

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1032 Session of 2023

INTRODUCED BY FIEDLER, KAUFER, GAYDOS, BOROWSKI, MALAGARI, PISCIOTTANO, NEILSON, KRUEGER, OTTEN, KRAJEWSKI, INNAMORATO, SCHLOSSBERG, T. DAVIS, D. WILLIAMS, VITALI, PROBST, GUENST, HILL-EVANS, TAKAC, SMITH-WADE-EL, MADDEN, McANDREW, BRENNAN, VENKAT, KHAN, GIRAL, KENYATTA, WAXMAN, HADDOCK, SANCHEZ, HOWARD, KINSEY, WARREN, O'MARA, FLEMING, FREEMAN, SAMUELSON, DALEY, STURLA, FRANKEL, CONKLIN, BRIGGS, N. NELSON, CERRATO, SHUSTERMAN, DONAHUE, SALISBURY, KIM, PIELLI, GREEN, BOYD AND WEBSTER, APRIL 26, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 28, 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.

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

2 (3) To help schools reduce their emissions of carbon
3 dioxide and other pollutants.

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

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

8 Section 3. Definitions.

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

12 "Department." The Department of Community and Economic
13 Development of the Commonwealth.

14 "Eligible applicant." Any of the following:

15 (1) A school district.

16 (2) An intermediate unit.

17 (3) An area career and technical school.

18 (4) A chartered school for the education of the deaf or
19 the blind.

20 (5) A community college.

21 (6) The Thaddeus Stevens College of Technology.

22 (7) The Pennsylvania College of Technology.

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

28 "Inflation Reduction Act." The Inflation Reduction Act of
29 2022 (Public Law 117-169, 136 Stat. 1818).

30 "Program." The Solar for Schools Grant Program established

1 under section 4.

2 "School facility." An educational building and surrounding
3 premises owned by an eligible applicant.

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

8 Section 4. Solar for Schools Grant Program.

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

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

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

18 (1) To establish guidelines necessary to implement this
19 act.

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

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

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

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

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

1 (7) To enter into agreements with third-party entities,
2 including the Department of Environmental Protection, to
3 carry out the provisions of this act, including reviewing
4 applications and providing technical assistance.

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

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

11 (2) THE APPLICATION SHALL INCLUDE AN AFFIDAVIT TO ENSURE <--
12 THAT A CONTRACTOR OR SUBCONTRACTOR PERFORMING CONSTRUCTION,
13 RECONSTRUCTION, DEMOLITION, REPAIR OR MAINTENANCE WORK ON A
14 SOLAR ENERGY PROJECT FUNDED UNDER THIS ACT MEETS ALL OF THE
15 FOLLOWING REQUIREMENTS:

16 (I) MAINTAINS ALL VALID LICENSES, REGISTRATIONS OR
17 CERTIFICATES REQUIRED BY THE FEDERAL GOVERNMENT, THE
18 COMMONWEALTH OR A LOCAL GOVERNMENT ENTITY THAT IS
19 NECESSARY TO DO BUSINESS OR PERFORM APPLICABLE WORK.

20 (II) MAINTAINS COMPLIANCE WITH THE ACT OF JUNE 2,
21 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS'
22 COMPENSATION ACT, THE ACT OF DECEMBER 5, 1936 (2ND
23 SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT
24 COMPENSATION LAW, AND BONDING AND LIABILITY INSURANCE
25 REQUIREMENTS AS SPECIFIED IN THE CONTRACT FOR THE SOLAR
26 ENERGY PROJECT.

27 (III) HAS NOT DEFAULTED ON A PROJECT, DECLARED
28 BANKRUPTCY, BEEN DEBARRED OR SUSPENDED ON A PROJECT BY
29 THE FEDERAL GOVERNMENT, THE COMMONWEALTH OR A LOCAL
30 GOVERNMENT ENTITY WITHIN THE PREVIOUS THREE YEARS.

1 (IV) HAS NOT BEEN CONVICTED OF A MISDEMEANOR OR
2 FELONY RELATING TO THE PERFORMANCE OR OPERATION OF THE
3 BUSINESS OF THE CONTRACTOR OR SUBCONTRACTOR WITHIN THE
4 PREVIOUS 10 YEARS.

5 (V) HAS COMPLETED A MINIMUM OF THE UNITED STATES
6 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION'S 10-HOUR
7 SAFETY TRAINING COURSE OR SIMILAR TRAINING SUFFICIENT TO
8 PREPARE WORKERS FOR ANY HAZARDS THAT MAY BE ENCOUNTERED
9 DURING THEIR WORK.

10 ~~(2)~~ (3) Prior to the time period established by the <--
11 department to submit an application, the department shall
12 solicit and fulfill requests for technical assistance from
13 eligible applicants.

14 (e) Prevailing wage requirement.--

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

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

1 (f) Grant limits.--An eligible applicant may receive a grant
2 of up to 50% of the eligible project costs for the solar energy
3 project.

4 (g) Grant awards.--

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

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

12 (3) THE DEPARTMENT SHALL GIVE PREFERENCE IN AWARD <--
13 DECISIONS TO ELIGIBLE APPLICANTS IN CLOSE PROXIMITY TO COAL-
14 POWERED ELECTRIC GENERATION PLANTS THAT HAVE CLOSED OR WILL
15 CLOSE WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
16 PARAGRAPH.

17 ~~(3)~~ (4) The department may give preference in award <--
18 decisions to applications demonstrating the greatest amount
19 of solar energy projected to be produced relative to the
20 existing energy usage at the school facility proposed for the
21 solar energy project.

22 ~~(4)~~ (5) The department may give preference in award <--
23 decisions to school entities that qualify for the Low-Income
24 Communities Bonus Credit Program established under the
25 Inflation Reduction Act.

26 ~~(5)~~ (6) The department shall ensure that money for the <--
27 program is geographically dispersed throughout this
28 Commonwealth based on the applications received.

29 ~~(6)~~ (7) A grant award received by a school entity under <--
30 this act shall not be included when calculating the amount to

1 be paid to a charter school under section 1725-A of the act
2 of March 10, 1949 (P.L.30, No.14), known as the Public School
3 Code of 1949.

4 ~~(7)~~ (8) A grant award received under this act shall not <--
5 be contingent upon the applicant committing to transfer
6 ownership of any solar renewable energy credits generated by
7 a solar energy project.

8 ~~(8)~~ (9) A grant award received under this act shall be <--
9 contingent upon the eligible applicant retaining ownership of
10 the equipment, including photovoltaic or solar thermal
11 devices, related to the solar energy project at the onset of
12 the purchase and installation of the equipment or at the
13 conclusion of a power purchase agreement or lease agreement
14 with a third party.

15 (10) A GRANT AWARD RECEIVED UNDER THIS ACT SHALL BE <--
16 CONTINGENT UPON THE EQUIPMENT, INCLUDING PHOTOVOLTAIC OR
17 SOLAR THERMAL DEVICES, RELATED TO THE SOLAR ENERGY PROJECT
18 BEING PRODUCED OR MANUFACTURED IN THE UNITED STATES. FOR THE
19 PURPOSE OF THIS PARAGRAPH, EQUIPMENT SHALL BE CONSIDERED
20 PRODUCED OR MANUFACTURED IN THE UNITED STATES IF AT LEAST 75%
21 OF THE ARTICLES, MATERIALS AND SUPPLIES ARE PRODUCED OR
22 MANUFACTURED IN THE UNITED STATES.

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

25 (1) Use the energy cost savings from the solar energy
26 project to supplement, not supplant, existing spending on
27 school facility projects, including environmental and health
28 hazard remediation, indoor air quality improvements, heating,
29 ventilation and air conditioning upgrades, roof, window and
30 plumbing repairs or replacements, and emergency repairs.

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

3 (i) Reimbursement.--In the event that a school facility that
4 benefited from a grant under the program is leased or sold, the
5 eligible applicant that received the grant shall notify the
6 department, and the new owner of the school facility shall
7 reimburse the department the amount of the grant related to the
8 solar energy project at the school facility.

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

13 (k) Audits.--The department may randomly audit and monitor
14 grant recipients to ensure the appropriate use of grant money
15 and compliance with the provisions of this act and department
16 guidelines established under subsection (c).

17 (l) Administrative fee.--The department may use money
18 appropriated for the program to pay for the direct costs
19 associated with the administration of the program, including
20 providing technical assistance.

21 Section 5. Effective date.

22 This act shall take effect July 1, 2023, or immediately,
23 whichever is later.