

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2319 Session of  
2012

INTRODUCED BY EVANKOVICH, AUMENT, BENNINGHOFF, BOYD, DUNBAR,  
ELLIS, EMRICK, EVERETT, FABRIZIO, GEORGE, GERGELY, GINGRICH,  
GROVE, HARHAI, HUTCHINSON, F. KELLER, KOTIK, MAJOR, MOUL,  
MULLERY, MURPHY, OBERLANDER, O'NEILL, PETRARCA, PYLE,  
QUIGLEY, REED, REESE, SAYLOR, SIMMONS, TRUITT, CLYMER, ROCK,  
MARSHALL, HESS, GEIST, BROOKS, PICKETT, PEIFER, MILLER,  
CULVER, SWANGER AND KORTZ, APRIL 16, 2012

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 23, 2012

## 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," in educational improvement tax credit, further  
11 providing for definitions AND FOR LIMITATIONS. ←

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

14 Section 1. The definition of "public school" in section  
15 1702-F of the act of March 4, 1971 (P.L.6, No.2), known as the  
16 Tax Reform Code of 1971, added October 9, 2009 (P.L.451, No.48),  
17 is amended and the section is amended by adding a definition to  
18 read:

19 Section 1702-F. Definitions.

1 The following words and phrases when used in this article  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 \* \* \*

5 "Career and technical school." Any public secondary school  
6 established under the provisions of Article XVIII of the act of  
7 March 10, 1949 (P.L.30, No.14), known as the Public School Code  
8 of 1949.

9 \* \* \*

10 "Public school." A public pre-kindergarten where compulsory  
11 attendance requirements do not apply or a public kindergarten,  
12 elementary school [or], secondary school or career and technical  
13 school at which the compulsory attendance requirements of this  
14 Commonwealth may be met and which meets the applicable  
15 requirements of Title VI of the Civil Rights Act of 1964 (Public  
16 Law 88-352, 78 Stat. 241).

17 \* \* \*

18 SECTION 2. SECTION 1706-F(A) OF THE ACT, ADDED OCTOBER 9,  
19 2009 (P.L.451, NO.48), IS AMENDED TO READ:  
20 SECTION 1706-F. LIMITATIONS.

21 (A) AMOUNT.--

22 (1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS  
23 APPROVED SHALL NOT EXCEED \$67,000,000 IN A FISCAL YEAR. NO  
24 LESS THAN \$44,666,667 OF THE TOTAL AGGREGATE AMOUNT SHALL BE  
25 USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS  
26 FIRMS TO SCHOLARSHIP ORGANIZATIONS. NO LESS THAN \$22,333,333  
27 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX  
28 CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO EDUCATIONAL  
29 IMPROVEMENT ORGANIZATIONS.

30 (2) (I) FOR THE FISCAL YEARS 2004-2005, 2005-2006 AND

2006-2007, THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS  
APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO PRE-  
KINDERGARTEN SCHOLARSHIP PROGRAMS SHALL NOT EXCEED  
\$5,000,000 IN A FISCAL YEAR.

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

(3) (I) FROM THE TAX CREDITS FOR CONTRIBUTIONS BY  
BUSINESS FIRMS TO EDUCATIONAL IMPROVEMENT ORGANIZATIONS,  
10% OF THE AVAILABLE AMOUNT SHALL INITIALLY BE SET ASIDE  
FOR CONTRIBUTIONS BY BUSINESS FIRMS TO EDUCATIONAL  
IMPROVEMENT ORGANIZATIONS THAT PROVIDE DONATIONS TO  
CAREER AND TECHNICAL SCHOOLS AND SHALL BE DISTRIBUTED IN  
ACCORDANCE WITH SECTION 1705-F(G).

(II) TAX CREDITS REMAINING FROM THE AMOUNT SET ASIDE  
IN SUBPARAGRAPH (I) AFTER JULY 1 OF EACH YEAR SHALL BE  
MADE AVAILABLE TO BUSINESS FIRMS FOR CONTRIBUTIONS TO ANY  
EDUCATIONAL IMPROVEMENT ORGANIZATION AND SHALL BE  
DISTRIBUTED IN ACCORDANCE WITH SECTION 1705-F(G).

\* \* \*

Section 2 3. This act shall take effect in 60 days.

