

HOUSE No. 4248

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus and Michael J. Rodrigues

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 authorizing Old Rochester Regional School District to enter into renewable energy agreements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>11/15/2019</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>11/15/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>11/15/2019</i>

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By Representative Straus of Mattapoisett and Senator Rodrigues, a joint petition (subject to Joint Rule 12) of William M. Straus, Michael J. Rodrigues and Marc R. Pacheco for legislation to authorize the Old Rochester Regional School District to enter into renewable energy agreements. Education.

The Commonwealth of Massachusetts

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

An Act authorizing Old Rochester Regional School District to enter into renewable energy agreements.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize Old Rochester Regional School District to enter into renewable energy agreements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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 act, the following words shall have the following
2 meanings unless the context clearly requires otherwise:

3 “District”, the Old Rochester Regional School District, duly organized pursuant to
4 Chapter 71 of the General Laws.

5 “School”, the Old Rochester Regional Junior High School, the Old Rochester Regional
6 High School, and any other real property owned and operated by the District.

7 “Power Purchase Agreement”, agreement with a renewable energy developer whereby an
8 energy generating facility is constructed on property owned by the District, the electric energy
9 produced by the facility is sold to the District, and the value of the lease has been included in
10 setting the price of electricity to be paid by the District under the agreement.

11 (b) Notwithstanding any general or special law to the contrary, the District may lease,
12 license, grant easements or enter into other agreements for a term, including any extensions, not
13 to exceed 30 years for certain lands and any buildings and other appurtenances thereon located at
14 the School in the Town of Mattapoissett for renewable energy projects or solar power generation.
15 The location and boundaries of any of the parcels to be leased, with the exception of building
16 rooftops, shall be determined by the District based upon a survey by a certified engineer.

17 (c) Any lease, license, easement or other agreement executed pursuant to this section
18 shall be on terms, conditions and consideration acceptable to the District.

19 SECTION 2. Except in circumstances where the lease, license, easement or other
20 agreement is part of a Purchase Power Agreement:

21 (a) at the option of the District, the lessee shall be responsible for and shall maintain an
22 escrow fund for all costs and expenses related to the negotiation and implementation of such
23 lease, license, easement or other agreement, including, but not limited to, costs associated with
24 any engineering, surveys, appraisals and lease preparation as such costs may be determined by
25 the District;

26 (b) the District may establish a receipts reserved for appropriation account for any
27 revenue generated from such lease, license, easement or other agreement. The account shall be
28 used for the general appropriations of the District;

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

33 (d) all financial records of the lessee relating to the operation of the solar generation unit
34 including, but not limited to, net metering data shall be made available for inspection by the
35 offices of the state auditor, the attorney general, and the inspector general upon request.