

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1216 Session of
2005

INTRODUCED BY ADOLPH, BARRAR, RAYMOND, BELARDI, BELFANTI,
BIANCUCCI, BOYD, CALTAGIRONE, CAPPELLI, CORRIGAN, CREIGHTON,
DALLY, DeLUCA, DeWEESE, FICHTER, FREEMAN, GEIST, GEORGE,
GILLESPIE, GODSHALL, GOOD, GOODMAN, GRUCELA, HENNESSEY,
HERMAN, HERSHEY, M. KELLER, KILLION, KOTIK, LEDERER, LEH,
MAJOR, MANN, R. MILLER, O'NEILL, PAYNE, PETRARCA, PETRI,
PHILLIPS, PICKETT, PISTELLA, PRESTON, READSHAW, REICHLEY,
ROSS, CRAHALLA, RUBLEY, SAINATO, SCAVELLO, SHANER, SOLOBAY,
STABACK, R. STEVENSON, TANGRETTI, E. Z. TAYLOR, WALKO, WILT,
WOJNAROSKI, YOUNGBLOOD AND YUDICHAK, MARCH 30, 2005

REFERRED TO COMMITTEE ON FINANCE, MARCH 30, 2005

AN ACT

1 Amending the act of March 11, 1971 (P.L.104, No.3), entitled, as
2 amended, "An act providing property tax or rent rebate and
3 inflation dividends to certain senior citizens, widows,
4 widowers and permanently disabled persons with limited
5 incomes; establishing uniform standards and qualifications
6 for eligibility to receive rebates and dividends; providing
7 for transportation assistance grants and grants to area
8 agencies on aging for services to older persons; and imposing
9 duties upon the Department of Revenue," further defining
10 "income"; and providing a definition for "Social Security
11 substitute pension."

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 3(1) of the act of March 11, 1971
15 (P.L.104, No.3), known as the Senior Citizens Rebate and
16 Assistance Act, reenacted and amended December 21, 1979
17 (P.L.570, No.131) and amended June 25, 1999 (P.L.226, No.30), is
18 amended and the section is amended by adding a definition to

1 read:

2 Section 3. Definitions.--As used in this act:

3 (1) "Income" means all income from whatever source derived,
4 including but not limited to salaries, wages, bonuses,
5 commissions, income from self-employment, alimony, support
6 money, cash public assistance and relief, the gross amount of
7 any pensions or annuities including railroad retirement benefits
8 for calendar years prior to 1999, and fifty per cent of railroad
9 retirement benefits for calendar years 1999 [and thereafter]
10 through 2002, all benefits received under the Federal Social
11 Security Act (except Medicare benefits) for calendar years prior
12 to 1999, and fifty per cent of all benefits received under the
13 Federal Social Security Act (except Medicare benefits) for
14 calendar years 1999 [and thereafter] through 2002, all benefits
15 received under State unemployment insurance laws and veterans'
16 disability payments, all interest received from the Federal or
17 any State government, or any instrumentality or political
18 subdivision thereof, realized capital gains, rentals, workmen's
19 compensation and the gross amount of loss of time insurance
20 benefits, life insurance benefits and proceeds (except the first
21 five thousand dollars (\$5,000) of the total of death benefit
22 payments), and gifts of cash or property (other than transfers
23 by gift between members of a household) in excess of a total
24 value of three hundred dollars (\$300), but shall not include
25 surplus food or other relief in kind supplied by a governmental
26 agency or property tax or rent rebate or inflation dividend. For
27 calendar years 2005 and thereafter, "income" shall not include:
28 fifty per cent of all benefits received under the Federal Social
29 Security Act (except Medicare benefits) and fifty per cent of
30 any Social Security substitute pension.

1 * * *

2 (10) "Social Security substitute pension" means a pension
3 received as a result of a person's employment by a government
4 entity or an instrumentality of a government entity if such
5 pension is, in whole or in part, provided in lieu of old age and
6 survivors benefit payments under the Federal Social Security
7 Act. The term includes Tier I railroad retirement benefits. The
8 amount of the pension that qualifies as a "Social Security
9 substitute pension" shall not exceed the maximum Federal old age
10 and survivors benefit payments to which an individual eligible
11 for such payments would be entitled, less any Federal old age
12 and survivors benefit payments received under the Federal Social
13 Security Act for employment covered under such act.

14 Section 2. This act shall apply to claims filed for calendar
15 year 2005 and each year thereafter.

16 Section 3. This act shall take effect immediately.