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

4276

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

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

AN ACT to amend the tax law, in relation to establishing a personal income tax credit for voltage regulation technology equipment

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (g-3) to read as follows:

(G-3) VOLTAGE REGULATION TECHNOLOGY EQUIPMENT CREDIT. (1) GENERAL. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO TWENTY-FIVE PERCENT OF QUALIFIED VOLTAGE REGULATION TECHNOLOGY EXPENDITURES. THIS CREDIT SHALL NOT EXCEED FIVE THOUSAND DOLLARS FOR QUALIFIED VOLTAGE REGULATION TECHNOLOGY EQUIPMENT.

(2) QUALIFIED VOLTAGE REGULATION TECHNOLOGY EQUIPMENT EXPENDITURES. (A) VOLTAGE REGULATION TECHNOLOGY EQUIPMENT EXPENDITURES ARE THE COSTS ASSOCIATED WITH THE PURCHASE OF ON-SITE VOLTAGE REGULATION TECHNOLOGIES WHICH REDUCE ENERGY CONSUMPTION, IMPROVE GRID EFFICIENCY, RAISE OR LOWER VOLTAGE DYNAMICALLY AND ARE NINETY-NINE PERCENT OR MORE EFFICIENT ACROSS A MINIMUM OF NINETY PERCENT OF THE LOAD CURVE.

(B) QUALIFIED VOLTAGE REGULATION TECHNOLOGY EQUIPMENT EXPENDITURES SHALL INCLUDE EXPENDITURES FOR MATERIALS, LABOR COSTS PROPERLY ALLOCABLE TO ON-SITE PREPARATION, ASSEMBLY AND INSTALLATION, ENGINEERING SERVICES, DESIGNS AND PLANS DIRECTLY RELATED TO THE CONSTRUCTION OR INSTALLATION AND UTILITY COMPLIANCE COSTS.

(C) SUCH QUALIFIED EXPENDITURES SHALL NOT INCLUDE INTEREST OR OTHER FINANCE CHARGES.

(3) MULTIPLE TAXPAYERS. WHERE VOLTAGE REGULATION TECHNOLOGY EQUIPMENT IS PURCHASED AND INSTALLED IN A PRINCIPAL RESIDENCE SHARED BY TWO OR MORE TAXPAYERS, THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR EACH SUCH TAXPAYER SHALL BE PRORATED ACCORDING TO THE PERCENTAGE OF

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

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THE TOTAL EXPENDITURE FOR SUCH VOLTAGE REGULATION TECHNOLOGY EQUIPMENT CONTRIBUTED BY EACH TAXPAYER.

(4) GRANTS. FOR PURPOSES OF DETERMINING THE AMOUNT OF THE EXPENDITURE INCURRED IN PURCHASING AND INSTALLING VOLTAGE REGULATION TECHNOLOGY EQUIPMENT, THE AMOUNT OF ANY FEDERAL, STATE OR LOCAL GRANT RECEIVED BY THE TAXPAYER, WHICH WAS USED FOR THE PURCHASE AND/OR INSTALLATION OF SUCH EQUIPMENT AND WHICH WAS NOT INCLUDED IN THE FEDERAL GROSS INCOME OF THE TAXPAYER, SHALL NOT BE INCLUDED IN THE AMOUNT OF SUCH EXPENDITURES.

(5) WHEN CREDIT ALLOWED. THE CREDIT FOR VOLTAGE REGULATION TECHNOLOGY EQUIPMENT PROVIDED FOR IN THIS SUBSECTION SHALL BE ALLOWED WITH RESPECT TO THE TAXABLE YEAR IN WHICH SUCH EQUIPMENT IS PLACED IN SERVICE.

(6) CARRYOVER OF CREDIT. IF THE AMOUNT OF THE CREDIT, AND CARRYOVERS OF SUCH CREDIT, ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, SUCH EXCESS AMOUNT MAY BE CARRIED OVER TO THE FIVE TAXABLE YEARS NEXT FOLLOWING THE TAXABLE YEAR WITH RESPECT TO WHICH THE CREDIT IS ALLOWED AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 2. This act shall take effect immediately.