

By Mr. Hatch of Beverly, petition of Francis W. Hatch, Jr., for legislation to equalize certain tax benefits from new energy related facilities. Energy.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT TO EQUALIZE CERTAIN TAX BENEFITS FROM NEW ENERGY RELATED FACILITIES.

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. Section sixty-two of chapter 30 of the General
2 Laws, as most recently amended by sections one and two of
3 chapter 257 of the Acts of 1974, is hereby amended by adding at
4 the end of said section the following paragraph: —

5 The secretary of environmental affairs shall submit, within one
6 week of approval, a copy of the final environmental impact
7 reports, including all comments affixed to the report as provided
8 in this section, for all power plants as defined in section sixty-nine
9 S of chapter 164 of the General Laws, to the Energy Facilities
10 Siting Council, established by section sixty-nine H of chapter 164
11 of the General Laws.

1 SECTION 2. Section thirty-five of chapter forty-one of the
2 General Laws, as most recently amended by section three of
3 chapter 766 of the acts of 1972, is hereby amended by adding the
4 following new paragraph: —

5 Within one month of receipt from the collectors, the town
6 treasurer shall transmit to each city and town listed on the
7 Schedule of Local Impact, issued under section sixty-nine V of
8 chapter one hundred sixty-four of the General Laws, that
9 percentage of the property tax revenue derived from the power
10 plant listed for that city or town in said schedule.

1 SECTION 3. Chapter one hundred sixty-four of the General
2 Laws is amended by inserting after section sixty-nine R the
3 following four sections: —

4 *Section 69S.* As used in sections sixty-nine T through sixty-
5 nine V, inclusive, the following words shall have the following
6 meanings: —

7 “Council,” the Energy Facilities Siting Council established
8 under the provisions of section sixty-nine H of this chapter.

9 “Schedule,” the Schedule of Local Impact as provided for in
10 section sixty-nine U of this chapter.

11 “Hearing,” an adjudicatory proceeding held in accordance with
12 Chapter 30A of the General Laws at a site reasonably close to the
13 site of the power plant.

14 “Notice of Hearing,” the notice required by Chapter 30A of the
15 General Laws which shall include publication once a week for
16 two weeks prior to a hearing in a newspaper or newspapers of
17 general circulation throughout the area that the council finds may
18 incur environmental impact.

19 “Power Plant,” any bulk electric generating unit, including
20 associated buildings and structure.

21 *Section 69T.* In addition to the powers and duties listed in
22 section sixty-nine H of this chapter, the council shall, for the
23 purposes of sections sixty-nine U and sixty-nine V, have the
24 power and duty:

25 (1) to adopt and publish rules and regulations and to amend
26 the same from time to time.

27 (2) to investigate the environmental impact of all power plants
28 in the commonwealth subject to sections sixty-nine U and sixty-
29 nine V of this chapter, to hold hearings, to determine which cities
30 and towns will incur significant environmental impact from such
31 power plants, to prorate the significant environmental impact on
32 each of those cities and towns and to establish and publish a
33 Schedule of Local Impact for each proposed power plant as
34 provided for in section sixty-nine U of this chapter.

35 *Section 69U.* A Schedule of Local Impact shall be a list of the
36 cities and towns that the council finds will incur significant
37 environmental impact from the construction or operation of a
38 power plant. The schedule shall include for each city or town

39 listed, the percentage of the total significant environmental
40 impact that the council finds will be incurred by that city or town.
41 In no case shall be percentage allocated to the city or town, in
42 which the power plant is located, be less than 33%.

43 The council when formulating a schedule shall consider, but
44 not be limited to the following factors: (1) the added costs of
45 services provided by the city or town, district, county or region
46 where the power plant is located, (2) the types of significant
47 environmental impacts caused by the power plant, (3) the
48 intensity, frequency and effect of each type of environmental
49 impact on each city or town, (4) the demography of the cities and
50 towns which incur significant environmental impact as well as
51 the demography of the surrounding region, (5) the geographic
52 location of the proposed project, (6) the level of environmental
53 deterioration in the region including but not limited to air quality,
54 water pollution levels in the area's rivers, streams, ponds,
55 wetlands, marshes, inlets and harbors, and the presence of
56 endangered species of animal or vegetation.

57 *Section 69V.* The council, shall review the environmental
58 impact reports submitted to it by the secretary of environmental
59 affairs under section sixty-two of chapter thirty of the General
60 Laws for every proposed power plant and shall determine the
61 cities and towns which will incur significant environmental
62 impact and shall propose a Schedule of Local Impact.

63 The council shall then give notice of and hold a hearing on the
64 proposed schedule, after which, the council shall reconsider its
65 proposed schedule and shall issue a final schedule. The council
66 shall transmit a copy of said final schedule to the treasurer of the
67 city or town in which the power plant is or will be located and a
68 copy to each clerk of the cities and towns listed on the final
69 schedule. Said schedule shall be available to the public. Each
70 schedule shall be effective for five years.

71 Whenever the council finds extraordinary circumstances that
72 warrant reconsideration of a schedule before one year prior to its
73 expiration, the council may issue, after notice of and holding a
74 hearing, a revised schedule.

1 SECTION 4. The provisions of section sixty-nine S through V
2 shall apply only to those power plants for which final
3 environmental impact reports are approved by the secretary of
4 environmental affairs and transmitted to the Energy Facilities
5 Siting Council, according to section sixty-two of chapter thirty of
6 the General Laws on or after July 1, 1979.

1 SECTION 5. If any provision or clause of this chapter or
2 application thereof to any person or circumstances is held invalid,
3 such invalidity shall not affect other provisions or applications of
4 this chapter which can be given effect without the invalid
5 provision or application, and to this end the provisions of this
6 chapter are declared to severable.