



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2751/1
JK&EKL:amn&wlj

2019 ASSEMBLY BILL 302

June 20, 2019 - Introduced by Representatives PRONSCHINSKE, MURSAU, PETRYK, TRANEL, TUSLER, BALLWEG, BRANDTJEN, DITTRICH, DUCHOW, EDMING, FELZKOWSKI, JAGLER, JAMES, KERKMAN, KITCHENS, KRUG, KULP, KURTZ, MAGNAFICI, B. MEYERS, MILROY, NOVAK, OLDENBURG, PETERSEN, PLUMER, QUINN, RAMTHUN, SCHRAA, SHANKLAND, SKOWRONSKI, SNYDER, SORTWELL, SPIROS, SPREITZER, SUMMERFIELD, SWEARINGEN, TAUCHEN, THIESFELDT, TITTL, VANDERMEER, VRUWINK, WICHGERS, ZIMMERMAN and HORLACHER, cosponsored by Senators TESTIN, NASS, BERNIER, BEWLEY, FEYEN, JACQUE, MARKLEIN, PETROWSKI, RINGHAND, SCHACHTNER, TIFFANY and WANGGAARD. Referred to Committee on Ways and Means.

1 **AN ACT to amend** 71.10 (4) (i); and **to create** 20.835 (2) (er), 20.835 (2) (es), 20.835
2 (2) (et), 71.07 (8m), 71.07 (8n) and 71.07 (8o) of the statutes; **relating to:**
3 creating three refundable tax credits for volunteer emergency responders and
4 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates three refundable tax credits for volunteer fire fighters, emergency medical responders, emergency medical services practitioners, and ambulance drivers (responders).

The first credit is equal to \$300 for responders who have served for at least one year, but not more than five years, and \$600 for responders who have served for more than five years. An individual is eligible to claim the credit if the individual is in good standing with the department for which he or she serves and either has completed 40 hours of service at the department's station or at the scene of an emergency or has participated in at least 50 percent of the calls or incidents that his or her station has responded to, not including calls or incidents outside of the department's jurisdiction. An individual who holds more than one emergency responder position in the same department may combine the hours served in those positions when determining whether the 40-hour threshold is met.

The second credit is equal to \$20 for each hour, up to 25 hours, that a responder is engaged in education or training. An individual is eligible to claim the credit if the individual meets the criteria to claim the first credit.

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The third credit is equal to the sum of the responder's unreimbursed mileage for using a personal vehicle to attend training and his or her unreimbursed expenses, not to exceed \$200, for purchasing department-approved gear and equipment. The maximum amount that may be claimed for the credit is \$400. In order to claim the credit, the individual must be in good standing with the department for which he or she serves.

An individual may claim only one credit under each provision in a taxable year, regardless of the number of positions the individual holds that makes the individual eligible to claim the credits.

Because the credits are refundable, if an individual is eligible to claim an amount as a credit that exceeds his or her income tax liability, the individual receives the excess as a refund.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.835 (2) (er) of the statutes is created to read:

2 20.835 (2) (er) *Emergency responder service credit.* A sum sufficient to make
3 the payments under s. 71.07 (8m).

4 **SECTION 2.** 20.835 (2) (es) of the statutes is created to read:

5 20.835 (2) (es) *Emergency responder education and training credit.* A sum
6 sufficient to make the payments under s. 71.07 (8n).

7 **SECTION 3.** 20.835 (2) (et) of the statutes is created to read:

8 20.835 (2) (et) *Emergency responder mileage and equipment credit.* A sum
9 sufficient to make the payments under s. 71.07 (8o).

10 **SECTION 4.** 71.07 (8m) of the statutes is created to read:

11 71.07 (8m) EMERGENCY RESPONDER SERVICE CREDIT. (a) *Definitions.* In this
12 subsection:

13 1. "Claimant" means an emergency responder who files a claim under this
14 subsection.

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1 2. “Emergency responder” means an individual who serves in this state as a
2 volunteer emergency medical responder, as defined under s. 256.01 (4p); a volunteer
3 emergency medical responder certified under s. 256.15 (8) (a); a volunteer fire
4 fighter; a volunteer emergency medical services practitioner, as defined in s. 256.01
5 (5); or a volunteer ambulance driver.

6 3. “Qualifying service” means service provided by the claimant as an
7 emergency responder at a station of the department for which he or she serves or at
8 the scene of a call or incident to which the department has responded.

9 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
10 taxable years beginning after December 31, 2018, a claimant may claim as a credit
11 against the tax imposed under s. 71.02 an amount equal to either \$300, if the
12 claimant has served as an emergency responder for at least one year, but not more
13 than 5 years, or \$600, if the claimant has served as an emergency responder for more
14 than 5 years.

15 (c) *Limitations.* 1. No claimant may claim the credit under this subsection
16 unless the claimant is in good standing with the department for which he or she
17 serves and either has completed 40 hours of qualifying service for the department in
18 the year to which the claim relates or has participated in at least 50 percent of the
19 calls or incidents to which his or her station within the department has responded
20 in the year to which the claim relates, not including calls or incidents outside of the
21 department’s jurisdiction. A claimant who holds more than one emergency
22 responder position in the same department may include the time spent providing
23 qualifying service in each position when determining whether the 40-hour threshold
24 is met. A claimant shall provide certification from the department for which he or
25 she serves to the department of revenue, on a form prescribed by the department of

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1 revenue, that the claimant has complied with the requirements of this subdivision
2 and shall submit the certification with the claimant's return.

3 2. No credit may be claimed under this subsection by a part-year resident or
4 a nonresident of this state.

5 3. No credit may be allowed under this subsection unless it is claimed within
6 the period specified in s. 71.75 (2).

7 4. No credit may be allowed under this subsection for a taxable year covering
8 a period of less than 12 months, except for a taxable year closed by reason of the death
9 of the taxpayer.

10 5. For any taxable year the claimant is eligible to claim the credits under this
11 subsection and sub. (8n) or (8o), or both, the claimant may claim one credit under
12 each subsection for that taxable year and may claim only one credit under each
13 subsection regardless of the number of positions the claimant holds that makes the
14 claimant eligible to claim the credits.

15 (d) *Administration.* 1. Subsection (9e) (d), to the extent that it applies to the
16 credit under that subsection, applies to the credit under this subsection.

17 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
18 due under s. 71.02, the amount of the claim not used to offset the tax due shall be
19 certified by the department of revenue to the department of administration for
20 payment by check, share draft, or other draft drawn from the appropriation account
21 under s. 20.835 (2) (er).

22 **SECTION 5.** 71.07 (8n) of the statutes is created to read:

23 71.07 (8n) EMERGENCY RESPONDER EDUCATION AND TRAINING CREDIT. (a)

24 *Definitions.* In this subsection:

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1 1. “Claimant” means an emergency responder who is eligible to claim the credit
2 under sub. (8m), regardless of whether a claim is filed under that subsection, and
3 who files a claim under this subsection.

4 2. “Course-work time” means the number of hours spent in a class or in
5 training exercises, either in person or online, by an emergency responder if the
6 course maintains or improves skills required by the individual to continue serving
7 as an emergency responder or is necessary for the individual to obtain or maintain
8 certification to continue serving as an emergency responder.

9 3. “Emergency responder” has the meaning given in sub. (8m) (a) 2.

10 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
11 taxable years beginning after December 31, 2018, a claimant may claim as a credit
12 against the tax imposed under s. 71.02 an amount equal to \$20 for each hour of
13 course-work time, up to 25 hours, that the claimant spends participating in such
14 activities in the taxable year to which the claim relates.

15 (c) *Limitations.* 1. The maximum credit that a claimant may claim each year
16 under this subsection is \$500. A claimant shall provide certification from the
17 department for which he or she serves to the department of revenue, on a form
18 prescribed by the department of revenue, of the hours of course-work time as
19 described under par. (b) and that the claimant has complied with the requirements
20 of sub. (8m) (c) 1., and shall submit the certification with the claimant’s return.

21 2. No credit may be claimed under this subsection by a part-year resident or
22 a nonresident of this state.

23 3. No credit may be allowed under this subsection unless it is claimed within
24 the period specified in s. 71.75 (2).

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1 4. No credit may be allowed under this subsection for a taxable year covering
2 a period of less than 12 months, except for a taxable year closed by reason of the death
3 of the taxpayer.

4 5. For any taxable year the claimant is eligible to claim the credits under this
5 subsection and sub. (8m) or (8o), or both, the claimant may claim one credit under
6 each subsection for that taxable year and may claim only one credit under each
7 subsection regardless of the number of positions the claimant holds that makes the
8 claimant eligible to claim the credits.

9 (d) *Administration.* 1. Subsection (9e) (d), to the extent that it applies to the
10 credit under that subsection, applies to the credit under this subsection.

11 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
12 due under s. 71.02, the amount of the claim not used to offset the tax due shall be
13 certified by the department of revenue to the department of administration for
14 payment by check, share draft, or other draft drawn from the appropriation account
15 under s. 20.835 (2) (es).

16 **SECTION 6.** 71.07 (8o) of the statutes is created to read:

17 71.07 **(8o)** EMERGENCY RESPONDER MILEAGE AND EQUIPMENT CREDIT. (a)

18 *Definitions.* In this subsection:

19 1. "Claimant" means an emergency responder who files a claim under this
20 subsection.

21 2. "Emergency responder" has the meaning given in sub. (8m) (a) 2.

22 3. "Expenses" means unreimbursed expenses, not to exceed \$200, incurred by
23 the claimant for gear and equipment, in the year to which the claim relates, that are
24 primarily for his or her use while serving as an emergency responder.

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1 4. “Mileage” means the number of unreimbursed miles traveled by a claimant
2 in his or her personal vehicle to attend training related to service as an emergency
3 responder, multiplied by the mileage rate.

4 5. “Mileage rate” means the standard mileage reimbursement rate for
5 business, set by the Internal Revenue Service, that applies under federal law for the
6 taxable year to which the claim relates.

7 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
8 taxable years beginning after December 31, 2018, a claimant may claim as a credit
9 against the tax imposed under s. 71.02 an amount equal to the sum of the claimant’s
10 mileage for the taxable year for which the claim is made and expenses incurred in
11 that year.

12 (c) *Limitations.* 1. The maximum credit that a claimant may claim each year
13 under this subsection is \$400.

14 2. No claimant may claim the credit under this subsection unless the claimant
15 is in good standing with the department for which he or she serves.

16 3. No claimant may claim the credit under this subsection unless the individual
17 in charge of the department for which the claimant serves approves the expenses and
18 mileage for which the claim is made.

19 4. No claimant may claim the credit under this subsection unless the claimant
20 provides, on a form prescribed by the department of revenue, certification from the
21 department for which he or she serves of the claimant’s compliance with subd. 2 and
22 of the approval under subd. 3. The claimant shall submit the certification with the
23 claimant’s return.

24 5. No credit may be claimed under this subsection by a part-year resident or
25 a nonresident of this state.

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1 6. No credit may be allowed under this subsection unless it is claimed within
2 the period specified in s. 71.75 (2).

3 7. No credit may be allowed under this subsection for a taxable year covering
4 a period of less than 12 months, except for a taxable year closed by reason of the death
5 of the taxpayer.

6 8. For any taxable year the claimant is eligible to claim the credits under this
7 subsection and sub. (8m) or (8n), or both, the claimant may claim one credit under
8 each subsection for that taxable year and may claim only one credit under each
9 subsection regardless of the number of positions the claimant holds that makes the
10 claimant eligible to claim the credits.

11 9. No credit may be allowed under this subsection for unreimbursed mileage
12 expenses used to compute and claim the credit under sub. (5).

13 (d) *Administration.* 1. Subsection (9e) (d), to the extent that it applies to the
14 credit under that subsection, applies to the credit under this subsection.

15 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
16 due under s. 71.02, the amount of the claim not used to offset the tax due shall be
17 certified by the department of revenue to the department of administration for
18 payment by check, share draft, or other draft drawn from the appropriation account
19 under s. 20.835 (2) (et).

20 **SECTION 7.** 71.10 (4) (i) of the statutes is amended to read:

21 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
22 preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and
23 beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief
24 credit under s. 71.07 (3m), dairy manufacturing facility investment credit under s.
25 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment

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1 credit under s. 71.07 (3r), woody biomass harvesting and processing credit under s.
2 71.07 (3rm), food processing plant and food warehouse investment credit under s.
3 71.07 (3rn), business development credit under s. 71.07 (3y), research credit under
4 s. 71.07 (4k) (e) 2. a., film production services credit under s. 71.07 (5f), film
5 production company investment credit under s. 71.07 (5h), veterans and surviving
6 spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s.
7 71.07 (3w), electronics and information technology manufacturing zone credit under
8 s. 71.07 (3wm), emergency responder service credit under s. 71.07 (8m), emergency
9 responder education and training credit under s. 71.07 (8n), emergency responder
10 mileage and equipment credit under s. 71.07 (8o), beginning farmer and farm asset
11 owner tax credit under s. 71.07 (8r), earned income tax credit under s. 71.07 (9e),
12 estimated tax payments under s. 71.09, and taxes withheld under subch. X.

13

(END)