

# STATE OF NEW YORK

8106--A

## IN SENATE

January 8, 2024

Introduced by Sens. KENNEDY, COONEY, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to geothermal energy systems tax credits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs 1 and 9 of subsection (g-4) of section 606 of  
2 the tax law, as added by section 1 of part FF of chapter 59 of the laws  
3 of 2022, are amended to read as follows:

4 (1) General. An individual taxpayer shall be allowed a credit against  
5 the tax imposed by this article equal to twenty-five percent of quali-  
6 fied geothermal energy system expenditures, except as provided in  
7 subparagraph (D) of paragraph two of this subsection, not to exceed five  
8 thousand dollars for qualified geothermal energy systems placed in  
9 service before June thirtieth, two thousand twenty-four, and ten thou-  
10 sand dollars for qualified geothermal energy equipment placed in service  
11 on or after July first, two thousand twenty-four.

12 (9) Carryover of credit and refundability. If the amount of the cred-  
13 it, and carryovers of such credit, allowable under this subsection for  
14 any taxable year shall exceed the taxpayer's tax for such year, such  
15 excess amount may be carried over to the five taxable years next follow-  
16 ing the taxable year with respect to which the credit is allowed and may  
17 be deducted from the taxpayer's tax for such year or years. For taxable  
18 years beginning on or after January first, two thousand twenty-five, if  
19 the amount of the credit allowable under this subsection shall exceed  
20 the taxpayer's tax liability for such year, and the taxpayer meets the  
21 definition of low-to-moderate income, as defined in subdivision (c) of  
22 section nine hundred seventy-c of the general municipal law, or resides  
23 in a disadvantaged community, as defined in subdivision five of section  
24 75-0101 of the environmental conservation law, the excess shall be  
25 treated as an overpayment of tax to be credited or refunded. Any refund  
26 paid pursuant to this paragraph shall be deemed to be a refund of an  
27 overpayment of tax as provided in section six hundred eighty-six of this  
28 article, provided, however, that no interest shall be paid thereon.

29 § 2. 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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