HOUSE DOCKET, NO. 3263 FILED ON: 1/18/2013

HOUSE . . . . . No. 2505

The Commonwealth of Massachusetts

PRESENTED BY:

Matthew A. Beaton

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to solar taxation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Matthew A. Beaton	*11th Worcester*
Kimberly N. Ferguson	*1st Worcester*

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HOUSE . . . . . No. 2505

By Mr. Beaton of Shrewsbury, a petition (accompanied by bill, House, No. 2505) of Matthew A. Beaton and Kimberly N. Ferguson relative to the taxation of real property occupied by solar or wind powered renewable generation equipment and devices. Revenue.

The Commonwealth of Massachusetts

An Act relative to solar taxation.

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

SECTION 1. Section 2B of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word " of, in line 2, the following words:- a governmental entity, including.

SECTION 2. Said section 2B of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word "public", in line 37, the following words:-, to a use, lease or occupancy for renewable generation facilities, defined as eligible under subsection (c) of section 11F of chapter 25A, in which not less than 50 per cent of the energy output is assigned to either the municipality in which the facility is located or to the governmental entity that owns the land on which the facility is located,.

SECTION 3. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out clause Forty-fifth and inserting in place thereof the following clause:-

Forty-fifth, Any solar or wind powered system that is capable of producing not more than 125 per cent of the annual energy needs of the property upon which it is located, including contiguous property under the same ownership, and is behind the meter serving the energy needs of that property. All other solar and wind powered systems shall also be exempt provided that the owner has made to the city or town where the system is located a payment in lieu of taxes. Each municipality shall establish a rate between 0 and 20 percent that will be used in calculating all payments in lieu of taxes relative to this section, which then shall be applied to a system's gross electricity sales, including receipt of net metering credits as defined in section 138 of chapter 164, in the preceding calendar year. For years 1 and 2, the payments shall be annualized based on gross estimated sales derived from a formula to be determined by the department of revenue, in consultation with the department of energy resources. An exemption under this clause shall be

26 allowed only for a period of 20 years from the date of operation of such system. This clause shall
27 not apply to projects developed under section 1A of said chapter 164.
28
29 SECTION 4. Subsection (b) of section 38H of chapter 59 of the General Laws, as so
30 appearing, is hereby amended by inserting after the first sentence the following sentence:- For
31 purposes of this section, a generation facility shall not include a facility powered by sun or wind
32 to generate electricity.