

# HOUSE . . . . . No. 4758

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Sarah K. Peake***

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*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 the Nauset regional school district to enter into renewable energy agreements.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*Sarah K. Peake*

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*4th Barnstable*

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*Julian Cyr*

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*Cape and Islands*

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By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake and Julian Cyr for legislation to authorize the Nauset Regional School District to enter into renewable energy agreements. Education.

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## The Commonwealth of Massachusetts

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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

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;

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

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

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

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42           (f)     Any lease, easement or agreement authorized by this act that is not a power  
43 purchase agreement as defined herein, shall be subject to applicable law related to the disposition  
44 of real property or the procurement of energy facilities including, but not limited to, section 16 of  
45 30B, section 137 of chapter 164, section 11C of chapter 25A, or section 11I of chapter 25A.