

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2225 Session of 2010

INTRODUCED BY MURT, REICHLEY, BAKER, BEAR, BELFANTI,
CALTAGIRONE, CARROLL, CAUSER, CLYMER, ELLIS, GEIST, GEORGE,
GIBBONS, GOODMAN, GROVE, HARHART, HARKINS, HARRIS, HESS,
HUTCHINSON, KOTIK, MARSICO, METZGAR, MICCARELLI, MICOZZIE,
MOUL, PHILLIPS, PYLE, QUINN, READSHAW, SANTARSIERO, SIPTROTH,
SOLOBAY, SONNEY, STERN, STEVENSON, SWANGER, J. TAYLOR,
VULAKOVICH, WATSON, BROOKS AND KILLION, JANUARY 26, 2010

REFERRED TO COMMITTEE ON FINANCE, JANUARY 26, 2010

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for disabled veterans
3 property tax rebate; establishing the Disabled Veterans'
4 Rebate Account; imposing penalties; and providing for
5 appeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 51 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

CHAPTER 90

DISABLED VETERANS PROPERTY TAX REBATE

Sec.

9001. Scope of chapter.

9002. Definitions.

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9 § 9001. Scope of chapter.

10 This chapter provides disabled veterans assistance in the
11 form of property tax rebates.

12 § 9002. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Board." The Board of Finance and Revenue of the
17 Commonwealth.

18 "Claimant." A person who files a claim for the rebate and:

19 (1) is a disabled veteran with a percentage of
20 disability from 1% through 99%; or

21 (2) is an unmarried surviving spouse of a disabled
22 veteran.

23 "Department." The Department of Revenue of the Commonwealth.

24 "Determination of benefits." The form issued by the United
25 States Department of Veterans Affairs that identifies the
26 percentage of disability of a disabled veteran.

27 "Disabled veteran." A person who served in the armed forces
28 of the United States, or an officially affiliated women's
29 organization, who was honorably discharged from the armed forces
30 of the United States and certified by the United States

Department of Veterans Affairs as a disabled veteran as a result of service during a period of war or peacetime.

"Program." The Disabled Veterans' Rebate Program provided under this chapter.

"Rebate." The tax rebate for disabled veterans provided under this chapter.

"Secretary." The Secretary of Revenue of the Commonwealth.

"Taxpayer Relief Act." The act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Veteran." A person who served in the armed forces of the United States or an officially affiliated women's organization.
§ 9003. Rebate.

(a) Schedule of rebates.--The following schedule shall determine the amount of a rebate for a claim, based on the percentage of disability:

<u>Percentage of Disability</u>	<u>Amount of Rebate</u>
<u>0-30%</u>	<u>\$200</u>
<u>31-60</u>	<u>350</u>
<u>61-99</u>	<u>500</u>

(b) Limitation on claim.--

(1) Except as provided in section 1304(a)(2)(ii) of the Taxpayer Relief Act, the sum of the rebates approved pursuant to this chapter and Chapter 13 of the Taxpayer Relief Act shall not exceed \$650.

(2) If the combined amount of the rebates allowed to a claimant pursuant to this chapter and Chapter 13 of the Taxpayer Relief Act exceed \$650, the rebate allowed to the claimant pursuant to Chapter 13 of the Taxpayer Relief Act shall be paid first.

§ 9004. Filing of claim.

1 (a) General rule.--Except as provided under subsection (b),
2 a claim for a property tax rebate shall be filed with the
3 department on or before June 30 for the year following the
4 calendar year in which real property taxes were due and payable.

5 (b) Exception.--A claim filed between the June 30 deadline
6 and December 31 of the same calendar year shall be accepted by
7 the secretary so long as funds are available to pay the benefits
8 to the claimant.

9 (c) Eligibility of claimants.--Eligible claimants shall be
10 disabled veterans who have paid their property tax bill for the
11 previous calendar year in full.

12 § 9005. Proof of claim.

13 (a) Contents.--Each claim shall include:

14 (1) The tax receipt or other proof the real property
15 taxes on the primary dwelling of the claimant for the
16 previous calendar year were paid in full.

17 (2) If the claimant is a spouse, a declaration of
18 spousal status by the department.

19 (3) A copy of the determination of benefits letter of
20 the claimant from the United States Department of Veterans
21 Affairs, providing proof of disability percentage as of the
22 end of the calendar year in which real property taxes were
23 due and payable.

24 (4) Unmarried surviving spouses shall include a copy of
25 the most recent determination of benefits letter from the
26 United States Department of Veterans Affairs to the deceased
27 disabled veteran.

28 (b) Proof of disability.--

29 (1) Proof that the claimant is eligible to receive
30 veterans disability benefits from the United States

1 Department of Veterans Affairs shall constitute confirmation
2 of a disability under this chapter.

3 (2) A claimant who is not found to be disabled by the
4 department shall not be granted a rebate under this chapter.

5 (c) Direct payment of taxes not required.--The payment of
6 taxes required under this chapter for rebate eligibility is not
7 required to be paid directly by the claimant when the claim is
8 filed.

9 § 9006. Incorrect claim.

10 When the department finds a claim to have been incorrectly
11 determined on an audit of a claim, it shall redetermine the
12 claim in the correct amount and notify the claimant of the
13 reason for the redetermination and the amount of the correct
14 claim.

15 § 9007. Restricted receipts account and funds for payment of
16 claims.

17 (a) Establishment.--There is established a restricted
18 receipts account within the General Fund in the State Treasury
19 to be known as the Disabled Veterans' Rebate Account.

20 (b) Transfer.--Except as provided under subsection (c), upon
21 the certification of a budget surplus, the Secretary of the
22 Budget shall annually transfer from the budget surplus an amount
23 not to exceed 110% of the cost of the program in the immediately
24 preceding fiscal year.

25 (c) Prohibition.--The Secretary of the Budget shall not
26 cause the balance of the Disabled Veterans' Rebate Account to
27 exceed 110% of the cost of the program in the immediately
28 preceding fiscal year.

29 § 9008. Claim form rules and regulations.

30 (a) General rule.--The department shall receive all

1 applications, determine the eligibility of claimants, hear
2 appeals, disburse payments and make available suitable forms for
3 the filing of claims. The department shall promulgate rules and
4 regulations under this chapter.

5 (b) Report.--In addition to any rules and regulations
6 promulgated pursuant to subsection (a), the department shall
7 collect the following information and issue a report including
8 such information to the chairman and minority chairman of the
9 Appropriations Committee and Veterans Affairs and Emergency
10 Preparedness Committee of the Senate and the chairman and
11 minority chairman of the Appropriations Committee and Veterans
12 Affairs and Emergency Preparedness Committee of the House of
13 Representatives by September 30 of each year:

14 (1) The total number of claims paid in the fiscal year
15 for which the report is issued.

16 (2) The total dollar amount of rebates issued in each
17 county.

18 \$ 9009. Fraudulent claims.

19 (a) Civil penalty.--If an excessive claim is filed with
20 fraudulent intent, the claim shall be disallowed in full, and a
21 penalty of 25% of the amount claimed shall be imposed. The
22 penalty and the amount of the disallowed claim, if the claim has
23 been paid, shall bear interest at the rate of 1.5% per month
24 from the date of the claim until repaid.

25 (b) Criminal penalty.--The claimant and any person who
26 assisted in the preparation or filing of a fraudulent claim
27 commits a misdemeanor of the third degree and shall, upon
28 conviction, be sentenced to pay a fine not exceeding \$1,000 or
29 to imprisonment not exceeding one year, or both.

30 (c) Conveyance.--A claim shall be disallowed if the claimant

1 received title to the homestead primarily for the purpose of
2 receiving a property tax rebate.

3 § 9010. Petition for redetermination.

4 (a) Right to file.--A claimant whose claim is either denied,
5 corrected or otherwise adversely affected by the department may
6 file with the department a petition for redetermination on forms
7 supplied by the department within 90 days after the date of
8 mailing of written notice.

9 (b) Contents.--The petition shall specify the grounds which
10 allege how the departmental action is erroneous or unlawful, in
11 whole or in part, and shall contain an affidavit or affirmation
12 that the facts contained in the petitions are true and correct.

13 (c) Extension of time for filing.--

14 (1) An extension of time for filing the petition may be
15 allowed for cause but may not exceed 120 days.

16 (2) The department shall hold hearings as may be
17 necessary for the purpose of redetermination, and each
18 claimant who has duly filed a petition for redetermination
19 shall be notified by the department of the time and place of
20 the hearing.

21 (d) Time period for decision.--Within six months after
22 receiving a filed petition for redetermination, the department
23 shall dispose of the matters raised by the petition and shall
24 mail notice of the decision of the department to the claimant.

25 § 9011. Board review.

26 (a) Right to review.--Ninety days after the date of official
27 receipt by the claimant of notice mailed by the department of
28 its decision on a petition for redetermination filed with it,
29 the claimant who is adversely affected by the decision may by
30 petition request the board to review such action.

1 (b) Failure to notify.--The failure of the department to
2 officially notify the claimant of a decision within the six-
3 month period provided for under section 9010 (relating to
4 petition for redetermination) shall act as a denial of the
5 petition, and a petition for review may be filed 120 days after
6 written notice is officially received by the claimant that the
7 department has failed to dispose of the petition within the six-
8 month period.

9 (c) Contents of petition.--A petition for redetermination
10 shall state the reasons upon which claimant relies or shall
11 incorporate by reference the petition for redetermination in
12 which such reasons were stated. The petition shall be supported
13 by an affidavit stating the facts set forth are correct and
14 true.

15 (d) Time period for decision.--The board shall act within
16 six months of receipt in disposing petitions filed. In the event
17 of failure of the board to dispose of any petition within six
18 months, the actions taken by the department upon the petition
19 for redetermination shall be deemed sustained.

20 (e) Action by board.--The board may sustain the action taken
21 by the department on the petition for redetermination or take
22 other action as it shall deem necessary and consistent with
23 provisions of this chapter.

24 (f) Notice.--The board shall mail notice of the action to
25 the department and claimant.

26 § 9012. Appeal.

27 A claimant aggrieved by a decision of the board may appeal in
28 the manner provided by law for appeals from decisions of the
29 board in tax matters.

30 Section 2. This act shall take effect immediately.