

HOUSE No. 4328

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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 Hampshire Council of Governments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>4/27/2016</i>

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By Mr. Kocot of Northampton, a petition (subject to Joint Rule 12) of Peter V. Kocot that the Hampshire Council of Governments be authorized to secure certain obligations. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the Hampshire Council of Governments.

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. Subsection (b) of section 20 of chapter 34B of the General Laws as
2 appearing in the 2014 Official Edition, is hereby amended by adding the following paragraph:-
3 “Notwithstanding subsection (k) or any general or special law to the contrary,
4 the Hampshire Council of Governments may, with the approval of a weighted majority of the
5 council’s councilors (determined in accordance with the council’s charter), in connection with
6 the council’s activities as a “supplier” as defined in section 1 of chapter 164, make contracts and
7 guarantees, incur liabilities, incur debt, borrow money, issue notes and bonds, incur other
8 obligations, and enter into agreements, including, but not limited to, electric power purchase
9 agreements, electricity sale agreements and hedging agreements relating to any such, activities,
10 debt, or obligations. The council may secure any of its aforementioned obligations by granting
11 liens, security interests or other encumbrances in any of its personal property or assets that arise
12 from or are related to its activities as such a “supplier,” including but not limited to, its

13 franchises, income and revenues from such activities, its general intangibles, accounts, deposit
14 accounts, contracts, contract rights and the proceeds of any of the foregoing (as each such term is
15 defined in chapter 106), and may keep separate from its general fund and deposit in segregated
16 collateral accounts revenues from or other funds relating to such activities as may be subject to
17 any such liens, security interests or encumbrances. The council shall be liable for the repayment
18 of any such debt obligations incurred pursuant to this subsection, and no such debt obligations or
19 any bonds issued by the council shall constitute a debt of the commonwealth or a pledge of the
20 full faith and credit of the commonwealth. Nothing in this subsection shall permit the council to:
21 (1) grant liens, security interests or other encumbrances in any of its real property in respect of
22 liabilities, debt incurred or money borrowed in connection with its activities as a supplier as
23 defined in section 1 of chapter 164; or (2) grant any lien, security interest or encumbrance in any
24 emergency communications equipment or any of the property or assets of the Hampshire County
25 Group Insurance Trust.”