

10463

I N A S S E M B L Y

March 26, 2010

Introduced by M. of A. CASTELLI -- Multi-Sponsored by -- M. of A. ALFANO, SCOZZAFAVA, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law and the military law, in relation to establishing the New York military family relief fund; to amend the tax law, in relation to establishing gifts for the New York military family relief fund and providing that grants from the New York military family relief fund shall not be subject to state personal income tax; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The state finance law is amended by adding a new section  
2 89-h to read as follows:  
3 S 89-H. NEW YORK MILITARY FAMILY RELIEF FUND. 1. THERE IS HEREBY  
4 ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND  
5 FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK  
6 MILITARY FAMILY RELIEF FUND".  
7 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
8 OF TAXATION AND FINANCE PURSUANT TO THE PROVISIONS OF SECTIONS TWO  
9 HUNDRED NINE-H AND SIX HUNDRED THIRTY-C OF THE TAX LAW, AND ALL MONEYS  
10 APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR  
11 SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT  
12 THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF  
13 THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND  
14 ACCORDING TO LAW.  
15 3. MONEYS IN THE NEW YORK MILITARY FAMILY RELIEF FUND SHALL BE KEPT  
16 SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTO-  
17 DY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER.  
18 4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES  
19 DESIGNATED IN SECTION TWO HUNDRED TWENTY-FOUR OF THE MILITARY LAW.  
20 5. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE BY THE DEPARTMENT OF  
21 TAXATION AND FINANCE AFTER AUDIT AND WARRANT OF THE COMPTROLLER ON  
22 VOUCHERS APPROVED BY THE ADJUTANT GENERAL.

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

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1 S 2. The military law is amended by adding a new section 224 to read  
2 as follows:

3 S 224. NEW YORK MILITARY FAMILY RELIEF FUND. 1. DEFINITIONS. AS USED  
4 IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 A. "ELIGIBLE MEMBER" MEANS A NEW YORK RESIDENT WHO IS (1) A MEMBER OF  
6 A FORCE OF THE ORGANIZED MILITIA OR A RESERVE COMPONENT OF THE ARMED  
7 FORCES OF THE UNITED STATES, (2) CALLED TO ACTIVE MILITARY SERVICE OF  
8 THE UNITED STATES FOR A PERIOD OF NOT LESS THAN NINETY CONSECUTIVE DAYS,  
9 AND (3) STATIONED AT LEAST THREE HUNDRED MILES AWAY FROM HIS OR HER  
10 PRIMARY RESIDENCE.

11 B. "MILITARY INCOME" MEANS MILITARY SALARY PLUS BASIC HOUSING ALLOW-  
12 ANCE.

13 2. GRANTS. AN ELIGIBLE MEMBER IS ENTITLED TO A GRANT OF UP TO THREE  
14 THOUSAND DOLLARS ANNUALLY IF THE MILITARY INCOME OF THE ELIGIBLE MEMBER,  
15 WHILE IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, IS AT LEAST THIR-  
16 TY PERCENT LESS THAN THE ELIGIBLE MEMBER'S INCOME FROM CIVILIAN EMPLOY-  
17 MENT WHEN SUCH INCOME FROM CIVILIAN EMPLOYMENT IS EIGHTY-FIVE THOUSAND  
18 DOLLARS OR LESS.

19 3. ADMINISTRATION. THE DIVISION OF MILITARY AND NAVAL AFFAIRS SHALL  
20 ADMINISTER THE GRANTS AUTHORIZED BY THIS SECTION. AMONG PERSONS ELIGI-  
21 BLE FOR GRANTS, PRIORITY SHALL BE GIVEN TO THOSE HAVING THE GREATEST  
22 DEMONSTRATED NEED, AS DETERMINED PURSUANT TO RULES AND REGULATIONS  
23 ESTABLISHED BY THE DIVISION OF MILITARY AND NAVAL AFFAIRS.

24 4. RULES AND REGULATIONS. THE DIVISION OF MILITARY AND NAVAL AFFAIRS  
25 SHALL PROMULGATE RULES AND REGULATIONS TO ESTABLISH GUIDELINES AND  
26 CRITERIA TO DISBURSE AVAILABLE GRANT FUNDS TO ELIGIBLE MEMBERS WITH THE  
27 GREATEST ECONOMIC NEEDS, AND TAKE SUCH OTHER MEASURES AS IT DEEMS NECES-  
28 SARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

29 S 3. The tax law is amended by adding a new section 209-H to read as  
30 follows:

31 S 209-H. GIFT FOR THE NEW YORK MILITARY FAMILY RELIEF FUND. EFFECTIVE  
32 FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, OF THE CALENDAR  
33 YEAR IN WHICH THIS SECTION TAKES EFFECT, A TAXPAYER IN ANY TAXABLE YEAR  
34 MAY ELECT TO CONTRIBUTE TO THE NEW YORK MILITARY FAMILY RELIEF FUND.  
35 SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT  
36 REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER, AND/OR SHALL  
37 ALLOW THE TAXPAYER TO CONTRIBUTE ALL OR ANY PORTION OF A TAX REFUND THAT  
38 IS OWED TO SUCH TAXPAYER, IF ANY. THE COMMISSIONER SHALL INCLUDE SPACE  
39 ON THE CORPORATE INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH  
40 CONTRIBUTION AND TO CONTRIBUTE ALL OR ANY PORTION OF ITS TAX REFUND.  
41 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED  
42 PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK MILITARY  
43 FAMILY RELIEF FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED  
44 IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

45 S 4. Subsection (c) of section 612 of the tax law is amended by adding  
46 a new paragraph 39 to read as follows:

47 (39) GRANTS TO THE TAXPAYER FROM THE NEW YORK MILITARY FAMILY RELIEF  
48 FUND PURSUANT TO SECTION TWO HUNDRED TWENTY-FOUR OF THE MILITARY LAW, TO  
49 THE EXTENT INCLUDABLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.

50 S 5. The tax law is amended by adding a new section 630-c to read as  
51 follows:

52 S 630-C. GIFT FOR THE NEW YORK MILITARY FAMILY RELIEF FUND. EFFECTIVE  
53 FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, OF THE CALENDAR  
54 YEAR IN WHICH THIS SECTION TAKES EFFECT, AN INDIVIDUAL IN ANY TAXABLE  
55 YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK MILITARY FAMILY RELIEF  
56 FUND. THE CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT

1 REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL, AND/OR SHALL  
2 ALLOW THE TAXPAYER TO CONTRIBUTE ALL OR ANY PORTION OF A TAX REFUND THAT  
3 IS OWED TO SUCH TAXPAYER, IF ANY. THE COMMISSIONER SHALL INCLUDE SPACE  
4 ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH  
5 CONTRIBUTION AND TO CONTRIBUTE ALL OR ANY PORTION OF THE INDIVIDUAL'S  
6 TAX REFUND. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVENUES  
7 COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK  
8 MILITARY FAMILY RELIEF FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED  
9 IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

10 S 6. This act shall take effect immediately, provided that:

11 (a) section two of this act shall take effect on the one hundred twen-  
12 tieth day after this act shall have become a law and, effective imme-  
13 diately, any rules and regulations necessary to implement the provisions  
14 of such section are authorized to be completed on or before the effec-  
15 tive date of section two of this act; and

16 (b) the provisions of this act shall expire and be deemed repealed two  
17 years after the date that the adjutant general determines that the War  
18 on Terror has ended, provided that the adjutant general shall notify the  
19 legislative bill drafting commission upon his or her determination of  
20 the date that the War on Terror ended, in order that the commission may  
21 maintain an accurate and timely effective data base of the official text  
22 of the laws of the state of New York in furtherance of effectuating the  
23 provisions of section 44 of the legislative law and section 70-b of the  
24 public officers law.