[Similar Matter Filed During Past Session —
See Senate No. 1921 of 1982]

SENATE . . . . . No. 428

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 428) of Martin T. Reilly and Denis L. McKenna for legislation to assist cities and towns in the Commonwealth to increase the energy saving capacity of public buildings. Energy.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT TO ASSIST CITIES AND TOWNS IN THE COMMONWEALTH TO INCREASE THE ENERGY SAVING CAPACITY OF PUBLIC BUILDINGS.

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. The secretary of energy resources, hereinafter called the secretary, is hereby authorized and directed to establish a program to assist cities and towns or consortiums of contiguous cities, towns or any combination thereof, hereinafter called a consortium, in undertaking any project to conserve energy in public buildings of the commonwealth, including the experimentation and establishment of windpower, solar energy, thermal energy, oil and gas.

The secretary may, under the provisions of this act, provide grant funds to such cities, towns or consortiums for projects authorized by this section.

SECTION 2. The secretary shall establish rules and regulations which shall govern the application for and distribution of grant funds under the provisions of this act. Any such rules or regulations, or any amendment or repeal of any such rules or regulation shall, after compliance with all applicable provisions of chapter thirty A of the General Laws, be filed with the clerk of the house of representatives and the clerk of the senate.

SECTION 3. Any city, town or consortium may, by vote of the city council and approval of the city manager in a city having a Plan D or Plan E form of charter, or with the ap-

proval of the mayor in any other city, by vote of a town at an annual town meeting or at a special town meeting called for that puropse or in a municipality having a town council form of government by the town council, make application to the secretary for financial assistance in undertaking a project described in section one of this act, provided that such assistance does not exceed seveny percent of the total cost of any one project. Such application shall include the proposed cost of the project, the proposed location of such project and any such other information specified by such rules or regulations.

In determining the level of such funding, the secretary shall consider, among others, the following factors: (*a*) the extent to which the project will have a beneficial impact upon the economic and revitalization efforts of said city, town or consortium as well as the commonwealth; (*b*) the extent to which such project will enhance energy savings; (*c*) the extent to which the project is integral to the success of such efforts and: (d) the extent of private financial commitment to the project.

The secretary shall make a determiantion within forty-five days from the date of application. Upon the approval of said application, the secretary shall notify the city, town or consortium as to the total amount of state aid for such project.

SECTION 4. Any city or town may, by vote of the city council and approval of the city manager in a city having a Plan D or Plan E form of charter, or with the approval of the mayor in any other city, by vote of a town at an annual town meeting or at a special town meeting called for the purpose, or in a municipality having a town council form of government by the town council, appoint a commission, to be known as the energy resource commission, and fill vacancies occurring therein, of five members, to act on behalf of the city or town in carrying out the purpose of this act. The commission shall annually elect a chairman and treasurer.

Any consortium, by vote of each city or town as hereinbefore described, may appoint a commission, to be known as the energy resource commission, consisting of two members from each community within the consortium who shall be

residents of the respective community appointed by vote as hereinbefore described. Said commission shall annually elect a chairman and treasurer.

Any consortium, by vote of each city or town as hereinbefore described, may appoint a commission, to be known as the energy resource commission, consisting of two members from each community within the consortium who shall be residents of the respective community appointed by vote as hereinbefore described. Said commisssion shall annually elect a chairman and treasurer.

Each such commission shall establish a special fund, to be known as the energy resource fund, and shall deposit in such fund, in addition to any monies so determined to be deposited by the city, town or consortium, any grant funds received under the provisions of section two, four and seven of this act, which amounts may be expended by the treasurer as authorized by a majority vote of the commission and without further appropriation; provided, that an annual report shall be submitted to the director of the bureau of accounts by the city auditor or the town accountant; and provided, further, that all such funds shall be used solely for the purpose of paying for the cost of a project under the provisions of this act; provided, however, that a report, including an audit prepared by a certified public accountant, shall be submitted annually, by the commission, to the director of the bureau of accounts, the secretary of administration and the house and senate committees on ways and means.

SECTION 5. Each energy resource commission, on behalf of the city, town or consortium, shall have the authority to employ agents, managers and employees, enter into contracts and loans, subject to the approval of the town counsel or city solicitor as to form, and may exercise any other powers necessary to carry out the purposes of this act.

SECTION 6. In addition to authority otherwise granted by law, for the purpose of paying all or a portion not less than thirty percent of the total cost of any project authorized under the provisions of this act, any city or town may apply for

and receive federal grants of monies and may appropriate money to be raised by taxation or the issuance of bonds or notes, at one time or from time to time, to be payable in not more than twenty years from their dates. Such borrowing shall require a two-thirds vote by an annual town meeting or a special town meeting called for that purpose, in the case of a town, or in a municipality having a town council form of government by a two-thirds vote of the town council, or by a two-thirds vote of a city council with the approval of the city manager in a Plan D or Plan E form of charter or with the approval of the mayor in any other city.

Such bonds and notes shall bear on their face the words, "Public Building Energy Resource Loan Act of 1982." Bonds and notes issued from time to time under the authority of this act shall not be included in determining the limit of indebtedness of the city or town as established by law but shall otherwise be subject to the provisions of chapter forty-four of the General Laws, with the exception of section eight A of said chapter forty-four, including the provisions of sections seventeen and seventeen A thereof relative to temporary loans in anticipation of the issue of bonds and notes.

SECTION 7. To meet the expenditures necessary in carrying out the provisions of sections two and four of this act, the state treasurer shall, upon the request of the secretary of energy resources, with the approval of the governor, issue and sell at public or private sale, bonds or notes of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount specified by the governor from time to time but not exceeding, in the aggregate, ten million dollars. All bonds or notes issued by the commonwealth as aforesaid shall be designated on their face the words, "Public Building Energy Resource Loan, Act of 1982," and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other

18 than the final year, shall be as nearly equal as in the opinion
19 of the state treasurer it is practicable to make them. Said
20 bonds or notes shall bear interest semi-annually at such rate
21 as the state treasurer, with the approval of the governor, shall
22 fix. The initial maturities of such bonds or notes shall be pay-
23 able not later than one year from the date of issue thereof.
24 Bonds and interest thereon issued under the authority of this
25 section shall, notwithstanding any other provisions of this act,
26 be general obligations of the commonwealth.

1 SECTION 8. The authorization granted by this act to incur
2 indebtedness and to appropriate and expend funds shall be in
3 addition to, and shall not be restricted by, any limitation on
4 the amount of indebtedness or expenditures established by the
5 provisions of any other general or special law.