

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 330 Session of 2011

INTRODUCED BY SCARNATI, PILEGGI, CORMAN, WAUGH, ROBBINS, ERICKSON, BRUBAKER, FOLMER, ORIE, VOGEL, ARGALL, YAW, ALLOWAY, M. WHITE, D. WHITE, RAFFERTY, GREENLEAF, BAKER, EARLL, PIPPY, MENSCH, WARD, PICCOLA, VANCE, TARTAGLIONE, KASUNIC, BREWSTER, COSTA, BOSCOLA, YUDICHAK, WOZNIAK AND BROWNE, JANUARY 28, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 29, 2011

AN ACT

1 Amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873,
2 No.1), entitled "An act providing for taxation by school
3 districts, for the State funds formula, for tax relief in
4 first class cities, for school district choice and voter
5 participation, for other school district options and for a
6 task force on school cost reduction; making an appropriation;
7 prohibiting prior authorized taxation; providing for
8 installment payment of taxes; restricting the power of
9 certain school districts to levy, assess and collect taxes;
10 and making related repeals," further providing for PUBLIC
11 REFERENDUM REQUIREMENTS AND FOR installment payment of school
12 real property taxes.



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

15 Section 1. Section 1502(d) of the act of June 27, 2006 (1st
16 Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is
17 amended and the section is amended by adding subsections to
18 read:



19 SECTION 1. SECTION 333 OF THE ACT OF JUNE 27, 2006 (1ST
20 SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER RELIEF ACT, IS



1 AMENDED TO READ:

2 SECTION 333. PUBLIC REFERENDUM REQUIREMENTS FOR INCREASING
3 CERTAIN TAXES.

4 (A) APPLICABILITY.--THE FOLLOWING PROVISIONS SHALL APPLY TO
5 THIS SECTION:

6 (1) FOR THE 2006-2007 FISCAL YEAR, THE TAX INCREASE
7 PROPOSED BY ANY BOARD OF SCHOOL DIRECTORS SHALL NOT EXCEED
8 THE INDEX UNLESS AN EXCEPTION UNDER SUBSECTION (F) OR (N) IS
9 APPROVED PURSUANT TO SUBSECTION [(I) OR] (J), PROVIDED THAT A
10 BOARD OF SCHOOL DIRECTORS THAT DID NOT ELECT TO PARTICIPATE
11 IN THE FORMER ACT OF JULY 5, 2004 (P.L.654, NO.72), KNOWN AS
12 THE HOMEOWNER TAX RELIEF ACT, SHALL HAVE THE AUTHORITY TO
13 PETITION THE COURT OF COMMON PLEAS FOR AN ADDITIONAL TAX RATE
14 INCREASE IF THE TAX RATE INCREASE ALLOWED BY THE INDEX AND
15 ANY EXCEPTION APPROVED PURSUANT TO SUBSECTION [(I) OR] (J) IS
16 INSUFFICIENT TO BALANCE THE PROPOSED BUDGET. NO LATER THAN
17 JULY 15, 2006, THE COURT SHALL GRANT THE SCHOOL DISTRICT'S
18 REQUEST FOR THE TAX RATE INCREASE UPON GOOD CAUSE SHOWN IF
19 THE SCHOOL DISTRICT PROVES BY CLEAR AND CONVINCING EVIDENCE
20 THAT THE TAX RATE INCREASE AUTHORIZED UNDER THIS PARAGRAPH IS
21 INSUFFICIENT TO BALANCE THE PROPOSED BUDGET. FOR A BOARD OF
22 SCHOOL DIRECTORS SUBJECT TO THIS PARAGRAPH, THE DATES BY
23 WHICH THE BOARD OF SCHOOL DIRECTORS, THE DEPARTMENT AND THE
24 COURT OF COMMON PLEAS SHALL BE REQUIRED TO COMPLY WITH
25 SECTION 311 AND SUBSECTIONS (E) [, (I)] AND (J) SHALL BE 92
26 DAYS AFTER THE DATES SET FORTH IN THOSE PROVISIONS, EXCEPT
27 THAT THE DATE BY WHICH THE BOARD OF SCHOOL DIRECTORS SHALL BE
28 REQUIRED TO COMPLY WITH ALL OF THE PROVISIONS OF SECTION
29 311(C) SHALL BE TEN DAYS PRIOR TO THE DATE BY WHICH THE BOARD
30 OF SCHOOL DIRECTORS IS REQUIRED TO ADOPT A PRELIMINARY

1 BUDGET. ANY EXCEPTIONS GRANTED TO A BOARD OF SCHOOL DIRECTORS
2 UNDER SECTION 333 OF THE FORMER HOMEOWNER TAX RELIEF ACT
3 SHALL REMAIN IN FULL FORCE AND EFFECT. NOTWITHSTANDING THE
4 PROVISIONS OF THIS PARAGRAPH, A BOARD OF SCHOOL DIRECTORS
5 THAT SOUGHT AND WAS GRANTED APPROVAL FOR ONE OR MORE
6 EXCEPTIONS UNDER SECTION 333 OF THE FORMER HOMEOWNER TAX
7 RELIEF ACT MAY APPLY FOR ANY EXCEPTION UNDER SUBSECTIONS (F)
8 (V) [AND (IX)] AND (N), WHERE THE DOLLAR AMOUNT OF AN
9 EXCEPTION APPROVED BY THE DEPARTMENT UNDER THE FORMER
10 HOMEOWNER TAX RELIEF ACT IS LESS THAN THE DOLLAR AMOUNT OF
11 THE EXCEPTION FOR WHICH THE SCHOOL DISTRICT IS ELIGIBLE UNDER
12 THIS ACT.

13 (2) THIS SECTION SHALL APPLY TO EACH BOARD OF SCHOOL
14 DIRECTORS BEGINNING WITH ANY PROPOSED TAX INCREASE THAT TAKES
15 EFFECT IN THE 2007-2008 FISCAL YEAR AND EACH FISCAL YEAR
16 THEREAFTER.

17 (B) PROHIBITIONS.--EXCEPT AS SET FORTH IN SUBSECTION [(I)
18 AND] (J), UNLESS THERE IS COMPLIANCE WITH SUBSECTION (C), A
19 BOARD OF SCHOOL DIRECTORS MAY NOT DO ANY OF THE FOLLOWING:

20 (1) INCREASE THE RATE OF A TAX LEVIED FOR THE SUPPORT OF
21 THE PUBLIC SCHOOLS BY MORE THAN THE INDEX. FOR PURPOSES OF
22 COMPLIANCE WITH THIS PARAGRAPH, A SCHOOL DISTRICT WHICH IS
23 SITUATED IN MORE THAN ONE COUNTY AND WHICH LEVIES REAL ESTATE
24 TAXES UNDER SECTION 672.1 OF THE ACT OF MARCH 10, 1949
25 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
26 SHALL APPLY THE INDEX TO EACH SEPARATE RATE OF REAL ESTATE
27 TAXES LEVIED.

28 (2) LEVY A TAX FOR THE SUPPORT OF THE PUBLIC SCHOOLS
29 WHICH WAS NOT LEVIED IN THE 2005-2006 FISCAL YEAR.

30 (3) RAISE THE RATE OF THE EARNED INCOME AND NET PROFITS

1 TAX IF ALREADY IMPOSED UNDER THE AUTHORITY OF THE LOCAL TAX
2 ENABLING ACT EXCEPT AS OTHERWISE PROVIDED FOR UNDER SECTION
3 331.2 OR 332.

4 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER
5 TO THE CONTRARY, THE ADOPTION OF A REFERENDUM UNDER SECTION
6 331.2 OR 332 CONFERS ON THE BOARD OF SCHOOL DIRECTORS THE
7 AUTHORITY TO RAISE INCOME TAXES ONLY TO THE EXTENT CONTAINED
8 IN THE LANGUAGE OF THE REFERENDUM, AND ANY FUTURE INCREASE OF
9 AN INCOME TAX TO BE USED FOR THE PURPOSE OF PROPERTY TAX
10 REDUCTION SHALL BE SUBMITTED TO THE ELECTORS OF THE SCHOOL
11 DISTRICT AT A SUBSEQUENT MUNICIPAL ELECTION PURSUANT TO THE
12 PROVISIONS OF SECTION 332.

13 (C) REFERENDUM.--

14 (1) IN ORDER TO TAKE AN ACTION PROHIBITED UNDER
15 SUBSECTION (B) (1), AT THE ELECTION IMMEDIATELY PRECEDING THE
16 START OF THE SCHOOL DISTRICT FISCAL YEAR IN WHICH THE
17 PROPOSED TAX INCREASE WOULD TAKE EFFECT, A REFERENDUM STATING
18 THE SPECIFIC RATE OR RATES OF THE TAX INCREASE MUST BE
19 SUBMITTED TO THE ELECTORS OF THE SCHOOL DISTRICT, AND A
20 MAJORITY OF THE ELECTORS VOTING ON THE QUESTION MUST APPROVE
21 THE INCREASE.

22 (2) IN ORDER TO TAKE AN ACTION UNDER SUBSECTION (B) (2),
23 AT THE ELECTION IMMEDIATELY PRECEDING THE START OF THE SCHOOL
24 DISTRICT FISCAL YEAR IN WHICH THE PROPOSED TAX WOULD TAKE
25 EFFECT, A REFERENDUM STATING THE PROPOSED TAX AND THE RATE AT
26 WHICH IT WILL BE LEVIED MUST BE SUBMITTED TO THE ELECTORS OF
27 THE SCHOOL DISTRICT, AND A MAJORITY OF THE ELECTORS VOTING ON
28 THE QUESTION MUST APPROVE THE TAX.

29 (3) EXCEPT AS SET FORTH IN [SUBSECTIONS (I) AND]
30 SUBSECTION (J), A SCHOOL DISTRICT ACTING PURSUANT TO THIS

1 SUBSECTION SHALL SUBMIT THE REFERENDUM QUESTION REQUIRED
2 UNDER THIS SECTION TO THE ELECTION OFFICIALS OF EACH COUNTY
3 IN WHICH IT IS SITUATE NO LATER THAN 60 DAYS PRIOR TO THE
4 ELECTION IMMEDIATELY PRECEDING THE FISCAL YEAR IN WHICH THE
5 TAX INCREASE WOULD TAKE EFFECT.

6 (4) THE ELECTION OFFICIALS OF EACH COUNTY SHALL, IN
7 CONSULTATION WITH THE BOARD OF SCHOOL DIRECTORS, DRAFT A
8 NONLEGAL INTERPRETATIVE STATEMENT WHICH SHALL ACCOMPANY THE
9 REFERENDUM QUESTION IN ACCORDANCE WITH SECTION 201.1 OF THE
10 ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE
11 PENNSYLVANIA ELECTION CODE. THE NONLEGAL INTERPRETATIVE
12 STATEMENT SHALL INCLUDE INFORMATION THAT REFERENCES THE ITEMS
13 OF EXPENDITURE FOR WHICH THE TAX INCREASE IS SOUGHT AND THE
14 CONSEQUENCE OF THE REFERENDUM BEING DISAPPROVED BY THE
15 ELECTORATE.

16 (D) FAILURE TO APPROVE REFERENDUM.--

17 (1) IF A REFERENDUM QUESTION SUBMITTED UNDER SUBSECTION
18 (C) (1) IS NOT APPROVED, THE BOARD OF SCHOOL DIRECTORS MAY
19 APPROVE AN INCREASE IN THE TAX RATE OF NOT MORE THAN THE
20 INDEX.

21 (2) IF A REFERENDUM QUESTION SUBMITTED UNDER SUBSECTION
22 (C) (2) IS NOT APPROVED, THE BOARD OF SCHOOL DIRECTORS MAY NOT
23 LEVY THE TAX.

24 (E) TAX RATE SUBMISSIONS.--A SCHOOL DISTRICT THAT HAS
25 ADOPTED A PRELIMINARY BUDGET PROPOSAL UNDER SECTION 311 THAT
26 INCLUDES AN INCREASE IN THE RATE OF ANY TAX LEVIED FOR THE
27 SUPPORT OF PUBLIC SCHOOLS SHALL SUBMIT INFORMATION ON THE
28 INCREASE TO THE DEPARTMENT ON A UNIFORM FORM PREPARED BY THE
29 DEPARTMENT. THE SCHOOL DISTRICT SHALL SUBMIT SUCH INFORMATION NO
30 LATER THAN 85 DAYS PRIOR TO THE DATE OF THE ELECTION IMMEDIATELY

1 PRECEDING THE BEGINNING OF THE SCHOOL DISTRICT'S FISCAL YEAR.
2 THE DEPARTMENT SHALL COMPARE THE PROPOSED PERCENTAGE INCREASE IN
3 THE RATE OF ANY TAX WITH THE INDEX. WITHIN TEN DAYS OF THE
4 RECEIPT OF THE INFORMATION REQUIRED UNDER THIS SUBSECTION BUT NO
5 LATER THAN 75 DAYS PRIOR TO THE DATE OF THE ELECTION IMMEDIATELY
6 PRECEDING THE BEGINNING OF THE SCHOOL DISTRICT'S FISCAL YEAR,
7 THE DEPARTMENT SHALL INFORM THE SCHOOL DISTRICT WHETHER THE
8 PROPOSED TAX RATE INCREASE IS LESS THAN OR EQUAL TO THE INDEX.
9 IF THE DEPARTMENT DETERMINES THAT THE PROPOSED PERCENTAGE
10 INCREASE IN THE RATE OF THE TAX EXCEEDS THE INDEX, THE
11 DEPARTMENT SHALL NOTIFY THE SCHOOL DISTRICT THAT:

12 (1) THE PROPOSED TAX INCREASE MUST BE REDUCED TO AN
13 AMOUNT LESS THAN OR EQUAL TO THE INDEX;

14 (2) THE PROPOSED TAX INCREASE MUST BE APPROVED BY THE
15 ELECTORATE UNDER SUBSECTION (C) (1); OR

16 (3) AN EXCEPTION MUST BE SOUGHT UNDER [SUBSECTIONS (I)
17 AND] SUBSECTION (J).

18 (F) REFERENDUM EXCEPTIONS.--A SCHOOL DISTRICT MAY, WITHOUT
19 SEEKING VOTER APPROVAL UNDER SUBSECTION (C), INCREASE THE RATE
20 OF A TAX LEVIED FOR THE SUPPORT OF THE PUBLIC SCHOOLS BY MORE
21 THAN THE INDEX IF ALL OF THE FOLLOWING APPLY:

22 (1) THE REVENUE RAISED BY THE ALLOWABLE INCREASE UNDER
23 THE INDEX IS INSUFFICIENT TO BALANCE THE PROPOSED BUDGET DUE
24 TO ONE OR MORE OF THE EXPENDITURES LISTED IN PARAGRAPH (2).

25 (2) THE REVENUE GENERATED BY INCREASING THE RATE OF A
26 TAX BY MORE THAN THE INDEX WILL BE USED TO PAY FOR ANY OF THE
27 FOLLOWING:

28 [(I) COSTS INCURRED IN RESPONDING TO OR RECOVERING
29 FROM AN EMERGENCY OR DISASTER DECLARED PURSUANT TO 35
30 PA.C.S. § 7301 (RELATING TO GENERAL AUTHORITY OF

1 GOVERNOR) OR 75 PA.C.S. § 6108 (RELATING TO POWER OF
2 GOVERNOR DURING EMERGENCY) .

3 (II) COSTS TO IMPLEMENT A COURT ORDER OR AN
4 ADMINISTRATIVE ORDER FROM A FEDERAL OR STATE AGENCY AS
5 LONG AS THE TAX INCREASE IS RESCINDED FOLLOWING
6 FULFILLMENT OF THE COURT ORDER OR ADMINISTRATIVE ORDER.]

7 (III) COSTS ASSOCIATED WITH THE FOLLOWING:

8 (A) FOR A BOARD OF SCHOOL DIRECTORS THAT ELECTED
9 TO PARTICIPATE IN THE FORMER ACT OF JULY 5, 2004
10 (P.L.654, NO.72), KNOWN AS THE HOMEOWNER TAX RELIEF
11 ACT, TO PAY INTEREST AND PRINCIPAL ON ANY
12 INDEBTEDNESS INCURRED UNDER 53 PA.C.S. PT. VII SUBPT.
13 B (RELATING TO INDEBTEDNESS AND BORROWING) PRIOR TO
14 SEPTEMBER 4, 2004. IN NO CASE MAY THE SCHOOL DISTRICT
15 INCUR ADDITIONAL DEBT UNDER THIS CLAUSE EXCEPT FOR
16 THE REFINANCING OF EXISTING DEBT, INCLUDING THE
17 PAYMENT OF COSTS AND EXPENSES RELATED TO SUCH
18 REFINANCING AND THE ESTABLISHMENT OF FUNDING OF
19 APPROPRIATE DEBT SERVICE RESERVES. AN INCREASE UNDER
20 THIS CLAUSE SHALL BE RESCINDED FOLLOWING THE FINAL
21 PAYMENT OF INTEREST AND PRINCIPAL.

22 (A.1) FOR A BOARD OF SCHOOL DIRECTORS THAT DID
23 NOT ELECT TO PARTICIPATE IN THE FORMER ACT OF JULY 5,
24 2004 (P.L.654, NO.72), KNOWN AS THE HOMEOWNER TAX
25 RELIEF ACT, TO PAY INTEREST AND PRINCIPAL ON ANY
26 INDEBTEDNESS INCURRED UNDER 53 PA.C.S. PT. VII SUBPT.
27 B PRIOR TO THE EFFECTIVE DATE OF THIS ACT. IN NO CASE
28 MAY THE SCHOOL DISTRICT INCUR ADDITIONAL DEBT UNDER
29 THIS CLAUSE EXCEPT FOR THE REFINANCING OF EXISTING
30 DEBT, INCLUDING THE PAYMENT OF COSTS AND EXPENSES

1 RELATED TO SUCH REFINANCING AND THE ESTABLISHMENT OF
2 FUNDING OF APPROPRIATE DEBT SERVICE RESERVES. AN
3 INCREASE UNDER THIS CLAUSE SHALL BE RESCINDED
4 FOLLOWING THE FINAL PAYMENT OF INTEREST AND
5 PRINCIPAL.

6 (B) TO PAY INTEREST AND PRINCIPAL ON ANY
7 ELECTORAL DEBT INCURRED UNDER 53 PA.C.S. PT. VII
8 SUBPT. B. AN INCREASE UNDER THIS CLAUSE SHALL BE
9 RESCINDED FOLLOWING THE FINAL PAYMENT OF INTEREST AND
10 PRINCIPAL.

11 [(C) TO PAY INTEREST AND PRINCIPAL ON
12 INDEBTEDNESS FOR UP TO 60% OF THE CONSTRUCTION COST
13 AVERAGE ON A SQUARE-FOOT BASIS IF ALL OF THE
14 FOLLOWING APPLY:

15 (I) THE INDEBTEDNESS IS FOR A SCHOOL
16 CONSTRUCTION PROJECT UNDER 22 PA. CODE CH. 21
17 (RELATING TO SCHOOL BUILDINGS).

18 (II) FOR A BOARD OF SCHOOL DIRECTORS THAT
19 ELECTED TO PARTICIPATE IN THE FORMER HOMEOWNER
20 TAX RELIEF ACT, THE INDEBTEDNESS TO FUND
21 APPROPRIATE DEBT SERVICE RESERVES FOR THE PROJECT
22 IS INCURRED AFTER SEPTEMBER 3, 2004.

23 (II.1) FOR A BOARD OF SCHOOL DIRECTORS THAT
24 DID NOT ELECT TO PARTICIPATE IN THE FORMER
25 HOMEOWNER TAX RELIEF ACT, THE INDEBTEDNESS TO
26 FUND APPROPRIATE DEBT SERVICE RESERVES FOR THE
27 PROJECT IS INCURRED ON OR AFTER THE EFFECTIVE
28 DATE OF THIS ACT.

29 (III) THE INCREASE SOUGHT UNDER THIS CLAUSE
30 IS RESCINDED FOLLOWING FINAL PAYMENT OF INTEREST

1 AND PRINCIPAL.

2 (IV) THE INDEBTEDNESS IS INCURRED ONLY AFTER
3 EXISTING FUND BALANCES FOR SCHOOL CONSTRUCTION
4 AND ANY UNDESIGNATED FUND BALANCES HAVE BEEN
5 FULLY COMMITTED TO FUND THE PROJECT.

6 (V) THE INDEBTEDNESS IS FOR AN ACADEMIC
7 ELEMENTARY OR ACADEMIC SECONDARY SCHOOL BUILDING.
8 FOR PURPOSES OF THIS SUBCLAUSE, THE FOLLOWING
9 SHALL NOT BE CONSIDERED TO BE AN ACADEMIC
10 ELEMENTARY OR ACADEMIC SECONDARY SCHOOL BUILDING:
11 NATATORIUM, STADIUM BLEACHERS, ATHLETIC FIELD,
12 ATHLETIC FIELD LIGHTING EQUIPMENT AND APPARATUS
13 USED TO PROMOTE AND CONDUCT INTERSCHOLASTIC
14 ATHLETICS.

15 (VI) FOR SCHOOL DISTRICTS OF THE SECOND,
16 THIRD AND FOURTH CLASS, THE PROJECT HAS BEEN
17 APPROVED BY THE DEPARTMENT UNDER SECTION 731 OF
18 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
19 AS THE PUBLIC SCHOOL CODE OF 1949. FOR
20 NONREIMBURSABLE PROJECTS IN SCHOOL DISTRICTS OF
21 THE FIRST CLASS A, THE PLANS AND SPECIFICATIONS
22 HAVE BEEN APPROVED BY THE BOARD OF SCHOOL
23 DIRECTORS. FOR REIMBURSABLE PROJECTS IN SCHOOL
24 DISTRICTS OF THE FIRST CLASS A, THE PLANS AND
25 SPECIFICATIONS HAVE BEEN APPROVED BY THE
26 DEPARTMENT PURSUANT TO 22 PA. CODE CH. 21.

27 (D) TO PAY INTEREST AND PRINCIPAL ON
28 INDEBTEDNESS FOR UP TO \$250,000 OF THE CONSTRUCTION
29 COST OF A NONACADEMIC SCHOOL CONSTRUCTION PROJECT, AS
30 ADJUSTED ANNUALLY BY THE PERCENTAGE INCREASE IN THE

1 AVERAGE OF THE STATEWIDE AVERAGE WEEKLY WAGE AND THE
2 EMPLOYMENT COST INDEX. AN INCREASE UNDER THIS CLAUSE
3 SHALL BE RESCINDED FOLLOWING THE FINAL PAYMENT OF
4 INTEREST AND PRINCIPAL.]

5 (E) FOR PURPOSES OF THIS SUBPARAGRAPH, ELECTORAL
6 DEBT INCLUDES THE REFUNDING OR REFINANCING OF
7 ELECTORAL DEBT FOR WHICH AN EXCEPTION IS PERMITTED
8 UNDER CLAUSE (B) AS LONG AS THE REFUNDING OR
9 REFINANCING INCURS NO ADDITIONAL DEBT OTHER THAN FOR:

10 (I) COSTS AND EXPENSES RELATED TO THE
11 REFUNDING OR REFINANCING; AND

12 (II) FUNDING OF APPROPRIATE DEBT SERVICE
13 RESERVES.

14 (F) FOR PURPOSES OF THIS SUBPARAGRAPH,
15 INDEBTEDNESS INCLUDES THE REFUNDING OR REFINANCING OF
16 INDEBTEDNESS FOR WHICH AN EXCEPTION IS PERMITTED
17 UNDER CLAUSES (A) [, (A.1), (C) AND (D)] AND (A.1) AS
18 LONG AS THE REFUNDING OR REFINANCING INCURS NO
19 ADDITIONAL DEBT OTHER THAN FOR:

20 (I) COSTS AND EXPENSES RELATED TO THE
21 REFUNDING OR REFINANCING; AND

22 (II) FUNDING OF APPROPRIATE DEBT SERVICE
23 RESERVES.

24 [(IV) COSTS TO RESPOND TO CONDITIONS WHICH POSE AN
25 IMMEDIATE THREAT OF SERIOUS PHYSICAL HARM OR INJURY TO
26 THE STUDENTS, STAFF OR RESIDENTS OF THE SCHOOL DISTRICT
27 BUT ONLY UNTIL THE CONDITIONS CAUSING THE THREAT HAVE
28 BEEN FULLY RESOLVED.]

29 (V) COSTS INCURRED IN PROVIDING SPECIAL EDUCATION
30 PROGRAMS AND SERVICES TO STUDENTS WITH DISABILITIES IF

1 THE INCREASE IN EXPENDITURES ON SPECIAL EDUCATION
2 PROGRAMS AND SERVICES, NET OF STATE SPECIAL EDUCATION
3 PAYMENTS, WAS GREATER THAN THE INDEX. THE DOLLAR AMOUNT
4 OF THIS EXCEPTION SHALL BE EQUAL TO THE PORTION OF THE
5 INCREASE THAT EXCEEDS THE INDEX.

6 [(VI) COSTS WHICH:

7 (A) WERE INCURRED IN THE IMPLEMENTATION OF A
8 SCHOOL IMPROVEMENT PLAN REQUIRED UNDER SECTION
9 1116(B) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT
10 OF 1965 (PUBLIC LAW 89-10, 20 U.S.C. § 6316(B)); AND

11 (B) WERE NOT OFFSET BY A STATE ALLOCATION.

12 (VII) COSTS NECESSARY TO MAINTAIN:

13 (A) PER-STUDENT LOCAL TAX REVENUE, ADJUSTED BY
14 THE INDEX, IF THE PERCENTAGE GROWTH IN AVERAGE DAILY
15 MEMBERSHIP BETWEEN THE SCHOOL YEAR DETERMINED UNDER
16 SUBSECTION (J) (4) AND THE THIRD SCHOOL YEAR PRECEDING
17 THE SCHOOL YEAR DETERMINED UNDER SUBSECTION (J) (4)
18 EXCEEDS 7.5%; OR

19 (B) ACTUAL INSTRUCTION EXPENSE PER AVERAGE DAILY
20 MEMBERSHIP, ADJUSTED BY THE INDEX, IF THE INCREASE IN
21 ACTUAL INSTRUCTION EXPENSE PER AVERAGE DAILY
22 MEMBERSHIP BETWEEN THE SCHOOL YEAR DETERMINED UNDER
23 SUBSECTION (J) (4) AND THE SCHOOL YEAR PRECEDING THE
24 SCHOOL YEAR DETERMINED UNDER SUBSECTION (J) (4) IS
25 LESS THAN THE INDEX.

26 (VIII) THE MAINTENANCE OF REVENUES DERIVED FROM REAL
27 PROPERTY TAXES, EARNED INCOME AND NET PROFITS TAXES,
28 PERSONAL INCOME TAXES, BASIC EDUCATION FUNDING
29 ALLOCATIONS AND SPECIAL EDUCATION FUNDING ALLOCATIONS,
30 ADJUSTED BY THE INDEX, FOR A SCHOOL DISTRICT WHERE THE

1 PERCENTAGE INCREASE IN REVENUES DERIVED FROM REAL
2 PROPERTY TAXES, EARNED INCOME AND NET PROFITS TAXES,
3 PERSONAL INCOME TAXES, BASIC EDUCATION FUNDING
4 ALLOCATIONS AND SPECIAL EDUCATION FUNDING ALLOCATIONS
5 BETWEEN THE SCHOOL YEAR DETERMINED UNDER SUBSECTION (J)
6 (4) AND THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR
7 DETERMINED UNDER SUBSECTION (J) (4) IS LESS THAN THE
8 INDEX.

9 (IX) COSTS INCURRED FOR PROVIDING HEALTH CARE-
10 RELATED BENEFITS WHICH ARE DIRECTLY ATTRIBUTABLE TO A
11 COLLECTIVE BARGAINING AGREEMENT IN EFFECT ON JANUARY 1,
12 2006, BETWEEN THE SCHOOL DISTRICT AND ITS EMPLOYEES'
13 ORGANIZATION IF THE ANTICIPATED INCREASE IN THE COST OF
14 HEALTH CARE-RELATED BENEFITS BETWEEN THE CURRENT YEAR AND
15 THE UPCOMING YEAR IS GREATER THAN THE INDEX. THE DOLLAR
16 AMOUNT OF THIS EXCEPTION SHALL BE EQUAL TO THE PORTION OF
17 THE INCREASE WHICH EXCEEDS THE INDEX. THIS SUBPARAGRAPH
18 SHALL NOT APPLY TO A COLLECTIVE BARGAINING AGREEMENT
19 RENEWED, EXTENDED OR ENTERED INTO AFTER JANUARY 1, 2006.]

20 (G) REVENUE DERIVED FROM INCREASE.--ANY REVENUE DERIVED FROM
21 AN INCREASE IN THE RATE OF ANY TAX ALLOWED PURSUANT TO
22 SUBSECTION (F) (2) (III) SHALL NOT EXCEED THE ANTICIPATED DOLLAR
23 AMOUNT OF THE EXPENDITURE.

24 (H) LIMITATION ON TAX RATE.--THE INCREASE IN THE RATE OF ANY
25 TAX ALLOWED PURSUANT TO AN EXCEPTION UNDER SUBSECTION [(F) (2)
26 (I), (II), (IV), (V), (VI), (VII), (VIII) OR (IX)] (F) (2) (V) OR
27 (N) SHALL NOT EXCEED THE RATE INCREASE REQUIRED AS DETERMINED BY
28 [A COURT OF COMMON PLEAS OR] THE DEPARTMENT PURSUANT TO
29 SUBSECTION [(I) OR](J).

30 [(I) COURT ACTION.--

1 (1) PRIOR TO THE IMPOSITION OF A TAX INCREASE UNDER
2 SUBSECTION (F) (2) (I), (II) AND (IV) AND NO LATER THAN 75 DAYS
3 PRIOR TO THE ELECTION IMMEDIATELY PRECEDING THE BEGINNING OF
4 THE SCHOOL DISTRICT'S FISCAL YEAR, APPROVAL BY THE COURT OF
5 COMMON PLEAS IN THE JUDICIAL DISTRICT IN WHICH THE
6 ADMINISTRATIVE OFFICE OF THE SCHOOL DISTRICT IS LOCATED MUST
7 BE SOUGHT. THE BOARD OF SCHOOL DIRECTORS SHALL PUBLISH IN A
8 NEWSPAPER OF GENERAL CIRCULATION AND ON THE DISTRICT'S
9 PUBLICLY ACCESSIBLE INTERNET SITE, IF ONE IS MAINTAINED,
10 NOTICE OF ITS INTENT TO FILE A PETITION UNDER THIS SUBSECTION
11 AT LEAST ONE WEEK PRIOR TO THE FILING OF THE PETITION. THE
12 BOARD OF SCHOOL DIRECTORS SHALL ALSO PUBLISH IN A NEWSPAPER
13 OF GENERAL CIRCULATION AND ON THE DISTRICT'S PUBLICLY
14 ACCESSIBLE INTERNET SITE, IF ONE IS MAINTAINED, NOTICE, AS
15 SOON AS POSSIBLE FOLLOWING NOTIFICATION FROM THE COURT THAT A
16 HEARING HAS BEEN SCHEDULED, STATING THE DATE, TIME AND PLACE
17 OF THE HEARING ON THE PETITION. THE FOLLOWING SHALL APPLY TO
18 ANY PROCEEDINGS INSTITUTED UNDER THIS SUBSECTION:

19 (I) THE SCHOOL DISTRICT MUST PROVE BY CLEAR AND
20 CONVINCING EVIDENCE THAT IT QUALIFIES FOR EACH EXCEPTION
21 SOUGHT.

22 (II) THE SCHOOL DISTRICT MUST PROVE BY CLEAR AND
23 CONVINCING EVIDENCE THE ANTICIPATED DOLLAR AMOUNT OF THE
24 EXPENDITURE FOR EACH EXCEPTION SOUGHT.

25 (2) THE COURT SHALL RULE ON THE SCHOOL DISTRICT'S
26 PETITION AND INFORM THE SCHOOL DISTRICT OF ITS DECISION NO
27 LATER THAN 55 DAYS PRIOR TO THE DATE OF THE ELECTION
28 IMMEDIATELY PRECEDING THE BEGINNING OF THE SCHOOL DISTRICT'S
29 FISCAL YEAR. IF THE COURT APPROVES THE PETITION, THE COURT
30 SHALL ALSO DETERMINE THE DOLLAR AMOUNT OF THE EXPENDITURE FOR

1 WHICH AN EXCEPTION IS GRANTED, THE TAX RATE INCREASE REQUIRED
2 TO FUND THE EXCEPTION AND THE APPROPRIATE DURATION OF THE
3 INCREASE. IF THE COURT DENIES THE PETITION, THE SCHOOL
4 DISTRICT MAY SUBMIT A REFERENDUM QUESTION UNDER SUBSECTION
5 (C) (1). THE QUESTION MUST BE SUBMITTED TO THE ELECTION
6 OFFICIALS NO LATER THAN 50 DAYS PRIOR TO THE DATE OF THE
7 ELECTION IMMEDIATELY PRECEDING THE BEGINNING OF THE SCHOOL
8 DISTRICT'S FISCAL YEAR.]

9 (J) DEPARTMENT APPROVAL.--

10 (1) A SCHOOL DISTRICT THAT SEEKS TO INCREASE THE RATE OF
11 TAX DUE TO AN EXPENDITURE UNDER SUBSECTION (F) (2) (III) [,] OR
12 (V) [, (VI), (VII), (VIII) OR (IX)] OR (N) SHALL OBTAIN THE
13 APPROVAL OF THE DEPARTMENT BEFORE IMPOSING THE TAX INCREASE.
14 THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR ADMINISTERING
15 THE PROVISIONS OF THIS SUBSECTION, WHICH MAY INCLUDE AN
16 ADMINISTRATIVE HEARING ON THE SCHOOL DISTRICT'S SUBMISSION.

17 (2) A SCHOOL DISTRICT PROCEEDING UNDER THE PROVISIONS OF
18 THIS SUBSECTION SHALL PUBLISH IN A NEWSPAPER OF GENERAL
19 CIRCULATION AND ON THE DISTRICT'S PUBLICLY ACCESSIBLE
20 INTERNET SITE, IF ONE IS MAINTAINED, NOTICE OF ITS INTENT TO
21 SEEK DEPARTMENT APPROVAL AT LEAST ONE WEEK PRIOR TO
22 SUBMITTING ITS REQUEST FOR APPROVAL TO THE DEPARTMENT. IF THE
23 DEPARTMENT SCHEDULES A HEARING ON THE SCHOOL DISTRICT'S
24 REQUEST, THE SCHOOL DISTRICT SHALL PUBLISH NOTICE OF THE
25 HEARING IN A NEWSPAPER OF GENERAL CIRCULATION AND ON THE
26 DISTRICT'S PUBLICLY ACCESSIBLE INTERNET SITE, IF ONE IS
27 MAINTAINED, IMMEDIATELY UPON RECEIVING THE INFORMATION FROM
28 THE DEPARTMENT. THE NOTICE SHALL INCLUDE THE DATE, TIME AND
29 PLACE OF THE HEARING.

30 (3) THE DEPARTMENT SHALL APPROVE A SCHOOL DISTRICT'S

1 REQUEST UNDER THIS SUBSECTION IF A REVIEW OF THE DATA UNDER
2 PARAGRAPH (4) DEMONSTRATES THAT:

3 (I) THE SCHOOL DISTRICT QUALIFIES FOR ONE OR MORE
4 EXCEPTIONS UNDER SUBSECTION (F) (2) (III) [,] OR (V) [, (VI) ,
5 (VII) , (VIII) OR (IX)] OR (N) ; AND

6 (II) THE SUM OF THE DOLLAR AMOUNTS OF THE EXCEPTIONS
7 FOR WHICH THE SCHOOL DISTRICT QUALIFIES MAKES THE SCHOOL
8 DISTRICT ELIGIBLE UNDER SUBSECTION (F) (1) .

9 (4) FOR THE PURPOSE OF DETERMINING THE ELIGIBILITY OF A
10 SCHOOL DISTRICT FOR AN EXCEPTION UNDER SUBSECTION (F) (2) (V) ,
11 [(VI) , (VII) OR (VIII) ,] THE DEPARTMENT SHALL UTILIZE DATA
12 FROM THE MOST RECENT SCHOOL YEARS FOR WHICH ANNUAL FINANCIAL
13 REPORT DATA REQUIRED UNDER SECTION 2553 OF THE PUBLIC SCHOOL
14 CODE OF 1949 HAS BEEN RECEIVED. THE DEPARTMENT SHALL INFORM
15 SCHOOL DISTRICTS OF THE SCHOOL YEARS DETERMINED UNDER THIS
16 SUBSECTION NO LATER THAN 30 DAYS PRIOR TO THE DATE ON WHICH
17 PUBLIC INSPECTION OF PROPOSED SCHOOL BUDGETS IS REQUIRED
18 UNDER SECTION 311 (C) .

19 (5) (I) THE DEPARTMENT SHALL RULE ON THE SCHOOL
20 DISTRICT'S REQUEST AND SHALL INFORM THE SCHOOL DISTRICT
21 OF ITS DECISION NO LATER THAN 55 DAYS PRIOR TO THE DATE
22 OF THE ELECTION IMMEDIATELY PRECEDING THE BEGINNING OF
23 THE SCHOOL DISTRICT'S FISCAL YEAR.

24 (II) IF THE DEPARTMENT APPROVES THE REQUEST, THE
25 DEPARTMENT SHALL DETERMINE THE DOLLAR AMOUNT OF THE
26 EXPENDITURE FOR WHICH THE EXCEPTION IS SOUGHT AND THE TAX
27 RATE INCREASE REQUIRED TO FUND THE EXCEPTION.

28 (III) IF THE DEPARTMENT DENIES THE REQUEST, THE
29 SCHOOL DISTRICT MAY SUBMIT A REFERENDUM QUESTION UNDER
30 SUBSECTION (C) (1) . THE QUESTION MUST BE SUBMITTED TO THE

1 ELECTION OFFICIALS NO LATER THAN 50 DAYS PRIOR TO THE
2 DATE OF THE ELECTION IMMEDIATELY PRECEDING THE BEGINNING
3 OF THE SCHOOL DISTRICT'S FISCAL YEAR.

4 (6) WITHIN 30 DAYS OF THE DEADLINE UNDER PARAGRAPH (5)
5 (I), THE DEPARTMENT SHALL SUBMIT A REPORT TO THE PRESIDENT
6 PRO TEMPORE OF THE SENATE, THE MINORITY LEADER OF THE SENATE,
7 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY
8 LEADER OF THE HOUSE OF REPRESENTATIVES ENUMERATING THE SCHOOL
9 DISTRICTS WHICH SOUGHT AN EXCEPTION UNDER THIS SUBSECTION.
10 THE DEPARTMENT SHALL ALSO PUBLISH THE REPORT ON ITS PUBLICLY
11 ACCESSIBLE INTERNET SITE. THE REPORT SHALL INCLUDE:

12 (I) THE NAME OF EACH SCHOOL DISTRICT MAKING A
13 REQUEST UNDER THIS SUBSECTION.

14 (II) THE SPECIFIC EXCEPTIONS REQUESTED BY EACH
15 SCHOOL DISTRICT AND THE DOLLAR AMOUNT OF THE EXPENDITURE
16 FOR EACH EXCEPTION.

17 (III) THE DEPARTMENT'S RULING ON THE REQUEST FOR THE
18 EXCEPTION.

19 (IV) IF THE EXCEPTION WAS APPROVED, THE DOLLAR
20 AMOUNT OF THE EXPENDITURE FOR WHICH THE EXCEPTION WAS
21 SOUGHT AND THE TAX RATE INCREASE REQUIRED TO FUND THE
22 EXCEPTION.

23 (V) A STATISTICAL SUMMARY OF THE INFORMATION IN
24 SUBPARAGRAPHS (II), (III) AND (IV).

25 [(K) OBJECTIONS.--ANY PERSON WHO RESIDES WITHIN OR PAYS REAL
26 PROPERTY TAXES TO THE SCHOOL DISTRICT FILING A PETITION UNDER
27 SUBSECTION (I) MAY FILE WITH THE COURT WRITTEN OBJECTIONS TO ANY
28 PETITION FILED UNDER THIS SECTION.]

29 (L) INDEX CALCULATION.--NO LATER THAN AUGUST 15, 2005, AND
30 EACH AUGUST 15 THEREAFTER, THE DEPARTMENT SHALL CALCULATE THE

1 INDEX. THE DEPARTMENT SHALL PUBLISH THE INDEX BY SEPTEMBER 1,
2 2005, AND EACH SEPTEMBER 1 THEREAFTER IN THE PENNSYLVANIA
3 BULLETIN.

4 (M) ELECTION INTERFERENCE PROHIBITED.--

5 (1) NO PUBLIC FUNDS MAY BE USED TO URGE ANY ELECTOR TO
6 VOTE FOR OR AGAINST A REFERENDUM OR BE APPROPRIATED FOR
7 POLITICAL OR CAMPAIGN PURPOSES.

8 (2) THIS SUBSECTION SHALL NOT BE CONSTRUED TO PROHIBIT
9 THE USE OF PUBLIC FUNDS FOR DISSEMINATION OF FACTUAL
10 INFORMATION RELATIVE TO A REFERENDUM APPEARING ON AN ELECTION
11 BALLOT.

12 (3) AS USED IN THIS SUBSECTION, THE TERM "PUBLIC FUNDS"
13 MEANS ANY FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY OR BY A
14 POLITICAL SUBDIVISION.

15 (N) TREATMENT OF CERTAIN REQUIRED PAYMENTS.--

16 (1) THE PROVISIONS OF SUBSECTIONS (F) AND (J) SHALL
17 APPLY TO A SCHOOL DISTRICT'S SHARE OF PAYMENTS TO THE PUBLIC
18 SCHOOL EMPLOYEES' RETIREMENT SYSTEM AS REQUIRED UNDER 24
19 PA.C.S. § 8327 (RELATING TO PAYMENTS BY EMPLOYERS) IF THE
20 INCREASE IN [THE ACTUAL DOLLAR AMOUNT OF] ESTIMATED PAYMENTS
21 BETWEEN THE CURRENT YEAR AND THE UPCOMING YEAR, AS DETERMINED
22 BY THE DEPARTMENT UNDER THIS SECTION, IS GREATER THAN THE
23 INDEX. [THE DOLLAR AMOUNT TO WHICH SUBSECTION (F) APPLIES
24 SHALL EQUAL THAT PORTION OF THE INCREASE WHICH EXCEEDS THE
25 PRODUCT OF THE INDEX AND THE ACTUAL DOLLAR VALUE OF PAYMENTS
26 FOR THE CURRENT YEAR.]

27 (2) FOR PURPOSES OF THIS SUBSECTION, THE FOLLOWING
28 APPLY:

29 (I) THE SCHOOL DISTRICT'S SHARE OF PAYMENTS AS
30 REQUIRED BY 24 PA.C.S. § 8327 FOR THE CURRENT YEAR SHALL

1 BE DETERMINED BY THE DEPARTMENT USING:

2 (A) THE LESSER OF THE SCHOOL DISTRICT'S TOTAL
3 COMPENSATION FOR THE CURRENT YEAR OR THE SCHOOL
4 DISTRICT'S TOTAL COMPENSATION FOR THE 2011-2012
5 SCHOOL YEAR.

6 (B) THE EMPLOYER CONTRIBUTION RATE UNDER 24
7 PA.C.S. § 8328 (RELATING TO ACTUARIAL COST METHOD)
8 FOR THE CURRENT YEAR.

9 (C) A STATE RETIREMENT SUBSIDY CALCULATION BASED
10 ON THE SCHOOL DISTRICT'S TOTAL COMPENSATION UNDER
11 CLAUSE (A) AND THE EMPLOYER CONTRIBUTION RATE UNDER
12 CLAUSE (B).

13 (II) THE SCHOOL DISTRICT'S SHARE OF PAYMENTS AS
14 REQUIRED BY 24 PA.C.S. § 8327 FOR THE UPCOMING YEAR SHALL
15 BE DETERMINED BY THE DEPARTMENT USING ALL OF THE
16 FOLLOWING:

17 (A) THE LESSER OF THE SCHOOL DISTRICT'S:

18 (I) ESTIMATED TOTAL COMPENSATION FOR THE
19 UPCOMING YEAR; OR

20 (II) TOTAL COMPENSATION FOR THE 2011-2012
21 SCHOOL YEAR.

22 (B) THE EMPLOYER CONTRIBUTION RATE UNDER 24
23 PA.C.S. § 8328 FOR THE UPCOMING YEAR.

24 (C) A STATE RETIREMENT SUBSIDY CALCULATION BASED
25 ON THE SCHOOL DISTRICT'S TOTAL COMPENSATION UNDER
26 CLAUSE (A) AND THE EMPLOYER CONTRIBUTION RATE UNDER
27 CLAUSE (B).

28 (3) THE DOLLAR AMOUNT TO WHICH SUBSECTION (F) APPLIES
29 SHALL BE DETERMINED AS FOLLOWS:

30 (I) MULTIPLY:

1 (A) THE INDEX; BY
2 (B) THE SCHOOL DISTRICT'S SHARE OF PAYMENTS FOR
3 THE CURRENT YEAR, AS DETERMINED BY THE DEPARTMENT
4 UNDER THIS SUBSECTION.

5 (II) SUBTRACT:
6 (A) THE PRODUCT UNDER SUBPARAGRAPH (I); FROM
7 (B) THE AMOUNT OF INCREASE, AS DETERMINED BY THE
8 DEPARTMENT UNDER THIS SUBSECTION, IN THE SCHOOL
9 DISTRICT'S SHARE OF PAYMENTS BETWEEN:

10 (I) THE CURRENT YEAR; AND
11 (II) THE UPCOMING YEAR.

12 (4) AS USED IN THIS SUBSECTION, THE TERM "COMPENSATION"
13 HAS THE MEANING ASCRIBED IN 24 PA.C.S. § 8102 (RELATING TO
14 DEFINITIONS).

15 (O) RESCISSION.--

16 (1) ANY INCREASE IN A RATE OF A TAX LEVIED FOR SUPPORT
17 OF THE PUBLIC SCHOOLS IMPOSED PRIOR TO OR DURING THE
18 2011-2012 SCHOOL YEAR UNDER A REFERENDUM EXCEPTION GRANTED,
19 PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION, UNDER
20 SUBSECTION (F) (2) (I), (II) OR (III) (C) AND (D) SHALL BE
21 RESCINDED:

22 (I) IMMEDIATELY FOLLOWING FULFILLMENT OF THE COURT
23 ORDER OR ADMINISTRATIVE ORDER THAT WAS THE BASIS FOR THE
24 REFERENDUM EXCEPTION;

25 (II) IMMEDIATELY FOLLOWING THE PAYMENT OF COSTS TO
26 RESOLVE A CONDITION WHICH POSED AN IMMEDIATE THREAT OF
27 SERIOUS PHYSICAL HARM OR INJURY TO THE STUDENTS, STAFF OR
28 RESIDENTS OF THE SCHOOL DISTRICT THAT WAS THE BASIS FOR
29 THE REFERENDUM EXCEPTION; OR

30 (III) FOLLOWING THE FINAL PAYMENT OF INTEREST AND

1 PRINCIPAL RELATED TO THE INDEBTEDNESS.

2 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "FINAL
3 PAYMENT OF INTEREST AND PRINCIPAL" DOES NOT INCLUDE A SCHOOL
4 DISTRICT'S PAYMENT OF DEBT AS A RESULT OF REFUNDING OR
5 REFINANCING THE DEBT.

6 SECTION 2. SECTION 1502(D) OF THE ACT IS AMENDED AND THE
7 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

8 Section 1502. Installment payment of school real property
9 taxes.

10 * * *

11 (b.1) Adoption of resolution for small business.--No later
12 than June 30, 2012, a board of school directors of a school
13 district of the second, third or fourth class shall adopt a
14 resolution which, for calendar year 2012 and each year
15 thereafter, authorizes the collection and payment of school real
16 property taxes, excluding any interim or delinquent school
17 property taxes, in installments from small business owners.

18 * * *

19 (c.1) Contents of resolution for small business.--The
20 resolution adopted pursuant to subsection (b.1) shall set forth
21 all of the following:

22 (1) Permit taxpayers that own small businesses to be
23 eligible to pay school real property taxes in installments.

24 (2) The same requirements as set forth under subsection
25 (c) (2), (3) and (4).

26 (d) Notice.--A board of school directors of a school
27 district to which this section applies shall annually set forth
28 information regarding the payment of school real property taxes
29 in installments and the dates on which such payments are due or
30 delinquent on the tax notice sent to a homestead or farmstead

1 property owner or to a small business owner.

2 (e) Definition.--For purposes of this section, "small
3 business" means a business that is located in this Commonwealth
4 and has no more than 50 employees.

5 ~~Section 2. This act shall take effect in 60 days.~~ ←

6 SECTION 3. THE AMENDMENT OF SECTION 333 OF THE ACT SHALL ←
7 APPLY TO FISCAL YEARS OF SCHOOL DISTRICTS WHICH BEGIN AFTER
8 JANUARY 1, 2012.

9 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

10 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
11 IMMEDIATELY:

12 (I) THE AMENDMENT OF SECTION 333 OF THE ACT.

13 (II) SECTION 3 OF THIS ACT.

14 (III) THIS SECTION.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
16 DAYS.