

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1032 Session of
2023

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HOWARD, KINSEY, WARREN AND O'MARA, APRIL 26, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, APRIL 26, 2023

AN ACT

1 Establishing the Solar for Schools Grant Program; and providing
2 for powers and duties of the Department of Community and
3 Economic Development.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Solar for
8 Schools Act.

9 Section 2. Purpose.

10 The purpose of this act is to expand the use of solar energy
11 at school facilities in this Commonwealth to achieve the
12 following benefits:

13 (1) To help schools reduce their present and future
14 energy costs.

15 (2) To increase the resiliency of school energy systems.

16 (3) To help schools reduce their emissions of carbon

1 dioxide and other pollutants.

2 (4) To grow employment through good-paying jobs in the
3 solar industry.

4 (5) To maximize the Inflation Reduction Act's solar
5 energy investment tax credit for Pennsylvania.

6 Section 3. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Department." The Department of Community and Economic
11 Development of the Commonwealth.

12 "Eligible applicant." Any of the following:

13 (1) A school district.

14 (2) An intermediate unit.

15 (3) An area career and technical school.

16 (4) A chartered school for the education of the deaf or
17 the blind.

18 (5) A community college.

19 (6) The Thaddeus Stevens College of Technology.

20 (7) The Pennsylvania College of Technology.

21 "Eligible project costs." The term includes costs related to
22 the purchase and installation of equipment, including prepayment
23 in whole or in part of a solar lease or power purchase
24 agreement, permit fees, energy storage, utility interconnection
25 and any other costs approved by the department.

26 "Inflation Reduction Act." The Inflation Reduction Act of
27 2022 (Public Law 117-169, 136 Stat. 1818).

28 "Program." The Solar for Schools Grant Program established
29 under section 4.

30 "School facility." An educational building and surrounding

1 premises owned by an eligible applicant.

2 "Solar energy project." A project at a school facility
3 related to photovoltaic or solar thermal devices that convert,
4 transfer or store solar energy in or into usable forms of
5 thermal or electric energy.

6 Section 4. Solar for Schools Grant Program.

7 (a) Establishment.--The Solar for Schools Grant Program is
8 established in the department to award grants to eligible
9 applicants on a competitive basis to the extent that money is
10 appropriated for this purpose.

11 (b) Use of grants.--A grant awarded under this section shall
12 be used by the eligible applicant for eligible project costs
13 related to a solar energy project.

14 (c) Duties of department.--The department shall have the
15 following powers and duties:

16 (1) To establish guidelines necessary to implement this
17 act.

18 (2) To establish the process through which eligible
19 applicants may apply for grant money.

20 (3) To develop the minimum information to be included in
21 a solar feasibility assessment.

22 (4) To provide technical assistance to schools as
23 appropriate, including, but not limited to, conducting solar
24 assessments.

25 (5) To develop educational materials about using,
26 purchasing, financing and maintaining solar energy projects.

27 (6) To provide information related to funding
28 opportunities through the Inflation Reduction Act.

29 (7) To enter into agreements with third-party entities,
30 including the Department of Environmental Protection, to

1 carry out the provisions of this act, including reviewing
2 applications and providing technical assistance.

3 (d) Application.--An eligible applicant shall submit an
4 application on a form and in a manner as determined by the
5 department. The following apply:

6 (1) The application shall include the result of a solar
7 feasibility assessment conducted by a qualified solar
8 installer.

9 (2) Prior to the time period established by the
10 department to submit an application, the department shall
11 solicit and fulfill requests for technical assistance from
12 eligible applicants.

13 (e) Prevailing wage requirement.--

14 (1) An employer or contractor contracted to complete a
15 solar energy project under the program shall pay the
16 prevailing minimum wage and benefit rates for all crafts or
17 classifications performing construction, reconstruction,
18 demolition, alteration and repair work, other than
19 maintenance work, on the solar energy project as determined
20 by the Department of Labor and Industry under the act of
21 August 15, 1961 (P.L.987, No.442), known as the Pennsylvania
22 Prevailing Wage Act, and as bid under the act of May 1, 1913
23 (P.L.155, No.104), referred to as the Separations Act.

24 (2) If the department or the Department of Labor and
25 Industry determines that an eligible applicant that received
26 a grant under the program failed to comply with the
27 Pennsylvania Prevailing Wage Act or the Separations Act, the
28 eligible applicant must refund to the department the total
29 amount of grants awarded for the solar energy project.

30 (f) Grant limits.--An eligible applicant may receive a grant

1 of up to 50% of the eligible project costs for the solar energy
2 project.

3 (g) Grant awards.--

4 (1) The department, in its discretion, may award in
5 whole or in part a request made by an eligible applicant in
6 its grant application based upon the merit of a specific
7 component requested.

8 (2) The department shall give preference in award
9 decisions to eligible applicants seeking funding under the
10 Inflation Reduction Act.

11 (3) The department may give preference in award
12 decisions to applications demonstrating the greatest amount
13 of solar energy projected to be produced relative to the
14 existing energy usage at the school facility proposed for the
15 solar energy project.

16 (4) The department may give preference in award
17 decisions to school entities that qualify for the Low-Income
18 Communities Bonus Credit Program established under the
19 Inflation Reduction Act.

20 (5) The department shall ensure that money for the
21 program is geographically dispersed throughout this
22 Commonwealth based on the applications received.

23 (6) A grant award received by a school entity under this
24 act shall not be included when calculating the amount to be
25 paid to a charter school under section 1725-A of the act of
26 March 10, 1949 (P.L.30, No.14), known as the Public School
27 Code of 1949.

28 (7) A grant award received under this act shall not be
29 contingent upon the applicant committing to transfer
30 ownership of any solar renewable energy credits generated by

1 a solar energy project.

2 (8) A grant award received under this act shall be
3 contingent upon the eligible applicant retaining ownership of
4 the equipment, including photovoltaic or solar thermal
5 devices, related to the solar energy project at the onset of
6 the purchase and installation of the equipment or at the
7 conclusion of a power purchase agreement or lease agreement
8 with a third party.

9 (h) Best practices.--An eligible applicant that receives a
10 grant under the program may:

11 (1) Use the energy cost savings from the solar energy
12 project to supplement, not supplant, existing spending on
13 school facility projects, including environmental and health
14 hazard remediation, indoor air quality improvements, heating,
15 ventilation and air conditioning upgrades, roof, window and
16 plumbing repairs or replacements, and emergency repairs.

17 (2) Integrate the solar energy project into the school's
18 educational curriculum, as appropriate.

19 (i) Reimbursement.--In the event that a school facility that
20 benefited from a grant under the program is leased or sold, the
21 eligible applicant that received the grant shall notify the
22 department, and the new owner of the school facility shall
23 reimburse the department the amount of the grant related to the
24 solar energy project at the school facility.

25 (j) Guidelines.--Within 90 days of the effective date of
26 this section, the department shall publish the guidelines
27 required by subsection (c)(1) on the department's publicly
28 accessible Internet website.

29 (k) Audits.--The department may randomly audit and monitor
30 grant recipients to ensure the appropriate use of grant money

1 and compliance with the provisions of this act and department
2 guidelines established under subsection (c).

3 (1) Administrative fee.--The department may use money
4 appropriated for the program to pay for the direct costs
5 associated with the administration of the program, including
6 providing technical assistance.

7 Section 5. Effective date.

8 This act shall take effect July 1, 2023, or immediately,
9 whichever is later.