

S. 3642

A. 4677

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

February 7, 2013

---

IN SENATE -- Introduced by Sens. LAVALLE, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

IN ASSEMBLY -- Introduced by M. of A. THIELE, CAMARA, DUPREY, JAFFEE, McLAUGHLIN, MILLER, MILLMAN, WEISENBERG -- Multi-Sponsored by -- M. of A. ABINANTI, CROUCH, GOODELL, McDONOUGH, PAULIN, RAIA, SIMOTAS, TENNEY, TITONE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the definition of a resident for the purposes of the personal income tax

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

1     Section 1. Subparagraph (B) of paragraph 1 of subsection (b) of  
2     section 605 of the tax law, as amended by chapter 28 of the laws of  
3     1987, is amended to read as follows:  
4     (B) who is not domiciled in this state but maintains a permanent place  
5     of abode in this state and spends in the aggregate more than one hundred  
6     eighty-three days of the taxable year in this state, unless such indi-  
7     vidual is in active service in the armed forces of the United States.  
8     FOR PURPOSES OF THIS SUBPARAGRAPH, A PERMANENT PLACE OF ABODE SHALL NOT  
9     INCLUDE A DWELLING THAT IS OWNED, LEASED, OR MAINTAINED BY THE INDIVID-  
10    UAL OR THE INDIVIDUAL'S SPOUSE WHERE SUCH DWELLING IS NOT USED AS THE  
11    INDIVIDUAL'S PRINCIPAL RESIDENCE, IS LOCATED MORE THAN FIFTY MILES AWAY  
12    FROM THE INDIVIDUAL'S PLACE OF EMPLOYMENT IN THIS STATE AND THE INDIVID-  
13    UAL STAYS OVERNIGHT AT SUCH DWELLING FOR NO MORE THAN NINETY DAYS DURING  
14    THE TAXABLE YEAR.  
15    S 2. This act shall take effect immediately and shall be applicable to  
16    taxable years beginning on or after January 1, 2013.

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

LBD08222-01-3