

STATE OF NEW YORK

7882

IN SENATE

March 6, 2018

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to a small business tax credit for the purchase of ENERGY STAR compliant energy efficiency improvements; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 53 to read as follows:

3 53. Small business energy efficiency tax credit. (a) A qualified
4 taxpayer shall be allowed a credit, to be computed as provided in this
5 subdivision, against the tax imposed by this article, for the purchase
6 or upgrade of current equipment and/or appliances with ENERGY STAR
7 certified products.

8 (b) Qualified taxpayer. A qualified taxpayer shall mean a business
9 which has a significant presence in the state, is independently owned
10 and operated, not dominant in its field, and employs, based on its
11 industry, a number of employees not to exceed seventy-five.

12 (c) Amount of credit. The amount of the credit shall be fifty percent
13 of the total costs of the efficiency upgrades, not to exceed five thou-
14 sand dollars.

15 (d) Carryover. The credit under this subdivision for any taxable year
16 shall not reduce the tax due for such year to less than the amount in
17 paragraph (d) of subdivision one of section two hundred ten of this
18 article. However, if the amount of the credit allowable under this
19 subdivision for any taxable year reduces the tax to such amount or if
20 the taxpayer otherwise pays tax based on the fixed dollar minimum
21 amount, any amount of the credit not deductible in such taxable year may
22 be carried over to the following three years and may be deducted from
23 the taxpayer's tax for such year or years.

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

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

4 <u>(xliv) Small business energy</u>	<u>Amount of credit under</u>
5 <u>efficiency tax credit under</u>	<u>subdivision fifty-three</u>
6 <u>subsection (ccc)</u>	<u>of section two hundred ten-B</u>

7 § 3. Section 606 of the tax law is amended by adding a new subsection
8 (ccc) to read as follows:

9 (ccc) Small business energy efficiency tax credit. (1) A qualified
10 taxpayer shall be allowed a credit, to be computed as provided in this
11 subdivision, against the tax imposed by this article, for the purchase
12 or upgrade of current equipment and/or appliances with ENERGY STAR
13 certified products.

14 (2) Qualified taxpayer. A qualified taxpayer shall mean a business
15 which has a significant presence in the state, is independently owned
16 and operated, not dominant in its field, and employs, based on its
17 industry, a number of employees not to exceed seventy-five.

18 (3) Amount of credit. The amount of the credit shall be fifty percent
19 of the total costs of the efficiency upgrades, not to exceed five thou-
20 sand dollars.

21 (4) Carryover. If the amount of credit allowable under this subsection
22 for any taxable year exceeds the taxpayer's tax for such year, any
23 amount of credit not deductible in such taxable year may be carried over
24 to the following three years and may be deducted from the taxpayer's tax
25 for such year or years.

26 § 4. Notwithstanding any other provision of the tax law to the
27 contrary, the aggregate of tax expenditures and taxes forgone pursuant
28 to this act shall not exceed \$1,000,000.

29 § 5. This act shall take effect immediately and shall apply to taxable
30 years beginning on and after the first of January next succeeding the
31 date on which it shall have become a law and shall remain in effect for
32 five years after it shall have become a law, when upon such date the
33 provisions of this act shall expire and be deemed repealed.