



January 25, 2012

HOUSE BILL No. 1134

DIGEST OF HB 1134 (Updated January 23, 2012 1:18 pm - DI 116)

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

Synopsis: Various education matters. 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 a school corporation that is required to provide transportation to a nonpublic student is required to provide the transportation to or 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. Establishes the drive train and lubricant maintenance school bus life extension program. Provides that a governing body of a school corporation may elect to participate in the program by submitting an application to the department of local government finance. Provides that a governing body may be eligible to transfer an amount not to exceed the estimated saving which results from the utilizing a school bus or special use bus beyond the useful life of the bus specified in the governing body's plan. Provides that a governing body must submit an annual report with an annual drive train and lubricant report to justify the estimated cost savings to the governing body. Provides that the department of local government finance may approve, deny, or modify the annual application. Provides that the governing body must provide the department of local government finance any information that is necessary for the department to administer the program. Requires the department to establish criteria for calculating a governing body's cost savings. Makes technical corrections.

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Effective: July 1, 2012; January 1, 2013.

Speedy, DeLaney

January 9, 2012, read first time and referred to Committee on Education.
January 25, 2012, amended, reported — Do Pass.

HB 1134—LS 6597/DI 92+



January 25, 2012

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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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:

1 SECTION 1. IC 20-27-5-2, AS ADDED BY P.L.1-2005, SECTION
2 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2012]: Sec. 2. (a) The governing body of a school corporation may
4 provide transportation for students to and from school.

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

6 **(1) provides transportation; or**

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

9 **no fee may be charged to a parent or student for transportation to**
10 **and from school.**

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

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

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

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

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

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

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

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

27 (1) retained in the fund;

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

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

32 SECTION 4. IC 20-46-5-13 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2013]: **Sec. 13. (a) As used in this section,**
 35 **"department" refers to the department of local government**
 36 **finance.**

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

41 (c) **The drive train and lubricant maintenance school bus life**
 42 **extension program is established. A participant who applies to**

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1 participate in the program under subsection (d) may be eligible to
2 transfer an amount not to exceed the estimated savings that result
3 from the use of a school bus or special use bus beyond the
4 minimum useful life of the bus specified in the governing body's
5 plan under section 8 of this chapter. The continued use of the bus
6 must be justified with a drive train and lubricant annual report
7 described in subsection (e).

8 (d) A governing body may elect to participate in the program
9 established under subsection (c). To participate, a governing body
10 must submit an application to the department on forms provided
11 by the department.

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

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

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

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

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

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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 through 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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