

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2610 Session of
1996

INTRODUCED BY BARD, SCHRODER, HERSHEY, HENNESSEY, L. I. COHEN,
CLYMER, CORNELL, E. Z. TAYLOR, STEELMAN, BUNT, ALLEN,
GLADECK, CURRY, MERRY, RUBLEY AND RYAN, MAY 13, 1996

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 13, 1996

AN ACT

1 Establishing the State Tax Collectors' Commission; and providing
2 for the certification of State tax collectors and for
3 continuing education.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Tax Collector
8 Certification Law.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Commission." The State Tax Collectors' Commission
14 established under section 4.

15 "Department." The Department of Community Affairs of the
16 Commonwealth.

17 "Secretary." The Secretary of Community Affairs of the
18 Commonwealth.

1 "State-certified tax collector." A person who holds a
2 current valid certificate issued to him under this act.

3 "Tax collector." Any official elected to collect taxes
4 within this Commonwealth.

5 Section 3. State tax collector certification required.

6 It shall be unlawful, on or after July 1, 1996, for any
7 person to hold himself out as a State-certified tax collector
8 unless he holds a current, valid certification from the
9 commission.

10 Section 4. State Tax Collectors' Commission.

11 (a) Establishment.--There is hereby established the State
12 Tax Collectors' Commission as an administrative commission in
13 the Department of Community Affairs. The commission shall
14 consist of seven members who are citizens of the United States
15 and who have been residents of this Commonwealth for a two-year
16 period immediately prior to appointment, two of whom shall be
17 public members, four of whom shall be State-certified tax
18 collectors and one of whom shall be the secretary or his
19 designee. For the initial commission appointments, the four
20 professional tax collector members need not be certified at the
21 time of appointment but shall have appropriate tax collection
22 experience and education and shall have demonstrated adherence
23 to standards of professional practice.

24 (b) Term of office.--The professional and public members
25 shall serve four-year terms, except as provided in subsection
26 (c), and shall be appointed by the Governor by and with the
27 advice and consent of a majority of the members elected to the
28 Senate.

29 (c) Initial appointments.--Within 90 days of the effective
30 date of this act, the Governor shall nominate one professional

1 member to serve a four-year term, one public member and one
2 professional member to serve three-year terms, one public member
3 and one professional member to serve two-year terms and one
4 professional member to serve a one-year term.

5 (d) Continuation in office.--Each professional and public
6 member shall continue in office until a successor is duly
7 appointed and qualified but no longer than six months after the
8 expiration of the term. In the event that a commission member
9 shall die, resign or otherwise become disqualified during the
10 term of office, a successor shall be appointed in the same way
11 and with the same qualifications as set forth in this section
12 and shall hold office for the unexpired portion of the unexpired
13 term.

14 (e) Limit on terms.--No commission member shall be eligible
15 for appointment to serve more than two consecutive four-year
16 terms.

17 (f) Forfeiture of membership.--A commission member who fails
18 to attend three consecutive meetings shall forfeit his seat
19 unless the secretary, upon written request from the member,
20 finds that the member should be excused from a meeting because
21 of illness or the death of a family member.

22 (g) Compensation.--Each member of the commission, except the
23 secretary, shall receive per diem compensation at the rate of
24 \$60 per diem when actually attending to the work of the
25 commission. Members shall also receive reasonable traveling,
26 hotel and other necessary expenses incurred in the performance
27 of their duties in accordance with Commonwealth regulations.

28 (h) Forfeiture for nonattendance.--A public member who fails
29 to attend two consecutive statutorily mandated training seminars
30 in accordance with section 813(e) of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929,
2 shall forfeit his seat unless the secretary, upon written
3 request from the public member, finds that the public member
4 should be excused from a meeting because of illness or the death
5 of a family member.

6 (i) Quorum.--A majority of the members of the commission
7 serving in accordance with law shall constitute a quorum for
8 purposes of conducting the business of the commission. A member
9 may not be counted as part of a quorum or vote on any issue
10 unless he is physically in attendance at the meeting.

11 (j) Meetings.--The commission shall meet at least four times
12 a year in Harrisburg.

13 (k) Notice.--Reasonable notice of all meetings shall be
14 given in conformity with the act of July 3, 1986 (P.L.388,
15 No.84), known as the Sunshine Act.

16 (l) Operating procedures.--The commission shall meet within
17 30 days after the appointment of its initial members and set up
18 operating procedures and an application form for certifying tax
19 collectors. It shall be the responsibility of the commission to
20 circulate these forms and educate the public to the requirements
21 of certification. No other commission and no board shall be
22 responsible, in any manner, for the policies, procedures or
23 other substantive matters which are within the powers and duties
24 of the commission as set forth in this act.

25 (m) Election of officers.--The commission shall elect
26 annually from its membership a chairman, a vice chairman and a
27 secretary.

28 Section 5. Powers and duties of commission.

29 The commission shall have the following powers and duties:

30 (1) To pass upon the qualifications and fitness of

1 applicants for certification and to adopt and revise rules
2 and regulations requiring applicants for certification to
3 pass examinations relating to their qualifications for
4 certification.

5 (2) To adopt and from time to time revise such rules and
6 regulations as may be necessary to carry out the provisions
7 of this act.

8 (3) To examine for, deny, approve, issue, revoke,
9 suspend or renew certificates of tax collectors pursuant to
10 this act and to conduct hearings in conjunction therewith.

11 (4) To conduct hearings upon complaints concerning
12 violations of the provisions of this act and the rules and
13 regulations adopted pursuant to this act.

14 (5) To expend moneys necessary for the proper carrying
15 out of its assigned duties.

16 (6) To establish fees for the operation of the
17 commission, including fees for the issuance and renewal of
18 certificates and for examinations.

19 (7) To submit annually to the department an estimate of
20 the financial requirements of the commission for its
21 administrative, legal and miscellaneous expenses.

22 Section 6. Application and qualification.

23 (a) Application.--An applicant for certification as a State-
24 certified tax collector shall submit a written application on
25 forms provided by the commission evidencing that:

26 (1) He is of good moral character.

27 (2) He has completed the requisite training course
28 conducted by the department in conjunction with the
29 commission.

30 (3) His application has been accompanied by the

1 application fee.

2 (b) Criminal background check.--As a prerequisite to taking
3 the examination for certification, an applicant shall, in
4 addition to meeting the requirements of subsection (a), undergo
5 a criminal background check to be performed by the commission.

6 (c) Training course.--As a prerequisite to taking the
7 examination for certification, an applicant shall complete a
8 training course conducted by the department. The applicant shall
9 bear the cost of the training course which shall include
10 information concerning the following:

11 (1) The tax collectors' manual.

12 (2) The tax collection law.

13 (3) Auditing.

14 (4) Accounting.

15 (5) Ethics.

16 (d) Examinations.--Examinations shall be prepared and
17 administered by a qualified and approved professional testing
18 organization in accordance with section 812.1 of the act of
19 April 9, 1929 (P.L.177, No.175), known as The Administrative
20 Code of 1929. The examinee shall bear the cost of the
21 examination.

22 Section 7. Continuing education.

23 (a) Rules and regulations.--The commission shall adopt,
24 promulgate and enforce rules and regulations consistent with the
25 provisions of this act establishing requirements of continuing
26 education to be met by individuals certified as tax collectors
27 under this act as condition for renewal.

28 (b) Yearly requirements.--Each person certified pursuant to
29 this act shall be required to obtain ten hours of mandatory
30 continuing education during each year.

1 (c) Commission approval.--All courses, materials, locations
2 and instructors shall be approved by the commission.

3 (d) Topics.--The topics for continuing education shall
4 include:

5 (1) Accounting.

6 (2) Auditing.

7 (3) Computerization.

8 (4) Ethics.

9 (5) Procedures for collecting taxes.

10 (e) Information to applicants.--The commission shall inform
11 applicants of the continuing education requirement prior to the
12 renewal period.

13 Section 8. Renewal term and records.

14 (a) Renewal term.--Renewal of certification shall be on an
15 annual basis.

16 (b) Records.--A record of all certified tax collectors shall
17 be kept in the office of the commissioner and shall be open to
18 public inspection and copying upon payment of a nominal fee.

19 Section 9. Effective date.

20 This act shall take effect in 60 days.