

2980

2009-2010 Regular Sessions

I N S E N A T E

March 9, 2009

Introduced by Sens. SCHNEIDERMAN, DIAZ, DUANE, FOLEY, KRUEGER, MONSER-
RATE -- read twice and ordered printed, and when printed to be commit-
ted to the Committee on Veterans, Homeland Security and Military
Affairs

AN ACT to amend the real property tax law, in relation to adding active
military personnel who have been deployed to the Persian Gulf, Afghan-
istan or Iraq wars to the veteran real property exemption

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

1 Section 1. Paragraphs (a) and (e) of subdivision 1 of section 458-a of
2 the real property tax law, paragraph (a) as amended by chapter 179 of
3 the laws of 2006 and paragraph (e) as amended by chapter 384 of the laws
4 of 2008, are amended to read as follows:
5 (a) "Period of war" means the Spanish-American war; the Mexican border
6 period; World War I; World War II; the hostilities, known as the Korean
7 war, which commenced June twenty-seventh, nineteen hundred fifty and
8 terminated on January thirty-first, nineteen hundred fifty-five; the
9 hostilities, known as the Vietnam war, which commenced February twenty-
10 eighth, nineteen hundred sixty-one and terminated on May seventh, nine-
11 teen hundred seventy-five; [and] the hostilities, known as the Persian
12 Gulf conflict, which commenced August second, nineteen hundred ninety;
13 THE HOSTILITIES, KNOWN AS THE WAR IN AFGHANISTAN COMMENCING ON AND AFTER
14 THE ELEVENTH DAY OF SEPTEMBER, TWO THOUSAND ONE, TO THE END OF SUCH
15 HOSTILITIES; THE HOSTILITIES, KNOWN AS THE WAR IN IRAQ, COMMENCING ON
16 AND AFTER THE TWENTIETH DAY OF MARCH, TWO THOUSAND THREE, TO THE END OF
17 SUCH HOSTILITIES.
18 (e) "Veteran" means a person (i) who served in the active military,
19 naval, or air service during a period of war, or who was a recipient of
20 the armed forces expeditionary medal, navy expeditionary medal, marine
21 corps expeditionary medal, or global war on terrorism expeditionary
22 medal, and who was discharged or released therefrom under honorable

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

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1 conditions, (ii) who was employed by the War Shipping Administration or
2 Office of Defense Transportation or their agents as a merchant seaman
3 documented by the United States Coast Guard or Department of Commerce,
4 or as a civil servant employed by the United States Army Transport
5 Service (later redesignated as the United States Army Transportation
6 Corps, Water Division) or the Naval Transportation Service; and who
7 served satisfactorily as a crew member during the period of armed
8 conflict, December seventh, nineteen hundred forty-one, to August
9 fifteenth, nineteen hundred forty-five, aboard merchant vessels in
10 oceangoing, i.e., foreign, intercoastal, or coastwise service as such
11 terms are defined under federal law (46 USCA 10301 & 10501) and further
12 to include "near foreign" voyages between the United States and Canada,
13 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
14 going service or foreign waters and who has received a Certificate of
15 Release or Discharge from Active Duty and a discharge certificate, or an
16 Honorable Service Certificate/Report of Casualty, from the department of
17 defense, (iii) who served as a United States civilian employed by the
18 American Field Service and served overseas under United States Armies
19 and United States Army Groups in world war II during the period of armed
20 conflict, December seventh, nineteen hundred forty-one through May
21 eighth, nineteen hundred forty-five, and who was discharged or released
22 therefrom under honorable conditions, (iv) who served as a United States
23 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-
24 can World Airways or one of its subsidiaries or its affiliates and
25 served overseas as a result of Pan American's contract with Air Trans-
26 port Command or Naval Air Transport Service during the period of armed
27 conflict, December fourteenth, nineteen hundred forty-one through August
28 fourteenth, nineteen hundred forty-five, and who was discharged or
29 released therefrom under honorable conditions, or (v) notwithstanding
30 any other provision of law to the contrary, who are members of the
31 reserve components of the armed forces of the United States who received
32 an honorable discharge or release therefrom under honorable conditions,
33 but are still members of the reserve components of the armed forces of
34 the United States provided that such members meet all other qualifica-
35 tions under the provisions of this section. FOR PURPOSES OF ELIGIBILITY
36 UNDER THIS SECTION AND SECTION FOUR HUNDRED FIFTY-EIGHT OF THIS TITLE,
37 "VETERAN" SHALL ALSO INCLUDE PERSONS WHO ARE IN ACTIVE MILITARY, NAVAL
38 OR AIR SERVICE AND DEPLOYED TO THE PERSIAN GULF CONFLICT, THE WAR IN
39 AFGHANISTAN AND/OR THE WAR IN IRAQ. PROOF OF ELIGIBILITY STATUS SHALL
40 INCLUDE A COPY OF SUCH PERSON'S DEPLOYMENT ORDERS.

41 S 2. Section 458-a of the real property tax law is amended by adding
42 a new subdivision 9 to read as follows:

43 9. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, EACH
44 COUNTY, CITY, TOWN OR VILLAGE THAT ELECTS TO PROVIDE THE REAL PROPERTY
45 EXEMPTION AUTHORIZED IN THIS SECTION TO ACTIVE MILITARY PERSONNEL WHO
46 HAVE BEEN DEPLOYED DURING THE HOSTILITIES KNOWN AS THE PERSIAN GULF
47 CONFLICT, THE WAR IN AFGHANISTAN OR THE WAR IN IRAQ, AS PROVIDED IN
48 PARAGRAPHS (A) AND (E) OF SUBDIVISION ONE OF THIS SECTION, SHALL BE
49 PROPORTIONATELY REIMBURSED BY THE STATE FOR ANY LOSS OF REVENUE RESULT-
50 ING FROM A REDUCTION OF REVENUE RECEIVED BY SUCH COUNTY, CITY, TOWN OR
51 VILLAGE BY PROVIDING SUCH EXEMPTION.

52 S 3. This act shall take effect on the first of January next succeed-
53 ing the date on which it shall have become a law.