

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **73** Session of
2015

INTRODUCED BY ALLOWAY, RAFFERTY, HUGHES, BOSCOLA, WHITE AND
SCARNATI, JANUARY 14, 2015

REFERRED TO FINANCE, JANUARY 14, 2015

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 malt beverage tax, further providing for
11 limited tax credits for small brewers.

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

14 Section 1. Section 2010 of the act of March 4, 1971 (P.L.6,
15 No.2), known as the Tax Reform Code of 1971, amended December
16 23, 2003 (P.L.250, No.46), is amended to read:

17 Section 2010. [Limited] Tax Credits.--(a) The General
18 Assembly of the Commonwealth, conscious of the financial
19 pressures facing small brewers in Pennsylvania and the attendant
20 risk of business failure and loss of employment opportunity,
21 declares it public policy that renewal and improvement of small
22 brewers be encouraged and assisted by a [limited] tax subsidy to

1 be granted [during the period] as set forth in this section.

2 (b) As used in this section:

3 "Amounts paid." The phrase means (i) amounts actually paid,
4 or (ii) at the taxpayer's election, amounts promised to be paid
5 under firm purchase contracts actually executed during any
6 calendar year [falling within the effective period of this
7 section]: Provided, however, That there shall be no duplication
8 of "amounts paid" under this definition.

9 ["Effective period." The period from January 1, 1974, to
10 December 31, 2008, inclusive.]

11 "Qualifying capital expenditures." Amounts paid by a
12 taxpayer [during the effective period of this section] for the
13 purchase of items of plant, machinery or equipment for use by
14 the taxpayer within this Commonwealth in the manufacture and
15 sale of malt or brewed beverages: Provided, however, That the
16 total amount of qualifying capital expenditures made by a
17 taxpayer within a single calendar year shall not exceed two
18 hundred thousand dollars (\$200,000) and must have been made on
19 or after January 1, 2010.

20 "Secretary." The Secretary of Revenue of the Commonwealth of
21 Pennsylvania where not otherwise qualified.

22 "Taxpayer." A manufacturer of malt or brewed beverages
23 claiming a tax credit or credits under this section [and having
24 an annual production of malt or brewed beverages that does not
25 exceed one million five hundred thousand (1,500,000) barrels]
26 after making a qualifying capital expenditure.

27 (c) A tax credit or credits shall be allowed for each
28 calendar year to a taxpayer, as hereinafter provided, not to
29 exceed in total amount the amount of qualifying capital
30 expenditures made by the taxpayer and certified by the

1 secretary.

2 (d) A taxpayer desiring to claim a tax credit or credits
3 under this section shall, within one year of the date of the
4 original purchase of the qualifying capital expenditures, in
5 accordance with regulations promulgated by the secretary, report
6 annually to the secretary the nature, amounts and dates of
7 qualifying capital expenditures made by him and such other
8 information as the secretary shall require. If satisfied as to
9 the correctness of such a report, the secretary shall issue to
10 the taxpayer a certificate establishing the amount of qualifying
11 capital expenditures made by the taxpayer and included within
12 said report. The taxpayer shall also provide to the secretary
13 the number of employes, total production of malt or brewed
14 beverages and the amount of capital expenditures made by the
15 taxpayer at each location operated by the taxpayer or a parent
16 corporation, subsidiary, joint venture or affiliate. Also, the
17 taxpayer shall notify the secretary of any contract for
18 production held with another manufacturer. The secretary shall
19 file a report annually with the Chief Clerk of the House of
20 Representatives and with the Secretary of the Senate outlining
21 the employment, production, expenditures and tax credits
22 authorized under this section.

23 (e) Upon receipt from a taxpayer of a certificate from the
24 secretary issued under subsection (c), the Secretary of Revenue
25 shall grant a tax credit or credits in the amount certified
26 against any tax due under this article in the calendar year in
27 which the expenditures were incurred or against any tax becoming
28 due from the taxpayer under this article in the following three
29 calendar years. No credit shall be allowed against any tax due
30 for any taxable period ending [after December 31, 2008.] before

1 January 1, 2015, and no taxpayer shall be eligible to receive a
2 tax credit for a qualifying expenditure made on or before
3 December 31, 2009.

4 Section 2. This act shall take effect July 1, 2015, or
5 immediately, whichever is later.