HOUSE DOCKET, NO. 209 FILED ON: 1/13/2011

HOUSE . . . . . No. 887

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

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 passage of the accompanying:

An Act relative to a renewable energy generation fund..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William M. Straus	*10th Bristol*
William N. Brownsberger	
	☐ *[District]*
	☐

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By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 887) of William M. Straus and William N. Brownsberger for legislation to authorize the secretary of environmental affairs to enter into certain leases and establishing a renewable energy generation fund. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3127* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to a renewable energy generation fund..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Title and Purpose.

The purpose of this act is to authorize the Secretary of Environmental Affairs to enter into certain leases involving the use of certain lands within the jurisdiction of the Commonwealth. This Act shall be known as the Renewable Energy Generation Fund.

Section 2. GRANTS OF EASTMENTS. The Secretary of Environmental Affairs, on behalf of the Commonwealth, is authorized to grant easements upon reasonable conditions and duration for rights-of-way across, through, and under water bodies within the jurisdiction of the Commonwealth , state-owned riverbeds and beds of navigable streams in the public domain, saltwater lakes, bays, inlets and marshes for the limited purpose of access to such lands for construction, siting and maintenance of facilities for power generation, and associated transmission lines, which use renewable energy sources, such as wind, solar, or geothermal energy and other sustainable sources under lease terms consistent with the provisions of Section Five of this Act.

The Lease Requirement for the grant of easements under this Act shall not relieve any project applicant for renewable energy generation projects from obligations to obtain

any other constitutional, statutory or regulatory approvals and/or permits which may be necessary from Federal, State and Local governments or agencies.

Section 3. Renewable Energy Generation Fund.

There is hereby established and set up a separate fund of the Commonwealth to be known as the Massachusetts Renewable Energy Generation Fund. The fund shall be held in trust by the Treasurer of the Commonwealth to be available for the expenditures and purposes provided in Section Four of this Act. The Fund shall consist of monies credited to the Fund under this Act, interest and or income derived therefrom, as well as gifts, court judgments and damage awards as they may from time to time be made or directed to the Fund.

Section 4. Monies Received by the Commonwealth. Money received by the Commonwealth for the grants of easements under Leases authorized by this Act shall be deposited in the Renewable Energy Generation Fund. Monies within this Fund shall be allocated by percentage into separate accounts identified as the Abutters Fund (twenty five percent), Environmental Resources Fund (twenty five percent) and the Commonwealth Needs Fund (fifty percent). The Abutters Fund shall be distributed, without further appropriation annually to the abutting municipalities of the waterbody or bodies associated with the payments received relative to Leases associated with renewable energy generating projects involving waterbodies to which they are an abutter. The Environmental Resources Fund shall be expended, without further appropriation, by the agencies of the Executive Office of Environmental Affairs for activities, projects or capital expenditures which will enhance the purpose of the preservation, acquisition, and public access of and to state parks, undeveloped state lands, and fish and wildlife. The Commonwealth Needs Fund shall, subject to appropriation, remain available for expenditure by the Commonwealth.

Section 5. Leases.

Leases entered into under this Act on behalf of the Commonwealth and its citizens shall to the maximum extent feasible recognize and maintain the public access to and enjoyment of the waterbody or waterbodies which currently exist and are the subject of the Lease.

Section 6. Regulatory Authority.

(a) Pursuant to the purposes of this Act, the Secretary of Environmental Affairs is authorized to promulgate regulations for the implementation of the Act.

(b) The books and records of the Fund created by this Act relative to expenditures and investments of monies from the Fund shall be subject to a biennial audit by the auditor of the Commonwealth.