February 24, 2012

ENGROSSED
HOUSE BILL No. 1134

DIGEST OF HB 1134 (Updated February 23, 2012 12:41 pm - DI 58)

Citations Affected: IC 20-27; IC 20-46.

Synopsis: School transportation. Provides that no fee may be charged to a parent or student for transportation to and from school if a school corporation provides transportation or contracts with an educational service center to provide transportation. Provides that parent supplemental transportation contracts do not apply to transportation provided by an educational service center. Makes a technical correction concerning school bus replacement plans.

Effective: April 1, 2012; July 1, 2012.

Speedy, DeLaney
(SENATE SPONSORS — MILLER, KRUSE)

January 9, 2012, read first time and referred to Committee on Education.
January 25, 2012, amended, reported — Do Pass.
January 27, 2012, read second time, ordered engrossed. Engrossed.
January 30, 2012, read third time, passed. Yeas 92, nays 2.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Education and Career Development.
February 16, 2012, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 23, 2012, amended, reported favorably — Do Pass.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1134

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-27-5-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The governing body of a school corporation may provide transportation for students to and from school.

(b) If the governing body of a school corporation:

(1) provides transportation; or

(2) contracts with an educational service center (as defined by IC 20-20-1-2) to provide transportation;

no fee may be charged to a parent or student for transportation to and from school. However, a fee may be charged for transportation to and from an athletic, a social, or another school sponsored function.

SECTION 2. IC 20-27-6-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter does not apply to:

(1) a nonpublic school or to a nonpublic school bus driver contract executed for a nonpublic school; **or**

(2) an educational service center (as defined by IC 20-20-1-2) or a school bus driver contract executed for an educational service center.

SECTION 3. IC 20-46-5-12, AS ADDED BY P.L.234-2007, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If:

(1) a school corporation enters into a lease agreement with the Indiana bond bank for the lease of one (1) or more school buses under IC 5-1.5-4-1(a)(5);

(2) the lease agreement conforms with the school corporation's ~~ten (10)~~ **twelve (12)** year school bus replacement plan approved by the department of local government finance under section 9 of this chapter; and

(3) in the first full fiscal year after the effective date of the lease agreement, there would otherwise be a reduction in the levy in an amount equal to the difference between the total purchase price of the bus or buses and the total rental payment due under the lease agreement;

the levy in that fiscal year may not be reduced by the amount of the reduction.

(b) Any or all of the amount of that part of the levy may, on or before the end of the year of its collection, be:

(1) retained in the fund;

(2) transferred to the school transportation fund established under IC 20-40-6-4; or

(3) transferred to the capital projects fund established under IC 20-40-8-6.

SECTION 4. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-27-11-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school **from which the student can safely walk to and from the nonpublic school.**".

Page 1, delete lines 11 through 17.

Page 2, delete lines 1 through 37.

Page 3, delete lines 20 though 42, begin a new paragraph and insert:

"SECTION 3. IC 20-46-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 13. (a) As used in this section, "department" refers to the department of local government finance.**

(b) As used in this section, "participant" refers to a governing body of a school corporation that elects to participate in the drive train and lubricant maintenance school bus life extension program established under subsection (c).

(c) The drive train and lubricant maintenance school bus life extension program is established. A participant who applies to participate in the program under subsection (d) may be eligible to transfer an amount not to exceed the estimated savings that result from the use of a school bus or special use bus beyond the minimum useful life of the bus specified in the governing body's plan under section 8 of this chapter. The continued use of the bus must be justified with a drive train and lubricant annual report described in subsection (e).

(d) A governing body may elect to participate in the program

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established under subsection (c). To participate, a governing body must submit an application to the department on forms provided by the department.

(e) In addition to the application provided under subsection (d), the governing body must submit an annual report to the department, at a time specified by the department, that provides an estimate of the cost savings to the governing body resulting from extending the useful life of a school bus or special use bus beyond the minimum useful life of the bus specified by the governing body in its plan under section 8 of this chapter. The estimate of cost savings must include an annual drive train lubricants and cooling system fluids report that justifies that the bus is in good working condition. The report must be in accordance with ASTM standards by an operator certified by the International Organization for Standardization.

(f) After a governing body submits its application and the annual drive train lubricant and cooling system fluids report to the department, the department may determine the amount the governing body may transfer from its fund to its general operating fund. A governing body may transfer the amount determined by the department under this subsection from its fund to its general operating fund for the year specified by the department.

(g) The department shall establish standard criteria to value the cost savings to the governing body under this section. The governing body's estimate of cost savings submitted to the department under subsection (e) must be based on the standard criteria established under this subsection.

(h) The department may request from the governing body any information necessary to administer this section.

(i) The department may establish rules under IC 4-22-2 or guidelines necessary to administer this section.".

Delete page 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1134 as introduced.)

BEHNING, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, after "school." insert "**However, a fee may be charged for transportation to and from an athletic, a social, or another school sponsored function.**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-27-6-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter does not apply to:

(1) a nonpublic school or to a nonpublic school bus driver contract executed for a nonpublic school; **or**

(2) an educational service center (as defined by IC 20-20-1-2) or a school bus driver contract executed for an educational service center.".

Page 2, line 39, delete "and lubricant" and insert "**lubricant and cooling system fluids**".

Page 2, line 41, delete "and".

Page 2, line 41, after "lubricant" insert "**and cooling system fluids**".

Page 3, line 6, delete "and lubricant" and insert "**lubricant and cooling system fluids**".

Page 3, line 22, delete "standards by an operator certified by the International" and insert "**standards.**".

Page 3, delete line 23.

Page 3, line 27, after "from" delete "its" and insert "**the school corporation's**".

Page 3, line 27, after "to" delete "its" and insert "**the school corporation's**".

Page 3, line 29, after "from" delete "its" and insert "**the school corporation's**".

Page 3, line 29, after "to" delete "its" and insert "**the school corporation's**".

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Page 3, after line 39, begin a new paragraph and insert:
"SECTION 6. **An emergency is declared for this act.**".
Renumber all SECTIONS consecutively.

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1134 as printed January 25.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 3.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:
Page 2, delete lines 4 through 17.
Page 2, delete line 42.
Delete page 3.
Page 4, delete lines 1 through 9.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1134 as printed February 17, 2012.)

KENLEY, Chairperson

Committee Vote: Yeas 12, Nays 0.

C o p y