

SENATE No. 2119

The Commonwealth of Massachusetts

SENATE, May 14, 1984.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 1242) of Carol C. Amick for legislation to provide further incentives and compensation to communities for siting hazardous waste facilities, reports the accompanying bill (Senate, No. 2119).

For the Committee,

CAROL C. AMICK

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FURTHER INCENTIVES AND COMPENSATION TO COMMUNITIES FOR SITING HAZARDOUS WASTE 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 2 of chapter 21D of the general laws is
2 hereby amended by inserting at the end of the definition of
3 "Compensation," the following words: —

4 , but not including the facility siting assessment paid to the
5 host community pursuant to section 12 of chapter twenty-
6 one D.

1 SECTION 2. Section 2 of chapter 21D is hereby amended by
2 adding at the end thereof the following: —

3 "Facility siting assessment," the amount paid annually to
4 the host community by the developer excluding any property
5 taxes such developer is required to pay, and the amount paid
6 to the host community by the state under the terms and con-
7 ditions specified in section 12 of chapter twenty-one D.

1 SECTION 3. The second paragraph of section 12 of chapter
2 21D is hereby amended by adding after clause (10) the follow-
3 ing clause: —

4 (11) The facility siting assessment to be paid annually by
5 the developer to the host community.

1 SECTION 4. Said section 12 of said chapter 21D is hereby
2 amended by striking the third and fourth paragraphs and add-
3 ing in place thereof the following five paragraphs: —

4 The siting agreement may also include, but shall not be
5 limited to, the following: —

6 (1) provisions to assure the health, safety, comfort, con-
7 venience, and social and economic security of the host com-
8 munity and aid its citizens;

9 (2) provisions to assure the continuing economic viability
10 of the project; and

11 (3) provisions to assure the protection of the environment

12 and natural resources.

13 The developer of a facility shall, on or before January
14 twenty-fifth of each year, file with the chief fiscal officer of
15 the host community a statement, verified under oath, show-
16 ing the gross receipts from all charges imposed during the pre-
17 ceding calendar year upon any person for the treatment, stor-
18 age or disposal of hazardous waste at the facility, and shall at
19 the same time pay to the host community as the developer's
20 portion of the facility siting assessment a sum equal to five
21 percent of those receipts.

22 For each of the first five years from the date a developer
23 is licensed to construct, maintain and operate a facility under
24 the provisions of chapter 21C, the Commonwealth shall pay
25 to the host community an amount designated as the common-
26 wealth's portion of the facility siting assessment. Such pay-
27 ment shall be according to the following schedule: —

| | | |
|----|--|-----------|
| 28 | for facilities whose construction is less than 2 million | |
| 29 | dollars | \$100,000 |
| 30 | for facilities whose construction cost is greater than | |
| 31 | 2 million but less than 10 million dollars | \$200,000 |
| 32 | for facilities whose construction cost is greater than | |
| 33 | 10 million but less than 50 million dollars | \$350,000 |
| 34 | for facilities whose construction cost is greater than | |
| 35 | 50 million dollars | \$550,000 |

36 The state treasurer shall authorize the payment of the fa-
37 cility siting assessment pursuant to section 17C of chapter 58,
38 after the commissioner of the department of environmental
39 quality engineering has certified that the developer has been
40 duly licensed.

41 Any compensation received by host communities or abutting
42 communities and any facility siting assessment received by
43 host communities, other than taxes on real or personal prop-
44 erty, shall not be deducted from any other amounts of state
45 assistance, reimbursements or distributions provided by gen-
46 eral or special laws or under the local aid fund established by
47 section two D of chapter twenty-nine. Any compensation re-
48 ceived by host communities or abutting communities and any
49 facility siting assessment received by host communities shall
50 not be subject to the provisions of chapter 580 of the acts of
51 1980.

1 SECTION 5. The treasurer is authorized and directed to ex-
2 pend a sum not to exceed five million dollars to be funded by
3 the sale of notes and bonds authorized by sections six and
4 seven of this act, for the purpose of carrying out the provi-
5 sions authorized under section twelve of chapter 21 D with re-
6 spect to the facility siting assessment.

1 SECTION 6. The state treasurer may borrow from time to
2 time on credit of the commonwealth such sums of money as
3 may be necessary for the purposes of meeting payments un-
4 der this act, and may issue and renew from time to time notes
5 of the commonwealth therefor, bearing interest payable at
6 such times and at such rates as shall be fixed by the state
7 treasurer. Said notes may be issued and may be renewed
8 one or more times for such terms, not exceeding one year, as
9 the governor may recommend to the general court in accord-
10 ance with the provisions of section 3 of Article LXII of the
11 Amendments to the Constitution of the Commonwealth, but
12 the final maturities of such notes shall be not later than June
13 thirtieth, nineteen hundred and ninety.

1 SECTION 7. To meet a portion of the expenditures in carry-
2 ing out the provisions of section five of this act, or to refi-
3 nance notes issued as provided in section six of this act, the
4 state treasurer, upon request of the governor, shall issue and
5 sell bonds of the commonwealth, registered or with coupons
6 attached, as he deems best, to an amount to be specified by
7 the governor from time to time, but not exceeding, in the
8 aggregate, the sum of five million dollars.

9 All bonds so issued by the commonwealth, as aforesaid, shall
10 be designated on their face, Hazardous Waste Facility Assess-
11 ment Loads, Act of 1984, and shall be issued for such maxi-
12 mum terms of years, not exceeding twenty years, as the gov-
13 ernor may recommend to the general court pursuant to section
14 3 of Article LXII of the Amendments to the Constitution of
15 the Commonwealth; provided, however, that all such bonds
16 shall be payable not later than June thirtieth, two thousand
17 and four. All interest and payments on account of principal
18 of such obligations shall be payable from the General Fund.
19 Bonds and the interest thereon issued under the authority of
20 this section, notwithstanding any other provisions of this act,

21 shall be general obligations of the commonwealth. The initial
22 maturities of such bonds shall be payable not later than one
23 year from the date of issue thereof, and the entire issue not
24 later than June thirtieth, two thousand and four.

1 SECTION 8. Chapter 58 of the general laws is hereby amend-
2 ed by adding after section 17B the following section: —

3 *Section 17C.* Upon certification by the commissioner of the
4 department of environmental quality engineering that a de-
5 veloper is duly licensed to construct, maintain and operate a
6 hazardous waste facility under the provisions of chapter 21C,
7 the state treasurer shall, for each of the first five years said
8 license is in effect, pay to the host community a sum desig-
9 nated as the commonwealth's portion of the facility siting as-
10 sessment according to the payment schedule established in
11 section twelve of chapter 21D.

STATE OF NEW YORK

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