
By: **Senators Pinsky, Van Hollen, and Frosh**
Introduced and read first time: February 4, 2000
Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 2, 2000

CHAPTER _____

1 AN ACT concerning

2 **Public School Construction - Use of Solar Energy - Pilot Program**

3 FOR the purpose of establishing a pilot program to use solar energy in ~~new school~~
4 ~~construction projects in the State; requiring a county board of education to~~
5 ~~include a certain use of solar energy in certain construction projects under~~
6 ~~certain circumstances; requiring a county board to submit a certain grant~~
7 ~~application to the Department of Education under certain circumstances;~~
8 ~~requiring the Department to arrange certain financing for the project under~~
9 ~~certain circumstances; funding the pilot program; authorizing the Department~~
10 ~~to adopt certain regulations public school buildings; requiring the Interagency~~
11 Committee on Public School Construction to implement and administer the pilot
12 program; requiring the Interagency Committee to encourage local boards of
13 education to use certain solar energy systems for certain schools, develop certain
14 procedures, and provide certain grants; authorizing a local board to apply to the
15 Interagency Committee for certain grants; requiring certain local boards to pay
16 certain costs; providing that certain savings shall remain with certain local
17 school systems; requiring that certain public school construction projects be
18 approved by the Board of Public Works; requiring the Interagency Committee
19 and the Maryland Energy Administration to cooperate with, assist, provide
20 technical assistance to, and advise school systems on certain matters; requiring
21 the Interagency Committee to adopt certain procedures; and generally relating
22 to the pilot program to use solar energy in ~~new school construction projects in~~
23 the State public school buildings.

24 BY adding to
25 Article - Education
26 Section 5-301.1
27 Annotated Code of Maryland

1 (1999 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Education**

5 5-301.1.

6 (A) ~~IN THIS SECTION, "ASSOCIATED COST INCREASES" MEANS THE~~
7 ~~DIFFERENCE, DETERMINED IN COOPERATION WITH THE MARYLAND ENERGY~~
8 ~~ADMINISTRATION, BETWEEN THE LIFE-CYCLE COST IF SOLAR ENERGY IS USED FOR~~
9 ~~AT LEAST 20% OF THE ENERGY OR DEMAND NEEDS OF A PUBLIC SCHOOL~~
10 ~~CONSTRUCTION PROJECT AND THE LIFE-CYCLE COST IF SOLAR ENERGY IS NOT~~
11 ~~USED FOR THE ENERGY OR DEMAND NEEDS OF A PROJECT, IF USING SOLAR ENERGY~~
12 ~~IS MORE EXPENSIVE THAN NOT USING SOLAR ENERGY FOR IMPLEMENTING THE~~
13 ~~PROJECT.~~

14 (B) ~~THERE IS A PILOT PROGRAM TO USE SOLAR ENERGY IN NEW SCHOOL~~
15 ~~CONSTRUCTION PROJECTS IN THE STATE.~~

16 (C) (1) ~~THE PILOT PROGRAM SHALL OPERATE AS PROVIDED IN THIS~~
17 ~~SUBSECTION.~~

18 (2) ~~A COUNTY BOARD SHALL:~~

19 (I) ~~USE SOLAR ENERGY FOR AT LEAST 20% OF THE ENERGY OR~~
20 ~~DEMAND NEEDS OF A NEW PUBLIC SCHOOL CONSTRUCTION PROJECT SUBMITTED~~
21 ~~TO THE BOARD OF PUBLIC WORKS FOR APPROVAL;~~

22 (II) ~~APPLY TO THE DEPARTMENT FOR A GRANT UNDER PARAGRAPH~~
23 ~~(4) OF THIS SUBSECTION BEFORE SUBMITTING A PROJECT TO THE BOARD OF PUBLIC~~
24 ~~WORKS FOR APPROVAL IF THE COUNTY BOARD DOES NOT USE SOLAR ENERGY FOR~~
25 ~~AT LEAST 20% OF THE ENERGY OR DEMAND NEEDS OF THE PROJECT BECAUSE OF~~
26 ~~THE ASSOCIATED COST INCREASES; OR~~

27 (III) ~~SHOW CAUSE, FOR REASONS OTHER THAN THE ASSOCIATED~~
28 ~~COST INCREASES, IN THE SUBMISSION TO THE BOARD OF PUBLIC WORKS WHY THE~~
29 ~~COUNTY BOARD DOES NOT USE SOLAR ENERGY FOR AT LEAST 20% OF THE ENERGY~~
30 ~~OR DEMAND NEEDS OF THE PROJECT.~~

31 (3) ~~A GRANT APPLICATION OF A COUNTY BOARD SHALL BE FOR AN~~
32 ~~AMOUNT EQUAL TO THE ASSOCIATED COST INCREASES.~~

33 (4) ~~WITHIN A REASONABLE AMOUNT OF TIME, THE DEPARTMENT~~
34 ~~SHALL:~~

35 (I) ~~REVIEW THE GRANT APPLICATION;~~

1 (II) ~~ARRANGE, IF POSSIBLE, PARTIAL PRIVATE FINANCING FOR A~~
2 ~~GRANT TO SUBSIDIZE THE COST OF USING SOLAR ENERGY FOR AT LEAST 20% OF THE~~
3 ~~ENERGY OR DEMAND NEEDS OF THE PROJECT; AND~~

4 (III) ~~MATCH THE PRIVATE FINANCING IN AN AMOUNT EQUAL TO~~
5 ~~THREE TIMES THE AMOUNT OF THE PRIVATE FINANCING.~~

6 ~~(5) (I) IF THE TOTAL AMOUNT OF THE GRANT INCLUDING~~
7 ~~DEPARTMENT AND PRIVATE FINANCING IS EQUAL TO OR GREATER THAN THE~~
8 ~~ASSOCIATED COST INCREASES, THEN:~~

9 1. ~~THE DEPARTMENT SHALL AWARD A GRANT IN THE~~
10 ~~AMOUNT OF THE ASSOCIATED COST INCREASES TO THE COUNTY BOARD TO ASSIST~~
11 ~~IN FINANCING THE PROJECT; AND~~

12 2. ~~THE COUNTY BOARD SHALL SUBMIT A PROJECT~~
13 ~~INCLUDING THE USE OF SOLAR ENERGY FOR AT LEAST 20% OF THE ENERGY OR~~
14 ~~DEMAND NEEDS OF THE PROJECT AND INCLUDING THE GRANT FINANCING TO THE~~
15 ~~BOARD OF PUBLIC WORKS FOR APPROVAL.~~

16 ~~(II) IF THE TOTAL AMOUNT OF THE GRANT INCLUDING~~
17 ~~DEPARTMENT AND PRIVATE FINANCING IS LESS THAN THE ASSOCIATED COST~~
18 ~~INCREASES, THEN THE COUNTY BOARD MAY SUBMIT A PROJECT THAT DOES NOT~~
19 ~~USE SOLAR ENERGY TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.~~

20 ~~(D) FOR FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE~~
21 ~~GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO IMPLEMENT THIS~~
22 ~~SECTION.~~

23 ~~(E) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~
24 ~~SECTION.~~

25 ~~(A) (1) THERE IS A SOLAR ENERGY PILOT PROGRAM TO PROMOTE THE USE~~
26 ~~OF SOLAR ENERGY SYSTEMS TO GENERATE ELECTRICITY IN PUBLIC SCHOOL~~
27 ~~BUILDINGS IN THE STATE.~~

28 ~~(2) THE PILOT PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED~~
29 ~~BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION AND SHALL~~
30 ~~OPERATE AS PROVIDED IN THIS SECTION.~~

31 ~~(B) THE INTERAGENCY COMMITTEE SHALL:~~

32 ~~(1) ENCOURAGE ALL LOCAL BOARDS IN THE STATE TO STUDY, DESIGN,~~
33 ~~AND CONSTRUCT OR RENOVATE SCHOOL BUILDINGS THAT ARE ENERGY EFFICIENT~~
34 ~~AND USE SOLAR ENERGY SYSTEMS TO GENERATE ELECTRICITY TO MEET A CERTAIN~~
35 ~~PERCENT OF THE SCHOOL BUILDING'S ELECTRICAL ENERGY NEEDS, ELECTRICAL~~
36 ~~ENERGY DEMAND, OR A COMBINATION OF THE ELECTRICAL ENERGY NEEDS AND~~
37 ~~ELECTRICAL ENERGY DEMAND;~~

1 (2) PROVIDE GRANTS OUT OF STATE FUNDS DEDICATED FOR THIS
2 PROGRAM TO LOCAL BOARDS TO ASSIST IN IMPLEMENTING THE USE OF SOLAR
3 ENERGY SYSTEMS IN NEWLY CONSTRUCTED OR RENOVATED SCHOOL BUILDINGS;
4 AND

5 (3) DEVELOP A PROCEDURE FOR A LOCAL BOARD TO APPLY FOR A
6 GRANT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

7 (C) (1) A LOCAL BOARD MAY APPLY TO THE INTERAGENCY COMMITTEE FOR
8 A GRANT TO COVER 90% OF THE TOTAL ADDITIONAL COST OF CONSTRUCTING OR
9 RENOVATING SCHOOL BUILDINGS TO UTILIZE SOLAR ENERGY SYSTEMS TO MEET
10 THE FOLLOWING PERCENTAGES OF THE SCHOOL BUILDINGS' ELECTRICAL ENERGY
11 NEEDS, ELECTRICAL ENERGY DEMAND, OR A COMBINATION OF THE ELECTRICAL
12 ENERGY NEEDS AND ELECTRICAL ENERGY DEMAND:

13 (I) FOR AN ELEMENTARY SCHOOL, AT LEAST 20%;

14 (II) FOR A MIDDLE SCHOOL, AT LEAST 15%; AND

15 (III) FOR A HIGH SCHOOL, AT LEAST 10%.

16 (2) A LOCAL BOARD THAT RECEIVES A GRANT UNDER THIS SUBSECTION
17 SHALL PAY:

18 (I) 10% OF THE TOTAL ADDITIONAL COSTS OF CONSTRUCTING OR
19 RENOVATING A SCHOOL BUILDING TO UTILIZE SOLAR ENERGY SYSTEMS; AND

20 (II) ALL ARCHITECTURAL OR ENGINEERING FEES FOR THE DESIGN
21 AND SUPERVISION OF THE INSTALLATION OF THE SOLAR ENERGY SYSTEMS.

22 (3) THE INTERAGENCY COMMITTEE MAY NOT AWARD A GRANT UNDER
23 THIS SECTION FOR A PUBLIC SCHOOL CONSTRUCTION PROJECT THAT HAS NOT BEEN
24 APPROVED BY THE BOARD OF PUBLIC WORKS.

25 (D) LOCAL SCHOOL SYSTEMS ARE ENCOURAGED TO SEEK PRIVATE FUNDING
26 TO IMPLEMENT THE PILOT PROGRAM.

27 (E) THE TOTAL SAVINGS OF ELECTRICAL ENERGY NEEDS AND ELECTRICAL
28 ENERGY DEMAND COSTS THAT RESULT FROM THE INSTALLATION AND USE OF
29 SOLAR ENERGY SYSTEMS UNDER THIS SECTION SHALL REMAIN WITH THE LOCAL
30 SCHOOL SYSTEM.

31 (F) (1) THE INTERAGENCY COMMITTEE AND THE MARYLAND ENERGY
32 ADMINISTRATION SHALL COOPERATE WITH, ASSIST, PROVIDE TECHNICAL
33 ASSISTANCE TO, AND ADVISE SCHOOL SYSTEMS TO IDENTIFY APPROPRIATE PUBLIC
34 SCHOOL CONSTRUCTION PROJECTS THAT WOULD BENEFIT FROM THE
35 INSTALLATION OF SOLAR ENERGY SYSTEMS.

36 (2) THE INTERAGENCY COMMITTEE SHALL ADOPT PROCEDURES
37 NECESSARY TO IMPLEMENT THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2000.