

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 35 Session of 2021

INTRODUCED BY A. WILLIAMS AND KEARNEY, JANUARY 20, 2021

REFERRED TO FINANCE, JANUARY 20, 2021

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 personal income tax, further providing for
 11 classes of income.

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

14 Section 1. Section 303(a)(1)(i) of the act of March 4, 1971
 15 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended
 16 to read:

17 Section 303. Classes of Income.--(a) The classes of income
 18 referred to above are as follows:

19 (1) Compensation.

20 (i) All salaries, wages, commissions, bonuses and incentive
 21 payments whether based on profits or otherwise, fees, tips and
 22 similar remuneration received for services rendered whether
 23 directly or through an agent and whether in cash or in property

1 [except] unless exempt pursuant to the following:

2 (A) income derived from the United States Government for
3 active duty outside the Commonwealth of Pennsylvania as a member
4 of its armed forces and income from the United States Government
5 or the Commonwealth of Pennsylvania for active State duty for
6 emergency within or outside the Commonwealth of Pennsylvania,
7 including duty ordered pursuant to 35 Pa.C.S. Ch. 76 (relating
8 to Emergency Management Assistance Compact) [.] ; or

9 (B) income earned during the 2020 taxable year and derived
10 from employment at a business concern that is included in one of
11 the following categories: a grocery and related product merchant
12 wholesaler; petroleum and petroleum products merchant wholesale;
13 grocery store; or gasoline store, as those terms are defined by
14 regulations of the department, during the proclamation of
15 disaster emergency issued by the Governor on March 6, 2020,
16 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
17 the state of disaster emergency.

18 * * *

19 Section 2. Within 30 days of the effective date of this
20 section, the department shall promulgate regulations to
21 implement this act. The regulations shall be consistent with the
22 North American Industry Classification System codes that
23 correspond to the business concerns specified in this act.

24 Section 3. In order to facilitate the prompt implementation
25 of this act, regulations promulgated by the department shall be
26 deemed temporary regulations which shall not expire following
27 publication. Temporary regulations promulgated under this act
28 shall not be subject to:

29 (1) Section 612 of the act of April 9, 1929 (P.L.177,
30 No.175), known as The Administrative Code of 1929.

1 (2) Sections 201, 202, 203, 204 and 205 of the act of
2 July 31, 1968 (P.L.769, No.240), referred to as the
3 Commonwealth Documents Law.

4 (3) Sections 204(b) and 301(10) of the act of October
5 15, 1980 (P.L.950, No.164), known as the Commonwealth
6 Attorneys Act.

7 (4) The act of June 25, 1982 (P.L.633, No.181), known as
8 the Regulatory Review Act.
9 Section 4. This act shall take effect immediately.