

SENATE No. 2509

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, November 22, 2023.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill Senate, No. 2445) of Edward J. Kennedy for legislation relative to the University of Massachusetts and a certain easement located in the city of Lowell, reports the accompanying bill (Senate, No. 2509).

For the committee,
Nick Collins

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An Act relative to real property in Lowell.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expedite the Commonwealth's exploration of geothermal technologies as a viable heating source for its residents as means to achieve mandated emission reduction target, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding sections 32 to 37, inclusive, of chapter 7c of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, with the consent and approval of the University of Massachusetts
4 Lowell, may convey to National Grid, or its affiliates, a non-exclusive easement to permit the
5 installation of a geothermal wellfield and associated accessory equipment and uses on the parcels
6 of land located at 813 Broadway Street, as described in the deed recorded at the Middlesex North
7 Registry of Deeds in Book 1663 page 241. The bore field will provide geothermal energy to two
8 properties owned by University of Massachusetts Lowell and certain other buildings in the
9 surrounding neighborhood.

10 SECTION 2. This non-exclusive easement is being granted in connection with the
11 Geothermal Energy Demonstration Program of Boston Gas Company d/b/a National Grid
12 approved by the department of public utilities on December 15, 2021, in D.P.U. 21-24 and
13 Boston Gas Company's Geothermal Energy Demonstration Program Implementation Plan
14 stamp-approved by the department of public utilities on September 13, 2022. The Geothermal
15 Energy Demonstration Program was proposed by Boston Gas Company and approved by the
16 department of public utilities in furtherance of the Commonwealth's climate goals of reducing
17 greenhouse gas emissions and transitioning customers from natural gas.

18 SECTION 3. The grantee shall be responsible for costs and expenses associated with any
19 engineering and surveys and recording costs related to the conveyance authorized in this section.
20 University of Massachusetts Lowell shall be responsible for any other costs associated with this
21 conveyance, as such costs may be determined by the commissioner of capital asset management
22 and maintenance. The easement shall be in the form attached as Attachment B to the Boston Gas
23 Company's Geothermal Energy Demonstration Program Implementation Plan and approved by
24 the department of public utilities in MA D.P.U. 22-62, without material edits except for the
25 consideration, which shall be as described in Section 4 below.

26 SECTION 3(a). All construction, reconstruction, installation, alteration, or repair not
27 performed by gas or electric public utility employees on public infrastructure shall be performed
28 and procured under sections 26 through 27F of chapter 149 inclusive and section 39M of chapter
29 30. The gas and electric utilities shall request from the department of labor standards prevailing
30 wage rate sheets for each municipality they are working in once every six months. The
31 department, under chapter 30A and in consultation with all gas and electric utilities, shall within
32 one year promulgate rules and regulations for the training and implementation of a certification

33 program for contractors and their employees repairing or performing work on public
34 infrastructure in the Commonwealth.

35 SECTION 4. Consideration for the conveyance of the easement pursuant to section 1
36 shall be the full and fair market value of the percentage of the easement needed for the boreholes
37 serving the buildings not owned by University of Massachusetts Lowell, reduced by an amount
38 as determined by Boston Gas Company and University of Massachusetts Lowell that includes
39 value being received by the University of Massachusetts Lowell in applying for and selected to
40 partner with Boston Gas Company's Geothermal Energy Demonstration Program for educational
41 and other purposes, including, but not limited to, the costs to re-design and improve the
42 geothermal pumphouse facilities for educational purposes for university students, the appraisal
43 costs, and the costs of the energy efficiency upgrades to University of Massachusetts Lowell
44 buildings paid for by the Geothermal Energy Demonstration Program, but in no event shall the
45 consideration be less than \$1.00. The full and fair market value shall not include that percentage
46 of the easement needed for the boreholes solely serving the buildings owned by University of
47 Massachusetts Lowell. Any independent appraisal of the fair market value and value in
48 proposed use of the easement described in section 1 shall be prepared in accordance with the
49 usual and customary appraisal practices by a qualified appraiser commissioned by the
50 commissioner. The commissioner of capital asset management and maintenance shall submit the
51 appraisal and a report thereon to the inspector general for review and comment. The inspector
52 general shall review and approve the appraisal and the review shall include an examination of the
53 methodology used for the appraisal. The inspector general shall prepare a report of the review
54 and file the report with the commissioner of capital asset management and maintenance for
55 submission by the commissioner to the house and senate committees on ways and means and the

56 senate and house chairs of the joint committee on state administration. The commissioner shall
57 submit copies of the appraisal, the report thereon and the inspector general’s review and
58 approval, and comments, if any, to the house and senate committees on ways and means and the
59 senate and house chairs of the joint committee on state administration prior to the execution of
60 the conveyances authorized by this act.

61 SECTION 5. The cash proceeds of the sale, lease, transfer, or other disposition of the
62 easement rights described in section 1, or portions thereof pursuant to this act, shall be deposited
63 into an expendable trust established pursuant to section 6 of chapter 6A of the General Laws and
64 801 CMR 50.00. Proceeds in the trust may be expended for costs associated with activities and
65 capital investments by the University of Massachusetts Lowell to align the campus with the goals
66 and objectives of Chapter 8 of the Acts of 2021, “An Act Creating a Next-Generation Roadmap
67 for Massachusetts Climate Policy” and Executive Order 594: Leading By Example:
68 Decarbonizing and Minimizing Environmental Impacts of State Government.

69 SECTION 6. Notwithstanding any general or special law to the contrary, on the effective
70 date of this act, the University of Massachusetts Lowell may grant a temporary license, not to
71 exceed 5 years, at a nominal amount to Boston Gas Company in order to provide Boston Gas
72 Company with immediate and complete access to, control of and liability and responsibility for
73 the parcel of land described in section 1 shall for the purposes of this act until the conveyances
74 authorized by this act take effect.

75 SECTION 7. The provisions of this act shall take effect upon passage.