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

4009

2015-2016 Regular Sessions

I N A S S E M B L Y

January 28, 2015

Introduced by M. of A. TEDISCO, CURRAN, DiPIETRO, DUPREY, GIGLIO, HAWLEY, McDONOUGH, RA, WALTER, RAIA, CORWIN, McLAUGHLIN, PALMESANO, CERETTO -- Multi-Sponsored by -- M. of A. BARCLAY, GRAF, McKEVITT, THIELE -- read once and referred to the Committee on Governmental Operations

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:

Section 1. Subdivision 1 of section 210 of the military law, as amended by chapter 418 of the laws of 2004, is amended to read as follows:

1. Each member of the militia ordered into the active service of the state pursuant to sections six and seven of this chapter, shall receive for each day or part thereof of such duty the same pay and allowances as are received by members of the appropriate force of the armed forces of the United States of corresponding grade, rating and length of service, or one hundred [twenty-five] FIFTY dollars per day, whichever is greater.

S 2. The real property tax law is amended by adding a new section 458-c to read as follows:

S 458-C. EXEMPTION FOR PROPERTY OWNED BY ACTIVE DUTY AND RETIRED MEMBERS OF THE NEW YORK STATE ORGANIZED MILITIA. 1. AS USED IN THIS SECTION:

(A) "QUALIFIED OWNER" MEANS AN ACTIVE DUTY OR RETIRED MEMBER OF THE NEW YORK STATE ARMY NATIONAL GUARD OR THE NEW YORK STATE AIR NATIONAL GUARD.

(B) "QUALIFYING RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY AT LEAST FIFTY PERCENT OF WHICH IS OWNED BY A QUALIFIED OWNER WHICH IS USED

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

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EXCLUSIVELY FOR RESIDENTIAL PURPOSES; PROVIDED HOWEVER, THAT IN THE EVENT ANY PORTION OF SUCH PROPERTY IS NOT SO USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES BUT IS USED FOR OTHER PURPOSES, SUCH PORTION SHALL BE SUBJECT TO TAXATION AND THE REMAINING PORTION ONLY SHALL BE ENTITLED TO THE EXEMPTION PROVIDED BY THIS SECTION. SUCH PROPERTY MUST BE THE PRIMARY RESIDENCE OF THE QUALIFIED OWNER, UNLESS THE QUALIFIED OWNER IS ABSENT FROM THE PROPERTY DUE TO MEDICAL REASONS OR INSTITUTIONALIZATION.

2. EACH COUNTY, CITY, TOWN OR VILLAGE MAY ADOPT A LOCAL LAW OR ORDINANCE PROVIDING THAT QUALIFYING RESIDENTIAL REAL PROPERTY BE EXEMPT FROM REAL PROPERTY TAXES, IN AN AMOUNT EQUAL TO TEN PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY. SUCH EXEMPTION SHALL NOT BE IN ADDITION TO ANY OTHER ORGANIZED MILITIA EXEMPTION OR ABATEMENT OF TAXES AUTHORIZED BY LAW.

3. SUCH EXEMPTION FROM TAXATION SHALL BE GRANTED UPON AN APPLICATION WHICH SHALL INCLUDE A STATEMENT THAT A QUALIFIED OWNER RESIDES AT THE PROPERTY. APPLICATION SHALL BE MADE ANNUALLY UPON A FORM TO BE PROMULGATED BY THE COMMISSIONER AND SHALL INCLUDE A STATEMENT OF SERVICE FROM THE UNIT IN WHICH THE QUALIFIED OWNER SERVES OR SERVED OR OTHER ADEQUATE PROOF OF NEW YORK STATE ORGANIZED MILITIA SERVICE. THE APPLICATION AND STATEMENT OF SERVICE SHALL BE FILED BY THE QUALIFIED OWNER TO THE ASSESSOR OF SUCH MUNICIPALITY WHICH HAS THE POWER TO ASSESS THE PROPERTY FOR TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY. IF THE ASSESSOR IS SATISFIED THAT THE PROPERTY IS QUALIFIED FOR AN EXEMPTION PURSUANT TO THIS SECTION, THEN SUCH RESIDENTIAL IMPROVEMENTS SHALL BE EXEMPT FROM TAXATION AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION.

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

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

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

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

2. The pass for vehicular access shall be known as the "Three-Year Empire Passport". The pass shall be available at regional park headquar-

ters and such other places as the office or other state agency shall designate. Such pass, having an emblem of the bluebird thereon, shall be available in a form prescribed by the office.

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

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

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

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

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

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

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

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

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

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

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

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