

HOUSE No. 4182

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 12, 2019.

The committee on Education to whom was referred the petition (accompanied by bill, House, No. 575) of Theodore C. Speliotis, Bradley H. Jones, Jr. and Daniel Cahill relative to solar power energy generation at the Essex North Shore Agricultural and Technical School, reports recommending that the accompanying bill (House, No. 4182) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to clean energy generation at the Essex North Shore Agricultural and Technical School.

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) As used in this section, the following words shall have the following
2 meanings unless the context clearly requires otherwise:

3 “District”, the Essex North Shore agricultural and technical school district established
4 pursuant to chapter 463 of the acts of 2004.

5 “School”, the Essex North Shore agricultural and technical school established
6 pursuant to chapter 463 of the acts of 2004.

7 (b) Notwithstanding section 32 to 37, inclusive, of chapter 7C of the General Laws,
8 chapter 463 of the acts of 2004, or any other general or special law to the contrary, the district
9 may lease or enter into other agreements for a term, including any extensions, not to exceed 25
10 years for certain lands and any buildings and other appurtenances thereon located at the school in
11 the Hathorne section of the town of Danvers for the purpose of: (1) renewable energy as defined

12 in subsection (c) of section 11F of chapter 25A, as so appearing; and (2) energy storage systems,
13 as defined in section 1 of chapter 164, as so appearing.

14 (c) The location and boundaries of any of the parcels to be leased shall be determined by
15 the district based upon a survey by a certified engineer.

16 (d) Any lease or agreement authorized by this section shall be subject to applicable law
17 related to the disposition of real property or the procurement of energy facilities including, but
18 not limited to, section 16 of chapter 30B, section 11C of chapter 25A, or section 11I of chapter
19 25A.

20 (e) Any lease or other agreement authorized by this section shall be on terms and
21 conditions acceptable to the district.

22 (f) The lessee shall be responsible for and shall maintain an escrow fund for all costs and
23 expenses including, but not limited to, costs associated with any engineering, surveys, appraisals
24 and lease preparation as such costs may be determined by the district.

25 (g) The district may establish a receipts reserved for appropriation account for any
26 revenue generated from the lease of property to the lessee. The account shall be used for the
27 general appropriations of the district.

28 (h) Annually, a report shall be filed with school committee detailing the finances of the
29 receipts reserved account. The annual report shall include: (i) the current balance in the fund; (ii)
30 any money deposited into the fund; and (iii) expenditures from the fund. The school committee
31 shall accept the report of the fund.

32 (i) Any lease and other agreements executed pursuant to this section shall be on terms,
33 conditions and consideration acceptable to the district.

34 (j) All records of the lessee relating to the operation of a renewable energy resource as
35 outlined in subsection (b), including, but not limited to, finances shall be made available for
36 inspection by the offices of the state auditor, the attorney general, and the inspector general upon
37 request.

38 SECTION 2. This act shall take effect upon passage.