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

1199--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HAWLEY, KOLB, BARCLAY, TOBACCO, BUTLER, D. MILLER, CASTELLI, MONTESANO -- Multi-Sponsored by -- M. of A. CONTE, JORDAN, TENNEY, WEISENBERG -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to exempting compensation for active military service from inclusion in a resident's adjusted gross income

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

Section 1. Paragraph 8 of subsection (c) of section 612 of the tax law, as amended by chapter 528 of the laws of 1964, is amended to read as follows:

(8) Compensation received for active service in the armed forces of the United States [on or after October first, nineteen hundred sixty-one, and prior to September first, nineteen hundred sixty-two; provided, however, that the amount of such compensation to be deducted shall not exceed one hundred dollars for each month of the taxable year, subsequent to September, nineteen hundred sixty-one, during any part of which month the taxpayer was engaged in such service] IF: (A) THE TAXPAYER MAINTAINED A PERMANENT RESIDENCE IN NEW YORK STATE AND SERVED IN THE ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE OF NEW YORK STATE FOR A PERIOD OF AT LEAST NINETY DAYS DURING THE TAXABLE YEAR; (B) THE TAXPAYER MAINTAINED A PERMANENT PLACE OF ABODE OUTSIDE OF NEW YORK STATE WHILE IN ACTIVE SERVICE FOR THE ENTIRE TAXABLE YEAR; OR (C) THE TAXPAYER MAINTAINED AN ABODE IN NEW YORK STATE OTHER THAN SUCH PERSON'S PERMANENT ADDRESS WHILE IN ACTIVE SERVICE; INCLUDING RESIDENCE IN A MILITARY BARRACKS, BACHELOR'S QUARTERS OR ON BOARD A NAVAL VESSEL.

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

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For the purposes of this paragraph, the words "active service in the armed forces of the United States" shall mean active duty (other than for training) in the army, navy (including the marine corps), air force or coast guard of the United States as defined in title ten of the United States code.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2013.