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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1490 Session of  
2019

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INTRODUCED BY SIMS, MURT, SCHLOSSBERG, ISAACSON, MILLARD, HILL-  
EVANS, FREEMAN, OTTEN AND McCLINTON, MAY 22, 2019

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REFERRED TO COMMITTEE ON FINANCE, MAY 22, 2019

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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-rated glass or  
11 window technologies tax credit.

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

14 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as  
15 the Tax Reform Code of 1971, is amended by adding an article to  
16 read:

17 ARTICLE XVIII-H

18 ENERGY STAR-RATED GLASS

19 OR WINDOW TECHNOLOGIES TAX CREDIT

20 Section 1801-H. Definitions.

21 The following words and phrases when used in this article  
22 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

3 "Energy Star-rated glass or window technologies tax credit"

4 or "tax credit." The credit provided under this article.

5 "Energy Star-rated glass or window technology." A glass or

6 window that has been certified as in compliance with and

7 qualifies as an Energy Star product under the Environmental

8 Protection Agency and the Department of Energy, Energy Star

9 Program and bears the Energy Star label.

10 "Qualified tax liability." The liability for taxes imposed

11 under Article III, IV, V or VI. The term does not include any

12 tax withheld by an employer from an employee under Article III.

13 "Taxpayer." An entity subject to tax under Article III, IV,

14 V or VI.

15 Section 1802-H. Eligible applicants.

16 A taxpayer that manufactures Energy Star-rated glass or

17 window technologies may apply for the Energy Star-rated glass or

18 window technologies tax credit as provided under this article.

19 By February 1 of each year, a taxpayer must submit an

20 application to the department for the amount of investment in

21 the manufacturing of Energy Star-rated glass or window

22 technologies that was made in the taxable year that ended the

23 prior calendar year.

24 Section 1803-H. Award of tax credits.

25 A taxpayer that qualifies under section 1802-H may receive an

26 Energy Star-rated glass or window technologies tax credit for

27 the taxable year in an amount equal to 20% of the total amount

28 of all capital, operation and maintenance costs paid for Energy

29 Star-rated glass or window technologies in the taxable year to

30 be applied against the taxpayer's qualified tax liability.

1 Section 1804-H. Carryover and carryback of tax credit.

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

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

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

23 Section 1805-H. Availability of tax credits.

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

27 Section 1806-H. Regulations.

28 The department shall promulgate regulations necessary for the  
29 implementation and administration of this article.

30 Section 2. The addition of Article XVIII-H of the act shall

1 apply to tax years beginning after December 31, 2018.

2 Section 3. This act shall take effect immediately.