

HOUSE BILL NO. 324

1/22 Introduced
1/22 Referred to Education & Cultural Resources
1/23 Fiscal Note Requested
1/29 Fiscal Note Received
2/08 Hearing
2/21 Adverse Committee Report
2/22 Bill Killed

HOUSE BILL NO. 324

Fuller

INTRODUCED BY

Drady Thomas

Miles Kip Ed

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE 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

PURPOSES OF SCHOOL BUS TRANSPORTATION IF FAILURE TO PROVIDE

TRANSPORTATION WOULD EXPOSE THE PUPIL TO UNDUE HAZARD;

AMENDING SECTIONS 20-10-101 AND 20-10-132, MCA."

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

NEW SECTION. Section 1. Transportation of pupils in

hazardous locations. (1) A pupil who is otherwise an

eligible transportee under 20-10-101 but who lives within 3

miles of the nearest operating public elementary school or

public high school may be considered an eligible transportee

under 20-10-101 for purposes of school bus transportation

only if failure to provide transportation would expose the

pupil to undue hazard.

(2) For a pupil to be approved as an eligible

transportee under this section, the pupil's parent or

guardian, or the parents or guardians of more than one

pupil, shall submit to the trustees of the district a

request for transportation eligibility that includes:

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

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

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

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

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

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

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

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

(ii) if the request is approved, submit the request to the county transportation committee for final eligibility approval pursuant to 20-10-132 for transportation reimbursement under 20-10-141.

(b) A pupil must be approved as an eligible

Eubank
Wood
Moore
and
J. Brown
Stacy
Farell
W. Brown
B. Brown

Mark
Hope
Trist
Shoff
Raney
Harber
Just Moore
Bradley
Johnson
Joak



1 transportee under the provisions of this section if the
 2 pupil's only convenient route to the school is one that
 3 requires the pupil to travel along a road or street with no
 4 sidewalk or separate pathway and with a posted speed limit
 5 over 25 miles per hour.

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

12 Section 2. Section 20-10-101, MCA, is amended to read:
 13 "20-10-101. Definitions. As used in this title, unless
 14 the context clearly indicates otherwise, the following
 15 definitions apply:

16 (1) "Transportation" shall mean:

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

20 (b) a district's conveyance of a pupil by a school bus
 21 between his regular school of attendance and the
 22 vocational-technical secondary schools designated by the
 23 trustees for his attendance if the secondary school is
 24 located in some other school district; or

25 (c) "individual transportation" whereby a district is

1 relieved of actually conveying a pupil. Such individual
 2 transportation may include paying the parent or guardian for
 3 conveying the pupil, reimbursing the parent or guardian for
 4 the pupil's board and room, or providing supervised
 5 correspondence study or supervised home study.

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

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

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

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

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

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

3 (i) complies with the bus standards established by the
4 board of public education as verified by the Montana
5 division of motor vehicles' semiannual inspection of school
6 buses and the superintendent of public instruction; and

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

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

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

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

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

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

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

25 "20-10-132. Duties of the county transportation

1 committee. (1) It shall be the duty of the county
2 transportation committee to:

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

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

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

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

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

24 (2) After a fact-finding hearing and decision on a
25 transportation controversy, the trustees or a patron of the

1 district may appeal such decision to the superintendent of
2 public instruction who shall render a decision on the basis
3 of the facts established at the county transportation
4 committee hearing.

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

1 July 1 of the ensuing school fiscal year.

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

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

-End-

STATE OF MONTANA

REQUEST NO. FNN 180-85

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 1985, there is hereby submitted a Fiscal Note for H.B. 324 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 324 is an act which allows a pupil who lives within 3 miles of the nearest public school to be approved by the trustees of the district and the county transportation committee as an eligible transportee for the purposes of school bus transportation when the pupil is exposed to undue hazards in getting to and from school.

ASSUMPTIONS:

1. Seven major school districts represent the state statistically.
2. Based on data provided by those seven districts and extrapolated to the rest of state 13,967 additional students would be eligible for school bus transportation due to the "undue hazards" provision. It is assumed that all of these students would avail themselves of transportation.
3. 378 new buses would be required to transport the additional 13,967 students who would become eligible transportees.
4. The average cost per pupil transported is \$376.86.
5. There are 1681 school bus routes utilizing one bus per route and 61,982 students are transported per day.
6. The additional students would be broken into elementary and high school categories in the same ratio as total enrollment, 69% elementary and 21% high school.

FISCAL IMPACT:

Expenditures:	<u>FY 1986</u>	<u>FY 1987</u>
Current Law - State, county, district transportation fund	\$ 23,358,537	\$ 23,358,537
Proposed Law - State, county, district transportation fund	<u>39,634,477</u>	<u>28,634,577</u>
Change	\$ 16,276,040	\$ 5,276,040

1. Fiscal year 1986 is a larger amount because the additional cost of 378 new buses (\$11,000,000) is included.
2. The state would share one third of the on-schedule amount of \$5,276,040 per year. This would be an added general fund cost of \$1,758,680 for the state's share of the additional cost.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 29, 1985

HB 324

3. Assuming that 61% of the additional eligible transportees were elementary pupils, the elementary 28 mills levied for the school foundation program would be reduced thus requiring a general fund appropriation to the state school equalization fund for a like amount.

Revenues:	<u>FY 1986</u>	<u>FY 1987</u>
Current Law - State equalization aid account 28 mills	\$43,151,598	\$44,008,002
Proposed Law - State equalization aid account 28 mills	<u>42,078,803</u>	<u>42,935,207</u>
Change	\$ 1,072,795	\$ 1,072,795

1. The above amounts shown for FY 1986 and FY 1987 is the reduction in the 28 mill elementary levy which the state general fund would have to make up if all eligible transportees added under the proposed legislation were elementary students.

General Fund Cost:

	<u>FY 1986</u>	<u>FY 1987</u>
Increased 1/3 share of on schedule cost	\$1,758,680	\$1,758,680
Revenue loss- State Equalization	<u>1,072,795</u>	<u>1,072,795</u>
General Fund Required	<u>\$2,831,475</u>	<u>\$2,831,475</u>

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The county transportation fund levy will be required to assume \$3,517,360 of the additional on schedule costs required by the proposed legislation plus the additional cost of new buses.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

1. Increased demands will be made on transportation and bus reserve funds.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

N/A