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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2286 Session of  
2008

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INTRODUCED BY CUTLER, BENNINGHOFF, BOYD, DENLINGER, EVERETT,  
FAIRCHILD, GEIST, GRELL, HELM, HENNESSEY, HERSHEY,  
HICKERNELL, HORNAMAN, MARSHALL, MCILVAINE SMITH, MENSCH,  
MURT, NAILOR, PASHINSKI, PYLE, QUINN, ROAE, RUBLEY, SIPTROTH,  
SWANGER, TRUE AND SCHRODER, MARCH 5, 2008

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 5, 2008

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AN ACT

1 Requiring fiscal notes and a continuing study of all  
2 legislation, regulations and court decisions having a fiscal  
3 impact on public schools; and providing that mandatory  
4 educational programs need not be implemented until funding  
5 for the cost of the program is provided for by the General  
6 Assembly.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Public School  
11 Fiscal Impact Act.

12 Section 2. Legislative intent.

13 It is the intent of the General Assembly to provide an  
14 ongoing mechanism to monitor fiscal impacts on public schools,  
15 to review proposed changes and reforms in the public schools and  
16 to review relevant statutes.

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Committee." For a bill introduced in the Senate, the  
4 Education Committee of the Senate. For a bill introduced in the  
5 House of Representatives, the Education Committee of the House  
6 of Representatives.

7 "Department." The Department of Education of the  
8 Commonwealth.

9 Section 4. Powers and duties.

10 The committee shall have the following powers and duties:

11 (1) To analyze any bill relating to public schools or  
12 public school fiscal policy and to issue a fiscal note  
13 thereto in a timely fashion. Such a fiscal note shall be  
14 submitted to the Governor and the General Assembly and shall  
15 include an assessment of the fiscal impact, feasibility and  
16 cost of such legislation.

17 (2) To monitor and evaluate from time to time all the  
18 laws and systems thereunder which relate to public school  
19 fiscal policy in this Commonwealth.

20 (3) To study the relationship of public school fiscal  
21 policy to other aspects of public school policy and to the  
22 effective operation of government generally.

23 (4) To recommend to the General Assembly a change in the  
24 process by which public school legislation having a fiscal  
25 impact on the Commonwealth or public schools is analyzed and  
26 acted upon by the General Assembly.

27 (5) To issue fiscal impact notes under section 5.

28 (6) To issue fiscal impact studies under section 6.

29 Section 5. Fiscal impact notes.

30 (a) Note required for bills.--No bill proposing any change

1 relative to the imposition or expansion of a mandate on public  
2 schools shall be given second consideration in either house of  
3 the General Assembly until the committee has attached a fiscal  
4 impact note which shall include a reliable estimate of the cost  
5 and fiscal effect of the proposed change in any such public  
6 school.

7 (b) Note required for amendments.--No amendment to any bill  
8 concerning the imposition or expansion of a mandate on public  
9 schools shall be considered by either house of the General  
10 Assembly until a fiscal impact note has been attached.

11 (c) Contents of note.--The fiscal impact note shall be  
12 factual and shall, if possible, provide a reliable estimate of  
13 both the immediate cost and effect of the bill and, if  
14 determinable or reasonably foreseeable, the long-range cost and  
15 effect of the measure.

16 (d) Notes for proposed constitutional amendments.--The  
17 committee shall issue a fiscal impact note for any joint  
18 resolution proposing an amendment to the Constitution of  
19 Pennsylvania which initially passes either house of the General  
20 Assembly. If said joint resolution is subsequently amended and  
21 passes either house of the General Assembly, a new fiscal impact  
22 note shall be prepared.

## 23 Section 6. Fiscal impact study.

24 The committee shall conduct a fiscal impact study on any  
25 department regulation, enacted law or judicial decision of an  
26 action in which the department is a party to determine how costs  
27 imposed by the regulation, act or decision will be allocated  
28 between the State and local school districts.

## 29 Section 7. Reports to be public information.

30 All reports and analyses compiled by the committee shall be

1 public records and shall be available for public inspection at  
2 the offices of the committee during the usual business hours of  
3 the Commonwealth.

4 Section 8. State-mandated programs.

5 Notwithstanding any other provisions of the act of March 10,  
6 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
7 the board of school directors in any school district shall not  
8 be required to implement any mandatory educational program  
9 enacted through statute, regulation or standards until such time  
10 as the General Assembly enacts a method to pay for, and an  
11 appropriation sufficient to fund, the additional costs of the  
12 program.

13 Section 20. Effective date.

14 This act shall take effect in 60 days.