

Acts (2018)

Chapter 227

AN ACT TO ADVANCE CLEAN ENERGY.

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. Section 21 of chapter 25 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 11, the word “electric” and inserting in place thereof the following word:- energy.

SECTION 2. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the words “management programs”, in line 34, the following words:- , including energy storage and other active demand management technologies, and strategic electrification, such as measures that are designed to result in cost-effective reductions in greenhouse gas emissions through the use of expanded electricity consumption while minimizing ratepayer costs.

SECTION 3. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 51, the word “and”.

SECTION 4. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “management”, in line 52, the following words:- ; and (J) programs that result in

customers switching to renewable energy sources or other clean energy technologies.

SECTION 5. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 74, the word “system” and inserting in place thereof the following word:- other.

SECTION 6. Paragraph (3) of subsection (b) of said section 21 of said chapter 25, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 3 sentences:- For the purposes of reviewing cost effectiveness, programs shall be aggregated by sector. Any sector with a benefit cost ratio greater than 1.0 indicating benefits are greater than costs shall be considered cost-effective. If a sector fails the cost-effectiveness test as part of the review process, its component programs shall either be modified so that the sector meets the test or shall be terminated.

SECTION 7. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Building authority” the following 2 definitions:-

“Clean peak certificate”, a credit received for each megawatt hour of energy or energy reserves provided during a seasonal peak period that represents a compliance mechanism.

“Clean peak resource”, a qualified RPS resource, a qualified energy storage system or a demand response resource that generates, dispatches or discharges electricity to the electric distribution system during seasonal peak periods, or alternatively, reduces load on said system.

SECTION 8. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Commissioner” the following definition:-

“Demand response resource”, changes in electric usage by end-use customers in the commonwealth from their normal consumption patterns in response to: (i) changes in the price of electricity over time, including, but not limited to, time-of-use rates for residential and small commercial and industrial customers; or (ii) incentive payments designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

SECTION 9. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Petroleum products” the following definition:-

“Qualified energy storage system”, an energy storage system, as defined in section 1 of chapter 164, that commenced commercial operation or provided incremental new capacity at an existing energy storage system on or after January 1, 2019; provided, however, that such system operates primarily to store and discharge renewable energy as defined in said section 1 of said chapter 164.

SECTION 10. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Qualified provider” the following definition:-

“Qualified RPS resource”, a renewable energy generating source, as defined in subsection (c) or in subsection (d) of section 11F that has: (i) installed a qualified energy storage system at its facility; or (ii) commenced commercial operation on or after January 1, 2019.

SECTION 11. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Responsive offeror” the following definition:-

“Seasonal peak periods”, the daily time windows during any of the 4 annual seasons when the net demand of electricity is the highest; provided however, that a seasonal peak period shall be not less than 1 hour and not longer than 4 hours in any season, as determined by the department.

SECTION 12. Section 11F of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words “and (3) an additional 1 per cent of sales every year thereafter” and inserting in place thereof the following words:- (3) an additional 1 per cent of sales each year thereafter until December 31, 2019; (4) an additional 2 per cent of sales each year thereafter until December 31, 2029; and (5) an additional 1 per cent of sales every year thereafter. Any electric load served under a retail electricity supply contract executed or extended not later than December 31, 2018, shall be exempt from any incremental compliance obligation under this section that occurs as a result of an increase or a new requirement imposed on or after January 1, 2019 on the minimum percentage of kilowatt-hour sales to end-use customers that must be derived from Class I RPS eligible resources.

SECTION 13. Said chapter 25A is hereby further amended by adding the following section:-

Section 17. (a) Every retail electric supplier providing service under contracts executed or extended after December 31, 2018, shall provide a minimum percentage of kilowatt-hour sales to end-use

customers in the commonwealth from clean peak resources. Not later than December 31, 2018 the department shall determine the current percentage of kilowatt-hours sales to end-use customers in the commonwealth from existing clean peak resources during the seasonal peak load hours to establish a baseline minimum percentage of kilowatt-hours sales to end-use customers that shall be met with clean peak certificates beginning on January 1, 2019. Each year thereafter, every retail electricity supplier in the commonwealth shall provide a minimum percentage of not less than an additional 0.25 per cent of sales by retail electricity suppliers in the commonwealth that shall be met with clean peak certificates, as determined by the department.

(b) A qualified RPS resource may generate both a clean peak certificate and a renewable energy certificate under section 11F for electricity generated and delivered to the electric grid during a seasonal peak period.

(c) The department shall promulgate regulations to implement this section, including, but not limited to: (i) the establishment of seasonal peak periods; (ii) the methodology by which clean peak certificate values shall be established, which may include a process by which electric distribution companies competitively procure clean peak certificates from clean peak resources and enter into long-term contracts, subject to the approval of the department of public utilities; (iii) the establishment of a minimum percentage of clean peak certificates that must be derived from demand response resources; (iv) an alternative compliance mechanism for retail electricity suppliers; and (v) the procedures by which each retail

electricity supplier shall annually submit for the department's review a filing demonstrating its compliance with the requirements of this section.

(d) This section shall not apply to municipal lighting plants.

SECTION 14. Section 17 of said chapter 25A is hereby repealed.

SECTION 15. Section 139 of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "charges", in line 85, the second time it appears, the following words:- , including demand charges as part of a monthly minimum reliability contribution except as authorized under subsection (j).

SECTION 16. Said section 139 of said chapter 164, as so appearing, is hereby further amended by inserting after the word "system", in line 150, the following words:- ; provided, however, that a distribution company may assess a demand charge if it is based on system peak demand during the hours of a day determined to be peak hours of system demand and if the distribution company regularly informs affected customers of the manner in which demand charges are assessed and of ways in which said customers might manage and reduce demand.

SECTION 17. Said section 139 of said chapter 164, as so appearing, is hereby further amended by striking out, in lines 175 to 177, inclusive, the words " ; provided that, the date designated by the department shall be not later than December 31, 2018".

SECTION 18. Said chapter 164 is hereby further amended by adding the following section:-

Section 146. (a) Electric distribution companies shall file an annual electric distribution system resiliency report with the department, which shall include heat maps that: (i) show the electric load on the electric distribution system, including electric loads during peak electricity demand time periods; (ii) highlight the most congested or constrained areas of the electric distribution system; and (iii) identify areas of the electric distribution system most vulnerable to outages due to high electricity demand, lack of local electric generating resources and extreme weather events.

(b) Electric distribution companies may hold a competitive solicitation for electric distribution system resiliency non-wires alternatives from third party developers. The non-wires alternatives solicitations shall: (i) provide non-wires alternatives solutions to areas of the electrical grid that require transmission or distribution updates due to aging infrastructure, increased load or other resiliency issues identified in the resiliency report; (ii) benefit a stressed or congested area of the electrical grid; (iii) benefit the electrical grid in areas that are prone to severe weather damage; or (iv) reduce greenhouse gas emissions.

(c) When determining a winning bid to the competitive solicitation for resiliency non-wires alternatives, the electric distribution companies shall consider monetary and non-monetary factors including, but not limited to: (i) resiliency improvements; (ii) reducing greenhouse gas emissions; (iii) reducing peak demand; (iv) reducing congestion in stressed areas of the grid; and (v) benefits to low-income areas.

SECTION 19. Said Chapter 164 of the General Laws is hereby further amended by adding the following section:-

Section 147. (a) For the purposes of this section, “lost and unaccounted for gas” shall mean an amount of gas that is the difference between the total gas purchased by a gas company and the sum of: (i) total gas delivered to customers; and (ii) total gas used by a gas company in the conduct of its operations.

(b) The department shall issue regulations requiring all gas companies to report to the department, in a uniform manner, lost and unaccounted for gas for each year. Such standards shall include: (i) a method using operational and billing data to determine the total amount of lost and unaccounted for gas and to identify and measure each of its components; and (ii) a method using engineering characteristics and operational data to identify and measure all sources and locations where lost and unaccounted for gas occurs in the natural gas systems.

(c) The department may grant waivers from regulatory requirements as necessary for the development of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a waiver shall include the goals of the innovative project, the expected cost, the expected benefit to ratepayers and the expected reduction in greenhouse gas emissions.

SECTION 20. Chapter 188 of the acts of 2016 is hereby amended by striking out section 15, and inserting in place thereof the following section:-

Section 15. (a) There shall be an energy storage target of 1000 megawatt hours to be achieved by December 31, 2025. To achieve this target, the department of energy resources may consider a variety of policies to encourage the cost-effective deployment of energy storage systems, including the refinement of existing procurement methods to properly value energy storage systems, inclusion in energy portfolio standards, the use of alternative compliance payments to develop pilot programs and the use of energy efficiency funds under section 19 of chapter 25 of the General Laws if the department determines that the energy storage system installed at a customer's premises provides sustainable peak load reductions on either the electric or gas distribution systems and is otherwise consistent with section 11G of chapter 25A of the General Laws.

(b) Annually, not later than February 15, beginning in 2019, each electric distribution company shall submit a report to the department of energy resources documenting the energy storage installations in their service territory.

(c) This section shall not apply to municipal lighting plants.

SECTION 21. (a) Notwithstanding any general or special law to the contrary, the department of energy resources shall investigate the necessity, benefits and costs of requiring distribution companies, as defined in section 1 of chapter 164 of the General Laws, to jointly and competitively conduct additional offshore wind generation solicitations and procurements of up to approximately 1,600 megawatts of aggregate nameplate capacity, in addition to the solicitations and procurements required by section 83C of chapter

169 of the acts of 2008, as amended by chapter 188 of the acts of 2016, and may require said additional solicitations and procurements by December 31, 2035; provided, however, that for said solicitations and procurements, as outlined in this section, the department of energy resources may also require distribution companies to jointly and competitively solicit and procure proposals for offshore wind energy transmission sufficient to deliver energy generation procured pursuant to this section from designated wind energy areas for which a federal lease was issued on or after January 1, 2012 that may be developed independent of such offshore wind energy generation; provided further, that such transmission service shall be made available for use by more than 1 wind energy generation project and shall not exceed the generation capacity authorized by this section; provided further, that any selection of offshore wind energy transmission shall be the most cost-effective mechanism for procuring reliable, low-cost offshore wind energy transmission service for ratepayers in the commonwealth.

(b) Prior to undertaking any additional solicitations and procurements beyond those required by section 83C of chapter 169 of the acts of 2008, as amended by chapter 188 of the acts of 2016, the department shall evaluate previous solicitation and procurement processes, including any reports of the independent evaluator, and shall make recommendations to the general court that include: (i) any improvements to the solicitation and procurement process; (ii) an evaluation of the necessity of additional solicitations and procurements, as outlined in subsection (a), to meet the commonwealth's energy policy goals, including the goals of chapter 169 and chapter 298 of the acts of 2008; (iii) any amount of

recommended solicitations and procurements beyond those required by said section 83C of chapter 169 of the Acts of 2008, as amended by said chapter 188 of the acts of 2016, if applicable, provided that said recommendations do not exceed the amount in subsection (a); (iv) an evaluation of the impact of additional procurements, as outlined in subsection (a), on ratepayers, including distribution customers; and (v) any potential economic benefits; provided, further that any additional solicitations conducted pursuant to this section shall be subject to the required solicitation and procurement process of said section 83C of chapter 169 of the Acts of 2008, as amended by said chapter 188 of the Acts of 2016. The department shall file the report with the house and senate clerks and the joint committee on telecommunications, utilities and energy no later than July 31, 2019.

SECTION 22. The department of energy resources shall study the feasibility of a mobile battery storage system to serve as a mobile emergency relief system that can respond to extreme weather events or power outages. The goal of such a system would be to serve as a mobile emergency relief system that can respond to events including, but not limited to, extreme weather events or power outages, and to shave peak demand and lower distribution costs when not in use for emergency response purposes. The department of energy resources shall submit any recommendations to the clerks of the house of representatives and senate on or before February 1, 2020.

SECTION 23. Section 147 of chapter 164 of the General Laws shall take effect on January 1, 2020; provided, however, that the regulations required to implement said section 147 of said chapter 164 shall be promulgated and in effect not later than December 31, 2019.

SECTION 24. Sections 15, 16 and 17 shall apply to any monthly minimum reliability contribution, including a monthly minimum reliability contribution approved by the department of public utilities to take effect on or before December 31, 2018. Any monthly minimum reliability contribution approved by the department of public utilities prior to the effective date of this section and said sections 15, 16 and 17 that does not meet the requirements of said sections shall be refiled for review and approval by the department before taking effect.

SECTION 25. Section 14 shall take effect on January 1, 2051.

Approved, August 9, 2018.

HOUSE No. 4857

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2608; and by striking out the title and inserting in place thereof the following title: “An Act to promote a clean energy future”) of the House Bill to increase renewable energy and reduce high-cost peak hours (House, No. 4756), reports recommending passage of the accompanying Bill to advance clean energy (House, No. 4857) July 30, 2018.

Thomas A. Golden, Jr.	Michael J. Barrett
Patricia A. Haddad	Marc R. Pacheco
Bradley H. Jones, Jr.	Patrick M. O’Connor

HOUSE No. 4857

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to advance clean energy.

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 21 of chapter 25 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in line 11, the word “electric” and inserting
3 in place thereof the following word:- energy.

4 SECTION 2. Said section 21 of said chapter 25, as so appearing, is hereby further
5 amended by inserting after the words “management programs”, in line 34, the following words:-
6 , including energy storage and other active demand management technologies, and strategic
7 electrification, such as measures that are designed to result in cost-effective reductions in
8 greenhouse gas emissions through the use of expanded electricity consumption while minimizing
9 ratepayer costs.

10 SECTION 3. Said section 21 of said chapter 25, as so appearing, is hereby further
11 amended by striking out, in line 51, the word “and”.

12 SECTION 4. Said section 21 of said chapter 25, as so appearing, is hereby further
13 amended by inserting after the word “management”, in line 52, the following words:- ; and (J)

14 programs that result in customers switching to renewable energy sources or other clean energy
15 technologies.

16 SECTION 5. Said section 21 of said chapter 25, as so appearing, is hereby further
17 amended by striking out, in line 74, the word “system” and inserting in place thereof the
18 following word:- other.

19 SECTION 6. Paragraph (3) of subsection (b) of said section 21 of said chapter 25, as so
20 appearing, is hereby amended by striking out the third sentence and inserting in place thereof the
21 following 3 sentences:- For the purposes of reviewing cost effectiveness, programs shall be
22 aggregated by sector. Any sector with a benefit cost ratio greater than 1.0 indicating benefits are
23 greater than costs shall be considered cost-effective. If a sector fails the cost-effectiveness test as
24 part of the review process, its component programs shall either be modified so that the sector
25 meets the test or shall be terminated.

26 SECTION 7. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby
27 amended by inserting after the definition of “Building authority” the following 2 definitions:-

28 “Clean peak certificate”, a credit received for each megawatt hour of energy or energy
29 reserves provided during a seasonal peak period that represents a compliance mechanism.

30 “Clean peak resource”, a qualified RPS resource, a qualified energy storage system or a
31 demand response resource that generates, dispatches or discharges electricity to the electric
32 distribution system during seasonal peak periods, or alternatively, reduces load on said system.

33 SECTION 8. Said section 3 of said chapter 25A, as so appearing, is hereby further
34 amended by inserting after the definition of “Commissioner” the following definition:-

35 “Demand response resource”, changes in electric usage by end-use customers in the
36 commonwealth from their normal consumption patterns in response to: (i) changes in the price of
37 electricity over time, including, but not limited to, time-of-use rates for residential and small
38 commercial and industrial customers; or (ii) incentive payments designed to induce lower
39 electricity use at times of high wholesale market prices or when system reliability is jeopardized.

40 SECTION 9. Said section 3 of said chapter 25A, as so appearing, is hereby further
41 amended by inserting after the definition of “Petroleum products” the following definition:-

42 “Qualified energy storage system”, an energy storage system, as defined in section 1 of
43 chapter 164, that commenced commercial operation or provided incremental new capacity at an
44 existing energy storage system on or after January 1, 2019; provided, however, that such system
45 operates primarily to store and discharge renewable energy as defined in said section 1 of said
46 chapter 164.

47 SECTION 10. Said section 3 of said chapter 25A, as so appearing, is hereby further
48 amended by inserting after the definition of “Qualified provider” the following definition:-

49 “Qualified RPS resource”, a renewable energy generating source, as defined in
50 subsection (c) or in subsection (d) of section 11F that has: (i) installed a qualified energy storage
51 system at its facility; or (ii) commenced commercial operation on or after January 1, 2019.

52 SECTION 11. Said section 3 of said chapter 25A, as so appearing, is hereby further
53 amended by inserting after the definition of “Responsive offeror” the following definition:-

54 “Seasonal peak periods”, the daily time windows during any of the 4 annual seasons
55 when the net demand of electricity is the highest; provided however, that a seasonal peak period

56 shall be not less than 1 hour and not longer than 4 hours in any season, as determined by the
57 department.

58 SECTION 12. Section 11F of said chapter 25A, as so appearing, is hereby amended by
59 striking out, in lines 16 and 17, the words “and (3) an additional 1 per cent of sales every year
60 thereafter” and inserting in place thereof the following words:- (3) an additional 1 per cent of
61 sales each year thereafter until December 31, 2019; (4) an additional 2 per cent of sales each year
62 thereafter until December 31, 2029; and (5) an additional 1 per cent of sales every year
63 thereafter. Any electric load served under a retail electricity supply contract executed or extended
64 not later than December 31, 2018, shall be exempt from any incremental compliance obligation
65 under this section that occurs as a result of an increase or a new requirement imposed on or after
66 January 1, 2019 on the minimum percentage of kilowatt-hour sales to end-use customers that
67 must be derived from Class I RPS eligible resources.

68 SECTION 13. Said chapter 25A is hereby further amended by adding the following
69 section:-

70 Section 17. (a) Every retail electric supplier providing service under contracts executed or
71 extended after December 31, 2018, shall provide a minimum percentage of kilowatt-hour sales to
72 end-use customers in the commonwealth from clean peak resources. Not later than December
73 31, 2018 the department shall determine the current percentage of kilowatt-hours sales to end-use
74 customers in the commonwealth from existing clean peak resources during the seasonal peak
75 load hours to establish a baseline minimum percentage of kilowatt-hours sales to end-use
76 customers that shall be met with clean peak certificates beginning on January 1, 2019. Each year
77 thereafter, every retail electricity supplier in the commonwealth shall provide a minimum

78 percentage of not less than an additional 0.25 per cent of sales by retail electricity suppliers in the
79 commonwealth that shall be met with clean peak certificates, as determined by the department.

80 (b) A qualified RPS resource may generate both a clean peak certificate and a renewable
81 energy certificate under section 11F for electricity generated and delivered to the electric grid
82 during a seasonal peak period.

83 (c) The department shall promulgate regulations to implement this section, including, but
84 not limited to: (i) the establishment of seasonal peak periods; (ii) the methodology by which
85 clean peak certificate values shall be established, which may include a process by which electric
86 distribution companies competitively procure clean peak certificates from clean peak resources
87 and enter into long-term contracts, subject to the approval of the department of public utilities;
88 (iii) the establishment of a minimum percentage of clean peak certificates that must be derived
89 from demand response resources; (iv) an alternative compliance mechanism for retail electricity
90 suppliers; and (v) the procedures by which each retail electricity supplier shall annually submit
91 for the department's review a filing demonstrating its compliance with the requirements of this
92 section.

93 (d) This section shall not apply to municipal lighting plants.

94 SECTION 14. Section 17 of said chapter 25A is hereby repealed.

95 SECTION 15. Section 139 of chapter 164 of the General Laws, as appearing in the 2016
96 Official Edition, is hereby amended by inserting after the word "charges", in line 85, the second
97 time it appears, the following words:- , including demand charges as part of a monthly minimum
98 reliability contribution except as authorized under subsection (j).

99 SECTION 16. Said section 139 of said chapter 164, as so appearing, is hereby further
100 amended by inserting after the word “system”, in line 150, the following words:- ; provided,
101 however, that a distribution company may assess a demand charge if it is based on system peak
102 demand during the hours of a day determined to be peak hours of system demand and if the
103 distribution company regularly informs affected customers of the manner in which demand
104 charges are assessed and of ways in which said customers might manage and reduce demand.

105 SECTION 17. Said section 139 of said chapter 164, as so appearing, is hereby further
106 amended by striking out, in lines 175 to 177, inclusive, the words “; provided that, the date
107 designated by the department shall be not later than December 31, 2018”.

108 SECTION 18. Said chapter 164 is hereby further amended by adding the following
109 section:-

110 Section 146. (a) Electric distribution companies shall file an annual electric
111 distribution system resiliency report with the department, which shall include heat maps that: (i)
112 show the electric load on the electric distribution system, including electric loads during peak
113 electricity demand time periods; (ii) highlight the most congested or constrained areas of the
114 electric distribution system; and (iii) identify areas of the electric distribution system most
115 vulnerable to outages due to high electricity demand, lack of local electric generating resources
116 and extreme weather events.

117 (b) Electric distribution companies may hold a competitive solicitation for
118 electric distribution system resiliency non-wires alternatives from third party developers. The
119 non-wires alternatives solicitations shall: (i) provide non-wires alternatives solutions to areas of
120 the electrical grid that require transmission or distribution updates due to aging infrastructure,

121 increased load or other resiliency issues identified in the resiliency report; (ii) benefit a stressed
122 or congested area of the electrical grid; (iii) benefit the electrical grid in areas that are prone to
123 severe weather damage; or (iv) reduce greenhouse gas emissions.

124 (c) When determining a winning bid to the competitive solicitation for
125 resiliency non-wires alternatives, the electric distribution companies shall consider monetary and
126 non-monetary factors including, but not limited to: (i) resiliency improvements; (ii) reducing
127 greenhouse gas emissions; (iii) reducing peak demand; (iv) reducing congestion in stressed areas
128 of the grid; and (v) benefits to low-income areas.

129 SECTION 19. Said Chapter 164 of the General Laws is hereby further amended by
130 adding the following section:-

131 Section 147. (a) For the purposes of this section, “lost and unaccounted for gas” shall
132 mean an amount of gas that is the difference between the total gas purchased by a gas company
133 and the sum of: (i) total gas delivered to customers; and (ii) total gas used by a gas company in
134 the conduct of its operations.

135 (b) The department shall issue regulations requiring all gas companies to report to the
136 department, in a uniform manner, lost and unaccounted for gas for each year. Such standards
137 shall include: (i) a method using operational and billing data to determine the total amount of lost
138 and unaccounted for gas and to identify and measure each of its components; and (ii) a method
139 using engineering characteristics and operational data to identify and measure all sources and
140 locations where lost and unaccounted for gas occurs in the natural gas systems.

141 (c) The department may grant waivers from regulatory requirements as necessary for the
142 development of innovative projects to reduce lost and unaccounted for gas. Such innovative

143 projects shall be intended to reduce costs to ratepayers and to reduce greenhouse gas emissions.
144 An application for a waiver shall include the goals of the innovative project, the expected cost,
145 the expected benefit to ratepayers and the expected reduction in greenhouse gas emissions.

146 SECTION 20. Chapter 188 of the acts of 2016 is hereby amended by striking out section
147 15, and inserting in place thereof the following section:-

148 Section 15. (a) There shall be an energy storage target of 1000 megawatt hours to be
149 achieved by December 31, 2025. To achieve this target, the department of energy resources may
150 consider a variety of policies to encourage the cost-effective deployment of energy storage
151 systems, including the refinement of existing procurement methods to properly value energy
152 storage systems, inclusion in energy portfolio standards, the use of alternative compliance
153 payments to develop pilot programs and the use of energy efficiency funds under section 19 of
154 chapter 25 of the General Laws if the department determines that the energy storage system
155 installed at a customer's premises provides sustainable peak load reductions on either the electric
156 or gas distribution systems and is otherwise consistent with section 11G of chapter 25A of the
157 General Laws.

158 (b) Annually, not later than February 15, beginning in 2019, each electric distribution
159 company shall submit a report to the department of energy resources documenting the energy
160 storage installations in their service territory.

161 (c) This section shall not apply to municipal lighting plants.

162 SECTION 21. (a) Notwithstanding any general or special law to the contrary, the
163 department of energy resources shall investigate the necessity, benefits and costs of requiring
164 distribution companies, as defined in section 1 of chapter 164 of the General Laws, to jointly and

165 competitively conduct additional offshore wind generation solicitations and procurements of up
166 to approximately 1,600 megawatts of aggregate nameplate capacity, in addition to the
167 solicitations and procurements required by section 83C of chapter 169 of the acts of 2008, as
168 amended by chapter 188 of the acts of 2016, and may require said additional solicitations and
169 procurements by December 31, 2035; provided, however, that for said solicitations and
170 procurements, as outlined in this section, the department of energy resources may also require
171 distribution companies to jointly and competitively solicit and procure proposals for offshore
172 wind energy transmission sufficient to deliver energy generation procured pursuant to this
173 section from designated wind energy areas for which a federal lease was issued on or after
174 January 1, 2012 that may be developed independent of such offshore wind energy generation;
175 provided further, that such transmission service shall be made available for use by more than 1
176 wind energy generation project and shall not exceed the generation capacity authorized by this
177 section; provided further, that any selection of offshore wind energy transmission shall be the
178 most cost-effective mechanism for procuring reliable, low-cost offshore wind energy
179 transmission service for ratepayers in the commonwealth.

180 (b) Prior to undertaking any additional solicitations and procurements beyond those
181 required by section 83C of chapter 169 of the acts of 2008, as amended by chapter 188 of the
182 acts of 2016, the department shall evaluate previous solicitation and procurement processes,
183 including any reports of the independent evaluator, and shall make recommendations to the
184 general court that include: (i) any improvements to the solicitation and procurement process; (ii)
185 an evaluation of the necessity of additional solicitations and procurements, as outlined in
186 subsection (a), to meet the commonwealth's energy policy goals, including the goals of chapter
187 169 and chapter 298 of the acts of 2008; (iii) any amount of recommended solicitations and

188 procurements beyond those required by said section 83C of chapter 169 of the Acts of 2008, as
189 amended by said chapter 188 of the acts of 2016, if applicable, provided that said
190 recommendations do not exceed the amount in subsection (a); (iv) an evaluation of the impact of
191 additional procurements, as outlined in subsection (a), on ratepayers, including distribution
192 customers; and (v) any potential economic benefits; provided, further that any additional
193 solicitations conducted pursuant to this section shall be subject to the required solicitation and
194 procurement process of said section 83C of chapter 169 of the Acts of 2008, as amended by said
195 chapter 188 of the Acts of 2016. The department shall file the report with the house and senate
196 clerks and the joint committee on telecommunications, utilities and energy no later than July 31,
197 2019.

198 SECTION 22. The department of energy resources shall study the feasibility of a mobile
199 battery storage system to serve as a mobile emergency relief system that can respond to extreme
200 weather events or power outages. The goal of such a system would be to serve as a mobile
201 emergency relief system that can respond to events including, but not limited to, extreme weather
202 events or power outages, and to shave peak demand and lower distribution costs when not in use
203 for emergency response purposes. The department of energy resources shall submit any
204 recommendations to the clerks of the house of representatives and senate on or before February
205 1, 2020.

206 SECTION 23. Section 147 of chapter 164 of the General Laws shall take effect on
207 January 1, 2020; provided, however, that the regulations required to implement said section 147
208 of said chapter 164 shall be promulgated and in effect not later than December 31, 2019.

209 SECTION 24. Sections 15, 16 and 17 shall apply to any monthly minimum reliability
210 contribution, including a monthly minimum reliability contribution approved by the department
211 of public utilities to take effect on or before December 31, 2018. Any monthly minimum
212 reliability contribution approved by the department of public utilities prior to the effective date of
213 this section and said sections 15, 16 and 17 that does not meet the requirements of said sections
214 shall be refiled for review and approval by the department before taking effect.

215 SECTION 25. Section 14 shall take effect on January 1, 2051.

SENATE No. 2608

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

SENATE, July 16, 2018

The committee on Ways and Means to whom was referred the House Bill to increase renewable energy and reduce high-cost peak hours (House, No. 4756),-- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2608 and by striking out the title and inserting in place thereof the following title “An Act to a promote clean energy future” (also based on House, Nos. 4737, 4739 and 4749) .

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

1 SECTION 1. Section 9A of chapter 7 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the last 4 paragraphs and inserting in place
3 thereof the following 3 paragraphs:

4 The commonwealth shall ensure that 50 per cent of the motor vehicles owned or leased
5 by the commonwealth in the state fleet, including vehicles owned or leased by quasi-public
6 agencies, shall be zero emission vehicles by June 30, 2025. “Zero emission vehicle” shall mean a
7 battery electric vehicle, a plug-in hybrid vehicle or a fuel cell vehicle. In reaching that
8 requirement, the secretary shall prioritize for electrification any vehicles cited as medium or high
9 priority by the study commissioned by section 6 of chapter 448 of the acts of 2016.

10 The secretary shall submit to the clerks of the senate and house of representatives and the
11 chairs of the joint committee on transportation a statement annually, not later than July 1,
12 detailing the progress made in meeting the requirements of this section. The report shall include:
13 (i) a complete listing of vehicles leased, owned or assigned to each agency; and (ii) a description
14 of each vehicle, including the year, make and model, whether the vehicle is powered by an
15 internal combustion engine, a mild hybrid engine, a plug-in hybrid motor, a fully battery electric
16 motor, a hydrogen fuel cell electric motor, a compressed liquefied natural gas engine, a propane

17 engine or other means of propulsion. If a zero emission vehicle is not purchased or leased, the
18 secretary shall provide, in each instance, a specific explanation as to why a zero emission vehicle
19 could not have sufficiently fulfilled the intended functions.

20 Beginning in fiscal year 2026, the secretary shall ensure that 100 per cent of new motor
21 vehicles purchased or leased each year by the commonwealth shall be zero emission vehicles.
22 The secretary shall provide a written report to the clerks of the senate and house of
23 representatives and the chairs of the joint committee on transportation annually, not later than
24 July 1, explaining in detail all instances where a zero emission vehicle was not purchased or
25 leased and the reasons therefor.

26 SECTION 2. The first paragraph of subsection (a) of section 11E of chapter 12 of the
27 General Laws, as so appearing, is hereby amended by striking out the second sentence and
28 inserting in place thereof the following sentence:- The attorney general, through the office of
29 ratepayer advocacy, may intervene, appear and participate in administrative, regulatory or
30 judicial proceedings on behalf of any group of consumers in connection with any matter
31 involving a company doing business in the commonwealth and subject to the jurisdiction of the
32 department of public utilities or the department of telecommunications and cable under chapter
33 164, 164A, 164B, 165 or 166.

34 SECTION 3. Section 26A of chapter 21 of the General Laws, as so appearing, is hereby
35 amended by inserting after the word “effluent”, in line 67, the following words:- , hydraulic
36 fracturing fluid.

37 SECTION 4. Section 27 of said chapter 21, as so appearing, is hereby amended by adding
38 the following clause:-

39 (14) Enforce restrictions on drilling, waste treatment and disposal and mining activities
40 which have been enacted to protect the water quality and the natural resources of the
41 commonwealth.

42 SECTION 5. Section 42 of said chapter 21, as so appearing, is hereby amended by
43 inserting after the word “commonwealth”, in line 3, the following words:- , or into an injection
44 well or into a treatment works in the commonwealth.

45 SECTION 6. Said chapter 21 is hereby further amended by inserting after section 53A
46 the following section:-

47 Section 53B. (a) As used in this section, the following words shall have the following
48 meanings unless the context clearly requires otherwise:-

49 “Fluid”, any material or substance which flows or moves whether in semi-solid, liquid,
50 sludge, gas or any other form or state.

51 “Gas”, all natural gas, whether hydrocarbon or nonhydrocarbon, including hydrogen
52 sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas and all other fluid
53 hydrocarbons not defined as oil.

54 “Hydraulic fracturing”, the process of pumping a fluid into or under the surface of the
55 ground in order to create fractures in rock to produce or recover oil or gas.

56 “Oil”, crude petroleum, oil and all hydrocarbons, regardless of specific gravity, that are in
57 the liquid phase in the reservoir and are produced at the wellhead in liquid form.

58 “Oil and gas”, oil and gas collectively, or either oil or gas, as the context may require to
59 give effect to the purposes of this chapter.

60 (b) For the period from January 1, 2019 to December 31, 2028, inclusive, no person shall
61 engage in hydraulic fracturing.

62 (c) For the period from January 1, 2019 to December 31, 2028, inclusive, no person shall
63 collect, store, treat or dispose of wastewater hydraulic fracturing fluid, wastewater solids, drill
64 cuttings or other byproducts from hydraulic fracturing.

65 SECTION 7. Section 1 of chapter 21N of the General Laws, as appearing in the 2016
66 Official Edition, is hereby amended by striking out the definition of “Direct emissions” and
67 inserting in place thereof the following definition:-

68 “Direct emissions”, emissions from sources that are owned or operated, in whole or in
69 part, by a person, entity or facility including, but not limited to: (i) emissions from a
70 transportation vehicle; (ii) a building or structure, including but not limited to a residential,
71 commercial, industrial or institutional building or structure; or (iii) an industrial, manufacturing
72 or other business process.

73 SECTION 8. Said section 1 of said chapter 21N, as so appearing, is hereby further
74 amended by inserting after the definition of “Greenhouse gas emissions source” the following
75 definition:-

76 “Greenhouse gas-emitting priority”, natural gas, petroleum, coal and any solid, liquid or
77 gaseous fuel derived therefrom, and any other matter identified by the department as a

78 greenhouse gas-emitting priority that emits or is capable of emitting a greenhouse gas when
79 burned.

80 SECTION 9. Said section 1 of said chapter 21N, as so appearing, is hereby further
81 amended by inserting after the word “of”, in line 50, the following words:- a greenhouse gas-
82 emitting priority or.

83 SECTION 10. Said section 1 of said chapter 21N, as so appearing, is hereby further
84 amended by striking out the definition of “Market-based compliance mechanism”, in lines 56 to
85 65, inclusive, and inserting in place thereof the following definition:-

86 “Market-based compliance mechanism”, any form of price compliance system imposed
87 on sources or categories of sources or any form of pricing mechanism imposed directly on
88 greenhouse gas-emitting priorities or on the distribution or sale of greenhouse gas-emitting
89 priorities which are designed to reduce emissions as required by this chapter including, but not
90 limited to: (i) a system of market-based declining annual aggregate emissions limitations for
91 sources or categories of sources that emit greenhouse gases; (ii) greenhouse gas emissions
92 exchanges, banking, credits and other transactions governed by rules and protocols established
93 by the secretary or a regional program that results in the same greenhouse gas emissions
94 reduction, over the same time period, as direct compliance with a greenhouse gas emissions limit
95 or emission reduction measure adopted by the executive office pursuant to this chapter; or (iii) a
96 system of charges or exactions imposed to reduce statewide greenhouse gas emissions in whole
97 or in part.

98 SECTION 11. Subsection (a) of section 2 of said chapter 21N, as so appearing, is hereby
99 amended by striking out the first sentence and inserting in place thereof the following sentence:-

100 The department shall monitor and regulate greenhouse gas-emitting priorities and direct and
101 indirect emissions of greenhouse gases with the goal of reducing emissions in order to achieve
102 greenhouse gas emissions limits established by this chapter.

103 SECTION 12. Subsection (b) of section 3 of said chapter 21N, as so appearing, is hereby
104 amended by striking out clauses (2) and (3) and inserting in place thereof the following 2
105 clauses:- (2) a 2030 statewide greenhouse gas emissions limit accompanied by plans to achieve
106 this limit in accordance with said section 4; provided, however, that the 2030 statewide
107 greenhouse gas emissions limit shall maximize the ability of the commonwealth to meet the 2050
108 statewide greenhouse gas emissions limit; (3) a 2040 statewide greenhouse gas emissions limit
109 accompanied by plans to achieve this limit in accordance with said section 4; provided, however,
110 that the 2040 statewide greenhouse gas emissions limit shall maximize the ability of the
111 commonwealth to meet the 2050 statewide greenhouse gas emissions limit.

112 SECTION 13. Subsection (a) of section 4 of said chapter 21N, as so appearing, is hereby
113 amended by inserting after the first sentence the following 2 sentences:- The secretary shall
114 further adopt the 2030 statewide greenhouse gas emissions limit pursuant to clause (2) of
115 subsection (b) of section 3, which shall be not less than 43 per cent below the 1990 emissions
116 level and shall plan to achieve that reduction pursuant to subsection (h) of section 4. The
117 secretary shall further adopt the 2040 statewide greenhouse gas emissions limit pursuant to
118 clause (3) of said subsection (b) of said section 3, which shall be not less than 62 per cent below
119 the 1990 emissions level and shall plan to achieve that reduction pursuant to said subsection (h)
120 of said section 4.

121 SECTION 14. Said subsection (a) of said section 4 of said chapter 21N, as so appearing,
122 is hereby further amended by striking out the last sentence and inserting in place thereof the
123 following sentence:- The 2020, 2030 and 2040 statewide greenhouse gas emissions limits and
124 implementation plans shall comply with this section.

125 SECTION 15. Said section 4 of said chapter 21N, as so appearing, is hereby further
126 amended by striking out, in line 17, the word "limit" and inserting in place thereof the following
127 word:- limits.

128 SECTION 16. Said section 4 of said chapter 21N, as so appearing, is hereby amended by
129 striking out, in line 29, the word "shall" and inserting in place thereof the following words:- , in
130 consultation with the department of public health, shall.

131 SECTION 17. Said section 4 of said chapter 21N, as so appearing, is hereby further
132 amended by striking out, in line 42, the words "emission limit and implementing plan" and
133 inserting in place thereof the following words:- , 2030 and 2040 statewide greenhouse gas
134 emissions limits and implementing plans.

135 SECTION 18. Said section 4 of said chapter 21N, as so appearing, is hereby further
136 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

137 (h) The secretary shall issue a 2050 emissions reduction plan that shall describe in detail
138 the commonwealth's actions and methods for achieving the 2030, 2040 and 2050 emissions limit
139 required by subsection (b) of section 3. The 2050 emissions reduction plan shall: (i) address all
140 sources and categories of sources that emit greenhouse gas emissions; (ii) take into account the
141 imposition of market-based compliance mechanisms required in section 7A; (iii) indicate for
142 each source or category of sources how, to what extent and when the commonwealth will act to

143 reduce its emissions in order to achieve the 2050 emissions limit required by said subsection (b)
144 of said section 3; and (iv) include or be accompanied by any analysis quantitatively assessing
145 proposed and planned actions, methods, regulations and programs designed to reduce greenhouse
146 gas emissions for their economic, environmental and public health impacts, particularly those
147 that may benefit or burden low-income or moderate-income people. The 2050 emission
148 reduction plan shall be developed following public hearings. The secretary shall evaluate, adjust
149 if necessary and publish updates to the 2050 emissions reduction plan not less than once every 30
150 months, including assessments of the effectiveness, to date, of all actions, methods, regulations
151 and programs designed to reduce greenhouse gas emissions and the extent to which the actions,
152 methods, regulations and programs disproportionately impact low-income households and
153 minimize administrative burdens and leakage.

154 SECTION 19. Section 5 of said chapter 21N, as so appearing, is hereby amended by
155 inserting after the word “communities”, in line 10, the following words:- including, but not
156 limited to, economically-distressed manufacturing, economic sectors, economic subsectors or
157 individual employers located within those communities.

158 SECTION 20. Said chapter 21N is hereby further amended by striking out section 6, as
159 so appearing, and inserting in place thereof the following section:-

160 Section 6. In implementing its 2050 emissions reduction plan, the commonwealth and its
161 agencies shall promulgate regulations not later than December 31, 2023 regarding all sources or
162 categories of sources and all greenhouse gas-emitting priorities that are consistent with the plan
163 required by subsection (h) of section 4 and sufficient to achieve the statewide emissions limits
164 pursuant to section 3. The regulations shall be designed to ensure that the commonwealth

165 achieves its required emissions reductions equitably and in a manner that protects and, where
166 feasible, improves the condition of low-income and moderate-income persons while creating,
167 where feasible, additional employment and economic development in the commonwealth.

168 SECTION 21. Said chapter 21N is hereby further amended by inserting after section 7
169 the following 2 sections:-

170 Section 7A. The secretary shall promulgate regulations establishing market-based
171 compliance mechanisms for: (i) the transportation sector; provided, however, that the regulations
172 shall, at a minimum, be designed to reduce passenger vehicle and light duty truck emissions; (ii)
173 the commercial, industrial and institutional sectors, including but not limited to buildings and
174 industrial, manufacturing and other business processes; and (iii) the residential building sector.

175 The market-based compliance mechanisms established pursuant to this section shall: (i)
176 maximize the ability of the commonwealth to achieve the greenhouse gas emissions limits
177 established pursuant to this chapter;(ii) be designed to minimize disproportionate impacts on
178 low-income households; (iii) be designed to identify, with special attention to manufacturing,
179 economic sectors, economic subsectors or individual employers at risk of serious negative
180 impacts due to the market-based compliance mechanisms established pursuant to this section;
181 and (iv) be designed to mitigate impacts identified in clause (iii). The market-based compliance
182 mechanisms may be established by joining any existing market-based compliance mechanisms.
183 The secretary shall evaluate and adjust, if necessary, all market-based compliance mechanisms
184 adopted pursuant to this section at least once every 30 months to meet the requirements of this
185 section and to achieve greenhouse gas emissions limits. The regulations may be promulgated as
186 part of a coordinated regional effort with other states or Canadian Provinces to implement,

187 expand or join any other market-based compliance mechanisms. The department shall ensure it
188 has adequate resources to implement the requirements of this chapter.

189 Section 7B. Not later than September 30, 2023 and every 5 years thereafter, the secretary
190 or a designee shall publish a comprehensive energy plan that shall include and be based upon
191 reasonable projections of the commonwealth’s energy demands for electricity, transportation and
192 thermal conditioning and shall also include strategies for meeting those demands in a regional
193 context, prioritizing meeting energy demand through conservation, energy efficiency and other
194 demand-reduction resources in a manner that contributes to the commonwealth meeting the
195 limits for 2030 and 2040 pursuant to subsection (b) of section 3.

196 SECTION 22. Subsection (b) of section 21 of chapter 25 of the General Laws, as
197 appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

198 (4) At least once annually, the natural gas and electric utilities and energy efficiency
199 service companies shall distribute information about MassSave programs via billing statements
200 to their customers.

201 SECTION 23. Section 3 of chapter 25A, as so appearing, is hereby amended by inserting
202 after the definition of “Energy savings” the following 3 definitions:-

203 “Environmental justice”, the right to be protected from environmental pollution and to
204 live in and enjoy a clean and healthful environment regardless of race, income, national origin or
205 English language proficiency; provided, however, that “environmental justice” shall include the
206 equal protection and meaningful involvement of all people with respect to the development,
207 implementation and enforcement of environmental laws, regulations and policies and the
208 equitable distribution of environmental benefits.

209 “Environmental justice population”, a neighborhood or a population: (i)(A) determined
210 by the executive office of energy and environmental affairs or its subordinate agencies to have
211 experienced a disproportionate environmental impact since Jan, 1, 1998, or to have otherwise
212 been denied its enjoyment of environmental justice; (B) in which the annual median household
213 income is equal to or less than 110 per cent of the statewide median; or (C) in which minorities
214 comprise 25 per cent or more of the population; or (ii) identified by the executive office of
215 energy and environmental affairs or its subordinate agencies in an environmental justice strategy
216 issued pursuant to this chapter; provided, however, that “environmental justice population” shall
217 meet at least 1 of the requirements of subclauses (A) to (C), inclusive, of clause (i).

218 “Environmental justice household”, households within environmental justice populations.

219 SECTION 24. Said section 3 of said chapter 25A, as so appearing, is hereby further
220 amended by inserting after the definition of “Local government body” the following definition:

221 “Low-income households”, low-income households as defined under section 1 of chapter
222 40T.

223 SECTION 25. Subsection (a) of section 11F of chapter 25A of the General Laws, as so
224 appearing, is hereby amended by striking out clause (3)and inserting in place thereof the
225 following clause:- (3) an additional 3 per cent of sales each year thereafter.

226 SECTION 26. Said chapter 25A is hereby further amended by inserting after section 11I
227 the following section:-

228 Section 11J. (a) When creating, pursuant to general law, session law or other authority, a
229 solar incentive program, including, but not limited to, the solar incentive program established

230 pursuant to chapter 75 of the acts of 2016, the department shall design a program whose
231 economic and environmental benefits are equitably shared by low-income households,
232 environmental justice populations and other communities facing barriers to accessing the
233 program. Nothing in this section shall delay the commencement of the program or the
234 implementation prior to the first program review. The department may dedicate part of the
235 program to resolving other barriers to access if such barriers are identified. The department shall
236 specify in program design its plans to reach communities whose primary language is not English.

237 (b) In designing and modifying the program pursuant to subsection (a), the department
238 shall consider: (i) the proportion of benefits received by low-income households, environmental
239 justice households and other communities with barriers to access compared to benefits received
240 by other communities under the solar incentive program; and (ii) the distribution of benefits
241 received pursuant to other requirements and set-asides in any solar incentive program, including
242 set-asides for solar units less than or equal to 25 kW. In determining the minimum portion, the
243 department shall hold at least 3 public hearings in environmental justice communities or other
244 communities with barriers to access.

245 SECTION 27. Chapter 25A of the General Laws is hereby amended by adding the
246 following section:-

247 Section 17. (a) The department shall establish an energy storage system target program
248 for the deployment of energy storage systems by distribution company customers, distribution
249 companies and municipal lighting plants to achieve a statewide energy storage deployment target
250 of 2,000 megawatts by January 1, 2030 and a subsequent statewide energy storage deployment
251 target to be achieved by January 1, 2035. The department shall set annual statewide deployment

252 targets to be achieved in each distribution company's and municipal lighting plant's service
253 territory in order to reach the energy storage system targets required under this section.

254 (b) To achieve the annual targets established in subsection (a), the department may
255 consider a variety of deployment mechanisms and may require policies to encourage the cost-
256 effective deployment of energy storage systems including, but not limited to: (i) distribution
257 company or municipal lighting plant programs to encourage private deployment of energy
258 storage systems by their customers; (ii) procurement of cost-effective energy storage systems to
259 be owned and operated by a distribution company; provided, however, that any such
260 procurement shall finance the deployment of energy storage systems for the purpose of: (1) a
261 nonwires alternative to investment in distribution; (2) deferring investment in distribution
262 infrastructure that would otherwise be needed to address actual or forecasted overloads on
263 distribution circuits or at substations; or (3) improving the capability of the distribution system to
264 recover from adverse events that otherwise could result in long-term outages in critical areas of
265 the distribution system; (iii) the use of alternative compliance payments collected pursuant to
266 subsection (e) to fund a grant program for private development; and (iv) the use of energy storage
267 to replace fossil generation and the use of energy efficiency funds under section 19 of chapter 25
268 if the department determines that customer-owned energy storage provides sustainable peak load
269 reductions on either the electric or gas distribution systems and is otherwise consistent with
270 section 11G of this chapter.

271 (c) A distribution company shall not own or operate energy storage systems equal to
272 more than 20 per cent of the annual target established by the department for the distribution
273 company's service territory established in subsection (a) for the purpose of achieving the annual
274 targets; provided, however, that the department shall ensure that no distribution company shall

275 prevent or interfere with a customer or developer's ability to enter into agreements to own or
276 operate behind the meter energy storage systems.

277 (d) Each distribution company and municipal lighting plant shall annually make a map
278 available that identifies areas of critical need for energy storage systems within their service
279 territory. Each distribution company and municipal light plant shall identify on the map areas of
280 actual or forecasted overloads on distribution circuits or at substations. The map shall aggregate
281 system detail as necessary for distribution system security.

282 (e) The department shall promulgate regulations to: (i) establish a carve-out of the
283 alternative energy portfolio standard obligation under section 11F1/2 for energy storage systems
284 as defined in section 1 of chapter 164; and (ii) allow each distribution company and municipal
285 lighting plant to discharge its obligations under this section by either procuring attributes from
286 energy storage systems that qualify under the carve-out established pursuant to this section or by
287 making an alternative compliance payment in an amount to be established by the department.
288 The regulations shall require distribution companies and municipal lighting plants to annually
289 submit to the department a report that shows it is in compliance with this section.

290 (f) Annually, not later than December 1, the department shall make available on its
291 website a report on the energy storage system target program.

292 (g) The department shall promulgate regulations to implement this section.

293 Section 18. (a) The department shall a establish an incentive program to support non-
294 solar renewable energy resources that are less than 5 megawatts and that qualify for the class I
295 renewable energy portfolio standard under section 11F. The program shall be designed to finance
296 the development, construction, and operation of renewable-energy distributed-generation

297 projects through a fixed price performance-based incentive that is designed to achieve annual
298 megawatt targets at reasonable cost through competitive processes established by the department.

299 (b) The incentive program shall be tariff-based and the department shall promulgate
300 regulations that, at a minimum: (i) establish the eligibility criteria for facilities to qualify under
301 the program; (ii) establish the methodology for establishing incentives; and (iii) direct the
302 distribution companies to jointly file a model tariff to implement the program with department of
303 public utilities, for its review and approval.

304 (c) The methodology for establishing incentive levels shall: (i) take into consideration
305 underlying system installation, soft, and fuel costs; (ii) take into account electricity revenues and
306 any federal or state incentives; (iii) rely on market-based mechanisms or price signals as much as
307 possible; (iv) differentiate incentives levels by size, location, and project type; (v) establish
308 annual targets for each technology type; (vi) ensure that the costs of the program are shared
309 collectively among all ratepayers of the distribution companies; and (vii) promote investor
310 confidence through long-term incentive revenue certainty and market stability.

311 (d) Attributes, as defined by the department, of the Class I renewable energy generating
312 sources that qualify under regulations established pursuant to this section shall be eligible for use
313 by retail electric suppliers pursuant to their obligations under section 11F.

314 SECTION 28. Chapter 30A of the General Laws is hereby amended by inserting after
315 section 10A the following section:-

316 Section 10B. Notwithstanding section 10, in any adjudicatory proceeding regarding a
317 petition, request for approval or investigation of a gas company or electric company, as those

318 terms are defined in section 1 of chapter 164, the following shall be permitted to participate as
319 full parties in the proceeding: (i) a municipality that is within the service area of such company;
320 (ii) a member of the general court whose district includes ratepayers of such company; and (iii) a
321 group of not less than 50 persons who are immediately and significantly impacted by such a
322 petition or request for approval or investigation and whose involvement would not unduly
323 broaden the issues in the proceeding.

324 SECTION 29. Section 16 of chapter 71 of the General Laws, as appearing in the 2016
325 Official Edition, is hereby amended by adding the following subsection:-

326 (s) To lease or license land to a business or other organization for periods not exceeding
327 30 years for the purpose of generating renewable energy; provided, however, that such use shall
328 not interfere with the educational programs being conducted by the district; provided further, that
329 no lease or license shall be executed until the expiration of 60 days after the date on which the
330 lease or license was voted on by the district committee; and provided further, that before the
331 expiration of this period, any member town of the regional school district may hold a town
332 meeting to express disapproval of the lease or license authorized by the district committee and if
333 at that meeting a majority of the voters present and voting disapprove of the lease or license
334 authorized by the district committee, the lease or license shall not be executed.

335 SECTION 30. Chapter 111 of the General Laws is hereby amended by inserting after
336 section 142O the following section:-

337 Section 142P. There shall be at least 1 air monitoring station within a 1-mile radius of a
338 working natural gas compressor station to collect data and verify compliance with the National
339 Ambient Air Quality Standards. Construction and maintenance of air monitoring stations shall be

340 funded through the building permit paid for by the operating energy corporation to the
341 department of environmental protection. Personnel shall be staffed through that department to
342 collect data on a weekly basis, varying between morning and evening collection times.

343 SECTION 31. Section 1B of chapter 164 of the General Laws, as appearing in the 2016
344 Official Edition, is amended by adding the following subsection:

345 (g)(1) Each distribution company shall offer to residential and small commercial and
346 industrial customers at least 1 option for a time-of-use rate, including differentials for energy
347 supply, transmission and distribution that is designed to reflect the cost of providing electricity at
348 different times of the day and year, but shall not include demand charges. Peak time periods for
349 each rate shall not be longer than 6 hours in length per day and, as consistent with cost causation,
350 price differentials shall be sufficient to motivate customer response. Each distribution company
351 shall provide each customer, at least once annually, a summary of available rate options with a
352 calculation of expected bill impacts under each option. Options for a time-of-use rate shall be
353 posted prominently on the website of each distribution company, including the ability to opt into
354 such a rate online, and additional educational material. If a customer opts into a time-of-use rate,
355 the distribution company shall install all necessary equipment within 60 days after the notice to
356 opt in. A customer may choose a different rate schedule after 1 year.

357 (2) If the department approves rates that include time-varying pricing on an opt-out basis,
358 the opt-in time of use rate structure may be discontinued but each distribution company shall
359 offer a time-varying rate to all residential and all small commercial and industrial customers at
360 all times. In considering an opt-out time-varying rate structure, the department shall consider the
361 impacts of such a structure on low-income and vulnerable consumers and shall take appropriate

362 mitigating actions, including the consideration of continuing low-income discount and other
363 selected categories of customers on non-time-varying rate structures and allowing these
364 categories of customers to opt into time-varying rates.

365 (3) The department shall promulgate rules and regulations necessary to carry out this
366 subsection which shall include, but not be limited to: (i) the procedure for procurement of time-
367 varying default service offerings; and (ii) separately accounting for the reconciliation of expenses
368 for time-varying default service procurement from customers on time-varying default service.

369 SECTION 32. Said chapter 164 is hereby further amended by inserting after section 1K
370 the following section:-

371 Section 1L. (a) As used in this section, the following words shall have the following
372 meanings unless the context clearly requires otherwise:

373 “Low-income customer”, a retail customer who is on a residential low-income discount
374 distribution rate as set forth in subsection (4) of section 1F or who participates in a low-income
375 energy assistance program.

376 “Residential retail customer”, a retail customer in the commonwealth who is on a
377 residential distribution rate.

378 (b) No supplier or entity acting on the supplier’s behalf shall:

379 (1) extend an electricity supply agreement with a residential retail customer beyond the
380 agreement’s stated term without receiving the customer’s affirmative written consent to do so at
381 least 2 months prior to the end of the electricity supply agreement’s stated term unless the rate
382 provided for the extended term is equal to or less than the rate applied to the stated terms; or

383 (2) charge a cancellation fee of greater than \$50 to a residential retail customer.

384 (c) As a condition of licensure under paragraph (1) of section 1F, each supplier shall:

385 (1) not less than quarterly, provide to the department: (i) a list detailing each rate the
386 supplier charged to residential retail customers; and (ii) the number of residential retail
387 customers charged each rate included in such list by rate class; provided, however, that the
388 department shall publish the list on the department's website, energyswitchma.gov, or a
389 successor website;

390 (2) not less than annually, provide data to the department concerning any renewable
391 energy certificates retired in connection with the generation service provided to individual
392 residential retail customers; provided, however, that such data shall include the geographic
393 location and fuel type of each such renewable energy certificate, the total cost of each renewable
394 energy certificate and whether each certificate is RPS Class I eligible pursuant to section 11F of
395 chapter 25A; and provided further, that the department shall publish such information on its
396 website, energyswitchma.gov, or a successor website;

397 (3) provide on its bills, if the electric supplier chooses to provide its own billing and
398 collection services, at a minimum, the requirements listed in subsection (d); and

399 (4) guarantee that each low-income customer shall pay a rate that is either equal to or less
400 than the fixed basic service rate charged by the low-income customer's electric distribution
401 company for the same period of time.

402 (d) Each electric distribution company that bills on behalf of a supplier pursuant to
403 section 1D shall include the following information on the first page of each bill for each
404 residential customer receiving electric generation service from a supplier:

405 (i) the electric generation service rate;

406 (ii) the term and expiration date of such rate;

407 (iii) the cancellation fee, if applicable;

408 (iv) notification that such rate is variable, if applicable;

409 (v) the fixed basic service rate for the same period;

410 (vi) the term and expiration date of the fixed basic service rate;

411 (vii) the dollar amount that would have been billed for the electric generation service
412 component had the residential retail customer been receiving fixed basic service;

413 (viii) an electronic link or internet web site address to the department's website,
414 energyswitchma.gov, or a successor website and a toll-free telephone number and other
415 information necessary to enable the residential retail customer to obtain further information or
416 make the switch to another supplier or to basic service; and

417 (ix) if a residential retail customer is enrolled in automatic electronic bill payments
418 and does not receive a bill through United States mail, a link to the customer's bill in electronic
419 mail with confirmation of bill payment.

420 An electric distribution company that implements the billing information requirements of
421 this subsection may recover from electric suppliers all reasonable costs for such implementation.

422 (e) Each electric distribution company shall submit a report to the department and to the
423 attorney general semi-annually that details the numbers of low-income customers and all other
424 residential retail customers, by supplier, for each zip code in the electric distribution company's
425 service territory. This report shall be published on the department's website, energyswitch.gov
426 or a successor website.

427 (f) A violation of the conditions of licensure under this section shall be punished pursuant
428 according to subsection (7) of section 1F of not less than \$1,000 per violation per day. In
429 addition, the attorney general may bring an action under section 4 of chapter 93A to enforce the
430 consumer protection provisions of this section and to obtain restitution, civil penalties, injunctive
431 relief and any other relief awarded pursuant to said chapter 93A.

432 (g) Not less than quarterly, the department shall publish each supplier's complaint data,
433 sourced from complaints made to the department and those made to the attorney general and the
434 distribution companies, as provided to the department annually, on the department's website,
435 energyswitchma.gov or a successor website. The complaint data shall include, but not be limited
436 to, the total number of complaints received regarding the supplier, the number of complaints
437 received for misleading or false marketing, the number of complaints for unauthorized switching,
438 the number of complaints for Do Not Call list violations and the number of complaints for
439 aggressive marketing.

440 (h) This section shall not apply to a supplier in the course of providing generation
441 services pursuant to sections 134, 136 and 137.

442 SECTION 33. Section 69H of said chapter 164, as appearing in the 2016 Official
443 Edition, is hereby amended by inserting after the word “environment”, in line 6, the following
444 words:- and public health.

445 SECTION 34. Said section 69H of said chapter 164, as so appearing, is hereby further
446 amended by striking out, in lines 20 and 21, the words “2 commissioners of the commonwealth
447 utilities commission” and inserting in place thereof the following words:- the commissioner of
448 public health, 1 commissioner of public utilities.

449 SECTION 35. Section 94A of said chapter 164, as so appearing, is hereby amended by
450 adding the following 2 paragraphs:-

451 Nothing in this section shall be construed to authorize the department to review and
452 approve contracts for natural gas pipeline capacity filed by electric companies.

453 As part of the review of a contract with a term of more than 1 year for new gas pipeline
454 capacity, the department shall determine whether such contract is in the public interest. The
455 department shall not approve such a contract unless, as part of its public interest determination,
456 the department finds that: (i) such contract is necessary to satisfy demand for gas by, and is cost-
457 effective for, in-state ratepayers; (ii) such contract compares favorably to other reasonably
458 available options in terms of its impact on rates, the economy, environment, climate, local
459 communities, public health, safety and welfare; (iii) the parties to the proposed contract have
460 attempted, in good faith, to identify and evaluate alternatives that would reduce or eliminate the
461 need for private land takings or public land disposition including, but not limited to, expanded
462 and more long-term utilization of existing gas infrastructure, distribution system repairs and
463 upgrades, contracts for gas storage along unconstrained pipeline corridors, enhancement of peak-

464 shaving measures and colocation of gas infrastructure with major roadways; and (iv) for
465 contracts exceeding a term of 3 years, the parties to the proposed contract have attempted, in
466 good faith, to identify and evaluate demand-side options to reduce or eliminate the need for new
467 gas infrastructure.

468 SECTION 36. Section 134 of said chapter 164, as so appearing, is hereby amended by
469 adding the following subsection:-

470 (c)(1) As used in this subsection, the following words shall have the following meanings
471 unless the context clearly requires otherwise:

472 “Alternative compliance payment” or “ACP”, an amount established by the department
473 of energy resources that retail electricity suppliers may pay in order to discharge their renewable
474 energy portfolio standard obligation required under section 11F of chapter 25A.

475 “Community empowerment contract” or “contract”, an agreement between a municipality
476 and the developer, owner or operator of a renewable energy project.

477 “Customer”, an electricity end-use customer of an electric utility distribution company
478 regardless of how that customer receives energy supply services.

479 “Department”, the department of public utilities.

480 “Large commercial customer”, a large commercial, industrial or institutional customer, as
481 further defined by the department of energy resources utilizing existing usage-based tariff
482 structures.

483 “Municipality”, a city or town or a group of cities or towns that is not served by a
484 municipal lighting plant and meet the eligibility criteria under paragraph (9).

485 “Participant”, a customer within a municipality that has entered into a community
486 empowerment contract; provided, however, that the customer did not opt out of, or is prevented
487 from participating in, the community empowerment contract under subsection (d).

488 “Renewable energy certificate”, a certificate representing the environmental attributes of
489 1 megawatt hour of electricity generated by a renewable energy project, the creation, use and
490 retirement of which is administered by ISO New England, Inc.

491 “Renewable energy portfolio standard”, the renewable energy portfolio standard
492 established in section 11F of chapter 25A.

493 “Renewable energy project” or “project”, a facility that generates electricity using a Class
494 1 renewable energy resource and is qualified by the department of energy resources as eligible to
495 participate in the renewable energy portfolio standard and to sell renewable energy certificates
496 under the program.

497 “Residential customer”, a utility distribution customer that is a private residence or group
498 of residences, as further defined by the department of energy resources, utilizing existing usage-
499 based tariff structures.

500 “Small commercial customers”, a small or medium commercial, industrial or institutional
501 utility distribution customer, as further defined by the department of energy resources, utilizing
502 existing usage-based tariff structures.

503 (2) A municipality may, on behalf of the electricity customers within the municipality,
504 enter into a community empowerment contract with a company that proposes to construct a
505 renewable energy project. A municipality may enter into more than 1 community empowerment
506 contract and may enter into new contracts at any time.

507 (3) A community empowerment contract shall be subject to the following conditions:

508 (i) the contract shall be between the municipality and the company proposing to construct
509 a renewable energy project; provided, however, that this section shall not authorize a
510 municipality to utilize its collateral, credit or assets as collateral or credit support to the
511 counterparty of the contract and a municipality may do so only as otherwise authorized by law;

512 (ii) the renewable energy project specified in the contract shall not have begun
513 construction prior to the contract having been entered into by the municipality;

514 (iii) the contract shall be structured as a contract for differences so as to stabilize
515 electricity prices for participants and shall specify a fixed price for the energy and renewable
516 energy certificates to be generated by the project; provided, however, that the contract shall also
517 specify a means by which the project's contracted amount of energy and renewable energy
518 certificates shall be sold to a third party, at a price established by the wholesale market or an
519 index and as agreed by the parties to the contract, and the proceeds from which shall be credited
520 to the amount owed from the participants to the project; provided further, that if the amount
521 earned in a sale exceeds the agreed fixed price, the participants shall be credited from the project
522 for the difference between the sale price and the contracted fixed price; and provided further, that
523 a contract shall not be an agreement to physically deliver electric energy to the participants but it
524 may require delivery of renewable energy certificates;

525 (iv) the contract shall specify whether renewable energy certificates from the renewable
526 energy project are to be provided and, if so provided, shall specify how the renewable energy
527 certificates are to be transmitted and disposed of or retired; provided, however, that renewable
528 energy certificates purchased through a contract may be: (A) assigned to the load of each
529 participant or subset of participants, as stipulated in the contract, so as to increase the amount of
530 renewable energy attributed to use by the participants in the aggregate; or (B) sold in a
531 transparent, competitive process, the proceeds from which shall be applied to the contract for
532 differences mechanism under clause (iii); and provided further, that a renewable energy
533 certificate purchased through a contract shall not be used by a basic service supply provider or
534 competitive supply provider to meet its requirements under the renewable energy portfolio
535 standard unless the renewable energy certificate is first sold to the supplier in a competitive,
536 transparent process under this clause;

537 (v) the contract shall have a term of not less than 10 years from the time the specified
538 renewable energy project commences operation;

539 (vi) the contract shall describe the calculations by which a charge or credit to a
540 participant or to the renewable energy project are calculated based on the contract for differences
541 mechanism under clause (iii); provided, however, that the calculations shall ensure full payment
542 or credit to the renewable energy project even if a participant does not make full payment of the
543 participant's distribution utility bill; provided further, that if there is a nonpayment of all or a
544 portion of a distribution utility bill, an increase in charges to the contract participants may be
545 used to ensure sufficient revenue to meet obligations to the project; and provided further, that the
546 contract shall specify a contract administrator who shall perform the calculations under this

547 subsection and determine, for implementation by the distribution utility, the charges and credits
548 due to the project, participants, distribution utility and others as required by the contract; and

549 (vii) the contract may exempt for differences mechanism residents of the municipality
550 who receive low-income electric rates.

551 (4) A town may enter into a community empowerment contract upon authorization by a
552 majority vote of town meeting, town council or other municipal legislative body. A city may
553 authorize a community empowerment contract by a majority vote of the city council or
554 municipal legislative body, with the approval of the mayor or the city manager in a Plan D or
555 Plan E form of government. Two or more municipalities may initiate a process jointly to
556 authorize community empowerment contracting by a majority vote of each municipality under
557 this paragraph. Prior to an authorizing vote, a public hearing shall be held to inform the
558 municipalities of the proposed contract, the impact on residents and information on how to opt
559 out of the contract if it proceeds. This hearing shall specify the proposed project under the
560 contract and the length of the contract. An entity that is not a party to the contract shall estimate
561 the contract's rate impacts under reasonable scenarios for future energy prices and the estimates
562 shall be presented. The proposed project and contract information, estimated rate impact on
563 constituents, procedure for customers to opt out of the proposed contract and information
564 regarding the public hearing shall also be mailed to the residents of the municipalities 30 days
565 before the hearing.

566 (5) The electricity customers within a municipality shall be required to participate in a
567 community empowerment contract; provided, however, that a customer may opt not to
568 participate in a contract if the customer provides notice to an administrator designated by the

569 municipality within 90 days after the vote authorizing a contract or, in the case of a residential
570 user receiving a low-income electric rate, at any time. No customer shall be a participant in a
571 contract if that customer uses more than 5 per cent of the total annual electricity usage of the
572 electricity customers located within a single municipality that is a party to the contract or, in the
573 case of a contract with a group of municipalities, 5 per cent of the total annual electricity usage
574 of the electricity customers located in the group of municipalities that are parties to the contract.
575 Residential and small commercial customers that establish service within a municipality after the
576 municipality enters into a community empowerment contract shall be required to participate in
577 any community empowerment contracts in effect for the municipality at the time the new service
578 is established. A large commercial customer within a municipality may become a participant
579 unless otherwise prohibited and, upon electing to become a participant, shall remain a participant
580 for the remainder of the community empowerment contract as long as the large commercial
581 customer continues to be located within the municipality.

582 (6) The department shall promulgate regulations, guidelines or orders that:

583 (i) establish the manner in which a municipality may request from a distribution utility,
584 and which the distribution utility shall provide in a timely manner, the summary historic load and
585 payment information of the electricity customers within the municipality that is necessary for a
586 municipality to request and analyze a proposal for a community empowerment contract;
587 provided, however, that the distribution utility may charge the municipality for verifiable,
588 reasonable and direct costs associated with providing the information as approved by the
589 department generally or on a case-by-case basis;

590 (ii) establish a procedure by which a municipality shall have a community empowerment
591 contract approved by the department; provided, however, that a community empowerment
592 contract shall not take effect until so approved and the department shall be obligated to and shall
593 approve a contract that meets the requirements under this section; and provided further, that in
594 establishing the approval procedure, the department shall adopt means to minimize the
595 administrative and legal costs to municipalities to the maximum extent possible;

596 (iii) establish guidelines or standards by which the contract administrator under clause
597 (vi) of paragraph (3) shall: (A) provide utility adjustments to charges to the distribution or credits
598 to participants via a line item on the distribution utility bill; and (B) provide information to the
599 distribution utility that is necessary to enable it to make or receive payments to or from the
600 project and to others as necessary; provided, however, that each community empowerment
601 contract shall be indicated on a participant's distribution utility bill by a line item specific to the
602 contract; provided further, that a distribution utility may recover verifiable and reasonable costs
603 for the implementation of this subsection from a contract party or participant except as provided
604 for in clause (iv); provided further, that should implementation of this subsection require changes
605 to the distribution utility company's billing system that would not otherwise be incurred, the cost
606 of implementing such changes shall, upon approval by the department as being verifiable,
607 reasonable and necessary to implement this subsection, be paid for by ACP funds or, if available
608 ACP funds are insufficient, by the Massachusetts Renewable Energy Trust Fund established
609 under section 9 of chapter 23J.

610 (iv) establish guidelines or standards by which distribution company customers may
611 receive or access accurate energy source disclosure information, taking into account the
612 renewable energy certificates that may be ascribed to each customer's electricity usage and

613 regardless of the source from which the renewable energy certificates were supplied or
614 purchased; provided, however, that should implementation of this subsection require changes to
615 the distribution utility company's billing system that would not otherwise be incurred, the cost of
616 implementing such changes shall, upon approval by the department as being verifiable,
617 reasonable and necessary to implement this subsection, be paid for by ACP funds or, if available
618 ACP funds are insufficient, by the Massachusetts Renewable Energy Trust Fund established
619 under section 9 of chapter 23J.

620 (7) The department of energy resources shall promulgate regulations or guidelines that:

621 (i) establish the manner in which, in the case of a community empowerment contract in
622 which the renewable energy certificates are to be assigned to participants, the renewable energy
623 certificates may be transmitted and retired appropriately and the energy source disclosure
624 information accurately provided to participants; and

625 (ii) establish recommended practices to ensure transparency and accountability on the
626 part of a municipality in entering into and managing a community empowerment contract,
627 including the means by which an executed community empowerment contract shall be available
628 for public inspection and recommendations for a municipality to follow in order to ensure
629 compliance with the requirements for entering into a community empowerment contract.

630 The department of energy resources shall also provide technical assistance to a
631 municipality regarding a community empowerment contract upon request.

632 (8) A community empowerment contract shall be in addition to, and aside from, an
633 electricity supply contract that a customer may have at the time of the contract or that that the

634 customer may later seek to establish. A municipality that enters into a community empowerment
635 contract under this subsection shall not be considered a wholesale or retail electricity supplier. A
636 community empowerment contract shall not require participants to change their choice of
637 electricity supplier regardless of whether the supplier is a competitive supplier or a basic service
638 supplier.

639 SECTION 37. Section 138 of said chapter 164, as so appearing, is hereby amended by
640 inserting after the word “entity”, in line 96, the following words:- or publicly-assisted housing
641 or its residents.

642 SECTION 38. Said section 138 of said chapter 164, as so appearing, is hereby further
643 amended by striking out, in lines 122 and 123, the words “is assigned 100 per cent of the output”
644 and inserting in place thereof the following words:- or publicly-assisted housing or its residents
645 are assigned 100 per cent of the output or net metering credits.

646 SECTION 39. Said section 138 of said chapter 164, as so appearing, is hereby further
647 amended by inserting after the definition of “Net metering facility of a municipality or other
648 governmental entity” the following definition:-

649 “Publicly-assisted housing”, housing as defined in section 1 of chapter 40T.

650 SECTION 40. Section 139 of said chapter 164, as so appearing, is hereby amended by
651 striking out, in lines 62 and 63, the words “and that are located in the same ISO-NE load zone
652 to” and inserting in place thereof the following words:- , regardless of which ISO-NE load zone
653 the customers are located in, to.

654 SECTION 41. Said section 139 of said chapter 164, as so appearing, is hereby further
655 amended by inserting after the word “charges”, in line 85, the second time it appears, the
656 following words:- , including demand charges as part of a monthly minimum reliability
657 contribution except as authorized under subsection (j).

658 SECTION 42. Said section 139 of chapter 164 of the General Laws, as so appearing, is
659 hereby amended by striking out subsection (f) and inserting in place thereof the following
660 subsection:-

661 (f) No aggregate net metering cap shall apply to a solar net metering facility; provided,
662 however, that the maximum amount of generating capacity eligible for net metering by a
663 municipality or other governmental entity shall be 10 megawatts.

664 SECTION 43. Subsection (i) of said section 139 of said chapter 164, as so appearing, is
665 hereby amended by adding the following 3 sentences:- Any facility which is at least 75 per cent
666 owned by, or at least 75 per cent of which is producing net metering credits for, 3 or more
667 individual residential customers, including a neighborhood net metering facility, in which no one
668 residential customer owns more than 60 kilowatts of design capacity or receives more credits
669 than the amount of credits produced annually by a facility with a 60 kilowatt design capacity
670 shall be exempt from subsections (b $\frac{1}{2}$) and (k) and may net meter and accrue Class I net
671 metering credits. Any such facility shall also be exempt from any limit on the aggregate net
672 metering capacity set by subsection (f). An agricultural net metering facility utilizing anaerobic
673 digestion technology or an anaerobic digestion net metering facility shall be exempt from
674 aggregate net metering capacity caps under subsection (f) and may net meter and accrue Class I,
675 II, or III net metering credits.

676 SECTION 44. Said section 139 of said chapter 164, as so appearing, is hereby further
677 amended by inserting after the word “system”, in line 150, the following words:- ;provided,
678 however, that a distribution company shall not assess a demand charge unless it is a charge based
679 on demand during a predetermined portion of the hours of a day defined as peak hours of system
680 demand and unless the distribution company has informed all of its customers of the manner in
681 which any such demand charges are assessed; and provided further, that a distribution company
682 shall only assess a demand charge if metering functionality or technology is available to the
683 customer at a reasonable cost to provide the customer with near real time access to electricity
684 usage data.

685 SECTION 45. Said section 139 of said chapter 164, as so appearing, is hereby further
686 amended by striking out, in lines 175 to 177, inclusive, the words “; provided that, the date
687 designated by the department shall be not later than December 31, 2018”.

688 SECTION 46. Said chapter 164 is hereby further amended by adding the following
689 section:-

690 Section 146. (a) For the purposes of this section, “lost and unaccounted for gas” shall
691 mean an amount of gas that is the difference between the total gas purchased by a gas company
692 and the sum of: (i) total gas delivered to customers; and (ii) total gas used by a gas company in
693 the conduct of its operations.

694 (b) The department shall issue regulations requiring all gas companies to report to the
695 department, in a uniform manner, lost and unaccounted for gas for each year. Such standards
696 shall include: (i) a method using operational and billing data to determine the total amount of lost
697 and unaccounted for gas and to identify and measure each of its components; and (ii) a method

698 using engineering characteristics and operational data to identify and measure all sources and
699 locations where lost and unaccounted for gas occurs in the natural gas systems.

700 (c) The department may grant waivers from regulatory requirements as necessary for the
701 development of innovative projects to reduce lost and unaccounted for gas. Such innovative
702 projects shall be intended to reduce costs to ratepayers and to reduce greenhouse gas emissions.

703 An application for a waiver shall include the goals of the innovative project, the expected
704 cost, the expected benefit to ratepayers and the expected reduction in greenhouse gas emissions.

705 SECTION 47. Section 83B of chapter 169 of the acts of 2008, inserted by section 12 of
706 chapter 188 of the acts of 2016, is hereby amended by adding the following definition:-

707 “Offshore wind energy transmission”, transmission that delivers electricity from offshore
708 wind energy generation to the transmission system on the mainland.

709 “Offshore wind energy transmission developer”, a provider of electric transmission for
710 offshore wind energy generation.

711 SECTION 48. Subsection (b) of section 83C of said chapter 169, as appearing in said
712 section 12 of said chapter 188, is hereby amended by striking out, in lines 16 and 17, the words
713 “; provided, however” and inserting in place thereof the following words:- and may specify that
714 the distribution companies in coordination with the department of energy resources may
715 competitively procure and that the distribution companies may select any proposals for offshore
716 wind energy transmission sufficient to deliver energy generation procured pursuant to this
717 section from designated wind energy areas for which an initial federal lease was issued on a
718 competitive basis after January 1, 2012 that may be developed independent of such offshore

719 wind energy generation; provided, however, that such transmission service shall be made
720 available for use by more than 1 wind energy generation project and shall not exceed the
721 generation capacity required by this section; provided further, that any selection of offshore wind
722 energy transmission shall be the most cost-effective mechanism for procuring reliable, low-cost
723 offshore wind energy transmission service for ratepayers in the commonwealth; and provided
724 further.

725 SECTION 49. Subsection (d) of said section 83C of said chapter 169, as so appearing, is
726 hereby amended by inserting after the word “bid”, in line 11, the following words :- or
727 independently as offshore wind energy transmission.

728 SECTION 50. Section 16 of chapter 298 of the acts of 2008 is hereby amended by
729 striking out, in lines 3 and 4, the words “, and shall expire on December 31, 2020”.

730 SECTION 51. The secretary of energy and environmental affairs shall conduct a detailed,
731 quantitative modeling and analysis of the commonwealth’s energy economy and emissions,
732 which shall be sufficient to identify multiple technically and economically-feasible pathways
733 to reduce statewide emissions consistent with the 2050 emissions limit required by subsection (b)
734 of section 3 of chapter 21N of the General Laws. Such modeling and analysis shall include back-
735 casting planning considerations and may be conducted in conjunction with other states or regional
736 entities as part of an analysis of reducing regional emissions by 2050 to a level consistent with
737 those required by said chapter 21N. The secretary shall publish the results of its modeling and
738 analysis and shall make the model, all model assumptions and all input and output data available
739 for public inspection and use. The secretary shall file a report of its findings with the clerks of
740 the senate and house of representatives, the senate and house committees on ways and means and

741 the joint committee on telecommunications, utilities and energy not later than December 31,
742 2020.

743 SECTION 52. (a) Notwithstanding any general or special law to the contrary, the
744 department of energy resources may analyze and recommend offshore wind energy generation
745 solicitations and procurements of up to 5,000 megawatts of aggregate nameplate capacity by
746 December 31,2035 if the department, after investigation, makes a written finding that procuring
747 more than the 1,600 megawatts required by section 83C of chapter 169 of the acts of 2008 is
748 consistent with the commonwealth's energy policy, including the policies established in said
749 chapter 169 and chapter 298 of the acts of 2008 and after consideration of the economic benefits
750 of additional nameplate capacity, the effect on commercial fisheries and operations and the
751 impact on ratepayers, including distribution company customers. The department shall publish a
752 plan to effectuate any such additional solicitations and procurements which shall include the
753 recommendations of the joint procurement taskforce established in subsection (c). The plan shall
754 also identify any potential adverse impacts on the commercial and recreational marine fisheries
755 of the commonwealth in addition to potential methods to mitigate those impacts. Notwithstanding
756 the requirements of this section, as part of the plan, the department may require different
757 solicitation, evaluation and selection of parties as required by said section 83C of said chapter
758 169 if such changes are recommended by the joint procurement taskforce or will benefit
759 distribution company customers. The department shall hold at least 1 public hearing to consider
760 the economic benefits of up to 5,000 megawatts of aggregate nameplate capacity and the impact
761 of such subsequent solicitations and procurements on the commonwealth's energy policies under
762 this subsection, the commonwealth's fisheries and commercial fishing industry and on

763 ratepayers, including distribution company customers. The plan required to be published under
764 this subsection shall be filed with the clerks of the senate and the house of representatives.

765 (b) Notwithstanding any general or special law to the contrary, the department of energy
766 resources may analyze and recommend clean energy generation solicitations and procurements
767 for more than the 9,450,000 megawatts-hours as required by section 83D of chapter 169 of the
768 acts of 2008 if the department, after investigation, makes a written finding that doing so is
769 consistent with the commonwealth's energy policy, including the policies established in said
770 chapter 169 and chapter 298 of the acts of 2008 and after consideration of the economic benefits
771 of additional clean energy generation and the impact on ratepayers, including distribution
772 company customers. The department shall publish a plan to effectuate any such additional
773 solicitations and procurements which shall include the recommendations of the joint
774 procurement taskforce established in subsection (c). Notwithstanding the requirements of this
775 section, as part of the plan, the department may require different solicitation, evaluation and
776 selection of parties as required by said section 83D of said chapter 169 if such changes are
777 recommended by the joint procurement taskforce or will benefit distribution company customers.
778 The department shall hold at least 1 public hearing to consider the economic benefits of more
779 than 9,450,000 megawatts-hours of clean energy generation and the impact of such subsequent
780 solicitations and procurements on the commonwealth's energy policies under this subsection and
781 on ratepayers, including distribution company customers. The plan required to be published
782 under this subsection shall be filed with the clerks of the senate and the house of representatives.

783 (c) There shall be a joint procurement taskforce consisting of the commissioner of energy
784 resources, the attorney general and representatives of the distribution companies to conduct a
785 review of the procurements conducted pursuant to sections 83C and 83D of chapter 169 of the

786 acts of 2008 to identify and report on the challenges and strengths in the respective procurement
787 processes and to make recommendations to improve the process for future procurements. The
788 taskforce shall: (i) compare the requirements of sections 83C and 83D of said chapter 169 to
789 similar procurements in other states; (ii) examine the makeup of the procurement evaluation and
790 selection teams; (iii) review the evaluation metrics as identified in the request for proposals and
791 applied in the evaluation process; (iv) analyze the selection process utilized; (v) review the
792 consideration given to economic impacts; (vi) consider the impact and feasibility of reducing the
793 timeline of implementation between procurements under section 83C of said chapter 169; and
794 (vii) analyze the impact of the procurements on distribution customers and energy markets. The
795 taskforce shall make recommendations on improvements to the procurement process including,
796 but not limited to: (1) changing the solicitation parties, the evaluation team and the selection
797 team; (2) the appropriate role of the distribution companies in the process; (3) the evaluation
798 metrics; (4) the impact of additional procurements on the price and availability of renewable
799 energy credits pursuant to section 11F of chapter 25A of the General Laws; and (5) the efficacy
800 of additional procurements. The task force shall file its report with the clerks of the senate and
801 house of representative, the house and senate committees on ways and means and the joint
802 committee on telecommunications, utilities and energy not later than December 31, 2019.

803 SECTION 53. (a) The department of environmental protection shall promulgate
804 regulations requiring producers, importers and wholesale distributors that sell, supply or offer for
805 sale transportation fuels in the commonwealth to report to the department all sales of
806 transportation fuel sales made in the commonwealth and the source of any fuel sold to the
807 department. The regulations shall require the Department of Environmental Protection to
808 compute and track the individual and collective lifecycle greenhouse gas emissions of all fuels,

809 as well as the carbon intensity of each fuel, that are reported by regulated entities on an annual
810 basis.

811 (b) All sales, lifecycle greenhouse gas emissions and carbon intensity data collected or
812 computed by the department pursuant to the regulations required by subsection (a) shall be
813 published by the department in an annual report that shall be made available to the public.

814 SECTION 54. The Massachusetts Department of Transportation, in consultation with the
815 department of state police, shall conduct a feasibility study on authorizing an electric vehicle as
816 defined in section 16 of chapter 25A of the General Laws to travel in lanes designated for use by
817 high-occupancy vehicles notwithstanding the number of occupants in the vehicle. The study shall
818 include, but not be limited to: (i) an examination of existing capacity in lanes designated for use
819 by high-occupancy vehicles; (ii) the impact of additional electric vehicles in the lanes; and (iii) a
820 plan to properly differentiate eligible electric vehicles to ensure appropriate access to the
821 designated lanes. The department shall file a report on the results of the study with the clerks of
822 the senate and the house of representatives and the chairs of the joint committee on
823 transportation not later than July 31, 2019.

824 SECTION 55. The Massachusetts Department of Transportation, in consultation with the
825 executive office of energy and environmental affairs, shall develop and implement a program to
826 promote private electric vehicle ownership with the goal of ensuring that 25 per cent of motor
827 vehicles owned or leased in the commonwealth shall be electric vehicles by December 31, 2028.
828 The department shall promulgate regulations necessary to implement this program.

829 SECTION 56. Notwithstanding any general or special law to the contrary, the department
830 of public utilities, in consultation with the department of energy resources, shall develop a plan

831 to facilitate the authorization and regulation of the creation of new municipal light districts in
832 municipalities that choose to undertake such action. The plan shall include, but not be limited to,
833 the acquisition or creation of the necessary infrastructure and mechanisms to acquire and deliver
834 electricity to customers within the district. The department shall submit the plan to the clerks of
835 the senate and the house of representatives and the chairs of the joint committee on
836 telecommunications, utilities and energy not later than December 31, 2018.

837 SECTION 57. Notwithstanding any general or special law to the contrary, no new
838 natural gas compressor station shall be located in an area that is less than 0.5 miles in linear
839 distance from: (i) a playground;(ii) a licensed day care center; (iii) a school; (iv) a church; (v) an
840 environmental justice population neighborhood; (vi) an area of critical environmental concern as
841 determined by the secretary of environmental affairs under 301 CMR 12.00; (vii) a waterway
842 preserved and protected for water-dependent uses under chapter 91; or (viii) an area occupied by
843 residential housing. Linear distance shall be measured from any point along a natural gas
844 compressor station to the outermost point of buildings or areas in clauses (i) to (viii), inclusive;
845 provided, however, that repairs or replacements that do not increase the capacity of a natural gas
846 compressor station in operation prior to January 1, 2019, shall not be subject to this section. For
847 the purposes of this section, “environmental justice population neighborhood” shall mean a
848 neighborhood with an annual median household income of not more than 65 per cent of the
849 statewide median income or with a segment of the population that consists of residents that is not
850 less than 25 per cent minority, foreign born or lacking in English language proficiency based on
851 the most recent United States census.

852 SECTION 58. (a) As used in this section, the following words shall have the following
853 meanings unless the context clearly requires otherwise:

854 “Board”, the pension reserves investment management board established in section 23 of
855 chapter 32 of the General Laws.

856 “Company”, a sole proprietorship, organization, association, corporation, partnership,
857 joint venture, limited partnership, limited liability partnership, limited liability company or other
858 entity or business association, including all wholly-owned subsidiaries, majority-owned
859 subsidiaries, parent companies or affiliates of such entities or business associations that exist for
860 profit-making purposes.

861 “Direct holdings”, all securities of a company held directly by the public fund or in an
862 account or fund in which the public fund owns all shares or interests.

863 “Fossil fuel company”, a company identified by a Global Industry Classification System
864 code in 1 of the following sectors: (i) coal and consumable fuels; (ii) integrated oil and gas; or
865 (iii) oil and gas exploration and production.

866 “Indirect holdings”, all securities of a company held in an account or fund, including a
867 mutual fund, managed by at least 1 person not employed by the public fund and in which the
868 public fund owns shares or interests together with other investors not subject to this section.

869 “Public fund”, the Pension Reserves Investment Trust Fund established in subdivision (8)
870 of section 22 of chapter 32 of the General Laws or the pension reserves investment management
871 board charged with managing the pooled investment fund consisting of the assets of the State
872 Employees’ and Teachers’ Retirement Systems and the assets of local retirement systems under
873 the control of the board.

874 "Thermal coal", coal used to generate electricity, including coal which is burned to create
875 steam to run turbines; provided, however, "thermal coal" shall not include metallurgical coal or
876 coking coal used to produce steel.

877 "Thermal coal company", a publicly-traded company that generates at least 50 per cent of
878 its revenue from the mining of thermal coal as determined by the board.

879 (b) Notwithstanding any general or special law to the contrary, within 30 days after the
880 effective date of this act, the public fund shall facilitate the identification of all thermal coal and
881 fossil fuel companies in which the fund owns direct or indirect holdings.

882 (c) Notwithstanding any general or special law to the contrary, the public fund shall take
883 the following actions in relation to thermal coal companies in which the fund owns direct or
884 indirect holdings:

885 (i) sell, redeem, divest or withdraw all publicly-traded securities of each thermal coal
886 company identified pursuant to subsection (b) before December 31, 2020;

887 (ii) if recommended by the commission established in subsection (d), sell, redeem, divest
888 or withdraw all publicly-traded securities of each fossil fuel company identified pursuant to
889 subsection (b) according to the following schedule: (i) at least 33 per cent of such assets shall be
890 removed from the public fund's assets under management before December 31, 2022; (ii) 67 per
891 cent of such assets shall be removed from the public fund's assets under management before
892 December 31, 2024; and (iii) 100 per cent of such assets shall be removed from the public fund's
893 assets under management before December 31, 2025.

894 The public fund shall not acquire new assets or securities of thermal coal companies or, if
895 so recommended by the commission established in subsection (d), fossil fuel companies.

896 (d) There shall be a special commission to investigate and study divestment of the public
897 fund from fossil fuel companies, but not including thermal coal companies, as proposed by the
898 schedule in subsection (c). The commission shall evaluate the benefits of divestment from fossil
899 fuels, not including thermal coal, compared to any potential increased risk that divestment may
900 pose to the commonwealth's pension funds and retirees.

901 The commission shall consist of: the state treasurer or a designee who shall serve as
902 chair; the executive director of the public employee retirement administration commission or a
903 designee; a member of the Retired State, County and Municipal Employees Association of
904 Massachusetts; an active member of the Service Employees International Union who shall be
905 designated by the state council; and 3 private citizens to be appointed by the governor who shall
906 have expertise and current employment in environment, social and governance-related finance,
907 institutional divestment or climate science.

908 The commission shall consult with experts in the relevant fields of economics, wealth
909 management, fiduciary law and environmental sciences. The report shall include, but not be
910 limited to: (i) recommendations on defining fossil fuel companies; (ii) a sensitivity analysis of
911 the potential impact of divestment on the fund's return on investment, including an analysis of
912 the potential impact that divestment from fossil fuel companies may have on the amortization
913 schedules for the commonwealth's pension funds; (iii) an analysis and recommendations as to
914 how to best incorporate assessment of carbon risk into the investment policy statement; (iv) an
915 analysis of the potential environmental and policy benefits derived from divestment from fossil

916 fuel companies; (v) recommendations on divestment of indirect holdings, particularly regarding
917 potential exceptions for mutual funds and index funds that may invest in fossil fuel companies;
918 (vi) analysis of the potential impact that divestment may pose to companies and employees based
919 in the commonwealth; and (vii) recommendations on effective administration and oversight of
920 fossil fuel divestment.

921 The commission shall file its report and its recommendations, together with an actuarial
922 analysis, if any, with the clerks of the senate and house of representatives, the chairs of the senate
923 and house committees on ways and means and the chairs of the joint committee on public service
924 not later than April 1, 2019.

925 (e) Notwithstanding this section, any requirement to divest the public fund from thermal
926 coal or other fossil fuel companies shall not apply to indirect holdings in actively-managed
927 investment funds; provided, however, that the public fund shall submit letters to the managers of
928 the investment funds containing thermal coal or other fossil fuel companies requesting that they
929 consider removing remove such companies from the investment fund or create a similar actively-
930 managed fund with indirect holdings devoid of such companies. If the manager creates a similar
931 fund, the public fund shall replace all applicable investments with investments in the similar fund
932 in an expedited timeframe consistent with prudent investing standards. For the purposes of this
933 section, private equity funds shall be deemed to be actively-managed investment funds.

934 (f) Notwithstanding any general or special law to the contrary, the public fund may cease
935 divesting from companies under subsection (c), reinvest in companies from which it divested
936 under said subsection (c) or continue to invest in companies from which it has not yet divested
937 upon clear and convincing evidence showing that the total and aggregate value of all assets under

938 management by or on behalf of the public fund becomes: (i) equal to or less than 99.5 per cent;
939 or (ii) 100 per cent less 50 basis points of the net value of all assets under management by or on
940 behalf of the public fund in the previous year as a direct result of divestment. Cessation of
941 divestment, reinvestment or any subsequent ongoing investment authorized by this section shall
942 be strictly limited to the minimum steps necessary to avoid the contingency set forth in the
943 preceding sentence. For any cessation of divestment and in advance of any cessation authorized
944 by this subsection, the public fund shall provide a written report to the attorney general, the
945 senate and house committees on ways and means and the joint committee on public service,
946 updated semi-annually thereafter as applicable, setting forth the reasons and justification,
947 supported by clear and convincing evidence, for its decisions to cease divestment, to reinvest or
948 to remain invested in thermal coal.

949 This subsection shall also apply to any divestment of the public fund from fossil fuel
950 companies.

951 (g) Present, future and former board members of the public fund, jointly and individually,
952 state officers and employees and investment managers under contract with the public fund shall
953 be indemnified from the General Fund and held harmless by the commonwealth from all claims,
954 demands, suits, actions, damages, judgments, costs, charges and expenses, including court costs
955 and attorneys' fees, and against all liability, losses and damages of any nature whatsoever that
956 such present, future or former board members, state officers and employees and investment
957 managers shall or may at any time sustain by reason of any decision to restrict, reduce or
958 eliminate investments in fossil fuel companies.

959 (h) The public fund shall file a copy of the lists of thermal coal in which the fund owns
960 direct or indirect interests with the clerks of the senate and the house of representatives and the
961 attorney general within 30 days after of the effective date of this act. Annually thereafter, the
962 public fund shall file a report with the clerks of the senate and the house of representatives and
963 the attorney general which shall includes: (i) all investments sold, redeemed, divested or
964 withdrawn in compliance with subsection (c); and (ii) all prohibited investments from which the
965 public fund has not yet divested under said subsection (c). This subsection shall also apply to any
966 divestment of the public fund from fossil fuel companies.

967 SECTION 59. The secretary of transportation and the Massachusetts Bay Transportation
968 Authority control board established in section 200 of chapter 46 of the acts of 2015, in
969 consultation with the executive office of energy and environmental affairs, shall develop and
970 complete a detailed plan for the full electrification of all of the authority's passenger vehicles,
971 including buses, ferries and commuter rail lines. The plan for electrification of the commuter rail
972 shall include the procurement by purchase, lease or other method of electric locomotives, electric
973 multiple unit equipment or a combination of both. The plan shall include the design and
974 construction of high level platforms at all stations on each line. The overall plan shall include a
975 detailed project schedule including all necessary procurement activities, leading to all of the
976 authority's passenger vehicles being electric by December 31, 2030. The plan shall be filed with
977 the clerks of the senate and house of representatives and the chairs of the joint committee on
978 transportation and shall be made publicly available on the Massachusetts Department of
979 Transportation's website not later than December 31, 2019.

980 SECTION 60. The secretary of energy and environmental affairs, in consultation with
981 the secretary of administration and finance, shall file with the with the clerks of the senate and

982 house of representatives a cost-benefit analysis report which shall include, but not be limited to,
983 an analysis of environmental and climate change implications, on the impacts to consumers and
984 state, municipal government and school districts of any actions taken to comply with chapter 298
985 of the acts of 2008. The report shall be filed not later than December 31, 2021.

986 SECTION 61. Notwithstanding any general or special law to the contrary, the state board
987 of building regulations and standards established in section 93 of chapter 143 of the General
988 Laws shall form a working group that may include representatives of the following trades:
989 planning; real estate sales and brokerage; homebuilding; and solar installation to study the
990 feasibility of requiring the installation of solar powered systems in newly-constructed housing as
991 amendments to the state building and electric codes, and the feasibility of regulatory methods to
992 promote housing that consumes a total amount of annual energy that is substantially equivalent
993 to the amount of renewable energy generated on site, also known as net-zero housing. The
994 working group shall report to the general court the result of its study and its recommendations, if
995 any, together with drafts of legislation or regulations necessary to carry its recommendations into
996 effect, by filing the same with the clerks of the senate and house of representatives not later than
997 July 1, 2019.

998 SECTION 62. The Massachusetts Bay Transportation Authority shall issue a report on
999 the development of a power management system to capture and reuse energy produced from
1000 regenerative braking with authority trains. The report shall be filed with the clerks of the senate
1001 and the house of representatives not later than December 31, 2019.

1002 SECTION 63. Clause (3) of subsection (a) section 11F of chapter 25A of the General
1003 Laws, as appearing in section 25, shall apply to 2019 and each year thereafter.

1004 SECTION 64. Sections 41, 42 and 44 shall apply to any monthly minimum reliability
1005 contribution, including a monthly minimum reliability contribution approved by the department
1006 of public utilities to take effect on or before December 31, 2018. Any monthly minimum
1007 reliability contribution approved by the department of public utilities prior to the effective date of
1008 this section and said sections 41, 42 and 44 that does not meet the requirements of said sections
1009 shall be refiled for review and approval by the department before taking effect.

1010 SECTION 65. The 2030 statewide greenhouse gas emissions limit required by subsection
1011 (a) of section 4 of chapter 21N of the General Laws shall be adopted not later than January 1,
1012 2021.

1013 SECTION 66. The 2040 statewide greenhouse gas emissions limit required pursuant to
1014 subsection (a) of section 3 of chapter 21N of the General Laws shall be adopted not later than
1015 January 1, 2021.

1016 SECTION 67. The department of energy resources shall establish the annual statewide
1017 deployment targets to be achieved in each distribution company's and municipal lighting plant's
1018 service territory in order to reach the 2,000 megawatt energy storage system target pursuant to
1019 subsection (a) of section 17 of chapter 25A of the General Laws not later than December 31,
1020 2018.

1021 SECTION 68. Anaerobic digestion facilities that are both operational and qualified as
1022 Class I renewable energy generating sources under section 11F of chapter 25A of the General
1023 Laws prior to the effective date of section 17 of said chapter 25A shall be eligible to participate
1024 in the incentive program via a one-time procurement for the class I renewable generation
1025 attributes created by existing anaerobic digestion facilities. The department shall determine

1026 eligibility criteria for existing anaerobic digestion facilities to participate in the one-time
1027 procurement, with the total megawatts being procured equal to the combined capacity of all
1028 eligible facilities. The 1-time procurement shall include a ceiling price equal to or greater than
1029 the alternative compliance payment rate, not to exceed double the alternative compliance
1030 payment rate established by the department under said section 11F of said chapter 25A.

1031 SECTION 69. The department of energy resources shall establish a pilot program for
1032 anaerobic digestion technology that utilizes solid waste or organic materials otherwise eligible
1033 under section 138 of chapter 164 of the General Laws up to 6 megawatts.

1034 SECTION 70. The department of energy resources shall establish the subsequent
1035 statewide energy storage deployment target required pursuant to subsection (a) of section 17 of
1036 chapter 25A of the General Laws not later than December 31, 2020.

1037 SECTION 71. The regulations required pursuant to clause (i) of the first paragraph of
1038 section 7A of chapter 21N of the General Laws shall be promulgated and in effect not later than
1039 December 31, 2020.

1040 SECTION 72. The regulations required pursuant to clause (ii) of the first paragraph of
1041 section 7A of chapter 21N of the General Laws shall be promulgated and in effect not later than
1042 December 31, 2021.

1043 SECTION 73. The regulations required pursuant to clause (iii) of the first paragraph of
1044 section 7A of chapter 21N of the General Laws shall be promulgated and in effect not later than
1045 December 31, 2022.

1046 SECTION 74. The regulations required by section 53 shall be promulgated within 180
1047 days after the effective date of this act and shall take effect within 180 days after promulgation.

1048 SECTION 75. Subsection (g) of section 1B of chapter 164 of the General Laws shall
1049 take effect on July 2, 2019.

1050 SECTION 76. Section 146 of chapter 164 of the General Laws shall take effect on
1051 January 1, 2020; provided, however, that the regulations required to implement said section 146
1052 of said chapter 164 shall be promulgated and in effect not later than December 31, 2019.

1053 SECTION 77. The regulations, guidelines or orders required by paragraphs (6) and (7) of
1054 subsection (c) of section 134 of chapter 164 of the General Laws shall be promulgated not more
1055 than 6 months after the effective date of this act.

1056 SECTION 78. Section 1L of chapter 164 of the General Laws shall take effect on
1057 January 1, 2019; provided, however, that the department shall promulgate regulations to
1058 implement said section 1L of said chapter 164 not later than January 1, 2019.

1059 SECTION 79. The 2050 emissions reduction plan required pursuant to subsection (h) of
1060 section 4 of chapter 21N of the General Laws shall be completed not later than December 31,
1061 2025.

1062 SECTION 80. Section 57 shall take effect upon a determination by the attorney general
1063 that the section is constitutional.

HOUSE No. 4756

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to increase renewable energy and reduce high-cost peak hours.

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 3 of chapter 25A of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition of “Building authority” the
3 following 2 definitions:-

4 “Clean peak certificate”, a credit received for each megawatt hour of energy or energy
5 reserves provided during a seasonal peak period that represents a compliance mechanism.

6 “Clean peak resource”, a qualified RPS resource, a qualified energy storage system or a
7 demand response resource, which generates or provides electricity to the electric distribution
8 system during seasonal peak periods.

9 SECTION 2. Said section 3 of said chapter 25A, as so appearing, is hereby further
10 amended by inserting after the definition of “Commissioner” the following definition:-

11 “Demand response resource”, changes in electric usage by end-use customers in the
12 commonwealth from their normal consumption patterns in response to (a) changes in the price of

13 electricity over time, including, but not limited to time-of-use rates for residential and small
14 commercial and industrial customers or (b) incentive payments designed to induce lower
15 electricity use at times of high wholesale market prices or when system reliability is jeopardized.

16 SECTION 3. Said section 3 of said chapter 25A, as so appearing, is hereby further
17 amended by inserting after the definition of “Petroleum products” the following definition:-

18 “Qualified energy storage system”, an energy storage system, as defined in section 1 of
19 chapter 164, that commenced commercial operation, or installed incremental new capacity at an
20 existing energy storage system, as defined in section 1 of chapter 164, on or after January 1,
21 2019; provided however, that such system utilizes renewable energy, as defined in said section 1
22 of said chapter 164.

23 SECTION 4. Said section 3 of said chapter 25A, as so appearing, is hereby further
24 amended by inserting after the definition of “Qualified provider” the following definition:-

25 “Qualified RPS resource”, a renewable energy generating resource, as defined in
26 subsection (c) or (d) of section 11F, that has (a) installed a qualified energy storage system at its
27 facility or (b) commenced commercial operation on or after January 1, 2019.

28 SECTION 5. Said section 3 of said chapter 25A, as so appearing, is hereby further
29 amended by inserting after the definition of “Responsive offeror” the following definition:-

30 “Seasonal peak periods”, the daily time windows during any of the 4 annual seasons
31 when the net demand of electricity is the highest; provided however, that a seasonal peak period
32 shall be no less than 1 hour and no longer than 4 hours in any season, as determined by the
33 department.

34 SECTION 6. Section 11F of said chapter 25A, as so appearing, is hereby amended by
35 striking out, in lines 16 and 17, the words “and (3) an additional 1 per cent of sales every year
36 thereafter” and inserting in place thereof the following words:- (3) an additional 1 per cent of
37 sales each year thereafter until July 31, 2019; (4) an additional 2 per cent of sales each year
38 thereafter until July 31, 2029; and (5) an additional 1 per cent of sales every year thereafter. Each
39 annual increase shall be prospective for new customer contracts entered into by the retail
40 electricity suppliers after the increase goes into effect.

41 SECTION 7. Chapter 25A of the General Laws, is hereby further amended by adding the
42 following section:-

43 Section 17. (a) The department shall establish a clean peak standard for all retail
44 electricity suppliers selling electricity to end-use customers in the commonwealth. By December
45 31, 2018 the department shall determine the current percentage of kilowatt-hours sales to end-use
46 customers in the commonwealth from existing clean peak resources during the seasonal peak
47 load hours to establish a baseline minimum percentage of kilowatt-hours sales to end-use
48 customers that must be met with clean peak certificates beginning on January 1, 2019. Each year
49 thereafter, every retail electricity supplier in the commonwealth shall provide a minimum
50 percentage of at least an additional 0.25 per cent of sales by retail electricity suppliers in the
51 commonwealth that must be met with clean peak certificates, as determined by the department.
52 The initial application of this requirement and each annual increase shall be prospective for new
53 customer contracts entered into by the retail electricity suppliers after the increase goes into
54 effect.

55 (b) A qualified RPS resource may generate both a clean peak certificate and a renewable
56 energy certificate under section 11F of this chapter for electricity generated and delivered to the
57 electric grid during a seasonal peak period.

58 (c) The department shall promulgate regulations to implement this section, including, but
59 not limited to: (i) the establishment of seasonal peak periods; (ii) the methodology by which
60 clean peak certificate values shall be established, which may include a process by which electric
61 distribution companies competitively procure clean peak certificates from clean peak resources
62 and enter into long-term contracts, subject to the approval of the department of public utilities;
63 (iii) the establishment of a minimum percentage of clean peak certificates that must be derived
64 from demand response resources; (iv) an alternative compliance mechanism for retail electricity
65 suppliers; and (v) the procedures by which each retail electricity supplier shall annually submit
66 for the department's review a filing demonstrating its compliance with the requirements of this
67 section.

68 (d) This section shall not apply to municipal lighting plants.

69 SECTION 7A. Notwithstanding any general or special law to the contrary, the
70 department of energy resources shall investigate the necessity, benefits and costs of requiring
71 distribution companies, as defined in section 1 of chapter 164 of the General Laws, to conduct
72 additional offshore wind generation solicitations and procurements of up to 1,600 megawatts of
73 aggregate nameplate capacity, by December 31, 2035 in addition to those required by chapter
74 169 of the Acts of 2008, as amended by chapter 188 of the Acts of 2016. The department shall
75 determine whether additional solicitations and procurements are necessary to meet the
76 commonwealth's energy policy goals, including the goals of chapters 169 and 298 of the Acts of

77 2008. The department shall make recommendations that include, but are not limited to: (i)
78 improvements to the procurement process outlined in chapter 188 of the acts of 2016; (ii) the
79 effect on commercial fisheries and operations; (iii) the impact on ratepayers, including
80 distribution customers; and (iv) the potential economic benefits of such a procurement. The
81 department shall file the report with the house and senate clerks and the joint committee on
82 telecommunications, utilities and energy no later than July 31, 2019.

83 SECTION 8. Section 17 of chapter 25A is hereby repealed.

84 SECTION 9. Section 8 shall take effect on January 1, 2051.

HOUSE No. 4738

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 11, 2018.

The committee on Ways and Means, to whom was referred the Bill to increase renewable energy and reduce high-cost peak hours (House, No. 4575), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4738).

For the committee,

JEFFREY SÁNCHEZ.

HOUSE No. 4738

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to increase renewable energy and reduce high-cost peak hours.

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 3 of chapter 25A of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition of “Building authority” the
3 following 2 definitions:-

4 “Clean peak certificate”, a credit received for each megawatt hour of energy or energy
5 reserves provided during a seasonal peak period that represents a compliance mechanism.

6 “Clean peak resource”, a qualified RPS resource, a qualified energy storage system or a
7 demand response resource which generates or provides electricity to the electric distribution
8 system during seasonal peak periods.

9 SECTION 2. Said section 3 of said chapter 25A, as so appearing, is hereby further
10 amended by inserting after the definition of “Commissioner” the following definition:-

11 “Demand response resource”, changes in electric usage by end-use customers in the
12 commonwealth from their normal consumption patterns in response to (a) changes in the price of

13 electricity over time or (b) incentive payments designed to induce lower electricity use at times
14 of high wholesale market prices or when system reliability is jeopardized.

15 SECTION 3. Said section 3 of said chapter 25A, as so appearing, is hereby further
16 amended by inserting after the definition of “Petroleum products” the following definition:-

17 “Qualified energy storage system”, an energy storage system, as defined in section 1 of
18 chapter 164, that commenced commercial operation on or after January 1, 2019; provided
19 however, that such system utilizes renewable energy, as defined in said section 1 of said chapter
20 164.

21 SECTION 4. Said section 3 of said chapter 25A, as so appearing, is hereby further
22 amended by inserting after the definition of “Qualified provider” the following definition:-

23 “Qualified RPS resource”, a Class I renewable energy generating resource, as defined in
24 subsection (c) of section 11F, that has (a) installed a qualified energy storage system at its
25 facility or (b) commenced commercial operation on or after January 1, 2019.

26 SECTION 5. Said section 3 of said chapter 25A, as so appearing, is hereby further
27 amended by inserting after the definition of “Responsive offeror” the following definition:-

28 “Seasonal peak periods”, the daily time windows during any of the 4 annual seasons
29 when the net demand of electricity is the highest; provided however, that a seasonal peak period
30 shall be no less than 1 hour and no longer than 4 hours in any season, as determined by the
31 department.

32 SECTION 6. Section 11F of said chapter 25A, as so appearing, is hereby amended by
33 striking out, in lines 16 and 17, the words “and (3) an additional 1 per cent of sales every year

34 thereafter” and inserting in place thereof the following words:- (3) an additional 1 per cent of
35 sales each year thereafter until December 31, 2020; (4) an additional 2 per cent of sales each year
36 thereafter until December 31, 2030; and (5) an additional 1 per cent of sales every year
37 thereafter.

38 SECTION 7. Chapter 25A of the General Laws, is hereby further amended by adding the
39 following section:-

40 Section 17. (a) The department shall establish a clean peak standard for all retail
41 electricity suppliers selling electricity to end-use customers in the commonwealth. By December
42 31, 2018 the department shall determine the current percentage of kilowatt-hours sales to end-use
43 customers in the commonwealth from existing clean peak resources during the seasonal peak
44 load hours to establish a baseline minimum percentage of kilowatt-hours sales to end-use
45 customers that must be met with clean peak certificates beginning on January 1, 2019. Each year
46 thereafter, every retail electricity supplier in the commonwealth shall provide a minimum
47 percentage of at least an additional 0.25 per cent of sales by retail electricity suppliers in the
48 commonwealth that must be met with clean peak certificates, as determined by the department.

49 (b) A qualified RPS resource may generate both a clean peak certificate and a renewable
50 energy certificate under section 11F of this chapter for electricity generated and delivered to the
51 electric grid during a seasonal peak period.

52 (c) The department shall promulgate regulations to implement this section, including, but
53 not limited to: (i) the establishment of seasonal peak periods; (ii) the methodology by which
54 clean peak certificate values shall be established, which may include a process by which electric
55 distribution companies competitively procure clean peak certificates from clean peak resources

56 and enter into long-term contracts, subject to the approval of the department of public utilities;
57 (iii) an alternative compliance mechanism for retail electricity suppliers; and (iv) the procedures
58 by which each retail electricity supplier shall annually submit for the department's review a
59 filing demonstrating its compliance with the requirements of this section.

60 SECTION 8. Section 17 of chapter 25A is hereby repealed.

61 SECTION 9. Section 8 shall take effect on January 1, 2051.

HOUSE No. 4733

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying order

PETITION OF:

NAME:

William C. Galvin

DISTRICT/ADDRESS:

6th Norfolk

HOUSE No. 4733

The Commonwealth of Massachusetts



House of Representatives,

**In the One Hundred and Ninetieth General Court
(2017-2018)**

1 *Ordered,* That, notwithstanding the provisions of any rule to the contrary, amendments to
2 House Bill No. 4575, “An Act to increase renewable energy and reduce high-cost peak hours”,
3 House Bill No. 4576, “An Act to improve grid resiliency through energy storage”, House Bill
4 No. 3404, “An Act relative to expanding resource efficiency in the Commonwealth” or substitute
5 texts recommended for or offered to the subject matters contained therein, shall be properly filed
6 with the Clerk of the House in electronic format to be determined by the Clerk as directed by the
7 Speaker prior to nine o’clock A.M. on Thursday, July 12, 2018, except for perfecting or
8 consolidating amendments offered by the committee on Ways and Means; provided that the
9 Clerk shall notify by electronic communication the primary sponsor of each amendment of the
10 receipt of such amendment and the number assigned by said Clerk to said amendment; provided
11 further, that the Clerk shall print each amendment so filed electronically; and such printed copy
12 shall be considered to be the official amendment; and be it further

13 Ordered, That, except for perfecting or consolidated amendments offered by the committee
14 on Ways and Means, no proposition on a subject different from the amendment under
15 consideration shall be admitted under color of a further amendment, except that, notwithstanding
16 the provisions of Rule 20A, any member may remove his or her amendment from the
17 consolidated amendment and offer it as an amendment in the first degree, to be acted upon
18 before action is taken on the consolidated amendment; provided further, that, notwithstanding the
19 provisions of House Rule 74, consolidated amendments may not be divided; and be it further

20 Ordered, That, any amendment not complying with the provisions of the special rules of
21 procedure stated herein shall be considered withdrawn.

HOUSE No. 4575

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 7, 2018.

The committee on Telecommunications, Utilities and Energy to whom was referred the petition (accompanied by bill, House, No. 1747) of Patricia A. Haddad and others relative to providing for annual increases in provision of Class I renewable energy generating sources, reports recommending that the accompanying bill (House, No. 4575) ought to pass.

For the committee,

THOMAS A. GOLDEN, JR.

HOUSE No. 4575

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to increase renewable energy and reduce high-cost peak hours.

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. Definitions

2 Section 3 of Chapter 25A of the General Laws, as appearing in the 2016 Official Edition,
3 is hereby amended in line 14 by inserting after the word “commissioner of energy resources” the
4 following words:

5 “Clean Peak Resource,” either: i) Qualified RPS Resource; ii)
6 Qualified Energy Storage System; or iii) Demand Response Resource.

7 “Clean Capacity Credits,” (“CCCs”) a fixed price credit received for each MWh of
8 energy or reserves provided during a Seasonal Peak Period that represents a compliance
9 mechanism that makes no claim on other attributes.

10 Said section is further amended in line 90 by inserting after the words “public agency”
11 the following words:

12 “Net Load Peak,” the time period when demand of electricity is the highest, excluding
13 demand met by variable renewable generation.

14 Said section is further amended in line 106 by inserting after the words “synthetic gas for
15 burning” the following words:

16 “Qualified Energy Storage System,” an energy storage system, as defined in Section 1 of
17 Chapter 164 of the General Laws, as appearing in the 2016 Official Edition, provided that said
18 system must either be co-located with a Class I RPS eligible resource, or if standalone storage
19 must charge battery during lower emitting hours (to be determined by the department of energy
20 resources), or if standalone storage must buy renewable energy certificates from Class I RPS
21 eligible resources for those hours.

22 Said section is further amended in line 111 by inserting after the words “energy saving
23 measures” the following words:

24 “Qualified RPS Resource,” an existing Class I RPS eligible resource that has begun
25 commercial operation as of December 31, 1997 and that has installed an energy storage system at
26 its facility after the effective date of this act, or a new Class I RPS eligible resource that begins
27 commercial operation after the effective date of this act.

28 Said section is further amended in line 122 by inserting after the words “request for
29 proposals” the following words:

30 “Renewable Portfolio Standard,” retains the same meaning as defined in Section 11F of
31 Chapter 25A of the General Laws.

32 “Seasonal Peak Period,” the time window during the Net Load Peak in each season when
33 the peak hour of the day is expected to occur. The peak period should be no less than one hour
34 and no longer than four hours in any season. The department will determine Seasonal Peak
35 Periods.

36 SECTION 2. Clean Peak Standard

37 Chapter 25A of the General Laws, as appearing in the 2016 Official Edition, is hereby
38 amended by inserting after section 16, the following section:

39 “Section 17: Clean Peak Standard

40 (a) The Clean Peak Standard

41 The department of energy resources shall establish a clean peak standard for all retail
42 electricity suppliers selling electricity to end-use customers in the commonwealth that
43 incorporates existing RPS eligible resources and new clean peak resources. By December 31,
44 2018, the department of energy resources shall determine the current percentage of kilowatt-
45 hours sales to end-use customers in the commonwealth from existing clean peak resources
46 during the Seasonal Peak Load hours to establish a baseline. During the Seasonal Peak Load
47 hours, every retail electricity supplier shall provide a minimum percentage of kilowatt-hours
48 sales to end-use customers in the commonwealth from clean peak resources according to the
49 following schedule: (1) an additional .75 percent of sales by December 31, 2019 and an
50 additional .75 percent of sales each year thereafter until December 31, 2050.

51 The department of energy resources shall conduct a study in 2030 to evaluate the impact
52 of the Renewable Portfolio Standard on emissions, reliability and resiliency, and evaluate the

53 impacts of the Clean Peak Standard on emissions, reliability and resiliency, as well as the
54 impacts on increasing renewable energy penetration and deploying energy storage. The
55 department shall submit a report with its findings to the legislature by December 31, 3030. The
56 department shall conduct an additional review every five years and shall submit a report with its
57 finding to the legislature within three months of concluding the review. The report may be
58 included as part of the report published by the secretary on energy and environmental affairs,
59 pursuant to Section 5 of Chapter 21N of the General Laws, as so appearing.

60 (b) Clean Capacity Credit Value

61 The Clean Capacity Credit Value (\$/MWh) shall be established through an annual
62 competitive procurement process. A Clean Peak Resource will be eligible to receive the Clean
63 Capacity Value for ten to twenty years from the unit's effective CPS date. The electric
64 distribution companies shall purchase clean capacity credits from clean peak resource owners,
65 and shall be prohibited from owning clean peak resources and from enrolling and registering
66 resources in the wholesale market without the prior approval from the system owner and the
67 department of energy resources. The department may deem projects that are already receiving
68 funding from another Commonwealth program as ineligible to receive Clean Capacity Credits,
69 with the exception of Renewable Energy Certificates created by Class I RPS eligible resources.
70 The department shall, after notice and the opportunity for public comment, promulgate rules and
71 regulations implementing the values.

72 (c) Compliance

73 The department of energy resources shall establish a market-based mechanism using
74 fixed priced clean capacity credits for determining compliance with the clean peak standard. By

75 Seasonal Peak Period, DOER shall determine whether clean capacity credits are awarded based
76 on total hourly production during the seasonally designed peak period or based on average
77 hourly production over each peak period hour. The department of energy resources shall
78 establish and maintain regulations allowing for a retail supplier to discharge its obligations under
79 this section by making an alternative compliance payment in an amount established by the
80 department of energy resources. The department of energy resources shall establish and maintain
81 regulations outlining procedures by which each retail supplier shall annually submit for the
82 department's review a filing illustrating the retail supplier's compliance with the requirements of
83 this section.

84 A Qualified RPS Resource and a Qualified Energy Storage System may qualify for a
85 Clean Capacity Credit and a Renewable Energy Credit during the Seasonal Peak Period,
86 provided that the Qualified Energy Storage System is either co-located with a Class I RPS
87 eligible resource, or if standalone storage must buy Renewable Energy Certificates from Class I
88 RPS eligible resources for those hours. A retail electricity supplier may elect to retain
89 Renewable Energy Credits received during the Seasonal Peak Period pursuant to section 11F of
90 chapter 25A. If the Clean Peak Resource elects to receive the Clean Capacity Credit, then the
91 retail electricity supplier shall retire the Renewable Energy Credits and shall not receive
92 compensation for the Renewable Energy Credits produced in the Seasonal Peak Period to
93 minimize costs to ratepayers. Retired Renewable Energy Credits may count towards RPS
94 compliance. The department of energy resources shall promulgate regulations utilizing an
95 appropriate tracking system to ensure the accounting of the delivery of clean peak resources to
96 accurately measure progress in achieving the commonwealth's goals under chapter 298 of the
97 acts of 2008 or chapter 21N of the General Laws.

98 The electric distribution companies shall file annual reports with the department of
99 energy resources and the legislature to demonstrate compliance.

100 (d) Prioritization of CCC's

101 The department of energy resources shall adopt regulations to establish locational based
102 adder rates for clean capacity credits produced by clean peak resources with respect to the
103 minimum percentage of kilowatt-hours sales that retail electricity suppliers must provide to end-
104 use customers in the commonwealth calculated under subsection (a) for the following:

105 1) Mission critical facilities, including but not limited to hospitals, police and fire
106 stations, and wastewater treatment facilities.

107 2) Commercial and industrial companies with peak demand greater than one
108 megawatt.

109 3) Congested and/or critical load pockets.

110 SECTION 3. RPS Increase

111 Section 11F of chapter 25A of the General Laws, as appearing in the 2016 Official
112 Edition, is hereby amended by striking out, in lines 16 and 17, the words "and (3) an additional 1
113 per cent of sales every year thereafter" and inserting in place thereof the following words:- (3) an
114 additional 1 per cent of sales every year until December 31, 2018; and (4) an additional 1.20 per
115 cent of sales by December 31, 2019; and (5) an additional 1.40 percent of sales by December 31,
116 2020; and (6) an additional 1.60 percent of sales by December 31, 2021; and (7) an additional
117 1.80 per cent of sales by December 31, 2022; and (8) an additional 2 per cent of sales every year
118 thereafter, subject to the provisions in Section 17 of Chapter 25A of the General Laws. Each

119 annual increase shall be prospective for new customer contracts entered into by the retail
120 electricity suppliers after the increase goes into effect.”

121 SECTION 4. Public Comment

122 The department shall not determine what constitutes lower emitting hours for a Qualified
123 Energy Storage System without first providing notice and opportunity for public comment.

124 SECTION 5. Severability Clause

125 If this act is subjected to a legal challenge, the department of energy resources may
126 suspend the applicability of the challenged provision during the pendency of the action until a
127 final resolution, including any appeals, is obtained and shall issue an order and take other actions
128 as are necessary to ensure that the provisions not subject to the challenge are implemented
129 expeditiously to achieve the public purposes of this section.

HOUSE No. 1747

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to increase renewable energy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Carlos González</i>	<i>10th Hampden</i>

HOUSE No. 1747

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 1747) of Patricia A. Haddad and others relative to providing for annual increases in provision of Class I renewable energy generating sources. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to increase renewable energy.

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 11F of said chapter 25A of the General Laws, as so appearing, is
2 hereby amended by striking out, in lines 16 and 17, the words “and (3) an additional 1 per cent of
3 sales thereafter.” and inserting in place thereof the following words:- “and (3) an additional 1 per
4 cent of sales every year until December 31, 2017; (4) every retail supplier shall provide a
5 minimum of 40 per cent of kilowatt-hour sales to end-use customers in the commonwealth from
6 Class I renewable energy generating sources by 2030. The department shall determine the
7 appropriate annual increase in provision of Class I renewable energy generating sources from
8 2018 to 2030.”

Bill History Action Logs

H.1747

Displaying 12 actions for Bill H.1747

Date	Branch	Action
1/23/2017	House	Referred to the committee on Telecommunications, Utilities and Energy
1/23/2017	Senate	Senate concurred
9/12/2017	Joint	Hearing scheduled for 09/19/2017 from 01:00 PM-05:00 PM in A-2
2/7/2018	House	Reporting date extended to Friday March 9, 2018, pending concurrence
2/7/2018	Senate	Senate concurred
3/12/2018	House	Reporting date extended to Thursday April 12, 2018, pending concurrence
3/15/2018	Senate	Senate concurred
4/17/2018	House	Reporting date extended to Thursday April 26, 2018, pending concurrence
4/23/2018	Senate	Senate concurred
5/7/2018	House	Reporting date extended to Thursday June 21, 2018, pending concurrence
5/9/2018	Senate	Senate concurred
6/7/2018	House	Accompanied a new draft, see H4575

H.4575

Displaying 10 actions for Bill H.4575

Date	Branch	Action
6/7/2018	House	Reported from the committee on Telecommunications, Utilities and Energy
6/7/2018	House	New draft of H1747
6/7/2018	House	Bill reported favorably by committee and referred to the committee on House Ways and Means
7/11/2018	House	Order adopted, see H4733
7/11/2018	House	Committee recommended ought to pass with an amendment, substituting therefor a bill with the same title, see H4738
7/11/2018	House	Referred to the committee on House Steering, Policy and Scheduling with the amendment pending
7/11/2018	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading with the amendment pending
7/11/2018	House	Rules suspended
7/11/2018	House	Read second, amended (as recommended by the committee on House Ways and Means)
7/11/2018	House	New draft substituted, see H4738

H.4733

Displaying 4 actions for Order H.4733

Date	Branch	Action
7/11/2018	House	Reported from the committee on House Rules
7/11/2018	House	Committee recommended ought to be adopted
7/11/2018	House	Adopted, see H3404 , H4575 and H4576
1/1/2019	House	No further action taken

H.4738

Displaying 16 actions for Bill H.4738

Date	Branch	Action
7/11/2018	House	Reported from the committee on House Ways and Means
7/11/2018	House	Pending new draft of H4575
7/11/2018	House	New draft of H4575
7/11/2018	House	Ordered to a third reading
7/12/2018	House	Rules suspended
7/12/2018	House	Read third
7/12/2018	House	Amendment 25 adopted
7/12/2018	House	Amendment 20 adopted
7/12/2018	House	Amendment 18 adopted
7/12/2018	House	Amendment 23 adopted
7/12/2018	House	Amendment 28 rejected - 35 YEAS to 109 NAYS (See YEA and NAY in Supplement, No. 405)
7/12/2018	House	Amendment 27 adopted, as changed
7/12/2018	House	Amendment 22 adopted, as changed
7/12/2018	House	Amendment 30 adopted
7/12/2018	House	Passed to be engrossed - 146 YEAS to 0 NAYS (See YEA and NAY in Supplement, No. 406)
7/12/2018	House	Published as amended, see H4756

H.4756

Displaying 15 actions for Bill H.4756

Date	Branch	Action
7/12/2018	House	H4738 , published as amended
7/16/2018	Senate	Read; and referred to the committee on Senate Ways and Means
7/16/2018	Senate	Committee recommended ought to pass with an amendment, inserting in place thereof the text of S2608
7/16/2018	Senate	Rules suspended
7/16/2018	Senate	Read second
7/16/2018	Senate	Amended by striking out all after the enacting clause and inserting in place thereof the text of S2608
7/16/2018	Senate	Ordered to a third reading
7/16/2018	Senate	Read third and passed to be engrossed
7/17/2018	House	Rules suspended
7/17/2018	House	House NON-concurred in the Senate amendment
7/17/2018	House	Committee of conference appointed - (Golden-Haddad-Jones)
7/17/2018	Senate	Rules suspended
7/17/2018	Senate	Senate insists on its amendment
7/17/2018	Senate	Committee of conference appointed (Barrett-Pacheco-O'Connor), in concurrence
7/31/2018	House	Reported by H4857

H.4857¹

Displaying 10 actions for Bill H.4857

Date	Branch	Action
7/31/2018	House	Reported from the committee of conference
7/31/2018	House	Reported on H4756
7/31/2018	House	Referred to the committee on House Steering, Policy and Scheduling
7/31/2018	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting, the question being on acceptance
7/31/2018	House	Rules suspended
7/31/2018	House	Committee of conference report accepted - 150 YEAS to 1 NAYS (See YEA and NAY in Supplement, No. 492)
7/31/2018	Senate	Committee of conference report accepted in concurrence - Roll Call #543 [YEAS 36 to NAYS 0]
7/31/2018	House	Enacted
7/31/2018	Senate	Enacted and laid before the Governor
8/9/2018	Executive	Signed by the Governor, Chapter 227 of the Acts of 2018

1

Tuesday, July 31, 2018 (at 12:00 o'clock noon).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Silent Prayer.

At the request of Mr. Kulik of Worthington, the members, guests and employees stood in a moment of silent tribute to the memory of Paul Dunphy, an employee of the House since 2007 who served as District Director for Representative Stephen Kulik of the First Franklin District.

Paul Dunphy.

Paul also served in many capacities as an official in the town of Williamsburg, including as a member of the school committee and member of the Board of Selectmen. Paul passed away on July 29, 2018, and is survived by his wife Martha Phinney, and his children Matthew and Jessica. He will be remembered as a thoughtful, caring and dedicated public servant.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced a group of naval officers from 52 nations participating in the 2019 field studies program at the Naval Command College in Newport, Rhode Island. They were accompanied by Captain Kevin McGowan, who briefly addressed the House. They were the guests of Representative Naughton of Clinton.

Naval War College.

During the session, Ms. Cronin of Brockton took the Chair, declared a brief recess, and introduced Matt Parziale, a Brockton firefighter who qualified to play in the Master's and U.S. Open professional golf tournaments, where he made the cut and captured the low-amateur medal. He was the guest of Representatives Cassidy of Brockton, Cronin of Easton, and DuBois of Brockton and Senator Brady.

Matt Parziale.

Statement of Representative Atkins of Concord.

A written statement received from Ms. Atkins of Concord, regarding the sessions of Tuesday, July 10, 2018, Wednesday, July 11, 2018, Thursday, July 12, 2018, Monday, July 16, 2018, Tuesday, July 17, 2018, Wednesday, July 18, 2018, and Thursday, July 19, was spread upon the records of the House, as follows:

Dear Mr. James,

During my absence from July 10, 2018 at 4pm through July 20, 2018 I missed the following roll call votes. Please see below for how I would have voted. I respectfully request that this be printed in the Journal of the House.

Statement of Ms. Atkins of Concord.

Roll Call # Vote

- 394 H. 4714 On Adoption of consolidated amendment A - Yea
- 395 H. 4714 On Engrossment - Yea
- 396 H. 4730 On Engrossment - Yea
- 398 H. 4725 On further Amendment - Yea
- 401 H. 4725 On Engrossment - Yea
- 402 H. 4749 On Engrossment - Yea
- 403 H. 4737 On Engrossment - Yea

UNCORRECTED PROOF.

- 404 H. 4739 On Engrossment - Yea
 - 405 H. 4738 On adoption of amendment 28 - Nay
 - 406 H. 4738 On Engrossment - Yea
 - 408 H. 4800 On Acceptance of the conference report - Yea
 - 409 S. 2260 On Engrossment - Yea
 - 410 H. 4486 On adoption of the further amendment - Yea
 - 411 H. 4800 On Enactment - Yea
 - 412 H. 4516 On Enactment - Yea
- Thank you for your assistance with this matter.

Order.

On motion of Mr. Galvin of Canton,—
Ordered, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Peake of Provincetown, O'Day of West Boylston and Muradian of Grafton, during conference committee negotiations during today's session.

Animal welfare conferees,—
voting.

Papers from the Senate.

Bills
Relative to the disclosure of lead in water pipes (Senate, No. 2224) (on a petition); and
Relative to the effective enforcement of municipal ordinances and bylaws (Senate, No. 2637) (on Senate bill No. 1130);
Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lead pipes,—
disclosure.
Municipalities,—
ordinances.

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of section 61A of Chapter 31 and section 5(3)(e) of Chapter 32 of the General Laws) submitting revisions to regulations for initial medical and physical fitness standards tests of municipal public safety personnel (Senate, No. 2636), was referred, in concurrence to the committee on Public Service.

Public safety personnel,—
fitness standards.

Reports of Committees.

By Ms. Hogan of Stow, for the committee on Public Health, on House, Nos. 1151 and 3240, an Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning public health (House, No. 4861). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.
Subsequently, Mr. Galvin of Canton, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Lactation, testing, etc.,—
study.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Parisella of Beverly, for the committee on Public Service, on a joint petition, a Bill relative to the health insurance and other benefits in the town of East Brookfield (House, No. 4763) [Local Approval Received]. Referred, under Joint

East Brookfield,—
health insurance.

Rule 1E, to the committee on Health Care Financing.

By Mr. Parisella of Beverly, for the committee on Public Service, on a joint petition, a Bill authorizing the town of Williamsburg to continue the employment of fire department members Alan Everett and Robert Lapointe (House, No. 4703) [Local Approval Received].

Williamsburg,—
firefighters.

By the same member, for the same committee, on a petition, a Bill exempting the position of police chief in the town of Lancaster from civil service law (House, No. 4704) [Local Approval Received].

Lancaster,—
police chief.

By the same member, for the same committee, on a petition, a Bill relative to the disability retirement of public safety personnel in the city of Quincy (House, No. 4719) [Local Approval Received].

Quincy,—
disability
retirement.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Blackstone to continue the employment of fire chief Michael Sweeney (House, No. 4764) [Local Approval Received].

Blackstone,—
Michael
Sweeney.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill authorizing the town of Wilbraham to exchange a certain parcel of land held for conservation purposes (Senate, No. 2583, changed) [Local Approval Received], ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4858. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wilbraham,—
land.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2583, changed and amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to the small necessities leave act (House, No. 2363), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4859). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Small
necessities
leave.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

UNCORRECTED PROOF.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to certain genetically targeted drug coverage for Duchenne Muscular Dystrophy (House, No. 3644), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment previously recommended by the committee on Health Care Financing,— to amend the bill in section 2, in line 30, by inserting after the word “patient” the words “, provided however, that MassHealth shall adhere to FDA approved clinical necessity criteria”, pending.

Drug coverage.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. O’Day of West Boylston, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Health Care Financing was rejected.

The bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. O’Day of West Boylston (Mrs. Haddad of Somerset being the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4865), which was read. The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Donato of Medford being in the Chair,—

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill authorizing the Somerville Housing Authority to reconstruct the state funded Clarendon Hill public housing project (House, No. 4580, changed), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Somerville Housing Authority.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. O’Day of West Boylston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill providing for certain health insurance coverage (House, No. 526), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Health coverage.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Sánchez of Boston, for the committee on Ways and Means, on House, No. 2823, a Bill to promote economic development and market access for emerging businesses (House, No. 4860). Read; and referred, under Rule 7A, to the committee

Market access.

on Steering, Policy and Scheduling.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills — Land Takings.

The engrossed Bill relative to a certain conservation restriction in the town of Webster (see House, No. 4103) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 482 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Sharon to change the use of a certain parcel of land acquired for outdoor recreational purposes to a use for general municipal purposes (see House, No. 4633, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 483 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Grafton (see House, No. 4636) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 484 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Nantucket to convey a portion of a certain parcel of land in the town of Nantucket and held for water supply purposes

Webster,—
land.

Bill enacted
(land taking),—
yea and nay
No. 482.

Sharon,—
land.

Bill enacted
(land taking),—
yea and nay
No. 483.

Grafton,—
land.

Bill enacted
(land taking),—
yea and nay
No. 484.

Nantucket,—
land.

to the town of Nantucket to be used for roadway purposes (see House, No. 4689) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 485 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Nantucket to sell, convey or otherwise dispose of a portion of certain land situated in the town of Nantucket held for cemetery purposes (see House, No. 4717) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 486 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

The Senate Bill relative to firefighters cessation program (Senate, No. 1386), having been reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith, under suspension of the rules, on motion of Ms. Cronin of Easton; and it was passed to be engrossed, in concurrence.

The Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 2633, amended), having been reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith, under suspension of the rules, on motion of Mr. Coppinger of Boston.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Naughton of Clinton; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 487 in Supplement.]

Therefore the bill (Senate, No. 2633, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House [for text of House amendment, see House document numbered 4850].

The engrossed Bill relative to a preservation trust fund transfer (see House, No. 4830), being a printed copy of Section 99 contained in the engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for

Bill enacted
(land taking),—
yea and nay
No. 485.

Nantucket,—
land.

Bill enacted
(land taking),—
yea and nay
No. 486.

Firefighters,—
smoking
cessation.

Emergency
personnel,—
intervention.

Bill passed to
be engrossed,—
yea and nay
No. 487.

Preservation
trust fund,—
transfer.

interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment L of House, No. 4833), was considered forthwith, under suspension of the rules, on motion of Mr. Sánchez of Boston.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee.

The report was accepted. The amendment recommended by the Governor then was rejected.

Mr. Sánchez of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following three sections:

“SECTION 1. Section 2 of chapter 154 of the acts of 2018 is hereby amended by striking out item 0640-0010 and inserting in place thereof the following item:—

0640-0010 For the promotional activities associated with the state lottery program; provided, that the lottery commission shall issue a report not later than June 30, 2019 to the house and senate committees on ways and means detailing additional revenues generated as related to promotional activities funded from this item; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery and Gaming Fund, established in section 35 of chapter 10 of the General Laws, to the General Fund.....\$4,500,000

SECTION 2. Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2018 as follows, and in the following order of precedence: (i) transfer ½ of the surplus, not to exceed \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws; and (ii) transfer ½ of the surplus, not to exceed \$10,000,000, to the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2018.”.

The amendment was adopted; and the bill (see House, No. 4830, amended) then was sent to the Senate for its action.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement to the town of New Salem (see House, No. 4760), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 488 in Supplement.]

New Salem,—
land.

Bill enacted
(land taking),—
yeas and nays
No. 488.

UNCORRECTED PROOF.

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Foxborough for fire department use (see House, No. 4816, amended), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 489 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Southborough (see House, No. 4839, amended), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 490 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the conveyance of land from the county of Nantucket and authorizing the town of Nantucket to sell, convey or otherwise dispose of a portion of said land situated in the town of Nantucket held for open space purposes (see House, No. 4818) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 491 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Report of a Committee.

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2608; and by striking out the title and inserting in place thereof the following title:

Foxborough,—
land.

Bill enacted
(land taking),—
yea and nay
No. 489.

Southborough,—
land.

Bill enacted
(land taking),—
yea and nay
No. 490.

Nantucket,—
land.

Bill enacted
(land taking),—
yea and nay
No. 491.

Clean
energy.

“An Act to promote a clean energy future”) of the House Bill to increase renewable energy and reduce high-cost peak hours (House, No. 4756), reports recommending passage of the accompanying Bill to advance clean energy (House, No. 4857).

Under suspension of the rule 7A, on motion of Mr. Golden of Lowell, the report was considered forthwith.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 150 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 492 in Supplement.]

Therefore the report of the committee of conference was accepted.

Sent to the Senate for concurrence.

Conference committee report accepted,—yea and nay No. 492.

Engrossed Bills — Land Taking.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a portion of a certain parcel of land in the town of Berkley from an agricultural preservation restriction (see Senate, No. 2395) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Berkley,—land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 493

[See Yea and Nay No. 493 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance and the town of Hingham to grant certain easements upon certain land located in the town of Hingham (see Senate, No. 2582, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Hingham,—land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 494.

[See Yea and Nay No. 494 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to modify and relocate an easement in the town of West Boylston (see Senate, No. 2559) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

West Boylston,—land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the

Bill enacted (land taking),—yea and nay No. 495.

Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 495 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth (see Senate, No. 2603) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 496 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Joseph Mele, an employee of the Department of Mental Health (see House, No. 4715, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 11 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the transitional aid to families with dependent children program (see House, No. 4823), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and Senate to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Lynn to the Neighborhood Development Associates, Inc. (see House, No. 4265), having been certified by the Clerk to be rightly and truly prepared for final passage, was

NSTAR,—
land.

Bill enacted
(land taking),—
yea and nay
No. 496.

Joseph
Mele,—
sick leave.

Bill
enacted.

Transitional
aid to families,—
family cap.

Bill
re-enacted.

Lynn,—
land.

considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 13 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 497 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted
(land taking),—
yea and nay
No. 497.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant of certain easements to the town of Plymouth (see House, No. 4813), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Plymouth,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 12 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 498 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted
(land taking),—
yea and nay
No. 498.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to dispose of a certain parcel of land in the town of Chelmsford (see House, No. 4814), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Chelmsford,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 15 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 499 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting

Bill enacted
(land taking),—
yea and nay
No. 499.

Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the city known as the town of Franklin (see House, No. 4837, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Franklin,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 15 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 500.

[See Yea and Nay No. 500 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the Department of Fish and Game to acquire a conservation restriction on certain parcels of land of the town of Groveland (see Senate, No. 2319), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Groveland,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 39 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 501.

[See Yea and Nay No. 501 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Providing firefighters and police officers with the opportunity to enter a cessation program prior to termination (see Senate, No. 1386);

Bills
enacted.

Authorizing the city of Westfield to accept certain ways as public ways (see Senate, No. 2241);

(Which severally originated in the Senate); and

To ensure compliance with federal standards regarding the handling of federal tax information (see House, No. 4812) (which originated in the House);

UNCORRECTED PROOF.

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the background record check procedures of the department of early education and care (see House, No. 4815) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Speliotis of Danvers moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amend the bill by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith children, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”.

The amendment was adopted. Sent to the Senate for concurrence.

Recess.

At eight minutes after three o'clock P.M. (Tuesday, July 31, 2018), on motion of Mrs. Haddad of Somerset (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at four minutes before five o'clock, the House was called to order with Mrs. Haddad of Somerset in the Chair.

*Message from the Governor — Bill Returned with
Recommendation of Amendment.*

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the town of Rehoboth to transfer a conservation easement on a certain parcel of land [see House, No. 1102] (for message, see House, No. 4864), was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Speliotis of Danvers, to the committee on Bills in the Third Reading.

Subsequently, under suspension of the rules, on motion of the same member (Mr. Donato of Medford being in the Chair), the committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted. The amendment then was adopted. Sent to the Senate for its action.

Reports of Committees.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to an easement plan for the Milton Inline Inspection Project (Senate, No. 2369), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4862. Referred, under Rule 7A, to the committee on Steering, Policy and

Early
education,—
background
checks.

Rule 40
suspended.

Recess.

Rehoboth,—
land.

Milton,—
land.

Scheduling.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sánchez of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2369, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Sánchez of Boston (Mr. Donato of Medford being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Sent to the Senate for concurrence in the amendment adopted by the House [for text of House amendment, see House document numbered 4862].

Mrs. Haddad of Somerset being in the Chair,—

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to Massachusetts policy and procedures for missing and abducted children (House, No. 3615), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4863). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Abducted children,—
procedures.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sánchez of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Sánchez of Boston (Mr. Donato of Medford being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mrs. Haddad of Somerset being in the Chair,—

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill to transfer the care, custody and control of a certain parcel of land from the conversation commission to the department of parks and recreation for playground purposes in the city of Boston (Senate, No. 2540), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,—
land.

Mr. Murphy of Weymouth, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Sánchez of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member (Mr. Donato of Medford being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act authorizing the city of Boston to transfer the care, custody and control of a certain parcel of land from the conversation commission to the department of parks and recreation for playground purposes.”. Sent to the Senate for concurrence.

Mrs. Haddad of Somerset being in the Chair,—

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to the financial condition of the Pioneer Valley Regional School District (House, No. 4746), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Pioneer Valley
Regional School
District.

Mr. Murphy of Weymouth, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sánchez of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member (Mr. Donato of Medford being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill authorizing the town of Nantucket to sell, convey or otherwise dispose of certain land situated in the town of Nantucket held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc, or Sconset Trust, Inc. for the same purposes (see House, No. 4688) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Nantucket,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 502.

[See Yea and Nay No. 502 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the release of certain land in Rowley from operation of an agricultural covenant (see House, No. 4853) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Rowley,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 503.

[See Yea and Nay No. 503 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measures.

The engrossed Bill providing for the abandonment of a certain water line easement in Revere and Malden (see Senate, No. 2576, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for

Revere
and Malden.

final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 56 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 504 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant a permanent surface and subsurface easement at the Chestnut Hill Reservation in the Brighton section of the city of Boston (see House, No. 4803), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 505 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill authorizing the commissioner of Agricultural Resources to release an agricultural covenant on a certain portion of land in the town of Lancaster (see House, No. 4854), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the

Bill enacted
(land taking),—
yea and nay
No. 504.

Boston,—
land.

Bill enacted
(land taking),—
yea and nay
No. 505.

Lancaster,—
land.

Bill enacted
(land taking),—
yea and nay

Amendments to the Constitution); and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 506 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill relative to a certain agricultural restriction held by the Commonwealth on land in the town of Westborough (see House, No. 4855), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 507 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (see House, No. 4856), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 70 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 508 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill to advance clean energy (see House, No. 4857) (which originated in the House), having been certified by the Clerk to be rightly and truly

No. 506.

Westborough,—
land.

Bill enacted
(land taking),—
yea and nay
No. 507.

Somerville,—
land.

Bill enacted
(land taking),—
yea and nay
No. 508.

Bill
enacted.

prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

Mr. Speliotis of Danvers moved that the engrossed Bill relative to the examination of tax expenditures by the Department of Revenue (see House, No. 4820), being a printed copy of Section 12 contained in the engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment B of House, No. 4833), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules; and the motion prevailed.

Tax expenditures.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor was rejected.
Sent to the Senate for its action.

Mr. Speliotis of Danvers moved that the engrossed Bill relative to the payment of pensioners for services after retirement (see House, No. 4821), being a printed copy of Section 29 contained in the engrossed Bill making appropriations for the fiscal year 2019 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 4833), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules; and the motion prevailed.

Pensioners,—
payment.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor was adopted.
Sent to the Senate for its action.

Mr. Speliotis of Danvers moved that the engrossed Bill relative to the cremation of certain unclaimed bodies (see House, No. 4822), being a printed copy of Section 38 contained in the engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment D of House, No. 4833), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules; and the motion prevailed.

Unclaimed bodies.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor was adopted.
Sent to the Senate for its action.

Mr. Speliotis of Danvers moved that the engrossed Bill extending the authorization for the use of certain discount vouchers for prescription drugs (see House, No. 4825), being a printed copy of Section 63 contained in the engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 4833), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules; and the motion prevailed.

Prescription
drugs,—
vouchers.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor was adopted.

Sent to the Senate for its action.

Mr. Speliotis of Danvers moved that the engrossed Bill relative to commuter rail fare rates (see House, No. 4828), being a printed copy of Section 87 contained in the engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment J of House, No. 4833), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules; and the motion prevailed.

Commuter
rail,—
rates.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor was adopted.

Sent to the Senate for its action.

Mr. Speliotis of Danvers moved that the engrossed Bill relative to the Massachusetts Department of Transportation congestion toll rate pricing pilot program (see House, No. 4831), being a printed copy of Section 104 contained in the engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment M of House, No. 4833), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules; and the motion prevailed.

Tolls,—
congestion
pricing.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor was rejected.

Sent to the Senate for its action.

Recess.

At seven minutes before six o'clock P.M. (Tuesday, July 31, 2018), the Chair (Mrs. Haddad of Somerset) declared a recess subject to the call of the Chair.; and at two minutes after seven o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

Paper from the Senate.

The House Bill for prevention and access to appropriate care and treatment of addiction (House, No. 4742), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2623.

Addiction,—
treatment.

Under suspension of the rules, on motion of Ms. Garlick of Needham, the amendment was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4866. The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Emergency Measures.

The engrossed Bill relative to the background record check procedures of the department of early education and care (see House, No. 4815, amended) having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Early
education,—
background
checks.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 35 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bill
enacted.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to gender identity on Massachusetts identification (Senate, No. 2562), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Identification,—
gender
identity.

Engrossed Bills.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a restriction on a certain parcel of land in the city of Taunton (see House bill printed in House, No. 3712) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to

Taunton,—
land.

the Senate.

The engrossed Bill relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council (see Senate, No. 2614, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Wilbraham to exchange a certain parcel of land held for conservation purposes (Senate, No. 2583, changed and amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Wilbraham,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 509.

[See Yea and Nay No. 509 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Lowell (see House, No. 4838), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Lowell,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 510.

[See Yea and Nay No. 510 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the city of Boston to transfer the care, custody and control of a certain parcel of land from the conversation commission to the department of parks and recreation for playground purposes (Senate, No. 2540) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Boston,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 511.

[See Yea and Nay No. 511 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Suspension of Rule 1A.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 124 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 512 in Supplement.]

Therefore Rule 1A was suspended.

Rule 1A.

Rule 1A
suspended,—
yea and nay
No. 512.

Papers from the Senate.

Mr. Petrolati of Ludlow being in the Chair,—

The Senate Bill relative to an easement plan for the Milton Inline Inspection Project (Senate, No. 2369, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4862), with a further amendment in section 1, in line 1, inserting after the figure “34” the following: “to 37”.

The Senate further amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the further amendment was correctly drawn; and it was adopted, in concurrence.

Milton,—
land.

The engrossed Bill authorizing the town of Nantucket to transfer, convey or otherwise dispose of a portion of certain land situated in the town of Nantucket held for water supply and water protection purposes to the town of Nantucket for roadway purposes (House, No. 4689), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following two sections:

“SECTION 2. As a condition for the conveyance authorized in section 1, the town of Nantucket shall dedicate and hold for open space, recreational or conservation purposes a certain town-owned parcel bounded southerly by Milestone road; westerly by parcel 119 on assessor’s map 54; northerly by Polpis road; and easterly by parcel 93 on assessor’s map 54, containing approximately 1.36 acres.

SECTION 3. This act shall take effect upon its passage.”

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

Nantucket,—
land.

The House Bill relative to economic development in the Commonwealth (House, No. 4732), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2625, amended.

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the amendment was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text

Economic
development.

contained in House document numbered 4868. The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Reports of Committees.

Mr. Donato of Medford being in the Chair,—

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill relative to [sic] Article 97 Land Conveyance in the town of Petersham (House, No. 4753), ought to pass with an amendment substituting therefor a Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a restriction in the town of Petersham (House, No. 4867). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petersham,—
land.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Whipps of Athol, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Bill releasing certain land in Northfield from the operation of an agricultural covenant (House, No. 4757), ought to pass. Referred under Rule 7A, to the committee on Steering, Policy and Scheduling.

Northfield,—
land.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Mark of Peru, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in line 2, by striking out the following: “section 2 of chapter 184” and inserting in place thereof the following: “section 22 of chapter 20”.

The amendment was adopted; and the bill (House, No. 4757, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measures.

The engrossed Bill relative to the payment of pensioners for services after retirement (see House, No. 4821), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Pensioners,—
payment.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the

UNCORRECTED PROOF.

preamble was adopted, by a vote of 88 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and Senate to the Senate.

Bill
re-enacted.

The engrossed Bill relative to the cremation of certain unclaimed bodies (see House, No. 4822, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Unclaimed
bodies.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 70 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and Senate to the Senate.

Bill
re-enacted.

The engrossed Bill relative to commuter rail fare rates (see House, No. 4828, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Commuter
rail,—
rates.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 103 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and Senate to the Senate.

Bill
re-enacted.

The engrossed Bill relative to the Massachusetts Department of Transportation congestion toll rate pricing pilot program (see House, No. 4831), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Tolls,—
congestion
pricing.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 103 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and Senate to the Senate.

Bill
re-enacted.

The engrossed Bill relative to simulcasting and racing (see House, No. 4809) having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Simulcasting
and racing.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the

preamble was adopted, by a vote of 75 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Mr. Petrolati of Ludlow being in the Chair,—

The engrossed Bill authorizing the Somerville Housing Authority to reconstruct the state-funded Clarendon Hill public housing project (see House, No. 4580, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Rehoboth to transfer a conservation easement on a certain parcel of land (see House, No. 1102, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Rehoboth,—
land.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill re-enacted
(land taking),—
yea and nay
No. 512.

[See Yea and Nay No. 513 in Supplement.]

Therefore the bill was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measures.

The engrossed Bill for prevention and access to appropriate care and treatment of addiction (see House, No. 4742, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Addiction,—
treatment.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 67 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

After debate on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Ms. Garlick of Needham; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill
enacted,—
yea and nay
No. 514.

[See Yea and Nay No. 514 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain easements over certain land taken for water supply purposes in the city of Medford (see House, No. 4373, changed and amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency

Medford,—
land.

preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 68 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 515 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted
(land taking),—
yea and nay
No. 515.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Nantucket to convey a portion of a certain parcel of land in the town of Nantucket and held for water supply purposes to the town of Nantucket to be used for roadway purposes (see House, No. 4689, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Nantucket,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 516.

[See Yea and Nay No. 516 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Paper from the Senate.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4565, amended) to the Senate Bill to protect animal welfare and safety in cities and towns (Senate, No. 2347), recommending passage of a bill with the same title (Senate, No. 2646), came from the Senate with the endorsement that it had been accepted by said branch.

Animal
welfare.

Under suspension of the rules, on motion of Ms. Peake of Provincetown, the report (having been reported by the committees on Bills in the Third Reading of the two branches to be correctly drawn) was considered forthwith.

On the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 517 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

Conference
committee
report
accepted,—
yea and nay
No. 517.

Emergency Measures.

The engrossed Bill relative to economic development in the Commonwealth (see House, No. 4732, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Economic development.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 50 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted (state loan),—yea and nay No. 518.

[See Yea and Nay No. 518 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a restriction in the town of Petersham (see House, No. 4867), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Petersham,—land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 52 to 0. Sent to the Senate for concurrence

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 519.

[See Yea and Nay No. 519 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill releasing certain land in Northfield from the operation of an agricultural covenant (see House, No. 4757, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Northfield,—land.

Pending the question on passing the bill to be enacted, Mr. Mark of Peru moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“Section 1. Notwithstanding any general or special law to the contrary, under section 22 of chapter 20 of the General Laws, the commissioner of agricultural

resources shall execute a release of the agricultural covenant held by the commonwealth, acting on its behalf, on certain land in the town of Northfield owned currently by Hopping Ahead LLC, ('Landowner'). Title was acquired by a covenant recorded in Book 6863, Page 183, at the Greenfield Registry of Deeds.

Section 2. As a condition precedent to the release authorized in section 1, the current landowner shall pay to the department of agricultural resources a monetary amount as determined by the commissioner, provided such sum shall not exceed the funds the landowner originally received as consideration for said covenant. Monies received by the commonwealth for said release under this section, shall be held in trust by the department, to be expended only for acquiring new agricultural covenants.”.

The amendment was adopted. Sent to the Senate for concurrence.

The engrossed Bill relative to an easement plan for the Milton Inline Inspection Project (see Senate, No. 2369, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Milton,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 520.

[See Yea and Nay No. 520 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill releasing certain land in Northfield from the operation of an agricultural covenant (see House, No. 4757, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Northfield,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 521.

[See Yea and Nay No. 521 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day.

Mr. Petrolati of Ludlow being in the Chair,—

The House Bill designating domestic workers’ rights day (House, No. 4736), having been reported by the committee on Bills in the Third reading to be correctly drawn, was read a third time forthwith, under suspension of the rules, on motion of Mr. Speliotis of Danvers; and it was passed to be engrossed.

Domestic
workers’
rights day.

Order.

UNCORRECTED PROOF.

Mr. Donato of Medford being in the Chair,—

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet Thursday next at eleven o'clock A.M.

Next
sitting.

Mr. Hill of Ipswich then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twelve minutes after one o'clock A.M. (Wednesday, August 1, 2018) (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, JULY 31, 2018

[78]

JOURNAL OF THE SENATE.

Tuesday, July 31, 2018.

Met at two minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communications.

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Julian Cyr,--
absent from Chamber.

July 30, 2018

William F. Welch
Clerk of the Senate
Massachusetts State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

On the morning of Monday, July 30th I was absent from the chamber and missed a roll call vote. On roll call vote No. 486 to enact H.4834, *An Act automatically registering eligible voters and enhancing safeguards against fraud*, I would have voted in the affirmative.

Thank you for including this communication as part of the record.

Respectfully,
JULIAN CYR

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Michael F.
Rush,-- absent from
Chamber.

July 30, 2018

William F. Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Monday, July 30th, 2018, I was unable to be present at the formal session, at the time of the vote on two matters, due to a prior commitment.

Had I been in attendance I would have voted in the affirmative to adopt:

The Conference Committee Report (H.4834) relative to Automatic Voter Registration, and

The Conference Committee Report (H.4835) relative to the Environmental Bond Bill.

Thank you for your time and attention to this matter.

Respectfully,
MIKE RUSH

Suffolk and Norfolk District

On motion of Mr. Humason, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

PAPERS FROM THE HOUSE.

A Bill relative to the release of certain land in Rowley from operation of an agricultural covenant (House, No. 4853,-- on House, No. 4673),-- was read.

Rowley,-- land release.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and ordered to a third reading.

A Bill relative to the release of an agricultural covenant on a certain parcel of land in the town of Lancaster (House, No. 4854,-- on House, No. 4771),-- was read.

Lancaster,-- land release.

There being no objection, the rules were suspended, on motion of Mr. Humason, and the bill was read a second time and ordered to a third reading.

A Bill relative to a certain agricultural restriction held by the commonwealth on land in the town of Westborough (House, No. 4855,-- on House, No. 4772),-- was read.

Westborough,-- land restriction.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and ordered to a third reading.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (House, No. 4856,-- on House, No. 4615) [Local approval received on House, No. 4615],-- was read.

Somerville,-- housing authority.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time and ordered to a third reading.

A Bill relative to the background record check procedures of the department of early education and care (House, No. 4815,-- on House, No. 4310),-- was read.

Background checks.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill to ensure compliance with federal standards regarding the handling of federal tax information (House, No. 4812,-- on House, No. 4093),-- was read.

Federal tax information.

There being no objection, the rules were suspended, on motion of Mr. Humason, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Report of a Committee.

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Marco Adorno, an employee of the Massachusetts Department of Transportation (Senate, No. 2634).

Marco Adorno,-- sick leave.

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time and ordered to a third reading.

PAPER FROM THE HOUSE.

The Senate Bill authorizing the commissioner of capital asset management and maintenance and the town of Hingham to grant certain easements upon certain land located in the town of Hingham (Senate, No. 2582),-- came from the House passed to be engrossed, in concurrence *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4842.

Hingham,-- easement.

The rules were suspended, on motion of Ms. Chandler, and the House amendment was considered forthwith and adopted, in concurrence.

Reconsideration.

Ms. L'Italien moved that the Senate reconsider the vote by which, at a previous session, it had passed to be engrossed the Senate Bill protecting consumers in the issuance of sports and entertainment tickets (Senate, No. 115); and, there being no objection, the motion prevailed.

Tickets,-- consumer protection.

Pending the recurring question on passing the bill to be engrossed, Ms. L'Italien moved to amend the bill by adding the following sections:-

“SECTION 2. Section 185A of chapter 140 of the General Laws, as appearing in 2016 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

‘Ticket reseller’ shall mean any person, entity, corporation or association engaged in the business of reselling, offering for resale, or negotiating the resale of tickets of admission or other evidence of right of entry to any sporting event, theatrical exhibition, public show, or public amusement or exhibition, including the officers, agents and employees of such person, entity, corporation or association. A person, entity, corporation, or association shall be deemed to be ‘engaged in the business of resale’ if such person, entity, corporation, or association has sold more than 80 tickets, sets of tickets, or right of entry by means of telephone, mail, delivery service, facsimile, internet, email or other electronic means in the preceding twelve months. A resale shall not include the initial sale of any event ticket by the original ticket seller or an online marketplace.

SECTION 3. Said section 185A of chapter 140 of the General Laws, as so appearing, is hereby amended by deleting the second paragraph of this section.

SECTION 4. Chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 185D, as so appearing, and inserting in place thereof the following section:-

Section 185D. Consumer protection standards relative to the reselling of tickets:

(a) Any person engaged in the business of the resale of a ticket, and any online marketplace shall:

UNCORRECTED PROOF.

(1) maintain at all times a toll-free telephone number and an e-mail address or other means of contact approved by regulation for complaints and inquiries regarding its activities in the resale of event tickets;

(2) implement and reasonably publicize a standard refund policy that meets the minimum standards stated in subsection (b); and

(3) take reasonable measures to safeguard against the resale of counterfeit tickets purchased from the reseller.

(b) The standard refund policy by such person or online marketplace:

(1) shall provide a consumer who purchases an event ticket a full refund if: (i) the event is cancelled before the scheduled occurrence of the event, and is not re-scheduled; (ii) the event ticket does not provide access to the event or venue of the event, provided the date and time of the event are correct on the event ticket; (iii) the event ticket has been cancelled by the ticket issuer for non-payment by the original purchaser, or for any reason other than an act or omission of the consumer; (iv) the event ticket materially and to the detriment of the consumer fails to conform to the description provided by the seller or person engaged in the business of resale; or (v) the event ticket was not delivered to the consumer prior to the occurrence of the event, unless such failure of delivery was due to any act or omission of the consumer;

(2) shall include in a full refund the full price paid by the consumer for the event ticket, together with any fees charged in connection with that purchase, including but not limited to convenience fees, processing fees, at-home printing charges, but excluding shipping or delivery fees, and

(3) may condition entitlement to a refund upon timely return of the ticket purchased, and may include reasonable safeguards against abuse of the policy.

(c) Provision of a replacement ticket that is of equal value and in a comparable location, at no additional charge to the consumer, shall be considered providing a full refund for the purposes of subsection (b).

(d) Nothing in this section shall be construed to prohibit any person, entity or association, or an agent of any such person, entity or association subject to this section from implementing consumer protection policies that exceed the minimum standard set forth in this section, and that are otherwise compliant with this act.

(e) A ticket reseller or online marketplace shall be prohibited from using any automated system, software or other technology designed or produced for the purpose of purchasing tickets from a ticket issuer for the purpose of resale on the secondary market.

(f) The department of public safety shall keep a record of all licensed ticket resellers operating in the commonwealth and shall make the list accessible to the public. This record shall include, but not be limited to: (1) the licensee's name, mailing address, telephone number and email address; (2) the length of time the licensee has been licensed in commonwealth; and (3) the number of complaints and the type of complaint that has been filed against the licensee.

SECTION 5. Section 185E of chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by deleting the last sentence of this section."

The amendment was adopted.

The bill (Senate, No. 115, amended) was then again passed to be engrossed.

Sent to the House for concurrence.

Recess.

There being no objection, at twenty-three minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at twenty-six minutes before three o'clock A.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (see House, No. 4813), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

Plymouth,-- land easements.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Lynn to the Neighborhood Development Associates, Inc. (see House, No. 4265), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

Lynn,-- land conveyance.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Joseph Mele, an employee of the Department of Mental Health (see House, No. 4715, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

Joseph Mele,-- sick leave.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to dispose of a certain parcel of land in the town of Chelmsford (see House, No. 4814), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

Chelmsford,-- land disposal.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

UNCORRECTED PROOF.

An engrossed Bill relative to the transitional aid to families with dependent children program (see House, No. 4823), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

Dependent children program.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for re-enactment.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the city known as the town of Franklin (see House, No. 4837, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

Franklin,-- land conveyance.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the town of Nantucket to sell, convey or otherwise dispose of certain land situated in the town of Nantucket held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc. or Sconset Trust, Inc. for the same purposes (House, No. 4688),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Nantucket to sell, convey or otherwise dispose of certain land situated in the town of Nantucket held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc. or Sconset Trust, Inc. for the same purposes"**.

Nantucket,-- land conveyance.

The House Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant a permanent surface and subsurface easement at the Chestnut Hill Reservation in the Brighton section of the City of Boston (House, No. 4803) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Boston,-- easement.

The House Bill relative to the release of certain land in Rowley from operation of an agricultural covenant (House, No. 4853),-- **was read a third time and passed to be engrossed, in concurrence.**

Rowley,-- land release.

The House Bill authorizing the commissioner of agricultural resources to release an agricultural covenant on a certain portion of land in the town of Lancaster (House, No. 4854) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in**

Lancaster,-- agricultural covenant.

concurrency.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (House, No. 4856),-- **was read a third time and passed to be engrossed, in concurrence.**

Somerville,-- land conveyance.

The House Bill relative to a certain agricultural restriction held by the commonwealth on land in the town of Westborough (House, No. 4855),-- **was read a third time and passed to be engrossed, in concurrence.**

Westborough,-- land.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill to ensure compliance with federal standards regarding the handling of federal tax information (see House, No. 4812) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the Governor.

The Senate Bill providing for the abandonment of a certain water line easement in Revere and Malden (Senate, No. 2576),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4836; and by inserting before the enacting clause the following emergency preamble:

Revere and Malden,-- easement.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the department of capital asset management and maintenance to release a certain easement in the cities of Malden and Revere, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. Pacheco, and the House amendment was adopted, in concurrence.

Recess.

There being no objection, at ten minutes before three o’clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at one minute past four o’clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

PAPERS FROM THE HOUSE

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a portion of a certain parcel of land in the town of Berkley from an agricultural preservation restriction (see Senate, No. 2395) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation

Berkley,-- land release.

UNCORRECTED PROOF.

purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes past four o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 542]:**

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Tran, Dean A.
Hinds, Adam G.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at ten minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Department of Fish and Game to acquire a conservation restriction on certain parcels of land of the town of Groveland (see Senate, No. 2319), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 15 to 0.

Groveland,-- land conservation..

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill to increase renewable energy and reduce high-cost peak hours (House, No. 4756) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2608),-- reported, a "Bill to advance clean energy" (House, No. 4857),-- came from the House, and was read.

Clean energy.

UNCORRECTED PROOF.

The rules were suspended, on motion of Mr. Barrett, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at six minutes past five o'clock P.M., on motion of Mr. Barrett, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 543**]:

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Tran, Dean A.
Hinds, Adam G.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at eleven minutes past five o'clock P.M., the report was accepted, in concurrence.

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance and the town of Hingham to grant certain easements upon certain land located in the town of Hingham (see Senate, No. 2582, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 544**]:

Hingham,-- easements..

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.

UNCORRECTED PROOF.

Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at a quarter past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to modify and relocate an easement in the town of West Boylston (see Senate, No. 2559) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 545**]:

West Boylston,--
easement.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at eighteen minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth (see Senate, No. 2603) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nineteen minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 546**]:

NSTAR,-- easements.

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill relative to a certain conservation restriction in the town of Webster (see House, No. 4103) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII

Webster,-- conservation land.

UNCORRECTED PROOF.

of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 547**]:

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Tran, Dean A.
Hinds, Adam G.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-two minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Sharon to change the use of a certain parcel of land acquired for outdoor recreational purposes to a use for general municipal purposes (see House, No. 4633, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-three minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 548**]:

Sharon,-- recreational land.

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.

UNCORRECTED PROOF.

Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty-five minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Grafton (see House, No. 4636) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 549**]:

Grafton,-- land conveyance.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty-eight minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Nantucket to sell, convey or otherwise dispose of a portion of certain land situated in the town of Nantucket held for cemetery purposes (see House, No. 4717) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 550]:**

Nantucket,-- land conveyance.

YEAS.

- | | |
|---|---|
| Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G. | Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36. |
|---|---|

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at a half past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement to the town of New Salem (see House, No. 4760) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the

New Salem,-- easement.

UNCORRECTED PROOF.

yeas and nays, at twenty-nine minutes before six o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 551]:**

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Tran, Dean A.
Hinds, Adam G.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-seven minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Foxborough for fire department use (see House, No. 4816, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before six o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 552]:**

Foxborough,-- land conveyance.

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.

UNCORRECTED PROOF.

Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty-five minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the conveyance of land from the county of Nantucket and authorizing the town of Nantucket to sell, convey or otherwise dispose of a portion of said land situated in the town of Nantucket held for open space purposes (see House, No. 4818) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes before six o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 553**]:

Nantucket,-- land conveyance.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty-two minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Southborough (see House, No. 4839, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes before six o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 554]:**

Southborough,-- land acquisition.

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at nineteen minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

Emergency Preambles Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant a permanent surface and subsurface easement at the Chestnut Hill Reservation in the Brighton section of the city of Boston (see House, No. 4803), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of

Boston,-- easement.

Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.

An engrossed Bill authorizing the commissioner of agricultural resources to release an agricultural covenant on a certain portion of land in the town of Lancaster (see House, No. 4854), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 0.

Lancaster,-- land release.

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.

An engrossed Bill relative to a certain agricultural restriction held by the Commonwealth on land in the town of Westborough (see House, No. 4855), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.

Westborough,--
agricultural restriction.

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation, to wit:

Providing firefighters and police officers with the opportunity to enter a smoking cessation program prior to termination (see Senate, No. 1386);

Bills laid before the
Governor.

Authorizing the city of Westfield to accept certain ways as public ways (see Senate, No. 2241); and

Establishing a sick leave bank for Joseph Mele, an employee of the Department of Mental Health (see House, No. 4715, amended).

An engrossed Bill relative to the transitional aid to families with dependent children program (see House, No. 4823) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the Acting President (Mr. Rodrigues) and again laid before the Governor for his approbation.**

Bill again laid before the
Governor.

Emergency Preambles Adopted.

An engrossed Bill providing for the abandonment of a certain line easement in Revere and Malden (see Senate, No. 2576, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.

Revere and Malden,--
easement.

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (see House, No. 4856), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 11 to 0.

Somerville,-- land conveyance.

The bill was signed by the Acting President (Mr. Rodrigues) and sent to the House for enactment.

Matter Taken Out of the Orders of the Day

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to release a restriction on a certain parcel of land in the city of Taunton (printed in House, No. 3712) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Taunton,-- land release.

PAPERS FROM THE HOUSE.

A Bill authorizing the Somerville Housing Authority to reconstruct the state funded Clarendon Hill public housing project (House, No. 4580,-- on petition),-- was read.

Somerville Housing Authority.

There being no objection, the rules were suspended, on motion of Ms. Jehlen, and the bill was read a second time and ordered to a third reading.

The engrossed Bill relative to background record check procedures of the Department of Early Education and Care (see House, No. 4815),-- came from the House *with an amendment* inserting before the enacting clause the following emergency preamble:

Background checks.

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith children, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”

The rules were suspended, on motion of Ms. Chang-Diaz, and the House amendment was adopted, in concurrence.

The Senate Bill authorizing the town of Wilbraham to exchange a certain parcel of land held for conservation purposes (Senate, No. 2583, changed),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4858.

Wilbraham,-- conservation land.

The rules were suspended, on motion of Ms. Gobi, and the House amendment was adopted, in concurrence.

The Senate Bill relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council (Senate, No. 2614),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out all after the

Commonwealth Technical Rescue Regions and Coordinating Council.

enacting clause and inserting in place thereof the text of House document numbered 4843.

The rules were suspended, on motion of Mr. Feeney, and the House amendment was adopted, in concurrence.

The Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 2633),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4850.

Emergency service,--
critical intervention.

The rules were suspended, on motion of Mr. Moore, and the House amendment was adopted, in concurrence.

Recess.

There being no objection, at six minutes past six o'clock P.M., the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and, at twenty-two minutes past six o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 4664) (the committee on Rules recommending that the bill be amended by substituting a new text with the same title, Senate, No. 2641).

Gender identity,--
abusive practices.

There being no objection, the rules were suspended, on motion of Mr. Lewis, and the bill was read a second time and was amended, as recommended by the committee on Rules.

The bill, as amended, was then ordered to a third reading.

Recess.

There being no objection, at twenty-four minutes past six o'clock P.M., the President declared a recess subject to the call of the Chair; and, at fourteen minutes before seven o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

PAPER FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the examination of tax expenditures by the department of revenue (see House, No. 4820) [being the text contained in Section 12 of the General Appropriations Bill (see House, No. 4800)] [for message, see Attachment B of House, No. 4833],— came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor.

Tax expenditures.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr.

The Governor's amendment was then adopted.

Sent to the House for concurrence.

Recess.

There being no objection, at thirteen minutes before seven o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twelve minutes before eight o'clock P.M., the Senate reassembled, the Ms. Creem in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Suspension of Senate Rule 38A

Mr. Pacheco moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Lowell (see House, No. 4838, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

Lowell,-- land conveyance.

The bill was signed by the Acting President (Ms. Creem) and sent to the House for enactment.

An engrossed Bill relative to the background record check procedures of the Department of Early Education and Care (see House, No. 4815, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

EEC,-- background check procedures.

The bill was signed by the Acting President (Ms. Creem) and sent to the House for enactment.

Engrossed Bills.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a restriction on a certain parcel of land in the city of Taunton (see House Bill, printed in House, No. 3712) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.**

Bill laid before Governor.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation, to wit:

UNCORRECTED PROOF.

Relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council (see Senate, No. 2614, amended); and
To advance clean energy (see House, No. 4857).

Bills laid before the Governor.

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the Department of Fish and Game to acquire a conservation restriction on certain parcels of land of the town of Groveland (see Senate, No. 2319) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before eight o'clock P.M., as follows, to wit (yeas 35 - nays 0) **[Yeas and Nays No. 555]:**

Groveland,--
conservation land.

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. — 35. |
| Hinds, Adam G. | |

NAYS — 0.

ABSENT OR NOT VOTING.

- | | |
|-------------------------|----------------------|
| O'Connor Ives, Kathleen | Welch, James T. — 2. |
|-------------------------|----------------------|

The yeas and nays having been completed at nine minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill providing for the abandonment of a certain water line easement in Revere and Malden (see Senate, No. 2576, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past eight o'clock P.M., as follows, to wit (yeas 35 - nays 0) **[Yeas**

Revere and Malden,--
water line easement.

and Nays No. 556]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. – 35. |
| Hinds, Adam G. | |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|-------------------------|----------------------|
| O'Connor Ives, Kathleen | Welch, James T. – 2. |
|-------------------------|----------------------|

The yeas and nays having been completed at twelve minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Lynn to the Neighborhood Development Associates, Inc. (see House, No. 4265) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past eight o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 557**]:

Lynn,-- land conveyance.

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |

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deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at seventeen minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Nantucket to sell, convey or otherwise dispose of certain land situated in the town of Nantucket held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc, or Sconset Trust, Inc. for the same purposes (see House, No. 4688) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes past eight o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 558**]:

Nantucket,-- land conveyance.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (see House, No. 4813) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past eight o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 559**]:

Plymouth,-- easement..

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-two minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant a permanent surface and subsurface easement at the Chestnut Hill Reservation in the Brighton section of the city of Boston (see House, No. 4803) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the

Boston,-- easement.

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yeas and nays, at twenty-four minutes past eight o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 560]:**

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Tran, Dean A.
Hinds, Adam G.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-five minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to dispose of a certain parcel of land in the town of Chelmsford (see House, No. 4814) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past eight o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 561]:**

Chelmsford,-- land disposal.

YEAS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.

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deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty-eight minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the city known as the town of Franklin (see House, No. 4837, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes past eight o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 562**]:

Franklin,-- land conveyance.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – **1.**

The yeas and nays having been completed at twenty-nine minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members

present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill relative to the release of certain land in Rowley from operation of an agricultural covenant (see House, No. 4853) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes before nine o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 563]:**

Rowley,-- land release.

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. - 36. |

NAYS - 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen - **1.**

The yeas and nays having been completed at twenty-seven minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of agricultural resources to release an agricultural covenant on a certain portion of land in the town of Lancaster (see House, No. 4854) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before nine o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 564]:**

Lancaster,-- land release.

YEAS.

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Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-four minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill relative to a certain agricultural restriction held by the Commonwealth on land in the town of Westborough (see House, No. 4855) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes before nine o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 565**]:

Westborough,-- land restriction..

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.

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Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-two minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (see House, No. 4856) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes before nine o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 566]:**

Somerville,-- land conveyance.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

UNCORRECTED PROOF.

An engrossed Bill authorizing the town of Wilbraham to exchange a certain parcel of land held for conservation purposes (see Senate, No. 2583, changed and amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nineteen minutes before nine o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 567**]:

Wilbraham,-- land exchange..

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. - **36.**

NAYS - 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen - **1.**

The yeas and nays having been completed at seventeen minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Boston to transfer the care, custody and control of a certain parcel of land from the Conservation Commission to the Department of Parks and Recreation for playground purposes (see Senate, No. 2540) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes before nine o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 568**]:

Boston,-- land transfer.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.

Humason, Donald F., Jr.
Jehlen, Patricia D.

UNCORRECTED PROOF.

Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at fourteen minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill relative to background record check procedures of the Department of Early Education and Care (see House, No. 4815, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Engrossed Bills Returned with Recommendation of Amendment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the cremation of certain unclaimed bodies (see House, No. 4822) [being the text contained in Section 38 of the General Appropriations Bill (see House, No. 4800)] (for message, see Attachment D of House, No. 4833),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Unclaimed bodies.

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 43M of chapter 114 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary and for the purposes of this section, a board of health may serve as the duly authorized representative for the purpose of requesting cremation of unclaimed remains by signing a cremation form under the following circumstances: (i) the unclaimed remains shall be in a location that is within the jurisdiction of the board of health; (ii) the board of health has received notice from a licensed funeral director that either no person has come forward to claim the remains or that no person may legally claim the remains;

provided, however, that the board of health shall wait 30 days after such notification under this clause prior to signing the cremation form. The unclaimed remains shall then be viewed by a medical examiner or forensic investigator designated by the chief medical examiner pursuant to section 14 of chapter 38, who shall authorize such cremation only when no further examination or judicial inquiry concerning the death is necessary. The office of the chief medical examiner may waive the fee set forth in said section 14 of said chapter 38 for cremation authorizations pursuant to this section. There shall be no liability for a board of health or an employee, agent, or licensee thereof that authorizes the disposal of unclaimed remains in accordance with this section. Nothing in this section shall supersede the obligations of the office of the chief medical examiner as set forth in this chapter and chapter 38.

SECTION 2. This act shall take effect as of July 1, 2018.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. Chandler, and the Governor’s amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to commuter rail fare rates (see House, No. 4828) [being the text contained in Section 87 of the General Appropriations Bill (see House, No. 4800)] (for message, see Attachment J of House, No. 4833),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Commuter rail,— rates.

“SECTION 1. The Massachusetts Department of Transportation shall complete a comprehensive review and study of the current methods utilized to set fare rates on the Massachusetts Bay Transportation Authority commuter rail. The study shall include, but not be limited to, an examination of: (i) the fairness and equity of the current distance based fare system that utilizes fare zones; (ii) pricing based on track distance from the terminal station; (iii) the impacts of commuter rail fare price on passengers’ transportation choices, considering frequency of service, travel time and parking costs, between commuter rail, motor vehicle transportation, public bus and subway service; (iv) the potential for lower interzone fares to encourage ridership outside core central stations; (v) the potential for discounted fares for riders in gateway cities or similarly situated municipalities; and (vi) the potential for utilizing a variable pricing system based on the time of day; and (vii) the impact on any of these changes on fare revenue.

To complete the study, the department shall utilize, to the extent possible, updated passenger counts at all commuter rail stations for the most recent calendar year, including data collected using an automated passenger count system from all commuter rail cars. The Massachusetts Bay Transportation Authority shall use the outcome of the study and the data collection to inform fare policy decisions. The department shall submit a written report of its findings, including recommendations, with the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the joint committee on transportation not later than March 15, 2020.

SECTION 2. This act shall take effect as of July 1, 2018.”

The message was read; and, under the provisions of Article LVI of the

Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Barrett, and the Governor's amendment was considered forthwith.

After remarks, on motion of Mr. Boncore, the Governor's amendment was adopted, in concurrence.

Sent to the House for re-enactment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the Massachusetts Department of Transportation congestion toll rate pricing pilot program (see House, No. 4831) [being the text contained in Section 104 of the General Appropriations Bill (see House, No. 4800)] (for message, see Attachment M of House, No. 4833),-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

Toll rates.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Boncore, and the Governor's amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor's amendment was *rejected*, in concurrence.

Sent to the House for re-enactment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the town of Rehoboth to transfer an easement on a certain parcel of land (see House, No. 1102) (for message, see House, No. 4864),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Rehoboth,-- easement transfer.

“SECTION 1. (a) Notwithstanding section 16 of chapter 30B of the General Laws or any general or special law to the contrary, the town of Rehoboth, acting by and through its board of selectmen, may amend a conservation easement for use of a certain parcel of land on Plain street, as described in the conservation easement granted by Barry S. Saperia to the town dated December 11, 2007, recorded with the Bristol county northern district registry of deeds in book 17339, page 123 and further bounded and described as follows: beginning at a point in the southeasterly circle of Atwells Farm road at the northeasterly corner of Lot 2 as shown on the hereinafter mentioned plan; thence running south 46° 39' 46" west 161.27 feet to a point; thence running south 21° 07' 35" west 565.61 feet to a point in a stone wall for a corner; thence turning and running by said stone wall and land now or formerly of Charles J. Ruggiero and Elizabeth A. Ruggiero south 84° 08' 40" west 323.34 feet to a point in said stone wall; thence continuing along said stone wall and by land now or formerly of Ruggiero north 43° 09' 51" west 158.56 feet to a point for a corner at another stone wall and land now or formerly of Roberta K. Winter; thence turning and running along said stone wall by land of Winter, north 58° 02' 34" East 287.65 feet to a point in another stone wall for a corner; thence continuing by land of Winter and another stone wall north 23° 48' 47" west 145.53 feet to a point; thence turning and running along a line shown on the hereinafter mentioned plan marked 'easement line' north 57° 28' 01" east 553.70 feet to a point in the southeasterly circle of

Atwells Farm road in a circle to the right 107.68 feet to the point of beginning.

(b) The conservation easement in subsection (a) may be amended by: (i) striking out the words ‘passive recreation such as picnicking, walking, cross-country skiing, snowshoeing, hiking, fishing, occasional horseback riding;’ on pages 1 and 2; (ii) striking out the words ‘The Conservation Easement hereby granted shall be for the use and benefit of the Town of Rehoboth and its agents, employees, guests, invitees and other parties, to whom the grantee may give rights to use the Conservation Easement’ on page 3; (iii) striking out sections 6 and 7 on page 5; and (iv) at the end of the document, adding the words: ‘Approval by secretary of energy and environmental affairs, commonwealth of Massachusetts; the undersigned, secretary of executive office of energy and environmental affairs of the commonwealth of Massachusetts, hereby certifies that the foregoing conservation restriction has been approved in the public interest pursuant to section 32 of chapter 124 of the General Laws.’

SECTION 2. This act shall take effect upon its passage.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. L’Italien, and the Governor’s amendment was considered forthwith.

On motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Matters Taken Out of the Orders of the Day

There being no objection, the following matters were taken out of the Orders of the day and considered as follows:

The House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain easements over certain land taken for water supply purposes in the city of Medford (House, No. 4373, changed and amended) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Medford,-- land conveyance.

The House Bill authorizing the Somerville Housing Authority to reconstruct the state-funded Clarendon Hill public housing project (House, No. 4580) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Somerville,-- housing project.

Recess.

At nineteen minutes past nine o’clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Ms. Creem) declared a recess; and, at one minute past ten o’clock P.M., the Senate reassembled, the President in the Chair.

Recess.

PAPERS FROM THE HOUSE.

The House Bill for prevention and access to appropriate care and treatment of addiction (House, No. 4742, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2623) *with a further amendment* striking out all after the enacting clause (inserted by amendments by the Senate) and inserting in place thereof the text of House

Addiction treatment.

UNCORRECTED PROOF.

document numbered 4866.

The rules were suspended, on motion of Ms. Friedman.

After remarks, the question on concurring in the further House amendment was determined by a call of the yeas and nays, at eighteen minutes past ten o'clock P.M., on motion of Ms. Friedman, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 569**]:

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Collins, Nick	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
deMacedo, Viriato M.	Rodrigues, Michael J.
DiDomenico, Sal N.	Ross, Richard J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Spilka, Karen E.
Feeney, Paul R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Tran, Dean A.
Hinds, Adam G.	Welch, James T. – 37.
Humason, Donald F., Jr.	

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twenty-one minutes past ten o'clock P.M., the further House amendment was adopted, in concurrence.

Engrossed Bill -- Amended.

An engrossed Bill authorizing the town of Nantucket to convey a portion of a certain parcel of land in the town of Nantucket and held for water supply purposes to the town of Nantucket to be used for roadway purposes (see House, No. 4689) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was laid before the Senate.

On motion of Mr. Cyr, Senate Rule 49 was suspended.

Mr. Cyr moved that the engrossed bill be amended by striking out section 2 and inserting in place thereof the following 2 sections:-

“SECTION 2. As a condition for the conveyance authorized in section 1, the town of Nantucket shall dedicate and hold for open space, recreational or conservation purposes a certain town-owned parcel bounded southerly by Milestone road; westerly by parcel 119 on assessor's map 54; northerly by Polpis road; and easterly by parcel 93 on assessor's map 54, containing approximately 1.36 acres.

SECTION 3. This act shall take effect upon its passage.”

The amendment was adopted.

Sent to the House for concurrence in the Senate amendment.

Nantucket,-- land conveyance.

Reports of a Committee.

By Ms. Lovely, for the committee on Ways and Means, that the Senate Bill relative to collective bargaining dues (Senate, No. 1047),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2644).

Collective bargaining dues.

There being no objection, the rules were suspended, on motion of Mr. Boncore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2644) was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

By Ms. Lovely, for the committee on Ways and Means, that the Senate Bill modernizing childhood lead poisoning prevention (Senate, No. 1184),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2642).

Lead poisoning,-- prevention.

There being no objection, the rules were suspended, on motion of Mr. Cyr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2642) was then ordered to a third reading, read a third time, and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

By Ms. Lovely, for the committee on Ways and Means, that the Senate Bill requiring protection for the continuous skilled care of fragile children in the Commonwealth (Senate, No. 1273),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2643).

Fragile children,-- care.

There being no objection, the rules were suspended, on motion of Ms. Friedman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2643) was then ordered to a third reading, read a third time, and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to simulcasting and racing (House, No. 4809,-- on petition),-- was read.

Simulcasting and racing.

There being no objection, the rules were suspended, on motion of Mr. Boncore, and the bill was read a second time, ordered to a third reading, read a third time, and, after remarks, passed to be engrossed, in concurrence.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the payment of pensioners for services after retirement (see House, No. 4821) [being the text contained in Section 29 of the General Appropriations Bill (see House, No. 4800)], (for message, see Attachment C of House, No. 4833),-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

Pension payments.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to

amendment and re-enactment.

The rules were suspended, on motion of Mr. Crighton, and the Governor's amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor's amendment was rejected, in concurrence.

Sent to the House for re-enactment.

A Bill requiring sexual misconduct climate surveys at institutions of higher education (House, No. 4810, amended,-- on House, No. 2998),-- was read.

High educations,--
sexual misconduct.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Moore and Ms. Creem moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate documents numbered 2645.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time, and, after remarks, passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Emergency Preamble Adopted.

An engrossed Bill for prevention and access to appropriate care and treatment of addiction (see House, No. 4742, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 13 to 0.

Addiction,-- treatment.

The bill was signed by the President and sent to the House for enactment.

A Bill authorizing the commissioner of capital asset management and maintenance to release a restriction in the town of Petersham (House, No. 4867,-- on House, No. 4753),-- was read.

Petersham,-- restriction
release.

There being no objection, the rules were suspended, on motion of Ms. Gobi, and the bill was read a second time, ordered to a third reading and read a third time.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of the matter.

The report of the committee was accepted.

The bill was then passed to be engrossed, in concurrence.

A Bill releasing certain land in Northfield from the operation of an agricultural covenant (House, No. 4757, amended,-- on House, No. 4674),-- was read.

Northfield,-- land
release.

There being no objection, the rules were suspended, on motion of Ms. Gobi, and the bill was read a second time, ordered to a third reading and read a third time.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of the matter.

The report of the committee was accepted.

The bill was then passed to be engrossed, in concurrence.

UNCORRECTED PROOF.

The Senate Bill relative to an easement plan for the Milton Inline Inspection Project (Senate, No. 2369),-- came from the House passed to be engrossed, in concurrence *with an amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4862.

Milton,-- easement.

The rules were suspended, on motion of Mr. Timilty, and the matter was referred to the committee on Bills in the Third Reading.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of the matter.

The report of the committee was accepted.

Mr. Timilty then moved that the Senate concur with the House amendment *with a further amendment*, by inserting after the figure “34” in line 1, the following words:- “to 37”.

**The motion was accepted; and the amendment was adopted.
Sent to the House for concurrence in the further amendment.**

Emergency Preambles Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain easements over certain land taken for water supply purposes in the city of Medford (see House, No. 4373, changed and amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.

Medford,-- land conveyance.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to commuter rail fare rates (see House, No. 4828, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 11 to 0.

Commuter rail,-- fares.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the cremation of certain unclaimed bodies (see House, No. 4822, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 12 to 0.

Unclaimed bodies,-- cremation.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the Massachusetts Department of Transportation Congestion Toll Rate Pricing Pilot Program (see House, No. 4831), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 0.

Congestion Toll Rate Pricing Pilot Program.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

An engrossed Bill authorizing the Somerville Housing Authority to reconstruct the state-funded Clarendon Hill Public Housing Project (see House, No. 4580, changed) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.**

Bill laid before the Governor.

An engrossed Bill for prevention and access to appropriate care and treatment of addiction (see House, No. 4742, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor on Wednesday, August 1, 2018, for his approbation.**

Ibid

Committee of Conference Report

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill to protect animal welfare and safety in cities and towns (Senate, No. 2347) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4565, amended),-- reported the accompanying bill (Senate, No. 2646),-- was read.

Animal safety.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of the matter.

The report of the committee was accepted.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at twelve minutes before twelve o'clock midnight, on motion of Mr. Montigny, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 570**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.

Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.

UNCORRECTED PROOF.

Hinds, Adam G.
Humason, Donald F., Jr.

Welch, James T. – 37.

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at eight minutes before twelve o'clock midnight, the report was accepted.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relative to the payment of pensioners for services after retirement (see House, No. 4821), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 11 to 0.

Pensioners,--services.

The bill was signed by the President and sent to the House for enactment.

Suspension of Senate Rule 38A1/2

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until a quarter past twelve o'clock midnight; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be re-enacted and were signed by the President and again laid before the Governor, for his approbation, to wit:

Relative to the cremation of certain unclaimed bodies (see House, No. 4822, amended);

Bills again laid before the Governor.

Relative to commuter rail fare rates (see House, No. 4828, amended); and

Relative to the Massachusetts Department of Transportation Congestion Toll Rate Pricing Pilot Program (see House, No. 4831).

Matter Taken Out of the Orders of the Day

There being no objection, the following matter was taken out of the Orders of the day and considered as follows:

The House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 4664),-- was read a third time.

Gender identity,-- abusive practices.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, recommending that the same be amended, as follows, and that, when so amended, it will be correctly drawn: by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2647.

The report was accepted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

The House Bill relative to economic development in the commonwealth (House, No. 4732, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2365), *with a further amendment* striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4868.

Economic development.

The rules were suspended, on motion of Mr. Lesser, and the further House amendment was adopted, in concurrence.

Engrossed Bill — Land Taking for Conservation Etc.

Mr. Pacheco in the Chair, an engrossed Bill authorizing the town of Rehoboth to transfer a conservation easement on a certain parcel of land (see House, No. 1102, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be re-enacted was determined by a call of the yeas and nays, at ten minutes past twelve o'clock midnight, as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 571**]:

Rehoboth,-- land easement.

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

O'Connor Ives, Kathleen – 1.

The yeas and nays having been completed at twelve minutes past twelve o'clock midnight, the bill was passed to be re-enacted, two-thirds of the

members present having agreed to pass the same, and it was signed by the Acting President (Mr. Pacheco) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

Suspension of Senate Rule 38A1/2.

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight, until a half past twelve o'clock midnight; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPERS FROM THE HOUSE

Engrossed Bills — Land Taking for Conservation Etc.

An engrossed Bill authorizing the commissioner of capital asset management and maintenance to convey certain easements over certain land taken for water supply purposes in the city of Medford (see House, No. 4373, changed and amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes past twelve o'clock midnight, as follows, to wit (yeas 35 - nays 0) [**Yeas and Nays No. 572**]:

Medford,-- easements.

YEAS.

- | | |
|--------------------------|-----------------------|
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. – 35. |
| Humason, Donald F., Jr. | |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|---------------------|------------------------------|
| Barrett, Michael J. | O'Connor Ives, Kathleen – 2. |
|---------------------|------------------------------|

The yeas and nays having been completed at sixteen minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members

present having agreed to pass the same, and it was signed by the Acting President (Mr. Pacheco) and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

An engrossed Bill authorizing the town of Nantucket to convey a portion of a certain parcel of land in the town of Nantucket and held for water supply purposes to the town of Nantucket to be used for roadway purposes (see House, No. 4689, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seventeen minutes past twelve o'clock midnight, as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 573]:

Nantucket,-- land conveyance..

YEAS.

- | | |
|--------------------------|-----------------------|
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Collins, Nick | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Tran, Dean A. |
| Hinds, Adam G. | Welch, James T. – 35. |
| Humason, Donald F., Jr. | |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|---------------------|------------------------------|
| Barrett, Michael J. | O'Connor Ives, Kathleen – 2. |
|---------------------|------------------------------|

The yeas and nays having been completed at eighteen minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Pacheco) and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

Engrossed Bill.

An engrossed Bill relative to the payment of pensioners for services after retirement (see House, No. 4821) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the President and again laid before the Governor on Wednesday, August 1, 2018, for his approbation.**

Bill again laid before the Governor.

Suspension of Senate Rule 38A1/2

The President in the Chair, Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until a quarter before one o'clock A.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill relative to economic development in the Commonwealth (see House, No. 4732, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 0.

Economic development.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a restriction in the town of Petersham (see House, No. 4867), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 12 to 0.

Petersham,-- land conveyance.

The bill was signed by the President and sent to the House for enactment.

Suspension of Senate Rule 38A1/2

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until five minutes before one o'clock A.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPERS FROM THE HOUSE.

The engrossed Bill releasing certain land in Northfield from the operation of an agricultural covenant (see, House, No. 4757),-- came from the House, *with an amendment* in line 2, by striking out the words "section 2 of chapter 184" and inserting in place thereof the following words: "section 22 of chapter 20".

Northfield,-- agricultural land.

The rules were suspended, on motion of Mr. Hinds, and the matter was referred to the committee on Bills in the Third Reading.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of the matter.

The report of the committee was accepted.

The motion was accepted; and the further House amendment was adopted.

Engrossed Bill — State Loan.

An engrossed Bill relative to economic development in the Commonwealth (see House No. 4732, amended) (which originated in the House), having been certified

Economic development.

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by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes before one o'clock A.M., as follows to wit (yeas 36 - nays 0) [**Yeas and Nays No. 574**]:

YEAS.

Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Friedman, Cindy F.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Tran, Dean A.
Humason, Donald F., Jr.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.	O'Connor Ives, Kathleen – 2.
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The yeas and nays having been completed at ten minutes before one o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to release a restriction in the town of Petersham (see House, No. 4867) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes before one o'clock A.M., as follows, to wit (yeas 35 - nays 0) [**Yeas and Nays No. 575**]:

Petersham,-- restriction release.

YEAS.

Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.

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Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 35.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.

O'Connor Ives, Kathleen – 2.

The yeas and nays having been completed at seven minutes before one o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

An engrossed Bill relative to an easement plan for the Milton Inline Inspection Project (see Senate, No. 2369, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes before one o'clock A.M., as follows, to wit (yeas 35 - nays 0) [**Yeas and Nays No. 576**]:

Milton Inline Inspection
Project.

YEAS.

Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 35.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.

O'Connor Ives, Kathleen – 2.

The yeas and nays having been completed at four minutes before one o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

Suspension of Senate Rule 38A1/2

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until such time that is necessary to enact House, No. 4757 with a call of the yeas and nays; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPER FROM THE HOUSE

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill releasing certain land in Northfield from the operation of an agricultural covenant (see House, No. 4757, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes past one o'clock A.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 577]:

Northfield,-- covenant release.

YEAS.

Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 35.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.

O'Connor Ives, Kathleen – 2.

The yeas and nays having been completed at eighteen minutes past one

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o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Wednesday, August 1, 2018, for his approbation.

Order Adopted.

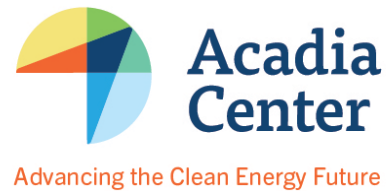
On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M.

Time of meeting.

On motion of the Mr. Eldridge, at twenty minutes past one o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

2018 Clean Energy Legislation in Massachusetts



An Act to Advance Clean Energy: Chapter 227 of the Acts of 2018

August 15, 2018

Introduction

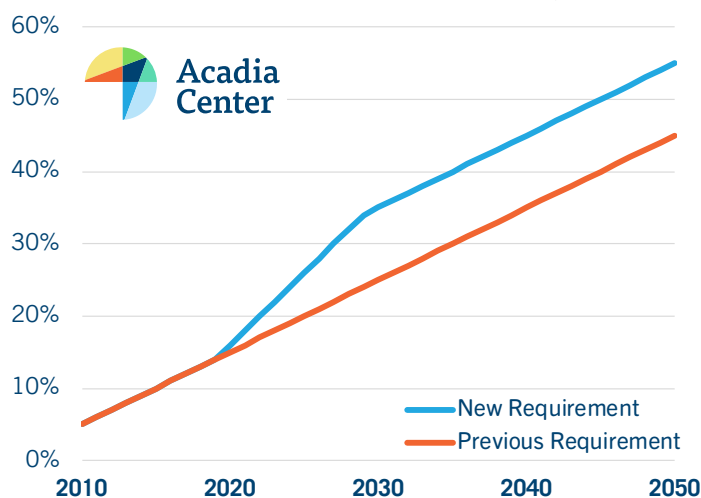
On July 31, 2018, the Massachusetts House and Senate passed [H.4857, An Act to Advance Clean Energy](#). On August 9, 2018, Governor Baker signed this bill into law, now Chapter 227 of the Acts of 2018. The legislation came out of a conference committee tasked with reconciling the Senate’s ambitious and comprehensive bill with several more narrowly tailored bills passed by the House. The final compromise legislation generally reflects the House bills, and leaves out important policies passed by the Senate, including carbon pricing, measures to ensure equitable distribution of the benefits of solar incentive programs, and optional on-peak/off-peak electricity rates. However, the compromise legislation still represents significant progress for clean energy and further action should be expected in upcoming legislative sessions.

Summary of An Act to Advance Clean Energy

Increase in Class I Renewable Portfolio Standard: Section 12

Previously, the Class I Renewable Portfolio Standard (RPS) increased by 1% per year in perpetuity. Section 12 of An Act to Advance Clean Energy raises the annual increase to 2% per year from 2020 to 2029, and then returns to 1% per year starting in 2030. As shown in Figure 1, this translates into increases from 15% to 16% in 2020, 20% to 25% in 2025, 25% to 35% in 2030, 35% to 45% in 2040; and 45% to 55% in 2050. This increase should drive a significant amount of additional new renewables in Massachusetts and across New England.

Figure 1: Comparison of New Massachusetts Class I RPS Requirement with Previous Law



Although this is a substantial increase in the amount of renewable energy required, a 35% Class I level by 2030 is lower than the 42% Class I level by 2030 Acadia Center estimates to be necessary regionally to meet long-term GHG emissions reduction requirements in [EnergyVision 2030](#). This section also includes a “grandfathering” provision which exempts retail supply contracts executed or extended by Dec. 31, 2018, from compliance with the incremental requirements of the increased Class I RPS.

Creation of Clean Peak Standard: Sections 7-11 and 13

An Act to Advance Clean Energy also creates a new portfolio standard for retail electricity suppliers. Called the Clean Peak Standard, the stated purpose from its proponents is to encourage additional clean resources during periods of peak demand or to help meet other energy system needs. This concept has been proposed in other states but never implemented. As a result, the legislative drafters had the difficult task of defining a completely new policy. First, the bill defines eligible resources as: Class I and II RPS resources, energy storage systems charged by renewables, and demand response resources. To be eligible, RPS resources must either begin operation on or after January 1, 2019, or have installed a storage system on or after January 1, 2019. Second, the statutory language for a Clean Peak Standard will require the Department of Energy Resources (DOER) to define “seasonal peak periods,” between one and four hours long, based on net demand of electricity. Third, for the defined seasonal peak periods, DOER must calculate a baseline percentage for existing clean peak resources and then set an annual requirement that must escalate by at least 0.25% per year. Section 13 also provides for (1) a minimum percentage of the requirement to be met by demand response resources and (2) competitive procurements and long-term contracting, subject to the approval of the Department of Public Utilities (DPU).

While New England must continue to clean its electricity system and enact more policies to focus on peak demand, Acadia Center has the following concerns about whether the Clean Peak Standard will provide substantial benefits:

- Class II RPS resources include “waste-to-energy” facilities that burn trash, a significant source of air pollution. It is unlikely that this policy will lead to new waste-to-energy facilities, but additional revenue could extend the life of existing plants;
- The statutory definition of “seasonal peak periods” may be suboptimal and there is not a well-defined mechanism to adjust peak periods as system needs change over time;
- The definition of “clean peak resources” requires a relationship to the “electric distribution system” so it is not clear whether transmission-level resources, such as offshore wind, can qualify.
- Small retail-level resources, including residential solar and storage, may not have the proper metering to participate in the Clean Peak Standard; and
- The impacts of a Clean Peak Standard have not been subject to any analysis to date and the interaction with other policies and wholesale markets in New England poses several uncertainties.

Acadia Center will participate constructively in any DOER proceedings to improve the implementation process and determine whether additional reforms may be necessary.

Expansion of the Scope of Energy Efficiency Programs: Sections 1-6

The first six sections of An Act to Advance Clean Energy adopt in full an energy efficiency bill passed earlier by the House. These sections expand the technologies and measures eligible for inclusion in the utilities’ 3-year efficiency plans. Going forward, the efficiency plans can include energy storage, renewable energy sources, and strategic electrification that results in cost-effective reductions in GHG emissions, even if these measures increase overall electricity consumption. The bill also renames the electric utilities’ efficiency plan as a broader “energy” efficiency plan to reflect the expanded scope of these new provisions. Although the energy efficiency plans must still be cost-effective, the legislation likely makes the cost-effectiveness standard easier to meet. It does this by broadening the definition of benefits that are counted and applying cost-effectiveness screening at the sector level, instead of the level of individual programs, as has been the practice in the past.

Reforms to Demand Charges for New Solar Customers: Sections 15-17 and 24

The 2016 Solar Energy Act authorized a new monthly minimum reliability contribution (“MMRC”) for net metering customers. The stated goal of the MMRC is to recover additional revenue from net metering customers, but this concept has no generally accepted definition. Proponents of the MMRC believe that net metering customers do not pay for an equitable share of the electric system costs, but this claim has not been established empirically. In January 2017, the DPU approved an Eversource proposal for mandatory demand charges for residential customers who install solar or other distributed generation starting December 31, 2018, under the 2016 MMRC statutory provision. Unlike traditional per-kWh rates, demand charges based on peak kW demand during a short time window are not easily understood by residential customers and do not provide clear signals to manage electricity usage. In addition, the Eversource demand charges are based on individual peak demand over the course of the month, with no link to system peaks that drive electricity costs.

Sections 15 through 17 of An Act to Advance Clean Energy provide a new set of requirements for demand charges applied as a part of an MMRC for customers with small solar installations. First, any demand charges must be based on peak hours of *system* demand, which likely requires time-based interval metering. Second, the utility must regularly inform the affected customers of how to manage and reduce demand. In addition, Section 24 requires utilities to refile any previously approved demand charges that do not meet these requirements. Section 17 provides more flexibility for the DPU and utilities by eliminating the previous requirement to establish an MMRC by December 31, 2018. This means that Eversource will need to refile a new proposal to meet these requirements, and National Grid will have to follow them as well if its MMRC proposal includes demand charges.

Distribution System Resiliency Reports and Local Clean Energy Alternatives: Section 18

Section 18 creates a new requirement for electric utilities to file annual resiliency reports for their local distribution systems with the DPU, including maps that show (i) electric load, particularly during peak time periods, (ii) the most congested and constrained areas of the distribution grid, and (iii) areas vulnerable to outages.

In addition, Section 18 authorizes but does not require competitive solicitations for local clean energy resources as “non-wires alternatives” to distribution and transmission infrastructure upgrades. This is an important innovation that can save ratepayers money while lowering GHG emissions and improving resiliency. In the future, competitive solicitations for non-wires alternatives should be required for many types of potential infrastructure upgrades, and additional process improvements may be necessary.

Accounting Improvements for Natural Gas (Methane) Leaks: Section 19

Section 19 requires the DPU to issue regulations that require gas companies to better account for “lost and unaccounted for” natural gas in the local distribution system every year, with additional provisions to encourage innovative projects to reduce leaks. Although this provision does not require additional action, better data should allow for improved management and regulatory treatment of natural gas leaks in the future. This is the third in a series of statutes passed to address natural gas leaks, which impose higher costs on consumers, constitute serious global warming emissions since methane is a powerful GHG, and cause significant harm as a local pollutant.

Energy Storage Target for 2025: Section 20

Advanced energy storage is poised to play a key role in the energy system of the future by reducing peak demand, integrating variable renewable generation, improving system reliability, and helping customers manage their own usage. Section 20 replaces the previous energy storage statutory provision from the 2016 Energy Diversity Act, which the Department of Energy Resources determined only provided for non-binding storage targets, although numerous parties disputed this conclusion. Under this previous 2016 law, DOER put into place a non-binding 200 MWh storage target for 2020. In its place, Section 20 institutes a 1,000 MWh storage target for 2025. This new target also appears to be non-binding and may not provide much additional independent authority for DOER to incentivize storage, since it references other policies and statutory sections as potential means for achieving this target.

Authorization for Additional 1,600 MW of Offshore Wind by 2035: Section 21

Section 21 requires DOER to investigate “the necessity, benefits, and costs” of an additional 1,600 MW of offshore wind solicitations and procurements, above and beyond the 1,600 MW of offshore wind procurements authorized by legislation in 2016. DOER may require these additional solicitations and procurements by Dec. 31, 2035. These additional solicitations will use the same processes as defined by Section 83C of the 2016 Energy Diversity Act. Section 21 also requires DOER to submit a report to the legislature on potential improvements to those processes by July 31, 2019. In addition, this section puts in place a new provision allowing independent transmission projects that would serve more than one offshore wind project to participate in the solicitations.

Study of Mobile Battery Storage Systems for Emergency Relief: Section 22

Section 22 requires that DOER perform, by February 1, 2020, a study of mobile battery storage systems for emergency relief during extreme weather events or other power outages. This section provides little substantive guidance to DOER, but Acadia Center recommends that the study pay particular attention to the needs of low-income and environmental justice communities, as well as coastal communities that will be disproportionately impacted by the effects of climate change.

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Clean Energy Industry Group Commends Legislature for Moving Clean Energy Forward in Massachusetts

07/31/2018

Bill will advance energy efficiency, large-scale renewables, energy storage and more.

The Northeast Clean Energy Council (NECEC) commends today's passage of *An Act to Advance Clean Energy*, which includes a number of actions that will support the clean energy industry in Massachusetts. With nearly unanimous votes in the House and Senate, NECEC calls upon Governor Charlie Baker to sign the legislation into law and looks forward to working with lawmakers to resolve issues such as net metering, not included in the bill.

"The final bill represents a continued commitment to clean energy leadership in Massachusetts," said NECEC President Peter Rothstein. "We are at a pivotal point where key policy changes are needed to ensure that markets here continue to flourish and accelerate clean energy, including solar, wind, advanced energy storage, energy efficiency, peak demand reduction and more. This legislation is a step in the right direction and we look forward to continued collaboration with lawmakers to ensure that Massachusetts remains a leader in this sector."

"We are pleased to see that this bill targets some of our top clean energy priorities: increasing the Renewable Portfolio Standard, expanding energy efficiency and spurring development of energy storage," said NECEC Executive Vice President Janet Gail Besser. "However, while it helpfully clarifies the structure for new charges for solar customers, there remains uncertainty in the Commonwealth's solar market due to caps on net metering that have been hit. Overall this legislation is a positive step forward and will spark more growth in the clean energy economy Massachusetts has built over the last decade."

The following clean energy policies were passed as part of today's *An Act to Advance Clean Energy* are:

Renewable Portfolio Standard – Raises the RPS by increasing the annual RPS growth rate to 2% until 2029 and then to 1% thereafter, increasing the requirements from 25% to 35% in 2030 and from 35% to 45% in 2040.

Solar – Addresses the unfair and inefficient mandatory residential demand charge approved in Eversource's recent rate case.

Energy Storage – Establishes a stronger 1,000 MWh deployment target for utility, third-party and customer owned systems in 2025.

Modernize the Grid – Requires utilities to file annual resiliency reports with the DPU and hold competitive solicitations for non-wires alternatives from third party developers as a solution for reducing greenhouse gas emissions, replacing aging infrastructure, benefitting stressed, congested or severe weather-prone areas of the electric grid.

Buildings – Promotes energy efficiency by enabling more technologies to qualify within the Mass Save efficiency programs.

Offshore Wind – Allows DOER, after studying the needs, benefits and costs, to conduct additional offshore wind procurements of up to 1,600 more megawatts by 2035.

About NECEC

NECEC is the premier voice of businesses building a world-class clean energy hub in the Northeast, helping clean energy companies start, scale and succeed with our unique business, innovation and policy leadership. NECEC includes the Northeast Clean Energy Council (a nonprofit business member organization), and NECEC Institute (a nonprofit focused on industry research, innovation, policy development and communications initiatives). NECEC brings together business leaders and key stakeholders to engage in influential policy discussions and business initiatives while building connections that propel the clean energy industry forward.

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Mintz, Boston / 12/03/2019

NECEC's 2019 Annual Meeting will feature speakers and discussions centered on strategic priorities for NECEC and the clean energy industry in 2020 and the coming decade...

EVENT INFO

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Contact

[Ben Hellerstein \(/staff/mae/ben-hellerstein\)](#),

For Immediate Release

Thursday, September 12, 2019

Boston – Since 2009, Massachusetts has seen a 170-fold growth in the amount of electricity it gets from the sun, according to a new report released today by Environment Massachusetts Research & Policy Center. The report also highlights advances in the use of energy storage and electric vehicles, and Massachusetts ranked 2nd among the states for improvements in electricity energy efficiency programs.

“Every day, there’s more evidence that a future fueled by renewable energy is within our reach,” said Peter Schneider, Clean Energy Campaign Organizer with Environment Massachusetts Research & Policy Center. “The progress we’ve made in the last decade on renewable energy and technologies like battery storage and electric cars should give us the confidence that we can take clean energy to the next level.”

The report, [Renewables on the Rise: A Decade of Progress Toward a Clean Energy Future](#) (<https://environmentamerica.org/feature/ame/renewables-rise>), provides a state-by-state assessment of the growth of key technologies needed to power the nation with clean renewable energy, including wind, solar, energy efficiency, energy storage and electric vehicles. Massachusetts ranked 6th among all states for growth in solar energy generation.

Offshore wind is a particularly promising opportunity for Massachusetts. While the first utility-scale offshore wind turbine in the United States was only installed in 2017, state officials in Massachusetts are moving ahead with plans to install up to 3,200 megawatts of offshore wind in the coming years.

The report comes as legislators consider a statewide commitment to 100% renewable energy. The 100% Renewable Energy Act (H.2836, S.1958), filed by Representative Marjorie Decker, Representative Sean Garballey, and Senator Jamie Eldridge, would transition Massachusetts to 100% renewable electricity by 2035, and phase out the use of fossil fuels for heating and transportation by 2045.

So far, 113 legislators have endorsed the 100% Renewable Energy Act. The Joint Committee on Telecommunications, Utilities, and Energy held a hearing on the bill in July.

“Massachusetts has seen significant progress on clean energy, serving as a national leader on this transition that we know is vital,” said State Representative Marjorie Decker. “Only today we learned that entire countries have warmed past the climate-critical 2 degrees Celsius threshold. Our legislation and our actions must recognize the urgency of climate change for current generations and the security of the future for our children. One step I’m proud to have taken was to file a bill with my colleague Rep. Sean Garballey that would call for a 100% renewable Massachusetts.”

While solar energy has grown rapidly in Massachusetts over the past decade, policy barriers — including caps on the state’s most important solar policy, net metering — are holding back the continued expansion of solar. The Department of Energy Resources recently announced a review of the SMART incentive program for solar. Advocates hope that the state will expand the program and increase incentives for certain types of projects, including large rooftop installations and solar projects serving low-income communities.

A diverse group of U.S. cities, states, corporations and institutions are committing to

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Which of these positive changes do you most want to see in your community in 2020?

- Progress toward 100% renewable energy.
- A ban on the worst single-use plastics.
- More clean transportation, including better options for transit, cycling and walking.

Vote

communities and our planet. We have demonstrated that you can have both. Clean, affordable energy is not only reducing carbon emissions but also providing more than 15,000 Bay Stater's with good jobs at good wages. It's imperative for our economy and our environment that we build on that foundation."

"The reality is inescapable: Fossil fuels pollute our air, water and land, threatening our health and changing our climate even faster than scientists predicted," said Jacob Stern, clean energy organizer with the Massachusetts Chapter of the Sierra Club. "At the Massachusetts Sierra Club, I've spent the last two years organizing at the local, municipal and state level and the overwhelming sentiment is that Massachusetts residents are ready to see the state transition to renewable energy. We need to seize the moment and lean into a future powered by clean renewable energy."

Click here to read [Renewables on the Rise](https://environmentamerica.org/feature/ame/renewables-rise) (<https://environmentamerica.org/feature/ame/renewables-rise>).

Environment Massachusetts is part of The Public Interest Network, which operates and supports organizations committed to a shared vision of a better world and a strategic approach to getting things done.

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Massachusetts Passes "Minibus" Clean Energy Bill (<https://www.lawandenvironment.com/2018/08/01/massachusetts-passes-minibus-clean-energy-bill/>)

Posted on August 1st, 2018 (<https://www.lawandenvironment.com/2018/08/01/massachusetts-passes-minibus-clean-energy-bill/>) by Carol Holahan (<https://www.lawandenvironment.com/author/cholahan/>)

On July 31, the Massachusetts Legislature passed [H.4857](https://malegislature.gov/Bills/190/H4857) (<https://malegislature.gov/Bills/190/H4857>), *An Act to Advance Clean Energy*. The bill, released late on July 30, was the result of a compromise between the Senate's broad, omnibus bill passed in early June and the House's more modest proposals, passed piecemeal in mid-July. Among other things, the bill:



- increases opportunities for energy efficiency by expanding the definition of qualifying programs;
- increases the Renewable Portfolio Standards ("RPS") from 1% to 2% annually from 2020 through 2029, bringing the overall RPS to 35% by 2030;
- establishes a Clean Peak Standard ("CPS");
- sets a storage target goal of 1,000 megawatt hours ("MWh") by 2025;
- creates a path for the solicitation of an additional 1,600 megawatts (MW) of off-shore wind;
- clarifies what information distribution companies must provide to solar net metering customers prior to imposing demand charges;
- allows distribution companies to consider and solicit for non-wire alternatives for the resiliency of their distribution systems; and
- requires the Department of Energy Resources (DOER) to study the feasibility of mobile battery storage systems.

While the bill touches upon many issues of interest for stakeholders in the energy arena, the most significant aspects of this bill are the provisions that establish a CPS, create the energy storage target program, and create a path for additional procurements under Section 83C that would double the currently authorized amount of off-shore wind procurements from 1,600 MW to 3,200 MW.

In adopting the CPS, the legislation requires that every retail electric supplier shall provide a "minimum percentage of kilowatt-hours sales to end use customers from clean peak resources." The concept is similar to the framework currently used for RPS purposes, but in addition to the "clean"

requirement, the resource must also be delivered during a defined peak period. The legislation defines a clean peak resource as “a qualified RPS resource, a qualified energy storage system or a demand response resource that generates, dispatches or discharges energy to the electric distribution system during seasonal peak periods, or alternatively, reduces load on said system.” Details related to the implementation of the CPS program are not well developed in the legislation itself; instead, the Legislature granted broad authority to DOER to promulgate rules to implement the program, including but not limited to the methodology for determining clean peak values, the process by which distribution companies procure clean peak certificates, and alternative compliance mechanisms for retail suppliers. Given the broad discretion afforded DOER in the development of these program rules, and the relatively short time-frame in which to accomplish the task, the stakeholder process around CPS will likely be robust.

In addition to the storage opportunities created by the CPS, the bill also establishes an energy storage target of 1,000 MWh by December 31, 2025. The bill again grants DOER discretion to implement a range of policies to achieve the 1,000 MWh target and to “encourage the cost-effective deployment of energy storage systems.” It also requires distribution companies to report annually, beginning in February 2019, on energy storage installations in their service territories. It is evident from the bill that the Legislature sees storage as a major player on the road to a renewable future, and this program affords storage another opportunity to fulfill that role.

With respect to the authorization to solicit an additional procurement of off-shore wind, the bill directs the DOER to investigate “the necessity, benefits, and costs” of requiring the electric distribution companies to procure an aggregate of 1,600 MW of offshore wind, “in addition to the solicitations and procurements required by section 83C...and may require said additional solicitations...by December 31, 2035.” This section of the legislation also allows DOER to impose additional requirements for these procurements, and expressly mandates that any selection of off-shore wind energy transmission “shall be the most cost-effective mechanism for procuring reliable, low-cost off-shore wind energy transmission service for ratepayers in the commonwealth.” With the regulatory proceedings related to the first 1,600 MW tranche of off-shore wind just getting underway at the Department of Public Utilities, stakeholders will likely be watching and waiting for a sign from DOER of its intent to seek additional procurements under this newly enacted law.

Overall, the bill developed by the House and Senate conferees and ultimately passed by the bodies, is far more modest than that proposed by the Senate in S.2545; the final legislation drops provisions in the Senate version that would have: eliminated the caps on net metering; established interim CO₂ emission targets; potentially expanded the Section 83D procurements; and established market-based mechanisms for CO₂ reduction across all sectors, including transportation. Even in its pared down version, the legislation ultimately adopted by the bodies still cements the Commonwealth’s reputation as a leader in energy efficiency and renewable resource development. There can be no doubt, however, that the cumulative effect of increases to the RPS, the creation of the CPS and the potential for doubling the off-shore wind procurements will affect the competitive wholesale electricity markets. The next few years will be interesting as the Commonwealth continues to implement its clean energy policies and the regional electric grid transitions toward a renewable future.

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