

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the tax law and the administrative code of the
city of New York, in relation to addressing changes made
to the internal revenue code by Public Law 115-97 (Part);

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

1 PART ____

2 Section 1. Subsection (a) of section 614 of the tax law, as amended by
3 chapter 170 of the laws of 1994, is amended to read as follows:

4 (a) Unmarried individual. For taxable years beginning after nineteen
5 hundred ninety-six, the New York standard deduction of a resident indi-
6 vidual who is not married nor the head of a household nor a surviving
7 spouse nor an individual [whose federal exemption amount is zero] who is
8 claimed as a dependent by another New York state taxpayer shall be seven
9 thousand five hundred dollars; for taxable years beginning in nineteen
10 hundred ninety-six, such standard deduction shall be seven thousand four
11 hundred dollars; for taxable years beginning in nineteen hundred nine-
12 ty-five, such standard deduction shall be six thousand six hundred
13 dollars; and for taxable years beginning after nineteen hundred eighty-
14 nine and before nineteen hundred ninety-five, such standard deduction
15 shall be six thousand dollars.

16 § 2. Section 612 of the tax law is amended by adding two new
17 subsections (w) and (x) to read as follows:

1 (w) Alimony modifications. (1) In the case of applicable alimony or
2 separate maintenance payments, the following modifications shall apply:

3 (A) There shall be subtracted from federal adjusted gross income any
4 applicable alimony or separate maintenance payments made by the taxpayer
5 during the taxable year.

6 (B) There shall be added to federal adjusted gross income any applica-
7 ble alimony or separate maintenance payments received by the taxpayer
8 during the taxable year.

9 (2) (A) The term "alimony or separate maintenance payments" means
10 payments as defined under section seventy-one of the internal revenue
11 code in effect immediately prior to the enactment of Public Law 115-97.

12 (B) The term "applicable alimony or separate maintenance payments"
13 means payments made under an alimony or separation instrument (as
14 defined in section seventy-one of the internal revenue code in effect
15 immediately prior to the enactment of Public Law 115-97) that was
16 executed after December thirty-first, two thousand eighteen, and any
17 divorce or separation instrument executed on or before such date and
18 modified after such date if the modification expressly provides that the
19 amendments made by this section apply to such modification.

20 (x) Qualified moving expense reimbursement and moving expenses. (1) In
21 the case of applicable qualified moving expense reimbursement and moving
22 expenses, the following modifications shall apply:

23 (A) There shall be subtracted from federal adjusted gross income any
24 applicable qualified moving expense reimbursement received by the
25 taxpayer during the taxable year.

26 (B) There shall be subtracted from federal adjusted gross income any
27 applicable moving expenses paid by the taxpayer during the taxable year.

1 (2) Applicable qualified moving expense reimbursement and moving
2 expenses are those deductions as allowed by paragraph (g) of sections
3 one hundred thirty-two and section two hundred seventeen, respectfully,
4 of the internal revenue code immediately prior to the enactment of
5 Public Law 115-97.

6 § 3. Subsection (a) of section 615 of the tax law, as amended by
7 section 1 of part HH of chapter 57 of the laws of 2010, is amended to
8 read as follows:

9 (a) General. If federal taxable income of a resident individual is
10 determined by itemizing deductions or claiming the federal standard
11 deduction from his or her federal adjusted gross income, he or she may
12 elect to deduct his or her New York itemized deduction [in lieu of] or
13 claim his or her New York standard deduction. The New York itemized
14 deduction of a resident individual means the total amount of his or her
15 deductions from federal adjusted gross income allowed, other than feder-
16 al deductions for personal exemptions, as provided in the laws of the
17 United States for the taxable year, as such deductions existed imme-
18 diately prior to the enactment of Public Law 115-97 with the modifica-
19 tions specified in this section, except as provided for under
20 subsections (f) and (g) of this section.

21 § 4. Subdivision (a) of section 11-1714 of the administrative code of
22 the city of New York, as amended by chapter 170 of the laws of 1994, is
23 amended to read as follows:

24 (a) Unmarried individual. For taxable years beginning after nineteen
25 hundred ninety-six, the city standard deduction of a city resident indi-
26 vidual who is not married nor the head of a household nor a surviving
27 spouse nor an individual [whose federal exemption amount is zero] who is
28 claimed as a dependent by another New York state taxpayer shall be seven

1 thousand five hundred dollars; for taxable years beginning in nineteen
2 hundred ninety-six, such standard deduction shall be seven thousand four
3 hundred dollars; for taxable years beginning in nineteen hundred nine-
4 ty-five, such standard deduction shall be six thousand six hundred
5 dollars; and for taxable years beginning after nineteen hundred eighty-
6 nine and before nineteen hundred ninety-five, such standard deduction
7 shall be six thousand dollars.

8 § 5. Section 11-1712 of the administrative code of the city of New
9 York is amended by adding two new subdivisions (u) and (v) to read as
10 follows:

11 (u) Alimony modifications. (1) In the case of applicable alimony or
12 separate maintenance payments, the following modifications shall apply:

13 (A) There shall be subtracted from federal adjusted gross income any
14 applicable alimony or separate maintenance payments made by the taxpayer
15 during the taxable year.

16 (B) There shall be added to federal adjusted gross income any applica-
17 ble alimony or separate maintenance payments received by the taxpayer
18 during the taxable year.

19 (2) (A) The term "alimony or separate maintenance payments" means
20 payments as defined under section seventy-one of the internal revenue
21 code in effect immediately prior to the enactment of Public Law 115-97.

22 (B) The term "applicable alimony or separate maintenance payments"
23 means payments made under an alimony or separation instrument (as
24 defined in section seventy-one of the internal revenue code in effect
25 immediately prior to the enactment of Public Law 115-97) that was
26 executed after December thirty-first, two thousand eighteen, and any
27 divorce or separation instrument executed on or before such date and

1 modified after such date if the modification expressly provides that the
2 amendments made by this section apply to such modification.

3 (v) Qualified moving expense reimbursement and moving expenses. (1) In
4 the case of applicable qualified moving expense reimbursement and moving
5 expenses, the following modifications shall apply:

6 (A) There shall be subtracted from federal adjusted gross income any
7 applicable qualified moving expense reimbursement received by the
8 taxpayer during the taxable year.

9 (B) There shall be subtracted from federal adjusted gross income any
10 applicable moving expenses paid by the taxpayer during the taxable year.

11 (2) Applicable qualified moving expense reimbursement and moving
12 expenses are those deductions as allowed by paragraph (g) of section one
13 hundred thirty-two and section two hundred seventeen, respectfully, of
14 the internal revenue code immediately prior to the enactment of Public
15 Law 115-97.

16 § 6. Subdivision (a) of section 11-1715 of the administrative code of
17 the city of New York, as amended by section 5 of part HH of chapter 57
18 of the laws of 2010, is amended to read as follows:

19 (a) General. If federal taxable income of a city resident individual
20 is determined by itemizing deductions or claiming the federal standard
21 deduction from his or her federal adjusted gross income, such resident
22 individual may elect to deduct his or her city itemized deduction [in
23 lieu of] or claim his or her city standard deduction. The city itemized
24 deduction of a city resident individual means the total amount of his or
25 her deductions from federal adjusted gross income allowed, other than
26 federal deductions for personal exemptions, as provided in the laws of
27 the United States for the taxable year, as such deductions existed imme-
28 diately prior to the enactment of Public Law 115-97 with the modifica-

1 tions specified in this section, except as provided for under subdivi-
2 sions (f) and (g) of this section.

3 § 7. This act shall take effect immediately and shall apply to taxable
4 years beginning on or after January 1, 2018.