

3736

2015-2016 Regular Sessions

I N S E N A T E

February 17, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to enacting the "disaster preparedness and emergency planning act" relating 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:

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

3 S 2. Section 1210 of the tax law is amended by adding a new subdivi-
4 sion (q) to read as follows:

5 (Q) NOTWITHSTANDING ANY OTHER PROVISION OF STATE OR LOCAL LAW, ORDI-
6 NANCE OR RESOLUTION TO THE CONTRARY:

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

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

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

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

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

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1 SECTION TWO. THIS RESOLUTION SHALL TAKE EFFECT SEPTEMBER 1, (INSERT
2 THE YEAR, BUT NOT EARLIER THAN THE YEAR 2015) AND SHALL APPLY TO SALES
3 MADE IN ACCORDANCE WITH THE APPLICABLE TRANSITIONAL PROVISIONS IN
4 SECTIONS 1106, 1216 AND 1217 OF THE NEW YORK TAX LAW.

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

14 S 4. This act shall take effect immediately and shall apply to sales
15 made and uses occurring for the time periods set forth in section two of
16 this act commencing in the year 2016 and thereafter; provided, however,
17 the provisions required by section three of this act shall be completed
18 by April 1, 2016.