

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1180 Session of  
2005

INTRODUCED BY R. MILLER, SEMMEL, BARRAR, BENNINGHOFF,  
CALTAGIRONE, CAPPELLI, CRAHALLA, DALLY, DeWEESE, FAIRCHILD,  
GEIST, GEORGE, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HARPER,  
HENNESSEY, HERMAN, HUTCHINSON, JAMES, W. KELLER, KENNEY,  
KOTIK, LEDERER, MACKERETH, McILHATTAN, NAILOR, O'NEILL,  
PHILLIPS, PISTELLA, RAPP, REICHLEY, RUBLEY, SCAVELLO,  
STABACK, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, YOUNGBLOOD,  
ZUG, SIPTROTH, DENLINGER, CIVERA, BROWNE, THOMAS, WRIGHT,  
MUSTIO, MELIO, SAMUELSON, S. MILLER, NICKOL AND BALDWIN,  
MARCH 29, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 4, 2005

## 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 contributions to the Military  
11 Family Relief Fund on individual income tax return forms  
12 through checkoff boxes AND FOR MILITARY TAX CREDITS FOR  
13 EMPLOYERS WHO PAY OR SUBSIDIZE THE WAGES OF AN EMPLOYEE  
14 CALLED TO ACTIVE DUTY. <—

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as  
18 the Tax Reform Code of 1971, is amended by adding ~~a section~~  
19 SECTIONS to read: <—

1     Section 315.8. Contributions for Military Family Relief  
2     Fund.--(a) Beginning with taxable years ending ~~on or~~ after <—  
3     December 31, 2004, the department shall provide a space on the  
4     face of the Pennsylvania individual income tax return form  
5     whereby an individual may contribute to the Military Family  
6     Relief Fund. Persons may do so by stating the amount of the  
7     contribution, not less than one dollar (\$1), on the return and  
8     that the contribution will reduce the taxpayer's refund or  
9     increase the amount of payment to accompany the return. Failure  
10    to remit any amount of increased payment shall reduce the  
11    contribution accordingly. This section shall not apply to any  
12    amended return.

13    (b) The department shall determine annually the total amount  
14    designated under this section, less reasonable administrative  
15    costs, and shall report the amount to the State Treasurer who  
16    shall transfer the amount to a restricted revenue account within  
17    the General Fund to be used by the Department of Military and  
18    Veterans Affairs pursuant to 51 Pa.C.S. § 7319 (relating to  
19    contributions to Military Family Relief Fund).

20    (c) The department shall provide adequate information  
21    concerning the checkoff for Military Family Relief in its  
22    instructions which accompany the Pennsylvania income tax return  
23    forms. The information concerning the checkoff shall include the  
24    listing of an address furnished by the Department of Military  
25    and Veterans Affairs to which contributions may be sent by  
26    taxpayers wishing to contribute to this effort but who do not  
27    receive refunds.

28    (d) The Department of Military and Veterans Affairs shall  
29    report annually to the respective committees of the Senate and  
30    the House of Representatives which have jurisdiction over

1 military and veterans affairs on the amount received via the  
2 checkoff plan and how the funds were utilized.

3 SECTION 3003.16. MILITARY TAX CREDIT.--(A) A CREDIT SHALL <—  
4 EXIST FOR AN EMPLOYER WHO PAYS AN EMPLOYEE'S DIFFERENCE IN WAGES  
5 BETWEEN THE EMPLOYEE'S CIVILIAN EMPLOYMENT AND THE EMPLOYEE'S  
6 MILITARY WAGES PURSUANT TO 51 PA.C.S. § 7302 (RELATING TO  
7 GRANTING MILITARY LEAVES OF ABSENCE) AGAINST ANY TAX DUE FROM  
8 THAT EMPLOYER UNDER ARTICLE III, IV, VI, VII, VII-A, VIII, IX,  
9 XII OR XV OF THIS ACT AND AGAINST ANY PAYMENT OF ESTIMATED TAX  
10 OR PAYMENT OF TENTATIVE TAX DUE FROM THE EMPLOYER ON ACCOUNT OF  
11 TAXES.

12 (B) THE AMOUNT OF THE TAX CREDIT AVAILABLE TO AN EMPLOYER  
13 UNDER SUBSECTION (A) WHO ELECTS TO SUBSIDIZE THE EMPLOYEE'S  
14 DIFFERENCE IN WAGES FROM THE EMPLOYEE'S CIVILIAN EMPLOYMENT WAGES  
15 AND THE EMPLOYEE'S MILITARY WAGES SHALL BE EQUAL TO ONE HUNDRED  
16 PER CENT OF THE EMPLOYEE'S SUBSIDIZED DIFFERENCE IN EARNINGS  
17 BETWEEN THE EMPLOYEE'S CIVILIAN WAGES AND THE EMPLOYEE'S MILITARY  
18 WAGES FOR THE PERIOD IN WHICH THE EMPLOYEE IS ABSENT FROM WORK  
19 DUE TO BEING GRANTED A MILITARY LEAVE OF ABSENCE IN ACCORDANCE  
20 WITH 51 PA.C.S. § 7302(A).

21 (C) THE SECRETARY OF REVENUE SHALL PROMULGATE REGULATIONS  
22 NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

23 ~~Section 2. The addition of section 315.8 of the act shall~~ <—  
24 ~~apply to taxable years ending on or after December 31, 2004.~~

25 SECTION 2. THIS ACT SHALL APPLY AS FOLLOWS: <—

26 (1) THE ADDITION OF SECTION 315.8 OF THE ACT SHALL APPLY  
27 TO TAXABLE YEARS ENDING AFTER DECEMBER 31, 2004.

28 (2) THE ADDITION OF SECTION 3003.16 OF THE ACT SHALL  
29 APPLY TO ALL TAX YEARS COMMENCING AFTER DECEMBER 31, 2005.

30 Section 3. This act shall take effect immediately.