

2877

2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sen. BONACIC -- 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 the qualified solar and fuel cell manufacturer facilities and operations credit

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

1 Section 1. Section 210 of the tax law is amended by adding a new
2 subdivision 12-H to read as follows:
3 12-H. QUALIFIED SOLAR AND FUEL CELL MANUFACTURER FACILITIES AND OPER-
4 ATIONS CREDIT. (A) A TAXPAYER THAT IS PRINCIPALLY ENGAGED IN THE MANU-
5 FACTURING OF SOLAR ENERGY EQUIPMENT AND/OR FUEL CELLS, AND THAT MEETS
6 THE ELIGIBILITY REQUIREMENTS IN PARAGRAPH (B) OF THIS SUBDIVISION, SHALL
7 BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT
8 OF CREDIT SHALL BE EQUAL TO THE SUM OF THE AMOUNTS SPECIFIED IN PARA-
9 GRAPHS (C) AND (D) OF THIS SUBDIVISION SUBJECT TO THE LIMITATIONS IN
10 PARAGRAPH (E) OF THIS SUBDIVISION. FOR THE PURPOSES OF THIS SUBDIVISION
11 SOLAR ENERGY EQUIPMENT SHALL MEAN THE MANUFACTURING OF MATERIAL COMPO-
12 NENTS IN NEW YORK STATE DESIGNED TO PRODUCE ELECTRICITY UTILIZING SOLAR
13 RADIATION AS THE ENERGY SOURCE FOR SUCH ELECTRICITY. FUEL CELL EQUIPMENT
14 SHALL MEAN THE MANUFACTURING IN NEW YORK STATE OF ON-SITE ELECTRICITY
15 GENERATION SYSTEMS UTILIZING PROTON EXCHANGE MEMBRANE FUEL CELLS OR
16 MOLTEN CARBONATE FUEL CELL TECHNOLOGIES. FUEL CELL MEANS A DEVICE THAT
17 PRODUCES ELECTRICITY DIRECTLY FROM HYDROGEN OR HYDROCARBON FUEL THROUGH
18 A NON-COMBUSTIVE ELECTROCHEMICAL PROCESS. THE DETERMINATION OF WHETHER
19 SOLAR ENERGY EQUIPMENT OR FUEL CELL EQUIPMENT QUALIFY FOR ELIGIBLE COSTS
20 UNDER THIS SUBDIVISION SHALL BE DETERMINED BY THE COMMISSIONER AND, IF
21 REQUESTED BY THE COMMISSIONER, THE PRESIDENT OF THE NEW YORK STATE ENER-
22 GY RESEARCH AND DEVELOPMENT AUTHORITY.
23 (B) AN ELIGIBLE TAXPAYER SHALL (I) HAVE MORE THAN ONE HUNDRED
24 FULL-TIME EMPLOYEES EMPLOYED IN NEW YORK STATE, AND (II) HAVE A RATIO OF

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

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1 RESEARCH AND DEVELOPMENT FUNDS TO NET SALES, AS REFERRED TO IN SECTION
2 THIRTY-ONE HUNDRED TWO-E OF THE PUBLIC AUTHORITIES LAW, WHICH EQUALS OR
3 EXCEEDS THREE PERCENT DURING ITS TAXABLE YEAR.

4 (C) AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT FOR TWENTY PER
5 CENTUM OF THE COST OR OTHER BASIS FOR FEDERAL INCOME TAX PURPOSES OF
6 RESEARCH AND DEVELOPMENT AND MANUFACTURING PROPERTY AS DEFINED IN PARA-
7 GRAPH (B) OF SUBDIVISION TWELVE OF THIS SECTION THAT IS ACQUIRED BY THE
8 TAXPAYER BY PURCHASE AS DEFINED IN SECTION 179(D) OF THE INTERNAL REVENUE
9 CODE AND PLACED IN SERVICE DURING THE TAXABLE YEAR. PROVIDED, HOWEVE-
10 ER, FOR THE PURPOSES OF THIS PARAGRAPH ONLY, AN ELIGIBLE TAXPAYER SHALL
11 BE ALLOWED A CREDIT FOR SUCH PERCENTAGE OF THE (I) COST OR OTHER BASIS
12 FOR FEDERAL INCOME TAX PURPOSES FOR PROPERTY USED IN THE TESTING OR
13 INSPECTION OF MATERIALS AND PRODUCTS,

14 (II) THE COSTS OR EXPENSES ASSOCIATED WITH QUALITY CONTROL OF THE
15 RESEARCH AND DEVELOPMENT OR MANUFACTURING OPERATIONS,

16 (III) FEES FOR USE OF SOPHISTICATED TECHNOLOGY FACILITIES AND PROC-
17 ESSES,

18 (IV) FEES FOR THE PRODUCTION OR EVENTUAL COMMERCIAL DISTRIBUTION OF
19 MATERIALS AND PRODUCTS RESULTING FROM THE QUALIFIED MANUFACTURING ACTIV-
20 ITIES OF AN ELIGIBLE TAXPAYER.

21 (V) THE COSTS, EXPENSES AND OTHER AMOUNTS FOR WHICH A CREDIT IS
22 ALLOWED AND CLAIMED UNDER THIS PARAGRAPH SHALL NOT BE USED IN THE CALCU-
23 LATION OF ANY OTHER CREDIT ALLOWED UNDER THIS ARTICLE.

24 (D) AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT FOR TEN PER CENTUM
25 OF "QUALIFIED RESEARCH AND MANUFACTURING EXPENSES" PAID OR INCURRED BY
26 THE TAXPAYER IN THE TAXABLE YEAR. FOR THE PURPOSES OF THIS SECTION, THE
27 TERM "QUALIFIED RESEARCH AND MANUFACTURING EXPENSES" SHALL MEAN EXPENSES
28 ASSOCIATED WITH IN-HOUSE RESEARCH AND MANUFACTURING PROCESSES, AND COSTS
29 ASSOCIATED WITH THE DISSEMINATION OF THE RESULTS OF THE PRODUCTS THAT
30 DIRECTLY RESULT FROM SUCH RESEARCH AND DEVELOPMENT AND/OR MANUFACTURING
31 ACTIVITIES; PROVIDED, HOWEVER, THAT SUCH COSTS SHALL NOT INCLUDE ADVER-
32 TISING OR PROMOTION THROUGH PAID MEDIA. IN ADDITION, COSTS ASSOCIATED
33 WITH THE PREPARATION OF PATENT APPLICATIONS, PATENT APPLICATION FILING
34 FEES, PATENT RESEARCH FEES, PATENT EXAMINATIONS FEES, PATENT POST ALLOW-
35 ANCE FEES, PATENT MAINTENANCE FEES, AND GRANT APPLICATION EXPENSES AND
36 FEES SHALL BE ELIGIBLE FOR SUCH CREDIT. IN NO CASE SHALL THE CREDIT
37 ALLOWED UNDER THIS PARAGRAPH APPLY TO EXPENSES FOR LITIGATION OR THE
38 CHALLENGE OF ANOTHER ENTITY'S INTELLECTUAL PROPERTY RIGHTS, OR FOR
39 CONTRACT EXPENSES INVOLVING OUTSIDE PAID CONSULTANTS. THE COSTS,
40 EXPENSES AND OTHER AMOUNTS FOR WHICH A CREDIT IS ALLOWED AND CLAIMED
41 UNDER THIS PARAGRAPH SHALL NOT BE USED IN THE CALCULATION OF ANY OTHER
42 CREDIT ALLOWED UNDER THIS ARTICLE.

43 (E) AN ELIGIBLE TAXPAYER MAY CLAIM CREDITS UNDER THIS SUBDIVISION FOR
44 FOUR CONSECUTIVE TAXABLE YEARS. IN NO CASE SHALL THE CREDIT ALLOWED BY
45 THIS SUBDIVISION TO A TAXPAYER EXCEED TWENTY-FIVE MILLION DOLLARS PER
46 YEAR.

47 (F) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR
48 SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF
49 THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF
50 THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDI-
51 VISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT
52 OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN
53 OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE
54 PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER.
55 PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOU-

1 SAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE
2 PAID THEREON.

3 S 2. Section 606 of the tax law is amended by adding a new subsection
4 (qq) to read as follows:

5 (QQ) QUALIFIED SOLAR AND FUEL CELL MANUFACTURER FACILITIES AND OPER-
6 ATIONS CREDIT. (1) A TAXPAYER WHO IS A MEMBER OF AN ENTITY CONSISTING OF
7 ONE OR MORE TAXPAYERS THAT IS PRINCIPALLY ENGAGED IN THE MANUFACTURING
8 OF SOLAR ENERGY EQUIPMENT AND/OR FUEL, AND THAT MEETS THE ELIGIBILITY
9 REQUIREMENTS IN PARAGRAPH TWO OF THIS SUBSECTION, SHALL BE ALLOWED A
10 CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT OF CREDIT
11 SHALL BE EQUAL TO THE SUM (OR PRO RATA SHARE OF THE SUM IN THE CASE OF A
12 PARTNERSHIP) OF THE AMOUNTS SPECIFIED IN PARAGRAPHS THREE AND FOUR OF
13 THIS SUBSECTION SUBJECT TO THE LIMITATIONS IN PARAGRAPH FIVE OF THIS
14 SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION SOLAR ENERGY EQUIPMENT
15 SHALL MEAN THE MANUFACTURING OF MATERIAL COMPONENTS IN NEW YORK STATE
16 DESIGNED TO PRODUCE ELECTRICITY UTILIZING SOLAR RADIATION AS THE ENERGY
17 SOURCE FOR SUCH ELECTRICITY. FUEL CELL EQUIPMENT SHALL MEAN THE MANU-
18 FACTURING IN NEW YORK STATE OF ON-SITE ELECTRICITY GENERATION SYSTEMS
19 UTILIZING PROTON EXCHANGE MEMBRANE FUEL CELLS OR MOLTEN CARBONATE FUEL
20 CELL TECHNOLOGIES. FUEL CELL MEANS A DEVICE THAT PRODUCES ELECTRICITY
21 DIRECTLY FROM HYDROGEN OR HYDROCARBON FUEL THROUGH A NON-COMBUSTIVE
22 ELECTROCHEMICAL PROCESS. THE DETERMINATION OF WHETHER SOLAR ENERGY
23 EQUIPMENT OR FUEL CELL EQUIPMENT QUALIFY FOR ELIGIBLE COSTS UNDER THIS
24 SUBSECTION SHALL BE DETERMINED BY THE COMMISSIONER, AND, IF REQUESTED BY
25 THE COMMISSIONER, THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH
26 AND DEVELOPMENT AUTHORITY.

27 (2) AN ELIGIBLE ENTITY SHALL (I) HAVE MORE THAN ONE HUNDRED FULL-TIME
28 EMPLOYEES EMPLOYED IN NEW YORK STATE, AND (II) HAVE A RATIO OF RESEARCH
29 AND DEVELOPMENT FUNDS TO NET SALES, AS REFERRED TO IN SECTION THIRTY-ONE
30 HUNDRED TWO-E OF THE PUBLIC AUTHORITIES LAW, WHICH EQUALS OR EXCEEDS
31 THREE PERCENT DURING ITS TAXABLE YEAR.

32 (3) AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT FOR TWENTY PER
33 CENTUM OF THE COST OR OTHER BASIS FOR FEDERAL INCOME TAX PURPOSES
34 INCURRED BY THE ENTITY FOR RESEARCH AND DEVELOPMENT AND MANUFACTURING
35 PROPERTY AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION TWELVE OF SECTION
36 TWO HUNDRED TEN OF THIS CHAPTER THAT IS ACQUIRED BY PURCHASE AS DEFINED
37 IN SECTION 179(D) OF THE INTERNAL REVENUE CODE AND PLACED IN SERVICE
38 DURING THE TAXABLE YEAR. PROVIDED, HOWEVER, FOR THE PURPOSES OF THIS
39 PARAGRAPH ONLY, AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT FOR SUCH
40 PERCENTAGE OF THE (I) COST OR OTHER BASIS FOR FEDERAL INCOME TAX
41 PURPOSES FOR PROPERTY USED IN THE TESTING OR INSPECTION OF MATERIALS AND
42 PRODUCTS,

43 (II) THE COSTS OR EXPENSES ASSOCIATED WITH QUALITY CONTROL OF THE
44 RESEARCH AND DEVELOPMENT OR MANUFACTURING OPERATIONS,

45 (III) FEES FOR USE OF SOPHISTICATED TECHNOLOGY FACILITIES AND PROC-
46 ESSES,

47 (IV) FEES FOR THE PRODUCTION OR EVENTUAL COMMERCIAL DISTRIBUTION OF
48 MATERIALS AND PRODUCTS RESULTING FROM THE ACTIVITIES OF AN ELIGIBLE
49 TAXPAYER AS LONG AS SUCH ACTIVITIES FALL UNDER THE ACTIVITIES LISTED IN
50 PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION THIRTY-ONE HUNDRED TWO-E OF
51 THE PUBLIC AUTHORITIES LAW.

52 (V) THE COSTS, EXPENSES AND OTHER AMOUNTS FOR WHICH A CREDIT IS
53 ALLOWED AND CLAIMED UNDER THIS PARAGRAPH SHALL NOT BE USED IN THE CALCU-
54 LATION OF ANY OTHER CREDIT ALLOWED UNDER THIS ARTICLE.

55 (4) AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT FOR TEN PER CENTUM
56 OF "QUALIFIED RESEARCH AND MANUFACTURING EXPENSES" PAID OR INCURRED BY

1 THE ENTITY IN THE TAXABLE YEAR. FOR THE PURPOSES OF THIS SECTION, THE
 2 TERM "QUALIFIED RESEARCH AND MANUFACTURING EXPENSES" SHALL MEAN EXPENSES
 3 ASSOCIATED WITH IN-HOUSE RESEARCH AND MANUFACTURING PROCESSES, AND COSTS
 4 ASSOCIATED WITH THE DISSEMINATION OF THE RESULTS OF THE PRODUCTS THAT
 5 DIRECTLY RESULT FROM SUCH RESEARCH AND DEVELOPMENT AND/OR MANUFACTURING
 6 ACTIVITIES; PROVIDED, HOWEVER, THAT SUCH COSTS SHALL NOT INCLUDE ADVER-
 7 TISING OR PROMOTION THROUGH PAID MEDIA. IN ADDITION, COSTS ASSOCIATED
 8 WITH THE PREPARATION OF PATENT APPLICATIONS, PATENT APPLICATION FILING
 9 FEES, PATENT RESEARCH FEES, PATENT EXAMINATIONS FEES, PATENT POST ALLOW-
 10 ANCE FEES, PATENT MAINTENANCE FEES, AND GRANT APPLICATION EXPENSES AND
 11 FEES SHALL BE ELIGIBLE FOR SUCH CREDIT. IN NO CASE SHALL THE CREDIT
 12 ALLOWED UNDER THIS PARAGRAPH APPLY TO EXPENSES FOR LITIGATION OR THE
 13 CHALLENGE OF ANOTHER ENTITY'S INTELLECTUAL PROPERTY RIGHTS, OR FOR
 14 CONTRACT EXPENSES INVOLVING OUTSIDE PAID CONSULTANTS. THE COSTS,
 15 EXPENSES AND OTHER AMOUNTS FOR WHICH A CREDIT IS ALLOWED AND CLAIMED
 16 UNDER THIS PARAGRAPH SHALL NOT BE USED IN THE CALCULATION OF ANY OTHER
 17 CREDIT ALLOWED UNDER THIS ARTICLE.

18 (5) AN ELIGIBLE TAXPAYER MAY CLAIM CREDITS UNDER THIS SUBSECTION FOR
 19 FOUR CONSECUTIVE TAXABLE YEARS. IN NO CASE SHALL THE CREDIT ALLOWED BY
 20 THIS SUBDIVISION TO A TAXPAYER EXCEED FIFTEEN MILLION DOLLARS PER YEAR.

21 (6) IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY
 22 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
 23 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN
 24 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS
 25 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

26 S 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 27 of the tax law, as amended by section 2 of part ZZ-1 of chapter 57 of
 28 the laws of 2008, is amended to read as follows:

29 (B) shall be treated as the owner of a new business with respect to
 30 such share if the corporation qualifies as a new business pursuant to
 31 paragraph (j) of subdivision twelve of section two hundred ten of this
 32 chapter.

33 The corporation's credit base under
 34 section two hundred ten or section
 35 With respect to the following fourteen hundred fifty-six of this
 36 credit under this section: chapter is:

37 Investment tax credit Investment credit base
 38 under subsection (a) or qualified
 39 rehabilitation
 40 expenditures under
 41 subdivision twelve of
 42 section two hundred ten

43 Empire zone Cost or other basis
 44 investment tax credit under subdivision
 45 under subsection (j) twelve-B
 46 of section two hundred
 47 ten

48 Empire zone Eligible wages under
 49 wage tax credit subdivision nineteen of
 50 under subsection (k) section two hundred ten
 51 or subsection (e) of
 52 section fourteen hundred

1		fifty-six
2	Empire zone	Qualified investments
3	capital tax credit	and contributions under
4	under subsection (l)	subdivision twenty of
5		section two hundred ten
6		or subsection (d) of
7		section fourteen hundred
8		fifty-six
9	Agricultural property tax	Allowable school
10	credit under subsection (n)	district property taxes under
11		subdivision twenty-two of
12		section two hundred ten
13	Credit for employment	Qualified first-year wages or
14	of persons with dis-	qualified second-year wages
15	abilities under	under subdivision
16	subsection (o)	twenty-three of section
17		two hundred ten
18		or subsection (f)
19		of section fourteen
20		hundred fifty-six
21	Employment incentive	Applicable investment credit
22	credit under subsec-	base under subdivision
23	tion (a-1)	twelve-D of section two
24		hundred ten
25	Empire zone	Applicable investment
26	employment	credit under sub-
27	incentive credit under	division twelve-C
28	subsection (j-1)	of section two hundred ten
29	Alternative fuels credit	Cost under subdivision
30	under subsection (p)	twenty-four of section two
31		hundred ten
32	Qualified emerging	Applicable credit base
33	technology company	under subdivision twelve-E
34	employment credit	of section two hundred ten
35	under subsection (q)	
36	Qualified emerging	Qualified investments under
37	technology company	subdivision twelve-F of
38	capital tax credit	section two hundred ten
39	under subsection (r)	
40	Credit for purchase of an	Cost of an automated
41	automated external defibrillator	external defibrillator under
42	under subsection (s)	subdivision twenty-five of
43		section two hundred ten
44		or subsection (j) of section
45		fourteen hundred fifty-six

1	Low-income housing	Credit amount under
2	credit under subsection (x)	subdivision thirty
3		of section two hundred ten or
4		subsection (l) of section
5		fourteen hundred fifty-six
6	Credit for transportation	Amount of credit under sub-
7	improvement contributions	division thirty-two of section
8	under subsection (z)	two hundred ten or subsection
9		(n) of section fourteen
10		hundred fifty-six
11	QEZE credit for real property	Amount of credit under
12	taxes under subsection (bb)	subdivision twenty-seven of
13		section two hundred ten or
14		subsection (o) of section
15		fourteen hundred fifty-six
16	QEZE tax reduction credit	Amount of benefit period
17	under subsection (cc)	factor, employment increase factor
18		and zone allocation
19		factor (without regard
20		to pro ration) under
21		subdivision twenty-eight of
22		section two hundred ten or
23		subsection (p) of section
24		fourteen hundred fifty-six
25		and amount of tax factor
26		as determined under
27		subdivision (f) of section sixteen
28	Green building credit	Amount of green building credit
29	under subsection (y)	under subdivision thirty-one
30		of section two hundred ten
31		or subsection (m) of section
32		fourteen hundred fifty-six
33	Credit for long-term	Qualified costs under
34	care insurance premiums	subdivision twenty-five-a of
35	under subsection (aa)	section two hundred ten
36		or subsection (k) of section
37		fourteen hundred fifty-six
38	Brownfield redevelopment	Amount of credit
39	credit under subsection	under subdivision
40	(dd)	thirty-three of section
41		two hundred ten
42		or subsection (q) of
43		section fourteen hundred
44		fifty-six
45	Remediated brownfield	Amount of credit under
46	credit for real property	subdivision thirty-four
47	taxes for qualified	of section two hundred
48	sites under subsection	ten or subsection (r) of
49	(ee)	section fourteen hundred

1		fifty-six
2	Environmental	Amount of credit under
3	remediation	subdivision thirty-five of
4	insurance credit under	section two hundred
5	subsection (ff)	ten or subsection
6		(s) of section
7		fourteen hundred
8		fifty-six
9	Empire state film production	Amount of credit for qualified
10	credit under subsection (gg)	production costs in production
11		of a qualified film under
12		subdivision thirty-six of
13		section two hundred ten
14	Qualified emerging	Qualifying expenditures and
15	technology company facilities,	development activities under
16	operations and training credit	subdivision twelve-G of section
17	under subsection (nn)	two hundred ten
18	Security training tax	Amount of credit
19	credit under	under subdivision thirty-seven
20	subsection (ii)	of section two hundred ten or
21		under subsection (t) of
22		section fourteen hundred fifty-six
23	Credit for qualified fuel	Amount of credit under
24	cell electric generating equipment	subdivision thirty-seven
25	expenditures under subsection (g-2)	of section two hundred ten
26		or subsection (t) of
27		section fourteen hundred
28		fifty-six
29	Empire state commercial production	Amount of credit for qualified
30	credit under subsection (jj)	production costs in production
31		of a qualified commercial under
32		subdivision thirty-eight of sec-
33		tion two hundred ten
34	Biofuel production	Amount of credit
35	tax credit under	under subdivision
36	subsection (jj)	thirty-eight of
37		section two hundred ten
38	Clean heating fuel credit	Amount of credit under
39	under subsection (mm)	subdivision thirty-nine of
40		section two hundred ten
41	Credit for rehabilitation	Amount of credit under
42	of historic properties	subdivision forty of
43	under subsection (oo)	[subsection] SECTION two
44		hundred ten
45	Credit for companies who	Amount of credit under
46	provide transportation	subdivision forty of

1	to individuals	section two hundred ten
2	with disabilities	
3	under subsection (oo)	

4	CREDIT FOR QUALIFIED	AMOUNT OF CREDIT UNDER
5	SOLAR AND FUEL CELL	SUBDIVISION TWELVE-H OF
6	MANUFACTURER FACILITIES	SECTION TWO HUNDRED TEN
7	AND OPERATIONS CREDIT	
8	UNDER SUBSECTION (QQ)	

9 S 4. This act shall take effect immediately and shall apply to taxable
10 years commencing on or after January 1, 2010; provided, however that the
11 empire state film production credit under subsection (gg), the empire
12 state commercial production credit under subsection (jj) and the credit
13 for companies who provide transportation to individuals with disabili-
14 ties under subsection (oo) of section 606 of the tax law contained in
15 section three of this act shall expire on the same date as provided in
16 section 9 of part P of chapter 60 of the laws of 2004, as amended,
17 section 10 of part V of chapter 62 of the laws of 2006, as amended, and
18 section 5 of chapter 522 of the laws of 2006, as amended, respectively.