

STATE OF NEW YORK

9308

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

Introduced by M. of A. BOLOGNA -- read once and referred to the Committee on Education

AN ACT to amend the education law, the local finance law and the environmental conservation law, in relation to removing references related to the electric school bus mandate; to amend the education law in relation to prohibiting mandates requiring school districts to use certain types of school buses; and to repeal certain provisions of the education law, the public authorities law and the environmental conservation law relating to electric school buses

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 Section 3638 of the education law is REPEALED and a new
2 section 3638 is added to read as follows:

3 § 3638. School buses. 1. There shall be no mandate requiring school
4 districts to purchase, operate or maintain any certain type of school
5 buses.

6 2. The superintendent of each school district shall have the sole
7 authority to determine the types of school buses to be purchased, oper-
8 ated and maintained by such school district. A superintendent may make
9 or change such decision at any time.

10 3. The department shall not have the power to overrule a superinten-
11 dent's decision about the types of school buses that will be purchased,
12 operated and maintained by such superintendent's school district.

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14 law is REPEALED.

15 § 3. Paragraph e of subdivision 7 of section 3602 of the education
16 law, as amended by chapter 563 of the laws of 2024, is amended to read
17 as follows:

18 e. In determining approved transportation capital, debt service and
19 lease expense for aid payable in the two thousand five--two thousand six
20 school year and thereafter, the commissioner, after applying the

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

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1 provisions of paragraph c of this subdivision to such expense, shall
2 establish an assumed amortization pursuant to this paragraph to deter-
3 mine the approved capital, debt service and lease expense of the school
4 district that is aidable in the current year, whether or not the school
5 district issues debt for such expenditures, subject to any deduction
6 pursuant to paragraph d of this subdivision. Such assumed amortization
7 shall be for a period of five years, [~~and for the two thousand twenty-~~
8 ~~two thousand twenty-three school year and thereafter such assumed~~
9 ~~amortization for zero-emission school buses as defined in section thirty-~~
10 ~~six hundred thirty-eight of this article and related costs pursuant~~
11 ~~to paragraph f of subdivision two of section thirty six hundred twenty-~~
12 ~~three-a of this article shall be for a period of eight years,]~~ and shall
13 commence twelve months after the school district enters into a purchase
14 contract or lease of the school bus, [~~charging station, hydrogen fueling~~
15 ~~station,]~~ or equipment, or a general contract for the construction,
16 reconstruction, lease or purchase of a transportation storage facility
17 or site in an amount less than ten thousand dollars. Such assumed amor-
18 tization shall provide for equal semiannual payments of principal and
19 interest based on an assumed interest rate established by the commis-
20 sioner pursuant to this paragraph. By the first day of September of the
21 current year commencing with the two thousand five--two thousand six
22 school year, each school district shall provide to the commissioner in a
23 format prescribed by the commissioner such information as the commis-
24 sioner shall require for all capital debt incurred by such school
25 district during the preceding school year for expenses allowable pursu-
26 ant to subdivision two of section thirty-six hundred twenty-three-a of
27 this article. Based on such reported amortizations and a methodology
28 prescribed by the commissioner in regulations, the commissioner shall
29 compute an assumed interest rate that shall equal the average of the
30 interest rates applied to all such debt issued during the preceding
31 school year. The assumed interest rate shall be the interest rate of
32 each such school district applicable to the current year for the
33 purposes of this paragraph and shall be expressed as a decimal to five
34 places rounded to the nearest eighth of one-one hundredth.

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

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

43 § 5. Subdivision 29 of paragraph a of section 11.00 of the local
44 finance law, as amended by section 5 of subpart A of part B of chapter
45 56 of the laws of 2022, is amended to read as follows:

46 29. Motor vehicles. The purchase of a motor vehicle, five years. The
47 term "motor vehicle," as used in this subdivision, shall mean a vehicle
48 propelled by any power other than muscular power, except

49 (a) a passenger vehicle, other than a school bus, having a seating
50 capacity of less than ten persons,

51 (b) a vehicle used for fighting fires,

52 (c) a motor cycle, traction engine, and electric truck with small
53 wheels used in warehouses and railroad stations and a vehicle which runs
54 only upon rails or tracks,

55 (d) machinery or apparatus for which a period of probable usefulness
56 has been determined by subdivision twenty-eight of this paragraph, and

1 (e) a vehicle which is specially designed for use for the treatment,
 2 care or transport of sick or injured persons[~~, and~~
 3 ~~(f) a zero-emission school bus as defined in section three thousand~~
 4 ~~six hundred thirty-eight of the education law].~~

5 § 6. Subdivision 21-a of section 1604 of the education law, as amended
 6 by chapter 563 of the laws of 2024, is amended to read as follows:

7 21-a. To lease a motor vehicle or vehicles to be used for the trans-
 8 portation of the children of the district from a school district, board
 9 of cooperative educational services or county vocational education and
 10 extension board or from any other source, under the conditions specified
 11 in this subdivision. No such agreement for the lease of a motor vehicle
 12 or vehicles shall be for a term of more than one school year, provided
 13 that when authorized by a vote of the qualified voters of the district
 14 such lease may have a term of up to five years[~~, or eight years for the~~
 15 ~~lease of zero-emission school buses as defined in section thirty-six~~
 16 ~~hundred thirty-eight of this chapter].~~ Where the trustee or board of
 17 trustees enter into a lease of a motor vehicle or vehicles pursuant to
 18 this subdivision for a term of one school year or less, such trustee or
 19 board shall not be authorized to enter into another lease for the same
 20 or an equivalent replacement vehicle or vehicles, as determined by the
 21 commissioner, without obtaining approval of the qualified voters of the
 22 school district.

23 § 7. Paragraph i of subdivision 25 of section 1709 of the education
 24 law, as amended by chapter 563 of the laws of 2024, is amended to read
 25 as follows:

26 i. In addition to the authority granted in paragraph e of this subdi-
 27 vision, the board of education shall be authorized to lease a motor
 28 vehicle or vehicles to be used for the transportation of the children of
 29 the district from sources other than a school district, board of cooper-
 30 ative educational services or county vocational education and extension
 31 board under the conditions specified in this paragraph. No such agree-
 32 ment for the lease of a motor vehicle or vehicles shall be for a term of
 33 more than one school year, provided that when authorized by a vote of
 34 the qualified voters of the district such lease may have a term of up to
 35 five years[~~, or eight years for the lease of zero-emission school buses~~
 36 ~~as defined in section thirty-six hundred thirty-eight of this chapter].~~
 37 Where the board of education enters a lease of a motor vehicle or vehi-
 38 cles pursuant to this paragraph for a term of one school year or less,
 39 such board shall not be authorized to enter into another lease of the
 40 same or an equivalent replacement vehicle or vehicles, as determined by
 41 the commissioner, without obtaining approval of the voters.

42 § 8. Subdivision 29-a of paragraph a of section 11.00 of the local
 43 finance law, as amended by chapter 563 of the laws of 2024, is amended
 44 to read as follows:

45 29-a. Transit motor vehicles. The purchase of municipally owned omni-
 46 bus or similar surface transit motor vehicles, ten years[~~, and the~~
 47 ~~purchase of zero-emission school buses owned by a school district~~
 48 ~~defined pursuant to paragraph two of section 2.00 of this chapter, a~~
 49 ~~city school district with a population of more than one hundred twenty-~~
 50 ~~five thousand inhabitants, or board of cooperative educational services,~~
 51 ~~eight years].~~

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

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

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

4 § 58-0701. Allocation of moneys.

5 Of the moneys received by the state from the sale of bonds pursuant to
6 the environmental bond act of 2022, up to one billion five hundred
7 million dollars (\$1,500,000,000) shall be made available for disburse-
8 ments for climate change mitigation projects developed pursuant to
9 section 58-0703 of this title. Not less than four hundred million
10 dollars (\$400,000,000) of this amount shall be available for green
11 buildings projects, not less than one hundred million dollars
12 (\$100,000,000) for climate adaptation and mitigation projects pursuant
13 to paragraph c of subdivision one of section 58-0703 of this title, not
14 less than two hundred million dollars (\$200,000,000) shall be available
15 for disbursement to reduce or eliminate water pollution or air pollution
16 affecting disadvantaged communities pursuant to paragraphs f and g of
17 subdivision one of section 58-0703 of this title[~~, and not less than
18 five hundred million dollars (\$500,000,000) for costs associated with
19 the purchase of or conversion to zero emission school buses and support-
20 ing infrastructure as set forth in paragraph h of subdivision one of
21 section 58-0703 of this title~~].

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

24 § 13. This act shall take effect immediately.