

1 HB291
2 147742-1
3 By Representative Hurst
4 RFD: Education Policy
5 First Read: 19-FEB-13

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8 SYNOPSIS: Under existing law, the State Board of
9 Education is responsible for prescribing rules
10 regarding the transportation of students.

11 This bill would require the board to
12 prescribe a rule mandating the presence of a second
13 adult on each school bus during the transportation
14 of pupils to and from school or school-related
15 activities.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 16-27-1, Code of Alabama 1975,
16 relating to the transportation of public school students; to
17 require the presence of a second adult on a school bus when
18 children are present; and in connection therewith to have as
19 its purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official Recompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 16-27-1 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§16-27-1.

1 "The State Board of Education shall prescribe rules
2 and regulations to accomplish all of the following:

3 "(1) Requiring all local boards of education which
4 provide transportation services for pupils going to and from
5 public elementary and secondary schools of Alabama or in
6 school-related activities, and the presidents of all state
7 community, junior, and technical colleges and directors of all
8 state technical institutes and trade schools which provide
9 transportation services for pupils going to and from ~~said~~
10 technical institutes and trade schools or community, junior,
11 and technical colleges to employ a competent supervisor or
12 manager of such transportation services, whether such
13 transportation services are provided in publicly owned or
14 privately owned buses~~;~~.

15 "(2) Requiring the periodic safety inspection of all
16 vehicles used for transporting pupils, whether such vehicles
17 are publicly or privately owned~~;~~.

18 "(3) Requiring and providing for special training
19 and licensing of drivers of all vehicles used to transport
20 pupils to and from school and in all school-related
21 activities, whether such vehicles are publicly owned and
22 operated or operated under contract with a private owner.

23 "(4) Requiring the presence of a second adult, in
24 addition to the school bus driver, on each school bus during
25 the transportation of pupils to and from school or
26 school-related activities."

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill requires expenditures only by a school board.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.