

# STATE OF NEW YORK

8956

## IN ASSEMBLY

January 9, 2018

Introduced by M. of A. O'DONNELL -- read once and referred to the  
Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to providing for the appointment of an emergency manager for the metropolitan transportation authority, and providing for his or her powers and duties; to amend the tax law, in relation to establishing personal income tax rates and a tax table benefit recapture for taxpayers who reside in the metropolitan commuter transportation district; to direct the comptroller to transfer moneys in the general fund to the MTA financial assistance fund; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "better trains, better cities act of 2017".

3 § 2. The public authorities law is amended by adding a new section  
4 1263-a to read as follows:

5 § 1263-a. Emergency manager. 1. There is hereby established the office  
6 of emergency manager of the authority. Such manager shall oversee the  
7 authority, and implement the plan established by the emergency manager  
8 submitted to each house of the legislature during the course of the  
9 confirmation of the emergency manager.

10 2. The emergency manager of the authority shall be appointed by the  
11 governor, subject to separate confirmation by each of the houses of the  
12 legislature. Such confirmations shall be completed within ninety days of  
13 the effective date of this section; provided, however, that upon nomi-  
14 nation by the governor, each nominee for emergency manager shall develop  
15 and submit to the legislature, prior to his or her confirmation, a plan  
16 outlining how the nominee, if confirmed, will expedite repairs to  
17 authority facilities and equipment, expand capacity, and ensure the  
18 reliability and safety of the authority facilities and equipment and the  
19 services provided thereby. No nominee shall be confirmed until such plan  
20 shall have been received and reviewed by each house of the legislature.

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

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3. The emergency manager shall have all the powers of the board of the authority as they relate to expediting repairs to authority facilities and equipment, expanding capacity, and ensuring reliability and safety of the authority facilities and equipment and services provided thereby, and shall implement the plan he or she submitted to the legislature. The emergency manager's authority to implement his or her plan shall supersede the authority of the board of the authority, unless such board shall by a vote of ten voting members thereof overrides a specific action of the emergency manager.

§ 3. Clauses (i), (ii) and (iii) of subparagraph (B) of paragraph 1 of subsection (a) of section 601 of the tax law, as added by section 1 of part R of chapter 59 of the laws of 2017, are amended to read as follows:

(i) For taxable years beginning in two thousand eighteen the following rates shall apply:

1. For taxpayers who reside outside of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
Not over \$17,150	4% of the New York taxable income
Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over \$17,150
Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over \$23,600
Over \$27,900 but not over \$43,000	\$1,202 plus 5.9% of excess over \$27,900
Over \$43,000 but not over \$161,550	\$2,093 plus 6.33% of excess over \$43,000
Over \$161,550 but not over \$323,200	\$9,597 plus 6.57% of excess over \$161,550
Over \$323,200 but not over \$2,155,350	\$20,218 plus 6.85% of excess over \$323,200
Over \$2,155,350	\$145,720 plus 8.82% of excess over \$2,155,350

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$17,150</u>	<u>4% of the New York taxable income</u>
<u>Over \$17,150 but not over \$23,600</u>	<u>\$686 plus 4.5% of excess over \$17,150</u>
<u>Over \$23,600 but not over \$27,900</u>	<u>\$976 plus 5.25% of excess over \$23,600</u>
<u>Over \$27,900 but not over \$43,000</u>	<u>\$1,202 plus 5.9% of excess over \$27,900</u>
<u>Over \$43,000 but not over \$161,550</u>	<u>\$2,093 plus 6.21% of excess over \$43,000</u>
<u>Over \$161,550 but not over \$323,200</u>	<u>\$9,597 plus 6.57% of excess over \$161,550</u>
<u>Over \$323,200 but not over \$2,000,000</u>	<u>\$20,218 plus 6.85% of excess over \$323,200</u>
<u>Over \$2,000,000 but not over \$6,000,000</u>	<u>\$135,079 plus 8.98% of excess over \$2,000,000</u>
<u>Over \$6,000,000 but not over</u>	<u>\$494,279 plus 9.08% of excess</u>

1	<u>\$11,000,000</u>	<u>over \$6,000,000</u>
2	<u>Over \$11,000,000</u>	<u>\$948,279 plus 9.28% of excess</u>
3		<u>over \$11,000,000</u>

(ii) For taxable years beginning in two thousand nineteen the following rates shall apply:

1. For taxpayers who reside outside of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

9	Not over \$17,150	4% of the New York taxable income
10		
11	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over \$17,150
12		
13	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over \$23,600
14		
15	Over \$43,000 but not over \$161,550	\$2,093 plus 6.21% of excess over \$43,000
16		
17	Over \$161,550 but not over \$323,200	\$9,455 plus 6.49% of excess over \$161,550
18		
19	Over \$323,200 but not over \$2,155,350	\$19,946 plus 6.85% of excess over \$323,200
20		
21	Over \$2,155,350	\$145,448 plus 8.82% of excess over \$2,155,350
22		

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to the section twelve hundred sixty-two of the public authorities law:

26	<u>Not over \$17,150</u>	<u>4% of the New York taxable income</u>
27		
28	<u>Over \$17,150 but not over \$23,600</u>	<u>\$686 plus 4.5% of excess over \$17,150</u>
29		
30	<u>Over \$23,600 but not over \$27,900</u>	<u>\$976 plus 5.25% of excess over \$23,600</u>
31		
32	<u>Over \$27,900 but not over \$43,000</u>	<u>\$1,202 plus 5.9% of excess over \$27,900</u>
33		
34	<u>Over \$43,000 but not over \$161,550</u>	<u>\$2,093 plus 6.21% of excess over \$43,000</u>
35		
36	<u>Over \$161,550 but not over \$323,200</u>	<u>\$9,455 plus 6.49% of excess over \$161,550</u>
37		
38	<u>Over \$323,200 but not over \$2,000,000</u>	<u>\$19,946 plus 6.85% of excess over \$323,200</u>
39		
40	<u>Over \$2,000,000 but not over \$6,000,000</u>	<u>\$134,807 plus 8.98% of excess over 2,000,000</u>
41		
42	<u>Over \$6,000,000 but not over \$11,000,000</u>	<u>\$494,007 plus 9.08% of excess over \$6,000,000</u>
43		
44	<u>Over \$11,000,000</u>	<u>\$948,000 plus 9.28% over \$11,000,000</u>
45		

(iii) For taxable years beginning in two thousand twenty the following rates shall apply:

1. For taxpayers who reside outside of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

51	If the New York taxable income is:	The tax is:
52	Not over \$17,150	4% of the New York taxable income
53	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over \$17,150
54		
55	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over

1		\$23,600
2	Over \$27,900 but not over \$43,000	\$1,202 plus 5.9% of excess over
3		\$27,900
4	Over \$43,000 but not over \$161,550	\$2,093 plus 6.09% of excess over
5		\$43,000
6	Over \$161,550 but not over \$323,200	\$9,313 plus 6.41% of excess over
7		\$161,550
8	Over \$323,200	\$19,674 plus 6.85% of excess over
9		\$323,200

10 2. For taxpayers who resided within the metropolitan commuter trans-  
 11 portation district created and established pursuant to section twelve  
 12 hundred sixty-two of the public authorities law:

13	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
14	<u>Not over \$17,150</u>	<u>4% of the New York taxable income</u>
15	<u>Over \$17,150 but not over \$23,600</u>	<u>\$686 plus 4.5% of excess over</u>
16		<u>\$17,150</u>
17	<u>Over \$23,600 but not over \$27,900</u>	<u>\$976 plus 5.25% of excess over</u>
18		<u>\$23,600</u>
19	<u>Over \$27,900 but not over \$43,000</u>	<u>\$1,202 plus 5.9% of excess over</u>
20		<u>\$27,900</u>
21	<u>Over \$43,000 but not over \$161,550</u>	<u>\$2,093 plus 6.09% of excess over</u>
22		<u>\$43,000</u>
23	<u>Over \$161,550 but not over \$323,200</u>	<u>\$9,313 plus 6.41% of excess over</u>
24		<u>\$161,550</u>
25	<u>Over \$323,200 but not over</u>	<u>\$19,674 plus 6.85% of excess over</u>
26	<u>\$2,000,000</u>	<u>\$323,200</u>
27	<u>Over \$2,000,000 but not over</u>	<u>\$134,535 plus 8.98% of excess over</u>
28	<u>\$6,000,000</u>	<u>\$2,000,000</u>
29	<u>Over \$6,000,000 but not over</u>	<u>\$493,735 plus 9.08% of excess over</u>
30	<u>\$11,000,000</u>	<u>\$6,000,000</u>
31	<u>Over \$11,000,000</u>	<u>\$947,735 plus 9.28% of excess over</u>
32		<u>\$11,000,000</u>

33 § 4. Clauses (i), (ii) and (iii) of subparagraph (B) of paragraph 1 of  
 34 subsection (b) of section 601 of the tax law, as added by section 2 of  
 35 part R of chapter 59 of the laws of 2017, are amended to read as  
 36 follows:

37 (i) For taxable years beginning in two thousand eighteen the following  
 38 rates shall apply:

39 1. For taxpayers who reside outside of the metropolitan commuter  
 40 transportation district created and established pursuant to section  
 41 twelve hundred sixty-two of the public authorities law:

42	If the New York taxable income is:	The tax is:
43	Not over \$12,800	4% of the New York taxable income
44	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over \$12,800
45	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
46		\$17,650
47	Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over \$20,900
48	Over \$32,200 but not over \$107,650	\$1,568 plus 6.33% of excess over
49		\$32,200
50	Over \$107,650 but not over \$269,300	\$6,344 plus 6.57% of excess over
51		\$107,650
52	Over \$269,300 but not over \$1,616,450	\$16,964 plus 6.85% of excess over
53		\$269,300
54	Over \$1,616,450	\$109,244 plus 8.82% of excess over
55		\$1,616,450

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to the section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$12,800</u>	<u>4% of the New York taxable income</u>
<u>Over \$12,800 but not over \$17,650</u>	<u>\$512 plus 4.5% of excess over \$12,800</u>
<u>Over \$17,650 but not over \$20,900</u>	<u>\$730 plus 5.25% of excess over \$17,650</u>
<u>Over \$20,900 but not over \$32,200</u>	<u>\$901 plus 5.9% of excess over \$20,900</u>
<u>Over \$32,200 but not over \$107,650</u>	<u>\$1,568 plus 6.33% of excess over \$32,200</u>
<u>Over \$107,650 but not over \$269,300</u>	<u>\$6,344 plus 6.57% of excess over \$107,650</u>
<u>Over \$269,300 but not over \$1,605,650</u>	<u>\$16,964 plus 6.85% of excess over \$269,300</u>
<u>Over \$1,605,650 but not over \$5,500,000</u>	<u>\$108,504 plus 8.98% of excess over \$1,605,650</u>
<u>Over \$5,500,000 but not over \$10,500,000</u>	<u>\$458,217 plus 9.08% of excess over \$5,500,000</u>
<u>Over \$10,500,000</u>	<u>\$912,217 plus 9.28% of excess over \$10,500,000</u>

(ii) For taxable years beginning in two thousand nineteen the following rates shall apply:

1. For taxpayers who reside outside of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$12,800</u>	<u>4% of the New York taxable income</u>
<u>Over \$12,800 but not over \$17,650</u>	<u>\$512 plus 4.5% of excess over \$12,800</u>
<u>Over \$17,650 but not over \$20,900</u>	<u>\$730 plus 5.25% of excess over \$17,650</u>
<u>Over \$20,900 but not over \$32,200</u>	<u>\$901 plus 5.9% of excess over \$20,900</u>
<u>Over \$32,200 but not over \$107,650</u>	<u>\$1,568 plus 6.21% of excess over \$32,200</u>
<u>Over \$107,650 but not over \$269,300</u>	<u>\$6,253 plus 6.49% of excess over \$107,650</u>
<u>Over \$269,300 but not over \$1,616,450</u>	<u>\$16,744 plus 6.85% of excess over \$269,300</u>
<u>Over \$1,616,450</u>	<u>\$109,024 plus 8.82% of excess over \$1,616,450</u>

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to the section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$12,800</u>	<u>4% of the New York taxable income</u>
<u>Over \$12,800 but not over \$17,650</u>	<u>\$512 plus 4.5% of excess over \$12,800</u>
<u>Over \$17,650 but not over \$20,900</u>	<u>\$730 plus 5.25% of excess over \$17,650</u>
<u>Over \$20,900 but not over \$32,200</u>	<u>\$901 plus 5.9% of excess over \$20,900</u>
<u>Over \$32,200 but not over \$107,650</u>	<u>\$1,568 plus 6.21% of excess over \$32,200</u>
<u>Over \$107,650 but not over \$269,300</u>	<u>\$6,253 plus 6.49% of excess over \$107,650</u>
<u>Over \$269,300 but not over \$1,605,650</u>	<u>\$16,744 plus 6.85% of excess over \$269,300</u>
<u>Over \$1,605,650 but not over \$5,500,000</u>	<u>\$108,284 plus 8.98% of excess over \$1,605,650</u>

1	<u>\$5,500,000</u>	<u>\$1,605,650</u>
2	<u>Over \$5,500,000 but not over</u>	<u>\$457,997 plus 9.08% of excess over</u>
3	<u>\$10,500,000</u>	<u>\$5,500,000</u>
4	<u>Over \$10,500,000</u>	<u>\$911,997 plus 9.28% of excess over</u>
5		<u>\$10,500,000</u>

6 (iii) For taxable years beginning in two thousand twenty the following  
7 rates shall apply:

8 1. For taxpayers who reside outside of the metropolitan commuter  
9 transportation district created and established pursuant to section  
10 twelve hundred sixty-two of the public authorities law:

11	If the New York taxable income is:	The tax is:
12	Not over \$12,800	4% of the New York taxable income
13	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over \$12,800
14	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
15		\$17,650
16	Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over \$20,900
17	Over \$32,200 but not over \$107,650	\$1,568 plus 6.09% of excess over
18		\$32,200
19	Over \$107,650 but not over \$269,300	\$6,162 plus 6.41% of excess over
20		\$107,650
21	Over \$269,300	\$16,524 plus 6.85% of excess over
22		\$269,300

23 2. For taxpayers who resided within the metropolitan commuter trans-  
24 portation district created and established pursuant to section twelve  
25 hundred sixty-two of the public authorities law:

26	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
27	<u>Not over \$12,800</u>	<u>4% of the New York taxable income</u>
28	<u>Over \$12,800 but not over \$17,650</u>	<u>\$512 plus 4.5% of excess over \$12,800</u>
29	<u>Over \$17,650 but not over \$20,900</u>	<u>\$730 plus 5.25% of excess over</u>
30		<u>\$17,650</u>
31	<u>Over \$20,900 but not over \$32,200</u>	<u>\$901 plus 5.9% of excess over \$20,900</u>
32	<u>Over \$32,200 but not over \$107,650</u>	<u>\$1,568 plus 6.09% of excess over</u>
33		<u>\$32,200</u>
34	<u>Over \$107,650 but not over \$269,300</u>	<u>\$6,162 plus 6.41% of excess over</u>
35		<u>\$107,650</u>
36	<u>Over \$269,300 but not over</u>	<u>\$16,524 plus 6.85% of excess over</u>
37	<u>\$1,605,650</u>	<u>\$269,300</u>
38	<u>Over \$1,605,650 but not over</u>	<u>\$108,064 plus 8.98% of excess</u>
39	<u>\$5,500,000</u>	<u>over \$1,605,650</u>
40	<u>Over \$5,500,000 but not over</u>	<u>\$457,777 plus 9.08% of excess</u>
41	<u>\$10,500,000</u>	<u>over \$5,500,000</u>
42	<u>Over \$10,500,000</u>	<u>\$911,777 plus 9.28% of excess</u>
43		<u>over \$10,500,000</u>

44 § 5. Clauses (i), (ii) and (iii) of subparagraph (B) of paragraph 1 of  
45 subsection (c) of section 601 of the tax law, as added by section 3 of  
46 part R of chapter 59 of the laws of 2017, are amended to read as  
47 follows:

48 (i) For taxable years beginning in two thousand eighteen the following  
49 rates shall apply:

50 1. For taxpayers who reside outside of the metropolitan commuter  
51 transportation district created and established pursuant to section  
52 twelve hundred sixty-two of the public authorities law:

53	If the New York taxable income is:	The tax is:
54	Not over \$8,500	4% of the New York taxable income
55	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over

1		\$8,500
2	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
3		\$11,700
4	Over \$13,900 but not over \$21,400	\$600 plus 5.9% of excess over
5		\$13,900
6	Over \$21,400 but not over \$80,650	\$1,042 plus 6.33% of excess over
7		\$21,400
8	Over \$80,650 but not over \$215,400	\$4,793 plus 6.57% of excess over
9		\$80,650
10	Over \$215,400 but not over \$1,077,550	\$13,646 plus 6.85% of excess over
11		\$215,400
12	Over \$1,077,550	\$72,703 plus 8.82% of excess over
13		\$1,077,550

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

17	<u>If the New York taxable income is:</u>	<u>The tax is:</u>
18	<u>Not over \$8,500</u>	<u>4% of the New York taxable income</u>
19	<u>Over \$8,500 but not over \$11,700</u>	<u>\$340 plus 4.5% of excess over</u>
20		<u>\$8,500</u>
21	<u>Over \$11,700 but not over \$13,900</u>	<u>\$484 plus 5.25% of excess over</u>
22		<u>\$11,700</u>
23	<u>Over \$13,900 but not over \$21,400</u>	<u>\$600 plus 5.9% of excess over</u>
24		<u>\$13,900</u>
25	<u>Over \$21,400 but not over \$80,650</u>	<u>\$1,042 plus 6.33% of excess over</u>
26		<u>\$21,400</u>
27	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,793 plus 6.57% of excess over</u>
28		<u>\$80,650</u>
29	<u>Over \$215,400 but not over</u>	<u>\$13,646 plus 6.85% of excess over</u>
30	<u>\$1,070,350</u>	<u>\$215,400</u>
31	<u>Over \$1,070,350 but not over</u>	<u>\$72,210 plus 8.98% of excess over</u>
32	<u>\$5,000,000</u>	<u>\$1,070,350</u>
33	<u>Over \$5,000,000 but not over</u>	<u>\$425,093 plus 9.08% of excess over</u>
34	<u>\$10,000,000</u>	<u>\$5,000,000</u>
35	<u>Over \$10,000,000</u>	<u>\$879,093 plus 9.28% of excess over</u>
36		<u>\$10,000,000</u>

(ii) For taxable years beginning in two thousand nineteen the following rates shall apply:

1. For taxpayers who reside outside of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty two of the public authorities law:

42	If the New York taxable income is:	The tax is:
43	Not over \$8,500	4% of the New York taxable income
44	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
45		\$8,500
46	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
47		\$11,700
48	Over \$13,900 but not over \$21,400	\$600 plus 5.9% of excess over
49		\$13,900
50	Over \$21,400 but not over \$80,650	\$1,042 plus 6.21% of excess over
51		\$21,400
52	Over \$80,650 but not over \$215,400	\$4,721 plus 6.49% of excess over
53		\$80,650
54	Over \$215,400 but not over	\$13,467 plus 6.85% of excess over
55	\$1,077,550	\$215,400
56	Over \$1,077,550	\$72,524 plus 8.82% of excess over

\$1,077,550

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$8,500</u>	<u>4% of the New York taxable income</u>
<u>Over \$8,500 but not over \$11,700</u>	<u>\$340 plus 4.5% of excess over \$8,500</u>
<u>Over \$11,700 but not over \$13,900</u>	<u>\$484 plus 5.25% of excess over \$11,700</u>
<u>Over \$13,900 but not over \$21,400</u>	<u>\$600 plus 5.9% of excess over \$13,900</u>
<u>Over \$21,400 but not over \$80,650</u>	<u>\$1,042 plus 6.21% of excess over \$21,400</u>
<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,721 plus 6.49% of excess over \$80,650</u>
<u>Over \$215,400 but not over \$1,070,350</u>	<u>\$13,467 plus 6.85% of excess over \$215,400</u>
<u>Over \$1,070,350 but not over 5,000,000</u>	<u>\$72,031 plus 8.98% of excess over \$1,070,350</u>
<u>Over \$5,000,000 but not over \$10,000,000</u>	<u>\$424,914 plus 9.08% of excess over \$5,000,000</u>
<u>Over \$10,000,000</u>	<u>\$878,914 plus 9.28% of excess over \$10,000,000</u>

(iii) For taxable years beginning in two thousand twenty the following rates shall apply:

1. For taxpayers who reside outside of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law:

If the New York taxable income is:	The tax is:
Not over \$8,500	4% of the New York taxable income
Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over \$8,500
Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over \$11,700
Over \$13,900 but not over \$21,400	\$600 plus 5.9% of excess over \$13,900
Over \$21,400 but not over \$80,650	\$1,042 plus 6.09% of excess over \$21,400
Over \$80,650 but not over \$215,400	\$4,650 plus 6.41% of excess over \$80,650
Over \$215,400	\$13,288 plus 6.85% of excess over \$215,400

2. For taxpayers who resided within the metropolitan commuter transportation district created and established pursuant to the section twelve hundred sixty-two of the public authorities law:

<u>If the New York taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$8,500</u>	<u>4% of the New York taxable income</u>
<u>Over \$8,500 but not over \$11,700</u>	<u>\$340 plus 4.5% of excess over \$8,500</u>
<u>Over \$11,700 but not over \$13,900</u>	<u>\$484 plus 5.25% of excess over \$11,700</u>
<u>Over \$13,900 but not over \$21,400</u>	<u>\$600 plus 5.9% of excess over \$13,900</u>
<u>Over \$21,400 but not over \$80,650</u>	<u>\$1,042 plus 6.09% of excess over</u>



1		<u>\$21,400</u>
2	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,650 plus 6.41% of excess over</u>
3		<u>\$80,650</u>
4	<u>Over \$215,400 but not over</u>	<u>\$13,288 plus 6.85% of excess over</u>
5	<u>\$1,070,350</u>	<u>\$215,400</u>
6	<u>Over \$1,070,350 but not over</u>	<u>\$71,852 plus 8.98% of excess over</u>
7	<u>\$5,000,000</u>	<u>\$1,070,350</u>
8	<u>Over \$5,000,000 but not over</u>	<u>\$424,735 plus 9.08% of excess over</u>
9	<u>\$10,000,000</u>	<u>\$5,000,000</u>
10	<u>Over \$10,000,000</u>	<u>\$878,735 plus 9.28% of excess over</u>
11		<u>\$10,000,000</u>

12 § 6. Section 601 of the tax law is amended by adding a new subsection  
13 (d-2) to read as follows:

14 (d-2) Alternative tax table benefit recapture in metropolitan commuter  
15 transportation district. For taxable years beginning on or after Janu-  
16 ary first, two thousand eighteen and before January first, two thousand  
17 twenty-one for a taxpayer residing in the metropolitan commuter trans-  
18 portation district created and established pursuant to section twelve  
19 hundred sixty-two of the public authorities law whose New York taxable  
20 income is over \$2,000,000 if the taxpayer is married filing jointly,  
21 over \$1,605,650 if the taxpayer is a head of household, or over  
22 \$1,070,350 if the taxpayer files singly, there is hereby imposed a  
23 supplemental tax in addition to the tax imposed under subsections (a),  
24 (b) and (c) of this section for the purpose of recapturing the benefit  
25 of the tax tables contained in such subsections. During these taxable  
26 years, any reference in this chapter to subsection (d) of this section  
27 shall be read as a reference to this subsection.

28 (1) For such resident married individuals filing joint returns and  
29 resident surviving spouses, the supplemental tax shall be an amount  
30 equal to the sum of the tax table benefits described in subparagraphs  
31 (A), (B) and (C) of this paragraph multiplied by their respective frac-  
32 tions in such subparagraphs.

33 (A) The tax table benefit is the difference between (i) the amount of  
34 taxable income set forth in the tax table in item two of clause (i),  
35 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (a) of  
36 this section not subject to the 8.98 percent rate of tax for the taxable  
37 year multiplied by such rate and (ii) the dollar denominated tax for  
38 such amount of taxable income set forth in the tax table applicable to  
39 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
40 graph (B) of paragraph one of subsection (a) of this section less the  
41 sum of tax table benefits in subparagraphs (A), (B) and (C) of paragraph  
42 one of subsection (d-1) of this section. The fraction for this subpara-  
43 graph is computed as follows: the numerator is the lesser of fifty thou-  
44 sand dollars or the excess of New York adjusted gross income for the  
45 taxable year over two million dollars and the denominator is fifty thou-  
46 sand dollars.

47 (B) The tax table benefit is the difference between (i) the amount of  
48 taxable income set forth in the tax table in item two of clause (i),  
49 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (a) of  
50 this section not subject to the 9.08 percent rate of tax for the taxable  
51 year multiplied by such rate and (ii) the dollar denominated tax for  
52 such amount of taxable income set forth in the tax table applicable to  
53 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
54 graph (B) of paragraph one of subsection (a) of this section less the  
55 sum of the tax table benefits in subparagraphs (A), (B) and (C) of para-  
56 graph one of subsection (d-1) of this section and such tax table benefit

1 in subparagraph (A) of this paragraph. The fraction for this subpara-  
2 graph is computed as follows: the numerator is the lesser of fifty thou-  
3 sand dollars or the excess of New York adjusted gross income for the  
4 taxable year over six million dollars and the denominator is fifty thou-  
5 sand dollars. Provided, however, this subparagraph shall not apply to  
6 taxpayers who are not subject to the 9.08 percent tax rate.

7 (C) The tax table benefit is the difference between (i) the amount of  
8 taxable income set forth in the tax table in item two of clause (i),  
9 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (a) of  
10 this section not subject to the 9.28 percent rate of tax for the taxable  
11 year multiplied by such rate and (ii) the dollar denominated tax for  
12 such amount of taxable income set forth in the tax table applicable to  
13 the taxable year in item one of clause (i), (ii) or (iii) of paragraph  
14 (B) of paragraph one of subsection (a) of this section less the sum of  
15 the tax table benefits in subparagraphs (A), (B) and (C) of paragraph  
16 one of subsection (d-1) of this section and such tax table benefits in  
17 subparagraphs (A) and (B) of this paragraph. The fraction for this  
18 subparagraph is computed as follows: the numerator is the lesser of  
19 fifty thousand dollars or the excess of New York adjusted gross income  
20 for the taxable year over eleven million dollars and the denominator is  
21 fifty thousand dollars. Provided, however, this subparagraph shall not  
22 apply to taxpayers who are not subject to the 9.28 percent tax rate.

23 (D) Provided, however, the total tax prior to the application of any  
24 tax credits shall not exceed the highest rate of tax set forth in the  
25 tax tables in subsection (a) of this section multiplied by the taxpay-  
26 er's taxable income.

27 (2) For such resident heads of households, the supplemental tax shall  
28 be an amount equal to the sum of the tax table benefits described in  
29 subparagraphs (A), (B) and (C) of this paragraph multiplied by their  
30 respective fractions in such subparagraphs.

31 (A) The tax table benefit is the difference between (i) the amount of  
32 taxable income set forth in the tax table in item two of clause (i),  
33 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (b) of  
34 this section not subject to the 8.98 percent rate of tax for the taxable  
35 year multiplied by such rate and (ii) the dollar denominated tax for  
36 such amount of taxable income set forth in the tax table applicable to  
37 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
38 graph (B) of paragraph one of subsection (b) of this section less the  
39 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph  
40 two of subsection (d-1) of this section. The fraction for this subpara-  
41 graph is computed as follows: the numerator is the lesser of fifty thou-  
42 sand dollars or the excess of New York adjusted gross income for the  
43 taxable year over one million six hundred five thousand six hundred  
44 fifty dollars and the denominator is fifty thousand dollars.

45 (B) The tax table benefit is the difference between (i) the amount of  
46 taxable income set forth in the tax table in item two of clause (i),  
47 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (b) of  
48 this section not subject to the 9.08 percent rate of tax for the taxable  
49 year multiplied by such rate and (ii) the dollar denominated tax for  
50 such amount of taxable income set forth in the tax table applicable to  
51 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
52 graph (B) of paragraph one of subsection (b) of this section less the  
53 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph  
54 two of subsection (d-1) of this section and such tax table benefit in  
55 subparagraph (A) of this paragraph. The fraction for this subparagraph  
56 is computed as follows: the numerator is the lesser of fifty thousand

1 dollars or the excess of New York adjusted gross income for the taxable  
2 year over five million five hundred thousand dollars and the denominator  
3 is fifty thousand dollars. Provided, however, this subparagraph shall  
4 not apply to taxpayers who are not subject to the 9.08 percent tax rate.

5 (C) The tax table benefit is the difference between (i) the amount of  
6 taxable income set forth in the tax table in item two of clause (i),  
7 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (b) of  
8 this section not subject to the 9.28 percent rate of tax for the taxable  
9 year multiplied by such rate and (ii) the dollar denominated tax for  
10 such amount of taxable income set forth in the tax table applicable to  
11 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
12 graph (B) of paragraph one of subsection (b) of this section less the  
13 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph  
14 two of subsection (d-1) of this section and such tax table benefits in  
15 subparagraphs (A) and (B) of this paragraph. The fraction for this  
16 subparagraph is computed as follows: the numerator is the lesser of  
17 fifty thousand dollars or the excess of New York adjusted gross income  
18 for the taxable year over ten million five hundred thousand dollars and  
19 the denominator is fifty thousand dollars.

20 (D) Provided, however, the total tax prior to the application of any  
21 tax credits shall not exceed the highest rate of tax set forth in the  
22 tax tables in subsection (b) of this section multiplied by the taxpay-  
23 er's taxable income.

24 (3) For such resident unmarried individuals, resident married individ-  
25 uals filing separate returns and resident estates and trusts, the  
26 supplemental tax shall be an amount equal to the sum of the tax table  
27 benefits described in subparagraphs (A), (B) and (C) of this paragraph  
28 multiplied by their respective fractions in such subparagraphs.

29 (A) The tax table benefit is the difference between (i) the amount of  
30 taxable income set forth in the tax table in item two of clause (i),  
31 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (c) of  
32 this section not subject to the 8.98 percent rate of tax for the taxable  
33 year multiplied by such rate and (ii) the dollar denominated tax for  
34 such amount of taxable income set forth in the tax table applicable to  
35 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
36 graph (B) of paragraph one of subsection (c) of this section less the  
37 sum of tax table benefits in subparagraphs (A) and (B) of paragraph  
38 three of subsection (d-1) of this section. The fraction for this  
39 subparagraph is computed as follows: the numerator is the lesser of  
40 fifty thousand dollars or the excess of New York adjusted gross income  
41 for the taxable year over one million seventy thousand three hundred  
42 fifty dollars and the denominator is fifty thousand dollars.

43 (B) The tax table benefit is the difference between (i) the amount of  
44 taxable income set forth in the tax table in item two of clause (i),  
45 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (c) of  
46 this section not subject to the 9.08 percent rate of tax for the taxable  
47 year multiplied by such rate and (ii) the dollar denominated tax for  
48 such amount of taxable income set forth in the tax table applicable to  
49 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
50 graph (B) of paragraph one of subsection (c) of this section less the  
51 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph  
52 three of subsection (d-1) of this section and such tax table benefit in  
53 subparagraph (A) of this paragraph. The fraction for this subparagraph  
54 is computed as follows: the numerator is the lesser of fifty thousand  
55 dollars or the excess of New York adjusted gross income for the taxable  
56 year over five million dollars and the denominator is fifty thousand

1 dollars. Provided, however, this subparagraph shall not apply to taxpay-  
2 ers who are not subject to the 9.08 percent tax rate.

3 (C) The tax table benefit is the difference between (i) the amount of  
4 taxable income set forth in the tax table in item two of clause (i),  
5 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (c) of  
6 this section not subject to the 9.28 percent rate of tax for the taxable  
7 year multiplied by such rate and (ii) the dollar denominated tax for  
8 such amount of taxable income set forth in the tax table applicable to  
9 the taxable year in item one of clause (i), (ii) or (iii) of subpara-  
10 graph (B) of paragraph one of subsection (c) of this section less the  
11 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph  
12 three of subsection (d-1) of this section and such tax table benefits in  
13 subparagraphs (A) and (B) of this paragraph. The fraction for this  
14 subparagraph is computed as follows: the numerator is the lesser of  
15 fifty thousand dollars or the excess of New York adjusted gross income  
16 for the taxable year over ten million dollars and the denominator is  
17 fifty thousand dollars.

18 (D) Provided, however, the total tax prior to the application of any  
19 tax credits shall not exceed the highest rate of tax set forth in the  
20 tax tables in subsection (c) of this section multiplied by the taxpay-  
21 er's taxable income.

22 § 7. Notwithstanding any provision of law to the contrary, and in  
23 accordance with section 4 of the state finance law, the comptroller is  
24 hereby authorized and directed to transfer on April 1, 2018, April 1,  
25 2019 and April 1, 2020, \$2,072,000,000 from the general fund to the MTA  
26 financial assistance fund, mobility tax trust account.

27 § 8. This act shall take effect immediately; provided that sections  
28 one, two, and seven of this act shall expire and be deemed repealed  
29 January 1, 2021.