

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER 2003-8]

Governor's Advisory Commission on Asian-American Affairs

June 22, 2003

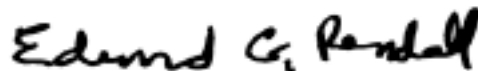
Whereas, the number of Asian-Americans and Asian-American businesses in the Commonwealth of Pennsylvania continues to grow rapidly, and the Asian-American community remains a vital part of the cultural, social, and economic environment of the Commonwealth; and

Whereas, Asian-American business, technological and educational communities have expressed great interest in doing business and pursuing educational studies in the Commonwealth of Pennsylvania and wish to be instrumental in the revitalization of the economy of the Commonwealth, including the creation of jobs and increased revenues; and

Whereas, a bridge is needed to accommodate the connection between the vast array of human and informational resources offered by world leaders in information technology, biotechnology, and other industries in Asia and the Asian-American business community in the Commonwealth of Pennsylvania; and

Whereas, a forum is required within which the unique needs and issues of concern that are prevalent in the Asian-American community and of value and great importance to all of the citizens of the Commonwealth of Pennsylvania can be articulated and addressed.

Now, Therefore, I, Edward G. Rendell, 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 establish, in the Office of the Governor, the Governor's Advisory Commission on Asian-American Affairs (hereinafter referred to as "Commission") as the Commonwealth's advocate agency for its Asian-American citizens as hereinafter set forth.



Governor

Fiscal Note: GOV 03-9. (1) General Fund; (2) Implementing Year 2003-04 is \$110,000; (3) 1st Succeeding Year 2004-05 is \$112,475; 2nd Succeeding Year 2005-06 is \$115,000; 3rd Succeeding Year 2006-07 is \$115,000; 4th Succeeding Year 2007-08 is \$115,000; 5th Succeeding Year 2008-09 is \$115,000; (4) 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; 2000-01 Program—\$N/A; (7) Office of Administration; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter K. GOVERNOR'S ADVISORY COMMISSION ON ASIAN-AMERICAN AFFAIRS

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§ 6.171. Functions.

The functions of the Governor's Advisory Commission on Asian-American Affairs are:

(1) Advise and make recommendations to the Governor on policies, procedures, legislation and regulations that affect the Asian-American community and that will enable the Commonwealth to be responsive to the needs of the Asian-American community.

(2) Develop, review and recommend to the Governor policies in the areas of health and human services, housing, education, employment, business formation and development, public accommodations and in contracting practices and procedures.

(3) Serve as the Governor's liaison to the Asian-American community on policies, procedures, legislation and regulations that affect the Asian-American community to ensure that State government is accessible, accountable and responsive to the Asian-American community.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs affecting Asian-Americans are effectively utilized and that benefits accrue equitably to members of the Asian-American community.

(5) Work with the Governor's Office and the Asian-American community to promote legislation that ensures the equitable treatment of all citizens of this Commonwealth.

(6) Serve as a resource to all departments, commissions and agencies to ensure that they are cognizant of the needs of the Asian-American community and that this community benefits in an equitable fashion from their respective services and programs.

(7) Serve as a resource for community groups on Asian-American issues, programs, sources of funding and compliance requirements within State government for the benefit and advancement of Asian-Americans.

(8) Assist local Asian-American community groups in developing strategies and programs that will expand and enhance the social, cultural and economic status of the Asian-American community.

(9) Work with the administration to monitor the hiring, retention and promotion practices of the Commonwealth as they relate to the employment of Asian-Americans to ensure that there are no discriminatory employment practices within this Commonwealth.

(10) Promote the cultural arts in their various forms within the Asian-American community through coordinated efforts and advocacy.

§ 6.172. Composition.

(a) The Governor's Advisory Commission on Asian-American Affairs (Commission) consists of 15 members to be appointed by the Governor who are representatives of this Commonwealth's Asian-American community and others who may make the work of the Commission more meaningful, efficient and productive. The Governor may occasionally also appoint special members of the Commission to assist in unique cultural exchanges, economic development programs or gubernatorial initiatives.

(b) The Governor will designate one Commission member to serve as chairperson and one to serve as vice-chairperson of the Commission. The chairperson and vice-chairperson will serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director and a Deputy Executive Director of the Commission, who will serve at the pleasure of the Governor.

§ 6.173. Terms of membership.

(a) Members will be appointed for a term of 2 years. The members serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Governor's Advisory Commission on Asian-American Affairs due to resignation, disability or death of a member, a successor may be appointed by the Governor to serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

§ 6.174. Compensation.

Members of the Governor's Advisory Commission on Asian-American Affairs receive no compensation for their service except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 6.175. Relationship with other agencies.

To implement the purpose of this subchapter, the Governor's Advisory Commission on Asian-American Affairs (Commission) may request and receive from any department, division, board, bureau, commission or any other agency of the State or any political subdivision thereof or public authority, cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties under this subchapter.

§ 6.176. Reports.

The Governor's Advisory Commission on Asian-American Affairs will submit reports, as deemed necessary, on issues affecting Asian-Americans in this Commonwealth.

§ 6.177. Procedures.

(a) The Governor's Advisory Commission on Asian-American Affairs (Commission) is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this subchapter.

(b) The Commission may hold public hearings to evaluate the effectiveness of Commonwealth services and programs to the Asian-American community.

§ 6.178. Effective date.

This subchapter takes effect immediately and will continue in effect unless revised or modified by the Governor.

[Pa.B. Doc. No. 04-685. Filed for public inspection April 23, 2004, 9:00 a.m.]

[4 PA. CODE CH. 6]**[EXECUTIVE ORDER 2004-3]****Pennsylvania Business Tax Reform Commission**

March 4, 2004

Whereas, over the last two decades significant changes in the structure of the Commonwealth's economy have occurred resulting in the formation of new business structures and business arrangements that affect the nature of business taxation in the Commonwealth; and

Whereas, these new business structures and arrangements have caused some businesses to gain a competitive edge due to variation in the tax burden by business structure and arrangement; and

Whereas, a majority of corporations subject to the Commonwealth's major corporate taxes report no tax liability; and

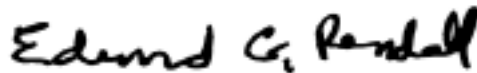
Whereas, technology has significantly changed the way business operates in the Commonwealth offering a dynamic tool for ensuring business tax fairness across business structures and sectors; and

Whereas, ensuring greater fairness in business taxation will create a more competitive business climate leading to greater economic growth in the Commonwealth; and

Whereas, Pennsylvania's business taxes have been, and will continue to be, reduced by the phase out of the capital stock and franchise tax; and

Whereas, viable opportunities to broaden business tax bases should be explored to enable the Commonwealth to lower corporate tax rates while also protecting the stability of the state budget.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and other laws of the Commonwealth of Pennsylvania, do hereby establish the Pennsylvania Business Tax Reform Commission (hereinafter referred to as "Commission") as hereinafter set forth:



Governor

Fiscal Note: GOV 04-2. (1) General Fund; (2) Implementing Year 2003-04 is \$350,000; (3) 1st Succeeding Year 2004-05 is \$700,000; 2nd Succeeding Year 2005-06 is \$700,000; 3rd Succeeding Year 2006-07 is \$700,000; 4th Succeeding Year 2007-08 is \$700,000; 5th Succeeding Year 2008-09 is \$700,000; (4) 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; 2000-01 Program—\$N/A; (7) Department of Revenue—General Government Operations; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter L. PENNSYLVANIA BUSINESS TAX REFORM COMMISSION

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§ 6.191. Purpose.

The Pennsylvania Business Tax Reform Commission is established to evaluate the current business tax structure in this Commonwealth and recommend changes in this Commonwealth's business tax structure that will broaden those tax bases, thereby allowing rates to be reduced, leveling the playing field and creating a fairer business tax climate.

§ 6.192. Tasks.

(a) The Pennsylvania Business Tax Reform Commission (Commission) will explore viable options for increasing fairness and competitiveness in the business tax structure of this Commonwealth. The Commission will also find solutions to ensure that the portion of State general funds derived from direct business taxes is not diminished, and that any decrease in tax rates is offset by new taxes or a broadening of the tax base to ensure revenue neutrality.

(b) The Commission will provide a report that thoroughly discusses options and viable recommendations considered and express clear rationales for options not recommended. Specific tax changes recommended by the

Commission will be included in the report. The Commission will present to the Governor its recommendations for change in this Commonwealth's tax structure consistent with the purposes of the Commission.

§ 6.193. Composition.

(a) The Secretary of Revenue will chair the Pennsylvania Business Tax Reform Commission (Commission) and will serve as a member.

(b) The Commission will consist of 12 members. Seven members will be appointed by the Governor. The appointees will be members of various constituencies affected by or knowledgeable about the business tax climate of this Commonwealth. These constituencies include corporations, tax preferred entities, tax policy experts and tax practitioners. Three of the Governor's seven appointees, one from each organization, will be members of the Pennsylvania Chamber of Business and Industry, the Pennsylvania Business Roundtable and Team Pennsylvania.

(c) Each of the four caucuses within the Legislature will select one private sector citizen business representative from constituencies affected by or knowledgeable about Pennsylvania's business taxes to serve on the Commission.

(d) Staff from organizations representing business organizations are not eligible to participate on the Commission.

§ 6.194. Staffing.

The Commonwealth will, through the Department of Revenue, contract for research, analysis and editorial work in support of the Pennsylvania Business Tax Reform Commission, as necessary, and will provide reasonable and necessary clerical, research and administrative support.

§ 6.195. Reports.

The Pennsylvania Business Tax Reform Commission will prepare a written report for submission to the Governor and the General Assembly, as required by § 6.192(b) (relating to tasks), on or before June 19, 2004.

§ 6.196. Public meetings.

All meetings, except for organizational meetings and planning sessions, will be conducted as public meetings consistent with procedures prescribed by 65 Pa.C.S. Chapter 7 (relating to open meetings).

§ 6.197. Cooperation by State agencies.

The Department of Revenue will serve as the administrative support agency of the Pennsylvania Business Tax Reform Commission (Commission) and will provide facilities, personnel assistance, information and services necessary to fulfill the mission of the Commission. All other Commonwealth agencies are directed to cooperate with and assist the Commission in fulfilling its duties and responsibilities.

§ 6.197. Effective date.

This subchapter will take effect immediately and will continue in effect until rescinded.

[Pa.B. Doc. No. 04-686. Filed for public inspection April 23, 2004, 9:00 a.m.]