

HOUSE BILL NO. 310

Introduced: 01/18/83

Referred to Committee on Education & Cultural Resources: 01/18/83

Hearing: 1/24/83

Died in Committee

House BILL NO. *310*

INTRODUCED BY *Mark Fuller, Senator, Michael Vincent, House*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PUPIL WHO LIVES WITHIN 3 MILES OF THE NEAREST PUBLIC SCHOOL TO QUALIFY AS AN ELIGIBLE TRANSPORTEE FOR THE PURPOSES OF SCHOOL BUS TRANSPORTATION REIMBURSEMENT IF FAILURE TO PROVIDE TRANSPORTATION WOULD EXPOSE THE PUPIL TO UNDUE HAZARD; AMENDING SECTIONS 20-10-101 AND 20-10-132, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-10-101, MCA, is amended to read: "20-10-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (i) "Transportation" shall mean:
 - (a) a district's conveyance of a pupil by a school bus between his legal residence and the school designated by the trustees for his attendance;
 - (b) a district's conveyance of a pupil by a school bus between his regular school of attendance and the vocational-technical secondary schools designated by the trustees for his attendance if the secondary school is located in some other school district; or

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

(2) An "eligible transportee" shall mean a public school pupil who:

- (a) is not less than 5 years of age nor has attained his 21st birthday;
- (b) is a resident of the state of Montana;

(c) regardless of district and county boundaries, resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be, or resides less than 3 miles, over the shortest practical route, from the nearest appropriate operating public school but is approved as eligible by the county transportation committee under the provisions of [section 3]; and

(d) is deemed by law to reside with his parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.

(3) A "school bus" shall mean any motor vehicle which

1 is owned by a district or other public agency or by a
 2 carrier under contract with such a district or public agency
 3 and which complies with the bus standards established by the
 4 board of public education as determined by the Montana
 5 division of motor vehicles' semiannual inspection of school
 6 buses and the superintendent of public instruction."

7 Section 2. Section 20-10-132, MCA, is amended to read:

8 "20-10-132. Duties of the county transportation
 9 committee. (1) It shall be the duty of the county
 10 transportation committee to:

11 (a) establish the transportation service areas within
 12 the county, without regard to district boundary lines, which
 13 will define the geographic area of responsibility for school
 14 bus transportation for each district that operates a school
 15 bus transportation program;

16 (b) approve, disapprove, or adjust the school bus
 17 routing submitted by the trustees of each district in
 18 conformity with the transportation service areas established
 19 in subsection (1)(a);

20 (c) approve, disapprove, or adjust applications,
 21 approved by the trustees, for increased reimbursements for
 22 individual transportation due to isolated conditions of the
 23 eligible transportee's residences; and

24 (d) conduct hearings to establish the facts of
 25 transportation controversies which have been appealed from

1 the decision of the trustees and act on such appeals on the
 2 basis of the facts established at such hearing; and

3 ~~(c) approve or disapprove a pupil who lives within 3~~
 4 ~~miles of a public school as an eligible transportee under~~
 5 ~~[section 3] for the purposes of transportation reimbursement~~
 6 ~~under 20-10-141.~~

7 (2) After a fact-finding hearing and decision on a
 8 transportation controversy, the trustees or a patron of the
 9 district may appeal such decision to the superintendent of
 10 public instruction who shall render a decision on the basis
 11 of the facts established at the county transportation
 12 committee hearing.

13 (3) The trustees of any district which objects to a
 14 particular school bus route or transportation service area
 15 to which it has been assigned may request a transfer to
 16 another school bus route or transportation service area. The
 17 county transportation committee may transfer the territory
 18 of such district to an adjacent district's transportation
 19 service area or approved school bus route with the consent
 20 of such adjacent district. When the qualified electors of
 21 the district object to the decision of the county
 22 transportation committee and the adjacent district is
 23 willing to provide school bus service, 20% of the qualified
 24 electors, as prescribed in 20-20-301, may petition the
 25 trustees to conduct an election on the proposition that the

1 territory of such district be transferred for school bus
 2 transportation purposes to such consenting, adjacent
 3 district. When a satisfactory petition is presented to the
 4 trustees, the trustees shall call an election in accordance
 5 with 20-20-201 for the next ensuing regular school election
 6 day. Such election shall be conducted in accordance with the
 7 school election laws. If a majority of those voting at such
 8 election approve the transfer, it shall become effective on
 9 July 1 of the ensuing school fiscal year.

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

19 NEW SECTION. Section 3. Transportation of pupils in
 20 hazardous locations. (1) A pupil who is otherwise an
 21 eligible transportee under 20-10-101(2) but lives within 3
 22 miles of the nearest operating public elementary school or
 23 public high school may be considered an eligible transportee
 24 under 20-10-101(2) if failure to provide transportation
 25 would expose the pupil to undue hazard.

1 (2) To be approved as an eligible transportee under
 2 this section, the pupil's parent or guardian shall submit a
 3 request for transportation to the county transportation
 4 committee. The request must identify each hazard to the
 5 pupil if transportation to school is not available.

6 (3) The county transportation committee shall act
 7 individually on each request. If the committee approves a
 8 request, it shall cite each hazard recognized and the
 9 relationship of each hazard to the pupil.

10 NEW SECTION. Section 4. Codification instruction.
 11 Section 3 is intended to be codified as an integral part of
 12 Title 20, chapter 10, part 1, and the provisions of Title 20
 13 apply to section 3.

14 NEW SECTION. Section 5. Effective date. This act is
 15 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 158-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 83, there is hereby submitted a Fiscal Note for House Bill 310 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 310 is an act to allow a pupil who lives within three miles of the nearest public school to qualify as an eligible transportee for the purposes of school bus transportation reimbursement if failure to provide transportation would expose the pupil to undue hazard.

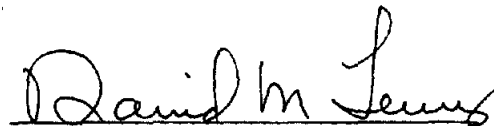
ASSUMPTIONS:

- 1) All students who live more than three miles from school are presently being transported (46,600 students).
- 2) The remaining 100,000 students are distributed uniformly within the area of a circle with a three mile radius.
 - (a) 46,600 - Over 3 miles.
 - (b) 61,000 - Between 2 and 3 miles.
 - (c) 20,000 - Between 1 and 2 miles.
 - (d) 19,000 - Under 1 miles.
- (3) Riding a bus to school is safer than walking. Therefore, all eligible transportees, except those within one mile will utilize school transportation.
- (4) Estimated cost per pupil mile is 8.8¢ in FY 1984 and 9.5¢ in FY 1985.
- (5) Estimated total state cost remain at 53% or 4.7¢ in FY 1984 and 5.0¢ in FY 1985.
- (6) Average per day distances travelled will be 10 miles for those residing between 2 and 3 miles. For those students residing between 1 and 2 miles, the average distance per day will be 6 miles.

FISCAL IMPACT:

	<u>FY 1984</u>	<u>FY 1985</u>
Expenditure		
One-third state reimbursement	\$2,058,600	\$2,190,200
40-mill county elementary loss	<u>4,117,200</u>	<u>4,380,400</u>
Total additional state obligation	<u>\$6,175,800</u>	<u>\$6,570,600</u>

Continued



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-24-83

LOCAL IMPACT:

Local contribution for the remaining 47%
of the projected cost would be:

<u>FY 1984</u>	<u>FY 1985</u>
\$5,476,653	\$5,826,758

TECHNICAL NOTE:

House Bill 310 provides no criteria or guidelines to the county transportation committee for them to use in determining what is hazardous. The assumptions used in this fiscal note assume a broad interpretation of hazardous, thus creating a "worst case" fiscal impact. A narrower interpretation would reduce the eligible participants and the associated cost.

STATE OF MONTANA

158-83

REQUEST NO. _____
Revised Fiscal Note

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 83, there is hereby submitted a Fiscal Note for House Bill 310 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 310, Amended, is an act to allow a pupil who lives within three miles of the nearest public school to qualify as an eligible transportee for the purposes of school bus transportation reimbursement if failure to provide transportation would expose the pupil to undue hazard.

ASSUMPTIONS:

- 1) All students who live more than three miles from school are presently being transported (46,600 students).
- 2) The remaining 100,000 students are distributed uniformly within the area of a circle with a three mile radius.
 - (a) 46,600 - Over 3 miles.
 - (b) 61,000 - Between 2 and 3 miles.
 - (c) 20,000 - Between 1 and 2 miles.
 - (d) 19,000 - Under 1 miles.
- 3) Riding a bus to school is safer than walking. Therefore, all eligible transportees, except those within one mile will utilize school transportation.
- 4) Estimated cost per pupil mile is 8.8¢ in FY 1984 and 9.5¢ in FY 1985.
- 5) Estimated total state cost remain at 23% or 2.1¢ in FY 1984 and 2.2¢ in FY 1985.
- 6) Average per day distances travelled will be 10 miles for those residing between 2 and 3 miles. For those students residing between 1 and 2 miles, the average distance per day will be 6 miles.

FISCAL IMPACT:

	<u>FY 1984</u>	<u>FY 1985</u>
Expenditure		
One-third state reimbursement	\$2,058,600	\$2,190,200
40-mill county elementary loss	<u>1,248,000</u>	<u>1,328,000</u>
Total additional state obligation	<u>\$3,306,600</u>	<u>\$3,518,200</u>

Continued

David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-28-83

LOCAL IMPACT:

	<u>FY 1984</u>	<u>FY 1985</u>
County High School Levy	\$1,338,000	\$1,423,000
Local District Obligations	<u>1,531,100</u>	<u>1,629,400</u>
Total	<u>\$2,869,100</u>	<u>\$3,052,400</u>

TECHNICAL NOTE:

House Bill 310 provides no criteria or guidelines to the county transportation committee for them to use in determining what is hazardous. The assumptions used in this fiscal note assume a broad interpretation of hazardous, thus creating a "worst case" fiscal impact. A narrower interpretation would reduce the eligible participants and the associated cost.