

HOUSE BILL 960

Introduced by J. Rice, et al.

2/20	Introduced
2/20	Referred to Education & Cultural Resources
2/20	First Reading
2/20	Fiscal Note Requested
2/22	Hearing
2/23	Fiscal Note Printed [sic.]
2/23	Fiscal Note Received
3/12	Hearing
3/19	Tabled in Committee

1 *HOUSE* BILL NO. *960*  
 2 INTRODUCED BY *John Dandy*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A PUPIL  
 5 WHO LIVES WITHIN 3 MILES OF THE NEAREST PUBLIC SCHOOL MAY BE  
 6 APPROVED BY THE TRUSTEES OF THE DISTRICT AND THE COUNTY  
 7 TRANSPORTATION COMMITTEE AS AN ELIGIBLE TRANSPORTEE FOR THE  
 8 PURPOSE OF SCHOOL BUS TRANSPORTATION IF FAILURE TO PROVIDE  
 9 TRANSPORTATION WOULD EXPOSE THE PUPIL TO UNDUE HAZARD; TO  
 10 REQUIRE MANDATORY APPROVAL IN CERTAIN CIRCUMSTANCES;  
 11 AMENDING SECTIONS 20-10-101 AND 20-10-132, MCA; AND  
 12 PROVIDING AN EFFECTIVE DATE."

13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. **Section 1.** Transportation of pupils in  
 16 hazardous locations. (1) A pupil who is otherwise an  
 17 eligible transportee under 20-10-101 but who lives within 3  
 18 miles of the nearest operating public elementary school or  
 19 public high school may be considered an eligible transportee  
 20 under 20-10-101 for the purpose of school bus transportation  
 21 if failure to provide transportation would expose the pupil  
 22 to undue hazard.

23 (2) For a pupil to be approved as an eligible  
 24 transportee under this section, the pupil's parent or  
 25 guardian, or the parents or guardians of more than one

1 pupil, shall submit to the trustees of the district a  
 2 request for transportation eligibility that includes:

3 (a) the name and age of each pupil for whom  
 4 transportation is sought;

5 (b) the street address of the parent or guardian of  
 6 each pupil for whom transportation is sought;

7 (c) a description of the area proposed to receive  
 8 busing services; and

9 (d) a description of each hazard to the pupil or pupils  
 10 if transportation to school is not available, including but  
 11 not limited to:

12 (i) the design, location, and number of streets, paths,  
 13 bridges, or other obstacles to the pupil's safe passage to  
 14 the school; and

15 (ii) posted speed limits and other available traffic  
 16 pattern information for any convenient route to school that  
 17 does not have sidewalks or designated walkways.

18 (3) (a) Upon receipt of a request for transportation  
 19 eligibility for a pupil or pupils in hazardous locations,  
 20 the trustees of a district shall:

21 (i) approve or disapprove each pupil as an eligible  
 22 transportee; and

23 (ii) if the request is approved, submit the request to  
 24 the county transportation committee for final eligibility  
 25 approval, pursuant to 20-10-132, for transportation

1 reimbursement under 20-10-141.

2 (b) A pupil must be approved as an eligible transportee  
3 under the provisions of this section if the pupil's only  
4 convenient route to the school is one that requires the  
5 pupil to travel along a road or street with no sidewalk or  
6 separate pathway and with a posted speed limit over 25 miles  
7 per hour.

8 (4) If the trustees disapprove a request for  
9 transportation eligibility, the requesting parent or  
10 guardian may appeal the decision of the trustees to the  
11 county transportation committee and subsequently to the  
12 superintendent of public instruction under the provisions of  
13 20-10-132.

14 **Section 2.** Section 20-10-101, MCA, is amended to read:

15 "20-10-101. Definitions. As used in this title, unless  
16 the context clearly indicates otherwise, the following  
17 definitions apply:

18 (1) "Transportation" ~~shall-mean~~ means:

19 (a) a district's conveyance of a pupil by a school bus  
20 between his legal residence and the school designated by the  
21 trustees for his attendance; or

22 (b) ~~a-district's-conveyance-of-a-pupil-by-a-school-bus~~  
23 ~~between-his-regular-school-of-attendance-and-the~~  
24 ~~vocational-technical-secondary-schools-designated-by-the~~  
25 ~~trustees-for-his-attendance-if-the-secondary-school-is~~

1 ~~located-in-some-other-school-district;-or~~

2 (c) "individual transportation" whereby a district is  
3 relieved of actually conveying a pupil. ~~Such-individual~~  
4 Individual transportation may include paying the parent or  
5 guardian for conveying the pupil, reimbursing the parent or  
6 guardian for the pupil's board and room, or providing  
7 supervised correspondence study or supervised home study.

8 (2) An "eligible transportee" ~~shall-mean~~ means a public  
9 school pupil who:

10 (a) is not less than 5 years of age nor has attained  
11 his 21st birthday;

12 (b) is a resident of the state of Montana;

13 (c) regardless of district and county boundaries,  
14 resides at least 3 miles, over the shortest practical route,  
15 from the nearest operating public elementary school or  
16 public high school, whichever the case may be, or resides  
17 less than 3 miles, over the shortest practical route, from  
18 the nearest operating public school but is approved as  
19 eligible by the trustees of the district under the  
20 provisions of [section 1] and by the county transportation  
21 committee under the provisions of 20-10-132; and

22 (d) is ~~deemed-by-law~~ considered to reside with his  
23 parent or guardian who maintains legal residence within the  
24 boundaries of the district furnishing the transportation  
25 regardless of where the eligible transportee actually lives

1 when attending school.

2 (3) (a) A "school bus" means, except as provided in  
3 subsection (3)(b), any motor vehicle that:

4 (i) complies with the bus standards established by the  
5 board of public education as verified by the Montana  
6 department of justice's semiannual inspection of school  
7 buses and the superintendent of public instruction; and

8 (ii) is owned by a district or other public agency and  
9 operated for the transportation of pupils to or from school  
10 or owned by a carrier under contract with a district or  
11 public agency to provide transportation of pupils to or from  
12 school.

13 (b) A school bus does not include a vehicle that is:

14 (i) privately owned and not operated for compensation  
15 under this title;

16 (ii) privately owned and operated for reimbursement  
17 under 20-10-142;

18 (iii) either district-owned or privately owned, designed  
19 to carry not more than nine passengers, and used to  
20 transport pupils to or from activity events or to transport  
21 pupils to their homes in case of illness or other emergency  
22 situations; or

23 (iv) an over-the-road passenger coach used only to  
24 transport pupils to activity events."

25 **Section 3.** Section 20-10-132, MCA, is amended to read:

1 "20-10-132. Duties of the county transportation  
2 committee. (1) It ~~shall--be~~ is the duty of the county  
3 transportation committee to:

4 (a) establish the transportation service areas within  
5 the county, without regard to district boundary lines, which  
6 will define the geographic area of responsibility for school  
7 bus transportation for each district that operates a school  
8 bus transportation program;

9 (b) approve, disapprove, or adjust the school bus  
10 routing submitted by the trustees of each district in  
11 conformity with the transportation service areas established  
12 in subsection (1)(a);

13 (c) approve, disapprove, or adjust applications,  
14 approved by the trustees, for increased reimbursements for  
15 individual transportation due to isolated conditions of the  
16 eligible transportee's residence; and

17 (d) conduct hearings to establish the facts of  
18 transportation controversies ~~which that~~ which that have been appealed  
19 from the decision of the trustees and act on ~~such the~~ such the  
20 appeals on the basis of the facts established at ~~such the~~ such the  
21 hearing; and

22 (e) approve or disapprove a pupil who lives within 3  
23 miles of an operating public school as an eligible  
24 transportee under the provisions of [section 1] for the  
25 purposes of transportation reimbursement under 20-10-141.

1 (2) After a fact-finding hearing and decision on a  
 2 transportation controversy, the trustees or a patron of the  
 3 district may appeal such the decision to the superintendent  
 4 of public instruction who shall render a decision on the  
 5 basis of the facts established at the county transportation  
 6 committee hearing.

7 (3) The trustees of any a district which that objects  
 8 to a particular school bus route or transportation service  
 9 area to which it has been assigned may request a transfer to  
 10 another school bus route or transportation service area. The  
 11 county transportation committee may transfer the territory  
 12 of such the district to an adjacent district's  
 13 transportation service area or approved school bus route  
 14 with the consent of such the adjacent district. When the  
 15 qualified electors of the district object to the decision of  
 16 the county transportation committee and the adjacent  
 17 district is willing to provide school bus service, 20% of  
 18 the qualified electors, as prescribed in 20-20-301, may  
 19 petition the trustees to conduct an election on the  
 20 proposition that the territory of such the district be  
 21 transferred for school bus transportation purposes to such  
 22 the consenting, adjacent district. When a satisfactory  
 23 petition is presented to the trustees, the trustees shall  
 24 call an election in accordance with 20-20-201 for the next  
 25 ensuing regular school election day. Such The election shall

1 must be conducted in accordance with the school election  
 2 laws. If a majority of those voting at such the election  
 3 approve the transfer, it ~~shall-become~~ becomes effective on  
 4 July 1 of the ensuing school fiscal year.

5 (4) Unless a transfer of a district from one  
 6 transportation service area or approved school bus route to  
 7 another such area or route is approved by the county  
 8 transportation committee and the superintendent of public  
 9 instruction, the state transportation reimbursement ~~shall-be~~  
 10 is limited to the reimbursement amount for school bus  
 11 transportation to the nearest operating public elementary  
 12 school or public high school, whichever is appropriate for  
 13 the affected pupils."

14 NEW SECTION. **Section 4.** Codification instruction.  
 15 [Section 1] is intended to be codified as an integral part  
 16 of Title 20, chapter 10, and the provisions of Title 20,  
 17 chapter 10, apply to [section 1].

18 NEW SECTION. **Section 5.** Effective date. [This act] is  
 19 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0960, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

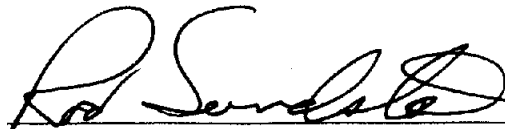
An act providing that a pupil who lives within 3 miles of the nearest public school may be approved by the trustees of the district and the county transportation committee as an eligible transportee for the purpose of school bus transportation if failure to provide transportation would expose the pupil to undue hazard; requiring mandatory approval in certain circumstances; amending sections 20-10-101 and 20-10-132, MCA; and providing an effective date.

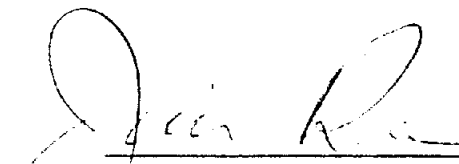
ASSUMPTIONS:

1. Transportation over-schedule costs were approximately \$10.9 million in FY89 and \$12 million in FY90.
2. This legislation would allow each district to determine transportees eligible for on-schedule reimbursement within the 3 mile limit.
3. Given local circumstances, it is impossible to predict:
  - a. The amount of current over-schedule cost which may become reimbursable as an on-schedule cost;
  - b. The costs associated with new routes that may be established to accommodate transportees deemed eligible under these provisions.

FISCAL IMPACT:

Unable to determine

  
ROD SUNDSTED, BUDGET DIRECTOR      2-22-91  
Office of Budget and Program Planning      DATE

  
JIM RICE, PRIMARY SPONSOR      2-23-91  
Fiscal Note for HB0960, as introduced      DATE  
HB 960