

8835

2009-2010 Regular Sessions

I N   A S S E M B L Y

June 11, 2009

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Introduced by M. of A. LENTOL -- read once and referred to the Committee  
on Ways and Means

AN ACT to amend the tax law, in relation to extending the biofuel credit  
and to amend the general municipal law, in relation to requiring all  
municipalities to use biofuels for any purpose which requires the use  
of fuel

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

1     Section 1. Subdivision (a) of section 28 of the tax law, as added by  
2     section 1 of part X of chapter 62 of the laws of 2006, is amended to  
3     read as follows:  
4     (a) General. A taxpayer subject to tax under article nine, nine-A or  
5     twenty-two of this chapter shall be allowed a credit against such tax  
6     pursuant to the provisions referenced in subdivision (d) of this  
7     section. The credit (or pro rata share of earned credit in the case of a  
8     partnership) for each gallon of biofuel produced at a biofuel plant on  
9     or after January first, two thousand six shall equal fifteen cents per  
10    gallon after the production of the first forty thousand gallons per year  
11    presented to market. The credit under this section shall be capped at  
12    two and one-half million dollars per taxpayer per taxable year for up to  
13    no more than [four] NINE consecutive taxable years per biofuel plant.  
14    S 2. The general municipal law is amended by adding a new section 99-v  
15    to read as follows:  
16    S 99-V. USE OF BIOFUELS. ALL COUNTIES, CITIES, TOWNS AND VILLAGES  
17    SHALL BE REQUIRED TO USE BIOFUELS FOR ANY PURPOSE WHICH REQUIRES THE USE  
18    OF FUEL.  
19    S 3. This act shall take effect immediately.

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

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