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

4773--C

2013-2014 Regular Sessions

I N S E N A T E

April 23, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to the "disaster preparedness and emergency planning act"; and in relation to establishing a local sales and use tax exemption for emergency preparedness supplies

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

Section 1. This act shall be known and may be cited as the "disaster preparedness and emergency planning act".

S 2. Section 1210 of the tax law is amended by adding a new subdivision (q) to read as follows:

(Q) NOTWITHSTANDING ANY OTHER PROVISION OF STATE OR LOCAL LAW, ORDINANCE OR RESOLUTION TO THE CONTRARY:

(1) (I) ANY COUNTY OR CITY IMPOSING SALES AND COMPENSATING USE TAXES PURSUANT TO THE AUTHORITY OF THIS SUBPART, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY IS HEREBY AUTHORIZED AND EMPOWERED TO ELECT TO PROVIDE AN EXEMPTION FROM TAX ON SUPPLIES FOR EMERGENCY PREPAREDNESS BY ENACTING A RESOLUTION IN THE FORM SET FORTH IN PARAGRAPH TWO OF THIS SUBDIVISION.

(II) ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE IN WHICH THE TAXES IMPOSED BY SECTION ELEVEN HUNDRED SEVEN OF THIS CHAPTER ARE IN EFFECT, AND ANY COUNTY OR CITY, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED AND EMPOWERED TO ELECT TO PROVIDE AN EXEMPTION FROM TAX ON SUPPLIES FOR EMERGENCY PREPAREDNESS BY ENACTING A RESOLUTION IN THE FORM SET FORTH IN PARAGRAPH TWO OF THIS SUBDIVISION.

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

LBD10064-08-4

(2) FORM OF RESOLUTION: BE IT ENACTED BY THE (INSERT PROPER TITLE OF LOCAL LEGISLATIVE BODY) AS FOLLOWS:

SECTION ONE. RECEIPTS FROM SALES OF AND CONSIDERATION GIVEN FOR SUPPLIES FOR EMERGENCY PREPAREDNESS SHALL BE EXEMPT FROM SALES AND COMPENSATING USE TAXES IMPOSED IN THIS JURISDICTION.

SECTION TWO. THIS RESOLUTION SHALL TAKE EFFECT SEPTEMBER 1, (INSERT THE YEAR, BUT NOT EARLIER THAN THE YEAR 2014) AND SHALL APPLY TO SALES MADE IN ACCORDANCE WITH THE APPLICABLE TRANSITIONAL PROVISIONS IN SECTIONS 1106, 1216 AND 1217 OF THE NEW YORK TAX LAW.

S 3. The division of homeland security and emergency services, in conjunction with the department of taxation and finance, shall establish, promote, and publish on their respective websites a list of items eligible for the sales and use tax exemption for emergency preparedness supplies, as set forth in subdivision (q) of section 1210 of the tax law. Such list shall be derived from, but not limited to, information published by Federal Emergency Management Agency (FEMA) and the American Red Cross relating to supplies necessary for the preparation of homes and businesses in the event of a natural or man-made emergency.

S 4. This act shall take effect immediately and shall apply to sales made and uses occurring for the time periods set forth in section two of this act commencing in the year 2015 and thereafter; provided, however, the provisions required by section three of this act shall be completed by April 1, 2015.