

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4558

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PACK AND CRISS

[Originating in the Committee on Finance;

February 19, 2020.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6
3 and §11-13FF-7, all relating generally to creating a personal income tax credit for
4 volunteer firefighters in West Virginia; providing definitions; providing nonrefundable tax
5 credit for a volunteer firefighter against personal income tax in a taxable year; providing
6 for a tax credit limitation of \$1,000 for a single person; providing for a tax credit limitation
7 of \$2,000 for persons filing tax returns jointly under certain conditions; providing that the
8 tax credit for volunteer firefighters must be used in the taxable year and cannot be carried
9 forward; providing for documentation of eligibility for the tax credit; providing requirements
10 for the documentation evidencing eligibility for the tax credit; providing that documentation
11 must be sent to the Tax Commissioner; providing for rule-making authority; providing for
12 reporting at certain time; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13FF. WEST VIRGINIA VOLUNTEER FIREFIGHTER TAX CREDIT ACT.

§11-13FF-1. Findings and Purpose.

1 The Legislature finds that it is an important public policy to encourage participation in
2 volunteer fire fighting and emergency response by providing tax credits for those who volunteer
3 their time as a vital service to their community.

§11-13FF-2. Definitions.

1 As used in this article:

2 “Active member” means an individual that performs the function of fire prevention and
3 suppression, or vehicle and machinery extrications, hazardous materials response and mitigation,
4 technical rescue, emergency medical services, and any other duties that a specialized support
5 member may provide when responding to emergency situations;

6 “Chief” means the highest-ranking fire line officer in charge of a volunteer fire department;

7 “Commission” means the West Virginia State Fire Commission;

8 “Volunteer fire department” means a volunteer fire department in this state, certified and
9 regulated by the commission, and lawfully formed under §8-15-1 et seq. of this code;

10 “Volunteer firefighter” means a West Virginia taxpayer who is an active member of a
11 volunteer fire department.

§11-13FF-3. Amount of credit; limitation of credit.

1 (a) There is allowed to eligible volunteer firefighters in this state a nonrefundable credit
2 against taxes imposed by §11-21-1 et seq. of this code in the amount set forth in subsection (b)
3 of this section.

4 (b) The amount of the credit is \$1,000 during a taxable year or the total amount of tax
5 imposed by §11-21-1 et seq. of this code in the year of active membership, whichever is less. If
6 both taxpayers filing a joint tax return are eligible for the credit authorized by this article, the
7 amount of the credit is \$2,000, or \$1,000 for each eligible taxpayer, during a taxable year or the
8 total amount of tax imposed by §11-21-1 et seq. of this code in the year of active membership,
9 whichever is less.

10 (c) If the amount of the credit authorized by this article is unused in any tax year, it may
11 not be applied to any other tax year.

§11-13FF-4. Qualification for credit.

1 (a) To be an eligible volunteer firefighter under §11-13FF-3 of this code, he or she shall
2 obtain certification from the chief of the volunteer fire department to demonstrate the following:

3 (1) The volunteer firefighter has been an active member in good standing of the volunteer
4 fire department for the entire year; or

5 (2) Has been an active member in good standing of the volunteer fire department and
6 another volunteer fire department of this state for the entire year; and

7 (3) Has participated as an active member as defined in §11-13FF-3 of this code on-site at
8 at least 30 percent of the volunteer fire department activities during the year; and

9 (4) Has met or exceeded all certification and training for active member firefighters
10 required under the laws of this state.

11 (b) The certification from the chief of the volunteer firefighter department shall
12 demonstrate, at a minimum:

13 (1) The rank or position of the volunteer firefighter;

14 (2) The years of service for the volunteer firefighter;

15 (3) The number of emergency situations the volunteer firefighter responded in the year of
16 active membership; and

17 (4) The number of meetings or training attended by the volunteer firefighter in the year of
18 active membership.

19 (c) To claim the tax credit, a volunteer firefighter shall submit the certification from the chief
20 of the volunteer fire department to the Tax Commissioner.

§11-13FF-5. Legislative rules.

1 (a) The Tax Commissioner may propose rules for legislative approval in accordance with
2 the provision of §29A-3-1 et seq. of this code as may be necessary to carry out the purposes of
3 this article.

4 (b) The commission may propose rules for legislative approval in accordance with the
5 provisions of §29A-3-1 et seq. of this code as may be necessary to carry out the purposes of this
6 article.

§11-13FF-6. Tax credit review report.

1 Beginning on the first day of the second taxable year after the passage of this article and
2 every two years thereafter, the commission shall submit to the Governor, the President of the
3 Senate, and the Speaker of the House of Delegates a tax credit review and accountability report
4 evaluating the cost effectiveness of the tax credit and donations during the most recent two-year
5 period for which information is available.

§11-13FF-7. Effective date.

1 The credit allowed by this article shall be allowed for volunteer firefighters after December
2 31, 2022.