

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 280

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Manny M. Aragon

AN ACT

**RELATING TO TRANSPORTATION; AMENDING THE PUBLIC SCHOOL CODE TO
ALLOW SCHOOL BUSES TO TRANSPORT THE GENERAL PUBLIC UNDER
CERTAIN CIRCUMSTANCES.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 22-8-26 NMSA 1978 (being Laws 1967,
Chapter 16, Section 76, as amended) is amended to read:**

"22-8-26. TRANSPORTATION DISTRIBUTION. --

**A. Money in the transportation distribution of the
public school fund shall be used only for the purpose of
making payments to each school district for the to-and-from
school transportation costs of students in grades kindergarten
through twelve attending public school within the school
district and of three- and four-year-old children who meet the
state board approved criteria and definition of**

. 135561. 1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 developmentally disabled and for transportation of students to
2 and from their regular attendance centers and the place where
3 vocational education programs are being offered.

4 B. In the event a school district's transportation
5 allocation exceeds the amount required to meet obligations to
6 provide to-and-from transportation, three- and four-year-old
7 developmentally disabled transportation and vocational
8 education transportation, fifty percent of the remaining
9 balance shall be deposited in the transportation emergency
10 fund.

11 C. Of the excess amount retained by the district,
12 at least twenty-five percent shall be used for to-and-from
13 transportation-related services, excluding salaries and
14 benefits, and up to twenty-five percent may be used for other
15 transportation-related services, excluding salaries and
16 benefits as defined by rule of the department.

17 D. In the event the sum of the proposed
18 transportation allocations to each school district exceeds the
19 amounts in the transportation distribution, the allocation to
20 each school district shall be reduced in the proportion that
21 the local school district allocation bears to the total
22 statewide transportation distribution.

23 E. Local school boards, with the approval of the
24 state transportation director, may provide additional
25 transportation services pursuant to Section 22-16-4 NMSA 1978

. 135561. 1

underscored material = new
[bracketed material] = delete

1 to meet established program needs.

2 F. Nothing in this section prohibits the use of
3 school buses to transport the general public pursuant to the
4 Emergency Transportation Act."

5 Section 2. Section 22-17-2 NMSA 1978 (being Laws 1974,
6 Chapter 38, Section 2) is amended to read:

7 "22-17-2. [~~CORPORATION~~] PUBLIC REGULATION COMMISSION
8 PERMITS. --

9 A. Subject to the Emergency Transportation Act,
10 the [~~state corporation~~] public regulation commission may
11 approve a permit application of a school district operating
12 its own school buses or of an independent school bus operator
13 who operates school buses under contract with a school
14 district for the operation of such buses for general public
15 transportation if the commission determines that:

16 (1) the school district operating its own
17 school buses or the independent school bus operator has
18 complied with laws, regulations and other requirements
19 governing transportation of the general public;

20 (2) existing public or private transportation
21 systems will not be adversely affected by the use of school
22 buses for general public transportation; and

23 (3) a public transportation emergency exists
24 within the proposed area of operation necessitating the use of
25 school buses for general public transportation.

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

B. Notice of approval or denial of the permit application shall be submitted to the state transportation director [~~of the state transportation division of the department of education~~] and to the applicant within ten days of final determination by the public regulation commission.

C. As used in the Emergency Transportation Act, "public transportation emergency" includes an event, open to the public, that attracts such a number of visitors and residents that:

(1) existing public transportation systems cannot adequately and timely transport the public to the event;

(2) private transportation systems are unavailable or prohibitively expensive; and

(3) the event and the surrounding area are likely to suffer economic hardship if school buses are not utilized pursuant to the Emergency Transportation Act."