

Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report.

Passed the House May 24, 1983.

Passed the Senate May 24, 1983.

Approved by the Governor June 13, 1983.

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CHAPTER 61

[Substitute House Bill No. 296]
SCHOOL TRANSPORTATION

AN ACT Relating to school transportation; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 10, chapter 265, Laws of 1981 and RCW 28A.24.055; amending section 1, chapter 265, Laws of 1981 and RCW 28A.41.505; amending section 2, chapter 265, Laws of 1981 and RCW 28A.41.510; amending section 3, chapter 265, Laws of 1981 and RCW 28A.41.515; amending section 4, chapter 265, Laws of 1981 as amended by section 2, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.520; amending section 5, chapter 265, Laws of 1981 as amended by section 3, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.525; amending section 8, chapter 264, Laws of 1981 and RCW 28A.44.220; and repealing section 12, chapter 265, Laws of 1981 and RCW 28A.04.350.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 10, chapter 265, Laws of 1981 and RCW 28A.24.055 are each amended to read as follows:

The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses (~~(in an amount not exceeding one thousand dollars per person per injury)~~) for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

Sec. 2. Section 1, chapter 265, Laws of 1981 and RCW 28A.41.505 are each amended to read as follows:

Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.41.505 through 28A.41.520 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.41.505 through 28A.41.520 shall be funded at one hundred percent or as close thereto as reasonably possible for ~~((the following pupil transportation services:~~

~~((1)) transportation of an eligible student ((from the student's assigned route stop to the student's school at the beginning of the student's school day, and from the student's school to the student's assigned route stop at the end of the school day in a transportation vehicle. Recognition of nonpassenger miles shall be included as part of transportation)) to and from school as defined in RCW 28A.41.510(3).~~

~~((2) Transportation between schools or learning centers of students whose basic education or other programs are offered in two or more locations. Field trips are not eligible for funds allocated for transportation costs.~~

~~(3) Transportation for student participants in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity pursuant to RCW 28A.58.125, as now or hereafter amended, if eligible for state transportation funding under rules adopted by the state board of education.~~

~~Operational costs, as determined under RCW 28A.41.505 through 28A.41.520, for those pupil transportation services provided for in subsection (1) of this section shall be funded state-wide at one hundred percent before any funds are provided for operating costs of services provided for in subsections (2) and (3) of this section.)~~

Sec. 3. Section 2, chapter 265, Laws of 1981 and RCW 28A.41.510 are each amended to read as follows:

For purposes of RCW 28A.41.505 through 28A.41.525, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.24.100 whose ~~((residence or assigned))~~ route stop is more than one radius mile from the student's school, except if the student to be transported: (a) Is handicapped under RCW 28A.13.010, as now or hereafter amended, and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies; or (b) qualifies for an exemption due to hazardous walking conditions.

(2) ~~((("Nonpassenger miles" means road miles necessary for the following purposes when no student is being transported in a vehicle: (a) Inspection of vehicles by the state patrol; (b) mileage incurred as a result of major~~

~~maintenance repairs; (c) mandated bus driver training; and (d) mileage between a school, bus garage, or storage facility and the first student route stop and the mileage between the last student route stop and the school, bus garage, or storage facility.~~

~~(3)) "Superintendent" means the superintendent of public instruction.~~

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.58.075;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of handicapped students to and from schools and agencies for special education services.

Extended day transportation shall not be considered part of transportation of students "to and from school" for the purposes of this 1983 act.

(4) "Hazardous walking conditions" means those instances of the existence of dangerous walkways documented by the board of directors of a school district which meet criteria specified in rules adopted by the superintendent of public instruction. A school district that receives an exemption for hazardous walking conditions should demonstrate that good faith efforts are being made to alleviate the problem and that the district, in cooperation with other state and local governing authorities, is attempting to reduce the incidence of hazardous walking conditions. The superintendent of public instruction shall appoint an advisory committee to prepare guidelines and procedures for determining the existence of hazardous walking conditions. The committee shall include but not be limited to representatives from law enforcement agencies, school districts, the department of transportation, city and county government, the insurance industry, parents, school directors and legislators.

Sec. 4. Section 3, chapter 265, Laws of 1981 and RCW 28A.41.515 are each amended to read as follows:

Each district shall submit to the superintendent of public instruction ~~((by May 1st))~~ during October of each year a report containing the following:

(1)(a) The number of eligible students ((anticipated to be eligible for)) transported to and from school ((transportation)) as provided for in RCW ((28A.41.505(+)) 28A.41.505 for the ((ensuing)) current school year and the number of miles estimated to be driven for pupil transportation services, along with a map describing student route stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.41.505 the previous school year; and

~~(2) ((The actual number of miles driven for pupil transportation services provided for in RCW 28A.41.505(2) during the current school year, and the number of miles anticipated for the ensuing school year for such services;~~

~~(3) The number of scheduled miles for pupil transportation services provided for in RCW 28A.41.505(3) for the ensuing school year. Miles reported shall be limited to those that are scheduled and required for participation in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary non-profit entity, and approved for state transportation funding by the state board of education; and~~

~~(4)) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district.~~

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 5. Section 4, chapter 265, Laws of 1981 as amended by section 2, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.520 are each amended to read as follows:

Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for ~~((each district))~~ determining the transportation allocation for those services provided for in RCW 28A.41.505. "Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate ~~((may consist of no more than eight differential rates state-wide, as determined by the superintendent, and shall))~~ may be adjusted to include ((but not be limited to)) such additional differential factors as ((climate and terrain)) distance; restricted passenger load; ((nonpassenger miles, and the costs of insurance, district or contracted employee salaries, and benefits; maintenance, fuel, supplies, and materials to the extent that they are not under the direct control of the district. The standard student mile allocation rate shall be used to determine the transportation allocation for those services provided for in RCW 28A.41.505(1)) circumstances that require use of special types of transportation vehicles; handicapped student load; and small fleet maintenance.

~~(2) ((The superintendent shall annually calculate a standard unit mile rate for each district. "Standard unit mile rate," as used in this section, means the cost of operating an approved transportation vehicle for one mile. The standard unit mile rate may consist of no more than eight differential rates state-wide, as determined by the superintendent, and shall be based on the factors used in subsection (1) of this section. The standard unit mile~~

rate shall be used to determine the transportation allocation for those services provided for in RCW 28A.41.505(2) and (3). For purposes of allocating funds for RCW 28A.41.505(2), the superintendent shall use the average number of miles reported by the district for the two school years, excluding field trips.

(3)) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the student mile ((and unit mile)) allocation rate((s)) to be used the following year.

Sec. 6. Section 5, chapter 265, Laws of 1981 as amended by section 3, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.525 are each amended to read as follows:

((The superintendent shall determine the preliminary, estimated student transportation allocation for each district and notify districts of their preliminary student transportation allocation by June 15. By the following October 15th, every district shall notify the superintendent of any changes in the data utilized in calculating the preliminary student transportation allocation:)) The superintendent shall ((then make necessary corrections and shall)) notify districts of their ((final)) student transportation allocation before ((the following)) December ((1st)) 15th. If the number of eligible students in a school district changes ten percent or more from the ((final)) October ((15 number)) report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction. The superintendent shall, to the extent funds are available, recalculate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.48.010, as now or hereafter amended. Such allocation payments may be based on estimated amounts for payments to be made in September, October, November, and December. For the 1982-83 school year, no school district shall receive a reduction or increase in funds of over three percent of what it received the previous year as adjusted to its proportional share of funds appropriated by the legislature for 1982-83 transportation services.

Sec. 7. Section 8, chapter 264, Laws of 1981 and RCW 28A.44.220 are each amended to read as follows:

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW 28A.44.150 through 28A.44.230 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all handicapped and nonhandicapped students residing in the nonhigh

school district who attend a high school district pursuant to RCW 28A.58-.230, as now or hereafter amended, and for the transportation of such students by a high school district (~~as is required by RCW 28A.24.055, as now or hereafter amended~~).

NEW SECTION. Sec. 8. Section 12, chapter 265, Laws of 1981 and RCW 28A.04.350 are each repealed.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House May 18, 1983.

Passed the Senate May 6, 1983.

Approved by the Governor June 13, 1983.

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CHAPTER 62

[Engrossed Substitute House Bill No. 466]

HOMEOWNER'S PROPERTY TAX RELIEF ACT—INVENTORY TAX PHASEOUT—IMPACT LESSENER

AN ACT Relating to inventories; amending section 4, chapter 169, Laws of 1974 ex. sess. as last amended by section 1, chapter 174, Laws of 1982 and RCW 82.04.443; amending section 4, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.040; amending section 9, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.405; adding a new section to chapter 84.09 RCW; adding new sections to chapter 84.33 RCW; adding new sections to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; adding new sections to chapter 84.55 RCW; creating a new section; repealing section 2, chapter 169, Laws of 1974 ex. sess., section 8, chapter 196, Laws of 1979 ex. sess., section 1, chapter 12, Laws of 1982 2nd ex. sess. and RCW 82.04.442; repealing section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400; making an appropriation; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) This act shall be known as the homeowner's property tax relief act of 1983.

(2) The intent of the inventory tax phaseout was to stimulate the economy of the state and to increase the revenues of the state and local taxing districts by attracting new business, encouraging the expansion of existing businesses thereby increasing economic activity and tax revenue on noninventory property. The inventory tax phaseout will cause certain unforeseen and heretofore unprepared for tax shifts among property owners.

(3) This act is intended to lessen the impact of the property tax shift. Relief is provided by the following means:

(a) The state will provide fourteen million dollars over a four-year period to lessen the impact on the most severely affected districts.

(b) Persons purchasing timber on public lands after August 1, 1982, are required to continue to pay property tax on those timber inventories. They