SENATE DOCKET, NO. 1933 FILED ON: 4/7/2011

SENATE . . . . . No. 1915

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

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 authorizing the town of Kingston to install, finance and operate wind energy facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1933 FILED ON: 4/7/2011

SENATE . . . . . No. 1915

By Ms. Murray, a petition (accompanied by bill, Senate, No. 1915) of Therese Murray (by the vote of the town) for legislation to authorize the town of Kingston to install, finance and operate wind energy facilities. [Local Approval Received.] Municipalities and Regional Government.

The Commonwealth of Massachusetts

An Act authorizing the town of Kingston to install, finance and operate wind energy facilities.

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 5 of Chapter 352 of the Acts of 2008 shall be replaced with the following:

Section 5. There shall be established in the Town of Kingston a renewable energy enterprise fund, to which the provisions of section 53F½ of chapter 44 of the General Laws shall apply, except as provided herein, for the receipt of all funds received by the Town in connection with the operation of any renewable energy facility which the Town is authorized by law to operate, including but not limited to the funds received for: the sale of actual energy produced; the sale of energy credits received; and the lease of the property upon which a facility is located, other than the proceeds of bonds or notes issued therefore ("Renewable Energy Receipts"). The Board of Selectmen shall annually appropriate fifty (50%) percent of the Renewable Energy Receipts to be used to pay costs of operation and maintenance of any renewable energy facilities, existing or to be created, on any town-owned property or facility including schools, to pay costs of future repairs, extensions, reconstruction, enlargements, additions and improvements thereto, and to pay the principal and interest on any bonds or notes issued therefore and to fund the loan and/or grant fund established under Section 5a of this Act. The remaining 50 % of the renewable energy receipts shall go into the general fund for any municipal purpose.

The Board of Selectmen shall be the appropriate local entity for the purposes of estimating the income and proposing a line-item budget for the enterprise fund. This budget may include amounts to be appropriated to a capital reserve fund to be established within the enterprise fund which may be expended for capital purposes of the enterprise, including the costs of extraordinary repairs, extensions, reconstruction, enlargements and additions to the alternative energy facilities, existing or to be created, on any town owned property or facility including schools. Funds appropriated to the capital reserve fund may accumulate from year to year. Any funds remaining in the enterprise fund, at the end of each fiscal year in excess of the amounts

required to meet the obligations of the fund and the funding of the loan/grant fund as established under Section 5a. of this Act, other than amounts in the capital reserve fund, shall remain in the enterprise fund for allocation in any succeeding fiscal years and shall not be allocated to the General Fund.

SECTION 2. The following Section 5a. shall be added to the Act:

Section 5a. There shall be established in the Town of Kingston a loan and grant fund from which citizens may apply to borrow funds or receive grants for renewable energy improvements to privately owned property, including but not limited to: energy conservation measures, alternative energy methods and operations, or development of such improvements as may be deemed appropriate by the "Committee" and in harmony with the intents and purposes of this act. The Board of Selectmen shall appoint a five (5) member "Committee" which shall be responsible for the administration of the grant & loan fund. Such appointments shall be made in the following manner: one member from the Finance Committee, one member from the Board of Selectmen, one member of the Green Energy Committee, one member of the Capital Committee, and one citizen at large, and in its discretion the Board of Selectmen may appoint one additional member who shall serve in an ex officio capacity (hereinafter the "Renewable Energy Grant & Loan Committee"). Each such member shall serve for a term of two years and may be reappointed at the discretion of the Board of Selectmen. The Renewable Energy Grant & Loan Committee shall adopt, following at least 14 days notice and a public hearing, rules and regulations consistent with the purpose and intent of this Act, establishing the qualifications for receipt of a loan or a grant from the fund including the repayment terms of the loan and the operations and administration of the Committee.