

STATE OF NEW YORK

3593--A

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a legal services veterans tax credit for attorneys who perform certain civil cases and services for veterans and disabled veterans

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

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 60 to read as follows:

3 60. Legal services veterans tax credit. (a) General. A taxpayer shall
4 be allowed a credit, to be computed as provided in this subdivision,
5 against the tax imposed by this article for any attorney who performs a
6 minimum of fifty hours of pro bono legal services for civil cases to a
7 veteran or disabled veteran during a taxable year. Such services shall
8 include, but not be limited to, veteran's benefits and appeals, military
9 discharges and upgrades, public benefits, evictions and foreclosures,
10 and consumer debt issues.

11 (b) Amount of credit. A credit authorized by this section shall not
12 exceed one thousand five hundred dollars annually.

13 (c) Carryovers. The credit allowed under this subdivision may be
14 claimed and if not fully used in the initial year for which the credit
15 is claimed may be carried over, in order, to each of the ten succeeding
16 taxable years. The credit authorized by this subdivision may not be used
17 to reduce the tax liability of the credit claimant below zero.

18 (d) Definitions. As used in this subdivision, the following terms
19 shall have the following meanings:

20 (i) "Veteran" shall have the same meaning as set forth in section
21 eighty-five of the civil service law.

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

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1 (ii) "Disabled veteran" shall have the same meaning as set forth in
2 section eighty-five of the civil service law.

3 § 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
4 of the tax law is amended by adding a new clause (li) to read as
5 follows:

6	<u>(li) Legal services veterans tax</u>	<u>Amount of credit under subdivision</u>
7	<u>credit under subsection (ppp)</u>	<u>sixty of section two</u>
8		<u>hundred ten-B</u>

9 § 3. Section 606 of the tax law is amended by adding a new subsection
10 (ppp) to read as follows:

11 (ppp) Legal services veterans tax credit. (1) General. A taxpayer
12 shall be allowed a credit, to be computed as provided in this
13 subsection, against the tax imposed by this article for any attorney who
14 performs a minimum of fifty hours of pro bono legal services for civil
15 cases to a veteran or disabled veteran during a taxable year. Such
16 services shall include, but not be limited to, veteran's benefits and
17 appeals, military discharges and upgrades, public benefits, evictions
18 and foreclosures, and consumer debt issues.

19 (2) Amount of credit. A credit authorized by this subsection shall not
20 exceed one thousand five hundred dollars annually.

21 (3) Carryovers. The credit allowed under this subsection may be
22 claimed and if not fully used in the initial year for which the credit
23 is claimed may be carried over, in order, to each of the ten succeeding
24 taxable years. The credit authorized by this subsection may not be used
25 to reduce the tax liability of the credit claimant below zero.

26 (4) Definitions. As used in this subsection, the following terms shall
27 have the following meanings:

28 (i) "Veteran" shall have the same meaning as set forth in section
29 eighty-five of the civil service law.

30 (ii) "Disabled veteran" shall have the same meaning as set forth in
31 section eighty-five of the civil service law.

32 § 4. The attorney general shall promulgate any necessary rules and
33 regulations that define which civil cases and services qualify for the
34 credit, as well as procedures for the screening and review of hour
35 submissions by attorneys. The commissioner of taxation and finance
36 shall promulgate any necessary rules and regulations pertaining to the
37 submission of qualifying hours by attorneys.

38 § 5. This act shall take effect immediately and shall apply to taxable
39 years beginning on or after January 1, 2024.