

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 123 Session of 2013

INTRODUCED BY GREENLEAF, FARNESE, ALLOWAY, TARTAGLIONE,
WILLIAMS, FONTANA, WASHINGTON, SOLOBAY, SCHWANK, RAFFERTY,
FOLMER, BROWNE, GORDNER, WOZNIAK, COSTA, WAUGH, BOSCOLA,
BREWSTER AND LEACH, JANUARY 14, 2013

REFERRED TO FINANCE, JANUARY 14, 2013

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," providing for a child-care tax credit.

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

13 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as
14 the Tax Reform Code of 1971, is amended by adding an article to
15 read:

16 ARTICLE XXII

17 CHILD-CARE TAX CREDIT

18 Section 2201. Short title of article.

19 This article shall be known and may be cited as the Child-
20 Care Tax Credit Act.

21 Section 2202. Definitions.

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

4 "Business firm." A corporation, partnership or sole
5 proprietorship authorized to do business in this Commonwealth
6 and subject to any of the taxes imposed by Article III, IV, VI,
7 VII, VIII, IX or XV.

8 "Contributions." Net payments made to a child-care program
9 not operated by the business firm for child-care services for
10 children of employees of the business firm.

11 "Credit." The child-care tax credit.

12 "Net costs." Amounts, exclusive of start-up expenses,
13 expended for the operation of a child-care program reduced by
14 the fees or charges paid by the users of the child-care program
15 services.

16 Section 2203. Authorization of credit.

17 (a) Eligibility.--A business firm that operates its own
18 child-care program which has been issued a valid license by the
19 Department of Public Welfare shall be eligible for the tax
20 credit.

21 (b) License from Department of Public Welfare required.--A
22 business firm which makes contributions to a child-care program
23 not operated by the business firm which has been issued a valid
24 license by the Department of Public Welfare shall be eligible
25 for the tax credit.

26 Section 2204. Calculation of credit.

27 (a) General rule.--The amount of the tax credit available to
28 a business firm which qualifies under this article and operates
29 its own not-for-profit child-care program shall be equal to 100%
30 of the net costs expended for the operation and maintenance of

1 the child-care program.

2 (b) Amount.--The amount of the tax credit available to a
3 business firm which qualifies under this article and contributes
4 to a child-care program not operated by the business firm shall
5 be equal to 100% of the contributions made by the business firm
6 to the child-care program.

7 Section 2205. Taxes against which credit may be taken.

8 (a) General rule.--Except as provided in subsection (b), the
9 tax credit provided for in this article may be applied against
10 any tax due under Article III, IV, VI, VII, VIII, IX or XV.

11 (b) Nonapplicable against employer withholding taxes.--The
12 tax credit provided for in this article shall not be applied
13 against employer withholding taxes required under Article III.

14 Section 2206. Powers and duties.

15 In addition to those powers created by any other act, the
16 Secretary of Revenue shall have the power and it shall be the
17 secretary's duty to:

18 (1) Promulgate and publish any rules and regulations
19 which may be required to implement this article.

20 (2) Publish as a notice in the Pennsylvania Bulletin
21 forms upon which taxpayers may apply for the tax credit
22 authorized by this article.

23 Section 2. This act shall apply to taxable years beginning
24 after December 31, 2012.

25 Section 3. This act shall take effect immediately.