

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1683

Sponsor:

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1 Amend Bill, page 1, lines 2 through 4, by striking out
2 "providing for incentives for ~~municipal~~" in line 2 and all of
3 lines 3 and 4 and inserting
4 providing for incentives for municipal volunteers of fire
5 companies and nonprofit emergency medical services agencies.

6 Amend Bill, page 1, lines 7 through 16; pages 2 through 8,
7 lines 1 through 30; page 9, lines 1 through 23; by striking out
8 all of said lines on said pages and inserting

9 Section 1. Title 35 of the Pennsylvania Consolidated
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 79A

12 INCENTIVES FOR MUNICIPAL VOLUNTEERS OF FIRE COMPANIES AND
13 NONPROFIT EMERGENCY MEDICAL SERVICES AGENCIES

14 Subchapter

15 A. Preliminary Provisions

16 B. Tax Credits

17 C. Volunteer Service Credit

18 D. Miscellaneous Provisions

19 SUBCHAPTER A

20 PRELIMINARY PROVISIONS

21 Sec.

22 79A01. Scope of chapter.

23 79A02. Purpose.

24 79A03. Definitions.

25 § 79A01. Scope of chapter.

26 This chapter relates to incentives for municipal volunteers
27 of fire companies and nonprofit emergency medical services
28 agencies.

29 § 79A02. Purpose.

30 The purpose of this chapter is to authorize municipalities to
31 enact a tax credit against an active volunteer's earned income
32 as a financial incentive to:

33 (1) Acknowledge the value and the absence of any public
34 cost for volunteer fire protection and nonprofit emergency

1 medical services provided by active volunteers.

2 (2) Encourage individuals to volunteer or for former
3 volunteers to consider rejoining as active volunteers in a
4 volunteer fire company or nonprofit emergency medical
5 services agency.

6 § 79A03. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Active volunteer." A volunteer for a volunteer fire company
11 or nonprofit emergency medical services agency who has complied
12 with the requirements of the volunteer service credit program
13 and who is certified under section 79A23 (relating to
14 certification).

15 "Commissioner." The State Fire Commissioner of the
16 Commonwealth.

17 "Earned income tax." A tax on earned income and net profits
18 levied under Chapter 3 of the Local Tax Enabling Act.

19 "Governing body." A city council, borough council,
20 incorporated town council, board of township commissioners,
21 board of township supervisors, governing council of a home rule
22 municipality or optional plan municipality or a governing
23 council of any similar purpose government which may be created
24 by statute after the effective date of this section and which
25 has adopted a tax credit under this chapter.

26 "Individual." A volunteer.

27 "Local Tax Enabling Act." The act of December 31, 1965
28 (P.L.1257, No.511), known as The Local Tax Enabling Act.

29 "Municipality." A city, borough, incorporated town or
30 township located in this Commonwealth.

31 "Nonprofit emergency medical services agency." An emergency
32 medical services agency as defined in section 8103 (relating to
33 definitions) and chartered as a nonprofit corporation.

34 "Tax credit." The tax credit granted under section 79A11
35 (relating to program authorization).

36 "Volunteer." A member of a volunteer fire company or a
37 nonprofit emergency medical services agency.

38 "Volunteer fire company." A nonprofit chartered corporation,
39 association or organization located in this Commonwealth that
40 provides fire protection services and may offer other voluntary
41 emergency services within this Commonwealth.

42 "Volunteer service credit program." The program established
43 under section 79A21 (relating to volunteer service credit
44 program) to determine the active status of a volunteer.

45 SUBCHAPTER B

46 TAX CREDITS

47 Sec.

48 79A11. Program authorization.

49 79A12. Claim.

50 79A13. Limitations.

51 § 79A11. Program authorization.

1 (a) Establishment.--A municipality that levies an earned
2 income tax may establish by ordinance a tax credit against an
3 individual's liability imposed under Chapter 3 of the Local Tax
4 Enabling Act for active service as a volunteer.

5 (b) Amount.--A municipality shall set forth in the ordinance
6 the total amount of the tax credit that will be offered to an
7 individual. If an individual's earned income tax liability is
8 less than the amount of the tax credit offered, the individual's
9 tax credit must equal the individual's tax liability.

10 (c) Public notice.--At least 30 days prior to adoption of
11 the ordinance or resolution, the governing body shall give
12 public notice of its intent to adopt an ordinance or resolution
13 to establish a tax credit and conduct at least one public
14 hearing on the issue.

15 (d) Specific notice.--A municipality that establishes a tax
16 credit under this chapter shall notify the commissioner in the
17 manner prescribed by the commissioner.

18 § 79A12. Claim.

19 (a) Eligibility.--An individual who satisfies all of the
20 following criteria may claim a tax credit established under
21 section 79A11 (relating to program authorization):

22 (1) The individual is subject to an earned income tax of
23 a municipality that has established a tax credit under
24 section 79A11.

25 (2) The individual is certified under section 79A23
26 (relating to certification).

27 (b) Return.--An active volunteer may claim a tax credit
28 provided for under this subchapter when filing a joint return.
29 The tax return form shall provide a mechanism for separating the
30 liability of an individual for any earned income tax imposed by
31 the school district of residence from the liability of an
32 individual for any earned income tax imposed by the
33 municipality.

34 § 79A13. Limitations.

35 A tax credit established under this subchapter may be used
36 against the active volunteer's earned income tax for the current
37 taxable year and every year thereafter. The tax credit
38 established under this subchapter shall remain in effect until
39 the governing body of the municipality repeals the tax credit.

40 SUBCHAPTER C

41 VOLUNTEER SERVICE CREDIT

42 Sec.

43 79A21. Volunteer service credit program.

44 79A22. Service record.

45 79A23. Certification.

46 79A24. Rejection and appeal.

47 § 79A21. Volunteer service credit program.

48 (a) Establishment.--The governing body may establish a
49 volunteer service credit program that establishes the annual
50 requirements for the certification of a volunteer in active
51 service at a volunteer fire company or a nonprofit emergency

1 medical services agency.

2 (b) Activities.--The volunteer service credit program shall
3 consider the following activities in determining credit toward a
4 certification of active service:

5 (1) The number of emergency calls to which a volunteer
6 responds.

7 (2) The level of training and participation in formal
8 training and drills for a volunteer.

9 (3) The total amount of time expended by a volunteer on
10 administrative and other support services, including
11 fundraising and facility or equipment maintenance.

12 (4) The involvement in other events or projects that aid
13 the financial viability, emergency response or operational
14 readiness of a volunteer fire company or a nonprofit
15 emergency medical services agency.

16 (c) Guidelines.--The governing body shall, with the advice
17 of the chief of a volunteer fire company and the supervisor or
18 chief of a nonprofit emergency medical services agency or their
19 designees, adopt guidelines, including forms and applications,
20 necessary to implement this section.

21 (d) Eligibility list.--A notarized list of eligible active
22 volunteers shall be submitted to the governing body, no later
23 than 45 days before tax notices are to be distributed, by the
24 following:

25 (1) The chief of a volunteer fire company, where
26 applicable.

27 (2) The supervisor or chief of a nonprofit emergency
28 medical services agency, where applicable.

29 § 79A22. Service record.

30 (a) Log.--The chief of a volunteer fire company or the
31 supervisor or chief of a nonprofit emergency medical services
32 agency or their designees shall establish and maintain a service
33 log that documents the activities of each volunteer that qualify
34 for credit toward active service under the volunteer service
35 credit program and the calculation of the total credits earned
36 for each volunteer in the volunteer fire company or nonprofit
37 emergency medical services agency.

38 (b) Review.--Service logs established and maintained by
39 volunteer fire companies or nonprofit emergency medical services
40 agencies shall be subject to periodic review by the
41 commissioner, the Auditor General, the governing body where the
42 volunteer fire company or nonprofit emergency medical services
43 agency is located and the governing body where the volunteer
44 fire company or nonprofit emergency medical services agency
45 provides services.

46 § 79A23. Certification.

47 (a) Self-certification.--The active volunteer shall sign and
48 submit an application for certification to the chief of the
49 volunteer fire company or the supervisor or chief of the
50 nonprofit emergency medical services agency where the volunteer
51 serves.

1 (b) Injured volunteer.--An active volunteer who was injured
2 during a response to an emergency call and can no longer serve
3 as an active volunteer because of the injury and who would
4 otherwise be eligible for the tax credit shall be eligible for
5 the tax credit for the succeeding five tax years.

6 (c) Local sign-off.--The chief and another officer of the
7 volunteer fire company and the supervisor or chief and another
8 officer of the nonprofit emergency medical services agency shall
9 sign the application attesting to the individual's status as an
10 active volunteer or that the individual can no longer serve as
11 an active volunteer due to injury. The application shall then be
12 forwarded to the municipality, as appropriate, for final review
13 and processing.

14 § 79A24. Rejection and appeal.

15 (a) General rule.--A governing body that establishes a tax
16 credit under this chapter shall adopt, by ordinance, a process
17 for rejecting a claim by an active volunteer who does not
18 satisfy all of the criteria established under this chapter for
19 each type of tax credit provided under this chapter.

20 (b) Appeal.--An active volunteer shall have the right to
21 appeal a claim that has been rejected by a governing body. The
22 governing body shall establish, by ordinance, the procedure by
23 which a rejected claim can be appealed.

24 SUBCHAPTER D

25 MISCELLANEOUS PROVISIONS

26 Sec.

27 79A31. Penalties for false reporting.

28 § 79A31. Penalties for false reporting.

29 The following shall apply:

30 (1) Any person who knowingly makes or conspires to make
31 a false service record report under this chapter commits a
32 misdemeanor of the first degree punishable by a fine of
33 \$2,500.

34 (2) Any person who knowingly provides or conspires to
35 provide false information that is used to compile a service
36 record report under this chapter commits a misdemeanor of the
37 first degree punishable by a fine of \$2,500.

38 Section 2. This act shall take effect in 60 days.