STATE OF NEW YORK

6251

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. COMRIE -- 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 tax law, in relation to establishing the "New York is Honoring Our Military Exemption Act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known as the "New York is Honoring Our Military Exemption Act".

§ 2. The tax law is amended by adding a new section 696-a to read as follows:

§ 696-a. Reacquisition of residency during active duty military service. (a) An individual serving in the armed forces of the United States, or serving in support of such armed forces, whose home of record is New York and whose state of legal residence commencing on or after January first, two thousand eighteen, is a state other than New York may reacquire legal residence in this state, regardless of whether the individual has a physical presence in this state, if the individual intends to make New York his or her state of legal residence. For purposes of this subdivision, evidence of an intent to make this state an individual's state of legal residence must include one or more of the following:

(1) registering to vote in this state;

(2) purchasing residential property or an unimproved residential lot in this state;

(3) titling and registering a motor vehicle in this state;

(4) notifying the state of the individual's previous legal residence of the intent to make New York the individual's state of legal residence; or

(5) preparing a new last will and testament that indicates New York as the individual's state of legal residence.

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

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(b) There shall be subtracted from federal taxable income, for income tax years commencing on or after January first, two thousand eighteen, an amount equal to any compensation received for active duty service in the armed forces of the United States by an individual who has reacquired residency in this state pursuant to subdivision (a) of this section, to the extent that the compensation is included in federal taxable income.

(c) For purposes of this paragraph, an individual whose only source of income is compensation that is subtracted from federal taxable income under subdivision (b) of this section need not file a return.

(d) No amount is required to be deducted and withheld from an employee's wages pursuant to this section for income tax due to this state if the employee's withholding certificate indicates that the compensation is eligible to be subtracted from federal taxable income pursuant to subdivision (b) of this section.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to the taxable years beginning on or after January 1, 2018.