
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1656 Session of
1993

INTRODUCED BY PETRARCA, BIRMELIN, TRELLO, S. H. SMITH, BELARDI,
BROWN, PETRONE, MICOZZIE, LAUGHLIN, STERN, MELIO,
M. N. WRIGHT, DeLUCA, YEWIC, OLASZ, JAROLIN, MARSICO,
GODSHALL, STABACK, ARMSTRONG, TRICH, GERLACH, VAN HORNE,
FARMER, TANGRETTI, HERSHEY, PESCI AND PHILLIPS, MAY 25, 1993

REFERRED TO COMMITTEE ON EDUCATION, MAY 25, 1993

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for building
6 referendums.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 701.1 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, added
11 June 27, 1973 (P.L.75, No.34), is amended to read:

12 Section 701.1. Referendum or Public Hearing Required Prior
13 to Construction or Lease.--Except where the approval of the
14 electors is obtained to incur indebtedness to finance the
15 construction of a school project, the board of school directors
16 of any school district of the second, third or fourth classes,
17 shall not construct, enter into a contract to construct or enter
18 into a contract to lease a new school building or substantial

1 addition to an existing school building without the consent of
2 the electors obtained by referendum [or] and without holding a
3 public hearing as hereinafter provided. In the event that a new
4 school building or a substantial addition to an existing
5 building is to be constructed or leased, the school board shall,
6 by a majority vote of all its members, authorize a maximum
7 project cost and a maximum building construction cost to be
8 financed by the district or amortized by lease rentals to be
9 paid by the district. Building construction cost shall consist
10 of the cost of all building construction including general
11 construction costs, plumbing, heating, electrical, ventilating
12 and other structural costs, equipment and fixtures and
13 architectural and engineering fees relating thereto, but not
14 including costs for site acquisition and development, rough
15 grading to receive the building, sewage treatment facilities or
16 equivalent capital contributions, and architectural and
17 engineering fees relating thereto. In all cases, a public
18 hearing shall be held not later than thirty (30) days before the
19 school district submits the initial building construction cost
20 estimates to the Department of Education for approval. Notice of
21 the hearing shall be given not later than twenty (20) days
22 before the date of the scheduled hearing. In [the event that the
23 maximum building construction cost authorization exceeds the
24 aggregate building expenditure standard hereinafter specified]
25 all cases, the aforesaid authorization of the school board shall
26 be submitted to the electors of the school district for their
27 approval within six (6) months prior to submission of the final
28 building construction cost bids to the Department of Education
29 for approval. Such referendum shall be held in the same manner
30 as provided by law for the approval of the incurring of

1 indebtedness by referendum. The question as submitted shall
2 specify the maximum project cost, the maximum building
3 construction cost and the annual sinking fund charge or lease
4 rental to be incurred by the school district and the portion of
5 such charge or rental expected to be reimbursed by the
6 Commonwealth. If the final building construction cost bids to be
7 submitted to the Department of Education for approval are less
8 than the aggregate building expenditure standard hereafter
9 specified but exceed by eight (8) per cent or more the initial
10 building construction cost estimates submitted to the Department
11 for approval, a second public hearing shall be held before the
12 Department shall give its final approval.

13 The applicable aggregate building expenditure standard shall
14 be a total amount calculated for each building or substantial
15 addition by multiplying the rated pupil capacity under the
16 approved room schedule by the following: two thousand eight
17 hundred dollars (\$2,800) for each pupil of rated elementary
18 capacity; four thousand two hundred dollars (\$4,200) for each
19 pupil of rated secondary capacity in grades seven, eight and
20 nine and five thousand two hundred dollars (\$5,200) for each
21 pupil of rated secondary capacity in grades ten, eleven and
22 twelve and five thousand two hundred dollars (\$5,200) for each
23 pupil of rated vocational-technical capacity in grades ten,
24 eleven and twelve to not include the cost of equipment and
25 fixtures in such vocational-technical schools: Provided,
26 however, That each of the preceding per pupil amounts shall be
27 adjusted by the Department of Education on July 1, 1974; and
28 annually thereafter by multiplying said amounts by the ratio of
29 the composite construction cost index compiled and published by
30 the United States Department of Commerce for the preceding

1 calendar year to such index for the next preceding calendar
2 year. Rated elementary pupil capacity or rated secondary pupil
3 capacity for any school building shall be the rated pupil
4 capacity determined on the basis of the method used by the
5 Department for school building reimbursement purposes during the
6 school year 1971-1972.

7 For purposes of this section:

8 (1) "Site acquisition" includes the cost of land and mineral
9 rights, demolition and clearing, rights-of-way and related
10 utility relocations, surveys and soils analysis, and the cost of
11 all fees relating thereto.

12 (2) "Site development" includes excavation, grouting or
13 shoring, special foundations for buildings, access roads to
14 site, utilities on site, extension of utilities to site.

15 (3) "Equipment and fixtures" means property fixed or movable
16 which is incidental and necessary to conduct the educational
17 program, and includes, but is not limited to movable equipment
18 such as desks, chairs, tables, portable physical education
19 equipment, audio-visual equipment and science, homemaking,
20 industrial art and business equipment and instructional
21 materials and fixtures such as casework, laboratory equipment,
22 kitchen equipment, auditorium seating and any other special
23 fixtures or equipment required to conduct a particular
24 educational program.

25 (4) "Substantial addition" means more than twenty (20) per
26 centum of the area and replacement value of the structure to
27 which the improvement is to be added.

28 Section 2. This act shall take effect in 60 days.