

11492

I N A S S E M B L Y

June 17, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cahill) --
read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to tax credits provided for
solar energy system equipment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 2 of subsection (g-1) of section 606 of the tax
2 law, as amended by chapter 378 of the laws of 2005 and subparagraph (B)
3 as amended by chapter 251 of the laws of 2006, is amended to read as
4 follows:
5 (2) Qualified solar energy system equipment expenditures. (A) The term
6 "qualified solar energy system equipment expenditures" means expenditures
7 for:
8 (I) the purchase of solar energy system equipment which is installed
9 in connection with residential property which is [(i)] (I) located in
10 this state and [(ii)] (II) which is used by the taxpayer as his or her
11 principal residence at the time the solar energy system equipment is
12 placed in service;
13 (II) THE LEASE OF SOLAR ENERGY SYSTEM EQUIPMENT UNDER A WRITTEN AGREEMENT
14 THAT SPANS AT LEAST TEN YEARS WHERE SUCH EQUIPMENT OWNED BY A
15 PERSON OTHER THAN THE TAXPAYER IS INSTALLED IN CONNECTION WITH RESIDENTIAL
16 PROPERTY WHICH IS (I) LOCATED IN THIS STATE AND (II) WHICH IS USED
17 BY THE TAXPAYER AS HIS OR HER PRINCIPAL RESIDENCE AT THE TIME THE SOLAR
18 ENERGY SYSTEM EQUIPMENT IS PLACED IN SERVICE; OR
19 (III) THE PURCHASE OF POWER UNDER A WRITTEN AGREEMENT THAT SPANS AT
20 LEAST TEN YEARS WHEREUNDER THE POWER PURCHASED IS GENERATED BY SOLAR
21 ENERGY SYSTEM EQUIPMENT OWNED BY A PERSON OTHER THAN THE TAXPAYER WHICH
22 IS INSTALLED IN CONNECTION WITH RESIDENTIAL PROPERTY WHICH IS (I)
23 LOCATED IN THIS STATE AND (II) WHICH IS USED BY THE TAXPAYER AS HIS OR
24 HER PRINCIPAL RESIDENCE AT THE TIME THE SOLAR ENERGY SYSTEM EQUIPMENT IS
25 PLACED IN SERVICE.
26 (B) Such qualified expenditures shall include expenditures for materials,
27 labor costs properly allocable to on-site preparation, assembly and
28 original installation, architectural and engineering services, and

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

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1 designs and plans directly related to the construction or installation
2 of the solar energy system equipment.

3 (C) Such qualified expenditures FOR THE PURCHASE OF SOLAR ENERGY
4 SYSTEM EQUIPMENT shall not include interest or other finance charges.

5 (D) SUCH QUALIFIED EXPENDITURES FOR THE LEASE OF SOLAR ENERGY SYSTEM
6 EQUIPMENT OR THE PURCHASE OF POWER UNDER AN AGREEMENT DESCRIBED IN
7 CLAUSES (II) OR (III) OF SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL
8 INCLUDE AN AMOUNT EQUAL TO ALL PAYMENTS TO BE MADE UNDER SUCH AGREEMENT
9 FOR THE INITIAL TERM OF SUCH AGREEMENT, INCLUDING ANY AMOUNTS PAID
10 UPFRONT.

11 (E) THE TERM "PERSON", AS USED IN THIS SECTION, SHALL HAVE THE SAME
12 MEANING AS PROVIDED IN INTERNAL REVENUE CODE S 7701 (C)(1).

13 S 2. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after January 1, 2010.