SENATE, No. 585

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senators CONNORS and CASEY

AN ACT providing exemptions from gross income for certain members of volunteer fire companies, first aid squads and rescue squads and supplementing chapter 3 of Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

a. "Duty hours" means the hours during which a member of a volunteer fire department or force or first aid or rescue squad has committed himself to respond to any alarm that may occur, whether or not an alarm actually occurs during those hours.

b. "10% of rescue duty" means (1) for volunteers without duty hours, the actual recorded attendance and rendering of first aid or other rescue service at not less than 10% of the regular alarms and 60% of the drills for first aid or rescue service answerable by volunteers during a calendar year, or (2) for volunteers with duty hours, at least 400 duty hours during any calendar year of which not more than 50% may be for drills.

c. "60% of fire duty" means (1) for volunteers without duty hours, the actual recorded attendance and rendering of fire service at not less than 60% of the regular alarms and 60% of the drills for fire service as responded to by the responding department or force during a calendar year, or (2) for volunteers with duty hours, at least 400 duty hours during any calendar year of which not more than 50% may be for drills.

d. "Volunteer" means a person who is a member of a volunteer fire company, first aid squad or rescue squad.

2. In addition to the exemptions allowed under N.J.S.54A:3-1, a taxpayer shall be allowed an additional exemption of $1,000 which may be taken as a deduction from the taxpayer's State gross income if the taxpayer served as a volunteer during the entire tax year for which the deduction is claimed and if:

a. The taxpayer performed 10% of rescue duty and had, by January 1st of the tax year, passed a training program approved by the New Jersey First Aid Council or qualified as an emergency medical

technician according to the standards established by the Department of Health; or

b. The taxpayer performed 60% of fire duty and had by January 1st of the tax year, attained the rank of Firefighter I Certified according to the standards established by the International Fire Service Training Association or equivalent standards approved by the Commissioner of Community Affairs.

3. a. An official in charge of a first aid or rescue squad shall no later than March 31st of each year file with the Department of Health a list of the members of the squad who qualify for an additional exemption for a preceding calendar year under this act and who meet the qualifications set forth in section 2 of this act.

b. An official in charge of a fire department or force shall no later than March 31st of each year file with the Department of Community Affairs a list of all the members of the department or force who qualify for an additional exemption for a preceding calender year under this act and who meet qualifications set forth in section 2 of this act.

c. An official in charge of a fire department or force, or first aid or rescue squad who files a false list under subsection a. or b. of this section with the intent of aiding another person in the willful evasion of a tax or a lawful requirement under N.J.S.54A:1-1 et seq. shall be subject to prosecution as an accomplice under N.J.S.54A:9-15 and to the penalties provided therein.

4. a. A taxpayer shall not be entitled to a deduction under this act of more than $1,000 in any one tax year. A taxpayer who is entitled to a deduction under this act shall submit a claim, accompanied by proof of the right to such a deduction, in a manner as the Director of the Division of Taxation may by regulation provide.

b. The Commissioner of Community Affairs and the Commissioner of Health shall make available to the director the files on volunteers which are collected under section 3 of this act so that the director may verify a claim for a deduction.

5. The Commissioner of Community Affairs shall adopt rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the provisions of this act.

6. This act shall take effect immediately and shall apply to tax years commencing after December 31, 1995.

STATEMENT

This bill would allow eligible volunteer firefighters and first aid and rescue squad members to take an additional $1,000 personal exemption as a deduction from gross income under the New Jersey gross income tax beginning in 1995.

The bill specifically sets forth eligibility requirements for persons who want to claim the additional personal exemption. Fire company members would be eligible if they serve as a volunteer for the entire tax year, respond to at least 60% of regular alarms and 60% of drills, and have attained the rank of Firefighter I Certified. First aid and rescue squad members would be eligible if they serve as a volunteer for the entire tax year, respond to at least 10% of regular alarms and 60% of the drills, and have passed an approved training program or qualified as an emergency medical technician.

The official in charge of each fire department or force or first aid or rescue squad is required to submit annually to the appropriate State agency a list of members who have met the above requirements.

Allows certain volunteer firefighters, rescue and first aid squad members to claim $1,000 income tax deduction.