

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

1371--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 amended by
2 section 1 of part A of chapter 57 of the laws of 2010, 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. If
14 the taxpayer is a partner in a partnership or shareholder of a New York
15 S corporation, then the cap imposed by the preceding sentence shall be
16 applied at the entity level, so that the aggregate credit allowed to all
17 the partners or shareholders of each such entity in the taxable year
18 does not exceed two and one-half million dollars.

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

LBD03855-03-2

1 S 2. The general municipal law is amended by adding a new section 99-w
2 to read as follows:

3 S 99-W. USE OF BIOFUELS. ALL COUNTIES, CITIES, TOWNS AND VILLAGES
4 SHALL BE REQUIRED TO USE BIOFUELS FOR ANY PURPOSE WHICH REQUIRES THE USE
5 OF FUEL.

6 S 3. This act shall take effect immediately.