

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CHANGING THE TRANSPORTATION FUNDING FORMULA; CREATING AN EMERGENCY FUND; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

B. In the event a school district's transportation allocation exceeds the amount required to meet obligations to provide to-and-from transportation, three- and four-year-old developmentally disabled transportation and vocational education transportation,

fifty percent of the remaining balance shall be deposited in the transportation emergency fund.

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

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

E. Local school boards, with the approval of the state transportation director, may provide additional transportation services pursuant to Section 22-16-4 NMSA 1978 to meet established program needs.

Section 2. Section 22-8-29 NMSA 1978 (being Laws 1967, Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--PAYMENTS.--

A. Prior to November 15 of each year, each local school board of a school district shall report to the state transportation director, upon forms furnished by the state transportation director, the following information

concerning the district's operation on the fortieth day of school:

(1) the number and designation of school bus routes in operation in the school district;

(2) the number of miles traveled by each school bus on each school bus route, showing the route mileage in accordance with the type of road surface traveled;

(3) the number of students transported on the fortieth day of school and adjusted for special education students on December 1;

(4) the projected number of students to be transported in the next school year;

(5) the seating capacity, age and mileage of each bus used in the district for student transportation; and

(6) the number of total miles traveled for each school district's per capita feeder routes.

B. Each local school board of a school district maintaining a school bus route shall make further reports to the state transportation director at other times specified by the state transportation director.

C. The state transportation director shall certify to the state superintendent that the allocations from the transportation distributions to each school district are based upon the transportation distribution

formula established in the Public School Code. The allocations for the first six months of a school year shall be based upon the tentative transportation budget of the school district for the current fiscal year. Allocations to a school district for the remainder of the school year shall adjust the amount received by the school district so that it equals the amount the school district is entitled to receive for the entire school year based upon the November 15 report and subject to audit and verification.

D. The department shall make periodic installment payments to school districts during the school year from the transportation distributions, based upon the allocations certified by the state transportation director."

Section 3. Section 22-8-29.1 NMSA 1978 (being Laws 1995, Chapter 208, Section 10, as amended) is amended to read:

"22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION. --

A. As used in this section:

(1) "annual variables" means the coefficients calculated by regressing the total operational expenditures from two years prior to the current school year for each school district using the number of students transported and the numerical value of site characteristics;

(2) "base amount" means the fixed amount that is the same for all school districts;

(3) "total operational expenditures" means the sum of all to-and-from school transportation expenditures, excluding expenditures incurred in accordance with the provisions of Section 22-8-27 NMSA 1978; and

(4) "variable amount" means the sum of the product of the annual variables multiplied by each school district's numerical value of the school district's site characteristics multiplied by the number of days of operation for each school district.

B. The department shall calculate the transportation allocation for each school district.

C. The base amount is designated as product A. Product A is the constant calculated by regressing the total operations expenditures from the two years prior to the current school year for school district operations using the numerical value of site characteristics approved by the state board. The legislative education study committee and the legislative finance committee may review the site characteristics developed by the state transportation director prior to approval by the state board.

D. The variable amount is designated as product B. Product B is the predicted additional expenditures for each school district based on the regression analysis using the site characteristics as predictor variables multiplied by the number of days.

E. The allocation to each school district shall

be equal to product A plus product B.

F. For the 1999-2000, 2000-2001 and 2001-2002 school years, the transportation allocation for each school district shall not be less than one hundred percent or more than one hundred fifteen percent of the 1998-1999 school year's transportation expenditure.

G. The adjustment factor shall be applied to the allocation amount determined pursuant to Subsections E and F of this section."

Section 4. Section 22-8-29.4 NMSA 1978 (being Laws 1995, Chapter 208, Section 13) is amended to read:

"22-8-29.4. TRANSPORTATION DISTRIBUTION ADJUSTMENT FACTOR. --

A. The state superintendent shall establish a transportation distribution adjustment factor. The adjustment factor shall be calculated as follows:

(1) calculate the unadjusted transportation allocation for each school district, previously designated as product A plus product B;

(2) the sum total of product A plus product B in all school districts added together equals product C; and

(3) subtract product C from the total operational transportation distribution for the current year and divide the result by product C and then add 1 in the following manner:

"[(total operational transportation distribution - C) ÷ C] + 1". The result is the transportation distribution adjustment factor.

B. As used in this section, "total operational transportation distribution" means the total legislative appropriation for the transportation distribution minus amounts included for capital outlay expenses."

Section 5. Section 22-8-29.6 NMSA 1978 (being Laws 1995, Chapter 208, Section 15) is amended to read:

"22-8-29.6. TRANSPORTATION EMERGENCY FUND. --

A. The "transportation emergency fund" is created in the state treasury. Money in the fund shall not revert to the general fund at the end of any fiscal year. Money in the fund is appropriated to the department for the purpose of funding transportation emergencies. The state superintendent shall make distributions only to ensure the safety of students receiving to-and-from transportation services.

B. The state superintendent shall account for all transportation emergency distributions and shall make full reports to the governor, the legislative education study committee and the legislative finance committee of payments made."

Section 6. REPEAL. -- Sections 22-8-29.2, 22-8-29.3 and 22-8-29.5 NMSA 1978 (being Laws 1995, Chapter 208, Sections 11, 12 and 14) are repealed.

Section 7. DELAYED REPEAL. --Section 22-8-29 NMSA 1978
(being Laws 1967, Chapter 16, Section 78, as amended) is
repealed effective July 1, 2001.

Section 8. EMERGENCY. --It is necessary for the public
peace, health and safety that this act take effect
immediately. _____