

STATE OF NEW YORK

8467

IN SENATE

February 1, 2024

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, the local finance law, the environmental conservation law and the public authorities law, in relation to removing references related to the electric school bus mandate; and to repeal certain provisions of the education law, the local finance law, the public authorities law and the environmental conservation law relating to electric busses; and authorizing a study by the New York state energy research and development authority to determine the feasibility of converting school busses to zero-emission vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3638 of the education law is REPEALED.

2 § 2. Paragraph f of subdivision 2 of section 3623-a of the education
3 law is REPEALED.

4 § 3. Paragraph e of subdivision 7 of section 3602 of the education
5 law, as amended by section 3 of subpart A of part B of chapter 56 of the
6 laws of 2022, is amended to read as follows:

7 e. In determining approved transportation capital, debt service and
8 lease expense for aid payable in the two thousand five--two thousand six
9 school year and thereafter, the commissioner, after applying the
10 provisions of paragraph c of this subdivision to such expense, shall
11 establish an assumed amortization pursuant to this paragraph to deter-
12 mine the approved capital, debt service and lease expense of the school
13 district that is aidable in the current year, whether or not the school
14 district issues debt for such expenditures, subject to any deduction
15 pursuant to paragraph d of this subdivision. Such assumed amortization
16 shall be for a period of five years, [~~and for the two thousand twenty-~~
17 ~~two--two thousand twenty-three school year and thereafter such assumed~~
18 ~~amortization for zero-emission school buses as defined in section thir-~~
19 ~~ty-six hundred thirty-eight of this article and related costs pursuant~~
20 ~~to paragraph f of subdivision two of section thirty-six hundred twenty-~~
21 ~~three-a of this article shall be for a period of twelve years,~~] and
22 shall commence twelve months after the school district enters into a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 purchase contract or lease of the school bus~~[, charging station, hydro-~~
2 ~~gen fueling station]~~, or equipment, or a general contract for the
3 construction, reconstruction, lease or purchase of a transportation
4 storage facility or site in an amount less than ten thousand dollars.
5 Such assumed amortization shall provide for equal semiannual payments of
6 principal and interest based on an assumed interest rate established by
7 the commissioner pursuant to this paragraph. By the first day of Septem-
8 ber of the current year commencing with the two thousand five--two thou-
9 sand six school year, each school district shall provide to the commis-
10 sioner in a format prescribed by the commissioner such information as
11 the commissioner shall require for all capital debt incurred by such
12 school district during the preceding school year for expenses allowable
13 pursuant to subdivision two of section thirty-six hundred twenty-three-a
14 of this article. Based on such reported amortizations and a methodology
15 prescribed by the commissioner in regulations, the commissioner shall
16 compute an assumed interest rate that shall equal the average of the
17 interest rates applied to all such debt issued during the preceding
18 school year. The assumed interest rate shall be the interest rate of
19 each such school district applicable to the current year for the
20 purposes of this paragraph and shall be expressed as a decimal to five
21 places rounded to the nearest eighth of one-one hundredth.

22 § 4. Subparagraph 7 of paragraph e of subdivision 1 of section 3623-a
23 of the education law, as amended by section 4 of subpart A of part B of
24 chapter 56 of the laws of 2022, is amended to read as follows:

25 (7) fuel, oil, tires, chains, maintenance and repairs for school
26 buses~~[, provided that for purposes of this article, fuel shall include~~
27 ~~electricity used to charge or hydrogen used to refuel zero-emission~~
28 ~~school buses for the aidable transportation of pupils, but shall not~~
29 ~~include electricity or hydrogen used for other purposes]~~;

30 § 5. Subdivision 29 of paragraph a of section 11.00 of the local
31 finance law is REPEALED.

32 § 6. Subdivision 21-a of section 1604 of the education law, as amended
33 by section 6 of subpart A of part B of chapter 56 of the laws of 2022,
34 is amended to read as follows:

35 21-a. To lease a motor vehicle or vehicles to be used for the trans-
36 portation of the children of the district from a school district, board
37 of cooperative educational services or county vocational education and
38 extension board or from any other source, under the conditions specified
39 in this subdivision. No such agreement for the lease of a motor vehicle
40 or vehicles shall be for a term of more than one school year, provided
41 that when authorized by a vote of the qualified voters of the district
42 such lease may have a term of up to five years~~[, or twelve years for the~~
43 ~~lease of zero-emission school buses as defined in section thirty-six~~
44 ~~hundred thirty-eight of this chapter]~~. Where the trustee or board of
45 trustees enter into a lease of a motor vehicle or vehicles pursuant to
46 this subdivision for a term of one school year or less, such trustee or
47 board shall not be authorized to enter into another lease for the same
48 or an equivalent replacement vehicle or vehicles, as determined by the
49 commissioner, without obtaining approval of the qualified voters of the
50 school district.

51 § 7. Paragraph i of subdivision 25 of section 1709 of the education
52 law, as amended by section 7 of subpart A of part B of chapter 56 of the
53 laws of 2022, is amended to read as follows:

54 i. In addition to the authority granted in paragraph e of this subdi-
55 vision, the board of education shall be authorized to lease a motor
56 vehicle or vehicles to be used for the transportation of the children of

1 the district from sources other than a school district, board of cooper-
2 ative educational services or county vocational education and extension
3 board under the conditions specified in this paragraph. No such agree-
4 ment for the lease of a motor vehicle or vehicles shall be for a term of
5 more than one school year, provided that when authorized by a vote of
6 the qualified voters of the district such lease may have a term of up to
7 five years[~~, or twelve years for the lease of zero emission school buses~~
8 ~~as defined in section thirty six hundred thirty eight of this chapter~~].

9 Where the board of education enters a lease of a motor vehicle or vehi-
10 cles pursuant to this paragraph for a term of one school year or less,
11 such board shall not be authorized to enter into another lease of the
12 same or an equivalent replacement vehicle or vehicles, as determined by
13 the commissioner, without obtaining approval of the voters.

14 § 8. Subdivision 29-a of paragraph a of section 11.00 of the local
15 finance law, as amended by section 8 of subpart A of part B of chapter
16 56 of the laws of 2022, is amended to read as follows:

17 29-a. Transit motor vehicles. The purchase of municipally owned omni-
18 bus or similar surface transit motor vehicles, ten years[~~, and the~~
19 ~~purchase of zero emission school buses owned by a school district~~
20 ~~defined pursuant to paragraph two of section 2.00 of this chapter, a~~
21 ~~city school district with a population of more than one hundred twenty~~
22 ~~five thousand inhabitants, or board of cooperative educational services,~~
23 ~~twelve years~~].

24 § 9. Subdivisions 22 and 23 of section 1854 of the public authorities
25 law are REPEALED.

26 § 10. Section 1884 of the public authorities law is REPEALED.

27 § 11. Section 58-0701 of the environmental conservation law, as
28 amended by section 7 of part 00 of chapter 58 of the laws of 2022, is
29 amended to read as follows:

30 § 58-0701. Allocation of moneys.

31 Of the moneys received by the state from the sale of bonds pursuant to
32 the environmental bond act of 2022, up to one billion five hundred
33 million dollars (\$1,500,000,000) shall be made available for disburse-
34 ments for climate change mitigation projects developed pursuant to
35 section 58-0703 of this title. Not less than four hundred million
36 dollars (\$400,000,000) of this amount shall be available for green
37 buildings projects, not less than one hundred million dollars
38 (\$100,000,000) for climate adaptation and mitigation projects pursuant
39 to paragraph c of subdivision one of section 58-0703 of this title, not
40 less than two hundred million dollars (\$200,000,000) shall be available
41 for disbursement to reduce or eliminate water pollution or air pollution
42 affecting disadvantaged communities pursuant to paragraphs f and g of
43 subdivision one of section 58-0703 of this title[~~, and not less than~~
44 ~~five hundred million dollars (\$500,000,000) for costs associated with~~
45 ~~the purchase of or conversion to zero emission school buses and support-~~
46 ~~ing infrastructure as set forth in paragraph h of subdivision one of~~
47 ~~section 58-0703 of this title~~].

48 § 12. Paragraph h of subdivision 1 of section 58-0703 of the environ-
49 mental conservation law is REPEALED.

50 § 13. 1. The New York state energy research and development authority
51 (NYSERDA) is hereby directed to study and make recommendations on the
52 feasibility of converting school busses in the state of New York to
53 zero-emission vehicles.

54 2. Such study shall include, but not be limited to:

55 (a) analysis of the feasibility of conversion in rural, suburban, or
56 urban school districts;

1 (b) the costs of supporting the necessary infrastructure for zero-em-
2 ission school busses; and

3 (c) the costs of upgrading or replacing conventional school busses
4 with zero-emission school busses.

5 3. Within one year after the effective date of this act, NYSERDA shall
6 submit a report of the findings and recommendations pursuant to this act
7 to the governor, the temporary president of the senate, the minority
8 leader of the senate, the speaker of the assembly, the minority leader
9 of the assembly, and the chairs and ranking members of the senate and
10 assembly committees on health and shall post such report on NYSERDA's
11 website.

12 § 14. This act shall take effect immediately.