## STATE OF NEW YORK

2494

2019-2020 Regular Sessions

## IN ASSEMBLY

January 23, 2019

Introduced by M. of A. PICHARDO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a combat veteran tax credit for entrepreneurs

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 44 to read
2	as follows:
3	<u>§ 44. Combat veteran entrepreneur credit. (a) Allowance of credit. A</u>
4	combat veteran entrepreneur, which is subject to tax under article
5	nine-A or twenty-two of this chapter and creates a new business, shall
б	be allowed a credit against such tax. The credit shall not be more than
7	five hundred dollars.
8	(b) Definitions. As used in this section, the following terms shall
9	have the following meanings:
10	<u>(1) "Combat veteran" shall mean any individual who is a resident of</u>
11	this state who has served in the armed forces of the United States in
12	hostilities that occurred after December sixth, nineteen hundred forty-
13	five, as evidenced by their receipt of an Armed Forces Expeditionary
14	Medal, Navy Expeditionary Medal, or Marine Corps Expeditionary Medal and
15	who was discharged under honorable conditions, including but not limited
16	to honorable discharge, discharge under honorable conditions, or general
17	discharge.
18	(2) "Entrepreneur" shall mean any person who organizes and operates a
19	business or businesses.
20	(c) Cross-references. For application of the credit provided for in
21	this section, see the following provisions of this chapter:
22	(1) article 9-A: section 210-B, subdivision 28.
23	(2) article 22: section 606, subsection (a-3).
24	§ 2. Section 210-B of the tax law is amended by adding a new subdivi-

25 sion 28 to read as follows:

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

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1	28. Combat veteran entrepreneur credit. (a) Allowance of credit. A
2	combat veteran entrepreneur will be allowed a credit, to be computed as
3	provided in section forty-four of this chapter, against the tax imposed
4	by this article.
5	(b) Application of credit. The credit allowed under this subdivision
б	for any taxable year may not reduce the tax due for such year to less
7	than the higher of the amounts prescribed in paragraph (d) of subdivi-
8	sion one of section two hundred ten of this article. However, if the
9	amount of credit allowed under this subdivision for any taxable year
10	reduces the tax to such amount, any amount of credit thus not deductible
11	in such taxable year will be treated as an overpayment of tax to be
12	credited or refunded in accordance with the provisions of section one
13	thousand eighty-six of this chapter. Provided, however, the provisions
14	of subsection (c) of section one thousand eighty-eight of this chapter
15	notwithstanding, no interest will be paid thereon.
16	§ 3. Section 606 of the tax law is amended by adding a new subsection
17	(a-3) to read as follows:
18	(a-3) Combat veteran entrepreneur credit. (1) A combat veteran entre-
19	preneur will be allowed a credit, to the extent allowed under section
20	forty-four of this chapter, against the tax imposed by this article.
21	(2) Application of credit. If the amount of the credit allowed under
22	this subsection for any taxable year exceeds the taxpayer's tax for such
23	year, the excess will be treated as an overpayment of tax to be credited
24	or refunded in accordance with the provisions of section six hundred
25	eighty-six of this article, provided, however, that no interest will be
26	paid thereon.
27	§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
28	of the tax law is amended by adding a new clause (xliv) to read as
29	follows:
30	(xliv) Combat veteran entrepreneur Amount of credit under
31	<u>credit under subsection (a-3)</u> <u>subdivision twenty-eight of</u>
32	section two hundred ten-B
33	§ 5. This act shall take effect immediately.