

HOUSE No. 4830

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 7, 2020.

The committee on Education to whom was referred the petition (accompanied by bill, House, No. 4758) of Sarah K. Peake and Julian Cyr for legislation to authorize the Nauset Regional School District to enter into renewable energy agreements, reports recommending that the accompanying bill (House, No. 4830) 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 authorizing the Nauset 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 the Nauset 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 Nauset regional school district, duly organized pursuant to chapter 71 of
4 the General Laws.

5 “School”, the Nauset regional middle school, the Nauset regional high school, and any
6 other real property owned and operated by the district.

7 “Power purchase agreement”, agreement with a renewable energy developer as defined in
8 section 137 of chapter 164, as so appearing, whereby an energy generating facility is constructed
9 on property owned by the district, the electric energy produced by the facility is sold to the

district, and the value of the lease has been included in setting the price of electricity to be paid by the district under the agreement.

(b) Notwithstanding any general or special law to the contrary, the district may lease, license, grant easements or enter into other agreements for a term, including any extensions, not to exceed 30 years for certain lands and any buildings and other appurtenances thereon located at the schools on properties owned by the district in the towns of Orleans or Eastham for the purpose of: (1) renewable energy as defined in subsection (c) of section 11F of chapter 25A, as so appearing; and (2) energy storage systems, as defined in section 1 of chapter 164, as so appearing.

(c) The location and boundaries of any of the parcels to be leased, with the exception of building rooftops, shall be determined by the district based upon a survey by a certified engineer.

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

(e) In any circumstance where the lease, license, easement or other agreement authorized by this act is not part of a purchase power agreement:

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

(2) the district may establish a receipts reserved for appropriation account for any revenue generated from such lease, license, easement or other agreement. The account shall be for the general appropriations of the district;

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

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

(f) Any lease, easement or agreement authorized by this act that is not a power purchase agreement as defined herein, shall be subject to applicable law related to the disposition of real property or the procurement of energy facilities including, but not limited to, section 16 of chapter 30B, section 11C of chapter 25A, or section 11I of chapter 25A.