S T A T E O F N E W Y O R K

4764

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the tax law, in relation to making municipal clean energy research and development enterprises eligible for the qualified empire zone enterprise tax credit

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

Section 1. Section 14 of the tax law is amended by adding a new subdivision (a-1) to read as follows:

(A-1) MUNICIPAL CLEAN ENERGY RESEARCH AND DEVELOPMENT ENTERPRISE. FOR PURPOSES OF A CLEAN ENERGY RESEARCH AND DEVELOPMENT ENTERPRISE, WHICH IS CERTIFIED UNDER ARTICLE EIGHTEEN-B OF THE GENERAL MUNICIPAL LAW AND IS OWNED AND OPERATED BY A MUNICIPAL CORPORATION, THE PROVISIONS OF THIS SECTION AND SECTION FIFTEEN OF THIS ARTICLE SHALL BE DEEMED TO ONLY APPLY TO SUCH ENTERPRISE AND SHALL NOT APPLY TO THE MUNICIPAL CORPORATION.

S 2. Subdivision (a) of section 15 of the tax law, as amended by section 5 of part A of chapter 63 of the laws of 2005, is amended to read as follows:

(a) Allowance of credit. A taxpayer which is a qualified empire zone enterprise (QEZE), or which is a sole proprietor of a QEZE or a member of a partnership which is a QEZE, and which is subject to tax under article nine-A, twenty-two, thirty-two or thirty-three of this chapter, shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (h) of this section, for eligible real property taxes. PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF A CLEAN ENERGY RESEARCH AND DEVELOPMENT ENTERPRISE, A MUNICIPAL CORPORATION MAY QUALIFY FOR THE REFUND OF THE CREDIT PROVIDED BY THIS SECTION WITH RESPECT TO ANY REAL PROPERTY TAX EQUIVALENT PAID BY SUCH MUNICIPAL CORPORATION FOR SAID ENTERPRISE.

S 3. This act shall take effect immediately.

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

LBD04735-02-9