

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1239 Session of
2005

INTRODUCED BY WOJNAROSKI, GEORGE, PHILLIPS, BELARDI, FLEAGLE,
ARMSTRONG, GOOD, DENLINGER, MARKOSEK, CALTAGIRONE, BEBKO-
JONES, HASAY, FABRIZIO, HARRIS, FAIRCHILD, READSHAW, TIGUE,
PETRARCA, GEIST, KOTIK, DeLUCA, DeWEESE, YUDICHAK, BARRAR,
SHANER, SAINATO, SOLOBAY, STABACK, MANN, TANGRETTI,
S. MILLER, PISTELLA, REICHLEY, BOYD, WALKO AND CAPPELLI,
MARCH 30, 2005

REFERRED TO COMMITTEE ON FINANCE, MARCH 30, 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," further providing for transfers not subject to
11 inheritance tax.

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

14 Section 1. Section 2102 of the act of March 4, 1971 (P.L.6,
15 No.2), known as the Tax Reform Code of 1971, is amended by
16 adding a definition to read:

17 Section 2102. Definitions.--The following words, terms and
18 phrases, when used in this article, shall have the meanings
19 ascribed to them in this section, except where the context
20 clearly indicates a different meaning:

1 * * *

2 "Military service decedent." An individual who dies on or
3 after September 11, 2001, while serving in the armed forces of
4 the United States in an area designated by the President of the
5 United States by an executive order as a "combat zone," as
6 described in section 7508 of the Internal Revenue Code of 1986
7 (Public Law 99-514, 26 U.S.C. § 7508).

8 * * *

9 Section 2. Sections 2111 and 2136 of the act are amended by
10 adding subsections to read:

11 Section 2111. Transfers Not Subject to Tax.--* * *

12 (f.1) (1) Property inherited by a person from a military
13 service decedent is exempt from inheritance tax.

14 (2) A person applying for an exemption under this subsection
15 must present a statement to the department certifying that the
16 property being inherited is from a military service decedent.

17 * * *

18 Section 2136. Returns.--* * *

19 (g) This section shall not apply to the estates of military
20 service decedents dying on or after September 11, 2001.

21 Section 3. This act shall apply to the estates of military
22 service decedents dying on or after September 11, 2001, and to
23 inter vivos transfers made by military service decedents dying
24 on or after September 11, 2001, regardless of the date of the
25 transfer.

26 Section 4. This act shall take effect in 60 days.