



General Assembly

February Session, 2024

**Governor's Bill No. 5052**

LCO No. 584



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:

Request of the Governor Pursuant  
to Joint Rule 9

***AN ACT SUPPORTING SOLAR ENERGY IN SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 10-286 of the 2024 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2024*):

4 (b) (1) In the case of all grants computed under this section for a  
5 project which constitutes a replacement, extension or major alteration of  
6 a damaged or destroyed facility, no grant may be paid if a local or  
7 regional board of education has failed to insure its facilities and capital  
8 equipment in accordance with the provisions of section 10-220. The  
9 amount of financial loss due to any damage or destruction to any such  
10 facility, as determined by ascertaining the replacement value of such  
11 damage or destruction, shall be deducted from project cost estimates  
12 prior to computation of the grant.

13 (2) (A) In the case of any grants computed under this section for a  
14 school building project authorized pursuant to section 10-283, as

15 amended by this act, after July 1, 1979, but prior to July 1, 2023, any  
16 federal funds or other state funds received for such school building  
17 project shall be deducted from project costs prior to computation of the  
18 grant.

19 (B) In the case of any grants computed under this section for a school  
20 building project authorized pursuant to section 10-283, as amended by  
21 this act, after July 1, [2023] 2024, any other state funds received for such  
22 school building project shall be deducted from project costs prior to  
23 computation of the grant. For purposes of this subparagraph, "other  
24 state funds" does not include any funds or benefit received pursuant to  
25 a program or initiative implemented pursuant to section 16-19f, 16-243y,  
26 16-244z, as amended by this act, 16-245m or 16-245n.

27 (3) The calculation of grants pursuant to this section shall be made in  
28 accordance with the state standard space specifications in effect at the  
29 time of the final grant calculation, except that on and after July 1, 2005,  
30 in the case of a school district with an enrollment of less than one  
31 hundred fifty students in grades kindergarten to grade eight, inclusive,  
32 state standard space specifications shall not apply in the calculation of  
33 grants pursuant to this section and the Commissioner of Administrative  
34 Services, in consultation with the Commissioner of Education, may  
35 modify the standard space specifications for a project in such district.

36 Sec. 2. Section 16-244z of the 2024 supplement to the general statutes  
37 is amended by adding subsection (h) as follows (*Effective July 1, 2024*):

38 (NEW) (h) (1) Not later than January 1, 2025, the Public Utilities  
39 Regulatory Authority shall initiate a docket to develop a program to  
40 encourage the installation of solar photovoltaic systems and energy  
41 storage systems at public schools. The authority shall incorporate such  
42 program into the programs authorized pursuant to this section. The  
43 authority may establish a separate tariff for projects selected under such  
44 program and may identify a reasonable cap, not to exceed twenty-five  
45 megawatts per year, on the annual capacity of projects under such  
46 program, provided the authority shall permit any unused allowance

47 under such cap in any given year to accrue. Such program shall allow  
48 for an equal amount of solar photovoltaic and energy storage capacity.

49 (2) A proposal for a project under such program may base such  
50 project's capacity on an estimate of electricity usage on the customer side  
51 of the revenue meter that exceeds existing on-site usage at the time of  
52 such proposal to account for additional future uses of the electricity,  
53 including, but not limited to: (A) Electric vehicle charging stations, as  
54 determined by the authority; (B) providing electricity to an adjacent  
55 property, if the adjacent property and subject property are both owned  
56 by a government entity; (C) electricity-dependent heating and cooling  
57 systems; and (D) powering equipment used in the provision of food or  
58 equipment used to provide water for drinking or hygiene.

59 Sec. 3. Subsection (a) of section 10-283 of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
61 *2024*):

62 (a) (1) Each town or regional school district shall be eligible to apply  
63 for and accept grants for a school building project as provided in this  
64 chapter. Any town desiring a grant for a public school building project  
65 may, by vote of its legislative body, authorize the board of education of  
66 such town to apply to the Commissioner of Administrative Services and  
67 to accept or reject such grant for the town. Any regional school board  
68 may vote to authorize the supervising agent of the regional school  
69 district to apply to the Commissioner of Administrative Services for and  
70 to accept or reject such grant for the district. Applications for such grants  
71 under this chapter shall be made by the superintendent of schools of  
72 such town or regional school district on the form provided and in the  
73 manner prescribed by the Commissioner of Administrative Services.  
74 The application form shall require the superintendent of schools to  
75 affirm that the school district considered the maximization of natural  
76 light, the use and feasibility of wireless connectivity technology, [and,]  
77 on and after July 1, 2014, the school safety infrastructure criteria,  
78 described in section 10-292r, in projects for new construction and  
79 alteration or renovation of a school building, and, on and after July 1,

80 2024, the recommendations of the Connecticut Green Bank based upon  
81 the Connecticut Green Bank's assessment of solar feasibility, in projects  
82 in any town or district where such town or district does not currently  
83 utilize solar energy at such school building. The Commissioner of  
84 Administrative Services shall review each grant application for a school  
85 building project for compliance with educational requirements and on  
86 the basis of categories for building projects established by the  
87 Commissioner of Administrative Services in accordance with this  
88 section. The Commissioner of Education shall evaluate, if appropriate,  
89 whether the project will assist the state in meeting its obligations  
90 pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any  
91 related stipulation or order in effect, as determined by the  
92 Commissioner of Education. The Commissioner of Administrative  
93 Services shall consult with the Commissioner of Education in reviewing  
94 grant applications submitted for purposes of subsection (a) of section  
95 10-65 or section 10-76e on the basis of the educational needs of the  
96 applicant. The Commissioner of Administrative Services shall review  
97 each grant application for a school building project for compliance with  
98 standards for school building projects pursuant to regulations, adopted  
99 in accordance with section 10-287c, and, on and after July 1, 2014, the  
100 school safety infrastructure criteria, described in section 10-292r.  
101 Notwithstanding the provisions of this chapter, the Board of Trustees of  
102 the Community-Technical Colleges on behalf of Quinebaug Valley  
103 Community College and Three Rivers Community College and the  
104 following entities that will operate an interdistrict magnet school that  
105 will assist the state in meeting its obligations pursuant to the decision in  
106 *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any related stipulation or order  
107 in effect, as determined by the Commissioner of Education, may apply  
108 for and shall be eligible to receive grants for school building projects  
109 pursuant to section 10-264h for such a school: (A) The Board of Trustees  
110 of the Community-Technical Colleges on behalf of a regional  
111 community-technical college, (B) the Board of Trustees of the  
112 Connecticut State University System on behalf of a state university, (C)  
113 the Board of Trustees for The University of Connecticut on behalf of the  
114 university, (D) the board of governors for an independent institution of

115 higher education, as defined in subsection (a) of section 10a-173, or the  
116 equivalent of such a board, on behalf of the independent institution of  
117 higher education, (E) cooperative arrangements pursuant to section 10-  
118 158a, and (F) any other third-party not-for-profit corporation approved  
119 by the Commissioner of Education.

120 (2) The Commissioner of Administrative Services shall assign each  
121 school building project to a category on the basis of whether such project  
122 is primarily required to: (A) Create new facilities or alter existing  
123 facilities to provide for mandatory instructional programs pursuant to  
124 this chapter, for physical education facilities in compliance with Title IX  
125 of the Elementary and Secondary Education Act of 1972 where such  
126 programs or such compliance cannot be provided within existing  
127 facilities or for the correction of code violations which cannot be  
128 reasonably addressed within existing program space; (B) create new  
129 facilities or alter existing facilities to enhance mandatory instructional  
130 programs pursuant to this chapter or provide comparable facilities  
131 among schools to all students at the same grade level or levels within  
132 the school district unless such project is otherwise explicitly included in  
133 another category pursuant to this section; and (C) create new facilities  
134 or alter existing facilities to provide supportive services, provided in no  
135 event shall such supportive services include swimming pools,  
136 auditoriums, outdoor athletic facilities, tennis courts, elementary school  
137 playgrounds, site improvement or garages or storage, parking or  
138 general recreation areas. All applications submitted prior to July first  
139 shall be reviewed promptly by the Commissioner of Administrative  
140 Services. The Commissioner of Administrative Services shall estimate  
141 the amount of the grant for which such project is eligible, in accordance  
142 with the provisions of section 10-285a, provided an application for a  
143 school building project determined by the Commissioner of Education  
144 to be a project that will assist the state in meeting its obligations  
145 pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any  
146 related stipulation or order in effect, as determined by the  
147 Commissioner of Education, shall have until September first to submit  
148 an application for such a project and may have until December first of

149 the same year to secure and report all local and state approvals required  
150 to complete the grant application. The Commissioner of Administrative  
151 Services shall annually prepare a listing of all such eligible school  
152 building projects listed by category together with the amount of the  
153 estimated grants for such projects and shall submit the same to the  
154 Governor, the Secretary of the Office of Policy and Management and the  
155 General Assembly on or before the fifteenth day of December, except as  
156 provided in section 10-283a, with a request for authorization to enter  
157 into grant commitments. On or before December thirty-first annually,  
158 the Secretary of the Office of Policy and Management may submit  
159 comments and recommendations regarding each eligible project on  
160 such listing of eligible school building projects to the school construction  
161 committee, established pursuant to section 10-283a. Each such listing  
162 shall include a report on the following factors for each eligible project:  
163 (i) An enrollment projection and the capacity of the school, (ii) a  
164 substantiation of the estimated total project costs, (iii) the readiness of  
165 such eligible project to begin construction, (iv) efforts made by the local  
166 or regional board of education to redistrict, reconfigure, merge or close  
167 schools under the jurisdiction of such board prior to submitting an  
168 application under this section, (v) enrollment and capacity information  
169 for all of the schools under the jurisdiction of such board for the five  
170 years prior to application for a school building project grant, (vi)  
171 enrollment projections and capacity information for all of the schools  
172 under the jurisdiction of such board for the eight years following the  
173 date such application is submitted, and (vii) the state's education  
174 priorities relating to reducing racial and economic isolation for the  
175 school district. On and after July 1, 2022, each such listing shall include  
176 an addendum that contains all grants approved pursuant to subsection  
177 (b) of this section during the prior fiscal year. For the period beginning  
178 July 1, 2006, and ending June 30, 2012, no project, other than a project  
179 for a technical education and career school, may appear on the separate  
180 schedule of authorized projects which have changed in cost more than  
181 twice. On and after July 1, 2012, no project, other than a project for a  
182 technical education and career school, may appear on the separate  
183 schedule of authorized projects which have changed in cost more than

184 once, except the Commissioner of Administrative Services may allow a  
185 project to appear on such separate schedule of authorized projects a  
186 second time if the town or regional school district for such project can  
187 demonstrate that exigent circumstances require such project to appear a  
188 second time on such separate schedule of authorized projects.  
189 Notwithstanding any provision of this chapter, no projects which have  
190 changed in scope or cost to the degree determined by the Commissioner  
191 of Administrative Services, in consultation with the Commissioner of  
192 Education, shall be eligible for reimbursement under this chapter unless  
193 it appears on such list. The percentage determined pursuant to section  
194 10-285a at the time a school building project on such schedule was  
195 originally authorized shall be used for purposes of the grant for such  
196 project. On and after July 1, 2006, a project that was not previously  
197 authorized as an interdistrict magnet school shall not receive a higher  
198 percentage for reimbursement than that determined pursuant to section  
199 10-285a at the time a school building project on such schedule was  
200 originally authorized. The General Assembly shall annually authorize  
201 the Commissioner of Administrative Services to enter into grant  
202 commitments on behalf of the state in accordance with the  
203 commissioner's categorized listing for such projects as the General  
204 Assembly shall determine. The Commissioner of Administrative  
205 Services may not enter into any such grant commitments except  
206 pursuant to such legislative authorization. Any regional school district  
207 which assumes the responsibility for completion of a public school  
208 building project shall be eligible for a grant pursuant to subdivision (5)  
209 or (6), as the case may be, of subsection (a) of section 10-286 when such  
210 project is completed and accepted by such regional school district.

211 (3) (A) All final calculations completed by the Department of  
212 Administrative Services for school building projects shall include a  
213 computation of the state grant for the school building project amortized  
214 on a straight line basis over a twenty-year period for school building  
215 projects with costs equal to or greater than two million dollars and over  
216 a ten-year period for school building projects with costs less than two  
217 million dollars. Any town or regional school district which abandons,

218 sells, leases, demolishes or otherwise redirects the use of such a school  
219 building project to other than a public school use during such  
220 amortization period shall refund to the state the unamortized balance of  
221 the state grant remaining as of the date the abandonment, sale, lease,  
222 demolition or redirection occurs. The amortization period for a project  
223 shall begin on the date the project was accepted as complete by the local  
224 or regional board of education. A town or regional school district  
225 required to make a refund to the state pursuant to this subdivision may  
226 request forgiveness of such refund if the building is redirected for public  
227 use. The Department of Administrative Services shall include as an  
228 addendum to the annual school construction priority list all those towns  
229 requesting forgiveness. General Assembly approval of the priority list  
230 containing such request shall constitute approval of such request. This  
231 subdivision shall not apply to projects to correct safety, health and other  
232 code violations or to remedy certified school indoor air quality  
233 emergencies approved pursuant to subsection (b) of this section or  
234 projects subject to the provisions of section 10-285c.

235 (B) If the board of governors for an independent institution of higher  
236 education, as defined in subsection (a) of section 10a-173, or the  
237 equivalent of such a board, on behalf of the independent institution of  
238 higher education, that operates an interdistrict magnet school makes  
239 private use of any portion of a school building in which such operator  
240 received a school building project grant pursuant to this chapter, such  
241 operator shall annually submit a report to the Commissioner of  
242 Education that demonstrates that such operator provides an equal to or  
243 greater than in-kind or supplemental benefit of such institution's  
244 facilities to students enrolled in such interdistrict magnet school that  
245 outweighs the private use of such school building. If the commissioner  
246 finds that the private use of such school building exceeds the in-kind or  
247 supplemental benefit to magnet school students, the commissioner may  
248 require such institution to refund to the state the unamortized balance  
249 of the state grant.

250 (C) Any moneys refunded to the state pursuant to subparagraphs (A)  
251 and (B) of this subdivision shall be deposited in the state's tax-exempt



252 proceeds fund and used not later than sixty days after repayment to pay  
253 debt service on, including redemption, defeasance or purchase of,  
254 outstanding bonds of the state the interest on which is not included in  
255 gross income pursuant to Section 103 of the Internal Revenue Code of  
256 1986, or any subsequent corresponding internal revenue code of the  
257 United States, as from time to time amended.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	10-286(b)
Sec. 2	<i>July 1, 2024</i>	16-244z(h)
Sec. 3	<i>July 1, 2024</i>	10-283(a)

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*