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The Magazine Of The Pennsylvania Public Society Of Public Accountants



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A Message From The President



Having just returned from the 57th Annual Meeting of the PA Society of Public Accountants held in Philadelphia, I am pleased to report that our committees are working diligently to protect the interests of our members.

On the legislative front, there are proposed revisions to the PA CPA Statute being circulated at the PA State Board of Accountancy. Once again there is movement afoot to revisit the 150 hour requirement, the addition of the terminology of Substantial Equivalency to the statute, and the issue of non-CPA ownership. As you may recall, PSPA held their 1st Annual Day at the Capitol last September to confront these issues head on and make

our state legislators aware of the impact that any changes would place on the small practitioner. The concept of Substantial Equivalency (a fancy name for the 150 hour requirement) is a theory contained in the Uniform Accountancy Act that would offer licensees reciprocity to practice accounting across state borders. PSPA opposes the 150 hour requirement because the small firms would have a major disadvantage in hiring qualified employees. Mandating an additional year of school that does not have to be in Accounting or Business related subjects will drive up the cost of entry level accounting positions and will place an economic burden on small accounting firms. PSPA also opposes any legislation that would require CPA's to hold only a simple majority of a CPA firm. Prior to the passage of Act 140 in 1996, CPA's were required to own 100% of a CPA firm, but the passage of Act 140 lowered that requirement to a 2/3 equity interest. Given the current public scrutiny of the accounting profession, PSPA opposes any legislation offering to further lower the equity interest of CPA's in accounting firms.

Many of our chapters will be hosting "Legislator Appreciation Dinners" this year to honor our representatives in state government. These events offer a great opportunity for our members to exchange ideas with their representatives and thank them for the great support provided to PSPA. I urge our members to take a proactive part in protecting their rights by attending these events, and learning where your representatives stand on these issues.

Another issue confronting the small practitioner is legislation moving through Congress that would allow IRS to register tax preparers based on passing an annual test. Although CPA's and Enrolled Agents would be exempt, Public Accountants that are not Enrolled Agents would be subject to the testing. PSPA expects to monitor this issue very closely in the coming months.

Speaking of IRS, our Committee on Cooperation with the IRS reports that agents are cold-calling taxpayers to set up audit appointments and asking them audit questions over the phone. The current preferred policy for IRS field agents when initializing an audit is to call the taxpayer (your client) on the telephone and ask him/her to set a date for the audit to take place. Among the other questions that the agent is required to ask your client are the type and availability of their books and records kept, and the location of their records. If a Power of Attorney is on file, the agent should contact the POA in lieu of the taxpayer. Therefore, PSPA strongly advises you to inform all of your clients that they should be polite; but tell the agent that they will be represented by their tax professional and that any further communications should be directed to you. The client should write down the agent's name, badge number, mailing address, and telephone number; and then terminate the call. They should then immediately call you and give you this information. The committee has recommended that as an extra precaution that you obtain Powers of Attorney on all of your clients in the future to prevent the IRS from contacting your clients directly.

Our education committees are busy planning another outstanding lineup of seminars and chapter meetings for the fall. Our education programs continue to be the cornerstone of our success, and members and non-members have registered to attend in record numbers. In addition to the many fine Gear Up programs scheduled, PSPA's latest partnership with the Accounting Professional Education Network (ACPEN) continues to receive rave reviews for their satellite programs and live webcasts. In addition to quality education, PSPA continues to make a wealth of resources available to our membership.

PSPA is ready for the future. Now we need you to participate and take an active role in your association. Learn how you can help strengthen our efforts by contacting your chapter leadership. Join a PSPA committee. Make a contribution to PSPA's Political Action Campaign. Your support is vital to the continued success of PSPA.

Richard Brasch Jr., CPA PSPA President

Pennsylvania ACCOUNTANT



PSPA 2nd Annual DAY AT THE CAPITOL

is scheduled for

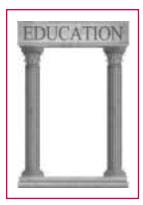
MAY 2005

The 2nd Annual PSPA Day at the Capitol will take place in May 2005 (exact date TBD). The event was formerly scheduled for Tuesday, October 12, but the House and Senate canceled their previously scheduled session. This will once again be a FREE event for all PSPA members - 2 hours CPE (other) will be given to attendees.

Do You Need a Peer Review?

The peer review requirement continues to be phased in. Firms who performed audits after May 1, 2002 were required to obtain a peer review to renew their license in the biennium that ended April 30, 2004.

Firms that accept or perform a review after May 1, 2004 must obtain a peer review in order to renew their license in the biennium that ends April 30, 2006. The National Society of Accountants is an approved peer review administrator in Pennsylvania. If you would like more information on this program please contact the PSPA Executive Office at 1-800-270-3352.



20 Hours CPE Required in First Year of Biennial

This is a reminder that licensees must obtain a minimum of 20 hours of CPE during the initial year of the biennial. Licensees who fail to meet this requirement are subject to a \$150 fine. If you have an extenuating circumstance that is going to prevent you from fulfilling this requirement, please notify the Board in writing.

Publication Discounts for PSPA Members

In addition to the ongoing discount on CCH products (40% off the list price), PSPA has added the RIA Federal Tax Handbook to its list of discounted publications. Through an exclusive offer to PSPA members, the RIA Federal Tax Handbook is available at the low rate of \$32 (plus sales tax of \$1.92). See page 14 to order your copy today. CCH Guidebooks can be ordered on page 15.

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PENNSYLVANIA TAX UPDATE

By Sharon R. Paxton

Commonwealth Court Upholds Current Taxation of Deferred Compensation

On May 12, 2004, the Commonwealth Court ruled in Ignatz v. Commonwealth/Peabody v. Commonwealth that amounts deferred under an unfunded, nonqualified deferred compensation plan are subject to Pennsylvania Personal Income Tax ("PIT") in the year the compensation is earned and deferred. Amounts properly deferred under an unfunded, nonqualified deferred compensation plan are not generally subject to Federal income tax until distribution because the compensation is not considered "constructively received" prior to that time. Although Pennsylvania's "constructive receipt" rule is substantially the same as the Federal rule, a three-judge panel of the Commonwealth Court determined that a taxpayer's ability to elect whether to take compensation "in cash or to

take part in cash and part in contributions to a deferred compensation plan establishes the taxpayer's requisite control over the compensation to establish constructive receipt." The Court also agreed with the Commonwealth's argument that "constitutional uniformity requires that all Pennsylvania taxpayers with the same income be subject to the same tax burden." The Court's decision creates a disparity in the income tax treatment of deferred compensation for Federal and Pennsylvania income tax purposes. The Court's decision is also inconsistent with many tax practitioners' prior interpretation of Pennsylvania law and with the reporting procedures of many Pennsylvania companies.

The Pennsylvania Department of Revenue has issued tax assessments against some individual taxpayers for failure to pay PIT on amounts deferred under nonqualified deferred compensation plans. Although the *Ignatz/*

Peabody decision supports the Department's position that deferred compensation is subject to PIT in the year it is earned, that decision is under appeal and is unlikely to become final until next year at the earliest. Individuals who are assessed can file appeals pending the final action of the courts in the Ignatz/Peabody case. Employers with nonqualified deferred compensation plans should evaluate their Pennsylvania withholding procedures for deferred compensation in light of this decision. The Department of Revenue expects to release a pronouncement addressing the tax withholding obligations of employers within the next several months.

Tax Reform Commission Proposals

Pursuant to an Executive Order dated March 4, 2004, Governor Rendell has established a 12-member Business Tax Reform Commission to evaluate Pennsylvania's current business tax structure and recommend changes to make business taxes fairer, simpler and more competitive with other states. The Executive Order directed the Commission to submit a report to the Governor and the General Assembly by June 19, 2004. The Commission issued an Interim Report on June 18, 2004, and the deadline for the publishing of a final report has been extended to November 30, 2004. The Interim Report, which is available on the Tax Commission website, contains the following recommendations:

- Reduce Corporate Net Income Tax rate to between 6 and 7 percent and impose an entity level tax of up to 2 percent on pass-through entities;
- Shift apportionment formulae to market-based sourcing for sale of services;
- Adopt combined reporting, if enacted with the other reforms recommended in the Report;

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Pennsylvania Tax Update continued from page 5

- Abolish \$2 million cap for future net operating losses;
- Continue current statutory phaseout of Capital Stock/Franchise Tax: and
- Reform Pennsylvania's tax appeals process.

The Commission has received input from numerous organizations and government agencies for consideration in the preparation of its final report. The only condition that the Governor has placed on the Commission is that its final recommendations should be revenue neutral.

Pennsylvania Supreme Court Limits Scope of Exclusion for Packaging Activities

On June 22, 2004, the Pennsylvania Supreme Court denied an appeal filed by AMP Incorporated and ruled that the packaging operations at AMP's distribution facility constituted non-excludable "post-production" activities. The Court also determined that the statutory exclusion for packaging "passing to the ultimate consumer" is limited to packaging for retail customers.

Pursuant to an audit, the Department of Revenue assessed tax against AMP on shelving/racks, forklifts/ orderpickers, conveyors and packaging equipment used at a distribution center in Mechanicsburg, Pennsylvania. During the audit period, AMP manufactured, sold and distributed electrical/electronic devices and products and fiberoptic devices to other manufacturing companies. Its Mechanicsburg distribution center received production output from a number of manufacturing facilities located in Pennsylvania and Virginia. Products remained at the distribution center for an average of five and one-half weeks, until needed to fill a customer order. Because AMP's customers frequently ordered the products in amounts different from the amounts in the cartons received by the distribution center, most orders were repackaged prior to shipping.

AMP contested the Department's imposition of tax on the disputed items on the basis that (1) the manufacturing process ends with the wrapping of its products for shipment to other manufacturers, and (2) AMP's manufacturing customers are "ultimate consumers" because they use AMP's products as "raw materials" in the production of their products.

The Court agreed with the Commonwealth Court's determination that no manufacturing occurred at the distribution center because, inter alia, the center was geographically independent from AMP's manufacturing plants, the "manufacturing process" ended about 5 weeks before the packaging equipment was used at the distribution center, and no "changes" to the product were made at the distribution center. The Court also narrowly construed the scope of the tax exclusion as applied to packaging operations in general, noting that "what is intended to be excluded are the sorts of wrapping and packaging operations more closely connected to manufacturing process typically associated with consumer products."

Property Tax Relief

H.B. 2330, the Pennsylvania Race Horse Development and Gaming Act, authorizes slot machines in Pennsylvania and imposes a slot machine tax to fund property tax relief. The state tax on slots is expected to ultimately generate \$1 billion a year for property tax reduction. Revenue will not be distributed to school districts for property tax relief until a specified amount of funds becomes available, and the initial tax relief is not expected to occur until at least 2006. A portion of the revenue from slot machines will also be distributed to the Pennsylvania Gaming Economic Development and Tourism Fund, the Pennsylvania Race Horse Development Fund and to counties and municipalities in which slot parlors are located.

The Homeowner Tax Relief Act, S.B. 100, imposes requirements on school districts for the receipt of gaming funds to be used for property tax relief. (In Philadelphia, the wage tax rate will be reduced in lieu of a property tax rate

reduction.) In order to qualify to receive state gaming funds, a school district must initially increase its earned income and net profits tax rate by 0.1%. In addition, participating school districts are required to place a referendum question during the municipal election of 2007 requesting authorization to levy additional income taxes at a rate required to provide an exclusion for homestead/farmstead property equal to 50% of the maximum homestead/farmstead exclusion permitted by the Pennsylvania Constitution, after taking into account the required 0.1% rate levy, the distribution from the gaming fund and any levies under Act 50. School districts may elect to conduct the required referendum during the municipal election of 2005 rather than waiting until 2007. After 2007, school districts are authorized to place a referendum seeking voter approval for a proposed income tax rate that would provide a homestead/farmstead exclusion equal to the maximum exclusion. School districts may elect to impose a personal income tax (on earned and unearned income) in lieu of the earned income and net profits tax to fund property tax relief.

Revenue derived from the income tax rate increases discussed above must be used to fund property tax relief via homestead and farmstead exclusions. School districts that elect to participate in the property tax relief program will be required to obtain voter approval to levy any new school district tax or to increase the rate of the existing property tax beyond an indexed amount. However, there are many exceptions to the voter approval requirement for tax rate increases, including the use of tax revenue for the following purposes: (1) to respond to or recover from Governor-declared emergencies and disasters, (2) to implement a court order or an administrative order from a Federal or State agency, (3) to pay interest and principal on certain types of indebtedness, (4) to respond to threats of serious physical harm or injury to students, staff or residents of a school district, (5) to pay for special education costs to the extent such costs increase more than 10% over the prior year, (6)

to pay the cost of certain school improvement plans, (7) to maintain per-student local tax revenue or actual instruction expense per average daily membership, (8) to maintain revenues derived from real property taxes, earned income and net profits taxes, personal income taxes and basic and special education funding allocations at a certain level, (9) to pay health care costs under collective bargaining agreements in effect prior to the Act and (10) to make payments to the Public School Employees' Retirement System if the school district's share of such retirement payments increases more than 7.5% over the prior year.

A school district may end its participation under the Homeowner Tax Relief Act only by placing a question on the ballot after four years of participation.

Calculation of Book Income for Corporate Members of Limited Liability Companies

In its April/May 2004 Tax Update, the Department of Revenue announced that income from an LLC will be included in the "net income per books" of a corporate member in the year the income is distributed. Non-distributed income or loss will not be recognized in calculating "net income per books." A corporate member must provide specified information to the Department to support an adjustment to book income. Otherwise, the Department will assume that all income from an LLC was distributed in the year it was reported on the Federal tax return.

Department of Revenue Releases Corporation Tax Bulletin

The Department of Revenue has released Corporation Tax Bulletin 2004-01, which addresses the Department's interpretation of the application of P.L. 86-272 to the Corporate Net Income Tax, as well as proposed de minimis standards for Corporate Net Income and Capital Stock / Franchise Tax purposes. The proposed analysis of whether a connection with Pennsylva-

nia is de minimus includes both qualitative and quantitative factors. That is, even if an activity falls below a specified quantitative threshold (e.g., no more than 7 days in a taxable year), the Department will require the filing of a tax return if the activity produces a specified qualitative result (e.g., Pennsylvania sales of more than \$10,000 during a taxable year). Similarly, even if a company has de minimus Pennsylvania sales, it would be required to file a tax return if it conducts activities in Pennsylvania for more than a specified number of days. The Bulletin also contains specific de minimis criteria for truck and bus companies. The proposed de minimis filing standards apply only to corporate taxes and not to sales and use tax filing requirements. The Bulletin applies to all open cases, tax settlements and appeals.

Sharon R. Paxton is a member of McNees Wallace & Nurick LLC's State and Local Tax Group. Additional Pennsylvania tax information may be obtained at the firm's "Pennsylvania Tax Page" on the Internet at: www.mwn.com.

AICPA Issues SSARS No. 10

The American Institute of CPAs Accounting and Review Services Committee has issued Statement on Standards for Accounting and Review Services (SSARS) No. 10, *Performance of Review Engagements.*

SSARS No. 10 amends SSARS No. 1, *Compilation and Review of Financial Statements*, by:

- Expanding on previously provided guidance on analytical procedures, inquiries, and other review procedures
- Providing inquiries regarding fraud that the accountant should consider making in a review engagement
- Requiring representations regarding fraud in the management representation letter
- Clarifying and providing guidance regarding documentation in a review engagement.

The new standard is effective for reviews of financial statements for periods ending on or after December 15, 2004.



2004-2005 PSPA Officers

(Left to Right) Irving Braunstein, EA, State Secretary; Michael H. Agin, CPA, State Treasurer; Richard Brasch Jr., CPA, PSPA President; Linda M. Roth, CPA, President-Elect; Daniel J. Vecchio, CPA, First Vice President; Gerald L. Brenneman, CPA, Second Vice President.





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Attention All Tax Return Preparers -IRS May be Cold Calling Your Clients

The current preferred policy for IRS field agents when initializing an audit is to call the taxpayer (your client) on the telephone and ask him/her to set a date for the audit to take place. Among the other questions that the agent is required to ask your client are the type and availability of their books and records kept, and the location of their records.

A copy of the IRS' Initial Taxpayer Contact Check Sheet and the part of the Internal Revenue Manual that deals with the initial contact by telephone may be obtained by contacting the PSPA Executive Office at 1-800-270-3352 or by emailing a request to info@pspa-state.org.

If a Power of Attorney is on file, the agent should contact the POA in lieu of the taxpayer.

Therefore, we strongly advise you to inform all of your clients that they should be polite; but tell the agent that they will be represented by their tax professional and that any further communications should be directed to you. The client should write down the agent's name, badge number, mailing address, and telephone number; and then terminate the call. They should then immediately call you and give you this information.

As an extra precaution, you may wish to obtain Powers of Attorney on all of your clients in the future to prevent the IRS from contacting your client directly. If you decide to do this please be sure to send them into the IRS separately and not with a tax return. Residents of Pennsylvania should send these Powers of Attorney to:

Memphis (MAMC) Mail 5333 Getwell Rd. Stop 8423 Memphis, TN 38118 Or Fax: 901-546-4115

The following website will provide correct addresses, faxes, and state mapping for CAF: http://www.irs.gov/businesses/small/article/0,,id=107552,00.html

The IRS has formed a new Statewide Liaison Committee comprised of Representatives from IRS, PSPA, PA Bar Assoc., PSEA, NATP, and PICPA. The committee will meet several times a year. Its function is to disseminate IRS information to the accounting organizations' membership and to get feedback of systemic problems that practitioners are encountering. PSPA has been promised that the issues that we bring up will be looked into and that the IRS will get back to our liaison member, Marvin R. Huttman, with an evaluation of the problem. In some cases the problem will be elevated within the IRS, some will be resolved, and some, unfortunately, will not be able to be resolved but at least they will be noted.

We are looking for input from our membership as to items that are systemic in nature. This Liaison Committee is not looking to help solve individual cases, therefore the PSPA Committee On Cooperation with the IRS will evaluate your tax case and if it is determined to be systemic will put the problem on the agenda for the next liaison meeting. Please e-mail any problems to our Executive Director, Sherry L. DeAgostino at execdir@pspa-state.org.

IRS Reviewing Personal Service Corporation Tax Computations

The Internal Revenue Service recently began contacting corporations that do not appear to have used the applicable personal service corporation tax rate in computing their 2002 and 2003 tax liability. The taxable income of "qualified personal service corporations" is subject to a flat tax rate of 35 percent instead of the graduated rates available to most corporations.

A corporation is a qualified personal service corporation if it meets both of the following tests:

 Substantially all of the corporation's activities involve the performance of services in the

- fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting, and
- 2) At least 95 percent of the corporation's stock is owned by employees performing services for the corporation, retired employees, the estates of employees, or other persons acquiring stock in the corporation by reason of the death of employees.

Personal service corporations that receive a letter and Revenue Agent Report will have 30 days to either agree or disagree with the proposed tax increase. The tax increase will be the difference between the flat 35 percent rate and the tax shown on the original return.

Taxpayers who do not agree may appeal the determination by providing a written statement that they do not agree, the reasons for disagreement, and the law or other authority that supports their position. Detailed guidance on the examination process and appeal rights is included with the letter.

Revised Form 56 (Notice Concerning Fiduciary Relationship)

The IRS has revised Form 56 (Notice Concerning Fiduciary Relationship), which may be used to comply with IRC Sec. 6903. The revised form also includes instructions. The form is available on the IRS website at www.irs.gov.

New E-mail Service Available for Technical Guidance

The Internal Revenue Service is launching a new service to make technical guidance available via e-mail to tax professionals when the documents are issued.

Through the IRS GuideWire list server, subscribers will receive notification of and links to IRS announcements, notices, revenue procedures and revenue rulings as continued on page 10

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they are issued.

To subscribe to the service, individuals should request being added to the list server by going to IRS.gov, clicking on "The Newsroom" and "e-News Subscriptions" then choosing "IRS GuideWire."

The IRS has several other e-mail services available besides GuideWire:

- A weekly summary of IRS technical guidance and other important news is available by subscribing to the Digital Dispatch.
- News releases are available on a sameday basis through the IRS Newswire.
- IRS Tax Tips provides helpful tax information for taxpayers. Tax Tips are distributed on a daily basis during the January - April filing season and periodically through the rest of the year.

These services and others are available by going to the Newsroom on IRS.gov, and clicking on "e-News Subscriptions."

PA Department of Revenue Update

Mandatory Electronic Filing Update -As you know the PSPA disseminated information to the membership earlier this summer regarding the Department's initiative to make the electronic filing of PIT returns mandatory. We thank the many members who took the time to send their comments and experiences regarding electronic filing to the PSPA Executive Office. This initiative was a part of the Revenue's budget proposal that was not passed. At a recent meeting with Department officials, PSPA learned that this initiative will not be pursued at this time. However, the Department does plan to pursue it at a later date.

No More Paper Sales Tax Returns. Department officials informed the PSPA Committee at their meeting on July 15, 2004 that beginning with the first sales tax return deadline of 2005 (February 20, 2005) taxpayers will be unable to file a paper sales tax return with the Department. The Department will not issue coupon booklets for the 2005 tax year. Taxpayers will be able to remit sales tax payments either online or through a new automated telephone system that the Department will be activating. Sales tax licensees will receive a letter from the Department in the August timeframe explaining the change.

Office Closings. Members of the PSPA Cooperation Committee voiced their concerns over the various local office closings that the Department of Revenue is enacting. The following offices will be closed: Bradford, Washington, Indiana, Wilkes-Barre, Lancaster, Newtown Square and Doylestown. The Department indicated that a *Practitioners Hotline* is being considered as a result of the closings. The office closings are a result of budget cuts and will save an estimated 3.8 million. The taxpayer services and collections functions performed by these offices will be handled by the remaining field offices or by Revenue personnel in Harrisburg.

PA-40 Available for Review

Practitioners who wish to view the

PA-40 form for next year can do so at http://www.revenue.state.pa.us/pa 40draft. If you have comments after reviewing the daft they can be forwarded directly to Christine Dickson, whose contact information appears at the site.

Revenue reminder re: RCT-101

The Department recently sent out Corporation Tax nonfiler notices for the tax year 2003. The number of non-filer notices increased from 50,000 last year to 85,000 this year. In response, DOR received many calls from practitioners asserting that the entity is an LLC and no RCT-101 need be filed. This assertion is incorrect as LLC's are subject to CS/FF tax and do require that the RCT-101 be filed.

PSPA Thanks Chapters for Support

The Pennsylvania Society of Public Accountants is growing at an annual rate well above the national average for associations of its size. It's not surprising as we continue to offer the highest level of continuing professional education and an ever-growing list of programs that benefit sole practitioners and smaller accounting firms.

The success of this organization is largely the result of ongoing chapter cooperation and support. The PSPA Officers and Board of Directors thank those chapters who make it possible to sustain this growth through their increased generosity.

The 2004 Chapter Commitments are as follows:

Buxmont	\$15,000 + \$3,000 for 2nd Annual Day at the Capitol
Central/South Central Joint Education Committee	\$10,000 + \$2,000 for 2nd Annual Day at the Capitol
Lehigh Valley	\$5,500
Northeast	\$2,500
Philadelphia	\$4,000 + \$1,000 Scholarship + \$2,000 ACPEN
Pittsburgh	\$4,000

Coy Named Entrepreneur of the Year



PSPA member John E. Coy Jr., was named Entrepreneur of the Year by the Kappa Omega Chapter of the Omega Psi Phi Fraternity. Mr. Coy is a member of the South Central Chapter of the PSPA, a former President of the chapter and has been a member of the PSPA for more than twenty five years. He is the principal of Coy's Public Accounting Company at 1316 North 17th Street in Harrisburg.

SUTA Dumping Prevention Act Becomes Law

President Bush signed the SUTA (State Unemployment Tax Acts) Dumping Prevention Act of 2003 into law on August 9, 2004. The Legislation combats the use of tax schemes by companies to disguise their true unemployment experience to avoid paying their appropriate share of unemployment insurance taxes. Most of these schemes involve the use of questionable mergers, acquisitions or restructuring projects. It is estimated that the legislation will save \$498 million over five years through increased tax collections from employers and decreased payments to individuals who abuse the system.

As a condition of state eligibility for unemployment insurance compensation grants, the SUTA Dumping Prevention Act of 2003 requires states to enact conforming legislation before the end of 2005 that would prohibit companies from engaging in these tax avoidance schemes as well as impose penalties on violators and promoters. Since most SUTA dumping occurs early in the calendar year, states will save their unemployment trust funds from a final blow of SUTA tax evasion if they act legislatively before the end of this year. The legislation also authorizes the states to access nationwide information from the National Directory of New Hires to ensure that unemployment benefits are not fraudulently paid to those who have already returned to work.

In response to this growing issue, North Carolina lead the nation in strengthening its anti-SUTA dumping laws, making SUTA dumping or aiding in SUTA dumping a felony crime. Since North Carolina implemented heftier consequences, the state has received almost \$1 million from six employers who were found to be SUTA dumping, and the state is pursuing nearly 50 more companies they suspect may be doing the same.

New Jersey Enacts New Legislation

The tax legislation summarized below was enacted as part of the State of New Jersey's 2005 Budget. For additional information please go to http://www.state.nj.us/treasury/taxation/.

Property Tax Relief Benefits Increased

L.2004, c.40. enacted as part of the new FAIR (Fair And Immediate Relief) program, provides increased property tax relief benefits to New Jersey homeowners and tenants. Beginning with the rebates paid in 2004 for applications filed for tax year 2003, the rebate amounts are as follows:

that the portion of income exceeding \$500,000 shall be taxed at a rate of 8.97%.

Outdoor Advertising Fee Changes

L. 2004, c.42, enacted June 29, 2004 and effective immediately, provides for gradual reduction in the rate of the fee imposed on outdoor advertising signs and provides that entities that are treated as exempt organizations for sales and use tax purposes shall be exempt from the outdoor advertising fee as well. It also subjects outdoor advertising signs to real property tax.

Homeowners age 65 or over or disabled:			
INCOME:	REBATE AMOUNT		
\$0 to \$70K:	Min. rebate of \$1,000, max. rebate of \$1,200		
Over \$70K but not over \$125K:	Min. rebate of \$600, max rebate of \$800		
Over \$125K but not over \$200K:	Rebate equals \$500		
Homeowners under a	ge 65 and not disabled:		
\$0 to \$125K:	Min. rebate of \$600, max rebate of \$800		
Over \$125K but not over \$200K:	Rebate equals \$500		
Tenants age 65 o	r over or disabled:		
\$0 to \$70K (married filing joint)	Min. rebate of \$150, max. rebate of \$825		
\$0 to \$35K (single filers)	Min. rebate of \$150, max. rebate of \$825		
\$35K to \$100K (single filers)	Rebate equals \$150		
\$70K to \$100K (married filing joint)	Rebate equals \$150		
Tenants under age	65 and not disabled:		
\$0 to \$100K	Rebate equals \$150		

Increased Gross Income Tax on High-Income Taxpayers

L. 2004, c.40, enacted June 28, 2004 and effective immediately, increases the gross income tax rate for the highest-income taxpayers. It establishes an additional tier in the graduated gross income tax table for taxpayers with taxable income above \$500,000, providing

Transitional Energy Facility Assessment Phase-Out Schedule

L. 2004, c.43, enacted June 29, 2004 and effective immediately, extends the end date of the phase-out period for this assessment to 2010 and modifies the annual rates.

continued on page 19

Bruce

Meeting.



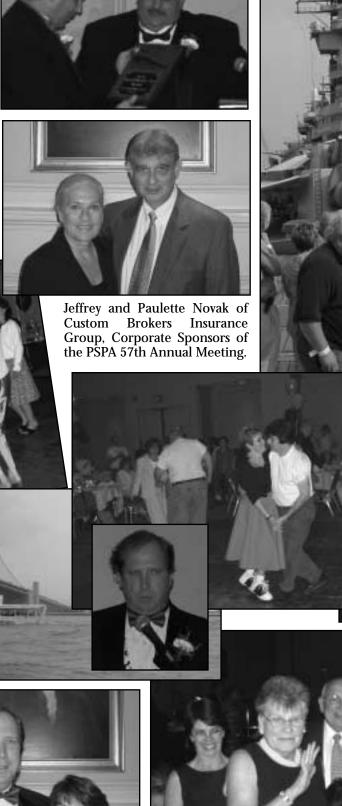
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Buxmont Chapter

All meetings are held on the fourth Tuesday of the month at Williamson's Restaurant in Horsham unless otherwise noted.

SEPTEMBER 28, 2004

TOPIC: Ethics in Accounting **SPEAKER:** Ronald Duska **CPE**: 4 Hours Other

OCTOBER 26, 2004

TOPIC: Marketing Your Practice **SPEAKER:** Lance Wallach **CPE**: 2 Hours Other

NOVEMBER 23, 2004

TOPIC: Local Tax Forum **SPEAKERS:** James Hunt and Thomas Kramer CPE: 4 Hours Tax

Central Chapter

SEPTEMBER 23, 2004

LEGISLATOR APPRECIATION NIGHT **LOCATION:** Inn at Reading **TIME:** 5:30-6:30 – Cocktails 6:30 P.M. - Dinner

Lehigh Valley Chapter

All meetings are held on the third Tuesday of the month at the Holiday Inn East, Bethlehem, unless otherwise noted.

SEPTEMBER 21, 2004

TOPIC: Internal Revenue Service - E-filing, Offers in Compromise, Collections and Payment Plans, and Audits **SPEAKERS**: IRS Representatives **CPE**: 4 Hours Tax

OCTOBER 19, 2004

TOPIC: 1031 Tax Deferred Exchanges CPE: 2 Hours Tax

OCTOBER 27, 2004

TOPIC: Pennsylvania Department of Revenue FALL TAX SEMINAR **CPE**: 8 Hours Tax

NOVEMBER 16, 2004

Debt Collection & Credit Practices CPE: 2 Hours Other

Philadelphia Chapter

SEPTEMBER 22, 2004

LEGISLATOR APPRECIATION NIGHT **TOPIC:** The Pear Review Process **LOCATION:** Springfield Country Club SPEAKER: David Kline, CPÅ

OCTOBER 18, 2004

TOPIC: Inheritance Tax Update LOCATION: Holiday Inn Hotel, City Line Avenue SPEAKER: J. Paul Dibert, PA Department of Revenue **CPE**: 2 Hours Tax

Western Pennsylvania Chapter

SEPTEMBER 15, 2004

LOCATION: Edgewood Country Club CPE: 4 Hours

SEPTEMBER 15, 2004

LOCATION: Edgewood Country Club

CPE: 4 Hours

NOVEMBER 17, 2004

LOCATION: Edgewood Country Club CPE: 4 Hours

South Central Chapter

All meetings are held at the Radisson, Camp Hill unless otherwise noted.

SEPTEMBER 15, 2004

LLC's to S Corporations and New Depreciation Rules **CPE:** 4 Hours Tax TIME: 1:00 P.M. to 5:00 P.M.

OCTOBER 19, 2004

LEGISLATIVE BREAKFAST

Pennsylvania State Capitol Building - East Wing Rotunda TIME: 8:00 A.M.

OCTOBER 27, 2004

1031 Tax Deferred Exchanges **CPE**: 4 Hours Tax TIME: 1:00 P.M. to 5:00 P.M.

NOVEMBER 18, 2004

Pre-death Planning and Probate Procedures CPE: 4 Hours Tax TIME: 1:00 P.M. to 5:00 P.M.



seminar Dates

ACPEN Satellite & Webcast CPE

SEPTEMBER 22, 2004

Accounting & Auditing Update (Partial Yellow Book Credit, TBD)

OCTOBER 20, 2004

Financial Planning Issues and Tactics in Today's Economy

NOVEMBER 17, 2004

Effective Tax and Retirement Planning for Small Businesses, Partnerships and LLC's

DECEMBER 8, 2004

Annual Tax Update

JANUARY 12, 2005

Effective Controllership Skills

Gear Up Accounting Seminars

SEPTEMBER 24, 2004

Holiday Inn Bethlehem CPE: 8 Hours Accounting

Sponsored By: Lehigh Valley Chapter

Gear Up Business Entities Seminars

SEPTEMBER 16 & 17, 2004

Radisson Penn Harris Hotel, Camp Hill

CPE: 16 Hours Tax

Sponsored By: Central/South Central Joint Education Committee

SEPTEMBER 22, 2004

Clarion Hotel, Scranton

CPE: 8 Hours Tax

Sponsored By: Northeast Chapter

SEPTEMBER 28, 2004

Springfield County Club

CPE: 8 Hours Tax

Sponsored By: Philadelphia & Southeast Chapters

OCTOBER 19, 2004

Edgewood Country Club, Monroeville

CPE: 8 Hours Tax

Sponsored By: Pittsburgh Chapter

OCTOBER 19 & 20, 2004

Radisson Hotel, Trevose

CPE: 16

Sponsored By: Buxmont Chapter

Gear Up 1040 Tax Seminar

NOVEMBER 1 & 2, 2004

Marriott Hotel, Harrisburg

CPE: 16 Hours Tax

Sponsored By: Central/South Central

Joint Education Committee NOVEMBER 10 & 11, 2004

Holiday Inn Bethlehem

CPE: 16 Hours Tax

Sponsored By: Lehigh Valley Chapter

NOVEMBER 10 & 11, 2004

Woodlands Inn, Wilkes Barre

CPE: 16 Hours Tax

Sponsored By: Northeast Chapter

NOVEMBER 16 & 17, 2004

Springfield Country Club CPE: 16 Hours Tax

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NOVEMBER 22 & 23, 2004 Marriott Hotel, Harrisburg

CPE: 16 Hours Tax

Sponsored By: Central/South Central

Joint Education Committee

DECEMBER 6 & 7, 2004

Radisson Hotel, Trevose

CPE: 16 Hours Tax

Sponsored By: Buxmont Chapter

DECEMBER 9 & 10, 2004

Edgewood Country Club, Monroeville

CPE: 16 Hours Tax

Sponsored By: Pittsburgh Chapter

Gear Up 1041 Seminar

SEPTEMBER 23, 2004

Holiday Inn Bethlehem

CPE: 8 Hours Tax

Sponsored By: Lehigh Valley Chapter

Pennsylvania Department of Revenue Tax Seminar

OCTOBER 27, 2004

Holiday Inn Bethlehem

CPE: 8 Hours Tax

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Pennsylvania ACCOUNTANT

New Jersey Enacts New Legislation continued from page 11

New Tire Fee

L. 2004, c.46, enacted June 29, 2004 and effective August 1, 2004, imposes a fee of \$1.50 on the sale of new motor vehicle tires, including tires sold as a component part of a new motor vehicle either sold or leased in New Jersey.

CBT Net Operating Loss Changes

L. 2004, c.47, enacted June 29, 2004 and effective immediately, provides that for privilege periods beginning during calendar year 2004 and calendar year 2005, a limited net operating loss ("NOL") deduction is allowed for the privilege period. The deduction permitted may reduce entire net income by up to 50%. To the extent that any NOL is disallowed by reason of this limiting provision, the date on which the disallowed deduction would otherwise expire is extended by a period equal to the period of disallowance.

911 System/Emergency Response Fee

L. 2004, c.48, enacted June 29, 2004 and effective immediately, applicable to billing periods ending on or after July 1, 2004, for most services, and to billing periods ending on or after August 1, 2004, for certain services, imposes a \$.90 fee on periodic billing to mobile telecommunications and telephone exchange customers. The fee shall be used to fund the "911" system and certain other emergency response systems.

HMO Assessment

L. 2004, c.49, enacted on June 29, 2004 and effective immediately, establishes an interim assessment on health maintenance organizations, and mandates a comparative study of the equity of various taxes imposed on all health care insurance companies.

Spill Tax Changes

L. 2004, c.50, enacted June 29, 2004, provides for tax rate increases effective immediately and retroactive to transfers occurring on and after January 1,

2004. The new tax rate for petroleum products, hazardous substances containing precious metals, elemental phosphorous and qualified antimony or antimony trioxide for fire retardants is \$0.023 per barrel transferred. The new tax rate for hazardous substances other than the above listed is 1.53% of the fair market value of the substance transferred.

Air Toxics Surcharge

L. 2004, c.51, which was enacted on June 29, 2004 and took effect immediately, imposes a new annual surcharge, ranging from \$.10 to \$10.00 per pound of toxic substance, depending on the category of toxin, on toxic air emissions at certain kinds of facilities. A portion of the revenue from this fee will be used to improve security at nuclear power plants in the State.

Electronic Funds Transfer Threshold

L. 2004, c.52, enacted June 29, 2004 and effective immediately, lowers the threshold for mandatory use of electronic transfer as the means of filing state taxes of electronic transfer to those taxpayers whose prior year liability was \$10,000 or more.

Cosmetic Medical Procedures Tax

L. 2004, c.53, which was enacted on June 29, 2004 and became effective immediately, but remains inoperative until September 1, 2004, imposes a new 6% gross receipts tax on the purchase of certain cosmetic medical procedures, which are medical procedures performed in order to improve a person's appearance, but without significantly serving to prevent or treat illness or disease or to promote proper functioning of the body. "Cosmetic medical procedures" do not include reconstructive surgery or dentistry to minimize or abnormal structures caused by birth defects, developmental abnormalities, trauma, infection, tumors or disease. The tax will be collected from the patient by the cosmetic medical service provider, who will be required to remit the tax quarterly.

Ambulatory Care Facility Assessment (administered by Dept. of Health and Senior Services)

L. 2004, c. 54, imposes an annual fee on the gross receipts of certain licensed ambulatory care facilities. Note: This fee is assessed, collected, and administered by the Department of Health and Senior Services (tel. 609-292-7834), not by the Division of Taxation.

Estimated Tax on Income from Sale of Real Property by Nonresidents

L. 2004, c.55, enacted on June 29, 2004 and effective August 1, 2004, supplements the Gross Income Tax Act by requiring nonresidents who derive income from the sale of real property in this State to pay estimated gross income tax. The Act provides that a county recording officer at the time the deed is filed must be presented with evidence of filing or payment of estimated tax with respect to the gain realized from the sale.

Bank Account Information

L. 2004, c.56, which was enacted on June 29, 2004 and took effect immediately, requires financial institutions, in response to a request by the Director of the Division of Taxation, to transmit electronically a report regarding the accounts of tax debtors.

Contractor Registration Changes

L. 2004, c.57, enacted June 29, 2004 and effective immediately, but remaining inoperative until September 1, 2004, extends to local government agencies the requirement that public entities may enter into public contracts with providers of goods and services only if they have presented documentation showing that they are registered with this State for tax purposes. The Act also provides that these providers of goods and services and their affiliates must remit sales or use tax on tangible personal property delivered to a retail buyer in this State.

continued on page 20

New Jersey Enacts New Legislation continued from page 19

License Suspension of Tax-Noncompliant Businesses

L. 2004, c.58, which was enacted on June 29, 2004 and took effect immediately, provides a mechanism whereby the Division of Taxation will receive information regarding the identity of entities (including individuals) that are holders of licenses to engage in a particular profession, trade or business in this State, and will then examine their tax records to identify any areas of non-compliance and will give them an opportunity to contest their indebtedness or delinquency or to come in compliance. The Act authorizes the Director to demand the summary suspension of a professional, occupational or business license of an entity that already has an unsatisfied judgment for tax indebtedness, or who fails to remedy any tax indebtedness after receiving the notice provided for under this Act.

CBT Decoupling

L. 2004, c.65, enacted June 30, 2004 and effective immediately, affects certain expense deductions and depreciation permitted on the NJ CBT-100. For property placed in service on and after January 1, 2004, the law decouples the federal ceiling from the amount permitted to be deducted as an expense for New Jersey corporation business tax purposes under IRC section 179. Returns for periods ending after December 31, 2003 are affected, if property has been placed in service on or after January 1, 2004 but during the privilege period. Since the amount of the deduction under prior law was \$25,000, that is the limit of the IRC section 179 deduction for New Jersey purposes. The Act also makes clear that property placed in service after September 10, 2001 will not receive the bonus depreciation treatment.

Realty Transfer Fees

L. 2004, c. 66, enacted on June 30, 2004, effective immediately and applicable to transfers of real property occurring on or after August 1, 2004,

increases the realty transfer fee rates on transfers of real property and subsequent deed recordings. The new law imposes a "general purpose fee" on sellers in real estate transactions and re-imposes the existing "basic fee," "additional fee," and "supplemental fee." It also imposes a new 1% fee upon the buyers on transfers, for consideration in excess of \$1,000,000, of property zoned for residential use, whether improved or not.

Cigarette Tax Increase

L. 2004, c. 67, enacted June 30, 2004 and effective July 1, 2004, increase the cigarette tax to \$.12 per cigarette, increasing the tax on a pack by \$.35.

New UEZ

L. 2004, c. 75, enacted July 1, 2004 and effective immediately, establishes a new urban enterprise zone, the 32nd, located in New Brunswick in Middlesex County.

Report for Study Commission on Discrimination

L. 2004, c. 79, enacted July 2, 2004 and applicable to studies already begun

before that effective date, permits the Secretary of State to request from the Division of Taxation, and requires the Division to supply, a report containing basic information, not including tax information, regarding public employees and contractors. This information will be used by the Governor's Study Commission on Discrimination in State Employment and Contracting, solely in assessing the nature and scope of any past or present discrimination.

Property Tax Convention Task Force

L. 2004, c. 85, enacted on July 7, 2004 and effective upon enactment, establishes a Property Tax Convention Task Force to study and make recommendations regarding reform of the local real property tax system and appropriates \$250,000 to fund its activities.

Cigarette Tax Act Change

L. 2004, c. 96, enacted July 9, 2004 and effective October 1, 2004, amends the Cigarette Tax Act to prohibit the sale of cigarettes in packs fewer than 20.

NSA State Director's Message



I hope everyone has been enjoying the summer which NSA has been busy making plans and organizing the 59th Annual Convention and CPE programs.

NSA's 59th Annual Convention will be held in San Antonio, TX on Saturday, August 28th through Monday, August 30th. The IRS Forum will follow on August 31st through September 2nd.

NSA's Annual Leadership Networking Conference will be held in Minneapolis, MN in October 2004.

Additional CPE seminars will be:

- National Accounting and Tax Symposium in Baltimore, MD on September 27th and 28th
- National Practice Development Institute in Las Vegas, NV on November 15th and 16th
- National Tax Update in Atlantic City, NJ on December 6th and 7th

NSA has a variety of locations for you to obtain your CPE as well as a little vacation time. You will be receiving brochures from NSA on seminar information. You can also get more information from NSA's website at www.nsacct.org.

I want to remind anyone who hasn't paid his or her NSA dues to do so soon.

Respectfully, Margaret A. Romain-Johnson PA State Director for NSA. District II



Protect Your Livelihood...Support Your Political Action Committee!!!

Each year we continue to face an increasing number of state-imposed restrictions, regulations and statutes which further complicate an already complex professional environment. Your contribution will enable us to support candidates in key political races so that we may continue to protect the practice rights of our members, and to ensure that sole practitioners and small accounting firms have a voice in Harrisburg.

There are many special interest groups in Harrisburg, all trying to advance their legislative agendas. It is only through the support of our membership that we can make sure our voices are clearly heard, and our concerns addressed.

Political Action Committees are undoubtedly the most efficient and effective way for candidates to raise campaign funds. Like it or not, today it is difficult to present a credible political presence without a PAC.

Keep in mind that PACs are the reform. They were created by Congress and the states to shine sunlight on the flow of money to campaigns. PAC money is honest money reported on the record to be viewed at any time by the general public.

Why should I Give to the PA Accountant PAC?

- 1. Working together, we have more impact than working separately. The money we give is pooled so it has more impact. Limited time is given to individuals, but PACs garner time and access to legislators. Personal contributions are usually given in increments less than \$100 and have little impact. Political fundraisers usually cost \$200-400 and this makes a difference in the minds of legislators.
- 2. There is flexibility in PAC money. PAC money can be used in many ways such as to get our message out through direct mail etc.
- 3. PAC money allows us to hold elected officials accountable. If they don't support us, we don't support them, it's that simple.
- 4. PAC money has impact on legislators because it is easier and less expensive to get. Candidates have to spend money to raise money from individuals, but PAC money comes in larger lump sums. Campaigns are not run on \$25 and \$50 increments. It's too expensive to get these contributions and most

of the money is spent raising money.

- 5. PAC contributions give candidates a clear idea of where you stand on the issue. PAC money represents a specific interest not just an individual. Most individuals pay attention to politics during election time, but our PAC is eternally vigilant.
- 6. The PAC expands your influence beyond your own political district. It helps direct money to candidates that you may not know about throughout the state who need your support. You wouldn't send a personal contribution to a candidate for whom you cannot vote. What if the individuals running for office from your district is opposed to your interest? The PAC gives the ability to identify those elected officials who support your views.
- 7. Your PAC is an important tool to protect your specific business interest. It is designed and operates to protect your right to do business the way you want to.

When you think about whether to give and how much, ask yourself: What is it worth to stay in business?

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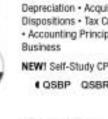
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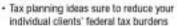
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2004 TAX YEAR

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11	Small Business (QSBT)			
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13	Subtotal: Add lines 1 through 12.			5
14	Sales tax: Please add exact state and local tax, or see the chart. \$			
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Left to right: Paulette Novak, Jeff Novak, Fred DiTomaso, Rose DiTomaso.

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The PA Accountant is published four times annually by the Pennsylvania Society of Public Accountants, 20 Erford Road, Suite 200A, Lemoyne, PA 17043. All editorial correspondence, manuscripts, etc, should be sent to: PSPA, 20 Erford Road, Suite 200A, Lemoyne, PA 17043. This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. The publication is not engaged in rendering legal, accounting or other professional services.

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