

HB0049S03 compared with HB0049S02

~~{deleted text}~~ shows text that was in HB0049S02 but was deleted in HB0049S03.

inserted text shows text that was not in HB0049S02 but was inserted into HB0049S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Stephen G. Handy}~~Senator Howard A. Stephenson proposes the following substitute bill:

CLEAN FUEL SCHOOL BUSES AND INFRASTRUCTURE

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: ~~{~~J. Stuart Adams~~}~~

LONG TITLE

General Description:

This bill provides ~~{grants}~~funding to replace school buses and to create infrastructure for alternative fuel vehicles.

Highlighted Provisions:

This bill:

- ▶ ~~{allows the State Board of Education to award}~~provides funding for a ~~{grant to~~aqualifying school district or charter school ~~{to}~~:

- to replace a school bus manufactured before 2002 with a new school bus that uses alternative fuel or clean diesel fuel~~;~~

- ~~install an alternative fuel fueling station for a school bus that uses alternative fuel and that may be accessed by a governmental entity or the public to fuel an~~

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~~alternative fuel vehicle; or~~

- ~~• retrofit a bus shop to service and maintain a school bus that uses alternative fuel; and provide infrastructure to support new school buses; or~~
- ~~• if a qualifying school district does not have any school buses manufactured before 2002, or the need for infrastructure to support clean fuel buses, for other infrastructure purposes;~~
- ▶ requires the State Board of Education to make rules ~~{ related to the awarding of a grant, including rules that:~~
 - ~~• specify criteria for selecting a grant recipient; and~~
 - ~~• require a grant recipient to provide funding matches in an amount that is greater than or equal to the amount of a grant received}; and~~
- ▶ requires the State Board of Education to:
 - facilitate training for bus drivers and bus shop technicians on the operation and maintenance of a school bus that uses alternative fuel; and
 - make a report to the Legislature.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the State Board of Education - ~~{Utah State Office of Education - Initiative Programs}~~ Minimum School Program - Related to Basic School Program as a one-time appropriation:
 - from the Education Fund ~~{, One-time}~~, \$20,000,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53A-17a-127.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-17a-127.5** is enacted to read:

53A-17a-127.5. ~~{ Grants}~~ Appropriation for school buses and alternative fuel infrastructure.

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(1) As used in this section:

(a) "Alternative fuel" means CNG, propane, blended biodiesel, electricity, ~~fuel~~ containing no more than 50% ethanol or methanol, or other available alternatives as dictated by emerging technologies.

(b) "Blended biodiesel" means fuel:

(i) consisting of 6% to 20% by volume of biodiesel and 80% to 94% by volume of clean diesel fuel; and

(ii) that meets ASTM D7467 standards.

(c) "Board" means the State Board of Education.

(d) "Clean diesel fuel" means diesel fuel with a sulfur content of no more than 15 parts per million (ppm).

(e) "Closed crankcase ventilation filter" means an emissions control device:

(i) designed to control emissions from crankcase blow-by aerosols; and

(ii) verified by the United States Environmental Protection Agency.

(f) "CNG" means compressed natural gas.

(g) "Combined capital levy rate" means a rate that includes the sum of the following property tax levies:

(i) the capital local levy authorized in Section 53A-16-113; and

(ii) the debt service levy authorized in Section 11-14-310.

(h) "Derived net taxable value" means the quotient of:

(i) the total property tax collections from April 1 through the following March 31 for a school district for the calendar year preceding the March 31 date; divided by

(ii) the school district's total tax rate for the calendar year preceding the March 31 referenced in Subsection (h)(i).

~~(f)(g)(i)~~ "Diesel oxidation catalyst" means an emissions control device:

(i) designed to reduce emissions from diesel engines; and

(ii) verified by the United States Environmental Protection Agency.

~~(f)(h)(i)~~ "Nonattainment area" means an area designated by the United States

Environmental Protection Agency as nonattainment under the federal Clean Air Act, 42 U.S.C. Sec. 7420, for any national ambient air quality standard.

~~(f)(2) The board may award a grant to~~ (k) "Property tax yield per ADM" means:

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(i) the product of:

(A) a school district's derived net taxable value; and

(B) the base tax effort rate; divided by

(ii) the school district's ADM.

(l) "Qualifying school district" means a school district ~~for~~with:

(i) a property tax yield per ADM less than the statewide average property tax base per ADM; and

(ii) a combined capital levy rate higher than the average combined capital levy rate for the school districts statewide.

(m) "Statewide average property tax base per ADM" means the quotient of:

(i) the sum of all school districts' derived net taxable value; divided by

(ii) the sum of all school districts' ADM.

(2) (a) The board shall, subject to appropriations and Subsection (3)(c), and using the process described in Subsection (3), provide funding to a qualifying school district or a charter school to:

~~(a)i~~ replace a school bus manufactured before 2002 with a new school bus that uses alternative fuel or clean diesel fuel;

~~(b)ii~~ install an alternative fuel fueling station:

~~(i)A~~ for a school bus that uses alternative fuel; and

~~(ii)B~~ that may be accessed by a governmental entity or the public to fuel an alternative fuel vehicle; or

~~(c)iii~~ retrofit a bus shop to service and maintain a school bus that uses alternative fuel.

~~(3) The board shall make rules:~~

~~(a) establishing procedures for applying for and awarding a grant;~~

~~(b) specifying criteria for selecting a grant recipient consistent with the requirements of Subsection (5);~~

~~(c) requiring reporting of grant money expenditures and evidence that a new school bus purchased with grant money has replaced a school bus;~~ b) Subject to Subsection (3)(c), a qualifying school district that does not have any school buses manufactured before 2002;

~~(d) requiring a grant recipient to provide;~~ and does not need any of the clean fuel

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infrastructure items described in Subsection (2)(a) may use funding received under this section for any other infrastructure purpose.

(3) (a) Except as provided in Subsection (3)(b), and subject to Subsection (3)(c), the board shall distribute funds available under this section to qualifying school districts according to a funding formula adopted by the board that considers:

(i) the property tax effort of the qualifying school district, giving more funding to a qualifying school district making a high tax effort; and

(ii) the qualifying school district's ability to generate property tax revenue based on the per-student taxable value of property within the boundary of the qualifying school district, giving more funding to a qualifying school district with low taxable value per-student.

(b) The board shall distribute \$500,000 of the funds available for distribution under this section to charter schools through a grant program in accordance with the board rules described in Subsection (5)(f).

(c) A qualifying school district or a charter school may receive funding under this section if the qualifying school district or charter school provides matching funds in an amount that is greater than or equal to the ~~amount of a grant~~ funding received under this section ~~if~~.

~~(c)4) requiring a grant recipient to ensure that a replaced school bus is removed from service as provided in Subsection (4); and~~

~~(f) requiring a grant recipient to expend the grant within two years of receiving the grant.~~

~~(4) A grant recipient~~A qualifying school district or charter school that receives funding under Subsection (2) shall remove a replaced school bus from service by:

(a) selling the replaced school bus through a state-approved bidding process to a non-public person located outside of the state;

(b) selling the replaced school bus through a state-approved bidding process to a public or private person within or outside of the state if:

(i) the bus is retrofitted to have:

(A) a diesel oxidation catalyst; and

(B) a closed crankcase ventilation filter; and

(ii) the person purchasing or receiving the replaced school bus does not intend to use the bus for regular travel within a nonattainment area; or

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(c) selling the replaced school bus to a metal recycling facility for fair market scrap value if:

(i) the replaced school bus is inoperable or made inoperable; and

(ii) selling the replaced school bus for fair market scrap value would generate more money than selling the replaced school bus as described in Subsection (4)(a) or (4)(b).

(5) ~~¶~~The board shall specify criteria for selecting a grant recipient in consultation with the Division of Air Quality, including the following criteria:

~~—— (a) fuel savings;~~

~~—— (b) the emissions reduction, estimated local air-shed, or environmental improvement over the remaining estimated useful life of a school bus that;~~In accordance with Title 63G,

Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that:

(a) implement the funding formula to distribute funding to qualifying school districts described in Subsection (3)(a):

(b) require that a qualifying school district school that receives funding under this section first use the funding to replace a bus manufactured before 2002 with a clean fuel bus or for clean fuel infrastructure;

(c) allow a qualifying school district that does not have any school buses manufactured before 2002 or other clean fuel infrastructure needs to use funding provided under this section for other infrastructure purposes;

(d) require a qualifying school district or charter school that receives funding under this section to ensure that a replaced school bus is removed from service as provided in Subsection (4):

~~(c) the amount of~~(e) require a qualifying school district or charter school that receives funding under this section to expend the funding within two years of receiving the funding;

(f) require a qualifying school district or charter school that receives funding under this section to provide matching funds ~~¶~~provided:

~~—— (d) the number and capacity of alternative fuel fueling stations installed; and~~

~~—— (e) a commitment to use fuel savings to purchase school buses that use alternative fuel or clean diesel fuel until all school buses manufactured before 2002 are replaced.~~

~~—— (6) The board shall appoint a committee that includes representatives of school~~

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districts,} in an amount that is greater than or equal to the amount of funding received under this section.

(g) specify how the board will administer the grant program for charter schools, and the board to review grant applications and make recommendations to the board for the award of grants that meet the requirements of this section and rules adopted under Subsection (3):

(7) described in Subsection (3)(b); and

(h) in consultation with the Division of Air Quality, specify criteria for selecting a charter school grant recipient.

(6) Through the state superintendent of public instruction, the board shall facilitate training for bus drivers and bus shop technicians on the operation and maintenance of a school bus that uses alternative fuel.

(8) On or before November 1, 2015, the board shall submit a report to the Public Education Appropriations Subcommittee that:

(a) describes how qualifying school districts and charter schools that received funding through the grants awarded under this section} program used the funding; and

(b) includes recommendations regarding continuation of the grant} program.

Section 2. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2016.

To State Board of Education - Utah State Office of Education - Initiative Programs} Minimum School Program - Related to Basic School Program

From Education Fund, One-time \$20,000,000

Schedule of Programs:

Contracts and Grants - } Clean Fuel School{

} Buses and Infrastructure{ \$20,000,000

The Legislature intends that the State Board of Education expend the \$20,000,000 appropriated for Contracts and Grants - }, for new clean fuel school buses, and pursuant to

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Section 53A-17a-127, expend:

(1) \$19,500,000 of the appropriation for Clean Fuel School Buses and Infrastructure
~~{Program}~~ to ~~{award grants to}~~ qualifying school districts; and

(2) \$500,000 of the appropriation for Clean Fuel School Buses and Infrastructure to
charter schools ~~{for new school buses, alternative fuel fueling stations, and bus shop retrofits}~~
~~pursuant to Section 53A-17a-127.5}~~.

Section 3. **Effective date.**

(1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

(2) Section 2, Appropriation, takes effect on July 1, 2015.