

AMENDMENTS TO HOUSE BILL NO. 2124

Sponsor: REPRESENTATIVE SANTARSIERO

Printer's No. 3481

1 Amend Bill, page 1, line 10, by inserting after "projects;"
2 providing for interest on delayed reimbursement; establishing
3 Building Blocks PA and the Public School Facilities Financing
4 Commission; providing for powers and duties of the
5 commission;

6 Amend Bill, page 6, line 2, by striking out "FIVE (5)" and
7 inserting
8 twenty (20)

9 Amend Bill, page 8, lines 26 and 27, by striking out ", FLOOD
10 OR AN EXTRAORDINARY AND UNANTICIPATED INCREASE IN STUDENT
11 ENROLLMENT" and inserting
12 or flood

13 Amend Bill, page 9, line 25, by striking out "INITIAL"

14 Amend Bill, page 9, line 30, by striking out "INITIAL"

15 Amend Bill, page 10, line 11, by striking out "732.1(b)" and
16 inserting
17 732.1

18 Amend Bill, page 10, lines 12 and 13, by striking out "and
19 the section is amended by adding a subsection to read"

20 Amend Bill, page 10, line 15, by striking out "* * *" and
21 inserting

22 (a) For the 2012-2013 fiscal year [and the 2013-2014 fiscal
23 year], the Department of Education shall not accept or approve
24 new school building construction or reconstruction project
25 applications. Completed school building construction or
26 reconstruction project applications received by the Department

1 of Education by October 1, 2012, are not subject to this
2 provision.

3 Amend Bill, page 11, by inserting between lines 20 and 21

4 Section 4. The act is amended by adding a section to read:

5 Section 732.2. Interest on Delayed Reimbursement.--(a) Each
6 school district which has satisfactorily met all construction or
7 reconstruction reimbursement requirements established by this
8 act, Title 22 of the Pennsylvania Code and the Department of
9 Education and which has submitted all appropriate documentation
10 to the Department of Education necessary to receive approval for
11 reimbursement for a school construction or reconstruction
12 project and which has not been approved for reimbursement after
13 a period of one (1) year following the last date of submission
14 of required documentation, shall be eligible to receive interest
15 on the delayed reimbursement.

16 (b) The interest on delayed reimbursement shall be an amount
17 equal to the prime rate of interest, as listed in the first
18 edition of the Wall Street Journal published in the year,
19 multiplied by the total amount of construction or reconstruction
20 reimbursement for which the school district is eligible under
21 Article XXV of this act but has not received, calculated for
22 each year in which the school district does not receive
23 reimbursement.

24 (c) Interest payments on delayed reimbursement shall be
25 included in those payments made to a school district for
26 Commonwealth reimbursement of a construction or reconstruction
27 project when such payments commence.

28 Section 5. The act is amended by adding an article to read:

29 ARTICLE VII-A
30 BUILDING BLOCKS PA

31 Section 701-A. Definitions.

32 The following words and phrases when used in this article
33 shall have the meanings given to them in this section unless the
34 context clearly indicates otherwise:

35 "Building Blocks PA." The program through which the
36 department approves and provides for Commonwealth reimbursement
37 of school construction projects, formerly known as PlanCon.

38 "Commission." The Public School Facilities Financing
39 Commission established by this article.

40 "Department." The Department of Education of the
41 Commonwealth.

42 "PlanCon." The department's Planning and Construction
43 Workbook.

44 Section 702-A. Establishment.

45 A program to be known as Building Blocks PA is established in
46 the department.

47 Section 703-A. Powers and duties of the department.

48 The department shall have the following powers and duties
49 with regard to Building Blocks PA:

1 (1) To set educational and construction standards
2 applicable to a building project to determine whether the
3 project is eligible for reimbursement.

4 (2) To limit the frequency of an application for school
5 construction reimbursement based on the amount of time since
6 a building was constructed or the time since the bid opening
7 date of the previous reimbursable project, provided that a
8 school building construction or reconstruction project
9 application for any of the following purposes shall not be
10 subject to frequency limitations:

11 (i) A technological improvement project.

12 (ii) A school health and safety improvement project.

13 (iii) An emergency repair as a result of storm-
14 related damage or other damage related to an act of God.

15 (iv) An energy efficiency improvement project.

16 (v) A project to attain certification under the
17 United States Green Building Council's Leadership in
18 Energy and Environmental Design Green Building Rating
19 System or the Green Building Initiative's Green Globes
20 Green Building Rating System.

21 (3) To consider requests for variances from any
22 frequency or valuation limitations to allow for the
23 reimbursement of alteration or renovation costs for a
24 building or project.

25 Section 704-A. Wages.

26 A new school building construction or reconstruction project
27 approved by the department for reimbursement under this article
28 shall comply with the provisions of the act of August 15, 1961
29 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage
30 Act.

31 Section 705-A. Applications.

32 For the 2014-2015 fiscal year and thereafter, a new school
33 building construction or reconstruction project application
34 shall include documentation that each contractor or firm
35 performing work participates in an active apprenticeship program
36 which is currently registered with and approved by the United
37 States Department of Labor or the Pennsylvania Apprenticeship
38 and Training Council for each separate trade or classification
39 for which it is performing work on that project and which has an
40 apprentice currently registered or graduated within the previous
41 12 months.

42 Section 706-A. Financing.

43 School construction reimbursements shall be calculated and
44 distributed under Article XXV. The total amount of
45 reimbursements awarded shall be limited to funds appropriated
46 for this purpose. Applications for reimbursement shall be filed
47 in accordance with procedures developed by the department.

48 Section 707-A. Public School Facilities Financing Commission.

49 (a) Establishment.--The Public School Facilities Financing
50 Commission is established and shall review and make
51 recommendations related to public school facilities' financing

1 as provided in this section.

2 (b) Membership.--

3 (1) The commission shall consist of the following
4 members:

5 (i) The chair and minority chair of the Education
6 Committee of the Senate and the chair and minority chair
7 of the Education Committee of the House of
8 Representatives, or their designees.

9 (ii) Two legislators from each of the four
10 legislative caucuses, to be appointed by the President
11 pro tempore of the Senate and the Speaker of the House of
12 Representatives, in consultation with the Majority and
13 Minority Leaders of the Senate and the Majority and
14 Minority Leaders of the House of Representatives.

15 (iii) The Secretary of Education, or a designee.

16 (iv) The Executive Director of the State Public
17 School Building Authority, or a designee.

18 (v) The State Treasurer, or a designee.

19 (2) The commission shall appoint a member to serve as
20 chair of the commission.

21 (c) Meetings.--

22 (1) The commission shall hold its first meeting within
23 30 days of the effective date of this section, regardless of
24 whether the Governor or all legislative caucuses have
25 actually approved members to the commission.

26 (2) The commission shall hold meetings at the call of
27 the chair.

28 (3) All meetings and public hearings of the commission
29 shall be deemed public meetings for the purpose of 65 Pa.C.S.
30 Ch. 7 (relating to open meetings).

31 (4) A majority of the members of the commission shall
32 constitute a quorum. If fewer than a majority are present at
33 any meeting, no business shall be transacted at the meeting.

34 (d) Reimbursement of expenses.--The members may not receive
35 compensation for their services, but shall be reimbursed for all
36 necessary travel and other reasonable expenses incurred in
37 connection with the performance of their duties as members of
38 the commission.

39 (e) Administration.--The General Assembly shall provide
40 administrative support, meeting space and any other assistance
41 required by the commission to carry out its duties under this
42 section in cooperation with the department. The department shall
43 provide the commission with data, research and other information
44 upon request by the commission.

45 (f) Powers and duties.--The commission shall have the
46 following powers and duties:

47 (1) Consult with and utilize experts to assist in
48 carrying out the duties under this subsection.

49 (2) Hold public hearings in different regions of this
50 Commonwealth.

51 (3) Review and make findings and recommendations related

1 to funding public school facilities in this Commonwealth, to
2 include all of the following:

3 (i) Analysis of the preliminary study under section
4 732.1(b).

5 (ii) The impact of and financing considerations
6 relating to green building, energy efficiency, school
7 safety and technological improvement projects.

8 (iii) Historical trends in funding public school
9 facilities in this Commonwealth.

10 (iv) The capacity of Building Blocks PA to meet
11 existing capital needs.

12 (v) The ability of Building Blocks PA to meet
13 anticipated future capital needs.

14 (vi) Other financial vehicles to meet current and
15 future capital needs, including, but not limited to,
16 bonds.

17 (vii) The role of the State Public School Building
18 Authority and Pennsylvania Higher Educational Facilities
19 Authority in funding school facilities to include
20 recommendations relating to restructuring or expanding
21 the duties of these entities.

22 (4) Review and consider methods used in other states to
23 finance public school facilities.

24 (5) Issue a report of its findings and recommendations
25 to the Governor, the President pro tempore of the Senate, the
26 Majority Leader and Minority Leader of the Senate, the
27 Education Committee of the Senate, the Speaker of the House
28 of Representatives, the Majority Leader and Minority Leader
29 of the House of Representatives, the Education Committee of
30 the House of Representatives, the Secretary of Education and
31 the State Public School Building Authority within 120 days of
32 the first meeting or September 30, 2014, whichever is later.

33 (g) Continuation of commission.--Every ten years the
34 commission shall be reconstituted in accordance with subsection
35 (c), shall meet and hold public hearings to review the
36 provisions of this section and shall issue a report to the
37 recipients listed in subsection (f)(5).

38 Section 708-A. Regulations.

39 The Secretary of Education shall propose regulations for
40 promulgation by the State Board of Education to implement the
41 provisions of this article.

42 Amend Bill, page 12, line 15, by striking out "4" and
43 inserting

44 6

45 Amend Bill, page 12, lines 25 through 29, by striking out all
46 of said lines and inserting

47 Section 7. Section 2574(b.1), (c.4) and (c.6) of the act,

1 amended or added July 13, 2005 (P.L.226, No.46) and July 11,
2 2006 (P.L.1092, No.114), are repealed:

3 Amend Bill, page 13, lines 3 through 30; page 14, lines 1
4 through 30; page 15, lines 1 through 27, by striking out all of
5 said lines on said pages

6 Amend Bill, page 16, lines 17 through 30; pages 17 through
7 19, lines 1 through 30; page 20, lines 1 through 7, by striking
8 out all of said lines on said pages

9 Amend Bill, page 21, lines 19 through 23, by striking out all
10 of said lines

11 Amend Bill, page 21, lines 26 through 28, by striking out all
12 of said lines and inserting

13 Section 8. Section 2575(a) of the act, amended July 12, 1968
14 (P.L.192, No.96), is amended to read:

15 Amend Bill, page 22, line 1, by striking out "(1)"

16 Amend Bill, page 22, lines 16 through 30; page 23, lines 1
17 through 7, by striking out all of said lines on said pages

18 Amend Bill, page 23, line 9, by striking out "7" and
19 inserting

20 9

21 Amend Bill, page 23, line 12, by striking out "(1)"

22 Amend Bill, page 23, line 17, by inserting a bracket before
23 "{capital"

24 Amend Bill, page 23, line 18, by inserting a bracket after
25 "or}"

26 Amend Bill, page 23, line 18, by inserting a bracket before
27 "{whichever"

28 Amend Bill, page 23, line 18, by inserting a bracket after

1 "larger†"

2 Amend Bill, page 23, lines 20 through 30; page 24, lines 1
3 through 6, by striking out all of said lines on said pages

4 Amend Bill, page 24, line 7, by striking out "(1)"

5 Amend Bill, page 24, line 11, by inserting a bracket before
6 "†capital"

7 Amend Bill, page 24, line 12, by inserting a bracket after
8 "or†"

9 Amend Bill, page 24, line 13, by inserting a bracket before
10 "†whichever"

11 Amend Bill, page 24, line 13, by inserting a bracket after
12 "larger†"

13 Amend Bill, page 24, lines 15 through 30, by striking out all
14 of said lines

15 Amend Bill, page 25, line 5, by striking out "8" and
16 inserting

17 10

18 Amend Bill, page 25, line 7, by striking out "AT ANY TIME,"

19 Amend Bill, page 25, line 11, by inserting after "project"

20 that has received all required approvals from the department
21 for Commonwealth reimbursement

22 Amend Bill, page 25, line 14, by striking out "NO GREATER
23 THAN" and inserting

24 equal to

25 Amend Bill, page 25, lines 20 through 30; page 26, lines 1
26 through 9, by striking out all of said lines on said pages

27 Amend Bill, page 26, line 10, by striking out "(E)" and

1 inserting

2 (b)

3 Amend Bill, page 26, line 22, by striking out all of said
4 line and inserting

5 Section 11. For the 2014-2015 fiscal year the General
6 Assembly shall appropriate not less than \$396,198,000 to the
7 Authority Rentals and Sinking Fund Requirements line item in the
8 General Appropriation Act.

9 Section 12. This act shall take effect as follows:

10 (1) The addition of section 731.2(d), (e), (f) and (g)
11 of the act shall take effect July 1, 2015.

12 (2) The remainder of this act shall take effect
13 immediately.