

AMENDMENTS TO HOUSE BILL NO. 504

Sponsor: REPRESENTATIVE SAYLOR

Printer's No. 561

1 Amend Bill, page 1, line 11, by striking out the period after
2 "timbering" and inserting
3 ; establishing the School District Millage Rate Reduction Fund
4 and the School District Homestead and Farmstead Relief Fund;
5 providing for additional taxation and for senior citizens
6 property tax and rent rebate assistance; and repealing
7 provisions of the Taxpayer Relief Act.

8 Amend Bill, page 1, lines 14 through 17, by striking out all
9 of said lines and inserting

10 Section 1. The title of the act of March 4, 1971 (P.L.6,
11 No.2), known as the Tax Reform Code of 1971, is amended to read:

AN ACT

13 Relating to tax reform and State taxation by codifying and
14 enumerating certain subjects of taxation and imposing taxes
15 thereon; providing procedures for the payment, collection,
16 administration and enforcement thereof; providing for
17 property tax relief and for tax credits in certain cases;
18 conferring powers and imposing duties upon the Department of
19 Revenue, certain employers, fiduciaries, individuals,
20 persons, corporations and other entities; prescribing crimes,
21 offenses and penalties.

22 Section 2. Section 201(k)(8) and (o)(4)(B) of the act,
23 amended April 23, 1998 (P.L.239, No.45), are amended to read:

24 Amend Bill, page 7, by inserting between lines 9 and 10

25 Section 3. The act is amended by adding articles to read:

ARTICLE XVISCHOOL PROPERTY TAX REFORMPART IPRELIMINARY PROVISIONS

30 Section 1601. Short title of article.

31 This article shall be known and may be cited as the School
32 Property Tax Reform Act.

33 Section 1602. Definitions.

34 The following words and phrases when used in this article
35 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:
2 "Average daily membership." The term as defined in section
3 2501 of the act of March 10, 1949 (P.L.30, No.14), known as the
4 Public School Code of 1949.
5 "Board of school directors." The term includes the
6 following:
7 (1) A board of school directors of a school district of
8 the first class A, second class, third class or fourth class.
9 (2) A city council of a city of the first class.
10 "Department." The Department of Revenue of the Commonwealth.
11 "Equalized millage." The term as defined in section
12 2501(9.2) of the act of March 10, 1949 (P.L.30, No.14), known as
13 the Public School Code of 1949.
14 "Farmstead." As defined in 53 Pa.C.S. § 8582 (relating to
15 definitions).
16 "Farmstead property." The term as defined in 53 Pa.C.S. §
17 8582 (relating to definitions).
18 "Homestead." The term defined in 53 Pa.C.S. § 8401 (relating
19 to definitions).
20 "Homestead property." The term as defined in 53 Pa.C.S. §
21 8401 (relating to definitions).
22 "Index." The term defined in section 302 of the Taxpayer
23 Relief Act.
24 "Real property tax." The total dollar value of real property
25 taxes paid by property owners in a school district determined by
26 adding the real property taxes collected by, or on behalf of,
27 the school district plus State millage rate reduction
28 allocations, State homestead and farmstead exclusion allocations
29 and State property tax reduction allocations. The term does not
30 include an allocation under section 505(d) of the Taxpayer
31 Relief Act.
32 "Residential property tax." The dollar value of real
33 property taxes paid by residential property owners in a school
34 district, determined by multiplying the real property taxes
35 collected by the school district times the percentage of the
36 total property value in the school district classified as
37 residential by the State Tax Equalization Board for the calendar
38 year in which the tax year began.
39 "School district." A school district of the first class,
40 first class A, second class, third class or fourth class.
41 "School District Homestead and Farmstead Relief Fund." The
42 fund established in section 1604.
43 "School District Millage Rate Reduction Fund." The fund
44 established in section 1603.
45 "Secretary." The Secretary of the Budget of the
46 Commonwealth.
47 "State homestead and farmstead exclusion allocation." The
48 allocation under section 1643.
49 "State millage rate reduction allocation." The allocation
50 under section 1632.
51 "State property tax reduction allocation." A payment made

1 under section 505 of the Taxpayer Relief Act.

2 "State Treasurer." The State Treasurer of the Commonwealth.

3 "Taxpayer Relief Act." The act of June 27, 2006 (1st

4 Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

5 Section 1603. School District Millage Rate Reduction Fund.

6 (a) Establishment.--The School District Millage Rate
7 Reduction Fund is established as a special fund in the State
8 Treasury. The fund shall not lapse.

9 (b) Purpose.--Money in the fund shall be distributed to
10 school districts under section 1632 and shall be used
11 exclusively for the purposes enumerated in this article.

12 (c) Deposits into the fund.--Funds generated by the tax
13 under section 1611 shall be deposited into the fund.

14 (d) Transfer from the fund.--

15 (1) In order to ensure that the General Fund is not
16 negatively impacted by the imposition of the tax under
17 section 1611, not later than June 30, 2017, and each June 30
18 thereafter, an amount equal to the refund reimbursement
19 factor multiplied by the amount of refunds issued under
20 Article III for tax years in which the tax imposed under
21 section 1611 is applicable shall be transferred from the fund
22 to the General Fund.

23 (2) For the purpose of this subsection, "refund
24 reimbursement factor" means a fraction equal to the rate of
25 tax imposed under section 1611 divided by the sum of the rate
26 of tax imposed under section 1611 plus the rate of tax
27 imposed under Article III.

28 Section 1604. School District Homestead and Farmstead Relief
29 Fund.

30 (a) Establishment.--The School District Homestead and
31 Farmstead Relief Fund is established as a special fund in the
32 State Treasury. The fund shall not lapse.

33 (b) Purpose.--Except as provided under section 2908-G(c),
34 money in the fund shall be distributed to school districts under
35 section 1643 and shall be used exclusively for the purposes
36 enumerated in this article.

37 (c) Deposits.--Funds generated by the tax under section 1612
38 shall be deposited into the fund.

39 (d) Transfers.--Upon authorization by the secretary in order
40 to comply with section 1622(a)(3), the State Treasurer shall
41 transfer from the fund to the School District Millage Rate
42 Reduction Fund an amount sufficient to ensure that the total
43 amount of revenue in the School District Millage Rate Reduction
44 Fund for a fiscal year is not less than the amount distributed
45 from the previous fiscal year.

46 PART II

47 SCHOOL PROPERTY TAX REDUCTIONS

48 FROM STATEWIDE SOURCES

49 Section 1611. Additional personal income tax imposed.

50 (a) Personal income tax.--For taxable years beginning after
51 December 31, 2015, there is imposed an additional tax upon each

1 class of income as defined in Article III. The tax shall be
2 calculated, collected and paid over to the Commonwealth in the
3 same manner as provided in Article III.

4 (b) Rate.--The tax imposed by subsection (a) shall be at the
5 rate of 0.63%.

6 (c) Deposit of tax proceeds.--The department shall deposit
7 taxes collected under this section in the School District
8 Millage Rate Reduction Fund. The amount shall be the sum of the
9 taxes collected under this section and Article III multiplied by
10 a fraction equal to the rate of tax under this section divided
11 by the sum of the rate of tax under this section and the rate of
12 tax under section 302.

13 (d) Rules and regulations.--The rules and regulations of the
14 department promulgated under this act or any other act, shall be
15 applicable to the tax imposed by this section to the extent that
16 they are applicable to the tax imposed under Article III.

17 (e) Construction.--The tax imposed by this section shall be
18 in addition to any tax imposed under Article III or section
19 321(c) of the Taxpayer Relief Act. The provisions of Article III
20 shall apply to the tax imposed by this section.
21 Section 1612. Additional sales and use tax imposed.

22 (a) Additional taxation.--The tax imposed by this section
23 shall be in addition to any tax imposed under Article II or II-
24 B, section 503 of the act of June 5, 1991 (P.L.9, No.6), known
25 as the Pennsylvania Intergovernmental Cooperation Authority Act
26 for Cities of the First Class, or section 3152-B of the act of
27 July 28, 1953 (P.L.73, No.230), known as the Second Class County
28 Code. The provisions of Article II shall apply to the tax
29 imposed by this section.

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

36 (c) Use tax.--Beginning January 1, 2016, there is imposed a
37 tax upon the use of tangible personal property purchased at
38 retail and on services purchased at retail. The tax under this
39 subsection shall be imposed upon the purchase price. The tax
40 shall be paid over to the Commonwealth by the person who makes
41 such use. The tax imposed under this subsection shall not be
42 paid over to the Commonwealth by any person who has paid the tax
43 imposed under subsection (b) or has paid the tax imposed under
44 this subsection to the vendor with respect to such use.

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

50 (e) Rate.--The tax imposed by subsections (b), (c) and (d)
51 shall be at a rate of 1%.

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

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

5 (2) If the purchase price is 51¢ or more but less than
6 \$1.51, 1¢ shall be collected.

7 (3) If the purchase price is \$1.51 or more but less than
8 \$2.51, 2¢ shall be collected.

9 (4) If the purchase price is \$2.51 or more but less than
10 \$3.51, 3¢ shall be collected.

11 (5) If the purchase price is \$3.51 or more but less than
12 \$4.51, 4¢ shall be collected.

13 (6) If the purchase price is \$4.51 or more but less than
14 \$5.51, 5¢ shall be collected.

15 (7) If the purchase price is \$5.51 or more but less than
16 \$6.51, 6¢ shall be collected.

17 (8) If the purchase price is \$6.51 or more but less than
18 \$7.51, 7¢ shall be collected.

19 (9) If the purchase price is \$7.51 or more but less than
20 \$8.51, 8¢ shall be collected.

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

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

25 (12) If the purchase price is more than \$10, 1% of each
26 \$10 purchase price plus the above bracket charges upon any
27 fractional part of a \$10 increment shall be collected.

28 (g) Deposit of tax proceeds.--The department shall deposit
29 taxes collected under this section in the School District
30 Homestead and Farmstead Relief Fund. The amount shall be one-
31 seventh of the sum of the amount collected under this section
32 and Article II. The tax collected under this section shall be
33 subject to the transfers under section 281.2 and 74 Pa.C.S. §
34 1506(c)(1) and (3.4) in the same way as the tax imposed under
35 Article II.

36 (h) Rules and regulations.--The rules and regulations of the
37 department which are promulgated under this act or any other
38 act, shall be applicable to the tax imposed by this section to
39 the extent that they are applicable to the tax imposed under
40 Article II.

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

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

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

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

47 PART III

48 STATE FUNDS FORMULAE

49 SUBPART A

50 PRELIMINARY PROVISIONS

51 Section 1621. Scope of part.

1 This part relates to the allocation of State funds for the
2 dollar-for-dollar reduction of school district property taxes
3 through millage rate reductions and funding homestead property
4 exclusions.

5 Section 1622. Certifications.

6 (a) Secretary certifications.--

7 (1) Not later than April 15, 2016, and April 15 of each
8 year thereafter, the secretary shall certify all of the
9 following:

10 (i) The total amount of revenue in the School
11 District Millage Rate Reduction Fund and the School
12 District Homestead and Farmstead Relief Fund. In
13 calculating the total amount of revenue in each of the
14 funds, the secretary shall take into account all of the
15 following:

16 (A) For the certification to be completed not
17 later than April 15, 2016, revenue which:

18 (I) has been deposited into the fund prior
19 to the date of the certification; and

20 (II) is reasonably projected to be deposited
21 into the fund during the six months following the
22 date on which the certification is made; and

23 (B) For certifications in subsequent fiscal
24 years:

25 (I) revenue which has been deposited into
26 the fund during the six months prior to the date
27 on which the certification is made; and

28 (II) revenue enumerated in clause (A) (II).

29 (ii) In certifying the amount available for
30 distribution from each fund under subsection (c), the
31 secretary shall only certify an amount that is
32 sustainable in subsequent years.

33 (2) If the actual revenue deposited into each of the
34 funds during the six months following the date on which the
35 certification is made exceeds projections, any revenue in
36 excess of projections shall remain in that fund and may be
37 included in the certification for the subsequent fiscal year.

38 (3) The secretary may not certify an amount of revenue
39 in the School District Millage Rate Reduction Fund which is
40 less than the dollar amount certified in the previous fiscal
41 year.

42 (b) Notification of Department of Education.--By April 20,
43 2016, and April 20 each year thereafter, the secretary shall
44 notify the Department of Education whether it is authorized to
45 provide school districts with State millage rate reduction
46 allocations and State homestead and farmstead exclusion
47 allocations under Subparts B and C.

48 (c) Distribution.--

49 (1) For fiscal year 2016-2017 and for each fiscal year
50 thereafter, the secretary shall authorize the Department of
51 Education to distribute from the School District Millage Rate

1 Reduction Fund the amount certified for the fund under
2 subsection (a) (1).

3 (2) For fiscal year 2016-2017 and for each fiscal year
4 thereafter, the secretary shall authorize the Department of
5 Education to distribute from the School District Homestead
6 and Farmstead Relief Fund the difference between the amount
7 certified for the fund under subsection (a) (1) and the sum of
8 all of the following:

9 (i) the amount sufficient to fund additional
10 reimbursements to eligible school districts under section
11 1642; and

12 (ii) the amount under 2908-G(c).

13 The amount deducted under this subsection for additional
14 reimbursements under section 1642 shall be calculated based on
15 the information provided by school districts under section
16 503(b) (2) of the Taxpayer Relief Act.
17 Section 1623. Disclosure of relief.

18 (a) Tax notice.--A school district which receives a State
19 property tax reduction allocation, a State homestead and
20 farmstead exclusion allocation or a State millage rate reduction
21 allocation shall itemize the total homestead and farmstead
22 exclusion and millage rate reductions on tax bills sent to
23 taxpayers. At minimum, a tax bill must show the tax liability
24 which was due for the property in the previous tax year, the
25 amount of the applicable exclusion and the amount of reduced tax
26 liability due to rate reductions. The tax bill shall be easily
27 understandable and include a notice under subsection (b).

28 (b) Notice of property tax relief.--

29 (1) For a taxpayer who is a homestead property or
30 farmstead property owner, the tax bill must include a notice
31 that the tax bill includes a homestead or farmstead exclusion
32 and a millage rate reduction. The notice shall, at a minimum,
33 be in the following form:

34 NOTICE OF PROPERTY TAX RELIEF

35 Your enclosed tax bill includes a tax reduction for your
36 homestead and/or farmstead property. As an eligible
37 homestead and/or farmstead property owner, you have
38 received tax relief through a homestead and/or farmstead
39 exclusion which has been provided under the School
40 Property Tax Reform Act and the Taxpayer Relief Act, two
41 laws passed by the Pennsylvania General Assembly designed
42 to reduce your property taxes. Your tax bill also
43 includes a reduction in the tax rate on real property
44 provided through the Education Finance Reform Act.

45 (2) For a taxpayer that is not a homestead property or
46 farmstead property owner, the tax bill must include a notice
47 that the tax bill includes a millage rate reduction. The
48 notice shall, at a minimum, be in the following form:

49 NOTICE OF PROPERTY TAX RELIEF

50 Your enclosed tax bill includes a reduction in the tax
51 rate on real property. This reduction has been provided

1 under the School Property Tax Reform Act, a law passed by
2 the Pennsylvania General Assembly designed to reduce your
3 property taxes.

4 Section 1624. Information collection and verification.

5 (a) Information collection.--The Department of Education
6 shall develop an information collection policy to gather
7 information which will allow the department to confirm that
8 State millage rate reduction allocations and State homestead and
9 farmstead exclusion allocations are being used for the purposes
10 enumerated in this article and that State property tax reduction
11 allocations are being used for the purposes enumerated in the
12 Taxpayer Relief Act. The information collection policy may
13 include requiring a school district to provide information in
14 the uniform form prepared under section 312(b) of the Taxpayer
15 Relief Act that would allow the Department of Education to
16 comply with the requirements of this section.

17 (b) Verification.--The Department of Education shall develop
18 procedures to routinely analyze the information collected under
19 subsection (a) to identify a school district which is not using
20 a State millage rate reduction allocation or State homestead and
21 farmstead exclusion allocation for the purposes enumerated in
22 this article or is using a State property tax reduction
23 allocation for the purposes enumerated in the Taxpayer Relief
24 Act.

25 SUBPART B

26 STATE ALLOCATION DISTRIBUTION

27 FOR MILLAGE RATE REDUCTIONS

28 Section 1631. Scope of subpart.

29 This subpart relates to the allocation of State funds
30 generated by the additional tax under section 1611 for the
31 dollar-for-dollar reduction of school district property taxes
32 through millage rate reductions.

33 Section 1632. State millage rate reduction allocation.

34 (a) Administration.--The Department of Education shall
35 calculate the State millage rate reduction allocation for each
36 school district as follows:

37 (1) For the 2016-2017 fiscal year all of the following
38 apply:

39 (i) Multiply the school district's 2012-2013
40 equalized millage by the dollar amount necessary to
41 allocate all the money in the School District Millage
42 Rate Reduction Fund as authorized under section 1622(c).

43 (ii) If the allocation under this paragraph is less
44 than the product of the real property taxes collected
45 during the 2012-2013 fiscal year and a numerical value of
46 0.12 for a school district, the school district shall
47 receive an additional amount so that the total allocation
48 under this paragraph is equal to the product of the real
49 property taxes collected during the 2012-2013 fiscal year
50 and a numerical value of 0.12.

51 (iii) If the allocation under this paragraph is

1 greater than the product of the real property taxes
2 collected during the 2012-2013 fiscal year and a
3 numerical value of 0.19 for a school district, the school
4 district shall receive a total allocation equal to the
5 product of the real property taxes collected during the
6 2012-2013 fiscal year and a numerical value of 0.19.

7 (2) For the 2017-2018 fiscal year all of the following
8 apply:

9 (i) Multiply the school district's equalized millage
10 for the 2013-2014 fiscal year by the dollar amount
11 necessary to allocate all the money in the School
12 District Millage Rate Reduction Fund as authorized under
13 section 1622(c).

14 (ii) If the allocation under this paragraph is less
15 than the product of the real property taxes collected
16 during the 2013-2014 fiscal year and a numerical value of
17 0.2 for a school district, the school district shall
18 receive an additional amount so that the total allocation
19 under this paragraph is equal to the product of the real
20 property taxes collected during the 2013-2014 fiscal year
21 and a numerical value of 0.2.

22 (iii) If the allocation under this paragraph is
23 greater than the product of the real property taxes
24 collected during the 2013-2014 fiscal year and a
25 numerical value of 0.3 for a school district, the school
26 district shall receive a total allocation equal to the
27 product of the real property taxes collected during the
28 2013-2014 fiscal year and a numerical value of 0.3.

29 (3) For all fiscal years beginning after the 2017-2018
30 fiscal year:

31 (i) Multiply the allocation from the previous fiscal
32 year by the percentage change in the amount to be
33 collected from the tax under section 1611, except that
34 the percentage change under this paragraph may not be
35 less than zero.

36 (ii) Add the amount in subparagraph (i) to the
37 allocation from the previous fiscal year.

38 (b) Notification.--The Department of Education shall notify
39 each school district of the amount of its State millage rate
40 reduction allocation not later than May 1 of each year.

41 (c) Payment.--For the fiscal year commencing July 1, 2016,
42 and each fiscal year thereafter, except as set forth in
43 subsection (d), the Department of Education shall pay from the
44 School District Millage Rate Reduction Fund to each eligible
45 school district a State millage rate reduction allocation equal
46 to the amount calculated under subsection (a). The State millage
47 rate allocation shall be divided into two equal payments, which
48 shall be made on the fourth Thursday of August and the fourth
49 Thursday of October.

50 (d) First class school districts.--The State millage rate
51 reduction allocation for a school district of the first class

1 shall be paid by the Department of Education to a city of the
2 first class for use for a school district of the first class as
3 prescribed in section 1633.

4 Section 1633. Mandatory use of State millage rate reduction
5 allocation to reduce rate of real property tax.

6 (a) Reduction in first fiscal year.--For the first fiscal
7 year in which a school district receives a State millage rate
8 reduction allocation and except for a tax increase which is
9 approved by the electorate under section 333(c) of the Taxpayer
10 Relief Act, a board of school directors may not adopt a final
11 budget, including a final budget under section 312 of the
12 Taxpayer Relief Act, which includes a tax on real property which
13 would generate revenue greater than:

14 (1) the sum of the maximum amount of revenue which could
15 be raised by the allowable increase under the index and the
16 amount permitted under the referendum exceptions in section
17 333(f) or (n) of the Taxpayer Relief Act, minus;

18 (2) the school district's State millage rate reduction
19 allocation.

20 (b) Subsequent reductions and limitations.--For the second
21 fiscal year in which a school district receives a State millage
22 rate reduction allocation and for all fiscal years in which a
23 school district receives a State millage rate reduction
24 allocation thereafter and except for a tax increase which is
25 approved by the electorate under section 333(c) of the Taxpayer
26 Relief Act, a board of school directors may not adopt a final
27 budget, including a final budget under section 312 of the
28 Taxpayer Relief Act, which includes a tax on real property which
29 would generate revenue greater than:

30 (1) the sum of the maximum amount of revenue which could
31 be raised by the allowable increase under the index and the
32 amount permitted under the referendum exceptions in section
33 333(f) or (n) of the Taxpayer Relief Act, minus;

34 (2) the increase in the school district's State millage
35 rate reduction allocation from the previous fiscal year.

36 (c) Continued applicability.--A tax rate which is reduced or
37 otherwise subject to this section shall remain subject to the
38 provisions of section 333 of the Taxpayer Relief Act.

39 (d) Applicable tax rate for first class school district.--
40 This section and section 333, except section 333(b) (2), of the
41 Taxpayer Relief Act shall apply to a tax on real property levied
42 by a city of the first class for the benefit of a school
43 district of the first class.

44 SUBPART C

45 STATE ALLOCATION DISTRIBUTION TO FUND 46 FOR HOMESTEAD AND FARMSTEAD EXCLUSIONS

47 Section 1641. Scope of subpart.

48 This subpart relates to the allocation of State funds
49 generated by the additional tax under section 1612 for the
50 dollar-for-dollar reduction of school district property taxes
51 through the funding of homestead and farmstead exclusions.

1 Section 1642. Additional reimbursement.

2 A school district shall receive a payment equal to the
3 aggregate amount of the tax credited under section 324(2) of the
4 Taxpayer Relief Act minus its reimbursement under section 324(4)
5 of the Taxpayer Relief Act.

6 Section 1643. State homestead and farmstead exclusion
7 allocation.

8 (a) Administration.--The Department of Education shall
9 calculate the State homestead and farmstead exclusion allocation
10 for each school district, except the portion which is calculated
11 under section 1642, as follows:

12 (1) For the 2016-2017 fiscal year all of the following
13 apply:

14 (i) Multiply the school district's 2012-2013 average
15 daily membership by the school district's 2012-2013
16 equalized millage.

17 (ii) Multiply the product under subparagraph (i) by
18 the dollar amount necessary to allocate all the money in
19 the School District Homestead and Farmstead Relief Fund
20 as authorized under section 1622(c).

21 (iii) If the allocation under this paragraph is less
22 than the product of the residential property taxes
23 collected during the 2012-2013 fiscal year and a
24 numerical value of 0.1 for a school district, the school
25 district shall receive an additional amount so that the
26 total allocation under this paragraph is equal to the
27 product of the residential property taxes collected
28 during the 2012-2013 fiscal year and a numerical value of
29 0.1.

30 (iv) If the allocation under this paragraph is
31 greater than the product of the residential property
32 taxes collected during the 2012-2013 fiscal year and a
33 numerical value of 0.16 for a school district, the school
34 district shall receive a total allocation equal to the
35 product of the residential property taxes collected
36 during the 2012-2013 fiscal year and a numerical value of
37 0.16.

38 (2) For all fiscal years beginning after the 2016-2017
39 fiscal year all of the following apply:

40 (i) Multiply the school district's average daily
41 membership for the fourth fiscal year immediately
42 preceding the fiscal year for which the allocation is
43 being made by the school district's equalized millage for
44 the fourth fiscal year immediately preceding the fiscal
45 year for which the allocation is being made.

46 (ii) Multiply the product under subparagraph (i) by
47 the dollar amount necessary to allocate all the money in
48 the School District Homestead and Farmstead Relief Fund
49 as authorized under section 1622(c).

50 (iii) If the allocation under this paragraph is less
51 than the product of the residential property taxes

1 collected during the fourth fiscal year immediately
2 preceding the fiscal year for which the allocation is
3 being made and a numerical value of 0.14 for a school
4 district, the school district shall receive an additional
5 amount so that the total allocation under this paragraph
6 is equal to the product of the residential property taxes
7 collected during the fourth fiscal year immediately
8 preceding the fiscal year for which the allocation is
9 being made and a numerical value of 0.14.

10 (iv) If the allocation under this paragraph is
11 greater than the product of the residential property
12 taxes collected during the fourth fiscal year immediately
13 preceding the fiscal year for which the allocation is
14 being made and a numerical value of 0.23 for a school
15 district, the school district shall receive a total
16 allocation equal to the product of the residential
17 property taxes collected during the fourth fiscal year
18 immediately preceding the fiscal year for which the
19 allocation is being made and a numerical value of 0.23.

20 (b) Notification.--The Department of Education shall notify
21 each school district of the amount of its State homestead and
22 farmstead exclusion allocation not later than May 1 of each
23 year.

24 (c) Payment.--For the fiscal year commencing July 1, 2016,
25 and each fiscal year thereafter, except as set forth in
26 subsection (d), the Department of Education shall pay to each
27 eligible school district a State homestead and farmstead
28 exclusion allocation equal to the amount calculated under
29 subsection (a) plus the payment as calculated under section
30 1642. The State homestead and farmstead exclusion allocation
31 shall be divided into two equal payments, which shall be made on
32 the fourth Thursday of August and the fourth Thursday of
33 October.

34 (d) First class school districts.--The State homestead and
35 farmstead exclusion allocation for a school district of the
36 first class shall be paid by the Department of Education to a
37 city of the first class for use for a school district of the
38 first class as prescribed in section 1644.
39 Section 1644. Disposition of State homestead and farmstead
40 exclusion allocation.

41 (a) Homestead and farmstead exclusions.--A board of school
42 directors for a school district which receives a State homestead
43 and farmstead exclusion allocation shall use the allocation to
44 fund exclusions for homestead and farmstead property or, if
45 applicable, may utilize any revenue in excess of the revenue
46 required to fund the maximum homestead and farmstead exclusions
47 authorized under 53 Pa.C.S. § 8586 (relating to limitations) to
48 reduce the property tax rate on all properties subject to the
49 property tax in the school district.

50 (b) Homestead and farmstead exclusion process.--Each fiscal
51 year in which a school district imposes a tax authorized under

1 section 321 of the Taxpayer Relief Act or receives a State
2 homestead and farmstead exclusion allocation or State property
3 tax reduction allocation, the board of school directors of a
4 school district shall calculate a homestead and farmstead
5 exclusion for the purpose of reducing school district property
6 taxes. The school district shall adopt a resolution implementing
7 the homestead and farmstead exclusion not later than the last
8 day of the fiscal year immediately preceding the fiscal year in
9 which the homestead and farmstead exclusions shall take effect.

10 PART IV

11 MISCELLANEOUS PROVISIONS

12 Section 1691. Additional provisions.

13 (a) Other provisions.--Any school district property tax
14 reduction approved under Subchapter D of Chapter 3 of the
15 Taxpayer Relief Act shall continue in effect.

16 (b) Applicability.--Except as otherwise provided, a school
17 district shall remain subject to the Taxpayer Relief Act.

18 ARTICLE XXIX-G

19 SENIOR CITIZENS PROPERTY TAX AND

20 RENT REBATE ASSISTANCE

21 Section 2901-G. Scope of article.

22 This article provides senior citizens with assistance in the
23 form of property tax and rent rebates.

24 Section 2902-G. (Reserved).

25 Section 2903-G. Definitions.

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

29 "Board." The Board of Finance and Revenue of the
30 Commonwealth.

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

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

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

40 (3) was a permanently disabled person 18 years of age or
41 older during a calendar year or part thereof in which the
42 real property taxes or rent were due and payable.

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

44 "Homestead." A dwelling, whether owned or rented, and so
45 much of the land surrounding it, as is reasonably necessary for
46 the use of the dwelling as a home, occupied by a claimant. The
47 term includes, but is not limited to:

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

50 (2) Mobile homes which are assessed as realty for local
51 property tax purposes and the land, if owned or rented by the

1 claimant, upon which the mobile home is situated, and other
2 similar living accommodations.

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

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

10 (5) Premises occupied by a claimant if the claimant is
11 required by law to pay a property tax by reason of the
12 claimant's ownership or rental, including a possessory
13 interest, in the dwelling, the land or both. An owner
14 includes a person in possession under a contract of sale,
15 deed of trust, life estate, joint tenancy or tenancy in
16 common or by reason of statutes of descent and distribution.
17 "Household income." All income received by a claimant and
18 the claimant's spouse while residing in the homestead during the
19 calendar year for which a rebate is claimed.

20 "Income." All income from whatever source derived,
21 including, but not limited to:

22 (1) Salaries, wages, bonuses, commissions, income from
23 self-employment, alimony, support money, cash public
24 assistance and relief.

25 (2) The gross amount of any pensions or annuities,
26 including railroad retirement benefits for calendar years
27 prior to 1999 and 50% of railroad retirement benefits for
28 calendar years 1999 and thereafter.

29 (3) (i) All benefits received under the Social Security
30 Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), except
31 Medicare benefits, for calendar years prior to 1999, and
32 50% of all benefits received under the Social Security
33 Act, except Medicare benefits, for calendar years 1999
34 and thereafter.

35 (ii) Notwithstanding any other provision of this act
36 to the contrary, persons who, as of December 31, 2012,
37 are eligible for the property tax or rent rebate shall
38 remain eligible if the household income limit is exceeded
39 due solely to a Social Security cost-of-living
40 adjustment.

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

44 (4) All benefits received under State unemployment
45 insurance laws and veterans' disability payments.

46 (5) All interest received from the Federal or any state
47 government or any instrumentality or political subdivision
48 thereof.

49 (6) Realized capital gains and rentals.

50 (7) Workers' compensation.

51 (8) The gross amount of loss of time insurance benefits,

1 life insurance benefits and proceeds, except the first \$5,000
2 of the total of death benefit payments.

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

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

9 "Permanently disabled person." A person who is unable to
10 engage in any substantial gainful activity by reason of any
11 medically determinable physical or mental impairment which can
12 be expected to continue indefinitely, except as provided in
13 section 2904-G(b) (3) and (c).

14 "Real property taxes." All taxes on a homestead, exclusive
15 of municipal assessments, delinquent charges and interest, due
16 and payable during a calendar year.

17 "Rent rebate in lieu of property taxes." Twenty percent of
18 the gross amount actually paid in cash or its equivalent in any
19 calendar year to a landlord in connection with the occupancy of
20 a homestead by a claimant, irrespective of whether such amount
21 constitutes payment solely for the right of occupancy or
22 otherwise.

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

24 "Widow" or "widower." The surviving wife or the surviving
25 husband, as the case may be, of a deceased individual and who
26 has not remarried except as provided in section 2904-G(b) (3) and
27 (c).

28 Section 2904-G. Property tax; and rent rebate.

29 (a) Schedule of rebates.--

30 (1) The amount of any claim for property tax rebate or
31 rent rebate in lieu of property taxes for real property taxes
32 or rent due and payable during calendar years 1985 through
33 2005 shall be determined in accordance with the following
34 schedule:

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

51 (2) The following apply:

1 (i) The base amount of any claim for property tax
2 rebate for real property taxes due and payable during:

3 (A) Except as provided under clause (B),
4 calendar year 2006 and thereafter shall be determined
5 in accordance with the following schedule:

<u>Household Income</u>	<u>Amount of Real Property Taxes</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>

12 (B) For calendar year 2016 and thereafter, a
13 claimant shall be eligible for an additional base
14 amount in addition to the base amount under clause
15 (A) in accordance with the following schedule:

<u>Household Income</u>	<u>Additional Amount of Real</u> <u>Property Taxes</u> <u>Allowed as Rebate</u>
<u>\$ 0 - \$ 8,000</u>	<u>\$200</u>
<u>8,001 - 15,000</u>	<u>200</u>
<u>15,001 - 18,000</u>	<u>200</u>
<u>18,001 - 35,000</u>	<u>200</u>

23 (ii) The supplemental amount for a claimant with a
24 household income equal to or less than \$30,000 and an
25 eligible claim for property tax rebate for real property
26 taxes due and payable during the calendar year preceding
27 the first year in which a payment under section 505(b) of
28 the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1),
29 known as the Taxpayer Relief Act, is made and each year
30 thereafter and whose real property taxes exceed 15% of
31 the claimant's household income shall be equal to 50% of
32 the base amount determined under subparagraph (i). A
33 claimant who is a resident of a city of the first class,
34 a city of the second class A or a school district of the
35 first class A shall be ineligible for the supplemental
36 amount under this subparagraph.

37 (3) The amount of any claim for rent rebate in lieu of
38 property taxes for rent due and payable during:

39 (i) Except as provided in subparagraph (ii),
40 calendar year 2006 and thereafter shall be determined in
41 accordance with the following:

<u>Household Income</u>	<u>Amount of Rent Rebate in</u> <u>Lieu of Property Taxes</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>0</u>
<u>18,001 - 35,000</u>	<u>0</u>

49 (ii) For calendar year 2016 and thereafter, a
50 claimant shall be eligible for an additional base amount
51 in addition to the base amount under subparagraph (i) in

1 accordance with the following schedule:

	<u>Additional Amount of Real</u>
	<u>Property Taxes</u>
<u>Household Income</u>	<u>Allowed as Rebate</u>
5 <u>\$ 0 - \$ 8,000</u>	<u>\$200</u>
6 <u>8,001 - 15,000</u>	<u>200</u>
7 <u>15,001 - 18,000</u>	<u>200</u>
8 <u>18,001 - 35,000</u>	<u>200</u>

9 (b) Limitations on claims.--

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

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

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

19 (3);

20 (ii) the amount of real property taxes actually
21 paid; or

22 (iii) 20% of gross rent actually paid.

23 (3) No claim shall be allowed if the claimant is a
24 tenant of an owner of real property exempt from real property
25 taxes.

26 (c) Apportionment and public assistance.--

27 (1) If any of the following exist relating to a claim:

28 (i) a homestead is owned or rented and occupied for
29 only a portion of a year or is owned or rented in part by
30 a person who does not meet the qualifications for a
31 claimant, exclusive of any interest owned or leased by a
32 claimant's spouse;

33 (ii) the claimant is a widow or widower who
34 remarries; or

35 (iii) the claimant is a formerly disabled person who
36 is no longer disabled,

37 the department shall apportion the real property taxes or
38 rent in accordance with the period or degree of ownership or
39 leasehold or eligibility of the claimant in determining the
40 amount of rebate for which a claimant is eligible.

41 (2) A claimant who receives public assistance from the
42 Department of Public Welfare shall not be eligible for rent
43 rebate in lieu of property taxes during those months within
44 which the claimant receives public assistance.

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

47 Section 2905-G. Filing of claim.

48 (a) General rule.--Except as otherwise provided in
49 subsection (b), a claim for property tax or rent rebate shall be
50 filed with the department on or before the 30th day of June of
51 the year next succeeding the end of the calendar year in which

1 real property taxes or rent was due and payable.

2 (b) Exception.--A claim filed after the June 30 deadline
3 until December 31 of such calendar year shall be accepted by the
4 secretary as long as funds are available to pay the benefits to
5 the late filing claimant.

6 (c) Payments from State Lottery Fund.--No reimbursement on a
7 claim shall be made from the State Lottery Fund earlier than the
8 day following the 30th day of June provided in this article on
9 which that claim may be filed with the department.

10 (d) Eligibility of claimants.--

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

13 (2) If two or more persons are able to meet the
14 qualifications for a claimant, they may determine who the
15 claimant shall be.

16 (3) If they are unable to agree, the department shall
17 determine to whom the rebate is to be paid.

18 Section 2906-G. Proof of claim.

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

20 (1) Reasonable proof of household income.

21 (2) The size and nature of the property claimed as a
22 homestead.

23 (3) The rent, tax receipt or other proof that the real
24 property taxes on the homestead have been paid or rent in
25 connection with the occupancy of a homestead has been paid.

26 (4) If the claimant is a widow or widower, a declaration
27 of such status in such manner as prescribed by the secretary.

28 (b) Proof of disability.--

29 (1) Proof that a claimant is eligible to receive
30 disability benefits under the Social Security Act (49 Stat.
31 620, 42 U.S.C. § 301 et seq.) shall constitute proof of
32 disability under this article.

33 (2) No person who has been found not to be disabled by
34 the Social Security Administration shall be granted a rebate
35 under this article.

36 (3) A claimant not covered under the Social Security Act
37 shall be examined by a physician designated by the department
38 and such status determined using the same standards used by
39 the Social Security Administration.

40 (c) Direct payment of taxes or rent not required.--It shall
41 not be necessary that such taxes or rent were paid directly by
42 the claimant if the rent or taxes have been paid when the claim
43 is filed.

44 (d) Proof of age on first claim.--The first claim filed
45 shall include proof that the claimant or the claimant's spouse
46 was at least 65 years of age, or at least 50 years of age in the
47 case of a widow or widower during the calendar year in which
48 real property taxes or rent were due and payable.

49 Section 2907-G. Incorrect claim.

50 Whenever on audit of a claim the department finds the claim
51 to have been incorrectly determined, it shall redetermine the

1 correct amount of the claim and notify the claimant of the
2 reason for the redetermination and the amount of the corrected
3 claim.

4 Section 2908-G. Funds for payment of claims.

5 (a) Payment.--Approved claims shall be paid from the State
6 Lottery Fund established by the act of August 26, 1971 (P.L.351,
7 No.91), known as the State Lottery Law.

8 (b) Transfers.--The Secretary of the Budget shall transfer
9 the following amounts from the Property Tax Relief Fund to the
10 State Lottery:

11 (1) Notwithstanding any other provision of law, an
12 amount equal to \$100,000,000 of the total slot machine
13 license fees paid by successful applicants for a Category 1
14 slot machine license under 4 Pa.C.S. § 1209 (relating to slot
15 machine license fee). The transfer under this paragraph shall
16 occur upon deposit in the Property Tax Relief Fund of moneys
17 derived from the fee from the fourth successful applicant for
18 a Category 1 slot machine license.

19 (2) Notwithstanding any other provision of law, an
20 amount equal to \$100,000,000 of the total slot machine
21 license fees paid by successful applicants for a Category 2
22 slot machine license under 4 Pa.C.S. § 1209. The transfer
23 under this paragraph shall occur upon deposit in the Property
24 Tax Relief Fund of moneys derived from the fee from the third
25 successful applicant for a Category 2 slot machine license.

26 (3) For fiscal years 2007-2008 and 2008-2009, an amount
27 equal to the sum of approved claims to be paid in each of
28 those fiscal years under sections 704 of the act of June 27,
29 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer
30 Relief Act, and 2904-G(a)(2)(ii) of this act, if any.

31 (4) For fiscal year 2009-2010 and each fiscal year
32 thereafter, the sum of all of the following, minus the amount
33 under subsection (c):

34 (i) The difference between the sum of the amount of
35 approved claims to be paid in the next fiscal year under
36 section 2904-G(a)(2)(i) and (3) and the amount of
37 approved claims paid in fiscal year 2006-2007 under
38 section 2904-G(a)(1).

39 (ii) The sum of the amount of approved claims to be
40 paid in the next fiscal year under section 704 of the
41 Taxpayer Relief Act and 2904-G(a)(2)(ii) of this act, if
42 any.

43 (5) Beginning in fiscal year 2009-2010 and until the
44 difference between the sum of subparagraphs (i) and (ii) and
45 \$200,000,000 is paid, an amount of not less than \$40,000,000
46 annually or the amount of the difference, whichever is less.
47 All transfers under this paragraph shall be completed no
48 later than four years after the transfer required by
49 paragraph (2).

50 (i) The difference between the sum of the amount of
51 approved claims to be paid in fiscal year 2007-2008 under

1 section 2904-G(a)(2)(i) and (3) and the amount of
2 approved claims paid in fiscal year 2006-2007 under
3 section 2904-G(a)(1).

4 (ii) The difference between the sum of the amount of
5 approved claims to be paid in fiscal year 2008-2009 under
6 section 2904-G(a)(2)(i) and (3) and the amount of
7 approved claims paid in fiscal year 2006-2007 under
8 section 2904-G(a)(1).

9 (c) For fiscal years 2017-2018 and each fiscal year
10 thereafter, the Secretary of the Budget shall transfer from the
11 School District Homestead and Farmstead Relief Fund to the State
12 Lottery an amount sufficient to provide the following:

13 (i) The additional base amounts in section 2904-G(a)
14 (2)(i)(B).

15 (ii) The additional amounts in section 2904-G(a)(3)
16 (ii).

17 (iii) The increased supplemental amounts under
18 section 2904-G(a)(2)(ii) as the result of the additional
19 base amounts under section 2904-G(a)(2)(i)(B).

20 (iv) The increased supplemental amounts under
21 section 704 of the Taxpayer Relief Act as the result of
22 the additional base amounts under section 2904-G(a)(2)(i)
23 (B).

24 Section 2909-G. Claim forms and rules and regulations.

25 (a) General rule.--Necessary rules and regulations shall be
26 prescribed by a committee consisting of the Secretary of Aging,
27 the Secretary of Revenue and the Secretary of Community and
28 Economic Development. The Secretary of Aging shall serve as the
29 chairman of the committee. The department shall receive all
30 applications, determine the eligibility of claimants, hear
31 appeals, disburse payments and make available suitable forms for
32 the filing of claims.

33 (b) Report to General Assembly.--In addition to any rules
34 and regulations prescribed under subsection (a), the department
35 shall collect the following information and issue a report
36 including such information to the chairman and minority chairman
37 of the Appropriations Committee of the Senate and the chairman
38 and minority chairman of the Appropriations Committee of the
39 House of Representatives by September 30, 2006, and September 30
40 of each year thereafter:

41 (1) The total number of claims which will be paid in the
42 fiscal year in which the report is issued with the
43 information provided by school district, by county and for
44 each household income level under section 2904-G(a)(2)(i).

45 (2) The total amount of rebates paid in the fiscal year
46 in which the report is issued with the information provided
47 by school district, by county and for each household income
48 level under section 2904-G(a)(2)(i).

49 Section 2910-G. Fraudulent claims and conveyances to obtain
50 benefits.

51 (a) Civil penalty.--In any case in which a claim is

1 excessive and was filed with fraudulent intent, the claim shall
2 be disallowed in full, and a penalty of 25% of the amount
3 claimed shall be imposed. The penalty and the amount of the
4 disallowed claim, if the claim has been paid, shall bear
5 interest at the rate of 1.5% per month from the date of the
6 claim until repaid.

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

12 (c) Disallowance for receipt of title.--A claim shall be
13 disallowed if the claimant received title to the homestead
14 primarily for the purpose of receiving property tax rebate.
15 Section 2911-G. Petition for redetermination.

16 (a) Right to file.--A claimant whose claim is either denied,
17 corrected or otherwise adversely affected by the department may
18 file with the department a petition for redetermination on forms
19 supplied by the department within 90 days after the date of
20 mailing of written notice by the department of such action.

21 (b) Contents.--The petition shall set forth the grounds upon
22 which the claimant alleges that such departmental action is
23 erroneous or unlawful, in whole or part, and shall contain an
24 affidavit or affirmation that the facts contained in the
25 petition are true and correct.

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

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

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

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

38 Section 2912-G. Review by Board of Finance and Revenue.

39 (a) Right to review.--Within 90 days after the date of
40 official receipt by the claimant of notice mailed by the
41 department of its decision on a petition for redetermination
42 filed with it, the claimant who is adversely affected by the
43 decision may by petition request the board to review such
44 action.

45 (b) Effect of no decision from department.--The failure of
46 the department to officially notify the claimant of a decision
47 within the six-month period provided for by section 2911-G shall
48 act as a denial of the petition, and a petition for review may
49 be filed with the board within 120 days after written notice is
50 officially received by the claimant that the department has
51 failed to dispose of the petition within the six-month period.

1 (c) Contents of petition for redetermination.--A petition
2 for redetermination filed shall state the reasons upon which the
3 claimant relies or shall incorporate by reference the petition
4 for redetermination in which such reasons were stated. The
5 petition shall be supported by affidavit that the facts set
6 forth therein are correct and true.

7 (d) Time period for decision.--The board shall act in
8 disposition of petitions filed with it within six months after
9 they have been received, and, in the event of failure of the
10 board to dispose of any petition within six months, the action
11 taken by the department upon the petition for redetermination
12 shall be deemed sustained.

13 (e) Relief authorized by board.--The board may sustain the
14 action taken by the department on the petition for
15 redetermination or it may take such other action as it shall
16 deem necessary and consistent with provisions of this article.

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

19 Section 2913-G. Appeal.

20 A claimant aggrieved by a decision of the board may appeal
21 from the decision of the board in the manner provided by law for
22 appeals from decisions of the board in tax cases.

23 Section 4. Any reference in an act or part of an act to the
24 former Chapter 13 of the act of June 27, 2006 (1st Sp.Sess.
25 P.L.1873, No.1), known as the Taxpayer Relief Act, shall be
26 deemed a reference to the addition of Article XXIX-G of the act.

27 Section 5. Repeals are as follows:

28 (1) The General Assembly declares that the repeals under
29 paragraph (2) are necessary to effectuate the addition of
30 Articles XVI and XXIX-G of the act.

31 (2) Sections 342 and 343 and Chapter 13 of the act of
32 June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the
33 Taxpayer Relief Act, are repealed.

34 Amend Bill, page 7, line 10, by striking out "2" and
35 inserting

36 6

37 Amend Bill, page 7, line 10, by striking out "in 60 days."
38 and inserting

39 as follows:

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

42 (2) The remainder of this act shall take effect
43 immediately.