STATE OF NEW YORK

8003

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

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

AN ACT to amend the education law, in relation to lease terms for zero-emission school buses

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

Section 1. Subdivision 21-a of section 1604 of the education law, as amended by chapter 563 of the laws of 2024, is amended to read as follows:

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

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

i. In addition to the authority granted in paragraph e of this subdivision, the board of education shall be authorized to lease a motor vehicle or vehicles to be used for the transportation of the children of the district from sources other than a school district, board of cooperative educational services or county vocational education and extension board under the conditions specified in this paragraph. No such agree-

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

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ment for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years, or [~~eight~~] **twelve** years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter. Where the board of education enters a lease of a motor vehicle or vehicles pursuant to this paragraph for a term of one school year or less, such board shall not be authorized to enter into another lease of the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the voters.

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

e. In determining approved transportation capital, debt service and lease expense for aid payable in the two thousand five--two thousand six school year and thereafter, the commissioner, after applying the provisions of paragraph c of this subdivision to such expense, shall establish an assumed amortization pursuant to this paragraph to determine the approved capital, debt service and lease expense of the school district that is aidable in the current year, whether or not the school district issues debt for such expenditures, subject to any deduction pursuant to paragraph d of this subdivision. Such assumed amortization shall be for a period of five years, and for the two thousand twenty-two--two thousand twenty-three school year and thereafter such assumed amortization for zero-emission school buses as defined in section thirty-six hundred thirty-eight of this article and related costs pursuant to paragraph f of subdivision two of section thirty-six hundred twenty-three-a of this article shall be for a period of eight years, **provided that where a district enters into a lease agreement longer than eight years such assumed amortization period shall be the length of such lease agreement,** and shall commence twelve months after the school district enters into a purchase contract or lease of the school bus, charging station, hydrogen fueling station, or equipment, or a general contract for the construction, reconstruction, lease or purchase of a transportation storage facility or site in an amount less than ten thousand dollars. Such assumed amortization shall provide for equal semiannual payments of principal and interest based on an assumed interest rate established by the commissioner pursuant to this paragraph. By the first day of September of the current year commencing with the two thousand five--two thousand six school year, each school district shall provide to the commissioner in a format prescribed by the commissioner such information as the commissioner shall require for all capital debt incurred by such school district during the preceding school year for expenses allowable pursuant to subdivision two of section thirty-six hundred twenty-three-a of this article. Based on such reported amortizations and a methodology prescribed by the commissioner in regulations, the commissioner shall compute an assumed interest rate that shall equal the average of the interest rates applied to all such debt issued during the preceding school year. The assumed interest rate shall be the interest rate of each such school district applicable to the current year for the purposes of this paragraph and shall be expressed as a decimal to five places rounded to the nearest eighth of one-one hundredth.

§ 4. This act shall take effect on the same date and in the same manner as chapter 563 of the laws of 2024, takes effect.