

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 125 Session of  
2003

INTRODUCED BY HERSHEY, BARD, RUBLEY, MANN, BUNT, BAKER, BALDWIN,  
CREIGHTON, CURRY, DALEY, FAIRCHILD, GEORGE, HARPER,  
HENNESSEY, HERMAN, HORSEY, LEACH, LEVDANSKY, R. MILLER,  
S. MILLER, MUNDY, PAYNE, PICKETT, ROSS, SAYLOR, SCHRODER,  
SEMMELE, STURLA, TANGRETTI, THOMAS, WATSON, WRIGHT, YOUNGBLOOD  
AND ZUG, FEBRUARY 10, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 10, 2003

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 definitions,  
6 for purchases of alternative fuel vehicles and for minimum  
7 school building design standards; and making editorial  
8 changes.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 2501 of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, is  
13 amended by adding definitions to read:

14 Section 2501. Definitions.--For the purposes of this article  
15 the following terms shall have the following meanings:

16 \* \* \*

17 (24) "Dedicated Alternative Fuel Vehicle." A vehicle which  
18 runs exclusively on an alternative fuel.

1     (25) "Dual Fuel Vehicle." A vehicle that operates on an  
2 alternative fuel and gasoline or an alternative fuel and diesel  
3 fuel.

4     (26) "Alternative Fuel." A motor vehicle fuel which, when  
5 compared to conventional gasoline or reformulated gasoline, will  
6 result in lower emissions of oxides of nitrogen (NOx), volatile  
7 organic compounds (VOC), carbon monoxide (CO), particulates or  
8 any combination thereof. These include compressed natural gas  
9 (CNG), liquefied natural gas (LNG), liquid petroleum propane gas  
10 (LPG), alcohols, hydrogen, hythane (H2 and CNG), electricity,  
11 coal-derived liquid fuels, fuels derived from biological  
12 materials, and other fuels that the Secretary of Energy  
13 determines by rule as meeting the requirements of section 301 of  
14 the Energy Policy Act of 1992 (Public Law 102-486, 42 U.S.C. §  
15 13211(2)).

16     (27) "Leadership in Energy and Environmental Design (LEED)  
17 Green Building Rating System." A voluntary, consensus-based,  
18 market-driven building rating system established by the United  
19 States Green Building Council which is based on accepted energy  
20 and environmental principles and existing proven technology and  
21 which is designed for rating new and existing commercial,  
22 institutional, and high-rise residential buildings.

23     Section 2. Section 2541(a) of the act, amended December 21,  
24 1998 (P.L.1194, No.154), is amended and the section is amended  
25 by adding subsections to read:

26     Section 2541. Payments on Account of Pupil Transportation.--

27     (a) [School] Except as provided for in subsections (a.1) and  
28 (a.2), school districts shall be paid by the Commonwealth for  
29 every school year on account of pupil transportation which, and  
30 the means and contracts providing for which, have been approved

1 by the Department of Education, in the cases hereinafter  
2 enumerated, an amount to be determined by multiplying the cost  
3 of approved reimbursable pupil transportation incurred by the  
4 district by the district's aid ratio. In determining the formula  
5 for the cost of approved reimbursable transportation, the  
6 Secretary of Education may prescribe the methods of determining  
7 approved mileages and the utilized passenger capacity of  
8 vehicles for reimbursement purposes. For the school year 1998-  
9 1999 and each school year thereafter, any school entity which  
10 contracts with one or more school entities to provide pupil  
11 transportation services shall be reimbursed in accordance with  
12 the formula specified by the Department of Education for  
13 district-owned vehicles. In addition thereto, the Commonwealth  
14 shall pay to each district qualifying a payment for excessive  
15 cost of transportation, said amount to be determined by  
16 subtracting from the cost of the approved reimbursable  
17 transportation the sum of the Commonwealth transportation  
18 payment immediately above, plus the product of one-half mill  
19 (0.0005) times the latest market value of the district as  
20 determined by the State Tax Equalization Board, provided such  
21 amount is not negative. In addition thereto, the Commonwealth  
22 shall pay to school districts which own their own vehicles, an  
23 annual depreciation charge of ten per centum (10%), to be  
24 calculated on the basis of the approved cost at which the  
25 district acquired the vehicle for which depreciation is claimed.  
26 With respect to vehicles purchased prior to January 1, 1956, the  
27 number of depreciation payments shall be limited to ten such  
28 payments. With respect to vehicles purchased on or after January  
29 1, 1956, the annual depreciation charge shall not exceed seven  
30 hundred dollars (\$700) for such vehicles. The number of annual

1 depreciation charges shall be limited, so that the total amount  
2 of such payments shall not exceed the cost of the vehicle as  
3 approved by the Department of Education at the time of the  
4 purchase. [In] Except as provided for in subsections (a.1) and  
5 (a.2), in no case shall the Commonwealth pay, in depreciation  
6 charges, more than ten thousand five hundred dollars (\$10,500)  
7 for any one vehicle.

8 (a.1) For school districts purchasing and operating  
9 dedicated alternative fuel vehicles or school districts  
10 contracting for the operation of dedicated alternative fuel  
11 vehicles, the amount to be paid by the Commonwealth for every  
12 school year on account of pupil transportation which, and the  
13 means and contracts providing for which, have been approved by  
14 the Department of Education, shall be the total determined by  
15 the formula contained in subsection (a) and an additional two  
16 per centum (2%). In addition thereto, the Commonwealth shall pay  
17 to school districts which own their own vehicles and which  
18 replace their own vehicles with dedicated alternative fuel  
19 vehicles, an annual depreciation charge of twelve per centum  
20 (12%), to be calculated as specified in subsection (a). With  
21 respect to vehicles purchased on or after January 1, 1981, the  
22 annual depreciation charge shall not exceed one thousand five  
23 hundred dollars (\$1,500) for such vehicles. The number of annual  
24 depreciation charges shall be limited, so that the total amount  
25 of such payments shall not exceed the cost of the vehicle as  
26 approved by the Department of Education at the time of the  
27 purchase. In no case shall the Commonwealth pay, in depreciation  
28 charges, more than twenty-five thousand dollars (\$25,000) for  
29 any one vehicle.

30 (a.2) For school districts purchasing and operating dual

1 fuel vehicles or school districts contracting for the operation  
2 of dual fuel vehicles, the amount to be paid by the Commonwealth  
3 for every school year on account of pupil transportation which,  
4 and the means and contracts providing for which, have been  
5 approved by the Department of Education, shall be the total  
6 determined by the formula contained in subsection (a) and up to  
7 an additional two per centum (2%) prorated by the percent blend  
8 of alternative fuel used in the vehicle. In addition thereto,  
9 the Commonwealth shall pay to school districts which own their  
10 own vehicles and which replace their own vehicles with dual fuel  
11 vehicles, an annual depreciation charge of up to twelve per  
12 centum (12%) to be calculated as specified in subsection (a) and  
13 prorated by the percent blend of alternative fuel used in the  
14 vehicle. The number of annual depreciation charges shall be  
15 limited, so that the total amount of such payments shall not  
16 exceed the cost of the vehicle as approved by the Department of  
17 Education at the time of purchase. In no case shall the  
18 Commonwealth pay, in depreciation charges, more than twenty-five  
19 thousand dollars (\$25,000) for any one vehicle.

20 \* \* \*

21 Section 3. Section 2574(b) and (c) of the act, amended June  
22 12, 1968 (P.L.192, No.96) and July 10, 1987 (P.L.286, No.50),  
23 are amended to read:

24 Section 2574. Approved Reimbursable Rental for Leases  
25 Hereafter Approved and Approved Reimbursable Sinking Fund  
26 Charges on Indebtedness.--\* \* \*

27 (b) For new school buildings the approved building  
28 construction cost shall be the lesser of

29 (1) The cost of constructing the school buildings including  
30 the cost of essential fixtures and equipment but excluding

1 architect's fees in excess of six per cent (6%) of the contract  
2 price, or

3 (2) The product of the rated pupil capacity as determined by  
4 the Department of [Public Instruction] Education at the time the  
5 project is approved and (i) one thousand one hundred dollars  
6 (\$1100) in the case of elementary schools, (ii) one thousand  
7 seven hundred dollars (\$1700) in the case of secondary schools,  
8 (iii) an amount in the case of combined elementary-secondary  
9 schools obtained by multiplying the rated elementary pupil  
10 capacity by one thousand one hundred dollars (\$1100) and the  
11 rated secondary pupil capacity by one thousand seven hundred  
12 dollars (\$1700) and dividing the sum by the total rated pupil  
13 capacity.

14 (3) The provisions of clause (2) of subsection (b) hereof  
15 shall apply to all school building projects for which the  
16 general construction contract is awarded prior to July 1, 1966,  
17 and for approved school building projects for which a lease was  
18 approved by the Department of [Public Instruction] Education  
19 prior to July 1, 1966. For school buildings for which the  
20 general construction contract is awarded subsequent to July 1,  
21 1966 and for approved school building projects for which the  
22 general construction contract was awarded but for which a lease  
23 was not approved by the Department of [Public Instruction]  
24 Education prior to July 1, 1966, the product of the rated pupil  
25 capacity as determined by the Department of [Public Instruction]  
26 Education at the time the project is approved and (i) two  
27 thousand three hundred dollars (\$2300) in the case of elementary  
28 schools, (ii) three thousand dollars (\$3000) in the case of  
29 secondary schools, (iii) an amount in the case of combined  
30 elementary-secondary schools obtained by multiplying the rated

1 elementary pupil capacity by two thousand three hundred dollars  
2 (\$2300) and the rated secondary pupil capacity by three thousand  
3 dollars (\$3000) and dividing the sum by the total rated pupil  
4 capacity.

5 (3.1) For school buildings for which the general  
6 construction contract is awarded subsequent to July 1, 1984, and  
7 for approved school building projects for which the general  
8 construction contract was awarded but for which a lease or  
9 general obligation bond resolution was not approved by the  
10 Department of Education prior to July 1, 1984, the product of  
11 the rated pupil capacity as determined by the Department of  
12 Education at the time the project is approved and (i) three  
13 thousand nine hundred dollars (\$3,900) in the case of elementary  
14 schools, (ii) five thousand one hundred dollars (\$5,100) in the  
15 case of secondary schools, (iii) an amount in the case of  
16 combined elementary-secondary schools obtained by multiplying  
17 the rated elementary pupil capacity by three thousand nine  
18 hundred dollars (\$3,900) and the rated secondary pupil capacity  
19 by five thousand one hundred dollars (\$5,100) and dividing the  
20 sum by the total rated pupil capacity.

21 (4) For school buildings adhering to minimum design  
22 standards published in the Leadership in Energy and  
23 Environmental Design (LEED) Green Building Rating System for  
24 which the general construction contract is awarded on or after  
25 July 1, 2002, the product of the rated pupil capacity as  
26 determined by the Department of Education at the time the  
27 project is approved and (i) four thousand seven hundred dollars  
28 (\$4,700) in the case of elementary schools, (ii) six thousand  
29 two hundred dollars (\$6,200) in the case of secondary schools,  
30 (iii) an amount in the case of combined elementary-secondary

1 schools obtained by multiplying the rated elementary pupil  
2 capacity by four thousand seven hundred dollars (\$4,700) and the  
3 rated secondary pupil capacity by six thousand two hundred  
4 dollars (\$6,200) and dividing the sum by the total rated pupil  
5 capacity. No payment shall be approved until the Department of  
6 Education has certified that the minimum design standards of the  
7 LEED Green Building Rating System have been achieved to the  
8 extent possible as determined by the Secretary of Education.

9 (c) For additions or alterations to existing buildings  
10 approved building construction cost shall be the lesser of

11 (1) The cost of constructing the additions or alterations  
12 including the cost of essential fixtures and equipment but  
13 excluding architect's fees in excess of six per cent (6%) of the  
14 contract price, or

15 (2) The difference obtained by subtracting the appraisal  
16 value of the existing building from the product of rated pupil  
17 capacity of the altered or expanded building as determined by  
18 the Department of [Public Instruction] Education at the time the  
19 project is approved and (i) one thousand one hundred dollars  
20 (\$1100) in the case of elementary schools, (ii) one thousand  
21 seven hundred dollars (\$1700) in the case of secondary schools,  
22 (iii) an amount in the case of combined elementary-secondary  
23 schools obtained by multiplying the rated elementary pupil  
24 capacity of the altered or expanded building by one thousand one  
25 hundred dollars (\$1100) and the rated secondary pupil capacity  
26 of the altered or expanded building by one thousand seven  
27 hundred dollars (\$1700) and dividing the sum by the total rated  
28 pupil capacity of the altered or expanded building.

29 Appraisal value shall be the valuation made immediately  
30 before the additions or alterations are begun by three competent



1 appraisers, one appointed by the school authorities, one by the  
2 Superintendent of [Public Instruction] Education, and the third  
3 by the other two.

4 (3) The provisions of clause (2) of subsection (c) hereof  
5 shall apply to all school building projects for which the  
6 general construction contract is awarded prior to July 1, 1966  
7 and for approved school building projects for which a lease was  
8 approved by the Department of [Public Instruction] Education  
9 prior to July 1, 1966. For school buildings for which the  
10 general construction contract is awarded subsequent to July 1,  
11 1966 and for approved school building projects for which the  
12 general construction contract was awarded but for which a lease  
13 was not approved by the Department of [Public Instruction]  
14 Education prior to July 1, 1966, the difference obtained by  
15 subtracting the appraisal value of the existing building from  
16 the product of rated pupil capacity of the altered or expanded  
17 building as determined by the Department of [Public Instruction]  
18 Education at the time the project is approved and (i) two  
19 thousand three hundred dollars (\$2300) in the case of elementary  
20 schools, (ii) three thousand dollars (\$3000) in the case of  
21 secondary schools, (iii) an amount in the case of combined  
22 elementary-secondary schools obtained by multiplying the rated  
23 elementary pupil capacity of the altered or expanded building by  
24 two thousand three hundred dollars (\$2300) and the rated  
25 secondary pupil capacity of the altered or expanded building by  
26 three thousand dollars (\$3000) and dividing the sum by the total  
27 rated pupil capacity of the altered or expanded building.

28 Appraisal value shall be the valuation made immediately  
29 before the additions or alterations are begun by three competent  
30 appraisers, one appointed by the school authorities, one by the

1 Superintendent of [Public Instruction] Education, and the third  
2 by the other two.

3 (3.1) For school buildings for which the general  
4 construction contract is awarded subsequent to July 1, 1984, and  
5 for approved school building projects for which the general  
6 construction contract was awarded but for which a lease or  
7 general obligation bond resolution was not approved by the  
8 Department of Education prior to July 1, 1984, the difference  
9 obtained by subtracting the appraisal value of the existing  
10 building from the product of the rated pupil capacity of the  
11 altered or expanded building as determined by the Department of  
12 Education at the time the project is approved and (i) three  
13 thousand nine hundred dollars (\$3,900) in the case of elementary  
14 schools, (ii) five thousand one hundred dollars (\$5,100) in the  
15 case of secondary schools, (iii) an amount in the case of  
16 combined elementary-secondary schools obtained by multiplying  
17 the rated elementary pupil capacity by three thousand nine  
18 hundred dollars (\$3,900) and the rated secondary pupil capacity  
19 by five thousand one hundred dollars (\$5,100) and dividing the  
20 sum by the total rated pupil capacity of the altered or expanded  
21 building.

22 (4) For school buildings adhering to minimum design  
23 standards of the Leadership in Energy and Environmental Design  
24 (LEED) Green Building Rating system for which the general  
25 construction contract is awarded on or after July 1, 2002, the  
26 difference obtained by subtracting the appraisal value of the  
27 existing building from the product of the rated pupil capacity  
28 of the altered or expanded building as determined by the  
29 Department of Education at the time the project is approved and  
30 (i) four thousand seven hundred dollars (\$4,700) in the case of

1 elementary schools, (ii) six thousand two hundred dollars  
2 (\$6,200) in the case of secondary schools, (iii) an amount in  
3 the case of combined elementary-secondary schools obtained by  
4 multiplying the rated elementary pupil capacity by four thousand  
5 seven hundred dollars (\$4,700) and the rated secondary pupil  
6 capacity by six thousand two hundred dollars (\$6,200) and  
7 dividing the sum by the total rated pupil capacity of the  
8 altered or expanded building. No payment shall be approved until  
9 the Department of Education has certified that the minimum  
10 design standards of the LEED Green Building Rating System have  
11 been achieved to the extent possible as determined by the  
12 Secretary of Education.

13 \* \* \*

14 Section 4. This act shall take effect in 60 days.