

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1180 Session of
2017

INTRODUCED BY SIMS, FREEMAN, O'BRIEN, SCHWEYER AND MCNEILL,
APRIL 12, 2017

REFERRED TO COMMITTEE ON FINANCE, APRIL 12, 2017

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:

17 ARTICLE XVIII-H

18 ENERGY STAR-RELATED GLASS

19 OR WINDOW TECHNOLOGIES TAX CREDIT

20 Section 1801-H. Definitions.

21 The following words and phrases when used in this article
22 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

3 "Energy Star-related glass or window technologies tax credit"
4 or "tax credit." The credit provided under this article.

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

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

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

15 Section 1802-H. Eligible applicants.

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

24 Section 1803-H. Award of tax credits.

25 A taxpayer that is qualified under section 1802-H may receive
26 an Energy Star-related glass or window technologies tax credit
27 for the taxable year in an amount equal to 20% of the total
28 amount of all capital, operation and maintenance costs paid for
29 Energy Star-related glass or window technologies in the taxable
30 year to be applied against the taxpayer's qualified tax

1 liability.

2 Section 1804-H. Carryover and carryback of tax credit.

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

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

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

24 Section 1805-H. Availability of tax credits.

25 Each fiscal year, \$10,000,000 in tax credits shall be made
26 available to the department and may be awarded by the department
27 in accordance with this article.

28 Section 1806-H. Regulations.

29 The department shall promulgate regulations necessary for the
30 implementation and administration of this article.

1 Section 2. The addition of sections 1801-H, 1802-H, 1803-H,
2 1804-H, 1805-H and 1806-H of the act shall apply to tax years
3 beginning after December 31, 2016.

4 Section 3. This act shall take effect immediately.