

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 616 Session of 2019

INTRODUCED BY HUTCHINSON AND MENSCH, MAY 3, 2019

REFERRED TO FINANCE, MAY 3, 2019

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 strategic development areas, further providing
 11 for sales and use tax and for local sales and use tax.

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

14 Section 1. Sections 2931-C and 2945-C of the act of March 4,
 15 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, are
 16 amended by adding subsections to read:

17 Section 2931-C. Sales and use tax.

18 * * *

19 (c) Exclusive use, consumption and utilization.--In making a
 20 determination whether tangible personal property is for the
 21 exclusive use, consumption and utilization by the qualified
 22 business at its facility located within a strategic development
 23 area, the Department of Revenue shall construe the term

1 "exclusive use, consumption and utilization" to include use of
2 the tangible personal property, such as computers, laptops,
3 computer hardware, software, storage media, telecommunications
4 service and cell phones, by an employee assigned to the facility
5 within the strategic development area at a location other than
6 the facility.

7 Section 2945-C. Local sales and use tax.

8 * * *

9 (b.1) Exclusive use, consumption and utilization.--In making
10 a determination whether tangible personal property is for the
11 exclusive use, consumption and utilization by the qualified
12 business at its facility located within a strategic development
13 area, the Department of Revenue and the political subdivision
14 imposing the tax shall construe the term "exclusive use,
15 consumption and utilization" to include use of the tangible
16 personal property , such as computers, laptops, computer
17 hardware, software, storage media, telecommunications service
18 and cell phones, by an employee assigned to the facility within
19 the strategic development area at a location other than the
20 facility.

21 * * *

22 Section 2. The General Assembly finds and declares that the
23 intent of the addition of sections 2931-C(c) and 2945-C(b.1) of
24 the act is to clarify existing law.

25 Section 3. The addition of sections 2931-C(c) and 2945-C
26 (b.1) of the act shall apply as of the date of adoption of the
27 strategic development area.

28 Section 4. This act shall take effect immediately.