

2021 -- H 5800

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LC001724
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION -- SCHOOL FUNDS AND PROPERTY

Introduced By: Representative Alex D. Marszalkowski

Date Introduced: February 24, 2021

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 is
8 further the intent of the legislature to establish a pilot program to promote the use of solar energy
9 systems to generate electricity in school buildings.

10 (b) There is hereby established a pilot program that shall be implemented by the department
11 of elementary and secondary education and the office of the postsecondary commissioner that shall
12 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 installation
15 of solar panels; and

16 (b) School buildings are usually a great distance from tall buildings and trees, making them
17 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 it
4 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 (25
6 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, by
17 the council on elementary and secondary education, the department of elementary and secondary
18 education, or any other state education board or local city or town school board or school committee
19 or other legal educational subdivision acting under it. Included in this definition of school is any
20 institution for the education of adults such as colleges, universities, graduate schools, and trade or
21 technical schools (hereinafter "colleges"). As used in this chapter, the term "school or schools"
22 includes, but is not limited to, school playgrounds, school administration buildings, indoor school
23 athletic facilities, school gymnasiums, school locker rooms, and similar school buildings. A school
24 shall not include child-care facilities regulated by the department of children, youth and families.

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

28 **16-9-4.5. School construction.**

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

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

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

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

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

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

19 **16-9-4.6. Design standards.**

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

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

25 **16-9-4.7. Insurance.**

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

29 **16-9-4.8. Abandonment.**

30 When a solar energy system has been determined to be abandoned, the school shall notify
31 the local zoning official and the department or office within thirty (30) days of such abandonment.
32 The solar energy system shall then be removed within sixty (60) days and the school shall take all
33 reasonable steps to dispose of all solid and hazardous waste in accordance with applicable federal,
34 state and local laws, including, but not limited to, chapter 19.1 of title 23 ("hazardous waste

1 [management"\) and the Resource Conservation and Recovery Act 42 U.S.C., §6901 et seq.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- SCHOOL FUNDS AND PROPERTY

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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