

STATE OF NEW YORK

6830--A

2017-2018 Regular Sessions

IN SENATE

June 27, 2017

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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authority facilities and equipment, expand capacity, and ensure the reliability and safety of the authority facilities and equipment and the services provided thereby. No nominee shall be confirmed until such plan shall have been received and reviewed by each house of the legislature.

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:

If the New York taxable income is:	The tax is:
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</u>

	<u>\$161,550</u>
<u>Over \$323,200 but not over</u>	<u>\$20,218 plus 6.85% of excess over</u>
<u>\$2,000,000</u>	<u>\$323,200</u>
<u>Over \$2,000,000 but not over</u>	<u>\$135,079 plus 8.98% of excess</u>
<u>\$6,000,000</u>	<u>over \$2,000,000</u>
<u>Over \$6,000,000 but not over</u>	<u>\$494,279 plus 9.08% of excess</u>
<u>\$11,000,000</u>	<u>over \$6,000,000</u>
<u>Over \$11,000,000</u>	<u>\$948,279 plus 9.28% of excess</u>
	<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:

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 \$43,000 but not over \$161,550	\$2,093 plus 6.21% of excess over \$43,000
Over \$161,550 but not over \$323,200	\$9,455 plus 6.49% of excess over \$161,550
Over \$323,200 but not over \$2,155,350	\$19,946 plus 6.85% of excess over \$323,200
Over \$2,155,350	\$145,448 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 the section twelve hundred sixty-two of the public authorities law:

<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>\$9,455 plus 6.49% of excess over \$161,550</u>
<u>Over \$323,200 but not over \$2,000,000</u>	<u>\$19,946 plus 6.85% of excess over \$323,200</u>
<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>
<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>
<u>Over \$11,000,000</u>	<u>\$948,000 plus 9.28% over \$11,000,000</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:

1	If the New York taxable income is:	The tax is:
2	Not over \$17,150	4% of the New York taxable income
3	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
4		\$17,150
5	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
6		\$23,600
7	Over \$27,900 but not over \$43,000	\$1,202 plus 5.9% of excess over
8		\$27,900
9	Over \$43,000 but not over \$161,550	\$2,093 plus 6.09% of excess over
10		\$43,000
11	Over \$161,550 but not over \$323,200	\$9,313 plus 6.41% of excess over
12		\$161,550
13	Over \$323,200	\$19,674 plus 6.85% of excess over
14		\$323,200

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:

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

§ 4. Clauses (i), (ii) and (iii) of subparagraph (B) of paragraph 1 of subsection (b) of section 601 of the tax law, as added by section 2 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:

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

	\$107,650
Over \$269,300 but not over \$1,616,450	\$16,964 plus 6.85% of excess over \$269,300
Over \$1,616,450	\$109,244 plus 8.82% of excess over \$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:

If the New York taxable income is:

The tax is:

<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:

If the New York taxable income is:

The tax is:

<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:

If the New York taxable income is:

The tax is:

<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>\$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>
<u>Over \$5,500,000 but not over \$10,500,000</u>	<u>\$457,997 plus 9.08% of excess over \$5,500,000</u>
<u>Over \$10,500,000</u>	<u>\$911,997 plus 9.28% of excess over \$10,500,000</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 \$12,800	4% of the New York taxable income
Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over \$12,800
Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over \$17,650
Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over \$20,900
Over \$32,200 but not over \$107,650	\$1,568 plus 6.09% of excess over \$32,200
Over \$107,650 but not over \$269,300	\$6,162 plus 6.41% of excess over \$107,650
Over \$269,300	\$16,524 plus 6.85% of excess over \$269,300

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 \$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 6.09% of excess over \$32,200</u>
<u>Over \$107,650 but not over \$269,300</u>	<u>\$6,162 plus 6.41% of excess over \$107,650</u>
<u>Over \$269,300 but not over \$1,605,650</u>	<u>\$16,524 plus 6.85% of excess over \$269,300</u>
<u>Over \$1,605,650 but not over \$5,500,000</u>	<u>\$108,064 plus 8.98% of excess over \$1,605,650</u>
<u>Over \$5,500,000 but not over \$10,500,000</u>	<u>\$457,777 plus 9.08% of excess over \$5,500,000</u>
<u>Over \$10,500,000</u>	<u>\$911,777 plus 9.28% of excess over \$10,500,000</u>

§ 5. Clauses (i), (ii) and (iii) of subparagraph (B) of paragraph 1 of subsection (c) of section 601 of the tax law, as added by section 3 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:

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 6.33% of excess over \$21,400
Over \$80,650 but not over \$215,400	\$4,793 plus 6.57% of excess over \$80,650
Over \$215,400 but not over \$1,077,550	\$13,646 plus 6.85% of excess over \$215,400
Over \$1,077,550	\$72,703 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:

If the New York taxable income is:	The tax is:
<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 6.33% of excess over \$21,400</u>
<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,793 plus 6.57% of excess over \$80,650</u>
<u>Over \$215,400 but not over \$1,070,350</u>	<u>\$13,646 plus 6.85% of excess over \$215,400</u>
<u>Over \$1,070,350 but not over \$5,000,000</u>	<u>\$72,210 plus 8.98% of excess over \$1,070,350</u>
<u>Over \$5,000,000 but not over \$10,000,000</u>	<u>\$425,093 plus 9.08% of excess over \$5,000,000</u>
<u>Over \$10,000,000</u>	<u>\$879,093 plus 9.28% of excess over \$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:

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 6.21% of excess over

	\$21,400
Over \$80,650 but not over \$215,400	\$4,721 plus 6.49% of excess over \$80,650
Over \$215,400 but not over \$1,077,550	\$13,467 plus 6.85% of excess over \$215,400
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:

<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 \$21,400</u>
<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,650 plus 6.41% of excess over \$80,650</u>
<u>Over \$215,400</u>	<u>\$13,288 plus 6.85% of excess over \$215,400</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 \$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</u>

1		<u>\$8,500</u>
2	<u>Over \$11,700 but not over \$13,900</u>	<u>\$484 plus 5.25% of excess over</u>
3		<u>\$11,700</u>
4	<u>Over \$13,900 but not over \$21,400</u>	<u>\$600 plus 5.9% of excess over</u>
5		<u>\$13,900</u>
6	<u>Over \$21,400 but not over \$80,650</u>	<u>\$1,042 plus 6.09% of excess over</u>
7		<u>\$21,400</u>
8	<u>Over \$80,650 but not over \$215,400</u>	<u>\$4,650 plus 6.41% of excess over</u>
9		<u>\$80,650</u>
10	<u>Over \$215,400 but not over</u>	<u>\$13,288 plus 6.85% of excess over</u>
11	<u>\$1,070,350</u>	<u>\$215,400</u>
12	<u>Over \$1,070,350 but not over</u>	<u>\$71,852 plus 8.98% of excess over</u>
13	<u>\$5,000,000</u>	<u>\$1,070,350</u>
14	<u>Over \$5,000,000 but not over</u>	<u>\$424,735 plus 9.08% of excess over</u>
15	<u>\$10,000,000</u>	<u>\$5,000,000</u>
16	<u>Over \$10,000,000</u>	<u>\$878,735 plus 9.28% of excess over</u>
17		<u>\$10,000,000</u>

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

20 (d-2) Alternative tax table benefit recapture in metropolitan commuter
21 transportation district. For taxable years beginning on or after Janu-
22 ary first, two thousand eighteen and before January first, two thousand
23 twenty-one for a taxpayer residing in the metropolitan commuter trans-
24 portation district created and established pursuant to section twelve
25 hundred sixty-two of the public authorities law whose New York taxable
26 income is over \$2,000,000 if the taxpayer is married filing jointly,
27 over \$1,605,650 if the taxpayer is a head of household, or over
28 \$1,070,350 if the taxpayer files singly, there is hereby imposed a
29 supplemental tax in addition to the tax imposed under subsections (a),
30 (b) and (c) of this section for the purpose of recapturing the benefit
31 of the tax tables contained in such subsections. During these taxable
32 years, any reference in this chapter to subsection (d) of this section
33 shall be read as a reference to this subsection.

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

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

53 (B) The tax table benefit is the difference between (i) the amount of
54 taxable income set forth in the tax table in item two of clause (i),
55 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (a) of
56 this section not subject to the 9.08 percent rate of tax for the taxable

1 year multiplied by such rate and (ii) the dollar denominated tax for
2 such amount of taxable income set forth in the tax table applicable to
3 the taxable year in item one of clause (i), (ii) or (iii) of subpara-
4 graph (B) of paragraph one of subsection (a) of this section less the
5 sum of the tax table benefits in subparagraphs (A), (B) and (C) of para-
6 graph one of subsection (d-1) of this section and such tax table benefit
7 in subparagraph (A) of this paragraph. The fraction for this subpara-
8 graph is computed as follows: the numerator is the lesser of fifty thou-
9 sand dollars or the excess of New York adjusted gross income for the
10 taxable year over six million dollars and the denominator is fifty thou-
11 sand dollars. Provided, however, this subparagraph shall not apply to
12 taxpayers who are not subject to the 9.08 percent tax rate.

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

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

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

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

51 (B) The tax table benefit is the difference between (i) the amount of
52 taxable income set forth in the tax table in item two of clause (i),
53 (ii) or (iii) of subparagraph (B) of paragraph one of subsection (b) of
54 this section not subject to the 9.08 percent rate of tax for the taxable
55 year multiplied by such rate and (ii) the dollar denominated tax for
56 such amount of taxable income set forth in the tax table applicable to

1 the taxable year in item one of clause (i), (ii) or (iii) of subpara-
2 graph (B) of paragraph one of subsection (b) of this section less the
3 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph
4 two of subsection (d-1) of this section and such tax table benefit in
5 subparagraph (A) of this paragraph. The fraction for this subparagraph
6 is computed as follows: the numerator is the lesser of fifty thousand
7 dollars or the excess of New York adjusted gross income for the taxable
8 year over five million five hundred thousand dollars and the denominator
9 is fifty thousand dollars. Provided, however, this subparagraph shall
10 not apply to taxpayers who are not subject to the 9.08 percent tax rate.

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

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

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

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

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

1 sum of the tax table benefits in subparagraphs (A) and (B) of paragraph
2 three of subsection (d-1) of this section and such tax table benefit in
3 subparagraph (A) of this paragraph. The fraction for this subparagraph
4 is computed as follows: the numerator is the lesser of fifty thousand
5 dollars or the excess of New York adjusted gross income for the taxable
6 year over five million dollars and the denominator is fifty thousand
7 dollars. Provided, however, this subparagraph shall not apply to taxpay-
8 ers who are not subject to the 9.08 percent tax rate.

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

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

28 § 7. Notwithstanding any provision of law to the contrary, and in
29 accordance with section 4 of the state finance law, the comptroller is
30 hereby authorized and directed to transfer on April 1, 2018, April 1,
31 2019 and April 1, 2020, \$2,072,000,000 from the general fund to the MTA
32 financial assistance fund, mobility tax trust account.

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