

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

4120--A

2013-2014 Regular Sessions

I N S E N A T E

March 11, 2013

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to restoring the fuel cell tax credit

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

1 Section 1. Subdivision 1 of section 187-n of the tax law, as amended
2 by section 1 of part C-1 of chapter 57 of the laws of 2009, is amended
3 to read as follows:
4 (1) Allowance of credit. [For taxable years beginning before January
5 first, two thousand nine, a] A taxpayer whose business is not substan-
6 tially engaged in the commercial generation, distribution, transmission,
7 or servicing of energy or energy products shall be allowed a credit
8 against the taxes imposed by sections one hundred eighty-three, one
9 hundred eighty-four and one hundred eighty-five of this article, equal
10 to its qualified fuel cell electric generating equipment expenditures.
11 Provided, however, that the amount of such credit allowable against the
12 tax imposed by section one hundred eighty-four of this article shall be
13 the excess of the amount of such credit over the amount of any credit
14 allowed by this section against the tax imposed by section one hundred
15 eighty-three of this article. This credit shall not exceed one thousand
16 five hundred dollars per generating unit with respect to any taxable
17 year. The credit provided for herein shall be allowed with respect to
18 the taxable year in which the fuel cell electric generating equipment is
19 placed in service.

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

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1 S 2. Paragraph (a) of subdivision 37 of section 210 of the tax law, as
2 amended by section 2 of part C-1 of chapter 57 of the laws of 2009, is
3 amended to read as follows:

4 (a) Allowance of credit. [For taxable years beginning before January
5 first, two thousand nine, a] A taxpayer shall be allowed a credit
6 against the tax imposed by this article, equal to its qualified fuel
7 cell electric generating equipment expenditures. This credit shall not
8 exceed one thousand five hundred dollars per generating unit with
9 respect to any taxable year. The credit provided for herein shall be
10 allowed with respect to the taxable year in which the fuel cell electric
11 generating equipment is placed in service.

12 S 3. Paragraph 1 of subsection (g-2) of section 606 of the tax law, as
13 amended by section 3 of part C-1 of chapter 57 of the laws of 2009, is
14 amended to read as follows:

15 (1) General. [For taxable years beginning before January first, two
16 thousand nine, an] AN individual taxpayer shall be allowed a credit
17 against the tax imposed by this article equal to twenty percent of qual-
18 ified fuel cell electric generating equipment expenditures. This credit
19 shall not exceed one thousand five hundred dollars per generating unit
20 with respect to any taxable year. The credit provided for herein shall
21 be allowed with respect to the taxable year in which the fuel cell elec-
22 tric generating equipment is placed in service.

23 S 4. Paragraph 1 of subsection (t) of section 1456 of the tax law, as
24 amended by section 4 of part C-1 of chapter 57 of the laws of 2009, is
25 amended to read as follows:

26 (1) Allowance of credit. [For taxable years beginning before January
27 first, two thousand nine, a] A taxpayer shall be allowed a credit
28 against the tax imposed by this article, equal to its qualified fuel
29 cell electric generating equipment expenditures. This credit shall not
30 exceed one thousand five hundred dollars per generating unit with
31 respect to any taxable year. The credit provided for in this subsection
32 shall be allowed with respect to the taxable year in which the fuel cell
33 electric generating equipment is placed in service.

34 S 5. Paragraph 1 of subdivision (x) of section 1511 of the tax law, as
35 amended by section 5 of part C-1 of chapter 57 of the laws of 2009, is
36 amended to read as follows:

37 (1) Allowance of credit. [For taxable years beginning before January
38 first, two thousand nine, a] A taxpayer shall be allowed a credit
39 against the tax imposed by this article, equal to its qualified fuel
40 cell electric generating equipment expenditures. This credit shall not
41 exceed one thousand five hundred dollars per generating unit with
42 respect to any taxable year. The credit provided for in this subdivision
43 shall be allowed with respect to the taxable year in which the fuel cell
44 electric generating equipment is placed in service.

45 S 6. Subdivision (a) of section 20 of the tax law, as amended by
46 section 6 of part C-1 of chapter 57 of the laws of 2009, is amended to
47 read as follows:

48 (a) Allowance of credit. [For taxable years beginning before January
49 first, two thousand nine, a] A taxpayer subject to tax under article
50 nine, nine-A, twenty-two, thirty-two or thirty-three of this chapter
51 shall be allowed a credit against such tax, pursuant to the provisions
52 referenced in subdivision (d) of this section. The credit shall be
53 allowed where a taxpayer has made a certified contribution of at least
54 ten million dollars to a qualified transportation improvement project in
55 a prior taxable year. The credit shall be equal to six percent of the
56 taxpayer's increased qualified business facility payroll for the taxable

1 year. The aggregate of all credit amounts allowed to the taxpayer pursu-
2 ant to this section with respect to a certified contribution shall not
3 exceed the amount of such certified contribution.

4 S 7. Clauses (xiv) and (xxv) of subparagraph (B) of paragraph 1 of
5 subsection (i) of section 606 of the tax law, as amended by section 7 of
6 part C-1 of chapter 57 of the laws of 2009, are amended to read as
7 follows:

8 (xiv) Credit for transportation	[For taxable years beginning
9 improvement contributions under	before January first, two thousand
10 subsection (z)	nine, amount] AMOUNT
11	of credit under subdivision
12	thirty-two of section
13	two hundred ten or subsection
14	(n) of section fourteen
15	hundred fifty-six
16 (xxv) Credit for qualified fuel	[For taxable years beginning before
17 cell electric generating	January first, two thousand nine,
18 equipment expenditures	amount] AMOUNT of credit
19 under subsection (g-2)	under subdivision thirty-seven of
20	section two hundred ten or
21	subsection (t) of section fourteen
22	hundred fifty-six
23 S 8. This act shall take effect immediately and shall be deemed to	
24 have been in full force and effect on and after January 1, 2014.	