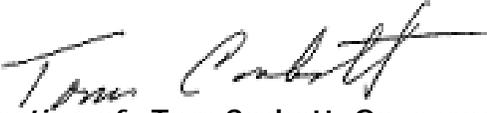


Executive Order
Commonwealth of Pennsylvania
Governor's Office

Subject:
Commonwealth Licensee Tax Responsibility
Program

Number:
2011-06


By Direction of: Tom Corbett, Governor

Date: September 15, 2011

WHEREAS, the public relies upon commonwealth licensing agencies for a level of assurance that license applicants and licensees will conduct business in a reputable manner, are in good standing within the commonwealth, and are in compliance with applicable laws and licensure requirements; and

WHEREAS, the commonwealth requires an efficient and dependable program to identify business licenses and/or applicants for business licenses who have not met their state tax obligations, in order to safeguard the public trust in commonwealth licensing and to ensure that the economic business privilege delivered through such licensing is appropriately granted; and

WHEREAS, establishing an effective program to encourage business licensees and applicants for business licenses to voluntarily and promptly comply with the tax laws of the commonwealth will minimize disruption to operations of state agencies and their respective licensees.

NOW, THEREFORE, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:

1. The Secretary of Revenue ("Secretary") shall develop and operate a Licensee Tax Responsibility Program ("Program") to identify any applicants for the issuance or renewal of state issued licenses who have not timely reported or paid all state taxes due and owing to the commonwealth.

2. The Secretary shall establish a Licensee Tax Responsibility Committee (“Committee”) to oversee the Program, to consist of representatives of the Department of Revenue, the Department of Labor and Industry, the Department of State and the Office of General Counsel, and such other agencies as the Governor may direct from time to time. The Committee shall make an annual report to the Governor.
3. The chief administrators of all commonwealth agencies under the Governor’s jurisdiction shall cooperate with the Secretary in implementing this Program by:

 - a. Providing the Secretary with the necessary information regarding all business licensees and applicants for business licenses of the agency including, but not limited to, the applicant’s state personal income tax identification number, state sales tax number, state corporation tax number, state employer withholding tax number and unemployment compensation account number on not less than an annual basis.
 - b. Providing the Secretary with a statement signed by each licensee and applicant for license under penalty of perjury, indicating that all state tax reports have been filed and paid or, in the alternative, that a deferred payment plan is currently in effect. All commonwealth agencies under the Governor’s jurisdiction are directed to utilize license application, renewal and/or transfer forms that include an express waiver by the applicant regarding confidentiality of the subject commonwealth tax information, for the limited purpose of the commonwealth executive agency providing such information to the Pennsylvania Departments of Revenue and Labor and Industry, to be used solely in connection with this Program. This signed waiver is to shield such commonwealth agencies from any legal actions arising from the utilization of otherwise confidential state tax information.
4. The Secretary shall issue a notice to the licensing agency indicating those licensees and applicants who have unresolved state tax obligations on not less than an annual basis.
5. All agencies, officers, and employees shall treat all records and files disclosed by the Department of Revenue as confidential and privileged to the extent provided by law and may disclose tax information only as authorized by law. The failure of any agency employee to implement standards safeguarding confidential state tax information will render the employee subject to sanctions as described in statutes dealing with the confidentiality of state tax information. (*See Title 72 P.S. § 731* (relating to confidential information).)

6. Use of the commonwealth tax information that is compiled or created pursuant to this Executive Order is hereby limited to:
 - a. collection of commonwealth tax delinquencies from existing licensees in relationship to the renewal or transfer of their existing state license or from applicants for such licensees; and/or,
 - b. notification to a commonwealth executive agency of the identity of applicants or existing licensees who have not filed commonwealth tax return(s), which notification constitutes a permissible purpose to disclose such information between various commonwealth executive and independent agencies and the Pennsylvania Departments of Revenue and Labor and Industry. Such exchange of otherwise confidential information falls within the "official purposes" exception of *Title 72 P.S. § 731*. (See *Frontage, Inc. v. Allegheny County*, 162 A. 2d 1, 400 Pa. 249 (1960) and 1990 Op. Att. Gen. No. 90-1).
7. All agencies, officers, and employees under the Governor's jurisdiction shall fully and actively participate in the Program, and agencies outside of the purview of this Executive Order are strongly encouraged to participate.
8. **Effective Date.** This Executive Order shall take effect immediately.
9. **Termination Date.** This Executive Order shall remain in effect unless revised or rescinded by the Governor.
10. **Rescission.** *Executive Order 2006-03, Commonwealth Business License Information Exchange Program.*