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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 34 Session of  
2023

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INTRODUCED BY TARTAGLIONE, KEARNEY, FONTANA, BREWSTER, KANE,  
SCHWANK, COLLETT AND CAPPELLETTI, JANUARY 18, 2023

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REFERRED TO FINANCE, JANUARY 18, 2023

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AN ACT

1 Establishing the Pennsylvania Opportunity Program and the  
2 Pennsylvania Opportunity Program Fund; imposing duties on the  
3 Treasury Department; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania  
8 Opportunity Program Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Department." The Treasury Department of the Commonwealth.

14 "Eligible individual." An individual who:

- 15 (1) Resides in this Commonwealth.  
16 (2) Is at least 18 years of age.  
17 (3) Has a household income of \$80,000 or less.  
18 (4) Is eligible to receive an opportunity payment.

1 "Household income." All income received by an individual and  
2 the individual's spouse during the prior calendar year.

3 "Income." As follows:

4 (1) All income from whatever source derived, including:

5 (i) Salaries, wages, bonuses and incentive payments,  
6 whether based on profits or otherwise, commissions, fees,  
7 tips, income from self-employment, alimony, support  
8 money, cash public assistance and relief.

9 (ii) The gross amount of any pensions or annuities  
10 and 50% of railroad retirement benefits.

11 (iii) Fifty percent of all benefits received under  
12 the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et  
13 seq.), except Medicare benefits.

14 (iv) All interest received from the Federal  
15 Government, any state government or any instrumentality  
16 or political subdivision thereof.

17 (v) Realized capital gains and rentals.

18 (vi) Workers' compensation.

19 (vii) The gross amount of loss-of-time insurance  
20 benefits, life insurance benefits and proceeds, except  
21 the first \$5,000 of the total of death benefit payments.

22 (viii) Gifts of cash or property, other than  
23 transfers by gift between members of a household, in  
24 excess of a total value of \$300.

25 (2) The term does not include surplus food or other  
26 relief in kind supplied by a governmental agency or nonprofit  
27 organization, property tax or rent rebate, inflation  
28 dividend, Federal veterans' disability payments or State  
29 veterans' benefits.

30 "Opportunity payment." A one-time payment made in accordance

1 with section 4 to an eligible individual.

2 Section 3. Pennsylvania Opportunity Program.

3 The Pennsylvania Opportunity Program is established within  
4 the department to provide opportunity payments to eligible  
5 individuals in accordance with this act.

6 Section 4. Opportunity payments.

7 (a) Eligible expenses.--The department shall provide a one-  
8 time opportunity payment to an eligible individual for costs  
9 incurred by the eligible individual that are related to the  
10 COVID-19 pandemic, including:

11 (1) Child care or after-school care.

12 (2) Education or workforce training to support career  
13 development.

14 (3) Rental assistance, mortgage assistance or housing  
15 repairs.

16 (4) Transportation, including car payments, gasoline and  
17 transit fares.

18 (5) Utility assistance, including broadband.

19 (6) Health care, including health insurance premiums,  
20 medical bills and copayments.

21 (7) Other expenses related to the COVID-19 pandemic as  
22 determined by the department and included in guidelines  
23 developed under section 7.

24 (b) Deemed eligible.--Costs incurred for any expense under  
25 subsection (a) shall be deemed an expense related to the COVID-  
26 19 pandemic if incurred for the period beginning March 6, 2020,  
27 and ending one year after receipt of an opportunity payment.

28 (c) Limitations.--

29 (1) Only one eligible individual per household may  
30 receive an opportunity payment. The following apply:

1 (i) For purposes of this paragraph, a household  
2 includes an individual, the spouse of the individual and  
3 any dependent of the individual.

4 (ii) The limitation under this paragraph does not  
5 apply to unrelated individuals living together.

6 (2) An eligible individual may receive an opportunity  
7 payment not exceeding \$2,000 as follows:

8 (i) If the eligible individual's household income is  
9 \$50,000 or less, the amount of the opportunity payment  
10 shall be \$2,000.

11 (ii) If the eligible individual's household income  
12 is more than \$50,000 and \$80,000 or less, the amount of  
13 the opportunity payment shall be \$1,500.

14 (d) Exemption.--An opportunity payment shall be exempt from  
15 taxation for State and local purposes and may not be considered  
16 as income when determining eligibility for needs-based  
17 assistance, unless prohibited under Federal law.

#### 18 Section 5. Application.

19 (a) Development of forms.--The department shall develop a  
20 form for individuals to apply to the department for an  
21 opportunity payment. The form shall be posted on the publicly  
22 accessible Internet website of the department.

23 (b) Contents of application.--A completed application under  
24 this section must include:

25 (1) The name, address, telephone number and other  
26 contact information of the applicant.

27 (2) The composition of the applicant's household.

28 (3) Proof of eligibility for an opportunity payment,  
29 including proof of household income.

30 (4) An attestation that an opportunity payment shall be

1 used for eligible expenses specified under section 4(a). The  
2 attestation shall include an acknowledgment that the  
3 department may audit individuals. The department may require  
4 any additional documentation to confirm that payments were  
5 used to cover eligible expenses.

6 (c) Process.--

7 (1) The department shall develop an application process,  
8 including deadlines, for applicants to apply for an  
9 opportunity payment.

10 (2) The department shall begin to accept applications  
11 from eligible applicants no later than 60 days after the  
12 effective date of this subsection.

13 (3) The department shall make opportunity payments to  
14 individuals no later than 120 days after the effective date  
15 of this subsection.

16 Section 6. Consultation.

17 The department may consult with the Department of Revenue or  
18 other Commonwealth agencies to determine income eligibility  
19 under this act.

20 Section 7. Guidelines.

21 (a) Development.--Within 30 days of the effective date of  
22 this section, in consultation with the Department of Revenue and  
23 the Department of Community and Economic Development, the  
24 department shall develop guidelines necessary to implement this  
25 act, including guidelines regarding:

26 (1) The application process.

27 (2) Eligibility requirements.

28 (3) Eligible expenses.

29 (b) Publication.--The guidelines shall be posted on the  
30 department's publicly accessible Internet website at least 30

1 days before applications are accepted by the department.

2 Section 8. Pennsylvania Opportunity Program Fund.

3 (a) Establishment.--The Pennsylvania Opportunity Program  
4 Fund is established as a separate fund within the State  
5 Treasury. The money in the fund is appropriated on a continuing  
6 basis to the department for the purpose of making opportunity  
7 payments and paying administrative costs as provided in  
8 subsection (c).

9 (b) Interfund transfer.--In addition to any other money  
10 appropriated, transferred or otherwise available to the  
11 department for the purpose of making opportunity payments, the  
12 sum of \$500,000,000 is transferred from the General Fund to the  
13 Pennsylvania Opportunity Program Fund.

14 (c) Administrative costs.--The department may use up to  
15 \$500,000 of the money transferred under subsection (b) for  
16 administrative costs to implement the Pennsylvania Opportunity  
17 Program.

18 (d) Insufficient money.--If the amount under subsection (b)  
19 is not sufficient to make opportunity payments to all eligible  
20 individuals, the department shall make payments in a manner  
21 determined by the department.

22 Section 9. Audits and fraudulent claims.

23 (a) Audits.--The department may consult with the Auditor  
24 General on any audit necessary to ensure that the individual is  
25 an eligible individual and that the payment was utilized for  
26 eligible expenses.

27 (b) Civil penalty.--If an application under this act was  
28 filed with fraudulent intent, the application shall be  
29 disallowed in full.

30 (c) Criminal penalty.--An applicant, or any person who

1 knowingly assisted in the preparation of a fraudulent  
2 application, commits a misdemeanor of the third degree and, upon  
3 conviction, shall be sentenced to pay a fine not exceeding  
4 \$2,000 or to imprisonment not exceeding one year, or both.

5 Section 10. Effective date.

6 This act shall take effect immediately.