

# GERSTMAN PLLC

A Government Relations Law Firm

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## **BIG PICTURE POLITICAL DISCUSSION**



### **ELECTION YEAR**



- **November 8, 2022: General Election Day**
- **Early voting for the General Election will take place October 29, 2022 to November 6, 2022.**
- **❖ NYS GOVERNOR: KATHY HOCHUL / LEE ZELDIN**

## ***POLITICAL DISCUSSION CONTINUED:***

- **Red Wave? Not so certain anymore....**
- **NYS ASSEMBLY**
- **NYS SENATE**
- **CONGRESSIONAL**



## **ALSO ON THE NOVEMBER BALLOT:**

- **\$4.2 billion Clean Water, Clean Air, and Green Jobs Environmental Bond Act**
- **Proposal 1 in November, which supports the \$4.2 billion Environmental Bond Act that will help fund projects related to the environment and global warming mitigation. Among the list of items that could be funded are electric school buses.**
  - ***\$500 million through the Environmental Bond Act to support purchases of zero-emission buses and related charging infrastructure including charging stations***

## Zero-Emission School Bus Overview

- **By July 1st, 2035** – All Districts and contractors must only operate and maintain zero-emission school buses
- **By July 1st, 2027:**
  - Requires districts to only purchase or lease zero-emission school buses AND/OR Districts must 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 no later than July 1, 2027.
    - **2-year Waiver Application:** A school district may apply to NYSED commissioner, and the department may grant a onetime extension of up to 24 months to comply with the July 1, 2027 requirements.
- ***NYSBCA REMAINS IN CLOSE CONTACT WITH DEPUTY SECRETARY OF EDUCATION & ENERGY/ENVIRONMENT & LABOR***

## NYS BUDGET BACK IN THE RED

- **Historically large budgetary surpluses inherited by Governor Hochul are now just a memory, with the state now facing projected budget gaps totaling \$13.7 Billion over the next five years (FY 23 to FY 27), according to the First Quarter FY 23 Financial Plan Update assembled by the Division of the Budget (DOB) (August 2, 2022)**
- **The new sea of red ink is due to an anticipated plunge in tax receipts resulting from the recent economic and financial market decline**

## **Successful implementation of 3rd Party Testing**

- NYSBCA at the forefront advocating that NYS address the driver shortage crisis
- **Last year:** NYSBCA'S proposed solution for immediate results → 3RD PARTY CDL TESTING
  - Worked with Governor's office, Legislature, DMV, & other industry stakeholders to successfully launch the pilot program
- Incredible feedback from NYS in terms of the success of the pilot program
- NYSBCA members are involved in the pilot
- Continuously informing/updating NYS Assembly Members and Senators on the status of the pilot program and success

## **Current state of driver shortage & Plan for this Legislative Session:**

- NYSBCA contractors are still reporting anywhere from 5%-20% driver shortages. Pushing for a 19A study:
- NYSBCA's Top 2 next suggestions for this legislative session:
  - (1) **School Bus Driver Tax Credit**
    - Based on 19-A rostered drivers in good standing
    - \$2,000 direct to School Bus Drivers
    - Sunset with electric mandates (currently 2027)
  - (2) **Incentivize adoption of multi-tier transportation systems via increased transportation aid**
    - Would put decision back on Districts to cure transportation woes
    - Would save millions of dollars
    - Would reduce the number of drivers needed & can be done within current contract structures
    - Would increase bus driver pay

## **VACCINE & TESTING REQUIREMENTS**

- ***No more vax or test requirement***
- ***No more mask requirement***
- The Quarantine Exception applies to school bus drivers/matrons → ***CLOSE CONTACT DOES NOT RESULT IN QUARANTINE (regardless of vax status)***
- Limit to # of times that an employee is eligible for COVID sick leave?
  - 1. In no event shall an employee qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of quarantine or isolation. The second and third orders must be based on a positive COVID-19 test and the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has tested positive for COVID-19.
  - 2. Paid leave under the law is only required for the duration of the applicable quarantine order, so employees who qualify for this leave will likely only be entitled to five days of paid leave.

## **2023 LEGISLATIVE AGENDA CONTINUED:**

- **Contract term increase to 10 years:**
  - **Will allow contractors to capitalize on funding opportunities**
  - **Will allow contractors to amortize infrastructure costs to bring down cost to the state**
- **Contract modification related to wages, benefits and compliance**
- **Establish 2010 max model year for gas/diesel**
  - **2010's are clean diesel**

# QUESTIONS/ COMMENTS

