

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1634 Session of
1977

INTRODUCED BY FREIND, M. P. MULLEN, TRELLO, SCHMITT,
D. M. O'BRIEN, REED, MACKOWSKI, SALVATORE, GIAMMARCO,
HOPKINS, GARZIA, HELFRICK, WILSON AND COLE,
SEPTEMBER 27, 1977

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 27, 1977

AN ACT

1 Providing for utility expense reimbursements to nonpublic
2 schools.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Nonpublic
7 Schools Utility Expense Reimbursement Act."

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Nonpublic school." Any school, other than a public school,
13 within the Commonwealth of Pennsylvania, wherein a resident of
14 the Commonwealth may legally fulfill the compulsory school
15 attendance requirements of law.

16 "Utility expenses." Costs attributable to heating or cooling
17 buildings, including transportation costs; and costs

1 attributable to water, sewage disposal (including sewer rental),
2 electricity, gas, oil, telephone and telegraph.

3 Section 3. Determination of utility expenses.

4 The Secretary of Education shall calculate the total utility
5 expenses for all the school districts in the Commonwealth based
6 on data gathered as to the 1976-1977 school year. The total
7 utility expense figure thereby obtained shall be divided by the
8 average daily membership of all the district pupils,
9 kindergarten through twelfth grade, in the Commonwealth to
10 obtain the average utility expense per student. The average
11 utility expense per student thereby obtained shall remain
12 constant until changed by statute.

13 Section 4. Reimbursement for utility expenses.

14 (a) Every nonpublic school in this Commonwealth shall be
15 eligible to receive reimbursement for utility expenses as herein
16 provided. The amount of the reimbursement for each nonpublic
17 school shall be determined by multiplying the average utility
18 expense per student as determined under section 3 by the average
19 daily membership of students, grades one through twelve, in the
20 nonpublic school, as certified by the Department of Education.

21 (b) Requests for reimbursement for utility expenses shall be
22 made on such forms and under such conditions as the Department
23 of Education shall prescribe. Any nonpublic school seeking such
24 reimbursement shall maintain such accounting procedures,
25 including maintenance of separate funds and accounts pertaining
26 to public utility expenses to establish that it actually
27 expended an amount of money equal to the amount of money sought
28 in reimbursement. Such accounts shall be subject to audit by the
29 Auditor General. Reimbursement payments shall be made by the
30 Secretary of Education on or before August 15 of each year

1 following the school year for which the reimbursement is
2 requested.

3 Section 5. Nonpublic Schools Utility Expense Fund.

4 There is hereby created for the purposes of making
5 reimbursements pursuant to this act, the Nonpublic Schools
6 Utility Expense Fund. Ten percent of the tax revenue collected
7 by the Department of Revenue pursuant to the act of July 22,
8 1970 (P.L.513, No.178), known as the "Pennsylvania Cigarette Tax
9 Act," shall be paid into the State Treasury to the credit of the
10 Nonpublic Schools Utility Expense Fund. Moneys in the fund are
11 hereby appropriated to the Department of Education solely for
12 the purpose of reimbursements and administrative expenses
13 pertaining thereto as provided in this act. If by August 15 of
14 any year there are insufficient revenues in the fund to fully
15 provide for all the authorized applications for reimbursement,
16 additional moneys are hereby appropriated to the Nonpublic
17 School Utility Expense Fund from revenues generated under the
18 "Pennsylvania Cigarette Tax Act" to meet the needs of the fund.

19 Section 6. Administration.

20 The administration of this act shall be under the direction
21 of the Secretary of Education, who shall establish rules and
22 regulations pertaining thereto. All expenses incurred in
23 connection with the administration of this act shall be paid
24 solely out of the Nonpublic Schools Utility Expense Fund and no
25 money raised for the support of the public schools of the
26 Commonwealth shall be used in connection with the administration
27 of this act.

28 Section 7. Effective date.

29 This act shall take effect immediately. The first
30 reimbursements for utility expenses under this act shall be made

1 of the 1977-1978 school year and shall be made on or before
2 August 15, 1978.