

STATE OF NEW YORK

3394

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to authorizing a childhood education surcharge on the personal income tax for cities having a population of one million or more persons; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The tax law is amended by adding a new section 1304-E to
2 read as follows:

3 § 1304-E. Tax surcharge for early childhood education. (a) In addition
4 to the taxes authorized by subsection (a) of section thirteen hundred
5 one of this article, any city having a population of one million or more
6 persons that imposes such taxes is hereby authorized and empowered to
7 adopt and amend local laws imposing in any such city for all taxable
8 years beginning on or after January first, two thousand twenty-two, a
9 tax surcharge on the city taxable income of every city resident married
10 individuals filing joint returns, resident married individuals filing
11 separate returns, resident surviving spouses, resident heads of house-
12 holds, resident unmarried individuals, and resident estates and trusts,
13 at a rate of up to:

14 If the city taxable income is: the tax surcharge is:

15 Not over \$500,000

0

16 Over \$500,000

4.3 % of city taxable income

17 (b) A city imposing a tax surcharge pursuant to the authority of this
18 section may, by local law, impose such surcharge at a rate that is less
19 than the percentages set forth in subsection (a) of this section, and
20 may impose such tax at more than one rate depending upon the filing

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

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1 status and city taxable income of such city resident individual, estate,
2 or trust.

3 (c) A tax surcharge imposed pursuant to the authority of this section
4 shall be administered, collected, and distributed by the commissioner in
5 the same manner as the other taxes imposed pursuant to the authority of
6 this article, and all of the provisions of this article, including
7 section thirteen hundred ten of this article, shall apply to the tax
8 surcharge authorized by this section; provided, however, that the
9 provisions of section thirteen hundred thirteen of this article direct-
10 ing payment of taxes to the New York city transitional finance authority
11 shall not apply to any such surcharge.

12 (d) Notwithstanding any provision of this section or of section thir-
13 teen hundred thirteen of this article to the contrary, the total revenue
14 from the tax surcharge imposed pursuant to the authority of this
15 section, including interest and penalties, which the state comptroller
16 is required to pay to the chief fiscal officer of the city imposing the
17 tax surcharge for payment into the treasury of such city shall be cred-
18 ited to the general fund of such city and shall be applied exclusively
19 to or in aid or support of the early childhood education programs of
20 such city.

21 (e) A local law enacted pursuant to this section shall be applicable
22 only if it has been enacted on or before December thirty-first, two
23 thousand twenty-one. A certified copy of such local law shall be mailed
24 by registered mail to the department at its office in Albany within
25 fifteen days of its enactment. However, the department may allow addi-
26 tional time for such certified copy to be mailed if it deems such action
27 to be consistent with its duties under this article.

28 § 2. This act shall take effect immediately and shall apply to all tax
29 years commencing on and after January 1, 2022; provided, however, that
30 the provisions of this act shall expire and be deemed repealed December
31 31, 2026.