STATE OF NEW YORK

5439--A

2017-2018 Regular Sessions

IN SENATE

March 28, 2017

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing a tax credit for a portion of the cost of qualified densified biomass fuel expenditures; and providing for the repeal of such provisions upon expiration thereof

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 (ccc) to read as follows:

(ccc) Credit for qualified densified biomass fuel expenditures. (1) Any resident owner of real property as defined in section one hundred two of the real property tax law shall be allowed a credit against the tax imposed under this article in an amount equal to thirty percent of qualified densified biomass fuel expenditures.

(2) For purposes of this subsection, the following definitions shall apply:

(a) "Qualified densified biomass fuel expenditures" shall mean expenditures for the cost of densified biomass fuel used to heat a dwelling unit located in the state and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and where the stove, boiler or furnace used to convert heat energy in the densified biomass fuel to useful thermal energy has a thermal efficiency rating of at least seventy-five percent as measured by the higher heating value of the fuel.

(b) "Densified biomass fuel" shall mean a solid fuel derived by the mechanical densification and refining of biomass sourced from woody or agricultural feedstocks. Such term shall include wood pellets.

(3) If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess

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

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shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed five years after such effective date.