

## Acts (2022)

### Chapter 179

#### AN ACT DRIVING CLEAN ENERGY AND OFFSHORE WIND

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the advancement of offshore wind and clean energy in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 6C of the General Laws is hereby amended by adding the following section:-

Section 78. The department shall create an anonymized and aggregated database of motor vehicle types and locations. In so doing, the department shall consult with at least 1 member organization of the Massachusetts Association of Regional Planning Agencies and with the department of energy resources. The database shall consist of data for the most recently available 12 months, shall be updated annually, shall consist of data readily sortable by municipality and zip code and shall contain the: (i) total number of passenger fossil fuel-powered vehicle registrations; (ii) total number of passenger hybrid vehicle

registrations; (iii) total number of passenger zero-emission vehicle registrations; (iv) total number of commercial fossil fuel-powered vehicle registrations; (v) total number of commercial hybrid vehicle registrations; (vi) total number of commercial zero-emission vehicle registrations; (vii) total number of vehicle miles traveled by passenger fossil fuel-powered vehicles over a defined 12-month period; (viii) total number of vehicle miles traveled by passenger hybrid vehicles over a defined 12-month period; (ix) total number of vehicle miles traveled by passenger zero-emission vehicles over a defined 12-month period; (x) total number of vehicle miles traveled by commercial fossil fuel-powered vehicles over a defined 12-month period; (xi) total number of vehicle miles traveled by commercial hybrid vehicles over a defined 12-month period; and (xii) total number of vehicle miles traveled by commercial zero-emission vehicles over a defined 12-month period. Annually, not later than June 30, the department shall update the database for the previous calendar year. Annually, not later than September 30, the department shall compile a summary report of the data in the database and post the report on its website.

Upon request, the department shall provide the data to a member organization of the Massachusetts Association of Regional Planning Agencies or a municipality to aid in the deployment of electric vehicles and related infrastructure.

SECTION 2. Chapter 23 of the General Laws is hereby amended by adding the following section:-

Section 26. (a) As used in this section, the term “employment value” shall mean the economic value of a particular occupation to the individual and the community, including but not limited to

considerations of the entry wage, growth rate in employment, and present and projected average annual open positions for the occupation in the commonwealth.

(b) For the purpose of promoting access to academic and technical skills that prepare the workforce for high-demand occupations in the commonwealth, the executive office of labor and workforce development shall provide the department of elementary and secondary education, annually, not later than February 1, a list of occupations in high-demand industries in the commonwealth that either require an industry-recognized certification or for which such certification will materially enhance a job applicant's opportunities for employment or increased compensation. The list shall include, but not be limited to: (i) the related workforce needs and shortages in each region of the commonwealth; and (ii) recommendations on potential courses and programming in public schools that can effectively contribute to providing credentials for high-demand industries in the commonwealth. The list shall include occupations with high employment value; provided, that the top 20 per cent of occupations shall be high-demand occupations; provided, however, that no occupation shall be included on the list which has an annual salary or wage in an amount less than 70 per cent of the average annual salary or wage in the commonwealth, unless the certification for such an occupation is stackable to another industry certification and required for the next level of occupation which does meet the 70 per cent wage criterion.

(c) The executive office of labor and workforce development, in consultation with the department of elementary and secondary education, shall make the list created pursuant to subsection (b)

available to all school districts in the commonwealth and post the list publicly on the executive office of labor and workforce development's website.

SECTION 3. Section 1 of chapter 23J of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the definition of "Board" and inserting in place thereof the following 2 definitions:-

"Affiliate", any business which directly or indirectly controls or is controlled by or is under direct or indirect common control of another business including, but not limited to, any business with which a business is merged or consolidated, or which purchases all or substantially all of the assets of a business.

"Board", the board of directors of the center.

SECTION 4. Said section 1 of said chapter 23J, as so appearing, is hereby further amended by inserting after the definition of "Center" the following definition:-

"Certified offshore wind company", an offshore wind company that has been certified by the center for participation in the Massachusetts offshore wind industry investment program and the offshore wind tax incentive program established in section 8A.

SECTION 5. Said section 1 of said chapter 23J, as amended by section 4 of this act, is hereby further amended by striking out the definition of "Certified offshore wind company" and inserting in place thereof the following definition:-

“Certified offshore wind company”, an offshore wind company that has been certified by the center for participation in the Massachusetts offshore wind industry investment program.

SECTION 6. Said section 1 of said chapter 23J, as so appearing, is hereby further amended by inserting after the definition of “Fund” the following 2 definitions:-

“Offshore wind company”, a business corporation, partnership, firm, unincorporated association or other entity engaged in offshore wind development, manufacturing or commercialization in the commonwealth and any affiliate thereof, which is, or the members of which are, subject to taxation under chapter 62, 63, 64H or 64I.

“Offshore wind organization”, a non-profit institution, adult and community learning service provider, labor organization, regional employment board, public or private higher education institution, vocational-technical education institution, designated port management agency or entity or other entity engaged in offshore wind development that is not an offshore wind company.

SECTION 7. Section 1 of chapter 23J of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the definitions of “Clean energy” and “Clean energy research” and inserting in place thereof the following 2 definitions:-

“Clean energy”, advanced and applied technologies that significantly reduce or eliminate the use of energy from non-renewable sources including, but not limited to: (i) energy efficiency; (ii) demand response; (iii) energy conservation; or (iv) technologies powered, in whole or in part, by the sun, wind, water, geothermal energy, including networked geothermal and deep geothermal energy,

hydrogen produced by non-fossil fuel sources and methods, alcohol, fuel cells, fusion energy or any other renewable, non-depletable or recyclable fuel; provided, however, that “clean energy” shall include an alternative energy generating source as defined in clauses (i) to (vi), inclusive, of subsection (a) of section 11F½ of chapter 25A.

“Clean energy research”, advanced and applied research in new clean energy technologies including: (i) solar photovoltaic; (ii) solar thermal; (iii) wind power; (iv) geothermal energy, including networked geothermal and deep geothermal energy; (v) wave and tidal energy; (vi) advanced hydropower; (vii) energy transmission and distribution; (viii) energy storage; (ix) renewable biofuels, including ethanol, biodiesel and advanced biofuels; (x) renewable, biodegradable chemicals; (xi) advanced thermal-to-energy conversion; (xii) fusion energy; (xiii) hydrogen produced by non-fossil fuel sources and methods; (xiv) carbon capture and sequestration; (xv) energy monitoring; (xvi) green building materials; (xvii) energy efficiency; (xviii) energy-efficient lighting; (xix) gasification and conversion of gas to liquid fuels; (xx) industrial energy efficiency; (xxi) demand-side management; and (xxii) fuel cells; provided, however, that "clean energy research" shall not include advanced and applied research in coal, oil, natural gas or nuclear power other than fusion energy.

SECTION 8. Section 2 of said chapter 23J, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The center shall be governed and its corporate powers exercised by a board of directors consisting of 15 directors: 1 of whom shall be the secretary of energy and environmental affairs or their designee, who shall serve as a chair; 1 of whom shall be the secretary of housing and economic development or their designee; 1 of whom shall be the secretary of administration and finance or their designee; 1 of whom shall be the secretary of labor and workforce development or their designee; 1 of whom shall be the president of the University of Massachusetts or their designee; 1 of whom shall be the executive director of the Massachusetts Workforce Alliance, Inc.; 1 of whom shall be the commissioner of energy resources or their designee; and 8 of whom shall be appointed by the governor, 1 of whom shall be a venture capitalist or a chief executive officer of a Massachusetts-based clean energy corporation with expertise in clean energy technologies in the commonwealth, 1 of whom shall be the president of a Massachusetts community college or their designee, 2 of whom shall be the presidents of a Massachusetts private college or university or their designee, 1 of whom shall be a union representative selected from a list of 3 nominees submitted by the speaker of the house of representatives, 1 of whom shall be the president of a Massachusetts state university or college selected from a list of 3 nominees submitted by the speaker of the house of representatives, 1 of whom shall have knowledge of electricity distribution, generation, supply or power or energy economics selected from a list of 3 nominees submitted by the president of the senate, and 1 of whom shall be selected from a list of 3 nominees submitted by the president of the senate. Each of the 8 directors appointed by the governor, shall serve for a term of 5 years. A director shall be eligible for reappointment. A director may be

removed from their appointment by the governor for cause. A person appointed to fill a vacancy in the office of an appointed director of the board shall be appointed in a like manner and shall serve for only the unexpired term of the director.

SECTION 9. Said section 2 of said chapter 23J, as so appearing, is hereby further amended by striking out, in line 66, the word “Six” and inserting in place thereof the following word:- Eight.

SECTION 10. Subsection (a) of section 3 of said chapter 23J, as so appearing, is hereby amended by adding the following clause:-

(32) to serve as a focal point, and provide state-wide coordination, for offshore wind initiatives; provided, that said responsibilities shall include, but shall not be limited to: (i) working with public and private higher education institutions in the commonwealth to coordinate and strengthen offshore wind research activities in the commonwealth; (ii) strengthening collaborative research and development between higher education institutions and companies located within the commonwealth; (iii) addressing critical barriers facing offshore wind companies in the commonwealth; (iv) assessing and reporting on infrastructure requirements that support the growing offshore wind industry in the commonwealth; (v) supporting the growth of an offshore wind supply chain in the commonwealth; (vi) supporting and developing offshore wind training initiatives; and (vii) supporting and growing offshore wind innovation and entrepreneurship in the commonwealth.

SECTION 11. Section 8 of said chapter 23J, as so appearing, is hereby amended by inserting after the figure “15A,”, in line 4, the following words:- “municipally-owned institutions of higher education



and”.

SECTION 12. Said section 8 of said chapter 23J, as so appearing, is hereby further amended by inserting after the word “section”, in line 20, the following words:- , public elementary and secondary schools.

SECTION 13. Said section 8 of said chapter 23J, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The grants shall include matching grants to such public institutions of higher education, municipally-owned institutions of higher education, public elementary and secondary schools and such vocational technical schools for the development of small-scale renewable clean energy generating sources, energy storage technologies, energy efficiency innovations and energy transmission and distribution innovations including, but not limited to: (i) photovoltaic installations; (ii) wind energy; (iii) ocean thermal, wave or tidal energy; (iv) fuel cells; (v) hydrogen produced by non-fossil fuel sources and methods; (vi) landfill gas; (vii) natural flowing water and hydroelectric; (viii) low-emission advanced biomass power conversion technologies using biomass fuels including, but not limited to, agricultural or food wastes; (ix) renewable biogas, biodiesel or organic refuse-derived fuel; (x) geothermal energy, including networked geothermal and deep geothermal energy; and (xi) fusion energy; provided, however, that the matching grants shall not be awarded for such development if it includes as sources coal, oil or natural gas resources other than the sources enumerated here or nuclear power other than fusion energy.

SECTION 14. Said chapter 23J is hereby further amended by inserting after section 8 the following section:-

Section 8A. (a) There shall be established and placed within the center a Massachusetts offshore wind industry investment program that shall be administered by the center, in consultation with the department of revenue. The purpose of the program shall be to develop and expand offshore wind industry-related employment opportunities in the commonwealth and to promote renewable energy-related economic development in the commonwealth by supporting and stimulating manufacturing and related supply chain capacity in the offshore wind industry. Certified offshore wind companies shall be eligible for participation in the program, which shall consist of the offshore wind tax incentive program established in subsection (d) and access to expenditures pursuant to the Massachusetts Offshore Wind Industry Investment Trust Fund established in section 9A.

(b) The center may, upon a majority vote of the board, certify an offshore wind company as a certified offshore wind company upon: (i) the timely receipt, as determined by the center, of a certification proposal supported by independently verifiable information, signed under the pains and penalties of perjury by a person expressly authorized to contract on behalf of the offshore wind company and shall include, but not be limited to, an estimate of the projected new state revenue the offshore wind company expects to generate during the period for which the company seeks certification, together with a plan that shall include, but not be limited to: (1) precise goals and objectives, by which the offshore wind company proposes to achieve the projected new state revenue; (2) an estimate of the number of permanent full-time employees to be hired or retained; (3) an estimate of the year in which the company expects to hire or retain the employees; (4) an estimate of the projected average salaries of said

employees; (5) an estimate of the projected taxable income pursuant to chapter 62 generated by said employees; (6) an estimate of the methods by which the company shall obtain new employees and pursue a diverse workforce; and (7) if applicable, an estimate of the company's planned capital investment in the commonwealth; and (ii) findings made by the center, based on the certification proposal, documents submitted therewith and any additional investigation by the center that shall be incorporated in its approval, that: (1) the offshore wind company is likely to contribute substantially to the manufacture, fabrication and assembly within the commonwealth of domestic supply chain components of the offshore wind industry; (2) the offshore wind company has a substantial likelihood of meeting all statutory requirements and any other criteria that the center, in consultation with the department of revenue, may prescribe including, but not limited to, criteria in the following areas: (A) leveraging additional funding or attracting additional resources to the commonwealth; (B) increasing the manufacture, fabrication and assembly within the commonwealth of domestic supply chain components of the offshore wind industry; and (C) creating employment in the commonwealth; and (3) the offshore wind company has a substantial likelihood of meeting its state revenue, employment growth and applicable capital investment projections, as specified in the certification proposal, over the period for which it receives benefits.

(c)(1) Certification granted pursuant to subsection (b) shall be valid for 5 years starting with the tax year in which certification is granted. Each certified offshore wind company shall file an annual report with the center and the department of revenue certifying

whether it has met the specific targets established in the proposal pursuant to clause (i) of subsection (b) and, if not, detailing its progress towards those targets.

(2) The certification of an offshore wind company may be revoked by the center after an investigation by the center, in consultation with the department of revenue, and a determination that the certified offshore wind company is in material noncompliance with its certification proposal; provided, however, that the center shall review said certified offshore wind company at least annually. Revocation shall take effect on the first day of the tax year in which the center determines the certified offshore wind company to be in material noncompliance. The commissioner of revenue shall, as of the effective date of the revocation, disallow any credits, exemptions or other tax benefits allowed by the original certification of tax benefits under this section. The department of revenue shall issue regulations to establish a process to recapture the value of any credits, exemptions or other tax benefits allowed by the certification under this section. For the purposes of this paragraph, “material noncompliance” shall mean the failure of a certified offshore wind company to substantially achieve the new state revenue, job growth and capital investment projections set forth in its certification proposal or any other act, omission or misrepresentation by the certified offshore wind company that frustrates the public purpose of the Massachusetts offshore wind industry investment program.

(3) Nothing in this subsection shall limit any legal remedies available to the commonwealth against any certified offshore wind company.

(d) There shall be established an offshore wind tax incentive program. The center, in consultation with the department of revenue, may annually authorize incentives, including those established in subsections (aa) and (bb) of section 6 of chapter 62 and sections 38KK and 38LL of chapter 63, that shall not exceed \$35,000,000 annually. The center, in consultation with the department of revenue, may limit the incentives to a specific dollar amount or time duration or in any other manner deemed appropriate by the department of revenue; provided, however, that the department of revenue shall only allocate the incentives among certified offshore wind companies.

The center, in consultation with the department of revenue, shall provide an estimate to the secretary of administration and finance of the tax cost of extending benefits to a proposed project before certification, as approved by the commissioner of revenue, based on reasonable projections of project activities and costs. Tax incentives shall not be available to a certified offshore wind company unless expressly granted by the secretary of administration and finance in writing.

SECTION 15. Said section 8A of said chapter 23J, as inserted by section 14 of this act, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

Section 8A. (a) There shall be established and placed within the center a Massachusetts offshore wind industry investment program that shall be administered by the center, in consultation with the department of revenue. The purpose of the program shall be to develop and expand offshore wind industry-related employment opportunities in the commonwealth and to promote renewable energy-related

economic development in the commonwealth by supporting and stimulating manufacturing and related supply chain capacity in the offshore wind industry. Certified offshore wind companies shall be eligible for participation in the program, which shall consist of access to expenditures pursuant to the Massachusetts Offshore Wind Industry Investment Trust Fund established in section 9A.

SECTION 16. Said section 9 of said chapter 23J, as so appearing, is hereby further amended by inserting after the word “projects” , in line 118, the following words:- including networked geothermal and deep geothermal energy.

SECTION 17. Section 9 of said chapter 23J, as so appearing, is hereby amended by striking out, in line 55 the words “and (vi)” and inserting in place thereof following words:- “(vi) the achievement of the greenhouse gas reduction limits and sublimits established in chapter 21N; (vii) the facilitation of clean energy supply chain opportunities; and (viii).

SECTION 18. Said chapter 23J is hereby further amended by striking out section 9A, inserted by section 13 of chapter 102 of the acts of 2021, and inserting in place thereof the following section:-

Section 9A. (a) There shall be established and placed within the center a trust fund to be known as the Massachusetts Offshore Wind Industry Investment Trust Fund to be held by the center separate and apart from its other funds. The trust fund shall be credited with: (i) any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto; (ii) funds from public and private sources and other gifts, grants and donations; and (iii) any income derived from the investment of

amounts credited to the trust fund. All amounts credited to the trust fund shall be held in trust and used solely for activities and expenditures consistent with the public purpose of the trust fund pursuant to subsection (b), and the ordinary and necessary expenses of administration and operation associated with the trust fund. All available monies in the trust fund that are unexpended at the end of each fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

(b) To advance the following public purposes for the offshore wind industry in the commonwealth, the center shall make expenditures from the trust fund to:

(1) promote the manufacture, fabrication and assembly within the commonwealth of domestic supply chain components of the offshore wind industry and new or existing advanced technologies and offshore wind research;

(2) advance clean energy research, technology and innovation by assisting commonwealth-based investors, entrepreneurs and institutions, inclusive of federally recognized and state acknowledged tribes within the commonwealth, involved in the offshore wind energy industry;

(3) convene and manage multi-institutional research teams, including a state-wide research partnership tasked with coordinating between member institutions, the center, federal partners, partners from other states and international partners;

(4) stimulate increased financing for the siting and expansion of permanent offshore wind manufacturing facilities in the commonwealth by providing financing for the construction or

expansion of new or substantially renovated facilities;

(5) provide funding for planning, technical and program support to assist a certified offshore wind company with interconnection studies or plans;

(6) support the revitalization and development of ports in the commonwealth to support the offshore wind industry;

(7) prepare individuals for offshore wind careers by supporting workforce training provided at: (i) state and municipal public higher education institutions, private higher education institutions and vocational-technical education institutions, including basic safety training and basic technical training programs; provided, that the center shall prioritize awards to education institutions seeking accreditation in internationally recognized training standards, including, but not limited to, standards developed by the Global Wind Organisation; (ii) state and municipal public higher education institutions, private higher education institutions and vocational-technical education institutions for the development, expansion and promotion of offshore wind professional certificate programs and courses tailored to careers in the offshore wind industry; (iii) state and municipal public higher education institutions, private higher education institutions and vocational-technical education institutions for the sponsorship of award, scholarship and paid internship programs to support the education and training of individuals seeking careers in the offshore wind industry; provided, that the center shall prioritize the promotion of careers in the skilled trades, water transportation, operations and maintenance and other occupations that the center may identify as high priority; and (iv) regional employment



boards, to develop regional strategies to support the development of the offshore wind industry, which strategies may be published as addenda to their workforce development blueprints; provided, that recipients of funds under this clause shall demonstrate a commitment to workforce training for members of socially or economically disadvantaged communities;

(8) secure future federal funding to support the offshore wind industry;

(9) support the development and coordination of secondary, vocational-technical and higher education programs related to the offshore wind industry;

(10) support site remediation, preparation and ancillary infrastructure improvement projects related to the manufacture, fabrication, and assembly within the commonwealth of domestic supply chain components of the offshore wind industry;

(11) provide funding for planning, technical and program support to enable a municipality or group of municipalities with an approved municipal load aggregation plan authorized pursuant to section 134 of chapter 164, or with approved aggregations authorized pursuant to section 137 of said chapter 164 and other private aggregations with plans approved by the center, to enter into a long-term contract to purchase electricity from an offshore wind developer; and

(12) otherwise further the public purposes set forth in this section.

(c) In furtherance of the public purposes set forth in subsection (b), the center may expend monies from the trust fund to: (i) make grants, contracts, loans, equity investments, energy production credits,

bill credits or rebates available to customers; (ii) provide financial or debt service obligation assistance; or (iii) take any other action, in such forms, under such terms and conditions and under such selection procedures as the center deems appropriate and otherwise in a manner consistent with good business practices; provided, that the center shall conduct, when practicable, competitive procurements; provided further, that the center shall endeavor to leverage the full range of resources, expertise and participation of other state and federal agencies and instrumentalities in the design and implementation of programs conducted pursuant to this section; and provided further, that the board shall determine and incorporate into the minutes of its proceedings a finding that any such action is calculated to advance the public purpose and public interests set forth in this section.

(d) The center shall make no expenditure from the trust fund unless: (i) the expenditure has been approved by a majority vote of the board; (ii) the recipient is an offshore wind company or offshore wind organization; provided, that an offshore wind company that has not been certified pursuant to section 8A shall not receive an award in an amount greater than \$5,000,000; (iii) the center finds, to the extent possible, that a definite benefit to the commonwealth's economy may reasonably be expected from said expenditure; and (iv) the expenditure conforms with any rules the board may adopt to administer the trust fund. In evaluating a request or application for funding, the center shall consider the following: (i) the appropriateness of the project; (ii) whether the project has significant potential to expand employment; (iii) the project's potential to enhance technological advancements; (iv) the project's potential for leveraging

additional funding or attracting resources to the commonwealth; and (v) the project's potential to promote manufacturing in the commonwealth.

(e) Subject to the approval of the board and not inconsistent with any strategic or annual operational plans, investment activity of monies from the trust fund by the center may include: (i) an equity fund to provide risk capital to offshore wind companies, offshore wind organizations and projects; (ii) a debt fund to provide loans to offshore wind companies, offshore wind organizations, projects, intermediaries and end-users; and (iii) a market growth assistance fund to be used to attract private capital to the equity and debt funds. To implement these investment activities, the center may retain, through a bid process, public or private sector investment fund managers, who shall have prior knowledge and experience in fund management and possess related skills in offshore wind, renewable energy or related development, to direct the investment activity described in this section and to seek other fund co-sponsors to contribute public and private capital from the commonwealth and other states; provided, however, that such capital shall be appropriately segregated. Subject to the approval of the board, the managers may retain necessary services and consultants to carry out the purposes of the trust fund. The managers shall develop a business plan to guide investment decisions, which shall be approved by the board before any expenditure from the trust fund and which shall be consistent with the plan for the trust fund as adopted by the board.

(f) The center shall not make expenditures from or commit the assets of the trust fund if the amount of the trust fund is less than the minimum requirement established by the board.

SECTION 19. Said chapter 23J is hereby further amended by striking out section 13, inserted by section 14 of chapter 8 of the acts of 2021, and inserting in place thereof the following section:-

Section 13. (a) There shall be within the center a clean energy equity workforce and market development program to provide workforce training, educational and professional development, job placement, startup opportunities and grants to: (i) certified minority-owned and women-owned small business enterprises; (ii) other businesses or communities underrepresented in the clean energy workforce or clean energy industry; (iii) individuals residing within an environmental justice or low-income community; (iv) current and former workers from the fossil fuel industry; and (v) federally recognized and state acknowledged tribes within the commonwealth. The program shall promote participation, inclusive of federally recognized and state acknowledged tribes in the commonwealth, in the commonwealth's energy efficiency, clean energy and clean heating and cooling industries and promote access to employment opportunities in clean energy, clean transportation, electrification, and energy efficiency. The program shall: (i) identify the employment potential of the energy efficiency and clean energy industries and the skills and training needed for workers in those fields; (ii) support clean energy community-based programs and maximize energy efficiency and clean energy employment opportunities for members of federally recognized and state acknowledged tribes in the commonwealth, certified minority-owned and women-owned small business enterprises, other businesses or communities underrepresented in the clean energy workforce or clean energy industry and individuals residing within an environmental justice or low-income community;

(iii) provide grants and support to expand employment in the clean energy, clean transportation, building electrification and energy efficiency sectors, including employment with organizations promoting climate resilience in those communities with a focus on mitigating the impacts of extreme heat and other climate-driven disasters, to federally recognized and state acknowledged tribes in the commonwealth, certified minority-owned and women-owned small business enterprises, other businesses or communities underrepresented in the clean energy workforce or clean energy industry and community-based organizations and organizations serving environmental justice and low-income communities; (iv) identify barriers to the creation of clean energy employment opportunities for federally recognized and state acknowledged tribes in the commonwealth and certified minority-owned and women-owned small business enterprises; (v) document shortcomings, including relevant statistical benchmarks and indicators, in past and current efforts to diversify workforces employed on projects and in positions in the various clean energy sectors; (vi) identify near-term employment opportunity and workforce diversification goals consistent with the state's clean energy and climate change requirements; (vii) focus on developing skills, training and employment opportunities for minority-owned businesses; (viii) make recommendations to the general court for policies to promote employment growth, workforce diversity and access to jobs in the clean energy industry; and (ix) identify opportunities for collaboration and mentorship between grant recipients and vocational schools receiving grants.

(b) There shall be a program coordinator to administer the program established in subsection (a). In addition to administering the program set forth in subsection (a), the program coordinator shall prepare guidance on best practices to promote diversity, equity and inclusion opportunities in the clean energy industry. Offshore wind developers, as defined in section 83B of chapter 169 of the acts of 2008, as amended, may consult the program coordinator in the development of diversity, equity and inclusion opportunity provisions within their proposals pursuant to clause (v) of paragraph (1) of subsection (e) of section 83C of said chapter 169, and the program coordinator shall provide feedback and recommendations. The program coordinator shall produce an annual report detailing: (i) the activities of the clean energy equity workforce and market development program; (ii) the progress on workforce diversity plans and supplier diversity program plans submitted by offshore wind developers pursuant to said subclause (K) of clause (v) of paragraph (1) of subsection (e) of said section 83C of said chapter 169; and (iii) plans for continued programming by the center to achieve the commonwealth's diversity, equity and inclusion goals.

(c) The department of public utilities shall annually direct the electric and gas distribution companies and municipal aggregators with certified energy plans to jointly transfer funds collected pursuant to section 19 of chapter 25 to the center for the purposes of implementing the clean energy equity workforce and market development program; provided, that the electric and gas distribution companies and municipal aggregators with certified energy plans shall transfer not less than \$12,000,000 no later than December 31 each

year. Such transfer shall not reduce the amount expended on low-income programs pursuant to subsection (c) of said section 19 of said chapter 25.

SECTION 20. Section 14 of said chapter 23J, inserted by section 11 of chapter 24 of the acts of 2021, is hereby repealed.

SECTION 21. Said chapter 23J is hereby further amended by adding the following section:-

Section 15. (a) There shall be established and placed within the center a separate fund to be known as the Clean Energy Investment Fund to be administered by the center. The fund shall be credited with: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) interest earned on such revenue; and (iii) funds from public and private sources and other gifts, grants and donations to support the clean energy industry. All amounts credited to the fund shall be used solely for activities and expenditures consistent with the public purposes of the fund as set forth in subsection (b), including the ordinary and necessary expenses of administration and operation associated with the fund. Amounts credited to the fund shall not be subject to further appropriation, and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) The center may make expenditures from the fund solely for the purposes of:

(i) advancing clean energy research and technology by assisting commonwealth-based investors, entrepreneurs and institutions, inclusive of federally recognized and state acknowledged tribes within the commonwealth, involved in the clean energy industry;

(ii) deploying clean energy technologies to advance compliance with the statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N;

(iii) providing clean energy industry-related workforce development and technical training programs for public higher education and vocational-technical education institutions;

(iv) developing a regional strategy, inclusive of federally recognized and state acknowledged tribes within the commonwealth, for regional employment boards to support the development of the clean energy industry; provided, however, that the regional employment boards shall publish their findings as an addendum to their workforce development blueprints;

(v) supporting infrastructure including, but not limited to, port and canal infrastructure development related to supporting the clean energy industry in the commonwealth, including on tribal lands;

(vi) matching funds to secure future federal funding to support the clean energy industry and clean energy research in the commonwealth, including on tribal lands;

(vii) supporting research and development in the clean energy industry including, but not limited to, the interrelationship between clean energy infrastructure and existing natural habitats, ecosystems and dependent species;

(viii) supporting improved outcomes from the development of clean energy resources;

(ix) supporting the long-term coexistence and sustainability of the fishing and clean energy industries; and



(x) providing for the necessary and reasonable administrative and personnel costs of the center or of the executive office of energy and environmental affairs related to administering the fund.

(c) In furtherance of the public purposes set forth in subsection (b), the center may expend monies from the fund to: (i) make grants, contracts, loans, equity investments, energy production credits, bill credits or rebates available to customers; (ii) provide financial or debt service obligation assistance; or (iii) take any other action, in such forms, under such terms and conditions and under such selection procedures as the center deems appropriate and otherwise in a manner consistent with good business practices; provided, that the center shall conduct, when practicable, competitive procurements; provided further, that the center shall endeavor to leverage the full range of resources, expertise and participation of other state and federal agencies and instrumentalities in the design and implementation of programs conducted pursuant to this section; and provided further, that the board shall determine and incorporate into the minutes of its proceedings a finding that any such action is calculated to advance the public purpose and public interests set forth in this section. Qualified investment transactions undertaken by the center pursuant to this section shall not be subject to chapter 175 and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the center or any subdivision of the commonwealth and shall be payable solely from the Clean Energy Investment Fund. The fund's activity shall be included in the annual report required by the second paragraph of section 5.

SECTION 22. Section 1 of chapter 23M of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the definition of “Commercial energy improvements” and inserting in place thereof the following definition:-

“Commercial energy improvements”, any new construction, renovation or retrofitting of a qualifying commercial or industrial property to reduce energy consumption or installation of renewable energy systems to serve qualifying commercial or industrial property; provided, however, that such new construction, renovation, retrofit or installation is permanently fixed to such qualifying commercial or industrial property.

SECTION 23. Section 21 of chapter 25 of the General Laws is hereby amended by striking out, in lines 9 and 91, as so appearing, the words “April 30” and inserting in place thereof, in each instance, the following words:- March 31.

SECTION 24. Said section 21 of said chapter 25 is hereby further amended by inserting after the word “technologies”, in line 58, as so appearing, the following words:- including, but not limited to, programs that combine efficiency and electrification with renewable generation and storage.

SECTION 25. Said section 21 of said chapter 25 is hereby further amended by striking out the word “and”, inserted by section 24 of chapter 8 of the acts of 2021, the last time it appears.

SECTION 26. The first sentence of paragraph (2) of subsection (b) of said section 21 of said chapter 25, as most recently amended by said section 24 of said chapter 8, is hereby further amended by adding the following 4 clauses:- ; (xi) no spending on incentives, programs or

support for systems, equipment, workforce development or training as they relate to new fossil fuel equipment unless such spending is for low-income households, emergency facilities, hospitals, a backup thermal energy source for a heat pump, or hard to electrify uses, such as industrial processes; (xii) consideration of historic and present program participation by low and moderate-income households, including households that rent; (xiii) strategies and investments that the programs will undertake to achieve equitable access and reduce or eliminate any disparities in program uptake; and (xiv) a method for capturing the following data to assess the plan's services to low-income ratepayers: (A) the total number of ratepayers per municipality served; (B) the total energy efficiency surcharge dollars paid by ratepayers as part of their utility bills per municipality served; and (C) the total incentives provided by the program administrators by municipality served, delineated by utility and sector, including residential, residential low-income, commercial and industrial.

SECTION 27. Said section 21 of said chapter 25 is hereby further amended by inserting after the word "bodies," in line 75, as appearing in the 2020 Official Edition, the following words:- maximizing net climate, environmental and equity impacts.

SECTION 28. Said section 21 of said chapter 25 is hereby further amended by striking out, in line 121, as so appearing, the figure "90" and inserting in place thereof the following figure:- 120.

SECTION 29. Said section 21 of said chapter 25 is hereby further amended by inserting after the word "section", in line 124, the following words:- and considered climate, environmental and equity benefits,

SECTION 30. Said section 21 of said chapter 25, as most recently amended by section 28 of chapter 8 of the acts of 2021, is hereby further amended by adding the following subsection:-

(f) The need for a program administrator to prepare for meetings with the council during the department's 120-day review period after submission of a plan shall not constitute good cause in a motion for an extension of time to respond to discovery or in a motion for an extension of time to respond to a record request.

SECTION 31. Section 22 of said chapter 25 is hereby amended by striking out subsection (d), as amended by sections 29 and 30 of said chapter 8, and inserting in place thereof the following subsection:-

(d) The electric and natural gas distribution companies and municipal aggregators shall provide quarterly reports to the council on the implementation of their respective plans. The reports shall include: (i) a description of the program administrator's progress in implementing the plan; (ii) a summary of the savings secured to date; (iii) a quantification of the degree to which the activities undertaken pursuant to each plan contribute to meeting all greenhouse gas emission limits and sublimits imposed by law or regulation; and (iv) such other information as the council shall determine. Annually, as part of a quarterly report, the electric and natural gas distribution companies and municipal aggregators, in order to assess the plan's services to low-income ratepayers, shall provide, consistent with the method approved by the department: (i) the total number of ratepayers per municipality served; (ii) the total energy efficiency surcharge dollars paid by ratepayers as part of their utility bills per municipality served; and (iii) the total incentives provided by the program

administrators by municipality served, delineated by utility and sector, including residential, residential low-income, commercial and industrial. The council shall provide an annual report to the department and the joint committee on telecommunications, utilities and energy on the implementation of the plan. The annual report shall include descriptions of the programs, expenditures, cost-effectiveness and savings and other benefits during the previous year and a quantification of the degree to which the activities undertaken pursuant to each plan contribute to meeting all greenhouse gas emission limits and sublimits imposed by law or regulation. The quarterly and annual reports shall be made available to the public.

SECTION 32. Clause 13 of section 6 of chapter 25A of the General Laws, as appearing in section 31 of said chapter 8, is hereby amended by striking out the words “exceed the costs of such improvements” and inserting in place thereof the following words:- exceed required energy code requirements at the time of project permitting or the project meets another nationally-recognized building standard for energy performance as deemed appropriate by the department of energy resources in coordination with the Massachusetts Development Finance Agency.

SECTION 33. Section 11F of chapter 25A of the General Laws is hereby amended by striking out, in line 40, 81 and 82 and 114, as appearing in the 2020 Official Edition, the word “biomass”.

SECTION 34. Said section 11F of said chapter 25A is hereby further amended by striking out, in lines 41, 82 and 115, as so appearing, the word “wood, by-products” and inserting in place thereof, in each instance, the following word:- by-products.

SECTION 35. Subsection (b) of said section 11F of said chapter 25A, as so appearing, is hereby amended by striking out the second sentence.

SECTION 36. Said section 11F of said chapter 25A is hereby further amended by inserting after the word “gas”, in line 145, as so appearing, the following words:- , woody biomass.

SECTION 37. Section 14 of said chapter 25A, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A state agency, building authority, local governmental body or the judiciary may contract for energy conservation projects that have a total project cost of \$300,000 or less, directly and without further solicitation, with electric and gas utilities, their subcontractors and other providers of such energy conservation projects authorized under sections 19 and 21 of chapter 25 and section 11G. For the purposes of this section, “energy conservation projects” shall mean projects to promote energy conservation including, but not limited to: (i) energy conserving modification to windows and doors; (ii) caulking and weatherstripping; (iii) insulation; (iv) automatic energy control systems; (v) hot water systems; (vi) equipment required to operate variable steam, hydraulic and ventilating systems; (vii) plant and distribution system modifications; (viii) devices for modifying fuel openings; (ix) electrical or mechanical furnace ignition systems; (x) utility plant system conversions; (xi) replacement or modification of lighting fixtures; (xii) energy recovery systems; (xiii) on-site electrical

generation equipment using new renewable energy generating sources as defined in section 11F; (xiv) decarbonization activities; and (xv) cogeneration systems.

SECTION 38. Section 16 of said chapter 25A, as so appearing, is hereby amended by inserting after the word “section”, in line 1, the following words:- and section 19,

SECTION 39. Subsection (a) of said section 16 of said chapter 25A, as so appearing, is hereby amended by adding the following 2 definitions:-

“Qualifying zero-emission vehicle”, a new or used motor vehicle: (i) that is a zero-emission vehicle; (ii) that has been manufactured primarily for use on public streets, roads and highways; (iii) that is registered within the commonwealth; (iv) whose purchaser’s or lessee’s primary residence or business location is within the commonwealth; and (v) whose purchaser or lessee files proof of primary residency and each qualifying vehicle’s registration within the commonwealth not later than 90 days after purchase.

“Zero-emission vehicle”, a motor vehicle that produces no engine exhaust carbon emissions.

SECTION 40. Section 17 of said chapter 25A, as so appearing, is hereby amended by adding the following subsection:-

(e) Anaerobic digestion biogas-to-energy and landfill gas-to-energy facilities, referred to in this subsection as “anaerobic digestion facilities”,) that are in located in the commonwealth and are both operational and qualified as Class I renewable energy generating sources under section 11F prior to November 7, 2018shall be eligible

to participate in the Clean Peak Standard incentive program via a 1-time procurement for Class I renewable energy certificates which are generated by existing anaerobic digestion facilities. The department shall determine eligibility criteria for existing anaerobic digestion facilities to participate in the 1-time procurement, with the total megawatt-hours being procured equal to the combined capacity of all eligible facilities for up to a 10-year term beginning January 1, 2023. The megawatt-hour quantities shall be bid on a unit contingent basis. The 1-time procurement shall include a floor price sufficient to stimulate the development of anaerobic digestion facilities.

SECTION 41. Said chapter 25A is hereby further amended by adding the following 2 sections:-

Section 19. (a) There shall be an Electric Vehicle Adoption Incentive Trust Fund to be expended, without further appropriation, by the department of energy resources for funding electric vehicle incentive programs consistent with this section. The fund shall be credited with: (i) money from public and private sources, including gifts, grants and donations; (ii) interest earned on such money; (iii) any other money authorized by the general court and specifically designated to be credited to the fund; and (iv) any funds provided from other sources. No expenditure from the fund shall cause the fund to be deficient at the close of a fiscal year. Revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the following fiscal year.



(b)(1) The department shall establish a program of rebates and other financial incentives to parties, including federally recognized and state acknowledged tribes in the commonwealth, that purchase or lease a new or used qualifying zero-emission vehicle in the commonwealth. The program shall apply to individual and corporate fleet purchases and leases of passenger cars and light duty, medium duty and heavy duty trucks, buses and vans; provided, however, that no rebate or other financial incentive shall be made available under this section for a used zero-emission vehicle that was bought new or used within the previous 24 months, a zero-emission vehicle that is a passenger car or light duty truck with a sales price that exceeds \$55,000 or for a zero-emission vehicle that is leased for a period of less than 36 months. The department shall set a maximum sales price for medium duty or heavy duty trucks, buses and vans.

(2) The program may include a point-of-sale rebate model for individual purchases that offers consumers savings at the point of purchase or lease.

(3) The department shall offer a program to provide low-income individuals with a \$1,500 rebate which shall be in addition to the rebate provided for in subsection (c); provided, however, that the department shall establish income guidelines and other requirements for said low-income program.

(c) The department shall provide a rebate of not less than \$3,500 and not more than \$5,000 for a qualifying zero-emission vehicle that is a passenger car or a light duty truck and meets the requirements under subsection (b).

(d) The department shall provide a rebate, to be set by the department, which shall not be less than \$4,500, for the purchase or lease of: (i) a qualifying zero-emission vehicle that is a medium duty or heavy duty truck, bus or van; or (ii) a qualifying zero-emission vehicle under said subsection (b) if an individual is purchasing or leasing the vehicle and trading in a vehicle with market value that has an internal combustion engine that is not an electric vehicle as defined in section 16; provided, however, that the vehicle with an internal combustion engine has been continuously registered for the previous 2 years: (A) in the commonwealth; and (B) to the consumer or the consumer's immediate family; provided further, that within a fiscal year, the total dollar value of rebates provided pursuant to this subsection shall not exceed a percentage, which shall be established by the department, of the total dollar value of rebates projected to be provided pursuant to this section within said fiscal year; provided further, that the department shall make reasonable efforts to achieve accuracy in making said projection.

(e) The department shall publish and regularly update cumulative data regarding usage of the programs established pursuant to this section including, but not limited to, the number and dollar value per calendar year of rebates and incentives provided, sortable by: (i) zip code, municipality, make, model, dealership and whether ownership is personal or corporate; (ii) vehicle type; and (iii) vehicle weight. Such information shall be published annually, not later than September 30, on a website maintained or provided for by the department. Annually, the department shall compile the data required to be collected under this subsection in a report to be filed not later than September 30 for the previous calendar year with the senate and house committees on

ways and means, the joint committee on transportation and the joint committee on telecommunications, utilities and energy. The report shall include an analysis of the programs established in this section including, but not limited to, by examining historic and present participation of low-income and moderate-income households, examining participation among demographic groups, including data by race and ethnicity, and recommending strategies and investments to reduce or eliminate any disparities in program participation ; provided, however, that, every 3 years, the report shall also examine the cost-effectiveness of the programs in reducing greenhouse gas emissions, using recent multi-year data. Annually, not later than June 30, the department shall provide the underlying disaggregated dataset used to populate the database including, but not limited to, vehicle-level data, to the Massachusetts Department of Transportation.

(f) The department shall establish a linguistically diverse and culturally competent outreach campaign, which shall be print accessible and accessible to English language learners, to inform dealers, vehicle salespeople, consumers and businesses in underserved communities, communities with high percentages of low-income households and communities with high proportions of high emissions vehicles about the programs and incentives established pursuant to this section. The department may expend not more than 5 per cent of money in the fund for said outreach campaign.

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

Section 20. (a) For purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:-

“Building”, a building or multiple buildings on a parcel, or any grouping of buildings designated by the department as an appropriate reporting unit for the purposes of this section.

“Energy”, electricity, natural gas, steam, hot or chilled water, heating oil, propane or other products designated by the department that are used for heating, cooling, lighting, industrial and manufacturing processes, water heating, cooking, clothes drying or other purposes.

“Gross floor area”, the total floor area contained within a building measured to the external face of the external walls.

“Large building”, a building with at least 20,000 square feet of gross floor area; provided, however, that the department may establish by regulation a lower threshold for a building to be considered a large building under this section.

“Owner”, the owner of record of a building or a designated agent thereof including, but not limited to, an association or organization of unit owners responsible for management of a condominium, the board of directors of a cooperative apartment corporation or the net lessee of a building subject to a net lease with a term of not less than 30 years, inclusive of all renewal options.

(b) Annually, not later than March 30, the department shall publish on its website a list of buildings that qualify as large buildings for the purpose of this section.

(c) Annually, not later than June 30, each electric, gas and steam distribution company shall report to the department the total amounts of electricity, natural gas and steam used during the previous calendar year by each large building in the commonwealth that has an account with the distribution company.

(d) Annually, not later than June 30, owners of large buildings shall report to the department any energy used during the previous calendar year that is not covered by subsection (b); provided, however, that an owner shall not be required to report energy ordered, delivered and charged directly to a tenant if the owner sends a written request for energy use information to the tenant not later than April 30 of the same year, does not receive a response from the tenant by June 25 of the same year and provides evidence of the request to the department.

(e) The department shall establish a deadline extension and alternative compliance pathway process for owners who, in the judgment of the department, demonstrate cause for such a deadline extension and alternative compliance pathway.

(f) Annually, not later than October 31, the department shall make available on its website energy use information for the previous calendar year for each large building on a building-specific basis. The department shall use appropriate practices to prevent the public disclosure of personally identifying information regarding owners and tenants. The information shall be published in database format, fully text-searchable and readily sortable by municipality, zip code and all the data elements in the database. The department shall also prepare an

annual comprehensive report on large building energy performance utilizing the information and data collected under this subsection. The database and each annual report shall be public records.

(g) The department shall ensure that electric and gas distribution companies provide owners of buildings subject to this section with up-to-date information about energy efficiency opportunities, including incentives in utility-administered or other energy efficiency programs.

(h) The department may establish civil penalties for failure to comply with the requirements of this section; provided, however, that no such penalty shall be assessed on or passed through to a lessee of a unit within a large building that comprises less than 5 per cent of the total gross floor area of the large building; and provided further, that civil penalties under this subsection shall not exceed \$150 per day.

(i) Nothing in this section shall prohibit the enforcement of large building reporting requirements previously established by the city of Boston or the city of Cambridge and further amendments or improvement thereto that exceed those reporting requirements established pursuant to this section.

SECTION 42. Section 2A of chapter 61A of the General Laws is hereby amended by striking out subsections (b) and (c), as appearing in the 2020 Official Edition, and inserting in place thereof the following 3 subsections:-

(b) In addition to the use provided for in subsection (a), land used primarily and directly for agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural use pursuant to section 2 may, in addition to being used primarily and directly for agriculture or horticulture, be used to site a renewable energy

generating source as defined in subsection (b) of section 11F of chapter 25A that qualifies in accordance with a solar incentive program for agriculture or horticulture sectors developed by the department of energy resources, if such renewable energy generating source does not impede the continued use of the land for agricultural or horticultural purposes pursuant to this chapter.

(c) Land used primarily and directly for agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural purposes pursuant to section 2 shall be deemed to be in agricultural or horticultural use pursuant to this chapter if used to simultaneously site a renewable energy generating source pursuant to subsection (a) or subsection (b).

(d) Renewable energy generating sources located on land used primarily and directly for agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural purposes pursuant to section 2 shall be subject to the provisions afforded to land used for agriculture under section 3 of chapter 40A.

SECTION 43. Section 13 of said chapter 61A, as so appearing, is hereby amended by inserting after the word “years”, in line 35, the following words:- , or 10 years where the land has been used to simultaneously site a renewable energy generating source pursuant to section 2A,.

SECTION 44. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following 2 subsections:-

(aa)(1) A taxpayer, to the extent authorized by the offshore wind tax incentive program established in subsection (d) of section 8A of chapter 23J, may be allowed a refundable jobs credit against the tax

liability imposed under this chapter in an amount determined by the Massachusetts clean energy technology center established in section 2 of chapter 23J, in consultation with the department.

(2) A taxpayer taking a credit under this subsection shall commit to the creation of a minimum of 50 net new permanent full-time employees in the commonwealth.

(3) A credit allowed under this subsection shall reduce the liability of the taxpayer under this chapter for the taxable year. If a credit claimed under this subsection by a taxpayer exceeds the taxpayer's liability as otherwise determined under this chapter for the taxable year, 90 per cent of such excess credit, to the extent authorized by the offshore wind tax incentive program, shall be refundable to the taxpayer. Excess credit amounts shall not be carried forward to other taxable years.

(4) The department shall issue the refundable portion of the jobs credit without further appropriation and in accordance with the cumulative amount, including the current year costs of incentives allowed in previous years, which shall not exceed \$35,000,000 annually as set forth in subsection (d) of section 8A of chapter 23J.

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

“Capital investment”, expenses incurred for the site preparation and construction, repair, renovation, improvement, or equipping of a building, structure, facility, or other improvements to real property, including, but not limited to, site-related utility and transportation infrastructure improvements.



“Center”, the Massachusetts clean energy technology center established in section 2 of chapter 23J.

“Certified offshore wind company”, as defined in section 1 of chapter 23J.

“Offshore wind facility”, any building, complex of buildings, or structural components of buildings, including water access infrastructure, and all machinery and equipment used in the manufacturing, assembly, development or administration of component parts that are primarily used to support the offshore wind industry.

“Owner”, a taxpayer subject to tax under this chapter that: (i) holds title to an offshore wind facility; or (ii) ground leases the land underlying the facility for at least 50 years.

“Tenant”, a taxpayer subject to tax under this chapter that is a lessee in an offshore wind facility.

(2) An owner or tenant, to the extent authorized by the offshore wind tax incentive program established in section 8A of chapter 23J, may take a refundable credit against the taxes imposed by this chapter in an amount, as determined by the center, of up to 50 per cent of its total capital investment in an offshore wind facility. The total amount of tax credit awarded pursuant to this subsection shall be distributed in equal parts over the 5 taxable years that correspond to the period in which the owner or tenant is certified pursuant to said section 8A of said chapter 23J.

(3) An owner shall be eligible for a tax credit authorized under this subsection if the owner demonstrates to the department that: (i) the owner is a certified offshore wind company; (ii) the owner's total capital investment in the offshore wind facility equals not less than \$35,000,000; and (iii) the offshore wind facility will employ not less than 200 new full-time employees by the fifth year of the owner's certification period under section 8A of chapter 23J.

(4) A tenant shall be eligible for a tax credit authorized pursuant to this subsection if the tenant demonstrates to the department that: (i) the tenant is a certified offshore wind company; (ii) the owner has made a total capital investment in the facility that equals not less than \$35,000,000; (iii) the tenant occupies a leased area of the offshore wind facility that represents not less than 25 per cent of the owner's capital investment in the facility; and (iv) the tenant will employ, in the aggregate with other tenants at the offshore wind facility, not less than 200 full-time employees by the fifth year of the tenant's certification period pursuant to section 8A of chapter 23J. The amount of tax credits awarded to a tenant under this subsection for a taxable year shall not exceed the tenant's total lease payments for occupancy of the offshore wind facility for the taxable year.

(5) An owner or tenant taking a credit authorized in this subsection shall not take the credits authorized in subsection (g) or (aa) in the same taxable year.

(6) The department shall issue the refundable portion of the credit without further appropriation and in accordance with the cumulative amount, including the current year costs of incentives allowed in

previous years, which shall not exceed \$35,000,000 annually as set forth in subsection (d) of section 8A of chapter 23J.

(7) The department shall promulgate such rules and regulations as are necessary to administer the credit established in this subsection.

SECTION 45. Chapter 63 of the General Laws is hereby amended by inserting after section 38JJ the following 2 sections:-

Section 38KK. (a)(1) A corporation subject to tax under this chapter, to the extent authorized by the offshore wind tax incentive program established in subsection (d) of section 8A of chapter 23J, may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount determined by the Massachusetts clean energy technology center established in section 2 of chapter 23J, in consultation with the department.

(2) A corporation taking a credit under this section shall commit to the creation of a minimum of 50 net new permanent full-time employees in the commonwealth.

(3) A credit allowed under this section shall reduce the liability of the corporation under this chapter for the taxable year. If a credit claimed under this section by a corporation exceeds the corporation's liability as otherwise determined under this chapter for the taxable year, 90 per cent of such excess credit, to the extent authorized by the offshore wind tax incentive program, shall be refundable to the corporation. Excess credit amounts shall not be carried forward to other taxable years.

(4) The department shall issue the refundable portion of the jobs credit without further appropriation and in accordance with the cumulative amount, including the current year costs of incentives allowed in previous years, which shall not exceed \$35,000,000 annually as set forth in subsection (d) of section 8A of chapter 23J.

Section 38LL. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Capital investment”, expenses incurred for the site preparation and construction, repair, renovation, improvement, or equipping of a building, structure, facility, or other improvements to real property, including, but not limited to, site-related utility and transportation infrastructure improvements.

“Center”, the Massachusetts clean energy technology center established in section 2 of chapter 23J.

“Certified offshore wind company”, as defined in section 1 of chapter 23J.

“Offshore wind facility”, any building, complex of buildings, or structural components of buildings, including water access infrastructure, and all machinery and equipment used in the manufacturing, assembly, development or administration of component parts that are primarily used to support the offshore wind industry.

“Owner”, a taxpayer subject to tax under this chapter that: (i) is a corporation that holds title to an offshore wind facility; or (ii) ground leases the land underlying an offshore wind facility for at least 50

years.

“Tenant”, a taxpayer subject to tax under this chapter that is a lessee in an offshore wind facility.

(b) An owner or tenant, to the extent authorized by the offshore wind tax incentive program established in section 8A of chapter 23J, may take a refundable credit against the tax imposed by this chapter in an amount, as determined by the center, of up to 50 per cent of its total capital investment in an offshore wind facility. The total amount of tax credit awarded pursuant to this section shall be distributed in equal parts over the 5 taxable years that correspond to the period in which the owner or tenant is certified pursuant to said section 8A of said chapter 23J.

(c) An owner shall be eligible for a tax credit authorized under this section if the owner demonstrates to the department that: (i) the owner is a certified offshore wind company; (ii) the owner’s total capital investment in the offshore wind facility equals not less than \$35,000,000; and (iii) the offshore wind facility will employ not less than 200 new full-time employees by the fifth year of the owner’s certification period under section 8A of chapter 23J.

(d) A tenant shall be eligible for a tax credit authorized pursuant to this section if the tenant demonstrates to the department that: (i) the tenant is a certified offshore wind company; (ii) the owner of the offshore wind facility has made a total capital investment in the facility that equals not less than \$35,000,000; (iii) the tenant occupies a leased area of the offshore wind facility that represents not less than 25 per cent of the owner’s capital investment in the facility; and (iv) the tenant will employ, in the aggregate with other tenants at the

offshore wind facility, not less than 200 full-time employees by the fifth year of the tenant's certification period under section 8A of chapter 23J. The amount of tax credits awarded under this section to a tenant for a taxable year shall not exceed the tenant's total lease payments for occupancy of the offshore wind facility for the taxable year.

(e) An owner or tenant taking a credit authorized in this section shall not take the credits authorized in section 38N or 38KK in the same taxable year.

(f) The department shall issue the refundable portion of the credit without further appropriation and in accordance with the cumulative amount, including the current year costs of incentives allowed in previous years, which shall not exceed \$35,000,000 annually as set forth in subsection (d) of section 8A of chapter 23J.

(g) The department shall promulgate such rules and regulations as are necessary to administer the credit established in this section.

SECTION 46. Subsection (d) of section 4 of chapter 93B of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following paragraph:-

(4) to sell in-state any new vehicle that is not a zero-emission vehicle. For the purposes of this paragraph, "vehicle" shall mean a passenger car or light duty truck and "zero-emission vehicle" shall have the same meaning as defined in section 16 of chapter 25A.

SECTION 47. Chapter 159A½ of the General Laws is hereby amended by adding the following section:-

Section 12. (a) The division shall establish a program to reduce greenhouse gas emissions from transportation network vehicles. To the extent permitted under federal law, the program shall establish requirements for transportation network companies including, but not limited to, vehicle electrification and greenhouse gas emissions requirements. Such requirements shall include, but not be limited to, a requirement for said companies to submit biennial plans to gradually increase zero-emission transportation network vehicles and reduce greenhouse gas emissions to meet goals set by the executive office of energy and environmental affairs. If the division determines that vehicle electrification requirements alone would be sufficient to achieve the greenhouse gas emissions goals set by the executive office of energy and environmental affairs, then it may establish requirements for vehicle electrification without establishing separate requirements for greenhouse gas emissions. The division shall, to the extent practicable, minimize any negative impacts of the program on drivers from neighborhoods and municipalities that have an annual median household income of not more than 65 per cent of the statewide annual median household income.

(b) The division shall establish regulations to implement the program established in this section.

SECTION 48. Section 5 of chapter 161A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “standards”, in line 105, the following words:- , climate and the reduction of greenhouse gas emissions, environmental resiliency.

SECTION 49. Said section 5 of said chapter 161A, as so appearing, is hereby further amended by inserting after the word “act,”, in line 111, the following words:- capital investments that result in reductions of greenhouse gas emissions.

SECTION 50. Said section 5 of said chapter 161A, as so appearing, is hereby further amended by inserting after the word “maintenance,”, in line 116, the following words:- address climate change-related vulnerabilities.

SECTION 51. The fourth paragraph of subsection (g) of said section 5 of said chapter 161A, as so appearing, is hereby amended by inserting after the first sentence the following 3 sentences:- The program shall include a clear, comprehensive and specific plan to implement the requirements under section 6A of chapter 448 of the acts of 2016, which shall include, but not be limited to, alterations, updates, land acquisitions and new construction of bus garages, maintenance facilities and charging and fueling equipment, as may be necessary to meet the requirements. The plan shall prioritize the deployment of zero-emission buses on routes that serve underserved communities and communities with a high percentage of low-income households. Each rolling 5-year plan shall report on the progress in meeting the requirements under said section 6A of said chapter 448 including, but not limited to, the number of zero-emission passenger buses operated, the number of non-zero emission passenger buses operated, barriers to increased numbers of zero-emission passenger buses, if any, and recommended legislative or regulatory action needed to address barriers or otherwise promote compliance.



SECTION 52. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Department” the following definition:-

“Distributed energy resources”, small-scale power generation or storage technology, not greater than 20 megawatts, including, but not limited to, resources that are in front of or behind the customer meter, electric storage resources, intermittent generation, distributed generation, demand response, energy efficiency, thermal storage and electric vehicles and their supply equipment that may provide an alternative to, or an enhancement of, the traditional electric power system and are located on an electric utility’s distribution system or on a subsystem of the utility’s distribution system.

SECTION 53. Said chapter 164 is hereby further amended by inserting after section 92A the following 2 sections:-

Section 92B. (a) The department shall direct each electric company to develop an electric-sector modernization plan to proactively upgrade the distribution and, where applicable, transmission systems to: (i) improve grid reliability, communications and resiliency; (ii) enable increased, timely adoption of renewable energy and distributed energy resources; (iii) promote energy storage and electrification technologies necessary to decarbonize the environment and economy; (iv) prepare for future climate-driven impacts on the transmission and distribution systems; (v) accommodate increased transportation electrification, increased building electrification and other potential future demands on distribution and, where applicable, transmission systems; and (vi)

minimize or mitigate impacts on the ratepayers of the commonwealth, thereby helping the commonwealth realize its statewide greenhouse gas emissions limits and sublimits under chapter 21N.

(b) An electric-sector modernization plan developed pursuant to subsection (a) shall describe in detail each of the following elements: (i) improvements to the electric distribution system to increase reliability and strengthen system resiliency to address potential weather-related and disaster-related risks; (ii) the availability and suitability of new technologies including, but not limited to, smart inverters, advanced metering and telemetry and energy storage technology for meeting forecasted reliability and resiliency needs, as applicable; (iii) patterns and forecasts of distributed energy resource adoption in the company's territory and upgrades that might facilitate or inhibit increased adoption of such technologies; (iv) improvements to the distribution system that will enable customers to express preferences for access to renewable energy resources; (v) improvements to the distribution system that will facilitate transportation or building electrification; (vi) improvements to the transmission or distribution system to facilitate achievement of the statewide greenhouse gas emissions limits under chapter 21N; (vii) opportunities to deploy energy storage technologies to improve renewable energy utilization and avoid curtailment; (viii) alternatives to proposed investments, including changes in rate design, load management and other methods for reducing demand, enabling flexible demand and supporting dispatchable demand response; and (ix) alternative approaches to financing proposed investments, including, but not limited to, cost allocation arrangements between developers and ratepayers and, with respect to any proposed

investments in transmission systems, cost allocation arrangements and methods that allow for the equitable allocation of costs to, and the equitable sharing of costs with, other states and populations and interests within other states that are likely to benefit from said investments. For all proposed investments and alternative approaches, each electric company shall identify customer benefits associated with the investments and alternatives including, but not limited to, safety, grid reliability and resiliency, facilitation of the electrification of buildings and transportation, integration of distributed energy resources, avoided renewable energy curtailment, reduced greenhouse gas emissions and air pollutants, avoided land use impacts and minimization or mitigation of impacts on the ratepayers of the commonwealth.

(c) In developing a plan pursuant to subsection (a), an electric company shall:

(i) prepare and use 3 planning horizons for electric demand, including a 5-year forecast, a 10-year forecast and a demand assessment through 2050 to account for future trends, including, but not limited to, future trends in the adoption of renewable energy, distributed energy resources and energy storage and electrification technologies necessary to achieve the statewide greenhouse gas emission limits and sublimits under chapter 21N;

(ii) consider and include a summary of all proposed and related investments, alternatives to these investments and alternative approaches to financing these investments that have been reviewed, are under consideration or have been approved by the department previously; and

(iii) solicit input, such as planning scenarios and modeling, from the Grid Modernization Advisory Council established in section 92C, respond to information and document requests from said council and conduct technical conferences and a minimum of 2 stakeholder meetings to inform the public, appropriate state and federal agencies and companies engaged in the development and installation of distributed generation, energy storage, vehicle electrification systems and building electrification systems.

(d) An electric company shall submit its first plan for review, input and recommendations to the Grid Modernization Advisory Council established in section 92C by September 1, 2023, and thereafter once every 5 years in accordance with a schedule determined by the department; provided, however, that the plan shall be submitted to the Grid Modernization Advisory Council not later than 150 days before the electric company files the plan with the department; and provided further, that the Grid Modernization Advisory Council shall return the plan to the company with recommendations not later than 70 days before the company files the plan with the department.

An electric company shall submit its electric-sector modernization plan, together with a demonstration of the Grid Modernization Advisory Council's review, input and recommendations, including, but not limited to, a list of each individual recommendation, the status of each recommendation and an explanation of whether and why each recommendation was adopted, adopted as modified or rejected, along with a statement of any unresolved issues, to the department in accordance with a schedule determined by the department. The electric company shall be permitted to include in base electric distribution

rates all prudently incurred plant additions that are used and are useful. The department shall promptly consider the plan and shall provide an opportunity for interested parties to be heard in a public hearing. The department shall approve, approve with modifications or reject the plan within 7 months of submittal. In order to be approved, a plan shall provide net benefits for customers and meet the criteria enumerated in clauses (i) to (vi), inclusive, of subsection (a).

(e) An electric-sector modernization plan developed by an electric company pursuant to subsection (a) shall propose discrete, specific, enumerated investments to the distribution and, where applicable, transmission systems, alternatives to such investments and alternative approaches to financing such investments, that facilitate grid modernization, greater reliability, communications and resiliency, increased enablement of distributed energy resources, increased transportation electrification, increased building electrification and the minimization or mitigation of ratepayer impacts, in order to meet the statewide greenhouse gas emissions limits and sublimits under chapter 21N. An electric company shall submit 2 reports per year to the department and the joint committee on telecommunications, utilities and energy on the deployment of approved investments in accordance with any performance metrics included in the approved plans.

Section 92C. (a) There shall be a Grid Modernization Advisory Council to consist of the commissioner of energy resources, or a designee, who shall serve as chair; the attorney general, or a designee; the executive director of the Massachusetts clean energy technology center, or a designee; 13 members to be appointed by the governor, 1 of whom shall be a representative of middle-income and low-income residential consumers, 1 of whom shall be a representative from a

local agency administering the low-income weatherization assistance program, 1 of whom shall be a representative of the environmental advocacy community, 1 of whom shall be a representative of an environmental justice community organization, 1 of whom shall be a representative of the transmission scale renewable energy industry with expertise in projects of greater than 20 megawatts, 1 of whom shall be a representative of the distributed generation scale renewable energy industry with expertise in projects of less than 5 megawatts, 1 of whom shall be a representative of the energy storage industry, 1 of whom shall be a representative of the electric vehicle industry, 1 of whom shall be a representative of the building electrification industry, 1 of whom shall be a representative of municipal or regional interests, 1 of whom shall have technical and engineering expertise in interconnecting clean energy, 1 of whom shall be a representative of businesses, including large commercial and industrial end-use customers and 1 member from each electric company operating in the commonwealth who shall serve as non-voting members. Members shall serve for terms of 5 years and may be reappointed.

(b) The council shall seek to encourage least-cost investments in the electric distribution systems, alternatives to the investments or alternative approaches to financing investments that will facilitate the achievement of the statewide greenhouse gas emission limits and sublimits under chapter 21N and increase transparency and stakeholder engagement in the grid planning process. The council shall review and provide recommendations on electric-sector modernization plans developed pursuant to subsection (a) of section 92B that maximize net customer benefits and demonstrate cost-effective investments in the distribution grid, including investments to

enable interconnection of, and communication with, distributed energy resources and transmission-scale renewable energy resources, facilitate electrification of buildings, transportation and other sectors, improve grid reliability and resiliency, minimize or mitigate impacts on ratepayers throughout the commonwealth and reduce impacts on and provide benefits to low-income ratepayers throughout the commonwealth. The council shall cooperate and coordinate with the clean energy transmission working group.

(c) The council shall annually submit to the department a proposal regarding the level of funding required for the retention of expert consultants and reasonable administrative costs. The proposal shall be approved by the department either as submitted or as modified by the department. The department shall allocate funds sufficient for these purposes from the natural gas and electric efficiency funding authorized under section 19 of chapter 25; provided, however, that such allocation shall not exceed 1 per cent of such funding on an annual basis. The consultants used under this section shall be experts in energy distribution and transmission, energy efficiency or energy finance, and shall be independent.

SECTION 54. Section 139 of said chapter 164 of the General Laws, as amended by chapter 8 of the acts of 2021, is hereby amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) A Class I net metering facility shall be exempt from subsections (b1/2) and (k) and from the aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity under subsection (f) and

may net meter and accrue Class I net metering credits if it is generating renewable energy and the nameplate capacity of the facility is equal to or less than 25 kilowatts. A Class I net metering facility with a capacity greater than 25 kilowatts, Class II net metering facility or Class III net metering facility with an executed interconnection agreement with a distribution company on or after January 1, 2021 shall be exempt from the aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity under subsection (f) and may net meter and accrue Class I, Class II, or Class III market net metering credits if it is generating renewable energy and serves on-site load other than parasitic or station load; provided, that any credits accrued in excess of its annual electricity consumption for the period running from April through the following March shall be credited or paid out for such excess credits at the utility's avoided cost rate.

SECTION 55. Said section 139 of said chapter 164, as so amended, is hereby further amended by adding the following subsection:-

(1) A Class I, Class II or Class III solar net metering facility shall be eligible to, or shall continue to, receive net metering credits as otherwise provided by this section if such facility is on the same parcel as any number of other such solar net metering facilities and if: (i) the net metering facilities are placed on a government-owned parcel; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 10 megawatts; (ii) the net metering facilities are placed on a single parcel of land where all buildings on that parcel comprise low or moderate income housing as defined in section 20 of chapter 40B; provided, however, that all facilities on the single parcel



do not exceed an aggregate limit of 10 megawatts; (iii) each net metering facility is placed on a separate and distinct rooftop where no 2 systems occupy the same rooftop; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 2 megawatts; (iv) each net metering facility installed on the same rooftop is interconnected behind a meter of a separate customer; provided, however, that all the facilities on the single parcel do not exceed an aggregate limit of 10 megawatts; or (v) the additional net metering facilities are installed not less than 1 year after any previously installed facility was placed into service; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 2 megawatts. If all the net metering facilities located on a single parcel are net metering facilities of a municipality, the aggregate limit shall be 10 megawatts per single parcel. For purposes of this subsection, a solar net metering facility installed as a canopy over a parking area shall be considered to be installed on a rooftop.

SECTION 56. Section 141 of said chapter 164, as appearing in the 2020 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In all decisions or actions regarding rate designs, the department shall consider the impacts of such actions on: (i) on-site generation; (ii) the replacement of gas infrastructure with utility-scale non-emitting renewable thermal energy infrastructure; (iii) the reduction of greenhouse gases as mandated by chapter 21N to reduce energy use; (iv) efforts to increase efficiency and encourage non-emitting renewable sources of energy; (v) the findings of utility-scale renewable thermal energy pilots approved by the department of public utilities pursuant to section 99 of chapter 8 of the acts of 2021; (vi)

data collected related to the design and operation of networked geothermal demonstration projects approved by the department of public utilities pursuant to chapter 102 of the acts of 2021, including data on any reduction of lost and unaccounted for gas as defined in section 147; and (vii) the use of new financial incentives to support energy efficiency efforts.

SECTION 57. Section 142 of said chapter 164, as so appearing, is hereby amended by inserting after the word “power”, in line 3, the following words:- and utility-scale non-emitting renewable thermal energy.

SECTION 58. Section 145 of chapter 164, as so appearing, is hereby amended by striking out the definition of “Eligible infrastructure replacement” and inserting in place thereof the following definition:-

“Eligible infrastructure replacement”, a replacement or an improvement of existing infrastructure of a gas company that: (i) is made on or after January 1, 2015; (ii) is designed to improve public safety or infrastructure reliability; (iii) does not increase the revenue of a gas company by connecting an improvement for a principal purpose of serving new customers; (iv) reduces, or has the potential to reduce, lost and unaccounted for natural gas through a reduction in natural gas system leaks; (v) is not included in the current rate base of the gas company as determined in the gas company's most recent rate proceeding; (vi) may include use of advanced leak repair technology approved by the department to repair an existing leak-prone gas pipe

to extend the useful life of the such gas pipe by no less than 10 years; and (vii) may include replacing gas infrastructure with utility-scale non-emitting renewable thermal energy infrastructure.

SECTION 59. Said chapter 164 of the General Laws is hereby further amended by inserting after section 147, the following section:-

Section 147A. For the purposes of this section, the following term shall have the following meaning:-

“Non-emitting renewable thermal infrastructure project,” a utility-scale project that replaces natural gas distribution infrastructure with distribution infrastructure that supplies heating, or heating and cooling, from fuel sources whose combustion does not emit greenhouse gases, as defined by section 1 of chapter 21N; provided, however, that a “non-emitting renewable thermal infrastructure project” may include, but shall not be limited to, a networked geothermal system.

SECTION 60. Section 83B of chapter 169 of the acts of 2008, as inserted by section 12 of chapter 188 of the acts of 2016, is hereby amended by striking out the definitions of “Firm service hydroelectric generation” and “Long-term contract” and inserting in place thereof the following 5 definitions:-

“Firm energy delivery”, dispatchable non-emitting energy provided in a long-term contract with guaranteed continuous availability at rated power for 1 or more discrete multi-day periods of extreme heat and cold weather, low non-dispatchable power production, or other grid contingencies, as designated by the department of energy resources, to ensure electric reliability and security in a zero-carbon electric system; provided, however, that

“firm energy delivery” may include, but shall not be limited to, energy from multiple non-emitting energy generation resources and energy storage systems managed in a coordinated manner, in addition to other market services.

“Firm service hydroelectric generation”, hydroelectric generation provided without interruption, for 1 or more discrete periods designated in a long-term contract, including, but not limited to, multiple hydroelectric run-of-the-river generation units managed in a portfolio that creates firm service through the diversity of multiple units.

“Long-duration energy storage system”, an energy storage system, as defined in section 1 of chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity for a period greater than 10 hours.

“Long-term contract”, a contract for a period of 15 to 20 years for offshore wind energy generation pursuant to section 83C or for clean energy generation pursuant to section 83D; provided, however, that a contract for offshore wind energy generation pursuant to said section 83C may include terms and conditions for renewable energy credits associated with the offshore wind energy generation that exceed the term of generation under the contract.

“Mid-duration energy storage system”, an energy storage system, as defined in section 1 of chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity for a period greater than 4 hours and up to 10 hours.

SECTION 61. Section 83C of said chapter 169, inserted by said section 12 of said chapter 188, is hereby amended by striking out subsections (a) to (e), inclusive, as most recently amended by section 69 of chapter 24 of the acts of 2021 and inserting in place thereof the following 6 subsections:-

(a) To facilitate the financing of offshore wind energy generation resources in the commonwealth, every distribution company shall, in coordination with the department of energy resources, jointly and competitively solicit proposals for offshore wind energy generation; and provided, that reasonable proposals have been received, shall enter into cost-effective long-term contracts.

(b) The timetable and method for solicitations of long-term contracts shall be proposed by the department of energy resources in coordination with the distribution companies using a competitive bidding process and shall be subject to review and approval by the department of public utilities. The department of energy resources shall consult with the distribution companies and the attorney general regarding the choice of solicitation methods. A solicitation may be coordinated and issued jointly with other New England states or entities designated by those states. The distribution companies, in coordination with the department of energy resources, may conduct 1 or more competitive solicitations through a staggered procurement schedule developed by the department of energy resources; provided, however, that the schedule shall ensure that the distribution companies enter into cost-effective long-term contracts for offshore wind energy generation equal to approximately 5,600 megawatts of aggregate nameplate capacity not later than June 30, 2027, including capacity authorized pursuant to section 21 of chapter 227 of the acts of 2018;

provided further, that individual solicitations shall seek proposals for not less than 400 megawatts of aggregate nameplate capacity of offshore wind energy generation resources. The staggered procurement schedule shall be developed by the department of energy resources and shall specify that any subsequent solicitation shall occur within 24 months of a previous solicitation. Proposals received pursuant to a solicitation under this section shall be subject to review by the department of energy resources and the executive office of housing and economic development in consultation with the independent evaluator and the electric distribution companies shall offer technical advice. As part of the evaluation process, the department of energy resources shall produce a numeric score for each bid's economic development commitments and for plans for financial and technical assistance to support wildlife and habitat monitoring.

(c) The department of energy resources may condition the determination of any winning bid upon a bidder's inclusion of regional or project-specific transmission costs or, alternatively, upon the bidder's agreement to utilize transmission procured in a separate solicitation conducted by the department. The department shall give preference to proposals that demonstrate benefits from: (i) direct and reasonably certain commitments made on or after July 1, 2022 to capital investments in the manufacture, fabrication and assembly within the commonwealth of domestic supply chain components of the offshore wind industry; (ii) mitigation, minimization and avoidance of detrimental environmental and socioeconomic impacts, including through meaningful consultation with impacted environmental and socioeconomic stakeholders, including federally recognized and state acknowledged tribes and commercial and recreational fishing; (iii)

support for workforce harmony and community benefits through workforce agreements with appropriate labor organizations for construction, renovation, reconstruction, alteration, installation, demolition, expansion, maintenance and repair; (iv) employment opportunities for members of federally recognized and state acknowledged tribes in the commonwealth, workers from low-income communities and certified minority-owned and women-owned small business enterprises in the commonwealth; (v) the maximization, to the extent feasible, of economic development and employment contributions to the commonwealth; (vi) additional benefits to low-income communities and low-income ratepayers in the commonwealth, including opportunities for diversity, equity and inclusion; (vii) minimization and mitigation, to the extent feasible, of ratepayer impacts; (viii) commitments to enter into long-term contracts to purchase offshore wind energy with businesses, nonprofit organizations, a municipality or group of municipalities with an approved municipal load aggregation plan pursuant to section 134 of chapter 164 of the General Laws or other government entities directly or through an aggregation pursuant to section 137 of said chapter 164; (ix) energy storage, including new and existing mid-duration and long-duration energy storage systems; and (x) resources able to guarantee firm energy delivery. The department of energy resources shall, in consultation with the independent evaluator), issue a final, binding determination of the winning bid; provided, however, that the final contract executed shall be subject to review by the department of public utilities, and the department of public utilities may allow contractual adjustments for project cost differentials attributable to the utilization or non-utilization of separate transmission procured by the

commonwealth. The department of energy resources may require additional solicitations to fulfill the requirements of this section. If the department of energy resources, in consultation with the independent evaluator, determines that reasonable proposals were not received pursuant to a solicitation, the department may terminate the solicitation and may require additional solicitations to fulfill the requirements of this section.

(d) In developing proposed long-term contracts, the distribution companies shall consider long-term contracts for renewable energy certificates, for energy and for a combination of both renewable energy certificates and energy. A distribution company may decline to pursue a contract if the contract's terms and conditions would require the contract obligation to place an unreasonable burden on the distribution company's balance sheet after consultation with the department of energy resources; provided, however, that the distribution company shall take all reasonable actions to structure the contracts, pricing or administration of the products purchased under this section to prevent or mitigate an impact on the balance sheet or income statement of the distribution company or its parent company, subject to the approval of the department of public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a distribution company deems all contracts to be unreasonable, the distribution company shall consult with the department of energy resources and, within 20 days of the date of its decision, submit a filing to the department of public utilities. The filing shall include, in the form and detail prescribed by the department of public utilities, documentation supporting the distribution company's decision to decline the contract. Following a distribution company's filing, and



within 4 months of the date of filing, the department of public utilities shall approve or reject the distribution company's decision and may order the distribution company to reconsider any contract. The department of public utilities shall take into consideration the department of energy resources' recommendations on the distribution company's decision. The department of energy resources may require additional solicitations to fulfill the requirements of this section.

(e)(1) The department of public utilities shall promulgate regulations consistent with this section. The regulations shall: (i) allow developers of offshore wind energy generation to submit proposals for long-term contracts consistent with this section; (ii) require that a proposed long-term contract executed by the distribution companies under a proposal be filed with, and approved by, the department of public utilities before becoming effective; (iii) provide for an annual remuneration for the contracting distribution company equal to 2.25 per cent of the annual payments under the contract to compensate the company for accepting the financial obligation of the long-term contract; provided, however, that such provision shall be acted upon by the department of public utilities at the time of contract approval; (iv) require associated transmission costs to be incorporated into a proposal; provided, however, that, to the extent there are regional or project-specific transmission costs included in a bid, the department of public utilities may, if it finds such recovery to be in the public interest, authorize or require the contracting parties to seek recovery of such transmission costs from other states or from benefitted entities or populations in other states through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission; and (v) require that proposals meet the following

criteria: (A) where feasible, create and foster economic development and quality, high-demand jobs in the commonwealth; (B) provide enhanced electricity reliability, system safety and energy security; (C) contribute to reducing winter electricity price spikes; (D) be cost effective and beneficial to electric ratepayers in the commonwealth over the term of the contract, taking into consideration potential costs and benefits to the ratepayers, including potential economic and environmental benefits and opportunities to equitably allocate costs to, and equitably share costs with, other states and populations within other states that may benefit from offshore wind generation procured by the commonwealth; (E) avoid line loss and mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if any, are not borne by ratepayers; (F) adequately demonstrate project viability in a commercially reasonable timeframe; (G) allow offshore wind energy generation resources to be paired with energy storage systems, including new and existing mid-duration and long-duration energy storage systems; (H) include an initial environmental and fisheries mitigation plan for the construction and operation of such offshore wind facilities, including consideration of commercial, recreational and indigenous fishing rights; (I) mitigate impacts to the marine environment by providing financial and technical assistance to support robust monitoring of wildlife and habitat through contributions to regional and tribal research efforts; (J) include benefits to environmental justice populations and low-income ratepayers in the commonwealth; and (K) include opportunities for diversity, equity and inclusion, including, at a minimum, a workforce diversity plan and a supplier diversity program plan.

(2) A proposed long-term contract shall be subject to the review and approval of the department of public utilities and shall be apportioned among the distribution companies. As part of its approval process, the department of public utilities shall consider recommendations by the attorney general, which shall be submitted to the department within 45 days following the filing of a proposed long-term contract with the department. The department of public utilities shall take into consideration the department of energy resources' recommendations on the potential costs and benefits to the rate payers, including economic and environmental benefits and opportunities to equitably allocate costs to, and equitably share costs with, other states and populations within other states that may benefit from offshore wind generation procured by the commonwealth, and the requirements of chapter 298 of the acts of 2008 and chapter 21N of the General Laws. The department of public utilities shall consider the potential costs and benefits of the proposed long-term contract and shall approve a proposed long-term contract if the department finds that the proposed contract is in the public interest and is a cost-effective mechanism for procuring beneficial, reliable renewable energy on a long-term basis, taking into account the factors outlined in this section. A distribution company shall be entitled to cost recovery of payments made under a long-term contract approved under this section.

SECTION 62. Said section 83C of said chapter 169, as so amended, is hereby further amended by striking out subsection (m) and inserting in place thereof the following subsection:-

(m) The plan required in subclause (H) of clause (v) of paragraph (1) subsection (e) shall include, but shall not be limited to, a detailed description of the best management practices and any on-site or off-

site mitigation the applicant shall employ, informed by the latest science at the time the plan is made, that will avoid, minimize and mitigate impacts to wildlife, including, but not limited to: threatened or endangered species such as North Atlantic right whales, coastal and marine habitats; natural resources; ecosystems; and traditional or existing water-dependent uses, including, but not limited to, commercial and recreational fishing. The plan shall include pre-construction and post-construction monitoring to understand the effects of facilities on marine and avian species.

SECTION 63. Chapter 75 of the acts of 2016 is hereby amended by inserting after section 11 the following new section:-

Section 11A. The department of energy resources shall promulgate regulations to include in the solar incentive program established in section 11 and in any successor solar incentive program requirements for pollinator-friendly solar installations for ground mounted solar installations that remove vegetation as part of such installations. The department of energy resources shall develop criteria for such installations and require that pollinator-friendly solar installations be certified by a recognized pollinator-friendly solar photovoltaic certification program at a higher education institution in the commonwealth or that have obtained another equivalent certification as determined by said department.

The department of energy resources shall offer a rebate for reasonable certification program costs to comply with pollinator-friendly requirements. Said rebate shall be approved by the department of public utilities and recoverable from distribution company ratepayers. Eligibility for such rebates shall include, but not

be limited to, solar tariff generation units that, as of December 30, 2021, had received from the department of energy resources a preliminary statement of qualification or were on hold for such statement of qualification pending expansion of the capacity of the department's solar incentive program and are now otherwise eligible for said rebates.

SECTION 64. Section 3 of chapter 448 of the acts of 2016 is hereby amended by striking out the words "may include requirements for electric vehicle charging for residential and appropriate commercial buildings as amendments to the state building and electric code" and inserting in place thereof the following words:- shall include requirements for electric vehicle charging for residential and commercial buildings as amendments to the state building code and the state electric code.

SECTION 65. Said chapter 448 is hereby further amended by inserting after section 6 the following section:-

Section 6A. (a) Not later than December 31, 2030, each purchase or lease of a passenger bus by the Massachusetts Bay Transportation Authority shall be a zero-emission vehicle.

(b) Not later than December 31, 2040, all passenger buses operated by the Massachusetts Bay Transportation Authority shall be exclusively zero-emission passenger buses.

SECTION 66. Section 99 of chapter 8 of the acts of 2021 is hereby amended by striking the fifth sentence.

SECTION 67. Said section 99 of said chapter 8 is hereby further amended by adding the following 3 paragraphs:-

The department shall ensure the accuracy and transparency of the data, findings and outcomes of the pilot projects authorized pursuant to this section by requiring each gas company taking part in a pilot project to report to the department on the status of said project on a semi-annual basis, until completion of each such pilot project as determined by the department. The report shall include, but not be limited to, the: (i) stage and progress of each pilot project in which the company is participating; (ii) barriers encountered by each project to developing and providing service to end users; (iii) number of customers served by each project; (iv) costs of each project; (v) number of jobs retained or created by each project; and (vi) any other data, findings and information the department deems to be in the public interest. The department shall post and make publicly available each such report on its website. Following the completion, as determined by the department, of the pilot project or projects undertaken by the gas company, the department may require each gas company taking part in 1 or more pilot projects to report to the department: (A) a roadmap and plan to abandon existing gas infrastructure that is not cost effective and to transition to non-emitting renewable energy sources, including but not limited to renewable thermal infrastructure projects; (B) a roadmap and plan to evolve existing gas infrastructure that is cost effective to transition to non-emitting renewable energy sources, including but not limited to thermal infrastructure projects; (C) a roadmap and plan to: (1) maintain existing gas infrastructure that provides service to a use or location for which, at the time that the report is prepared, there is no cost-effective technical option to transition to non-emitting renewable energy sources, including but not limited to thermal infrastructure

projects; and (2) reduce greenhouse gas emissions from existing gas infrastructure that the gas company plans to maintain; and (D) such other information as the department may require.

Within 9 months of the completion, as determined by the department, of the pilot project or projects undertaken by each gas company, the department shall publish a third-party evaluation of the data, findings and outcomes of each said pilot or pilots; provided, however, that that a credible and reliable third-party evaluation of said pilot that meets the requirements of this section is not already underway or in the process of being published by another entity. After taking said report or reports into consideration, the department shall determine whether to recommend to the general court that gas companies be authorized to generate and sell, or distribute and sell, renewable thermal energy within the commonwealth; provided, however, that the department may delay any such determination until sufficient data as determined by the department is provided by such pilots. In making said determination, the department shall consider potential benefits and potential costs. Potential benefits shall include, but not be limited to, replacing natural gas with a clean energy resource, advancing building electrification, improving the public health of areas with disproportionate environmental or public health burdens and contributing to achieving the greenhouse gas emissions limits and sublimits set forth in chapter 21N of the General Laws. In estimating potential benefits, the department shall calculate the social value of greenhouse gas emissions reductions. Potential costs shall include but not be limited to the projected expense of generation and distribution, the impact on the energy budgets of both participating and non-participating customers within the commonwealth and the

implications for the emergence of a competitive market to generate, distribute and sell renewable thermal energy resources in the commonwealth.

The department may promulgate rules or regulations to implement this section.

SECTION 68. The department of public utilities shall convene a stakeholder working group to develop recommendations for regulatory and legislative changes that may be necessary to align gas system enhancement plans developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth's emissions strategies. The working group shall be convened not later than 30 days after the effective date of this act and shall include: the attorney general, or a designee; the commissioner of energy resources, or a designee; the chairman of the department of public utilities, or a designee; the commissioner of environmental protection, or a designee; the chairs of the joint committee on telecommunications, utilities and energy, or their designees; 1 representative of each natural gas local distribution company; and 8 members appointed by the secretary of energy and environmental affairs, 1 of whom shall be an advocate for low-income residents of the commonwealth, 1 of whom shall be an advocate for middle-income residents of the commonwealth, 1 of whom shall be a representative of municipalities or groups of municipalities, 1 of whom shall be a representative of a labor union representing gas distribution workers, 1 of whom shall be a representative of a nonprofit organization with expertise in energy supply and demand, 1 of whom shall be a representative of a nonprofit organization with



expertise in the transition to clean thermal energy, 1 of whom shall be a representative of a nonprofit organization with expertise in public health and 1 of whom shall be a representative of a nonprofit environmental organization. The working group shall consider the gas system enhancement plans' impacts on, and implications for, public health, safety, equity, affordability, reliability, reductions in greenhouse gas emissions and cost recovery for repair and replacement of pipeline infrastructure including, but not limited to, embedded costs, potential stranded assets and opportunity costs and benefits; provided, however, that said working group shall evaluate opportunities to advance utility-scale renewable thermal energy under said section 145 of said chapter 164; and provided further, that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth's transition to net zero emissions. The working group shall submit its report to the department of public utilities, the joint committee on telecommunications, utilities and energy, the senate and house committees on global warming and climate change and the clerks of the senate and house of representatives not later than July 31, 2023.

SECTION 69. Notwithstanding any other special or general law to the contrary there shall be a commission established to investigate and make recommendations to remove barriers to the further development of agrivoltaic projects. For the purposes of this section, agrivoltaic shall refer to the dual operation of a solar photovoltaic facility and agriculture on a single piece of land.

The commission shall include: the secretary of energy and environmental affairs or designee; the commissioner of energy resources or designee; the commissioner of agricultural resources or designee; the chairs of the joint committee on telecommunications, utilities and energy or their designees; the chairs of the joint committee on the environment, natural resources and agriculture or their designees; the president of the Cranberry Growers Association, Inc. or designee; the president of Massachusetts Audubon Society, Inc. or designee; and 3 members appointed by the speaker of the house of representatives, 1 of whom shall be a representative from the solar industry who shall have developed an agrivoltaic project currently in operation in the commonwealth and who shall be appointed from a list jointly created and provided by the 2 clean energy member organizations with the largest number of Massachusetts-based solar members, 1 of whom shall be a representative from a farmer member organization based in the commonwealth, and 1 of whom shall be a representative from a land conservation or open space non-profit headquartered in the commonwealth; and 3 members appointed by the senate president, 1 of whom shall be a representative from the solar industry from a list jointly created and provided by the 2 clean energy member organizations with the largest number of Massachusetts-based solar members, 1 of whom shall be a representative from a farm land non-profit organization with an office in the commonwealth and 1 of whom shall be a representative from a regional planning agency. The commission shall have 3 chairs, drawn from its membership, 1 of whom shall be appointed by the governor, 1 of whom shall be appointed by the house chair of the joint committee on

telecommunications, utilities and energy and 1 of whom shall be appointed by the senate chair of the joint committee on telecommunications, utilities and energy.

The commission shall review available research and data on the effects of dual operation of solar photovoltaic facilities and agriculture on single pieces of land, solicit and consider relevant stakeholder comments and develop recommendations for legislative and regulatory changes to facilitate the installation of agrivoltaic projects in the commonwealth with due consideration given to land use impacts and categorizations, water quality, soil health and food production. The commission shall review best practices for third party certification, including, but not limited to: consistent standards, streamlined review and quality control and verification. The commission shall review best practices on carbon accounting and other methods for quantifying the greenhouse gas emissions sequestered with respect to agricultural land and shall make recommendations on the use of such practices. The commission shall work with the executive office of energy and environmental affairs to gather information and data to quantify how agrivoltaic projects may contribute to meeting the greenhouse gas emission reductions requirements of chapter 21N of the General Laws.

The commission shall conduct not fewer than three public hearings in conveniently accessible locations throughout the commonwealth. The executive office of energy and environmental affairs shall provide administrative support for the operations of the commission. The commission shall submit a report and recommendations, together with any drafts of legislation that may be

useful in carrying out its recommendations and otherwise putting them into effect, by filing the same with the clerks of the house of representatives and the senate not later than November 1, 2023.

SECTION 70. (a) Notwithstanding any general or special law to the contrary, the department of energy resources may competitively solicit and procure proposals for offshore wind energy transmission; provided, that offshore wind developers as defined in section 83B of chapter 169 of the acts of 2008 as amended by chapter 188 of the acts of 2016 shall be permitted to submit proposals pursuant to this section; provided further, that such transmission service shall be made available for use by more than 1 wind energy generation project. The department may coordinate with the department of public utilities, electric distribution companies, other New England states or entities designated by those states and ISO New England Inc. or a successor organization, in the solicitation and procurement of proposals for offshore wind energy transmission. The department shall be permitted to select 1 proposal, multiple proposals or no proposals; provided, however, that the department may select proposals that include federal funding in the form of a match, grant or loan, or through ownership and operation by the United States government, cost sharing among states or recovery of transmission costs through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission.

(b) In conducting the procurement for offshore wind energy transmission, the department of energy resources shall take into consideration the total amount of transmission needed to maintain electric system reliability, avoid unnecessary upgrade costs to the existing transmission grid, achieve the commonwealth's offshore wind

and decarbonization goals and obtain demonstrable benefits to the consumer and environment. The department may consider proposals that include, but shall not be limited to, upgrading the existing grid, extending the grid closer to offshore wind locations, determining or upgrading optimal landfall approaches, or interconnecting between offshore substations. The department may modify a procurement, prior to selecting a proposal, in order to satisfy federal eligibility criteria.

(c) If no solicitation has been undertaken per this section by September 30, 2023, the department of energy resources shall submit a statement of determination to the clerks of the house of representatives and the senate and the chairs of the joint committee on telecommunications, utilities and energy, that provides a comprehensive explanation of their decision.

(d) Nothing in this section shall prevent the procurement of new offshore wind energy generation in accordance with the solicitation schedule prescribed in subsection (b) of section 83C of chapter 169 of the acts of 2008.

SECTION 71. (a) Notwithstanding any general or special law or regulation to the contrary, there shall be an Clean Energy Transmission Working Group for the purposes of providing a comprehensive cost analysis of major transmission infrastructure upgrades that may be needed to deliver clean energy generation procured pursuant to the laws of the commonwealth for the use of residents of the commonwealth and the region. Such comprehensive analysis shall give special attention to the need to equitably allocate costs to, and

share costs with, benefitted populations outside the commonwealth, and shall include policy recommendations that may be needed to equitably recover such costs.

(b) The working group shall consist of 17 members or their designees: 1 of whom shall be the chair of the department of public utilities, who shall serve as co-chair; 1 of whom shall be the commissioner of energy resources, who shall serve as co-chair; 1 of whom shall be the attorney general; 2 of whom shall be the co-chairs of the joint committee on telecommunications, utilities, and energy; 6 of whom shall be appointed by the governor from a list of persons submitted by the following organizations and associations: the American Society of Civil Engineers, the Associated Industries of Massachusetts, Inc., the Massachusetts Taxpayers Foundation, Inc., the National Consumer Law Center, Inc., the Acadia Center, and the Northeast Clean Energy Council, Inc.; and 6 persons to be appointed by the governor, 1 of whom shall be a representative of or consultant to the offshore wind industry, 1 of whom shall be a representative of or consultant to the solar energy industry, 1 of whom shall be an economist with knowledge of electricity transmission, distribution, generation and power supply, 1 of whom shall be a representative of municipal interests or a regional public entity, and 2 of whom shall be representatives of investor-owned utilities in the commonwealth. A vacancy on the working group shall be filled in the manner in which the original appointment was made. Members of the working group shall receive no compensation for their services. The working group may request from all state agencies such information and assistance as the task force may require.

(c) The working group shall assess and report to the general court on any necessary transmission upgrades that may be required to support the deployment of clean energy projects that may interconnect into the commonwealth for the benefit of residents of the commonwealth and the region, including but not limited to offshore wind projects. This assessment shall consider both in-state transmission upgrades as well as any regional transmission upgrades that may be necessary to accommodate the commonwealth's clean energy requirements and shall provide recommendations on any actions or initiatives that may be undertaken by ISO New England Inc., the Federal Energy Regulatory Commission, and other regional and state-level entities that may be helpful or necessary to funding, securing or approving such upgrades. The assessment shall include a cost-benefit analysis to identify regulatory and legal challenges associated with obtaining and streamlining tariff approvals to accommodate increased clean energy penetration across New England. The working group shall also assess and review cost-allocation measures adopted in other jurisdictions that aim to spread transmission upgrade costs equitably among ratepayers and developers across the states and regions. The working group shall meet periodically and shall solicit technical assistance from transmission engineering experts, cost allocation experts, additional electric companies, consumer organizations, and other regional energy market participants, including the New England States Committee on Electricity LLC managers.

(d) The working group shall convene its first meeting not later than April 1, 2023 and shall submit a report, along with any recommendations for legislative and regulatory actions at the state,

regional, and federal level, not later than December 31, 2023 to the clerks of the house of representatives and the senate and the chairs of the joint committee on telecommunications, utilities and energy.

SECTION 72. Notwithstanding any general or special law to the contrary, each distribution company, as defined in section 1 of chapter 164 of the General Laws, shall, not later than October 31, 2023, file with the department of public utilities: (i) at least 1 electric rate tariff, which addresses operational parameters, to apply to energy storage systems interconnected to their distribution network; and (ii) notice of its intent to promptly file with the Federal Energy Regulatory Commission a wholesale distribution service rate schedule to apply to standalone energy storage systems that are interconnected to their distribution network but are transacting in New England's wholesale electricity markets. The distribution companies shall identify the costs to the distribution network not recouped through project sponsor-funded interconnection upgrades or otherwise paid directly by the project sponsor and design rates to recoup the distribution company's net costs in a manner similar to how they are incurred by the distribution company, without unduly impeding the participation of energy storage systems in power markets and other uses of such systems that provide benefits to the electric grid.

SECTION 73. Notwithstanding any general or special law to the contrary, any funds not expended prior to the effective date of this act in the Offshore Wind Energy Career Training Trust Fund established in section 14 of chapter 23J of the General Laws shall be transferred by the comptroller from said fund to the Massachusetts Offshore Wind Industry Investment Trust Fund established in section 9A of said chapter 23J.



SECTION 74. (a) Notwithstanding any general or special law to the contrary, the department of elementary and secondary education, in consultation with the executive office of labor and workforce development, shall develop and implement a pilot program for the purpose of helping students acquire academic and technical skills that will prepare them for high-demand jobs in the commonwealth in the offshore wind industry identified pursuant to section 26 of chapter 23 of the General Laws, as inserted by section 2 of this act; provided, however, that programming shall include jobs in the offshore wind supply chain, including, but not limited to, manufacturing, construction, assembly, shipping and operations and maintenance, and any additional credentialed programming in support of the offshore wind industry.

(b) The department shall reimburse each school district at a rate of: (i) \$750 for each student in the district who earns an offshore wind industry-recognized certification for an occupation that has a high employment value or relevant industry-recognized certification that is recognized by any public institution of higher learning in the commonwealth as a basis for academic credit at such institution, and (ii) \$600 for each student in the district who earns an industry-recognized certification in the offshore wind industry that does not meet the criteria of clause (i) but addresses regional demands identified by the local MassHire Workforce Board. Any school district receiving a certification award for the offshore wind industry pilot credentialing program shall allocate at least 80 per cent of any certification award to the school whose students obtained the qualifying certification; provided, that the allocation may not be used to supplant funds otherwise provided for the basic operation of the

school; and provided further, that any school receiving a certification award shall use the award to support or maintain the program, including the payment of stipends for instructors and the subsidization of fees for low-income students to obtain the certification. The department shall develop the criteria necessary to carry out the offshore wind industry pilot credentialing program and may promulgate any regulations necessary to operate the pilot program.

(c) Not later than February 1, 2023, and annually for the duration of the pilot program, the department of elementary and secondary education shall submit an annual report on the progress of the pilot program established pursuant to subsection (a), including, but not limited to: (i) the number of public school students participating in the pilot seeking certifications for high-demand occupations in the offshore wind industry; (ii) the number of such students participating in the pilot who are low-income, English language learners and students with disabilities; (iii) the specific types of certifications earned by students, including the number of each such certification earned; and (iv) recommendations on how to bring high-skill, high-demand credentialing programs to scale statewide, including any necessary funding considerations.

(d) Notwithstanding any general or special law to the contrary, the Massachusetts clean energy technology center may transfer not more than \$3,000,000 from the Massachusetts Offshore Wind Industry Investment Trust Fund established under section 9A of chapter 23J of the General Laws to the department of elementary and secondary education; provided, that said funds shall also be expended by the department to reimburse school districts for initial costs incurred as a

result of participation in the pilot program, including, but not limited to, the acquisition of required materials and equipment and the hiring of qualified teachers.

SECTION 75. Notwithstanding any general or special law to the contrary, the department of public utilities shall implement the requirements in subsection (a) of section 92B of chapter 164 of the General Laws within 30 days of the effective date of this act.

SECTION 76. Notwithstanding any general or special law to the contrary, the governor shall make appointments to the Grid Modernization Advisory Council established in section 92C of chapter 164 of the General Laws within 30 days of the effective date of this act.

SECTION 77. Notwithstanding any general or special law or rule, regulation or order to the contrary, the department of public utilities shall not approve any company-specific plan filed pursuant to the DPU Docket No. 20-80, Investigation by the Department of Public Utilities on its own Motion into the Role of Gas Local Distribution Companies as the Commonwealth Achieves its Target 2050 Climate Goals, prior to conducting an adjudicatory proceeding with respect to such plan.

SECTION 78. Notwithstanding any special or general law to the contrary, the Massachusetts Department of Transportation shall provide each regional transit authority established under chapter 161B of the General Laws with assistance to create an electric bus rollout plan that includes: (i) a goal to transition to zero-emission buses; provided, however, that the goal shall not require an internal combustion engine bus to be unnecessarily retired before the end of its

useful life; (ii) identification of the types of zero-emission bus technologies a regional transit agency may deploy; (iii) a schedule for construction of facilities and related infrastructure modifications or upgrades required to deploy and maintain a zero-emission bus fleet including, but not limited to, charging, fueling and maintenance facilities; provided, however, that the schedule shall identify potential sites for each facility; (iv) a schedule for zero-emission and conventional internal combustion engine bus purchases and lease options identifying: (A) the bus and fuel type; (B) the number of zero-emission buses being purchased; and (C) the number of internal combustion engine buses being retired; (v) prioritization of the deployment of zero-emission buses on routes in underserved communities and communities with a high percentage of low-income households; (vi) a training plan for zero-emission bus operators and maintenance and repair staff; and (vii) identification of potential funding sources.

SECTION 79. Notwithstanding any general or special law to the contrary, there shall be a commercial fisheries commission to develop and recommend strategies, methods and tools to promote the sustainability of the commonwealth's commercial fishing industry including, but not limited to, harvesting, processing and production and sales and distribution. The commission shall address subjects including the responsible development of offshore energy projects, mitigation and support strategies to ensure the long-term sustainability of fisheries in the commonwealth, the creation of a comprehensive infrastructure to enable effective dialogue between fishing industry stakeholders and those involved in the development of marine-based energy generation and transmission projects including, but not limited

to, the offshore generation and transmission. The commission shall consist of: the director of marine fisheries and the director of coastal zone management, who shall serve as co-chairs; the secretary of energy and environmental affairs or the secretary's designee; and 16 members appointed by the governor, 1 of whom shall be from the Massachusetts Seafood Collaborative from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Massachusetts Fishing Partnership from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Stellwagen Bank Charter Boat Association from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Responsible Offshore Development Alliance from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Fisheries Survival Fund from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Northeast Seafood Coalition from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Gloucester Fishermen's Wives from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Offshore Mariners Wives Association from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Massachusetts Lobstermen's Association from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Gloucester Fishing Community Preservation Fund from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the New Bedford Fishing Heritage Center from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Cape Cod Commercial Fishermen's Alliance from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the

Center for Sustainable Fisheries, Inc from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Gloucester Fisheries Commission from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the School for Marine Science and Technology at the University of Massachusetts Dartmouth and 1 of whom shall be from the Harbor Development Commission doing business as the New Bedford Port Authority from a list of 3 nominees submitted by the commissioners.

The commission shall meet not less than 4 times each year and shall produce a report annually that shall be published electronically by the executive office of energy and environmental affairs. The executive office shall provide administrative support for the operations of the commission and file its report with the clerks of the senate and house of representatives. This section shall expire 8 years after the effective date of this act.

SECTION 80. (a) The department of energy resources, in consultation with the Massachusetts clean energy technology center, shall conduct a study (i) how to optimize the cost-effective deployment and utilization of both new and existing mid-duration and long-duration energy storage systems, as defined in section 83B of chapter 169 of the acts of 2008, inserted by section 12 of chapter 188 of the acts of 2016, in the commonwealth and investigate the necessity, costs and benefits of requiring distribution companies, as defined in section 1 of chapter 164 of the General Laws, to jointly and competitively conduct energy storage systems solicitations and procurements of up to 4,800 gigawatt hours of stored energy from renewable generation delivered to periods of high demand each year; (ii) other methods to help increase the utilization of energy storage

systems; (iii) the state of energy storage systems currently in development; (iv) the cost effectiveness of providing tax incentives under section 5 of chapter 59 of the General Laws or section 6 of chapter 64H of the General Laws for energy storage systems; (v) the cost effectiveness of financing mechanisms and incentives, including the use of alternative compliance payments and the use of energy efficiency funds provided pursuant to section 19 of chapter 25 of the General Laws to assist in funding energy storage systems installed at customer's premises; (vi) the location patterns of energy storage systems currently in use; and (vii) opportunities for future expansion in energy storage. The study shall consider the performance of said systems under frequent deployment, barriers to deployment or utilization and incentives and programs that could facilitate their deployment or utilization.

(b) Based on its study, the department shall, not later than December 31, 2023, submit a report and recommendations to the clerks of the senate and house of representatives and to the chairs of the joint committee on telecommunications, utilities, and energy. The report shall include, but not be limited to, the extent to which the storage systems: (i) contribute to compliance with the statewide greenhouse gas emissions limits and sublimits under chapter 21N of the General Laws, including, but not limited to, the sublimit of electric power, pursuant to section 3A of said chapter 21N; (ii) promote the integration of offshore wind energy and other renewable sources; (iii) enable firm energy delivery from renewable energy resources during periods of low energy demand to periods of high energy demand; (iv) enhance the reliable delivery and security of electricity to consumers; (v) minimize ratepayer costs; (vi) contribute to the decarbonization

and operational resilience of critical emergency infrastructure including, but not limited to, cooling centers designed to provide relief for vulnerable urban residents from extreme heat that are co-located in schools, senior centers, libraries and health centers; and (vii) contribute to the decarbonization of healthcare institutions including, but not limited to, hospitals and other healthcare providers. The department of energy resources shall provide recommendations to the secretary of energy and environmental affairs not later than 9 months after the effective date of this act, including numerical deployment targets for both new and existing mid-duration and long-duration energy storage systems, which the secretary shall incorporate into the setting of numerical benchmarks for energy storage capacity pursuant to clause (xi) of section 5 of said chapter 21N.

(c) If the study finds it beneficial to the commonwealth, the department of energy resources shall require solicitations and procurements in accordance with the study recommendations; provided, that the procurements shall: (i) contribute to compliance with statewide greenhouse gas emissions limits and sublimits under said chapter 21N; (ii) promote the integration of offshore wind energy and other renewable sources; (iii) transport energy from periods of low energy demand to periods of high energy demand; provided, that such transportation is coordinated with the renewable generation produced in lower demand periods under solicitations performed pursuant to subsection (b) of section 83C of chapter 169 of the acts of 2008 or other renewable sources; (iv) enhance the reliable delivery of electricity to Massachusetts consumers; and (v) minimize ratepayer costs.



(d) The department of energy resources may promulgate regulations to implement this section consistent with the study recommendations, including, but not limited to, the methodology by which distribution companies shall develop solicitations, if applicable, pursuant to this section.

SECTION 81. (a) There shall be within the executive office of energy and environmental affairs, but not subject to the control of the office, an intergovernmental coordinating council to implement an electric vehicle charging infrastructure deployment plan. The council shall consist of the following 11 members: the secretary of energy and environmental affairs or designee, who shall designate the chair of the council; the commissioner of environmental protection or designee; the commissioner of energy resources or designee; the secretary of the Massachusetts Department of Transportation or designee; the general manager of the Massachusetts Bay Transportation Authority or designee; the secretary of housing and economic development or designee; the secretary of administration and finance or designee; the executive director of a regional planning agency or designee, who shall be appointed by the governor; the commissioner of public utilities or designee; and the chairs of the joint committee on telecommunications, utilities and energy or their designees, who shall serve as non-voting members with respect to any spending matter. The council shall assess and report on strategies and plans necessary to deploy electric vehicle charging infrastructure to establish an equitable, interconnected, accessible and reliable electric vehicle charging network. The deployment plan shall facilitate: (i) compliance with the greenhouse gas emissions limits and sublimits set pursuant to sections 3 and 3A of chapter 21N of the General Laws, with emphasis

on compliance with the emissions limits and sublimits set for 2025 and 2030; (ii) attainment of the numerical benchmarks for electric vehicles and electric vehicle charging stations set pursuant to section 5 of said chapter 21N; (iii) cessation, by December 31, 2035, of in-state sales of non-zero-emission vehicles; and (iv) advancement of access to, and affordability of, electric vehicle charging and fueling.

The assessment shall include, but not be limited to: (i) the present condition of, and future needs for, road and highway electrification; (ii) estimates of the number and type of electric vehicle charging stations needed in public and private sector settings including, but not limited to, parking lots for public transit stations, commercial and industrial settings and single occupancy, double occupancy and multiple-occupancy residential structures; (iii) suggestions for optimal locations for electric vehicle charging stations in urban, suburban and rural areas including, but not limited to, low-income and moderate-income communities; (iv) discussion of distribution, transmission and storage infrastructure and technology needed; (v) discussion of present and projected future costs and methods of financing those costs; (vi) discussion of technological advances in charging stations and related infrastructure, equipment and technology including, but not limited to, advances that may aid in collecting data, connecting via remote communications, providing mobile charging, assisting in grid management and assisting in the integration of renewable energy resources; (vii) discussion of strategies to maintain electric vehicle charging stations in full and continuous working order; (viii) recommendations to assist governmental and private sector officials in installing charging stations and related infrastructure, equipment and technology, including within proximity of on-street parking; and (ix)

identification and discussion of current policies and recommendations for policies, laws and regulatory actions that may facilitate the provision of charging stations and related infrastructure, equipment and technology including, but not limited to, cybersecurity requirements and best practices.

(b) The council shall regularly seek data and input related to electric vehicle charging stations, fueling stations and related infrastructure, equipment, equipment maintenance and technology, from stakeholders, which stakeholders shall include, but not be limited to, investor-owned and publicly-owned electric utilities, state and local transportation agencies, companies involved in products, services, technologies and data collection related to clean energy charging and fueling, automobile manufacturers, groups representing environmental, energy and climate perspectives, and groups representing consumers including, but not limited to, low-income consumers.

(c) The executive office of energy and environmental affairs shall provide administrative support to the council. In conducting and updating the assessment under this section, the council shall hold at least 3 public hearings in geographically diverse areas of the commonwealth.

(d) The council shall issue an initial assessment to the senate and house committees on ways and means and the joint committee on telecommunications, utilities and energy not later than 12 months after the effective date of this act and shall reconsider and revise its

assessment at least once every 2 years. The council shall make its assessments publicly available on the website of each secretariat with a member serving on the council.

(e) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Charging Infrastructure Deployment Fund for the purpose of ensuring a holistic, coordinated and comprehensive deployment of electric vehicle charging infrastructure. The fund shall be credited with: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) interest earned on such revenue; and (iii) funds from public and private sources and other gifts, grants and donations. All amounts credited to the fund shall be expended solely for activities and expenditures consistent with the purposes of this section, including the ordinary and necessary expenses of administration and operation of the fund; provided, however, that no expenditure made from the fund shall cause the fund to become deficient at any point during the fiscal year. Any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

SECTION 82. The department of energy resources may coordinate with one or more New England states undertaking competitive solicitations to consider projects for long-term clean energy generation, transmission or capacity for the benefit of residents of the commonwealth and the region. If the department of energy resources, in consultation with the Attorney General, determines, not later than December 31, 2022, that a project would satisfy all of the benefits listed below, the electric distribution companies shall enter into cost-effective long-term contracts. In its determination, the

department of energy resources shall determine if any proposals (i) provide cost-effective clean energy generation to electric ratepayers in the commonwealth and the region over the term of the contract; (ii) provide the benefits of clean energy and associated transmission towards meeting the commonwealth's decarbonization goals; (iii) where possible, avoid, minimize, or mitigate, to the maximum extent practicable, environmental impacts, impacts on commercial and recreational fishing industries, and impacts to low-income populations; (iv) reduce ratepayer costs in winter months and improve energy security during winter months; (v) demonstrate progress toward obtaining required permit approvals and interconnection, and (vi) have credible project schedule and construction plans, including plans for financing and stakeholder engagement. For purposes of this section, a long-term contract shall be a contract with a term of 10 to 20 years. Eligible clean energy generation resources must (i) have a commercial operation date on or after January 1, 2022; and (ii) be qualified by the department of energy resources as eligible to participate in the renewable energy portfolio standard program under section 11F of chapter 25A of the General Laws. Associated transmission costs must be incorporated into a proposal. All proposed contracts shall be subject to the review and approval of the department of public utilities. The department of public utilities shall consider both potential costs and benefits of such contracts and shall only approve a contract upon a finding that it is cost-effective, taking into account the factors outlined in this section.

SECTION 83. (a) The Massachusetts School Building Authority shall conduct an assessment of elementary and secondary school buildings relative to energy efficiency, building conditions, safety, and

public health. The assessment shall include cataloging the age and condition of any building systems relying on the on-site combustion of fossil fuels. The assessment shall be conducted in coordination with ongoing assessments or surveys of the authority. The authority shall determine the means of conducting the assessment which may include a representative sample of schools. In planning said assessment, the authority shall consult with the department of public health, the department of elementary and secondary education and the department of energy resources.

Following completion of the assessment, the department of public health, in consultation with the Massachusetts School Building Authority, the department of elementary and secondary education, and the department of energy resources, shall develop, and report on, methods, best practices, and standards for achieving green and healthy schools strategies to for the students of the commonwealth. Methods, best practices, and standards may involve, but shall not be limited to: (i) increasing energy efficiency, increasing electrification, and shifting to fossil-free fuels; (ii) efficiently using resources, including, but not limited to, low flow water fixtures; (iii) improving water and air quality, ventilation, and air circulation systems; (iv) maintaining thermal comfort, humidity, and temperature controls; and (v) taking other actions the department may determine.

The department of public health shall issue a report on the methods, best practices and standards and may include recommendations to prioritize schools with the greatest needs, consider the unique environmental differences of schools located in urban, industrial, rural and other areas facing site challenges, and consider the need to address historic patterns of inequity in education

and schools including, but not limited to, patterns of inequity involving students in special education programs. The report shall include a projected cost estimates for implementing its recommendations in a cost-effective manner.

(b) The report shall be published on the website of the department of public health and submitted to the house and senate committees on ways and means, the joint committee on telecommunications, utilities and energy, the joint committee on public health, and the joint committee on education not later than December 31, 2024.

(c) Any findings or recommendations may be used to guide the department of elementary and secondary education in its implementation of item 1599-2055 of section 2A of chapter 102 of the acts of 2021.

SECTION 84. (a) For the purposes of this section, the following terms shall have the following meanings unless the context clearly requires otherwise:

“Fossil fuel-free”, as defined by a city or town to include, but not be limited to, an entire building or entire condominium unit that does not, in support of its operation after construction, utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.

“Local approval”, by a majority vote of the: (i) city council with the approval of the mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city; (ii) city council in every other city; (iii) annual town meeting or a special town meeting called

for that purpose in the case of a municipality with a town meeting form of government; or (iv) town council in the case of a municipality with a town council form of government.

(b) The department of energy resources shall establish a demonstration project in which cities and towns may, notwithstanding chapter 40A of the General Laws, section 13 of chapter 142 of the General Laws and chapter 164 of the General Laws or any other general or special law to the contrary, adopt and amend general or zoning ordinances or by-laws that require new building construction or major renovation projects to be fossil fuel-free, and enforce restrictions and prohibitions on new building construction and major renovation projects that are not fossil fuel-free, including through the withholding or conditioning of building permits; provided, that said restrictions and prohibitions shall not apply to research laboratories for scientific or medical research, or to hospitals or medical offices regulated by the department of public health as a health care facility.

(c) The department shall approve not more than 10 applications for participation in the demonstration project under this section. No city or town shall apply for acceptance into the demonstration project until it has received local approval and has submitted a home rule petition to the general court on the subject matter of this section; provided, that the department shall issue approvals under this section to not more than 10 applications in the order in which cities and towns have submitted or submit home rule petitions to the general court; provided further, that the department shall, in the interest of increasing housing production in the commonwealth, withhold approval of an application by a city or town applying to participate in the demonstration project until such time as said city or town has: (i) met



the 10 per cent housing affordability threshold set under chapter 40B of the General Laws or has been granted safe harbor status through an approved Housing Production Plan by the department of housing and community development; or (ii) has approved a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, that such multi-family housing shall be without age restrictions and shall be suitable for families with children; provided further, that a city or town that met the 10 per cent affordability threshold as of December 21, 2020, shall be deemed to have satisfied the requirements of this paragraph. For the purposes of this section, multi-family housing shall be a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building and a district of reasonable size shall have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 of the General Laws and title 5 of the state environmental code established pursuant to section 13 of chapter 21A of the General Laws. If said city or town fails to: (i) meet the 10 per cent housing affordability threshold or receive safe harbor status within 18 months of the effective date of this act; or (ii) approve such a multifamily zoning ordinance or by-law within 18 months of the effective date of this act, said application shall expire and be deemed void, at which time the department shall, in lieu of approving said application, approve a substitute application from a city or town that has met the 10 per cent housing affordability threshold or received safe harbor status or has a zoning ordinance or by-law that complies with this section; provided, that the department may act on substitute applications without respect to the order of submission of home rule

petitions to the general court; provided further, that the total number of communities approved for participation in the demonstration project shall at no point exceed 10.

(d) Nothing in this section shall inhibit or interfere with the department's obligation to promulgate a municipal opt-in specialized stretch energy code that includes, but shall not be limited to, net-zero building performance standards and a definition of net-zero building under section 31 of chapter 8 of the acts of 2021 nor shall anything in this section limit the ability for any community to opt in to such specialized code following its promulgation; provided, however, that nothing in this section shall interfere with the department's authority to set restrictions or limitations on fossil fuel construction necessary to meet the department's obligation to promulgate the specialized stretch energy code's net-zero building performance standards and definition of net-zero building designed to achieve compliance with the commonwealth's statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N of the General Laws.

(e) The department shall collect data from cities and towns approved under this section to monitor impacts of the ordinances and by-laws authorized by this section on emissions, building costs, operating costs, the number of building permits issued and other criteria as set by the department in consultation with participating cities and towns and the secretary of housing and economic development. Not later than September 30, 2024, and every year thereafter, the electric and gas distribution companies shall collect and annually report to the department, in a form approved by the department, the anonymized monthly totals of electricity and gas consumed, and corresponding electricity and gas bill amount, for each

consumer: (i) residing in a newly constructed building or major renovation project subject to the demonstration in each municipality participating in the demonstration; and (ii) residing in a newly constructed building or major renovation project in a number of comparable municipalities, as selected by the department, not participating in the demonstration. The department shall make said data available in an anonymized and aggregated manner that protects against potential unmasking of customer data on its website in a machine-readable format and shall annually update the data for the duration of the demonstration. Not later than September 30, 2025, and every 2 years thereafter, the department shall compile a report to be filed not later than September 30 for the 2 previous calendar years with the senate and house committees on ways and means, the joint committee on housing and the joint committee on telecommunications, utilities and energy. The report shall summarize the data required to be collected under this paragraph and shall include, but not be limited to, an analysis of the net reduction in emissions: (i) for each newly constructed building or major renovation project subject to the demonstration in each municipality participating in the demonstration; and (ii) for each comparable newly constructed building or major renovation project in a number of comparable municipalities, as selected by the department, not participating in the demonstration. The report shall also analyze impacts on: housing production, if any; housing affordability, if any, including electric bills, heating bills and other operating costs; housing affordability for persons of low and moderate income, if any, including electric bills, heating bills and other operating costs; and any other matters set forth by the department after consultation with municipalities and with individuals,

organizations and institutions knowledgeable about issues of housing and emissions reductions. The report shall also include recommendations for the continuation or termination of the demonstration project.

(f) The department of energy resources, in consultation with the executive office of energy and environmental affairs and the executive office of housing and economic development, may promulgate regulations to implement this section. If regulations are promulgated, said regulations shall be promulgated no later than July 1, 2023.

SECTION 85. (a) The secretary of the executive office of energy and environmental affairs, in consultation with the department of energy resources and the department of public utilities, shall investigate the advantages and disadvantages of using or participating in regional or multi-state competitive market-based mechanisms, structures, systems or competitive solicitations in order to facilitate the development of clean energy generation resources, including but not limited to offshore wind energy generation, to meet the commonwealth's clean energy needs and comply with the statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N of the General Laws, while providing benefits for the commonwealth. Such mechanisms, structures, systems or competitive solicitations may include long-term contracts, ISO New England Inc. administered markets or any other exchanges, banking, credits, charges, exactions or electricity transactions consistent with rules and protocols established by state regulation designed to achieve the statewide greenhouse gas emissions limits and sub-limits required by said chapter 21N.

(b) Not later than March 1, 2023, the secretary shall submit to the clerks of the senate and house of representatives a report on the executive office's investigation of the advantages and disadvantages of using or participating in regional or multi-state market-based mechanisms, structures, systems or competitive solicitations to facilitate the development of clean energy generation resources. The report shall include recommendations by the secretary on regional or multi-state mechanisms, structures, systems or competitive solicitations to facilitate the development of clean energy generation resources. If the secretary finds that use of such a market-based mechanism, structure, system or competitive solicitation would be beneficial to the commonwealth, the secretary may act pursuant to subsection (c).

(c) Pursuant to subsections (a) and (b), the secretary and the department of energy resources may adopt regulations establishing or governing such market-based mechanisms, structures, systems, or competitive solicitations which may include long-term contracts, ISO New England Inc. administered markets or any other exchanges, banking, credits, charges, exactions, or electricity transactions consistent with rules and protocols established by state regulation, including in cooperation with other states in the ISO New England Inc. service area, in order to reduce greenhouse gas emissions from sources or categories of sources and comply with the statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N of the General Laws.

SECTION 86. The Massachusetts clean energy technology center shall develop a guide and website to provide information about the costs and availability of electric vehicles and shall develop an annual

projection of the availability of such vehicles in the next year. The projection shall be posted electronically and filed with the clerks of the senate and house of representatives.

SECTION 87. (a) For purposes of this section, “zero-emission school bus” shall mean a school bus that produces no engine exhaust carbon emissions.

(b) The department of transportation, in consultation with the department of energy resources and the department of elementary and secondary education, shall prepare a report that analyzes: (i) the number of fossil fuel-powered school buses in use in the commonwealth, delineated by school district; (ii) the number of zero-emission school buses in use in the commonwealth, delineated by school district; (iii) the annual cost of operating fossil fuel-powered school buses including, but not limited to, the cost of purchasing or contracting to use fossil fuel-powered buses and purchasing fossil fuels; (iv) the annual cost of operating zero-emission school buses including, but not limited to, the cost of purchasing or contracting to use zero-emission buses and the cost of purchasing or contracting to use charging stations and related charging infrastructure; (v) the projected cost differential between the sale or contracted use of fossil fuel-powered and zero-emission school buses; (vi) the estimated cost to replace fossil fuel-powered school buses with zero-emission school buses; (vii) the estimated environmental benefits of replacing fossil fuel-powered school buses with zero-emission school buses including, but not limited to, carbon reductions and related health benefits; (viii) the number of school districts that own their school bus fleets and the number of school districts that rent, lease or contract for school bus services; (ix) recommendations on how to structure a state incentive

program to replace or support the replacement of all fossil fuel-powered school buses with zero-emission school buses; and (x) additional information relevant to informing a statewide plan to replace or support the conversion of all school buses from fossil fuel-powered school buses to zero-emission school buses.

(c) The department shall file the report with the clerks of the senate and house of representatives, the house and senate committees on ways and means, the joint committee on education, the joint committee on telecommunications, utilities and energy and the joint committee on transportation not later than June 15, 2023.

SECTION 87A. (a) Notwithstanding any general or special law to the contrary, not later than July 1, 2023, any electric distribution company or municipal aggregator with a certified efficiency plan may submit proposed low- and moderate-income whole building efficiency, electrification and greenhouse gas emission reduction offerings to a limited number of participants within the low- and moderate-income customer groups to the department of public utilities for review. The offerings shall: (i) promote the adoption of whole building energy efficiency measures, including weatherization; (ii) require full displacement of fossil fuel heating and cooling equipment and fossil fuel cooking appliances, excluding outdoor grills; and (iii) promote adoption and installation of onsite renewable energy generation and energy storage. A renewable energy facility funded by the offerings made under this section shall be designated as a “qualifying facility” as defined in 220 CMR 8.02. The offerings shall be designed to encourage customers to lower energy consumption, reduce demand, improve customer resiliency and reduce use of the distribution system.

(b) Costs incurred under this section may be recovered through the funding sources authorized in subsection (a) of section 19 of chapter 25 of the General Laws.

(c) Not later than August 1, 2026, the department shall file a report detailing the results of the offerings under this section, including: (i) an analysis of costs, benefits and scalability of the offerings; (ii) an analysis of the burdens to ratepayers of adding solar, storage or other clean energy technologies into the energy efficiency programs; and (iii) recommendations for legislative changes to any energy efficiency and renewable energy generation incentive programs. The report shall be filed with the clerks of the senate and the house of representatives, the joint committee on telecommunications, utilities and energy and the house and senate committees on ways and means.

SECTION 88. Sections 33 to 36, inclusive, shall take effect upon their passage and shall not apply to any biomass facility qualified by the department of energy resources as a renewable energy generating source pursuant to section 11F of chapter 25A of the General Laws as of January 1, 2022.

SECTION 89. (a) Not later than 180 days after the effective date of this act, the Massachusetts Department of Transportation, in consultation with the Massachusetts Bay Transportation Authority, shall issue a comprehensive analysis of any problems and challenges that may have existed concerning the operation of electric vehicle charging stations at service plazas located on the Massachusetts Turnpike, in parking lots at commuter rail stations and in parking lots of subway stations for the time period between July 1, 2021, and June 30, 2022, including but not limited to: a comprehensive record of



charging station service outages identified by location; copies of any contracts or contractual provisions regarding the servicing, maintenance and repair of said charging stations; copies of correspondence between the department and other parties regarding efforts to service, maintain and repair said charging stations; estimates of downtime by individual charging station; identification of any software or hardware malfunctions or any shortages of labor or parts that may have contributed significantly to excessive equipment downtime or to said problems and challenges; identification of any software or hardware malfunctions or any shortages of labor or parts that pose a significant risk of contributing to equipment downtime or to said problems and challenges in the future; recommendations on addressing any such malfunctions, shortages, excessive downtime, problems and challenges and avoiding their recurrence; and comprehensive comments and recommendations regarding lessons to be learned with respect to the effective future deployment of electric vehicle charging infrastructure within the commonwealth.

(b) Not later than July 1, 2024 the Massachusetts Department of Transportation, working in cooperation with the Massachusetts Bay Transportation Authority and regional transit authorities, shall make provision for installing and maintaining in good working order electric vehicle charging stations for public use at: (i) all service plazas located on the Massachusetts Turnpike; (ii) parking lots of at least 5 commuter rail stations; (iii) parking lots of at least 5 subway stations; and (iv) a parking lot of at least 1 ferry terminal. Charging stations should be of a quantity and type appropriate to the pattern of utilization expected at each site.

SECTION 90. (a) For the purposes of this section, “time-of-use rate” shall mean a rate designed to reflect the cost of providing electricity to a consumer charging an electric vehicle at an electric vehicle charging station at different times of the day.

(b) Not later than 12 months after the effective date of this act, distribution companies as defined in section 1 of chapter 164 of the General Laws, shall submit proposals to the department for approval to offer a time-of-use rate. The proposals shall not include additional demand charges. The proposals shall include a separate opt-in residential time-of-use rate for electric vehicle owners or lessees. In evaluating proposals for approval, the department shall consider the effect of the proposal on: (i) energy conservation; (ii) optimal and efficient use of a distribution company’s facilities and resources; (iii) benefits to transmission and distribution systems; (iv) equitable rates for electric consumers; and (v) greenhouse gas emissions reductions. The proposals shall ensure equitable participation by all electric vehicle owners and lessees. Not later than October 31, 2025 the department shall issue at least 1 order that responds to distribution company proposals to offer a time-of-use rate.

SECTION 91. Not later than 6 months after the effective date of this section, the Massachusetts Department of Transportation, in consultation with the regional transit authorities, shall develop and issue recommendations for a comprehensive program of incentives for the authorities to develop and maintain buses and other vehicles that produce zero emissions. The recommendations shall be submitted to the clerks of the senate and house of representatives.

SECTION 92. The division established in section 23 of chapter 25 of the General Laws shall promulgate the regulations pursuant to section 12 of chapter 159A½ of the General Laws not later than October 1, 2023 and shall implement the vehicle electrification and greenhouse gas emissions requirements for transportation network companies pursuant to said section 12 of said chapter 159A½ not later than April 1, 2024.

SECTION 93. The department of energy resources shall promulgate regulations to implement section 20 of chapter 25A of the General Laws within 1 year of the effective date of said section 20 of said chapter 25A.

SECTION 94. Sections 23 to 31, inclusive, shall take effect upon its passage and shall apply to energy efficiency plans beginning with the 2025 to 2027 plan.

SECTION 95. Section 20 of chapter 25A of the General Laws, inserted by section 41, shall take effect on July 1, 2024.

SECTION 96. Section 46 shall take effect upon the secretary of energy and environmental affairs' certification in writing to the state secretary that a similar requirement regarding the sale of zero-emission vehicles has taken effect in the state of California; provided, however, that said section 46 shall not take effect prior to January 1, 2035 unless otherwise authorized by section 142k of chapter 111 of the General Laws.

SECTION 97. Sections 4, 44 and 45 of this act are hereby repealed.

SECTION 98. Sections 5 and 15 shall take effect on July 31, 2032.

SECTION 99. Subsection (d) of section 8A of chapter 23J, as inserted by section 14 of this act, is hereby repealed.

SECTION 100. Sections 97 and 99 shall take effect on July 31, 2032.

Approved, August 11, 2022.