

6208

2009-2010 Regular Sessions

I N S E N A T E

October 7, 2009

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 ASSEMBLY, 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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