

6804

I N S E N A T E

March 23, 2012

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York and the tax law, in relation to establishing a tax table benefit recapture; and in relation to New York city personal income tax rates

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

1 Section 1. Section 11-1701 of the administrative code of the city of
2 New York is amended by adding a new subdivision (i) to read as follows:
3 (I) TAX TABLE BENEFIT RECAPTURE. FOR TAXABLE YEARS BEGINNING IN TWO
4 THOUSAND THIRTEEN, THERE IS HEREBY IMPOSED A SUPPLEMENTAL TAX, IN ADDI-
5 TION TO THE TAX IMPOSED UNDER THE OPENING PARAGRAPH OF THIS SECTION, FOR
6 THE PURPOSE OF RECAPTURING THE BENEFIT OF THE TAX TABLES CONTAINED IN
7 SUBDIVISION (A) OF THIS SECTION. THE SUPPLEMENTAL TAX SHALL BE AN AMOUNT
8 EQUAL TO THE SUM OF THE TAX TABLE BENEFITS IN PARAGRAPHS ONE, TWO AND
9 THREE OF THIS SUBDIVISION MULTIPLIED BY THEIR RESPECTIVE FRACTIONS IN
10 SUCH PARAGRAPHS.
11 (1) RESIDENT MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING
12 SPOUSES. SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH APPLY ONLY TO
13 FILERS WHOSE TAXABLE INCOME EXCEEDS \$250,000.
14 (A) THE TAX TABLE BENEFIT IS \$333.
15 (B) THE FRACTION IS COMPUTED AS FOLLOWS: THE NUMERATOR IS THE LESSER
16 OF FIFTY THOUSAND DOLLARS OR THE EXCESS OF NEW YORK ADJUSTED GROSS
17 INCOME FOR THE TAXABLE YEAR OVER TWO HUNDRED FIFTY THOUSAND DOLLARS AND
18 THE DENOMINATOR IS FIFTY THOUSAND DOLLARS.
19 (2) RESIDENT UNMARRIED INDIVIDUALS AND RESIDENT MARRIED INDIVIDUALS
20 FILING SEPARATE RETURNS. SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH
21 APPLY ONLY TO FILERS WHOSE TAXABLE INCOME EXCEEDS \$150,000.
22 (A) THE TAX TABLE BENEFIT IS \$185.
23 (B) THE FRACTION IS COMPUTED AS FOLLOWS: THE NUMERATOR IS THE LESSER
24 OF FIFTY THOUSAND DOLLARS OR THE EXCESS OF NEW YORK ADJUSTED GROSS
25 INCOME FOR THE TAXABLE YEAR OVER ONE HUNDRED FIFTY THOUSAND DOLLARS AND
26 THE DENOMINATOR IS FIFTY THOUSAND DOLLARS.

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

LBD15007-05-2

(3) RESIDENT HEAD OF HOUSEHOLD. SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH APPLY ONLY TO FILERS WHOSE TAXABLE INCOME EXCEEDS \$180,000.

(A) THE TAX TABLE BENEFIT IS \$222.

(B) THE FRACTION IS COMPUTED AS FOLLOWS: THE NUMERATOR IS THE LESSER OF FIFTY THOUSAND DOLLARS OR THE EXCESS OF NEW YORK ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR OVER ONE HUNDRED EIGHTY THOUSAND DOLLARS AND THE DENOMINATOR IS FIFTY THOUSAND DOLLARS.

S 2. Paragraph 1 of subdivision (a) of section 11-1701 of the administrative code of the city of New York is amended by adding a new subparagraph (C) to read as follows:

(C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER \$21,600	2.168% OF THE CITY TAXABLE INCOME
OVER \$21,600 BUT NOT	\$468 PLUS 2.635% OF EXCESS
OVER \$45,000	OVER \$21,600
OVER \$45,000 BUT NOT	\$1,085 PLUS 2.993% OF EXCESS
OVER \$90,000	OVER \$45,000
OVER \$90,000 BUT NOT	\$2,432 PLUS 3.15% OF EXCESS
OVER \$150,000	OVER \$90,000
OVER \$150,000 BUT NOT	\$4,322 PLUS 3.2% OF EXCESS
OVER \$500,000	OVER \$150,000
OVER \$500,000 BUT NOT	\$15,522 PLUS 3.4% OF EXCESS
OVER \$1,000,000	OVER \$500,000
OVER \$1,000,000 BUT NOT	\$32,522 PLUS 3.7% OF EXCESS
OVER \$2,000,000	OVER \$1,000,000
OVER \$2,000,000	\$69,522 PLUS 3.8% OF EXCESS
	OVER \$2,000,000

S 3. Paragraph 2 of subdivision (a) of section 11-1701 of the administrative code of the city of New York is amended by adding a new subparagraph (C) to read as follows:

(C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER \$14,400	2.168% OF THE CITY TAXABLE INCOME
OVER \$14,400 BUT NOT	\$312 PLUS 2.635% OF EXCESS
OVER \$30,000	OVER \$14,400
OVER \$30,000 BUT NOT	\$723 PLUS 2.993% OF EXCESS
OVER \$60,000	OVER \$30,000
OVER \$60,000 BUT NOT	\$1,621 PLUS 3.15% OF EXCESS
OVER \$100,000	OVER \$60,000
OVER \$100,000 BUT NOT	\$2,881 PLUS 3.2% OF EXCESS
OVER \$500,000	OVER \$100,000
OVER \$500,000 BUT NOT	\$15,681 PLUS 3.4% OF EXCESS
OVER \$1,000,000	OVER \$500,000
OVER \$1,000,000 BUT NOT	\$32,681 PLUS 3.7% OF EXCESS
OVER \$2,000,000	OVER \$1,000,000
OVER \$2,000,000	\$69,681 PLUS 3.8% OF EXCESS
	OVER \$2,000,000

S 4. Paragraph 3 of subdivision (a) of section 11-1701 of the administrative code of the city of New York is amended by adding a new subparagraph (C) to read as follows:

(C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN:

1	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
2	NOT OVER \$12,000	2.168% OF THE CITY TAXABLE INCOME
3	OVER \$12,000 BUT NOT	\$260 PLUS 2.635% OF EXCESS
4	OVER \$25,000	OVER \$12,000
5	OVER \$25,000 BUT NOT	\$603 PLUS 2.993% OF EXCESS
6	OVER \$50,000	OVER \$25,000
7	OVER \$50,000 BUT NOT	\$1,351 PLUS 3.15% OF EXCESS
8	OVER \$83,000	OVER \$50,000
9	OVER \$83,000 BUT NOT	\$2,400 PLUS 3.2% OF EXCESS
10	OVER \$500,000	OVER \$83,000
11	OVER \$500,000 BUT NOT	\$15,734 PLUS 3.4% OF EXCESS
12	OVER \$1,000,000	OVER \$500,000
13	OVER \$1,000,000 BUT NOT	\$32,734 PLUS 3.7% OF EXCESS
14	OVER \$2,000,000	OVER \$1,000,000
15	OVER \$2,000,000	\$69,734 PLUS 3.8% OF EXCESS
16		OVER \$2,000,000

17 S 5. Paragraph 1 of subsection (a) of section 1304 of the tax law is
18 amended by adding a new subparagraph (C) to read as follows:

19 (C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN:

20	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
21	NOT OVER \$21,600	2.168% OF THE CITY TAXABLE INCOME
22	OVER \$21,600 BUT NOT	\$468 PLUS 2.635% OF EXCESS
23	OVER \$45,000	OVER \$21,600
24	OVER \$45,000 BUT NOT	\$1,085 PLUS 2.993% OF EXCESS
25	OVER \$90,000	OVER \$45,000
26	OVER \$90,000 BUT NOT	\$2,432 PLUS 3.15% OF EXCESS
27	OVER \$150,000	OVER \$90,000
28	OVER \$150,000 BUT NOT	\$4,322 PLUS 3.2% OF EXCESS
29	OVER \$500,000	OVER \$150,000
30	OVER \$500,000 BUT NOT	\$15,522 PLUS 3.4% OF EXCESS
31	OVER \$1,000,000	OVER \$500,000
32	OVER \$1,000,000 BUT NOT	\$32,522 PLUS 3.7% OF EXCESS
33	OVER \$2,000,000	OVER \$1,000,000
34	OVER \$2,000,000	\$69,522 PLUS 3.8% OF EXCESS
35		OVER \$2,000,000

36 S 6. Paragraph 2 of subsection (a) of section 1304 of the tax law is
37 amended by adding a new subparagraph (C) to read as follows:

38 (C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN:

39	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
40	NOT OVER \$14,400	2.168% OF THE CITY TAXABLE INCOME
41	OVER \$14,400 BUT NOT	\$312 PLUS 2.635% OF EXCESS
42	OVER \$30,000	OVER \$14,400
43	OVER \$30,000 BUT NOT	\$723 PLUS 3.15% OF EXCESS
44	OVER \$60,000	OVER \$30,000
45	OVER \$60,000 BUT NOT	\$1,621 PLUS 3.15% OF EXCESS
46	OVER \$100,000	OVER \$60,000
47	OVER \$100,000 BUT NOT	\$2,881 PLUS 3.2% OF EXCESS
48	OVER \$500,000	OVER \$100,000
49	OVER \$500,000 BUT NOT	\$15,681 PLUS 3.4% OF EXCESS
50	OVER \$1,000,000	OVER \$500,000
51	OVER \$1,000,000 BUT NOT	\$32,681 PLUS 3.7% OF EXCESS

1	OVER \$2,000,000	OVER \$1,000,000
2	OVER \$2,000,000	\$69,681 PLUS 3.8% OF EXCESS
3		OVER \$2,000,000

4 S 7. Paragraph 3 of subsection (a) of section 1304 of the tax law is
5 amended by adding a new subparagraph (C) to read as follows:

6	(C) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN:	
7	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
8	NOT OVER \$12,000	2.168% OF THE CITY TAXABLE INCOME
9	OVER \$12,000 BUT NOT	\$260 PLUS 2.635% OF EXCESS
10	OVER \$25,000	OVER \$12,000
11	OVER \$25,000 BUT NOT	\$603 PLUS 2.993% OF EXCESS
12	OVER \$50,000	OVER \$25,000
13	OVER \$50,000 BUT NOT	\$1,351 PLUS 3.15% OF EXCESS
14	OVER \$83,000	OVER \$50,000
15	OVER \$83,000 BUT NOT	\$2,400 PLUS 3.2% OF EXCESS
16	OVER \$500,000	OVER \$83,000
17	OVER \$500,000 BUT NOT	\$15,734 PLUS 3.4% OF EXCESS
18	OVER \$1,000,000	OVER \$500,000
19	OVER \$1,000,000 BUT NOT	\$32,734 PLUS 3.7% OF EXCESS
20	OVER \$2,000,000	OVER \$1,000,000
21	OVER \$2,000,000	\$69,734 PLUS 3.8% OF EXCESS
22		OVER \$2,000,000

23 S 8. The commissioner of taxation and finance shall take steps to
24 publicize the necessary adjustments to estimated tax and, to the extent
25 reasonably possible, to inform the taxpayer of the tax liability changes
26 made by this act.

27 S 9. This act shall take effect immediately.