

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 91 Session of 2013

INTRODUCED BY EVANKOVICH, DUNBAR, SAYLOR, SWANGER, HARHAI, AUMENT, TRUITT, EMRICK, HICKERNELL, GINGRICH, HALUSKA, HAGGERTY, KORTZ, V. BROWN, MAJOR, SCHLOSSBERG, DAVIS, KAUFFMAN, BROOKS, MILLARD, MACKENZIE, PICKETT, BIZZARRO, READSHAW, BENNINGHOFF, O'NEILL, HAHN, M. K. KELLER, CUTLER, MOUL, PETRI, ROCK, EVERETT, GROVE, R. BROWN AND MILLER, JANUARY 14, 2013

REFERRED TO COMMITTEE ON EDUCATION, 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," 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.

20 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

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

8 \* \* \*

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

16 \* \* \*

17 Section 2. Section 1706-F(a) of the act, amended July 2,  
18 2012 (P.L.751, No.85), is amended to read:

19 Section 1706-F. Limitations.

20 (a) Amount.--

21 (1) The total aggregate amount of all tax credits  
22 approved shall not exceed \$100,000,000 in a fiscal year. No  
23 less than \$60,000,000 of the total aggregate amount shall be  
24 used to provide tax credits for contributions from business  
25 firms to scholarship organizations. No less than \$30,000,000  
26 of the total aggregate amount shall be used to provide tax  
27 credits for contributions from business firms to educational  
28 improvement organizations.

29 (2) The following apply to specific fiscal years:

30 (i) For fiscal years 2004-2005, 2005-2006 and 2006-

1 2007, the total aggregate amount of all tax credits  
2 approved for contributions from business firms to pre-  
3 kindergarten scholarship programs shall not exceed  
4 \$5,000,000 in a fiscal year.

5 (ii) For fiscal years 2007-2008, 2008-2009, 2009-  
6 2010, 2010-2011 and 2011-2012, the total aggregate amount  
7 of all tax credits approved for contributions from  
8 business firms to pre-kindergarten scholarship programs  
9 shall not exceed \$8,000,000 in a fiscal year.

10 (iii) For fiscal year 2012-2013 and each fiscal year  
11 thereafter, the total aggregate amount of all tax credits  
12 approved for contributions from business firms to pre-  
13 kindergarten scholarship programs shall not exceed  
14 \$10,000,000 in a fiscal year.

15 (3) (i) From the tax credits for contributions by  
16 business firms to educational improvement organizations,  
17 10% of the available amount shall initially be set aside  
18 for contributions by business firms to educational  
19 improvement organizations that provide donations to  
20 career and technical schools and shall be distributed in  
21 accordance with section 1705-F(g).

22 (ii) Tax credits remaining from the amount set aside  
23 in subparagraph (i) after July 1 of each year shall be  
24 made available to business firms for contributions to any  
25 educational improvement organization and shall be  
26 distributed in accordance with section 1705-F(g).

27 \* \* \*

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