claimed	Used	
Albany (City)	d/	d/	d/	d/	d	
Albany County	\$13,695,459	\$402,804	\$13,292,655	d/	d	
Amsterdam	d/	d/	d/	d/	d	
Auburn	211,340	0	211,340	d/	d	
Brookhaven	d/	d/	d/	0	(	
Broome County	d/	d/	d/	d/	d	
Buffalo	3,473,874	456,385	3,017,489	\$42,145	\$40,713	
Buffalo #2	d/	d/	d/	d/	d	
Cattaraugus County	156,426	67,410	89,016	d/	d	
Clinton County	0	0	0	0	(	
Columbia County	d/	d/	d/	0	(	
Cortland County	d/	d/	d/	d/	d	
Delaware County	d/	d/	d/	d/	d	
Dunkirk/Sheridan	667,142	50,124	617,018	d/	d	
Dutchess County	2,113,387	1,593,350	520,037	d/	d	
East New York	d/	d/	d/	d/	d	
Elmira	949,315	206,306	743,009	d/	d	
Essex County/Moriah-Port Henry	d/	d/	d/	d/	d	
Far Rockaway	d/	d/	d/	d/	d	
Franklin County	0	0	0	0	(	
Friendship	d/	d/	d/	d/	d	
Fulton	d/	d/	d/	0	(	
Genesee County	d/	d/	d/	d/	d	
Geneva	d/	d/	d/	0	(	
Gloversville	d/	d/	d/	d/	d	
Greene County	d/	d/	d/	d/	d	
Greater Jamestown	0	0	0	0	(	
Herkimer County	d/	d/	d/	0	(	
Hunts Point	d/	d/	d/	d/	d	
Islip	d/	d/	d/	d/	d	
Jamestown	465,474	0	465,474	d/	d	
Kingston	d/	d/	d/	d/	d	
Lewis County	366,511	62,138	304,373	d/	d	
Livingston County	d/	d/	d/	0	(	
Madison County	d/	d/	d/	d/	d	
Monroe County	d/	d/	d/	d/	C	
Mount Vernon	d/	d/	d/	d/	d	
Nassau County	d/	d/	d/	d/	C	
Niagara Falls	549,571	24,023	525,548	d/	C	
North Brooklyn Navy Yard	d/	d/	d/	d/	C	
Norwich	d/	d/	d/	0		

d/ Tax Law provisions prohibit disclosure of data.

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Table 28: New York State QEZE Credits by Empire Zone - 2008 Liability Year 3

	Credit	for Real Property 1		Tax Reduction Credit		
	Amount of Credit	Amount of Credit	Amount or Credit	Amount of Credit	Amount of Credi	
Empire Zone	Claimed	Used	Refunded <sup>4</sup>	Claimed	Used	
Ogdensburg	d/	d/	d/	d/	d	
Oneida County	d/	d/	d/	d/	d	
Onondaga County	\$4,195,304	\$80,288	\$4,115,016	\$5,632,676	\$3,947,009	
Orange County	d/	d/	d/	d/	d	
Orleans County	d/	d/	d/	d/	d	
Oswego	d/	d/	d/	d/	d	
Otsego County	d/	d/	d/	d/	d	
Plattsburgh	d/	d/	d/	d/	d	
Port Morris	d/	d/	d/	d/	d	
Potsdam	d/	d/	d/	d/	d	
Rensselaer County	d/	d/	d/	d/	d	
Rochester	977,196	\$84,708	892,488	d/	d	
Rockland County	d/	d/	d/	0	C	
Rome	d/	d/	d/	d/	d	
Saratoga County	d/	d/	d/	d/	d	
Schenectady	0	0	0	d/	d	
Schuyler County	d/	d/	d/	0	C	
Seneca County	d/	d/	d/	0	C	
South Jamaica	d/	d/	d/	0	C	
Southwest Brooklyn	d/	d/	d/	d/	d	
Steuben County	d/	d/	d/	0	C	
Suffolk County	d/	d/	d/	d/	d	
Sullivan County	d/	d/	d/	d/	d	
Syracuse	559,040	11,218	547,398	254,192	251,234	
Thompkins County	d/	d/	d/	d/	d	
Tioga County	d/	d/	d/	d/	d	
Tonawanda	d/	d/	d/	d/	d	
Triples Cities	d/	d/	d/	d/	d	
Troy	d/	d/	d/	0	C	
Utica	404,814	40,482	364,332	72,935	72,935	
Warren County	d/	d/	d/	0	C	
Washington County	d/	d/	d/	d/	d	
Watertown	d/	d/	d/	d/	d	
Wayne County	\$502,490	64,681	437,810	d/	d	
Wyoming County	d/	d/	d/	d/	d	
Yonkers	d/	d/	d/	d/	d	
Unidentified	2,639,176	671,697	1,967,479	1,877,477	1,855,800	
Various Locations	41,540,861	11,520,022	30,020,839	10,779,111	10,779,039	
Total	\$119,002,732	\$19,278,326	\$99,724,417	\$33,809,474	\$31,629,933	

The provisions of these credits do not allow a carryforward of excess credit. Therefore, credit earned is the same as credit claimed. However corporate partners do not report amount earned by the partnership, only amounts claimed that were passed through to them. Thus, this table which displays corporate partner amounts combined with non-partner corporations, reports amounts claimed instead of earned.

<sup>&</sup>lt;sup>2</sup> Due to disclosure requirements, data is displayed only for zones with more than seven taxpayers as of the 2008 studyfile

<sup>3</sup> Includes data from corporate partner filers.

Credit 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.

d/ Tax Law provisions prohibit disclosure of data.

Table 29: New York State Alternative Minimum Tax Credit by Major Industry Group - 2008 Liability Year

	Number of A	mount of Credit	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Earned	Earned	Earned	Earned
Agriculture, Forestry, Fishing & Hunting	11	\$516	0.05	\$20	\$47
Mining	4	3,011	0.29	54	753
Utilities	4	1,826	0.18	192	457
Construction	112	54,918	5.30	72	490
Manufacturing	85	84,100	8.12	245	2,463
Wholesale Trade	109	35,407	3.42	77	325
Retail Trade	106	57,322	5.53	130	1,346
Transportation & Warehousing	79	29,908	2.89	98	458
Information	55	247,315	23.88	153	4,497
Finance and Insurance	69	77,962	7.53	95	1,130
Real Estate, Rental, & Leasing	303	174,771	16.87	74	577
Professional, Scientific, & Technical Services	190	93,981	9.07	81	495
Management of Companies & Enterprises	24	71,741	6.93	454	2,989
Administrative & Support & Waste Management &					
Remediation Services	48	8,552	0.83	50	178
Educational Services	13	14,928	1.44	93	1,148
Health Care & Social Assistance	64	5,444	0.53	48	85
Arts, Entertainment, & Recreation	38	5,358	0.52	55	141
Accommodation & Food Services	68	36,169	3.49	82	532
Other Services (except Public Adminstration)	121	32,569	3.14	43	269
Public Administration	0	0	0.00	0	0
Total	1,503	\$1,035,798	100.00	\$72	\$689

Credit Claimed

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
Agriculture, Forestry, Fishing & Hunting	63	\$52,111	0.16	\$166	\$827
Mining	24	20,344	0.06	125	848
Utilities	10	20,222	0.06	119	2,022
Construction	553	421,262	1.26	131	762
Manufacturing	362	2,435,475	7.31	1,068	24,604
Wholesale Trade	469	22,613,561	67.85	183	48,217
Retail Trade	489	567,014	1.70	281	2,838
Transportation & Warehousing	218	336,944	1.01	293	2,055
Information	175	1,228,557	3.69	216	7,020
Finance and Insurance	219	1,578,775	4.74	244	7,209
Real Estate, Rental, & Leasing	863	901,124	2.70	168	1,044
Professional, Scientific, & Technical Services	543	369,586	1.11	150	681
Management of Companies & Enterprises	65	2,098,310	6.30	638	32,282
Administrative & Support & Waste Management &					
Remediation Services	146	49,979	0.15	114	342
Educational Services	28	27,172	0.08	134	970
Health Care & Social Assistance	267	138,622	0.42	138	519
Arts, Entertainment, & Recreation	120	246,132	0.74	127	2,051
Accommodation & Food Services	187	111,537	0.33	134	596
Other Services (except Public Adminstration)	327	114,296	0.34	103	350
Public Administration	0	0	0.00	0	0
Total	5,128	\$33,331,023	100.00	\$160	\$6,500

d/ Tax Law provisions prohibit disclosure of data.

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Table 29: New York State Alternative Minimum Tax Credit by Major Industry Group - 2008 Liability Year (Cont'd)

	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Major Industry Group	Taxpayers	Credit Used	Used	Used	Used
Agriculture, Forestry, Fishing & Hunting	4	2,341	0.28	\$388	\$585
Mining	6	\$302	0.04	\$36	\$50
Utilities	d/	d/	d/	d/	d/
Construction	73	34,150	4.08	100	468
Manufacturing	23	444,536	53.16	2,623	69,925
Wholesale Trade	43	60,770	7.27	154	1,413
Retail Trade	35	68,045	8.14	170	4,447
Transportation & Warehousing	23	24,052	2.88	296	1,107
Information	13	3,173	0.38	172	244
Finance and Insurance	15	22,282	2.66	76	1,485
Real Estate, Rental, & Leasing	61	71,780	8.58	92	1177
Professional, Scientific, & Technical Services	52	24,693	2.95	144	475
Management of Companies & Enterprises	7	45,515	5.44	6266	6502
Administrative & Support & Waste Management &					
Remediation Services	16	4,000	0.48	110	250
Educational Services	d/	d/	d/	d/	d/
Health Care & Social Assistance	27	15,378	1.84	82	570
Arts, Entertainment, & Recreation	13	9,101	1.09	139	700
Accommodation & Food Services	17	2,042	0.24	86	120
Other Services (except Public Adminstration)	30	3,869	0.46	53	129
Public Administration	0	0	0.00	0	0
Total	460	\$836,207	100.00	\$108	\$1,818

Credit Carried Forward

		Amount of	% of Credit	Median Credit	Mean Credit
	Number of	Credit Carried	Carried	Carried	Carried
Major Industry Group	Taxpayers	Forward	Forward	Forward	Forward
Agriculture, Forestry, Fishing & Hunting	62	\$49,770	0.15	\$145	\$803
Mining	23	20,042	0.06	100	871
Utilities	10	20,222	0.06	119	2,022
Construction	505	387,112	1.19	127	767
Manufacturing	346	1,990,943	6.13	1,047	21,267
Wholesale Trade	438	22,552,785	69.40	183	51,490
Retail Trade	469	498,969	1.54	287	2,523
Transportation & Warehousing	202	312,896	0.96	336	2,078
Information	166	1,225,384	3.77	207	7,382
Finance and Insurance	209	1,556,493	4.79	254	7,447
Real Estate, Rental, & Leasing	823	829,336	2.55	169	1,008
Professional, Scientific, & Technical Services	509	344,893	1.06	146	678
Management of Companies & Enterprises	59	2,052,795	6.32	563	34,793
Administrative & Support & Waste Management &					
Remediation Services	138	45,979	0.14	110	333
Educational Services	27	26,994	0.08	126	1,000
Health Care & Social Assistance	244	123,244	0.38	137	505
Arts, Entertainment, & Recreation	112	237,031	0.73	119	2,116
Accommodation & Food Services	176	109,495	0.34	134	622
Other Services (except Public Adminstration)	309	110,436	0.34	107	357
Public Administration	0	0	0.00	0	0
Total	4,827	\$32,494,819	100.00	\$159	\$6,732

d/ Tax Law provisions prohibit disclosure of data.

Table 30: New York State Alternative Minimum Tax Credit by Size of Entire Net Income - 2008 Liability Year Number of Amount of Credit % of Credit Median Credit Mean Credit Taxpayers Farned Farned Farned Farned Credit Earned Size of Entire Net Income \$545,761 \$992 Zero or Net Loss 52.69 \$80 99,999 913 262,159 25.31 287 62 499,999 2,553 100,000 22 56,160 5.42 670 500,000 999,999 4,032 1,344 3 0.39 d/ 167,686 16.19 1,000,000 24,999,999 15 4,241 11,179 25,000,000 49,999,999 0 0.00 0 0 0 99,999,999 0 50,000,000 0 0 0.00 0 499,999,999 0 100,000,000 0 0 0.00 0 500,000,000 0 0 0.00 0 0 and over 1,503 100.00 \$689 Total \$1,035,798 \$72 Number of Amount of % of Credit Median Credit Mean Credit Credit Claimed Claimed Claimed Credit Claimed Taxpayers Claimed Size of Entire Net Income \$11,443 Zero or Net Loss 2,631 \$30,106,562 90.33 99,999 545 2,306 1,256,576 3.77 132 100,000 499,999 106 223,992 0.67 638 2,113 999,999 44,996 2,143 500,000 21 0.14 1,360 9,216 1,000,000 24,999,999 50 460,795 1.38 2,604 49,999,999 25,000,000 d/ d/ d/ d/ 50,000,000 99,999,999 4 0.89 23,383 73,835 295.339 499,999,999 2.21 88,518 147,618 100,000,000 5 738,092 500,000,000 and over d/ d/ d/ d/ 5,128 100.00 \$160 \$6,500 Total \$33,331,023 Number of Amount of % of Credit Median Credit Mean Credit Credit Used Used Credit Used Size of Entire Net Income Taxpayers Used Used 0.00 \$0 Zero or Net Loss 0 \$0 \$0 99,999 368 73,763 8.82 200 \$ \$ 86 100,000 499,999 50 5.58 372 934 46,688 500,000 999,999 11 28,850 3.45 2,623 738 1,000,000 24,999,999 20.57 6,882 25 172,043 2,916 25,000,000 49,999,999 d/ d/ d/ d/ d/ 99,999,999 50,000,000 d/ d/ d/ d/ d/ 54.23 151,159 100,000,000 499,999,999 3 453,477 d/ 500,000,000 and over d/ d/ d/ d/ d/ Total 460 \$836,207 100.00 \$108 \$1,818 % of Credit Median Credit Mean Credit Amount of Number of Credit Carried Carried Carried Carried Forward Forward Credit Carried Forward Size of Entire Net Income **Taxpayers** Forward Forward Zero or Net Loss \$11,443 2,631 \$30,106,569 92.65 \$176 99,999 2,087 1,182,809 131 567 3.64 499,999 2,814 100,000 177,304 0.55 705 63 500,000 999,999 16,146 1,404 10 0.05 1,615 24,999,999 1,000,000 27 288,752 0.89 2,897 10,695 25,000,000 49,999,999 3 57,484 172,452 0.53 d/ 50,000,000 99,999,999 3 0.82 88,724 266,172 d/ 100,000,000 499,999,999 3 284,615 0.88 d/ 94,872 500,000,000 and over 0 0.00 0 0 4,827 \$32,494,819 \$159 \$6,732

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d/ Tax Law provisions prohibit disclosure of data

				Number of	Amount of	% of Credit	Median Credit	Mean Credit
dit Earned	Size of Credit Use	ed		Taxpayers	Credit Earned	Earned	Earned	Earned
	Zero			1,503	\$1,035,798	100.00	\$72	\$689
				Number of	Amount of	% of Credit	Median Credit	Mean Credit
dit Claimed	Size of Credit Use	ed		Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Negative			0	\$0	0.00	\$0	\$0
	Zero			4,668	32,142,672	96.43	156	6,886
	\$ 1	-	\$ 499	370	111,164	0.33	125	300
	500	-	999	39	33,990	0.10	701	872
	1,000	-	4,999	31	93,501	0.28	2,174	3,016
	5,000	-	9,999	10	143,297	0.43	6,172	14,330
	10,000	-	24,999	4	62,647	0.19	16,110	15,662
	25,000	-	49,999	4	125,489	0.38	31,655	31,372
	50,000	-	99,999	d/	d/	d/	d/	d/
	100,000	-	499,999	d/	d/	d/	d/	d/
	500,000	-	and over	0	0	0.00	0	0
			Total	5,128	\$33,331,023	100.00	\$160	\$6,500
redit Used				Number of	Amount of	% of Credit	Median Credit	Mean Credit
	Size of Credit Use	ed		Taxpayers	Credit Used	Used	Used	Used
	Negative			0	\$0	0.00	\$0	\$0
	Zero			0	0	0.00	0	0
	\$ 1	-	\$ 499	370	42,819	5.12	74	116
	500	-	999	39	25,738	3.08	628	660
	1,000	-	4,999	31	68,898	8.24	1,707	2,223
	5,000	-	9,999	10	62,751	7.50	6,172	6,275
	10,000	-	24,999	4	62,647	7.49	16,110	15,662
	25,000	-	49,999	4	125,489	15.01	31,655	31,372
	50,000	-	99,999	d/	d/	d/	d/	d/
	100,000	-	499,999	d/	d/	d/	d/	d/
	500,000	-	and over	0	0	0.00	0	0
			Total	460	\$836,207	100.00	\$108	\$1,818
					Amount of	% of Credit	Median Credit	Mean Credit
				Number of	Credit Carried	% of Credit	Carried	Carried
dit Carried Forward	Size of Credit Use	νq		Taxpayers	Forward	Forward	Forward	Forward
an Carricu i U Waru		u		0			\$0	
	Negative				\$0	0.00		\$0
	Zero		¢ 400	4,668	32,142,683	98.92	156	6,886
	\$ 1	-	\$ 499	137	68,337	0.21	149	499
	500	-	999	11	8,252	0.03	816	750
	1,000	-	4,999	9	24,603	0.08	1,496	2,734
	5,000	-	9,999	d/	d/	d/	d/	d/
	10,000	-	24,999	0	0	0	0	0
	25,000	-	49,999	0	0	0	0	0
	50,000	-	99,999	d/	d/	d/	d/	d/
	100,000	-	499,999	0	0	0.00	0	0
	500,000	-	and over	0	0	0.00	0	0
				4,827	\$32,494,819	100.00	\$159	\$6,732

d/ Tax Law provisions prohibit disclosure of data.

		Number of	Amount of Credit	% of Credit	Median Credit	Mean Credit
Credit Earned	Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	99	\$886,107	78.43	\$6,343	\$8,951
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	25	206,009	18.23	6,817	8,240
	Total	131	\$1,129,869	100.00	\$6,265	\$8,625
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	98	\$914,961	78.27	\$7,392	\$9,336
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	25	220,588	18.87	7,608	8,824
	Total	130	\$1,168,990	100.00	\$7,297	\$8,992
	Decis of Tourities	Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	19	\$30,546	75.10	\$718	\$1,608
	Capital Base Alternative Minimum Tax	d/	d/	d/	d/	d/
		5	8,977	22.07	1,244	1,795
	Total	29	\$40,674	100.00	\$727	\$1,403
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Refunded	Basis of Taxation	Taxpayers	Credit Refunded	Refunded	Refunded	Refunded
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	90	\$800,070	79.13	\$6,675	\$8,890
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	22	178,740	17.68	6,470	8,125
	Total	115	\$1,011,100	100.00	\$6,765	\$8,792
	-		Amount of	% of Credit	Median Credit	Mean Credit
		Number of	Credit Carried	Carried	Carried	Carried
Credit Carried Forward	Basis of Taxation	Taxpayers	Forward	Forward	Forward	Forward
	Entire Net Income	0	0	0	0	0
	Fixed Dollar Minimum Tax	10	\$84,346	71.96	\$6,778	\$8,435
	Capital Base	0	0	0	0	0
	Alternative Minimum Tax	4	32,871	28.04	7,942	8,218
	Total	14	\$117,217	100.00	\$6,778	\$8,373

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Table 33: New York State Credit for Employment of Persons with Disabilities by Basis of Taxation - 2008 Liability Year

		Number of	Amount of Credit	% of Credit	Median Credit	Mean Credit
Credit Earned	Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned
	Entire Net Income	11	\$59,952	79.45	\$1,777	\$5,450
	Fixed Dollar Minimum Tax	6	12,093	16.03	2,100	2,016
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	19	\$75,459	100.00	\$2,100	\$3,972
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	12	\$63,105	58.62	\$1,939	\$5,259
	Fixed Dollar Minimum Tax	17	35,891	33.34	2,100	2,111
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	33	\$107,646	100.00	\$2,100	\$3,262
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	11	\$59,952	88.45	\$1,777	\$5,450
	Fixed Dollar Minimum Tax	d/	d/	d/	d/	d/
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	15	\$67,782	100.00	\$1,777	\$4,519
			Amount of	% of Credit	Median Credit	Mean Credit
		Number of	Credit Carried	Carried	Carried	Carried
Credit Carried Forward	Basis of Taxation	Taxpayers	Forward	Forward	Forward	Forward
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	17	\$35,846	89.92	\$2,055	\$2,109
	Capital Base	0	0	0.00	0	0
	Alternative Minimum Tax	d/	d/	d/	d/	d/
	Total	19	\$39,864	100.00	\$2,055	\$2,098

d/ Tax Law provisions prohibit disclosure of data.

Table 34: New York State Alternative Fuels Credit by Credit Component - 2008 Liability Year

Alternative Fuels Credit

Credit Component	Number of Taxpayers	Amount of Credit	Median Credit Amount	Mean Credit Amount
Credit Earned	4	\$186,033	\$48,664	\$46,508
Credit Claimed	5	2,132,516	59,334	426,503
Credit Used	4	1,561,170	59,092	390,293
Credit Carried Forward	4	571,346	46,960	142,837

Due to disclosure provisions, data for this credit cannot be displayed in the traditional format. For this report, only the aggregate totals for each credit components are included.

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Table 35: New York State Qualified Emerging Technology Company Employment Credit\* by Basis of Taxation - 2008 Liability Year

Number of A	mount of Credit	% of Credit	Median Credit	Mean Credit
Taxpayers	Earned	Earned	Earned	Earned
d/	d/	d/	d/	d/
30	\$271,791	69.86	\$6,000	\$9,060
d/	d/	d/	d/	d/
6	96,673	24.85	11,252	16,112
42	\$389,051	100.00	\$7,000	\$9,263
	Taxpayers d/ 30 d/ 6	d/ d/ 30 \$271,791 d/ d/ 6 96,673	Taxpayers         Earned         Earned           d/         d/         d/           30         \$271,791         69.86           d/         d/         d/           6         96,673         24.85	Taxpayers         Earned         Earned         Earned           d/         d/         d/         d/           30         \$271,791         69.86         \$6,000           d/         d/         d/         d/           6         96,673         24.85         11,252

#### Credit Refunded

Basis of Taxation	Number of Taxpayers	Amount of Credit Refunded	% of Credit Refunded	Median Credit Refunded	Mean Credit Refunded
Entire Net Income	d/	d/	d/	d/	d/
Fixed Dollar Minimum Tax	30	\$272,048	71.13	\$6,167	\$9,068
Capital Base	d/	d/	d/	d/	d/
Alternative Minimum Tax	6	96,673	25.28	11,252	16,112
Total	39	\$382,471	100.00	\$7,000	\$9,807

d/ Tax Law provisions prohibit disclosure of data.

<sup>\*</sup> The provisions of this credit do not allow a carryforward of excess credit. Therefore, credit earned is the same as credit claimed.

Table 36: New York State Qualified Emerging Technology Company Facilities, Operations, and Training Credit\* by Basis of Taxation - 2008 Liability Year

		Number of	Amount of Credit	% of Credit	Median Credit	Mean Credit
Credit Earned	Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned
	Entire Net Income	7	\$490,758	2.63	\$71,454	\$70,108
	Fixed Dollar Minimum Tax	127	15,401,677	82.58	66,910	121,273
	Capital Base	9	1,053,406	5.65	80,224	117,045
	Alternative Minimum Tax	17	1,704,586	9.14	80,206	100,270
	Total	160	\$18,650,427	100.00	\$69,474	\$116,565
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Claimed	Basis of Taxation	Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
	Entire Net Income	7	\$490,758	3.13	\$71,454	\$70,108
	Fixed Dollar Minimum Tax	127	12,614,867	80.34	66,910	\$99,330
	Capital Base	9	954,654	6.08	80,224	106,073
	Alternative Minimum Tax	17	1,642,430	10.46	80,206	96,614
	Total	160	\$15,702,709	100.00	\$69,474	\$98,142
		Number of	Amount of	% of Credit	Median Credit	Mean Credit
Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
	Entire Net Income	d/	d/	d/	d/	d/
	Fixed Dollar Minimum Tax	46	\$148,756	54.62	\$1,066	\$3,234
	Capital Base	d/	d/	d/	d/	d/
	Alternative Minimum Tax	11	123,389	45.31	8,755	11,217
	Total	58	\$272,348	100.00	\$1,418	\$4,696
			Amount of			
		Number of	Credit	% of Credit	Median Credit	Mean Credit
Credit Refunded	Basis of Taxation	Taxpayers	Refunded	Refunded	Refunded	Refunded
	Entire Net Income	7	\$490,555	3.18	\$71,454	\$70,079
	Fixed Dollar Minimum Tax	127	12,466,112	80.79	61,049	98,158
	Capital Base	9	954,654	6.19	80,224	106,073
	Alternative Minimum Tax	17	1,519,041	9.84	78,071	89,355
	Total	160	\$15,430,362	100.00	\$69,474	\$96,440

d/ Tax Law provisions prohibit disclosure of data.

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<sup>\*</sup> Credit earned may not equal credit claimed due to statutory credit limitations.

Table 37: New York State Credit for Purchase of an Automated External Defibrillator\* by Basis of Taxation - 2008 Liability Year

Credit	Earned
Orount	Larriou

	Number of Ar	mount of Credit	% of Credit	Median Credit	Mean Credit
Basis of Taxation	Taxpayers	Earned	Earned	Earned	Earned
Entire Net Income	9	\$69,500	48.94	\$500	\$7,722
Fixed Dollar Minimum Tax	4	7,500	5.28	1,000	1,875
Capital Base	0	0	0.00	0	0
Alternative Minimum Tax	4	65,000	45.77	500	16,250
Total	17	\$142,000	100.00	\$500	\$8,353

Credit Used

Basis of Taxation	Number of Taxpayers	Amount of Credit Used	% of Credit Used	Median Credit Used	Mean Credit Used
Entire Net Income	9	\$69,500	49.72	\$500	\$7,722
Fixed Dollar Minimum Tax	d/	d/	d/	d/	d/
Capital Base	d/	d/	d/	d/	d/
Alternative Minimum Tax	4	64,984	46.49	500	16,246
Total	15	\$139,776	100.00	\$500	\$9,318

d/ Tax Law provisions prohibit disclosure of data.

<sup>\*</sup> The provisions of this credit do not allow a carryforward of excess credit. Therefore, credit earned is the same as credit claimed.

Table 38: New York State Long-Term Care Insurance Credit by Basis of Taxation - 2008 Liability Year

Credit Earned   Basis of Taxation   Taxpayers   Earned   Earned   Earned   Entre Net Income   20   \$68,737   25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$3,437   \$25.79   \$1,925   \$2,333   \$2,000   \$1,000   \$							
Entire Net Income   20   \$68,737   25.79   \$1,925   \$3,437   Fixed Dollar Minimum Tax   56   130,629   49.01   1,265   2,333   20,000   2,00				Amount of Credit	% of Credit		Mean Credit
Fixed Dollar Minimum Tax   56   130,629   49,01   1,265   2,333	Credit Earned		Taxpayers	Earned	Earned	Earned	Earned
Capital Base			20	\$68,737	25.79	\$1,925	\$3,437
Alternative Minimum Tax		Fixed Dollar Minimum Tax	56	130,629	49.01	1,265	2,333
Total   90   \$266,517   100.00   \$1,581   \$2,961		Capital Base	d/	d/	d/	d/	d/
Number of Taxpayers   Amount of Claimed   Median Credit   Mean Credit   Claimed   Entire Net Income   20   \$77,383   12.84   \$1,925   \$3,869   Fixed Dollar Minimum Tax   63   347,795   57,70   2,494   5,521   Capital Base   d/   d/   d/   d/   d/   d/   d/   d		Alternative Minimum Tax	d/	d/	d/	d/	d/
Credit Claimed         Basis of Taxation         Taxpayers         Credit Claimed         Claimed         Claimed           Entire Net Income         20         \$77,383         12.84         \$1,925         \$3,869           Fixed Dollar Minimum Tax         63         347,795         57.70         2,494         5,521           Capital Base         d/         d/         d/         d/         d/         d/         d/         d/         d/         d//		Total	90	\$266,517	100.00	\$1,581	\$2,961
Entire Net Income   20   \$77,383   12.84   \$1,925   \$3,869     Fixed Dollar Minimum Tax   63   347,795   57.70   2,494   5,521     Capital Base   d/   d/   d/   d/   d/   d/   d/     Alternative Minimum Tax   d/   d/   d/   d/   d/   d/   d/     Total   97   \$602,775   100.00   \$2,416   \$6,214     Credit Used   Basis of Taxation   Taxpayers   Credit Used   Used   Used   Used     Entire Net Income   19   \$71,362   52.80   \$1,910   \$3,756     Fixed Dollar Minimum Tax   26   34,111   25,24   407   1,312     Capital Base   d/   d/   d/   d/   d/   d/   d/     Alternative Minimum Tax   d/   d/   d/   d/   d/   d/     Total   57   \$135,165   100.00   \$1,202   \$2,371     Credit Carried Forward   Basis of Taxation   Taxpayers   Forward   Forward   Forward   Forward     Entire Net Income   d/   d/   d/   d/   d/   d/     Fixed Dollar Minimum Tax   63   \$313,684   67.08   \$2,140   \$4,979     Capital Base   d/   d/   d/   d/   d/   d/   d/     Fixed Dollar Minimum Tax   63   \$313,684   67.08   \$2,140   \$4,979     Capital Base   d/   d/   d/   d/   d/   d/   d/     Alternative Minimum Tax   63   \$313,684   67.08   \$2,140   \$4,979     Capital Base   d/   d/   d/   d/   d/   d/   d/     Alternative Minimum Tax   11   147,905   31.63   3,032   13,446			Number of		% of Credit	Median Credit	Mean Credit
Fixed Dollar Minimum Tax	Credit Claimed		Taxpayers	Credit Claimed	Claimed	Claimed	Claimed
Capital Base   d/   d/   d/   d/   d/   d/   d/   d		Entire Net Income	20	\$77,383	12.84	\$1,925	\$3,869
Alternative Minimum Tax   d/   d/   d/   d/   d/   d/   d/   d		Fixed Dollar Minimum Tax	63	347,795	57.70	2,494	5,521
Total   97   \$602,775   100.00   \$2,416   \$6,214		!	d/	d/	d/	d/	d/
Number of Taxpayers   Amount of Taxpayers   Credit Used   Used Used Used Used Used Used Used Used		Alternative Minimum Tax	d/	d/	d/	d/	d/
Credit Used         Basis of Taxation         Taxpayers         Credit Used         Used         Used         Used           Entire Net Income         19         \$71,362         52.80         \$1,910         \$3,756           Fixed Dollar Minimum Tax         26         34,111         25.24         407         1,312           Capital Base         d/         d/ <td></td> <td>Total</td> <td>97</td> <td>\$602,775</td> <td>100.00</td> <td>\$2,416</td> <td>\$6,214</td>		Total	97	\$602,775	100.00	\$2,416	\$6,214
Entire Net Income   19   \$71,362   52.80   \$1,910   \$3,756     Fixed Dollar Minimum Tax   26   34,111   25.24   407   1,312     Capital Base   d/ d/ d/ d/ d/ d/   d/   d/     Alternative Minimum Tax   d/   d/   d/   d/   d/     Total   57   \$135,165   100.00   \$1,202   \$2,371     Credit Carried Forward   Basis of Taxation   Taxpayers   Forward   Forward   Forward     Entire Net Income   d/   d/   d/   d/   d/     Fixed Dollar Minimum Tax   63   \$313,684   67.08   \$2,140   \$4,979     Capital Base   d/   d/   d/   d/   d/     Alternative Minimum Tax   11   147,905   31.63   3,032   13,446     Carried Forward			Number of	Amount of	% of Credit	Median Credit	Mean Credit
Fixed Dollar Minimum Tax   26   34,111   25.24   407   1,312     Capital Base   d/   d/   d/   d/   d/   d/     Alternative Minimum Tax   d/   d/   d/   d/   d/   d/     Total   57   \$135,165   100.00   \$1,202   \$2,371     Credit Carried Forward   Basis of Taxation   Taxpayers   Forward   Forward   Forward   Forward     Entire Net Income   d/   d/   d/   d/   d/   d/     Fixed Dollar Minimum Tax   63   \$313,684   67.08   \$2,140   \$4,979     Capital Base   d/   d/   d/   d/   d/   d/     Alternative Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147,905   31.63   3,032   13,446     Fixed Dollar Minimum Tax   11   147	Credit Used	Basis of Taxation	Taxpayers	Credit Used	Used	Used	Used
Capital Base   d/		Entire Net Income	19	\$71,362	52.80	\$1,910	\$3,756
Alternative Minimum Tax   d/   d/   d/   d/   d/   d/     Total   57   \$135,165   100.00   \$1,202   \$2,371		Fixed Dollar Minimum Tax	26	34,111	25.24	407	1,312
Total   57   \$135,165   100.00   \$1,202   \$2,371		Capital Base	d/	d/	d/	d/	d/
Credit Carried Forward  Basis of Taxation Entire Net Income Capital Base  d/ Amount of Credit Carried Carried Carried Carried Carried Forward Fixed Dollar Minimum Tax  63 \$313,684 67.08 \$2,140 \$4,979  Capital Base  d/ Alternative Minimum Tax  11 147,905 31.63 3,032 13,446		Alternative Minimum Tax	d/	d/	d/	d/	d/
Credit Carried Forward  Basis of Taxation  Taxpayers  Forward  Ald  Ald  Ald  Ald  Ald  Ald  Ald  A		Total	57	\$135,165	100.00	\$1,202	\$2,371
Credit Carried Forward         Basis of Taxation         Taxpayers         Forward         Forward         Forward           Entire Net Income         d/         d/         d/         d/         d/         d/         d/         d/         4/         9/         4/         4/         9/         4/         9/				Amount of	% of Credit	Median Credit	Mean Credit
Entire Net Income         d/         4,979           Fixed Dollar Minimum Tax         63         \$313,684         67.08         \$2,140         \$4,979           Capital Base         d/         d/         d/         d/         d/         d/           Alternative Minimum Tax         11         147,905         31.63         3,032         13,446			Number of	Credit Carried	Carried	Carried	Carried
Fixed Dollar Minimum Tax         63         \$313,684         67.08         \$2,140         \$4,979           Capital Base         d/	Credit Carried Forward		Taxpayers	Forward	Forward	Forward	Forward
Capital Base         d/		Entire Net Income	d/	d/	d/	d/	d/
Alternative Minimum Tax 11 147,905 31.63 3,032 13,446		Fixed Dollar Minimum Tax	63	\$313,684	67.08	\$2,140	\$4,979
11 11/700 01/00		!	d/	d/	d/	d/	d/
Total 75 \$467,609 100.00 \$2,244 \$6,235		Alternative Minimum Tax	11	147,905	31.63	3,032	13,446
		Total	75	\$467,609	100.00	\$2,244	\$6,235

d/ Tax Law provisions prohibit disclosure of data.

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Table 39: Empire State Film Production Credit by Credit Component - 2008 Liability Year

Empire State Film Production Credit

Credit Component	Number of Taxpayers	Amount of Credit	Median Credit Amount	Mean Credit Amount
Credit Earned	25	\$104,775,700	\$868,066	\$4,191,028
Credit Claimed	51	137,078,076	523,704	2,687,805
Credit Used	11	10,302,031	5,284	936,548
Credit Refunded	49	126,776,046	540,413	2,587,266

Due to disclosure provisions, data for this credit cannot be displayed in the traditional format. For this report, only the aggregate totals for each credit component are included.

Table 40: New York State Brownfield Redevelopment Tax Credit by Credit Component\* - 2008 Liability Year

Brownfield Redevelopment Tax Credit

Credit Component	Number of Taxpayers	Amount of Credit	Median Credit Amount	Mean Credit Amount
Credit Earned	12	\$32,452,774	\$230,541	\$2,704,398
Credit Used	5	9,731,145	0	1,946,229
Credit Refunded	11	22,721,216	261,375	2,065,565

<sup>\*</sup>The provisions of this credit do not allow a carryforward of excess credit. Therefore, credit earned is equal to credit claimed.

Due to disclosure provisions, data for this credit cannot be displayed in the traditional format. For this report, only the aggregate totals for each credit component are included.

### Table 40a: New York State Brownfield Redevelopment Tax Credit by Individual Component Amounts - 2008 Liability Year

Brownfield Redevelopment Tax Credit

Cost Component	Amount of Component	Share of Total Credit
Site Preparation Cost Component	\$378,000	1.16%
Groundwater Cleanup Cost Component	0	0.00%
Tangible Property Cost Component	32,074,775	98.84%
Total	\$32,452,775	100.00%

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# **Appendix A: Credit Provisions Effective During the 2008 Tax Year**

#### Investment Tax Credit

For tax years beginning on or after December 31, 1968, the investment tax credit (ITC) equaled 1 percent of the cost of new or expanded manufacturing production facilities located in New York State. By 1982, the rate had grown to 6 percent. Since 1982, the rate has dropped gradually and presently stands at 5 percent of the first \$350 million in investment and 4 percent for investment over that amount.

Unused ITC can be carried forward for fifteen years. If a taxpayer qualifies as a new business, it can elect to receive a refund of unused ITC during its first five taxable years. A new business is defined as any corporation except:

- A corporation in which over 50 percent of the number of shares of stock entitling their holders to vote for the election of directors or trustees is owned or controlled, directly or indirectly, by a taxpayer subject to the tax under: Article 9-A; sections 183, 184, 185, or 186 of Article 9; Article 32; or Article 33 of the Tax Law.
- A corporation that is substantially similar in operation and in ownership to a business entity or entities taxable or previously taxable under: Article 9-A; section 183, 184, 185, or 186 of Article 9; Article 32; or Article 33; or that would have been subject to the tax under Article 23 as it was in effect on January 1, 1980; or the income (or losses) of which is (or was) includable under Article 22 of the Tax Law.
- A corporation that has been subject to tax under Article 9-A for more than five taxable years (excluding short periods).

In addition, taxpayers who met certain employment tests could qualify for the employment incentive credit (EIC). Prior to 1987, this credit equaled one-half of the ITC base and was available for up to three years. However, employment in such years must have equaled at least 101 percent of the employment in the year immediately before the ITC was first claimed.

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### Investment Tax Credit History of Tax Rates

Investment Year	Rate and Applicable Investment Tax Credit Base
1969 - 1973	1% Optional one-year depreciation write-off for research and development property. Industrial waste treatment and air pollution facilities qualify for elective deductions.
1974 - 1977	2% Optional one-year depreciation write-off for research and development property. Industrial waste treatment and air pollution facilities qualify for elective deductions.
1978	3% Optional one-year depreciation write-off for research and development property. Industrial waste treatment and air pollution facilities qualify for elective deductions.
1/1/79 - 5/31/81	4% Optional one-year depreciation write-off for research and development property. Industrial waste treatment and air pollution control facilities qualify for elective deductions.
6/1/81 - 6/30/82	5% 10% rate on research and development property acquired after 6/30/82. Industrial waste treatment and air pollution control facilities qualify for elective deductions.
7/1/82 - 1986	6% 10% rate on research and development property. Industrial waste treatment and air pollution control facilities qualify for elective deductions.
Beginning in 1987, 1988, and 1989	5% of the first \$500 million.  4% of the amount above \$500 million.  10% rate on research and development property repealed – An optional 9% rate on research and development property becomes effective in 1987 as a component of ITC.  Investments in industrial waste treatment property, air pollution control facilities no longer qualify for elective deductions, but remain eligible for ITC.  Credit carryforward limited to 7 years.
Beginning in 1990	5% of the first \$425 million. 4% of the amount above \$425 million. An optional 9% rate on research and development property. Credit carryforward remained limited to 7 years.
Beginning after 1990	5% of the first \$350 million. 4% of the amount above \$350 million. An optional 9% rate on research and development property. 1994 law increased carryforward from 7 to 10 years. 1994 law extended pre-1987 ITC cutoff date from 1994 to 1997. 1997 law extended credit carryforward from 10 to 15 years. 1997 law extended pre-1987 ITC cutoff date from 1997 to 2002. ITC extended to broker/dealers (Property placed in service on or after October 1, 1998 and before October 1, 2003).
Beginning after 2000	2002 law extended ITC for financial services to October 1, 2008. 2005 law extended ITC to certain film production facilities. SFY08-09 budget extended financial services ITC sunset to October 1, 2011. 2008 law codified financial services ITC employment tests and allowed certain property usage to be aggregated for purposes of the principal use test. SFY11-12 budget extended financial services ITC sunset to October 1, 2015.

For investments made on or after January 1, 1987, the EIC is a two-year credit described in the following table:

### History of Tax Rates of the Employment Incentive Credit

Year Property is Placed in Service	Average Number of Employees During the Tax Year Expressed as a Percentage of Those in the Employment Base Year	Additional Credit as a Percentage of the Investment Credit Base
Tax Years Beginning in 1987, 1988 or 1989	At least 101%	2% of the first \$500 million 2.5% in excess of \$500 million
Tax Years Beginning in 1990	At least 101%, but less than 101.5%	2% of the applicable ITC base
.,,,	In excess of 101.5%	2.5% of the applicable ITC base
Tax Years Beginning After 1990	At least 101%, but less than 102%	1.5% of the applicable ITC base
AIGI 1770	At least 102%, but less than 103%	2% of the applicable ITC base
_	At least 103%	2.5% of the applicable ITC base

## Rehabilitation Credit for Historic Barns

Taxpayers may claim a tax credit for the rehabilitation of historic barns in New York State. The credit equals 25 percent of qualified rehabilitation expenditures. The definition of a qualified rehabilitated barn has the same meaning as a "qualified rehabilitated building" for purposes of the federal rehabilitation credit under Section 47 of the Internal Revenue Code. In accordance with federal law for rehabilitation of historic buildings, the barn must have been placed in service before 1936 and would only qualify for the credit based on substantial rehabilitation. Generally, a building will have been considered substantially rehabilitated only if the expenditures exceed the greater of the adjusted basis of the barn or \$5,000. A taxpayer may not claim both the regular investment tax credit on manufacturing property and the investment tax credit for rehabilitation of historic barns on the same property.

# Rehabilitation Credit for Retail Enterprises

Taxpayers registered as vendors under Tax Law Article 28 and at least 50 percent engaged in retail sales can claim a credit for expenditures for retail enterprises that also qualify for the federal rehabilitation credit. The credit rate is the same as the traditional ITC. The credit is limited to expenditures attributable to property used in retail sales and located in New York.

### Credit for Research and Development Property Under the ITC

Research and development (R&D) property acquired on or after January 1, 1987 qualifies for the ITC. Taxpayers may elect the regular ITC rate including the EIC, or an optional rate on R&D property of 9 percent for taxable years beginning in 1990. If taxpayers elect the higher rate, they cannot claim the EIC on the same investment.

# ITC for the Financial Services Industry

An ITC is allowed for qualified property used in the financial services industry and placed in service prior to October 1, 2015. The rate of credit, maximum amounts, carryforward provisions, and recapture rules are generally the same as the regular ITC.

To be eligible, the property must be principally used in the course of the taxpayer's business: as a broker or dealer in connection with the purchase or sale of stocks, bonds, commodities, or other securities; as a provider of lending, loan arrangement, or loan origination services to customers in connection with the purchase or sale of securities; or as a provider of investment advisory services for a regulated investment company. In addition, qualified property includes property used in a course of the taxpayer's business as an exchange registered as a national securities exchange or a board of trade, 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 or leased by a taxpayer affiliated with a regulated broker/dealer, national securities exchange, or board of trade is also eligible for credit if the property is principally used in the qualifying activities described above.

Starting in 2008, in determining whether the property is principally used in a qualifying activity, a taxpayer may aggregate it uses as a broker/dealer and a provider of investment advisory services. Furthermore, it may aggregate it uses with affiliated broker/dealers and registered investment advisors.

Finally, to be eligible for credit a taxpayer must satisfy an employment test. Prior to 2008, taxpayers could use either an 80% current year test or a 95% three-year back-office test that were created administratively. Starting in 2008, those two tests were codified and a third test was created - the 90% end-of-year test.

- 1. <u>80% current-year test</u> 80 percent or more of the employees performing the administrative and support functions related to the qualified use of the property are located in New York State;
- 2. <u>95% three-year back-office test</u> The average number of employees performing the administrative and support functions related to the qualified use of the property and

located in New York State during the year the credit is claimed is greater than or equal to 95 percent of the average number of such employees during the 36 months immediately preceding the tax year of the credit claim;

- 3. <u>90% end-of-year test</u> the number of New York State employees in the current tax year is greater than or equal to 90 percent of such employees on:
  - a) December 31, 1998 if the taxpayer was a calendar year filer taxable in New York State in 1998; or
  - b) the last day of the first taxable year ending after December 31, 1998 if the taxpayer was a fiscal year filer or not subject to tax in 1998.

If a taxpayer is first subject to tax in New York State after the 1998 tax year, it is exempt from the employment tests for its first taxable year.

If aggregation is required to satisfy the "principally used" test then either each affiliate must satisfy the employment test individually or the employees of the taxpayer may be aggregated with the employees of its affiliated broker/dealer or registered investment advisor for purposes of the test.

### Special Additional Mortgage Recording Tax Credit

A credit is allowed equal to the State Special Additional Mortgage Recording Tax paid on mortgages recorded after December 31, 1978. The special additional mortgage recording tax is imposed at the rate of 25 cents per \$100 on the indebtedness secured by a mortgage recorded on or after July 1, 1969. The credit is not allowed for such taxes paid on residential mortgages recorded after May 1, 1987, where the real property is located in Erie County or one or more of the counties comprising the Metropolitan Commuter Transportation District.

For periods beginning on or after January 1, 1994, taxpayers may elect to treat the unused portion of the special additional mortgage recording tax credit as an overpayment to be credited or refunded.

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Empire Zone/
Zone Equivalent Area/
Qualified
Empire Zone
Enterprise Tax
Credits<sup>1</sup>

In 1986, New York State enacted legislation to stimulate growth in economically distressed communities. The program provides a package of tax incentives for businesses that invest or provide jobs in designated areas called Empire Zones (EZs).

The program has been amended regularly since its enactment. Generally, the changes consisted of adjustments to the credit calculation formulas, increases in the credit amounts, and expansions in the number of EZs. For complete details on changes made since the program's inception, see Appendix D.

EZ Wage Tax Credit/ ZEA Wage Tax Credit Eligible taxpayers may claim a wage tax credit for up to five years for doing business and creating jobs in an EZ. The credit amounts differ for targeted and nontargeted employees. A higher credit amount applies to targeted employees (i.e., those with low incomes or on public assistance).

As originally implemented, the credit equaled 25 percent of targeted eligible wages for the first tax year, declining by 5 percent per year for each of the following five years.

The corresponding credit for non-targeted employees equaled one -half of these amounts. The total credit could not exceed 50 percent of pre-credit tax liability.

To qualify for the credit, taxpayers must have filled 20 percent of new zone jobs with zone residents, or with residents of census tracts bordering the zone. In addition, the employer must have shown a statewide and zonewide net employment gain. Ceilings limited the credits.

Beginning on or after January 1, 1994, the wage tax credit was simplified and shortened. The two-year wage tax credit was based on the average number of newly hired employees. The credit equaled the product of the average number of newly hired targeted employees multiplied by \$1,500 and nontargeted employees multiplied by \$750.

Beginning on or after January 1, 2001, the credit amounts increased to \$3,000 for each targeted employee and \$1,500 for each nontargeted employee. Both credits became available for five years.

Starting with the 2005 tax year, taxpayers certified in EZ subzones called Investment Zones could claim an additional \$500 for each employee receiving wages in excess of \$40,000.

For tax years beginning on or after January 1, 1994, a similar credit was provided for eligible businesses located in zone equivalent areas (ZEAs) for wages paid to full-time employees in a ZEA. In year one, the credit equaled \$1,000 multiplied by the average number of newly hired targeted employees and \$500 multiplied by the average number of newly hired nontargeted employees. In year two, the credit decreased by one-half. Beginning on January 1, 2001, the ZEA credit amounts were changed to mirror the EZ wage tax credit amounts. The ZEA credit expired on June 13, 2004. Taxpayers could not earn new credit, but could use amounts carried forward from prior years.

The total EZ or ZEA wage tax credit cannot exceed 50 percent of tax due before credits. Taxpayers may carry forward unused credits indefinitely. In lieu of a carryforward, new business taxpayers may elect to have 50 percent of unused EZ wage tax credit refunded.

EZ Capital Tax Credit

A credit applied to the consideration paid for original issue stock purchased from a zone capital corporation. Zone capital corporations are corporations designed to raise money for investment in zone businesses. The credit equaled 25 percent of the amount paid for the stock, up to a lifetime maximum of \$100,000. In any tax year, the credit could not exceed 50 percent of the taxpayer's pre-credit liability. Taxpayers could carry forward unused amounts indefinitely. A recapture provision applied if the taxpayer disposed of the investment within 36 months of acquisition.

For tax years beginning on or after January 1, 1994, the law was amended to allow the EZ capital tax credit for investments in zone capital corporations, direct equity investments in certified zone businesses, and contributions to community development projects. The new credit equals 25 percent of the sum of each type of investment. The lifetime maximum credit per taxpayer equals \$100,000 in each category for an aggregate limit of \$300,000.

Starting in the 2005 tax year, credit can no longer be earned for investments in or contributions to EZ capital corporations. Taxpayers can continue to carryforward any unused amounts of credit calculated for investments made prior to January 1, 2005, however.

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#### **F7** Investment Tax Credit

Production property acquired or built in an EZ may qualify for an EZ-ITC of 10 percent. Like the regular ITC, this credit cannot reduce the tax due for any year to less than the higher of the tax on the minimum income base or the fixed dollar minimum. However, corporations may carry forward any unused EZ-ITC indefinitely.

An additional 3 percent credit rate (30 percent of the EZ-ITC) applies in the three years following the year in which the corporation claims the EZ-ITC. To qualify for this second credit, the EZ-EIC, the taxpayer's employment in the EZ (excluding general executive officers) must equal at least 101 percent of its average employment in the year prior to earning the EZ-ITC.

Effective January 1, 1994, the EZ-ITC was amended to allow new businesses to elect a 50 percent refund of the unused credit in lieu of a carryforward. Effective January 1, 2001, taxpayers could apply the EZ-EIC against the alternative minimum tax base.

### EZ Investment Tax Credit for the Financial Services Industry

Financial services industry taxpayers that are located in an Empire Zone may be eligible for the EZ-ITC and EZ-EIC. The eligibility tests are the same as the traditional financial services ITC and EIC.

### Qualified Empire Zone Enterprise Credits

In 2000, the "Empire Zones Program Act" established two new EZ credits. Businesses that become certified as Qualified Empire Zone Enterprises (QEZEs) can receive a credit against property taxes paid and a tax reduction credit in addition to the other EZ credits. In order to qualify for the QEZE credits, a taxpayer must first satisfy an annual employment test.

### QEZE Real Property Tax Credit

The QEZE real property tax credit (RPTC) is fully refundable and is calculated differently, depending upon the date the taxpayer was certified by Empire State Development.

### Certifications prior to April 1, 2005

For taxpayers certified prior to April 1, 2005, the credit for real property taxes paid is the product of three factors:

- 1. a benefit period factor which is based on the number of years the taxpayer has been certified as a QEZE;
- 2. an employment increase factor which varies depending upon the number of jobs created by the QEZE; and
- 3. eligible real property taxes paid by the QEZE.

For taxpayers certified on or after August 1, 2002, the amount of credit claimed is limited to the greater of the employment increase limitation or the capital investment limitation. The employment increase limitation is the product of \$10,000 and taxable year employment minus test year employment. The capital investment limitation is 10 percent of the cost or other basis of the real property multiplied by the greater of the percentage of the property which is physically occupied and used by the QEZE, or the percentage of the cost or other basis attributable to the construction, expansion, or rehabilitation of the real property (as opposed to the acquisition). If 50 percent or more of the cost is attributable to the aforementioned activities, then the percentage is deemed to be 100 percent.

Certifications on or after April 1, 2005

For businesses certified on or after April 1, 2005, there are two separate credit calculations and the credit contains different restrictions depending upon whether the QEZE is located in an Investment Zone (IZ) or a Development Zone (DZ). Manufacturers calculate their credit as if they were located in an IZ. The credit equals the product of 25 percent of the wages, health benefits, and retirement benefits of net new employees. Net new employees are calculated by subtracting the base period employment from taxable year employment. Wages and benefits in excess of \$40,000 are excluded and the credit cannot exceed \$10,000 per employee.

QEZEs located in a DZ must reduce their credit by an employment increase factor:

Net New Employees	Employment Increase Factor
1 to 10	0.25
11 to 49	0.5
50 to 75	0.75
76+	Amount divided by 100, up to 1.0

Taxpayers claim the greater of the amount of credit or the capital investment limitation, but neither may exceed the amount of the taxpayer's eligible real property taxes for the taxable year.

QEZEs located in an IZ and all manufacturers calculate their capital investment limitation in the same manner as taxpayers certified on or after August 1, 2002, but taxpayers located in a DZ are subject to a more restrictive limitation.

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The DZ investment limitation equals the product of the percentage of the property which is physically occupied and used by the QEZE, and 10 percent of the amount of the cost or other basis attributable to the construction, expansion, or rehabilitation of the real property (as opposed to the acquisition). If 50 percent or more of the cost is attributable to the aforementioned activities, then the percentage is deemed to be 100 percent.

For companies certified on or after April 1, 2009, the QEZE real property tax credit is reduced by an additional 25 percent.

#### **OF7F Tax Reduction Credit**

The tax reduction credit is the product of four factors:

- 1. a benefit period factor, based on the number of years the taxpayer has been certified as a QEZE;
- 2. an employment increase factor that varies depending upon the number of jobs created by the QEZE;
- 3. a zone allocation factor that measures the economic presence of the QEZE in the EZ and in New York State; and
- 4. a tax factor that is the larger of the tax on the entire net income base or the minimum taxable income base.

The credit is non-refundable, but may be used against the alternative minimum tax base. If a taxpayer is wholly located within a zone (has a zone allocation factor of 100%), it may apply the credit against the fixed dollar minimum tax.

### EZ Program Sunset Transitional Rules

The Empire Zones Program expired on June 30, 2010. However, taxpayers certified in EZs are granted additional time to fully utilize their tax benefits as follows:

- The EZ-ITC is available until April 1, 2014.
- Qualified investment projects<sup>1</sup> remain certified for an additional nine years.
- The EZ-EIC is allowed for the three years following the related EZ-ITC claim, notwithstanding the 2014 EZ-ITC cutoff.
- Payments of commitments made to community development projects approved by ESD prior to the expiration of the Zones Program will be allowed to generate EZ capital credit until April 1, 2014.
- Taxpayers claiming the EZ wage tax credit, the QEZE real property tax credit, and the QEZE tax reduction credit will be allowed to claim credit for the duration of their benefit periods provided they continue to meet all eligibility criteria.

### Alternative Minimum Tax Credit

Taxpayers began to accumulate the alternative minimum tax (AMT) credit in 1990. Beginning in 1991, taxpayers could claim the AMT credit against their entire net income (ENI) base tax for a portion of AMT paid in 1990 and subsequent years. A taxpayer can use the AMT credit to reduce its ENI tax liability to the fixed dollar minimum, the capital base, or the AMT base, whichever is highest. The credit cannot be used against the subsidiary capital base.

The calculation of the minimum tax credit involves a two-step process. The taxpayer calculates a "tentative" minimum tax by subtracting from the minimum tax the highest of the tax on entire net income, the tax on business and investment capital, or the fixed dollar minimum tax.

In the second step, corporations recalculate the minimum tax they would have paid, accounting for only two specific tax preferences.

The first is the preference related to depletion under IRC Section 57(a)(1). The second is the preference related to the appreciated property charitable deduction under IRC Section 57(a)(6)(b). In addition, prior to 1994, both minimum tax calculations disallowed the net operating loss deduction, and required single weighting of the receipts factor.

Corporations reduce this recalculated minimum tax by the highest of the tax on entire net income, the tax on business and investment capital, or the fixed dollar minimum tax. The result of subtracting the recalculated minimum tax from the "tentative" minimum tax equals the minimum tax credit available for subsequent years.

Effective for taxable years beginning in 1994, taxpayers may claim an AMT credit against ENI-base tax liability for part of the net operating loss deduction not used in computing the AMT. Taxpayers may calculate the AMT credit retroactively for taxable years after 1989 and carry forward the credit indefinitely.

The pre-1994 net operating loss component is subject to a five-year transition rule, beginning in taxable years after 1993 and ending before 1999. Under the transition rule, a taxpayer may use up to 20 percent of the credit in each of the five years beginning with the 1994 tax year. Taxpayers will have available the remainder of any unused credit for tax years after 1999.

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### Farmers' School Tax Credit

Eligible farmers may claim a refundable real property tax credit against the corporate franchise tax. The credit is available to an eligible farmer, defined as a taxpayer whose gross income from farming is at least 2/3 of total gross income. Eligible farmers also include those who paid school district property taxes on qualified agricultural property pursuant to a land contract. The credit equals the total school property taxes paid on qualified agricultural property in the State up to the acreage limitation, and 50 percent of the school taxes paid on acres in excess of the limitation. The acreage limitation has been increased periodically:

- 100 acres in 1997
- 250 acres between 1998 and 2005
- 350 acres in 2006 and beyond.

The credit is phased out for taxpayers with New York adjusted gross income (entire net income) in excess of \$200,000. Recapture provisions provide for an addback of the credit if the taxpayer converts the property to a nonqualified use in the two years subsequent to the first year of the credit.

### Credit for Employment of Persons with Disabilities

Employers who employ individuals with disabilities may claim a credit for a portion of wages paid to such individuals. The credit equals 35 percent of the first \$6,000 of first year wages paid to the disabled employee (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. The credit may be applied against the AMT, and unused credits are not refundable but may be carried forward indefinitely. To become 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 as disabled by the State Education Department. Visually handicapped individuals may receive certification from the appropriate agency responsible for vocational rehabilitation of the blind and visually impaired.

### Alternative Fuels Credit

Prior to 2005, a tax credit was allowed for electric vehicles, clean fuel vehicles using natural gas, methanol and other alternative fuels, qualified hybrid vehicles, and clean fuel refueling facility property.

Starting on January 1, 2005, only credit for clean-fuel vehicle refueling property was allowed. The credit equaled 50 percent of the cost of property used more than 50 percent of the time in a trade or business located in New York State. The property was defined in the Internal Revenue Code<sup>2</sup>. The credit based on refueling property expired after December 31, 2010.

Carryforwards of credit from qualified vehicles and vehicle refueling property is still allowed.

### Qualified Emerging Technology Company (QETC) Tax Credits

There are three tax credits related to businesses that qualify as qualified emerging technology companies: an employment credit, a capital credit, and a facilities, operations, and training (FOT) credit.

For the employment and capital credits, a QETC is a business that is located in New York State, has total annual sales of \$10 million or less, and either: has a ratio of research and development (R & D) funds to net sales that equals or exceeds an average ratio; or has products or services classified as emerging technologies. The ratio is updated annually and is included in the instructions for the credit forms. Likewise, the definition of *emerging technologies* is included in the instructions.

To claim the employment credit, a QETC must also have an average number of individuals employed full-time in New York State equal to at least 101 percent of its base-year employment.

For the FOT credit, businesses must meet the base QETC criteria, but with additional restrictions and certain modifications. First, a business must have 100 employees or less, with at least 75 percent employed in New York State. Also, the R & D funds to net sales ratio must equal or exceed 6 percent. Finally, gross revenues may not exceed \$20 million for the immediately preceding tax year.

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### QETC Employment Credit

The employment tax credit equals \$1,000 for each individual employed over a base year level and is allowed for three years. Excess credit may be refunded.

### QETC Capital Credit

The capital tax credit is available to taxpayers making qualified investments in certified QETCs. The credit varies in amount depending on how long the investment is held. Investments held for four years from the close of the tax year in which the QETC capital tax credit is first claimed qualify for a 10 percent credit. Investments held for nine years qualify for a 20 percent credit.

The total amount of credit allowable to a taxpayer for all years may not exceed \$150,000 for credit computed at the 10 percent rate, and \$300,000 for credit computed at the 20 percent rate. Also, the credit and any carryforwards may not exceed 50 percent of the tax due prior to the application of any other tax credits.

### QETC Facilities, Operations, and Training Credit

The credit consists of three components:

- 1. 18 percent of R & D property, costs, and fees incurred in connection with emerging technology activities;
- 2. 9 percent of qualified research expenses; and
- 3. 100 percent of qualified high-technology training expenses, limited to \$4,000 per employee per year.

The total amount of credit is limited to \$250,000 per year and is fully refundable.

The credit may be claimed for four consecutive years. However, taxpayers relocating from an academic incubator facility may claim credit for an additional year and elect to defer the start of the five year period until after they leave the facility.

No credit may be earned in taxable years beginning on or after January 1, 2012.

### Credit for Rehabilitation of Historic Properties

Taxpayers may claim a tax credit for the rehabilitation of historic properties located in New York State. The amount of the credit is equal to 30 percent of the credit amount allowed under subsection (c)(3) of section 47 of the Internal Revenue Code (IRC) for the same taxable year. The credit is capped at \$100,000 and any credit taken must be recaptured if the federal credit upon which it is based is recaptured by the taxpayer. Taxpayers may carry forward unused credit amounts to subsequent tax years.

For taxable years beginning on or after January 1, 2010, the rate is increased to 100 percent of the federal credit and the credit cap is raised to \$5 million. The rate and cap revert to pre-2010 tax year levels starting on January 1, 2015.

### Mortgage Servicing Tax Credit

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 against their franchise tax. The credit equals 2.93 percent of the total principal and interest collected by the bank for each SONYMA mortgage secured by a one-to-four family residence. In addition, mortgage bankers may receive an amount equal to the interest collected during their 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 be applied against the mortgage banker's liability to reduce their liability to zero. There is no carryforward of excess credit.

### Low-Income Housing Credit

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 for a long-term commitment to low-income housing. The amount of the credit 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 ten tax years. Unused credits may be carried forward indefinitely.

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### **Green Building Credit**

The green building credit provides incentives for the construction, rehabilitation, and maintenance of buildings with high environmental standards and energy efficiency. The credit rewards the use of environmentally preferable building materials and renewable and clean energy technologies.

There are six different credit components for which a taxpayer may be allowed a credit. Each credit component has its own requirements, formula for calculating the amount of the credit, and cap. A taxpayer may be allowed one or more of these components, with certain restrictions. The components are:

- whole building credit component (owner or tenant) where base building and all tenant space are green;
- base building credit component (owner) applies to areas not intended for occupancy by either a tenant or owner;
- tenant space credit component (owner or tenant);
- fuel cell credit component;
- photovoltaic module credit component; and
- green refrigerant credit component.

To obtain eligibility for the green building credit, the taxpayer must first apply to the Department of Environmental Conservation for an initial credit component certificate. The certificate will set forth the first taxable year for which the credit may be claimed and the maximum credit amount allowable to the taxpayer. The credit may be claimed for five taxable years beginning with the first taxable year allowed pursuant to the certificate. In addition, for each taxable year that a credit is claimed, a taxpayer will have to obtain an eligibility certificate issued by a licensed architect or engineer certifying that the project meets the standards for green buildings.

Where a credit has been allowed to an owner who sells a building or to a tenant who terminates his or her tenancy within the period for allowance of the credit, the successor owner or successor tenant will be allowed the credit for the remainder of the period, as long as the property continues to meet the applicable environmental standards.

## Credit for Purchase of an Automated External Defibrillator

Taxpayers may claim a credit for the purchase of an automated external defibrillator. The amount of the credit is equal to the cost of the defibrillator, but is capped at \$500 per unit. There is no limit on the number of units for which the credit may be taken. The credit is nonrefundable and excess credit may not be carried forward.

### Long-Term Care Insurance Credit

Taxpayers may claim a credit equal to 20 percent of the premiums paid during the tax year for the purchase of, or for continuing coverage under, a long-term care insurance policy that qualifies for the credit pursuant to Insurance Law section 1117. The credit is nonrefundable, but may be carried forward indefinitely.

A qualifying long-term care insurance policy is one that is:

- approved by the New York State Superintendent of Insurance pursuant to section 1117(g) of the Insurance Law; or
- a group contract delivered or issued for delivery outside of New York State that is a qualified long-term care insurance contract as defined in Internal Revenue Code section 7702B.

### Empire State Film Production Credit<sup>3</sup>

A taxpayer that is a qualified film production company can apply to the Governor's Office for Motion Picture and Television Development (MP/TV) to receive a refundable, 30 percent<sup>4</sup> Empire State film production credit.

To become a qualified production company, 75 percent of film production facility expenditures must be spent at a *qualified film production facility*, defined as a facility in New York in which television shows and films are or are intended to be regularly produced, and which contains at least one sound stage of at least 7,000 square feet. Productions that qualify for the credit are feature length films or television films, pilots, or series. Generally, documentaries, news or current affairs programs, interview or talk shows, instructional videos, sport shows or events, daytime soap operas, reality programs, commercials, and music videos do not qualify for the credit.

Taxpayers meeting the test above can qualify for a credit of 30 percent on qualified costs incurred at the facility. *Qualified costs* are costs for tangible property or services used or performed within New York directly and predominantly in the production (including post production) of a qualified film. Qualified production costs generally include most below the line items such as costs of technical and crew production, expenditures for facilities, props, makeup, wardrobe, set construction, and background talent, and generally exclude costs of stories and scripts, and wages for writers, directors, producers, and performers (other than extras without spoken lines).

Generally, *above the line* and *below the line* are terms of art in the film and television industry referring to divisions of categories or types of spending on the budget form. *Above the line* typically means fees and salaries for the creative team (director, producers,

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actors, writers) and the cost of purchase of the story and/or script, while *below the line* refers to all the other "hard" costs of production (crew salaries, equipment and facilities rental, film and lab costs, construction, materials, props, makeup, wardrobe, locations, editing, and catering -- essentially everything else involved in production of the film).

If a production has met the 75 percent test for production facility expenditures as described above, it may also qualify for the tax credit based upon qualified expenditures outside the qualified facility that are related to pre-production, location production, and post production in New York in one of two possible ways:

- a) if the qualified New York expenditures related to the qualified production facility total \$3 million or more, then all qualified expenditures related to pre-production, location, and post production in New York State qualify for the credit;
- b) if expenditures on the qualified production facility days are less than \$3 million, then the production must shoot at least 75 percent of all its location days in New York State in order to include expenditures incurred in New York State outside the qualified production facility on pre-production, production, and post production. The 75 percent threshold applies to a percent of the total location days only, not to the total shoot days. Shooting days spent at facilities are not used to calculate this threshold; only the ratio of shooting days spent on locations anywhere in New York State compared to shooting days on locations outside of New York State are used.

As enacted, the credit was refundable in equal amounts over a twoyear period. For tax years beginning on or after January 1, 2008, the credit was entirely refundable in the year in which it was claimed.

The 2009-10 State budget "trifurcated" the utilization of the credit, effective for tax years beginning on or after January 1, 2009:

If the amount of the credit is:	it 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

### Brownfields Tax Credits

Three refundable tax credits are available to taxpayers that remediate a site under the Brownfield Cleanup Program. The credits are effective for tax years beginning on or after April 1, 2005.

### Brownfield Redevelopment Tax Credit

The brownfield redevelopment tax credit equals the sum of three credit components:

- site preparation;
- on-site groundwater remediation; and
- tangible property.

The credit equals 12 percent of costs associated with each component. 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 1½ times the statewide unemployment rate.

Projects after June 23, 2008

The credit structure differs for projects accepted into the Brownfield Cleanup Program on or after June 23, 2008. The tangible property component is subject to the same rates as above, but with an additional two percent allowed for projects located in a Brownfield Opportunity Area (BOA), as determined by the New York Secretary of State.

The tangible property component is also subject to a cap. The cap equals the lesser of \$35 million or three times the costs included in the computation of the site preparation and groundwater cleanup components. The cap rises to \$45 million or six times the costs included in the other components if the site is primarily used for manufacturing activities.

The rates for the other two components differ significantly as well:

- 50% for sites approved for unrestricted use;
- 40% for sites for residential use (except Track 4);
- 28% for sites for residential use remediated to Track 4;
- 33% for sites for commercial use (except Track 4);
- 25% for sites for commercial use remediated to Track 4;
- 27% for sites for industrial use (except Track 4);
- 22% for sites for industrial use remediated to Track 4.

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Remediated Brownfield Credit for Real Property Taxes 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.

Employment Number Factor Table	
Average number of full-time employees is at least:	Factor:
25 but less than 50	0.25
50 but less than 75	0.50
75 but less than 100	0.75
100	1.00

There is a credit limitation equal to the product of the number of full time employees at the qualified site multiplied by \$10,000.

Environmental Remediation Insurance Credit

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.

### Security Training Tax Credit

Owners of commercial buildings over 500,000 square feet can receive a \$3,000 credit 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 and is refundable.

## Fuel Cell Electricity Generating Equipment Credit

Taxpayers may claim a credit equal to qualified fuel cell electric generating equipment expenditures for the tax year in which the equipment is placed in service, starting with costs incurred on or after July 1, 2005.

Qualified expenditures are associated with the purchase of on-site electricity generation systems utilizing proton exchange membrane fuel cells up to 100 kilowatts of rated capacity. The maximum credit is \$1,500 per generating unit and the taxpayer may carryforward any unused credit indefinitely.

The SFY 2009-10 budget repealed this credit, effective for tax years beginning on or after January 1, 2009. Taxpayers will be allowed to carry forward any unused credit indefinitely.

# Credit for Companies Who Provide Transportation to Individuals with Disabilities

Corporations providing a taxicab or livery service can claim a credit equal to the incremental cost associated with the purchase of a handicapped accessible vehicle or the conversion of a conventional vehicle to a handicapped accessible vehicle. The maximum credit is \$10,000 per vehicle. The credit can be used to reduce tax to zero and any remaining credit may be carried forward indefinitely. The credit applies to qualifying expenses incurred on or after January 1, 2006 but before January 1, 2011.

A similar credit was enacted that takes effect on January 1, 2011.

### Biofuel Production Credit

Taxpayers are allowed to claim a refundable credit for the production of biofuel in New York State. The credit equals 15 cents per gallon after the production of the first 40,000 gallons per year presented to market.

Biofuel means biodiesel, ethanol, and any other fuel that meets standards approved by the New York State Energy and Research Development Authority.

The credit is capped at \$2.5 million per taxpayer per year for up to four consecutive years per biofuel plant. Starting in the 2010 tax year, the cap is imposed at the entity level. The credit sunsets after December 31, 2012.

### Land Conservation Easement Credit

Land that is under a conservation easement is eligible for a refundable credit equal to 25 percent of the taxpayer's school district, county, and city/town real property taxes paid.

The maximum allowable tax credit is \$5,000. Also, this credit in combination with any credit based on property taxes cannot exceed the total amount of school district, county, and town real property taxes.

A *conservation easement* is defined as a perpetual and permanent conservation easement that serves to protect open space, biodiversity, or scenic, natural, agricultural, watershed, or historic preservation resources. It must be filed with the Department of Environmental Conservation.

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### Clean Heating Fuel Credit

A refundable tax credit is available for the purchase of bioheat used for space heating or hot water production for residential purposes within New York State. The credit is equal to one cent for each percent of biodiesel per gallon of bioheat, up to 20 cents per gallon.

The credit applies to purchases made on or after July 1, 2006, and before July 1, 2007, and on or after January 1, 2008, and before January 1, 2017.

## Empire State Commercial Production Credit

The Governor's Office for Motion Picture and Television Development administers a three part credit designed to encourage the production of commercials in New York State. \$7 million in aggregate credit is allowed annually, allocated as follows:

- Incremental cost component \$3 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 shall 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 Metropolitan Commuter Transportation District (MCTD). This component is also awarded on a pro-rata basis, but with no per-company limitation.
- Outside MCTD component \$1 million: 5 percent of qualified production costs in excess of \$200,000 during the calendar year for work outside the MCTD. This component is allocated in the same manner as the MCTD component.

Fifty percent of the credit is refundable, with the remainder fully refundable in the following year. The credit sunsets on December 31, 2011.

### Fixed Dollar Minimum Tax

Tax Years Prior to 2008

Many of New York's tax credits cannot reduce a taxpayer's liability below the alternative minimum tax or the fixed dollar minimum tax.

Prior to the 2008 tax year, the fixed dollar minimum tax varied according to a taxpayer's gross payroll.

Gross Payroll Amount	Fixed Dollar Amount
\$6,250,000 or more	\$1,500
\$1,000,001 to \$6,249,999	\$ 425
\$500,001 to \$1,000,000	\$ 325
\$250,001 to \$500,000	\$ 225
\$250,000 or less	\$ 100

A fixed dollar minimum of \$800 applied to inactive (i.e., shelf) corporations that met certain conditions, including:

- gross payroll of \$1,000 or less;
- total gross (i.e., everywhere) receipts of \$1,000 or less; and
- gross assets with an average value of \$1,000 or less.

Legislation enacted in 2004 created two temporary thresholds for taxable years beginning in 2004 and 2005. Taxpayers with a gross payroll of \$25 million or more were subject to a \$10,000 fixed dollar minimum tax. Taxpayers with a gross payroll of less than \$25 million but more than \$6,250,000 were subject to a \$5,000 fixed dollar minimum tax.

Tax Years Beginning On or After January 1, 2008

Starting in the 2008 tax year, the base of the fixed dollar minimum tax was changed from gross payroll to New York receipts.

NY Receipts	C Corporations	S Corporations
Not more than \$100,000	\$25	\$25
\$100,001 - \$250,000	\$75	\$50
\$250,001 - \$500,000	\$175	\$175
\$500,001 - \$1,000,000	\$500	\$300
\$1,000,001 - \$5,000,000	\$1,500	\$1,000
\$5,000,001 - \$25,000,000	\$3,500	\$3,000
Over \$25 million	\$5,000	\$4,500

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### **Endnotes**

- 1. The SFY2006-07 Executive Budget created two special Empire Zone designations qualified investment projects (QUIPs) and significant capital investment projects (SCIPs). Taxpayers eligible for these designations are subject to more beneficial EZ-ITC, EZ-EIC, and EZ wage credit refund rules and may qualify for extended benefit periods for the QEZE credits. For more details, see Appendix D, Changes in 2006-07 State Budget Year.
- 2. To be eligible for the alternative fuels credit, property initially must have been qualified for the federal clean-fuel deduction under Internal Revenue Code (IRC) section 179A. Federal legislation converting the deduction to a credit necessitated an amendment to the New York credit. Qualified property must be eligible for the federal credit under IRC section 30C.
- 3. The 2010-11 Executive Budget made several changes to this credit, including extending eligibility to independent films and adding additional qualification requirements. For complete details, see Appendix D, Changes in 2010-11 State Budget Year.
- 4. Prior to tax years beginning on or after January 1, 2008, the credit rate was 10 percent.

# Appendix B: Credit Provisions Effective for Tax Years After the 2008 Tax Liability Year

Appendix B describes the tax credits that were available to taxpayers for periods following the 2008 tax year. Although these tax credits are generally available in the year in which this report is produced, final data is not yet available due to filing extensions, fiscal year considerations, and verification and processing procedures.

### Credits Effective on or after August 11, 2010

### Empire State Film Post-Production Credit

Companies that are ineligible for the Empire State film production tax credit may qualify for the post-production credit. The credit equals 10 percent of qualified post production costs paid in the production of a qualified film at a qualified post production facility, generally a facility in New York State.

To be eligible for the credit, the costs incurred at a qualified post production facility 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.

The Governor's Office for Motion Picture and Television Development (MP/TV) can award \$7 million in credit annually, with a aggregate limit of \$35 million. The allocation is included within the larger film credit allocation. If there are insufficient claims for the post production credit and applications for the film production credit exceed the allotted total, MP/TV may redirect post production credit funds to the film credit.

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### Credits Available for Tax Years Beginning On or After January 1, 2011

Excelsior Jobs
Program Act Tax
Credits

The Excelsior Jobs Program (EJP) Act replaced the Empire Zones Program as the primary economic development program in New York State. The new program is administered by Empire State Development (ESD) and offers four tax credits focused on certain strategic industries. ESD can issue up to \$50 million in new credit annually, with a fully effective annual total program cost of \$250 million. The credits are first available for tax years beginning in 2011.

### Excelsior jobs tax credit

EJP participants are eligible for a credit for each new job created in the state. For participants accepted into the program on or before April 1, 2011, the value of the credit is computed on a marginal wages plus benefits basis as follows:

Wages plus Benefits Range	Credit Percentage
\$50,000 or less	5%
\$50,001 - \$75,000	4%
\$75,000+	1.33%

Credit is capped at \$5,000 per net new job; equates to a wages plus benefits base of \$187,782

For participants accepted into the program after April 1, 2011, the credit is equal to the gross wages multiplied by 6.85 percent.

### Excelsior investment tax credit (EJP-ITC)

The EJP-ITC is a refundable credit equal to 2 percent of the cost of qualified investments. Generally, qualified investments are depreciable property with a useful life of four or more years located in New York State and placed in service on or after the date ESD issues a certificate of eligibility to the taxpayer.

### Excelsior research and development tax credit (EJP-R&D)

The refundable EJP-R&D credit is a percentage of the portion of the taxpayer's federal research and development credit pertaining to New York expenditures. For participants 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

New York qualified research and development expenditures. Eligible research and development expenditures are defined in Section 41 of the Internal Revenue Code.

### Excelsior real property tax credit (EJP-RPTC)

Certain participants in the EJP can earn a refundable RPTC. 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 available for five years and is reduced by ten percent a year. For those accepted into the program after April 1, 2011, the credit is available for 10 years and is reduced by five percent a year.

Credit for Companies
Who Provide
Transportation to
Individuals with
Disabilities

Corporations providing taxicab or livery service can claim a 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.

A similar credit existed for tax years beginning on or after January 1, 2006 and before January 1, 2011.

### Credits Effective On or After March 31, 2011

Economic
Transformation and
Facilities
Redevelopment
Program Tax Credit

The Economic Transformation and Facility Redevelopment (ETFR) Program is designed to mitigate the economic consequences in communities where correctional facilities and facilities operated by the Office of Children and Family Services (OCFS) are closed through the period ending March 1, 2012. The program is administered by Empire State Development (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.

#### ETFR 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.

#### ETFR Investment Tax Credit Component

Participants may claim a credit for qualified investments in the

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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 six percent of the cost of the investment, not to exceed \$4 million per entity.

### ETFR 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.

### ETFR 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.

### Credits Effective For Tax Years Beginning On or After January 1, 2012

### New York Youth Works Tax Credit

The New York Youth Works Tax Credit Program is designed to provide tax incentives to employers for employing at-risk youth in full-time and part-time positions in tax years 2012 and 2013. The program is administered by the New York State Department of Labor (NYDOL). NYDOL can issue up to \$25 million of tax credits under this program.

The refundable 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. This portion of the credit is allowed for taxable year 2012. 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. This portion of the credit is allowed for taxable years 2012 and 2013.

### Empire State Jobs Retention Program Credit

The Empire State Jobs Retention Program is 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 is administered by Empire State Development and the total amount of credit issued is allocated from the funds available for tax credits under the Excelsior Jobs Program Act.

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 investment tax credit, but only for costs in excess of costs recovered by insurance. Taxpayers may claim the credit for ten consecutive years.

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# **Appendix C: Article 9-A Tax Credit Forms and Credit Ordering Rules**

Forms for Credits Available to Taxpayers During the 2008 Tax Year <sup>1</sup>	
Form Number	Form Name
CT-38	Minimum Tax Credit
CT-40	Claim for Alternative Fuels Credit
CT-41	Claim for Credit for Employment of Persons with Disabilities
CT-43	Claim for Special Additional Mortgage Recording Tax Credit
CT-44	Claim for Investment Tax Credit for the Financial Services Industry
CT-46	Claim for Investment Tax Credit and Employment Incentive Credit
CT-47	Claim for Farmers' School Tax Credit
CT-238	Claim for Rehabilitation of Historic Properties Credit
CT-239	Claim for Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities
CT-241	Claim for Clean Heating Fuel Credit
CT-242	Claim for Conservation Easement Tax Credit
CT-243	Claim for Biofuel Production Credit
CT-246	Claim for Empire State Commercial Production Credit
CT-248	Claim for Empire State Film Production Credit
CT-249	Claim for Long-Term Care Insurance Credit
CT-250	Credit for Purchase of an Automated External Defibrillator
CT-259	Claim for Fuel Cell Electric Generating Equipment Credit
CT-601/601.1	Claim for EZ Wage Tax Credit/Claim for ZEA Wage Tax Credit <sup>2</sup>
CT-602	Claim for EZ Capital Tax Credit

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Forms for Credits Available to Taxpayers During the 2008 Tax Year (continued)	
Form Number	Form Name
CT-603	Claim for EZ Investment Tax Credit and EZ Employment Incentive Credit
CT-604	Claim for QEZE Tax Reduction Credit <sup>3</sup>
CT-605	Claim for EZ ITC and EZ EIC for the Financial Services Industry
CT-606	Claim for QEZE Credit for Real Property Taxes <sup>3</sup>
CT-611	Claim for Brownfield Redevelopment Tax Credit for Qualified sites accepted into the Brownfield Cleanup Program prior to June 23, 2008
CT-611.1	Claim for Brownfield Redevelopment Tax Credit For Qualified sites accepted into the Brownfield Cleanup Program on or after June 23, 2008
CT-612	Claim for Remediated Brownfield Credit for Real Property Taxes
CT-613	Claim for Environmental Remediation Insurance Credit
CT-631	Claim for Security Officer Training Tax Credit
DTF-619	Claim for QETC Facilities, Operations, and Training Credit
DTF-621	Claim for QETC Employment Credit
DTF-622	Claim for QETC Capital Tax Credit
DTF-624	Claim for Low-Income Housing Credit
DTF-630	Claim for Green Building Credit
Forms for Credits	s Available to Taxpayers After 2008 Tax Year
CT-236	Claim for Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities <sup>6</sup>
CT-261	Claim for Empire State Film Post-Production Credit
CT-607	Claim for Excelsior Jobs Program Tax Credit
CT-633	Economic Transformation and Facility Redevelopment Tax Credit
CT-634	Empire State Jobs Retention Program Tax Credit
CT-635	New York Youth Works Tax Credit

### Tax Credit Ordering Rules

Taxpayers are instructed to apply tax credits in the following order:

- non-carryover, non-refundable credits;
- Empire Zone/Zone Equivalent Area Wage Tax Credits;
- carryovers of limited duration;
- carryovers of unlimited duration;
- refundable credits.

The appropriate application of multiple credits is illustrated in the following table. Credits that were available after the 2008 tax liability year, and therefore not covered by this report, are shaded.

Noncarryover Credits	
Automated external defibrillator credit	
Qualified Empire Zone Enterprise (QEZE) tax reduction credit	
Mortgage servicing tax credit	
Empire Zone (EZ) and Zone Equivalent Area (ZEA) Wage Tax Credits	
EZ wage tax credit	
EZ wage tax credit for new businesses only <sup>4,5</sup>	
ZEA wage tax credit	
Carryover Credits of Limited Duration	
Investment tax credit (ITC) for financial services	
Employment incentive credit (EIC) for the financial services industry	
ITC, including retail enterprises and historic barns credit	
EIC	
Carryover Credits of Unlimited Duration	
Alternative minimum tax credit	
Alternative fuels credit	
Credit for employing individuals with disabilities	
Special additional mortgage recording tax credit	
Credit for Rehabilitation of Historic Properties	
Credit for taxicabs and livery service vehicles accessible to persons with disabilities	
Long-term care insurance credit	
Fuel cell electricity generating equipment credit	
EZ capital tax credit	
EZ-ITC⁵	
EZ-EIC⁵	
EZ-ITC for the financial services industry <sup>5</sup>	
EZ-EIC for the financial services industry <sup>5</sup>	
QETC capital tax credit	
Low-income housing credit	
Green building credit	

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Refu	ndable Credits
Speci	al additional mortgage recording tax credit for residential mortgages only
ITC f	or the financial services industry for new businesses only
ITC,	including retail enterprises and historic barns credit, for new businesses only
Farm	ers' school tax credit
	heating fuel credit (available for purchases occurring on/after $7/1/06$ and before $7/1$ n/after $1/1/08$ and before $1/1/17$ )
Conse	ervation easement tax credit
Biofu	el production credit
Empi	re State commercial production credit
Empi	re State film production credit
EZ-I	TC and EZ-ITC for the financial services industry for certain businesses only <sup>5</sup>
QEZI	E real property tax credit
Brow	nfields tax credits
Secur	ity training tax credit
QETO	C facilities, operations, and training credit
QETO	C employment credit
Credi	t for taxicabs and livery services accessible to individuals with disabilities <sup>6</sup>
Empi	re State film post-production credit
Excel	sior Jobs Program tax credits
Econ	omic Transformation and Facility Redevelopment Program tax credit
New	York Youth Works Program tax credit
Empi	re State Jobs Retention Program tax credit

### **Endnotes**

- 1. The amount of the credit for servicing certain mortgages, which is available only to mortgage bankers, is reported on a letter from the New York State Mortgage Association to the taxpayer.
- 2. Because taxpayers can no longer earn ZEA wage tax credit, the CT-601.1 form is only used to report amounts of credit claimed from prior periods, amounts used in the current period, and amounts carried forward for use in future periods.
- 3. Corporate partners of a QEZE complete form CT-604-CP, *Claim for QEZE Credit for Real Property Taxes and QEZE Tax Reduction Credit for Corporate Partners*.
- 4. Despite the fact that the EZ wage tax credit is refundable to new businesses, the Tax Law requires the credit to be applied prior to carryover-eligible credits or other refundable credits.
- 5. Legislation enacted as part of the 2006-07 Executive Budget created two special EZ project designations: qualified investment project (QUIP) and significant capital investment project (SCIP). Owners of QUIPs or SCIPs may refund 50 percent of excess EZ wage tax credit, EZ investment tax credit, and EZ employment incentive credit attributable to activity occurring at the project.
- 6. A similar credit existed for tax years beginning on or after January 1, 2006 and before January 1, 2011.

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# Appendix D: History of Legislative Actions Impacting Article 9-A Tax Credits

This appendix provides a brief summary of changes to tax credits that were contained in state budgets or as separate legislation. Each year, the Office of Tax Policy Analysis publishes a *Summary of Tax Provisions* which offers a more detailed discussion of budget and tax credit provisions. Also, the Tax Department typically publishes an annual Technical Services Bureau memorandum (TSB-M) that summarizes changes to the Tax Law. For changes before the 2000-01 State Budget Year, please see the 2006 report.

### Changes in 2000-01 State Budget Year

• "Empire Zones Program Act"

The "Empire Zones Program Act" changed the term, "Economic Development Zone" to "Empire Zone" (EZ) and created two new credits. Businesses that meet an annual employment test can become certified as Qualified Empire Zone Enterprises (QEZEs) and receive a credit for real property taxes and a tax reduction credit. The credits apply to taxable years beginning on or after January 1, 2001.

• Empire Zone Employment Incentive Credit and the Alternative Minimum Tax

The budget amended the EZ employment incentive credit, allowing it to be used against the alternative minimum tax base. The change was effective for tax years beginning on or after January 1, 2001.

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#### Green Building Credit

The green building credit was enacted. The total credit pool available is \$25 million over 10 years, and the Department of Environmental Conservation determines the amount of credit available to individual taxpayers. The credits apply to costs incurred on or after June 1, 1999, for property placed in service or that has received a final certificate of occupancy in tax years beginning on or after January 1, 2001.

### • Industrial or Manufacturing Business Credit

The industrial or manufacturing business (IMB) credit was enacted, effective for taxable years ending on or after January 1, 2000.

• Merger and Acquisition Retroactive Investment Tax Credit

The budget provided for the law preventing the unfair elimination of ITC for companies involved in mergers and acquisitions to apply retroactively to tax years beginning on or after January 1, 1997. Amended returns could not be filed prior to April 1, 2001.

#### • Alternative Fuels Credit Extension

Special provisions under Article 9-A relating to the sale or lease of electric vehicles or clean fuel vehicle property installed in motor vehicles to governmental entities were extended to include taxable years beginning in 2002 and 2003.

#### • Low-Income Housing Credit

The budget established the "New York State Low-Income Housing Tax Credit Program." The credit is administered by the New York State Division of Housing and Community Renewal (DHCR) and is effective for tax years beginning on or after January 1, 2000, with respect to commitments for construction agreed upon on or after May 15, 2000.

#### • Investment Tax Credit Transfer

This provision allowed taxpayers to transfer their ITC to a transferee corporation in a qualified, stock-for-assets spinoff transaction. The credit transfer is allowed for ITC property

transferred as part of the spinoff, where recapture or limitation of the ITC would otherwise be required. If both parties jointly elect, the transferor would not be required to recapture its ITC on the transferred property. The transferee would then acquire the transferor's unused ITC. If they do not jointly elect the first option, the transferor would be required to recapture its ITC. The transferee would obtain the recaptured amount as its credit.

Under either option, the transferee would treat the transferor's holding period and original cost as if it were its own for purposes of possible recapture. If the transferred credit exceeds the transferee's tax, the transferee would be entitled to a refund in the year of the credit. The credit allowed to the transferee is available in four equal portions beginning in the second succeeding taxable year following the transaction year. This provision applies to transfers of property occurring on or after January 1, 1999, in connection with qualified transactions completed prior to June 1, 1999, where the transfers occur in a taxable year of the transferee of the property which began in 1999.

Long-term care insurance credit

The long-term care insurance credit was enacted, effective for tax years beginning on or after January 1, 2002.

### Changes in 2001-02 State Budget Year

• Empire Zone program expansion

Eight new Empire Zones were authorized.

### Changes in 2002-03 State Budget Year

• Special Investment Tax Credit Provisions

Special provisions were enacted for dealing with property damaged or destroyed in the September 11th terrorist attacks. Ordinarily, a taxpayer would be required to recapture the ITC in the year in which such property ceases to be in qualified use, but in this instance, such recapture may be deferred to the next taxable year. If, in that year, a taxpayer retains a significant number of employees, no recapture is required. Also, no recapture is required if a taxpayer lost more than 50 percent of its employees. If a taxpayer elects not to defer recapture and purchases replacement property, the ITC base is determined without regard to the normal required basis reduction.

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• Investment Tax Credit for the Financial Services Industry Extended

The sunset date for the ITC for the financial services industry was extended from October 1, 2003 to October 1, 2008. This provision applies to property placed in service before October 1, 2008.

• Low-Income Housing Credit Doubled

The statewide aggregate credit limit for the low-income housing tax credit was doubled from \$2 million to \$4 million.

• Empire Zone Technical Corrections

The EZ program was amended to clarify certain provisions and implement new components for several credit calculations. The changes fall into three main categories:

#### **New Business Definition**

The five-year new business period concept was clarified and simplified for the purpose of claiming refunds of credits. The new language clarified that a new business can receive an EZ-ITC refund in each of its first five years.

#### **QEZE Technical Corrections**

Technical issues were addressed regarding: the interplay of the effective date of the QEZE program with the General Municipal Law (GML) statutory provisions; the real property tax credit calculation; the treatment of payments in lieu of taxes; the employment test; and the definition of "employment number."

The effective date correction allows a certified QEZE to continue to receive QEZE benefits for the full term to which they are entitled, even in the event that the GML provisions authorizing the QEZE program were not extended past their expiration date of July 31, 2004.

The real property tax credit calculation was amended to include a limitation which is the greater of the employment increase limitation or the capital investment limitation. It also incorporated a recapture provision for instances where the amount of property taxes used in the property tax factor are reduced.

The corrections also codified Tax Department policy that the term *eligible real property taxes* included certain payments in lieu of taxes (PILOT payments). However, the amendment included a requirement that the PILOT payments be made pursuant to a written agreement approved by both the New York State Department of Economic Development and Office of Real Property Services as satisfying generally accepted and recognized standards of real property tax appraisals.

The employment test was modified so that: if a QEZE is certified in at least one EZ, all qualified employees working in any EZ will be considered employees for purposes of the employment test, regardless of whether the QEZE is certified in all of the EZs; for QEZEs that have a base period of zero years and an employment number in EZs greater than zero, the employment test will be met only if the QEZE is a new business; a taxpayer located in an EZ as a result of a boundary revision or in a newly designated EZ, will calculate the test as if they were always in that location and as if that location was always included in that EZ; and when a business enterprise relocates to an EZ from a business incubator facility, the test will be calculated as if the business enterprise was located in the EZ during its base period.

The term "employment number" was modified to exclude any individual who was employed in the preceding sixty months by a related person to the QEZE (as related person is defined in IRC section 465(b)(3)(c)).

#### EZ Wage Tax Credit Amendments

The new language specified that, in order for a related business to claim a wage tax credit, the employee for which the credit is being claimed must not have been employed by the related business within the preceding 60 months. This requirement can be waived if the individual had never previously generated a wage tax credit. The budget also clarified that the wage tax credit allowance period is five years from the date of original certification.

#### • Empire Zone Expansion

Ten new EZs were authorized, bringing the total number of EZs across the State to 72. Four zones were previously approved but not designated, while of the six new zones, four will contain two square miles, and two will contain one square mile. Also, this provision required that 75 percent of all unused zone acreage

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designated after January 1, 2003, must be limited to three primary non-contiguous areas. The remaining 25 percent of "floater" acreage can only be designated outside of three primary areas if certain specific job creation criteria are met.

# Changes in 2003-04 State Budget Year

There were no tax credit provisions enacted or affected by the 2003-04 State Budget. Separate legislation, Part H of Chapter 1 of the Laws of 2003, enacted the Brownfields tax credits.

• Brownfields Tax Credit Program

The brownfields tax credit program consists of three components:

#### Brownfield Redevelopment Tax Credit

The refundable credit equals 12 percent of the expenses related to site remediation, tangible personal property (i.e. structures) development, and groundwater remediation. A two percent bonus rate applies if the cleanup achieves a "Track 1" standard, established by the Department of Environmental Conservation (DEC). An eight percent bonus rate applies if the project is in an "En-Zone," defined as an area with a poverty rate of at least 20 percent and an unemployment rate of at least 1.25 times the statewide rate.

Remediated Brownfield Credit for Real Property Taxes
The refundable credit is based on the number of full-time employees hired and property taxes paid. To qualify, the taxpayer must hire at least 25 employees. The credit is capped at 25 percent of property taxes, but if the property is located in an En-Zone, the cap is removed.

#### Remediation Insurance Credit

The refundable credit is available only in the year in which the certificate of remediation is issued by DEC. The credit equals the lesser of \$30,000 or 50 percent of the premiums paid by the taxpayer for environmental remediation insurance.

# Changes in 2004-05 State Budget Year

Empire State Film Production Credit

The budget established a new tax credit for film production activity in New York State. If the taxpayer satisfies certain criteria regarding a threshold level of activity in the State, the credit equals 10 percent of qualified production costs incurred in the production of films and television shows. Fifty percent of excess credit is refundable, and any excess credit carried forward

is fully refundable in the second year. The aggregate amount of credit available in any calendar year is \$25 million. The credit is administered by the Governor's Motion Picture Office. The credit sunsets in four years.

• Low-Income Housing Credit Increased

The statewide aggregate credit limit for the low-income housing tax credit was increased from \$4 million to \$6 million.

• Alternative Fuels Credit Extension

The alternative fuels credit was extended for vehicles and property placed in service in taxable years beginning on or after January 1, 2004. The credit sunsets for taxable years beginning after December 31, 2004.

• QETC Credits Expanded

The QETC employment and capital tax credits were expanded to cover businesses engaged in biotechnology.

• Empire Zone Extension and Clarification

The budget extended the Empire Zones program to March 31, 2005.

A separate law, Chapter 209 of the Laws of 2004, was enacted which clarified that taxpayers who are certified before the expiration of the EZ program would be allowed to continue to claim the benefits to which they are entitled for the full benefit period.

• Long-Term Care Insurance Credit Doubled

Health-related budget legislation (Chapter 58 of the Laws of 2004) increased the credit for long-term care insurance from 10 to 20 percent of premiums paid, effective for tax years beginning after 2003.

# Changes in 2005-06 State Budget Year

Empire Zone/Qualified Empire Zone Enterprise Reform and Extension

Part W of Chapter 61, as amended by Part A of Chapter 63, of the Laws of 2005 contained significant reforms to the Empire Zones (EZ)/Qualified Empire Zone Enterprise (QEZE) program.

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Changes to the zone boundaries affect all taxpayers, while changes to eligibility and benefits apply to taxpayers certified on or after April 1, 2005. The entire program was extended to June 30, 2011.

#### Zone Structure

- Zones will now be designated as either Investment Zones (IZ) or Development Zones (DZ). Generally, IZs encompass economically distressed areas and DZs are "county zones."
- The zone boundaries will be redrawn and will attempt to encompass as much of the old boundaries as possible.
- IZs may only contain three areas; DZs may only contain six areas. However, if the DZ is located in more than one county, it may contain 12 areas.
- Both IZs and DZs can apply to have one additional area within their borders.
- DZs can apply to have three areas designated as IZs.
- Current beneficiaries that cannot be included in the redrawn boundaries will continue to be eligible for their benefits until they are decertified.
- Certain projects can be located outside of the designated areas within IZs and DZs. These include: manufacturers who create 50 or more jobs; agri-businesses; hi-tech or biotech companies making a \$10 million capital investment and creating 20 or more jobs; and financial or insurance services firms or distribution centers creating 300 or more jobs.
- Twelve new zones will be created. Each of the 11 counties that do not currently have a zone will be eligible to apply for one, as will Chinatown.

#### Taxpayer Eligibility

- For purposes of the QEZE employment test, taxpayers will include their employees within EZs in their statewide employment number.
- The number of employees in the current tax year must exceed the number in the base period.
- If a corporation has zero base period employment or a base period of zero, they must qualify as a new business.
- The base period is shortened from five years to four years.
- The QEZE employment number can include employees from a related person only if they were employed within New York State within the preceding 60 months.
- Corporations identical in ownership and operation can qualify as a new business if they are expanding operations in a different county. The benefit period is the same for both QEZEs however.

• Businesses certified prior to August 1, 2002 with zero base years or zero base period employment will not be deemed new businesses unless they were formed for a valid business purpose and not solely to gain Empire Zone benefits.

# **Taxpayer Benefits**

- The benefit period is shortened from 15 years to 10 years.
- The QEZE real property tax credit calculation is amended to be 25 percent of the product of the wages and health and retirement benefits of net new employees, up to \$10,000 per employee. Wages in excess of \$40,000 will not be counted.
- If a taxpayer is located in a DZ, they are subject to an additional employment increase factor which will reduce the credit. The factor is scaled to reward greater employment increases. Manufacturers will not be subject to this factor, regardless of location.
- The credit limitation is amended to be the greater of the credit calculation or the capital investment amount.
- For QEZEs in an IZ and QEZE manufacturers, the limitation is the existing credit limitation. For QEZEs in a DZ, the limitation is the product of 10 percent of the cost of construction, expansion, or rehabilitation, as opposed to acquisition, of real property owned by the QEZE and located in the EZ, and the percent of property occupied and used by the QEZE or a related person.
- The credit is further limited to the amount of real property taxes paid.
- Real property taxes will include property taxes paid by a lessee under certain circumstances.
- The language regarding PILOTs is amended to restrict the amount of the PILOT for purposes of the credit to the product of the taxpayer's basis in the property and the county full value tax rate.

# Agricultural Co-operatives

- The bill adds a fixed dollar minimum limitation for agricultural co-ops for the QEZE real property tax credit.
- The EZ investment tax credit, employment incentive credit, and wage tax credit are extended to agricultural co-ops.
- These changes are retroactive to 2004.

#### EZ Wage Tax Credit

- Honorably discharged veterans are added to the list of targeted employees.
- If a taxpayer is located in an IZ, the credit is increased by \$500 per each employee paid over \$40,000 in wages.

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### EZ Capital Tax Credit

- The credit for investments in or contributions to EZ capital corporations is eliminated.
- QETC Facilities, Operations, and Training Credit

A new qualified emerging technology company credit was created for certain QETCs. To qualify, a QETC must have fewer than 101 employees, 75 percent of which are employed in New York State. They must also have a ratio of research and development funds to net sales which equals or exceeds six percent. Finally, gross revenues may not exceed \$20 million for the tax year immediately preceding the year in which the taxpayer is claiming the credit. A taxpayer may claim the credit for four consecutive years. However, if relocating from an academic incubator facility, a taxpayer is entitled to one additional year. The credit is capped at \$250,000 per taxpayer per year and is refundable. No credit is allowed for taxable years beginning on or after January 1, 2012.

# The credit consists of three components:

# Research and Development Property

Research and development property is eligible for an 18 percent credit rate. Qualified property is the same as that eligible for the investment tax credit, although the base is expanded to specifically include property used for testing or inspection, or costs associated with quality control, research, development, fees for use of facilities or processes for such activities, or production or distribution of materials and products resulting from the research.

#### Research Expenses

Qualified research expenses are eligible for a 9 percent credit rate. Qualified expenses include expenses associated with in-house research and processes, and costs associated with the dissemination of research and development results and the patent process.

#### High-technology Training Expenditures

A taxpayer may take a credit equal to qualified training expenses, up to \$4,000 per employee per year. Training includes courses related to the activities of the QETC completed at a post-secondary college or university located in New York State. Training expenses include items such as costs of tuition and fees, software, and textbooks.

# • Green Buildings Tax Credit Period Two

A second allocation of green buildings tax credits was authorized.

An aggregate of \$25 million in credit component certificates may be issued by the Department of Environmental Conservation (DEC) in tax years beginning in 2005 through 2009. The amount on any one certificate is limited to \$2 million, but a taxpayer may obtain multiple certificates if they are an owner or tenant of more than one qualified building. The aggregate credit components of \$25 million are applicable for years beginning in 2006 and ending in 2014. The budget also addressed circumstances where a taxpayer is unable to claim the credit they have been allocated. DEC may reallocate such credit either to an existing qualified recipient or to a new qualified applicant, provided the reallocation does not exceed the \$2 million limit for period two.

# • Low-Income Housing Credit Increased

The statewide aggregate credit limit for the low-income housing tax credit was increased from \$6 million to \$8 million.

#### • Alternative Fuels Credit

Chapter 310 of the Laws of 2005 extended the alternative fuels credit to cover only clean-fuel vehicle refueling property placed in service during the taxable year. The term "clean-fuel" means natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least 85 percent, singly or in combination, methanol, ethanol, any other alcohol, or ether.

# • Investment Tax Credit Extended to Film Production Facilities

Chapter 393 of the Laws of 2005 extended the ITC to property owned by a qualified film production facility and used by another for film production activity. For the taxpayer to qualify, they must provide three or more services to a qualified film production company using the facility, such as studio lighting grids, lighting and grip equipment, multi-line phone service, broadband information technology access, industrial scale electrical capacity, food services, security services, and heating, ventilation and air conditioning.

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### • Security Training Tax Credit Enacted

Chapter 537 of the Laws of 2005 created a tax credit for owners of buildings over 500,000 square feet who employ qualified security guards. The credit is \$3,000 for each guard 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 and is refundable.

# Fuel Cell Electricity Generating Equipment Credit

The tax credit for fuel cell electricity generating equipment available under the personal income tax is extended to the corporate franchise tax. Effective for costs incurred on or after July 1, 2005, a taxpayer may claim a credit equal to qualified fuel cell electric generating equipment expenditures. Qualified expenditures are associated with the purchase of on-site electricity generation systems utilizing proton exchange membrane fuel cells up to 100 kilowatts of rated capacity. The maximum credit is \$1,500 per generating unit and the taxpayer may carryforward unused credit indefinitely.

# Changes in 2006-07 State Budget Year

#### Enhanced Farmers' School Tax Credit

The budget increased the base acreage from 250 to 350 acres, raised the income phase-out range from \$100,000-\$150,000 to \$200,000-\$300,000, included Christmas tree farms as eligible for the credit, and allowed the flow through of income of corporate farms to shareholders.

#### • Land Conservation Easement Credit

The budget created a refundable tax credit equal to 25 percent of the taxpayer's 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.

• Empire Zone (EZ)/Qualified Empire Zone Enterprise (QEZE)
Program Amendments

The budget created several new taxpayer designations for purposes of the EZ/QEZE benefits and made additional technical changes to the program. The designations require certification by Empire State Development.

### New Designations

#### • Qualified Investment Projects (QUIPs)

Owners of a qualified investment project may choose between the date of certification of the business enterprise at the location of the QUIP or the date when property constituting the QUIP is first placed in service as the starting date of their benefit period. A QUIP is a project located in an EZ at which 500 or more new jobs will be created and which will consist of tangible personal property and other tangible property, including buildings and structural components of buildings, with a basis of \$750 million or more. Also, the owner of the QUIP may not employ more than 200 persons in New York State at the time the project commences.

# • Significant Capital Investment Projects (SCIPs)

Owners of a significant capital investment project can receive a ten year benefit period extension, starting with the tax year in which the property comprising the SCIP investment is placed in service. The original ten year benefit period and the extension are considered one continuous benefit period for purposes of the QEZE credits. A SCIP is a project located in an EZ which will be either a newly constructed facility or an addition or expansion of a QUIP consisting of tangible personal property and other tangible property, including buildings and structural components of buildings, with a basis of \$750 million or more. In addition, the SCIP must be constructed after the basis of the QUIP equals or exceeds \$750 million and will create 500 or more new jobs.

#### New Business Designation

Taxpayers are deemed new if they meet four criteria. They must be approved as a QUIP or SCIP, have a base period of zero years, place property, or a project which includes such property, in service which comprises a QUIP or SCIP, and be certified by December 31, 2007.

In addition, owners of QUIPs and SCIPs may receive a refund of 50 percent of excess EZ-ITC, EZ wage tax credit, and EZ-EIC. Generally, the first two credits are only refundable to new businesses and the EZ-EIC is non-refundable. Taxpayers claiming the EZ-ITC and EZ-EIC will be allowed the refunds for a maximum of ten taxable years with respect to the QUIP and SCIP, starting with the first taxable year in which property

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comprising such project is placed in service.

# • Clean Energy Research and Development Enterprises (CERDEs)

This new designation classifies a CERDE as a regionally significant project which allows it to be located outside of the EZ's investment or development zone boundaries. A CERDE is defined as "any electric generating facility that used pulverized coal technology, circulating fluidized bed technology or integrated gasification combined cycle technology and that is capable of capturing carbon dioxide for sequestration or capable of being retrofitted to capture carbon dioxide for sequestration."

# • Clean Energy Enterprises (CEEs)

A business designated as a CEE may be located anywhere in the state and will compute its benefits as if located in an investment zone. A CEE is defined as "any business primarily engaged in research, development or manufacturing of renewable energy or energy efficiency technologies or products; provided, however, that an initial clean coal electric generating facility capable of capturing carbon dioxide for sequestration or capable of being retrofitted to capture carbon dioxide for sequestration." A business is primarily engaged in research, development or manufacturing of renewable energy or energy efficiency technologies or products if eighty percent or more of its property in New York is utilized for such purposes.

# **Technical Changes**

#### • QEZE Employment Number Definition

For taxpayers meeting certain criteria in their first taxable year, the employment number will not require employment full-time for at least one-half of the taxable year. Instead, the employment number will be computed using full-time employment on the last day of the taxable year. The criteria are:

- 1. the taxpayer acquired real or tangible personal property during its first taxable year from an unrelated entity;
- 2. the first taxable year is a short taxable year of not more than seven months; and
- 3. the number of individuals employed full-time on the last day of the first taxable year shall be at least 190 and substantially all of the individuals must have been

previously employed by the entity from whom such enterprise purchased its assets.

# • EZ Wage Tax Credit Wages Paid Requirement

The credit requirement that an employee must receive EZ wages for more than half the taxable year will not apply in the first taxable year under certain criteria. In these instances, the credit will be computed by using the number of individuals employed full time on the last day of the first taxable year. The criteria are:

- 1. the taxpayer acquired real or tangible personal property during its first taxable year from an unrelated entity;
- 2. the first taxable year is a short taxable year of not more than seven months; and
- 3. the number of individuals employed full-time on the last day of the first taxable year shall be at least 190 and substantially all of the individuals must have been previously employed by the entity from whom such enterprise purchased its assets.

# • QEZE Employment Test and Real Property Tax Credit Calculations

The employment test and real property tax credit calculations for QEZEs certified on or after April 1, 2005 were extended to QEZEs certified between August 1, 2002 and March 31, 2005 that conduct operations on real property that they own or lease that is both located within an EZ and is subject to a brownfield site cleanup credit agreement executed prior to January 1, 2006.

# • EZ Designation Acceleration

Finally, the schedule for the designations of Empire Zones was accelerated. Originally, 12 new zones were to be phased in equally over a four-year period. Now, the  $4_{th}$  year's allotment is moved to year two, so that three EZs will be designated in year one, six in year two, and three in year three.

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# • Biofuel Production Credit

The budget created a refundable credit for the production of biofuel. The credit is equal to 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 plant. The credit sunsets after December 31, 2012.

# • Empire State Film Production Credit Amendments

The film credit was amended to increase the annual credit cap and extend the sunset date of the credit. The cap was raised from \$25 million annually to \$60 million annually in 2006 through 2011. The original sunset date was extended from four years after enactment of the original bill (2008) to December 31, 2011.

# • Empire State Commercial Production Credit

A new credit was created to encourage production of commercials in New York State. The Governor's Office for Motion Picture and Television Development will administer the credit, determining credit eligibility and allocating the \$7 million aggregate credit amount allowed annually. The credit consists of three components:

- 1. *Incremental cost component* \$3 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 shall receive an annual allocation greater than \$300,000.
- 2. *MCTD component* \$3 million: 5 percent of qualified production costs in excess of \$500,000 during the calendar year for work within the Metropolitan Commuter Transportation District (MCTD). This component is also awarded on a pro-rata basis, but with no per-company limitation.
- 3. *Outside MCTD component* \$1 million: 5 percent of qualified production costs in excess of \$200,000 during the calendar year for work outside the MCTD. This component is allocated in the same manner as the MCTD component.

Fifty percent of the credit is refundable, with the remainder fully refundable in the following year. The credit sunsets on December 31, 2011.

 Extension of Environmental Zones (EN-Zones) for the Brownfield Redevelopment Tax Credit and the Tax Credit for Remediated Brownfields

Taxpayers claiming brownfields credits on sites located in EN-Zones can receive enhanced credit rates. For an area to be designated as an EN-Zone, it must meet one of two tests. It must have a poverty rate of at least 20 percent and an unemployment rate of at least 1.25 times the statewide rate, or have a poverty rate of at least two times the poverty rate for the county in which the area is located. Under the latter provision, the site also had to be the subject of a brownfield site cleanup agreement pursuant to section 27-1409 of the Environmental Conservation Law entered into prior to a certain date. The budget extended that date from September 1, 2006 to September 1, 2010.

### • Low-income Housing Credit

The budget increased the statewide, aggregate credit limit for the low-income housing credit from \$8 million to \$12 million. The New York State low income housing tax credit program is based on the existing federal program and requires an agreement between the taxpayer and the Commissioner of the New York State Division of Housing and Community Renewal for a long-term commitment to low-income housing. The amount of the credit 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 ten tax years. Unused credits may be carried forward indefinitely. The total amount of credit available is \$12 million each year

• Alternative Fuel Vehicle Refueling Property Technical Fix

The budget updated Internal Revenue Code references in the alternative fuel vehicle refueling property credit statute to conform to federal changes. Previously, the credit was tied to a federal deduction, but the deduction was changed to a federal tax credit this past year. The budget also extended the sunset date of the credit from July 26, 2008 to December 31, 2010.

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 Handicapped Accessible Taxicabs and Livery Service Vehicles Credit

Chapter 522 of the Laws of 2006 created a credit for corporations who provide a taxicab or livery service. The credit is equal to the incremental cost associated with the purchase of a handicapped accessible vehicle or the conversion of a conventional vehicle to a handicapped accessible vehicle, up to \$10,000 per vehicle.

# • Clean Heating Fuel Credit

Chapter 35 of the Laws of 2006 created a refundable tax credit for the purchase of bioheat used for space heating or hot water production for residential purposes within New York State. The credit is equal to one cent for each percent of biodiesel per gallon of bioheat purchased on or after July 1, 2006, and before July 1, 2007. The credit is only available in tax years beginning in 2006 and 2007. The amount of the credit may not exceed 20 cents per gallon.

Credit for Rehabilitation of Historic Properties

Chapter 547 of the Laws of 2006 created a tax credit for the rehabilitation of historic properties located in New York State. The amount of the credit is equal to 30 percent of the credit amount allowed under subsection (c)(3) of section 47 of the federal Internal Revenue Code (IRC) for the same taxable year. The credit is capped at \$100,000.

• Brownfield Redevelopment Tax Credit Expansion

Chapter 420 of the Laws of 2006 expanded the tangible property credit component of the brownfield redevelopment tax credit. The chapter amended the definition of "qualified tangible property" to allow the credit to apply to co-operative and condominium units.

# Changes in 2007-08 State Budget Year

Low-income Housing Credit

The budget increased the statewide, aggregate credit limit for the low-income housing credit from \$12 million to \$16 million. The amount of the credit 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 ten tax years.

# Changes in 2008-09 State Budget Year

# Empire State Film Production Credit

The budget amended the Empire State film production credit to increase the credit rate, accelerate the credit refund, and increase the statutory credit allotment.

The credit rate was increased from 10 percent to 30 percent of qualified production costs. The credit refund language was amended to allow the entire amount of excess credit to be refunded in one year, instead of across two tax years. Finally, the total amount of credit that can be awarded by the Governor's Office for Motion Picture and Television Development was increased from \$60 million annually in 2008 through 2011 to \$65 million in 2008, \$75 million in 2009, \$85 million in 2010, \$90 million in 2011 and 2012, and \$110 million in 2013.

# Empire Zones

The budget made two amendments to the Empire Zones (EZ) Program pertaining to qualified investment projects (QUIPs) and significant capital investment projects (SCIPs).

EZ Wage Tax Credit - QUIPs and SCIPs will be able to delay the start of the five-year period in which to claim the EZ wage tax credit. The five-year period will begin in the first year of the QUIP's or SCIP's QEZE tax benefit period. Generally, the five-year period begins in the first year a taxpayer pays EZ wages. EZ wages are defined as wages paid by a certified taxpayer for fulltime employment (excluding general executive officers) during the tax year in an area designated or previously designated as an EZ, if the employment is in a job created in the EZ during the period of its designation as an EZ, or within four years of the expiration of the EZ designation.

QUIP/SCIP Designation Deadlines - The deadline to submit applications to Empire State Development to become certified as the owner of a QUIP was extended from December 31, 2007 to December 31, 2009. Applications to become certified as the owner of a SCIP submitted by an entity previously qualified as a QUIP, or a related person, must be submitted by June 30, 2011.

#### Low-Income Housing Credit

The budget increased the statewide aggregate credit limit for the low-income housing credit from \$16 million to \$20 million.

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#### Financial Services ITC

The budget extended the sunset date for the financial services investment tax credit (ITC) from October 1, 2008 to October 1, 2011.

Chapter 637 of the Laws of 2008 made further changes to the credit. Property purchased by a taxpayer affiliated with a registered investment advisor, or property leased to an affiliated registered investment advisor will be eligible for the credit if the property is principally used in qualifying activities.

Also, to determine if the property is principally used in qualifying uses, the uses by a taxpayer and its affiliated brokers, dealers, and registered investment advisors may be aggregated.

Finally, Chapter 637 addressed the employment eligibility test that is a prerequisite to claiming the credit. The 80 percent current-year formula and the 95 percent three-year back-office formula that were established by Tax Department guidance memoranda were codified. Additionally, a new formula - the 90 percent end-of-year test was created. This test requires the number of New York State employees in the current year to be equal to or greater than 90 percent of the employees on:

- a) December 31, 1998, for calendar year filers subject to tax in 1998 or:
- b) the last day of the first tax year ending after December 31, 1998.
- Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities

The budget extended the credit for two years. The credit is now available through December 31, 2010.

#### • Bioheat Tax Credit

The budget reinstated the tax credit for the purchase of bioheat for residential customers. The credit expired June 30, 2007, and was reinstated for period January 1, 2008 through December 31, 2011.

# Brownfield Tax Credits

Chapter 390 of the Laws of 2008 made several changes to the brownfield redevelopment tax credit, effective for taxpayers accepted by the Department of Environmental Conservation into the Brownfield Cleanup Program (BCP) after June 23, 2008.

First, the tangible property credit component was limited to the lesser of \$35 million or three times the costs included in the site preparation and on-site groundwater remediation components. For sites that will be used primarily for manufacturing or the activities of a qualified emerging technology company, the limit is the lesser of \$45 million or six times the costs included in the calculation of the other two credit components.

Also, the basis of property eligible for the tangible property component must be adjusted to exclude any cost of acquisition when a Certificate of Completion is transferred or sold if the previous taxpayer already claimed credit on such property.

Finally, an additional 2 percent bonus credit rate was created for sites located in a Brownfield Opportunity Area and developed accordingly.

Chapter 390 also amended the credit rates under the site preparation and on-site groundwater remediation credit components for sites accepted into the BCP after June 23, 2008. The new rates range from 22 percent to 50 percent of qualified costs.

Finally, two new reports were mandated. The Tax Department must publish an annual report listing taxpayers claiming any of the brownfield tax credits, the credit amounts, and the respective brownfield sites. Developers of brownfield sites must file an annual report with the Tax Department containing actual or estimated amounts of state and local taxes generated by the activities of businesses and employees operating on the site.

# Changes in 2009-10 State Budget Year

#### Tax Credit Repeal

The budget repealed two tax credits: the fuel cell electric generating equipment credit and the transportation improvement contribution credit. Taxpayers will no longer be able to earn these tax credits for tax years beginning on or after January 1, 2009.

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# Empire State Film Production Credit

The budget provided an additional authorization of \$350 million in Empire State film production credit for 2009. The credit is administered by the Governor's Office for Motion Picture and Television Development. Also, effective for taxable 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:	it 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

# • Low-Income Housing Credit

The budget increased the statewide aggregate credit limit for the low-income housing credit from \$20 million to \$24 million. The credit is administered by the Division of Housing and Community Renewal. In addition, to conform with a recent change to the federal low-income housing credit, the budget eliminated the security bond in lieu of recapture option. Previously, taxpayers disposing of an interest in a low-income housing building were not required to recapture the credit immediately. Instead, they could post a bond intended to satisfy any liability stemming from credit recapture in the event the building fell out of compliance as low-income housing in the future. As a result of the change, taxpayers will no longer post a bond, but recapture is deferred if it is reasonably expected that the building will remain in compliance. Should the building cease to qualify, the period to issue a deficiency assessment arising from credit recapture is extended to three years beyond the date the taxpayer notified the Commissioner of DHCR that the building was no longer in compliance.

# • Empire Zones Reform

The budget made numerous changes to the Empire Zones Program. The changes fall into several categories: administration, tax law changes, and public reporting.

#### Administration

- In 2009, Empire State Development (ESD) will conduct a performance review of all companies that have been certified for at least three years. Companies receiving tax benefits in excess of the amount of their wages, benefits, and investment, and firms certified prior to August 1, 2002 that used reincorporation strategies to manipulate eligibility for and calculation of tax benefits will be decertified.
- ESD will issue an Empire Zone Retention Certificate (EZRC) to all qualifying firms. Qualifying firms are existing certified businesses with less than three years in the Program and those with three or more years that pass the review. Businesses that do not qualify will be notified by mail with information on the appeals process.
- ESD will conduct its review based on business annual reports submitted by certified businesses during the 2001 to 2007 period.
- 2008 tax returns claiming EZ credits without the EZRC will not be accepted.
- Firms seeking certification by ESD after April 1, 2009 are required to meet a ratio comparing wages, benefits, and investments to EZ tax benefits. The general ratio is 20:1, although manufacturers are subject to a 10:1 ratio. ESD retains some discretion to certify companies not meeting the ratios.
- All previous criteria for certification and decertification remain
- The EZ Program sunset date is accelerated from June 30, 2011 to June 30, 2010.

#### Tax Law Changes

Decertifications resulting from ESD's review will preclude taxpayers from claiming benefits starting with the 2008 tax year. This has several implications:

- Taxpayers that do not receive an EZRC will not be allowed to use carryforwards of EZ wage tax credit, investment tax credit, employment incentive credit, and capital credit.
- Taxpayers with an understatement of 2008 liability solely because they failed ESD's review and were denied the use of EZ credits will not be assessed an underpayment penalty.

For taxpayers that are granted a retention certificate by ESD:

• The period of time in which the Tax Department pays no interest on overpayment refunds is extended to 180 days after the filing of a 2008 tax return with an EZRC.

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• Generally, when taxpayers have not received a refund within six months of timely filing a return, they may petition the Tax Department for the refund. The Executive Budget moved the start of the six month period from the date an original return was filed to the date a return was filed with an EZRC.

These two changes are intended to allow time for ESD's review, the issuance and dissemination of EZRCs, and, for taxpayers that already filed returns before receiving an EZRC, the filing and processing of a return accompanied by a retention certificate.

The budget also converted the Qualified Empire Zone Enterprise (QEZE) sales and use tax exemption to a refund or credit of tax paid on qualifying property and services (with local option).

Finally, the budget made two prospective changes applicable to companies certified on or after April 1, 2009:

- The QEZE real property tax credit is reduced by 25 percent.
- The company is not eligible for the QEZE sales tax refund/ credit unless the sale or use qualifies for a refund or credit of the county or city sales and use tax.

### **Annual Report**

The annual QEZE report submitted to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, and the Chairs of the Senate and Assembly fiscal committees is repealed, effective January 1, 2012. In its place, the Department will issue a more expansive report that will be fully available to the public. The new report will list the name of every business entity claiming EZ/QEZE credits (including the sales tax refund/credit) and the corresponding amounts of credit claimed. Reporting will be limited to the entity earning the credit; individual taxpayers receiving credit because they are partners, members, or shareholders in a pass-through entity will not be listed in the report.

• Credit for Rehabilitation of Historic Properties

Chapter 239 of the Laws of 2009 made two significant changes to the amount of the credit. First, the credit rate is increased from 30 percent to 100 percent of the amount of the federal historic properties credit. Also, the maximum credit allowed is increased from \$100,000 to \$5 million. The rate and cap revert to pre-2010 levels on January 1, 2015.

# Changes in 2010-11 State Budget Year

### Excelsior Jobs Program Act

Part MM of Chapter 59 of the Laws of 2010 creates the Excelsior Jobs Program (EJP) Act. The EJP replaces the Empire Zones Program as the primary economic development program in New York State. The new program is administered by Empire State Development (ESD) and offers four tax credits focused on certain strategic industries. ESD can issue up to \$50 million in new credit annually, with a fully effective annual total program cost of \$250 million. This part is effective July 1, 2010, and credit is first available for tax years beginning in 2011.

Tax Credit Summary

# Excelsior jobs tax credit

Each net new job qualifies for a refundable tax credit worth up to \$5,000. The value of the credit is computed on a marginal wages plus benefits basis as follows:

Wages plus Benefits Range	Credit Percentage
\$50,000 or less	5%
\$50,001 - \$75,000	4%
\$75,000+	1.33%

Credit is capped at \$5,000 per net new job; equates to a wages plus benefits base of \$187,782

#### Excelsior investment tax credit (EJP-ITC)

The EJP-ITC is a refundable credit equal to 2 percent of the cost of qualified investments. Generally, qualified investments are depreciable property with a useful life of four or more years located in New York State and placed in service on or after the date ESD issues a certificate of eligibility to the taxpayer.

#### Excelsior research and development tax credit (EJP-R&D)

The refundable EJP-R&D credit equals 10 percent of the amount of a taxpayer's federal R&D credit pertaining to expenditures attributable to New York State. Eligible research and development expenditures are defined in Section 41 of the Internal Revenue Code.

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# Excelsior real property tax credit (EJP-RPTC)

Certain participants in the EJP can earn a refundable, five year RPTC. 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 declines by 10 percent each year. The credit is available to taxpayers located in areas formerly designated as Investment Zones under the Empire Zones Program or regionally significant projects.

#### Program Administration

The EJP is targeted towards firms engaged in biotechnology, pharmaceutical, high-tech, clean-tech, green-tech, financial services, agriculture, and manufacturing. To claim credits, taxpayers must first apply to and be approved by ESD. Program participants pledge to make a substantial commitment to growth and credit is only awarded upon a demonstration that the commitment has been satisfied. ESD will calculate the amount of each credit annually and issue a certificate of tax credit to participants entitling them to the credits.

Three-quarters of the EJP's total allocation is dedicated to firms increasing employment - the "job growth track." One-quarter is reserved for firms with at least 50 full-time jobs that make new investments resulting in a 10:1 benefit-cost ratio, where the numerator is the sum of wages and benefits for net new jobs plus new investment and the denominator is the total tax benefits awarded - the "investment track."

All companies seeking to participate in the EJP must meet some minimum employment threshold. There are three main employment standards:

- 1. Investment track firms must have 50 full time job equivalents;
- 2. Employment growth track firms must meet new job creation standards that vary depending upon the type of industry/ activity (see chart);
- 3. To be eligible for the RPTC, companies can meet either standard above but must be located in an Investment Zone. Alternatively, businesses that qualify for regionally significant project (RSP) status can be located anywhere but they must meet a higher job growth figure (see chart). RSPs must also undertake significant capital investment, as determined by ESD.

Excelsior Jobs Program Employment Requirements			
Strategic Industry	Base Requirement for Jobs, ITC, & R&D Credits	Requirement for RPTC in Investment Zones	Requirement for RPTC as RSP
Manufacturing	25 net new jobs	25 net new jobs	50 net new jobs
Agriculture	10 net new jobs	10 net new jobs	20 net new jobs
Financial services - data center or customer back office operation	100 net new jobs	100 net new jobs	300 net new jobs
Scientific research & development	10 net new jobs	10 net new jobs	20 net new jobs
Software development	10 net new jobs	10 net new jobs	NA
Back office operations or distribution	150 net new jobs	150 net new jobs	300 net new jobs
Investment growth track businesses	50 FTEs	50 FTEs	NA

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# • Temporary Deferral of Certain Tax Credits

Part Y of Chapter 57 of the Laws of 2010 requires taxpayers to defer the use and refund of certain tax credits if they exceed \$2 million in aggregate. Taxpayers with \$2 million or less in credit are not impacted by this provision. This part is effective immediately and the deferral is required for tax years beginning on or after January 1, 2010 and before January 1, 2013. Credits subject to the deferral include:

Investment tax credit & employment incentive credit  Mortgage servicing tax	Empire Zone (EZ) investment tax credit & employment incentive credit EZ wage tax credit	Qualified emerging technology company (QETC) employment credit  QETC capital credit
credit	LZ wage tax credit	QLTC captair creati
Special additional mortgage recording tax credit	EZ capital tax credit	QETC facilities, operations, & training credit
Credit for fuel cell electric generating equipment expenditures	Qualified EZ Enterprise (QEZE) credit for real property taxes	Credit for purchase of an automated external defibrillator
Alternative fuels credit	QEZE tax reduction credit	Low-income housing credit
Green building credit	Brownfield redevelopment credit	Historic homeownership rehabilitation credit
Conservation easement tax credit	Remediated brownfield credit for real property taxes	Credit for rehabilitation of historic properties
Empire State commercial production credit	Environmental remediation insurance credit	Solar energy system equipment credit
Clean heating fuel credit	Biofuel production credit	Security training tax credit
Credit for companies who provide transportation to individuals with disabilities	Credit for employment of persons with disabilities	Credit for certain investments in certified capital companies (CAPCO credit)
Power for Jobs credit		

Taxpayers will calculate the amount of each credit they would otherwise use and refund absent this provision. If the total for the specified credits sums to more than \$2 million, taxpayers must reduce each credit proportionally. To determine the amount of each credit allowed, taxpayers must multiply the credit by the following ratio:

#### \$2 million

Total amount of credits subject to the deferral otherwise used and refunded

The excess over the allowed amount of each credit is the amount deferred. Only credit that would otherwise have been used or refunded is deferred; credits earned but not used or refunded because of statutory limitations or insufficient liability are subject to their normal rules. Credit amounts deferred are accumulated in one of two new credits - temporary deferral nonrefundable payout credit and temporary deferral refundable payout credit. The amounts of these credits will either remain the same or grow until tax year 2013.

Taxpayers can begin to use the nonrefundable payout credit on their 2013 tax returns. Any amounts not used can be carried forward indefinitely. Taxpayers can use and refund 50 percent of the refundable payout credit on their 2013 tax return. They can use and refund 75 percent of the remaining credit on their 2014 tax return, and the entire remainder on their 2015 tax return.

Finally, taxpayers are required to make any mandatory first installment or estimated tax payments due after August 11, 2010 as if the credit deferral was in effect for the periods upon which the payments are based.

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# • Empire Zone (EZ) Technical Amendments

Part R of Chapter 57 of the Laws of 2010 makes several amendments to the EZ Program:

#### Empire State Development (ESD) Review and Decertification

Chapter 57 of the Laws of 2009 required Empire State Development (ESD) to review all EZ certified businesses. Businesses receiving tax benefits in excess of wages, benefits, and investments, and businesses that used reincorporation strategies to manipulate eligibility tests and credit amounts were to be decertified. As the law was written, there was some ambiguity about the effective date of the decertification. Part R of Chapter 57 of the Laws of 2010 clarifies that decertifications resulting from ESD's review are in effect for tax years beginning on or after January 1, 2008.

### Boundary Revisions and Regionally Significant Projects (RSPs)

Part R gives the Commissioner of ESD limited discretion to approve boundary revisions and RSPs after the date the EZ Program expires if a zone administrative board made an application or recommendation to ESD prior to such date. If the request is granted, the effective date of the revision or certification as an RSP can precede the Zones' expiration date.

#### Sales Tax Amendments

Chapter 57 of the Laws of 2009 converted the State and local QEZE sales and use tax exemption to a refund or credit of tax paid on qualifying property and services. Part R provides that localities that opted into the now-repealed sales and use tax exemption are deemed to have opted into the refund/credit.

This part also contains amendments that clarify the eligibility of businesses to apply for and claim the QEZE sales tax benefit, effective as of April 1, 2009.

# Empire Zone Public Report

Chapter 57 of the Laws of 2009 repealed the annual Qualified Empire Zone Enterprise (QEZE) report, which had a limited scope and restricted release, and replaced it with a more expansive report that will be fully available to the public. The new report will contain the name of every entity claiming EZ/QEZE credits and the corresponding amounts. Individual partners, shareholders, or members of flow-through entities will not be included. Part R of Chapter 57 of the Laws of 2010 advances the first due date of the new report from January 31, 2013 to June 30, 2011.

# EZ Investment Tax Credit (ITC) and Employment Incentive Credit (EIC)

QEZE benefits are available to taxpayers for periods of 15 or 10 years, depending upon the date of first certification. The EZ wage tax credit is available for five years. However, the EZ-ITC has no duration, and an EZ-EIC is available for three years after the year an EZ-ITC is claimed.

Part R creates a period during which additional EZ-ITC and EZ-EIC can be earned, nothwithstanding the expiration of the EZ Program. Qualified investment projects certified prior to the expiration of the EZ Program are deemed certified and can earn EZ-ITC for their next nine tax years. Other certified EZ businesses can earn EZ-ITC until April 1, 2014. The EZ-EIC is fully allowed for the three years following an EZ-ITC claim as well.

QEZE Real Property Tax Credit (RPTC) and Special Assessments
Uncertainty has arisen regarding the types of taxes and charges
considered eligible real property taxes for purposes of the QEZE
RPTC. Typically, the Tax Department has followed Internal
Revenue Code treatment, which generally disallows special
assessments, i.e. taxes assessed against local benefit of a kind
tending to increase the value of the property assessed. However,
recent appeals have resulted in contradictory rulings on the
Department's position.

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Part R clarifies that real property taxes for purposes of the QEZE RPTC do not include charges for local benefits that inure to specific properties. This part codifies existing Department policy and as such applies to all open periods as well as future tax returns. However, the Department will allow maintenance and interest charges to qualify as real property taxes only for tax years prior to January 1, 2010.

### EZ Capital Credit

Part R extends the EZ capital credit through March 31, 2014 for contributions certified by the Commissioner of ESD to community development projects in fulfillment of a pledge made to the project before the EZ Program expired.

• Empire State Film Production Tax Credit and New Empire State Film Post Production Credit

Part Q of Chapter 57 of the Laws of 2010 allocates an additional \$2.1 billion in film credit. The Governor's Office for Motion Picture and Television Development (MP/TV) will award \$420 million annually in 2010 through 2014. Taxpayers will claim their credits 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.

\$35 million of the total allocation, \$7 million annually, is devoted to a new post production tax credit. Companies that are ineligible for the film credit may qualify for the post production credit. The credit equals 10 percent of qualified post production costs paid in the production of a qualified film at a qualified post production facility, generally a facility in New York State. To be eligible for the credit, the costs incurred at a qualified post production facility 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. If there are insufficient claims for the post production credit and applications for the film production credit exceed the allotted total, MP/TV may redirect post production credit funds to the film credit.

# Extend film credit to qualified independent film production companies

To qualify under this designation, a film production company must:

- Have a maximum budget of \$15 million;
- Control the film during production; and
- Not be a publicly traded entity, or have no more than
   5 percent beneficial ownership by a publicly traded entity.

## Additional shooting day test

A new eligibility test is added - at least 10 percent of total principal photography shooting days must be spent at a qualified film production facility. This test will not apply to independent film production companies or pilots.

# Inclusion of promotional materials

Credit recipients are required to include a New York promotional video in each film distributed by DVD or other media to the secondary market or to include in the end credits of each qualified film, "Filmed with the Support of the New York State Governor's Office of Motion Picture and Television Development," and an accompanying logo.

### Require purchases from registered sales tax vendors

Credit applicants must certify that they will only purchase tangible property and services that are qualified production costs from a registered New York State sales tax vendor.

# Qualified costs and post production cost restriction

Post production costs will qualify for credit only if 75 percent or more of the total post production costs are attributable to property or services in New York State.

# Qualified film production facility criteria

The definition of a qualified film production facility is amended to add minimum square footage, heating and cooling, soundproofing, electrical service, and space requirements for facilities located in New York City. Part Q also excludes armories in New York City as qualified facilities unless MP/TV

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determines that no qualified facility was available at the time of shooting. The new restrictions do not apply if the facility or armory is being used by a qualified independent film production company.

# Information exchange between MP/TV and the Tax Department

Part Q allows for a waiver of taxpayer confidentiality rules to allow MP/TV and the Tax Department to exchange information regarding the film credit. The waiver will allow the Department to discuss specific taxpayers/applicants by name and divulge information contained on credit forms. This disclosure will assist MP/TV in the administration of the credit.

# Biofuel Credit and Qualified Emerging Technologies Credit

Part A of Chapter 57 of the Laws of 2010 clarifies that credit cap for the biofuel production credit and the qualified emerging technology company (QETC) facilities, operations, and training credit is applied at the entity level in the case of partnerships, S corporations, and limited liability companies. The aggregate credit that flows through to all partners, shareholders, or members of each entity cannot exceed \$2.5 million for the biofuel credit and \$250,000 for the QETC credit. This part applies to taxable years beginning on or after January 1, 2010.

#### • Low-Income Housing Credit

Part P of Chapter 57 of the Laws of 2010 increases the statewide aggregate credit limit for the low-income housing credit from \$24 million to \$28 million. The credit is awarded by the Division of Housing and Community Renewal (DHCR). This part is effective immediately.

### • Credit for Rehabilitation of Historic Properties

Chapter 472 of the Laws of 2010 made several amendments to the credit. The credit was expanded to apply to Article 32 and Article 33 taxpayers. The law provided that credits cannot reduce the tax due to less than the fixed dollar minimum tax as well as limiting the location of the rehabilitation project. It also provided special rules for partners and S corporation shareholders that claim the credit.

# Changes in 2011-12 State Budget Year

Excelsior Jobs Program Act

Part G of Chapter 61 of the Laws of 2011 makes several amendments to the Excelsior Jobs Program. It modifies the credit to make it more widely available and more lucrative and creates a new energy incentive. It also lengthens the benefit period from five to ten years. Finally, it makes several administrative changes.

# Tax Credit Changes

- The jobs tax credit component formula is revised to be the uncapped product of gross wages multiplied by 6.85 percent instead of a marginal wages computation capped at \$5,000 per job.
- The research and development (R&D) credit component is increased from 10 percent to 50 percent of the taxpayer's federal R&D credit, subject to a limit of 3 percent of qualified R&D expenditures attributable to New York activity.
- Costs and expenses included in the basis of the Excelsior R&D credit component are allowed to be used for the qualified emerging technology company facilities, operations, and training credit.
- The same property and expenses that qualify for the Excelsior investment tax credit (ITC) component are allowed for the traditional R&D ITC.
- The real property tax credit (RPTC) component schedule is amended to phase down from 50 percent to 5 percent over 10 years (5 percent each year) instead of 5 years (10 percent each year), reflecting the lengthening of the benefit period.
- Property improvements that increase the value of real property will be factored into the amount of the RPTC component; previously the credit base was fixed at the amount of taxes assessed and paid in the year prior to application.
- Utilities are authorized to offer discounted gas or electric rates to Excelsior participants.
- The credit is extended to eligible agricultural cooperatives subject to tax under Article 9, Section 185.

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#### Administrative Changes

- The strategic industries qualifying test will be applied to the location where the activity will take place instead of on the entity as a whole.
- An Empire Zone participant will only be required to give up its Empire Zone certification at the location where it will claim Excelsior benefits rather than at all its locations.
- Participants will be allowed to claim credit as interim milestones are reached.
- The tax credit recapture provision will be limited to instances where the Empire State Development Corporation (ESDC) revokes a taxpayer's certification for violating worker protection or environmental laws or failure to pay state and local taxes.
- Economic Transformation and Facility Redevelopment Program

Part V of Chapter 61 of the Laws of 2011 creates 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) are closed through the period ending March 31, 2012. The program offers several tax benefits to redevelop closed facilities and attract new businesses to the surrounding areas. To participate, a business must create and maintain at least 5 net new jobs in an economic transformation area (ETA) and meet a benefit-cost ratio of 10:1. Businesses must apply to ESDC for certification and if approved will receive a 5 year benefit period.

#### **Economic Transformation Areas**

ETAs are areas within a certain radius of a closed correctional facility and vary depending upon the facility's location. ESD will establish the ETA boundaries prior to the acceptance of any applications for participation in the Program.

	Economic Transformation Area Region		
	Outside MCTD & Port Authority District	In MCTD, outside Port Authority District	In Port Authority District
Base size	5 mile radius	1 mile radius	Site of facility
Size if closed facility employed over 60 persons	10 mile radius	5 mile radius	NA
Discretionary size adjustment*	Adjust 10 mile radius to between 5 and 15 miles	Decrease 5 mile radius to no lower than 1 mile	NA

\*Discretionary factors for adjusting the size of an ETA radius include population density, poverty rate, unemployment rate, and loss of jobs in the region.

### Tax Incentives Summary

A fully refundable credit consisting of four components is available to personal income taxpayers, agricultural cooperatives, general business corporations, banks, and insurance companies.

- 1. <u>Jobs tax credit component</u> 6.85 percent of the gross wages of each net new job created;
- 2. <u>Investment tax credit (ITC) component</u> Ten percent of the cost of investments at a closed facility, with a facility-based cap of \$8 million; six percent of the cost of investments elsewhere in an ETA, with a cap of \$4 million per entity;
- 3. <u>Job training credit component</u> 50 percent of training expenses for employees displaced by a facility closure, up to \$4,000 per employee per year;
- 4. <u>Real property tax credit component (RPTC)</u> 50 percent of real property taxes for projects located entirely within the grounds of a closed facility, declining by 10 percent a year; 25 percent of real property taxes for projects elsewhere in an ETA, declining by 5 percent a year.

#### **Program Administration**

ESD is the lead administrator for the Economic Transformation and Facility Redevelopment Program. Businesses seeking to participate in the Program must first apply to ESD for a certificate of eligibility. Prospective participants have until the later of 3 years after the closure of a correctional or OCFS facility or January 1, 2015 to submit an application.

ESD will validate that the applicant is located in an ETA, is a new business, and is not engaged in ineligible operations. Ineligible operations include retail, professional services licensed by the State, and real estate holding companies or landlords for such operations. However, businesses engaged in such operations may

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be eligible to participate at the site of a closed facility if it is part of an adaptive reuse plan for a substantial portion of the facility.

Once an applicant is granted a certificate of eligibility, it has one year to start construction, acquire a qualified investment, or create at least one net new job. A participant that fails to comply will not be allowed to claim any tax credit. The five year benefit period starts in the first year in which a participant creates five net new jobs and includes the following four consecutive years in which the net new jobs threshold is met. However, the benefit period must commence within two years of the issuance of a certificate of eligibility.

Participants must maintain the five net new jobs throughout their benefit period to remain eligible for the tax credit. Prior to claiming credit in the final year of the benefit period, a participant must demonstrate that it has satisfied the 10:1 benefit cost ratio. The numerator of the ratio is the sum of wages and benefits for net new jobs plus new investment and the denominator is the total tax benefits. Participants failing this ratio test will be required to recapture an amount of credit necessary to achieve the 10:1 ratio.

Finally, to ensure accountability and transparency, two reporting requirements are created. ESD must issue quarterly reports beginning on June 30, 2012 that include the number of applicants, the number and names of participants, and data regarding jobs, investment, and Program benefits. The Department will issue an annual report beginning on July 31, 2013 containing the names of taxpayers participating in the program and related tax benefit information.

• Investment Tax Credit for the Financial Services Industry

Part E of Chapter 61 of the Laws of 2011 extends the investment tax credit for financial services taxpayers to apply to property placed in service before October 1, 2015. The credit had previously been scheduled to expire for property placed in service on or after October 1, 2011. The credit is provided to taxpayers under Articles 9-A, 22, 32, and 33 of the Tax Law for qualifying property that is 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.

### • Low-Income Housing Credit

Part F of Chapter 61 of the Laws of 2011 increases the statewide aggregate credit limit for the low-income housing credit from \$28 million to \$32 million.

# • Clean Heating Fuel Credit

Chapter 591 of the Laws of 2011 extends the tax credit to bioheat purchased on or after January 1, 2008 and before January 1, 2017. The credit had previously been scheduled to expire for bioheat purchased on or after January 1, 2012.

 Taxicabs and Livery Services Accessible by Individuals with Disabilities

Chapter 604 of the Laws of 2011 creates a tax credit for taxpayers providing taxicab or livery service to individuals with disabilities. The credit is 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. A similar credit existed for tax years beginning on or after January 1, 2006 and before January 1, 2011.

#### New York State Youth Works Tax Credit

Part D of Chapter 56 of the Laws of 2011 creates the New York State Youth Works Tax Credit to provide tax incentives to employers for employing at risk youth in full-time and part-time positions in tax years 2012 and 2013. The program is administered by the New York State Department of Labor (NYDOL). NYDOL can issue up to \$25 million of tax credits under this program.

The refundable 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. This portion of the credit is allowed for taxable year 2012. 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. This portion of the credit is allowed for taxable years 2012 and 2013.

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# • Empire State Jobs Retention Program

Part E of Chapter 56 of the Laws of 2011 creates the Empire State Jobs Retention Program 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 is administered by Empire State Development and the total amount of credit issued is allocated from the funds available for tax credits under the Excelsior Jobs Program Act.

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 investment tax credit, but only for costs in excess of costs recovered by insurance. Taxpayers may claim the credit for ten consecutive years.

Table of Tax Credit Changes: 2000-2011		
Credit	Budget Year	Object of Change
Alternative Fuels Credit	2000-01	sunset date extended
	2004-05	sunset date extended
	2005-06	sunset date extended only for refueling property
	2006-07	IRC references updated and sunset date extended
Biofuel Production Credit	2006-07	credit enacted
	2010-11	aggregate credit cap limited
Brownfields Tax Credit Program	2003-04	credit enacted
	2006-07	site cleanup agreement cutoff date for EN-Zones extended
		credit extended to co-operatives and condominiums
	2008-09	TPP component capped, BOA rate, basis adjustment, site prep & groundwater remediation rates increased, 2 report mandates
Clean Heating Fuel Credit	2006-07	credit enacted with June 30, 2007 sunset
	2008-09	credit reinstated for period of 1/1/08 through 12/31/11
	2011-12	credit extended through 12/31/16
Credit for Rehabilitation of Historic Properties	2006-07	credit enacted
	2009-10	credit rate increased from 30% to 100% of federal credit; cap increased from \$100,000 to \$5 million
	2010-11	location limitations added; cap imposed at entity level
Economic Transformation and Facility Redevelopment Credit	2011-12	credit enacted
Empire State Commercial Production Credit	2006-07	credit enacted
Empire State Film Production Credit	2004-05	credit enacted
	2006-07	aggregate credit cap increased and sunset extended
	2008-09	cap increased and additional years added, rate tripled, refund change
	2009-10	additional \$350 million allocated for 2009; credit utilization trifurcated, depending upon size of credit
	2010-11	additional \$1.2 billion allocated, \$420 per year starting 2010; numerous modifications made to program
Empire State Film Post Production Credit	2010-11	credit enacted; \$35 million allocated for credit, \$7 million annually

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Credit	Budget Year	Object of Change
Empire State Jobs Retention Program Credit	2011-12	credit enacted
Empire Zone Credits	2000-01	QEZE tax reduction credit and real property tax credit enacted
		EZ employment incentive credit allowed against alternative minimum
	2001-02	creation of additional zones authorized
	2002-03	EZ technical corrections enacted
		creation of additional zones authorized
	2004-05	sunset date extended
		full term of benefits language adopted
	2005-06	program reform and extension
	2006-07	new designations: QUIP, SCIP, CERDE, CEE
		EZ-ITC, EZ-WTC, EZ-EIC refundable to QUIPs/SCIPs
		technical changes for EZ-WTC and QEZE credits
		zone designations accelerated
	2008-09	QUIP/SCIP designation deadline extended WTC start delay
	2009-10	ESD review of all certified businesses; EZ retention certificate required
		QEZE real property tax credit reduced by 25% for certs on/after 4/1/09
		QEZE sales tax exemption changed to credit
		QEZE sales tax credit only allowed if local credit also available
		sunset accelerated from 6/30/11 to 6/30/10
		public report mandate enacted, effective 1/1/12
	2010-11	clarified effective date of ESD decertifications
		date of public report advanced to 6/30/11
		EZ-ITC and capital credit extended for continuing certified businesses
		clarified treatment of special assessments for QEZE real property tax
Excelsior Jobs Tax Credits	2010-11	credits enacted
	2011-12	credit modified to make it more widely available and lucrative, creates new energy incentives, and lengthens the benefit period
Farmers' School Tax Credit	2006-07	base acreage and income phase-out range increased
		Christmas tree farms made eligible
		flow-thru of corporate farm income to shareholders election enacted
Fuel Cell Electricity Generating Equipment Credit	2005-06	credit enacted
	2009-10	credit repealed

Credit	Budget Year	Object of Change
Green Building Credit	2000-01	credit enacted
	2001-02	period two and technical fixes enacted
Handicapped Accessible Taxicab and Livery Service	2006-07	credit enacted
	2008-09	credit extended to 12/31/10
		credit repealed
Industrial or Manufacturing Business Credit	2000-01	credit enacted
Investment Tax Credit	2000-01	merger and acquisition retroactive technical fix
		allowed transfer of ITC in limited cases
	2002-03	recapture rules amended regarding property damaged on 9/11/01
		broker/dealer activity sunset date extended
	2005-06	credit extended to qualified film production facilities
	2008-09	investment advisors, aggregation allowed, codified 3 employment tests
	2010-11	financial services sunset extended
Land Conservation Easement Credit	2006-07	credit enacted
Long-Term Care Insurance Credit	2000-01	credit enacted
	2004-05	credit percentage doubled
Low-Income Housing Credit	2000-01	credit enacted
	2002-03	aggregate statewide credit amount doubled
	2004-05	aggregate statewide credit amount increased
	2005-06	aggregate statewide credit amount increased
	2006-07	aggregate statewide credit amount increased
	2007-08	aggregate statewide credit amount increased
	2008-09	aggregate statewide credit amount increased
	2009-10	aggregate statewide credit amount increased
	2010-11	aggregate statewide credit amount increased
	2011-12	aggregate statewide credit amount increased
New York State Youth Works Credit	2011-12	credit enacted
Qualified Emerging Technology Company Credits	2004-05	credits expanded to cover biotechnology companies
	2005-06	facilities, operations, and training credit enacted
	2010-11	aggregate credit cap limited

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Credit	Budget Year	Object of Change
Security Training Tax Credit	2005-06	credit enacted
Taxicabs and Livery Services Accessible by Individuals with Disabilities Credit	2011-12	credit enacted

Note: The 2010-11 Executive Budget enacted a temporary tax credit deferral for certain tax credits. For a list of credits subject to the deferral, see page D-27.

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# **Appendix E: Legislative Mandate**

Section 109(a) of the Business Tax Reform and Rate Reduction Act of 1987 (Chapter 817 of the Laws of 1987) requires the Commissioner of Taxation and Finance to conduct a study regarding corporate tax credits. The legislative mandate follows.

On or before December first, nineteen hundred eightyeight and on or before December first of each year thereafter, the commissioner of taxation and finance shall submit a written report and such data and supporting documentation as are available and meaningful regarding the number of taxpayers claiming, using, and carrying forward tax credits and the total amount of such credits claimed, used and carried forward and the median, mean and distribution of such credits for taxable years beginning during nineteen hundred eighty-four, and each subsequent year, to the extent that such information is available. Such reports shall present the latest information available reflecting amended returns filed by taxpayers and adjustments upon audit by taxpayer liability period as well as the impact of such credits upon state fiscal year revenues.

Copies of these reports shall be submitted by the commissioner of taxation and finance to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such reports shall contain, but need not be limited to, information by industrial classification, by basis of taxation, by size of credit and taxpayer income ranges. In preparing such reports, the commissioner of taxation and finance shall ensure that the statistics are classified in a manner consistent with the secrecy requirements of tax law.

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