

# STATE OF NEW YORK

7267

2017-2018 Regular Sessions

## IN ASSEMBLY

April 17, 2017

Introduced by M. of A. KOLB, BUTLER, PALMESANO, MONTESANO, RAIA, CROUCH, BLANKENBUSH, OAKS, McLAUGHLIN, DiPIETRO, STEC -- Multi-Sponsored by -- M. of A. HAWLEY, LOPEZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to calculation 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. Paragraph 1 of subsection (a) of section 601 of the tax  
2 law, as amended by section 1 of part FF of chapter 59 of the laws of  
3 2013, subparagraph (B) as added by section 1 of Part TT of chapter 60 of  
4 the laws of 2016, is amended to read as follows:

5 (1) (A) For taxable years beginning after two thousand [~~eleven and~~  
6 ~~before two thousand eighteen~~] eighteen:

7 If the New York taxable income is:	The tax is:
8 Not over [ <del>\$16,000</del> ] <u>\$40,000</u>	[ <del>4%</del> ] <u>0%</u> of
9	taxable income
10 [ <del>Over \$16,000 but not over \$22,000</del>	<del>\$640 plus 4.5% of excess over</del>
11	<del>\$16,000</del>
12 <del>Over \$22,000 but not over \$26,000</del>	<del>\$910 plus 5.25% of excess over</del>
13	<del>\$22,000</del>
14 <del>Over \$26,000 but not over \$40,000</del>	<del>\$1,120 plus 5.90% of excess over</del>
15	<del>\$26,000</del> ]
16 Over \$40,000 but not over \$150,000	\$1,946 plus 6.45% of excess over
17	\$40,000
18 Over \$150,000 but not over \$300,000	\$9,041 plus 6.65% of excess over
19	\$150,000
20 Over \$300,000 [ <del>but not over</del>	\$19,016 plus 6.85% of excess over
21 [ <del>\$2,000,000</del> ]	\$300,000
22 [ <del>Over \$2,000,000</del>	<del>\$135,466 plus 8.82% of excess over</del>

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

LBD08116-02-7

1 \$2,000,000]

2 (B)(i) For tax years beginning after two thousand seventeen, the  
3 brackets and dollars amounts in subparagraph (A) of this paragraph, as  
4 adjusted by the cost of living adjustment prescribed in section six  
5 hundred one-a of this part for tax years two thousand thirteen through  
6 two thousand seventeen, shall apply. In addition, the tax rates in  
7 subparagraph (A) of this paragraph shall apply, except as noted in  
8 clause (ii) of this subparagraph, and except that the rate applicable to  
9 New York taxable incomes in excess of \$300,000 as adjusted by the cost  
10 of living adjustment prescribed in section six hundred one-a of this  
11 part for tax years two thousand thirteen through two thousand seventeen,  
12 shall be the highest tax rate specified in the provisions of this  
13 subparagraph as enacted by chapter fifty-nine of the laws of two thou-  
14 sand thirteen prior to its repeal by [~~a~~] chapter sixty of the laws of  
15 two thousand sixteen that added this subparagraph. For purposes of  
16 clause (ii) of this subparagraph, the brackets specified shall be as  
17 adjusted by the cost of living adjustment prescribed in section six  
18 hundred one-a of this part for tax years two thousand thirteen through  
19 two thousand seventeen. After making the cost of living adjustments to  
20 the dollar amounts in subparagraph (A) of this paragraph, the dollar  
21 amounts in the tax calculations for the income brackets for New York  
22 taxable income over [~~\$26,000~~] \$40,000 shall be adjusted to reflect the  
23 rate reductions in clause (ii) of this subparagraph.

24 (ii) (I) For tax year two thousand eighteen, the following tax rates  
25 shall apply: [~~If New York taxable income is over \$26,000 but not over~~  
26 ~~\$40,000, the tax rate shall be 5.90%.~~] If New York taxable income is  
27 over \$40,000 but not over \$150,000, the tax rate shall be 6.33%. If New  
28 York taxable income is over \$150,000 but not over \$300,000, the tax rate  
29 shall be 6.57%.

30 (II) For tax year two thousand nineteen, the following tax rates shall  
31 apply: [~~If New York taxable income is over \$26,000 but not over \$40,000,~~  
32 ~~the tax rate shall be 5.90%.~~] If New York taxable income is over \$40,000  
33 but not over \$150,000, the tax rate shall be 6.21%. If New York taxable  
34 income is over \$150,000 but not over \$300,000, the tax rate shall be  
35 6.49%.

36 (III) For tax year two thousand twenty, the following tax rates shall  
37 apply: [~~If New York taxable income is over \$26,000 but not over \$40,000,~~  
38 ~~the tax rate shall be 5.90%.~~] If New York taxable income is over \$40,000  
39 but not over \$150,000, the tax rate shall be 6.09%. If New York taxable  
40 income is over \$150,000 but not over \$300,000, the tax rate shall be  
41 6.41%.

42 (IV) For tax year two thousand twenty-one, the following tax rates  
43 shall apply: [~~If New York taxable income is over \$26,000 but not over~~  
44 ~~\$40,000, the tax rate shall be 5.90%.~~] If New York taxable income is  
45 over \$40,000 but not over \$150,000, the tax rate shall be 5.97%. If New  
46 York taxable income is over \$150,000 but not over \$300,000, the tax rate  
47 shall be 6.33%.

48 (V) For tax year two thousand twenty-two, the following tax rates  
49 shall apply: If New York taxable income is over [~~\$26,000~~] \$40,000 but  
50 not over \$150,000, the tax rate shall be 5.85%. If New York taxable  
51 income is over \$150,000 but not over \$300,000, the tax rate shall be  
52 6.25%.

53 (VI) For tax year two thousand twenty-three, the following tax rates  
54 shall apply: If New York taxable income is over [~~\$26,000~~] \$40,000 but  
55 not over \$150,000, the tax rate shall be 5.73%. If New York taxable

1 income is over \$150,000 but not over \$300,000, the tax rate shall be  
2 6.17%.

3 (VII) For tax year two thousand twenty-four, the following tax rates  
4 shall apply: If New York taxable income is over [~~\$26,000~~] \$40,000 but  
5 not over \$150,000, the tax rate shall be 5.61%. If New York taxable  
6 income is over \$150,000 but not over \$300,000, the tax rate shall be  
7 6.09%.

8 (VIII) For tax years after two thousand twenty-four, the following tax  
9 rates shall apply: If New York taxable income is over [~~\$26,000~~] \$40,000  
10 but not over \$150,000, the tax rate shall be 5.50%. If New York taxable  
11 income is over \$150,000 but not over \$300,000, the tax rate shall be  
12 6.00%.

13 § 2. Paragraph 1 of subsection (b) of section 601 of the tax law, as  
14 amended by section 2 of part FF of chapter 59 of the laws of 2013,  
15 subparagraph (B) as added by section 2 of Part TT of chapter 60 of the  
16 laws of 2016, is amended to read as follows:

17 (1) (A) For taxable years beginning after two thousand [~~eleven and~~  
18 ~~before two thousand eighteen~~] eighteen:

19 If the New York taxable income is: The tax is:

20 Not over [ <del>\$12,000</del> ] <u>\$30,000</u>	[ <del>4%</del> ] <u>0%</u> of
	taxable income
22 [ <del>Over \$12,000 but not over \$16,500</del>	<del>\$480 plus 4.5% of excess over</del>
23 <del>Over \$16,500 but not over \$19,500</del>	<del>\$12,000</del>
24 <del>Over \$19,500 but not over \$30,000</del>	<del>\$683 plus 5.25% of excess over</del>
25 <del>Over \$30,000 but not over \$100,000</del>	<del>\$16,500</del>
26 <del>Over \$100,000 but not over \$250,000</del>	<del>\$840 plus 5.90% of excess over</del>
27 <del>Over \$250,000 [but not over</del>	<del>\$19,500]</del>
28 Over \$30,000 but not over \$100,000	\$1,460 plus 6.45% of excess over
29 Over \$100,000 but not over \$250,000	\$30,000
30 Over \$250,000 [ <del>but not over</del>	\$5,975 plus 6.65% of excess over
31 [ <del>\$1,500,000</del> ]	\$100,000
32 [ <del>Over \$1,500,000</del>	\$15,950 plus 6.85% of excess over
33 [ <del>Over \$1,500,000</del>	\$250,000
34 [ <del>Over \$1,500,000</del>	<del>\$101,575 plus 8.82% of excess over</del>
35 [ <del>Over \$1,500,000</del> ]	<del>\$1,500,000]</del>

36 (B) (i) For tax years beginning after two thousand seventeen, the  
37 brackets and dollars amounts in subparagraph (A) of this paragraph, as  
38 adjusted by the cost of living adjustment prescribed in section six  
39 hundred one-a of this part for tax years two thousand thirteen through  
40 two thousand seventeen, shall apply. In addition, the tax rates in  
41 subparagraph (A) of this paragraph shall apply, except as noted in  
42 clause (ii) of this subparagraph, and except that the rate applicable to  
43 New York taxable incomes in excess of \$250,000 as adjusted by the cost  
44 of living adjustment prescribed in section six hundred one-a of this  
45 part for tax years two thousand thirteen through two thousand seventeen  
46 shall be the highest tax rate specified in the provisions of this  
47 subparagraph as enacted by chapter fifty-nine of the laws of two thou-  
48 sand thirteen prior to its repeal by [~~a~~] chapter sixty of the laws of  
49 two thousand sixteen that added this subparagraph. For purposes of  
50 clause (ii) of this subparagraph, the brackets specified shall be as  
51 adjusted by the cost of living adjustment prescribed in section six  
52 hundred one-a of this part for tax years two thousand thirteen through  
53 two thousand seventeen. After making the cost of living adjustments to

1 the dollar amounts in subparagraph (A) of this paragraph, the dollar  
2 amounts in the tax calculations for the income brackets for New York  
3 taxable income over [~~\$19,500~~] \$30,000 shall be adjusted to reflect the  
4 rate reductions in clause (ii) of this subparagraph.

5 (ii) (I) For tax year two thousand eighteen, the following tax rates  
6 shall apply: [~~If New York taxable income is over \$19,500 but not over~~  
7 ~~\$30,000, the tax rate shall be 5.90%.~~] If New York taxable income is  
8 over \$30,000 but not over \$100,000, the tax rate shall be 6.33%. If New  
9 York taxable income is over \$100,000 but not over \$250,000, the tax rate  
10 shall be 6.57%.

11 (II) For tax year two thousand nineteen, the following tax rates shall  
12 apply: [~~If New York taxable income is over \$19,500 but not over \$30,000,~~  
13 ~~the tax rate shall be 5.90%.~~] If New York taxable income is over \$30,000  
14 but not over \$100,000, the tax rate shall be 6.21%. If New York taxable  
15 income is over \$100,000 but not over \$250,000, the tax rate shall be  
16 6.49%.

17 (III) For tax year two thousand twenty, the following tax rates shall  
18 apply: [~~If New York taxable income is over \$19,500 but not over \$30,000,~~  
19 ~~the tax rate shall be 5.90%.~~] If New York taxable income is over \$30,000  
20 but not over \$100,000, the tax rate shall be 6.09%. If New York taxable  
21 income is over \$100,000 but not over \$250,000, the tax rate shall be  
22 6.41%.

23 (IV) For tax year two thousand twenty-one, the following tax rates  
24 shall apply: [~~If New York taxable income is over \$19,500 but not over~~  
25 ~~\$30,000, the tax rate shall be 5.90%.~~] If New York taxable income is  
26 over \$30,000 but not over \$100,000, the tax rate shall be 5.97%. If New  
27 York taxable income is over \$100,000 but not over \$250,000, the tax rate  
28 shall be 6.33%.

29 (V) For tax year two thousand twenty-two, the following tax rates  
30 shall apply: If New York taxable income is over [~~\$19,500~~] \$30,000 but  
31 not over \$100,000, the tax rate shall be 5.85%. If New York taxable  
32 income is over \$100,000 but not over \$250,000, the tax rate shall be  
33 6.25%.

34 (VI) For tax year two thousand twenty-three, the following tax rates  
35 shall apply: If New York taxable income is over [~~\$19,500~~] \$30,000 but  
36 not over \$100,000, the tax rate shall be 5.73%. If New York taxable  
37 income is over \$100,000 but not over \$250,000, the tax rate shall be  
38 6.17%.

39 (VII) For tax year two thousand twenty-four, the following tax rates  
40 shall apply: If New York taxable income is over [~~\$19,500~~] \$30,000 but  
41 not over \$100,000, the tax rate shall be 5.61%. If New York taxable  
42 income is over \$100,000 but not over \$250,000, the tax rate shall be  
43 6.09%.

44 (VIII) For tax years after two thousand twenty-four, the following tax  
45 rates shall apply: If New York taxable income is over [~~\$19,500~~] \$30,000  
46 but not over \$100,000, the tax rate shall be 5.50%. If New York taxable  
47 income is over \$100,000 but not over \$250,000, the tax rate shall be  
48 6.00%.

49 § 3. Paragraph 1 of subsection (c) of section 601 of the tax law, as  
50 amended by section 3 of part FF of chapter 59 of the laws of 2013,  
51 subparagraph (B) as added by section 3 of Part TT of chapter 60 of the  
52 laws of 2016, is amended to read as follows:

53 (1) (A) For taxable years beginning after two thousand [~~eleven and~~  
54 ~~before two thousand eighteen~~] eighteen:

1	If the New York taxable income is:	The tax is:
2	Not over [ <del>\$8,000</del> <u>\$20,000</u> ]	[ <del>4%</del> <u>0%</u> ] of
3		taxable income
4	<del>[Over \$8,000 but not over \$11,000</del>	<del>\$320 plus 4.5% of excess over</del>
5		<del>\$8,000</del>
6	<del>Over \$11,000 but not over \$13,000</del>	<del>\$455 plus 5.25% of excess over</del>
7		<del>\$11,000</del>
8	<del>Over \$13,000 but not over \$20,000</del>	<del>\$560 plus 5.90% of excess over</del>
9		<del>\$13,000]</del>
10	Over \$20,000 but not over \$75,000	\$973 plus 6.45% of excess over
11		\$20,000
12	Over \$75,000 but not over \$200,000	\$4,521 plus 6.65% of excess over
13		\$75,000
14	Over \$200,000 [ <del>but not over</del> ]	\$12,833 plus 6.85% of excess over
15	<del>[\$1,000,000]</del>	\$200,000
16	<del>[Over \$1,000,000</del>	<del>\$67,633 plus 8.82% of excess over</del>
17		<del>\$1,000,000]</del>

18 (B)(i) For tax years beginning after two thousand seventeen, the  
19 brackets and dollars amount in subparagraph (A) of this paragraph, as  
20 adjusted by the cost of living adjustment prescribed in section six  
21 hundred one-a of this part for tax years two thousand thirteen through  
22 two thousand seventeen, shall apply. In addition, the tax rates in  
23 subparagraph (A) of this paragraph shall apply, except as noted in  
24 clause (ii) of this subparagraph, and except that the rate applicable to  
25 New York taxable income in excess of \$200,000 as adjusted by the cost of  
26 living adjustment prescribed in section six hundred one-a of this part  
27 for tax years two thousand thirteen through two thousand seventeen shall  
28 be the highest tax rate specified in the provisions of this subparagraph  
29 as enacted by chapter fifty-nine of the laws of two thousand thirteen  
30 prior to its repeal by [~~a~~] chapter sixty of the laws of two thousand  
31 sixteen that added this subparagraph. For purposes of clause (ii) of  
32 this subparagraph, the brackets specified shall be as adjusted by the  
33 cost of living adjustment prescribed in section six hundred one-a of  
34 this part for tax years two thousand thirteen through two thousand  
35 seventeen. After making the cost of living adjustments to the dollar  
36 amounts in subparagraph (A) of this paragraph, the dollar amounts in the  
37 tax calculations for the income brackets for New York taxable income  
38 over [~~\$13,000~~ \$20,000] shall be adjusted to reflect the rate reductions  
39 in clause (ii) of this subparagraph.

40 (ii)(I) For tax year two thousand eighteen, the following tax rates  
41 shall apply: [~~If New York taxable income is over \$13,000 but not over~~  
42 ~~\$20,000, the tax rate shall be 5.90%.~~] If New York taxable income is  
43 over \$20,000 but not over \$75,000, the tax rate shall be 6.33%. If New  
44 York taxable income is over \$75,000 but not over \$200,000, the tax rate  
45 shall be 6.57%.

46 (II) For tax year two thousand nineteen, the following tax rates shall  
47 apply: [~~If New York taxable income is over \$13,000 but not over \$20,000,~~  
48 ~~the tax rate shall be 5.90%.~~] If New York taxable income is over \$20,000  
49 but not over \$75,000, the tax rate shall be 6.21%. If New York taxable  
50 income is over \$75,000 but not over \$200,000, the tax rate shall be  
51 6.49%.

52 (III) For tax year two thousand twenty, the following tax rates shall  
53 apply: [~~If New York taxable income is over \$13,000 but not over \$20,000,~~  
54 ~~the tax rate shall be 5.90%.~~] If New York taxable income is over \$20,000  
55 but not over \$75,000, the tax rate shall be 6.09%. If New York taxable

1 income is over \$75,000 but not over \$200,000, the tax rate shall be  
2 6.41%.

3 (IV) For tax year two thousand twenty-one, the following tax rates  
4 shall apply: [~~If New York taxable income is over \$13,000 but not over~~  
5 ~~\$20,000, the tax rate shall be 5.90%.~~] If New York taxable income is  
6 over \$20,000 but not over \$75,000, the tax rate shall be 5.97%. If New  
7 York taxable income is over \$75,000 but not over \$200,000, the tax rate  
8 shall be 6.33%.

9 (V) For tax year two thousand twenty-two, the following tax rates  
10 shall apply: If New York taxable income is over [~~\$13,000~~ \$20,000 but  
11 not over \$75,000, the tax rate shall be 5.85%. If New York taxable  
12 income is over \$75,000 but not over \$200,000, the tax rate shall be  
13 6.25%.

14 (VI) For tax year two thousand twenty-three, the following tax rates  
15 shall apply: If New York taxable income is over [~~\$13,000~~ \$20,000 but  
16 not over \$75,000, the tax rate shall be 5.73%. If New York taxable  
17 income is over \$75,000 but not over \$200,000, the tax rate shall be  
18 6.17%.

19 (VII) For tax year two thousand twenty-four, the following tax rates  
20 shall apply: If New York taxable income is over [~~\$13,000~~ \$20,000 but  
21 not over \$75,000, the tax rate shall be 5.61%. If New York taxable  
22 income is over \$75,000 but not over \$200,000, the tax rate shall be  
23 6.09%.

24 (VIII) For tax years after two thousand twenty-four, the following tax  
25 rates shall apply: If New York taxable income is over [~~\$13,000~~ \$20,000  
26 but not over \$75,000, the tax rate shall be 5.50%. If New York taxable  
27 income is over \$75,000 but not over \$200,000, the tax rate shall be  
28 6.00%.

29 § 4. This act shall take effect immediately and shall apply to taxable  
30 years beginning on and after January 1, 2018.