

6249

2009-2010 Regular Sessions

I N S E N A T E

October 28, 2009

Introduced by Sens. MORAHAN, BONACIC, FOLEY, GOLDEN, HANNON, LAVALLE, MONSERRATE, PADAVAN, SALAND, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to the MTA payroll tax and net earnings from self-employment; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision (e) of section 800 of the tax law is REPEALED.
2 S 2. Section 801 of the tax law, as added by section 1 of part C of
3 chapter 25 of the laws of 2009, is amended to read as follows:
4 S 801. Imposition of tax and rate. (a) For the sole purpose of provid-
5 ing an additional stable and reliable dedicated funding source for the
6 metropolitan transportation authority and its subsidiaries and affil-
7 iates to preserve, operate and improve essential transit and transporta-
8 tion services in the metropolitan commuter transportation district, a
9 tax is hereby imposed at a rate of thirty-four hundredths (.34) percent
10 of [(1)] the payroll expense of every employer who engages in business
11 within the MCTD [and (2) the net earnings from self-employment of indi-
12 viduals that are attributable to the MCTD if such earnings attributable
13 to the MCTD exceed ten thousand dollars for the tax year].
14 (b)[(1) An individual having net earnings from self-employment from
15 activity both within and without the metropolitan commuter transporta-
16 tion district is required to allocate and apportion such net earnings to
17 the MCTD in the manner required for allocation and apportionment of
18 income under article twenty-two of this chapter.
19 (2) In the case of individuals with earnings from self-employment, the
20 net earnings from self employment threshold in paragraph two of
21 subsection (a) of this section will be computed on an individual basis
22 regardless of whether that individual filed a joint personal income tax
23 return.

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

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1 (c)] The determination of whether a covered employee is employed with-
2 in the MCTD will be made by utilizing the rules applicable to the juris-
3 diction of employment for purposes of the statewide wage reporting
4 system under section one hundred seventy-one-a of this chapter and
5 substituting the MCTD for the state in that application.

6 S 3. Subdivision (b) of section 804 of the tax law is REPEALED.

7 S 4. This act shall take effect immediately.