

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

220--B

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, BONACIC, DeFRANCISCO, FUSCHILLO, GRIFFO, JOHNSON, LARKIN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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:

1 Section 1. Paragraph 8 of subsection (c) of section 612 of the tax
2 law, as amended by chapter 528 of the laws of 1964, is amended to read
3 as follows:
4 (8) Compensation received for active service in the armed forces of
5 the United States [on or after October first, nineteen hundred sixty-
6 one, and prior to September first, nineteen hundred sixty-two; provided,
7 however, that the amount of such compensation to be deducted shall not
8 exceed one hundred dollars for each month of the taxable year, subse-
9 quent to September, nineteen hundred sixty-one, during any part of which
10 month the taxpayer was engaged in such service] TO THE EXTENT INCLUDIBLE
11 IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES AND NOT OTHERWISE
12 EXCLUDED PURSUANT TO PARAGRAPH EIGHT-C OF THIS SUBSECTION, IF THE
13 TAXPAYER MAINTAINED A PERMANENT RESIDENCE IN NEW YORK STATE AND SERVED
14 IN THE ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE
15 OF NEW YORK STATE FOR A PERIOD OF AT LEAST NINETY DAYS DURING THE TAXA-
16 BLE YEAR. For the purposes of this paragraph, the words "active service
17 in the armed forces of the United States" shall mean active duty (other

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

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1 than for training) in the army, navy (including the marine corps), air
2 force or coast guard of the United States as defined in title ten of the
3 United States code.
4 S 2. This act shall take effect immediately and shall apply to taxa-
5 ble years beginning on and after January 1, 2012.