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

3524

2009-2010 Regular Sessions

I N S E N A T E

March 23, 2009

Introduced by Sens. RANZENHOFER, GOLDEN, LIBOUS, MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the imposition of tax on individuals

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

Section 1. Subsections (a), (b) and (c) of section 601 of the tax law, as amended by section 1 of part Y-3 of chapter 62 of the laws of 2003, are amended to read as follows:

(a) Resident married individuals filing joint returns and resident surviving spouses. There is hereby imposed for each taxable year on the New York taxable income of every resident married individual who makes a single return jointly with his spouse under subsection (b) of section six hundred fifty-one and on the New York taxable income of every resident surviving spouse a tax determined in accordance with the following tables:

(1) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $16,000	3.6% OF THE NEW YORK TAXABLE INCOME
OVER $16,000 BUT NOT OVER $22,000	$576 PLUS 4% OF EXCESS OVER $16,000
OVER $22,000 BUT NOT OVER $26,000	$816 PLUS 4.75% OF EXCESS OVER $22,000
OVER $26,000 BUT NOT OVER $40,000	$1006 PLUS 5.3% OF EXCESS OVER $26,000
OVER $40,000 BUT NOT OVER $150,000	$1748 PLUS 6.2% OF EXCESS OVER $40,000
OVER $150,000	$8568 PLUS 6.85% OF EXCESS OVER

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

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	$150,000

(2) For taxable years beginning after two thousand [five] SIX:

If the New York taxable income is:	The tax is:
Not over $16,000	4% of the New York taxable income
Over $16,000 but not over $22,000	$640 plus 4.5% of excess over $16,000
Over $22,000 but not over $26,000	$910 plus 5.25% of excess over $22,000
Over $26,000 but not over $40,000	$1,120 plus 5.9% of excess over $26,000
Over $40,000	$1,946 plus 6.85% of excess over $40,000

[(2)] (3) For taxable years beginning in two thousand five:

If the New York taxable income is:	The tax is:
Not over $16,000	4% of the New York taxable income
Over $16,000 but not over $22,000	$640 plus 4.5% of excess over $16,000
Over $22,000 but not over $26,000	$910 plus 5.25% of excess over $22,000
Over $26,000 but not over $40,000	$1,120 plus 5.9% of excess over $26,000
Over $40,000 but not over $150,000	$1,946 plus 6.85% of excess over $40,000
Over $150,000 but not over $500,000	$9,481 plus 7.25% of excess over $150,000
Over $500,000	$34,856 plus 7.7% of excess over $500,000

[(3)] (4) For taxable years beginning in two thousand four:

If the New York taxable income is:	The tax is:
Not over $16,000	4% of the New York taxable income
Over $16,000 but not over $22,000	$640 plus 4.5% of excess over $16,000
Over $22,000 but not over $26,000	$910 plus 5.25% of excess over $22,000
Over $26,000 but not over $40,000	$1,120 plus 5.9% of excess over $26,000
Over $40,000 but not over $150,000	$1,946 plus 6.85% of excess over $40,000
Over $150,000 but not over $500,000	$9,481 plus 7.375% of excess over $150,000
Over $500,000	$35,294 plus 7.7% of excess over $500,000

[(4)] (5) For taxable years beginning in two thousand three:

If the New York taxable income is:	The tax is:
Not over $16,000	4% of the New York taxable income
Over $16,000 but not over $22,000	$640 plus 4.5% of excess over $16,000
Over $22,000 but not over $26,000	$910 plus 5.25% of excess over $22,000
Over $26,000 but not over $40,000	$1,120 plus 5.9% of excess over $26,000
Over $40,000 but not over $150,000	$1,946 plus 6.85% of excess over $40,000
Over $150,000 but not over $500,000	$9,481 plus 7.5% of excess over $150,000
Over $500,000	$35,731 plus 7.7% of excess over $500,000

[(5)] (6) For taxable years beginning after nineteen hundred ninety-six and before two thousand three:

If the New York taxable income is:	The tax is:
Not over $16,000	4% of the New York taxable income
Over $16,000 but not over $22,000	$640 plus 4.5% of excess over $16,000
Over $22,000 but not over $26,000	$910 plus 5.25% of excess over $22,000
Over $26,000 but not over $40,000	$1,120 plus 5.9% of excess over $26,000
Over $40,000	$1,946 plus 6.85% of excess over $40,000

[(6)] (7) For taxable years beginning in nineteen hundred ninety-six:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $16,000	$440 plus 5% of excess over $11,000
Over $16,000 but not over $22,000	$690 plus 6% of excess over $16,000
Over $22,000	$1,050 plus 7% of excess over $22,000

[(7)] (8) For taxable years beginning in nineteen hundred ninety-five:

If the New York taxable income is:	The tax is:
Not over $13,000	4.55% of the New York taxable income
Over $13,000 but not over $19,000	$592 plus 5.55% of excess over $13,000
Over $19,000 but not over $25,000	$925 plus 6.55% of excess over $19,000
Over $25,000	$1,318 plus 7.5% of excess over $25,000

[(8)] (9) For taxable years beginning after nineteen hundred eighty-nine and before nineteen hundred ninety-five:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $16,000	$440 plus 5% of excess over $11,000
Over $16,000 but not over $22,000	$690 plus 6% of excess over $16,000
Over $22,000 but not over $26,000	$1,050 plus 7% of excess over $22,000
Over $26,000	$1,330 plus 7.875% of excess over $26,000

(b) Resident heads of households. There is hereby imposed for each taxable year on the New York taxable income of every resident head of a household a tax determined in accordance with the following tables:

(1) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $11,000	3.6% OF THE NEW YORK TAXABLE INCOME
OVER $11,000 BUT NOT OVER $15,000	$396 PLUS 4% OF EXCESS OVER $11,000
OVER $15,000 BUT NOT OVER $17,000	$572 PLUS 4.75% OF EXCESS OVER $15,000
OVER $17,000 BUT NOT OVER $30,000	$667 PLUS 5.3% OF EXCESS OVER $17,000
OVER $30,000 BUT NOT OVER $150,000	$1,356 PLUS 6.2% OF EXCESS OVER $30,000
OVER $150,000	$8796 PLUS 6.85% OF EXCESS OVER $150,000

(2) For taxable years beginning after two thousand [five] SIX:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $15,000	$440 plus 4.5% of excess over $11,000
Over $15,000 but not over $17,000	$620 plus 5.25% of excess over $15,000
Over $17,000 but not over $30,000	$725 plus 5.9% of excess over $17,000
Over $30,000	$1,492 plus 6.85% of excess over $30,000

[(2)] (3) For taxable years beginning in two thousand five:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $15,000	$440 plus 4.5% of excess over $11,000
Over $15,000 but not over $17,000	$620 plus 5.25% of excess over $15,000
Over $17,000 but not over $30,000	$725 plus 5.9% of excess over

	$17,000
Over $30,000 but not over $125,000	$1,492 plus 6.85% of excess over $30,000
Over $125,000 but not over $500,000	$8,000 plus 7.25% of excess over $125,000
Over $500,000	$35,187 plus 7.7% of excess over $500,000

[(3)] (4) For taxable years beginning in two thousand four:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $15,000	$440 plus 4.5% of excess over $11,000
Over $15,000 but not over $17,000	$620 plus 5.25% of excess over $15,000
Over $17,000 but not over $30,000	$725 plus 5.9% of excess over $17,000
Over $30,000 but not over $125,000	$1,492 plus 6.85% of excess over $30,000
Over $125,000 but not over $500,000	$8,000 plus 7.375% of excess over $125,000
Over $500,000	$35,656 plus 7.7% of excess over $500,000

[(4)] (5) For taxable years beginning in two thousand three:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $15,000	$440 plus 4.5% of excess over $11,000
Over $15,000 but not over $17,000	$620 plus 5.25% of excess over $15,000
Over $17,000 but not over $30,000	$725 plus 5.9% of excess over $17,000
Over $30,000 but not over $125,000	$1,492 plus 6.85% of excess over $30,000
Over $125,000 but not over $500,000	$8,000 plus 7.5% of excess over $125,000
Over $500,000	$36,125 plus 7.7% of excess over $500,000

[(5)] (6) For taxable years beginning after nineteen hundred ninety-six and before two thousand three:

If the New York taxable income is:	The tax is:
Not over $11,000	4% of the New York taxable income
Over $11,000 but not over $15,000	$440 plus 4.5% of excess over $11,000
Over $15,000 but not over $17,000	$620 plus 5.25% of excess over $15,000
Over $17,000 but not over $30,000	$725 plus 5.9% of excess over

	$17,000
Over $30,000	$1,492 plus 6.85% of excess over $30,000

[(6)] (7) For taxable years beginning in nineteen hundred ninety-six:

If the New York taxable income is:	The tax is:
Not over $7,500	4% of the New York taxable income
Over $7,500 but not over $11,000	$300 plus 5% of excess over $7,500
Over $11,000 but not over $15,000	$475 plus 6% of excess over $11,000
Over $15,000	$ 715 plus 7% of excess over $15,000

[(7)] (8) For taxable years beginning in nineteen hundred ninety-five:

If the New York taxable income is:	The tax is:
Not over $9,000	4.55% of the New York taxable income
Over $9,000 but not over $14,000	$410 plus 5.55% of excess over $9,000
Over $14,000 but not over $19,000	$687 plus 6.55% of excess over $14,000
Over $19,000	$1,015 plus 7.5% of excess over $19,000

[(8)] (9) For taxable years beginning after nineteen hundred eighty-nine and before nineteen hundred ninety-five:

If the New York taxable income is:	The tax is:
Not over $7,500	4% of the New York taxable income
Over $7,500 but not over $11,000	$300 plus 5% of excess over $7,500
Over $11,000 but not over $15,000	$475 plus 6% of excess over $11,000
Over $15,000 but not over $17,000	$715 plus 7% of excess over $15,000
Over $17,000	$855 plus 7.875% of excess over $17,000

(c) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. There is hereby imposed for each taxable year on the New York taxable income of every resident individual who is not a married individual who makes a single return jointly with his spouse under subsection (b) of section six hundred fifty-one or a resident head of a household or a resident surviving spouse, and on the New York taxable income of every resident estate and trust a tax determined in accordance with the following tables:

(1) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $8,000	3.6% OF THE NEW YORK TAXABLE

	INCOME
OVER $8,000 BUT NOT OVER $11,000	$288 PLUS 4% OF EXCESS OVER $8,000
OVER $11,000 BUT NOT OVER $13,000	$408 PLUS 4.75% OF EXCESS OVER $11,000
OVER $13,000 BUT NOT OVER $20,000	$503 PLUS 5.3% OF EXCESS OVER $13,000
OVER $20,000 BUT NOT OVER $150,000	$874 PLUS 6.2% OF EXCESS OVER $20,000
OVER $150,000	$8934 PLUS 6.85% OF EXCESS OVER $150,000

(2) For taxable years beginning after two thousand [five] SIX:

If the New York taxable income is:	The tax is:
Not over $8,000	4% of the New York taxable income
Over $8,000 but not over $11,000	$320 plus 4.5% of excess over $8,000
Over $11,000 but not over $13,000	$455 plus 5.25% of excess over $11,000
Over $13,000 but not over $20,000	$560 plus 5.9% of excess over $13,000
Over $20,000	$973 plus 6.85% of excess over $20,000

[(2)] (3) For taxable years beginning in two thousand five:

If the New York taxable income is:	The tax is:
Not over $8,000	4% of the New York taxable income
Over $8,000 but not over $11,000	$320 plus 4.5% of excess over $8,000
Over $11,000 but not over $13,000	$455 plus 5.25% of excess over $11,000
Over $13,000 but not over $20,000	$560 plus 5.9% of excess over $13,000
Over $20,000 but not over $100,000	$973 plus 6.85% of excess over $20,000
Over $100,000 but not over $500,000	$6,453 plus 7.25% of excess over $100,000
Over $500,000	$35,453 plus 7.7% of excess over $500,000

[(3)] (4) For taxable years beginning in two thousand four:

If the New York taxable income is:	The tax is:
Not over $8,000	4% of the New York taxable income
Over $8,000 but not over $11,000	$320 plus 4.5% of excess over $8,000
Over $11,000 but not over $13,000	$455 plus 5.25% of excess over $11,000
Over $13,000 but not over $20,000	$560 plus 5.9% of excess over $13,000
Over $20,000 but not over $100,000	$973 plus 6.85% of excess over

	$20,000
Over $100,000 but not over $500,000	$6,453 plus 7.375% of excess over $100,000
Over $500,000	$35,953 plus 7.7% of excess over $500,000

[(4)] (5) For taxable years beginning in two thousand three:

If the New York taxable income is:	The tax is:
Not over $8,000	4% of the New York taxable income
Over $8,000 but not over $11,000	$320 plus 4.5% of excess over $8,000
Over $11,000 but not over $13,000	$455 plus 5.25% of excess over $11,000
Over $13,000 but not over $20,000	$560 plus 5.9% of excess over $13,000
Over $20,000 but not over $100,000	$973 plus 6.85% of excess over $20,000
Over $100,000 but not over $500,000	$6,453 plus 7.5% of excess over $100,000
Over $500,000	$36,453 plus 7.7% of excess over $500,000

[(5)] (6) For taxable years beginning after nineteen hundred ninety-six and before two thousand three:

If the New York taxable income is:	The tax is:
Not over $8,000	4% of the New York taxable income
Over $8,000 but not over $11,000	$320 plus 4.5% of excess over $8,000
Over $11,000 but not over $13,000	$455 plus 5.25% of excess over $11,000
Over $13,000 but not over $20,000	$560 plus 5.9% of excess over $13,000
Over $20,000	$973 plus 6.85% of excess over $20,000

[(6)] (7) For taxable years beginning in nineteen hundred ninety-six:

If the New York taxable income is:	The tax is:
Not over $5,500	4% of the New York taxable income
Over $5,500 but not over $8,000	$220 plus 5% of excess over $5,500
Over $8,000 but not over $11,000	$345 plus 6% of excess over $8,000
Over $11,000	$525 plus 7% of excess over $11,000

[(7)] (8) For taxable years beginning in nineteen hundred ninety-five:

If the New York taxable income is:	The tax is:
Not over $6,500	4.55% of the New York taxable

	income
Over $6,500 but not over $9,500	$296 plus 5.55% of excess over $6,500
Over $9,500 but not over $12,500	$462 plus 6.55% of excess over $9,500
Over $12,500	$659 plus 7.5% of excess over $12,500

[(8)] (9) For taxable years beginning after nineteen hundred eighty-nine and before nineteen hundred ninety-five:

If the New York taxable income is:	The tax is:
Not over $5,500	4% of the New York taxable income
Over $5,500 but not over $8,000	$220 plus 5% of excess over $5,500
Over $8,000 but not over $11,000	$345 plus 6% of excess over $8,000
Over $11,000 but not over $13,000	$525 plus 7% of excess over $11,000
Over $13,000	$665 plus 7.875% of excess over $13,000

S 2. This act shall take effect immediately.