

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 250 Session of 2009

INTRODUCED BY HORNAMAN, SOLOBAY, BARRAR, BEAR, BEYER, BRENNAN, CARROLL, CASORIO, CAUSER, CURRY, CUTLER, DeLUCA, DePASQUALE, DONATUCCI, FABRIZIO, FLECK, GALLOWAY, GIBBONS, GOODMAN, GROVE, GRUCELA, HARHAI, HARPER, HESS, KORTZ, KULA, LEVDANSKY, LONGIETTI, MAHONEY, MARKOSEK, MARSHALL, McILVAINE SMITH, MICOZZIE, MILLER, MUSTIO, O'NEILL, PASHINSKI, PERZEL, READSHAW, REED, SAINATO, SCAVELLO, SIPTROTH, K. SMITH, STABACK, STEVENSON, STURLA, SWANGER, TALLMAN, VULAKOVICH, WALKO, WHITE, MOUL, SANTARSIERO, MURT, ROHRER, FREEMAN, ROCK, HOUGHTON, FARRY, DENLINGER, LENTZ, BROOKS, CALTAGIRONE, BRIGGS AND BURNS, FEBRUARY 4, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 14, 2009

AN ACT

1 Providing for municipal volunteer fire COMPANY, VOLUNTEER
2 AMBULANCE SERVICE AND VOLUNTEER RESCUE COMPANY service
3 incentives.



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7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 CHAPTER 1

10 PRELIMINARY PROVISIONS

11 Section 101. Short title.

12 This act shall be known and may be cited as the Municipal
13 ~~Volunteer Firefighter~~ VOLUNTEERS OF FIRE COMPANIES, AMBULANCE
14 SERVICES AND RESCUE COMPANIES Incentive Act.



15 Section 102. Purpose.

16 The purpose of this act is to authorize municipalities to
17 enact a tax credit against an active ~~volunteer firefighter's~~
18 VOLUNTEER'S earned income AND PROPERTY tax liability as a
19 financial incentive to:



20 (1) Indicate the municipality's acknowledgment of the
21 value of and the absence of any public cost for volunteer
22 fire protection AND AMBULANCE AND RESCUE SERVICES provided by
23 active ~~volunteer firefighters~~ VOLUNTEERS.



24 (2) To encourage other individuals to newly volunteer or
25 for former ~~firefighters~~ VOLUNTEERS to consider rejoining as
26 ~~an active volunteer firefighter in a volunteer fire~~
27 VOLUNTEERS IN A VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE OR
28 RESCUE company.



29 Section 103. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Active volunteer ~~firefighter~~." A volunteer ~~firefighter~~ FOR ←
4 A VOLUNTEER FIRE COMPANY, VOLUNTEER AMBULANCE SERVICE OR
5 VOLUNTEER RESCUE COMPANY who has complied with the requirements
6 of the volunteer ~~fire~~ service credit program and who is ←
7 certified under section 503.

8 "Commissioner." The State Fire Commissioner of the
9 Commonwealth.

10 "Department." The Department of Revenue of the Commonwealth.

11 "Earned income tax." A tax on earned income and net profits
12 levied under chapter 3 of the act of December 31, 1965 (P.L.
13 1257, No.511), known as The Local Tax Enabling Act.

14 "Governing body." A city council, borough council,
15 incorporated town council, board of township commissioners,
16 board of township supervisors, governing council of a home rule
17 municipality or optional plan municipality or a governing
18 council of any similar purpose government which may be created
19 by statute after the effective date of this section.

20 "Local Tax Enabling Act." The act of December 31, 1965 (P.L.
21 1257, No.511), known as The Local Tax Enabling Act.

22 "Municipality." A city, borough, incorporated town or
23 township located in this Commonwealth.

24 "Tax credit." The tax credit granted under section 301 OR ←
25 302.1.

26 "VOLUNTEER." A MEMBER OF A VOLUNTEER FIRE COMPANY, VOLUNTEER ←
27 AMBULANCE SERVICE OR VOLUNTEER RESCUE COMPANY.

28 "VOLUNTEER AMBULANCE SERVICE." ANY NONPROFIT CHARTERED
29 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS
30 COMMONWEALTH, WHICH IS LICENSED BY THE DEPARTMENT OF HEALTH AND

1 IS NOT ASSOCIATED OR AFFILIATED WITH ANY HOSPITAL AND WHICH IS
2 REGULARLY ENGAGED IN THE PROVISION OF EMERGENCY MEDICAL
3 SERVICES, INCLUDING BASIC LIFE SUPPORT OR ADVANCED LIFE SUPPORT
4 SERVICES AND ADVANCED LIFE SUPPORT SQUADS AS DEFINED IN 28 PA.
5 CODE § 1005.1 (RELATING TO GENERAL PROVISIONS). THE TERM SHALL
6 NOT INCLUDE ANY CORPORATION, ASSOCIATION OR ORGANIZATION THAT IS
7 PRIMARILY ENGAGED IN THE OPERATION OF INVALID COACHES WHICH ARE
8 INTENDED FOR THE ROUTINE TRANSPORT OF PERSONS WHO ARE
9 CONVALESCENT OR OTHERWISE NONAMBULATORY AND DO NOT ORDINARILY
10 REQUIRE EMERGENCY MEDICAL TREATMENT WHILE IN TRANSIT.

11 "Volunteer fire company." A nonprofit chartered corporation,
12 association or organization located in this Commonwealth that
13 provides fire protection services and may offer other voluntary
14 emergency services within this Commonwealth.

15 "VOLUNTEER RESCUE COMPANY." A NONPROFIT CHARTERED ←
16 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS
17 COMMONWEALTH THAT PROVIDES RESCUE SERVICES AS PART OF THE
18 RESPONSE TO FIRES AND/OR VEHICLE ACCIDENTS WITHIN THIS
19 COMMONWEALTH.

20 "Volunteer ~~fire~~ service credit program." The program ←
21 established under section 501 to determine the active status of
22 a volunteer ~~firefighter~~. ←

23 "~~Volunteer firefighter.~~" ~~A member of a volunteer fire~~ ←
24 ~~company.~~

CHAPTER 3

MUNICIPAL TAX CREDIT

27 Section 301. Program authorization.

28 (a) Establishment.--A municipality that levies an earned
29 income tax may establish by ~~resolution or~~ ordinance a tax credit ←
30 against an individual's liability imposed under chapter 3 of the

1 Local Tax Enabling Act for active service as a volunteer
2 firefighter.

3 (b) Amount.--A municipality must set forth in the ~~resolution~~
4 ~~or~~ ordinance the amount of the tax credit. If the total earned
5 income tax liability is less than the amount established by the
6 municipality, the tax credit shall equal the remaining tax
7 liability.

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

13 (d) Specific notice.--A municipality that establishes a tax
14 credit under subsection (a) shall notify the commissioner in the
15 manner and pursuant to any schedule prescribed by the
16 commissioner.

17 Section 302. Claim.

18 (a) Eligibility.--An individual who satisfies all of the
19 following criteria may claim a tax credit established under ~~this~~
20 ~~act~~ SECTION 301:

21 (1) The individual is subject to an earned income tax
22 imposed by a municipality that has established a tax credit
23 under section 301.

24 (2) The individual is certified under section 503.

25 (b) Return.--A husband ~~and~~ OR wife may claim any tax credit
26 ~~for which they are eligible on the same return.~~ PROVIDED FOR
27 UNDER THIS ACT WHEN FILING A JOINT RETURN. THE TAX RETURN FORM
28 SHALL PROVIDE A MECHANISM FOR SEPARATING THE LIABILITY OF AN
29 INDIVIDUAL FOR ANY EARNED INCOME TAX IMPOSED BY THE SCHOOL
30 DISTRICT OF RESIDENCE FROM THE LIABILITY OF AN INDIVIDUAL FOR

1 ANY EARNED INCOME TAX IMPOSED BY THE MUNICIPALITY SO THAT THE
2 TAX CREDIT MAY BE APPLIED AGAINST THE INDIVIDUAL'S LIABILITY FOR
3 TAXES IMPOSED BY THE MUNICIPALITY.

4 SECTION 302.1. REAL PROPERTY TAX CREDIT.

5 THE GOVERNING BODY OF A SCHOOL DISTRICT MAY PROVIDE, BY
6 ORDINANCE, FOR A TAX CREDIT AGAINST REAL PROPERTY TAXES TO BE
7 GRANTED TO ACTIVE VOLUNTEER FIREFIGHTERS. THE TAX CREDIT SHALL
8 APPLY TO TAXES LEVIED ON RESIDENTIAL REAL PROPERTY OWNED AND
9 OCCUPIED BY AN ACTIVE VOLUNTEER FIREFIGHTER WHO IS CERTIFIED
10 UNDER SECTION 503. THE AMOUNT OF THE TAX CREDIT SHALL BE
11 EQUIVALENT TO NO MORE THAN 20% OF THE TAX LIABILITY OF THE
12 ACTIVE VOLUNTEER FIREFIGHTER.

13 Section 303. Limitations.

14 A tax credit established under this act may be used against
15 only the individual's earned income tax OR PROPERTY TAX
16 liability for the current taxable year.

17 CHAPTER 5

18 VOLUNTEER ~~FIRE~~ SERVICE CREDIT

19 Section 501. Volunteer ~~fire~~ service credit program.

20 (a) Establishment.--Within 90 days of the effective date of
21 this section, the commissioner shall establish a volunteer ~~fire~~
22 service credit program that establishes the annual requirements
23 for the designation of a volunteer ~~firefighter~~ as in active
24 service at a volunteer fire company, VOLUNTEER AMBULANCE SERVICE
25 OR VOLUNTEER RESCUE COMPANY.

26 (b) Activities.--The volunteer ~~fire~~ service credit system
27 shall consider the following activities in determining credit
28 toward a designation of active service:

29 (1) The number of emergency calls to which a volunteer
30 ~~firefighter~~ responds.

1 (2) The level of training and participation in formal
2 training and drills for a volunteer ~~firefighter~~. ←

3 (3) The total amount of time expended by a volunteer
4 ~~firefighter~~ on administrative and other support services, ←
5 including fundraising and facility or equipment maintenance.

6 (4) The involvement in other events or projects that aid
7 the financial viability, emergency response or operational
8 readiness of a volunteer fire company, VOLUNTEER AMBULANCE ←
9 SERVICE OR VOLUNTEER RESCUE COMPANY.

10 (c) Guidelines.--The commissioner shall adopt guidelines,
11 including forms, necessary to implement this section.
12 Section 502. Service record.

13 (a) Log.--The chief of a volunteer fire company ~~or the~~ ←
14 ~~chief's designee~~, THE SUPERVISOR OR CHIEF OF A VOLUNTEER ←
15 AMBULANCE SERVICE OR VOLUNTEER RESCUE COMPANY OR THEIR DESIGNEES
16 shall establish and maintain a service log that documents the
17 activities of each volunteer ~~firefighter~~ that ~~qualify~~ QUALIFIES ←
18 for credit toward active service under the volunteer ~~fire~~ ←
19 service credit system and the calculation of the total credits
20 earned for each volunteer ~~firefighter~~ in the volunteer fire ←
21 company, VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE ←
22 COMPANY.

23 (b) Review.--Service logs established and maintained by
24 volunteer fire companies, VOLUNTEER AMBULANCE SERVICES OR ←
25 VOLUNTEER RESCUE COMPANIES shall be subject to periodic review
26 by the Auditor General, the department, the governing body of
27 the municipality where the volunteer fire company, VOLUNTEER ←
28 AMBULANCE SERVICE OR VOLUNTEER RESCUE COMPANY is located and the
29 governing body of a municipality where the volunteer fire
30 company, VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE COMPANY ←

1 provides ~~fire protection services or volunteer emergency~~ ←
2 services.

3 Section 503. Certification.

4 (a) Self-certification.--The active volunteer ~~firefighter~~ ←
5 shall sign and submit the application to the chief of the
6 volunteer fire company OR THE SUPERVISOR OR CHIEF OF THE ←
7 VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE COMPANY where
8 the ~~firefighter~~ VOLUNTEER serves. ←

9 (b) Local sign-off.--The chief and another officer of the
10 volunteer fire company, THE SUPERVISOR OR CHIEF AND ANOTHER ←
11 OFFICER OF THE VOLUNTEER AMBULANCE SERVICE OR VOLUNTEER RESCUE
12 COMPANY shall sign the application attesting to the individual's
13 status as an active volunteer ~~firefighter~~. The application shall ←
14 then be forwarded to the municipality for final review and
15 processing.

16 CHAPTER 30

17 MISCELLANEOUS PROVISIONS

18 Section 3001. Penalties for false reporting.

19 The following shall apply:

20 (1) Any person who knowingly makes or conspires to make
21 a false service record report under this act to the
22 commissioner commits a misdemeanor of the first degree
23 punishable by a fine of \$2,500.

24 (2) Any person who knowingly provides or conspires to
25 provide false information that is used to compile a service
26 record report under this act commits a misdemeanor of the
27 first degree punishable by a fine of \$2,500.

28 Section 3002. Effective date.

29 This act shall take effect in 60 days.