

# STATE OF NEW YORK

9893

## IN SENATE

August 21, 2024

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to costs and expenses of the department of public service and the public service commission; to amend the tax law, in relation to providing for a ratepayer protection tax credit; and to repeal certain provisions of the public service law relating to the assessment of costs and expenses of the department of public service and the public service commission

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

1 Section 1. Subdivision 1 of section 18-a of the public service law, as  
2 amended by section 2 of part NN of chapter 59 of the laws of 2009, is  
3 amended to read as follows:

4 [~~1-~~] All costs and expenses of the department and commission shall be  
5 paid pursuant to appropriation by the legislature on the certification  
6 of the [~~chairman~~] chair of the department and upon the audit and warrant  
7 of the comptroller. The state treasury shall be reimbursed therefore by  
8 payments to be made thereto from all moneys collected pursuant to this  
9 chapter. The total of such costs and expenses shall be borne by the  
10 public utility companies (including for the purposes of this section  
11 municipalities other than municipalities as defined in section eighty-  
12 nine-1 of this chapter), corporations (including the power authority of  
13 the state of New York), and persons subject to the commission's regu-  
14 lation, to be assessed in the manner provided in [~~subdivisions two,~~  
15 ~~three and four of this section and~~] section two hundred seventeen of  
16 this chapter.

17 § 2. Subdivisions 1-a, 2, 3, 4, 4-a, 4-b and 5 of section 18-a of the  
18 public service law are REPEALED.

19 § 3. Section 5 of the public service law is amended by adding a new  
20 subdivision 7 to read as follows:

21 7. (a) The commission, in consultation with the comptroller, shall  
22 develop a formula to determine the average cost, on a per ratepayer  
23 basis, to comply with the provisions set forth in article seventy-five  
24 of the environmental conservation law, or any other rule or regulation

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

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1 promulgated by a state agency prior to the effective date of this subdi-  
2 vision, or any subsequent action taken thereafter, to meet the emissions  
3 goals set forth by article seventy-five of the environmental conserva-  
4 tion law.

5 (b) Beginning March first, two thousand twenty-five, the commission,  
6 thirty days prior to issuing any order, directive, rule, or regulation,  
7 shall disclose to the public through public notice and on their website  
8 the cost, as determined by the formula developed by the commission per  
9 this subdivision, of any order, directive, rule, or regulation issued to  
10 comply with article seventy-five of the environmental conservation law  
11 by the commission.

12 § 4. Section 606 of the tax law is amended by adding a new subsection  
13 (bbb) to read as follows:

14 (bbb) Ratepayer protection credit. (1) Allowance of credit. An indi-  
15 vidual taxpayer whose annual gross income does not exceed two hundred  
16 fifty thousand dollars shall be allowed a credit against tax imposed by  
17 this article for the cost of the implementation of article seventy-five  
18 of the environmental conservation law as determined by subdivision seven  
19 of section five of the public service law.

20 (2) Carryover of credit and refundability. If the amount of the cred-  
21 it, and carryovers of such credit, allowable under this subsection for  
22 any taxable year shall exceed the taxpayer's tax for such year, such  
23 excess amount may be carried over to the five taxable years next follow-  
24 ing the taxable year with respect to which the credit is allowed and may  
25 be deducted from the taxpayer's tax for such year or years. For taxable  
26 years beginning on or after January first, two thousand twenty-six, if  
27 the amount of the credit allowable under this subsection shall exceed  
28 the taxpayer's tax liability for such year, the excess shall be treated  
29 as an overpayment of tax to be credited or refunded in accordance with  
30 the provisions of section six hundred eighty-six of this article,  
31 provided, however, that no interest shall be paid thereon.

32 § 5. The tax law is amended by adding a new section 187-s to read as  
33 follows:

34 § 187-s. Ratepayer protection credit. 1. Allowance of credit. A  
35 taxpayer shall be allowed a credit for the cost of the implementation of  
36 article seventy-five of the environmental conservation law as determined  
37 by subdivision seven of section five of the public service law against  
38 the taxes imposed by sections one hundred eighty-three, one hundred  
39 eighty-four and former section one hundred eighty-six of this article;  
40 provided, however, that the amount of such credit allowable against the  
41 tax imposed by section one hundred eighty-four of this article shall be  
42 the excess of the amount of such credit over the amount of any credit  
43 allowed by this section against the tax imposed by section one hundred  
44 eighty-three of this article.

45 2. Carryovers. In no event shall the credit under this section be  
46 allowed in an amount which will reduce the tax payable to less than the  
47 applicable minimum tax fixed by section one hundred eighty-three or  
48 former section one hundred eighty-six of this article. If, however, the  
49 amount of credit allowable under this section for any taxable year  
50 reduces the tax to such amount, any amount of credit not deductible in  
51 such taxable year may be carried over to the following year or years and  
52 may be deducted from the taxpayer's tax for such year or years.

53 § 6. This act shall take effect immediately.