

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2046 Session of  
2001

INTRODUCED BY CURRY, CAPPELLI, BARRAR, BROWNE, CORRIGAN,  
HALUSKA, HORSEY, MELIO, SAYLOR, STEELMAN, C. WILLIAMS,  
PERZEL, SHANER AND WASHINGTON, OCTOBER 17, 2001

REFERRED TO COMMITTEE ON URBAN AFFAIRS, OCTOBER 17, 2001

AN ACT

1 Amending the act of June 5, 1991 (P.L.9, No.6), entitled "An act  
2 providing for the financial stability of cities of the first  
3 class; establishing an authority empowered to assist cities  
4 of the first class in their financial affairs and to issue  
5 findings and recommendations to cities of the first class and  
6 to the General Assembly; creating the authority and providing  
7 for its powers and duties; authorizing each city of the first  
8 class and the authority to enter into intergovernmental  
9 cooperation agreements and specifying certain terms of such  
10 agreements and ordinances whereby cities of the first class  
11 enter into such agreements; empowering the authority to incur  
12 indebtedness, receive revenues, acquire the obligations of  
13 assisted cities, make loans and offer other financial  
14 assistance to such cities subject to conditions; establishing  
15 procedures for the preparation and review of financial plans  
16 of cities of the first class while bonds of the authority are  
17 outstanding and providing remedies for failure to adhere to  
18 such plans; requiring certain contracts to be consistent with  
19 the financial plan; making certain provisions with respect to  
20 short-term borrowing by cities of the first class;  
21 establishing procedures for handling authority funds, and  
22 providing for certain payments to the authority; providing  
23 security for bonds and notes issued by the authority;  
24 authorizing the creation of a debt service reserve fund and  
25 providing for its maintenance; granting to the holders of the  
26 authority's indebtedness and to the authority certain  
27 remedies in the event of default by the authority or by an  
28 assisted city on authorized obligations; authorizing cities  
29 of the first class to receive financial assistance from the  
30 authority under certain terms and conditions; establishing  
31 the method for the appointment and composition of the  
32 authority board; prohibiting the authority and assisted  
33 cities from filing a petition under Federal bankruptcy

1 statutes; authorizing an appropriation for authority  
2 operating expenses; authorizing cities of the first class to  
3 impose an optional sales and use tax; authorizing cities of  
4 the first class to impose certain taxes for the authority;  
5 authorizing emergency payment deferral; and providing  
6 jurisdiction for challenges to this act," further providing  
7 for situs for imposition of sales and use tax.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 504(a) of the act of June 5, 1991 (P.L.9,  
11 No.6), known as the Pennsylvania Intergovernmental Cooperation  
12 Authority Act for Cities of the First Class, is amended and the  
13 section is amended by adding a subsection to read:

14 Section 504. Situs for imposition of tax.

15 (a) Situs for retail sales.--For purposes of this chapter  
16 and except as otherwise provided in this subsection, a sale at  
17 retail shall be deemed to be consummated at the place of  
18 business of the retailer unless the tangible personal property  
19 sold is delivered by the retailer or his agent to [an out-of-  
20 State] a destination outside the city imposing the tax or to a  
21 common carrier for delivery to [an out-of-State] a destination  
22 outside the city imposing the tax or the United States mails for  
23 delivery to [an out-of-State] a destination outside the city  
24 imposing the tax. In the event a retailer has more than one  
25 place of business in this Commonwealth which participates in the  
26 sale, the sale shall be deemed to be consummated at the place of  
27 business of the retailer where the initial order for the  
28 tangible personal property is taken, even though the order must  
29 be forwarded elsewhere for acceptance, approval of credit,  
30 shipment or billing. A sale by a retailer's employee shall be  
31 deemed to be consummated at the place of business from which  
32 that employee works.

33 \* \* \*

1       (d) Cross-references in Second Class County Code.--A cross-  
2 reference to this section that is contained in section 3153-B of  
3 act of July 28, 1953 (P.L.723, No.230), known as the Second  
4 Class County Code, shall be deemed to be a reference to this  
5 section as it existed on January 1, 2001, unless otherwise  
6 provided in the Second Class County Code.

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