

LBD13430-03-6

1 (iv) (A) for taxable years beginning before January first, two thou-
2 sand sixteen, if the business income base is not more than two hundred
3 ninety thousand dollars the amount shall be six and one-half percent of
4 the business income base; if the business income base is more than two
5 hundred ninety thousand dollars but not over three hundred ninety thou-
6 sand dollars the amount shall be the sum of (1) eighteen thousand eight
7 hundred fifty dollars, (2) seven and one-tenth percent of the excess of
8 the business income base over two hundred ninety thousand dollars but
9 not over three hundred ninety thousand dollars and (3) four and thirty-
10 five hundredths percent of the excess of the business income base over
11 three hundred fifty thousand dollars but not over three hundred ninety
12 thousand dollars;

13 (B) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-
14 SAND SIXTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, IF THE
15 BUSINESS INCOME BASE IS NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS THE
16 AMOUNT SHALL BE THREE AND ONE-QUARTER PERCENT OF THE BUSINESS INCOME
17 BASE; IF THE BUSINESS INCOME BASE IS MORE THAN FIVE HUNDRED THOUSAND
18 DOLLARS BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE
19 THE SUM OF (1) SIXTEEN THOUSAND TWO HUNDRED FIFTY DOLLARS, (2) SIX AND
20 ONE-HALF PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FIVE
21 HUNDRED THOUSAND DOLLARS BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS AND
22 (3) THIRTY-TWO AND ONE-HALF PERCENT OF THE EXCESS OF THE BUSINESS INCOME
23 BASE OVER FIVE HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER SIX HUNDRED
24 THOUSAND DOLLARS;

25 (C) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-
26 SAND SEVENTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN, IF THE
27 BUSINESS INCOME BASE IS NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS THE
28 AMOUNT SHALL BE TWO AND NINE-TENTHS PERCENT OF THE BUSINESS INCOME BASE;
29 IF THE BUSINESS INCOME BASE IS MORE THAN FIVE HUNDRED THOUSAND DOLLARS
30 BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS THE AMOUNT SHALL BE THE SUM OF
31 (1) FOURTEEN THOUSAND FIVE HUNDRED DOLLARS, (2) SIX AND ONE-HALF PERCENT
32 OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FIVE HUNDRED THOUSAND
33 DOLLARS BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS AND (3) THIRTY-SIX
34 PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FIVE HUNDRED
35 FIFTY THOUSAND DOLLARS BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS;

36 (D) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-
37 SAND EIGHTEEN, IF THE BUSINESS INCOME BASE IS NOT MORE THAN FIVE HUNDRED
38 THOUSAND DOLLARS THE AMOUNT SHALL BE TWO AND ONE-HALF PERCENT OF THE
39 BUSINESS INCOME BASE; IF THE BUSINESS INCOME BASE IS MORE THAN FIVE
40 HUNDRED THOUSAND DOLLARS BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS THE
41 AMOUNT SHALL BE THE SUM OF (1) TWELVE THOUSAND FIVE DOLLARS, (2) SIX AND
42 ONE-HALF PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FIVE
43 HUNDRED THOUSAND DOLLARS BUT NOT OVER SIX HUNDRED THOUSAND DOLLARS AND
44 (3) FORTY PERCENT OF THE EXCESS OF THE BUSINESS INCOME BASE OVER FOUR
45 HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER FIVE HUNDRED THOUSAND
46 DOLLARS.

47 S 2. Paragraph 39 of subsection (c) of section 612 of the tax law, as
48 added by section 1 of part Y of chapter 59 of the laws of 2013, is
49 amended to read as follows:

50 (39) In the case of a taxpayer who is a small business who has busi-
51 ness income and/or farm income as defined in the laws of the United
52 States, an amount equal to three percent of the net items of income,
53 gain, loss and deduction attributable to such business or farm entering
54 into federal adjusted gross income, but not less than zero, for taxable
55 years beginning ON OR after JANUARY FIRST, two thousand thirteen[,] BUT
56 BEFORE JANUARY FIRST, TWO THOUSAND FOURTEEN; an amount equal to three

1 and three-quarters percent of the net items of income, gain, loss and
2 deduction attributable to such business or farm entering into federal
3 adjusted gross income, but not less than zero, for taxable years begin-
4 ning ON OR after JANUARY FIRST, two thousand fourteen[, and] BUT BEFORE
5 JANUARY FIRST, TWO THOUSAND FIFTEEN; an amount equal to five percent of
6 the net items of income, gain, loss and deduction attributable to such
7 business or farm entering into federal adjusted gross income, but not
8 less than zero, for taxable years beginning ON OR after JANUARY FIRST,
9 two thousand fifteen BUT BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN; AN
10 AMOUNT EQUAL TO TEN PERCENT OF THE NET ITEMS OF INCOME, GAIN, LOSS AND
11 DEDUCTION ATTRIBUTABLE TO SUCH BUSINESS OR FARM ENTERING INTO FEDERAL
12 ADJUSTED GROSS INCOME, BUT NOT LESS THAN ZERO, FOR TAXABLE YEARS BEGIN-
13 NING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN BUT BEFORE JANUARY
14 FIRST, TWO THOUSAND SEVENTEEN; AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE
15 NET ITEMS OF INCOME, GAIN, LOSS AND DEDUCTION ATTRIBUTABLE TO SUCH BUSI-
16 NESS OR FARM ENTERING INTO FEDERAL ADJUSTED GROSS INCOME, BUT NOT LESS
17 THAN ZERO, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO
18 THOUSAND SEVENTEEN BUT BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN; AND
19 AN AMOUNT EQUAL TO TWENTY PERCENT OF THE NET ITEMS OF INCOME, GAIN, LOSS
20 AND DEDUCTION ATTRIBUTABLE TO SUCH BUSINESS OR FARM ENTERING INTO FEDER-
21 AL ADJUSTED GROSS INCOME, BUT NOT LESS THAN ZERO, FOR TAXABLE YEARS
22 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN. PROVIDED
23 THAT SUCH BUSINESS OR FARM INCOME IS LESS THAN OR EQUAL TO FIVE HUNDRED
24 THOUSAND DOLLARS. For the purposes of this paragraph, the term small
25 business shall mean a [sole proprietor] BUSINESS or a farm business who
26 employs one or more persons during the taxable year and who has net
27 business income or net farm income of EQUAL TO OR less than [two hundred
28 fifty] FIVE HUNDRED thousand dollars. FOR THE PURPOSES OF THIS PARA-
29 GRAPH, IF THE TAXPAYER IS A MEMBER, PARTNER, OR SHAREHOLDER OF A LIMITED
30 LIABILITY COMPANY, PARTNERSHIP OR S-CORPORATION, THE TAXPAYER WILL ONLY
31 BE ELIGIBLE UNDER THIS PARAGRAPH IF THE NEW YORK SOURCE GROSS INCOME OF
32 THE LIMITED LIABILITY COMPANY, PARTNERSHIP OR S-CORPORATION DOES NOT
33 EXCEED ONE MILLION DOLLARS. NEW YORK SOURCE GROSS INCOME IS THE SUM OF
34 THE MEMBERS, PARTNERS, OR SHAREHOLDERS SHARES OF FEDERAL GROSS INCOME
35 FROM THE LIMITED LIABILITY COMPANY, PARTNERSHIP, OR S-CORPORATION
36 DERIVED FROM OR CONNECTED WITH NEW YORK SOURCES, DETERMINED IN ACCORD-
37 ANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED THIRTY-ONE OF THIS ARTI-
38 CLE AS IF THOSE PROVISIONS AND ANY RELATED PROVISIONS EXPRESSLY REFERRED
39 TO A COMPUTATION OF FEDERAL GROSS INCOME FROM NEW YORK SOURCES.

40 S 3. This act shall take effect immediately.

41 PART B

42 Section 1. Sections 24, 28 and 31 of the tax law, section 28 as added
43 by section 2 of part V of chapter 62 of the laws of 2006 and section 31
44 as added by section 12 of part Q of chapter 57 of the laws of 2010, are
45 REPEALED.

46 S 2. Subsections (gg), (jj) and (qq) of section 606 of the tax law,
47 subsection (jj) as added by section 5 of part V of chapter 62 of the
48 laws of 2006 and subsection (qq) as added by section 15 of part Q of
49 chapter 57 of the laws of 2010, are REPEALED.

50 S 3. Subdivisions 20, 23 and 32 of section 210-B of the tax law are
51 REPEALED.

52 S 4. Subdivisions (b) and (c) of section 1201-a of the tax law are
53 REPEALED and subdivision (d) is relettered subdivision (b).

54 S 5. This act shall take effect immediately.

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PART C

2 Section 1. The empire state development corporation shall immediately
3 cease and discontinue all promotional and advertising campaigns for the
4 Start-Up NY Program established pursuant to article 21 of the economic
5 development law. Any remaining funds appropriated for such campaigns
6 shall be returned to the general fund.

7 S 2. This act shall take effect immediately.

8 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 S 4. This act shall take effect immediately, provided, however, that
18 the applicable effective date of Parts A through C of this act shall be
19 as specifically set forth in the last section of such Parts.