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

4637

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to exempting ski resorts from sales tax on equipment that is used in the operation of the business and from sales tax on electricity used in the operation of the business

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

Section 1. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) (I) MACHINERY, EQUIPMENT AND OTHER TANGIBLE PERSONAL PROPERTY SPECIFIED HEREIN, SOLD TO A PERSON OR ENTITY OPERATING A SKI RESORT LOCATED IN THIS STATE FOR USE AT SUCH SKI RESORT, WHERE SUCH PROPERTY: (A) WILL BE LOCATED AT OR INSTALLED IN A FACILITY OR STRUCTURE WHICH IS A PART OF THE SKI RESORT; (B) IS REQUIRED FOR AND DIRECTLY RELATED TO THE PROVISION OF SERVICES BY THE OPERATOR OF THE SKI RESORT; AND (C) IS NOT PURCHASED BY THE OPERATOR OF THE SKI RESORT FOR THE PURPOSE OF RE-SALE.

(II) RECEIPTS FROM THE RETAIL SALE OF THE TANGIBLE PERSONAL PROPERTY EXEMPT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH IF PURCHASED BY AN OPERATOR OF A SKI RESORT, SHALL BE EXEMPT WHEN PURCHASED BY A CONTRACTOR, SUBCONTRACTOR OR REPAIRMAN FOR USE AS DESCRIBED IN SUCH SUBPARAGRAPH (I), WHERE SUCH PROPERTY IS TO BECOME A CAPITAL IMPROVEMENT TO REAL PROPERTY.

(III) IN ORDER TO RECEIVE THE EXEMPTION PROVIDED FOR UNDER THIS PARAGRAPH, THE OPERATOR OF THE SKI RESORT OR A CONTRACTOR, SUBCONTRACTOR OR REPAIRMAN AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL FURNISH TO THE VENDOR OF THE EXEMPT PROPERTY A CERTIFICATE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMISSIONER.

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

LBD07522-01-9

S 2. Subdivision (c) of section 1115 of the tax law is amended by adding a new paragraph 3 to read as follows:

(3) ELECTRICITY OF WHATEVER NATURE FOR USE OR CONSUMPTION DIRECTLY AND EXCLUSIVELY IN THE OPERATION OF A SKI RESORT SHALL BE EXEMPT FROM THE TAXES IMPOSED UNDER SUBDIVISIONS (A) AND (B) OF SECTION ELEVEN HUNDRED FIVE AND THE COMPENSATING USE TAX IMPOSED UNDER SECTION ELEVEN HUNDRED TEN OF THIS ARTICLE.

S 3. This act shall take effect January 1, 2010 and shall apply to all tax years commencing on or after such effective date.