STATE OF NEW YORK

9941

IN SENATE

October 25, 2024

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

AN ACT to amend the education law, in relation to ensuring zero-emission school buses and major components thereof are manufactured and assembled within the United States and providing for waivers of zero-emission school bus requirements in certain circumstances

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

Section 1. Subdivisions 2 and 3 of section 3638 of the education law, as added by section 1 of subpart A of part B of chapter 56 of the laws of 2022, are amended to read as follows:

2. (a) No later than July first, two thousand twenty-seven, every school district shall:

(i) only purchase or lease zero-emission school buses when purchasing or leasing new buses;

(ii) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only purchase or lease zero-emission school buses when purchasing or leasing new school buses; and

(iii) include requirements in any procurement for the manufacturing or retrofitting of a zero-emission school bus and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero-emission school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

(b) [~~The commissioner, in consultation with the New York state energy research and development authority and office of general services, may waive the contracting requirements set forth in subparagraph (iii) of paragraph (a) of this subdivision if the commissioner determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such zero-emission school buses and charging or fueling infrastructure components and parts in the~~

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

LBD16262-02-4

~~United States would increase the cost of a school district's contract for zero-emission school buses and charging or fueling infrastructure by an unreasonable amount, or such zero-emission school busses and charging or fueling infrastructure components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the department's website with a detailed explanation of the findings leading to such determination. If the commissioner has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commissioner shall no longer be required to provide the annual determinations required by this paragraph.~~

~~3.~~] No later than July first, two thousand thirty-five, every school district shall:

[~~(a)~~] (i) only operate and maintain zero-emission school buses; and

[~~(b)~~] (ii) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only operate zero-emission school buses when providing such transportation services to the school district.

3. (a) The commissioner, in consultation with the New York state energy research and development authority and office of general services, may waive the contracting requirements set forth in subparagraphs (i) and (ii) of paragraph (a) and paragraph (b) of subdivision two of this section if the commissioner determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such zero-emission school buses and charging or fueling infrastructure components and parts in the United States would increase the cost of a school district's contract for zero-emission school buses and charging or fueling infrastructure by an unreasonable amount, or such zero-emission school buses and charging or fueling infrastructure components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the department's website with a detailed explanation of the findings leading to such determination. If the commissioner has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commissioner shall no longer be required to provide the annual determinations required by this paragraph.

(b) Where a waiver is granted under paragraph (a) of this subdivision, the school district issued such waiver shall include requirements in any procurement for the manufacturing or retrofitting of a school bus and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

§ 2. This act shall take effect immediately.