**1368-S2.E AMS EDU S5364.1 - NOT FOR FLOOR USE**

**E2SHB 1368** - S COMM AMD

By Committee on Early Learning & K-12 Education

**OUT OF ORDER 03/01/2024**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The legislature finds that zero emission vehicle technology is crucial to protecting Washington's children from the health impacts of fossil fuel emissions and to limiting the long-term impacts of climate change on our planet. Spurred by a supportive regulatory environment, the state has made great advances in recent years that have improved the performance and reduced the costs of such vehicles. With the recent deployment of financial incentives for clean transportation technology under the federal bipartisan infrastructure law of 2021, the inflation reduction act of 2022, and state funding for early adopters of zero emission buses that began being made available in the 2023 enacted budgets, the costs and performance of zero emission vehicles, including zero emission school buses, are forecast to continue to improve in coming years. Zero emission school buses on the market today feature reduced fuel, operations, and maintenance costs compared to their fossil-fueled counterparts.

(2) Zero emission school buses and the related reduction of diesel exhaust will also have significant public health benefits for children, school staff, bus drivers, and communities, and decrease inequities. Residents in overburdened parts of Washington facing poor air quality are disproportionately communities of color, rural, and low-income and suffer from increased health risks, higher medical bills, are living sicker and dying younger, emphasizing the need for cleaner air and environmental justice.

(3) Therefore, it is the intent of the legislature to help transition school districts, charter schools, and state-tribal education compact schools to using zero emission school buses by providing grants to communities that are bearing the most acute harms of air pollution, and to replace the oldest diesel vehicles that were manufactured under outdated and less protective federal emission standards. Zero emission buses are intended to include both battery electric technologies and hydrogen fuel cell technologies. Schools and school districts receiving zero emission school buses funded through this grant program are encouraged to coordinate with electric utilities to utilize the vehicles to support electric system reliability and capacity through vehicle-to-grid integration when the school buses are not in service. Electric utilities are encouraged to plan and take steps to ensure any service upgrades necessary to support the onboarding of zero emission fleets of school buses, including by making use of the grid modernization grant program administered by the department of commerce.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

(1) The department must administer the zero emission school bus grant program within the clean diesel grant program for buses, infrastructure, and related costs.

(2)(a) Appropriations to this grant program are provided solely for grants to transition from fossil-fuel school buses to zero emission vehicles. Eligible uses of grant funds include the planning and acquisition of zero emission school bus vehicles for student transportation, planning, design, and construction of associated fueling and charging infrastructure, including infrastructure to allow the use of zero emission buses in cold weather and other challenging operational conditions, the scrapping of old diesel school buses, and training drivers, mechanics, and facility operations personnel to operate and maintain the zero emission buses and infrastructure.

(b) Grant recipients may combine grant funds awarded under this section with any other source of funding in order to secure all funds needed to fully purchase each zero emission vehicle and any associated charging infrastructure.

(c) Grants issued under this section are in addition to payments made under the depreciation schedule adopted by the office of the superintendent of public instruction.

(3) When selecting grant recipients, the department must prioritize, in descending order of priority:

(a) School bus routes currently using school buses manufactured prior to 2007 and serving overburdened communities, including communities of color, rural, and low-income communities, highly impacted by air pollution identified by the department under RCW 70A.65.020(1);

(b) If funds remain after reviewing grant applications meeting the criteria of (a) of this subsection, school bus routes serving overburdened communities, including communities of color, rural, and low-income communities, highly impacted by air pollution identified by the department under RCW 70A.65.020(1);

(c) If funds remain after reviewing grant applications meeting the criteria of (a) and (b) of this subsection, the replacement of school buses manufactured prior to 2007; and

(d) If funds remain after reviewing grant applications meeting the criteria of (a), (b), or (c) of this subsection, to applicants that demonstrate an unsuccessful application to receive federal funding for zero emission school bus purposes prior to January 1, 2024.

(4) The department must distribute no less than 90 percent of the funds appropriated under this section to grant recipients. Amounts retained by the department may only be used as follows:

(a) Up to three and one-half percent of funds appropriated under this section for administering the grant program; and

(b) Up to six and one-half percent of funds appropriated under this section to provide technical assistance to grant applicants including, but not limited to, assistance in evaluating charging infrastructure and equipment and in coordinating with electric utility service adequacy.

(5) The department must provide notice of a grant award decision to the utility providing electrical service to the grant recipient.

(6) By June 1, 2025, the department in consultation with the superintendent of public instruction must submit a report to the governor and the relevant policy and fiscal committees of the legislature providing an update on the status of implementation of the grant program under this section.

(7) For the purposes of this section, "zero emission vehicles" means a vehicle that produces zero exhaust emission of any air pollutant and any greenhouse gas other than water vapor.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) By November 15, 2024, the office of the superintendent of public instruction, in consultation with the department of ecology, must carry out a survey of school districts, charter schools, and state-tribal education compact schools focused on the uptake and total cost of ownership of zero emission school buses. The office of the superintendent of public instruction must submit a report to the legislature summarizing their findings by December 1, 2024.

(2) The survey required under this section must collect information from each school district and school on:

(a) Current zero emission vehicle charging and refueling capacity and infrastructure;

(b) Whether, assuming the availability of grant funds and depreciation schedule payments to cover the full cost of a vehicle, including the total cost of ownership of the vehicle, the school district or school would anticipate applying for funds to support zero emission school bus or bus infrastructure purchases in the next two years, and in the next five years;

(c) For any schools or school districts still using a school bus after the end of its applicable depreciation schedule, whether the bus was manufactured prior to 2007, and an explanation of why the school or school district has continued to use the bus past the end of its depreciation schedule; and

(d) Any other survey information deemed helpful by the department of ecology or the office of the superintendent of public instruction to facilitating the transition to zero emission vehicles.

(3) For purposes of this section, "zero emission vehicle" has the same meaning as in section 2 of this act."

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**OUT OF ORDER 03/01/2024**

On page 1, line 2 of the title, after "buses;" strike the remainder of the title and insert "adding a new section to chapter 70A.15 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

EFFECT: (1) Removes provisions that require OSPI's depreciation schedule to solely include zero-emission school buses once the total cost of ownership is at or below the total cost of ownership of diesel school buses, and all related provisions including rulemaking authority and direction for reimbursement under this schedule.

(2) Removes provisions that require newly acquired school buses used for pupil transportation service contracts to be zero-emission and provisions granting exceptions to this requirement.

(3) Removes language changing the pupil transportation service contract period from 5 years to 15 years.

(4) Modifies the intent, grant program, and survey provisions to remove references to the depreciation schedule and pupil transportation contract requirements.

(5) Adds cross references to clarify the order of grant prioritization.

(6) Requires the Department of Ecology to provide notice of a grant award decision to the utility providing electrical service to the grant recipient.