

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 299 Session of 2015

INTRODUCED BY BAKER, WILEY, GREENLEAF, BLAKE, YAW, FONTANA, SCHWANK, BREWSTER, BOSCOLA, SMITH, YUDICHAK, VOGEL, COSTA, SCARNATI, HUTCHINSON, VULAKOVICH, TARTAGLIONE, ALLOWAY, RAFFERTY, VANCE, STEFANO, WOZNIAK, WHITE, BROWNE AND BROOKS, JANUARY 21, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, JUNE 2, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for incentives for municipal
3 volunteers of fire companies and nonprofit emergency medical
4 services agencies.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

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

9 CHAPTER 79A

10 INCENTIVES FOR MUNICIPAL VOLUNTEERS OF FIRE COMPANIES AND

11 NONPROFIT EMERGENCY MEDICAL SERVICES AGENCIES

12 Subchapter

13 A. Preliminary Provisions

14 B. Tax Credits

15 C. Volunteer Service Credit

16 D. Miscellaneous Provisions

17 SUBCHAPTER A

1 PRELIMINARY PROVISIONS

2 Sec.

3 79A01. Scope of chapter.

4 79A02. Purpose.

5 79A03. Definitions.

6 § 79A01. Scope of chapter.

7 This chapter relates to incentives for municipal volunteers
8 of fire companies and nonprofit emergency medical services
9 agencies.

10 § 79A02. Purpose.

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

14 (1) Acknowledge the value of and the absence of any
15 public cost for volunteer fire protection and NONPROFIT <--
16 emergency medical services provided by active volunteers.

17 (2) Encourage individuals to volunteer or for former
18 volunteers to consider rejoining as active volunteers in a
19 volunteer fire company or nonprofit emergency medical
20 services agency.

21 § 79A03. Definitions.

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

25 "Active volunteer." A volunteer for a volunteer fire company
26 or nonprofit emergency medical services agency who has complied
27 with the requirements of the volunteer service credit program
28 and who is certified under section 79A23 (relating to
29 certification).

30 "Commissioner." The State Fire Commissioner of the

1 Commonwealth.

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

4 "Governing body." A ~~county council, county board of~~ <--
5 ~~commissioners,~~ city council, borough council, incorporated town
6 council, board of township commissioners, board of township
7 supervisors, governing council of a home rule municipality or
8 optional plan municipality or a governing council of any similar
9 purpose government which may be created by statute after the
10 effective date of this section and which has adopted a tax
11 credit under this chapter.

12 "Individual." A volunteer.

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

15 "Municipality." A city, borough, incorporated town or
16 township located in this Commonwealth.

17 "Nonprofit emergency medical services agency." An emergency
18 medical services agency as defined in section 8103 (relating to
19 definitions) and chartered as a nonprofit corporation.

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

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

24 "Volunteer fire company." A nonprofit chartered corporation,
25 association or organization located in this Commonwealth that
26 provides fire protection services and may offer other voluntary
27 emergency services within this Commonwealth.

28 "Volunteer service credit program." The program established
29 under section 79A21 (relating to volunteer service credit
30 program) to determine the active status of a volunteer.

1 SUBCHAPTER B

2 TAX CREDITS

3 Sec.

4 79A11. Program authorization.

5 79A12. Claim.

6 79A13. Limitations.

7 § 79A11. Program authorization.

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

12 (b) Amount.--A municipality shall set forth in the ordinance
13 the total amount of the tax credit that will be offered to an
14 individual. If an individual's earned income tax liability is
15 less than the amount of the tax credit offered, the individual's
16 tax credit must equal the individual's tax liability.

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

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

25 § 79A12. Claim.

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

- 29 (1) The individual is subject to an earned income tax of
30 a municipality that has established a tax credit under

1 section 79A11.

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

4 (b) Return.--An active volunteer may claim a tax credit
5 provided for under this subchapter when filing a joint return.
6 The tax return form shall provide a mechanism for separating the
7 liability of an individual for any earned income tax imposed by
8 the school district of residence from the liability of an
9 individual for any earned income tax imposed by the
10 municipality.

11 § 79A13. Limitations.

12 A tax credit established under this subchapter may be used
13 against the active volunteer's earned income tax for the current
14 taxable year and every year thereafter. The tax credit
15 established under this subchapter shall remain in effect until
16 the governing body of the municipality repeals the tax credit.

17 SUBCHAPTER C

18 VOLUNTEER SERVICE CREDIT

19 Sec.

20 79A21. Volunteer service credit program.

21 79A22. Service record.

22 79A23. Certification.

23 79A24. Rejection and appeal.

24 § 79A21. Volunteer service credit program.

25 (a) Establishment.--The governing body may establish a
26 volunteer service credit program that establishes the annual
27 requirements for the certification of a volunteer in active
28 service at a volunteer fire company or a nonprofit emergency
29 medical services agency.

30 (b) Activities.--The volunteer service credit program shall

1 consider the following activities in determining credit toward a
2 certification of active service:

3 (1) The number of emergency calls to which a volunteer
4 responds.

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

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

10 (4) The involvement in other events or projects that aid
11 the financial viability, emergency response or operational
12 readiness of a volunteer fire company or ~~an~~ A NONPROFIT <--
13 emergency medical services agency.

14 (c) Guidelines.--The governing body ~~and~~ SHALL, WITH THE <--
15 ADVICE OF the chief of a volunteer fire company and the
16 supervisor or chief of ~~an~~ A NONPROFIT emergency medical services <--
17 agency or their designees ~~shall~~, adopt guidelines, including <--
18 forms and applications, necessary to implement this section.

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

23 (1) The chief of a volunteer fire company, where
24 applicable.

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

27 § 79A22. Service record.

28 (a) Log.--The chief of a volunteer fire company or the
29 supervisor or chief of a nonprofit emergency medical services
30 agency or their designees shall establish and maintain a service

1 log that documents the activities of each volunteer that qualify
2 for credit toward active service under the volunteer service
3 credit program and the calculation of the total credits earned
4 for each volunteer in the volunteer fire company or nonprofit
5 emergency medical services agency.

6 (b) Review.--Service logs established and maintained by
7 volunteer fire companies or nonprofit emergency medical services
8 agencies shall be subject to periodic review by the
9 commissioner, the Auditor General, the governing body where the
10 volunteer fire company or nonprofit emergency medical services
11 agency is located and the governing body where the volunteer
12 fire company or nonprofit emergency medical services agency
13 provides services.

14 § 79A23. Certification.

15 (a) Self-certification.--The active volunteer shall sign and
16 submit an application to the chief of the volunteer fire company
17 or the supervisor or chief of the nonprofit emergency medical
18 services agency where the volunteer serves.

19 (b) Local sign-off.--The chief and another officer of the
20 volunteer fire company, the supervisor or chief and another
21 officer of the nonprofit emergency medical services agency shall
22 sign the application attesting to the individual's status as an
23 active volunteer. The application shall then be forwarded to the
24 municipality, as appropriate, for final review and processing.

25 § 79A24. Rejection and appeal.

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

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

5 SUBCHAPTER D

6 MISCELLANEOUS PROVISIONS

7 Sec.

8 79A31. Penalties for false reporting.

9 § 79A31. Penalties for false reporting.

10 The following shall apply:

11 (1) Any person who knowingly makes or conspires to make
12 a false service record report under this chapter commits a
13 misdemeanor of the first degree punishable by a fine of
14 \$2,500.

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

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