

## AMENDMENTS TO HOUSE BILL NO. 504 (As amended by A01564)

Sponsor: REPRESENTATIVE HARPER

Printer's No. 561

1 Amend Bill, page 1, lines 1 through 35; pages 2 through 21,  
2 lines 1 through 51; page 22, lines 1 through 43 (A01564), by  
3 striking out all of said lines on said pages and inserting

4 Amend Bill, page 1, line 11, by removing the period after  
5 "timbering" and inserting  
6 ; establishing the Senior Citizen Property Tax Rent Rebate Act;  
7 and repealing provisions relating to the Taxpayer Relief Act.

8 Amend Bill, page 7, line 10, by striking out all of said line  
9 and inserting

10 Section 2. The act is amended by adding an article to read:

11 ARTICLE XVI

12 SENIOR CITIZEN PROPERTY TAX RENT REBATE

13 PART I

14 PRELIMINARY PROVISIONS

15 Section 1601. Short title of article.

16 This article shall be known and may be cited as the Senior  
17 Citizen Property Tax Rent Rebate Act.

18 Section 1602. Definitions.

19 The following words and phrases when used in this article  
20 shall have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Board." The Board of Finance and Revenue of the  
23 Commonwealth.

24 "Claimant." A person who files a claim for property tax  
25 rebate or rent rebate in lieu of property taxes and:

26 (1) was at least 65 years of age or whose spouse, if a  
27 member of the household, was at least 65 years of age during  
28 a calendar year in which real property taxes or rent were due  
29 and payable;

30 (2) was a widow or widower and was at least 50 years of  
31 age during a calendar year or part thereof in which real  
32 property taxes or rent were due and payable; or

33 (3) was a person with permanent disabilities 18 years of  
34 age or older during a calendar year or part thereof in which  
35 the real property taxes or rent were due and payable.

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

37 "Homestead." A dwelling, whether owned or rented, and so

1 much of the land surrounding it as is reasonably necessary for  
2 the use of the dwelling as a home which is occupied by a  
3 claimant. The term includes, but is not limited to:

4 (1) Premises occupied by reason of ownership or lease in  
5 a cooperative housing corporation.

6 (2) Mobile homes which are assessed as realty for local  
7 property tax purposes and the land, if owned or rented by the  
8 claimant, upon which the mobile home is situated, and other  
9 similar living accommodations.

10 (3) A part of a multidwelling or multipurpose building  
11 and a part of the land upon which it is built.

12 (4) Premises occupied by reason of the claimant's  
13 ownership or rental of a dwelling located on land owned by a  
14 nonprofit incorporated association, of which the claimant is  
15 a member, if the claimant is required to pay a pro rata share  
16 of the property taxes levied against the association's land.

17 (5) Premises occupied by a claimant if the claimant is  
18 required by law to pay a property tax by reason of the  
19 claimant's ownership or rental, including a possessory  
20 interest, in the dwelling, the land or both. An owner  
21 includes a person in possession under a contract of sale,  
22 deed of trust, life estate, joint tenancy or tenancy in  
23 common or by reason of statutes of descent and distribution.

24 "Household income." All income received by a claimant and  
25 the claimant's spouse while residing in the homestead during the  
26 calendar year for which a rebate is claimed.

27 "Income." All income from any source, including, but not  
28 limited to:

29 (1) Salaries, wages, bonuses, commissions, income from  
30 self-employment, alimony, support money, cash public  
31 assistance and relief.

32 (2) The gross amount of any pensions or annuities,  
33 including railroad retirement benefits for calendar years  
34 prior to 1999 and 50% of railroad retirement benefits for  
35 calendar years 1999 and thereafter.

36 (3) (i) All benefits received under the Social Security  
37 Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), except  
38 Medicare benefits, for calendar years prior to 1999, and  
39 50% of all benefits received under the Social Security  
40 Act, except Medicare benefits, for calendar years 1999  
41 and thereafter.

42 (ii) Notwithstanding any other provision of this  
43 article to the contrary, persons who, as of December 31,  
44 2012, are eligible for the property tax or rent rebate  
45 shall remain eligible if the household income limit is  
46 exceeded due solely to a Social Security cost-of-living  
47 adjustment.

48 (iii) Eligibility in the property tax and rent  
49 rebate program pursuant to subparagraph (ii) shall expire  
50 on December 31, 2016.

51 (4) All benefits received under State unemployment

1 insurance laws and veterans' disability payments.

2 (5) All interest received from the Federal or any state  
3 government or any instrumentality or political subdivision  
4 thereof.

5 (6) Realized capital gains and rentals.

6 (7) Workers' compensation.

7 (8) The gross amount of loss of time insurance benefits,  
8 life insurance benefits and proceeds, except the first \$5,000  
9 of the total of death benefit payments.

10 (9) Gifts of cash or property, other than transfers by  
11 gift between members of a household, in excess of a total  
12 value of \$300.

13 The term does not include surplus food or other relief in kind  
14 supplied by a governmental agency, property tax or rent rebate  
15 or inflation dividend.

16 "Person with permanent disabilities." A person who is unable  
17 to engage in any substantial gainful activity by reason of any  
18 medically determinable physical or mental impairment which can  
19 be expected to continue indefinitely, except as provided in  
20 section 1621(b)(3) and (c).

21 "Real property taxes." All taxes on a homestead, exclusive  
22 of municipal assessments, delinquent charges and interest, due  
23 and payable during a calendar year.

24 "Rent rebate in lieu of property taxes." Twenty percent of  
25 the gross amount actually paid in cash or its equivalent in any  
26 calendar year to a landlord in connection with the occupancy of  
27 a homestead by a claimant, irrespective of whether such amount  
28 constitutes payment solely for the right of occupancy or  
29 otherwise.

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

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

33 "Widow" or "widower." The surviving wife or the surviving  
34 husband, as the case may be, of a deceased individual and who  
35 has not remarried except as provided in section 1621(b)(3) and  
36 (c).

37 Section 1603. Senior Citizen Property Tax Rebate Fund.

38 (a) Establishment.--The Senior Citizen Property Tax Rebate  
39 Fund is established as a special fund in the State Treasury.  
40 The fund shall not lapse.

41 (b) Purpose.--Money in the fund shall be utilized for senior  
42 citizen property tax rebates as established in Part III.

43 (c) Deposits into the fund.--Funds generated by the tax  
44 under section 1602 shall be deposited into the fund.

## 45 PART II

### 46 ADDITIONAL SALES AND USE TAX

47 Section 1611. Additional sales and use tax imposed.

48 (a) Additional taxation.--The tax imposed by this section  
49 shall be in addition to any tax imposed under Article II or II-  
50 B, section 503 of the act of June 5, 1991 (P.L.9, No.6), known  
51 as the Pennsylvania Intergovernmental Cooperation Authority Act

1 for Cities of the First Class, or section 3152-B of the act of  
2 July 28, 1953 (P.L.73, No.230), known as the Second Class County  
3 Code. The provisions of Article II shall apply to the tax  
4 imposed by this section.

5 (b) Sales tax.--Beginning January 1, 2016, there is imposed  
6 a tax upon each separate sale at retail of tangible personal  
7 property or services. The tax under this subsection shall be  
8 imposed upon the purchase price. The tax shall be collected by  
9 the vendor from the purchaser and shall be paid over to the  
10 Commonwealth in the same manner as provided in Article II.

11 (c) Use tax.--Beginning January 1, 2016, there is imposed a  
12 tax upon the use of tangible personal property purchased at  
13 retail and on services purchased at retail. The tax under this  
14 subsection shall be imposed upon the purchase price. The tax  
15 shall be paid over to the Commonwealth by the person who makes  
16 such use. The tax imposed under this subsection shall not be  
17 paid over to the Commonwealth by any person who has paid the tax  
18 imposed under subsection (b) or has paid the tax imposed under  
19 this subsection to the vendor with respect to such use.

20 (d) Hotel tax.--Beginning January 1, 2016, there is imposed  
21 an excise tax on the rent upon every occupancy of a room or  
22 rooms in a hotel, as defined in Article II. The tax shall be  
23 collected by the operator or owner from the occupant and paid  
24 over to the Commonwealth.

25 (e) Rate.--The tax imposed by subsections (b), (c) and (d)  
26 shall be at a rate of 0.5%.

27 (f) Tax computation.--The tax imposed under subsections (b),  
28 (c) and (d) shall be computed as follows:

29 (1) If the purchase price is 50¢ or less, no tax shall  
30 be collected.

31 (2) If the purchase price is 51¢ or more but less than  
32 \$1.51, 1¢ shall be collected.

33 (3) If the purchase price is \$1.51 or more but less than  
34 \$2.51, 2¢ shall be collected.

35 (4) If the purchase price is \$2.51 or more but less than  
36 \$3.51, 3¢ shall be collected.

37 (5) If the purchase price is \$3.51 or more but less than  
38 \$4.51, 4¢ shall be collected.

39 (6) If the purchase price is \$4.51 or more but less than  
40 \$5.51, 5¢ shall be collected.

41 (7) If the purchase price is \$5.51 or more but less than  
42 \$6.51, 6¢ shall be collected.

43 (8) If the purchase price is \$6.51 or more but less than  
44 \$7.51, 7¢ shall be collected.

45 (9) If the purchase price is \$7.51 or more but less than  
46 \$8.51, 8¢ shall be collected.

47 (10) If the purchase price is \$8.51 or more but less  
48 than \$9.51, 9¢ shall be collected.

49 (11) If the purchase price is \$9.51 or more but less  
50 than \$10.01, 10¢ shall be collected.

51 (12) If the purchase price is more than \$10, 0.5% of

1 each \$10 purchase price plus the above bracket charges upon  
2 any fractional part of a \$10 increment shall be collected.  
3 (g) Deposit of tax proceeds.--The department shall deposit  
4 taxes collected under this section in the Senior Citizen  
5 Property Tax Rebate Fund. The amount shall be the sum of taxes  
6 collected under this section and Article II multiplied by a  
7 fraction equal to the rate of tax imposed under this section  
8 divided by the sum of the rate of the tax imposed under this  
9 section and the rate of tax imposed under Article II.

10 (h) Rules and regulations.--The rules and regulations of the  
11 department which are promulgated under Article II or any other  
12 act, shall be applicable to the tax imposed by this section to  
13 the extent that they are applicable to the tax imposed under  
14 Article II.

15 (i) Definitions.--As used in this section, the following  
16 words and phrases shall have the meanings given to them in this  
17 subsection unless the context clearly indicates otherwise:

18 "Purchase price." As defined in Article II.

19 "Sale at retail." As defined in Article II.

20 "Tangible personal property." As defined in Article II.

### 21 PART III

### 22 SENIOR CITIZENS PROPERTY TAX

### 23 AND RENT REBATE ASSISTANCE

### 24 Section 1621. Property tax and rent rebate.

#### 25 (a) Schedule of rebates.--

26 (1) The amount of any claim for property tax rebate or  
27 rent rebate in lieu of property taxes for real property taxes  
28 or rent due and payable during calendar years 1985 through  
29 2005 shall be determined in accordance with the following  
30 schedule:

<u>Household Income</u>	<u>Percentage of Real Property Taxes or Rent Rebate in Lieu of Property Taxes Allowed as Rebate</u>
\$ 0 - \$ 4,999	<u>100%</u>
5,000 - 5,499	<u>100</u>
5,500 - 5,999	<u>90</u>
6,000 - 6,499	<u>80</u>
6,500 - 6,999	<u>70</u>
7,000 - 7,499	<u>60</u>
7,500 - 7,999	<u>50</u>
8,000 - 8,499	<u>40</u>
8,500 - 8,999	<u>35</u>
9,000 - 9,999	<u>25</u>
10,000 - 11,999	<u>20</u>
12,000 - 12,999	<u>15</u>
13,000 - 15,000	<u>10</u>

#### 49 (2) The following apply:

50 (i) The base amount of any claim for property tax  
51 rebate for real property taxes due and payable during

calendar year 2006 through 2016 shall be determined in accordance with the following schedule:

<u>Amount of Real Property Taxes</u>	
<u>Household Income</u>	<u>Allowed as Rebate</u>
<u>\$ 0 - \$ 8,000</u>	<u>\$650</u>
<u>8,001 - 15,000</u>	<u>500</u>
<u>15,001 - 18,000</u>	<u>300</u>
<u>18,001 - 35,000</u>	<u>250</u>

(ii) The supplemental amount for a claimant with a household income equal to or less than \$30,000 and an eligible claim for property tax rebate for real property taxes due and payable during the calendar year preceding the first year in which a payment under section 1625(b) of the Taxpayer Relief Act is made and each year thereafter and whose real property taxes exceed 15% of the claimant's household income shall be equal to 50% of the base amount determined under subparagraph (i). A claimant who is a resident of a city of the first class, a city of the second class A or a school district of the first class A shall be ineligible for the supplemental amount under this subparagraph.

(3) The amount of any claim for rent rebate in lieu of property taxes for rent due and payable during calendar year 2006 and thereafter shall be determined in accordance with the following:

<u>Amount of Rent Rebate in Lieu of Property Taxes</u>	
<u>Household Income</u>	<u>Allowed as Rebate</u>
<u>\$ 0 - \$ 8,000</u>	<u>\$650</u>
<u>8,001 - 15,000</u>	<u>500</u>

(4) The following apply:

(i) The base amount of any claim for property tax rebate for real property taxes due and payable during the calendar year 2017 and thereafter shall be determined in accordance with the following schedule:

<u>Amount of Real Property Taxes</u>	
<u>Household Income</u>	<u>Allowed as Rebate</u>
<u>\$ 0 - \$ 8,000</u>	<u>\$1,700</u>
<u>8,001 - 15,000</u>	<u>1,600</u>
<u>15,001 - 18,000</u>	<u>1,500</u>
<u>18,001 - 35,000</u>	<u>1,400</u>
<u>35,001 - 40,000</u>	<u>1,300</u>
<u>40,001 - 50,000</u>	<u>1,200</u>

(b) Limitations on claims.--

(1) No claim through calendar year 2005 shall be allowed if the amount of property tax or rent rebate computed in accordance with this section is less than \$10, and the maximum amount of property tax or rent rebate payable shall not exceed \$500.

1       (2) For calendar year 2006 and thereafter, the maximum  
2       amount of property tax or rent rebate in lieu of property  
3       taxes payable shall not exceed the lesser of:

4       (i) the amount of a claim under subsection (a)(2) or

5       (3);

6       (ii) the amount of real property taxes actually  
7       paid; or

8       (iii) twenty percent of gross rent actually paid.

9       (3) No claim shall be allowed if the claimant is a  
10       tenant of an owner of real property exempt from real property  
11       taxes.

12       (c) Apportionment and public assistance.--

13       (1) The department shall apportion the real property  
14       taxes or rent in accordance with the period or degree of  
15       ownership or leasehold or eligibility of the claimant in  
16       determining the amount of rebate for which a claimant is  
17       eligible if any of the following exist relating to a claim:

18       (i) a homestead is owned or rented and occupied for  
19       only a portion of a year or is owned or rented in part by  
20       a person who does not meet the qualifications for a  
21       claimant, exclusive of any interest owned or leased by a  
22       claimant's spouse;

23       (ii) the claimant is a widow or widower who  
24       remarries; or

25       (iii) the claimant is a formerly disabled person who  
26       is no longer disabled.

27       (2) A claimant who receives public assistance from the  
28       Department of Human Services shall not be eligible for rent  
29       rebate in lieu of property taxes during those months within  
30       which the claimant receives public assistance.

31       (d) Government subsidies.--Rent shall not include subsidies  
32       provided by or through a governmental agency.

33       Section 1622. Filing of claim.

34       (a) General rule.--Except as otherwise provided in  
35       subsection (b), a claim for property tax or rent rebate shall be  
36       filed with the department on or before the 30th day of June of  
37       the year next succeeding the end of the calendar year in which  
38       real property taxes or rent was due and payable.

39       (b) Exception.--A claim filed after the June 30 deadline  
40       until December 31 of such calendar year shall be accepted by the  
41       secretary as long as money is available to pay the benefits to  
42       the late filing claimant.

43       (c) Payments from State Lottery Fund.--No reimbursement on a  
44       claim shall be made from the State Lottery Fund earlier than the  
45       day following the 30th day of June provided in this part on  
46       which that claim may be filed with the department.

47       (d) Eligibility of claimants.--

48       (1) Only one claimant from a homestead each year shall  
49       be entitled to the property tax or rent rebate.

50       (2) If two or more persons are able to meet the  
51       qualifications for a claimant, they may determine who the

1 claimant shall be.  
2 (3) If they are unable to agree, the department shall  
3 determine to whom the rebate is to be paid.  
4 Section 1623. Proof of claim.  
5 (a) Contents.--Each claim shall include:  
6 (1) Reasonable proof of household income.  
7 (2) The size and nature of the property claimed as a  
8 homestead.  
9 (3) The rent, tax receipt or other proof that the real  
10 property taxes on the homestead have been paid or rent in  
11 connection with the occupancy of a homestead has been paid.  
12 (4) If the claimant is a widow or widower, a declaration  
13 of such status in such manner as prescribed by the secretary.  
14 (b) Proof of disability.--  
15 (1) Proof that a claimant is eligible to receive  
16 disability benefits under the Social Security Act (49 Stat.  
17 620, 42 U.S.C. § 301 et seq.) shall constitute proof of  
18 disability under this part.  
19 (2) No person who has been found not to be disabled by  
20 the Social Security Administration shall be granted a rebate  
21 under this part.  
22 (3) A claimant not covered under the Social Security Act  
23 shall be examined by a physician designated by the department  
24 and such status determined using the same standards used by  
25 the Social Security Administration.  
26 (c) Direct payment of taxes or rent not required.--It shall  
27 not be necessary that taxes or rent were paid directly by the  
28 claimant if the rent or taxes have been paid when the claim is  
29 filed.  
30 (d) Proof of age on first claim.--The first claim filed  
31 shall include proof that the claimant or the claimant's spouse  
32 was at least 65 years of age, or at least 50 years of age in the  
33 case of a widow or widower during the calendar year in which  
34 real property taxes or rent were due and payable.  
35 Section 1624. Incorrect claim.  
36 Whenever on audit of a claim the department finds the claim  
37 to have been incorrectly determined, it shall redetermine the  
38 correct amount of the claim and notify the claimant of the  
39 reason for the redetermination and the amount of the corrected  
40 claim.  
41 Section 1625. Funds for payment of claims.  
42 (a) Payment.--Approved claims shall be paid from the State  
43 Lottery Fund established by the act of August 26, 1971 (P.L.351,  
44 No.91), known as the State Lottery Law.  
45 (b) Transfers.--The Secretary of the Budget shall transfer  
46 the following amounts from the Property Tax Relief Fund to the  
47 State Lottery:  
48 (1) Notwithstanding any other provision of law, an  
49 amount equal to \$100,000,000 of the total slot machine  
50 license fees paid by successful applicants for a Category 1  
51 slot machine license under 4 Pa.C.S. § 1209 (relating to slot



1 machine license fee). The transfer under this paragraph shall  
2 occur upon deposit in the Property Tax Relief Fund of money  
3 derived from the fee from the fourth successful applicant for  
4 a Category 1 slot machine license.

5 (2) Notwithstanding any other provision of law, an  
6 amount equal to \$100,000,000 of the total slot machine  
7 license fees paid by successful applicants for a Category 2  
8 slot machine license under 4 Pa.C.S. § 1209. The transfer  
9 under this paragraph shall occur upon deposit in the Property  
10 Tax Relief Fund of money derived from the fee from the third  
11 successful applicant for a Category 2 slot machine license.

12 (3) For fiscal years 2007-2008 and 2008-2009, an amount  
13 equal to the sum of approved claims to be paid in each of  
14 those fiscal years under section 704 of the Taxpayer Relief  
15 Act and section 1621(a)(2)(ii), if any.

16 (4) For fiscal year 2009-2010 and each fiscal year  
17 thereafter, all of the following:

18 (i) The difference between the sum of the amount of  
19 approved claims to be paid in the next fiscal year under  
20 section 1621(a)(2)(i) and (3) and the amount of approved  
21 claims paid in fiscal year 2006-2007 under section  
22 1621(a)(1).

23 (ii) The sum of the amount of approved claims to be  
24 paid in the next fiscal year under section 704 of the  
25 Taxpayer Relief Act and section 1621(a)(2)(ii), if any.

26 (5) Beginning in fiscal year 2009-2010 and until the  
27 difference between the sum of subparagraphs (i) and (ii) and  
28 \$200,000,000 is paid, an amount of not less than \$40,000,000  
29 annually or the amount of the difference, whichever is less.  
30 All transfers under this paragraph shall be completed no  
31 later than four years after the transfer required by  
32 paragraph (2).

33 (i) The difference between the sum of the amount of  
34 approved claims to be paid in fiscal year 2007-2008 under  
35 section 1621(a)(2)(i) and (3) and the amount of approved  
36 claims paid in fiscal year 2006-2007 under section  
37 1621(a)(1).

38 (ii) The difference between the sum of the amount of  
39 approved claims to be paid in fiscal year 2008-2009 under  
40 section 1621(a)(2)(i) and (3) and the amount of approved  
41 claims paid in fiscal year 2006-2007 under section  
42 1621(a)(1).

43 (c) Additional transfers.--Notwithstanding any other  
44 provision of law, The Secretary of the Budget shall transfer all  
45 money from the Senior Citizen Property Tax Rebate Fund to the  
46 State Lottery Fund.

47 Section 1626. Claim forms and rules and regulations.

48 (a) General rule.--Necessary rules and regulations shall be  
49 prescribed by a committee consisting of the Secretary of Aging,  
50 the Secretary of Revenue and the Secretary of Community and  
51 Economic Development. The Secretary of Aging shall serve as the

1 chairman of the committee. The department shall receive all  
2 applications, determine the eligibility of claimants, hear  
3 appeals, disburse payments and make available suitable forms for  
4 the filing of claims.

5 (b) Report to General Assembly.--In addition to any rules  
6 and regulations prescribed under subsection (a), the department  
7 shall collect the following information and issue a report  
8 including such information to the chairman and minority chairman  
9 of the Appropriations Committee of the Senate and the chairman  
10 and minority chairman of the Appropriations Committee of the  
11 House of Representatives by September 30, 2006, and September 30  
12 of each year thereafter.

13 (1) The total number of claims which will be paid in the  
14 fiscal year in which the report is issued with the  
15 information provided by school district, by county and for  
16 each household income level under section 1621(a)(2)(i).

17 (2) The total amount of rebates paid in the fiscal year  
18 in which the report is issued with the information provided  
19 by school district, by county and for each household income  
20 level under section 1621(a)(2)(i).

21 Section 1627. Fraudulent claims and conveyances to obtain  
22 benefits.

23 (a) Civil penalty.--In any case in which a claim is  
24 excessive and was filed with fraudulent intent, the claim shall  
25 be disallowed in full, and a penalty of 25% of the amount  
26 claimed shall be imposed. The penalty and the amount of the  
27 disallowed claim, if the claim has been paid, shall bear  
28 interest at the rate of 1.5% per month from the date of the  
29 claim until repaid.

30 (b) Criminal penalty.--The claimant and any person who  
31 assisted in the preparation or filing of a fraudulent claim  
32 commits a misdemeanor of the third degree and, upon conviction,  
33 shall be sentenced to pay a fine of not more than \$1,000 or to  
34 imprisonment for not more than one year, or both.

35 (c) Disallowance for receipt of title.--A claim shall be  
36 disallowed if the claimant received title to the homestead  
37 primarily for the purpose of receiving property tax rebate.  
38 Section 1628. Petition for redetermination.

39 (a) Right to file.--A claimant whose claim is denied,  
40 corrected or otherwise adversely affected by the department may  
41 file with the department a petition for redetermination on forms  
42 supplied by the department within 90 days after the date of  
43 mailing of written notice by the department of such action.

44 (b) Contents.--The petition shall set forth the grounds upon  
45 which the claimant alleges that such departmental action is  
46 erroneous or unlawful, in whole or part, and shall contain an  
47 affidavit or affirmation that the facts contained in the  
48 petition are true and correct.

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

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

1       (2) The department shall hold such hearings as may be  
2       necessary for the purpose of redetermination, and each  
3       claimant who has duly filed such petition for redetermination  
4       shall be notified by the department of the time when and the  
5       place where such hearing in the claimant's case will be held.

6       (d) Time period for decision.--The department shall, within  
7       six months after receiving a filed petition for redetermination,  
8       dispose of the matters raised by such petition and shall mail  
9       notice of the department's decision to the claimant.

10      Section 1629. Review by Board of Finance and Revenue.

11      (a) Right to review.--Within 90 days after the date of  
12      official receipt by the claimant of notice mailed by the  
13      department of its decision on a petition for redetermination  
14      filed with it, the claimant who is adversely affected by the  
15      decision may by petition request the board to review such  
16      action.

17      (b) Effect of no decision from department.--The failure of  
18      the department to officially notify the claimant of a decision  
19      within the six-month period provided for by section 1628 shall  
20      act as a denial of the petition, and a petition for review may  
21      be filed with the board within 120 days after written notice is  
22      officially received by the claimant that the department has  
23      failed to dispose of the petition within the six-month period.

24      (c) Contents of petition for redetermination.--A petition  
25      for redetermination filed shall state the reasons upon which the  
26      claimant relies or shall incorporate by reference the petition  
27      for redetermination in which such reasons were stated. The  
28      petition shall be supported by affidavit that the facts set  
29      forth therein are correct and true.

30      (d) Time period for decision.--The board shall act in  
31      disposition of petitions filed with it within six months after  
32      they have been received, and, in the event of failure of the  
33      board to dispose of any petition within six months, the action  
34      taken by the department upon the petition for redetermination  
35      shall be deemed sustained.

36      (e) Relief authorized by board.--The board may sustain the  
37      action taken by the department on the petition for  
38      redetermination or it may take such other action as it shall  
39      deem necessary and consistent with provisions of this part.

40      (f) Form of notice.--Notice of the action of the board shall  
41      be given by mail to the department and to the claimant.

42      Section 1630. Appeal.

43      A claimant aggrieved by a decision of the board may appeal  
44      from the decision of the board in the manner provided by law for  
45      appeals from decisions of the board in tax cases.

#### 46                   PART IV

#### 47                   Miscellaneous Provisions

48      Section 1631. Additional provisions.

49      Any reference to Chapter 13 of the Taxpayer Relief Act shall  
50      be deemed a reference to Part III of Article XVI of this act.

51      Section 3. Repeals are as follows:

1           (1) The General Assembly declares that the repeal under  
2 paragraph (2) is necessary to effectuate the addition of  
3 Article XVI of the act.

4           (2) Chapter 13 of the Taxpayer Relief Act.

5       Section 4. The addition of Part III of Article XVI of the  
6 act is a continuation of Chapter 13 of the Taxpayer Relief Act.  
7 Except as otherwise provided in Part III of Article XVI of the  
8 act, all activities initiated under Chapter 13 of the Taxpayer  
9 Relief Act shall continue and remain in full force and effect  
10 and may be completed under Part III of Article XVI of the act.  
11 Orders, regulations, rules and decisions which were made under  
12 Chapter 13 of the Taxpayer Relief Act and which are in effect on  
13 the effective date of this section shall remain in full force  
14 and effect until revoked, vacated or modified under Part III of  
15 Article XVI of the act. Contracts, obligations and collective  
16 bargaining agreements entered into under Chapter 13 of the  
17 Taxpayer Relief Act are not affected nor impaired by the repeal  
18 of Chapter 13 of the Taxpayer Relief Act.

19       Section 5. This act shall take effect as follows:

20           (1) The amendment of section 201(k)(8) and (o)(4)(B) of  
21 the act shall take effect in 60 days.

22           (2) The remainder of this act shall take effect  
23 immediately.