

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1997 Session of
2005

INTRODUCED BY D. EVANS, PARKER, CAPPELLI, DeWEESE, FRANKEL,
JAMES, MANDERINO, MELIO, MUNDY, SHAPIRO, STURLA, WALKO,
TANGRETTI, BIANCUCCI, BUXTON, CALTAGIRONE, FABRIZIO,
MARKOSEK, McILHATTAN, PISTELLA, READSHAW, SAINATO, SHANER,
STABACK, WOJNAROSKI, YUDICHAK, FREEMAN, GEORGE, GOODMAN,
GRUCELA, JOSEPHS, LEVDANSKY, BEBKO-JONES, RAMALEY, NICKOL,
LaGROTTA, COHEN, CURRY AND YOUNGBLOOD, SEPTEMBER 28, 2005

REFERRED TO COMMITTEE ON FINANCE, SEPTEMBER 28, 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 an alternative special tax provision
11 for poverty.

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 a section to
16 read:

17 Section 304.1. Alternative Special Tax Provision for
18 Poverty.--(a) Pursuant to section 2(b)(ii) of Article VIII of
19 the Constitution of the Commonwealth of Pennsylvania, which
20 provides for establishing as a class or classes of subjects of

1 taxation the property or privileges of persons who, because of
2 poverty, are determined to be in need of special tax provisions,
3 the General Assembly hereby declares its intent and purpose to
4 exercise its power pursuant to that section by enacting the
5 alternative tax provisions of this section.

6 (b) Having determined that there are certain persons in this
7 Commonwealth whose incomes are such that imposition of an income
8 tax would deprive them and their dependents of bare necessities
9 of life, and having determined that poverty is a relative
10 concept inextricably joined with actual income and the number of
11 people dependent upon such income, the General Assembly deems it
12 to be a matter of public policy to provide special tax
13 provisions for that class of persons to relieve their economic
14 burden.

15 (c) For taxable years beginning after December 31, 2005, an
16 individual having one or more dependents may, in lieu of
17 utilizing the special tax provisions for poverty in section 304,
18 claim a refund in the amount by which thirty per cent of the
19 earned income credit allowable under section 32 of the Internal
20 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32), as
21 amended, exceeds the tax imposed under this Article for the
22 taxable year.

23 Section 2. This act shall take effect immediately.