

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2246 Session of  
2008

INTRODUCED BY M. SMITH, REED, ADOLPH, BAKER, BARRAR, BEAR,  
BELFANTI, BENNINGHOFF, BEYER, BOYD, BRENNAN, CAPPELLI,  
CAUSER, CREIGHTON, CUTLER, DALLY, DeLUCA, DENLINGER, ELLIS,  
EVERETT, FRANKEL, FREEMAN, GEIST, GINGRICH, GODSHALL,  
GOODMAN, GRUCELA, HARHAI, HARHART, HARRIS, HORNAMAN,  
HUTCHINSON, JOSEPHS, M. KELLER, W. KELLER, KILLION, KORTZ,  
KULA, LEACH, MACKERETH, MAHONEY, MAJOR, MANN, McCALL,  
McILHATTAN, McILVAINE SMITH, MELIO, MENSCH, R. MILLER, MILNE,  
MOYER, MURT, MUSTIO, MYERS, PARKER, PEIFER, PERRY, PETRARCA,  
PETRONE, PICKETT, PYLE, QUIGLEY, READSHAW, ROAE, SAMUELSON,  
SCAVELLO, SCHRODER, SIPTROTH, K. SMITH, SONNEY, SWANGER,  
R. TAYLOR, TURZAI, VITALI, VULAKOVICH, WALKO, J. WHITE,  
YOUNGBLOOD AND YUDICHAK, FEBRUARY 14, 2008

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 14, 2008

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. 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:

ARTICLE XVIII-C

1                   ENERGY STAR RELATED GLASS

2                   OR WINDOW TECHNOLOGIES TAX CREDIT

3 Section 1801-C. Definitions.

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

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

12       "Energy Star related glass or window technologies tax credit"  
13 or "tax credit." The credit provided under this article.

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

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

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

20 Section 1802-C. Eligible applicants.

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

29 Section 1803-C. Award of tax credits.

30       A taxpayer that is qualified under section 1802-C may receive

1 an Energy Star related glass or window technologies tax credit  
2 for the taxable year in an amount equal to 20% of the total  
3 amount of all capital, operation and maintenance costs paid for  
4 Energy Star related glass or window technologies in the taxable  
5 year to be applied against the taxpayer's qualified tax  
6 liability.

7 Section 1804-C. Carryover and carryback of credit.

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

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

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

29 Section 1805-C. Termination.

30 The department shall not approve an Energy Star related glass

1 or window technologies tax credit under this article for taxable  
2 years ending after December 31, 2012.

3 Section 1806-C. Regulations.

4 The department shall promulgate regulations necessary for the  
5 implementation and administration of this article.

6 Section 2. The addition of Article XVIII-C of the act shall  
7 apply to tax years beginning after December 31, 2007.

8 Section 3. This act shall take effect immediately.