

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1531 Session of 2009

INTRODUCED BY GEORGE, MELIO, ADOLPH, BELFANTI, BOBACK, BRADFORD, BRENNAN, BRIGGS, BROWN, CALTAGIRONE, CARROLL, CASORIO, COHEN, CONKLIN, D. COSTA, CREIGHTON, DONATUCCI, EVERETT, FAIRCHILD, FRANKEL, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARPER, HORNAMAN, JOHNSON, JOSEPHS, W. KELLER, KOTIK, KULA, LONGIETTI, MCGEEHAN, MCILVAINE SMITH, MICOZZIE, MILLARD, MUNDY, MURPHY, MURT, PAYNE, PHILLIPS, READSHAW, REICHLLEY, SCAVELLO, SEIP, SIPTROTH, STABACK, STURLA, SWANGER, J. TAYLOR, TRUE, VULAKOVICH, WATERS, YOUNGBLOOD, YUDICHAK, EACHUS, BEYER, KORTZ, GINGRICH, HOUGHTON, MENSCH, BURNS AND MIRABITO, MAY 26, 2009

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, SEPTEMBER 24, 2009

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 TIME FOR FILING RETURNS, ←
11 FOR TIME OF PAYMENT, FOR continuation of the Military Family ←
12 Relief Assistance Program AND FOR PAYMENT OF TAXES WITHHELD; ←
13 and providing for AN EDUCATIONAL IMPROVEMENT TAX CREDIT AND ←
14 FOR a limited tax amnesty program; AND MAKING A RELATED ←
15 REPEAL.

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

18 Section 1. ~~Section 315.9 of the act of March 4, 1971 (P.L.6,~~ ←
19 ~~No.2), known as the Tax Reform Code of 1971, amended July 25,~~

1 ~~2007 (P.L.373, No.55), is amended to read:~~

2 ~~Section 315.9. Operational Provisions. (a) Except for the~~
3 ~~checkoff established under sections 315.2, 315.6 and 315.7 and~~
4 ~~except as otherwise provided under subsection (b), the checkoffs~~
5 ~~established under this part shall apply through taxable years~~
6 ~~ending December 31, 2007.~~

7 ~~(b) [Any] Except as provided under subsection (d), any~~
8 ~~checkoff established under this part and applicable for the~~
9 ~~first time in a taxable year beginning after December 31, 2003,~~
10 ~~shall expire four years after the beginning of such first~~
11 ~~taxable year.~~

12 ~~(c) Sections 315.3 and 315.4 shall expire January 1, 2010.~~

13 ~~(d) Any checkoff established under section 315.8 shall apply~~
14 ~~through taxable years ending December 31, 2015.~~

15 ~~Section 2. The act is amended by adding an article to read:~~

16 SECTION 1. SECTION 217 OF THE ACT OF MARCH 4, 1971 (P.L.6, ←
17 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, AMENDED JULY 1,
18 1985 (P.L.78, NO.29), IS AMENDED TO READ:

19 SECTION 217. TIME FOR FILING RETURNS.--(A) QUARTERLY [AND],
20 MONTHLY AND SEMI-MONTHLY RETURNS:

21 (1) FOR THE YEAR IN WHICH THIS ARTICLE BECOMES EFFECTIVE AND
22 IN EACH YEAR THEREAFTER A RETURN SHALL BE FILED QUARTERLY BY
23 EVERY LICENSEE ON OR BEFORE THE TWENTIETH DAY OF APRIL, JULY,
24 OCTOBER AND JANUARY FOR THE THREE MONTHS ENDING THE LAST DAY OF
25 MARCH, JUNE, SEPTEMBER AND DECEMBER.

26 (2) FOR THE YEAR IN WHICH THIS ARTICLE BECOMES EFFECTIVE,
27 AND IN EACH YEAR THEREAFTER, A RETURN SHALL BE FILED MONTHLY
28 WITH RESPECT TO EACH MONTH BY EVERY LICENSEE WHOSE TOTAL TAX
29 REPORTED, OR IN THE EVENT NO REPORT IS FILED, THE TOTAL TAX
30 WHICH SHOULD HAVE BEEN REPORTED, FOR THE THIRD CALENDAR QUARTER

1 OF THE PRECEDING YEAR EQUALS OR EXCEEDS SIX HUNDRED DOLLARS
2 (\$600) AND IS LESS THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000).
3 SUCH RETURNS SHALL BE FILED ON OR BEFORE THE TWENTIETH DAY OF
4 THE NEXT SUCCEEDING MONTH WITH RESPECT TO WHICH THE RETURN IS
5 MADE. ANY LICENSEE REQUIRED TO FILE MONTHLY RETURNS HEREUNDER
6 SHALL BE RELIEVED FROM FILING QUARTERLY RETURNS.

7 (3) AFTER MAY 31, 2010, A RETURN SHALL BE FILED SEMI-MONTHLY
8 WITH RESPECT TO EACH MONTH BY EVERY LICENSEE WHOSE TOTAL TAX
9 REPORTED OR, IF NO REPORT IS FILED, THE TOTAL TAX WHICH SHOULD
10 HAVE BEEN REPORTED, FOR THE THIRD CALENDAR QUARTER OF THE
11 PRECEDING YEAR EQUALS OR EXCEEDS TWENTY-FIVE THOUSAND DOLLARS
12 (\$25,000). FOR THE PERIOD FROM THE FIRST DAY OF THE MONTH TO THE
13 FIFTEENTH DAY OF THE MONTH, THE RETURNS SHALL BE FILED ON OR
14 BEFORE THE TWENTY-FIFTH DAY OF THE MONTH. FOR THE PERIOD FROM
15 THE SIXTEENTH DAY OF THE MONTH TO THE LAST DAY OF THE MONTH, THE
16 RETURNS SHALL BE FILED ON OR BEFORE THE TENTH DAY OF THE NEXT
17 SUCCEEDING MONTH WITH RESPECT TO WHICH THE RETURN IS MADE. ANY
18 LICENSEE REQUIRED TO FILE SEMI-MONTHLY RETURNS UNDER THIS
19 SECTION SHALL BE RELIEVED FROM FILING MONTHLY OR QUARTERLY
20 RETURNS.

21 (B) ANNUAL RETURNS. FOR THE CALENDAR YEAR 1971, AND FOR EACH
22 YEAR THEREAFTER, NO ANNUAL RETURN SHALL BE FILED, EXCEPT AS MAY
23 BE REQUIRED BY RULES AND REGULATIONS OF THE DEPARTMENT
24 PROMULGATED AND PUBLISHED AT LEAST SIXTY DAYS PRIOR TO THE END
25 OF THE YEAR WITH RESPECT TO WHICH THE RETURNS ARE MADE. WHERE
26 SUCH ANNUAL RETURNS ARE REQUIRED LICENSEES SHALL NOT BE REQUIRED
27 TO FILE SUCH RETURNS PRIOR TO THE TWENTIETH DAY OF THE YEAR
28 SUCCEEDING THE YEAR WITH RESPECT TO WHICH THE RETURNS ARE MADE.

29 (C) OTHER RETURNS. ANY PERSON, OTHER THAN A LICENSEE, LIABLE
30 TO PAY TO THE DEPARTMENT ANY TAX UNDER THIS ARTICLE, SHALL FILE

1 A RETURN ON OR BEFORE THE TWENTIETH DAY OF THE MONTH SUCCEEDING
2 THE MONTH IN WHICH SUCH PERSON BECOMES LIABLE FOR THE TAX.

3 (D) SMALL TAXPAYERS. THE DEPARTMENT, BY REGULATION, MAY
4 WAIVE THE REQUIREMENT FOR THE FILING OF QUARTERLY RETURN IN THE
5 CASE OF ANY LICENSEE WHOSE INDIVIDUAL TAX COLLECTIONS DO NOT
6 EXCEED SEVENTY-FIVE DOLLARS (\$75) PER CALENDAR QUARTER AND MAY
7 PROVIDE FOR REPORTING ON A LESS FREQUENT BASIS IN SUCH CASES.

8 SECTION 1.1. SECTION 222 OF THE ACT IS AMENDED TO READ:

9 SECTION 222. TIME OF PAYMENT.--(A) MONTHLY, [BIMONTHLY]
10 SEMI-MONTHLY AND QUARTERLY PAYMENTS. THE TAX IMPOSED BY THIS
11 ARTICLE AND INCURRED OR COLLECTED BY A LICENSEE SHALL BE DUE AND
12 PAYABLE BY THE LICENSEE ON THE DAY THE RETURN IS REQUIRED TO BE
13 FILED UNDER THE PROVISIONS OF SECTION 217 AND SUCH PAYMENT MUST
14 ACCOMPANY THE RETURN FOR SUCH PRECEDING PERIOD,

15 (B) ANNUAL PAYMENTS. IF THE AMOUNT OF TAX DUE FOR THE
16 PRECEDING YEAR AS SHOWN BY THE ANNUAL RETURN OF ANY TAXPAYER IS
17 GREATER THAN THE AMOUNT ALREADY PAID BY HIM IN CONNECTION WITH
18 HIS MONTHLY, SEMI-MONTHLY OR QUARTERLY RETURNS HE SHALL SEND
19 WITH SUCH ANNUAL RETURN A REMITTANCE FOR THE UNPAID AMOUNT OF
20 TAX FOR THE YEAR.

21 (C) OTHER PAYMENTS. ANY PERSON OTHER THAN A LICENSEE LIABLE
22 TO PAY ANY TAX UNDER THIS ARTICLE SHALL REMIT THE TAX AT THE
23 TIME OF FILING THE RETURN REQUIRED BY THIS ARTICLE.

24 SECTION 2. SECTION 315.9 OF THE ACT, AMENDED JULY 25, 2007
25 (P.L.373, NO.55), IS AMENDED TO READ:

26 SECTION 315.9. OPERATIONAL PROVISIONS.--(A) EXCEPT FOR THE
27 CHECKOFF ESTABLISHED UNDER SECTIONS 315.2, 315.6 AND 315.7 AND
28 EXCEPT AS OTHERWISE PROVIDED [UNDER SUBSECTION (B)] IN THIS
29 SECTION, THE CHECKOFFS ESTABLISHED UNDER THIS PART SHALL APPLY
30 THROUGH TAXABLE YEARS ENDING DECEMBER 31, 2007.

1 (B) [ANY] EXCEPT AS SET FORTH IN SUBSECTION (C), ANY
2 CHECKOFF ESTABLISHED UNDER THIS PART AND APPLICABLE FOR THE
3 FIRST TIME IN A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2003,
4 SHALL EXPIRE FOUR YEARS AFTER THE BEGINNING OF SUCH FIRST
5 TAXABLE YEAR.

6 (C) SECTIONS [315.3 AND 315.4 SHALL EXPIRE JANUARY 1, 2010]
7 315.3, 315.4 AND 315.8 SHALL EXPIRE JANUARY 1, 2014.

8 SECTION 3. SECTION 319 OF THE ACT, REPEALED AND ADDED AUGUST
9 31, 1971 (P.L.362, NO.93), IS AMENDED TO READ:

10 SECTION 319. [MONTHLY, SEMI-MONTHLY AND QUARTERLY] PAYMENT
11 OF TAXES WITHHELD.--EVERY EMPLOYER WITHHOLDING TAX UNDER THIS
12 ARTICLE SHALL PAY OVER TO THE DEPARTMENT OR TO A DEPOSITORY
13 DESIGNATED BY IT THE TAX REQUIRED TO BE DEDUCTED AND WITHHELD
14 UNDER THIS ARTICLE.

15 (1) WHERE THE AGGREGATE AMOUNT REQUIRED TO BE DEDUCTED AND
16 WITHHELD BY ANY EMPLOYER FOR [EACH QUARTERLY PERIOD] A CALENDAR
17 YEAR CAN REASONABLY BE EXPECTED TO BE LESS THAN [THREE HUNDRED
18 DOLLARS (\$300)] TWELVE HUNDRED DOLLARS (\$1,200), SUCH EMPLOYER
19 SHALL FILE A RETURN AND PAY THE TAX ON OR BEFORE THE LAST DAY
20 FOR FILING A QUARTERLY RETURN UNDER SECTION 318.

21 (2) WHERE THE AGGREGATE AMOUNT REQUIRED TO BE DEDUCTED AND
22 WITHHELD BY ANY EMPLOYER FOR [EACH QUARTERLY PERIOD] A CALENDAR
23 YEAR CAN REASONABLY BE EXPECTED TO BE [THREE HUNDRED DOLLARS
24 (\$300) OR MORE BUT LESS THAN ONE THOUSAND DOLLARS (\$1,000)]
25 TWELVE HUNDRED DOLLARS (\$1,200) OR MORE BUT LESS THAN FOUR
26 THOUSAND DOLLARS (\$4,000), SUCH EMPLOYER SHALL PAY THE TAX
27 MONTHLY, ON OR BEFORE THE FIFTEENTH DAY OF THE MONTH SUCCEEDING
28 THE MONTHS OF JANUARY TO NOVEMBER, INCLUSIVE, AND ON OR BEFORE
29 THE LAST DAY OF JANUARY FOLLOWING THE MONTH OF DECEMBER.

30 (3) WHERE THE AGGREGATE AMOUNT REQUIRED TO BE DEDUCTED AND

1 WITHHELD BY ANY EMPLOYER FOR [EACH QUARTERLY PERIOD] A CALENDAR
2 YEAR CAN REASONABLY BE EXPECTED TO BE [ONE THOUSAND DOLLARS
3 (\$1,000) OR MORE] FOUR THOUSAND DOLLARS (\$4,000) OR MORE BUT
4 LESS THAN TWENTY THOUSAND DOLLARS (\$20,000), SUCH EMPLOYER SHALL
5 PAY THE TAX SEMI-MONTHLY, WITHIN THREE BANKING DAYS AFTER THE
6 CLOSE OF THE SEMI-MONTHLY PERIOD.

7 (4) WHERE THE AGGREGATE AMOUNT REQUIRED TO BE DEDUCTED AND
8 WITHHELD BY ANY EMPLOYER FOR A CALENDAR YEAR CAN REASONABLY BE
9 EXPECTED TO BE TWENTY THOUSAND DOLLARS (\$20,000) OR MORE, SUCH
10 EMPLOYER SHALL PAY THE TAX ON THE WEDNESDAY AFTER PAYDAY IF THE
11 PAYDAY FALLS ON A WEDNESDAY, THURSDAY OR FRIDAY AND ON THE
12 FRIDAY AFTER PAYDAY IF THE PAYDAY FALLS ON A SATURDAY, SUNDAY,
13 MONDAY OR TUESDAY.

14 NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY,
15 WHENEVER ANY EMPLOYER FAILS TO DEDUCT OR TRUTHFULLY ACCOUNT FOR
16 OR PAY OVER THE TAX WITHHELD OR FILE RETURNS AS PRESCRIBED BY
17 THIS ARTICLE, THE DEPARTMENT MAY SERVE A NOTICE ON SUCH EMPLOYER
18 REQUIRING HIM TO WITHHOLD TAXES WHICH ARE REQUIRED TO BE
19 DEDUCTED UNDER THIS ARTICLE AND DEPOSIT SUCH TAXES IN A BANK
20 APPROVED BY THE DEPARTMENT IN A SEPARATE ACCOUNT IN TRUST FOR
21 AND PAYABLE TO THE DEPARTMENT, AND TO KEEP THE AMOUNT OF SUCH
22 TAX IN SUCH ACCOUNT UNTIL PAYMENT OVER TO THE DEPARTMENT. SUCH
23 NOTICE SHALL REMAIN IN EFFECT UNTIL A NOTICE OF CANCELLATION IS
24 SERVED ON THE EMPLOYER BY THE DEPARTMENT.

25 SECTION 4. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

26 ARTICLE XVII-F

27 EDUCATIONAL IMPROVEMENT TAX CREDIT

28 SECTION 1701-F. SCOPE.

29 THIS ARTICLE ESTABLISHES THE EDUCATIONAL IMPROVEMENT TAX
30 CREDIT.

1 SECTION 1702-F. DEFINITIONS.

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

5 "BUSINESS FIRM." AN ENTITY AUTHORIZED TO DO BUSINESS IN THIS
6 COMMONWEALTH AND SUBJECT TO TAXES IMPOSED UNDER ARTICLE III, IV,
7 VI, VII, VIII, IX OR XV. THE TERM INCLUDES A PASS-THROUGH
8 ENTITY.

9 "CONTRIBUTION." A DONATION OF CASH, PERSONAL PROPERTY OR
10 SERVICES THE VALUE OF WHICH IS THE NET COST OF THE DONATION TO
11 THE DONOR OR THE PRO RATA HOURLY WAGE, INCLUDING BENEFITS, OF
12 THE INDIVIDUAL PERFORMING THE SERVICES.

13 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC
14 DEVELOPMENT OF THE COMMONWEALTH.

15 "EDUCATIONAL IMPROVEMENT ORGANIZATION." A NONPROFIT ENTITY
16 WHICH:

17 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)
18 (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514,
19 26 U.S.C. § 1 ET SEQ.); AND

20 (2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL RECEIPTS AS
21 GRANTS TO A PUBLIC SCHOOL FOR INNOVATIVE EDUCATIONAL
22 PROGRAMS.

23 FOR PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY

24 "CONTRIBUTES" ITS ANNUAL CASH RECEIPTS WHEN IT EXPENDS OR
25 OTHERWISE IRREVOCABLY ENCUMBERS THOSE FUNDS FOR EXPENDITURE
26 DURING THE THEN CURRENT FISCAL YEAR OF THE NONPROFIT ENTITY OR
27 DURING THE NEXT SUCCEEDING FISCAL YEAR OF THE NONPROFIT ENTITY.

28 "ELIGIBLE PRE-KINDERGARTEN STUDENT." A STUDENT, INCLUDING AN
29 ELIGIBLE STUDENT WITH A DISABILITY, WHO IS ENROLLED IN A PRE-
30 KINDERGARTEN PROGRAM AND IS A MEMBER OF A HOUSEHOLD WITH A

1 MAXIMUM ANNUAL HOUSEHOLD INCOME AS INCREASED BY THE APPLICABLE
2 INCOME ALLOWANCE.

3 "ELIGIBLE STUDENT." A SCHOOL-AGE STUDENT, INCLUDING AN
4 ELIGIBLE STUDENT WITH A DISABILITY, WHO IS ENROLLED IN A SCHOOL
5 AND IS A MEMBER OF A HOUSEHOLD WITH A MAXIMUM ANNUAL HOUSEHOLD
6 INCOME AS INCREASED BY THE APPLICABLE INCOME ALLOWANCE.

7 "ELIGIBLE STUDENT WITH A DISABILITY." A PRE-KINDERGARTEN
8 STUDENT OR A SCHOOL-AGE STUDENT WHO MEETS ALL OF THE FOLLOWING:

9 (1) IS EITHER ENROLLED IN A SPECIAL EDUCATION SCHOOL OR
10 HAS OTHERWISE BEEN IDENTIFIED, IN ACCORDANCE WITH 22 PA. CODE
11 CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS),
12 AS A "CHILD WITH A DISABILITY," AS DEFINED IN 34 CFR § 300.8
13 (RELATING TO CHILD WITH DISABILITY).

14 (2) NEEDS SPECIAL EDUCATION AND RELATED SERVICES.

15 (3) IS ENROLLED IN A PRE-KINDERGARTEN PROGRAM OR IN A
16 SCHOOL.

17 (4) IS A MEMBER OF A HOUSEHOLD WITH AN ANNUAL HOUSEHOLD
18 INCOME OF NOT MORE THAN THE MAXIMUM ALLOWABLE HOUSEHOLD
19 INCOME FOR STUDENTS WITH A DISABILITY.

20 "HOUSEHOLD." AN INDIVIDUAL LIVING ALONE OR WITH THE
21 FOLLOWING: A SPOUSE, PARENT AND THEIR UNEMANCIPATED MINOR
22 CHILDREN; AND OTHER UNEMANCIPATED MINOR CHILDREN WHO ARE RELATED
23 BY BLOOD OR MARRIAGE; OR OTHER ADULTS OR UNEMANCIPATED MINOR
24 CHILDREN LIVING IN THE HOUSEHOLD WHO ARE DEPENDENT UPON THE
25 INDIVIDUAL.

26 "HOUSEHOLD INCOME." ALL MONEYS OR PROPERTY RECEIVED OF
27 WHATEVER NATURE AND FROM WHATEVER SOURCE DERIVED. THE TERM DOES
28 NOT INCLUDE THE FOLLOWING:

29 (1) PERIODIC PAYMENTS FOR SICKNESS AND DISABILITY OTHER
30 THAN REGULAR WAGES RECEIVED DURING A PERIOD OF SICKNESS OR

1 DISABILITY.

2 (2) DISABILITY, RETIREMENT OR OTHER PAYMENTS ARISING
3 UNDER WORKERS' COMPENSATION ACTS, OCCUPATIONAL DISEASE ACTS
4 AND SIMILAR LEGISLATION BY ANY GOVERNMENT.

5 (3) PAYMENTS COMMONLY RECOGNIZED AS OLD-AGE OR
6 RETIREMENT BENEFITS PAID TO PERSONS RETIRED FROM SERVICE
7 AFTER REACHING A SPECIFIC AGE OR AFTER A STATED PERIOD OF
8 EMPLOYMENT.

9 (4) PAYMENTS COMMONLY KNOWN AS PUBLIC ASSISTANCE OR
10 UNEMPLOYMENT COMPENSATION PAYMENTS BY A GOVERNMENTAL AGENCY.

11 (5) PAYMENTS TO REIMBURSE ACTUAL EXPENSES.

12 (6) PAYMENTS MADE BY EMPLOYERS OR LABOR UNIONS FOR
13 PROGRAMS COVERING HOSPITALIZATION, SICKNESS, DISABILITY OR
14 DEATH, SUPPLEMENTAL UNEMPLOYMENT BENEFITS, STRIKE BENEFITS,
15 SOCIAL SECURITY AND RETIREMENT.

16 (7) COMPENSATION RECEIVED BY UNITED STATES SERVICEMEN
17 SERVING IN A COMBAT ZONE.

18 "INCOME ALLOWANCE."

19 (1) AS FOLLOWS:

20 (I) BEFORE JULY 1, 2011, \$10,000 FOR EACH ELIGIBLE
21 STUDENT, ELIGIBLE PRE-KINDERGARTEN STUDENT AND DEPENDENT
22 MEMBER OF THE HOUSEHOLD.

23 (II) AFTER JUNE 30, 2011, \$12,000 FOR EACH ELIGIBLE
24 STUDENT, ELIGIBLE PRE-KINDERGARTEN STUDENT AND DEPENDENT
25 MEMBER OF THE HOUSEHOLD.

26 (2) BEGINNING JULY 12, 2012, THE DEPARTMENT OF COMMUNITY
27 AND ECONOMIC DEVELOPMENT SHALL ADJUST THE INCOME ALLOWANCE
28 AMOUNTS UNDER PARAGRAPH (1) TO REFLECT ANY UPWARD CHANGES IN
29 THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE
30 PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA IN THE

1 PRECEDING 12 MONTHS AND SHALL IMMEDIATELY SUBMIT THE ADJUSTED
2 AMOUNTS TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION
3 AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

4 "INNOVATIVE EDUCATIONAL PROGRAM." AN ADVANCED ACADEMIC OR
5 SIMILAR PROGRAM THAT IS NOT PART OF THE REGULAR ACADEMIC PROGRAM
6 OF A PUBLIC SCHOOL BUT THAT ENHANCES THE CURRICULUM OR ACADEMIC
7 PROGRAM OF THE PUBLIC SCHOOL OR PROVIDES PRE-KINDERGARTEN
8 PROGRAMS TO PUBLIC SCHOOL STUDENTS.

9 "MAXIMUM ALLOWABLE HOUSEHOLD INCOME FOR STUDENTS WITH A
10 DISABILITY."

11 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), AS FOLLOWS:

12 (I) BEFORE JULY 1, 2011, NOT MORE THAN \$50,000.

13 (II) AFTER JUNE 30, 2011, NOT MORE THAN \$60,000.

14 (2) WITH RESPECT TO AN ELIGIBLE STUDENT WITH A
15 DISABILITY, AS CALCULATED BY MULTIPLYING:

16 (I) THE SUM OF:

17 (A) THE APPLICABLE AMOUNT UNDER PARAGRAPH (1);

18 AND

19 (B) THE APPLICABLE INCOME ALLOWANCE; BY

20 (II) THE APPLICABLE SUPPORT LEVEL FACTOR ACCORDING TO
21 THE FOLLOWING TABLE:

<u>SUPPORT LEVEL</u>	<u>SUPPORT LEVEL FACTOR</u>
<u>1</u>	<u>1.50</u>
<u>2</u>	<u>2.993</u>

25 (3) BEGINNING ON JULY 12, 2012, THE DEPARTMENT OF
26 COMMUNITY AND ECONOMIC DEVELOPMENT SHALL ADJUST THE INCOME
27 AMOUNTS UNDER PARAGRAPH (1) AND (2) TO REFLECT ANY UPWARD
28 CHANGES IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS
29 FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA
30 IN THE PRECEDING 12 MONTHS AND SHALL IMMEDIATELY SUBMIT THE

1 ADJUSTED AMOUNTS TO THE LEGISLATIVE REFERENCE BUREAU FOR
2 PUBLICATION AS A NOTICE IN THE PENNSYLVANIA BULLETIN.
3 "PASS-THROUGH ENTITY." A PARTNERSHIP AS DEFINED IN SECTION
4 301(N.0), A SINGLE-MEMBER LIMITED LIABILITY COMPANY TREATED AS A
5 DISREGARDED ENTITY FOR FEDERAL INCOME TAX PURPOSES OR A
6 PENNSYLVANIA S CORPORATION AS DEFINED IN SECTION 301(N.1).

7 "PRE-KINDERGARTEN PROGRAM." A PROGRAM OF INSTRUCTION FOR
8 THREE-YEAR-OLD OR FOUR-YEAR-OLD STUDENTS THAT UTILIZES A
9 CURRICULUM ALIGNED WITH THE CURRICULUM OF THE SCHOOL WITH WHICH
10 IT IS AFFILIATED AND WHICH PROVIDES ONE OF THE FOLLOWING:

11 (1) A MINIMUM OF TWO HOURS OF INSTRUCTIONAL AND
12 DEVELOPMENTAL ACTIVITIES PER DAY AT LEAST 60 DAYS PER SCHOOL
13 YEAR.

14 (2) A MINIMUM OF TWO HOURS OF INSTRUCTIONAL AND
15 DEVELOPMENTAL ACTIVITIES PER DAY AT LEAST 20 DAYS OVER THE
16 SUMMER RECESS.

17 "PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATION." A NONPROFIT
18 ENTITY WHICH:

19 (1) EITHER IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION
20 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
21 99-514, 26 U.S.C. § 1 ET SEQ.) OR IS OPERATED AS A SEPARATE
22 SEGREGATED FUND BY A SCHOLARSHIP ORGANIZATION THAT HAS BEEN
23 QUALIFIED UNDER SECTION 1703-F; AND

24 (2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL CASH RECEIPTS
25 TO A PRE-KINDERGARTEN SCHOLARSHIP PROGRAM BY EXPENDING OR
26 OTHERWISE IRREVOCABLY ENCUMBERING THOSE FUNDS FOR
27 DISTRIBUTION DURING THE THEN CURRENT FISCAL YEAR OF THE
28 ORGANIZATION OR DURING THE NEXT SUCCEEDING FISCAL YEAR OF THE
29 ORGANIZATION.

30 "PRE-KINDERGARTEN SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE

1 TUITION TO ELIGIBLE PRE-KINDERGARTEN STUDENTS TO ATTEND A PRE-
2 KINDERGARTEN PROGRAM OPERATED BY OR IN CONJUNCTION WITH A SCHOOL
3 LOCATED IN THIS COMMONWEALTH AND THAT INCLUDES AN APPLICATION
4 AND REVIEW PROCESS FOR THE PURPOSE OF MAKING AWARDS TO ELIGIBLE
5 PRE-KINDERGARTEN STUDENTS AND AWARDS SCHOLARSHIPS TO ELIGIBLE
6 PRE-KINDERGARTEN STUDENTS WITHOUT LIMITING AVAILABILITY TO ONLY
7 STUDENTS OF ONE SCHOOL.

8 "PUBLIC SCHOOL." A PUBLIC PRE-KINDERGARTEN WHERE COMPULSORY
9 ATTENDANCE REQUIREMENTS DO NOT APPLY OR A PUBLIC KINDERGARTEN,
10 ELEMENTARY SCHOOL OR SECONDARY SCHOOL AT WHICH THE COMPULSORY
11 ATTENDANCE REQUIREMENTS OF THIS COMMONWEALTH MAY BE MET AND
12 WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL
13 RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

14 "SCHOLARSHIP ORGANIZATION." A NONPROFIT ENTITY WHICH:

15 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)
16 (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514,
17 26 U.S.C. § 1 ET SEQ.); AND

18 (2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL CASH RECEIPTS
19 TO A SCHOLARSHIP PROGRAM.

20 FOR PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY

21 "CONTRIBUTES" ITS ANNUAL CASH RECEIPTS TO A SCHOLARSHIP PROGRAM
22 WHEN IT EXPENDS OR OTHERWISE IRREVOCABLY ENCUMBERS THOSE FUNDS
23 FOR DISTRIBUTION DURING THE THEN CURRENT FISCAL YEAR OF THE
24 NONPROFIT ENTITY OR DURING THE NEXT SUCCEEDING FISCAL YEAR OF
25 THE NONPROFIT ENTITY.

26 "SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE TUITION TO
27 ELIGIBLE STUDENTS TO ATTEND A SCHOOL LOCATED IN THIS
28 COMMONWEALTH. A SCHOLARSHIP PROGRAM MUST INCLUDE AN APPLICATION
29 AND REVIEW PROCESS FOR THE PURPOSE OF MAKING AWARDS TO ELIGIBLE
30 STUDENTS. THE AWARD OF SCHOLARSHIPS TO ELIGIBLE STUDENTS SHALL

1 BE MADE WITHOUT LIMITING AVAILABILITY TO ONLY STUDENTS OF ONE
2 SCHOOL.

3 "SCHOOL." A PUBLIC OR NONPUBLIC PRE-KINDERGARTEN,
4 KINDERGARTEN, ELEMENTARY SCHOOL OR SECONDARY SCHOOL AT WHICH THE
5 COMPULSORY ATTENDANCE REQUIREMENTS OF THE COMMONWEALTH MAY BE
6 MET AND WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF
7 THE CIVIL RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

8 "SCHOOL AGE." CHILDREN FROM THE EARLIEST ADMISSION AGE TO A
9 SCHOOL'S PRE-KINDERGARTEN OR KINDERGARTEN PROGRAM OR, WHEN NO
10 PRE-KINDERGARTEN OR KINDERGARTEN PROGRAM IS PROVIDED, THE
11 SCHOOL'S EARLIEST ADMISSION AGE FOR BEGINNERS, UNTIL THE END OF
12 THE SCHOOL YEAR THE STUDENT ATTAINS 21 YEARS OF AGE OR
13 GRADUATION FROM HIGH SCHOOL, WHICHEVER OCCURS FIRST.

14 "SPECIAL EDUCATION SCHOOL." A SCHOOL OR PROGRAM WITHIN A
15 SCHOOL THAT IS DESIGNATED SPECIFICALLY AND EXCLUSIVELY FOR
16 STUDENTS WITH ANY OF THE DISABILITIES LISTED IN 34 CFR § 300.8
17 (RELATING TO CHILD WITH DISABILITY) AND MEETS ONE OF THE
18 FOLLOWING:

19 (1) IS LICENSED UNDER THE ACT OF JANUARY 28, 1988
20 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC SCHOOLS ACT.

21 (2) IS ACCREDITED BY AN ACCREDITING ASSOCIATION APPROVED
22 BY THE STATE BOARD OF EDUCATION.

23 (3) IS A SCHOOL FOR THE BLIND OR DEAF RECEIVING
24 COMMONWEALTH APPROPRIATIONS.

25 (4) IS OPERATED BY OR UNDER THE AUTHORITY OF A BONA FIDE
26 RELIGIOUS INSTITUTION OR BY THE COMMONWEALTH OR ANY POLITICAL
27 SUBDIVISION THEREOF.

28 "SUPPORT LEVEL." THE LEVEL OF SUPPORT NEEDED BY AN ELIGIBLE
29 STUDENT WITH A DISABILITY, AS SET FORTH IN THE FOLLOWING MATRIX:

30 SUPPORT LEVEL 1 - THE STUDENT IS NOT ENROLLED IN A

1 SPECIAL EDUCATION SCHOOL.

2 SUPPORT LEVEL 2 - THE STUDENT IS ENROLLED AS A STUDENT IN
3 A SPECIAL EDUCATION SCHOOL.

4 SECTION 1703-F. QUALIFICATION AND APPLICATION.

5 (A) ESTABLISHMENT.--IN ACCORDANCE WITH SECTION 14 OF ARTICLE
6 III OF THE CONSTITUTION OF PENNSYLVANIA, AN EDUCATIONAL
7 IMPROVEMENT TAX CREDIT PROGRAM IS HEREBY ESTABLISHED TO ENHANCE
8 THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO ALL STUDENTS IN THIS
9 COMMONWEALTH.

10 (B) INFORMATION.--IN ORDER TO QUALIFY UNDER THIS ARTICLE, A
11 SCHOLARSHIP ORGANIZATION, A PRE-KINDERGARTEN SCHOLARSHIP
12 ORGANIZATION OR AN EDUCATIONAL IMPROVEMENT ORGANIZATION MUST
13 SUBMIT INFORMATION TO THE DEPARTMENT THAT ENABLES THE DEPARTMENT
14 TO CONFIRM THAT THE ORGANIZATION IS EXEMPT FROM TAXATION UNDER
15 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC
16 LAW 99-514, 26 U.S.C. § 1 ET SEQ.).

17 (C) SCHOLARSHIP ORGANIZATIONS AND PRE-KINDERGARTEN
18 SCHOLARSHIP ORGANIZATIONS.--A SCHOLARSHIP ORGANIZATION OR PRE-
19 KINDERGARTEN SCHOLARSHIP ORGANIZATION MUST CERTIFY TO THE
20 DEPARTMENT THAT THE ORGANIZATION IS ELIGIBLE TO PARTICIPATE IN
21 THE PROGRAM ESTABLISHED UNDER THIS ARTICLE AND MUST AGREE TO
22 ANNUALLY REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT BY
23 DECEMBER 1, 2005, AND SEPTEMBER 1 OF EACH YEAR THEREAFTER:

24 (1) (I) THE NUMBER OF SCHOLARSHIPS AWARDED DURING THE
25 IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE PRE-
26 KINDERGARTEN STUDENTS.

27 (II) THE TOTAL AND AVERAGE AMOUNTS OF THE
28 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
29 SCHOOL YEAR TO ELIGIBLE PRE-KINDERGARTEN STUDENTS.

30 (III) THE NUMBER OF SCHOLARSHIPS AWARDED DURING THE

1 IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE STUDENTS IN
2 GRADES KINDERGARTEN THROUGH 8.

3 (IV) THE TOTAL AND AVERAGE AMOUNTS OF THE
4 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
5 SCHOOL YEAR TO ELIGIBLE STUDENTS IN GRADES K THROUGH 8.

6 (V) THE NUMBER OF SCHOLARSHIPS AWARDED DURING THE
7 IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE STUDENTS IN
8 GRADES 9 THROUGH 12.

9 (VI) THE TOTAL AND AVERAGE AMOUNTS OF THE
10 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
11 SCHOOL YEAR TO ELIGIBLE STUDENTS IN GRADES 9 THROUGH 12.

12 (VII) WHERE THE SCHOLARSHIP ORGANIZATION OR PRE-
13 KINDERGARTEN SCHOLARSHIP ORGANIZATION COLLECTS
14 INFORMATION ON A COUNTY-BY-COUNTY BASIS, THE TOTAL NUMBER
15 AND THE TOTAL AMOUNT OF SCHOLARSHIPS AWARDED DURING THE
16 IMMEDIATELY PRECEDING SCHOOL YEAR TO RESIDENTS OF EACH
17 COUNTY IN WHICH THE SCHOLARSHIP ORGANIZATION OR PRE-
18 KINDERGARTEN SCHOLARSHIP ORGANIZATION AWARDED
19 SCHOLARSHIPS.

20 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) SHALL
21 BE SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT. NO LATER
22 THAN SEPTEMBER 1, 2005, AND MAY 1 OF EACH YEAR THEREAFTER,
23 THE DEPARTMENT SHALL ANNUALLY DISTRIBUTE SUCH SAMPLE FORMS,
24 TOGETHER WITH THE FORMS ON WHICH THE REPORTS ARE REQUIRED TO
25 BE MADE, TO EACH LISTED SCHOLARSHIP ORGANIZATION AND PRE-
26 KINDERGARTEN SCHOLARSHIP ORGANIZATION.

27 (3) THE DEPARTMENT MAY NOT REQUIRE ANY OTHER INFORMATION
28 TO BE PROVIDED BY SCHOLARSHIP ORGANIZATIONS OR PRE-
29 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS, EXCEPT AS EXPRESSLY
30 AUTHORIZED IN THIS ARTICLE.

1 (D) EDUCATIONAL IMPROVEMENT ORGANIZATION.--

2 (1) AN APPLICATION SUBMITTED BY AN EDUCATIONAL
3 IMPROVEMENT ORGANIZATION MUST DESCRIBE ITS PROPOSED
4 INNOVATIVE EDUCATIONAL PROGRAM OR PROGRAMS IN A FORM
5 PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT SHALL CONSULT
6 WITH THE DEPARTMENT OF EDUCATION AS NECESSARY. THE DEPARTMENT
7 SHALL REVIEW AND APPROVE OR DISAPPROVE THE APPLICATION. IN
8 ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM
9 ESTABLISHED UNDER THIS ARTICLE, AN EDUCATIONAL IMPROVEMENT
10 ORGANIZATION MUST AGREE TO ANNUALLY REPORT THE FOLLOWING
11 INFORMATION TO THE DEPARTMENT BY DECEMBER 1, 2005, AND
12 SEPTEMBER 1 OF EACH YEAR THEREAFTER:

13 (I) THE NAME OF THE INNOVATIVE EDUCATIONAL PROGRAM
14 OR PROGRAMS AND THE TOTAL AMOUNT OF THE GRANT OR GRANTS
15 MADE TO THOSE PROGRAMS DURING THE IMMEDIATELY PRECEDING
16 SCHOOL YEAR.

17 (II) A DESCRIPTION OF HOW EACH GRANT WAS UTILIZED
18 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR AND A
19 DESCRIPTION OF ANY DEMONSTRATED OR EXPECTED INNOVATIVE
20 EDUCATIONAL IMPROVEMENTS.

21 (III) THE NAMES OF THE PUBLIC SCHOOLS AND SCHOOL
22 DISTRICTS WHERE INNOVATIVE EDUCATIONAL PROGRAMS THAT
23 RECEIVED GRANTS DURING THE IMMEDIATELY PRECEDING SCHOOL
24 YEAR WERE IMPLEMENTED.

25 (IV) WHERE THE EDUCATIONAL IMPROVEMENT ORGANIZATION
26 COLLECTS INFORMATION ON A COUNTY-BY-COUNTY BASIS, THE
27 TOTAL NUMBER AND THE TOTAL AMOUNT OF GRANTS MADE DURING
28 THE IMMEDIATELY PRECEDING SCHOOL YEAR FOR PROGRAMS AT
29 PUBLIC SCHOOLS IN EACH COUNTY IN WHICH THE EDUCATIONAL
30 IMPROVEMENT ORGANIZATION MADE GRANTS.

1 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) SHALL
2 BE SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT. NO LATER
3 THAN SEPTEMBER 1, 2005, AND MAY 1 OF EACH YEAR THEREAFTER,
4 THE DEPARTMENT SHALL ANNUALLY DISTRIBUTE SUCH SAMPLE FORMS,
5 TOGETHER WITH THE FORMS ON WHICH THE REPORTS ARE REQUIRED TO
6 BE MADE, TO EACH LISTED EDUCATIONAL IMPROVEMENT ORGANIZATION.

7 (3) THE DEPARTMENT MAY NOT REQUIRE ANY OTHER INFORMATION
8 TO BE PROVIDED BY EDUCATIONAL IMPROVEMENT ORGANIZATIONS,
9 EXCEPT AS EXPRESSLY AUTHORIZED IN THIS ARTICLE.

10 (E) NOTIFICATION.--THE DEPARTMENT SHALL NOTIFY THE
11 SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN SCHOLARSHIP
12 ORGANIZATION OR EDUCATIONAL IMPROVEMENT ORGANIZATION THAT THE
13 ORGANIZATION MEETS THE REQUIREMENTS OF THIS ARTICLE FOR THAT
14 FISCAL YEAR NO LATER THAN 60 DAYS AFTER THE ORGANIZATION HAS
15 SUBMITTED THE INFORMATION REQUIRED UNDER THIS SECTION.

16 (F) PUBLICATION.--THE DEPARTMENT SHALL ANNUALLY PUBLISH A
17 LIST OF EACH SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN
18 SCHOLARSHIP ORGANIZATION OR EDUCATIONAL IMPROVEMENT ORGANIZATION
19 QUALIFIED UNDER THIS SECTION IN THE PENNSYLVANIA BULLETIN. THE
20 LIST SHALL ALSO BE POSTED AND UPDATED AS NECESSARY ON THE
21 PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE DEPARTMENT.

22 SECTION 1704-F. APPLICATION.

23 (A) SCHOLARSHIP ORGANIZATION OR PRE-KINDERGARTEN SCHOLARSHIP
24 ORGANIZATIONS.--A BUSINESS FIRM SHALL APPLY TO THE DEPARTMENT
25 FOR A TAX CREDIT UNDER SECTION 1705-F. A BUSINESS FIRM SHALL
26 RECEIVE A TAX CREDIT UNDER THIS ARTICLE IF THE SCHOLARSHIP
27 ORGANIZATION OR PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATION THAT
28 RECEIVES THE CONTRIBUTION APPEARS ON THE LIST ESTABLISHED UNDER
29 SECTION 1703-F(F).

30 (B) EDUCATIONAL IMPROVEMENT ORGANIZATION.--A BUSINESS FIRM

1 MUST APPLY TO THE DEPARTMENT FOR A CREDIT UNDER SECTION 1705-F.
2 A BUSINESS FIRM SHALL RECEIVE A TAX CREDIT UNDER THIS ARTICLE IF
3 THE DEPARTMENT HAS APPROVED THE PROGRAM PROVIDED BY THE
4 EDUCATIONAL IMPROVEMENT ORGANIZATION THAT RECEIVES THE
5 CONTRIBUTION.

6 (C) AVAILABILITY OF TAX CREDITS.--TAX CREDITS UNDER THIS
7 ARTICLE SHALL BE MADE AVAILABLE BY THE DEPARTMENT ON A FIRST-
8 COME, FIRST-SERVED BASIS WITHIN THE LIMITATION ESTABLISHED UNDER
9 SECTION 1706-F(A).

10 (D) CONTRIBUTIONS.--A CONTRIBUTION BY A BUSINESS FIRM TO A
11 SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN SCHOLARSHIP
12 ORGANIZATION OR EDUCATIONAL IMPROVEMENT ORGANIZATION SHALL BE
13 MADE NO LATER THAN 60 DAYS FOLLOWING THE APPROVAL OF AN
14 APPLICATION UNDER SUBSECTION (A) OR (B).
15 SECTION 1705-F. TAX CREDIT.

16 (A) SCHOLARSHIP OR EDUCATIONAL IMPROVEMENT ORGANIZATIONS.--
17 IN ACCORDANCE WITH SECTION 1706-F(A), THE DEPARTMENT OF REVENUE
18 SHALL GRANT A TAX CREDIT AGAINST ANY TAX DUE UNDER ARTICLE III,
19 IV, VI, VII, VIII, IX OR XV TO A BUSINESS FIRM PROVIDING PROOF
20 OF A CONTRIBUTION TO A SCHOLARSHIP ORGANIZATION OR EDUCATIONAL
21 IMPROVEMENT ORGANIZATION IN THE TAXABLE YEAR IN WHICH THE
22 CONTRIBUTION IS MADE WHICH SHALL NOT EXCEED 75% OF THE TOTAL
23 AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY THE BUSINESS FIRM.
24 SUCH CREDIT SHALL NOT EXCEED \$300,000 ANNUALLY PER BUSINESS FIRM
25 FOR CONTRIBUTIONS MADE TO SCHOLARSHIP ORGANIZATIONS OR
26 EDUCATIONAL IMPROVEMENT ORGANIZATIONS.

27 (B) ADDITIONAL AMOUNT.--THE DEPARTMENT OF REVENUE SHALL
28 GRANT A TAX CREDIT OF UP TO 90% OF THE TOTAL AMOUNT CONTRIBUTED
29 DURING THE TAXABLE YEAR IF THE BUSINESS FIRM PROVIDES A WRITTEN
30 COMMITMENT TO PROVIDE THE SCHOLARSHIP ORGANIZATION OR

1 EDUCATIONAL IMPROVEMENT ORGANIZATION WITH THE SAME AMOUNT OF
2 CONTRIBUTION FOR TWO CONSECUTIVE TAX YEARS. THE BUSINESS FIRM
3 MUST PROVIDE THE WRITTEN COMMITMENT UNDER THIS SUBSECTION TO THE
4 DEPARTMENT AT THE TIME OF APPLICATION.

5 (C) PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS.--IN
6 ACCORDANCE WITH SECTION 1706-F(A), THE DEPARTMENT OF REVENUE
7 SHALL GRANT A TAX CREDIT AGAINST ANY TAX DUE UNDER ARTICLE III,
8 IV, VI, VII, VIII, IX OR XV TO A BUSINESS FIRM PROVIDING PROOF
9 OF A CONTRIBUTION TO A PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATION
10 IN THE TAXABLE YEAR IN WHICH THE CONTRIBUTION IS MADE WHICH
11 SHALL BE EQUAL TO 100% OF THE FIRST \$10,000 CONTRIBUTED DURING
12 THE TAXABLE YEAR BY THE BUSINESS FIRM, AND WHICH SHALL NOT
13 EXCEED 90% OF THE REMAINING AMOUNT CONTRIBUTED DURING THE
14 TAXABLE YEAR BY THE BUSINESS FIRM. SUCH CREDIT SHALL NOT EXCEED
15 \$150,000 ANNUALLY PER BUSINESS FIRM FOR CONTRIBUTIONS MADE TO
16 PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS.

17 (D) COMBINATION OF TAX CREDITS.--A BUSINESS FIRM MAY RECEIVE
18 TAX CREDITS FROM THE DEPARTMENT OF REVENUE IN ANY TAX YEAR FOR
19 ANY COMBINATION OF CONTRIBUTIONS UNDER SUBSECTION (A) OR (B) OR
20 (C). IN NO CASE MAY A BUSINESS FIRM RECEIVE TAX CREDITS IN ANY
21 TAX YEAR IN EXCESS OF \$300,000 FOR CONTRIBUTIONS UNDER
22 SUBSECTIONS (A) AND (B). IN NO CASE SHALL A BUSINESS FIRM
23 RECEIVE TAX CREDITS IN ANY TAX YEAR IN EXCESS OF \$150,000 FOR
24 CONTRIBUTIONS UNDER SUBSECTION (C).

25 (E) PASS-THROUGH ENTITY.--

26 (1) IF A PASS-THROUGH ENTITY DOES NOT INTEND TO USE ALL
27 APPROVED TAX CREDITS UNDER THIS SECTION, IT MAY ELECT IN
28 WRITING TO TRANSFER ALL OR A PORTION OF THE CREDIT TO
29 SHAREHOLDERS, MEMBERS OR PARTNERS IN PROPORTION TO THE SHARE
30 OF THE ENTITY'S DISTRIBUTIVE INCOME TO WHICH THE SHAREHOLDER,

1 MEMBER OR PARTNER IS ENTITLED FOR USE IN THE TAXABLE YEAR IN
2 WHICH THE CONTRIBUTION IS MADE OR IN THE TAXABLE YEAR
3 IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE CONTRIBUTION IS
4 MADE. THE ELECTION SHALL DESIGNATE THE YEAR IN WHICH THE
5 TRANSFERRED CREDITS ARE TO BE USED AND SHALL BE MADE
6 ACCORDING TO PROCEDURES ESTABLISHED BY THE DEPARTMENT OF
7 REVENUE.

8 (2) A PASS-THROUGH ENTITY AND A SHAREHOLDER, MEMBER OR
9 PARTNER OF A PASS-THROUGH ENTITY SHALL NOT CLAIM THE CREDIT
10 UNDER THIS SECTION FOR THE SAME CONTRIBUTION.

11 (3) THE SHAREHOLDER, MEMBER OR PARTNER MAY NOT CARRY
12 FORWARD, CARRY BACK, OBTAIN A REFUND OF OR SELL OR ASSIGN THE
13 CREDIT.

14 (F) RESTRICTION ON APPLICABILITY OF CREDITS.--NO CREDITS
15 GRANTED UNDER THIS SECTION SHALL BE APPLIED AGAINST ANY TAX
16 WITHHELD BY AN EMPLOYER FROM AN EMPLOYEE UNDER ARTICLE III.

17 (G) TIME OF APPLICATION FOR CREDITS.--

18 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3), THE
19 DEPARTMENT MAY ACCEPT APPLICATIONS FOR TAX CREDITS AVAILABLE
20 DURING A FISCAL YEAR NO EARLIER THAN JULY 1 OF EACH FISCAL
21 YEAR.

22 (2) THE APPLICATION OF ANY BUSINESS FIRM FOR TAX CREDITS
23 AVAILABLE DURING A FISCAL YEAR AS PART OF THE SECOND YEAR OF
24 A TWO-YEAR COMMITMENT MAY BE ACCEPTED NO EARLIER THAN MAY 15
25 PRECEDING THE FISCAL YEAR.

26 (3) THE APPLICATION UNDER SUBSECTION (A) OF ANY PASS-
27 THROUGH ENTITY FOR APPROVAL OF SINGLE-YEAR TAX CREDITS
28 AVAILABLE DURING A FISCAL YEAR AGAINST THE TAXES IMPOSED
29 UNDER ARTICLE III OR UNDER SUBSECTION (B) FOR APPROVAL OF
30 CREDITS AGAINST SUCH TAXES FOR THE FIRST YEAR OF A TWO-YEAR

1 COMMITMENT MAY BE ACCEPTED BY THE DEPARTMENT NO EARLIER THAN
2 THE FIRST BUSINESS DAY FOLLOWING JULY 7 OF THE FISCAL YEAR.
3 SECTION 1706-F. LIMITATIONS.

4 (A) AMOUNT.--

5 (1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
6 APPROVED SHALL NOT EXCEED \$67,000,000 IN A FISCAL YEAR. NO
7 LESS THAN \$44,666,667 OF THE TOTAL AGGREGATE AMOUNT SHALL BE
8 USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS
9 FIRMS TO SCHOLARSHIP ORGANIZATIONS. NO LESS THAN \$22,333,333
10 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX
11 CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO EDUCATIONAL
12 IMPROVEMENT ORGANIZATIONS.

13 (2) (I) FOR THE FISCAL YEARS 2004-2005, 2005-2006 AND
14 2006-2007, THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
15 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO PRE-
16 KINDERGARTEN SCHOLARSHIP PROGRAMS SHALL NOT EXCEED
17 \$5,000,000 IN A FISCAL YEAR.

18 (II) FOR THE FISCAL YEAR 2007-2008 AND EACH FISCAL
19 YEAR THEREAFTER, THE TOTAL AGGREGATE AMOUNT OF ALL TAX
20 CREDITS APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO
21 PRE-KINDERGARTEN SCHOLARSHIP PROGRAMS SHALL NOT EXCEED
22 \$8,000,000 IN A FISCAL YEAR.

23 (B) ACTIVITIES.--NO TAX CREDIT SHALL BE APPROVED FOR
24 ACTIVITIES THAT ARE A PART OF A BUSINESS FIRM'S NORMAL COURSE OF
25 BUSINESS.

26 (C) TAX LIABILITY.--

27 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A TAX CREDIT
28 GRANTED FOR ANY ONE TAXABLE YEAR MAY NOT EXCEED THE TAX
29 LIABILITY OF A BUSINESS FIRM.

30 (2) IN THE CASE OF A CREDIT GRANTED TO A PASS-THROUGH

1 ENTITY WHICH ELECTS TO TRANSFER THE CREDIT ACCORDING TO
2 SECTION 1705-F(E), A TAX CREDIT GRANTED FOR ANY ONE TAXABLE
3 YEAR AND TRANSFERRED TO A SHAREHOLDER, MEMBER OR PARTNER MAY
4 NOT EXCEED THE TAX LIABILITY OF THE SHAREHOLDER, MEMBER OR
5 PARTNER.

6 (D) USE.--A TAX CREDIT NOT USED BY THE APPLICANT IN THE
7 TAXABLE YEAR THE CONTRIBUTION WAS MADE OR IN THE YEAR DESIGNATED
8 BY THE SHAREHOLDER, MEMBER OR PARTNER TO WHOM THE CREDIT WAS
9 TRANSFERRED UNDER SECTION 1705-F(E) MAY NOT BE CARRIED FORWARD
10 OR CARRIED BACK AND IS NOT REFUNDABLE OR TRANSFERABLE.

11 (E) NONTAXABLE INCOME.--A SCHOLARSHIP RECEIVED BY AN
12 ELIGIBLE STUDENT OR ELIGIBLE PRE-KINDERGARTEN STUDENT SHALL NOT
13 BE CONSIDERED TO BE TAXABLE INCOME FOR THE PURPOSES OF ARTICLE
14 III.

15 SECTION 1707-F. LISTS.

16 THE DEPARTMENT OF REVENUE SHALL PROVIDE A LIST OF ALL
17 SCHOLARSHIP ORGANIZATIONS, PRE-KINDERGARTEN SCHOLARSHIP
18 ORGANIZATIONS AND EDUCATIONAL IMPROVEMENT ORGANIZATIONS
19 RECEIVING CONTRIBUTIONS FROM BUSINESS FIRMS GRANTED A TAX CREDIT
20 UNDER THIS ARTICLE TO THE GENERAL ASSEMBLY BY JUNE 30 OF EACH
21 YEAR.

22 SECTION 1708-F. GUIDELINES.

23 THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF
24 EDUCATION SHALL DEVELOP GUIDELINES TO DETERMINE THE ELIGIBILITY
25 OF AN INNOVATIVE EDUCATIONAL PROGRAM.

26 ARTICLE XXIX-D

27 TAX AMNESTY PROGRAM FOR FISCAL YEAR 2009-2010

28 Section 2901-D. Definitions.

29 The following words, terms and phrases, when used in this
30 article, shall have the meanings ascribed to them in this

1 section, except where the context clearly indicates a different
2 meaning:

3 "Amnesty period." The time period of 90 consecutive days
4 established by the Governor during the fiscal year beginning
5 July 1, 2009, and ending June 30, 2010.

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

7 "Eligible tax." Any tax imposed by the Commonwealth for
8 deposit in the General Fund, the Motor License Fund or the
9 Liquid Fuels Tax Fund for taxes delinquent as of December 31,
10 2006. The term includes any interest or penalty on an eligible
11 tax. The term excludes any tax imposed by a political
12 subdivision.

13 "Program." The tax amnesty program as provided for in this
14 article.

15 "Taxpayer." Any person, association, fiduciary, partnership,
16 corporation or other entity required to pay or collect any of
17 the eligible taxes. The term shall not include a taxpayer who,
18 prior to the amnesty period, has received notice that the
19 taxpayer is the subject of a criminal investigation for an
20 alleged violation of any law imposing an eligible tax or who,
21 prior to the amnesty period, has been named as a defendant in a
22 criminal complaint alleging a violation of any law imposing an
23 eligible tax or is a defendant in a pending criminal action for
24 an alleged violation of any law imposing an eligible tax.

25 Section 2902-D. Establishment of program.

26 (a) Program established.--There is established a tax amnesty
27 program which shall be administered by the department.

28 (b) Applicability.--The program shall apply to a taxpayer
29 who is delinquent on payment of a liability for an eligible tax
30 as of June 1, 2009, including a liability for returns not filed,

1 liabilities according to records of the department as of June 1,
2 2009, liabilities not reported, underreported or not
3 established, but delinquent as of June 1, 2009.

4 (c) Prior amnesty program participation.--The program shall
5 not apply to taxpayers who participated in the tax amnesty
6 program outlined in Article XXIX-A.

7 (d) Future amnesty program participation.--A taxpayer who
8 participates in the program shall not be eligible to participate
9 in a future tax amnesty program.

10 Section 2903-D. Required payment.

11 (a) Taxpayer requirements.--Subject to section 2904-D, all
12 taxpayers who participate in the program shall comply with all
13 of the following:

14 (1) During the amnesty period, file a tax amnesty return
15 in such form and containing such information as the
16 department shall require. A tax amnesty return shall be
17 considered to be timely filed if it is postmarked during the
18 amnesty period.

19 (2) During the amnesty period, make payment of all taxes
20 and 50% of all interest due to the Commonwealth in accordance
21 with the tax amnesty return that is filed.

22 (3) File complete tax returns for all years for which
23 the taxpayer previously has not filed a tax return and file
24 complete amended returns for all years for which the taxpayer
25 underreported eligible tax liability.

26 (b) Prohibitions.--The department shall not collect 50% of
27 all interest due to the Commonwealth or the penalties owed by a
28 taxpayer who participates in the program under subsection (a).
29 The department shall not pursue any administrative or judicial
30 proceeding against a taxpayer with respect to any eligible tax

1 that is disclosed on a tax amnesty return.

2 Section 2904-D. Amnesty contingent on continued.

3 Notwithstanding any other provision of this article, the
4 department may assess and collect from a taxpayer all penalties
5 and interest forgone through the tax amnesty program established
6 in this article if, within two years after the end of the
7 program, either of the following occurs:

8 (1) the taxpayer granted amnesty under this article
9 becomes delinquent for three consecutive periods in payment
10 of taxes due or filing of returns required on a semimonthly,
11 monthly, quarterly or other basis and the taxpayer has not
12 contested the tax liability through a timely valid
13 administrative or judicial appeal; or

14 (2) the taxpayer granted amnesty under this article
15 becomes delinquent and is eight or more months late in
16 payment of taxes due or filing of returns on an annual basis
17 and the taxpayer has not contested the liability through a
18 timely valid administrative or judicial appeal.

19 Section 2905-D. Limitation of deficiency assessment.

20 If, subsequent to the amnesty period, the department issues a
21 deficiency assessment with respect to a tax amnesty return, the
22 department shall have the authority to impose penalties and
23 interest and to pursue a criminal action only with respect to
24 the difference between the amount shown on that tax amnesty
25 return and the current amount of tax.

26 Section 2906-D. Overpayment of tax.

27 Notwithstanding any other provisions of this article or any
28 other act, if an overpayment of eligible tax is refunded or
29 credited within 180 days after the tax amnesty return is filed,
30 no interest shall be allowed on the overpayment.

1 Section 2907-D. Previously paid interest and penalties.

2 No refund or credit shall be allowed for any interest or
3 penalty on eligible taxes paid to the department prior to the
4 amnesty period.

5 Section 2908-D. Proceedings relating to tax amnesty return
6 barred.

7 Participation in the program is conditioned upon the
8 taxpayer's agreement that the right to protest or pursue an
9 administrative or judicial proceeding with regard to tax amnesty
10 returns filed under the program or to claim any refund of money
11 paid under the program is barred.

12 Section 2909-D. Undisclosed liabilities.

13 Nothing in this article shall be construed to prohibit the
14 department from instituting civil or criminal proceedings
15 against any taxpayer with respect to any amount of tax that is
16 not disclosed on the tax amnesty return.

17 Section 2910-D. Duties of department.

18 (a) Regulations.--The department shall develop regulations
19 to implement the provisions of this article. The regulations
20 must be published in the Pennsylvania Bulletin within 90 days of
21 the effective date of this article and shall contain, but not be
22 limited to, the following information:

23 (1) An explanation of the program and the requirements
24 for eligibility for the program.

25 (2) The dates during which a tax amnesty return may be
26 filed.

27 (3) A specimen copy of the tax amnesty return.

28 (b) Publicity.--The department shall publicize the program
29 to maximize public awareness of and participation in the
30 program. The department shall coordinate to the highest degree

1 possible its publicity efforts and other actions taken to
2 implement this article.

3 (c) Report.--The department shall issue a report to the
4 General Assembly within 180 days after the end of the amnesty
5 period detailing the implementation of the program. The report
6 shall contain, but not be limited to, the following information:

7 (1) A detailed breakdown of the department's
8 administrative costs in implementing the program.

9 (2) The number of tax amnesty returns filed and a
10 breakdown of the number and dollar amount of revenue raised
11 for each tax by calendar year during which the tax period
12 ended. In addition, the gross revenues shall be broken down
13 into the following categories:

14 (i) Amounts represented by assessments receivable
15 established by the department on or before the first day
16 of the amnesty period.

17 (ii) All other amounts.

18 (3) The total dollar amount of revenue collected by the
19 program.

20 (4) The total dollar amount of penalties forgiven under
21 the program.

22 (5) The demographic characteristics of tax amnesty
23 participants, including North American Industry
24 Classification System codes of participants, type of
25 taxpayer, consisting of individual, partnership, corporation
26 or other entity, size of tax liability and geographical
27 location.

28 (d) Notification.--The department shall notify in writing
29 all known tax delinquents at the taxpayers' last known address
30 of the existence of the tax amnesty program. The sole purpose of

1 the letter sent by the department to taxpayers must be
2 notification of the program.

3 Section 2911-D. Method of payment.

4 All tax payments under the program shall be made by certified
5 check, money order, cash or its equivalent.

6 Section 2912-D. Exemption from review process.

7 Notwithstanding any law to the contrary, the regulations
8 issued by the department for the program shall be exempt from
9 the regulatory review process provided in the act of June 25,
10 1982 (P.L.633, No.181), known as the Regulatory Review Act.

11 Section 2913-D. Use of revenue.

12 All revenue generated by this article shall be deposited into
13 a restricted revenue account in the General Fund. Revenue from
14 the restricted revenue account shall be distributed as follows:

15 (1) All money from General Fund sources shall be
16 deposited in the General Fund no later than June 30, 2010,
17 less repayment of any costs for administration of the program
18 to the department.

19 (2) All revenue from Motor License Fund sources shall be
20 deposited in the Motor License Fund no later than June 30,
21 2010.

22 (3) All revenue from Liquid Fuels Tax Fund sources shall
23 be deposited in the Liquid Fuels Tax Fund no later than June
24 30, 2010.

25 Section 2914-D. Penalties for certain corporate officers.

26 If an officer or officers of a corporation or association
27 intentionally neglect or refuse to make reports to the Auditor
28 General, or to the department, or successively to the Auditor
29 General and to the department, as required by law, for any two
30 successive tax years, the officer or officers commit a

1 misdemeanor and shall, upon conviction, be sentenced to pay a
2 fine of not less than \$2,500 nor more than \$5,000. This fine
3 shall be in addition to any fine or prison sentence under
4 section 1704 of the act of April 9, 1929 (P.L.343, No.176),
5 known as The Fiscal Code.

6 Section 2915-D. Further examination of books and records.

7 (a) Authority.--The department or any of its authorized
8 agents is authorized to examine the books, papers and records of
9 any taxpayer or other persons in order to verify the accuracy
10 and completeness of any return or report made or, if no return
11 or report was made, to ascertain and assess any tax or other
12 liability owed to the Commonwealth.

13 (b) Audit.--The department may determine, by desk, field or
14 other audit, the amount of tax or other liability required to be
15 paid to the Commonwealth. The department may determine the
16 liability based upon the facts contained in the return or report
17 being audited or other information in the department's
18 possession. The department may determine the liability based
19 upon a reasonable statistical sample or test audit performed in
20 accordance with the regulations of the department when the
21 individual being audited does not have complete records of
22 transactions or when the review of each transaction or invoice
23 would place an undue burden on the department to conduct an
24 audit in a timely and efficient manner.

25 (c) Challenge by taxpayer.--The taxpayer may challenge the
26 accuracy of a statistical sample or test audit by providing
27 clear and convincing evidence that the method used for a
28 statistical sample or test audit is erroneous, lacks a rational
29 basis or produces a different result when the complete records
30 are considered.

1 Section 2916-D. Additional penalty.

2 (a) Penalty.--Subject to the limitations provided under
3 subsection (b), a penalty of 5% of the unpaid tax liability and
4 penalties and interest shall be levied against a taxpayer
5 subject to an eligible tax if the taxpayer had failed to remit
6 an eligible tax due or had an unreported or underreported
7 liability for an eligible tax on or after the first day
8 following the end of the amnesty period.

9 (b) Nonapplicability.--The penalty provided in this section
10 shall not apply to a taxpayer who:

11 (1) has paid the liability in full or entered into a
12 duly approved and executed deferred payment plan on or before
13 the last day of the amnesty period; or

14 (2) has filed a timely and valid administrative or
15 judicial appeal contesting the liability on or before the
16 last day of the amnesty period.

17 (c) Penalty in addition.--The penalty provided by this
18 section shall be in addition to all other penalties provided by
19 law.

20 Section 2917-D. Application of penalty and powers.

21 Sections 2914-D and 2915-D shall apply to all taxes collected
22 by the department.

23 Section 2918-D. Construction.

24 Except as expressly provided in this article, this article
25 shall not:

26 (1) be construed to relieve any person, corporation or
27 other entity from the filing of returns or from any taxes,
28 penalties or interest imposed by the provisions of any laws;

29 (2) affect or terminate any petitions, investigations,
30 prosecutions, legal or otherwise, or other proceedings

1 pending under the provisions of any such laws; or

2 (3) prevent the commencement or further prosecution of
3 any proceedings by the proper authorities of the Commonwealth
4 for violation of any such laws or for the assessment,
5 settlement, collection or recovery of taxes, penalties or
6 interest due to the Commonwealth under any such laws.

7 Section 2919-D. Suspension of inconsistent acts.

8 All acts or parts of acts inconsistent with the provisions of
9 this article are suspended to the extent necessary to carry out
10 the provisions of this article.

11 SECTION 5. REPEALS ARE AS FOLLOWS: 

12 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
13 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
14 ARTICLE XVII-F OF THE ACT.

15 (2) ARTICLE XX-B OF THE ACT OF MARCH 10, 1949 (P.L.30,
16 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS REPEALED.

17 SECTION 6. THE ADDITION OF ARTICLE XVII-F OF THE ACT IS A
18 CONTINUATION OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
19 AS THE PUBLIC SCHOOL CODE OF 1949. EXCEPT AS OTHERWISE PROVIDED
20 IN ARTICLE XVII-F OF THE ACT, ALL ACTIVITIES INITIATED UNDER
21 ARTICLE XX-B OF THE PUBLIC SCHOOL CODE OF 1949 SHALL CONTINUE
22 AND REMAIN IN FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER
23 ARTICLE XVII-F OF THE ACT. ORDERS, REGULATIONS, RULES AND
24 DECISIONS WHICH WERE MADE UNDER ARTICLE XX-B OF THE PUBLIC
25 SCHOOL CODE OF 1949 AND WHICH ARE IN EFFECT ON THE EFFECTIVE
26 DATE OF SECTION 5(2) OF THIS ACT SHALL REMAIN IN FULL FORCE AND
27 EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER ARTICLE XVII-F
28 OF THE ACT.

29 SECTION 7. THE AMENDMENT OF SECTION 319 OF THE ACT SHALL
30 APPLY TO TAX RETURNS DUE AFTER MAY 31, 2011.

1 Section 3 8. This act shall take effect immediately.

