

House Bill 2032

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Veterans' Affairs for Velda Rogers)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides \$1,000 credit against income taxes for provision of pro bono legal services to certain military personnel.

Applies to tax years beginning on or after January 1, 2009.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax credits for pro bono legal services to military personnel; and prescribing an effective
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 315.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Pro bono legal services" means legal services that are:**

8 (A) **Provided free of charge by a member of the Oregon State Bar to a service member**
9 **who is on active duty, who has deployment-related status or who has been released from**
10 **active duty or deployment-related status within 180 days of provision of the pro bono legal**
11 **services; and**

12 (B) **Related to legal matters arising during or within 180 days following a service mem-**
13 **ber's release from mobilization or deployment.**

14 (b) **"Service member" means an Oregon resident who is a member of the Oregon National**
15 **Guard, the National Guard of any other state or territory of the United States or the mili-**
16 **tary reserve forces of the United States.**

17 (2) **A taxpayer is allowed a credit in the amount of \$1,000 against the taxes otherwise due**
18 **under ORS chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or 318.**
19 **The credit shall be allowed if the taxpayer or an employee of the taxpayer:**

20 (a) **Meets requirements prescribed by the Oregon State Bar for attorneys participating**
21 **in its program to provide pro bono legal services to service members;**

22 (b) **Provides at least two hours of pro bono legal services during the tax year under the**
23 **auspices of the Oregon State Bar; and**

24 (c) **Provides an additional 10 hours of pro bono legal services during the tax year follow-**
25 **ing the provision of services required by paragraph (b) of this subsection.**

26 (3) **A nonresident shall be allowed the credit under this section in the proportion provided**
27 **under ORS 316.117.**

28 (4) **If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or**
29 **if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the**
30 **credit allowed under this section shall be prorated or computed in a manner consistent with**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **ORS 314.085.**

2 (5) If a change in the status of a taxpayer from resident to nonresident or from nonres-
3 ident to resident occurs, the credit allowed under this section shall be determined in a
4 manner consistent with ORS 316.117.

5 (6) A credit may not be allowed under this section unless the Oregon State Bar has cer-
6 tified the taxpayer's eligibility to claim the credit. The Oregon State Bar shall determine
7 procedures for certification and shall maintain records of certifications in its offices. If re-
8 quested by the department, the taxpayer or the Oregon State Bar shall file proof of the tax
9 credit certification with the department.

10 **SECTION 3.** Section 2 of this 2009 Act applies to tax years beginning on or after January
11 1, 2009.

12 **SECTION 4.** This 2009 Act takes effect on the 91st day after the date on which the reg-
13 ular session of the Seventy-fifth Legislative Assembly adjourns sine die.

14