

AMENDMENTS TO SENATE BILL NO. 854 (As amended by A05363)

Sponsor: REPRESENTATIVE SAYLOR, STANLEY E.

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1 Amend Sec. 1.3 (Sec. 3121), page 123, lines 38 through 59;
2 page 124, lines 1 through 59; page 125, lines 1 through 34
3 (A05363), by striking out all of said lines on said pages and
4 inserting

5 (i) Costs incurred in responding to or recovering
6 from an emergency or disaster declared pursuant to 35
7 Pa.C.S. § 7301 (relating to general authority of
8 Governor) or 75 Pa.C.S. § 6108 (relating to power of
9 Governor during emergency).

10 (ii) Costs to implement a court order or an
11 administrative order from a Federal or State agency as
12 long as the tax increase is rescinded following
13 fulfillment of the court order or administrative order.

14 (iii) Costs associated with the following:

15 (A) To pay interest and principal on any
16 indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt.
17 B (relating to indebtedness and borrowing) prior to
18 the effective date of this section. In no case may
19 the school district incur additional debt under this
20 clause except for the refinancing of expenses related
21 to such refinancing and the establishment of funding
22 of appropriate debt services reserves. An increase
23 under this clause shall be rescinded following the
24 final payment of interest and principal.

25 (B) To pay interest and principal on any
26 electoral debt incurred under 53 Pa.C.S. Pt. VII
27 Subpt. B.

28 (iv) Costs incurred in providing special education
29 programs and services to students with disabilities if
30 the increase in expenditures on special education
31 programs and services was greater than the index. The
32 dollar amount of this exception shall be equal to the
33 portion of the increase that exceeds the index. Eligible
34 costs for special education programs and services
35 include, but are not limited to, transportation,
36 psychological testing, legal services, early intervention
37 programs and any related services required by an
38 individualized education plan.

39 (v) Costs which:

40 (A) Were incurred in the implementation of a

1 school improvement plan required under section
2 1116(b) of the Elementary and Secondary Education Act
3 of 1965 (Public Law 89-10, 20 U.S.C. § 6316(b)).

4 (B) Were not offset by a specific State
5 allocation.

6 (vi) Costs necessary to maintain the total actual
7 instructional expense. The dollar amount of this
8 exception shall be equal to the portion of the increase
9 in the total actual instructional expense that exceeds
10 the index. The total actual instructional expense is
11 calculated as follows:

12 (A) Divide the existing average daily membership
13 into the total school district actual instructional
14 expense for the current school year to determine the
15 existing actual instructional expense per student.

16 (B) Multiply the existing actual instructional
17 expense per student by the index to determine the
18 adjusted instructional expense per student.

19 (C) Multiply the adjusted instructional expense
20 per student by the projected enrollment for the
21 immediately succeeding fiscal year to determine the
22 total actual instructional expense.

23 (vii) Costs necessary to maintain actual
24 instructional expense per average daily membership,
25 adjusted by the index, if the increase in actual
26 instructional expense per average daily membership
27 between the school year determined under subsection
28 (j)(4) and the school year preceding the school year
29 determined under subsection (j)(4) is less than the
30 index.

31 (viii) Maintenance of revenues derived from real
32 property taxes, earned income and net profits taxes,
33 personal income taxes, basic education funding
34 allocations and special education funding allocations,
35 adjusted by the index, for a school district where the
36 percentage increase in revenues derived from real
37 property taxes, earned income and net profits taxes,
38 personal income taxes, basic education funding
39 allocations and special education funding allocations
40 between the school year determined under subsection
41 (j)(4) and the school year preceding the school year
42 determined under subsection (j)(4) is less than the
43 index.

44 (ix) Costs incurred for providing health care-
45 related benefits if the anticipated increase in the cost
46 of health care-related benefits between the current year
47 and the upcoming year is greater than the index. The
48 dollar amount of this exception shall be equal to the
49 portion of the increase which exceeds the index.

50 (x) Building costs associated with the following:

51 (A) Costs associated with school construction
52 projects up to the cost of building, repairing or
53 renovating an academic area up to the Statewide
54 academic square feet per student average. Such costs
55 shall be determined on a construction cost average on
56 a square foot basis. Prior to September 30 of each
57 fiscal year, the department shall calculate the
58 Statewide academic square feet per student average as
59 follows:

1 (I) The department shall calculate the
2 Statewide total number of students as determined
3 by the average daily membership as the term is
4 used and applied in this act.

5 (II) The department shall calculate the
6 Statewide academic area of all public schools.

7 (III) The sum of subclause (I) shall be
8 divided into subclause (II) to determine the
9 Statewide academic square foot per student
10 average of that school year.

11 (B) For purposes of this subsection, the term
12 "academic area" shall not include natatorium, stadium
13 bleachers, team locker room, athletic field, fitness
14 center, gymnasium not otherwise used for academic
15 purposes, field house, indoor track, artificial turf
16 or other areas used to conduct interscholastic
17 athletics.

18 (C) Costs related to this subsection shall be
19 subject to the provisions of 22 Pa. Code Ch. 21
20 (relating to school buildings) and section 731.

21 (xi) Costs incurred for providing a school
22 district's share of payments to the Public School
23 Employees' Retirement System as required under 24 Pa.C.S.
24 § 8327 (relating to payments by employers) if the actual
25 dollar amount between the current year and the upcoming
26 year is greater than the index. The dollar amount to
27 which this subsection applies shall equal that portion of
28 the increase which exceeds the index of the actual dollar
29 value of payment between the current year and the
30 upcoming year.

31 Amend Sec. 1.3 (Sec. 3121), page 128, by inserting between

32 lines 9 and 10 (A05363)

33 (o) Expiration.--The provisions of this section shall expire
34 September 1, 2011, unless otherwise extended by an act of the
35 General Assembly.