

HOUSE No. 4225

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

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 ESTABLISHING A CAPITAL EXPENDITURE FUND IN THE TOWN OF REHOBOTH.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>6/20/2014</i>

HOUSE No. 4225

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 4225) of Steven S. Howitt (by vote of the town) that the town of Rehoboth be authorized to create a capital expenditure fund in said town. Revenue. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

AN ACT ESTABLISHING A CAPITAL EXPENDITURE FUND IN THE TOWN OF REHOBOTH.

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. (a) Notwithstanding section 53 of chapter 44 of the General Laws or any
2 other general or special law to the contrary, there is hereby established in the town of Rehoboth a
3 capital expenditure fund to which shall be credited, without further appropriation, real estate,
4 personal property taxes and permitting revenues from solar farm facilities situated in the town,
5 hereinafter referred to as “solar tax revenues”. The town treasurer shall be the custodian of the
6 fund, and the deposit and investment of solar tax revenues in the fund shall be in accordance with
7 the provisions of section 55 of said chapter 44. Interest earned shall remain with and become
8 part of the fund.

9 (b) For the purposes of this act, the term “solar farm facilities”, shall mean real property
10 on which is located a large-scale system of ground-mounted photovoltaic panels that collect and
11 convert sunlight to energy for exclusively commercial purposes, with a minimum nameplate
12 capacity of 250 kilowatts direct current, and shall include any panels and related equipment.

13 (c) Not later than March 15, annually, the board of assessors of the town of Rehoboth
14 shall estimate annual solar tax revenues to be collected in the upcoming fiscal year and notify the
15 board of selectmen of the town of Rehoboth of the amount available for appropriation at the
16 annual town meeting, and at any later town meeting held prior to setting the tax rate. As with
17 other municipal tax revenues, following the close of the books at the end of each fiscal year, any
18 solar tax revenues not appropriated, and any other monies remaining in the fund shall be reported
19 to the department of revenue. Once approved, such fund balance shall be available for

20 appropriation at any time and for any fiscal year. Funds not spent in any 1 fiscal year may remain
21 in the fund and carry over to succeeding fiscal years.

22 (d) Appropriations from the fund shall be authorized by majority vote at an annual or
23 special town meeting for any purpose related to capital improvements or for the repayment of
24 capital debt. For the purposes of this act, “capital improvements” or “capital debt” shall include:
25 (i) acquisition of interests in land; (ii) acquisition of tangible assets or the undertaking of capital
26 projects that have a useful life of 5 years or more and a cost of \$10,000 or more and are not
27 properly categorized as annual operating expenses; and (iii) the payment of debt service on
28 capital projects, whether such projects were approved prior to or after the effective date of this
29 act. Capital projects shall be limited to general government buildings only, such as public safety
30 buildings, municipal offices, the senior center and other similar buildings, but shall also include
31 major departmental capital equipment, building renovations, expansion, construction and land
32 acquisitions related thereto, even if acquired on an annual basis, meeting the useful life and cost
33 requirements of this section.

34 (e) The unencumbered balance of the fund shall at no time exceed \$2,000,000. In the
35 event the unencumbered balance reaches \$2,000,000, all solar tax revenues shall go into the
36 general fund of the town.

37 (f) In the event an expenditure from this fund for the repayment of capital debt is
38 approved by the town meeting, the town treasurer shall, annually, encumber sufficient funds to
39 satisfy such annual debt payment, after which time the remainder of the balance of the fund shall
40 be subject to appropriation as set forth in this act.

41 SECTION 2. This act shall take effect upon its passage.