

HOUSE No. 3127

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to a Renewable Energy Generation fund..

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. Title and Purpose.

2 The purpose of this act is to authorize the Secretary of Environmental Affairs to enter
3 into certain leases involving the use of certain lands within the jurisdiction of the
4 Commonwealth. This Act shall be known as the Renewable Energy Generation Fund.

5 Section 2. GRANTS OF EASEMENTS. The Secretary of Environmental
6 Affairs, on behalf of the Commonwealth, is authorized to grant easements upon reasonable
7 conditions and duration for rights-of-way across, through, and under water bodies within the
8 jurisdiction of the Commonwealth , state-owned riverbeds and beds of navigable streams in the
9 public domain, saltwater lakes, bays, inlets and marshes for the limited purpose of access to such
10 lands for construction, siting and maintenance of facilities for power generation, and associated
11 transmission lines, which use renewable energy sources, such as wind, solar, or geothermal
12 energy and other sustainable sources under lease terms consistent with the provisions of Section
13 Five of this Act.

14 The Lease Requirement for the grant of easements under this Act shall not
15 relieve any project applicant for renewable energy generation projects from obligations to obtain
16 any other constitutional, statutory or regulatory approvals and/or permits which may be
17 necessary from Federal, State and Local governments or agencies.

18 Section 3. Renewable Energy Generation Fund.

19 There is hereby established and set up a separate fund of the Commonwealth to
20 be known as the Massachusetts Renewable Energy Generation Fund. The fund shall be held in
21 trust by the Treasurer of the Commonwealth to be available for the expenditures and purposes
22 provided in Section Four of this Act. The Fund shall consist of monies credited to the Fund
23 under this Act, interest and or income derived therefrom, as well as gifts, court judgments and
24 damage awards as they may from time to time be made or directed to the Fund.

25 Section 4. Monies Received by the Commonwealth. Money received by the
26 Commonwealth for the grants of easements under Leases authorized by this Act shall be
27 deposited in the Renewable Energy Generation Fund. Monies within this Fund shall be allocated
28 by percentage into separate accounts identified as the Abutters Fund (twenty five percent),
29 Environmental Resources Fund (twenty five percent) and the Commonwealth Needs Fund (fifty
30 percent). The Abutters Fund shall be distributed, without further appropriation annually to the
31 abutting municipalities of the waterbody or bodies associated with the payments received relative
32 to Leases associated with renewable energy generating projects involving waterbodies to which
33 they are an abutter. The Environmental Resources Fund shall be expended, without further
34 appropriation, by the agencies of the Executive Office of Environmental Affairs for activities,
35 projects or capital expenditures which will enhance the purpose of the preservation, acquisition,

36 and public access of and to state parks, undeveloped state lands, and fish and wildlife. The
37 Commonwealth Needs Fund shall, subject to appropriation, remain available for expenditure by
38 the Commonwealth.

39 Section 5. Leases.

40 Leases entered into under this Act on behalf of the Commonwealth and its
41 citizens shall to the maximum extent feasible recognize and maintain the public access to and
42 enjoyment of the waterbody or waterbodies which currently exist and are the subject of the
43 Lease.

44 Section 6. Regulatory Authority.

45 (a) Pursuant to the purposes of this Act, the Secretary of Environmental Affairs is
46 authorized to promulgate regulations for the implementation of the Act.

47 (b) The books and records of the Fund created by this Act relative to expenditures and
48 investments of monies from the Fund shall be subject to a biennial audit by the auditor of the
49 Commonwealth.