

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 54

Session of  
1979

INTRODUCED BY B. F. O'BRIEN, J. L. WRIGHT, JR., LEHR, HASAY AND  
F. TAYLOR, FEBRUARY 5, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 5, 1979

AN ACT

1 Amending the act of May 5, 1933 (P.L.284, No.104), entitled, as  
2 amended, "An act imposing a State tax, payable to those  
3 herein defined as manufacturers and by others, on malt or  
4 brewed beverages used, sold, transported, or delivered within  
5 the Commonwealth; prescribing the method and manner of  
6 evidencing the payment and collection of such tax; conferring  
7 powers and imposing duties on the Department of Revenue, and  
8 those using or engaged in the sale, at retail or wholesale,  
9 or in the transportation of malt or brewed beverages taxable  
10 hereunder; and providing penalties," extending the emergency  
11 malt or brewed beverage tax credits.

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

14 Section 1. Section 10.1, act of May 5, 1933 (P.L.284,  
15 No.104), known as the "Malt Beverage Tax Law," reenacted and  
16 amended July 9, 1935 (P.L.628, No.222) and amended July 9, 1976  
17 (P.L.984, No.198), is amended to read:

18 Section 10.1. (a) The General Assembly of the Commonwealth  
19 of Pennsylvania, conscious of the financial emergency facing the  
20 brewing industry in Pennsylvania and the attendant risk of  
21 business failure and loss of employment opportunity, declares it  
22 public policy that renewal and improvement of the capital

1 facilities of the brewing industry be encouraged and assisted by  
2 a limited tax subsidy to be granted during the period of the  
3 said emergency.

4 (b) As used in this act:

5 "Amounts paid" means (i) amounts actually paid, or (ii) at  
6 the taxpayer's election, amounts promised to be paid under firm  
7 purchase contracts actually executed during any calendar year  
8 falling within the emergency period: Provided, however, That  
9 there shall be no duplication of "amounts paid" under this  
10 definition.

11 "Emergency period" is the period from January 1, 1974 to  
12 December 31, [1979,] 1982, inclusive.

13 "Qualifying capital expenditures" means amounts paid by a  
14 taxpayer during the emergency period for the purchase of items  
15 of plant, machinery or equipment intended for use by the  
16 taxpayer within the Commonwealth in the manufacture and sale of  
17 malt or brewed beverages: Provided, however, That the total  
18 amount of qualifying capital expenditures made by the taxpayer  
19 within a single calendar year included within the emergency  
20 period shall not exceed one hundred thousand dollars  
21 (\$100,000.00).

22 "Secretary" means the Secretary of Revenue of the  
23 Commonwealth of Pennsylvania where not otherwise qualified.

24 "Taxpayer" means a manufacturer of malt or brewed beverages  
25 claiming a tax credit or credits under this act.

26 (c) A tax credit or credits shall be allowed to a taxpayer,  
27 as hereinafter provided, not to exceed in total amount the  
28 amount of qualifying capital expenditures made by the taxpayer  
29 and certified by the secretary.

30 (d) A taxpayer desiring to claim a tax credit or credits

1 under this act shall from time to time, in accordance with  
2 regulations promulgated by the secretary, report to the  
3 secretary the nature, amounts and dates of qualifying capital  
4 expenditures made by him and such other information as the  
5 secretary shall require. If satisfied as to the correctness of  
6 such a report, the secretary shall issue to the taxpayer a  
7 certificate establishing the amount of qualifying capital  
8 expenditures made by the taxpayer and included within said  
9 report.

10 (e) Upon receipt from a taxpayer of a certificate from the  
11 secretary issued under subsection (c) of this section, the  
12 Secretary of Revenue shall grant a tax credit or credits in the  
13 amount certified against any tax then due or thereafter becoming  
14 due from the taxpayer under this act. No credit shall be allowed  
15 against any tax due for any taxable period ending after December  
16 31, [1980.] 1983.

17 Section 2. This act shall take effect immediately.