

By Mr. Feeney of Boston, petition of James J. Kilroy relative to the financing of certain pollution control facilities. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE FINANCING OF CERTAIN POLLUTION CONTROL 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 1 of chapter 40D of the General Laws is
2 hereby amended by striking the definition 'Industrial occupant'
3 as appearing in clause (m), and inserting in place thereof the
4 following definition: — (m) 'Industrial occupant', any person or
5 persons engaged in an industrial development project financed
6 or to be financed under this chapter and there operating an
7 industrial enterprise and, in the case of pollution control
8 facilities, also including a public utility or utilities.

1 SECTION 2. Said section 1 of said chapter 40D is hereby
2 further amended by striking out the definition 'Lease', as
3 appearing in clause (n), and inserting in place thereof the
4 following definition: — (n) 'Lease', a lease, installment sale,
5 mortgage, loan or loan agreement (whether or not secured), or
6 conditional sale; 'lease of a project or projects' and 'lease of the
7 project or projects' include a loan or loan agreement relating to
8 a project or projects; 'lessee' means one or more lessees,
9 installment purchasers, mortgagors, borrowers, or conditional
10 sales purchasers; 'lessee of the project or projects' includes a
11 borrower of a loan relating to the project or projects; 'rental'
12 may include any or all payments by such lessees, purchasers,
13 mortgagors or borrowers.

1 SECTION 3. Said section 1 of said chapter 40D is hereby
2 further amended by striking out the definition 'Pollution
3 Control Facilities', as appearing in clause (o 1/2), and inserting
4 in place thereof the following definition: — (o 1/2) 'Pollution
5 Control Facilities', facilities for the prevention, avoidance,
6 reduction, control, abatement, [or] elimination or monitoring of
7 pollution by any means of air or of waters by industrial
8 occupants [establishments,] including, but not limited to any air
9 pollution control facility, noise abatement facility, water
10 management facility, thermal pollution control facility, waste
11 water collection system, waste water treatment works, sewage
12 treatment works system, sewage treatment system or site,
13 including any or all buildings, docks, wharves, improvements,
14 additions, extensions, replacements, appurtenances, lands, rights
15 in land, riparian rights, water rights, franchises, machinery,
16 equipment, furnishings, landscaping, utilities, approaches,
17 roadways and other facilities necessary or desirable in connec-
18 tion therewith or incidental thereto, such as, but not limited to,
19 office, warehouse, terminal, transportation and back-up power
20 generating facilities.

1 SECTION 4. Said section 1 of said chapter 40D is hereby
2 further amended by adding after clause (q) the following new
3 clause (r): — (r) 'Public utility', any gas company or electric
4 company as defined in section one of chapter one hundred and
5 sixty-four of the General Laws, or any municipal corporation
6 which owns or may acquire municipal lighting plants as referred
7 to in section two of chapter one hundred and sixty-four of the
8 General Laws, or any person, firm, association, or private
9 corporation which owns or operates works or a distribution
10 plant for the manufacture and sale or distribution and sale of
11 gas for heating and illuminating purposes, or of electricity,
12 within the commonwealth as referred to in section two of
13 chapter one hundred and sixty-four of the General Laws, or any
14 domestic electric utility or foreign electric utility as defined in
15 section one of chapter one hundred and sixty-four A of the
16 General Laws.

1 SECTION 5. Section 7 of said chapter 40D is hereby
2 amended by adding the following new clause (viii) to paragraph
3 (a): — (viii) To loan the proceeds of any issue of bonds to any
4 industrial occupant in order to finance the cost of a project.

1 SECTION 6. Section 10 of said chapter 40D is hereby
2 amended by adding to the second sentence thereof the words
3 'less amounts, if any, contributed or to be contributed from
4 other sources to pay the cost of such project or projects'.

1 SECTION 7. Section 22 of said chapter 40D is hereby
2 amended by adding the following paragraph: — (c) (i) A city or
3 town, acting in the manner specified in section two, may by vote
4 declare that it is in the public interest to provide for the
5 financing of pollution control facilities through an authority of
6 the city or town under this chapter, in which event the findings
7 prescribed by the foregoing paragraph (a) with respect to
8 unemployment and business opportunity will not be required
9 and the municipality may finance pollution control facilities
10 hereunder through an authority previously organized under
11 section two or section twenty-one or, if none has been so
12 organized, then through an authority organized by virtue of
13 such vote. Such an authority may then or thereafter be given
14 industrial development powers by action under section two, or
15 solid waste disposal powers by action under section twenty-one,
16 or both. Nothing contained in this paragraph shall preclude the
17 financing of pollution control facilities in accordance with the
18 foregoing paragraph (a) through an authority having industrial
19 development powers. (ii) A certificate of organization issued by
20 the state secretary shall indicate whether the authority has
21 pollution control powers under this paragraph. When such
22 powers are added to a previously organized authority by city or
23 town action under this paragraph, an amended certificate of
24 organization shall be issued accordingly. Certificates of
25 organization issued by the state secretary stating that the
26 authority has pollution control powers under this paragraph
27 shall be conclusive evidence to that effect. (iii) A vote to

28 consolidate authorities taken prior to the adoption of this
29 paragraph shall not be deemed to include the function of
30 financing pollution control facilities under this paragraph. A
31 vote taken thereafter to so consolidate may include pollution
32 control powers under this paragraph. (iv) Dissolution
33 proceedings in the manner provided for in section two shall
34 apply to authorities having pollution control powers under this
35 paragraph. (v) Paragraph (c) of section seven shall not apply to
36 the financing of pollution control facilities under this paragraph