The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.

THURSDAY, APRIL 14, 2022

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JOURNAL OF THE SENATE

Thursday, April 14, 2022.

Met at nineteen minutes past ten o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag. Pledge of allegiance.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Executive Office for Administration and Finance (pursuant to Section 81 of Chapter 102 of the Acts of 2021) submitting a status report detailing the source of revenue matched to each item in said act for all expenditures made during the quarter ending March 31, 2022 (received March 31, 2022); A&F,-- ARPA funds report. SD3079

Communication from the Executive Office of Health and Human Services (pursuant to item 1599-2026 of Section 2A of Chapter 102 of the Acts of 2021) submitting its reports on pre-arrest jail diversion and PACT expansion (received April 12, 2022); EOHHS,-- ARPA reports. SD3095

Communication from the Executive Office of Health and Human Services (pursuant to item 1599-2027 of Section 2A of Chapter 102 of the Acts of 2021) submitting its report on a loan repayment assistance program for human service workers and home health workers (received April 1, 2022); EOHHS,-- loan repayment report. SD3096

Communication from the Bureau of Special Investigations in the Office of the State Auditor (pursuant to item 0710-0200 of Section 2 of Chapter 24 of the Acts of 2021) submitting its quarterly report detailing and summarizing its activity during the second quarter of fiscal year 2022 (received April 12, 2022); BSI,-- FY22 Q2 report. SD3097

Communication from the Department of Public Health relative to its plan of correction for the Suffolk County Jail inspection on December 20, 2021 (received April 12, 2022); DPH,-- plan of correction. SD3098

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 24 of the Acts of 2021) submitting its paid prior year deficiency report through the third quarter of fiscal year 2022 (received April 13, 2022). CTR,-- prior year deficiency report. SD3100

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of NCCI Gardner and MCI Concord (received April 4, 2022); DPH,-- facility inspections. SD3081

Report of the Massachusetts District Attorneys Association (pursuant to Section 20D of Chapter 12 of the General Laws) submitting its report relative to child abuse and neglect cases that have been referred for criminal prosecution during fiscal year 2021 (received April 4, 2022); MDAA,-- child abuse report. SD3099

Report of the Special Legislative Early Education and Care Economic Review Commission (pursuant to Section 106 of Chapter 227 of the Acts of 2020, as amended by Section 93 of Chapter 24 of the Acts of 2021, Section 33 of Chapter 22 of the Acts of 2022 and Section 70 of Chapter 42 of the Acts of 2022) submitting its final report of findings and recommendations (received April 13, 2022). EECER commission,-- report. SD3102

Report of the Department of Elementary and Secondary Education (pursuant to Section 1J(a) of Chapter 69 of the General Laws) submitting its proposed amendment to 603 CMR 2.03: Accountability and assistance for all districts and schools (Senate, No. 2829) (copy having been forwarded as required to the joint committee on Education) (received April 14, 2022),-- **was referred to the committee on Education.**

DESE,-- CMR amendment.

Sent to the House for concurrence.

Petition.

Ms. Chandler presented a petition (accompanied by bill, Senate, No. 2825) of Harriette L. Chandler (with approval of the mayor and city council) for legislation to authorize the city manager of the city of Worcester to appoint police cadets under certain circumstances to the Worcester police department [Local approval received];

Worcester,-- police department.

Referred, under Senate Rule 20, to the committee on Public Service.

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill making technical corrections to the state trademarks act (Senate, No. 2033);

Trademark act,-- technical corrections.

By the same Senator, for the same committee, on petition, a Bill regarding information governance (Senate, No. 2108);

Information governance.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2073), a Bill relative to Massachusetts time zones (Senate, No. 2827); and

MA time zones.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2031), a Bill advancing taxpayers' right to know (Senate, No. 2828);

State spending,-- income taxes.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged.

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain current Senate document relative to the Farm Technology Review Commission (Senate, No. 2805);

Environment, Natural Resources and Agriculture committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain current Senate document relative to the Salisbury Beach Preservation Trust Fund (Senate, No. 2806);

Id.

Of the Senate Order relative to authorizing the joint committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain current Senate document promoting drinking water quality for all (Senate, No. 2807);

Id.

Of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to employee benefits and rights and employer obligations (Senate, No. 2816); and

Labor and Workforce Development committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Higher Education to make an investigation and study of a certain current Senate document relative to late fees for no interest student loans (Senate, No. 2822).

Higher Education committee,-- study.

And recommending that the same severally be referred to the committee on

Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4690) of Linda Dean Campbell and Frank A. Moran (with the approval of the mayor and city council) for legislation to further regulate the composition of the legislative branch of government of the city of Methuen,-- **was referred, in concurrence, to the committee on Election Laws.**

Methuen,-- government.

A Bill relative to certain affordable housing in the Jamaica Plain section of the city of Boston (House, No. 4205, amended,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Jamaica Plain,-- affordable housing.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. DiZoglio) "congratulating Frederick 'Fred' Jarrett Beeley on the occasion of his one hundredth birthday."

Frederick "Fred" Jarrett Beeley.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on the Judiciary until April 15, 2022 within which time to make its final report on current Senate documents numbered 47, 368, 920, 923, 932, 937, 945, 946, 976, 980, 984, 985, 989, 996, 1014, 1035, 1037, 1048, 1051, 1057, 1060, 1067, 1091, 1101, 1112, 1124, 1133, 1134, 2599 and 2607 relative to the Judiciary (Senate, No. 2632),-- ought to be adopted.

The Judiciary,-- extension order.

The rules were suspended, on motion of Mr. Eldridge, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following item was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill changing the board of selectmen in the town of Duxbury to a select board (House, No. 3937) (its title having been changed by the committee on Bills in the third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Duxbury,-- board of selectmen.

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Anastasios Milonopoulos, an employee of the Department of Correction (House, No. 4582,-- on petition),-- was read.

A. Milonopoulos,-- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill authorizing senior water and sewer discounts in the town of Arlington (House, No. 3749),-- **was read a second time and ordered to a third reading.**

Second reading bill.

There being no objection, the following matter was taken out of order from the Orders of the Day, for consideration, as follows:

The House Bill advancing offshore wind and clean energy (House, No. 4524),-- was read a second time. Offshore wind and clean energy.

The President in the Chair, during consideration of the Orders of the Day, there being no objection, the following matter was considered, as follows:

Swearing in of Senate Counsel.

The President announced that she has appointed James DiTullio of Arlington as Senate Counsel. Mr. DiTullio took and subscribed the oaths of office required by the Constitution and a law of the United States to qualify him for the discharge of his duties as Senate Counsel. Senate Counsel appointment.

Orders of the Day.

Mr. Brownsberger in the Chair, the Orders of the Day were further considered as follows:

The House Bill advancing offshore wind and clean energy (House, No. 4524),-- was further considered, the main question being on ordering the bill to a third reading. Offshore wind and clean energy.

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After remarks, pending the question on ordering the bill to a third reading and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2819), Messrs. Tarr, Fattman and O'Connor moved that the proposed new text be amended by inserting the text of Senate document numbered 2834, relative to Sustainable and economically viable clean energy future.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 3 – nays 36) **[Yeas and Nays No. 147]:**

YEAS.

Fattman, Ryan C.	Tarr, Bruce E. – **3.**
O'Connor, Patrick M.	

NAYS.

Barrett, Michael J.	Gobi, Anne M.
Brady, Michael D.	Gomez, Adam
Brownsberger, William N.	Hinds, Adam G.
Chandler, Harriette L.	Jehlen, Patricia D.
Chang-Diaz, Sonia	Keenan, John F.
Collins, Nick	Kennedy, Edward J.
Comerford, Joanne M.	Lesser, Eric P.
Creem, Cynthia Stone	Lewis, Jason M.
Crighton, Brendan P.	Lovely, Joan B.
Cronin, John J.	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
DiDomenico, Sal N.	Moran, Susan L.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Feeney, Paul R.	Rush, Michael F.
Finegold, Barry R.	Timilty, Walter F.

Friedman, Cindy F. Velis, John C. – **36.**

The yeas and nays having been completed at eighteen minutes before one o'clock P.M., the amendment was *rejected*.

Ms. Friedman in the Chair, there being no objection, the following matters were taken out of order from the Orders of the Day, for consideration, as follows:

The Senate Bill relative to the remediation of home heating oil releases (Senate, No. 676),-- was read a second time. Home heating,-- remediation.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2821), and pending the main question on ordering the bill to a third reading, Ms. Gobi moved that the proposed new draft be amended in section 1, by striking out the second sentence of paragraph (3) of subsection (b), and inserting in place thereof the following:- "Insurers may include a reasonable charge for such coverage in premiums applicable to all homeowners' insurance policies"; 1

By striking out subsection (c) and inserting in place thereof the following:-

"(c) Notwithstanding subsection (b), the joint underwriting association and an insurer may include an exclusion in homeowners' insurance policies from the coverages required pursuant to subsection (b) where the heating oil release would not have occurred but for the owner's failure to comply with the requirements of subsection (b) or subsection (c) of section 38J of chapter 148 or any regulations promulgated pursuant to subsection (b) or subsection (c) of said section 38J of said chapter 148; provided, however, that the joint underwriting association or insurer has provided an annual written notice to the insured that explains, in at least 16-point type, such requirements under chapter 148 and any regulations promulgated thereto on a separate form approved by the division of insurance."; and

By striking the language in section 2, in its entirety, and inserting in place thereof the following new language:-

"This act shall apply to policies issued or renewed on or after January 1, 2023."

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2821, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nine minutes before one o'clock P.M., on motion of Ms. Gobi, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 148]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.

DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **39.**
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at one minute before one o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2830].

Sent to the House for concurrence.

Open space,-- preservation.

The House Bill preserving open space in the Commonwealth (House, No. 851),-- was read a second time.

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After remarks, pending the question on ordering the bill to a third reading and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2820), Messrs. Eldridge, Rush, Keenan and Pacheco moved that the proposed new text be amended in section 1, in proposed section 5A, by striking out subsection (a) and inserting in place thereof the following subsection:-

"(a) In order to use for another purpose or otherwise dispose of land, an easement or other real property interest subject to Article XCVII of the Amendments to the Constitution of the Commonwealth, a public entity, including the commonwealth, any agency, authority, board, bureau, commission, committee, council, county, department, division, institution, municipality, officer, quasi-public agency, public instrumentality or any subdivision thereof shall: (i)(A) conduct an alternatives analysis demonstrating that all other options to avoid or minimize Article XCVII disposition have been explored and no feasible or substantially equivalent alternative exists; and (B) submit the analysis to the secretary of energy and environmental affairs and make the analysis public; (ii) identify replacement land or an interest in land, not already subject to said Article XCVII, that is of: (A) equal or greater natural resource value or recreation value, as determined by the secretary of energy and environmental affairs, and acreage and monetary value, as determined by an appraisal of the fair market value or value in use, whichever is greater; and (B) comparable location; and (iii) take, acquire or dedicate the replacement land or interest in land identified pursuant to clause (ii) in perpetuity for the same Article XCVII purpose. Upon request of a public entity seeking to use for another purpose or otherwise dispose of land, an easement or another real property interest subject to said Article XCVII, the secretary of energy and environmental affairs may: (i) permit the provision of funding dedicated to all costs of acquiring replacement land or an interest land, or a combination of replacement land or an interest in land and funding, where: (A) the alternatives analysis required by clause (i) of the first sentence has been submitted to the secretary and made public; (B) the secretary determines, after consideration of the analysis, that it is not feasible to provide replacement land or an interest in land meeting all of the criteria in clause (ii) of the first sentence, the interests protected by said Article XCVII are better served and an environmental justice population is not adversely impacted; and (C) the funding is placed in an account dedicated solely for the acquisition of land for Article XCVII purposes and expended within 3 years; (ii) waive or modify the appraisal requirement if the cost of the appraisal is greater than one-half of the value of the property

interest to be transferred based on assessor or other public records; and (iii) waive or modify the replacement land requirement pursuant to clauses (ii) and (iii) of the first sentence if: (A) the disposition involves only the transfer of legal control between public entities as described in this subsection and does not involve any other change, including, but not limited to, a change allowing the land to be used for another purpose; or (B) the transfer is of a parcel of insignificant natural resource and recreation value that is less than 2,500 square feet in area and the transfer serves a significant public interest.";

By striking out, in lines 29 to 31, inclusive, the words "changing the use or otherwise disposing of land or an easement taken or acquired pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth or designated in perpetuity for an Article XCVII purpose" and inserting in place thereof the following words:- "the use for another purpose or other disposition of land, an easement or another real property interest subject to said Article XCVII";

By striking out, in lines 32 to 34, inclusive, the words "and (ii) a description of the land to be dedicated pursuant to said subsection (a) or a copy of a waiver granted pursuant to said subsection (a)" and inserting in place thereof the following words:- "(ii) a description of the replacement land or interest in land and funding to be dedicated pursuant to said subsection (a), if not waived pursuant to said subsection (a); (iii) a copy of the appraisal required by said subsection (a), if not waived pursuant to said subsection (a); and (iv) a copy of any waiver or modification granted pursuant to said subsection (a)"; and

By striking out, in lines 36 and 37, the figure "1 year" and inserting in place thereof the following figure:- "18 months".

The amendment was adopted.

The Ways and Means amendment, as amended, was adopted.

The bill, as amended was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and the nays, at eighteen minutes past one o'clock P.M., on motion of Mr. Eldridge, as follows to wit (yeas 39 to nays 0) **[Yeas and Nays 149]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **39.**
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at twenty-four minutes past one o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, printed as amended, see Senate, No. 2831].

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Friedman) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Bills laid before the Governor.

Changing the board of selectmen in the town of Duxbury to a select board (see House, No. 3937, amended); and

Amending the charter of the city of Holyoke (see House, No. 4501).

Recess.

Recess.

There being no objection, at twenty-five minutes past one o'clock P.M., the Chair (Ms. Friedman) declared a recess, subject to the call of the Chair; and at twelve minutes past two o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Quorum.

Quorum.

At thirteen minutes past two o'clock P.M, Mr. Pacheco doubted the presence of a quorum. The Chair (Ms. Friedman), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at nineteen minutes past two o'clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered as follows:

Offshore wind and clean energy.

The House Bill advancing offshore wind and clean energy (House, No. 4524),-- was further considered, the main question being on ordering the bill to a third reading.

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Mr. Pacheco, Ms. Jehlen, Messrs. Lesser, Hinds and Brady, Ms. DiZoglio, Ms. Rausch, Messrs. Keenan, Timilty and O'Connor, Ms. Lovely and Mr. Collins moved that the proposed new text be amended by inserting the text of Senate document numbered 2832, relative to Building Environmental Justice and Energy Efficiency With Jobs.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before four o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 11 – nays 28) **[Yeas and Nays No. 150]:**

YEAS.

Brady, Michael D.	Lesser, Eric P.
Chandler, Harriette L.	O'Connor, Patrick M.
Chang-Diaz, Sonia	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Hinds, Adam G.	Timilty, Walter F. − **11.**
Keenan, John F.	

NAYS.

Barrett, Michael J.	Friedman, Cindy F.
Brownsberger, William N.	Gobi, Anne M.
Collins, Nick	Gomez, Adam
Comerford, Joanne M.	Jehlen, Patricia D.
Creem, Cynthia Stone	Kennedy, Edward J.
Crighton, Brendan P.	Lewis, Jason M.
Cronin, John J.	Lovely, Joan B.
Cyr, Julian	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Edwards, Lydia	Moran, Susan L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Velis, John C. – **28.**

The yeas and nays having been completed at one minute before four o'clock P.M., the amendment was *rejected.*

During consideration of the Orders of the Day, there being no objection, the following matters were considered, as follows:

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Reports of Committees.

Election Laws,-- extension order.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on Election Laws until June 10, 2022 within which time to make its final report on current Senate documents numbered 470, 471 and 475 and House documents numbered 769, 772, 773, 774, 778, 800 and 4070 relative to campaign finance (Senate, No. 2646),-- ought to be adopted.

The rules were suspended, on motion of Mr. Finegold, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Id.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Friday, April 15, 2022 within which time to make its final report on current House document numbered 4482.

The rules were suspended,, on motion of Mr. Finegold, and the order was considered forthwith.

Pending the question on adoption of the order, Mr. Finegold moved that the order be amended in line 2 by striking out the words “Friday, April 15, 2022” and inserting in place thereof the following words:- “Sunday, July 31, 2022”.

The amendment was adopted.

The order (House, No. 4563), as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Economic Development and Emerging Technologies,--

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Friday, April 15, 2022 within which time to make its final report on current Senate document numbered

2740. extension order.

The rules were suspended, on motion of Mr. Lesser, and, after remarks, the order (House, No. 4680) was considered forthwith; and adopted, in concurrence.

Order Adopted.

Election Laws,-- extension order.

Mr. Finegold presented an Order relative to granting the committee on Election Laws until June 10, 2022 within which time to make its final report on current Senate documents numbered 470, 471 and 475 and House documents numbered 769, 772, 773, 774, 778, 800 and 4070 relative to campaign finance (Senate, No. 2826).

There being no objection, the rules were suspended, on motion of Mr. Finegold, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

Offshore wind and clean energy.

The House Bill advancing offshore wind and clean energy (House, No. 4524),-- was further considered, the main question being on ordering the bill to a third reading.

5 Mr. Cyr, Ms. DiZoglio, Ms. Rausch, Messrs. Moore and Eldridge, Ms. Jehlen, Ms. Edwards, Ms. Moran, Mr. Pacheco, Ms. Comerford, Messrs. Cronin and Lewis, Ms. Lovely and Messrs. Feeney, Brady and Montigny moved that the proposed new text be amended by inserting after the word "facilities", in line 462, the following words:- ", including consideration of commercial, recreational and aboriginal fishing rights";

In said section 39, by inserting after the word "regional", in line 464, the following words:- "and tribal";

In said section 39, by striking out the words "impacts; and (iii)", in line 468, and inserting in place thereof the following words:- "impacts, including through meaningful consultation with impacted environmental and socioeconomic stakeholders including federally-recognized tribes; and (iii) proposals that support workforce harmony by agreements with appropriate labor organizations; provided, however, that preference shall be given to such agreements that facilitate employment opportunities for members of federally-recognized tribes in the commonwealth, low-income and moderate-income employment opportunities for workers from underrepresented communities and certified minority-owned and women-owned small business enterprises;"; and

By inserting after section 53 the following section:-

"SECTION 53A. Notwithstanding any general or special law to the contrary, the department of energy resources shall strive to achieve the goal of not less than 10,000 megawatts of offshore wind capacity by not later than 2035, including capacity required by section 83C of chapter 169 of the acts of 2008, section 21 of chapter 227 of the acts 2018 and section 91 of chapter 8 of the acts of 2021, if it finds it is necessary to meet the statewide greenhouse gas emissions limits established in chapter 21N of the General Laws. Not less than 180 days prior to initiating any process of acquiring capacity in addition to that authorized under said section 83C of said chapter 169, the department shall submit to the clerks of the senate and house of representatives a report on the department's preferred method of soliciting additional offshore wind, including, but not limited to, an analysis of solicitation methods, and any modifications, under said section 83C of said chapter 169 and advantages and disadvantages of using or participating in regional or multi-state competitive market mechanisms or structures to facilitate the development of clean energy generation resources."

After remarks, the amendment was adopted.

6 Mr. Pacheco, Ms. Edwards, Ms. Jehlen, Messrs. Eldridge and Moore, Ms. Rausch,

Mr. Brady and Ms. Lovely moved that the proposed new text be amended by inserting after section ____ the following section:-

"SECTION_____. (a) Notwithstanding any general or special law to the contrary, the department of energy resources shall, in coordination with the distribution companies, as defined in section 1 of chapter 164 of the General Laws, jointly and competitively conduct additional offshore wind generation solicitations and procurements, if it finds it is necessary to meet the statewide greenhouse gas emissions limits established in chapter 21N of the General Laws. The department shall jointly and competitively procure a total of at least 10,600 megawatts of offshore wind capacity by December 31, 2030. Any selected projects must use practices to avoid, minimize, and mitigate impact to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before five o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 5 – nays 34) **[Yeas and Nays No. 151]:**

YEAS.

Brady, Michael D.	Pacheco, Marc R.
DiZoglio, Diana	Tarr, Bruce E. – **5.**
O'Connor, Patrick M.	

NAYS.

Barrett, Michael J.	Gobi, Anne M.
Brownsberger, William N.	Gomez, Adam
Chandler, Harriette L.	Hinds, Adam G.
Chang-Diaz, Sonia	Jehlen, Patricia D.
Collins, Nick	Keenan, John F.
Comerford, Joanne M.	Kennedy, Edward J.
Creem, Cynthia Stone	Lesser, Eric P.
Crighton, Brendan P.	Lewis, Jason M.
Cronin, John J.	Lovely, Joan B.
Cyr, Julian	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Edwards, Lydia	Moran, Susan L.
Eldridge, James B.	Rausch, Rebecca L.
Fattman, Ryan C.	Rodrigues, Michael J.
Feeney, Paul R.	Rush, Michael F.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **34.**

The yeas and nays having been completed at one minute before five o'clock P.M., the amendment was *rejected*.

Ms. Rausch, Mr. Gomez, Ms. Comerford and Mr. Hinds moved that the proposed new text be amended in Section 26 by striking out the words appearing in lines 245-247, inclusive, and inserting in place thereof the following words:- 12

"SECTION 26. Section 2A of chapter 61A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended in line 6 by striking out the figure '25' and inserting in place thereof the following figure:- '25A'.";

By striking out subsections (b) and (c) and inserting in place thereof the following 4 subsections:-

In said section 26, in line 255, by inserting after the word "chapter" the following words:- "and results in no more than de minimis adverse environmental impact"; and

In said section 26 by inserting at the end thereof the following:-

"(e) No renewable energy generating source shall implement or use construction practices or building materials that result in more than a de minimis adverse environmental impact, including without limitation negative impacts on water and soil quality."

After remarks, the amendment was *rejected.*

17 Mr. Brownsberger in the Chair, Messrs. Timilty and O'Connor, Ms. Moran and Messrs. Cronin, Montigny and Pacheco moved that the proposed new text be amended in section 6, in the proposed third sentence of subsection (a), by adding the following clause:- "; (vii) identify opportunities for collaboration and mentorship between grant recipients and vocational schools receiving grants under section 8."

The amendment was adopted.

20 Mr. Crighton, Ms. Rausch, Mr. Eldridge, Ms. Jehlen and Messrs. Keenan and Timilty moved that the proposed new text be amended by adding the following section:-

"SECTION XX. There shall be a special commission on roadway and congestion pricing to investigate, study and make recommendations on the development and deployment of comprehensive and regionally-equitable roadway pricing and congestion pricing mechanisms which shall include, without limitation, greater Boston metropolitan area roadways, major bridges and interstate highways near the commonwealth's borders.

The commission shall consist of: the secretary of transportation or a designee; 12 members to be appointed by the governor: 1 of whom shall be an expert in transportation planning and policy who is not an employee of the commonwealth or any political subdivision, who shall serve as chair, 1 of whom shall be an expert in tolling systems or toll authorities, 1 of whom shall be an expert in transportation financing, 1 of whom shall be experts in traffic congestion and congestion pricing, 1 of whom shall be a representative of the Boston Chamber of Commerce, 2 of whom shall be members of the Massachusetts Municipal Association who represent geographically diverse areas, 1 of whom shall be a member of the business community and 2 of whom shall be employed by organizations that represents low-income communities that have been historically underserved by transit and acutely adversely affected by the public health impacts of traffic congestion.; provided, however, that the members shall not be from the same organization.

(b) The commission shall: (i) identify and analyze physical, technological, legal and other issues or requirements related to roadway pricing in the commonwealth; (ii) propose detailed specifications and regionally-equitable locations for toll gantries and other equipment necessary to assess and collect tolls; (iii) advise the Massachusetts Department of Transportation on roadway pricing scenarios under the federal Value Pricing Pilot Program; (iv) provide estimates of annual operation and maintenance costs; (v) provide estimates of annual revenue; (vi) provide traffic forecasts including forecasts of traffic diversion impacts; (vii) provide a regional and social equity analysis with specific recommendations related to mitigating adverse impacts; and (viii) provide potential impacts on vehicular emissions reduction. The commission shall also identify all local, state and federal approvals necessary to deploy new tolls and other roadway pricing mechanisms on relevant roadways.

(c) Not later than January 1, 2023, the commission shall file a written report of its findings and recommendations, including legislative recommendations, with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on transportation. The report shall include, but not be limited to, an analysis of mitigation measures to address social equity issues including, but not limited to, social equity issues for communities underserved by the current transportation system and most directly impacted by congestion."

The amendment was *rejected.*

21 Ms. Gobi, Messrs. Finegold and O'Connor, Ms. Moran and Ms. Comerford moved that the proposed new text be amended by inserting the following sections:-

"SECTION X. Section 11F of Chapter 25A of the General Laws, as amended by Chapter 188 of the Acts of 2016, is hereby further amended by adding the following subsection:-

(j) The department shall adopt regulations that provide that 40 megawatts of electric energy renewable generating sources that qualify as Class I under subsection (c)(5) and (7) by utilizing anaerobic digestion biogas-to-energy and landfill gas-to-energy technology (herein 'Anaerobic Digestion Technology') that are located in Massachusetts shall count shall count double with respect to the minimum percentage calculated under subsection (a).

SECTION X. Subsection (i) of Section 139 of Chapter 164 of the General Laws, as amended by Chapter 75 of the Acts of 2016, is hereby further amended by adding the following sentence: A net metering facility utilizing Anaerobic Digestion Technology or an anaerobic digestion net metering facility shall be exempt from aggregate net metering capacity caps under subsection (f), and may net meter and accrue Class I, II, or III net metering credits, provided further that only the first 40 megawatts in aggregate generated by any such facilities shall be exempt from said net metering caps under subsection (f)."

The amendment was *rejected*.

Mr. Keenan, Ms. Rausch, Mr. O'Connor, Ms. Edwards, Ms. Moran and Messrs. Timilty, Tarr and Pacheco moved that the proposed new text be amended by striking out section 45 and inserting in place thereof the following section:- 25

"SECTION 45. Not later than July 1, 2023, the Massachusetts Department of Transportation shall install and maintain electric vehicle charging stations for public use at: (i) all service plazas located on the Massachusetts Turnpike; (ii) the parking lots of not less than 5 commuter rail stations; (iii) the parking lots of not less than 5 subway stations; and (iv) the parking lot of at least 1 ferry terminal."; and

In section 46, by inserting after the word "to", in line 560, the following words:- ", parking lots for public transit stations".

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section _ the following section:- 26

"SECTION_. Notwithstanding any general or special law to the contrary the department of transportation shall provide a projection on fuel tax collection that will be forgone and study the development and implementation of a program to assess owners of zero emission motor vehicles an annual user fee to be paid in lieu of the gas tax in order to ensure road and bridge repairs of the Commonwealth continue to be met. This annual fee shall be deposited in the Commonwealth Transportation Fund established under section 2ZZZ of chapter 29 of the General Laws; provided, however, that any such monies shall be subject to appropriation. Notwithstanding any general or special law to the contrary, no later than one year from the passage of this Act, the department of transportation shall report to the general court the initial result of the study, including, but not limited to, the feasibility of permanently assessing an annual fee on zero emission vehicles; the potential impact on revenue for transportation project funding through gas tax levies due to the sales and lease of zero emission vehicles; an evaluation of the impacts of such a fee on the economy, the environment, and traffic congestion; a comparison to other potential alternatives or supplements to the gas tax; and its initial recommendations together with legislation necessary to implement its recommendations by filing the same with the clerks of the senate and house of representatives, and to the joint committee on transportation."

After remarks, the amendment was *rejected*.

Messrs. Keenan and O'Connor and Ms. Rausch moved that the proposed new text be amended by striking, in line 633, the figure "8", and inserting in place thereof the following figure:- "9"; and 29

By inserting, after the word “energy”, in line 641, the following words:- “, 1 of whom shall be a representative of a nonprofit organization with expertise in public health”.

The amendment was adopted.

Messrs. Keenan and O'Connor moved that the proposed new text be amended by striking, in line 499, the date “January 1”, and inserting in place thereof the following date:- “December 31”. 30

The amendment was *rejected*.

Mr. Lewis, Ms. DiZoglio, Mr. Eldridge and Ms. Comerford moved that the proposed new text be amended by inserting the following sections:-- 34

“SECTION XX. Section 1 of chapter 23M is amended by striking out the words ‘or (2) the construction of an extension of an existing natural gas distribution company line to qualifying commercial or industrial property to enable the qualifying commercial or industrial property to obtain natural gas distribution service to displace utilization of fuel oil, electricity or other conventional energy sources’ and inserting in place thereof the following words:- ‘or (2) participation in a district heating and cooling system by qualifying commercial or industrial real property, provided such district energy system incorporates renewable energy, or (3) participation in a microgrid, including any related infrastructure for such microgrid, by qualifying commercial or industrial real property, provided such microgrid incorporates renewable energy, or (4) participation in an energy storage system by qualifying commercial or industrial property when paired with renewable energy generation’.

SECTION XX. Said Section 1 of chapter 23M is further amended by inserting the following definitions:-

‘District heating and cooling system’, a local system consisting of a central generation source and network of pipes that use hot water, chilled water, or steam to provide space heating, cooling and/or hot water to multiple buildings.

‘Energy storage system’, a commercially available technology that is capable of absorbing energy, storing it for a period of time and thereafter dispatching the energy; provided, however, that an energy storage system shall (1) use mechanical, chemical or thermal processes to store energy that was generated for use at a later time; (2) store thermal energy for direct heating or cooling use at a later time in a manner that avoids the need to use electricity at that later time; (3) use mechanical, chemical or thermal processes to store energy generated from renewable resources for use at a later time; or (4) use mechanical, chemical or thermal processes to capture or harness waste electricity and to store the waste electricity generated from mechanical processes for delivery at a later time.

‘Microgrid’, a group of interconnected loads and distributed energy sources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid and that connects and disconnects from such grid to enable it to operate in both grid connected and island mode.

SECTION XX. Said Section 1 of chapter 23M is hereby further amended by deleting the definition of ‘Commercial energy improvements’ in its entirety and inserting the following definition in place thereof:-

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

The amendment was *rejected*.

Mr. Collins, Ms. Jehlen, Ms. Edwards and Mr. Hinds moved that the proposed new text be amended by inserting the text of Senate document numbered 2833, relative to Promoting Sustainable Development and Infrastructure. 55

The amendment was *rejected*.

Mr. Gomez, Ms. Rausch, Ms. Gobi, Mr. Lesser and Ms. Comerford moved that the proposed new text be amended in subsection (b) of section 44, in lines 526-527, by striking the words “and; (v)” and inserting in place thereof the following:- “(v) minimize ratepayer costs; and (vi) contribute to 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, health centers”. 41

After remarks, the amendment was adopted.

Mr. Finegold moved that the proposed new text be amended in section 29 by inserting after the word “support,” in line 280, the following:- “Level 2 alternating current (AC) electric vehicle charging at”; and in said section 29, by inserting after the end of line 283, the following:- “Further, as an alternative, the code shall allow commercial buildings, as part of their requirement for zero-emission vehicle parking spaces, to install direct current (DC) fast chargers at a minimum of one parking space and at an equivalent power level in total kilowatts to the Level 2 requirement.” 56

The amendment was *rejected*.

Mr. Pacheco, Ms. Edwards, Ms. Rausch and Mr. Brady moved that the proposed new text be amended by inserting the following section:- 57

“SECTION __. (a) For the purposes of this section, an 'independent retirement system' shall mean any Massachusetts public pension system under the oversight, monitoring, and regulation of the public employee retirement administration commission, except the state employees retirement system, the state teachers’ retirement system, and the State-Boston retirement system in so far as the assets attributable to teachers who are members of that system; and a 'fossil fuel company' shall mean a company identified by a Global Industry Classification Standard code in one of the following sectors: (1) coal and consumable fuels; (2) integrated oil and gas; or (3) oil and gas exploration and production.

(b) Notwithstanding any general or special law to the contrary, any independent retirement system may, in accordance with the procurement process under section 23B of chapter 32 of the General Laws, divest in whole or in part from any investment in fossil fuel companies, the assets of which remain under the direct control and management of the independent retirement system, and are not separately managed or invested by the Pension Reserves Investment Management Board. In accordance with this section, the board of an independent retirement system may, after following the procurement process under said section 23B of said chapter 32, invest in index funds or other investment vehicles that may not include fossil fuel companies.

(c) Notwithstanding any general or special law to the contrary, with respect to actions taken in compliance with this act, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations with respect to choice of asset managers, investment funds or investments for the public fund’s securities portfolios and all good faith determinations regarding companies as required by this act.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before six o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 152]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.

Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **39.**
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at thirteen minutes before six o'clock P.M., the amendment was adopted.

Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by adding the following section:- 58

"SECTION XX. Subsection (d) of section 6 of chapter 164 of the General Laws is hereby amended by striking, in the first sentence, the following words:- 'or one thousand dollars, whichever is lesser'."

The amendment was *rejected*.

Mr. Keenan, Ms. Jehlen, Messrs. Eldridge and O'Connor, Ms. Edwards, Ms. Rausch, Messrs. Cronin, Lewis, Timilty, Feeney and Lesser and Ms. Lovely moved that the proposed new text be amended by inserting the following sections:- 60

"SECTION XX. Section 1 of Chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended, in subsection (c), by inserting after the figure '106,' the following figures:- '132(f)(1)(D), 132(f)(2)(A), 132(f)(2)(C),'.

SECTION XX. Subsection (B)(a) of section 3 of Chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out subparagraph (15) in its entirety and inserting in place thereof the following:-

(15)(i) Amounts expended by an individual for tolls paid for through a Fast Lane account, or for fares paid for Massachusetts Bay Transit Authority subway, bus, commuter rail or commuter boat services, not including amounts reimbursed by an employer or otherwise. In the case of a single person or a married person filing a separate return or a head of household, this deduction shall apply only to the portion of the expended amount that exceeds $150, and the total amount deducted shall not exceed $750. In the case of a married couple filing a joint return, this deduction shall apply only to the portion of the amount expended by each individual that exceeds $150, and the total amount deducted shall not exceed $750 for each individual.

(ii) Amounts expended by an individual for fares paid for Regional Transit Authority transit, or for a bikeshare membership, or for a bicycle including electric bikes, bicycle improvements, repair and storage, not including amounts reimbursed by an employer or otherwise. In the case of a single person or a married person filing a separate return or a head of household, this deduction shall apply only to the portion of the expended amount that exceeds $50, and the total amount deducted shall not exceed $750. In the case of a married couple filing a joint return, this deduction shall apply only to the portion of the amount expended by each individual that exceeds $50, and the total amount deducted shall

not exceed $750 for each individual.

(iii) The commissioner of revenue shall adopt regulations necessary for the implementation of this section.

SECTION XX. Section 1 and 2 shall be effective for tax years beginning on or after January 1, 2022."

After remarks, the amendment was *rejected.*

61 Mr. Keenan moved that the proposed new text be amended by inserting after section 3 the following section:-

"SECTION 3A. Section 8 of said chapter 23J, as so appearing, is hereby further amended by inserting after the figure '15A', in line 4, the following words:- , 'municipally-owned institutions of higher education';

In section 4, by inserting after the word 'education', in line 51, the following words:- ', municipally-owned institutions of higher education'."; and

By inserting after section 4 the following section:-

"SECTION 4A. 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:- ', municipally-owned institutions of higher education'."

After remarks, the amendment was adopted.

62 Mr. Keenan, Ms. Jehlen, Messrs. Eldridge and O'Connor, Ms. Edwards, Ms. Moran, Ms. Rausch, Mr. Feeney and Ms. Lovely moved that the proposed new text be amended by inserting the following sections:-

"SECTION XX. Chapter 149 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 203 the following section:-

Section 204 (a) As used in this section, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

'Employee', shall have the same meaning as provided in clause (h) of section 1 of chapter 151A.

'Employer', shall have the same meaning as provided in subsection (i) of section 1 of chapter 151A; except the United States government shall not be considered an employer; provided, however, that an individual employer shall be determined by the Federal Employer Identification Number.

'Pre-tax transportation fringe benefit', a pre-tax election transportation fringe benefit that provides commuter highway vehicle and transit benefits, consistent with the provisions and limits of section 132(f)(1)(A), (B), and (D) of the United States Internal Revenue Code of 1986 (26 U.S.C. s.132(f)(1)(A), (B), and (D)) at the maximum benefit levels allowable under federal law, to be deducted for those programs from an employee's gross income pursuant to section 132(f)(2) of the United States Internal Revenue Code of 1986 (26 U.S.C. s.132(f)(2)).

(b) Every employer in the Commonwealth of Massachusetts that employs at least 50 persons shall offer to all of that employer's employees, that are not covered by a collective bargaining agreement, the opportunity to utilize a pre-tax transportation fringe benefit; provided, nothing herein shall prevent an employer and employees covered by a collective bargaining agreement from bargaining to include a pre-tax transportation fringe benefit in such agreement.

(c) Any employer found to be in violation of this section shall be liable for a fine of $100 for a first violation. For each additional month in which an employer fails to offer a pre-tax transportation fringe benefit shall constitute a subsequent violation and a fine of $250 shall be imposed for each subsequent violation. A fine shall not be imposed on any individual employer more than once in a month.

(d) The Massachusetts Department of Revenue shall direct a public multilingual awareness campaign in conjunction with the Massachusetts Bay Transportation Authority

that encourages the public to contact employers about pre-tax transportation fringe benefits and shall coordinate such campaign with regional planning agencies, transportation management associations, regional transportation authorities, chambers of commerce, private and non-profit providers of public transportation, and other transportation stakeholders. The Office shall prepare and disseminate model multilingual written materials to be used by employers to notify employees of the pre-tax transportation fringe benefits offered.

(e) The Commissioner of the Department of Revenue shall adopt regulations to ensure compliance and implementation of the provisions of this section, including but not limited to, (1) a process by which employees and others can confidentially report non-compliant employers.

SECTION XX. Subsection (c) of Section 1 shall take effect one year after the passage of this act."

After remarks, the amendment was *rejected.*

Messrs. Eldridge and Moore, Ms. Jehlen, Ms. Edwards, Ms. Comerford, Ms. Chang-Diaz, Mr. Hinds and Ms. Lovely moved that the proposed new text be amended in subsection (b) of section 52 by striking out, in lines 698 through 705, the following words:- "The department shall approve not more than 10 applications under this section; provided, however, that the department shall accept into the program any city or town that has received local approval prior to the effective date of this act and such community having received local approval may begin enforcement of its general or zoning by-law not sooner than 30 days after submitting its application to the department. In approving an application under this section from a city or town that did not receive prior local approval, the department shall consider regional and demographic diversity of communities participating in the demonstration project. No city or town shall apply for such a demonstration project until it has received local approval." and inserting in place thereof the following words:- "The department shall approve not more than 40 applications under this section; provided, however, that the department shall accept into the program any city or town that has received local approval prior to the effective date of this act and such community having received local approval may begin enforcement of its general or zoning by-law not earlier than 30 days after submitting its application to the department. All Gateway municipalities shall be eligible to participate in this demonstration program regardless of the current number of participating towns and cities and the participation of Gateway municipalities shall not contribute to the demonstration program's 40 city and town limit. In approving an application under this section from a city or town that did not receive prior local approval, the department shall consider regional and demographic diversity of communities participating in the demonstration project. No city or town shall apply for such demonstration project until it has received local approval. The department shall make its decision within 30 days of receipt of each application." 63

After remarks, the amendment was *rejected.*

Messrs. Barrett and Moore, Ms. Chang-Diaz, Ms. Jehlen, Mr. Eldridge, Ms. Comerford, Ms. Edwards and Ms. Lovely moved that the proposed new text be amended by inserting after section __ the following section:- 67

"SECTION XX. Section 1 of said chapter 164 is hereby amended by striking the definition of "gas company" and inserting in place thereof the following definition:-

'Gas company', a corporation organized for the purpose of making and selling or distributing and selling, gas and utility-scale renewable thermal energy within the commonwealth, even though subsequently authorized to make or sell electricity; provided however, such thermal energy will reduce emissions of greenhouse gases in accordance with chapter 21N; and provided further, that gas company shall not mean an alternative energy provider."

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. DiZoglio, Ms. Jehlen, Mr. Eldridge, Ms. Edwards, Ms. Comerford and Messrs. Feeney and Brady moved that the proposed new text be amended in section 11, in line 144, by inserting after the word "pump" the following words:- "in the residential income-eligible and moderate income programs". 68

The amendment was *rejected*.

Mr. Lewis, Ms. DiZoglio, Messrs. Lesser, Moore, Eldridge and Gomez, Ms. Comerford and Messrs. Feeney and Brady moved that the proposed new text be amended by adding the following section:- 70

"SECTION X. chapter 164 of the general laws are hereby amended by inserting, after section 139A, the following section:-

Section 139B. (a) An electric distribution company shall have not more than 30 days to begin connecting solar panels to the electric grid after receiving a request, provided that the solar panels are installed correctly and there are no other state or federal laws or regulations preventing said connection.

(b) An electric distribution company may submit a hardship waiver to the department within 20 days of receiving a request to connect solar panels to the electric grid if it cannot begin the project within 30 days. Hardship waivers may be granted to the electric distribution company for the following reasons:

(i) Mass power outages caused by a single event;

(ii) Documented workforce or resource shortages;

(iii) Limitations to the electrical grid; or

(iv) Any state or federal law or regulation that prevents connection of the solar panels to the electrical grid.

(c) The department shall make a decision on whether to grant a hardship waiver to the requesting electric distribution company within 10 days of receiving the hardship waiver request. The department may set a reasonable timeline for the electric distribution company to connect the solar panels to the electrical grid upon approving any hardship waiver request."

The amendment was *rejected*.

Ms. Gobi, Ms. Rausch, Mr. Lesser, Ms. Comerford and Mr. Tarr moved that the proposed new text be amended by inserting after section 3 the following section:- 75

"SECTION 3A. Section 8 of said chapter 23J, as so appearing, is hereby amended by inserting after the figure '15A,', in line 4, the following words:- 'public elementary and secondary schools that are kindergarten to grade'.";

In section 4, by inserting after the word "education", in line 51, the following words:- ", public elementary and secondary schools"; and

By inserting after section 4 the following section:-

"SECTION 4A. 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'."

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Mr. O'Connor and Ms. Rausch moved that the proposed new text be amended in section 53, by striking out, in line 723, the word "and"; and, by inserting after the words "section 46", in line 724, the following words:- "; and (iv) $500,000 to the low-income services solar program established in section 54 of chapter 8 of the acts of 2021." and 77

By inserting after section ___ the following section:-

"SECTION ___. Section 54 of chapter 8 of the acts of 2021 is hereby amended by striking out the following words:- 'not to exceed $500,000 in a fiscal year,'."

The amendment was *rejected*.

Ms. Edwards, Ms. Jehlen and Ms. Comerford moved that the proposed new text be amended in section 47 by inserting a new subsection with the following:- 78

"(a). Not later than October 31, 2025, the department shall issue one or more order that respond to distribution company proposal to offer a time-of-use rate."

After remarks, the amendment was *rejected*.

Ms. Edwards and Ms. Jehlen moved that the proposed new text be amended in section 29 by inserting the following:- "The minimum number of parking spaces wired to be electric vehicle-capable shall be at least ninety percent of the total number of parking spaces; and provided further that for facilities with two or more electric vehicle parking spaces, at least one electric vehicle-ready parking space or five percent of the total number of electric vehicle parking spaces shall be handicapped accessible, whichever is greater." 82

The amendment was *rejected*.

Ms. Edwards, Ms. DiZoglio, Messrs. Lesser and Moore, Ms. Jehlen, Messrs. Eldridge and Gomez, Ms. Comerford, Ms. Rausch, Mr. Lewis, Ms. Chang-Diaz and Mr. Feeney moved that the proposed new text be amended by inserting the following:- 88

"SECTION XX. Section 1 of chapter 21N is hereby amended by inserting the following definitions:

'Motor vehicles', as defined in section 1 of chapter 90.

'Motor vehicle fleet', a set of at least twenty-five motor vehicles under the same ownership or control registered in the Commonwealth of Massachusetts.

'Motor vehicle fleet serving a public purpose', a motor vehicle fleet of which a portion is leased, rented, or contracted by the Commonwealth of Massachusetts or a municipality or any political subdivision thereof from a person or entity other than the Commonwealth of Massachusetts or a municipality to provide a public service or for its own use, including school buses and paratransit vehicles.

'Public motor vehicle fleet', a motor vehicle fleet owned by the Commonwealth of Massachusetts, a transportation authority, a school district, a public university, a quasi-public agency, or a municipality or in the shared ownership of multiple municipalities, or any political subdivision thereof. A public motor vehicle fleet includes vehicles under the same ownership of the Commonwealth or a municipality, even if a portion of the motor vehicle fleet is under the management or control of separate secretariats, departments, agencies, or offices.

'Electric vehicle', as defined in section 16(a) of Chapter 25A.

SECTION 2. Chapter 21N is hereby amended by inserting after Section 7, the following sections: Section 7A. To contribute to the Commonwealth's greenhouse gas reduction targets, the Secretary, in consultation with the department of energy resources, department of transportation, department of environmental protection, and department of public utilities, shall enforce targets for public fleet electrification and public transit electrification.

SECTION 3. Chapter 21N is hereby amended by inserting after section 7 the following sections:-

Section 7B. The secretary, in consultation with the department of energy resources, department of transportation, department of environmental protection, and department of public utilities, shall develop a transition to an electric motor vehicle fleet program and promulgate regulations to require the following motor vehicle standards: (a) fifty percent of all public motor vehicle fleets and motor vehicle fleets serving a public purpose shall be electric vehicles by 2025; (b) seventy-five percent of all public motor vehicle fleets and motor vehicle fleets serving a public purpose shall be electric vehicles by 2030; and (c) one hundred percent of all public motor vehicle fleets motor vehicle fleets serving a public purpose shall be electric vehicles by 2035.

In reaching the Commonwealth's public fleet requirements defined in this section, the

Secretary shall prioritize for electrification any vehicles cited as medium- or high-priority by the study commissioned pursuant to section 6 of chapter 448 of the acts of 2016. To meet the deadlines established in this section, the secretary shall prioritize electric vehicle deployment in locations serving environmental justice populations as defined in the general laws or, in the absence of a statutory definition, environmental justice policy of the executive office of energy and environmental affairs, as may be amended.

Section 7C. The secretary, in consultation with the executive office for administration and finance, shall require that new motor vehicles purchased or leased by the Commonwealth shall be electric vehicles according to the following deadlines: (i) forty percent of all purchases and leases in 2022; (ii) sixty percent of all purchases and leases in 2023; (iii) eighty percent of all purchases and leases in 2024; (iv) ninety percent of all purchases and leases in 2025; and (v) one hundred percent of all purchases and leases in 2026.

Section 7D. The Department of Energy Resources shall design an incentive program to encourage conversion of private fleets to electric vehicles. Should an owner of a motor vehicle fleet fail to comply with electric vehicle program requirements, the Department of Energy Resources shall remove the incentive for that owner and require reimbursement of the incentive. As part of the incentive program, the Department of Energy Resources shall ensure a specific pool of funds, not less than ten percent of all funds allocated to the incentive program, is available to municipalities to promote the transition to electric vehicle motor vehicle fleet.

Section 7E. Beginning in 2023 and every five years thereafter through 2040, the Secretary shall submit a report to the Legislature that measures the Commonwealth's progress towards implementation of the electric motor vehicle fleet program. The report shall: (i) assess the electric vehicle market in the Commonwealth; (ii) identify funding sources to serve as incentives for purchasing electric vehicles to offset costs to agencies, municipalities, and businesses; (iii) identify barriers to increased penetration of electric vehicles; and (iv) recommend legislative and regulatory action to address those barriers."

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section _ the following sections:- 91

"SECTION X. Subsection (p) of section 6 of chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding, in line 769, after the words 'as amended' the following words:- ', or private nonprofit trust compliant with chapter 203 organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended'.

SECTION X. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '$2,000,000' and inserting in place thereof the following figure:- '$3,000,000'.

SECTION X. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '$3,000,000' and inserting in place thereof the following figure:- '$4,000,000'.

SECTION X. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line835, the figure '$4,000,000' and inserting in place thereof the following figure:- '$5,000,000'.

SECTION X. Section 38AA of chapter 63, as so appearing, is hereby amended by adding, in line 29, after the words 'as amended' the following words:- ', or a private nonprofit trust compliant with chapter 203 organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status

as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended'.

SECTION X. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '$2,000,000' and inserting in place thereof the following figure:- '$3,000,000'.

SECTION X. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '$3,000,000' and inserting in place thereof the following figure:- '$4,000,000'.

SECTION X. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '$4,000,000' and inserting in place thereof the following figure:- '$5,000,000'.

SECTION X. Sections 2 and 6 shall take effect on January 1, 2023.

SECTION X. Sections 3 and 7 shall take effect on January 1, 2024.

SECTION X. Sections 4 and 8 shall take effect on January 1, 2025.

SECTION X. Sections 2, 3, 4, 6, 7, and 8 of this act shall expire on December 31, 2032."

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by 92
inserting at the end thereof the following:-

"SECTION XX. At the request of the secretary of administration and finance, the comptroller shall transfer up to $750,000,000 from the federal COVID-19 response fund established in section 2JJJJJ of chapter 29 of the General Laws to the Clean Energy Investment Fund established in section 15 of chapter 23J of the General Laws. Prior to requesting such transfers, the secretary of administration and finance, in consultation with the secretary of energy and environmental affairs, shall assess the cash flow needs of the Clean Energy Investment Fund. The secretary of administration and finance may request transfers on a periodic or ad hoc schedule so long as the cumulative amount of said transfers does not exceed the limit established in this section. The Massachusetts clean energy technology center shall be responsible, in conjunction with the executive office for administration and finance, in assuring that all policies and procedures necessary for the administration of the Clean Energy Investment Fund comply with 2 CFR Part 200, 31 CFR Part 35, and all other applicable rules and regulations."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 39 and 94
inserting in place thereof the following:-

"SECTION 39. Section 83C of said chapter 169, as most recently amended by section 69 of chapter 24 of the acts of 2021, is hereby further amended by striking out subsections (a) to (e), inclusive, and inserting in place thereof the following 5 subsections:-

(a) To facilitate the financing of offshore wind energy generation resources in the commonwealth, every distribution company shall jointly and competitively, in coordination with the department of energy resources, solicit proposals for offshore wind energy generation. If reasonable proposals have been received, each distribution company shall enter into long-term contracts that are cost-effective and promote economic development in the commonwealth. Long-term contracts executed pursuant to this section shall be subject to the approval of the department of public utilities and shall be apportioned among the distribution companies.

(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; and 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 for technical advice. 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. 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.

(c) 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.

(d) The department of public utilities shall promulgate regulations consistent with this section. The regulations shall: (i) allow offshore wind 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 of 1.25 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 transmission costs included in a bid, the department of public utilities may authorize or require the contracting parties to seek recovery of such transmission costs of the project through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission if the department finds such recovery is in the public interest; and (v) require that offshore wind energy generating resources to be used by a developer under the proposal: (A) where feasible, create and foster employment and economic development in the commonwealth; (B) provide enhanced electricity reliability, system safety and energy security; (C) contribute to reducing winter electricity price spikes; (D) are 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; (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; (H) include an initial environmental and fisheries mitigation plan for the construction and operation of such offshore wind facilities; and (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 research efforts. The department of energy resources shall give preference to proposals that demonstrate benefits from: (i) documented, direct or performance-based economic development and employment activity, including opportunities for diversity, equity and inclusion; (ii) mitigation and avoidance of detrimental environmental and socioeconomic impacts; and (iii) benefits to environmental justice communities and low-income ratepayers in the commonwealth.

(e) A proposed long-term contract shall be subject to the review and approval of the department of public utilities. 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 of public utilities within 45 days following the filing of a proposed long-term contract with the department of public utilities. 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 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 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."

After remarks, the amendment was *rejected*.

Mr. Kennedy, Ms. Comerford and Mr. Timilty moved that the proposed new text be amended in section 37 by deleting section 1(iv) and adding in its place the following adding the following in place of subsection:- 97

"(iv) placed on the same rooftop of a building with more than one household provided that each system serve a different utility customer of record; provided, however, that all systems on the single parcel do not exceed an aggregate limit of 2 megawatts; or

(v) installed not less than 1 year after any previously installed system was placed into service; provided, however, that all systems on the single parcel do not exceed an aggregate limit of 2 megawatts."

The amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by inserting after section 58 the following section:- 99

"SECTION XX. Chapter 164 of the General Laws Section 144 shall be amended as follows:

(b)

(2) amend 'whenever appropriate and feasible, a gas company shall…' to 'Gas companies shall, immediately, notify the fire department and chief law enforcement officer…'

(3) insert after 'a Grade 2 leak'… prior to 'The gas company…' insert 'Grade 2 leaks shall be reported as soon as feasible, but at a minimum monthly to the local fire department and chief law enforcement officer…'

(4) insert at end of paragraph: 'Grade 3 leaks shall monthly be reported'.

(5) The utility, local fire and local police departments shall all generate reports related to each event including the time, date, location including specific address where available or clearly identifiable location where no street address exists. These reports shall indicate the individual who responded to the event and steps taken to mitigate if any. Any cost related to the compilation, distribution, and maintenance of this information shall be borne by the gas company.

(c) add at end: 'in the event that the gas company is responsible for any significant project on a public way, the gas company shall repair the site pursuant to all current codes and at the expense of the gas company. The gas company shall monitor, maintain, and bear responsibility to repair the site for a minimum of five years'.

(e) add at end: 'These reports shall be made available to the public and shall be posted on the website used by the gas company and on the department website.'

Add subsection

'(g) annually, or more frequently if the department deems appropriate, the department shall review the number of certified pipeline inspectors to ensure that the sufficient number of inspectors are actively engaged in pipeline inspection throughout the commonwealth.

(h) Failure to comply with any provision of this section shall be a factor for the department to consider negatively to deny or reduce a utility's request for a rate increase.

(i) The department is authorized to establish and enforce financial penalties for failure to comply with any provision.'."

After remarks, the amendment was *rejected*.

Messrs. Finegold and O'Connor, Ms. Moran and Mr. Tarr moved that the proposed new text be amended in section 25, by inserting after line 216, the following:- "(3) The program shall also include a tax credit against the individual's state tax liability in an amount not to exceed $2,000 for expenses related to the installation of a vehicle charging station at the individual's place of residence. The credit shall apply only for the tax year in which the expenses are incurred." 100

The amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by inserting after Section 58 the following sections:- 101

"SECTION XX: Chapter 25 of the General Laws is hereby amended by inserting after section 12P the following:-

Section 12Q

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to establish a fund to mitigate the instance of ratepayer hikes after emergency events,

therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

There shall be established and set up on the books of the commonwealth a separate fund to be known as the Department of Utilities Disaster Relief Fund. There shall be credited to this fund all amounts collected under G.L. C C 164 Sec 144 (h); G.L. c. 25 sec 18 par 1, and any other assessments made by the department for this purpose. All amounts credited to this fund shall be held in trust and shall be available for expenditure, without further appropriation, by the department of public utilities to mitigate any rate hikes following a declared emergency, accident, insolvency, bankruptcy or other event of a gas company that would otherwise result in rate increases. The intent of this fund is to secure sufficient monies, notwithstanding any insurance policies, to ensure that the enumerated events will not result in rate increases passed along to ratepayers.

SECTION XXX: Chapter 25 of the General Laws Section 18 is hereby amended by inserting after paragraph 3 the following:-

Section 18: For the purpose of providing the department with additional operating funds for mitigating the effect of any emergency events on the rates paid to gas companies doing business in the commonwealth, the commission may make a separate assessment proportionally against each gas company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each of the companies derived from sales within the commonwealth of gas service, as shown in the annual report of each of the companies to the department. The amount of the assessment may be increased by the commission annually by a rate not to exceed the most recent annual consumer price index as calculated for the northeast region for all urban consumers. In addition, there shall be an assessment to each gas company that incurs a penalty pursuant to the pay ratio surtax as described in GL c. 25 Sec 18B. Any assessment shall be made at a rate that shall be determined and certified annually by the commission as sufficient to produce an annual amount sufficient to protect consumers from the potential of both losing service for significant periods of time and additionally facing rate increases due to company losses including the possibility of insolvency or bankruptcy protection which would undoubtedly pass the cost of service and repair for damages to the consumer. Notwithstanding any general or special law to the contrary, no gas company may seek recovery of any assessments made under this paragraph in any rate proceeding before the department. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the Department of Public Utilities Disaster Mitigation Trust Fund established in section 12Q."

The amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by inserting after section 58 the following section:- 102

"SECTION XX. Section 43 of chapter 21 of the general laws is hereby amended by inserting the following paragraph (11):

Definitions

'Hydraulic fracturing' shall mean a stimulation technique for the extraction of natural gas involving the pumping of hydraulic fracturing fluid, possibly with a proppant, into a shale formation to create fractures to increase formation permeability and productivity.

'Class II injection wells' shall mean wells used to inject fluids:

(a) which are brought to the surface in connection with oil or natural gas production and that may be commingled with wastewater from gas plants as an integral part of production operations, unless those waters are classified as hazardous waste at the time of injection;

(b) for enhanced recovery of oil or natural gas; and

(c) for storage of hydrocarbons that are liquid at standard temperature and pressure.

'Toxic chemicals' shall mean

(1) chemicals that the federal Environmental Protection Agency deems reportable pursuant to the Toxic Release Inventory program established under the federal Emergency Planning and Community Right-to-Know Act of 1986 and the federal Pollution Prevention Act of 1990, all as may be from time to time amended;

(2) chemicals known to cause or that can reasonably be anticipated to cause in humans (i) cancer or teratogenic effects, or (ii) serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects;

(3) chemicals known to cause or that can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist within or beyond drilling site boundaries as a result of repeated or frequently recurring fluid injections or releases.

(4) chemicals known to cause or can be reasonably anticipated to cause a significant adverse effect on the environment; and

(5) any other persistent, bioaccumulative, carginogenic, or toxic chemicals, including but not limited to methanol, ethylene glycol, diesel, naphthalene, xylene, hydrogen chloride (hydrochloric acid), toluene, ethylbenzene, diethanolamine, formaldehyde, sulfuric acid, thiourea, benzyl chloride, cumene, nitrilotriacetic acid, dimethyl formamide, phenol, benzene, di (2-ethylhexyl) phthalate, acrylamide, hydrogen fluoride (hydrofluoric acid), phthalic anhydride, acetaldehyde, acetophenone, copper, ethylene oxide, lead, propylene oxide, and p-xylene.

(ii) No person shall construct, install, operate, or maintain a Class II injection well in connection with hydraulic fracturing.

(iii) No person shall use toxic chemicals in connection with the extraction of natural gas."

After remarks, the amendment was *rejected.*

Ms. DiZoglio moved that the proposed new text be amended by inserting after section 58 the following section:- 103

"SECTION XX. Section 43 of chapter 21 of the General Laws is hereby amended by adding after paragraph 10 the following paragraph:-

(11) (a) 'Hydraulic fracturing' means the process of pumping a fluid into or under the surface of the ground in order to create fractures in a geologic formation for the purpose of the production or recovery of oil or gas.

(b) No person shall be permitted to collect, store, dispose of, or treat wastewater from hydraulic fracturing."

The amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by inserting after section 58 the following section:- 104

"SECTION XX. The department of environmental protection shall revise the regulations governing the rideshare program, 310 CMR 7.16, to achieve the following:-

(1) significantly expand the rideshare program by redefining affected facilities to include more employers with less than 1000 employees;

(2) provide exemptions for employers who are members of transportation management associations;

(3) require transportation management associations to submit reports for affected facilities that are members of the associations;

(4) permit transportation management associations to submit consolidated reports for employers within their geographic service area;

(5) permit employers and transportation management associations with drive-alone rates under 75% to submit required reports every two years;

SECTION XXX. The Department of Environmental Protection shall consolidate reports on the ridesharing program and release to the public, at a minimum, the following information:

(1) the statewide drive-alone rate

(2) the percentage of affected facilities that have drive-alone rates below 75%

SECTION XXXX. The department shall issue the revised regulations no later than 180 days after the effective date of this act."

After remarks, the amendment was *rejected.*

Ms. DiZoglio moved that the proposed new text be amended by inserting after section 58 the following section:- 107

"SECTION XX. Chapter 91 of the General Laws is hereby amended by inserting, after section 64, the following section:

Section 65. Mesh Drainage Systems:

Municipalities may implement mesh drainage systems in waterways, where feasible.

The commonwealth shall reimburse municipalities not more than $25,000 for the cost of materials and for the installation and maintenance of mesh drainage systems; provided, however, that a municipality that installs a mesh drainage system shall be responsible for the maintenance and monitoring of such system; and provided further, that the municipality shall provide maintenance to the mesh drainage system not less than once every 2 months."

After remarks, the amendment was *rejected.*

Messrs. O'Connor, Timilty and Tarr moved that the proposed new text be amended by inserting after section 53 the following section:- 106

"SECTION 53A. The executive office of energy and environmental affairs shall study and report on the sustainability of the commonwealth's energy portfolio in relation to achieving the greenhouse gas emission limits established in section 3 of chapter 21N of the General Laws. The study shall examine: (i) energy supply and demand; (ii) consumer affordability; and (iii) environmental impacts including, but not limited to, the environmental impacts of electricity generation, recent and ongoing electricity load and demand reports and the ability for portfolio standards to meet future energy demands. The executive office shall file its report with the clerks of the senate and house of representatives and the joint committee on telecommunications, utilities and energy not later than December 31, 2023."

After remarks, the amendment was adopted.

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection in memory of Teckla "Tillie" Hajjar. Moment of silence.

PAPER FROM THE HOUSE

Order.

During consideration of the Orders of the Day, there being no objection, the following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, April 29, 2022 within which time to make its final report on current House documents numbered 4372, 4373, 4374, 4529 and 4577. Public Service,-- extension order.

The rules were suspended, on motion of Mr. Brady, and, after remarks, the order (House, No. 4688) was considered forthwith; and adopted, in concurrence.

Suspension of Senate Rule 38A.

Senate Rule 38A.

Mr. Eldridge moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M. The same Senator requested that the question on suspension of the rule be determined by a standing vote, and it was suspended by a vote of 6 to 1.

Recess.

Recess.

There being no objection, at nine minutes before seven o'clock P.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at twenty-five minutes past eight o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

Offshore wind and clean energy.

The House Bill advancing offshore wind and clean energy (House, No. 4524),-- was further considered, the main question being on ordering the bill to a third reading.

There being no objection, after remarks, the following amendments were considered as one, and *rejected* as follow:

1

Mr. Tarr, Ms. DiZoglio, Messrs. Moore and Eldridge, Ms. Jehlen, Messrs. O'Connor, Gomez, Hinds, Montigny, Velis, Timilty, Feeney and Lesser and Ms. Gobi moved that the proposed new text be amended by inserting after section _ the following sections:-

"SECTION X. Subsection (p) of section 6 of chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding, in line 769, after the words 'as amended' the following words:- ', or private nonprofit trust compliant with chapter 203 organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.'

SECTION X. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '$2,000,000' and inserting in place thereof the following figure:- '$3,000,000'.

SECTION X. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '$3,000,000' and inserting in place thereof the following figure:- '$4,000,000'.

SECTION X. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '$4,000,000' and inserting in place thereof the following figure:- '$5,000,000'.

SECTION X. Section 38AA of chapter 63, as so appearing, is hereby amended by adding, in line 29, after the words 'as amended' the following words:- ', or a private nonprofit trust compliant with chapter 203 organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended'.

SECTION X. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '$2,000,000' and inserting in place thereof the following figure:- '$3,000,000'.

SECTION X. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '$3,000,000' and inserting in place thereof the following figure:- '$4,000,000'.

SECTION X. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '$4,000,000' and inserting in place thereof the following figure:- '$5,000,000'.

SECTION X. Sections 2 and 6 shall take effect on January 1, 2022.

SECTION X. Sections 3 and 7 shall take effect on January 1, 2023.

SECTION X. Sections 4 and 8 shall take effect on January 1, 2024.

SECTION X. Sections 2, 3, 4, 6, 7, and 8 of this act shall expire on December 31, 2031."

The amendment was *rejected*.

Messrs. Tarr and O'Connor and Ms. Gobi moved that the proposed new text be amended by inserting after section _ the following section:- 2

"SECTION_. SECTION 1. (a) Notwithstanding any special or general law, there shall be a special commission, established and governed by section 2A of chapter 4 of the General Laws, to scope a state grant or low-interest loan program for structural elevation or acquisition of properties prone to flooding in the commonwealth. Components of consideration for the structure of the program shall include: (i) funding sources; (ii) eligible expenses; (iii) applicant eligibility; (iv) the establishment of a cost-benefit analysis in determining applicant eligibility; (v) risks and hazards identified in the integrated state hazard mitigation and climate adaptation plan and strategies to build resiliency; and (vi) program expenditures and pay outs.

(b) The special commission shall consist of: the secretary of energy and environmental affairs or a designee, who shall serve as the commission chair; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; the chair of the state board of building regulation and standards or a designee; the director of the office of coastal zone management or a designee; 2 persons to be appointed by the director of the Massachusetts Emergency Management Agency, 1 of whom shall be a contractor with experience in home elevations and 1 of whom shall be an insurance agent with knowledge in flood insurance and experience in guiding and consulting for mitigation activities; the acting state hazard mitigation officer of the state hazard mitigation team; the acting hazard mitigation grants supervisor of the state hazard mitigation team; a licensed lender with knowledge in flood insurance, 203K home loan lending and traditional loans used for mitigation activities who shall be appointed by the acting state hazard mitigation officer of the state hazard mitigation team; and 3 persons to be appointed by the governor, 1 of whom shall be a representative from a statewide environmental group with experience in coastal resiliency strategies and nature based solutions, 1 of whom shall be a representative of the executive office of energy and environmental affairs with knowledge of climate change adaptation, and 1 of whom shall be a representative from the executive office of public safety and security with knowledge of the federal hazard mitigation grant program and experience with mitigation activities. The first meeting of the special commission shall take place not later than December 1, 2022.

(c) The special commission shall submit its preliminary draft of any recommendations or legislation to the clerks of the house of representatives and the senate and the joint committee on environment, natural resources and agriculture not later than September 1, 2023. The special commission shall submit its final draft of the program scope, together with any additional recommendations or drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and the senate and the joint committee on environment, natural resources and agriculture not later than December 1, 2024."

The amendment was *rejected.*

Mr. Cyr, Ms. Moran and Mr. Timilty moved that the proposed new text be amended 16

by inserting after section 37 the following sections:-

"SECTION X. Section 139 of chapter 164 of the General Laws, as amended by chapter 75 of the Acts of 2016, is hereby amended by inserting after the word 'require' in the last line of paragraphs (a)(1) and (b)(1/2)(1) and the penultimate line of paragraph (b)(1) the following:-

'Such written notice of the identities of the recipients so designated and the amounts of the credits to be attributed to such recipients, and any changes to these designations so requested by the customer, shall be accepted and implemented by the distribution company no less frequently than once per calendar month.'

SECTION X. Said section 139 of said chapter 164 as so appearing, is hereby amended by inserting after the word 'subsection' in the last line of paragraph (b)(1) a comma followed by the words:- 'if the customer consents in writing prior to the distribution company's purchase'.

SECTION X. Said section 139, as so appearing, is further amended by inserting after subsection (k) the following subsections:-

(l) Upon the request of a net metering customer or the owner of a distributed solar generation facility generating an alternative form of on-bill credits as approved by the Department of Public Utilities, in writing either by mail or electronically, a distribution company shall provide, on a monthly basis, written electronic confirmation of the value of all net metering credits or alternative on-bill credits allocated to each designated recipient and the dates and associated billing periods of all such allocations.

(m) For a Class I Net Metering Facility, Class II Net Metering Facility, or Class III Net Metering Facility, including a facility generating market net metering credits; or a distributed solar generation facility generating an alternative form of on-bill credits as approved by the Department of Public Utilities, no more than sixty days after net metering credits or alternative on-bill credits are generated, the distribution company shall allocate said net metering credits or alternative on-bill credits, as designated by the net metering host customer or distributed solar generation facility owner, to the designated eligible recipients of those net metering credits or alternative on-bill credits. Each distribution company shall correct any error in allocation of net metering credits to the recipient designated by the customer within thirty days of either the distribution company's discovery of the error, or the customer's provision of notice of the error to the distribution company, whichever is earlier. Distribution companies shall be responsible for requesting timely approval from the department for amendments to any existing tariffs that may be affected by this subsection.

(n) For a distributed solar generation facility generating an alternative form of on-bill credits as approved by the Department of Public Utilities, distribution companies shall accept and implement no less frequently than once per month any changes to the identities of designated recipients and the amount of credits to be attributed to such recipients, as provided by the owner of the solar distributed generation facility.

(o) A distribution company may seek approval from the Department of Public Utilities for recovery of reasonable costs incurred to process net metering credits and alternative on-bill credits in an accurate and timely fashion, including costs associated with necessary information technology upgrades.

SECTION X. SECTION X of this act shall be effective January 1, 2023."

The amendment was *rejected.*

Mr. Lesser, Ms. DiZoglio, Messrs. Moore and Eldridge, Ms. Jehlen, Mr. Gomez, Ms. Comerford and Messrs. Lewis, Timilty and Pacheco moved that the proposed new text be amended by inserting after section _ the following sections:- 23

"SECTION _. (a) Notwithstanding any general or special law to the contrary, a seller or agent acting on behalf of the seller of a residential dwelling located in the

commonwealth shall complete an energy assessment and an associated residential energy performance label as approved by the department of energy resources, hereinafter referred to as the department, prior to the time of sale. This section shall apply to a seller of a single-family residential dwelling or a multiple-family residential dwelling with fewer than 5 units, or a condominium unit.

(b) The seller or agent acting on behalf of the seller shall disclose to a buyer or prospective buyer the energy assessment and residential energy performance label of the dwelling prior to the signing of a contract to purchase.

(c) This section shall not apply to sales of residential dwellings in the following circumstances: (1) a foreclosure or pre-foreclosure sale; (2) a deeded or trustee sale; (3) a transfer of title related to the exercise of eminent domain; (4) a sale from one family member to another family member; (5) a sale under court order; (6) a sale under degree of legal separation or divorce; (7) the dwelling is designated on the National Register of Historic Places or the Massachusetts Register of Historic Places as a historic building or landmark; (8) an energy assessment was conducted within the last 3 years through the Mass Save program, or by the low-income residential demand-side management and education programs pursuant to section 19(c) of chapter 25, or another qualified energy efficiency provider as determined by the department; (9) where utility service is provided to an owner-occupant under a low-income rate pursuant to section 1F(4)(i) of chapter 164; (10) the dwelling was constructed within the last 3 years and can demonstrate compliance with the most recent energy provisions of the state building code for residential buildings; or (11) the dwelling has completed a Home Energy Rating System (HERS) rating as offered by a RESNET qualified home energy rater.

SECTION _. (a) The department shall design an energy assessment and a residential energy performance label system for use by sellers of residential dwellings, or agents acting on behalf of the seller to disclose the energy performance of that dwelling to potential buyers.

(b) Said energy assessment and residential energy performance label shall provide a consistent rating or scoring method regarding the energy performance of residential dwellings that provides information to potential buyers based upon the physical assets of the property. The energy assessment shall consider, but not be limited to, information regarding annual energy consumption, energy costs for electricity and thermal needs, a home's envelope, including the foundation, roof, walls, insulation and windows, and heating, cooling, and hot water systems, and annual carbon emissions. The energy assessment shall then be used to formulate a rating or score that will be incorporated into the residential energy performance label.

(c) In designing the energy assessment and a residential energy performance label system, the department shall lead an open stakeholder process and may consider the energy assessment and labeling system used as part of the Mass Save Home MPG Pilot, the RESNET Home Energy Rating System, the U.S. Department of Energy's Home Energy Score, and other energy rating and labeling systems used in other jurisdictions, as it determines appropriate. This stakeholder process shall include no less than 3 meetings open to the public and shall commence no later than 30 days after the enactment of this statute. During the department's stakeholder process, it shall consider input from, but not limited to, representatives from the following types of stakeholder groups: (1) investor-owned and municipal utilities; (2) environmental and energy efficiency advocacy organizations; (3) low-income housing advocacy organizations; (4) the low-income weatherization and fuel assistance program network referred to section 19(c) of chapter 25; and (5) real estate professionals.

(d) The department shall conclude the stakeholder process and adopt the energy assessment and residential energy performance label no later than December 15, 2022, and

shall begin implementing the system no later than June 30, 2023, or 9 months after the enactment of this statute, whichever is later."

The amendment was *rejected.*

Mr. Feeney, Ms. Rausch, Mr. Lesser, Ms. Jehlen, Messrs. Eldridge and Collins, Ms. Edwards, Mr. Pacheco, Ms. DiZoglio, Messrs. Keenan, Timilty and Brady and Ms. Lovely moved that the proposed new text be amended in section 39, paragraph (d), by striking out, in line 464, the words "The department of energy resources shall give preference to proposals that demonstrate benefits from: (i) documented, direct or performance-based economic development and employment activity, including opportunities for diversity, equity and inclusion; (ii) mitigation and avoidance of detrimental environmental and socioeconomic impacts; and (iii) benefits to environmental justice communities and low-income ratepayers in the commonwealth" and inserting in place thereof the following words:- "The department of energy resources shall give preference to proposals that demonstrate benefits from: (i) the greatest economic development and employment contributions to the commonwealth, including opportunities for diversity, equity, and inclusion; (ii) mitigation and avoidance of detrimental environmental and socioeconomic impacts; (iii) the use of a project labor agreement with a labor organization for construction, reconstruction, installation, demolition, maintenance, or repair; and (iv) benefits to environmental justice communities and low-income ratepayers in the Commonwealth". 31

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended by striking the second paragraph of subsection b of section 52 in its entirety and inserting in place thereof the following:- 45

"Not more than 10 communities shall participate in the demonstration project established under this section; provided, however, that the department shall approve a community for participation in said program by virtue of said community submitting or having submitted a home rule petition to the general court on the subject matter referenced in this section by the effective date of this act; provided, further, that the department shall issue said approvals for participation to not more than 10 communities in the order in which communities submit or have submitted a home rule petition to the general court on said subject matter; provided, further, that a community having received local approval and having qualified for said department approval may begin enforcement of its general or zoning by-law not sooner than 30 days after receiving notification by the department of its participation, which notification shall issue by the department within 30 days after the effective date of this act in the event of a community that has submitted its home rule petition to the general court prior to said effective date. In the event that fewer than 10 communities qualify for participation by virtue of submitting or having submitted a home rule petition to the general court by the effective date of this act, the department shall consider regional and demographic diversity in approving additional communities, up to the total of 10 communities, for participation in the demonstration project. No city or town shall apply for such demonstration project until it has received local approval."

The amendment was *rejected.*

Mr. Barrett moved that the proposed new text be amended by striking out, in line 143, the words "or supplemental". 52

The amendment was *rejected.*

Mr. Barrett moved that the proposed new text be amended by striking out section 1. 53

The amendment was *rejected.*

Messrs. Tarr and Collins and Ms. Gobi moved that the proposed new text be amended by striking section 52 in its entirety. 73

After remarks, the amendment was *rejected.*

Mr. Montigny moved that the proposed new text be amended by inserting, in line 409, after the word “advice” the following words:- “provided, that as part of the evaluation process, the department of energy resources shall, in consultation with the independent evaluator, produce a numeric score for each bid, including the economic development commitments; provided that economic development commitments shall represent not less than15 per cent of a bid's overall score”. 80

The amendment was *rejected.*

Ms. Chang-Diaz and Ms. Jehlen moved that the proposed new text be amended by inserting after section ___ the following section:- 87

“SECTION ___. Chapter 6C is hereby amended by adding the following section:-

Section 78. There shall be a Fare Free Transit Trust Fund to be expended, without further appropriation, by the department of transportation to assist and incentivize the Massachusetts Bay Transit Authority, the regional transit authority council, and municipalities in implementing fare free transit program. The funds may be used by the regional transit authority council for service expansion. 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. The department may promulgate regulations to implement this section.”; and

In section 53, by striking out, in line 723, the word “and”; and by inserting after the words “section 46”, in line 724, the following words:- “; and (iv) $100,000,000 to the Fare Free Transit Trust Fund established in section 78 of chapter 6C of the General Laws”.

The amendment was *rejected.*

Ms. Chang-Diaz and Mr. Keenan moved that the proposed new text be amended by inserting after section ___ the following section:- 93

“SECTION ___. Chapter 6C is hereby amended by adding the following section:-

Section 78. There shall be a Bus Maintenance Facilities Modernization Trust Fund to be expended, without further appropriation, by the department of transportation for funding the transition of the Massachusetts Bay Transit Authority and the regional transit authority council bus maintenance facilities to accommodate zero-emission passenger buses. 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. The department may promulgate regulations to implement this section.”; and

In section 53, by striking out, in line 723, the word “and”; and, by inserting after the words “section 46”, in line 724, the following words:- “; and (iv) $100,000,000 to the Bus Maintenance Facilities Modernization Trust Fund established in section 78 of chapter 6C of the General Laws”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section _ the following section:- 121

“SECTION__. The department of public utilities and the department of telecommunications and energy shall undertake a comprehensive review of the electrical grid serving the commonwealth of Massachusetts and its municipal subdivisions, for the

purpose of ascertaining its resilience, durability, and capacity to accommodate the loads projected to result from the increased utilization of electricity for building space conditioning and transportation, as well as increased amounts of electricity generated from all renewable sources, including wind and solar generation and all forms of storage.

In carrying out the provisions of this act the departments shall conduct not less than 3 public hearings in geographically diverse locations in the commonwealth, and shall consult with entities currently serving or planning to serve consumers in Massachusetts, through the generation, transmission, and storage of energy.

Not later than 15 months following the passage of this act, the departments shall file a report, together with recommendations, with the clerks of the House and Senate, and shall post such report electronically for public inspection."

The amendment was *rejected.*

Ms. Comerford, Ms. Chang-Diaz, Ms. Jehlen, Messrs. Eldridge and Gomez and Ms. Moran moved that the proposed new text be amended by inserting after section 2 the following sections:- 122

"SECTION 2A. Section 1 of chapter 21N of the General Laws, as amended by chapter 8 of the acts of 2021, is hereby amended by striking the definition of 'Carbon dioxide equivalent' and inserting in place thereof the following definition:-

'Carbon dioxide equivalent', the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas calculated for a timeframe of 20 years and for a timeframe of 100 years, based on the best available science, including from the Intergovernmental Panel on Climate Change.

SECTION 2B. Said section 1 of said chapter 21N is hereby further amended by striking the definition of 'Statewide greenhouse gas emissions' and inserting in place thereof the following definition:-

'Statewide greenhouse gas emissions', the total annual emissions of greenhouse gasses in the commonwealth, including all emissions of greenhouse gasses from the generation of electricity and the distribution and use of gas delivered to and consumed in the commonwealth, accounting for electric transmission and distribution line losses, and accounting for losses of gas in the commonwealth in transmission, storage, distribution, and use by consumers, whether the electricity is generated or the gas is produced in the commonwealth or imported; provided, however, that statewide greenhouse gas emissions shall be expressed in tons of carbon dioxide equivalents and reported for a timeframe of 20 years and a timeframe of 100 years.

SECTION 2C. Section 2 of said chapter 21N is hereby amended by striking subsection (b) and inserting in place thereof the following:-

(b) The department shall: (1) consult with the secretary on periodic review and updates of emission reporting requirements, as necessary; (2) review existing and proposed state, federal and international greenhouse gas emissions reporting programs and make reasonable efforts to promote consistency among the programs established pursuant to this chapter and other programs and to streamline reporting requirements on greenhouse gas emissions sources; and (3) every 3 years use the best available science including from the Intergovernmental Panel on Climate Change to review and update carbon dioxide equivalents and factors that impact statewide greenhouse gas emissions, and, retroactive to 1990, adjust the accounting of statewide greenhouse gas emissions; provided further, that if the results of such update are not consistent with federal reporting requirements, the department may issue 2 reports."

The amendment was *rejected.*

Messrs. Feeney and Pacheco, Ms. DiZoglio, Mr. Velis, Ms. Gobi and Messrs. Timilty, Lesser, Brady, Finegold and Collins moved that the proposed new text be amended by inserting after section ___ the following section:- 127

"SECTION XX. Section 1E of Chapter 164 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting place thereof the following 2 subsections:-

(a) The department is hereby authorized to promulgate rules and regulations to establish and require performance-based rates for each distribution, transmission, and gas company organized and doing business in the commonwealth pursuant to the provisions of this chapter. In promulgating such performance based rate schemes, the department shall establish service quality standards each distribution, transmission, and gas company, including, but not limited to, standards for customer satisfaction service outages, distribution facility upgrades, repairs and maintenance, telephone service, billing service, public safety, occupational safety, training and certifications for both in-house and contractor employees, map and record accuracy, and in-house staffing benchmarks sufficient to ensure pipeline safety through the period of transition to net zero emissions. In addition, the department shall require each local gas distribution company, as part of performance based ratemaking, require each local gas distribution company to submit a just transition plan, which must be approved by the department, to address workforce development, maintenance and attrition over the course of the transition to net zero emissions generally, and the performance based ratemaking period specifically, and provide for the following:

(1) sufficient in-house staffing levels, in each relevant classification, to ensure the safety and reliability of the local gas distribution company's pipeline through the transition period;

(2) training and workforce development plans providing for local gas distribution company workforce needs on residual pipeline, electric and renewable energy sources, generation and distribution infrastructure utilized by the local gas distribution company to replace natural gas;

(3) any and all mitigation measures to address the impacts of transition—e.g., attrition, retrenchment—on the local gas distribution company's workforce over the course of the performance based ratemaking —including, but not limited to—cross-training and hiring preferences at dual-fuel local gas distribution company's and joint ventures with renewable energy generators/distributors, early retirement incentives;

(4) in the event of the local gas distribution company's anticipated substantial partial or complete cessation of gas operations in Massachusetts during the period in which performance based ratemaking is effective:

(i) means by which the local gas distribution company, and/or its parent corporation intends to avoid burdening the Commonwealth, its ratepayers, and taxpayers with the social welfare costs resulting from such cessation;

(ii) measures to ensure the solvency of the local gas distribution company pension system during and after transition;

(iii) measures to stem the displacement of local gas distribution company employees attrited as a result of transition from the Massachusetts energy sector.

Nothing in this section shall prohibit or supplant the local gas distribution company's collective bargaining obligations relative to the National Labor Relations Act.

(b) In complying with the service quality standards and employee benchmarks established pursuant to this section, a distribution, transmission, or gas company that makes a performance based rating filing after the effective date of this act shall not be allowed to engage in labor displacement or reductions below staffing levels in existence on January 1, 2022, unless such are part of a collective bargaining agreement or agreements between such company and the applicable organization or organizations representing such workers, or with the approval of the department following an evidentiary hearing at which the burden shall be upon the company to demonstrate that such staffing reductions shall not

adversely disrupt service quality standards as established by the department herein. Nothing in this paragraph shall prevent reduction of forces below the January 1, 2022 level through early retirement and severances negotiated with labor organizations before said date."

The amendment was *rejected.*

Mr. Barrett and Ms. Comerford moved that the proposed new text be amended by striking out section 40 and inserting in place thereof the following section:- 133

"SECTION 40. 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 and electric code pursuant to the requirements of clauses (s) and (t) of section 94 of chapter 143 of the General Laws'."

The amendment was *rejected.*

Mr. Tarr and Ms. Moran moved that the proposed new text be amended by inserting after section _ the following:- 134

"SECTION XX. Notwithstanding any general or special law to the contrary the clean energy center, in consultation with the executive office of transportation and the executive office of energy and environmental affairs, shall develop a system of tax credits for the purchase of commercial and heavy duty vehicles meeting the requirements of 40 CFR Parts 79, 80, 85, 86, 600, 1036, 1037, 1039, 1042, 1048, 1054, 1065, and 1066 , provided that no single credit shall exceed $10,000. Said center shall provide a report to the clerks of the House and Senate not later than 9 months following the passage of this act."

The amendment was *rejected*.

Messrs. Hinds and Gomez and Ms. Comerford moved that the proposed new text be amended by adding at the end thereof the following sections:- 137

"SECTION XX. Section 94A of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

As part of the review of a contract with a term of more than 1 year for new gas pipeline capacity, the department shall determine whether such contract is in the public interest. The department shall not approve such a contract unless, in its public interest determination, the department finds that: (i) such contract is necessary to satisfy demand for gas by, and is cost-effective for, in-state ratepayers; (ii) such contract compares favorably to other reasonably available options in terms of its impact on rates, the economy, environment, climate, local communities, public health, safety and welfare; (iii) the parties to the proposed contract have attempted, in good faith, to identify and evaluate alternatives that would reduce or eliminate the need for private land takings or public land disposition including, but not limited to, fuller and more long-term utilization of existing gas infrastructure, distribution system repairs and upgrades, contracts for gas storage along unconstrained pipeline corridors, enhancement of peak-shaving measures, and colocation of gas infrastructure with major roadways; and (iv) for contracts exceeding a term of 3 years, the parties to the proposed contract have attempted, in good faith, to identify and evaluate demand-side options to reduce or eliminate the need for new gas infrastructure.

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

Section 10B. Notwithstanding the provisions of section 10, in any adjudicatory proceeding regarding any petition, request for approval or investigation of a gas company or electric company, as those terms are defined in section 1 of chapter 164, the following shall be permitted to participate as full parties in the proceeding:

(a) any municipality that is within the service area of such company;

(b) any member of the general court whose district includes ratepayers of such company; and

(c) any group of not less than 10 persons who are ratepayers of the company."

The amendment was *rejected.*

Mr. Cyr moved that the proposed new text be amended by inserting the following four sections:- 143

"SECTION X. Said section 7 of chapter 40C of the General Laws, as so appearing, is hereby amended by inserting after the word 'access.', in line 17, the following sentences:-

'Historic district commissions must give a written notice of a denial of a solar energy system application to the applicant within 14 days of its filing and post a fully signed copy on the internet website of their governing municipality within three days of issuance. As part of the notice, an applicant must be provided with rationale for the denial, including but not limited to: criterion that triggered the rejection, how the proposal meets the criterion, and recommend changes to the application that would improve the chance of approval upon resubmission.'

SECTION X. Section 11 of chapter 40C of the General Laws, as so appearing, is hereby amended by striking out the wording, in lines 37 and 38, after the word 'if' and inserting in place thereof the following wording:- 'applicants for solar energy system installations can secure a waiver from the hearing with the written signature of five property owners within a mile of the residence or commercial structure in question, upon which the panels will be built'.

SECTION X. Section 12 of chapter 40C of the General Laws, as so appearing, is hereby amended by inserting after the last sentence of the first paragraph the following sentence:- 'The appellate body should overrule the historic district commission decision if it violates prior documented criterion from that historic district commission for approval of residential solar energy system installation.'

SECTION X. Notwithstanding any general or special law to the contrary, there shall be a special state-wide commission to design, standardize, and draft guidelines for compliant roof-mounted photovoltaic system installations within historic districts established under chapter 40C. The commission shall include the commissioner of the department of energy resources or their designee, who shall chair the commission, the commissioner of the department of housing and community development or their designee, the secretary of the commonwealth or their designee, a representative of the Massachusetts Historical Commission, a representative of the building code coordinating council, a representative of the Massachusetts Municipal Association, a representative of the Metropolitan Area Planning Council, a representative of the solar installation industry appointed by the Senate President, a representative of the solar installation industry appointed by the Speaker, the executive director of a regional planning agency appointed by the Senate President, the executive director of a region planning agency appointed by the Speaker, one representative of a historic district commission in Berkshires, Franklin, Hampshire, and Hampden counties appointed by the Senate President, one representative of a historic district commission in Worcester, Middlesex and Essex counties appointed by the Speaker of the House of Representatives, one representative from a historic district commission in Norfolk, Plymouth and Bristol counties appointed by the Speaker of the House of Representatives, and one representative from historic district commissions in Barnstable, Dukes, and Nantucket counties appointed by the Senate President. The commission shall study matters relative to the rights of residents or landowners within a historic district to install roof-mounted photovoltaic systems on buildings, and further shall establish guidelines for installation of roof-mounted photovoltaic systems. Upon establishing the guidelines, if a historic district commission requires a modification to the guidelines, the commission must file an exemption clause to their regional planning agency

justifying their need to add or remove a clause. The exemption to the guidelines shall be uploaded to their internet website. The commission shall issue guidelines to the clerks of the Massachusetts House of Representatives and the Massachusetts State Senate and to The Massachusetts Historical Commission by March 1, 2023."

The amendment was *rejected.*

Mr. DiDomenico moved that the proposed new text be amended in section 41 by adding the following clause:- "(c): The Massachusetts Bay Transportation Authority shall conduct the analysis and planning necessary to set a goal for a date certain of electrification of the commuter ferry fleet. Such analysis and planning to set the date certain must be completed by December 1, 2024." 146

The amendment was *rejected.*

Ms. Chandler, Messrs. Moore and Eldridge, Ms. Jehlen, Ms. Edwards, Mr. Gomez, Ms. Comerford, Ms. Moran and Ms. Lovely moved that the proposed new text be amended by adding the following section, to expand the MassSave program by adding to section 21(d) of c. 25, a new subsection 21(d)(4), which expands the range of energy efficiency applications and subsidies covered by the MassSave program to include insulation, upgrading electrical systems, heat pumps, and solar energy systems, as follows: 148

"SECTION 21(d)(4). Each plan approved by the department pursuant to this section shall include applications that provide for replacement of an appliance powered by gas, oil or other combustible fuel with an appliance powered by electricity, including but not limited to heat pump technology, whether air source, ground source, or geogrid networked geothermal system, and including an appliance that heats water by electricity. Such electric power may include power generated by a supplemental solar system. Such plan shall include as eligible for a rebate, subsidy, or other financial support (i) the installation of insulation, duct sealing, and air sealing, (ii) the upgrading of an electrical system, (iii) the installation of a battery or other electricity or thermal storage appliance that reduces the amount of electricity a building requires from the electric grid, (iv) the installation of mounted solar panels, and (v) the installation of a supplemental solar system. Such plan shall offer financial support for the purchase of such appliance powered by electricity to a property owner or a tenant individually or as part of project for a neighborhood or a public or affordable housing project. Where such energy efficiency program is part of a project by a gas company to provide geothermal heating and cooling, such plan may finance the leasing by a customer of an appliance powered by electricity and shall include an option for a gas company to lease to a customer an electric heat pump to connect to utility-scale non-emitting infrastructure owned by the gas company. In administering such plan, the department shall presume that the replacement of an appliance powered by gas, oil, or other combustible fuel with an appliance powered by electricity has a social value in the reduction of greenhouse gas emissions."

The amendment was *rejected.*

Messrs. Feeney, Eldridge and Pacheco, Ms. DiZoglio, Ms. Comerford, Ms. Rausch, Messrs. Cronin and Velis, Ms. Gobi and Messrs. Timilty, Lesser, Brady, Finegold and Collins moved that the proposed new text be amended by inserting after section ___ the following section:- 149

"SECTION XX. (a) Chapter 23J of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting at the end thereof the following new section:-

Section 13: The Massachusetts Clean Energy Technology Center ('Center') shall develop and implement successive 5-year workforce development plans for the Commonwealth, beginning in FY2022, that includes outreach and recruitment into the Clean Energy Industry for existing workers in fossil fuel intensive industries, as well as environmental justice populations and individuals living in municipalities at high risk for

climate change within the Commonwealth.

The Center's workforce development plans shall include:

(1) Development of technical assistance, grants, loans, and demonstration projects, facilitating the creation of construction, operations, and maintenance jobs in the Clean Energy Industry.

(2) Measures to expand training capacity for the Clean Energy industry, building upon the Commonwealth's extensive existing public and private workforce development facilities, including all state and federally certified apprenticeship programs, licensure, and degree programs.

(3) Specific goals for the utilization of the residual workforce in fossil fuel intensive industries, as well as environmental justice populations and individuals living in municipalities at high risk for climate change within the Commonwealth.

(4) Recommendations, programs and technical assistance for the Clean Energy Industry to ensure that the industry develops and maintains excellent working terms and conditions for all workers employed therein.

(5) Requirements for minimum working conditions on Clean Energy projects owned, leased, or financed by the Center through the Renewable Energy Trust Fund, or otherwise by the Commonwealth, its departments, offices, agencies, and quasi-independent agencies.

The Center will engage all stakeholders in the planning process, including but not limited to the union representatives of workers in fossil fuel industries and organizations serving environmental justice populations and individuals living in municipalities at high risk for climate change within the Commonwealth. The Center shall coordinate their workforce development planning and research with the Executive Office of Labor and Workforce Development.

(b) Chapter 23J of the General Laws, as appearing in the 2020 Official Edition, is hereby amended, in Section 2, 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 16 directors: 1 of whom shall be the secretary of energy and environmental affairs or his designee, who shall serve as a chair; 1 of whom shall be the secretary of housing and economic development or his designee; 1 of whom shall be the secretary of administration and finance or his designee; 1 of whom shall be the secretary of labor and workforce development or his designee; 1 of whom shall be the president of the University of Massachusetts or his designee; 1 of whom shall be the executive director of the Massachusetts Workforce Alliance; 1 of whom shall be a representative of employees in the natural gas utility sector appointed by the President of the Massachusetts AFL-CIO; 1 of whom shall be a representative of employees in the electric power generation sector appointed by the President of the Massachusetts AFL-CIO; 1 of whom shall be the President of the Massachusetts AFL-CIO, or his/her designee, and 1 of whom shall be the President of the Massachusetts Building Trades Council or his/her designee,1 of whom shall be the commissioner of the department of energy resources; and 5 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 his designee, 1 of whom shall have knowledge of electricity distribution, generation, supply or power marketing, 1 of whom shall be the president of a private college or university or his designee.

(c) Chapter 23J of the General Laws, as appearing in the 2020 Official Edition, is hereby amended, in Section 3, by striking out paragraph (27) and inserting in place thereof the following paragraph:-

To promote programs and investments that lead to pathways towards economic self-

sufficiency for low and moderate-income individuals and communities and displaced workers from fossil fuel industries in the clean energy industry including, but not limited to, collaboration with state and federally licensed apprenticeship and pre-apprenticeship programs providing training in the Commonwealth."

The amendment was *rejected.*

Ms. Comerford, Ms. Jehlen, Ms. Edwards, Ms. Moran, Ms. Rausch, Ms. Gobi and Mr. Timilty moved that the proposed new text be amended by adding the following sections:- 151

"SECTION X. Section 1 of chapter 164 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the definition of 'Department' the following definition:-

'Distributed energy resources', small-scale power generation or storage technology including, but not limited to, resources that are in front of and behind the customer meter, electric storage resources, intermittent generation, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles and their supply equipment, not greater than 10 megawatts, that may provide an alternative to, or an enhancement of, the traditional electric power system and shall be located on an electric utility's distribution system, a subsystem of the utility's distribution system or behind a customer meter.

SECTION X. 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 transformation plan to proactively upgrade the distribution and, where applicable, transmission systems to: (i) improve grid reliability 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; and (iv) prepare for future climate-driven impacts on the transmission and distribution systems, thereby helping the commonwealth realize its statewide greenhouse gas emissions limits and sublimits under chapter 21N.

(b) An electric-sector transformation 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 would facilitate increased adoption of such technologies;

(iv) improvements to the distribution system that will enable customer 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; and (viii) alternatives to the proposed investments in the distribution and transmission systems including rate design, load management and other methods for reducing demand. For all proposed investments and alternatives, 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, and avoided land use impacts.

(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 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 related investments that have been reviewed or 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, 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 plan for review, input and recommendations to the Grid Modernization Advisory Council established in section 92C by April 1, 2023, and thereafter in accordance with the schedule filed with the department pursuant to section 94; provided, that the plan shall be submitted to the Grid Modernization Advisory Council not later than 120 days before the electric company files its schedule; 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 its schedule. An electric company shall submit its plan, together with a demonstration of the Grid Modernization Advisory Council's review, input and recommendations, along with a statement of any unresolved issues, to the department at the time of filing its schedule pursuant to section 94. 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 within 7 months of submittal all prudent investments or alternative investments that provide net benefits for customers proposed in the plan and shall issue a final order directing the company to implement all approved investments of the plan, including determination of any unresolved issues identified in the initial filing; provided, that in order to be approved, a plan shall conclusively demonstrate the need for projects subject to review by the energy facilities siting board pursuant to section 69H and by the department pursuant to section 72. The electric company shall be permitted to recover all reasonably and prudently incurred costs for implementing a plan as approved by the department. If an electric company fails to deliver the projected customer benefits associated with any specific investment or group of investments during the course of a plan, the department shall prohibit the company from earning a return on those investments until such time as the company delivers the customer benefits.

(e) An electric-sector transformation plan developed by an electric company pursuant to subsection (a) shall propose discrete, specific, enumerated investments to the distribution system or alternatives to such investments that will facilitate grid modernization, greater reliability and resiliency, increased enablement of distributed energy resources, increased transportation electrification, and increased building electrification, 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 on the deployment of approved investments and any other performance metrics included in the approved plans.

Section 92C. (a) There shall be a Grid Modernization Advisory Council to consist of

the commissioner of the department of energy resources, or a designee, who shall serve as chair; the attorney general, or a designee; the commissioner of the department of environmental protection, or a designee; 13 members to be appointed by the governor: 1 of whom shall be a representative of 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 or alternatives to the 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 transformation plans developed pursuant to subsection (a) of section 92B that maximize net customer benefits and will enable cost-effective interconnection of distributed and transmission-scale renewable energy resources, facilitate electrification of buildings and transportation, improve grid reliability and resiliency, and reduce impacts on and provide benefits for environmental justice populations and communities.

(c) The council may retain expert consultants; provided, that such consultants shall not have any current contractual relationship with an electric company operating in the commonwealth or any affiliate of such electric company.

(d) Nothing in this section shall eliminate or modify the obligations otherwise established by law of electric companies to provide orderly, economic expansion of equipment and facilities to meet future system demand with acceptable system performance. An electric company shall not be prohibited by action of the council or otherwise from planning and completing infrastructure changes, reinforcements or investment projects necessary for the reliability and resiliency of the transmission and distribution system pending action by the council or the department on an electric-sector transformation plan developed pursuant to said subsection (a) of said section 92B."

The amendment was *rejected.*

Mr. Brownsberger, Ms. DiZoglio, Mr. Moore, Ms. Jehlen and Messrs. Eldridge, Gomez and Lewis moved that the proposed new text be amended by inserting at the end thereof the following:- 152

"SECTION XX. Said paragraph (1) of said subsection (c) of said section 22 of said chapter 21A, as so appearing, is hereby further amended by adding the following 4 clauses:

(vi) to provide assistance with workforce development and training for energy assessors, as defined in section 3 of chapter 25A, renewable energy investments, and thermal and electric energy efficiency improvements conducted following the provision of an energy scorecard to the owner or lessee of a residential dwelling unit, as defined in said section 3 of said chapter 25A, pursuant to section 18of said chapter 25A;

(vii) to reimburse municipal lighting plants that participate in the energy scorecard

program established by said section 18 of said chapter 25A, for incremental startup costs associated with providing energy scorecards; and

(viii) to provide grants to energy assessment providers, software providers and other similar entities for costs associated with adapting home energy assessment methodologies and software to provide the standard information required for an energy scorecard, as deemed in said section 3 of said chapter 25A, and the costs associated with the use of historical home energy assessment data to produce an energy scorecard where feasible, as determined by the department pursuant to said section 18 of said chapter 25A.

SECTION XX. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the definition of 'End-user' the following 2 definitions:

'Energy assessment', an on-site evaluation of the energy performance of a residential dwelling unit by an energy assessor, based on the physical characteristics, including renewable energy infrastructure, of the residential dwelling unit, including but not limited to: (i) an energy audit delivered under the Massachusetts residential conservation service pursuant to chapter 465 of the acts of 1980; (ii) a home energy rating conducted by a Home Energy Rating System rater certified by the Residential Energy Services Network; or (iii) other energy assessments specifically designated by the department.

'Energy assessor', a person or group of persons who conduct energy assessments and who have met the minimum qualifications and quality assurance protocols established by the department, pursuant to subsection (a) of section 18 of chapter 25A.

SECTION XX. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of 'Energy management services' the following definition:-

'Energy performance rating'', a standardized numerical score or scores, calculated in a manner determined by the department, resulting from an energy assessment performed by an energy assessor and incorporated into an energy scorecard for a residential dwelling unit.

SECTION XX. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of 'Energy savings' the following definition:-

'Energy scorecard', standard information, as determined by the department, to illustrate the results of an energy assessment performed by an energy assessor; provided that such information shall contain, at a minimum, the address of the residential dwelling unit along with the associated energy performance rating and, where appropriate, recommendations for energy related improvements. Such information shall not contain any other personal data as defined in section 1 of chapter 66A.

SECTION XX. Said section 3 of said chapter 25A, as so appearing, is hereby amended by inserting after the definition of 'Reseller' the following definition:-

'Residential dwelling unit', a stand-alone residential unit, or a residential unit within a building of up to 4 residential units.

SECTION XX. Section 11G of said chapter 25A, as so appearing, is hereby amended by inserting after the word 'programs,' in line 9, the following words: including, but not limited to, the use of energy scorecards.

SECTION XX. Chapter 25A of the General Laws is hereby amended by adding the following section:

Section 18. (a) The department shall develop and implement an energy scorecard program to promote the disclosure of energy scorecards for residential dwelling units in the commonwealth following an energy assessment by, at a minimum: (1) developing a standard format and methodology for energy scorecards and energy performance ratings; (2) identifying minimum qualifications for energy assessors to produce energy scorecards which may include but not be limited to standardizing qualifications for energy assessors throughout the commonwealth, and protocols for quality assurance of assessments; (3)

providing training to energy assessors regarding the production of energy scorecards; (4) developing requirements for the method by which an energy scorecard is provided to the department following an energy assessment; and (5) developing appropriate requirements and guidelines for providing an updated scorecard to the owner or lessee of a residential dwelling unit following any subsequent modifications to a residential dwelling unit that change its energy performance.

(b) The energy scorecard program shall require:

(1) An energy assessor to provide an energy scorecard to the department and to the owner, lessee, or both, where applicable, of a residential dwelling unit following an energy assessment. Nothing in this section shall preclude an energy assessor from voluntarily providing an energy scorecard to the owner or lessee of a residential dwelling unit following an energy assessment.

(2) An energy performance rating to be disclosed to a buyer or potential buyer of a residential dwelling unit when the property is publicly listed for sale, and regardless of whether the property is so listed, an energy scorecard to be disclosed to such buyer or potential buyer at or before the execution of a purchase and sale agreement; provided, however, that the department may specify the manner in which the energy performance rating or energy scorecard is disclosed in accordance with this paragraph and may require the energy scorecard to be disclosed together with the energy performance rating at time of public listing, where technologically feasible.

(c) The department shall promulgate any rules and regulations necessary to implement this section, including but not limited to regulations to determine, at a minimum, the following: (1) the manner of disclosure of an energy scorecard to a buyer or potential buyer of a residential dwelling unit, including whether an energy scorecard shall be disclosed to a buyer or potential buyer: (i) by a seller of a residential dwelling unit; (ii) by a real estate broker or real estate salesman, as defined by section 87PP of chapter 112, acting on behalf of the seller; or (iii) by some other means; (2) the implementation schedule of the energy scorecard disclosure requirements for residential dwelling units; and (3) any reasonable exemptions to the requirements of this section, which shall include, but not be limited to, exemptions for certain emergency transactions, for owners of residential dwelling units who do not have reasonable access to energy assessments or scorecards provided without any fee to such owners, as determined by the department, and builders and developers of new residential dwelling units in municipalities that have not adopted the stretch energy code, pursuant to section 94 of chapter 143; and

(4) any requirements for producing scorecards from historical energy assessment data, where feasible.

(d) The department shall make available voluntary training for real estate brokers, appraisers, lenders, home inspectors, and other interested professionals involved in residential real estate transactions on the use of energy scorecards and requirements and best practices associated with providing energy scorecards to prospective buyers.

(e) The department may maintain energy scorecards received from an energy assessor or authorize a third party to maintain this information; provided, however, that individual energy scorecards shall not be disclosed by the department or any such third party without the consent of the owner of the residential dwelling unit, unless otherwise prescribed in this section or permitted by law. Energy scorecards received by the department pursuant to this section shall not be deemed to be a public record, as defined in clause 26 of section 7 of chapter 4, and shall not be subject to a request for public records under section IO of chapter 66; provided however, that the department may release any aggregation of energy scorecard information.

SECTION XX. Section 94 of chapter 143 of the General Laws, as most recently amended by chapter 8 of the acts of 2021, is hereby further amended by adding the

following subsection:

(s) In consultation with the department of energy resources, to promulgate rules or regulations as part of the state building code for the submission of an energy scorecard, as defined in section 3 of chapter 25A, to the department of energy resources in accordance with the requirements of section 18 of said chapter 25A, following any energy assessment conducted for compliance with the state building code.

SECTION XX. Subsection (a) of section 3 of chapter 465 of the acts of 1980, as most recently amended by chapter 730 of the acts of 1989, is hereby further amended by adding the following paragraph:

(10) requiring all utilities to provide customers and the department of energy resources with energy scorecards, as defined in section 3 of chapter 25A of the General Laws, following: (i) an energy audit, and (ii) any subsequent modifications to a residential dwelling unit, as defined in said section 3 of said chapter 25A, that change the energy performance of such residential dwelling unit; provided, however, that the utilities shall use historical energy audit data to provide energy scorecards, as determined to be feasible by the department pursuant to section 17 of said chapter 25A.

SECTION XX. Subsection (g) of section 7 of said chapter 465, as most recently amended by chapter 209 of the acts of 2012, is hereby further amended by adding the following sentence: All utilities shall provide energy scorecards as defined in section 3 of chapter 25A of the General Laws to the department of energy resources, pursuant to section 18 of said chapter 25A.

SECTION XX. The department of energy resources shall promulgate regulations pursuant to section 9 of this Act before January 1, 2024.

SECTION XX. The department of energy resources shall not require an energy assessor to provide energy scorecards, as provided in paragraph (1) of subsection (b) of section 17 of chapter 25A of the General Laws, before January 1, 2024.

SECTION XX. The department of energy resources shall not require the disclosure of energy performance ratings or energy scorecards, as provided in paragraph (2) of subsection (b) of section 17 of chapter 25A, before January 1, 2025.

SECTION XX. Sections 10 through 12, inclusive, of this Act shall take effect on January 1, 2024."

The amendment was *rejected.*

As previously mentioned, the amendments were considered as one, and *rejected*.

There being no objection, the following amendments were considered as one, and adopted as follow

Mr. Eldridge, Ms. Jehlen and Ms. Edwards moved that the proposed new text be amended by inserting after section 4 the following section:- 19

"SECTION 4A. Section 9 of said chapter 23J is hereby amended by striking out, in line 55, as so appearing, 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)'."

The amendment was adopted.

Mr. Finegold and Ms. Rausch moved that the proposed new text be amended in section 44 by striking out the words "and (v)", in line 526, and inserting in place thereof the following words:- "; (v) contribute to the decarbonization of healthcare institutions including, but not limited to, hospitals and other healthcare providers; and (vi)". 28

The amendment was adopted.

Messrs. Rush and Lewis and Ms. Comerford moved that the proposed new text be amended by inserting after section 7 the following section:- 43

"SECTION 7A. 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 real 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."; and

By inserting after section 13 the following section:-

"SECTION 13A. Section 6 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the word 'improvements', in line 52, the second time it appears, 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'."

The amendment was adopted.

Mr. Moore, Ms. Rausch, Messrs. O'Connor, Keenan and Timilty and Ms. DiZoglio 49
moved that the proposed new text be amended in section 46, by inserting after the word "technology", in line 573, the following words:- "including, but not limited to, cybersecurity requirements and best practices".

The amendment was adopted.

Messrs. Kennedy and O'Connor and Ms. Rausch moved that the proposed new text 74
be amended by inserting after section 52 the following section:-

"SECTION 52A. There shall be a commission to examine opportunities for farms and agricultural lands to increase their involvement in the commonwealth's response to climate change and make recommendations for policies, laws and regulatory actions that may facilitate the increased involvement and opportunities for farms and agricultural lands.

The commission shall examine: (i) the use of composting, including, but not limited to, the feasibility of a statewide grid of composting sites run by licensed operators utilizing local feedstocks; (ii) the impact of increasing the amount of organic feedstock being composted and sequestered in farm soils, turf areas and forest lands; and (iii) the extent to which farms should receive priority access to supplies, technical supports and financial subsidies to prioritize operational decarbonization. The commission shall also develop metrics to increase carbon soil content over an established base line over 5-year intervals.

The commission shall consist of: the commissioner of agricultural resources, or a designee, who shall serve as chair; the chairs of the joint committee on environment, natural resources and agriculture; a representative of the Massachusetts Municipal Association, Inc.; a representative of the Massachusetts Farm Bureau Federation, Incorporated; and 4 members to be appointed by the governor all of whom shall have experience in agricultural activities. The commission shall convene its first meeting not later than May 1, 2023 and shall file a report, along with any recommended legislation, not later than October 31, 2024 with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on environment, natural resources and agriculture.".

The amendment was adopted.

Mr. Finegold and Ms. Lovely moved that the proposed new text be amended in 95
section 7, by inserting after the word "port", in line 114, the following words:- "and canal".

The amendment was adopted.

Ms. Comerford, Messrs. Moore and Hinds, Ms. Jehlen, Mr. Gomez, Ms. Rausch, Mr. 114
Feeney, Ms. Gobi, Ms. Lovely, Ms. Moran and Mr. Tarr moved that the proposed new text be amended by inserting after section 37 the following section:-

"SECTION 37A. Said chapter 164 is hereby further amended by adding the following

section:-

Section 149. The department of energy resources shall include in the solar incentive program established in section 11 of chapter 75 of the acts of 2016, and in any successor solar incentive program, additional incentives for pollinator-friendly solar installations that have been 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 the department. The department shall promulgate regulations to implement this section."

The amendment was adopted.

Messrs. Tarr and Timilty moved that the proposed new text be amended by inserting after section _ the following new section:- 124

"SECTION____. Not later than 6 months following the passage of this act, the Executive Office of Transportation, in consultation with the state's regional transit authorities, shall develop and issue recommendations for a comprehensive program of incentives for said authorities to develop and maintain buses and other vehicles that produce zero emissions. Said recommendations shall be submitted to the clerks of the house and senate."

The amendment was adopted.

Ms. Comerford, Ms. Gobi and Ms. Lovely moved that the proposed new text be amended by inserting after section 22 the following section:- 125

"SECTION 22A. Subsection (a) of section 14 of chapter 25A, as so appearing, is hereby amended by striking out, in line 3, the words 'that have a total project cost of $100,000 or less' and inserting in place thereof the following words:- 'that have a maximum total project cost as set by the commissioner every 2 years'."

The amendment was adopted.

Ms. Comerford, Ms. Rausch, Messrs. Eldridge and Gomez and Ms. Moran moved that the proposed new text be amended by inserting after section 51 the following section:- 128

"SECTION 51A. (a) The department of public health, the department of elementary and secondary education and the department of energy resources, in consultation with the Massachusetts School Building Authority, shall assess and report on strategies to implement green and healthy school standards for renovations and rehabilitation of existing school buildings and for new school building construction and shall make recommendations for such standards. The standards shall: (i) describe: (A) opportunities to shift to fossil-free fuels; (B) opportunities to increase energy efficiency and efficient use of resources including, but not limited to, low flow fixtures; (C) ventilation and air circulation standards, including adequate outdoor air exchange, filtration and circulation; (D) healthy indoor air quality standards, including limits on pollutants, dust, mold, allergens, exposure to toxic substances, chemical emissions and vapor intrusion; (E) appropriate thermal comfort, humidity and temperature controls; (F) adequate availability of clean and safe water and water fountains; (G) appropriate artificial lighting and plentiful natural light; and (H) the proper maintenance requirements of mechanical systems; (ii) prioritize schools with the greatest needs; (iii) consider the unique environmental differences of schools located in urban, industrial, rural and other areas facing site challenges; and (iv) consider the need to address historic patterns of inequity in education and schools including, but not limited to, the needs of students in special education programs.

(b) The departments shall issue a joint report, including findings of the assessment and recommendations for implementing green and healthy school standards for renovation and rehabilitation, to the senate and house committees on ways and means, the joint committee on telecommunication, utilities and energy, the joint committee on public health and the joint committee on education not later than December 31, 2023. The findings of

the assessment and the initial recommendations for strategies and standards shall be published on the public websites of the department of public health, the department of elementary and secondary education and the department of energy resources and shall be submitted to the senate and house committees on ways and means, the joint committee on telecommunication, utilities and energy, the joint committee on public health and the joint committee on education not later than July 1, 2024."

The amendment was adopted.

Ms. Comerford, Mr. Lesser, Ms. Jehlen, Mr. Gomez, Ms. Rausch, Mr. Hinds, Ms. Gobi and Mr. Tarr moved that the proposed new text be amended by striking out section 50 and inserting in place thereof the following section:- 131

"SECTION 50. The department of energy resources, in consultation with the secretary of energy and environmental affairs, shall make recommendations to the general court on a successor program to the commonwealth's solar incentive program established in section 11 of chapter 75 of the acts of 2016. In developing recommendations, the department shall consider: (i) the benefits provided by distributed generation facilities including, but not limited to: (A) avoided energy purchases; (B) avoided capacity purchases; (C) avoided transmission and distribution costs; (D) avoided line losses; (E) avoided environmental compliance costs; (F) avoided damages from greenhouse gas emissions; (G) enhanced reliability; (H) equity and environmental justice benefits; and (I) any other benefits as may be determined by the department; (ii) time differentiated rates and alternative rates that encourage equity and alignment with the commonwealth's energy, climate and natural resources programs and policies; (iii) the siting of clean energy projects in underserved communities and within the built environment on developed or degraded land including, but not limited to, rooftops, parking lots and other low-impact areas with minimal ecosystem service values; (iv) avoiding or minimizing impacts to natural and working lands and waters; and (v) potential solutions to challenges faced by municipalities relative to the deployment of solar within the built environment, including the provision of guidelines, technical assistance and incentives for municipalities to update local land use regulations to facilitate within-development siting.

The process shall work in parallel with the department's technical potential of solar study.

The department shall file its recommendations with the clerks of the senate and house of representatives and the joint committee on telecommunications, utilities and energy not later than July 31, 2023."

The amendment was adopted.

Messrs. Tarr and Timilty moved that the proposed new text be amended by inserting at the end thereof the following section:- 153

"SECTION _ . The Massachusetts Clean Energy Center shall develop a guide and web site 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, provided that such projection shall be posted electronically and filed with the clerks of the House and Senate."

The amendment was adopted.

As previously stated, the above amendments were considered as one and adopted.

Messrs. Tarr, Moore, Hinds and Pacheco and Ms. Lovely moved that the proposed new text be amended by inserting after section_ the following section:- 3

"SECTION_. Chapter 21N is hereby amended by inserting at the following new section:-

Section 12. (a) The executive office of energy and environmental affairs shall develop policies, programs, grants, loans and incentives to meet the statewide natural and working

lands goal as identified in the plan, including, but not limited to, a communities for a sustainable climate program. The executive office of energy and environmental affairs shall apply and disburse monies and revenues as provided in this section.

(b) The secretary shall establish a communities for a sustainable climate program. The purpose of the program shall be to provide technical and financial assistance, including incentives, grants and loans, to municipalities that qualify as sustainable communities under this section. These incentives, grants and loans shall be used to finance all or a portion of the costs of designing, constructing and implementing actions and strategies to reduce greenhouse gas emissions and increase carbon sequestration on natural and working lands.

(c) To qualify as a community for a sustainable climate, a municipality or other local governmental body shall comply with eligibility requirements developed by the secretary or his designee. Eligibility requirements are intended to incentivize communities to adopt policies and practices that protect, enhance, and restore carbon stocks on natural and working lands beyond business as usual. The secretary shall set eligibility requirements from among, but not limited to, the following: (1) adopt a municipal tree retention and replacement by-law or ordinance; (2) adopt natural resource protection zoning, as defined by the secretary; (3) collect a reasonable fee to be used exclusively for measures to remedy and offset the generation of greenhouse gases caused by activities that convert forest, wetlands, and agricultural lands for development at a size and scale determined by the secretary; (4) adopt a municipal transfer of development rights by-law or ordinance; and (5) adopt and implement a municipal procurement policy for municipal purchasing and substituting wood products for municipal operations and assets, where feasible, including but not limited to, concrete and steel in buildings. The secretary may waive specified requirements based on a written finding that, due to unusual circumstances, a municipality cannot reasonably meet the requirements and that the municipality has committed to alternative measures that advance the purposes of the communities for a sustainable climate program as effectively as adherence to the requirements. The Secretary may adopt alternative eligibility requirements that provide opportunities to achieve the goals of the program.

(d) The secretary may develop policies to provide for consistency and predictability and to help offset the impacts of municipal ordinances and by-laws upon the private sector under the communities for a sustainable climate program that may be adopted by participating communities, including, but not limited to, grants, loans, incentives and tax credits and expedited permitting for practices and strategies consistent with the goals to reduce greenhouse gas emissions and increase carbon sequestration on natural and working lands.

(e) Funding for the communities for a sustainable climate program in any single fiscal year shall be available, without the need for further appropriation, from sources including, but not limited to: (1) the global warming solutions trust fund established in section 35GGG of chapter 10 of the general laws; and (2) land management and restoration grant, loan and incentive programs administered by the executive office of energy and environmental affairs."

After remarks, the amendment was *rejected.*

Mr. Tarr, Ms. Rausch, Messrs. Moore and Eldridge, Ms. Jehlen, Mr. O'Connor, Ms. Edwards and Messrs. Velis, Brady and Pacheco moved that the proposed new text be amended by inserting after section _ the following section:– 9

"SECTION XX. (a) Notwithstanding any general or special law to the contrary, the department of energy resources shall, not later than March 1, 2023, competitively solicit and procure proposals for offshore wind energy transmission sufficient to deliver energy generation procured pursuant to subsection (b) of section 83C of chapter 169 of the acts of

2008 from designated wind energy areas for which a federal lease was issued on or after January 1, 2012, that shall be developed independent of such offshore wind energy generation; provided, that offshore wind developers, as defined in section 83B of said chapter 169 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; and provided further, that the department shall 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 satisfy the requirement regarding proposal selection through federal funding in the form of a match, a grant, a loan, or through ownership and operation by the United States government that provides a comparable level of investment as would have otherwise been provided if the department had selected a single proposal or multiple proposals.

(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 achieve the commonwealth's offshore wind and decarbonization goals as well as demonstrable benefits to the consumer and environment and in terms of electric system reliability and avoided upgrade costs to the existing transmission grid. The department shall consider proposals that include, but shall not be limited to, upgrading the existing grid, extending the grid closer to offshore wind locations, determining optimal landfall approaches or interconnecting between offshore substations. If federal grants or other federal funding for transmission and distribution become available, the department may modify a procurement, prior to selecting a proposal, in order to satisfy federal eligibility criteria.

(c) Not later than September 31, 2023, the department of energy resources shall submit a report to the clerks of the house of representatives and the senate and the chairs of the joint committee on telecommunications, utilities and energy, that: (1) outlines the design and conduct of the solicitation and procurement process; (2) identifies and recommends any improvements to the solicitation and procurement process; and (3) provides, in the event that the department does not choose a proposal, a comprehensive explanation of their decision, including the extent to which the department's consideration of factors in subsection (b) played a role in said decision."

After remarks, the amendment was *rejected.*

Ms. Rausch, Messrs. O'Connor and Montigny and Ms. Edwards moved that the proposed new text be amended in section 25, by striking out, in line 239, the words "an outreach campaign" and inserting in place thereof the following words:- "a linguistically diverse and culturally competent outreach campaign, which is print accessible and accessible to English language learners,". 10

After remarks, the amendment was adopted.

Messrs. Keenan, O'Connor and Timilty moved that the proposed new text be amended by inserting after the word "for", in line 210, the following words:- "a used zero-emission vehicle that was bought new or used within the previous 24 months,"; and 27

In said section 25, in proposed paragraph (2) of subsection (b), by adding the following sentence:- "The department shall offer a program to provide low-income individuals with a $1,500 rebate that shall be provided at the point of sale and that shall be in addition to the rebate provided for in subsection (c); provided, however, that the department shall establish income guidelines and other program requirements for said program."

After remarks, the amendment was adopted.

Mr. Rush moved that the proposed new text be amended by inserting after section 53 44
the following section:-

"SECTION 53A. (a) Notwithstanding any general or special law to the contrary, the department of energy resources shall assess the solar incentive program established in section 11 of chapter 75 of the acts of 2016 to review and make recommendations on whether adjustments to the existing incentives may improve the commonwealth's ability to achieve its greenhouse gas reduction goals, accelerate the implantation of renewable energy or provide increased benefits to ratepayers.

(b) In its review, the department shall consider whether: (i) incentives should be adjusted in response to changes in the solar power industry including, but not limited to, increased material costs, supply chain disruptions, increased labor costs and interconnection upgrade costs; and (ii) unsubscribed or underutilized incentive blocks exist in the solar incentive program that could be reallocated within the program to mitigate project backlogs, provide increased ratepayer benefits or accelerate the implementation of solar energy . The department shall conduct the review and issue a report on its findings not later than 180 days after the effective date of this act; provided, however, that the department shall update the report annually until the existing solar incentive program is fully replaced by a successor program.

(c) The department shall seek to implement any changes to the solar incentive program recommended as part of the review conducted under this section. The department shall submit drafts of any legislation necessary to implement its recommendations by filing the same with the clerks of the senate and house of representatives."

The amendment was adopted.

Ms. Chang-Diaz, Ms. Rausch and Ms. Edwards moved that the proposed new text be 69
amended in section 52, in the proposed last paragraph of subsection (b), by adding the following 2 sentences:- "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 in: (i) each municipality participating in the demonstration; and (ii) comparable municipalities not participating in the demonstration as selected by the department. The department shall make the data available on its website in a machine readable format and annually update the data for the duration of the demonstration."

After remarks, the amendment was adopted.

Messrs. Montigny, O'Connor, Feeney and Tarr moved that the proposed new text be 84
amended in section 39, in proposed clause (ii), as amended by amendment 5, by inserting after the word "tribes", the following words:- "and commercial fishing".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before nine o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 153]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.

Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **39.**
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at two minutes past nine o'clock P.M., the amendment was adopted.

Mr. Eldridge, Ms. Jehlen, Ms. Gobi, Ms. Lovely, Messrs. Kennedy and Keenan, Ms. Comerford, Ms. Edwards, Mr. Lewis, Ms. Rausch and Messrs. Tarr and Pacheco moved that the proposed new text be amended by striking out section 47 and inserting in place thereof the following section:- 85

"SECTION 47. (a) Not later than 6 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 of public utilities for approval to offer rate credits or rebates to consumers that charge their electric vehicle during off-peak hours; provided, however, that the rebate or credit amount shall include the value of: (i) avoided energy and capacity costs; (ii) avoided transmission costs; (iii) avoided distribution costs; (iv) improved grid reliability; (v) capacity benefits in the form of demand-induced price reduction effects; (vi) avoided greenhouse gas emissions; and (vii) public health benefits. The department shall coordinate rate credits and rebate amounts to minimize unnecessary differences and shall approve the rebates not later than June 30, 2023.

(b)(1) For the purposes of this subsection, '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.

(2) 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, optimal and efficient use of a distribution company's facilities and resources; (ii) benefits to transmission and distribution systems; (iii) equitable rates for electric consumers; and (iv) 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.".

After remarks, the amendment was adopted.

Ms. Chang-Diaz and Ms. Jehlen moved that the proposed new text be amended in section 25, by inserting after the word "vans", in line 214, the following words:- "The department shall, in consultation with the Massachusetts Bay Transit Authority, the regional transit authority council, and municipalities, develop an incentive program for such entities to receive monies through this fund to implement a fare free transit program." 108

After remarks, the amendment was *rejected.*

Ms. Chang-Diaz moved that the proposed new text be amended in section 25, by 110

inserting after the word "vans.", in line 214, the following words:- "The department shall, in consultation with the Massachusetts Bay Transit Authority, and the regional transit authority council, develop an incentive program for such entities to receive monies through this fund for implementing the transition of bus maintenance facilities to accommodate zero-emission passenger buses."

After remarks, the amendment was *rejected*.

Ms. Rausch, Mr. Eldridge, Ms. Edwards, Mr. Keenan, Ms. Gobi, Ms. Lovely, Mr. Tarr and Ms. Creem moved that the proposed new text be amended inserting after section 53 the following section:- 111

"SECTION 53A. For purposes of this section, 'zero-emission school bus' shall mean a school bus that produces no engine exhaust carbon emissions.

The department of elementary and secondary education, in consultation with the department of energy resources, 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 operation for fossil–fuel-powered school buses including, but not limited to, the cost of the purchase or contracted use of a fossil fuel-powered bus and the purchase of fossil fuels; (iv) the annual cost of operation for zero-emission school buses including, but not limited to, the cost of the purchase or contracted use of a zero-emission bus and the cost of the purchase or contracted use of 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 school buses from fossil fuel powered-school buses to 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. 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 December 15, 2022."

After remarks, the amendment was adopted.

Mr. Cyr, Ms. Jehlen, Ms. Edwards, Ms. Moran, Ms. Comerford and Mr. Tarr moved that the proposed new text be amended in section 44, by striking out, in lines 514 and 515, the words "long-duration and multi-day energy storage systems", and inserting in place thereof the following words:- "energy storage systems with a 4 to 12 hour capacity, long duration and multi-day energy storage systems and energy storage peak renewable power; provided, however, that 'energy storage peak renewable power' shall mean the generation transferred to higher demand on-peak periods by an energy storage system"; and 119

In said section 44, by inserting after the word "systems", in line 532, the words:- ", energy storage systems with a 4 to 12-hour capacity and energy storage peak renewable power".

The amendment was adopted.

Ms. Chandler, Ms. Rausch, Mr. Lesser, Ms. Jehlen, Messrs. Gomez and Cronin, Ms. Comerford, Ms. Moran, Ms. Edwards, Messrs. Velis, Timilty and Hinds, Ms. DiZoglio and Ms. Lovely moved that the proposed new text be amended by inserting after section 123

53 the following section:-

"SECTION 53. 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 busses 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) the identification of potential funding sources."

The question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past nine o'clock P.M., on motion of Ms. Chandler, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 154]:**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **39.**
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at twenty-four minutes past nine o'clock P.M., the amendment was adopted.

Mr. Tarr and Ms. Edwards moved that the proposed new text be amended by inserting after section _ the following:- 142

"SECTION __. Notwithstanding any general or special law to the contrary the department of telecommunications and energy, in consultation with the Independent

Systems Operator for New England, shall undertake a study and examination of all possible, feasible means for transmission to the commonwealth of renewable hydroelectricity and land- based wind electricity, into the commonwealth from outside its borders, taking into account current and projected restrictions and obstacles due to law, regulation, or geographic impediments. the results of such study shall be reported to the clerks of the House and Senate not later than 10 months following the passage of this act."

After remarks, the amendment was *rejected*.

Mr. Cyr, Ms. Moran, Ms. Rausch, Mr. Pacheco and Ms. Edwards moved that the proposed new text be amended in section 6, in the proposed first sentence of subsection (a), by adding the following clause:- "(v) federally recognized tribes within the commonwealth"; 147

In said section 6, by inserting after the word "participation", in line 76, the words:- ", inclusive of federally recognized tribes within the commonwealth,";

In said section 6, by inserting after the word "for", in line 81, the words:- "members of federally recognized tribes within the commonwealth,";

In said section 6, by inserting after the word "to", in line 84, the words:- "federally recognized tribes within the commonwealth,";

In said section 6, by inserting after the word "to", in line 88, the words:- "federally recognized tribes within the commonwealth,";

In section 7, by inserting after the word "to", in line 107, the words:- "federally recognized tribes within the commonwealth,";

In said section 7, by inserting after the word "strategy", in line 111, the words:- ", inclusive of federally recognized tribes within the commonwealth,";

In said section 7, by inserting after the word "commonwealth", in line 115, the words:- "including on tribal lands";

In said section 7, by inserting after the word "commonwealth", in line 117, the words:- "including on tribal lands"; and

In section 25, by inserting after the word "parties", in line 207, the words:- "including federally recognized tribes in the commonwealth".

After remarks, the amendment was adopted.

Ms. Rausch, Mr. Eldridge, Ms. Jehlen, Ms. Chang-Diaz, Ms. Edwards, Mr. Pacheco, Ms. Comerford, Mr. Lewis, Ms. Gobi and Messrs. Lesser and Hinds moved that the proposed new text be amended in section 25, in chapter 25A, by adding the following section:- 7

"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.

'Department', the department of energy resources.

'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 and 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 25,000 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 and 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 June 30, electric and gas distribution companies shall report to the department the total amounts of natural gas and electricity used during the previous calendar year by each large building that has an account with the distribution company.

(c) 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 requested energy use information from the tenant in writing not later than April 30 of the same year, the tenant did not respond and the owner provides evidence of the written request for information to the department.

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

(e) 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.

(f) 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.

(g) 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 $300 per day.

(h) Nothing in this section shall prohibit municipalities from establishing and enforcing large building energy reporting requirements that exceed the requirements established pursuant to this section.

(i) The department shall promulgate regulations to implement this section within 1 year after the effective date of this section."; and

By inserting after section 57 the following section:-

"SECTION 57A. Section 20 of chapter 25A of the General Laws, inserted by section 25, shall take effect on January 1, 2024.".

After remarks, the amendment was adopted.

Ms. Rausch, Ms. Jehlen, Mr. Eldridge, Ms. Chang-Diaz, Ms. Edwards, Mr. Pacheco, 8
Ms. Moran, Ms. Comerford and Messrs. Lewis, Lesser and Hinds moved that the proposed new text be amended by inserting after Section 25 the following section:-

"SECTION 25A. Said chapter 25A is hereby further amended by inserting the following 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 unit for the purposes of verifying compliance with building performance standards established under this section.

‘Department’, the department of energy resources.

‘Energy’, electricity, natural gas, steam, hot or chilled water, heating oil, propane or other products designated by the department used for heating, cooling, lighting, or water heating, or for powering or fueling other end uses.

‘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 25,000 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 the association or organization of unit owners responsible for management in the case of a condominium, the board of directors in the case of a cooperative apartment corporation, and the net lessee in the case of a building subject to a net lease with a term of not less than 30 years, inclusive of all renewal options.

(b) The department shall establish large building energy performance standards, including without limitation greenhouse gas emissions from and energy use, for each large building type and occupancy. The department may designate subcategories within each building type and occupancy to establish such performance standards. The department shall establish these standards at levels: (i) at least as strong as the median energy or greenhouse gas emissions performance rating of large buildings of each building type, based on current green energy industry accepted data; and (ii) that require the reduction of greenhouse gas emissions from large buildings at a pace consistent with achieving the emissions limits and sublimits established under chapter 21N. The department shall update and revise these large building energy performance standards at least once every 5 years.

(c) The department may establish campus-wide building energy performance standards for post-secondary educational institutions and hospitals with multiple buildings in a single location that are owned by a single entity.

(d) The department shall require the owners of large buildings that fail to meet the applicable building performance standard to demonstrate improvement over a 5-year compliance cycle. Building owners may demonstrate improvement by reducing their building’s greenhouse gas emissions or energy use by an amount designated by the department.

(e) The department may, in coordination with utility companies and the department of public utilities, establish incentive and financial assistance programs for owners to meet building performance standards.

(f) The department shall establish a deadline extension or alternative compliance pathway for owners who, in the judgment of the department, demonstrate cause for a deadline extension or alternative compliance pathway.

(g) Documents received, created, or maintained by the department under this section shall be public records.

(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.

(i) Nothing in this section shall prohibit municipalities from establishing and enforcing building energy performance standards that exceed the requirements established pursuant to this section.

(j) The department shall promulgate regulations to implement this section within one

year of its effective date." and

By inserting at the end thereof the following section:-

"SECTION XX. Section 25A shall take effect on January 1, 2025."

The amendment was *rejected*.

Messrs. Crighton and Feeney, Ms. Rausch, Ms. DiZoglio, Messrs. Lesser and Moore, 13
Ms. Jehlen, Mr. Eldridge, Ms. Chang-Diaz, Ms. Edwards, Messrs. O'Connor and Collins, Ms. Comerford, Messrs. Keenan, Cronin, Pacheco, Lewis and Montigny, Ms. Lovely and Messrs. Velis, Timilty, Brady and DiDomenico moved that the proposed new text be amended by striking out section 42 and inserting in place thereof the following section:-

"SECTION 42. (a) The Massachusetts Bay Transportation Authority shall develop and implement short-term, medium-term and long-term plans for each line of the rail system ensuring that the rail is fully integrated into the commonwealth's transportation system and designed to make the system more productive, equitable and decarbonized. Each plan shall maximize the ridership returns on investment and shall be designed to meet statewide greenhouse gas emissions limits established in chapter 21N of the General Laws.

(b)(1) The authority shall include in the short-term plan immediate action items to run electric locomotive service along the Providence/Stoughton line, the Fairmont line and the line from the cities of Boston to Everett to Chelsea to Revere to Lynn to Salem to Beverly. The plan shall include, but not be limited to, the following: (1) detailed critical path schedule for each phase, (2) cash flow needs organized by fiscal year through completion of each phase, (3) a regional strategy to receive all necessary environmental approvals and permits, (4) identifying needs from utilities to achieve adequate and redundant power to update the system. The plan shall include target completion dates, a conceptual work plan and a schedule outlining the work to be pursued in 2022 and 2023. The authority shall include in any capital plan approved after the effective date of this act purchases necessary to begin the transition to electric service on the aforementioned rail lines and no agreement to purchase commuter rail trains shall be diesel locomotives after December 31, 2030.

(2) The authority shall include in its medium- and long-term plans a comprehensive and specific plan to electrify the remainder of the commuter rail fleet for all lines as necessary to maximize the ridership returns on investment and meet statewide greenhouse gas emissions limits and sublimits established in chapter 21N of the General Laws. The plan shall include, but not be limited to, necessary updates to layover and maintenance facilities, necessary infrastructure upgrades and a schedule for fleet design, testing, procurement and deployment.

(c) The authority shall publish and receive public comment on its short-term plan under paragraph (1) of subsection (b) by November 1, 2022 or 180 days after the effective date of this act, whichever is later. The authority shall publish and receive public comment on plans required by (a) and its medium- and long-term plans under paragraph (2) of said subsection (b) by December 31, 2023 or 180 days after the effective date of this act, whichever is later."

After remarks, the amendment was adopted.

Ms. Jehlen, Messrs. Moore, Eldridge and Gomez, Ms. Edwards, Ms. Comerford, Ms. 36
Rausch, Messrs. Lewis, Kennedy, Timilty and Feeney and Ms. Lovely moved that the proposed new text be amended by inserting after section 53 the following section:-

"SECTION 53A. The department of environmental protection, in consultation with the executive office of energy and environmental affairs and bureau of environmental health, shall convene a technical advisory committee that shall consist of not less than 9 individuals, at least 1 of whom shall represent residents of communities disproportionately impacted by air pollution living adjacent to a major highway, at least 1 of whom shall represent academics with expertise in air monitoring, environmental health, air toxics and air pollution and at least 1 of whom shall represent organized labor. The committee shall:

(i) identify communities with high cumulative exposure burdens for toxic air contaminants and criteria pollutants, including 'ultrafine particles' as defined by the federal Environmental Protection Agency; (ii) identify the likely air pollution hotspots and corridors due to high concentrations of traffic-related air pollution throughout the commonwealth that should be equipped with new or expanded air monitors; and (iii) establish definitions for 'air quality' and 'air quality target pollutants' that shall include, but not be limited to, consideration of criteria pollutants, black carbon and ultrafine particulate matter.

Not later than June 30, 2023, the department of environmental protection shall install and operate air monitors in not less than 8 air pollution hotspots or corridors that measure at least 1 of each of the following pollutants: (i) black carbon; (ii) nitrogen oxides; and (iii) ultrafine particulate matter. Not later than December 31, 2023, the department of environmental protection shall establish baseline air quality in air pollution hotspots and corridors. Data from the air monitors shall be publicly accessible and provide near-time information. The department of environmental protection shall work with residents from disproportionately impacted communities to conduct participatory action research where residents can use mobile air sensors to expand the number of locations where residents can track air quality.

The department shall convene the technical advisory committee by December 1, 2022.

The department of environmental protection shall file a report of the technical advisory committee's findings, including the baseline air quality levels and recommendations to reduce air pollution in those identified locations by 50 per cent below the baseline by December 31, 2030, with the clerks of the senate and house of representatives, the joint committee on public health and the joint committee on environment, energy and natural resources not later than June 30, 2024."

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Ms. Rausch, Mr. Moore, Ms. Jehlen, Mr. Eldridge, Ms. Edwards, Mr. Gomez, Ms. Comerford and Mr. Feeney moved that the proposed new text be amended in section 11, by adding the following words:- "; and (xi) consideration of historic and present program participation by low and moderate income households, including households that rent; and (xii) strategies and investments the programs will undertake to achieve equitable access and reduce or eliminate any disparities in program uptake". 65

After remarks, the amendment was adopted.

Ms. DiZoglio and Ms. Edwards moved that the proposed new text be amended by inserting after section 7 the following section:- 98

"SECTION 7A. Section 21 of chapter 25 of the General Laws is hereby amended by striking out, in lines 9 and 91, as appearing in the 2020 Official Edition, the words 'April 30' and inserting in place thereof, in each instance, the following words:- 'March 31'.";

In section 11, by inserting after the word "pump", in line 144, the following words:- "; and (xii) 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 energy efficiency surcharge dollars recovered by ratepayers in the form of incentives per municipality served, delineated by utility and sector, including residential, residential low-income, commercial and industrial"; and

By inserting after section 13 the following 3 sections:-

"SECTION 13A. 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 13B. 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 13C. Section 22 of said chapter 25 is hereby amended by striking out subsection (d), as most recently amended by section 30 of chapter 8 of the acts of 2021, 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; (iv) in order 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 energy efficiency surcharge dollars recovered by ratepayers in the form of incentives per municipality served, delineated by utility and sector, including residential, residential low-income, commercial and industrial; and (v) such other information as the council shall determine. 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."

After remarks, the amendment was adopted.

Messrs. Tarr and Montigny moved that the proposed new text be amended by inserting after section _ the following section:- 120

"SECTION_. Notwithstanding any general or special law to the contrary there shall be established a Commercial Fisheries Commission, the purpose of which shall be 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 Massachusetts Fisheries, 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 16 members, whom shall be as follows:- the secretary of energy and environmental affair or their designee; the director of the division of marine fisheries who shall serve as chair; 14 members appointed by the Governor, 1 member from the Massachusetts Seafood Collaborative from a list of 3 nominees submitted by their board of directors, 1 member from the Massachusetts Fishing Partnership from a list of 3 nominees submitted by their board of directors, 1 member from the Stellwagen Bank Charter Boat Association from a list of 3 nominees submitted by their board of directors, 1 member from the Responsible Offshore Development Alliance from a list of 3 nominees submitted by their board of directors, 1 member from the Fisheries Survival Fund from a list of 3 nominees submitted by their board of directors, 1 member

from the Northeast Seafood Coalition from a list of 3 nominees submitted by their board of directors; 1 member from the Gloucester Fishermen's Wives from a list of 3 nominees submitted by their board of directors, 1 member from the Massachusetts Lobstermen's Association from a list of 3 nominees submitted by their board of directors, 1 member from the Gloucester Fishing Community Preservation Fund from a list of 3 nominees submitted by their board of directors, 1 member from the Cape Cod Commercial Fishermen's Alliance from a list of 3 nominees submitted by their board of directors; 1 member from the Center for Sustainable Fisheries, Inc from a list of 3 nominees submitted by their board of directors; 1 member from the Gloucester Fisheries Commission from a list of 3 nominees submitted by their board of directors; 1 member from the School for Marine Science and Technology at the University of Massachusetts Dartmouth (SMAST), 1 member from the Harbor Development Commission doing business as the New Bedford Port Authority from a list of 3 nominees submitted by commissioners.

The commission shall meet not less than 4 times each year, and shall produce a report annually, which shall be published electronically by the Executive Office of Energy and Environmental Affairs, whom shall provide administrative support for the operations of the commission, and filed with the clerks of the House and Senate. The provisions of this section shall terminate 5 years following the passage of this act, unless otherwise terminated, modified, or extended."

After remarks, the amendment was adopted.

Mr. Hinds, Ms. Comerford and Ms. Rausch moved that the proposed new text be amended in section 6, by inserting after the word "communities", in line 87, the following words:- ", including organizations promoting climate resilience in said communities with a focus on mitigating the impacts of extreme heat and other climate-driven disasters". 138

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 44 by striking out the words "and (iv)", in line 515, and inserting in place thereof the following words:- "(iv) the cost effectiveness of providing tax incentives under section 5 of chapter 59 or section 6 of chapter 64H 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 under section 19 of chapter 25 of the General Laws to pay for energy storage systems installed at a customer's premises; (vi) location patters of energy storage systems currently in use; (vii) opportunities for future expansion in energy storage; and (viii)". 141

After remarks, the amendment was adopted.

Messrs. Finegold and O'Connor, Ms. Moran and Mr. Tarr moved that the proposed new text be amended by inserting after section 50 the following section:- 22

"SECTION 50A. The department of energy resources shall study and make recommendations to the general court on the potential costs and benefits of coordinating with other New England states undertaking competitive solicitation for approximately 1,750,000 megawatt hours of long-term clean energy generation. In developing its recommendations, the department shall consider the ability of such solicitation to: (i) provide enhanced electricity reliability in the commonwealth and the region; (ii) provide cost-effective clean energy to electric ratepayers in the commonwealth and the region over the term of the contract, taking into consideration the potential economic and environmental benefits to ratepayers; (iii) avoid line loss and mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if any, are not borne by ratepayers in the commonwealth or the region; (iv) adequately demonstrate project viability in a commercially-reasonable timeframe; (v) mitigate environmental impacts; and (vi) where feasible, create and foster employment and economic development in the commonwealth and in New England states. The department shall submit its

recommendations to the clerks of the senate and house of representatives and the joint committee on telecommunications, utilities and energy not later than September 1, 2022."

After remarks, the amendment was adopted.

Ms. Edwards, Ms. Jehlen, Ms. Rausch and Ms. Comerford moved that the proposed new text be amended in section 25, by inserting after the word "examining", in line 237, the following words:- ": (i) historic and present program participation of low-income and moderate-income households, by examining by moderate-income households and usage among demographic groups, including data by user race and ethnicity, and recommending strategies and investments to reduce or eliminate any disparities in program uptake; and (ii)". 96

After remarks, the amendment was adopted.

Ms. Rausch and Ms. Edwards moved that the proposed new text be amended in section 2, in the proposed first paragraph of section 78, by striking out, in line 6, the words "data inventory" and inserting in place thereof the following word:- "database"; 11

In said section 2, in said proposed first paragraph of section 78, by striking the second sentence and inserting in place thereof the following sentence:- "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.";

In said section 2, in said proposed first paragraph of section 78, by adding the following 2 sentences:- "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.";

In section 25, by striking out, in line 229, the word "fiscal" and inserting in place thereof the following word:- "calendar";

In said section 25, by striking out, in line 231, the words "regularly updated" and inserting in place thereof the following words:- "annually, not later than September 30,";

In said section 25, by striking out, in line 233, the figure "1" and inserting in place thereof the following figure:- "30";

In said section 25, by striking out, in line 234, the word "fiscal" and inserting in place thereof the following word:- "calendar"; and

In said section 25, by striking out, in lines 236 to 238, inclusive, the words "including, but not limited to, examining the cost-effectiveness of the programs in reducing greenhouse gas emissions" and inserting in place thereof the following words:- "; provided, however, that, not less than every 4 years, the report shall also examine the cost-effectiveness of the programs in reducing greenhouse gas emissions. 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 department of transportation.".

The amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended by striking out section 1; 154

In section 4, by striking out, in line 58, the word ", wood";

In section 11, by striking out, in line 143, the words "or supplemental";

In section 25, by striking out, in lines 237 to 238, inclusive, the words "examining the cost-effectiveness of the programs in reducing greenhouse gas emissions" and inserting in place thereof the following:- "3-year cost-effectiveness reviews";

In section 30, in proposed section 12, in the first paragraph, by striking out the second sentence and inserting in place thereof the following sentence:- "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.";

In said section 30, by striking out, in lines 300 and 301, the words:- "shall minimize any negative impacts of the program on low-income and moderate-income drivers and support the goal of clean mobility for low-income and moderate-income individuals" and inserting in place thereof the following:- "shall, to the extent practicable, minimize any negative impacts of the program on drivers from low-income and moderate-income communities and support the goal of clean mobility in such communities";

In section 34, by striking out, in line 317, the figure "2018" and inserting in place thereof the following figure:- "2016";

In section 39, in proposed subsection (d), in clause (iii), inserted by amendment 5, by striking out the word:- "by" and inserting in place thereof the following: - "and community benefits by workforce";

By striking out section 40 and inserting in place thereof the following section:-

"SECTION 40. 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 pursuant to clauses (s) and (t) of section 94 of chapter 143 of the General Laws.";

In section 43, by striking out, in line 501, the words ", energy marketer or energy broker" and inserting in place thereof the following words:- "as defined in section 1 of chapter 164 of the General Laws";

In section 46, by inserting after the word "be", in line 542, the following words:- "within the executive office of energy and environmental affairs, but not subject to the control of the executive office,";

In section 46, by striking out, in lines 574, 581, 583 and 586, the word "department" and inserting in place thereof, in each instance, the following word:- "council";

In said section 46, by striking out, in line 587, the words "the department" and inserting in place thereof the following words:- "each secretariat's";

In section 49, by inserting after the word "a", in lines 639, 640 and 641, each time it appears, the following words:- "representative of a";

In section 52, by inserting after the word "towns", in line 693, the following words:- "may, in accordance with otherwise applicable laws,";

In said section 52, in subsection (b), by striking out the second paragraph and inserting in place thereof the following 3 paragraphs:-

"The department shall approve not more than 10 applications under this section. The department shall approve an application into the program from any city or town that has submitted a home rule petition to the general court on the subject matter of this section on or before the effective date of this act. The department shall issue the approvals under this section to not more than 10 communities in the order in which the communities submitted home rule petitions to the general court.

If 10 or fewer communities qualify for participation by virtue of having submitted a home rule petition to the general court by the effective date of this section, the department shall consider the regional and demographic diversity of the communities applying for participation in approving the application. No city or town shall apply for acceptance into the demonstration project until it has received local approval.

The department shall act upon an application from a city or town within 30 days after receiving its application";

By inserting after section 53 the following section:-

"SECTION 53A. Section 11 shall take effect upon its passage and shall apply to

energy efficiency plans beginning with the 2025 to 2027 plan.";

In section 56, by striking out the figure "25", in line 734, and inserting in place thereof the following figure:- "25A"; and

In section 58, by striking out the words "taking effect in the state of California; provided, however, that said section 28 shall not take effect prior to January 1, 2035" and inserting in place thereof the following words:- "has taken effect in the state of California; provided, however, that said section 28 shall not take effect prior to January 1, 2035 unless otherwise authorized by section 142k of chapter 111 of the General Laws".

The amendment was adopted.

The Ways and Means amendment, as amended, was adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes before eleven o'clock P.M., on motion of Mr. Barrett, as follows to wit (yeas 37 – nays 3) **[Yeas and Nays No. 155].**

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Edwards, Lydia	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – **37.**
Gobi, Anne M.	

NAYS.

Fattman, Ryan C.	Tarr, Bruce E. – **3.**
O'Connor, Patrick M.	

The yeas and nays having been completed at twenty-one minutes before eleven o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2842].

Sent to the House for concurrence.

Order Adopted.

On motion of Ms. Edwards,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M. and that the Clerk be directed to dispense with the printing of a calendar. Time of meeting.

Adjournment in Memory of Teckla "Tillie" Hajjar.

The Senator from Plymouth and Norfolk, Mr. O'Connor, moved that when the Senate adjourns today, it do so in memory of Teckla "Tillie" Hajjar.

Teckla "Tillie" Hajjar of Weymouth, passed away on March 1st, 2022. She was an astounding 101 years old. Tillie was born in Lebanon to the late Thomas and Vicki Hajjar. At age 17, she married Antoon Hajjar, meeting through family in Lebanon. In 1949, Antoon and Tillie Hajjar opened a bowling alley next door to his family's ice business in Weymouth. From 1950 to 1952, Tillie and Antoon donated the use of their bowling alley for Sunday Mass while St. Albert the Great Church was built, parishioners sat in chairs in neat rows on 14 bowling lanes. After the bowling alley closed, Tillie and her family operated a skating rink, a fitness center and finally Hajjar's Bar and Grille from this location.

In 1997, Tillie received the South Shore Elderpreneur of the Year Award from the South Shore Chamber of Commerce for starting a business after age 50. In 2010, the Weymouth Rotary Club presented Tillie with its Person of the Year Award. Tillie was a devout Catholic and a long-time parishioner of St. Albert the Great Church. She enjoyed being social and loved to spend time with her family. In 2020, I had the honor of recognizing Tillie on her 100th birthday surrounded by her family. She was the beloved wife of 60 years to the late Antoon Hajjar. Loving mother of Philip Hajjar and his wife Zako of Weymouth, David Hajjar and his wife Carolyn of Weymouth, Frederick Hajjar of Florida and the late Louis, Daniel and Thomas Hajjar and mother in law of Diane Hajjar-Sullivan. Cherished grandmother of Mike Sullivan and his wife Debbie of Connecticut, Juliette Amendolare of Weymouth, Lorraine Conant and her husband Jeremy of Virginia, Tony Hajjar and his wife Kiley of Whitman, David Hajjar of Weymouth, former grandmother in law of Justin Amendolare of Hull and great-grandmother of Kelly, Danny, Samantha and Juliana. Dear sister of the late Nicholas and Elias. Also survived by many nieces, nephews and cousins.

Tillie was a legend of Weymouth always willing to have a conversation or share a dance. She will be missed by her family, friends and community.

Accordingly, as a mark of respect to the memory of Teckla "Tillie" Hajjar, at seventeen minutes before eleven o'clock P.M., on motion of Ms. Edwards the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.