

LESC bill analyses are available on the New Mexico Legislature website (www.nmlegis.gov). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>SB321/SECS/aSFC</u>	Sponsor	<u>SEC</u>
Tracking Number	<u>.213040.4</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>School Bus Air Conditioners</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>1/25/19</u>
		Last Updated	<u>3/6/19</u>

BILL SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee Amendment to Senate Education Committee Substitute for SB321 (SB321/SECS/aSFC) strikes the appropriation and emergency clause from the original bill, and would require air conditioning in school buses purchased after July 1, 2020, if they are operated in school districts where temperatures are regularly hot enough to pose a risk to students, if the school buses did not have air conditioning.

Synopsis of Original Bill

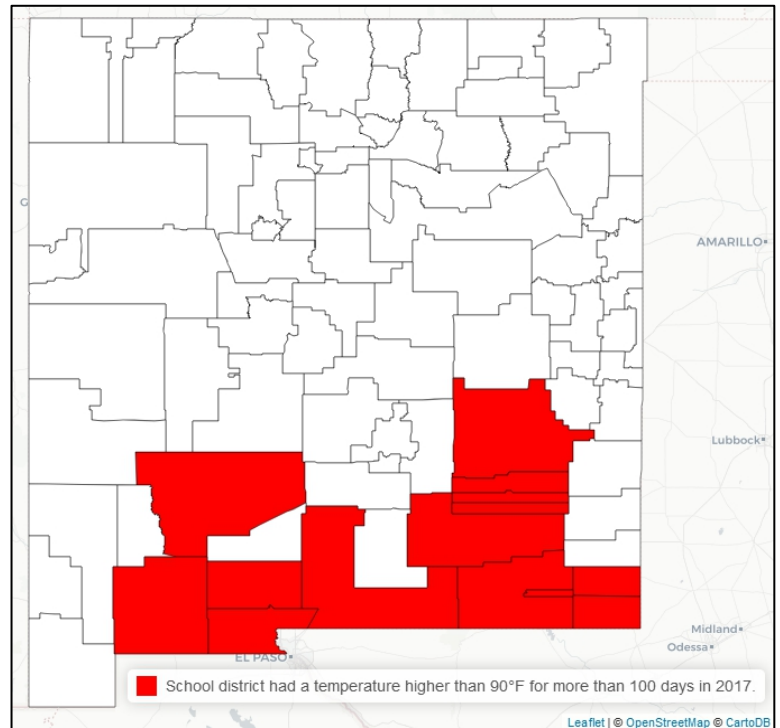
*SB321/SECS would require that school buses purchased on or after July 1, 2019, be equipped with air conditioning if they are operated in school districts where temperatures are regularly hot enough to pose a risk to students if the school buses did not have air conditioning. The bill also places seat capacity requirements on school districts and school bus contractors, allowing two or three students per seat only when the students' combined seated width is not more than the actual width of the seat. The Public Education Department (PED) would be required to promulgate rules to provide for the reimbursement of any school district or school bus contractor that buys a new school bus with air conditioning or retrofits an old bus with air conditioning and for the training of drivers regarding the legal capacity and reporting overloaded buses.

FISCAL IMPACT

SB321/SECS/aSFC does not contain an appropriation.

PED staff estimates the cost of one school bus without air conditioning is \$85 thousand, and a bus with air conditioning system would cost approximately \$93 thousand per bus. The 2020 Legislature will appropriate funds for the purchase of school district-owned school buses in FY21. Contractor-owned buses are amortized over a 5-year period based on their purchase price. By increasing the initial cost of school buses, SB321/SECS/aSFC would also increase rental fees the state pays to school bus contractors by approximately \$1,900 per bus per year, with the full impact being realized at the end of the state's 12-year replacement cycle. The number of buses equipped with air conditioning to be purchased each year will be determined by department rule.

SB321/SECS/aSFC would require PED to determine which school districts are regularly hot enough to pose a risk to students if school buses do not have air conditioning, though the bill does not give the department any parameters to assess the risk. The National Oceanic and Atmospheric Administration (NOAA) publishes temperature data for every weather station in New Mexico and makes that data readily available to the public. As an example of a standard the department could set using this data, weather stations in 14 school districts showed the school district had a temperature above 90°F for more than 100 days in 2017. Those school districts (highlighted in red on the map to the right) use a combination of school district-owned and contractor-owned school buses.



If PED used the above criteria to determine which school districts are required to purchase school buses with air conditioners, the increased cost of new buses in FY21 would be approximately \$32 thousand for four new school buses. The increase in rental fees for school bus contractors in those school districts would be about \$1,900 per bus. With contractors in hotter-than-average districts scheduled to replace 19 buses in FY21, the increase to school bus contractor rental fees will be about \$36 thousand in FY21. SB321/SECS/aSFC does not provide for the retrofitting of school buses with air conditioning, though PED could provide for this in administrative rule.

SUBSTANTIVE ISSUES

The decision to purchase school buses with air conditioning systems has historically been made by local school districts and school bus contractors. Not all school buses in the state are equipped with air conditioning; school district transportation officials report PED has not covered the cost of air conditioning in school buses, requiring school districts to decide whether to use operational funding to pay the additional cost for school bus air conditioning.

Creating a law regulating students' combined seat width could create a burden on school districts and school bus contractors to measure the width of students on school buses nearing capacity.

ADMINISTRATIVE IMPLICATIONS

PED would be required to promulgate rules to define which school districts are required to purchase buses with air conditioning.

It is unclear how the changes to school bus capacity will affect school districts, or whether school buses are currently seating more than three students per seat due to capacity issues. If school districts or school bus contractors are currently overloading buses, SB321/SECS/aSFC may require school districts and school bus contractors to reevaluate school bus routes to ensure the bill's seating requirements are being met, and potentially add more buses if capacity is exceeded.

TECHNICAL ISSUES

Section 1, Subsection C of SB321/SECS/aSFC requires new drivers to be trained in determining the legal capacity of a school bus, but the bill would not require current drivers to receive training. The sponsor may wish to amend the bill to require training for all school bus drivers.

RELATED BILLS

SB156, School Bus Seat Belts, makes an appropriation and would require all school buses purchased after July 1, 2019, to be equipped with seat belts for all passengers.

HB24, Monitoring for School Bus Illegal Passes, would require every school bus to be equipped with a camera to record license plates of drivers who illegally pass the school bus.

HB265, Seat Belts in School Buses, would require all school buses purchased after July 1, 2020, to be equipped with seat belts for all passengers.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)

TB/mc/mhg