

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1612 Session of  
1991

INTRODUCED BY STETLER, CAPPABIANCA, KUKOVICH, S. H. SMITH,  
STURLA, HANNA, PESCI, FREEMAN, NOYE AND BILLOW, JUNE 10, 1991

REFERRED TO COMMITTEE ON FINANCE, JUNE 10, 1991

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," further providing for settlement and resettlement  
11 of taxes.

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

14 Section 1. Section 407(a) of the act of March 4, 1971  
15 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended  
16 December 21, 1977 (P.L.330, No.98), is amended and the section  
17 is amended by adding a subsection to read:

18 Section 407. Settlement and Resettlement.--(a) All taxes  
19 due under this article shall be settled by the department, and  
20 such settlement shall be subject to audit and approval by the  
21 Department of the Auditor General, and shall, so far as  
22 possible, be made so that notice thereof may reach the taxpayer

1 within eighteen months after the tax report was required to be  
2 made. The Secretary of Revenue, after consultation with the  
3 Auditor General, may develop and implement procedures for the  
4 settlement of taxes employing, among other means, automatic data  
5 processing, statistical analysis, computer analysis, mechanical  
6 handling and issuance of settlement documents, including  
7 omission of original signatures, such that will facilitate what  
8 he determines to be the most efficient and productive use of the  
9 resources within his control required to adequately and  
10 reasonably ensure the proper collection of taxes.

11 \* \* \*

12 (e) If any taxpayer, pursuant to its petition or appeal, is  
13 granted a resettlement or issued an order of court or a judgment  
14 basing its tax for any taxable year upon the principles of  
15 multiformity or unrelated assets resulting from a final decision  
16 upon its petition or appeal, or any stipulation for judgment in  
17 settlement of litigation thereon, then any taxable year within a  
18 three-year period prior to the taxable year in issue or any  
19 taxable year thereafter may be resettled consistent with such  
20 principles within one year of such resettlement, order of court,  
21 or judgment.

22 Section 2. This act shall take effect in 60 days.