

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2370 Session of 2015

INTRODUCED BY MOUL, PICKETT, PETRARCA, ZIMMERMAN, MAHONEY, GREINER, MILLARD, FEE, B. MILLER, CUTLER, BLOOM, LONGIETTI, SAYLOR, DIAMOND, MCGINNIS, CAUSER, GIBBONS, WARD, GILLEN, A. HARRIS, MENTZER, HICKERNELL, SCHLEGEL CULVER, DAY AND HELM, SEPTEMBER 23, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 19, 2016

AN ACT

1 Amending the act of July 13, 2016 (P.L.526, No.84), entitled,
2 "An act amending the act of March 4, 1971 (P.L.6, No.2),
3 entitled 'An act relating to tax reform and State taxation by
4 codifying and enumerating certain subjects of taxation and
5 imposing taxes thereon; providing procedures for the payment,
6 collection, administration and enforcement thereof; providing
7 for tax credits in certain cases; conferring powers and
8 imposing duties upon the Department of Revenue, certain
9 employers, fiduciaries, individuals, persons, corporations
10 and other entities; prescribing crimes, offenses and
11 penalties,' as follows:
12 In sales and use tax:
13 further providing for definitions, for exclusions
14 from tax, for discount and for crimes.
15 In personal income tax:
16 further providing for definitions, for classes of
17 income and for tax withheld;
18 providing for contributions for tuition account
19 programs; and
20 further providing for requirement of withholding tax,
21 for information statement, for time for filing employers'
22 returns, for payment of taxes withheld, for employer's
23 liability for withheld taxes, for employer's failure to
24 withhold, for declarations of estimated tax and for
25 citation authority.
26 In corporate net income tax:
27 further providing for reports and payment of tax;
28 providing for amended reports; and
29 further providing for enforcement, rules and

1 regulations and inquisitorial powers of the department.  
2 In bank and trust company shares tax:  
3 further providing for imposition of tax, for  
4 ascertainment of taxable amount and exclusion of United  
5 States obligations, for apportionment and for  
6 definitions.  
7 In gross receipts tax:  
8 further providing for imposition of tax.  
9 In realty transfer tax:  
10 further providing for definitions, for exempt parties  
11 and for excluded transactions.  
12 In cigarette tax:  
13 further providing for incidence and rate of tax, for  
14 floor tax, for stamp to evidence the tax, for commissions  
15 on sales and for disposition of certain funds.  
16 Imposing a tobacco products tax.  
17 In research and development tax credit:  
18 further providing for time limitations.  
19 In film production tax credit:  
20 making editorial changes;  
21 further providing for scope of article, definitions  
22 and for limitations;  
23 providing for reissuance of film production tax  
24 credits, for concert rehearsal and tour and for video  
25 game production.  
26 Establishing the coal refuse energy and reclamation tax  
27 credit.  
28 Establishing the waterfront development tax credit.  
29 In tax credit for new jobs:  
30 further providing for definitions and for tax  
31 credits.  
32 In city revitalization and improvement zones:  
33 further providing for definitions and for  
34 establishment of contracting authority;  
35 providing for contracting authority duties;  
36 further providing for approval, for functions of  
37 contracting authorities, for qualified businesses, for  
38 funds, for reports, for calculation of baseline, for  
39 certification, for transfers, for restrictions, for  
40 transfer of property, for Commonwealth pledges and for  
41 guidelines; and  
42 providing for review.  
43 Establishing the Manufacturing and Investment Tax Credit.  
44 In neighborhood assistance tax credit:  
45 further providing for definitions, for tax credit and  
46 for grant of tax credit.  
47 In neighborhood improvement zones:  
48 further providing for definitions and for  
49 Neighborhood Improvement Zone Funds; and  
50 providing for taxes, for property assessment and for  
51 exceptions.  
52 In Keystone Special Development Zone Program:  
53 further providing for Keystone Special Development  
54 Zone tax credit.  
55 Providing for keystone opportunity zones, keystone  
56 opportunity expansion zones and keystone opportunity  
57 improvement zones.

1 Providing for mixed-use development tax credit, the  
2 Mixed-use Development Program and Mixed-use Development  
3 Program Fund.  
4 Providing for Keystone Innovation Zones.  
5 In malt beverage tax:  
6 further providing for limited tax credits.  
7 In inheritance tax:  
8 further providing for definitions, for transfers not  
9 subject to tax and for deductions not allowed.  
10 Providing for table game taxes.  
11 In procedure and administration:  
12 further providing for petition procedure.  
13 Establishing the computer data center equipment incentive  
14 program.  
15 Providing for a tax amnesty program.  
16 Making related repeals.  
17 Further providing for preemption of local government tax.  
18 Directing the Office of Attorney General to attempt to  
19 obtain the consent of participating manufacturers under the  
20 Master Settlement Agreement for amendments.  
21 Providing for applicability for imposed taxes," further  
22 providing for the applicability of realty transfer tax  
23 exclusion provisions; AND IMPOSING A DUTY ON THE DEPARTMENT <--  
24 OF REVENUE TO REFUND CERTAIN REALTY TRANSFER TAXES PAID.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. Section 51(11) of the act of July 13, 2016 (P.L.  
28 526, No. 84), entitled, "An act amending the act of March 4,  
29 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and  
30 State taxation by codifying and enumerating certain subjects of  
31 taxation and imposing taxes thereon; providing procedures for  
32 the payment, collection, administration and enforcement thereof;  
33 providing for tax credits in certain cases; conferring powers  
34 and imposing duties upon the Department of Revenue, certain  
35 employers, fiduciaries, individuals, persons, corporations and  
36 other entities; prescribing crimes, offenses and penalties,' as  
37 follows:

38 In sales and use tax:

39 further providing for definitions, for exclusions  
40 from tax, for discount and for crimes.

41 In personal income tax:

1 further providing for definitions, for classes of  
2 income and for tax withheld;

3 providing for contributions for tuition account  
4 programs; and

5 further providing for requirement of withholding tax,  
6 for information statement, for time for filing employers'  
7 returns, for payment of taxes withheld, for employer's  
8 liability for withheld taxes, for employer's failure to  
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11 In corporate net income tax:

12 further providing for reports and payment of tax;  
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15 regulations and inquisitorial powers of the department.

16 In bank and trust company shares tax:

17 further providing for imposition of tax, for  
18 ascertainment of taxable amount and exclusion of United  
19 States obligations, for apportionment and for  
20 definitions.

21 In gross receipts tax:

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16 In city revitalization and improvement zones:  
17 further providing for definitions and for  
18 establishment of contracting authority;  
19 providing for contracting authority duties;  
20 further providing for approval, for functions of  
21 contracting authorities, for qualified businesses, for  
22 funds, for reports, for calculation of baseline, for  
23 certification, for transfers, for restrictions, for  
24 transfer of property, for Commonwealth pledges and for  
25 guidelines; and  
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27 Establishing the Manufacturing and Investment Tax Credit.

28 In neighborhood assistance tax credit:  
29 further providing for definitions, for tax credit and  
30 for grant of tax credit.

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3 Neighborhood Improvement Zone Funds; and  
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5 exceptions.

6 In Keystone Special Development Zone Program:  
7 further providing for Keystone Special Development  
8 Zone tax credit.

9 Providing for keystone opportunity zones, keystone  
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13 Mixed-use Development Program and Mixed-use Development  
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23 further providing for petition procedure.

24 Establishing the computer data center equipment incentive  
25 program.

26 Providing for a tax amnesty program.

27 Making related repeals.

28 Further providing for preemption of local government tax.

29 Directing the Office of Attorney General to attempt to  
30 obtain the consent of participating manufacturers under the

1 Master Settlement Agreement for amendments.

2 Providing for applicability for imposed taxes," is  
3 amended to read:

4 Section 51. This act shall apply as follows:

5 \* \* \*

6 (11) The following shall apply:

7 (i) The amendment or addition of the following  
8 provisions of the act shall apply to transfers [at least  
9 60 days following the effective date of this section]  
10 made after December 31, 2012:

11 [(i)] (A) The [definitions] definition of  
12 "conservancy" [and "veterans' organization"] in  
13 section 1101-C.

14 [(ii) Section 1102-C.2.

15 [(iii)] (B) Section 1102-C.3(18) ~~and (24)~~. <--

16 (ii) The amendment or addition of the following  
17 provisions of the act shall apply to transfers made after  
18 September 12, 2016:

19 (A) The definition of "veterans' organization"  
20 in section 1101-C.

21 (B) Section 1102-C.2.

22 ~~(C) Section 1102-C.3(24).~~ <--

23 SECTION 2. NOTWITHSTANDING THE TIME LIMITATIONS FOR FILING A <--  
24 PETITION FOR REFUND UNDER SECTION 3003.1 OF THE ACT OF MARCH 4,  
25 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971:

26 (1) A PERSON THAT WOULD BE ENTITLED TO A REFUND OF THE  
27 TAX IMPOSED UNDER ARTICLE XI-C OF THE TAX REFORM CODE OF 1971  
28 AS A RESULT OF THE AMENDMENT OF SECTION 51(11) OF THE  
29 AMENDATORY ACT AS IT RELATES TO TRANSFERS OF REAL ESTATE TO  
30 OR BY A LAND BANK; AND

1           (2) A PERSON THAT WOULD BE ENTITLED TO A REFUND OF TAX  
2 AS A RESULT OF THE ADDITION OF THE DEFINITION OF  
3 "CONSERVANCY" IN SECTION 1101-C OF THE TAX REFORM CODE OF  
4 1971 AND THE AMENDMENT OF SECTION 1102-C.3(18) OF THE TAX  
5 REFORM CODE OF 1971  
6 BUT FOR THE TIME LIMITATIONS CONTAINED UNDER SECTION 3003.1 OF  
7 THE TAX REFORM CODE OF 1971 MAY FILE FOR AND OBTAIN A REFUND OF  
8 TAX ACTUALLY PAID AS LONG AS THE PETITION FOR REFUND IS FILED  
9 WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

10       Section ~~2~~ 3. The amendment of section 51(11) of the           <--  
11 AMENDATORY act shall apply retroactively to July 13, 2016.       <--

12       Section ~~3~~ 4. This act shall take effect immediately.       <--