

STATE OF NEW YORK

6794

2017-2018 Regular Sessions

IN ASSEMBLY

March 17, 2017

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

AN ACT to amend the tax law, in relation to establishing the "New York is Honoring Our Military Exemption Act"

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 as the "New York is
2 Honoring Our Military Exemption Act".

3 § 2. The tax law is amended by adding a new section 696-a to read as
4 follows:

5 § 696-a. Reacquisition of residency during active duty military
6 service. (a) An individual serving in the armed forces of the United
7 States, or serving in support of such armed forces, whose home of record
8 is New York and whose state of legal residence commencing on or after
9 January first, two thousand eighteen, is a state other than New York may
10 reacquire legal residence in this state, regardless of whether the indi-
11 vidual has a physical presence in this state, if the individual intends
12 to make New York his or her state of legal residence. For purposes of
13 this subdivision, evidence of an intent to make this state an individ-
14 ual's state of legal residence must include one or more of the follow-
15 ing:

16 (1) registering to vote in this state;

17 (2) purchasing residential property or an unimproved residential lot
18 in this state;

19 (3) titling and registering a motor vehicle in this state;

20 (4) notifying the state of the individual's previous legal residence
21 of the intent to make New York the individual's state of legal resi-
22 dence; or

23 (5) preparing a new last will and testament that indicates New York as
24 the individual's state of legal residence.

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

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1 (b) There shall be subtracted from federal taxable income, for income
2 tax years commencing on or after January first, two thousand eighteen,
3 an amount equal to any compensation received for active duty service in
4 the armed forces of the United States by an individual who has reac-
5 quired residency in this state pursuant to subdivision (a) of this
6 section, to the extent that the compensation is included in federal
7 taxable income.

8 (c) For purposes of this paragraph, an individual whose only source of
9 income is compensation that is subtracted from federal taxable income
10 under subdivision (b) of this section need not file a return.

11 (d) No amount is required to be deducted and withheld from an employ-
12 ee's wages pursuant to this section for income tax due to this state if
13 the employee's withholding certificate indicates that the compensation
14 is eligible to be subtracted from federal taxable income pursuant to
15 subdivision (b) of this section.

16 § 3. This act shall take effect on the ninetieth day after it shall
17 have become a law and shall apply to the taxable years beginning on or
18 after January 1, 2018.