

# STATE OF NEW YORK

2546

2019-2020 Regular Sessions

## IN SENATE

January 28, 2019

Introduced by Sen. COMRIE -- 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 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 § 44. Combat veteran entrepreneur credit. (a) Allowance of credit. A  
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  
6 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 (1) "Combat veteran" shall mean any individual who is a resident of  
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 italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD06430-01-9

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  
6 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 <u>(xliv) Combat veteran entrepreneur</u>	<u>Amount of credit under</u>
31 <u>credit under subsection (a-3)</u>	<u>subdivision twenty-eight of</u>
32	<u>section two hundred ten-B</u>

33 § 5. This act shall take effect immediately.