

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1059 Session of  
2021

INTRODUCED BY HICKERNELL, BROOKS, CIRESI, DUNBAR, FREEMAN,  
GREINER, JAMES, JOZWIAK, MENTZER, MILLARD, PICKETT, RYAN,  
SAINATO, SAYLOR, THOMAS, ZIMMERMAN, RADER AND ARMANINI,  
MARCH 31, 2021

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, OCTOBER 26, 2022

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," in personal income tax, further providing for  
11 declarations of estimated tax; IN REALTY TRANSFER TAX, <--  
12 FURTHER PROVIDING FOR TRANSFER OF TAX; PROVIDING FOR  
13 PENNSYLVANIA ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY (PA  
14 EDGE) TAX CREDITS; IMPOSING PENALTIES FOR NONCOMPLIANCE; AND  
15 MAKING EDITORIAL CHANGES.

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

18 ~~Section 1. Section 325(a) and (d) introductory paragraph of~~ <--  
19 ~~the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform~~  
20 ~~Code of 1971, are amended to read:~~

21 SECTION 1. SECTIONS 325(A) AND (D) INTRODUCTORY PARAGRAPH <--  
22 AND 1102-C.6(B) AND ARTICLE XVII-L HEADING OF THE ACT OF MARCH

1 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, ARE  
2 AMENDED TO READ:

3 Section 325. Declarations of Estimated Tax.--(a) (1) Every  
4 resident and nonresident individual, trust and estate shall at  
5 the time hereinafter prescribed make a declaration of his or its  
6 estimated tax for the taxable year, containing such information  
7 as the department may prescribe by regulations, if his or its  
8 income, other than from income on which tax is withheld under  
9 this article, can reasonably be expected to exceed [eight  
10 thousand dollars (\$8,000).] the following dollar amount for the  
11 applicable taxable year:

12	<u>TAXABLE YEAR</u>	<u>DOLLAR AMOUNT</u>	
13	<u>2022 2023 and prior</u>	<u>\$8,000</u>	<--
14	<u>2023 2024</u>	<u>9,500</u>	<--
15	<u>2024 2025</u>	<u>11,000</u>	<--
16	<u>2025 2026</u>	<u>14,000</u>	<--
17	<u>2026 2027</u>	<u>17,000</u>	<--
18	<u>2027 2028</u>	<u>20,000</u>	<--

19 (2) For taxable years beginning after December 31, 2027-- <--  
20 2028, the dollar amount under paragraph (1) shall increase <--  
21 annually by five hundred dollars (\$500). The department shall  
22 submit a notice containing the new dollar amount for the taxable  
23 year to the Legislative Reference Bureau for publication in the  
24 Pennsylvania Bulletin.

25 \* \* \*

26 (d) Except as hereinafter provided, the date for filing a  
27 declaration of estimated tax shall depend upon when the resident  
28 or nonresident individual, trust or estate determines that his  
29 or its income on which no tax has been withheld under this  
30 article can reasonably be expected to exceed [eight thousand

1 dollars (\$8,000) in the taxable year,] the dollar amount under  
2 subsection (a), as follows:

3 \* \* \*

4 SECTION 1102-C.6. TRANSFER OF TAX.--\* \* \*

<--

5 (B) THE AMOUNT TRANSFERRED UNDER SUBSECTION (A) MAY NOT  
6 EXCEED [FORTY MILLION DOLLARS (\$40,000,000).] THE FOLLOWING:

7 (1) FOR EACH FISCAL YEAR BEGINNING AFTER JUNE 30, 2019, AND  
8 ENDING PRIOR TO JULY 1, 2023, FORTY MILLION DOLLARS  
9 (\$40,000,000).

10 (2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND EACH  
11 FISCAL YEAR THEREAFTER, SIXTY MILLION DOLLARS (\$60,000,000).

12 \* \* \*

13 ARTICLE XVII-L

14 [LOCAL RESOURCE MANUFACTURING TAX CREDIT] PENNSYLVANIA ECONOMIC  
15 DEVELOPMENT FOR A GROWING ECONOMY (PA EDGE) TAX CREDITS

16 SECTION 2. ARTICLE XVII-L OF THE ACT IS AMENDED BY ADDING A  
17 SUBARTICLE HEADING TO READ:

18 SUBARTICLE A

19 PRELIMINARY PROVISIONS

20 SECTION 3. SECTION 1701-L OF THE ACT IS AMENDED TO READ:  
21 SECTION 1701-L. SCOPE OF ARTICLE.

22 THIS ARTICLE [ESTABLISHES A LOCAL RESOURCE MANUFACTURING TAX  
23 CREDIT.] RELATES TO PENNSYLVANIA ECONOMIC DEVELOPMENT FOR A  
24 GROWING ECONOMY (PA EDGE) TAX CREDITS.

25 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
26 SECTION 1702-L. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "CAPITAL INVESTMENT." THE AMOUNT OF MONEY OR ASSETS INVESTED

1 BY A QUALIFIED TAXPAYER IN CONSTRUCTING AND PLACING INTO SERVICE  
2 ONE OF THE FOLLOWING IN THIS COMMONWEALTH:

3 (1) A PROJECT FACILITY AS DEFINED IN SECTION 1711-L.

4 (2) A PROJECT FACILITY AS DEFINED IN SECTION 1731-L.

5 (3) A PROJECT FACILITY AS DEFINED IN SECTION 1751-L.

6 (4) A PROJECT FACILITY AS DEFINED IN SECTION 1771-L.

7 "COMPANY." A CORPORATION, PARTNERSHIP, LIMITED LIABILITY  
8 COMPANY, LIMITED LIABILITY PARTNERSHIP, BUSINESS TRUST,  
9 AFFILIATE, UNINCORPORATED JOINT VENTURE OR OTHER BUSINESS ENTITY  
10 DOING BUSINESS IN THIS COMMONWEALTH.

11 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

12 "DOWNSTREAM COMPANY." A COMPANY THAT PURCHASES PRODUCTS OR  
13 CHEMICAL COMPOUNDS MANUFACTURED OR PROCESSED BY A QUALIFIED  
14 TAXPAYER.

15 "FULL-TIME-EQUIVALENT JOB." THE QUOTIENT OBTAINED BY  
16 DIVIDING THE TOTAL NUMBER OF HOURS FOR WHICH EMPLOYEES WERE  
17 COMPENSATED FOR EMPLOYMENT OVER THE PRECEDING 12-MONTH PERIOD BY  
18 2,080.

19 "NATURAL GAS." AS DEFINED IN 58 PA.C.S. § 2301 (RELATING TO  
20 DEFINITIONS).

21 "NEW JOB." A FULL-TIME-EQUIVALENT JOB CREATED DURING THE  
22 CONSTRUCTION OF THE PROJECT FACILITY AND PAYING THE PREVAILING  
23 MINIMUM WAGE AND BENEFIT RATES FOR EACH CRAFT OR CLASSIFICATION  
24 AS DETERMINED BY THE DEPARTMENT OF LABOR AND INDUSTRY UNDER THE  
25 PREVAILING WAGE ACT.

26 "PASS-THROUGH ENTITY." ANY OF THE FOLLOWING:

27 (1) A PARTNERSHIP AS DEFINED IN SECTION 301(N.0).

28 (2) A PENNSYLVANIA S CORPORATION AS DEFINED IN SECTION  
29 301(N.1).

30 (3) AN UNINCORPORATED ENTITY SUBJECT TO SECTION 307.21.

1 "PERMANENT JOB." A FULL-TIME-EQUIVALENT JOB CREATED TO  
2 SUPPORT THE ONGOING OPERATION OF THE PROJECT FACILITY.

3 "PREVAILING WAGE ACT." THE ACT OF AUGUST 15, 1961 (P.L.987,  
4 NO.442), KNOWN AS THE PENNSYLVANIA PREVAILING WAGE ACT.

5 "QUALIFIED TAX LIABILITY." THE LIABILITY FOR TAXES IMPOSED  
6 UNDER ARTICLES III, IV, VII, VIII, IX, XI AND XV. THE TERM DOES  
7 NOT INCLUDE TAX WITHHELD UNDER SECTION 316.1.

8 "TAX CREDIT." THE PENNSYLVANIA ECONOMIC DEVELOPMENT FOR A  
9 GROWING ECONOMY (PA EDGE) TAX CREDIT PROVIDED UNDER THIS  
10 ARTICLE.

11 "UNIT." ONE THOUSAND CUBIC FEET OF NATURAL GAS AT A  
12 TEMPERATURE OF 60 DEGREES FAHRENHEIT AND AN ABSOLUTE PRESSURE OF  
13 14.73 POUNDS PER SQUARE INCH, IN ACCORDANCE WITH AMERICAN GAS  
14 ASSOCIATION STANDARDS AND ACCORDING TO BOYLE'S LAW FOR THE  
15 MEASUREMENT OF GAS UNDER VARYING PRESSURES WITH DEVIATIONS  
16 THEREFROM AS FOLLOWS:

17 (1) THE AVERAGE ABSOLUTE ATMOSPHERIC PRESSURE SHALL BE  
18 ASSUMED TO BE 14.4 POUNDS TO THE SQUARE INCH, NOTWITHSTANDING  
19 THE ACTUAL ELEVATION OR LOCATION OF POINT OF DELIVERY ABOVE  
20 SEA LEVEL OR VARIATIONS IN THE ATMOSPHERIC PRESSURE.

21 (2) THE TEMPERATURE OF THE GAS PASSING THE METERS SHALL  
22 BE DETERMINED BY THE CONTINUOUS USE OF A RECORDING  
23 THERMOMETER INSTALLED SO THAT THE THERMOMETER MAY PROPERLY  
24 RECORD THE TEMPERATURE OF THE GAS FLOWING THROUGH THE METERS.  
25 THE ARITHMETIC AVERAGE OF THE TEMPERATURE RECORDED EACH 24-  
26 OUR DAY SHALL BE USED IN COMPUTING GAS VOLUMES. IF A  
27 RECORDING THERMOMETER IS NOT INSTALLED, OR IF INSTALLED AND  
28 NOT OPERATING PROPERLY, AN AVERAGE FLOWING TEMPERATURE OF 60  
29 DEGREES FAHRENHEIT SHALL BE USED IN COMPUTING GAS VOLUME.

30 (3) THE SPECIFIC GRAVITY OF THE GAS SHALL BE DETERMINED

1 BY TESTS MADE BY THE USE OF AN EDWARDS OR ACME GRAVITY  
2 BALANCE ANNUALLY OR AT INTERVALS AS ARE FOUND NECESSARY IN  
3 PRACTICE. SPECIFIC GRAVITY SHALL BE USED IN COMPUTING GAS  
4 VOLUMES.

5 (4) THE DEVIATION OF THE NATURAL GAS FROM BOYLE'S LAW  
6 SHALL BE DETERMINED BY TESTS ANNUALLY OR AT OTHER SHORTER  
7 INTERVALS AS ARE FOUND NECESSARY IN PRACTICE. THE APPARATUS  
8 AND THE METHOD TO BE USED IN MAKING THE TESTS SHALL BE IN  
9 ACCORDANCE WITH RECOMMENDATIONS OF THE NATIONAL BUREAU OF  
10 STANDARDS OF THE DEPARTMENT OF COMMERCE OR REPORT NO. 3 OF  
11 THE GAS MEASUREMENT COMMITTEE OF THE AMERICAN GAS ASSOCIATION  
12 ON THE EFFECTIVE DATE OF THIS SECTION. THE RESULTS OF THE  
13 TESTS SHALL BE USED IN COMPUTING THE VOLUME OF GAS DELIVERED.

14 "UPSTREAM COMPANY." THE TERM INCLUDES A COMPANY THAT IS  
15 ENGAGED IN THE EXPLORATION, DEVELOPMENT, MANUFACTURING,  
16 PRODUCTION, PROCESSING, REFINING OR TRANSPORTATION OF NATURAL  
17 GAS, CLEAN HYDROGEN, MILK OR PRODUCTS USED IN SEMICONDUCTOR  
18 MANUFACTURING, BIOMEDICAL MANUFACTURING OR BIOMEDICAL RESEARCH  
19 IN THIS COMMONWEALTH.

20 SECTION 5. ARTICLE XVII-L OF THE ACT IS AMENDED BY ADDING A  
21 SUBARTICLE HEADING TO READ:

22 SUBARTICLE B

23 LOCAL RESOURCE MANUFACTURING

24 SECTION 6. SECTION 1702-L OF THE ACT IS AMENDED TO READ:  
25 SECTION [1702-L] 1711-L. DEFINITIONS.

26 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS [ARTICLE]  
27 SUBARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION  
28 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

29 ["COMPANY." A CORPORATION, PARTNERSHIP, LIMITED LIABILITY  
30 COMPANY, LIMITED LIABILITY PARTNERSHIP, BUSINESS TRUST,

1 AFFILIATE, UNINCORPORATED JOINT VENTURE OR OTHER BUSINESS ENTITY  
2 DOING BUSINESS IN THIS COMMONWEALTH.

3 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

4 "DOWNSTREAM COMPANY." THE TERM INCLUDES A COMPANY THAT  
5 PURCHASES CHEMICAL PRODUCTS OR CHEMICAL COMPOUNDS MANUFACTURED  
6 OR PROCESSED BY A QUALIFIED TAXPAYER.]

7 "DRY NATURAL GAS." NATURAL GAS IN WHICH THERE ARE NO  
8 APPRECIABLE NATURAL GAS LIQUIDS RECOVERABLE BY SEPARATION AT THE  
9 WELLHEAD.

10 "FERTILIZER." A CHEMICAL PRODUCT DERIVED FROM PETROCHEMICALS  
11 WHICH IS ADDED TO SOIL OR LAND TO INCREASE FERTILITY.

12 ["NATURAL GAS." AS DEFINED IN 58 PA.C.S. § 2301 (RELATING TO  
13 DEFINITIONS).]

14 "NATURAL GAS LIQUIDS." AS DEFINED IN 58 PA.C.S. § 3203  
15 (RELATING TO DEFINITIONS).

16 ["NEW JOB." A FULL-TIME-EQUIVALENT JOB CREATED DURING THE  
17 CONSTRUCTION OF THE PROJECT FACILITY AND PAYING THE PREVAILING  
18 MINIMUM WAGE AND BENEFIT RATES FOR EACH CRAFT OR CLASSIFICATION  
19 AS DETERMINED BY THE DEPARTMENT OF LABOR AND INDUSTRY UNDER THE  
20 PREVAILING WAGE ACT.

21 "PASS-THROUGH ENTITY." ANY OF THE FOLLOWING:

22 (1) A PARTNERSHIP AS DEFINED IN SECTION 301(N.0).

23 (2) A PENNSYLVANIA S CORPORATION AS DEFINED IN SECTION  
24 301(N.1).

25 (3) AN UNINCORPORATED ENTITY SUBJECT TO SECTION 307.21.

26 "PERMANENT JOB." A FULL-TIME-EQUIVALENT JOB CREATED TO  
27 SUPPORT THE ONGOING OPERATION OF THE PROJECT FACILITY.]

28 "PETROCHEMICAL." CHEMICAL PRODUCTS OBTAINED FROM REFINING  
29 AND PROCESSING NATURAL GAS. THE TERM DOES NOT INCLUDE  
30 LIQUEFACTION OR OTHER PROCESSING OF NATURAL GAS FOR THE PURPOSE

1 OF TRANSPORT.

2 ["PREVAILING WAGE ACT." THE ACT OF AUGUST 15, 1961 (P.L.987,  
3 NO.442), KNOWN AS THE PENNSYLVANIA PREVAILING WAGE ACT.]

4 "PROJECT FACILITY." A FACILITY LOCATED IN THIS COMMONWEALTH  
5 WHICH MANUFACTURES PETROCHEMICALS OR FERTILIZERS USING DRY  
6 NATURAL GAS AND WHICH REQUIRED A CAPITAL INVESTMENT OF AT LEAST  
7 \$400,000,000 TO CONSTRUCT AND PLACE INTO SERVICE.

8 ["QUALIFIED TAX LIABILITY." THE LIABILITY FOR TAXES IMPOSED  
9 UNDER ARTICLES III, IV, VII, VIII, IX, XI AND XV. THE TERM DOES  
10 NOT INCLUDE TAX WITHHELD UNDER SECTION 316.1.]

11 "QUALIFIED TAXPAYER." A COMPANY THAT SATISFIES ALL OF THE  
12 FOLLOWING:

13 (1) PURCHASES AND USES DRY NATURAL GAS PRODUCED IN THIS  
14 COMMONWEALTH IN THE MANUFACTURE OF PETROCHEMICALS OR  
15 FERTILIZERS AT A PROJECT FACILITY IN THIS COMMONWEALTH THAT  
16 HAS BEEN PLACED IN SERVICE ON OR AFTER THE EFFECTIVE DATE OF  
17 THIS SECTION.

18 (2) HAS MADE A CAPITAL INVESTMENT OF AT LEAST  
19 \$400,000,000 IN ORDER TO CONSTRUCT THE PROJECT FACILITY AND  
20 PLACE THE PROJECT FACILITY INTO SERVICE IN THIS COMMONWEALTH.

21 (3) HAS CREATED A MINIMUM AGGREGATE TOTAL OF 800 NEW  
22 JOBS AND PERMANENT JOBS.

23 (4) HAS MADE GOOD FAITH EFFORTS TO RECRUIT AND EMPLOY,  
24 AND TO ENCOURAGE ANY CONTRACTORS OR SUBCONTRACTORS TO RECRUIT  
25 AND EMPLOY, WORKERS FROM THE LOCAL LABOR MARKET FOR  
26 EMPLOYMENT DURING THE CONSTRUCTION OF THE PROJECT FACILITY.

27 (5) HAS DEMONSTRATED THAT THE NEW JOBS CREATED AT THE  
28 PROJECT FACILITY OR FOR WORK COVERED BY [SECTION 1713-L]  
29 SUBARTICLE F ARE PAID AT LEAST THE PREVAILING MINIMUM WAGE  
30 AND BENEFIT RATES FOR EACH CRAFT OR CLASSIFICATION AS

1 DETERMINED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

2 (6) THE CONSTRUCTION WORK TO PLACE A PROJECT FACILITY  
3 INTO SERVICE SHALL BE PERFORMED SUBJECT TO THE ACT OF MARCH  
4 3, 1978 (P.L.6, NO.3), KNOWN AS THE STEEL PRODUCTS  
5 PROCUREMENT ACT.

6 ["TAX CREDIT." THE LOCAL RESOURCE MANUFACTURING TAX CREDIT  
7 PROVIDED UNDER THIS ARTICLE.

8 "UNIT." ONE THOUSAND CUBIC FEET OF NATURAL GAS AT A  
9 TEMPERATURE OF 60 DEGREES FAHRENHEIT AND AN ABSOLUTE PRESSURE OF  
10 14.73 POUNDS PER SQUARE INCH, IN ACCORDANCE WITH AMERICAN GAS  
11 ASSOCIATION STANDARDS AND ACCORDING TO BOYLE'S LAW FOR THE  
12 MEASUREMENT OF GAS UNDER VARYING PRESSURES WITH DEVIATIONS  
13 THEREFROM AS FOLLOWS:

14 (1) THE AVERAGE ABSOLUTE ATMOSPHERIC PRESSURE SHALL BE  
15 ASSUMED TO BE 14.4 POUNDS TO THE SQUARE INCH, NOTWITHSTANDING  
16 THE ACTUAL ELEVATION OR LOCATION OF POINT OF DELIVERY ABOVE  
17 SEA LEVEL OR VARIATIONS IN THE ATMOSPHERIC PRESSURE.

18 (2) THE TEMPERATURE OF THE GAS PASSING THE METERS SHALL  
19 BE DETERMINED BY THE CONTINUOUS USE OF A RECORDING  
20 THERMOMETER INSTALLED SO THAT THE THERMOMETER MAY PROPERLY  
21 RECORD THE TEMPERATURE OF THE GAS FLOWING THROUGH THE METERS.  
22 THE ARITHMETIC AVERAGE OF THE TEMPERATURE RECORDED EACH 24-  
23 HOUR DAY SHALL BE USED IN COMPUTING GAS VOLUMES. IF A  
24 RECORDING THERMOMETER IS NOT INSTALLED, OR IF INSTALLED AND  
25 NOT OPERATING PROPERLY, AN AVERAGE FLOWING TEMPERATURE OF 60  
26 DEGREES FAHRENHEIT SHALL BE USED IN COMPUTING GAS VOLUME.

27 (3) THE SPECIFIC GRAVITY OF THE GAS SHALL BE DETERMINED  
28 BY TESTS MADE BY THE USE OF AN EDWARDS OR ACME GRAVITY  
29 BALANCE ANNUALLY OR AT INTERVALS AS ARE FOUND NECESSARY IN  
30 PRACTICE. SPECIFIC GRAVITY SHALL BE USED IN COMPUTING GAS

1 VOLUMES.

2 (4) THE DEVIATION OF THE NATURAL GAS FROM BOYLE'S LAW  
3 SHALL BE DETERMINED BY TESTS ANNUALLY OR AT OTHER SHORTER  
4 INTERVALS AS ARE FOUND NECESSARY IN PRACTICE. THE APPARATUS  
5 AND THE METHOD TO BE USED IN MAKING THE TESTS SHALL BE IN  
6 ACCORDANCE WITH RECOMMENDATIONS OF THE NATIONAL BUREAU OF  
7 STANDARDS OF THE DEPARTMENT OF COMMERCE OR REPORT NO. 3 OF  
8 THE GAS MEASUREMENT COMMITTEE OF THE AMERICAN GAS ASSOCIATION  
9 ON THE EFFECTIVE DATE OF THIS SECTION. THE RESULTS OF THE  
10 TESTS SHALL BE USED IN COMPUTING THE VOLUME OF GAS DELIVERED.  
11 "UPSTREAM COMPANY." THE TERM INCLUDES A COMPANY THAT IS  
12 ENGAGED IN THE EXPLORATION, DEVELOPMENT, PRODUCTION, PROCESSING,  
13 REFINING OR TRANSPORTATION OF DRY NATURAL GAS IN THIS  
14 COMMONWEALTH.]

15 SECTION 7. SECTION 1703-L OF THE ACT IS RENUMBERED TO READ:  
16 SECTION [1703-L] 1712-L. ELIGIBILITY.

17 IN ORDER TO BE ELIGIBLE TO RECEIVE A TAX CREDIT, A COMPANY  
18 SHALL DEMONSTRATE THE FOLLOWING:

19 (1) THE COMPANY MEETS THE REQUIREMENTS OF A QUALIFIED  
20 TAXPAYER.

21 (2) THE USE OF CARBON CAPTURE AND SEQUESTRATION  
22 TECHNOLOGY, OR SIMILAR TECHNOLOGIES, AT THE PROJECT FACILITY  
23 TO THE EXTENT IT IS COST EFFECTIVE AND FEASIBLE AT THE  
24 DISCRETION OF THE QUALIFIED TAXPAYER.

25 (3) CONFIRMATION THAT THE COMPANY HAS FILED ALL REQUIRED  
26 STATE TAX REPORTS AND RETURNS FOR ALL APPLICABLE TAXABLE  
27 YEARS AND PAID ANY BALANCE OF STATE TAX DUE AS DETERMINED BY  
28 ASSESSMENT OR DETERMINATION BY THE DEPARTMENT AND NOT UNDER  
29 TIMELY APPEAL.

30 SECTION 8. SECTION 1704-L OF THE ACT, AMENDED JUNE 30, 2021

1 (P.L.124, NO.25), IS AMENDED TO READ:

2 SECTION [~~1704-L~~] 1713-L. APPLICATION AND APPROVAL OF TAX  
3 CREDIT.

4 (A) RATE.--THE TAX CREDIT SHALL BE EQUAL TO \$0.47 PER UNIT  
5 OF DRY NATURAL GAS THAT IS PURCHASED AND USED IN THE  
6 MANUFACTURING OF PETROCHEMICALS OR FERTILIZERS AT THE PROJECT  
7 FACILITY BY A QUALIFIED TAXPAYER.

8 (B) APPLICATION.--

9 (1) A QUALIFIED TAXPAYER MAY APPLY TO THE DEPARTMENT FOR  
10 A TAX CREDIT UNDER THIS SECTION.

11 (2) THE APPLICATION MUST BE SUBMITTED TO THE DEPARTMENT  
12 BY MARCH 1 FOR THE TAX CREDIT CLAIMED FOR DRY NATURAL GAS  
13 PURCHASED AND USED IN MANUFACTURING OF PETROCHEMICALS OR  
14 FERTILIZERS BY THE QUALIFIED TAXPAYER AT THE PROJECT FACILITY  
15 DURING THE PRIOR CALENDAR YEAR.

16 (3) THE APPLICATION MUST BE ON THE FORM REQUIRED BY THE  
17 DEPARTMENT WHICH SHALL INCLUDE THE FOLLOWING:

18 (I) INFORMATION REQUIRED BY THE DEPARTMENT TO  
19 DOCUMENT THE AMOUNT OF DRY NATURAL GAS PURCHASED AND USED  
20 IN THE MANUFACTURE OF PETROCHEMICALS OR FERTILIZERS AT  
21 THE PROJECT FACILITY;

22 (II) INFORMATION REQUIRED BY THE DEPARTMENT TO  
23 VERIFY THAT THE APPLICANT IS A QUALIFIED TAXPAYER; AND

24 (III) ANY OTHER INFORMATION AS THE DEPARTMENT DEEMS  
25 APPROPRIATE.

26 (C) REVIEW AND APPROVAL.--

27 (1) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS AND  
28 SHALL ISSUE AN APPROVAL OR DISAPPROVAL BY MAY 1.

29 (2) UPON APPROVAL, THE DEPARTMENT SHALL ISSUE A  
30 CERTIFICATE STATING THE AMOUNT OF TAX CREDIT GRANTED FOR DRY

1 NATURAL GAS PURCHASED AND USED IN THE MANUFACTURE OF  
2 PETROCHEMICALS OR FERTILIZERS AT THE PROJECT FACILITY IN THE  
3 PRIOR CALENDAR YEAR.

4 (D) AVAILABILITY OF TAX CREDITS.--

5 (1) EACH FISCAL YEAR, [~~\$26,666,668~~] \$56,666,668 IN TAX  
6 CREDITS SHALL BE MADE AVAILABLE TO THE DEPARTMENT IN  
7 ACCORDANCE WITH THIS [~~ARTICLE~~] SUBARTICLE.

8 (2) NO MORE THAN TWO QUALIFIED TAXPAYERS SHALL RECEIVE A  
9 TAX CREDIT ANNUALLY, FOR A MAXIMUM CREDIT OF \$6,666,667 EACH.

10 (3) THE DEPARTMENT SHALL ISSUE UNALLOCATED TAX CREDITS  
11 TO NO MORE THAN ONE QUALIFIED TAXPAYER, NOTWITHSTANDING THE  
12 MAXIMUM CREDIT LIMIT UNDER PARAGRAPH (2), IF THE QUALIFIED  
13 TAXPAYER:

14 (I) HAS MADE A TOTAL CAPITAL INVESTMENT OF AT LEAST  
15 \$1,000,000,000 IN ORDER TO CONSTRUCT THE PROJECT FACILITY  
16 AND PLACE THE PROJECT FACILITY INTO SERVICE IN THIS  
17 COMMONWEALTH;

18 (II) HAS CREATED A MINIMUM AGGREGATE TOTAL OF 1,800  
19 NEW JOBS AND PERMANENT JOBS; AND

20 (III) HAS SATISFIED ALL OTHER ELIGIBILITY  
21 REQUIREMENTS FOR A QUALIFIED TAXPAYER UNDER THIS  
22 [~~ARTICLE~~] SUBARTICLE.

23 (4) FOR PURPOSES OF PARAGRAPH (3), THE TERM "UNALLOCATED  
24 TAX CREDITS" MEANS THE DIFFERENCE BETWEEN TAX CREDITS  
25 AUTHORIZED UNDER PARAGRAPH (1) AND APPROVED UNDER PARAGRAPH  
26 (2).

27 SECTION 9. SECTION 1705-L OF THE ACT IS AMENDED TO READ:  
28 SECTION [~~1705-L~~] 1714-L. USE OF TAX CREDITS.

29 (A) INITIAL USE.--PRIOR TO SALE OR ASSIGNMENT OF A TAX  
30 CREDIT UNDER SECTION [~~1707-L~~] 1716-L, A QUALIFIED TAXPAYER MUST

1 FIRST USE A TAX CREDIT AGAINST THE QUALIFIED TAX LIABILITY  
2 INCURRED IN THE TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS  
3 APPROVED.

4 (B) ELIGIBILITY.--THE TAX CREDIT MAY BE APPLIED AGAINST UP  
5 TO 20% OF THE QUALIFIED TAXPAYER'S QUALIFIED TAX LIABILITIES  
6 INCURRED IN THE TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS  
7 APPROVED.

8 (C) LIMIT.--A QUALIFIED TAXPAYER THAT HAS BEEN GRANTED A TAX  
9 CREDIT UNDER THIS [ARTICLE] SUBARTICLE SHALL BE INELIGIBLE FOR  
10 ANY OTHER TAX CREDIT PROVIDED UNDER THIS ACT.

11 SECTION 10. SECTION 1706-L OF THE ACT IS RENUMBERED TO READ:  
12 SECTION [1706-L] 1715-L. CARRYOVER, CARRYBACK AND REFUND.

13 A TAX CREDIT CANNOT BE CARRIED BACK, CARRIED FORWARD OR BE  
14 USED TO OBTAIN A REFUND.

15 SECTION 11. SECTIONS 1707-L, 1708-L AND 1709-L OF THE ACT  
16 ARE AMENDED TO READ:

17 SECTION [1707-L] 1716-L. SALE OR ASSIGNMENT.

18 (A) AUTHORIZATION.--IF THE QUALIFIED TAXPAYER HOLDS A TAX  
19 CREDIT THROUGH THE END OF THE CALENDAR YEAR IN WHICH THE TAX  
20 CREDIT WAS GRANTED, THE QUALIFIED TAXPAYER MAY SELL OR ASSIGN A  
21 TAX CREDIT, IN WHOLE OR IN PART, PROVIDED THE SALE IS EFFECTIVE  
22 BY THE CLOSE OF THE FOLLOWING CALENDAR YEAR.

23 (B) APPLICATION.--

24 (1) TO SELL OR ASSIGN A TAX CREDIT, A QUALIFIED TAXPAYER  
25 MUST FILE AN APPLICATION FOR THE SALE OR ASSIGNMENT OF THE  
26 TAX CREDIT WITH THE DEPARTMENT. THE APPLICATION MUST BE ON A  
27 FORM REQUIRED BY THE DEPARTMENT.

28 (2) TO APPROVE AN APPLICATION, THE DEPARTMENT MUST  
29 RECEIVE:

30 (I) A FINDING FROM THE DEPARTMENT THAT THE APPLICANT

1 HAS:

2 (A) FILED ALL REQUIRED STATE TAX REPORTS AND  
3 RETURNS FOR ALL APPLICABLE TAXABLE YEARS; AND

4 (B) PAID ANY BALANCE OF STATE TAX DUE AS  
5 DETERMINED BY ASSESSMENT OR DETERMINATION BY THE  
6 DEPARTMENT AND NOT UNDER TIMELY APPEAL; AND

7 (II) FOR A SALE OR ASSIGNMENT TO A COMPANY THAT IS  
8 NOT AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY, A  
9 CERTIFICATION FROM THE QUALIFIED TAXPAYER THAT THE  
10 QUALIFIED TAXPAYER HAS OFFERED TO SELL OR ASSIGN THE TAX  
11 CREDIT:

12 (A) EXCLUSIVELY TO A DOWNSTREAM COMPANY FOR A  
13 PERIOD OF 30 DAYS FOLLOWING APPROVAL OF THE TAX  
14 CREDIT UNDER SECTION [1704-L(C)] 1713-L(C); AND

15 (B) TO AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY  
16 FOR A PERIOD OF 30 DAYS FOLLOWING EXPIRATION OF THE  
17 PERIOD UNDER CLAUSE (A).

18 (C) APPROVAL.--UPON APPROVAL BY THE DEPARTMENT, A QUALIFIED  
19 TAXPAYER MAY SELL OR ASSIGN, IN WHOLE OR IN PART, A TAX CREDIT.  
20 SECTION [1708-L] 1717-L. PURCHASERS AND ASSIGNEES.

21 (A) TIME.--THE PURCHASER OR ASSIGNEE UNDER SECTION [1707-L]  
22 1716-L MUST CLAIM THE TAX CREDIT IN THE CALENDAR YEAR IN WHICH  
23 THE PURCHASE OR ASSIGNMENT IS MADE.

24 (B) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A PURCHASER  
25 OR ASSIGNEE UNDER SECTION [1707-L] 1716-L MAY USE AGAINST ANY  
26 ONE QUALIFIED TAX LIABILITY MAY NOT EXCEED 50% OF ANY OF THE  
27 QUALIFIED TAX LIABILITIES OF THE PURCHASER OR ASSIGNEE FOR THE  
28 TAXABLE YEAR.

29 (C) RESALE AND ASSIGNMENT.--

30 (1) A PURCHASER UNDER SECTION [1707-L] 1716-L MAY NOT

1 SELL OR ASSIGN THE PURCHASED TAX CREDIT.

2 (2) AN ASSIGNEE UNDER SECTION [1707-L] 1716-L MAY NOT  
3 SELL OR ASSIGN THE ASSIGNED TAX CREDIT.

4 (D) NOTICE.--THE PURCHASER OR ASSIGNEE UNDER SECTION [1707-  
5 L] 1716-L SHALL NOTIFY THE DEPARTMENT OF THE SELLER OR ASSIGNOR  
6 OF THE TAX CREDIT IN COMPLIANCE WITH PROCEDURES SPECIFIED BY THE  
7 DEPARTMENT.

8 SECTION [1709-L] 1718-L. PASS-THROUGH ENTITY.

9 (A) ELECTION.--IF A PASS-THROUGH ENTITY HAS AN UNUSED TAX  
10 CREDIT, THE PASS-THROUGH ENTITY MAY ELECT, IN WRITING, ACCORDING  
11 TO PROCEDURES ESTABLISHED BY THE DEPARTMENT, TO TRANSFER ALL OR  
12 A PORTION OF THE TAX CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS  
13 IN PROPORTION TO THE SHARE OF THE ENTITY'S DISTRIBUTIVE INCOME  
14 TO WHICH THE SHAREHOLDERS, MEMBERS OR PARTNERS ARE ENTITLED.

15 (B) LIMITATION.--THE SAME UNUSED TAX CREDIT UNDER SUBSECTION  
16 (A) MAY NOT BE CLAIMED BY:

17 (1) THE PASS-THROUGH ENTITY; AND

18 (2) A SHAREHOLDER, MEMBER OR PARTNER OF THE PASS-THROUGH  
19 ENTITY.

20 (C) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A TRANSFEREE  
21 UNDER SUBSECTION (A) MAY USE AGAINST ANY ONE QUALIFIED TAX  
22 LIABILITY MAY NOT EXCEED 20% OF ANY QUALIFIED TAX LIABILITIES  
23 FOR THE TAXABLE YEAR.

24 (D) TIME.--A TRANSFEREE UNDER SUBSECTION (A) MUST CLAIM THE  
25 TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE TRANSFER IS MADE.

26 (E) SALE AND ASSIGNMENT.--A TRANSFEREE UNDER SUBSECTION (A)  
27 MAY NOT SELL OR ASSIGN THE TAX CREDIT.

28 SECTION 12. SECTION 1710-L OF THE ACT IS RENUMBERED TO READ:  
29 SECTION [1710-L] 1719-L. (RESERVED).

30 SECTION 13. SECTIONS 1711-L AND 1712-L OF THE ACT ARE

1 AMENDED TO READ:

2 SECTION [1711-L] 1720-L. ADMINISTRATION.

3 (A) AUDITS AND ASSESSMENTS.--

4 (1) THE DEPARTMENT MAY AUDIT A TAXPAYER AWARDED A TAX  
5 CREDIT TO ASCERTAIN THE VALIDITY OF THE AMOUNT AWARDED.

6 (2) THE DEPARTMENT MAY ISSUE AN ASSESSMENT AGAINST A  
7 TAXPAYER FOR AN IMPROPERLY ISSUED TAX CREDIT. THE PROCEDURES,  
8 COLLECTION, ENFORCEMENT AND APPEALS OF AN ASSESSMENT MADE  
9 UNDER THIS SECTION SHALL BE GOVERNED BY ARTICLE II.

10 (B) GUIDELINES AND REGULATIONS.--THE DEPARTMENT SHALL  
11 DEVELOP WRITTEN GUIDELINES FOR THE IMPLEMENTATION OF THIS  
12 [ARTICLE] SUBARTICLE. THE GUIDELINES SHALL BE IN EFFECT UNTIL  
13 THE DEPARTMENT PROMULGATES REGULATIONS FOR THE IMPLEMENTATION OF  
14 THE PROVISIONS OF THIS [ARTICLE] SUBARTICLE.

15 SECTION [1712-L] 1721-L. REPORTS TO GENERAL ASSEMBLY.

16 (A) ANNUAL REPORT.--NO LATER THAN THE YEAR AFTER WHICH TAX  
17 CREDITS ARE FIRST AWARDED UNDER THIS [ARTICLE] SUBARTICLE, AND  
18 EACH OCTOBER 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT  
19 ON THE TAX CREDIT PROVIDED UNDER THIS [ARTICLE] SUBARTICLE TO  
20 THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE APPROPRIATIONS  
21 COMMITTEE OF THE SENATE, THE CHAIRPERSON AND MINORITY  
22 CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF  
23 REPRESENTATIVES, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
24 FINANCE COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY  
25 CHAIRPERSON OF THE FINANCE COMMITTEE OF THE HOUSE OF  
26 REPRESENTATIVES. THE REPORT MUST INCLUDE THE NAMES OF THE  
27 QUALIFIED TAXPAYERS UTILIZING THE TAX CREDIT AS OF THE DATE OF  
28 THE REPORT AND THE AMOUNT OF TAX CREDITS APPROVED FOR, UTILIZED  
29 BY OR SOLD OR ASSIGNED BY A QUALIFIED TAXPAYER.

30 (B) RECONCILIATION REPORT.--ON MAY 1 OF THE YEAR WHICH IS 10

1 YEARS AFTER THE YEAR IN WHICH TAX CREDITS ARE FIRST AWARDED  
2 UNDER THIS [ARTICLE] SUBARTICLE, THE DEPARTMENT SHALL SUBMIT TO  
3 THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF  
4 REPRESENTATIVES A RECONCILIATION REPORT ON THE EFFECTIVENESS OF  
5 THIS [ARTICLE] SUBARTICLE. THE REPORT SHALL INCLUDE, TO THE  
6 EXTENT POSSIBLE, THE FOLLOWING INFORMATION FOR THE PRECEDING 10  
7 YEARS:

8 (1) THE NAME AND BUSINESS ADDRESS OF ALL QUALIFIED  
9 TAXPAYERS WHO HAVE BEEN GRANTED TAX CREDITS UNDER THIS  
10 [ARTICLE] SUBARTICLE.

11 (2) THE AMOUNT OF TAX CREDITS GRANTED TO EACH QUALIFIED  
12 TAXPAYER.

13 (3) THE TOTAL NUMBER OF JOBS CREATED BY THE QUALIFIED  
14 TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY AND ANY  
15 COMPANIES THAT PROVIDE GOODS, UTILITIES OR OTHER SERVICES  
16 THAT SUPPORT THE BUSINESS OPERATIONS OF THE QUALIFIED  
17 TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY. THIS  
18 PARAGRAPH INCLUDES THE AVERAGE ANNUAL SALARY AND HOURLY WAGE  
19 INFORMATION.

20 (4) THE AMOUNT OF TAXES PAID UNDER ARTICLE II BY THE  
21 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY  
22 AND ANY COMPANIES THAT PROVIDE GOODS, UTILITIES OR OTHER  
23 SERVICES THAT SUPPORT THE BUSINESS OPERATIONS OF THE  
24 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY.

25 (5) THE AMOUNT OF TAXES WITHHELD FROM EMPLOYEES OR PAID  
26 BY MEMBERS, PARTNERS OR SHAREHOLDERS OF THE PASS-THROUGH  
27 ENTITIES UNDER ARTICLE III OF THE QUALIFIED TAXPAYER,  
28 UPSTREAM COMPANY AND DOWNSTREAM COMPANY AND ANY COMPANIES  
29 THAT PROVIDE GOODS, UTILITIES OR OTHER SERVICES THAT SUPPORT  
30 THE BUSINESS OPERATIONS OF THE QUALIFIED TAXPAYER, UPSTREAM

1 COMPANY AND DOWNSTREAM COMPANY.

2 (6) THE AMOUNT OF TAXES PAID UNDER ARTICLE IV BY THE  
3 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY  
4 AND ANY COMPANIES THAT PROVIDE GOODS, UTILITIES OR OTHER  
5 SERVICES THAT SUPPORT THE BUSINESS OPERATIONS OF THE  
6 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY.

7 (7) THE AMOUNT OF TAXES PAID UNDER ARTICLE XI BY THE  
8 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY  
9 AND ANY COMPANIES THAT PROVIDE GOODS, UTILITIES OR OTHER  
10 SERVICES THAT SUPPORT THE BUSINESS OPERATIONS OF THE  
11 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY.

12 (8) THE AMOUNT OF ANY OTHER STATE OR LOCAL TAXES PAID BY  
13 THE QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM  
14 COMPANY AND ANY COMPANIES THAT PROVIDE GOODS, UTILITIES OR  
15 OTHER SERVICES THAT SUPPORT THE BUSINESS OPERATIONS OF THE  
16 QUALIFIED TAXPAYER, UPSTREAM COMPANY AND DOWNSTREAM COMPANY.

17 (9) ANY OTHER INFORMATION PERTAINING TO THE ECONOMIC  
18 IMPACT OF THIS [ARTICLE] SUBARTICLE ON THIS COMMONWEALTH.

19 (C) REDUCTION.--IF THE RECONCILIATION REPORT ISSUED UNDER  
20 SUBSECTION (B) REVEALS THAT THE TOTAL AMOUNT OF THE TAX CREDITS  
21 GRANTED UNDER THIS [ARTICLE] SUBARTICLE EXCEEDS THE TOTAL AMOUNT  
22 OF TAX REVENUE REPORTED UNDER SUBSECTION (B) (4), (5), (6), (7),  
23 (8) AND (9), THE REPORT MUST INCLUDE ANY RECOMMENDATION FOR  
24 CHANGES IN THE CALCULATION OF THE CREDIT.

25 (D) PUBLICATION.--THE REPORTS REQUIRED BY THIS SECTION SHALL  
26 BE A PUBLIC RECORD AS DEFINED UNDER SECTION 102 OF THE ACT OF  
27 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW,  
28 AND SHALL BE AVAILABLE ELECTRONICALLY ON THE PUBLICLY ACCESSIBLE  
29 INTERNET WEBSITE OF THE DEPARTMENT. THE REPORTS REQUIRED UNDER  
30 THIS SECTION MAY NOT CONTAIN "CONFIDENTIAL PROPRIETARY

1 INFORMATION" AS DEFINED IN SECTION 102 OF THE RIGHT-TO-KNOW LAW.

2 SECTION 14. SECTION 1713-L OF THE ACT IS REPEALED:

3 [SECTION 1713-L. PREVAILING WAGE.

4 (A) APPLICATION.--A PROJECT FACILITY FOR WHICH A TAX CREDIT  
5 IS SOUGHT AND AWARDED UNDER THIS ARTICLE IS DEEMED TO MEET EACH  
6 OF THE MINIMUM REQUIREMENTS NECESSARY TO APPLY THE WAGE AND  
7 BENEFIT RATES, AND RELATED CERTIFICATION OF PAYROLL RECORDS,  
8 REQUIRED BY THE PREVAILING WAGE ACT. A QUALIFIED TAXPAYER, OR  
9 THE QUALIFIED TAXPAYER'S AGENT, AND ALL CONTRACTORS AND  
10 SUBCONTRACTORS, OF EVERY TIER, ENGAGED TO PERFORM ON THE PROJECT  
11 FACILITY MUST COMPLY WITH ALL PROVISIONS AND REQUIREMENTS OF THE  
12 PREVAILING WAGE ACT FOR ALL NEW JOBS AND FOR ALL CRAFTS OR  
13 CLASSIFICATIONS PERFORMING CONSTRUCTION, RECONSTRUCTION,  
14 DEMOLITION, ALTERATION AND/OR REPAIR WORK, OTHER THAN  
15 MAINTENANCE WORK, UNDERTAKEN AT THE PROJECT FACILITY DURING THE  
16 INITIAL CONSTRUCTION AND DURING ANY PERIOD IN WHICH TAX CREDITS  
17 ARE SOUGHT AND AWARDED FOR THE PROJECT FACILITY.

18 (B) COMPLIANCE.--THE DEPARTMENT OF LABOR AND INDUSTRY SHALL  
19 ENFORCE THIS SECTION AND SHALL APPLY THE SAME ADMINISTRATION AND  
20 ENFORCEMENT APPLICABLE TO ANY PROJECT OF CONSTRUCTION,  
21 RECONSTRUCTION, DEMOLITION, ALTERATION AND/OR REPAIR WORK, OTHER  
22 THAN MAINTENANCE WORK, UNDERTAKEN PURSUANT TO THE REQUIREMENTS  
23 OF THE PREVAILING WAGE ACT TO ENSURE COMPLIANCE.

24 (C) NOTIFICATION.--PRIOR TO THE SOLICITATION OF BIDS OR  
25 PROPOSALS OF ANY CONTRACT OR SUBCONTRACT COVERED UNDER  
26 SUBSECTION (A), THE QUALIFIED TAXPAYER, OR THE QUALIFIED  
27 TAXPAYER'S AGENT, SHALL NOTIFY THE DEPARTMENT OF LABOR AND  
28 INDUSTRY OF THE SOLICITATION AND REQUEST THE ISSUANCE OF A WAGE  
29 AND BENEFIT RATE DETERMINATION FOR ALL CRAFTS AND  
30 CLASSIFICATIONS ANTICIPATED TO PERFORM AT THE PROJECT FACILITY.

1 RATE REQUESTS SHALL BE IN CONFORMITY WITH THE PROCEDURES OF THE  
2 PREVAILING WAGE ACT, AND THE DEPARTMENT OF LABOR AND INDUSTRY  
3 SHALL ISSUE RATES UPON REQUEST AS REQUIRED PURSUANT TO THIS  
4 SECTION AND THE PROVISIONS OF THE PREVAILING WAGE ACT.

5 (D) VIOLATION.--IN ADDITION TO ENFORCEMENT AUTHORIZED UNDER  
6 THE PREVAILING WAGE ACT AND SUBSECTION (B), IF, AFTER NOTICE AND  
7 HEARING, THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES THAT  
8 THE QUALIFIED TAXPAYER INTENTIONALLY FAILED TO PAY OR  
9 INTENTIONALLY CAUSED ANOTHER TO FAIL TO PAY PREVAILING WAGE  
10 RATES OR BENEFIT RATES AS SET FORTH UNDER SECTION 11(H) OF THE  
11 PREVAILING WAGE ACT FOR WORK COVERED UNDER SUBSECTION (A), OR  
12 RATIFIED ANY SUCH INTENTIONAL FAILURE BY ANY CONTRACTORS OR  
13 SUBCONTRACTORS OF THE QUALIFIED TAXPAYER, THE QUALIFIED TAXPAYER  
14 SHALL BE REQUIRED TO REFUND 10% OF THE AMOUNT OF THE TAX CREDITS  
15 AWARDED TO THE QUALIFIED TAXPAYER FOR THE FIRST FISCAL YEAR FOR  
16 WHICH TAX CREDITS ARE AWARDED, IN THE CASE OF INITIAL  
17 CONSTRUCTION, OR THE FISCAL YEAR IN WHICH THE INTENTIONAL  
18 NONCOMPLIANCE OCCURRED AS DETERMINED BY THE DEPARTMENT.

19 (E) APPEAL.--A FINDING OF A VIOLATION UNDER SUBSECTION (D)  
20 SHALL BE APPEALABLE UNDER SECTION 2.2(E)(1) OF THE PREVAILING  
21 WAGE ACT AND 34 PA. CODE § 213.3 (RELATING TO APPEALS FROM  
22 DETERMINATIONS OF THE SECRETARY). ANY FINAL DETERMINATION BY THE  
23 APPEALS BOARD UNDER THE PREVAILING WAGE ACT MAY BE APPEALED  
24 PURSUANT TO 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND  
25 PROCEDURE).]

26 SECTION 15. SECTIONS 1714-L AND 1715-L OF THE ACT ARE  
27 AMENDED TO READ:

28 SECTION [1714-L] 1722-L. APPLICABILITY.

29 THIS [ARTICLE] SUBARTICLE SHALL APPLY TO THE PURCHASE OF DRY  
30 NATURAL GAS PRODUCED IN THIS COMMONWEALTH FOR THE PERIOD

1 BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2049.

2 SECTION [1715-L] 1723-L. EXPIRATION.

3 THIS [ARTICLE] SUBARTICLE SHALL EXPIRE DECEMBER 31, 2050.

4 SECTION 16. ARTICLE XVII-L OF THE ACT IS AMENDED BY ADDING  
5 SUBARTICLES TO READ:

6 SUBARTICLE C

7 PENNSYLVANIA MILK PROCESSING

8 SECTION 1731-L. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE  
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "GALLON." A UNITED STATES LIQUID GALLON EQUAL TO A VOLUME OF  
13 231 CUBIC INCHES AND EQUAL TO 3.785411784 LITERS OR 0.13368  
14 CUBIC FEET, WHERE VOLUMETRIC MEASUREMENTS MADE AT AMBIENT  
15 FLOWING CONDITIONS ARE TYPICALLY ADJUSTED FOR COMPOSITION AND TO  
16 STANDARD CONDITIONS USING ESTABLISHED INDUSTRY STANDARD  
17 PRACTICES.

18 "MILK." THE LACTEAL SECRETION, PRACTICALLY FREE FROM  
19 COLOSTRUM, OBTAINED BY THE COMPLETE MILKING OF ONE OR MORE  
20 HEALTHY COWS.

21 "PROJECT FACILITY." A FACILITY LOCATED IN THIS COMMONWEALTH  
22 WHICH IS OWNED AND OPERATED BY A QUALIFIED TAXPAYER AND WHICH  
23 UTILIZES MILK PURCHASED FROM SOURCES WITHIN THIS COMMONWEALTH  
24 AND PROCESSED BY A QUALIFIED TAXPAYER AT THE PROJECT FACILITY.

25 "QUALIFIED TAXPAYER." A COMPANY THAT SATISFIES ALL OF THE  
26 FOLLOWING:

27 (1) PURCHASES AND PROCESSES MILK PRODUCED IN THIS  
28 COMMONWEALTH AT A PROJECT FACILITY IN THIS COMMONWEALTH THAT  
29 HAS BEEN PLACED IN SERVICE ON OR AFTER THE EFFECTIVE DATE OF  
30 THIS SECTION.

1           (2) HAS MADE A CAPITAL INVESTMENT OF AT LEAST  
2           \$500,000,000 IN ORDER TO CONSTRUCT THE PROJECT FACILITY AND  
3           PLACE THE PROJECT FACILITY INTO SERVICE IN THIS COMMONWEALTH.

4           (3) HAS CREATED A MINIMUM AGGREGATE TOTAL OF 1,200 NEW  
5           JOBS AND PERMANENT JOBS.

6           (4) HAS MADE GOOD FAITH EFFORTS TO RECRUIT AND EMPLOY,  
7           AND TO ENCOURAGE ANY CONTRACTORS OR SUBCONTRACTORS TO RECRUIT  
8           AND EMPLOY, WORKERS FROM THE LOCAL LABOR MARKET FOR  
9           EMPLOYMENT DURING THE CONSTRUCTION OF THE PROJECT FACILITY.

10           (5) HAS DEMONSTRATED THAT THE NEW JOBS CREATED AT THE  
11           PROJECT FACILITY OR FOR WORK COVERED BY SUBARTICLE F ARE PAID  
12           AT LEAST THE PREVAILING MINIMUM WAGE AND BENEFIT RATES FOR  
13           EACH CRAFT OR CLASSIFICATION AS DETERMINED BY THE DEPARTMENT  
14           OF LABOR AND INDUSTRY.

15           (6) THE CONSTRUCTION WORK TO PLACE A PROJECT FACILITY  
16           INTO SERVICE SHALL BE PERFORMED SUBJECT TO THE ACT OF MARCH  
17           3, 1978 (P.L.6, NO.3), KNOWN AS THE STEEL PRODUCTS  
18           PROCUREMENT ACT.

19 SECTION 1732-L. ELIGIBILITY.

20           IN ORDER TO BE ELIGIBLE TO RECEIVE A TAX CREDIT, A COMPANY  
21 SHALL DEMONSTRATE THE FOLLOWING:

22           (1) THE COMPANY MEETS THE REQUIREMENTS OF A QUALIFIED  
23           TAXPAYER.

24           (2) CONFIRMATION THAT THE COMPANY HAS FILED ALL REQUIRED  
25           STATE TAX REPORTS AND RETURNS FOR ALL APPLICABLE TAXABLE  
26           YEARS AND PAID ANY BALANCE OF STATE TAX DUE AS DETERMINED BY  
27           ASSESSMENT OR DETERMINATION BY THE DEPARTMENT AND NOT UNDER  
28           TIMELY APPEAL.

29 SECTION 1733-L. APPLICATION AND APPROVAL OF TAX CREDIT.

30           (A) RATE.--THE TAX CREDIT SHALL BE EQUAL TO \$0.05 PER GALLON

1 OF MILK PURCHASED AND PRODUCED FROM SOURCES EXCLUSIVELY WITHIN  
2 THIS COMMONWEALTH AND PROCESSED AT THE PROJECT FACILITY BY A  
3 QUALIFIED TAXPAYER.

4 (B) APPLICATION.--

5 (1) A QUALIFIED TAXPAYER MAY APPLY TO THE DEPARTMENT FOR  
6 A TAX CREDIT UNDER THIS SECTION.

7 (2) THE APPLICATION MUST BE SUBMITTED TO THE DEPARTMENT  
8 BY MARCH 1 FOR THE TAX CREDIT CLAIMED FOR MILK PURCHASED AND  
9 PROCESSED BY THE QUALIFIED TAXPAYER AT THE PROJECT FACILITY  
10 DURING THE PRIOR CALENDAR YEAR.

11 (3) THE APPLICATION MUST BE ON THE FORM REQUIRED BY THE  
12 DEPARTMENT WHICH SHALL INCLUDE THE FOLLOWING:

13 (I) INFORMATION REQUIRED BY THE DEPARTMENT TO  
14 DOCUMENT THE AMOUNT OF MILK PURCHASED AND PROCESSED AT  
15 THE PROJECT FACILITY;

16 (II) INFORMATION REQUIRED BY THE DEPARTMENT TO  
17 VERIFY THAT THE APPLICANT IS A QUALIFIED TAXPAYER; AND

18 (III) ANY OTHER INFORMATION AS THE DEPARTMENT DEEMS  
19 APPROPRIATE.

20 (C) REVIEW AND APPROVAL.--

21 (1) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS AND  
22 SHALL ISSUE AN APPROVAL OR DISAPPROVAL BY MAY 1.

23 (2) UPON APPROVAL, THE DEPARTMENT SHALL ISSUE A  
24 CERTIFICATE STATING THE AMOUNT OF TAX CREDIT GRANTED FOR MILK  
25 PURCHASED AND PROCESSED AT THE PROJECT FACILITY IN THE PRIOR  
26 CALENDAR YEAR.

27 (D) AVAILABILITY OF TAX CREDITS.--

28 (1) EACH FISCAL YEAR, \$15,000,000 IN TAX CREDITS SHALL  
29 BE MADE AVAILABLE TO THE DEPARTMENT IN ACCORDANCE WITH THIS  
30 SUBARTICLE.

1           (2) THE DEPARTMENT SHALL ISSUE UP TO \$15,000,000 IN TAX  
2           CREDITS IN A FISCAL YEAR TO THE QUALIFIED TAXPAYER WHICH  
3           FIRST MEETS THE QUALIFICATIONS TO RECEIVE A TAX CREDIT UNDER  
4           THIS SUBARTICLE.

5           (3) AN AMOUNT UNDER PARAGRAPH (1) WHICH REMAINS  
6           UNALLOCATED UNDER PARAGRAPH (2) SHALL BE ISSUED TO THE  
7           QUALIFIED TAXPAYER WHICH NEXT MEETS THE QUALIFICATIONS TO  
8           RECEIVE A TAX CREDIT UNDER THIS SUBARTICLE.

9           (4) THE TOTAL AGGREGATE AMOUNT OF TAX CREDITS AWARDED TO  
10          A QUALIFIED TAXPAYER UNDER THIS SUBARTICLE MAY NOT EXCEED 25%  
11          OF THE CAPITAL INVESTMENT MADE TO CONSTRUCT A PROJECT  
12          FACILITY AND PLACE THE PROJECT FACILITY INTO SERVICE IN THIS  
13          COMMONWEALTH.

14 SECTION 1734-L. USE OF TAX CREDITS.

15          (A) INITIAL USE.--PRIOR TO SALE OR ASSIGNMENT OF A TAX  
16          CREDIT UNDER SECTION 1736-L, A QUALIFIED TAXPAYER MUST FIRST USE  
17          A TAX CREDIT AGAINST THE QUALIFIED TAX LIABILITY INCURRED IN THE  
18          TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS APPROVED.

19          (B) ELIGIBILITY.--THE TAX CREDIT MAY BE APPLIED AGAINST UP  
20          TO 20% OF A QUALIFIED TAXPAYER'S QUALIFIED TAX LIABILITIES  
21          INCURRED IN THE TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS  
22          APPROVED.

23          (C) LIMIT.--A QUALIFIED TAXPAYER THAT HAS BEEN GRANTED A TAX  
24          CREDIT UNDER THIS SUBARTICLE SHALL BE INELIGIBLE FOR ANY OTHER  
25          TAX CREDIT PROVIDED UNDER THIS ACT OR A TAX BENEFIT AS DEFINED  
26          IN SECTION 1701-A.1.

27 SECTION 1735-L. CARRYOVER, CARRYBACK AND REFUND.

28          A TAX CREDIT CANNOT BE CARRIED BACK, CARRIED FORWARD OR BE  
29          USED TO OBTAIN A REFUND.

30 SECTION 1736-L. SALE OR ASSIGNMENT.

1 (A) AUTHORIZATION.--IF THE QUALIFIED TAXPAYER HOLDS A TAX  
2 CREDIT THROUGH THE END OF THE CALENDAR YEAR IN WHICH THE TAX  
3 CREDIT WAS GRANTED, THE QUALIFIED TAXPAYER MAY SELL OR ASSIGN A  
4 TAX CREDIT, IN WHOLE OR IN PART, PROVIDED THE SALE IS EFFECTIVE  
5 BY THE CLOSE OF THE FOLLOWING CALENDAR YEAR.

6 (B) APPLICATION.--

7 (1) TO SELL OR ASSIGN A TAX CREDIT, A QUALIFIED TAXPAYER  
8 MUST FILE AN APPLICATION FOR THE SALE OR ASSIGNMENT OF THE  
9 TAX CREDIT WITH THE DEPARTMENT. THE APPLICATION MUST BE ON A  
10 FORM REQUIRED BY THE DEPARTMENT.

11 (2) TO APPROVE AN APPLICATION, THE DEPARTMENT MUST  
12 RECEIVE:

13 (I) A FINDING FROM THE DEPARTMENT THAT THE APPLICANT  
14 HAS:

15 (A) FILED ALL REQUIRED STATE TAX REPORTS AND  
16 RETURNS FOR ALL APPLICABLE TAXABLE YEARS; AND

17 (B) PAID ANY BALANCE OF STATE TAX DUE AS  
18 DETERMINED BY ASSESSMENT OR DETERMINATION BY THE  
19 DEPARTMENT AND NOT UNDER TIMELY APPEAL; AND

20 (II) FOR A SALE OR ASSIGNMENT TO A COMPANY THAT IS  
21 NOT AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY, A  
22 CERTIFICATION FROM THE QUALIFIED TAXPAYER THAT THE  
23 QUALIFIED TAXPAYER HAS OFFERED TO SELL OR ASSIGN THE TAX  
24 CREDIT:

25 (A) EXCLUSIVELY TO A DOWNSTREAM COMPANY FOR A  
26 PERIOD OF 30 DAYS FOLLOWING APPROVAL OF THE TAX  
27 CREDIT UNDER SECTION 1733-L(C); AND

28 (B) TO AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY  
29 FOR A PERIOD OF 30 DAYS FOLLOWING EXPIRATION OF THE  
30 PERIOD UNDER CLAUSE (A).

1 (C) APPROVAL.--UPON APPROVAL BY THE DEPARTMENT, A QUALIFIED  
2 TAXPAYER MAY SELL OR ASSIGN, IN WHOLE OR IN PART, A TAX CREDIT.  
3 SECTION 1737-L. PURCHASERS AND ASSIGNEES.

4 (A) TIME.--THE PURCHASER OR ASSIGNEE UNDER SECTION 1736-L  
5 MUST CLAIM THE TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE  
6 PURCHASE OR ASSIGNMENT IS MADE.

7 (B) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A PURCHASER  
8 OR ASSIGNEE UNDER SECTION 1736-L MAY USE AGAINST ANY ONE  
9 QUALIFIED TAX LIABILITY MAY NOT EXCEED 50% OF ANY OF THE  
10 QUALIFIED TAX LIABILITIES OF THE PURCHASER OR ASSIGNEE FOR THE  
11 TAXABLE YEAR.

12 (C) RESALE AND ASSIGNMENT.--

13 (1) A PURCHASER UNDER SECTION 1736-L MAY NOT SELL OR  
14 ASSIGN THE PURCHASED TAX CREDIT.

15 (2) AN ASSIGNEE UNDER SECTION 1736-L MAY NOT SELL OR  
16 ASSIGN THE ASSIGNED TAX CREDIT.

17 (D) NOTICE.--THE PURCHASER OR ASSIGNEE UNDER SECTION 1736-L  
18 SHALL NOTIFY THE DEPARTMENT OF THE SELLER OR ASSIGNOR OF THE TAX  
19 CREDIT IN COMPLIANCE WITH PROCEDURES SPECIFIED BY THE  
20 DEPARTMENT.

21 SECTION 1738-L. PASS-THROUGH ENTITY.

22 (A) ELECTION.--IF A PASS-THROUGH ENTITY HAS AN UNUSED TAX  
23 CREDIT, THE PASS-THROUGH ENTITY MAY ELECT, IN WRITING, ACCORDING  
24 TO PROCEDURES ESTABLISHED BY THE DEPARTMENT, TO TRANSFER ALL OR  
25 A PORTION OF THE TAX CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS  
26 IN PROPORTION TO THE SHARE OF THE ENTITY'S DISTRIBUTIVE INCOME  
27 TO WHICH THE SHAREHOLDERS, MEMBERS OR PARTNERS ARE ENTITLED.

28 (B) LIMITATION.--THE SAME UNUSED TAX CREDIT UNDER SUBSECTION  
29 (A) MAY NOT BE CLAIMED BY:

30 (1) THE PASS-THROUGH ENTITY; AND

1           (2) A SHAREHOLDER, MEMBER OR PARTNER OF THE PASS-THROUGH  
2           ENTITY.

3           (C) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A TRANSFEREE  
4           UNDER SUBSECTION (A) MAY USE AGAINST ANY ONE QUALIFIED TAX  
5           LIABILITY MAY NOT EXCEED 20% OF ANY QUALIFIED TAX LIABILITIES  
6           FOR THE TAXABLE YEAR.

7           (D) TIME.--A TRANSFEREE UNDER SUBSECTION (A) MUST CLAIM THE  
8           TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE TRANSFER IS MADE.

9           (E) SALE AND ASSIGNMENT.--A TRANSFEREE UNDER SUBSECTION (A)  
10          MAY NOT SELL OR ASSIGN THE TAX CREDIT.

11          SECTION 1739-L. (RESERVED).

12          SECTION 1740-L. GUIDELINES AND REGULATIONS.

13          THE DEPARTMENT SHALL DEVELOP WRITTEN GUIDELINES FOR THE  
14          IMPLEMENTATION OF THIS SUBARTICLE. THE GUIDELINES SHALL BE IN  
15          EFFECT UNTIL THE DEPARTMENT PROMULGATES REGULATIONS FOR THE  
16          IMPLEMENTATION OF THE PROVISIONS OF THIS SUBARTICLE.

17          SECTION 1741-L. REPORT TO GENERAL ASSEMBLY.

18          (A) REPORT.--

19                 (1) NO LATER THAN THE YEAR AFTER WHICH TAX CREDITS ARE  
20                 FIRST AWARDED UNDER THIS SUBARTICLE, AND EACH OCTOBER 1  
21                 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE  
22                 GENERAL ASSEMBLY SUMMARIZING THE EFFECTIVENESS OF THE TAX  
23                 CREDIT. THE REPORT SHALL INCLUDE THE NAMES OF ALL QUALIFIED  
24                 TAXPAYERS UTILIZING THE TAX CREDIT AS OF THE DATE OF THE  
25                 REPORT AND THE AMOUNT OF TAX CREDITS APPROVED FOR, UTILIZED  
26                 BY OR SOLD OR ASSIGNED BY EACH QUALIFIED TAXPAYER. THE REPORT  
27                 SHALL BE SUBMITTED TO THE FOLLOWING:

28                         (I) THE CHAIR AND MINORITY CHAIR OF THE AGRICULTURE  
29                         AND RURAL AFFAIRS COMMITTEE OF THE SENATE.

30                         (II) THE CHAIR AND MINORITY CHAIR OF THE AGRICULTURE

1 AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF  
2 REPRESENTATIVES.

3 (III) THE CHAIR AND MINORITY CHAIR OF THE FINANCE  
4 COMMITTEE OF THE SENATE.

5 (IV) THE CHAIR AND MINORITY CHAIR OF THE FINANCE  
6 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

7 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER  
8 PARAGRAPH (1), THE REPORT SHALL INCLUDE THE FOLLOWING  
9 INFORMATION IN A MANNER THAT IS SEPARATED BY GEOGRAPHIC  
10 LOCATION WITHIN THIS COMMONWEALTH:

11 (I) THE AMOUNT OF TAX CREDITS CLAIMED BY QUALIFIED  
12 TAXPAYERS DURING THE FISCAL YEAR.

13 (II) THE TOTAL NUMBER OF NEW JOBS AND PERMANENT JOBS  
14 CREATED BY QUALIFIED TAXPAYERS DURING THE FISCAL YEAR,  
15 INCLUDING THE DURATION OF THE JOBS.

16 (B) PUBLIC INFORMATION.--NOTWITHSTANDING ANY LAW PROVIDING  
17 FOR THE CONFIDENTIALITY OF TAX RECORDS, THE INFORMATION IN THE  
18 REPORT UNDER SUBSECTION (A) SHALL BE PUBLIC INFORMATION, AND ALL  
19 REPORT INFORMATION SHALL BE POSTED ON THE DEPARTMENT'S PUBLICLY  
20 ACCESSIBLE INTERNET WEBSITE.

21 SECTION 1742-L. APPLICABILITY.

22 (A) DURATION.--THE TAX CREDIT UNDER THIS SUBARTICLE SHALL  
23 APPLY TO THE PURCHASE AND PROCESSING OF MILK PRODUCED IN THIS  
24 COMMONWEALTH FOR A PERIOD OF EIGHT YEARS FROM THE DATE THE FIRST  
25 PROJECT FACILITY IS PLACED INTO SERVICE.

26 (B) LIMITATION.--THE TOTAL AGGREGATE AMOUNT OF TAX CREDITS  
27 AWARDED BY THE DEPARTMENT UNDER THIS SUBARTICLE MAY NOT EXCEED  
28 \$120,000,000.

29 SUBARTICLE D

30 REGIONAL CLEAN HYDROGEN HUBS

1 SECTION 1751-L. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE  
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "CLEAN HYDROGEN." HYDROGEN USED IN A PROJECT WHICH HAS BEEN  
6 DETERMINED BY THE UNITED STATES DEPARTMENT OF ENERGY TO  
7 DEMONSTRABLY AID ACHIEVEMENT OF THE CLEAN HYDROGEN PRODUCTION  
8 STANDARD UNDER SECTION 822 OF THE ENERGY POLICY ACT OF 2005  
9 (PUBLIC LAW 109-58, 11 STAT. 594) BY MITIGATING EMISSIONS ACROSS  
10 THE SUPPLY CHAIN THROUGH AGGRESSIVE CARBON CAPTURE, BY MEASURES  
11 TO MITIGATE FUGITIVE METHANE EMISSIONS OR BY THE USE OF CLEAN  
12 ELECTRICITY OR OTHER TECHNOLOGIES OR PRACTICES APPROVED BY THE  
13 UNITED STATES DEPARTMENT OF ENERGY.

14 "PROJECT FACILITY." A FACILITY LOCATED IN THIS COMMONWEALTH  
15 WHICH IS OWNED BY A QUALIFIED TAXPAYER WHICH IS PART OF A  
16 REGIONAL CLEAN HYDROGEN HUB DESIGNATED BY THE UNITED STATES  
17 DEPARTMENT OF ENERGY AUTHORIZED UNDER SECTION 813 OF THE ENERGY  
18 POLICY ACT OF 2005.

19 "QUALIFIED TAXPAYER." A COMPANY THAT SATISFIES ALL OF THE  
20 FOLLOWING:

21 (1) OWNS AND OPERATES A PROJECT FACILITY LOCATED WITHIN  
22 A REGIONAL CLEAN HYDROGEN HUB DESIGNATED BY THE UNITED STATES  
23 DEPARTMENT OF ENERGY AUTHORIZED UNDER SECTION 813 OF THE  
24 ENERGY POLICY ACT OF 2005.

25 (2) HAS ENTERED INTO A COMMITMENT LETTER UNDER SECTION  
26 1752-L(B) TO PURCHASE CLEAN HYDROGEN FROM A REGIONAL CLEAN  
27 HYDROGEN HUB WITHIN THIS COMMONWEALTH FOR USE IN  
28 MANUFACTURING AT A PROJECT FACILITY IN THIS COMMONWEALTH  
29 WHICH HAS BEEN PLACED IN SERVICE ON OR AFTER THE EFFECTIVE  
30 DATE OF THIS SECTION.

1           (3) HAS MADE A CAPITAL INVESTMENT OF AT LEAST  
2           \$500,000,000 IN ORDER TO CONSTRUCT THE PROJECT FACILITY AND  
3           PLACE THE PROJECT FACILITY INTO SERVICE IN THIS COMMONWEALTH.

4           (4) HAS CREATED A MINIMUM AGGREGATE TOTAL OF 1,200 NEW  
5           JOBS AND PERMANENT JOBS.

6           (5) HAS MADE GOOD FAITH EFFORTS TO RECRUIT AND EMPLOY,  
7           AND TO ENCOURAGE ANY CONTRACTORS OR SUBCONTRACTORS TO RECRUIT  
8           AND EMPLOY, WORKERS FROM THE LOCAL LABOR MARKET FOR  
9           EMPLOYMENT DURING THE CONSTRUCTION OF THE PROJECT FACILITY.

10           (6) HAS DEMONSTRATED THAT THE NEW JOBS CREATED AT THE  
11           PROJECT FACILITY OR FOR WORK COVERED BY SUBARTICLE F ARE PAID  
12           AT LEAST THE PREVAILING MINIMUM WAGE AND BENEFIT RATES FOR  
13           EACH CRAFT OR CLASSIFICATION AS DETERMINED BY THE DEPARTMENT  
14           OF LABOR AND INDUSTRY.

15           (7) THE CONSTRUCTION WORK TO PLACE A PROJECT FACILITY  
16           INTO SERVICE SHALL BE PERFORMED SUBJECT TO THE ACT OF MARCH  
17           3, 1978 (P.L.6, NO.3), KNOWN AS THE STEEL PRODUCTS  
18           PROCUREMENT ACT.

19 SECTION 1752-L. ELIGIBILITY.

20           (A) DEMONSTRATION.--IN ORDER TO BE ELIGIBLE TO RECEIVE A TAX  
21 CREDIT, A COMPANY SHALL DEMONSTRATE THE FOLLOWING:

22           (1) THE COMPANY MEETS THE REQUIREMENTS OF A QUALIFIED  
23 TAXPAYER.

24           (2) CONFIRMATION THAT THE COMPANY HAS FILED ALL REQUIRED  
25 STATE TAX REPORTS AND RETURNS FOR ALL APPLICABLE TAXABLE  
26 YEARS AND PAID ANY BALANCE OF STATE TAX DUE AS DETERMINED BY  
27 ASSESSMENT OR DETERMINATION BY THE DEPARTMENT AND NOT UNDER  
28 TIMELY APPEAL.

29           (B) COMMITMENT LETTER.--A COMPANY THAT APPLIES FOR AND  
30 RECEIVES A TAX CREDIT UNDER THIS SUBARTICLE SHALL ENTER INTO A

1 COMMITMENT LETTER WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
2 DEVELOPMENT TO PRESCRIBE THE DATE BY WHICH THE PROJECT FACILITY  
3 WILL BEGIN TO PURCHASE CLEAN HYDROGEN FROM SOURCES WITHIN THE  
4 REGIONAL CLEAN HYDROGEN HUB IN THIS COMMONWEALTH FOR USE IN  
5 MANUFACTURING AT THE PROJECT FACILITY.

6 SECTION 1753-L. APPLICATION AND APPROVAL OF TAX CREDIT.

7 (A) RATE.--THE TAX CREDIT SHALL BE EQUAL TO ANY ONE OR MORE  
8 OF THE FOLLOWING:

9 (1) \$0.81 PER KILOGRAM OF CLEAN HYDROGEN PURCHASED FROM  
10 A REGIONAL CLEAN HYDROGEN HUB WITHIN THIS COMMONWEALTH AND  
11 USED IN MANUFACTURING AT THE PROJECT FACILITY BY A QUALIFIED  
12 TAXPAYER.

13 (2) \$0.47 PER UNIT OF NATURAL GAS THAT IS PURCHASED AND  
14 USED IN MANUFACTURING AT THE PROJECT FACILITY BY A QUALIFIED  
15 TAXPAYER.

16 (B) APPLICATION.--

17 (1) A QUALIFIED TAXPAYER MAY APPLY TO THE DEPARTMENT FOR  
18 A TAX CREDIT UNDER THIS SECTION.

19 (2) THE APPLICATION MUST BE SUBMITTED TO THE DEPARTMENT  
20 BY MARCH 1 FOR THE TAX CREDIT CLAIMED FOR CLEAN HYDROGEN OR  
21 NATURAL GAS PURCHASED AND USED IN MANUFACTURING BY THE  
22 QUALIFIED TAXPAYER AT THE PROJECT FACILITY DURING THE PRIOR  
23 CALENDAR YEAR.

24 (3) THE APPLICATION MUST BE ON A FORM REQUIRED BY THE  
25 DEPARTMENT WHICH SHALL INCLUDE THE FOLLOWING:

26 (I) INFORMATION REQUIRED BY THE DEPARTMENT TO  
27 DOCUMENT THE AMOUNT OF NATURAL GAS PURCHASED AND USED IN  
28 MANUFACTURING AT THE PROJECT FACILITY;

29 (II) INFORMATION REQUIRED BY THE DEPARTMENT TO  
30 DOCUMENT THE AMOUNT OF CLEAN HYDROGEN TO BE PURCHASED

1 FROM SOURCES WITHIN THE REGIONAL CLEAN HYDROGEN HUB IN  
2 THIS COMMONWEALTH AND USED IN MANUFACTURING AT THE  
3 PROJECT FACILITY;

4 (III) INFORMATION REQUIRED BY THE DEPARTMENT TO  
5 VERIFY THAT THE APPLICANT IS A QUALIFIED TAXPAYER; AND

6 (IV) ANY OTHER INFORMATION AS THE DEPARTMENT DEEMS  
7 APPROPRIATE.

8 (C) REVIEW AND APPROVAL.--

9 (1) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS AND  
10 SHALL ISSUE AN APPROVAL OR DISAPPROVAL BY MAY 1.

11 (2) UPON APPROVAL, THE DEPARTMENT SHALL ISSUE A  
12 CERTIFICATE STATING THE AMOUNT OF THE TAX CREDIT GRANTED FOR  
13 NATURAL GAS PURCHASED AND USED IN MANUFACTURING AT THE  
14 PROJECT FACILITY IN THE PRIOR CALENDAR YEAR.

15 (3) UPON APPROVAL, THE DEPARTMENT SHALL ISSUE A  
16 CERTIFICATE STATING THE AMOUNT OF THE TAX CREDIT GRANTED FOR  
17 CLEAN HYDROGEN PURCHASED FROM SOURCES LOCATED IN A REGIONAL  
18 CLEAN HYDROGEN HUB LOCATED IN THIS COMMONWEALTH AND USED IN  
19 MANUFACTURING AT THE PROJECT FACILITY IN THE PRIOR CALENDAR  
20 YEAR.

21 (D) AVAILABILITY OF TAX CREDITS.--

22 (1) EACH FISCAL YEAR, \$50,000,000 IN TAX CREDITS SHALL  
23 BE MADE AVAILABLE TO THE DEPARTMENT IN ACCORDANCE WITH THIS  
24 SUBARTICLE.

25 (2) THE DEPARTMENT SHALL ISSUE UP TO \$50,000,000 IN A  
26 FISCAL YEAR TO THE QUALIFIED TAXPAYER WHICH FIRST MEETS THE  
27 QUALIFICATIONS TO RECEIVE A TAX CREDIT UNDER THIS SUBARTICLE.

28 (3) AN AMOUNT UNDER PARAGRAPH (1) WHICH REMAINS  
29 UNALLOCATED UNDER PARAGRAPH (2) SHALL BE ISSUED TO THE  
30 QUALIFIED TAXPAYER WHICH NEXT MEETS THE QUALIFICATIONS TO

1 RECEIVE A TAX CREDIT UNDER THIS SUBARTICLE.

2 (4) THE TOTAL AGGREGATE AMOUNT OF TAX CREDITS AWARDED TO  
3 A QUALIFIED TAXPAYER UNDER THIS SUBARTICLE MAY NOT EXCEED 50%  
4 OF THE CAPITAL INVESTMENT MADE TO CONSTRUCT A PROJECT  
5 FACILITY AND PLACE THE PROJECT FACILITY INTO SERVICE IN THIS  
6 COMMONWEALTH.

7 SECTION 1754-L. USE OF TAX CREDITS.

8 (A) INITIAL USE.--PRIOR TO SALE OR ASSIGNMENT OF A TAX  
9 CREDIT UNDER SECTION 1756-L, A QUALIFIED TAXPAYER MUST FIRST USE  
10 A TAX CREDIT AGAINST THE QUALIFIED TAX LIABILITY INCURRED IN THE  
11 TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS APPROVED.

12 (B) ELIGIBILITY.--THE TAX CREDIT MAY BE APPLIED AGAINST UP  
13 TO 20% OF THE QUALIFIED TAXPAYER'S QUALIFIED TAX LIABILITIES  
14 INCURRED IN THE TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS  
15 APPROVED.

16 (C) LIMIT.--A QUALIFIED TAXPAYER THAT HAS BEEN GRANTED A TAX  
17 CREDIT UNDER THIS SUBARTICLE SHALL BE INELIGIBLE FOR ANY OTHER  
18 TAX CREDIT PROVIDED UNDER THIS ACT OR A TAX BENEFIT AS DEFINED  
19 IN SECTION 1701-A.1.

20 SECTION 1755-L. CARRYOVER, CARRYBACK AND REFUND.

21 A TAX CREDIT CANNOT BE CARRIED BACK, CARRIED FORWARD OR BE  
22 USED TO OBTAIN A REFUND.

23 SECTION 1756-L. SALE OR ASSIGNMENT.

24 (A) AUTHORIZATION.--IF THE QUALIFIED TAXPAYER HOLDS A TAX  
25 CREDIT THROUGH THE END OF THE CALENDAR YEAR IN WHICH THE TAX  
26 CREDIT WAS GRANTED, THE QUALIFIED TAXPAYER MAY SELL OR ASSIGN A  
27 TAX CREDIT, IN WHOLE OR IN PART, PROVIDED THE SALE IS EFFECTIVE  
28 BY THE CLOSE OF THE FOLLOWING CALENDAR YEAR.

29 (B) APPLICATION.--

30 (1) TO SELL OR ASSIGN A TAX CREDIT, A QUALIFIED TAXPAYER

1 MUST SUBMIT AN APPLICATION FOR THE SALE OR ASSIGNMENT OF THE  
2 TAX CREDIT WITH THE DEPARTMENT. THE APPLICATION MUST BE ON A  
3 FORM REQUIRED BY THE DEPARTMENT.

4 (2) TO APPROVE AN APPLICATION, THE DEPARTMENT MUST  
5 RECEIVE:

6 (I) A FINDING FROM THE DEPARTMENT THAT THE APPLICANT  
7 HAS:

8 (A) FILED ALL REQUIRED STATE TAX REPORTS AND  
9 RETURNS FOR ALL APPLICABLE TAXABLE YEARS; AND

10 (B) PAID ANY BALANCE OF STATE TAX DUE AS  
11 DETERMINED BY ASSESSMENT OR DETERMINATION BY THE  
12 DEPARTMENT AND NOT UNDER TIMELY APPEAL; AND

13 (II) FOR A SALE OR ASSIGNMENT TO A COMPANY THAT IS  
14 NOT AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY, A  
15 CERTIFICATION FROM THE QUALIFIED TAXPAYER THAT THE  
16 QUALIFIED TAXPAYER HAS OFFERED TO SELL OR ASSIGN THE TAX  
17 CREDIT:

18 (A) EXCLUSIVELY TO A DOWNSTREAM COMPANY FOR A  
19 PERIOD OF 30 DAYS FOLLOWING APPROVAL OF THE TAX  
20 CREDIT UNDER SECTION 1753-L(C); AND

21 (B) TO AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY  
22 FOR A PERIOD OF 30 DAYS FOLLOWING EXPIRATION OF THE  
23 PERIOD UNDER CLAUSE (A).

24 (C) APPROVAL.--UPON APPROVAL BY THE DEPARTMENT, A QUALIFIED  
25 TAXPAYER MAY SELL OR ASSIGN, IN WHOLE OR IN PART, A TAX CREDIT.  
26 SECTION 1757-L. PURCHASERS AND ASSIGNEES.

27 (A) TIME.--THE PURCHASER OR ASSIGNEE UNDER SECTION 1756-L  
28 MUST CLAIM THE TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE  
29 PURCHASE OR ASSIGNMENT IS MADE.

30 (B) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A PURCHASER

1 OR ASSIGNEE UNDER SECTION 1756-L MAY USE AGAINST ANY ONE  
2 QUALIFIED TAX LIABILITY MAY NOT EXCEED 50% OF ANY OF THE  
3 QUALIFIED TAX LIABILITIES OF THE PURCHASER OR ASSIGNEE FOR THE  
4 TAXABLE YEAR.

5 (C) RESALE AND ASSIGNMENT.--

6 (1) A PURCHASER UNDER SECTION 1756-L MAY NOT SELL OR  
7 ASSIGN THE PURCHASED TAX CREDIT.

8 (2) AN ASSIGNEE UNDER SECTION 1756-L MAY NOT SELL OR  
9 ASSIGN THE ASSIGNED TAX CREDIT.

10 (D) NOTICE.--THE PURCHASER OR ASSIGNEE UNDER SECTION 1756-L  
11 SHALL NOTIFY THE DEPARTMENT OF THE SELLER OR ASSIGNOR OF THE TAX  
12 CREDIT IN COMPLIANCE WITH PROCEDURES SPECIFIED BY THE  
13 DEPARTMENT.

14 SECTION 1758-L. PASS-THROUGH ENTITY.

15 (A) ELECTION.--IF A PASS-THROUGH ENTITY HAS AN UNUSED TAX  
16 CREDIT, THE PASS-THROUGH ENTITY MAY ELECT, IN WRITING, ACCORDING  
17 TO PROCEDURES ESTABLISHED BY THE DEPARTMENT, TO TRANSFER ALL OR  
18 A PORTION OF THE TAX CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS  
19 IN PROPORTION TO THE SHARE OF THE ENTITY'S DISTRIBUTIVE INCOME  
20 TO WHICH THE SHAREHOLDERS, MEMBERS OR PARTNERS ARE ENTITLED.

21 (B) LIMITATION.--THE SAME UNUSED TAX CREDIT UNDER SUBSECTION  
22 (A) MAY NOT BE CLAIMED BY:

23 (1) THE PASS-THROUGH ENTITY; AND

24 (2) A SHAREHOLDER, MEMBER OR PARTNER OF THE PASS-THROUGH  
25 ENTITY.

26 (C) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A TRANSFEREE  
27 UNDER SUBSECTION (A) MAY USE AGAINST ANY ONE QUALIFIED TAX  
28 LIABILITY MAY NOT EXCEED 20% OF ANY QUALIFIED TAX LIABILITIES  
29 FOR THE TAXABLE YEAR.

30 (D) TIME.--A TRANSFEREE UNDER SUBSECTION (A) MUST CLAIM THE

1 TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE TRANSFER IS MADE.

2 (E) SALE AND ASSIGNMENT.--A TRANSFEREE UNDER SUBSECTION (A)  
3 MAY NOT SELL OR ASSIGN THE TAX CREDIT.

4 SECTION 1759-L. (RESERVED).

5 SECTION 1760-L. GUIDELINES AND REGULATIONS.

6 THE DEPARTMENT SHALL DEVELOP WRITTEN GUIDELINES FOR THE  
7 IMPLEMENTATION OF THIS SUBARTICLE. THE GUIDELINES SHALL BE IN  
8 EFFECT UNTIL THE DEPARTMENT PROMULGATES REGULATIONS FOR THE  
9 IMPLEMENTATION OF THE PROVISIONS OF THIS SUBARTICLE.

10 SECTION 1761-L. REPORT TO GENERAL ASSEMBLY.

11 (A) REPORT.--

12 (1) NO LATER THAN THE YEAR AFTER WHICH TAX CREDITS ARE  
13 FIRST AWARDED UNDER THIS SUBARTICLE, AND EACH OCTOBER 1  
14 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE  
15 GENERAL ASSEMBLY SUMMARIZING THE EFFECTIVENESS OF THE TAX  
16 CREDIT. THE REPORT SHALL INCLUDE THE NAMES OF ALL QUALIFIED  
17 TAXPAYERS UTILIZING THE TAX CREDIT AS OF THE DATE OF THE  
18 REPORT AND THE AMOUNT OF TAX CREDITS APPROVED FOR, UTILIZED  
19 BY OR SOLD OR ASSIGNED BY EACH QUALIFIED TAXPAYER. THE REPORT  
20 SHALL BE SUBMITTED TO ALL OF THE FOLLOWING:

21 (I) THE CHAIR AND MINORITY CHAIR OF THE  
22 APPROPRIATIONS COMMITTEE OF THE SENATE.

23 (II) THE CHAIR AND MINORITY CHAIR OF THE  
24 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

25 (III) THE CHAIR AND MINORITY CHAIR OF THE FINANCE  
26 COMMITTEE OF THE SENATE.

27 (IV) THE CHAIR AND MINORITY CHAIR OF THE FINANCE  
28 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

29 (V) THE CHAIR AND MINORITY CHAIR OF THE  
30 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE

1 SENATE.

2 (VI) THE CHAIR AND MINORITY CHAIR OF THE  
3 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE HOUSE  
4 OF REPRESENTATIVES.

5 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER  
6 PARAGRAPH (1), THE REPORT SHALL INCLUDE THE FOLLOWING  
7 INFORMATION IN A MANNER SEPARATED BY GEOGRAPHIC LOCATION  
8 WITHIN THIS COMMONWEALTH:

9 (I) THE AMOUNT OF TAX CREDITS CLAIMED BY QUALIFIED  
10 TAXPAYERS DURING THE FISCAL YEAR.

11 (II) THE TOTAL NUMBER OF NEW JOBS AND PERMANENT JOBS  
12 CREATED BY QUALIFIED TAXPAYERS DURING THE FISCAL YEAR,  
13 INCLUDING THE DURATION OF THE JOBS.

14 (B) PUBLIC INFORMATION.--NOTWITHSTANDING ANY LAW PROVIDING  
15 FOR THE CONFIDENTIALITY OF TAX RECORDS, THE INFORMATION IN THE  
16 REPORT UNDER SUBSECTION (A) SHALL BE PUBLIC INFORMATION, AND ALL  
17 REPORT INFORMATION SHALL BE POSTED ON THE DEPARTMENT'S PUBLICLY  
18 ACCESSIBLE INTERNET WEBSITE.

19 SECTION 1762-L. APPLICABILITY.

20 THIS SUBARTICLE SHALL APPLY TO THE PURCHASE OF CLEAN HYDROGEN  
21 FROM SOURCES LOCATED IN A REGIONAL CLEAN HYDROGEN HUB WITHIN  
22 THIS COMMONWEALTH OR NATURAL GAS USED IN MANUFACTURING AT A  
23 PROJECT FACILITY FOR THE PERIOD BEGINNING JANUARY 1, 2024, AND  
24 ENDING DECEMBER 31, 2043.

25 SUBARTICLE E

26 SEMICONDUCTOR MANUFACTURING AND BIOMEDICAL

27 MANUFACTURING AND RESEARCH

28 SECTION 1771-L. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE  
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "BIOMEDICAL MANUFACTURING." THE MANUFACTURE OF PRODUCTS OR  
3 THE CREATION OF PROCESSES THAT ADVANCE THE UNDERSTANDING,  
4 TREATMENT AND PREVENTION OF DISEASE.

5 "BIOMEDICAL RESEARCH." SCIENTIFIC RESEARCH ENCOMPASSING THE  
6 APPLICATION OF THE BIOLOGICAL SCIENCES, ESPECIALLY BIOCHEMISTRY,  
7 MOLECULAR BIOLOGY AND GENETICS, FOR THE UNDERSTANDING, TREATMENT  
8 AND PREVENTION OF DISEASE.

9 "PROJECT FACILITY." A FACILITY LOCATED IN THIS COMMONWEALTH  
10 WHICH IS OWNED AND OPERATED BY THE QUALIFIED TAXPAYER AND WHERE  
11 SEMICONDUCTOR MANUFACTURING, BIOMEDICAL MANUFACTURING OR  
12 BIOMEDICAL RESEARCH IS CONDUCTED BY THE QUALIFIED TAXPAYER AT  
13 THE PROJECT FACILITY.

14 "QUALIFIED TAXPAYER." A COMPANY THAT SATISFIES ALL OF THE  
15 FOLLOWING:

16 (1) CONDUCTS SEMICONDUCTOR MANUFACTURING, BIOMEDICAL  
17 MANUFACTURING OR BIOMEDICAL RESEARCH IN THIS COMMONWEALTH AT  
18 A PROJECT FACILITY IN THIS COMMONWEALTH THAT HAS BEEN PLACED  
19 IN SERVICE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

20 (2) HAS MADE A CAPITAL INVESTMENT OF AT LEAST  
21 \$200,000,000 IN ORDER TO CONSTRUCT THE PROJECT FACILITY AND  
22 PLACE THE PROJECT FACILITY INTO SERVICE IN THIS COMMONWEALTH.

23 (3) HAS CREATED A MINIMUM AGGREGATE TOTAL OF 800  
24 PERMANENT JOBS.

25 (4) HAS MADE GOOD FAITH EFFORTS TO RECRUIT AND EMPLOY,  
26 AND TO ENCOURAGE ANY CONTRACTORS OR SUBCONTRACTORS TO RECRUIT  
27 AND EMPLOY, WORKERS FROM THE LOCAL LABOR MARKET FOR  
28 EMPLOYMENT DURING THE CONSTRUCTION OF THE PROJECT FACILITY.

29 (5) HAS DEMONSTRATED THAT THE NEW JOBS CREATED AT THE  
30 PROJECT FACILITY OR FOR WORK COVERED BY SUBARTICLE F ARE PAID

1 AT LEAST THE PREVAILING MINIMUM WAGE AND BENEFIT RATES FOR  
2 EACH CRAFT OR CLASSIFICATION AS DETERMINED BY THE DEPARTMENT  
3 OF LABOR AND INDUSTRY.

4 (6) THE CONSTRUCTION WORK TO PLACE A PROJECT FACILITY  
5 INTO SERVICE SHALL BE PERFORMED SUBJECT TO THE ACT OF MARCH  
6 3, 1978 (P.L.6, NO.3), KNOWN AS THE STEEL PRODUCTS  
7 PROCUREMENT ACT.

8 "SEMICONDUCTOR MANUFACTURING." THE MANUFACTURE OF COMPONENTS  
9 OR THE CREATION OF ADVANCED PROCESSES OR TECHNOLOGY WITHIN THE  
10 SEMICONDUCTOR MANUFACTURING AND RELATED EQUIPMENT AND MATERIAL  
11 SUPPLIER SECTOR.

12 SECTION 1772-L. ELIGIBILITY.

13 IN ORDER TO BE ELIGIBLE TO RECEIVE A TAX CREDIT, A COMPANY  
14 SHALL DEMONSTRATE THE FOLLOWING:

15 (1) THE COMPANY MEETS THE REQUIREMENTS OF A QUALIFIED  
16 TAXPAYER.

17 (2) CONFIRMATION THAT THE COMPANY HAS FILED ALL REQUIRED  
18 STATE TAX REPORTS AND RETURNS FOR ALL APPLICABLE TAXABLE  
19 YEARS AND PAID ANY BALANCE OF STATE TAX DUE AS DETERMINED BY  
20 ASSESSMENT OR DETERMINATION BY THE DEPARTMENT AND NOT UNDER  
21 TIMELY APPEAL.

22 SECTION 1773-L. APPLICATION AND APPROVAL OF TAX CREDIT.

23 (A) DETERMINATION OF TAX CREDIT AMOUNT.--THE ANNUAL TAX  
24 CREDIT AMOUNT MAY BE DETERMINED BASED UPON ANY ONE OR MORE OF  
25 THE FOLLOWING:

26 (1) NO MORE THAN 2.5% OF THE CAPITAL INVESTMENT.

27 (2) NO MORE THAN 100% OF TAX WITHHELD FROM EMPLOYEES AND  
28 PAID UNDER ARTICLE III OR \$20,000, WHICHEVER IS LESS, FOR  
29 EACH PERMANENT JOB AT THE PROJECT FACILITY.

30 (B) APPLICATION.--

1           (1) A QUALIFIED TAXPAYER MAY APPLY TO THE DEPARTMENT FOR  
2 A TAX CREDIT UNDER THIS SECTION.

3           (2) THE APPLICATION MUST BE SUBMITTED TO THE DEPARTMENT  
4 BY MARCH 1 FOR THE TAX CREDIT CLAIMED FOR SEMICONDUCTOR  
5 MANUFACTURING, BIOMEDICAL MANUFACTURING OR BIOMEDICAL  
6 RESEARCH CONDUCTED BY THE QUALIFIED TAXPAYER AT THE PROJECT  
7 FACILITY DURING THE PRIOR CALENDAR YEAR.

8           (3) THE APPLICATION MUST BE ON THE FORM REQUIRED BY THE  
9 DEPARTMENT WHICH SHALL INCLUDE THE FOLLOWING:

10           (I) INFORMATION REQUIRED BY THE DEPARTMENT TO  
11 DOCUMENT THE SEMICONDUCTOR MANUFACTURING, BIOMEDICAL  
12 MANUFACTURING OR BIOMEDICAL RESEARCH CONDUCTED AT THE  
13 PROJECT FACILITY;

14           (II) INFORMATION REQUIRED BY THE DEPARTMENT TO  
15 VERIFY THAT THE APPLICANT IS A QUALIFIED TAXPAYER; AND

16           (III) ANY OTHER INFORMATION AS THE DEPARTMENT DEEMS  
17 APPROPRIATE.

18 (C) REVIEW AND APPROVAL.--

19           (1) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS AND  
20 SHALL ISSUE AN APPROVAL OR DISAPPROVAL BY MAY 1.

21           (2) UPON APPROVAL, THE DEPARTMENT SHALL ISSUE A  
22 CERTIFICATE STATING THE AMOUNT OF THE TAX CREDIT GRANTED FOR  
23 SEMICONDUCTOR MANUFACTURING, BIOMEDICAL MANUFACTURING OR  
24 BIOMEDICAL RESEARCH CONDUCTED AT THE PROJECT FACILITY IN THE  
25 PRIOR CALENDAR YEAR.

26 (D) AVAILABILITY OF TAX CREDITS.--

27           (1) EACH FISCAL YEAR, \$20,000,000 IN TAX CREDITS SHALL  
28 BE MADE AVAILABLE TO THE DEPARTMENT IN ACCORDANCE WITH THIS  
29 SUBARTICLE.

30           (2) THE DEPARTMENT SHALL ISSUE UP TO \$10,000,000 IN A

1 FISCAL YEAR TO THE QUALIFIED TAXPAYER ENGAGED IN  
2 SEMICONDUCTOR MANUFACTURING WHICH FIRST MEETS THE  
3 QUALIFICATIONS TO RECEIVE A TAX CREDIT UNDER THIS SUBARTICLE.

4 (3) THE DEPARTMENT SHALL ISSUE UP TO \$10,000,000 IN A  
5 FISCAL YEAR TO THE QUALIFIED TAXPAYER ENGAGED IN BIOMEDICAL  
6 MANUFACTURING OR BIOMEDICAL RESEARCH WHICH FIRST MEETS THE  
7 QUALIFICATIONS TO RECEIVE A TAX CREDIT UNDER THIS SUBARTICLE.

8 (4) AN AMOUNT UNDER PARAGRAPH (1) WHICH REMAINS  
9 UNALLOCATED UNDER PARAGRAPH (2) OR (3) SHALL BE ISSUED TO THE  
10 QUALIFIED TAXPAYER WHICH NEXT MEETS THE QUALIFICATIONS TO  
11 RECEIVE A TAX CREDIT UNDER THIS SUBARTICLE.

12 (5) THE TOTAL AGGREGATE AMOUNT OF TAX CREDITS AWARDED TO  
13 A QUALIFIED TAXPAYER UNDER THIS SUBARTICLE MAY NOT EXCEED 25%  
14 OF THE CAPITAL INVESTMENT MADE TO CONSTRUCT A PROJECT  
15 FACILITY.

16 SECTION 1774-L. USE OF TAX CREDITS.

17 (A) INITIAL USE.--PRIOR TO SALE OR ASSIGNMENT OF A TAX  
18 CREDIT UNDER SECTION 1776-L, A QUALIFIED TAXPAYER MUST FIRST USE  
19 A TAX CREDIT AGAINST THE QUALIFIED TAX LIABILITY INCURRED IN THE  
20 TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS APPROVED.

21 (B) ELIGIBILITY.--THE TAX CREDIT MAY BE APPLIED AGAINST UP  
22 TO 20% OF THE QUALIFIED TAXPAYER'S QUALIFIED TAX LIABILITIES  
23 INCURRED IN THE TAXABLE YEAR FOR WHICH THE TAX CREDIT WAS  
24 APPROVED.

25 (C) LIMIT.--A QUALIFIED TAXPAYER THAT HAS BEEN GRANTED A TAX  
26 CREDIT UNDER THIS SUBARTICLE SHALL BE INELIGIBLE FOR ANY OTHER  
27 TAX CREDIT PROVIDED UNDER THIS ACT OR A TAX BENEFIT AS DEFINED  
28 IN SECTION 1701-A.1.

29 SECTION 1775-L. CARRYOVER, CARRYBACK AND REFUND.

30 A TAX CREDIT CANNOT BE CARRIED BACK, CARRIED FORWARD OR BE

1 USED TO OBTAIN A REFUND.

2 SECTION 1776-L. SALE OR ASSIGNMENT.

3 (A) AUTHORIZATION.--IF THE QUALIFIED TAXPAYER HOLDS A TAX  
4 CREDIT THROUGH THE END OF THE CALENDAR YEAR IN WHICH THE TAX  
5 CREDIT WAS GRANTED, THE QUALIFIED TAXPAYER MAY SELL OR ASSIGN A  
6 TAX CREDIT, IN WHOLE OR IN PART, PROVIDED THE SALE IS EFFECTIVE  
7 BY THE CLOSE OF THE FOLLOWING CALENDAR YEAR.

8 (B) APPLICATION.--

9 (1) TO SELL OR ASSIGN A TAX CREDIT, A QUALIFIED TAXPAYER  
10 MUST FILE AN APPLICATION FOR THE SALE OR ASSIGNMENT OF THE  
11 TAX CREDIT WITH THE DEPARTMENT. THE APPLICATION MUST BE ON A  
12 FORM REQUIRED BY THE DEPARTMENT.

13 (2) TO APPROVE AN APPLICATION, THE DEPARTMENT MUST  
14 RECEIVE:

15 (I) A FINDING FROM THE DEPARTMENT THAT THE APPLICANT  
16 HAS:

17 (A) FILED ALL REQUIRED STATE TAX REPORTS AND  
18 RETURNS FOR ALL APPLICABLE TAXABLE YEARS; AND

19 (B) PAID ANY BALANCE OF STATE TAX DUE AS  
20 DETERMINED BY ASSESSMENT OR DETERMINATION BY THE  
21 DEPARTMENT AND NOT UNDER TIMELY APPEAL; AND

22 (II) FOR A SALE OR ASSIGNMENT TO A COMPANY THAT IS  
23 NOT AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY, A  
24 CERTIFICATION FROM THE QUALIFIED TAXPAYER THAT THE  
25 QUALIFIED TAXPAYER HAS OFFERED TO SELL OR ASSIGN THE TAX  
26 CREDIT:

27 (A) EXCLUSIVELY TO A DOWNSTREAM COMPANY FOR A  
28 PERIOD OF 30 DAYS FOLLOWING APPROVAL OF THE TAX  
29 CREDIT UNDER SECTION 1773-L(C); AND

30 (B) TO AN UPSTREAM COMPANY OR DOWNSTREAM COMPANY

1           FOR A PERIOD OF 30 DAYS FOLLOWING EXPIRATION OF THE  
2           PERIOD UNDER CLAUSE (A).

3           (C) APPROVAL.--UPON APPROVAL BY THE DEPARTMENT, A QUALIFIED  
4 TAXPAYER MAY SELL OR ASSIGN, IN WHOLE OR IN PART, A TAX CREDIT.  
5 SECTION 1777-L. PURCHASERS AND ASSIGNEES.

6           (A) TIME.--THE PURCHASER OR ASSIGNEE UNDER SECTION 1776-L  
7 MUST CLAIM THE TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE  
8 PURCHASE OR ASSIGNMENT IS MADE.

9           (B) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A PURCHASER  
10 OR ASSIGNEE UNDER SECTION 1776-L MAY USE AGAINST ANY ONE  
11 QUALIFIED TAX LIABILITY MAY NOT EXCEED 50% OF ANY OF THE  
12 QUALIFIED TAX LIABILITIES OF THE PURCHASER OR ASSIGNEE FOR THE  
13 TAXABLE YEAR.

14           (C) RESALE AND ASSIGNMENT.--

15               (1) A PURCHASER UNDER SECTION 1776-L MAY NOT SELL OR  
16 ASSIGN THE PURCHASED TAX CREDIT.

17               (2) AN ASSIGNEE UNDER SECTION 1776-L MAY NOT SELL OR  
18 ASSIGN THE ASSIGNED TAX CREDIT.

19           (D) NOTICE.--THE PURCHASER OR ASSIGNEE UNDER SECTION 1776-L  
20 SHALL NOTIFY THE DEPARTMENT OF THE SELLER OR ASSIGNOR OF THE TAX  
21 CREDIT IN COMPLIANCE WITH PROCEDURES SPECIFIED BY THE  
22 DEPARTMENT.

23           SECTION 1778-L. PASS-THROUGH ENTITY.

24           (A) ELECTION.--IF A PASS-THROUGH ENTITY HAS AN UNUSED TAX  
25 CREDIT, THE PASS-THROUGH ENTITY MAY ELECT, IN WRITING, ACCORDING  
26 TO PROCEDURES ESTABLISHED BY THE DEPARTMENT, TO TRANSFER ALL OR  
27 A PORTION OF THE TAX CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS  
28 IN PROPORTION TO THE SHARE OF THE ENTITY'S DISTRIBUTIVE INCOME  
29 TO WHICH THE SHAREHOLDERS, MEMBERS OR PARTNERS ARE ENTITLED.

30           (B) LIMITATION.--THE SAME UNUSED TAX CREDIT UNDER SUBSECTION

1 (A) MAY NOT BE CLAIMED BY:

2 (1) THE PASS-THROUGH ENTITY; AND

3 (2) A SHAREHOLDER, MEMBER OR PARTNER OF THE PASS-THROUGH  
4 ENTITY.

5 (C) AMOUNT.--THE AMOUNT OF THE TAX CREDIT THAT A TRANSFEREE  
6 UNDER SUBSECTION (A) MAY USE AGAINST ANY ONE QUALIFIED TAX  
7 LIABILITY MAY NOT EXCEED 20% OF ANY QUALIFIED TAX LIABILITIES  
8 FOR THE TAXABLE YEAR.

9 (D) TIME.--A TRANSFEREE UNDER SUBSECTION (A) MUST CLAIM THE  
10 TAX CREDIT IN THE CALENDAR YEAR IN WHICH THE TRANSFER IS MADE.

11 (E) SALE AND ASSIGNMENT.--A TRANSFEREE UNDER SUBSECTION (A)  
12 MAY NOT SELL OR ASSIGN THE TAX CREDIT.

13 SECTION 1779-L. (RESERVED).

14 SECTION 1780-L. GUIDELINES AND REGULATIONS.

15 THE DEPARTMENT SHALL DEVELOP WRITTEN GUIDELINES FOR THE  
16 IMPLEMENTATION OF THIS SUBARTICLE. THE GUIDELINES SHALL BE IN  
17 EFFECT UNTIL THE DEPARTMENT PROMULGATES REGULATIONS FOR THE  
18 IMPLEMENTATION OF THE PROVISIONS OF THIS SUBARTICLE.

19 SECTION 1781-L. REPORT TO GENERAL ASSEMBLY.

20 (A) REPORT.--

21 (1) NO LATER THAN THE YEAR AFTER WHICH TAX CREDITS ARE  
22 FIRST AWARDED UNDER THIS SUBARTICLE, AND EACH OCTOBER 1  
23 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE  
24 GENERAL ASSEMBLY SUMMARIZING THE EFFECTIVENESS OF THE TAX  
25 CREDIT. THE REPORT SHALL INCLUDE THE NAMES OF ALL QUALIFIED  
26 TAXPAYERS UTILIZING THE TAX CREDIT AS OF THE DATE OF THE  
27 REPORT AND THE AMOUNT OF TAX CREDITS APPROVED FOR, UTILIZED  
28 BY OR SOLD OR ASSIGNED BY EACH QUALIFIED TAXPAYER. THE REPORT  
29 SHALL BE SUBMITTED TO THE FOLLOWING:

30 (I) THE CHAIR AND MINORITY CHAIR OF THE

1 APPROPRIATIONS COMMITTEE OF THE SENATE.

2 (II) THE CHAIR AND MINORITY CHAIR OF THE  
3 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

4 (III) THE CHAIR AND MINORITY CHAIR OF THE FINANCE  
5 COMMITTEE OF THE SENATE.

6 (IV) THE CHAIR AND MINORITY CHAIR OF THE FINANCE  
7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

8 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER  
9 PARAGRAPH (1), THE REPORT SHALL INCLUDE THE FOLLOWING  
10 INFORMATION IN A MANNER SEPARATED BY GEOGRAPHIC LOCATION  
11 WITHIN THIS COMMONWEALTH:

12 (I) THE AMOUNT OF TAX CREDITS CLAIMED BY QUALIFIED  
13 TAXPAYERS DURING THE FISCAL YEAR.

14 (II) THE TOTAL NUMBER OF NEW JOBS AND PERMANENT JOBS  
15 CREATED BY QUALIFIED TAXPAYERS DURING THE FISCAL YEAR,  
16 INCLUDING THE DURATION OF THE JOBS.

17 (B) PUBLIC INFORMATION.--NOTWITHSTANDING ANY LAW PROVIDING  
18 FOR THE CONFIDENTIALITY OF TAX RECORDS, THE INFORMATION IN THE  
19 REPORT UNDER SUBSECTION (A) SHALL BE PUBLIC INFORMATION, AND ALL  
20 REPORT INFORMATION SHALL BE POSTED ON THE DEPARTMENT'S PUBLICLY  
21 ACCESSIBLE INTERNET WEBSITE.

22 SECTION 1782-L. APPLICABILITY.

23 (A) DURATION.--THE TAX CREDIT UNDER THIS SUBARTICLE SHALL  
24 APPLY TO SEMICONDUCTOR MANUFACTURING, BIOMEDICAL MANUFACTURING  
25 OR BIOMEDICAL RESEARCH CONDUCTED AT EACH PROJECT FACILITY FOR A  
26 PERIOD OF FIVE YEARS.

27 (B) LIMITATION.--THE TOTAL AGGREGATE AMOUNT OF TAX CREDITS  
28 AWARDED BY THE DEPARTMENT UNDER THIS SUBARTICLE MAY NOT EXCEED  
29 \$100,000,000.

30 SUBARTICLE F

1 APPLICATION OF PREVAILING WAGE ACT

2 SECTION 1791-L. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE  
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "QUALIFIED PROJECT FACILITY." ANY OF THE FOLLOWING:

7 (1) A PROJECT FACILITY AS DEFINED IN SECTION 1711-L.

8 (2) A PROJECT FACILITY AS DEFINED IN SECTION 1731-L.

9 (3) A PROJECT FACILITY AS DEFINED IN SECTION 1751-L.

10 (4) A PROJECT FACILITY AS DEFINED IN SECTION 1771-L.

11 "QUALIFIED TAX CREDIT RECIPIENT." ANY OF THE FOLLOWING WHO  
12 HAVE BEEN AWARDED A TAX CREDIT:

13 (1) A QUALIFIED TAXPAYER AS DEFINED IN SECTION 1711-L.

14 (2) A QUALIFIED TAXPAYER AS DEFINED IN SECTION 1731-L.

15 (3) A QUALIFIED TAXPAYER AS DEFINED IN SECTION 1751-L.

16 (4) A QUALIFIED TAXPAYER AS DEFINED IN SECTION 1771-L.

17 SECTION 1792-L. PREVAILING WAGE.

18 (A) APPLICATION.--A QUALIFIED PROJECT FACILITY FOR WHICH A  
19 QUALIFIED TAX CREDIT IS SOUGHT AND AWARDED UNDER THIS SUBARTICLE  
20 IS DEEMED TO MEET EACH OF THE MINIMUM REQUIREMENTS NECESSARY TO  
21 APPLY THE WAGE AND BENEFIT RATES, AND RELATED CERTIFICATION OF  
22 PAYROLL RECORDS, REQUIRED BY THE PREVAILING WAGE ACT. A  
23 QUALIFIED TAX CREDIT RECIPIENT, OR THE QUALIFIED TAX CREDIT  
24 RECIPIENT'S AGENT, AND ALL CONTRACTORS AND SUBCONTRACTORS, OF  
25 EVERY TIER, ENGAGED TO PERFORM ON THE QUALIFIED PROJECT FACILITY  
26 MUST COMPLY WITH ALL PROVISIONS AND REQUIREMENTS OF THE  
27 PREVAILING WAGE ACT FOR ALL NEW JOBS AND FOR ALL CRAFTS OR  
28 CLASSIFICATIONS PERFORMING CONSTRUCTION, RECONSTRUCTION,  
29 DEMOLITION, ALTERATION AND REPAIR WORK, OTHER THAN MAINTENANCE  
30 WORK, UNDERTAKEN AT THE QUALIFIED PROJECT FACILITY DURING THE

1 INITIAL CONSTRUCTION AND DURING ANY PERIOD IN WHICH QUALIFIED  
2 TAX CREDITS ARE SOUGHT AND AWARDED FOR THE QUALIFIED PROJECT  
3 FACILITY.

4 (B) COMPLIANCE.--THE DEPARTMENT OF LABOR AND INDUSTRY SHALL  
5 ENFORCE THIS SECTION AND SHALL APPLY THE SAME ADMINISTRATION AND  
6 ENFORCEMENT APPLICABLE TO ANY PROJECT OF CONSTRUCTION,  
7 RECONSTRUCTION, DEMOLITION, ALTERATION AND REPAIR WORK, OTHER  
8 THAN MAINTENANCE WORK, UNDERTAKEN PURSUANT TO THE REQUIREMENTS  
9 OF THE PREVAILING WAGE ACT TO ENSURE COMPLIANCE.

10 (C) NOTIFICATION.--PRIOR TO THE SOLICITATION OF BIDS OR  
11 PROPOSALS OF ANY CONTRACT OR SUBCONTRACT COVERED UNDER  
12 SUBSECTION (A), THE QUALIFIED TAX CREDIT RECIPIENT, OR THE  
13 QUALIFIED TAX CREDIT RECIPIENT'S AGENT, SHALL NOTIFY THE  
14 DEPARTMENT OF LABOR AND INDUSTRY OF THE SOLICITATION AND REQUEST  
15 THE ISSUANCE OF A WAGE AND BENEFIT RATE DETERMINATION FOR ALL  
16 CRAFTS AND CLASSIFICATIONS ANTICIPATED TO PERFORM AT THE  
17 QUALIFIED PROJECT FACILITY. RATE REQUESTS SHALL BE IN CONFORMITY  
18 WITH THE PROCEDURES OF THE PREVAILING WAGE ACT, AND THE  
19 DEPARTMENT OF LABOR AND INDUSTRY SHALL ISSUE RATES UPON REQUEST  
20 AS REQUIRED PURSUANT TO THIS SECTION AND THE PROVISIONS OF THE  
21 PREVAILING WAGE ACT.

22 (D) VIOLATION.--IN ADDITION TO ENFORCEMENT AUTHORIZED UNDER  
23 THE PREVAILING WAGE ACT AND SUBSECTION (B), IF, AFTER NOTICE AND  
24 HEARING, THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES THAT  
25 THE QUALIFIED TAX CREDIT RECIPIENT INTENTIONALLY FAILED TO PAY  
26 OR INTENTIONALLY CAUSED ANOTHER TO FAIL TO PAY PREVAILING WAGE  
27 RATES OR BENEFIT RATES AS SPECIFIED UNDER SECTION 11(H) OF THE  
28 PREVAILING WAGE ACT FOR WORK COVERED UNDER SUBSECTION (A), OR  
29 RATIFIED AN INTENTIONAL FAILURE BY ANY CONTRACTORS OR  
30 SUBCONTRACTORS OF THE QUALIFIED TAX CREDIT RECIPIENT, THE

1 QUALIFIED TAX CREDIT RECIPIENT SHALL BE REQUIRED TO REFUND 10%  
2 OF THE AMOUNT OF THE TAX CREDITS AWARDED TO THE QUALIFIED TAX  
3 CREDIT RECIPIENT FOR THE FIRST FISCAL YEAR FOR WHICH QUALIFIED  
4 TAX CREDITS ARE AWARDED, IN THE CASE OF INITIAL CONSTRUCTION, OR  
5 THE FISCAL YEAR IN WHICH THE INTENTIONAL NONCOMPLIANCE OCCURRED  
6 AS DETERMINED BY THE DEPARTMENT.

7 (E) APPEAL.--A FINDING OF A VIOLATION UNDER SUBSECTION (D)  
8 SHALL BE APPEALABLE UNDER SECTION 2.2(E)(1) OF THE PREVAILING  
9 WAGE ACT AND 34 PA. CODE § 213.3 (RELATING TO APPEALS FROM  
10 DETERMINATIONS OF THE SECRETARY). ANY FINAL DETERMINATION BY THE  
11 APPEALS BOARD UNDER THE PREVAILING WAGE ACT MAY BE APPEALED  
12 UNDER 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

13 Section ~~2~~ 17. The amendment of section 325(d) of the act <--  
14 shall apply to taxable years beginning after December 31, 2021-- <--  
15 2022. <--

16 ~~Section 3. This act shall take effect immediately.~~ <--

17 SECTION 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

18 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

19 (I) THE AMENDMENT OF SECTION 325(A) AND (D)

20 INTRODUCTORY PARAGRAPH OF THE ACT.

21 (II) SECTION 17 OF THIS ACT.

22 (III) THIS SECTION.

23 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
24 DAYS.