

HOUSE No. 4503

Section 196 contained in the engrossed Bill making appropriations for the fiscal year 2017 (see House, No. 4450), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment V of House, No. 4505). July 11, 2016.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to municipality reimbursement.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for municipality reimbursement, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, the department
2 of energy resources shall expend not more than \$3,000,000 from the RGGI Auction Trust Fund
3 established in section 35II of chapter 10 of the General Laws for reimbursements to
4 municipalities in which the property tax receipts from an electric generating station, including
5 payments in lieu of taxes and other compensation specified in an agreement between a
6 municipality and an affected property owner, are reduced due to a reduction in capacity factor,
7 occurring after July 1, 2012 at a dual coal and oil-fired facility, of at least 50 per cent from the
8 average capacity factor of the previous 10 years; provided, however, that such action shall also
9 reduce the commonwealth’s greenhouse gas emissions from the electric generator sector under
10 the goals established pursuant to chapter 21N of the General Laws; provided further, that the

11 reimbursement amount shall be determined by calculating the difference between: (i) the amount
12 of the tax receipts, including payments in lieu of taxes or other compensation, paid by the electric
13 generating station in the current tax year; and (ii) the amount of the tax receipts, including
14 payments in lieu of taxes or other compensation, paid by the electric generating station in the tax
15 year prior to the full or partial decommissioning or other change in operating status of the
16 facility; provided further, that a reimbursement shall not be made if, in a tax year, the aggregate
17 amount paid to a municipality by the owner of an electric generating station including, but not
18 limited to, payments in lieu of taxes and other compensation, exceeds the aggregate amount paid
19 to that municipality by that owner in the year prior to the full or partial decommissioning or other
20 change in operating status of the electric generating station; and provided further, that not later
21 than December 31, 2016, a municipality in which the property tax receipts from an electric
22 generating station are reduced due to a reduction in capacity factor shall submit a report to the
23 senate and house chairs of the joint committee on telecommunications, utilities and energy
24 detailing the need for these reimbursements and the impact on the municipality of receiving or
25 not receiving them. Payments from the RGGI Auction Trust Fund shall be prioritized so that the
26 first payments from the fund shall be made to municipalities under this section.

27 SECTION 2. This act shall take effect as of July 1, 2016.