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

S. 5893   A. 8643

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.