

2019 -- H 5632

LC001303

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION -- SCHOOL FUNDS AND PROPERTY

Introduced By: Representatives Marszalkowski, Donovan, and Carson

Date Introduced: February 27, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-9 of the General Laws entitled "School Funds and Property" is  
2 hereby amended by adding thereto the following section:

3 **16-9-4.2. Legislative intent.**

4 (a) The legislature has determined that it is in the best interest of the state to promote the  
5 creation of roof and ground mounted solar installations on school property in order to reduce the  
6 use of fossil fuels by schools in each municipality in the state and in order to finance and defray  
7 costs of repairing school roofs of existing schools and in new construction of school facilities. It  
8 is further the intent of the legislature to establish a pilot program to promote the use of solar  
9 energy systems to generate electricity in school buildings.

10 (b) There is hereby established a pilot program that shall be implemented by the  
11 department of elementary and secondary education and the office of the postsecondary  
12 commissioner that shall operate as provided in this chapter.

13 **16-9-4.3. Legislative findings.**

14 (a) State and local school buildings offer large flat surfaces that are ideal for the  
15 installation of solar panels; and

16 (b) School buildings are usually a great distance from tall buildings and trees, making  
17 them ideally exposed to sunlight; and

18 (c) In these times of increasingly growing school budgets, the generation of electricity  
19 could provide local school boards with an additional funding source or cost saving measures.

1           **16-9-4.4. Definitions.**

2           As used in this chapter:

3           (1) "Abandonment" means the solar energy system shall be considered abandoned when  
4 it either reaches the end of its useful life, or is disconnected.

5           (2) "Commercial scale" means a solar system that is greater than twenty-five kilowatts  
6 (25 kW), but less than one megawatt (1 MW) nameplate capacity.

7           (3) "Department" means the department of elementary and secondary education.

8           (4) "Large scale" means a solar system that is from one megawatt (1 MW), up and to and  
9 including, five megawatts (5 MW) nameplate capacity.

10          (5) "Nameplate capacity" means the maximum rated output of electric power production  
11 of the solar energy system in watts of alternating current (AC).

12          (6) "New school construction" means any new school buildings or additions of any new  
13 classrooms to existing school buildings.

14          (7) "Office" means the office of the postsecondary commissioner.

15          (8) "School" means any residential or non-residential school building, public, private or  
16 charter, of any city or town or community educational system regulated, directly or secondarily,  
17 by the council on elementary and secondary education, the department of elementary and  
18 secondary education, or any other state education board or local city or town school board or  
19 school committee or other legal educational subdivision acting under it. Included in this definition  
20 of school is any institution for the education of adults such as colleges, universities, graduate  
21 schools, and trade or technical schools (hereinafter "colleges"). As used in this chapter, the term  
22 "school or schools" includes, but is not limited to, school playgrounds, school administration  
23 buildings, indoor school athletic facilities, school gymnasiums, school locker rooms, and similar  
24 school buildings. A school shall not include child-care facilities regulated by the department of  
25 children, youth and families.

26          (9) "Solar energy system" means all equipment, machinery and structures utilized in  
27 connection with the conversion of solar energy to electricity, to provide for heating, cooling,  
28 water heating or electricity generation.

29           **16-9-4.5. School construction.**

30          (a) The department and the office of the postsecondary commissioner in the case of a  
31 college, are instructed to develop regulations to ensure that any city, town, or district or college  
32 which undertakes "new school construction" or roof repairs to existing school buildings shall  
33 study, design, and construct or renovate school buildings that are energy efficient and use solar  
34 energy systems to generate electricity to meet some of the school's electrical energy needs,

1 electrical energy demand, or a combination of the electrical energy needs and electrical energy  
2 demand.

3 (b) The department and office shall provide grants out of state funds dedicated for this  
4 program to local boards and colleges to assist in implementing the use of solar energy systems at  
5 existing schools or in new or renovated school building projects and to develop a procedure for  
6 school boards and colleges to apply for grants in accordance with this section. Grants provided  
7 under this section may be funded out of the state's general fund or through bonds issued by the  
8 state or municipality.

9 (c) The department and office shall develop rules and regulations to establish procedures  
10 for school boards or colleges to enter into leases with solar energy providers in order to finance  
11 the installation of solar energy systems and repairs to existing school roofs.

12 (1) Any solar energy provider that enters into any lease with any municipal, private or  
13 state school, shall not install any system smaller than a commercial scale system and no system  
14 larger than a large scale system on any school roof or property.

15 (d) Any school that receives a grant under this section shall pay ten percent (10%) of the  
16 cost to purchase and install the solar energy system and all architectural or engineering fees for  
17 the design and supervision of the installation of the solar energy system.

18 (e) The office of energy resources shall cooperate with, assist, provide technical  
19 assistance to, and advise school boards and colleges to identify appropriate existing school  
20 buildings and school construction projects that would benefit from the installation of solar energy  
21 systems.

22 **16-9-4.6. Design standards.**

23 (a) Any roof mounted solar energy systems shall be installed in compliance with the state  
24 building code, the state fire code, and shall otherwise be in conformance with local zoning rules  
25 and regulations.

26 (b) All appurtenant structures to solar energy systems shall be architecturally compatible  
27 with each other.

28 **16-9-4.7. Insurance.**

29 Comprehensive general liability insurance coverage in the minimum amount of one  
30 million dollars (\$1,000,000) for bodily or personal injury shall be required for any solar energy  
31 system installed on any school roof.

32 **16-9-4.8. Abandonment.**

33 When a solar energy system has been determined to be abandoned, the school shall notify  
34 the local zoning official and the department or office within thirty (30) days of such

1 abandonment. The solar energy system shall then be removed within sixty (60) days and the  
2 school shall take all reasonable steps to dispose of all solid and hazardous waste in accordance  
3 with applicable federal, state and local laws, including, but not limited to, chapter 19.1 of title 23  
4 ("hazardous waste management") and the Resource Conservation and Recovery Act 42 U.S.C.,  
5 §6901 et seq.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- SCHOOL FUNDS AND PROPERTY

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1           This act would establish a pilot program to promote the creation of roof solar installations  
2   on school property in order to reduce the use of fossil fuels and to generate electricity in school  
3   buildings. This program would be implemented by the department of elementary and secondary  
4   education and the office of the postsecondary commissioner.

5           This act would take effect upon passage.

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