

STATE OF NEW YORK

917

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to extending the top state income tax rate

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

1 Section 1. Clauses (iv), (v), (vi), (vii) and (viii) of subparagraph
2 (B) of paragraph 1 of subsection (a) of section 601 of the tax law,
3 clauses (iv), (v), (vi) and (vii) as amended by section 1 of part P of
4 chapter 59 of the laws of 2019, and clause (viii) as added by section 1
5 of part R of chapter 59 of the laws of 2017, are amended to read as
6 follows:
7 (iv) For taxable years beginning in two thousand twenty-one the
8 following rates shall apply:
9 If the New York taxable income is: The tax is:
10 Not over \$17,150 4% of the New York taxable income
11 Over \$17,150 but not over \$23,600 \$686 plus 4.5% of excess over
12 \$17,150
13 Over \$23,600 but not over \$27,900 \$976 plus 5.25% of excess over
14 \$23,600
15 Over \$27,900 but not over \$43,000 \$1,202 plus 5.9% of excess over
16 \$27,900
17 Over \$43,000 but not over \$161,550 \$2,093 plus 5.97% of excess over
18 \$43,000
19 Over \$161,550 but not over \$323,200 \$9,170 plus 6.33% of excess over
20 \$161,550
21 Over \$323,200 but not over \$2,155,350 \$19,403 plus 6.85% of excess
22 over \$323,200
23 Over \$2,155,350 but not over \$5,000,000 \$144,905 plus 8.82% of excess over
24 \$5,000,000 \$2,155,350

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

LBD04777-01-1

1	<u>Over \$5,000,000 but not over</u>	<u>\$395,803 plus 9.32% of excess over</u>
2	<u>\$10,000,000</u>	<u>\$5,000,000</u>
3	<u>Over \$10,000,000 but not over</u>	<u>\$861,803 plus 9.82% of excess over</u>
4	<u>\$100,000,000</u>	<u>\$10,000,000</u>
5	Over [\$2,155,350 \$144,905 plus 8.82% of excess over	
6		\$2,155,350]
7	<u>\$100,000,000</u>	<u>\$9,699,803 plus 10.32% of excess</u>
8		<u>over \$100,000,000</u>

9 (v) For taxable years beginning in two thousand twenty-two the follow-
 10 ing rates shall apply:

11	If the New York taxable income is:	The tax is:
12	Not over \$17,150	4% of the New York taxable income
13	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
14		\$17,150
15	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
16		\$23,600
17	Over \$27,900 but not over \$161,550	\$1,202 plus 5.85% of excess over
18		\$27,900
19	Over \$161,550 but not over \$323,200	\$9,021 plus 6.25% of excess over
20		\$161,550
21	Over \$323,200 but not over	\$19,124 plus
22	\$2,155,350	6.85% of excess over \$323,200
23	<u>Over \$2,155,350 but not over</u>	<u>\$144,626 plus 8.82% of excess over</u>
24	<u>\$5,000,000</u>	<u>\$2,155,350</u>
25	<u>Over \$5,000,000 but not over</u>	<u>\$395,524 plus 9.32% of excess over</u>
26	<u>\$10,000,000</u>	<u>\$5,000,000</u>
27	<u>Over \$10,000,000 but not over</u>	<u>\$861,524 plus 9.82% of excess over</u>
28	<u>\$100,000,000</u>	<u>\$10,000,000</u>
29	Over [\$2,155,350 \$144,626 plus 8.82% of excess over	
30		\$2,155,350]
31	<u>\$100,000,000</u>	<u>\$9,699,524 plus 10.32% of</u>
32		<u>excess over \$100,000,000</u>

33 (vi) For taxable years beginning in two thousand twenty-three the
 34 following rates shall apply:

35	If the New York taxable income is:	The tax is:
36	Not over \$17,150	4% of the New York taxable income
37	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
38		\$17,150
39	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
40		\$23,600
41	Over \$27,900 but not over \$161,550	\$1,202 plus 5.73% of excess over
42		\$27,900
43	Over \$161,550 but not over \$323,200	\$8,860 plus 6.17% of excess over
44		\$161,550
45	Over \$323,200 but not over	\$18,834 plus 6.85% of
46	\$2,155,350	excess over \$323,200
47	<u>Over \$2,155,350 but not over</u>	<u>\$144,336 plus 8.82% of excess over</u>
48	<u>\$5,000,000</u>	<u>\$2,155,350</u>
49	<u>Over \$5,000,000 but not over</u>	<u>\$395,234 plus 9.32% of excess over</u>
50	<u>\$10,000,000</u>	<u>\$5,000,000</u>
51	<u>Over \$10,000,000 but not over</u>	<u>\$861,234 plus 9.82% of excess over</u>
52	<u>\$100,000,000</u>	<u>\$10,000,000</u>
53	Over [\$2,155,350 \$144,336 plus 8.82% of excess over	
54		\$2,155,350]
55	<u>\$100,000,000</u>	<u>\$9,699,234 plus 10.32% of excess</u>
56		<u>over \$100,000,000</u>

1	(vii) For taxable years beginning	in two thousand twenty-four the
2	following rates shall apply:	
3	If the New York taxable income is:	The tax is:
4	Not over \$17,150	4% of the New York taxable income
5	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
6		\$17,150
7	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
8		\$23,600
9	Over \$27,900 but not over \$161,550	\$1,202 plus 5.61% of excess over
10		\$27,900
11	Over \$161,550 but not over \$323,200	\$8,700 plus 6.09% of excess over
12		\$161,550
13	Over \$323,200 but not over	\$18,544 plus 6.85% of
14	\$2,155,350	excess over \$323,200
15	<u>Over \$2,155,350 but not over</u>	<u>\$144,047 plus 8.82% of excess over</u>
16	<u>\$5,000,000</u>	<u>\$2,155,350</u>
17	<u>Over \$5,000,000 but not over</u>	<u>\$394,945 plus 9.32% of excess over</u>
18	<u>\$10,000,000</u>	<u>\$5,000,000</u>
19	<u>Over \$10,000,000 but not over</u>	<u>\$860,945 plus 9.82% of excess over</u>
20	<u>\$100,000,000</u>	<u>\$10,000,000</u>
21	Over [\$2,155,350 \$144,047 plus 8.82% of excess over	\$2,155,350]
22		
23	<u>\$100,000,000</u>	<u>\$9,698,945 plus 10.32% of excess</u>
24		<u>over \$100,000,000</u>

25	(viii) For taxable years beginning	after two thousand twenty-four the
26	following rates shall apply:	
27	If the New York taxable income is:	The tax is:
28	Not over \$17,150	4% of the New York taxable income
29	Over \$17,150 but not over \$23,600	\$686 plus 4.5% of excess over
30		\$17,150
31	Over \$23,600 but not over \$27,900	\$976 plus 5.25% of excess over
32		\$23,600
33	Over \$27,900 but not over \$161,550	\$1,202 plus 5.5% of excess over
34		\$27,900
35	Over \$161,550 but not over \$323,200	\$8,553 plus 6.00% of excess over
36		\$161,550
37	Over \$323,200 <u>but not over</u>	\$18,252 plus 6.85% of excess
38	<u>\$2,155,350</u>	over \$323,200
39	<u>Over \$2,155,350 but not over</u>	<u>\$143,754 plus 8.82% of excess over</u>
40	<u>\$5,000,000</u>	<u>\$2,155,350</u>
41	<u>Over \$5,000,000 but not over</u>	<u>\$394,652 plus 9.32% of excess over</u>
42	<u>\$10,000,000</u>	<u>\$5,000,000</u>
43	<u>Over \$10,000,000 but not over</u>	<u>\$860,652 plus 9.82% of excess over</u>
44	<u>\$100,000,000</u>	<u>\$10,000,000</u>
45	<u>Over \$100,000,000</u>	<u>\$9,698,652 plus 10.32% of excess</u>
46		<u>over \$100,000,000</u>

47 § 2. Clauses (iv), (v), (vi), (vii) and (viii) of subparagraph (B) of
 48 paragraph 1 of subsection (b) of section 601 of the tax law, clauses
 49 (iv), (v), (vi) and (vii) as amended by section 2 of part P of chapter
 50 59 of the laws of 2019, and clause (viii) as added by section 2 of part
 51 R of chapter 59 of the laws of 2017, are amended to read as follows:

52	(iv) For taxable years beginning	in two thousand twenty-one the
53	following rates shall apply:	
54	If the New York taxable income is:	The tax is:
55	Not over \$12,800	4% of the New York taxable income
56	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over

1		\$12,800
2	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
3		\$17,650
4	Over \$20,900 but not over \$32,200	\$901 plus 5.9% of excess over
5		\$20,900
6	Over \$32,200 but not over \$107,650	\$1,568 plus 5.97% of excess over
7		\$32,200
8	Over \$107,650 but not over \$269,300	\$6,072 plus 6.33% of excess over
9		\$107,650
10	Over \$269,300 but not over	\$16,304 plus 6.85% of
11	\$1,616,450	excess over \$269,300
12	<u>Over \$1,616,450 but not over</u>	<u>\$108,584 plus 8.82% of excess over</u>
13	<u>\$5,000,000</u>	<u>\$1,616,450</u>
14	<u>Over \$5,000,000 but not over</u>	<u>\$407,013 plus 9.32% of excess over</u>
15	<u>\$10,000,000</u>	<u>\$5,000,000</u>
16	<u>Over \$10,000,000 but not over</u>	<u>\$873,013 plus 9.82% of excess over</u>
17	<u>\$100,000,000</u>	<u>\$10,000,000</u>
18	Over [\$1,616,450 \$108,584 plus 8.82% of excess over	
19		\$1,616,450]
20	<u>\$100,000,000</u>	<u>\$9,711,013 plus 10.32% of excess</u>
21		<u>over \$100,000,000</u>

22 (v) For taxable years beginning in two thousand twenty-two the follow-
 23 ing rates shall apply:

24	If the New York taxable income is:	The tax is:
25	Not over \$12,800	4% of the New York taxable income
26	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
27		\$12,800
28	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
29		\$17,650
30	Over \$20,900 but not over \$107,650	\$901 plus 5.85% of excess over
31		\$20,900
32	Over \$107,650 but not over \$269,300	\$5,976 plus 6.25% of excess over
33		\$107,650
34	Over \$269,300 but not over	\$16,079 plus 6.85% of excess
35	\$1,616,450	over \$269,300
36	<u>Over \$1,616,450 but not over</u>	<u>\$108,359 plus 8.82% of excess over</u>
37	<u>\$5,000,000</u>	<u>\$1,616,450</u>
38	<u>Over \$5,000,000 but not over</u>	<u>\$406,788 plus 9.32% of excess over</u>
39	<u>\$10,000,000</u>	<u>\$5,000,000</u>
40	<u>Over \$10,000,000 but not over</u>	<u>\$872,788 plus 9.82% of excess over</u>
41	<u>\$100,000,000</u>	<u>\$10,000,000</u>
42	Over [\$1,616,450 \$108,359 plus 8.82% of excess over	
43		\$1,616,450]
44	<u>\$100,000,000</u>	<u>\$9,710,788 plus 10.32% of excess</u>
45		<u>over \$100,000,000</u>

46 (vi) For taxable years beginning in two thousand twenty-three the
 47 following rates shall apply:

48	If the New York taxable income is:	The tax is:
49	Not over \$12,800	4% of the New York taxable income
50	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
51		\$12,800
52	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
53		\$17,650
54	Over \$20,900 but not over \$107,650	\$901 plus 5.73% of excess over
55		\$20,900
56	Over \$107,650 but not over \$269,300	\$5,872 plus 6.17% of excess over

1		\$107,650
2	Over \$269,300 but not over	\$15,845 plus 6.85% of excess
3	\$1,616,450	over \$269,300
4	<u>Over \$1,616,450 but not over</u>	<u>\$108,125 plus 8.82% of excess over</u>
5	<u>\$5,000,000</u>	<u>\$1,616,450</u>
6	<u>Over \$5,000,000 but not over</u>	<u>\$406,544 plus 9.32% of excess over</u>
7	<u>\$10,000,000</u>	<u>\$5,000,000</u>
8	<u>Over \$10,000,000 but not over</u>	<u>\$872,544 plus 9.82% of excess over</u>
9	<u>\$100,000,000</u>	<u>\$10,000,000</u>
10	Over [\$1,616,450 \$108,125 plus 8.82% of excess over	
11		\$1,616,450]
12	<u>\$100,000,000</u>	<u>\$9,710,544 plus 10.32% of excess</u>
13		<u>over \$100,000,000</u>

14 (vii) For taxable years beginning in two thousand twenty-four the
15 following rates shall apply:

16	If the New York taxable income is:	The tax is:
17	Not over \$12,800	4% of the New York taxable income
18	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
19		\$12,800
20	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
21		\$17,650
22	Over \$20,900 but not over \$107,650	\$901 plus 5.61% of excess over
23		\$20,900
24	Over \$107,650 but not over \$269,300	\$5,768 plus 6.09% of excess over
25		\$107,650
26	Over \$269,300 but not over	\$15,612 plus 6.85% of excess
27	\$1,616,450	over \$269,300
28	<u>Over \$1,616,450 but not over</u>	<u>\$107,892 plus 8.82% of excess over</u>
29	<u>\$5,000,000</u>	<u>\$1,616,450</u>
30	<u>Over \$5,000,000 but not over</u>	<u>\$406,321 plus 9.32% of excess over</u>
31	<u>\$10,000,000</u>	<u>\$5,000,000</u>
32	<u>Over \$10,000,000 but not over</u>	<u>\$872,321 plus 9.82% of excess over</u>
33	<u>\$100,000,000</u>	<u>\$10,000,000</u>
34	Over [\$1,616,450 \$107,892 plus 8.82% of excess over	
35		\$1,616,450]
36	<u>\$100,000,000</u>	<u>\$9,710,321 plus 10.32% of excess</u>
37		<u>over \$100,000,000</u>

38 (viii) For taxable years beginning after two thousand twenty-four the
39 following rates shall apply:

40	If the New York taxable income is:	The tax is:
41	Not over \$12,800	4% of the New York taxable income
42	Over \$12,800 but not over \$17,650	\$512 plus 4.5% of excess over
43		\$12,800
44	Over \$17,650 but not over \$20,900	\$730 plus 5.25% of excess over
45		\$17,650
46	Over \$20,900 but not over \$107,650	\$901 plus 5.5% of excess over
47		\$20,900
48	Over \$107,650 but not over \$269,300	\$5,672 plus 6.00% of excess over
49		\$107,650
50	Over \$269,300 <u>but not over</u>	\$15,371 plus 6.85% of excess
51	<u>\$1,616,450</u>	over \$269,300
52	<u>Over \$1,616,450 but not over</u>	<u>\$107,651 plus 8.82% of excess over</u>
53	<u>\$5,000,000</u>	<u>\$1,616,450</u>
54	<u>Over \$5,000,000 but not over</u>	<u>\$406,080 plus 9.32% of excess over</u>
55	<u>\$10,000,000</u>	<u>\$5,000,000</u>
56	<u>Over \$10,000,000 but not over</u>	<u>\$872,080 plus 9.82% of excess over</u>

1	<u>\$100,000,000</u>	<u>\$10,000,000</u>
2	<u>Over \$100,000,000</u>	<u>\$9,710,080 plus 10.32% of excess</u>
3		<u>over \$100,000,000</u>
4	§ 3. Clauses (iv), (v), (vi), (vii) and (viii) of subparagraph (B) of	
5	paragraph 1 of subsection (c) of section 601 of the tax law, clauses	
6	(iv), (v), (vi) and (vii) as amended by section 3 of part P of chapter	
7	59 of the laws of 2019, and clause (viii) as added by section 3 of part	
8	R of chapter 59 of the laws of 2017, are amended to read as follows:	
9	(iv) For taxable years beginning in two thousand twenty-one the	
10	following rates shall apply:	
11	If the New York taxable income is:	The tax is:
12	Not over \$8,500	4% of the New York taxable income
13	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
14		\$8,500
15	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
16		\$11,700
17	Over \$13,900 but not over \$21,400	\$600 plus 5.9% of excess over
18		\$13,900
19	Over \$21,400 but not over \$80,650	\$1,042 plus 5.97% of excess over
20		\$21,400
21	Over \$80,650 but not over \$215,400	\$4,579 plus 6.33% of excess over
22		\$80,650
23	Over \$215,400 but not over	\$13,109 plus 6.85% of excess
24	\$1,077,550	over \$215,400
25	<u>Over \$1,077,550 but not over</u>	<u>\$72,166 plus 8.82% of excess over</u>
26	<u>\$5,000,000</u>	<u>\$1,077,550</u>
27	<u>Over \$5,000,000 but not over</u>	<u>\$418,126 plus 9.32% of excess over</u>
28	<u>\$10,000,000</u>	<u>\$5,000,000</u>
29	<u>Over \$10,000,000 but not over</u>	<u>\$884,126 plus 9.82% of excess over</u>
30	<u>\$100,000,000</u>	<u>\$10,000,000</u>
31	Over [\$1,077,550 \$72,166 plus 8.82% of excess over	\$1,077,550]
32		
33	<u>\$100,000,000</u>	<u>\$9,722,126 plus 10.32% of excess</u>
34		<u>over \$100,000,000</u>

35	(v) For taxable years beginning in two thousand twenty-two the follow-	
36	ing rates shall apply:	
37	If the New York taxable income is:	The tax is:
38	Not over \$8,500	4% of the New York taxable income
39	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
40		\$8,500
41	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
42		\$11,700
43	Over \$13,900 but not over \$80,650	\$600 plus 5.85% of excess over
44		\$13,900
45	Over \$80,650 but not over \$215,400	\$4,504 plus 6.25% of excess over
46		\$80,650
47	Over \$215,400 but not over	\$12,926 plus 6.85% of excess
48	\$1,077,550	over \$215,400
49	<u>Over \$1,077,550 but not over</u>	<u>\$71,984 plus 8.82% of excess over</u>
50	<u>\$5,000,000</u>	<u>\$1,077,550</u>
51	<u>Over \$5,000,000 but not over</u>	<u>\$ 417,944 plus 9.32% of excess over</u>
52	<u>\$10,000,000</u>	<u>\$5,000,000</u>
53	<u>Over \$10,000,000 but not over</u>	<u>\$883,994 plus 9.82% of excess over</u>
54	<u>\$100,000,000</u>	<u>\$10,000,000</u>
55	Over [\$1,077,550 \$71,984 plus 8.82% of excess over	\$1,077,550]
56		

1	<u>\$100,000,000</u>	<u>\$9,721,944 plus 10.32% of excess</u>
2		<u>over \$100,000,000</u>
3	(vi) For taxable years beginning in two thousand twenty-three the	
4	following rates shall apply:	
5	If the New York taxable income is:	The tax is:
6	Not over \$8,500	4% of the New York taxable income
7	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
8		\$8,500
9	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
10		\$11,700
11	Over \$13,900 but not over \$80,650	\$600 plus 5.73% of excess over
12		\$13,900
13	Over \$80,650 but not over \$215,400	\$4,424 plus 6.17% of excess over
14		\$80,650
15	Over \$215,400 but not over	\$12,738 plus 6.85% of excess
16	\$1,077,550	over \$215,400
17	<u>Over \$1,077,550 but not over</u>	<u>\$71,796 plus 8.82% of excess over</u>
18	<u>\$5,000,000</u>	<u>\$1,077,550</u>
19	<u>Over \$5,000,000 but not over</u>	<u>\$417,756 plus 9.32% of excess over</u>
20	<u>\$10,000,000</u>	<u>\$5,000,000</u>
21	<u>Over \$10,000,000 but not over</u>	<u>\$883,756 plus 9.82% of excess over</u>
22	<u>\$100,000,000</u>	<u>\$10,000,000</u>
23	Over [\$1,077,550 \$71,796 plus 8.82% of excess over	
24		\$1,077,550]
25	<u>\$100,000,000</u>	<u>\$9,721,756 plus 10.32% of excess</u>
26		<u>over \$100,000,000</u>
27	(vii) For taxable years beginning in two thousand twenty-four the	
28	following rates shall apply:	
29	If the New York taxable income is:	The tax is:
30	Not over \$8,500	4% of the New York taxable income
31	Over \$8,500 but not over \$11,700	\$340 plus 4.5% of excess over
32		\$8,500
33	Over \$11,700 but not over \$13,900	\$484 plus 5.25% of excess over
34		\$11,700
35	Over \$13,900 but not over \$80,650	\$600 plus 5.61% of excess over
36		\$13,900
37	Over \$80,650 but not over \$215,400	\$4,344 plus 6.09% of excess over
38		\$80,650
39	Over \$215,400 but not over	\$12,550 plus 6.85% of excess
40	\$1,077,550	over \$215,400
41	<u>Over \$1,077,550 but not over</u>	<u>\$71,608 plus 8.82% of excess over</u>
42	<u>\$5,000,000</u>	<u>\$1,077,550</u>
43	<u>Over \$5,000,000 but not over</u>	<u>\$417,568 plus 9.32% of excess over</u>
44	<u>\$10,000,000</u>	<u>\$5,000,000</u>
45	<u>Over \$10,000,000 but not over</u>	<u>\$883,568 plus 9.82% of excess over</u>
46	<u>\$100,000,000</u>	<u>\$10,000,000</u>
47	Over [\$1,077,550 \$71,608 plus 8.82% of excess over	
48		\$1,077,550]
49	<u>\$100,000,000</u>	<u>\$9,721,568 plus 10.32% of excess</u>
50		<u>over \$100,000,000</u>
51	(viii) For taxable years beginning after two thousand twenty-four the	
52	following rates shall apply:	
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 \$80,650	\$600 plus 5.50% of excess over
5		\$13,900
6	Over \$80,650 but not over \$215,400	\$4,271 plus 6.00% of excess over
7		\$80,650
8	Over \$215,400 <u>but not over</u>	\$12,356 plus 6.85% of excess
9	<u>\$1,077,550</u>	over \$215,400
10	<u>Over \$1,077,550 but not over</u>	<u>\$71,413 plus 8.82% of excess over</u>
11	<u>\$5,000,000</u>	<u>\$1,077,550</u>
12	<u>Over \$5,000,000 but not over</u>	<u>\$417,373 plus 9.32% of excess over</u>
13	<u>\$10,000,000</u>	<u>\$5,000,000</u>
14	<u>Over \$10,000,000 but not over</u>	<u>\$883,373 plus 9.82% of excess over</u>
15	<u>\$100,000,000</u>	<u>\$10,000,000</u>
16	<u>Over \$100,000,000</u>	<u>\$9,721,373 plus 10.32% of excess</u>
17		<u>over \$100,000,000</u>
18	§ 4. This act shall take effect immediately.	