STATE OF NEW YORK

7882

IN SENATE

March 6, 2018

Introduced by Sen. PERALTA -- 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 a small business tax credit for the purchase of ENERGY STAR compliant energy efficiency improvements; 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 210-B of the tax law is amended by adding a new subdivision 53 to read as follows:

53. Small business energy efficiency tax credit. (a) A qualified taxpayer shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article, for the purchase or upgrade of current equipment and/or appliances with ENERGY STAR certified products.

(b) Qualified taxpayer. A qualified taxpayer shall mean a business which has a significant presence in the state, is independently owned and operated, not dominant in its field, and employs, based on its industry, a number of employees not to exceed seventy-five.

(c) Amount of credit. The amount of the credit shall be fifty percent of the total costs of the efficiency upgrades, not to exceed five thousand dollars.

(d) Carryover. The credit under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of the credit allowable under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of the credit not deductible in such taxable year may be carried over to the following three years and may be deducted from the taxpayer's tax for such year or years.

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

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§ 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xliv) to read as follows:

(xliv) Small business energy efficiency tax credit under subsection (ccc)	**Amount of credit under subdivision fifty-three of section two hundred ten-B**

§ 3. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(ccc) Small business energy efficiency tax credit. (1) A qualified taxpayer shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article, for the purchase or upgrade of current equipment and/or appliances with ENERGY STAR certified products.

(2) Qualified taxpayer. A qualified taxpayer shall mean a business which has a significant presence in the state, is independently owned and operated, not dominant in its field, and employs, based on its industry, a number of employees not to exceed seventy-five.

(3) Amount of credit. The amount of the credit shall be fifty percent of the total costs of the efficiency upgrades, not to exceed five thousand dollars.

(4) Carryover. If the amount of credit allowable under this subsection for any taxable year exceeds the taxpayer's tax for such year, any amount of credit not deductible in such taxable year may be carried over to the following three years and may be deducted from the taxpayer's tax for such year or years.

§ 4. Notwithstanding any other provision of the tax law to the contrary, the aggregate of tax expenditures and taxes forgone pursuant to this act shall not exceed $1,000,000.

§ 5. This act shall take effect immediately and shall apply to taxable years beginning on and after the first of January next succeeding the date on which it shall have become a law and shall remain in effect for five years after it shall have become a law, when upon such date the provisions of this act shall expire and be deemed repealed.