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

4812

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

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

AN ACT to amend the tax law, in relation to exempting from sales and compensating use tax certain tangible personal property and services, food and drink, and amusement charges when sold by and for the benefit of extraclassroom activities of public schools

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

Section 1. The tax law is amended by adding a new section 1124 to read as follows:

S 1124. EXEMPTION FROM TAX ON CERTAIN RECEIPTS COLLECTED BY EXTRACLASSROOM ACTIVITIES OF PUBLIC SCHOOL DISTRICTS. 1. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, PUBLIC SCHOOL DISTRICTS SHALL BE EXEMPTED FROM CHARGING AND COLLECTING SALES AND COMPENSATING USE TAXES IMPOSED BY THIS ARTICLE AND PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE OF THIS CHAPTER REVENUE FOR EXTRACLASSROOM FUNDS GENERATED BY EXTRACLASSROOM ACTIVITIES.

2. FOR PURPOSES OF THIS SECTION, "EXTRACLASSROOM ACTIVITIES" OF PUBLIC SCHOOL DISTRICTS SHALL MEAN ACTIVITIES OPERATED BY AND FOR THE STUDENTS OF A PUBLIC SCHOOL DISTRICT WHICH ACTIVITIES HAVE BEEN APPROVED BY THE BOARD OF EDUCATION OR TRUSTEES OF SUCH DISTRICT AS EXTENSIONS OF THE EDUCATIONAL PROGRAM OF SUCH DISTRICT.

3. FOR PURPOSES OF THIS SECTION, "EXTRACLASSROOM FUNDS" SHALL MEAN FUNDS RAISED OTHER THAN BY TAXATION OR THROUGH CHARGES OF A BOARD OF EDUCATION FOR, BY, OR IN THE NAME OF, A SCHOOL, STUDENT BODY, OR ANY SUBDIVISION THEREOF COLLECTED VOLUNTARILY BY STUDENTS PARTICIPATING IN EXTRACLASSROOM ACTIVITIES AND SPENT BY THEM AS THEY SEE FIT SUBJECT TO ESTABLISHED REGULATIONS. EXTRACLASSROOM FUNDS MAY BE DERIVED FROM ADMISSIONS, MEMBERSHIP DUES, SALES AND CAMPAIGNS, AND DONATIONS AND MAY INCLUDE PROCEEDS FROM THE SALE OF SERVICES OR PERSONAL PROPERTY ORDINARILY SOLD BY PRIVATE PERSONS.

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

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S 2. This act shall take effect January 1, 2010. The commissioner of taxation and finance is authorized on and after the date on which this act shall have become a law to adopt and amend any rules or regulations and issue any procedure, forms, or instructions necessary to implement this act on its effective date.