

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 683 Session of
2005

INTRODUCED BY PIPPY, D. WHITE, ERICKSON, KITCHEN, PILEGGI,
LOGAN, ORIE, WOZNIAK, BOSCOLA, LAVALLE, FERLO, GREENLEAF,
WONDERLING, COSTA, ARMSTRONG AND ROBBINS, MAY 11, 2005

REFERRED TO FINANCE, MAY 11, 2005

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," defining, in personal income tax, "disaster
11 losses"; and providing for, in personal income tax, classes
12 of income.

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

15 Section 1. Section 301 of the act of March 4, 1971 (P.L.6,
16 No.2), known as the Tax Reform Code of 1971, is amended by
17 adding a clause to read:

18 Section 301. Definitions.--The following words, terms and
19 phrases when used in this article shall have the meaning
20 ascribed to them in this section except where the context
21 clearly indicates a different meaning, and, unless specifically
22 provided otherwise, any reference in this article to the

1 Internal Revenue Code of 1986 shall mean the Internal Revenue
2 Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), as
3 amended to January 1, 1997:

4 * * *

5 (x) "Disaster loss" means any loss sustained by the
6 operation of a business, profession or other activity during the
7 taxable year and not compensated for by insurance or otherwise
8 that is attributable to a disaster occurring in an area of this
9 Commonwealth subsequently determined by the President of the
10 United States to warrant assistance by the Federal Government
11 under The Robert T. Stafford Disaster Relief and Emergency
12 Assistance Act (Public Law 93-288, 88 Stat. 143) and are
13 deductible under section 165 of the Internal Revenue Code of
14 1986.

15 Section 2. Section 303 of the act is amended by adding a
16 subsection to read:

17 Section 303. Classes of Income.--* * *

18 (a.4) A disaster loss may be used to offset income from the
19 classes of income set forth in subsection (a) regardless of the
20 class of income in which the disaster loss is incurred.

21 * * *

22 Section 3. This act shall apply to any disaster loss
23 incurred on or after September 19, 2004, for the taxable year
24 beginning January 1, 2004, and each year thereafter.

25 Section 4. This act shall take effect immediately.