

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

September 21, 2011

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

IN ASSEMBLY -- Introduced by M. of A. TEDISCO, CROUCH, TOBACCO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a tax credit for sales tax paid by victims of tropical storms Irene and Lee

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

1 Section 1. Section 606 of the tax law is amended by adding a new  
2 subsection (tt) to read as follows:

3 (TT) CREDIT FOR SALES TAX PAID BY VICTIMS OF TROPICAL STORMS IRENE AND  
4 LEE. (1) GENERAL. A TAXPAYER WHOSE RESIDENCE OR BUSINESS INCURRED DAMAGE  
5 AS A RESULT OF TROPICAL STORM IRENE OF TWO THOUSAND ELEVEN, TROPICAL  
6 STORM LEE OF TWO THOUSAND ELEVEN OR BOTH SUCH TROPICAL STORMS SHALL BE  
7 ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE, TO BE COMPUTED  
8 AS PROVIDED IN PARAGRAPH TWO OF THIS SUBSECTION.

9 (2) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE EQUAL TO SALES TAX  
10 PAID FOR EXPENSES RELATED TO DAMAGE INCURRED AS A RESULT OF FLOODING,  
11 HIGH WINDS, RAIN AND/OR MUDSLIDES CAUSED BY SUCH TROPICAL STORMS. SUCH  
12 EXPENSES SHALL INCLUDE, BUT NOT BE LIMITED TO, EXPENSES FOR MOVING AND  
13 STORAGE, AND FOR THE REPLACEMENT OF SUMP PUMPS, FURNACES, REFRIGERATORS,  
14 WASHERS, DRYERS, DEHUMIDIFIERS, BOILERS, FURNITURE, CONSTRUCTION MATERI-  
15 ALS AND CLOTHING.

16 (3) ELIGIBILITY. TO BE ELIGIBLE TO RECEIVE SUCH CREDIT, A TAXPAYER  
17 SHALL RESIDE OR HAVE A BUSINESS WITHIN A COUNTY IN THIS STATE WHICH WAS  
18 DECLARED A FEDERAL DISASTER AREA AND IS ELIGIBLE TO RECEIVE FEDERAL AID  
19 OR ASSISTANCE AS A RESULT OF SUCH TROPICAL STORMS FROM THE FEDERAL EMER-  
20 GENCY MANAGEMENT AGENCY.

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

LBD13461-02-1

1 (4) APPLICABILITY. CREDIT ALLOWED PURSUANT TO THIS SUBSECTION SHALL  
2 APPLY TO PAYMENTS FOR SERVICES AND EXPENSES MADE DURING THE TWO THOUSAND  
3 ELEVEN AND TWO THOUSAND TWELVE TAXABLE YEARS.

4 S 2. Section 210 of the tax law is amended by adding a new subdivision  
5 44 to read as follows:

6 44. CREDIT FOR SALES TAX PAID BY VICTIMS OF TROPICAL STORMS IRENE AND  
7 LEE. (A) GENERAL. A TAXPAYER WHOSE BUSINESS INCURRED DAMAGE AS A RESULT  
8 OF TROPICAL STORM IRENE OF TWO THOUSAND ELEVEN, TROPICAL STORM LEE OF  
9 TWO THOUSAND ELEVEN OR BOTH SUCH TROPICAL STORMS SHALL BE ALLOWED A  
10 CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE, TO BE COMPUTED AS  
11 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION.

12 (B) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE EQUAL TO SALES TAX  
13 PAID FOR EXPENSES RELATED TO DAMAGE INCURRED AS A RESULT OF FLOODING,  
14 HIGH WINDS, RAIN AND/OR MUDSLIDES CAUSED BY SUCH TROPICAL STORMS. SUCH  
15 EXPENSES SHALL INCLUDE, BUT NOT BE LIMITED TO, EXPENSES FOR MOVING AND  
16 STORAGE, AND FOR THE REPLACEMENT OF SUMP PUMPS, FURNACES, REFRIGERATORS,  
17 WASHERS, DRYERS, DEHUMIDIFIERS, BOILERS, FURNITURE, CONSTRUCTION MATERI-  
18 ALS AND CLOTHING.

19 (C) ELIGIBILITY. TO BE ELIGIBLE TO RECEIVE SUCH CREDIT, A TAXPAYER  
20 SHALL HAVE A BUSINESS WITHIN A COUNTY IN THIS STATE WHICH WAS DECLARED A  
21 FEDERAL DISASTER AREA AND IS ELIGIBLE TO RECEIVE FEDERAL AID OR ASSIST-  
22 ANCE AS A RESULT OF SUCH TROPICAL STORMS FROM THE FEDERAL EMERGENCY  
23 MANAGEMENT AGENCY.

24 (D) APPLICABILITY. CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION SHALL  
25 APPLY TO PAYMENTS FOR SERVICES AND EXPENSES MADE DURING THE TWO THOUSAND  
26 ELEVEN AND TWO THOUSAND TWELVE TAXABLE YEARS.

27 S 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
28 of the tax law is amended by adding a new clause (xxxiii) to read as  
29 follows:

30 (XXXIII) CREDIT FOR SALES TAX	AMOUNT OF CREDIT UNDER
31 PAID BY VICTIMS OF TROPICAL STORMS	SUBDIVISION FORTY-FOUR
32 IRENE AND LEE UNDER SUBSECTION (TT)	OF SECTION TWO HUNDRED
33	TEN

34 S 4. This act shall take effect immediately.