

HOUSE No. 3592

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera and Mark C. Montigny

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 adoption of the accompanying bill:

An Act relative to the establishment of a special capital fund in the town of Acushnet.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>7/16/2013</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>7/23/2013</i>

HOUSE No. 3592

By Representative Koczera of New Bedford and Senator Montigny, a joint petition (accompanied by bill, House, No. 3592) of Robert M. Koczera and Mark C. Montigny (by vote of the town) that the town of Acushnet be authorized to establish a special capital fund from solar tax revenues. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the establishment of a special capital fund in the town of Acushnet.

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. Establishment of a Capital Expenditure Fund.

2 (a) Notwithstanding the provisions of Section 53 of Chapter 44 of the General Laws or
3 of any other general or special law to the contrary, there is hereby established in the Town of
4 Acushnet a capital expenditure fund to which shall be credited without further appropriation real
5 estate and personal property tax revenue from solar farm facilities situated in residential districts
6 in the town, as such districts may be defined from time to time by the town’s zoning bylaws
7 (hereinafter “Solar Tax Revenues”). The town treasurer shall be the custodian of the fund, and
8 the deposit and investment of Solar Tax Revenues in such fund shall be in accord with the
9 provisions of Section 55 of Chapter 44 of the General Laws. Interest earned shall remain with
10 and become part of the fund.

11 (b) For purpose of this act, the term “solar farm facilities” shall mean real property on
12 which is located multiple arrays of photovoltaic panels that collect and convert sunlight to
13 energy for commercial purposes, regardless of how such facilities are characterized, and the
14 panes and related equipment.

15 Section 2. Expenditures from the Fund.

16 (a) Not later than March 15 in any year, the board of assessors shall estimate annual
17 Solar Tax Revenues to be collected in the upcoming fiscal year and notify the board of selectmen
18 of the amount available for appropriation at the annual town meeting, and at any later town
19 meeting held prior to the setting of the tax rate. As with other municipal tax revenues, following

20 the close of the books at the end of each fiscal year, any Solar Tax Revenues not appropriated,
21 and any other monies remaining in the fund shall be reported to the department of revenue; once
22 approved, such fund balance shall be available for appropriation at any time until the close of
23 that fiscal year.

24 (b) Appropriations from said fund shall be authorized by majority vote at an annual or
25 special town meeting for any purpose related to capital improvements or for the repayment of
26 capital debt. For purposes of this act, “ capital improvements” or “capital debt” shall include:
27 acquisition of interests in land, acquisition of tangible assets or the undertaking of capital
28 projects, which assets or projects shall have a useful life of 5 years or more and a cost of \$10,000
29 or more and which are not properly categorized as annual operating expenses and shall include
30 the payment of debt service on capital projects, whether such projects were approved prior to or
31 after the effective date of this act. Capital projects shall include major departmental capital
32 equipment, even if acquired on an annual basis, meeting the useful life and cost requirements of
33 this section.

34 Section 3. This act shall take effect on July 1, 2014.