

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2259 Session of
2014

INTRODUCED BY SIMS, BROWNLEE, PAINTER, THOMAS, O'BRIEN,
McCARTER, McNEILL, PASHINSKI, PARKER, MOLCHANY, GAINES,
HAGGERTY, V. BROWN, DONATUCCI, READSHAW AND FLYNN,
MAY 13, 2014

REFERRED TO COMMITTEE ON FINANCE, MAY 13, 2014

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," providing for an Energy Star-related glass or
11 window technologies tax credit.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Article XVIII-C heading of the act of March 4,
15 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, added
16 July 9, 2008 (P.L.922, No.66), is amended to read:

ARTICLE XVIII-C

[(RESERVED)]

ENERGY STAR-RELATED GLASS

OR WINDOW TECHNOLOGIES TAX CREDIT

21 Section 2. The act is amended by adding sections to read:

1 Section 1801-C. Definitions.

2 The following words and phrases when used in this article
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

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

6 "Energy Star-related glass or window technologies tax credit"
7 or "tax credit." The credit provided under this article.

8 "Energy Star-related glass or window technology." A glass or
9 window that has been certified as in compliance with and
10 qualifies as an Energy Star product pursuant to the
11 Environmental Protection Agency and the Department of Energy,
12 Energy Star Program and bears the Energy Star label.

13 "Qualified tax liability." The liability for taxes imposed
14 under Article III, IV, V or VI. The term does not include any
15 tax withheld by an employer from an employee under Article III.

16 "Taxpayer." An entity subject to tax under Article III, IV,
17 V or VI.

18 Section 1802-C. Eligible applicants.

19 A taxpayer that manufactures Energy Star-related glass or
20 window technologies may apply for the Energy Star-related glass
21 or window technologies tax credit as provided under this
22 article. By February 1 of each year, a taxpayer must submit an
23 application to the department for the amount of investment in
24 the manufacturing of Energy Star-related glass or window
25 technologies that was made in the taxable year that ended the
26 prior calendar year.

27 Section 1803-C. Award of tax credits.

28 A taxpayer that is qualified under section 1802-C may receive
29 an Energy Star-related glass or window technologies tax credit
30 for the taxable year in an amount equal to 20% of the total

amount of all capital, operation and maintenance costs paid for
Energy Star-related glass or window technologies in the taxable
year to be applied against the taxpayer's qualified tax
liability.

Section 1804-C. Carryover and carryback of credit.

(a) Carryover.--If the taxpayer cannot use the entire amount
of the Energy Star-related glass or window technologies tax
credit for the taxable year in which the tax credit is first
approved, the excess may be carried over to succeeding taxable
years and used as a credit against the qualified tax liability
of the taxpayer for those taxable years. Each time that the tax
credit is carried over to a succeeding taxable year, it is to be
reduced by the amount that was used as a credit during the
immediately preceding taxable year. The tax credit may be
carried over and applied to succeeding taxable years for no more
than five taxable years following the first taxable year for
which the taxpayer was entitled to claim the tax credit.

(b) Application.--An Energy Star-related glass or window
technologies tax credit approved by the department in a taxable
year first shall be applied against the taxpayer's qualified tax
liability for the current taxable year as of the date on which
the tax credit was approved before the tax credit is applied
against any tax liability under subsection (a).

(c) Carryback.--A taxpayer is not entitled to carry back or
obtain a refund of an unused Energy Star-related glass or window
technologies tax credit.

Section 1805-C. Availability of tax credits.

Each fiscal year, \$10,000,000 in tax credits shall be made
available to the department and may be awarded by the department
in accordance with this article.

1 Section 1806-C. Regulations.

2 The department shall promulgate regulations necessary for the
3 implementation and administration of this article.

4 Section 3. The addition of sections 1801-C, 1802-C, 1803-C,
5 1804-C, 1805-C and 1806-C of the act shall apply to tax years
6 beginning after December 31, 2012.

7 Section 4. This act shall take effect immediately.