

HOUSE BILL No. 1134

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-27; IC 20-46-5.

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. Requires the state school bus committee to establish minimum standards requiring periodic sampling of drive train lubricants and cooling system fluids for school buses and special purpose buses. Specifies that the necessity for replacing a school bus must be documented based on the periodic sampling of drive train lubricants and cooling system fluids. Makes technical corrections.

Effective: July 1, 2012.

Speedy, DeLaney

January 9, 2012, read first time and referred to Committee on Education.

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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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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 20-27-7-9.5 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2012]: **Sec. 9.5. The committee shall establish minimum**
14 **standards requiring periodic sampling of drive train lubricants and**
15 **cooling system fluids for school buses and special purpose buses in**
16 **accordance with ASTM standards by an operator certified by the**
17 **International Organization for Standardization.**



1 SECTION 3. IC 20-46-5-8, AS AMENDED BY P.L.146-2008,
 2 SECTION 506, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The department of local
 4 government finance shall prescribe the format of the plan.

5 (b) A plan must apply to at least the twelve (12) budget years
 6 immediately following the year the plan is adopted.

7 (c) A plan must at least include the following:

8 (1) An estimate for each year to which it applies of the nature and
 9 amount of proposed expenditures from the fund.

10 (2) A presumption that the minimum useful life of a school bus is
 11 not less than twelve (12) years.

12 (3) An identification of:

13 (A) the source of all revenue to be dedicated to the proposed
 14 expenditures in the upcoming budget year; and

15 (B) the amount of property taxes to be collected in that year
 16 and the unexpended balance to be retained in the fund for
 17 expenditures proposed for a later year.

18 (4) If the school corporation is seeking to:

19 (A) acquire; or

20 (B) contract for transportation services that will provide;
 21 additional school buses or school buses with a larger seating
 22 capacity as compared with the number and type of school buses
 23 from the prior school year; evidence of a demand for increased
 24 transportation services within the school corporation. Clause (B)
 25 does not apply if contracted transportation services are not paid
 26 from the fund.

27 (5) If the school corporation is seeking to:

28 (A) replace an existing school bus earlier than twelve (12)
 29 years after the existing school bus was originally acquired; or

30 (B) require a contractor to replace a school bus;
 31 evidence that the need exists for the replacement of the school
 32 bus. Clause (B) does not apply if contracted transportation
 33 services are not paid from the fund.

34 (6) Evidence that the school corporation that seeks to acquire
 35 additional school buses under this section is acquiring or
 36 contracting for the school buses only for the purposes specified in
 37 subdivision (4) or for replacement purposes.

38 SECTION 4. IC 20-46-5-12, AS ADDED BY P.L.234-2007,
 39 SECTION 264, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If:

41 (1) a school corporation enters into a lease agreement with the
 42 Indiana bond bank for the lease of one (1) or more school buses

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- 1 under IC 5-1.5-4-1(a)(5);
 2 (2) the lease agreement conforms with the school corporation's ~~ten~~
 3 ~~(10)~~ **twelve (12)** year school bus replacement plan approved by
 4 the department of local government finance under section 9 of
 5 this chapter; and
 6 (3) in the first full fiscal year after the effective date of the lease
 7 agreement, there would otherwise be a reduction in the levy in an
 8 amount equal to the difference between the total purchase price
 9 of the bus or buses and the total rental payment due under the
 10 lease agreement;
 11 the levy in that fiscal year may not be reduced by the amount of the
 12 reduction.
 13 (b) Any or all of the amount of that part of the levy may, on or
 14 before the end of the year of its collection, be:
 15 (1) retained in the fund;
 16 (2) transferred to the school transportation fund established under
 17 IC 20-40-6-4; or
 18 (3) transferred to the capital projects fund established under
 19 IC 20-40-8-6.
 20 SECTION 5. IC 20-46-5-13 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2012]: **Sec. 13. Except as otherwise provided, the following apply**
 23 **to any expenditure from the fund:**
 24 (1) **The necessity for replacing a school bus must be**
 25 **documented based on the periodic sampling of drive train**
 26 **lubricants and cooling system fluids under IC 20-27-7-9.5.**
 27 (2) **If a school corporation is seeking to:**
 28 (A) **acquire; or**
 29 (B) **contract for transportation services that will provide;**
 30 **additional school buses or school buses with a larger seating**
 31 **capacity as compared with the number and type of school**
 32 **buses from the prior school year, the school corporation must**
 33 **provide evidence of a demand for increased transportation**
 34 **services within the school corporation.**
 35 (3) **If a school corporation is seeking to:**
 36 (A) **replace an existing school bus earlier than twelve (12)**
 37 **years after the existing school bus was originally acquired;**
 38 **or**
 39 (B) **require a contractor to replace a school bus;**
 40 **the school corporation must provide evidence that the need**
 41 **exists for the replacement of the school bus.**
 42 (4) **A school corporation that seeks to acquire or contract for**

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1 **additional school buses under this section must provide**
2 **evidence that the school corporation is acquiring or**
3 **contracting for the school buses only for the purposes**
4 **specified in subdivision (2) or for replacement purposes.**

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