

HOUSE BILL NO. 135
INTRODUCED BY K. FUREY
BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING TRANSPORTATION REIMBURSEMENTS FOR SCHOOL BUS ROUTES OPERATED WITHIN THE 3-MILE LIMIT FOR REASONS OF STUDENT SAFETY; ALLOWING REIMBURSEMENT FOR ROUTES OPERATED FOR THE PURPOSE OF CONVEYING PUPILS AMONG SCHOOL FACILITIES FOR CONVENIENCE AND EFFICIENT USE OF FACILITIES IN THE PROVISION OF K-12 EDUCATION; INCREASING RATES IN THE SCHEDULE OF MAXIMUM REIMBURSEMENT PER BUS MILE; AMENDING SECTIONS 20-10-122 AND 20-10-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-10-122, MCA, is amended to read:

"20-10-122. Discretionary provision of transportation and payment for this transportation. (1) The trustees of any district ~~also~~ may provide school bus transportation to any pupil of a public school who is not an eligible transportee of the district:

(a) on a school bus conveying eligible transportees when the ineligible transportee will not displace an eligible transportee from ~~such~~ the school bus because of the lack of seating capacity;

(b) on a school bus operated by the district for the sole purpose of providing transportation for ineligible transportees. ~~Such school bus shall service those children living the greatest distance from the school to be attended;~~ or

(c) on a school bus operated for the purpose of relieving congestion in a school building, ~~or~~ to avoid the necessity of erecting a new building school facility, to help ensure the safe transportation of pupils to and from school, or for any other reasons of economy, safety, or convenience.

(2) When the trustees of a district provide school bus transportation to an ineligible transportee under the conditions of subsection (1)(a) or (1)(b), the district may charge each ineligible transportee ~~his~~ a proportionate share, as determined by the trustees, of the cost of operating ~~such~~ the school bus. Money realized from ~~such~~ the payments ~~shall~~ must be deposited to the credit of the transportation fund.

(3) The trustees may provide transportation for an eligible or ineligible transportee who attends a school

of the district on a bus route operated for the purposes of relieving congestion in a school building, avoiding the need to erect a new school facility, or for any other reasons of economy, safety, or convenience. The bus routes must be operated only to transport pupils among instructional settings used by the school district on a regular basis and may not be operated to transport pupils for field trips or extracurricular activities.

(4) School bus routes established and operated by the trustees in compliance with provisions of this part and approved by the county transportation committee under 20-10-132 may be eligible for state and county transportation reimbursements provided by 20-10-141 whether or not riders are eligible transportees."

Section 2. Section 20-10-141, MCA, is amended to read:

"20-10-141. Schedule of maximum reimbursement by mileage rates. (1) The mileage rates in subsection (2) for school transportation constitute the maximum reimbursement to districts for school transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county transportation committee and the superintendent of public instruction.

(2) (a) The rate for each bus mile traveled must be determined in accordance with the following schedule:

- (i) ~~95 cents~~ \$1.05 for a school bus with a rated capacity of not more than 49 passenger seating positions;
- (ii) ~~\$1.15~~ \$1.27 for a school bus with a rated capacity of 50 to 59 passenger seating positions;
- (iii) ~~\$1.36~~ \$1.50 for a school bus with a rated capacity of 60 to 69 passenger seating positions;
- (iv) ~~\$1.57~~ \$1.73 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and
- (v) ~~\$1.80~~ \$1.98 for a school bus with 80 or more passenger seating positions.

(b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of ~~50~~ 55 cents a mile.

(3) The rated capacity is the number of passenger seating positions of a school bus as determined under the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with

disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based on the rated capacity of the bus prior to modification.

(4) The number of pupils riding the school bus may not exceed the passenger seating positions of the bus."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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