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I N   S E N A T E

May 28, 2014

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Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, the real property tax law, the education law, and the parks, recreation and historic preservation law, in relation to benefits for certain active duty and retired members of the New York state organized militia

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

1     Section 1. Subdivision 1 of section 210 of the military law, as  
2     amended by chapter 418 of the laws of 2004, is amended to read as  
3     follows:  
4     1. Each member of the militia ordered into the active service of the  
5     state pursuant to sections six and seven of this chapter, shall receive  
6     for each day or part thereof of such duty the same pay and allowances as  
7     are received by members of the appropriate force of the armed forces of  
8     the United States of corresponding grade, rating and length of service,  
9     or one hundred [twenty-five] FIFTY dollars per day, whichever is great-  
10    er.  
11    S 2. The real property tax law is amended by adding a new section  
12    458-c to read as follows:  
13    S 458-C. EXEMPTION FOR PROPERTY OWNED BY ACTIVE DUTY AND RETIRED  
14    MEMBERS OF THE NEW YORK STATE ORGANIZED MILITIA. 1. AS USED IN THIS  
15    SECTION:  
16    (A) "QUALIFIED OWNER" MEANS AN ACTIVE DUTY OR RETIRED MEMBER OF THE  
17    NEW YORK STATE ARMY NATIONAL GUARD OR THE NEW YORK STATE AIR NATIONAL  
18    GUARD.  
19    (B) "QUALIFYING RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY AT  
20    LEAST FIFTY PERCENT OF WHICH IS OWNED BY A QUALIFIED OWNER WHICH IS USED  
21    EXCLUSIVELY FOR RESIDENTIAL PURPOSES; PROVIDED HOWEVER, THAT IN THE  
22    EVENT ANY PORTION OF SUCH PROPERTY IS NOT SO USED EXCLUSIVELY FOR RESI-  
23    DENTIAL PURPOSES BUT IS USED FOR OTHER PURPOSES, SUCH PORTION SHALL BE  
24    SUBJECT TO TAXATION AND THE REMAINING PORTION ONLY SHALL BE ENTITLED TO  
25    THE EXEMPTION PROVIDED BY THIS SECTION. SUCH PROPERTY MUST BE THE PRIMA-

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

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1 RY RESIDENCE OF THE QUALIFIED OWNER, UNLESS THE QUALIFIED OWNER IS  
2 ABSENT FROM THE PROPERTY DUE TO MEDICAL REASONS OR INSTITUTIONALIZATION.  
3 2. EACH COUNTY, CITY, TOWN OR VILLAGE MAY ADOPT A LOCAL LAW OR ORDI-  
4 NANCE PROVIDING THAT QUALIFYING RESIDENTIAL REAL PROPERTY BE EXEMPT FROM  
5 REAL PROPERTY TAXES, IN AN AMOUNT EQUAL TO TEN PERCENT OF THE ASSESSED  
6 VALUE OF SUCH PROPERTY. SUCH EXEMPTION SHALL NOT BE IN ADDITION TO ANY  
7 OTHER ORGANIZED MILITIA EXEMPTION OR ABATEMENT OF TAXES AUTHORIZED BY  
8 LAW.

9 3. SUCH EXEMPTION FROM TAXATION SHALL BE GRANTED UPON AN APPLICATION  
10 WHICH SHALL INCLUDE A STATEMENT THAT A QUALIFIED OWNER RESIDES AT THE  
11 PROPERTY. APPLICATION SHALL BE MADE ANNUALLY UPON A FORM TO BE PROMUL-  
12 GATED BY THE COMMISSIONER AND SHALL INCLUDE A STATEMENT OF SERVICE FROM  
13 THE UNIT IN WHICH THE QUALIFIED OWNER SERVES OR SERVED OR OTHER ADEQUATE  
14 PROOF OF NEW YORK STATE ORGANIZED MILITIA SERVICE. THE APPLICATION AND  
15 STATEMENT OF SERVICE SHALL BE FILED BY THE QUALIFIED OWNER TO THE ASSES-  
16 SOR OF SUCH MUNICIPALITY WHICH HAS THE POWER TO ASSESS THE PROPERTY FOR  
17 TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNI-  
18 CIPALITY. IF THE ASSESSOR IS SATISFIED THAT THE PROPERTY IS QUALIFIED  
19 FOR AN EXEMPTION PURSUANT TO THIS SECTION, THEN SUCH RESIDENTIAL  
20 IMPROVEMENTS SHALL BE EXEMPT FROM TAXATION AS PROVIDED IN SUBDIVISION  
21 TWO OF THIS SECTION.

22 S 3. The education law is amended by adding a new section 669-c to  
23 read as follows:

24 S 669-C. TUITION AWARDS PROGRAM FOR CERTAIN NEW YORK ARMY AND AIR  
25 NATIONAL GUARD MEMBERS. ANY CURRENT OR FORMER MEMBER OF THE NEW YORK  
26 ARMY NATIONAL GUARD OR NEW YORK AIR NATIONAL GUARD WHO SERVED IN A  
27 COMBAT OPERATION IN IRAQ OR AFGHANISTAN ANY TIME AFTER OCTOBER SEVENTH,  
28 TWO THOUSAND ONE, PROVIDED SUCH CURRENT OR FORMER MEMBER IS A RESIDENT  
29 OF THIS STATE, AND PROVIDED FURTHER THAT SUCH CURRENT OR FORMER MEMBER  
30 MEETS THE ELIGIBILITY REQUIREMENTS IN SUBDIVISION THREE OF SECTION SIX  
31 HUNDRED SIXTY-NINE-A OF THIS SUBPART ON THE DATE HIS OR HER APPLICATION,  
32 SUBMITTED PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS SUBPART,  
33 IS RECEIVED BY THE CORPORATION, SHALL BE ELIGIBLE TO RECEIVE A GRANT OF  
34 ONE THOUSAND DOLLARS EACH SEMESTER WHILE HE OR SHE IS ENROLLED IN ANY  
35 STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK SCHOOL.

36 S 4. Section 13.18 of the parks, recreation and historic preservation  
37 law, as added by chapter 443 of the laws of 2012, is amended to read as  
38 follows:

39 S 13.18 Three-year vehicular access fee. 1. Notwithstanding any other  
40 provision of law to the contrary, the office or other state agency  
41 having jurisdiction of a state park or recreational facility shall  
42 establish a three-year vehicular access fee which shall run from April  
43 first of the year of issuance to March thirty-first of the third year  
44 following such issuance, entitling the holder thereof to a pass for  
45 vehicular admission without additional fee to any state park and recre-  
46 ational facility which has a vehicular access fee. Such three-year fee  
47 shall be consistent with the fee schedule established pursuant to  
48 section 13.15 of this article and shall be approved by the director of  
49 the budget.

50 2. The pass for vehicular access shall be known as the "Three-Year  
51 Empire Passport". The pass shall be available at regional park headquar-  
52 ters and such other places as the office or other state agency shall  
53 designate. Such pass, having an emblem of the bluebird thereon, shall be  
54 available in a form prescribed by the office.

55 3. Such pass for vehicular access shall not be available to the owner  
56 or operator of an omnibus operated for a commercial purpose, unless such

1 omnibus is operated by or pursuant to an agreement with a public or  
2 private nonprofit agency for the purpose of transporting persons to or  
3 from state parks for a recreational experience.

4 4. If demonstrated that the use of the pass for vehicular access in  
5 particular parks or recreational facilities is contrary to the public  
6 interest, the office or such other state agency having jurisdiction may  
7 prohibit its use in such particular parks or recreational facilities by  
8 rule or regulation.

9 5. SUCH PASS SHALL BE ISSUED FREE OF CHARGE TO ALL ACTIVE NEW YORK  
10 STATE RESIDENT MEMBERS OF THE STATE ORGANIZED MILITIAS AND NEW YORK  
11 STATE DEFENSE FORCES, SPECIFICALLY, THE NEW YORK ARMY NATIONAL GUARD,  
12 THE NEW YORK AIR NATIONAL GUARD, THE NEW YORK GUARD AND THE NEW YORK  
13 NAVAL MILITIA.

14 6. The office or other state agency having jurisdiction of a state  
15 park or recreational facility shall promulgate such rules and regu-  
16 lations as may be necessary to carry out the provisions of this section.

17 S 5. Section 13.20 of the parks, recreation and historic preservation  
18 law, as added by chapter 443 of the laws of 2012, is amended to read as  
19 follows:

20 S 13.20 Five-year vehicular access fee. 1. Notwithstanding any other  
21 provision of law to the contrary, the office or other state agency  
22 having jurisdiction of a state park or recreational facility shall  
23 establish a five-year access fee which shall run from April first of the  
24 year of issuance to March thirty-first of the fifth year following such  
25 issuance, entitling the holder thereof to a pass for vehicular admission  
26 without additional fee to any state park and recreational facility which  
27 has an access fee. Such five-year fee shall be consistent with the fee  
28 schedule established pursuant to section 13.15 of this article and shall  
29 be approved by the director of the budget.

30 2. The pass for vehicular access shall be known as the "Five-Year  
31 Empire Passport". The pass shall be available at regional park headquar-  
32 ters and such other places as the office or such other state agency  
33 shall designate. Such pass, having an emblem of the brook trout thereon,  
34 shall be available in a form prescribed by the office.

35 3. Such pass for vehicular access shall not be available to the owner  
36 or operator of an omnibus operated for a commercial purpose, unless such  
37 omnibus is operated by or pursuant to an agreement with a public or  
38 private nonprofit agency for the purpose of transporting persons to or  
39 from state parks for a recreational experience.

40 4. If demonstrated that the use of the pass for vehicular access in  
41 particular parks or recreational facilities is contrary to the public  
42 interest, the office or such other state agency having jurisdiction may  
43 prohibit its use in such particular parks or recreational facilities by  
44 rule or regulation.

45 5. SUCH PASS SHALL BE ISSUED FREE OF CHARGE TO ALL ACTIVE NEW YORK  
46 STATE RESIDENT MEMBERS OF THE STATE ORGANIZED MILITIAS AND NEW YORK  
47 STATE DEFENSE FORCES, SPECIFICALLY, THE NEW YORK ARMY NATIONAL GUARD,  
48 THE NEW YORK AIR NATIONAL GUARD, THE NEW YORK GUARD AND THE NEW YORK  
49 NAVAL MILITIA.

50 6. The office or other state agency having jurisdiction of a state  
51 park or recreational facility shall promulgate such rules and regu-  
52 lations as may be necessary to carry out the provisions of this section.

53 S 6. This act shall take effect immediately; and section two of this  
54 act shall apply to assessment roles prepared on the basis of taxable  
55 status dates occurring on or after the first of January next succeeding  
56 the date on which this act shall have become a law.