

STATE OF NEW YORK

5573--A

2017-2018 Regular Sessions

IN SENATE

April 17, 2017

Introduced by Sens. SQUADRON, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to requiring the disclosure of tax returns of the president and vice president of the United States

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 697 of the tax law is amended by adding a new
2 subsection (p) to read as follows:

3 (p) Disclosure of certain elected officials' tax information. (1)
4 Notwithstanding the provisions of subsection (e) of this section, the
5 commissioner shall post on the department's website:

6 (A) A statement disclosing whether the president of the United States
7 or the vice president of the United States has filed New York state
8 income tax returns pursuant to this article in any of the immediately
9 preceding five taxable years. With respect to each such return, the
10 commissioner shall include in such statement the following information
11 as reported on the return: (i) New York adjusted gross income, (ii) any
12 standard deduction or itemized deductions claimed on the return, (iii)
13 taxable income, (iv) total New York state taxes due, (v) total New York
14 city and Yonkers taxes, surcharges and metropolitan commuter transporta-
15 tion mobility taxes due, (vi) sales or use taxes, (vii) any payments and
16 refundable credits, (viii) total New York state, New York city and Yonk-
17 ers taxes withheld, (ix) total estimated tax payments, (x) whether the
18 taxpayer claimed a refund with such return, and if so the amount of such
19 refund, (xi) whether the taxpayer reported any amount owed, and if so
20 the amount owed, (xii) any estimated tax penalty, and (xiii) any other
21 penalties and interest.

22 (B) Copies of all New York state income tax returns filed to the
23 department pursuant to this article by the president of the United

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

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1 States or the vice president of the United States with respect to each
2 of the immediately preceding five taxable years, provided however that
3 the following information shall be redacted prior to such copies being
4 posted on the department's website: (i) the taxpayer's social security
5 number, (ii) the social security number of the taxpayer's spouse and any
6 individuals claimed as dependents on the return, (iii) any account
7 number reported on the return, (iv) any taxpayer addresses on the
8 return, and (v) any additional information if the commissioner deter-
9 mines that the disclosure of such information will violate federal law.

10 (C) The commissioner shall make the first such postings required by
11 this paragraph no later than thirty days after the effective date of
12 this subsection, and subsequent postings no later than thirty days after
13 the president of the United States or the vice president of the United
14 States takes his or her oath of office.

15 (D) Statements and income tax returns posted on the department's
16 website pursuant to this paragraph shall remain posted until such
17 elected official leaves office.

18 (2) Notwithstanding the provisions of subsection (e) of this section,
19 the commissioner shall, on an annual basis as hereinafter provided, post
20 on the department's website:

21 (A) A statement disclosing whether the president of the United States
22 or the vice president of the United States has filed New York state
23 income tax returns pursuant to this article on or after the effective
24 date of this subsection. With respect to each such return, the commis-
25 sioner shall include in such statement the following information as
26 reported on the return: (i) New York adjusted gross income, (ii) any
27 standard deduction or itemized deductions claimed on the return, (iii)
28 taxable income, (iv) total New York state taxes due, (v) total New York
29 city and Yonkers taxes, surcharges and metropolitan commuter transporta-
30 tion mobility taxes due, (vi) sales or use taxes, (vii) any payments and
31 refundable credits, (viii) total New York state, New York city and Yonk-
32 ers taxes withheld, (ix) total estimated tax payments, (x) whether the
33 taxpayer claimed a refund with such return, and if so the amount of such
34 refund, (xi) whether the taxpayer reported any amount owed, and if so
35 the amount owed, (xii) any estimated tax penalty, and (xiii) any other
36 penalties and interest.

37 (B) Copies of all New York state income tax returns filed to the
38 department pursuant to this article on or after the effective date of
39 this subsection, by the president of the United States or the vice pres-
40 ident of the United States, provided however that the following informa-
41 tion shall be redacted prior to such copies being posted on the depart-
42 ment's website: (i) the taxpayer's social security number, (ii) the
43 social security number of the taxpayer's spouse and any individuals
44 claimed as dependents on the returns, (iii) any account number reported
45 on the returns, (iv) any taxpayer addresses on the returns, and (v) any
46 additional information if the commissioner determines that the disclo-
47 sure of such information will violate federal law.

48 (C) The commissioner shall make the postings required by this para-
49 graph no later than the fifteenth day of the fifth month following the
50 close of the taxable year, provided however that if the president of the
51 United States or the vice president of the United States has obtained an
52 extension for filing a return pursuant to section six hundred fifty-sev-
53 en of this article, such postings shall occur no later than thirty days
54 after the return is filed with the department.

1 (D) Statements and returns posted on the department's website pursuant
2 to this paragraph shall remain posted until such elected official leaves
3 office.

4 (3) If the commissioner redacts any information from a return posted
5 pursuant to this subsection based on a determination that disclosure of
6 such information would violate federal law, the commissioner shall, at
7 the time of posting such redacted return, post on the department's
8 website a description of the type of information that was redacted from
9 the return and a detailed explanation of the commissioner's determi-
10 nation that disclosure of such information would constitute a violation
11 of federal law.

12 (4) If any clause, sentence, paragraph or part of this subsection
13 shall be adjudged by any court of competent jurisdiction to be invalid,
14 the judgment shall not affect, impair or invalidate the remainder there-
15 of, but shall be confined in its operation to the clause, sentence,
16 paragraph or part of this subsection directly involved in the controver-
17 sy in which the judgment shall have been rendered.

18 § 2. This act shall take effect immediately.