

Veto No. 1988-1

HB 183

June 2, 1988

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith without my approval, House Bill 183, Printer's No.3150, entitled "An act amending the act of May 25, 1945 (P.L.1050, No.394), entitled 'An act relating to the collection of taxes levied by counties, county institution districts, cities of the third class, boroughs, towns, townships, certain school districts and vocational school districts; conferring powers and imposing duties on tax collectors, courts and various officers of said political subdivisions; and prescribing penalties,' further providing for the compensation of tax collectors in first class townships."

House Bill 183 rewrites section 34 of the Local Tax Collection Law of 1945 in order to allow tax collectors in townships of the first class, who also serve as township treasurers, to receive more than the \$10,000 maximum compensation currently allowed for serving in both positions. The bill retains this cap as it applies to the person's income as township treasurer but removes it as it applies to the person's income as tax collector. Instead, persons serving this dual role in townships of the first class may be paid, as tax collector, five percent of all township taxes received or collected, without any maximum dollar amount. The bill does permit the township commissioners to set a different rate or amount of compensation by ordinance.

I have no objection to the intent of the General Assembly in allowing these tax collectors their first increase since the \$10,000 figure was established some 43 years ago. Even so, I believe that caution should be exercised to assure against unintended windfalls that could result in certain areas of the Commonwealth through a blanket removal of the cap. I cannot agree, however, with the provision in House Bill 183 which purports to exonerate those tax collectors who have been receiving more income than the current law allows. Current law clearly and unequivocally sets the maximum total compensation of a person serving as treasurer and tax collector in a township of the first class at \$10,000.

Moreover, Article III, § 26 of the State Constitution provides in part that "no bill shall be passed giving any extra compensation to any public officer, servant, employe, agent or contractor, after services shall have been rendered or contract made . . ." In passing House Bill 183, the General Assembly has determined that the \$10,000 limitation is no longer appropriate for the services performed by local tax collectors. It may also be argued that the income cap has been too restrictive for the greater part of the past four decades since its enactment. The fact remains, however, that our Constitution prohibits retroactive increases in compensation.

For these reasons, I must return House Bill 183, Printer's No.3150, without my signature.

ROBERT P. CASEY