

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 250 Session of  
2009

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WALKO AND WHITE, FEBRUARY 4, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, FEBRUARY 4, 2009

AN ACT

1 Providing for municipal volunteer fire service incentives.

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

8 CHAPTER 1  
9 PRELIMINARY PROVISIONS

10 Section 101. Short title.

11 This act shall be known and may be cited as the Municipal  
12 Volunteer Firefighter Incentive Act.

13 Section 102. Purpose.

14 The purpose of this act is to authorize municipalities to  
15 enact a tax credit against an active volunteer firefighter's  
16 earned income tax liability as a financial incentive to:

17 (1) Indicate the municipality's acknowledgment of the  
18 value of and the absence of any public cost for volunteer  
19 fire protection provided by active volunteer firefighters.

20 (2) To encourage other individuals to newly volunteer or  
21 for former firefighters to consider rejoining as an active  
22 volunteer firefighter in a volunteer fire company.

23 Section 103. Definitions.

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

27 "Active volunteer firefighter." A volunteer firefighter who  
28 has complied with the requirements of the volunteer fire service  
29 credit program and who is certified by the State Fire  
30 Commissioner under section 504.

1 "Commissioner." The State Fire Commissioner of the  
2 Commonwealth.

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

4 "Earned income tax." A tax on earned income and net profits  
5 levied under chapter 3 of the act of December 31, 1965 (P.L.  
6 1257, No.511), known as The Local Tax Enabling Act.

7 "Governing body." A city council, borough council,  
8 incorporated town council, board of township commissioners,  
9 board of township supervisors, governing council of a home rule  
10 municipality or optional plan municipality or a governing  
11 council of any similar purpose government which may be created  
12 by statute after the effective date of this section.

13 "Local Tax Enabling Act." The act of December 31, 1965 (P.L.  
14 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 "Tax credit." The tax credit granted under section 301.

18 "Volunteer fire company." A nonprofit chartered corporation,  
19 association or organization located in this Commonwealth that  
20 provides fire protection services and may offer other voluntary  
21 emergency services within this Commonwealth.

22 "Volunteer fire service credit program." The program  
23 established under section 501 to determine the active status of  
24 a volunteer firefighter.

25 "Volunteer firefighter." A member of a volunteer fire  
26 company.

## 27 CHAPTER 3

### 28 MUNICIPAL TAX CREDIT

29 Section 301. Program authorization.

30 (a) Establishment.--A municipality that levies an earned

1 income tax may establish by resolution or ordinance a tax credit  
2 against an individual's liability imposed under chapter 3 of the  
3 Local Tax Enabling Act for active service as a volunteer  
4 firefighter.

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

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

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

#### 19 Section 302. Claim.

20 An individual who satisfies all of the following criteria may  
21 claim a tax credit established under this act:

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

25 (2) The individual is certified by the commissioner  
26 under section 504.

#### 27 Section 303. Limitations.

28 A tax credit established under this act may be used against  
29 only the individual's earned income tax liability for the  
30 current taxable year.

1 CHAPTER 5

2 VOLUNTEER FIRE SERVICE CREDIT

3 Section 501. Volunteer fire service credit program.

4 (a) Establishment.--Within 90 days of the effective date of  
5 this section, the commissioner shall establish a volunteer fire  
6 service credit program that establishes the annual requirements  
7 for the designation of a volunteer firefighter as in active  
8 service at a volunteer fire company.

9 (b) Activities.--The volunteer fire service credit system  
10 shall consider the following activities in determining credit  
11 toward a designation of active service:

12 (1) The number of emergency calls to which a volunteer  
13 firefighter responds.

14 (2) The level of training and participation in formal  
15 training and drills for a volunteer firefighter.

16 (3) The total amount of time expended by a volunteer  
17 firefighter on administrative and other support services,  
18 including fundraising and facility or equipment maintenance.

19 (4) The involvement in other events or projects that aid  
20 the financial viability, emergency response or operational  
21 readiness of a volunteer fire company.

22 (c) Regulations.--The commissioner shall promulgate  
23 regulations necessary to implement this section. The  
24 Pennsylvania Fire Information Reporting System or any other  
25 system as determined by the commissioner shall be used to submit  
26 information required in the service record report.

27 Section 502. Service record.

28 (a) Log.--The chief of a volunteer fire company or the  
29 chief's designee shall establish and maintain a service log that  
30 documents the activities of each volunteer firefighter that

1 qualify for credit toward active service under the volunteer  
2 fire service credit system and the calculation of the total  
3 credits earned for each volunteer firefighter in the volunteer  
4 fire company.

5 (b) Review.--Service logs established and maintained by  
6 volunteer fire companies shall be subject to periodic review by  
7 the Auditor General, the department, the governing body of the  
8 municipality where the volunteer fire company is located and the  
9 governing body of a municipality where the volunteer fire  
10 company provides fire protection services or volunteer emergency  
11 services.

12 Section 503. Service record report.

13 (a) Report.--The chief of a volunteer fire company or the  
14 chief's designee shall, within 15 days of the end of the  
15 calendar year, submit a report to the commissioner that complies  
16 with the requirements under subsection (b).

17 (b) Contents.--The report shall include all of the  
18 following:

19 (1) The name and address of each volunteer firefighter  
20 in the volunteer fire company.

21 (2) A calculation of the total number of credits earned  
22 by each volunteer firefighter and a determination whether  
23 each volunteer firefighter qualifies for a designation as an  
24 active volunteer firefighter.

25 (3) Any additional information deemed necessary by the  
26 commissioner.

27 Section 504. Certification.

28 (a) Compliance.--On or before February 1 of each year, the  
29 commissioner shall certify each volunteer firefighter reported  
30 under section 503 as having complied with the requirements for

1 certification as an active volunteer firefighter under the  
2 volunteer fire credit service system.

3 (b) Documentation.--The commissioner, in cooperation with  
4 the department, shall develop a procedure and a system to  
5 document the certification of active volunteer firefighters for  
6 tax purposes under this act and to provide notification of the  
7 certification to all of the following:

8 (1) Each municipality that notifies the commissioner of  
9 the establishment of a tax credit under this act.

10 (2) Each volunteer firefighter listed on a service  
11 record report.

## 12 CHAPTER 30

### 13 MISCELLANEOUS PROVISIONS

14 Section 3001. Penalties for false reporting.

15 The following shall apply:

16 (1) Any person who knowingly makes or conspires to make  
17 a false service record report under this act to the  
18 commissioner commits a misdemeanor of the first degree.

19 (2) Any person who knowingly provides or conspires to  
20 provide false information that is used to compile a service  
21 record report under this act commits a misdemeanor of the  
22 first degree.

23 Section 3002. Effective date.

24 This act shall take effect in 60 days.