

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of
1997

INTRODUCED BY ROBBINS, CORMAN, THOMPSON, STOUT AND AFFLERBACH,
MARCH 12, 1997

REFERRED TO LOCAL GOVERNMENT, MARCH 12, 1997

AN ACT

1 Amending the act of December 31, 1965 (P.L.1257, No.511),
2 entitled "An act empowering cities of the second class,
3 cities of the second class A, cities of the third class,
4 boroughs, towns, townships of the first class, townships of
5 the second class, school districts of the second class,
6 school districts of the third class and school districts of
7 the fourth class including independent school districts, to
8 levy, assess, collect or to provide for the levying,
9 assessment and collection of certain taxes subject to maximum
10 limitations for general revenue purposes; authorizing the
11 establishment of bureaus and the appointment and compensation
12 of officers, agencies and employes to assess and collect such
13 taxes; providing for joint collection of certain taxes,
14 prescribing certain definitions and other provisions for
15 taxes levied and assessed upon earned income, providing for
16 annual audits and for collection of delinquent taxes, and
17 permitting and requiring penalties to be imposed and
18 enforced, including penalties for disclosure of confidential
19 information, providing an appeal from the ordinance or
20 resolution levying such taxes to the court of quarter
21 sessions and to the Supreme Court and Superior Court,"
22 prohibiting certain fees relating to the collection of the
23 earned income tax.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 10(a) of the act of December 31, 1965
27 (P.L.1257, No.511), known as The Local Tax Enabling Act, is
28 amended to read:

Section 10. Collection of Taxes.--(a) Administrative
Personnel; Joint Agreements.--

(1) Any such political subdivision is hereby authorized to
provide by ordinance or resolution for the creation of such
bureaus or the appointment and compensation of such officers,
clerks, collectors, and other assistants and employes, either
under existing departments, or otherwise as may be deemed
necessary, for the assessment and collection of taxes imposed
under authority of this act.

(2) Any political subdivisions imposing taxes under
authority of this act are authorized to make joint agreements
for the collection of such taxes or any of them. The same person
or agency may be employed by two or more political subdivisions
to collect any taxes imposed by them under authority of this
act. No officer shall charge any fees to the appropriate home
political subdivision for the collection and distribution of
earned income tax revenues.

* * *

Section 2. Paragraph (h) of Division V of section 13 of the
act, added July 15, 1976 (P.L.1047, No.210), is amended to read:

Section 13. Earned Income Taxes.--On and after the effective
date of this act the remaining provisions of this section shall
be included in or construed to be a part of each tax levied and
assessed upon earned income by any political subdivision levying
and assessing such tax pursuant to this act. The definitions
contained in this section shall be exclusive for any tax upon
earned income and net profits levied and assessed pursuant to
this act, and shall not be altered or changed by any political
subdivision levying and assessing such tax.

* * *

1 V. Powers and Duties of Officer

2 * * *

3 (h) The officer shall, at least quarterly, distribute earned
4 income taxes to the appropriate political subdivisions. No
5 officer shall charge any fees to the appropriate home political
6 subdivision for the collection and distribution of earned income
7 tax revenues. The political subdivisions shall not be required
8 to request the officer to distribute the funds collected but
9 shall at least annually reconcile their receipts with the
10 records of the officer and return to or credit the officer with
11 any overpayment. If the officer, within one year after receiving
12 a tax payment, cannot identify the taxing jurisdiction entitled
13 to a tax payment, he shall make payment to the municipality in
14 which the tax was collected. Within one hundred twenty days of
15 the passage of this act, any present accumulated funds that are
16 unclaimed shall be distributed on the same basis.

17 * * *

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