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

4604

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sens. ONORATO, HASSELL-THOMPSON, C. JOHNSON, SAMPSON, SAVINO, THOMPSON -- 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 establishing a personal income tax credit for persons residing near electric generating facilities

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 (u) to read as follows:

(U) ELECTRIC GENERATING FACILITY PROXIMITY CREDIT. (1) FOR THE PURPOSES OF THIS SUBSECTION:

(A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL OF THE STATE WHO HAS OCCUPIED THE SAME PRIMARY RESIDENCE FOR SIX MONTHS OR MORE OF THE TAXABLE YEAR, AND IS REQUIRED OR CHOOSES TO FILE A RETURN PURSUANT TO THIS ARTICLE.

(B) "HOUSEHOLD" MEANS A QUALIFIED TAXPAYER AND ALL OTHER PERSONS, NOT NECESSARILY RELATED, WHO HAVE THE SAME PRIMARY RESIDENCE AND SHARE ITS FURNISHINGS, FACILITIES AND ACCOMMODATIONS. SUCH TERM SHALL NOT INCLUDE A TENANT, SUBTENANT, ROOMER OR BOARDER WHO IS NOT RELATED TO THE QUALIFIED TAXPAYER IN ANY DEGREE SPECIFIED IN PARAGRAPHS ONE THROUGH EIGHT OF SUBSECTION (A) OF SECTION ONE HUNDRED FIFTY-TWO OF THE INTERNAL REVENUE CODE. PROVIDED THAT NO PERSON MAY BE A MEMBER OF MORE THAN ONE HOUSEHOLD AT ONE TIME.

(C) "RESIDENCE" MEANS A DWELLING IN THIS STATE, WHETHER OWNED OR RENTED, AND MAY CONSIST OF A PART OF A MULTI-DWELLING OR MULTI-PURPOSE BUILDING INCLUDING A COOPERATIVE OR CONDOMINIUM, AND RENTAL UNITS WITHIN A SINGLE BUILDING. RESIDENCE SHALL INCLUDE A TRAILER, MOBILE HOME OR MANUFACTURED HOME, USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES AND DEFINED

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

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AS REAL PROPERTY PURSUANT TO PARAGRAPH (G) OF SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW.

(2) A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT OF TWO HUNDRED DOLLARS OR THE AMOUNT OF TAX PAYABLE BY SUCH TAXPAYER, WHICHEVER SHALL BE LESS, IF THE QUALIFIED TAXPAYER'S PRIMARY RESIDENCE IS LOCATED NOT MORE THAN ONE MILE FROM AN ELECTRIC GENERATING FACILITY.

(3) ONLY ONE CREDIT MAY BE TAKEN EACH TAXABLE YEAR PURSUANT TO THIS SUBSECTION PER HOUSEHOLD.

S 2. This act shall take effect immediately and shall apply to taxable years commencing on or after such effective date.