

HOUSE No. 4253

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATING TO CLEAN ENERGY..

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

1 SECTION 1. Subsection (c) of section 35FF of chapter 10 of the General Laws, as
2 appearing in the 2008 Official Edition, is hereby amended by striking out clause (7) and inserting
3 in place thereof the following clause:-

4 (7) to make grants to the Massachusetts technology transfer center, established by section
5 45 of chapter 75 of the General Laws, to fund activities that facilitate the transfer of technology
6 from the commonwealth’s research institutions to the commonwealth’s clean energy industries,
7 for productive use by such industries, and to make targeted investments in proof of concept
8 funding for emerging technologies; and (8) to make any other expenditure provided by this
9 section.

10 SECTION 2. Section 1 of chapter 23J of the General Laws, as so appearing, is hereby
11 amended by inserting after the definition of “Contribution agreement” the following definitions:-

12 “Director”, the director of the Massachusetts Renewable Energy Trust appointed pursuant
13 to section 2.

14 “Executive Director”, the executive director of the center appointed pursuant to section 2.

15 SECTION 3. Said section 1 of chapter 23J of the General Laws, as so appearing, is
16 hereby amended by inserting after the definition of “Revenue” the following definition:-

17 “Trust Fund”, the Massachusetts Renewable Energy Trust Fund established pursuant to
18 section 9.

19 SECTION 4. Section 2 of chapter 23J of the General Laws, as so appearing, is hereby
20 amended by striking out subsection (b), and inserting in place thereof the following subsection:-

21 (b) The center shall be governed and its corporate powers exercised by a board of
22 directors consisting of 12 directors: 1 of whom shall be the secretary of energy and
23 environmental affairs or his designee, who shall serve as a chair; 1 of whom shall be the
24 secretary of housing and economic development or his designee; 1 of whom shall be the
25 secretary of administration and finance or her designee; 1 of whom shall be the secretary of labor
26 and workforce development or her designee; 1 of whom shall be the president of the University
27 of Massachusetts or his designee; 1 of whom shall be the executive director of the Massachusetts
28 Workforce Alliance; 1 of whom shall be the commissioner of the department of energy
29 resources; and 5 of whom shall be appointed by the governor, 1 of whom shall be a venture
30 capitalist or a chief executive officer of a Massachusetts-based clean energy corporation with
31 expertise in clean energy technologies in the commonwealth, 1 of whom shall be the president of
32 a Massachusetts community college or his designee, 1 of whom shall have knowledge of
33 electricity distribution, generation, supply or power marketing, 1 of whom shall be the president
34 of a private college or university or his designee, and 1 of whom shall be a union representative.
35 Each of the 5 directors appointed by the governor shall serve for a term of 5 years. A director

36 shall be eligible for reappointment. A director may be removed from his appointment by the
37 governor for cause. A person appointed to fill a vacancy in the office of an appointed director of
38 the board shall be appointed in a like matter and shall serve for only the unexpired term of the
39 director.

40 SECTION 5. Subsection (e) of said section 2 of said chapter 23J of the General Laws, as
41 so appearing, is hereby further amended by inserting the following paragraph:-

42 The board shall appoint and employ a director for the Massachusetts Renewable Energy
43 Trust Fund, hereinafter referred to as the fund, and shall fix his compensation and conditions of
44 employment. The director of the fund shall report to the executive director. The director of the
45 fund shall have a full range of previous experience in the clean energy industry.

46 SECTION 7. Section 3 of said chapter 23J of the General Laws, as so appearing, is
47 hereby amended by inserting after the word “purposes”, in line 57, the following words:-

48 including, but not limited to, making, or delegating to a lessee or a licensee to make,
49 improvements, construction, alterations or renovations to the real property of the center, or any
50 interest thereon; provided, however, that when such activity involves the expenditure from the
51 Massachusetts Renewable Energy Trust Fund, or when such activity is funded entirely by other
52 funds but is estimated to cost less than \$500,000, it shall not be a capital facility project and the
53 provisions of sections 38A½ to 38O, inclusive, of chapter 7, sections 44A to 44J, inclusive, of
54 chapter 149, and section 39M of chapter 30 of the General Laws, shall not apply thereto

55 SECTION 8. Said section 3 of said chapter 23J of the General Laws, as so appearing, is
56 hereby further amended by striking out, in line 155, the word “and”

57 SECTION 9. Said section 3 of said chapter 23J of the General Laws, as so appearing, is
58 hereby further amended by striking out, in line 167, the word “sector.” and inserting in place
59 thereof the following words:- sector;

60 (31) to administer the Massachusetts Renewable Energy Trust Fund in accordance with
61 section 9.

62 SECTION 10. Section 5 of said chapter 23J of the General Laws, as so appearing, is
63 hereby amended by by striking out, in line 10, the words “June 1” and inserting in place thereof
64 the following words:- August 15th.

65 The center shall annually, no later than August 15th, submit to the governor, the joint
66 committee on telecommunications, utilities and energy, the joint committee on economic
67 development and emerging technologies and the senate and house committees on ways and
68 means a report detailing the expenditure and investment of monies from the fund and the trust
69 fund over the previous fiscal year, the ability of the fund to meet the requirements in this section,
70 and any recommendations for improving the ability of the board, the center and the fund to meet
71 such requirements.

72 The center shall annually, no later than August 15th, submit to the governor, the joint
73 committee on telecommunications, utilities and energy, the joint committee on economic
74 development and emerging technologies and the senate and house committees on ways and
75 means a report detailing the commonwealth’s clean energy sector. The report shall include, but
76 shall not be limited to, an examination of the growth rate of the commonwealth’s clean energy
77 sector, including the number of in-state jobs and businesses. .

78 SECTION 11. Said chapter 23J of the General Laws is hereby further amended by
79 inserting after section 8 the following sections:-

80 Section 9. (a) There is hereby established and placed within the center a separate fund to
81 be known as the Massachusetts Renewable Energy Trust Fund, hereinafter referred to as the trust
82 fund. The center shall hold the fund in an account or accounts separate from other funds. There
83 shall be credited to the trust fund all amounts collected under section 20 of chapter 25 and any
84 income derived from the investment of amounts credited to the trust fund. All amounts credited
85 to the trust fund shall be held in trust and used solely for activities and expenditures consistent
86 with the public purpose of the trust fund as set forth in subsection (b), including the ordinary and
87 necessary expenses of administration and operation associated with the trust fund. Unless
88 otherwise specified, all monies of the center, from whatever source derived, shall be paid to the
89 treasurer of the center. Said monies shall be deposited in the first instance by the treasurer in
90 national banks, in trust companies, savings banks and cooperative banks chartered under the laws
91 of the commonwealth, or in other banking companies in compliance with section 34 of chapter
92 29. Funds in these accounts shall be paid out on the warrant or other order of the treasurer of the
93 center and the director of the trust fund or other person that the board may authorize to execute
94 warrants.

95 (b) The center may make expenditures from the trust fund for the public purpose of
96 generating the maximum economic and environmental benefits over time from renewable energy
97 to the ratepayers of the commonwealth through a series of initiatives which exploit the
98 advantages of renewable energy in a more competitive energy marketplace by promoting the
99 increased availability, use and affordability of renewable energy, by making operational
100 improvements to existing renewable energy projects and facilities which, in the determination of

101 the center, would yield more significant results in the development of renewable energy if said
102 funds were made available for the creation of new renewable energy facilities, and by fostering
103 the formation, growth, expansion and retention within the commonwealth of preeminent clusters
104 of renewable energy and related enterprises, institutions and projects, which serve the citizens of
105 the commonwealth consistent with a strategic plan or annual operational plan.

106 (c) Public interests to be advanced through the center's actions shall include, but shall
107 not be limited to, the following: (i) the development and increased use and affordability of
108 renewable energy resources in the commonwealth and the new england region; (ii) the protection
109 of the environment and the health of the citizens of the commonwealth through the prevention,
110 mitigation and alleviation of the adverse pollution effects associated with certain electricity
111 generation facilities; (iii) the maximization of benefits to consumers of the commonwealth
112 resulting from increased fuel and supply diversity; (iv) the creation of additional employment
113 opportunities in the commonwealth through the development of renewable technologies,
114 including, but not limited to, promoting programs and investments that lead to pathways towards
115 economic self sufficiency for low and moderate income individuals and communities in the clean
116 energy industry; (v) the stimulation of increased public and private sector investment in, and
117 competitive advantage for, renewable energy and related enterprises, institutions and projects in
118 the commonwealth and the new england region; and (vi) the stimulation of entrepreneurial
119 activities in these and related enterprises, institutions and projects.

120 (d) In furtherance of any strategic and operational plans, and other public purposes and
121 interests, the center may expend monies from the trust fund to make grants, contracts, loans,
122 equity investments, energy production credits, bill credits, or rebates to customers; to provide
123 financial or debt service obligation assistance; or to take any other actions, in such forms, under

124 such terms and conditions and under such selection procedures as the center deems appropriate
125 and otherwise in a manner consistent with good business practices; provided, however, that the
126 center shall generally employ a preference for competitive procurements; provided further, that
127 the center shall endeavor to leverage the full range of the resources, expertise and participation of
128 other state and federal agencies and instrumentalities in the design and implementation of
129 programs under this section; and provided further, that the board has determined and
130 incorporated into the minutes of its proceedings a finding that such actions are calculated to
131 advance the public purpose and public interests set forth in this section, including, but not limited
132 to, the following: (i) the growth of the renewable energy-provider industry; (ii) the use of
133 renewable energy by electricity customers in the commonwealth; (iii) public education and
134 training regarding renewable energy, including, but not limited to, promoting programs and
135 investments that lead to pathways towards economic self sufficiency for low and moderate
136 income individuals and communities in the clean energy industry; (iv) product and market
137 development; (v) pilot and demonstration projects and other activities designed to increase the
138 use and affordability of renewable energy resources by and for consumers in the commonwealth;
139 (vi) the provision of financing in support of the development and application of related
140 technologies at all levels, including, but not limited to, basic and applied research and
141 commercialization activities; (vii) the design and making of improvements to existing renewable
142 energy projects and facilities as defined herein which were in operation as of December 31,
143 1997; and (viii) matters related to the conservation of scarce energy resources.

144 (e) Subject to the approval of the board, and not inconsistent with any strategic or annual
145 operational plans, investment activity of monies from the trust fund may consist of the following:
146 (i) an equity fund, to provide risk capital to renewable energy enterprises, institutions and

147 projects; (ii) a debt fund, to provide loans to energy enterprises, institutions, projects,
148 intermediaries and end-users; and (iii) a market growth assistance fund, to be used to attract
149 private capital to the equity and debt funds. To implement these investment activities, the center
150 may retain, through a bid process, public or private sector investment fund managers, who shall
151 have prior knowledge and experience in fund management and possess related skills in
152 renewable energy and related technologies development, to direct the investment activity
153 described in this section and to seek other fund co-sponsors to contribute public and private
154 capital from the commonwealth and other states; provided, however, that such capital shall be
155 appropriately segregated. The managers, subject to the approval of the board, may retain
156 necessary services and consultants to carry out the purposes of the trust fund. The managers shall
157 develop a business plan to guide investment decisions, which shall be approved by the board
158 before any expenditures from the trust fund, and which shall be consistent with the plan for the
159 trust fund as adopted by the board.

160 (f) For the purposes of expenditures from the trust fund, renewable energy technologies
161 eligible for assistance shall mean technologies eligible as class I or class II renewable energy
162 generating sources under section 11F of chapter 25A, micro-combined heat and power units less
163 than 60 kilowatts, solar hot water, geothermal heating and cooling projects, biomass thermal and
164 storage and conversion technologies connected to qualifying generation projects; provided,
165 however, that the board may make grants from the fund, not to exceed a total of \$4 million
166 annually, in support of Massachusetts-based public and private enterprises developing new
167 technologies to significantly increase the efficiency of the internal combustion engine. The
168 center shall make grants, loans or other support from the fund, not to exceed \$3 million annually
169 for hydroelectric facilities, other than pumped storage facilities in the commonwealth,

170 constructed before December 31, 1997 for upgrades to increase efficiency or capacity and to
171 reduce environmental impacts. Such funds may also be used for appropriate joint energy
172 efficiency and renewable projects, as well as for investment by distribution companies in
173 renewable energy and distributed generation opportunities, if consistent with this section. The
174 following technologies or fuels shall not be considered renewable energy supplies: coal, oil,
175 natural gas except when used in fuel cells or micro-combined heat and power, and nuclear
176 power.

177 (g) The use by the center of monies to implement this section shall be deemed to be an
178 essential governmental function. Notwithstanding any general or special law to the contrary,
179 unless otherwise authorized herein no expenditure from the trust fund shall be deemed to involve
180 a capital facility project; provided further, that no lease or license executed in furtherance of the
181 public purpose and interests of the fund shall exceed 30 years in duration, and the duration and
182 terms shall be developed in a manner consistent with good business practices; and provided
183 further, that the center shall take no action which contravenes the commonwealth's reversionary
184 interest in any of its real property. The center, any purchasing cooperative established thereby
185 and all members of any such purchasing cooperative may participate in any energy-related
186 purchasing, aggregating or similar program established and operated by the health and
187 educational facilities authority and such participation shall be deemed to be in furtherance of an
188 essential governmental function.

189 (h) Clause (9) of section 3 shall not apply to disbursements from the trust fund.

190 (i) Notwithstanding any general or special law to the contrary, including without
191 limitation any laws related to the procurement of electricity and as a condition subsequent to the

192 prior transfer of \$17 million from the fund to the commonwealth for deposit in the General Fund
193 authorized pursuant to section 183 of chapter 26 of the acts of 2003, the commonwealth, acting
194 by and through the department of energy resources or a successor agency, shall enter into an
195 agreement with the center under which the commonwealth, at the direction of the center, shall
196 enter into contracts, for terms not to exceed 20 years, with owners of facilities that generate
197 electricity using renewable energy technologies, wholesale power marketers or other market
198 intermediaries selling such electricity, for the purchase by the commonwealth, for its own use or
199 for the use of any municipal electric department, public instrumentality or other governmental or
200 nongovernmental entity in the commonwealth, of electricity produced by renewable energy
201 technologies. The center shall determine the particular types of technologies which shall be the
202 subject of any such contract based on such criteria as it shall deem advisable, including without
203 limitation retail consumer choices of such renewable energy technologies. The aggregate dollar
204 amount of the green power premium associated with electricity purchases to be made by the
205 commonwealth for its own use under such contracts shall have a present value, determined
206 according to such discount rate as shall be mutually agreeable to the center and the
207 commonwealth, of such amount as shall be transferred under the first sentence of this paragraph.
208 The green power premium shall be determined by subtracting from the total amount of the
209 purchase price the undifferentiated commodity price for electricity under then-current
210 commonwealth contracts. The maximum payment in any 1 fiscal year under all such contracts
211 shall not exceed \$5 million. The commonwealth shall be indemnified under such contracts by the
212 owners or power marketers on such terms as the center shall deem commercially reasonable. The
213 amounts collected under section 20 of chapter 25 shall be impressed with a trust for the benefit
214 of the fund. To facilitate the purchase by the center of electricity produced by renewable energy

215 technologies or of certificates produced under the renewable energy portfolio standard
216 regulations of the department of energy resources representing the generation attributes of
217 electrical energy produced by renewable energy technologies, and in consideration of the sale of
218 such electricity or certificates, the commonwealth shall covenant with the sellers of such
219 electricity or certificates that the amounts collected under said section 20 shall not be diverted
220 from the fund and that the rates of the mandatory charges under said section 20 shall not be
221 reduced during the term, which shall not exceed 20 years, of any contract entered into by the
222 center for the purchase of such electricity or certificates below a level which shall enable the
223 center to fulfill the terms of such contracts. In furtherance of the public purposes of the fund,
224 income derived from the investment of amounts collected under said section 20 shall be
225 expended by the center as provided in subsection (a) and, in the discretion of the center, in
226 furtherance of the public purposes of the center and for such costs of departments and agencies
227 that support or are otherwise consistent with the purposes of the fund.

228 Section 10. The center shall develop an initiative to be known as the pathways out of
229 poverty initiative. Said initiative shall award grants to clean energy companies, regional
230 employment boards, community-based nonprofit organizations, educational institutions or labor
231 organizations to enable said entities to carry out training programs associated with the clean
232 energy industry that lead to economic self-sufficiency. The center shall give funding priority to
233 entities that: (i) serve individuals in families with incomes that do not exceed 200 percent of the
234 poverty level, as determined by the United States Census Bureau, or a self-sufficiency standard
235 for the local areas where the training is conducted that specifies the income needs of families,
236 family size, the number and ages of children in the family and geographical considerations; (ii)
237 engage in partnerships with public and private employers and community-based non-profit

238 agencies; and (iii) establish career pathways for hard and soft skill development and salary
239 advancement. Said grants shall be awarded so as to ensure geographic diversity within the
240 commonwealth.

241 Section 11. The books and records of the center and board relative to expenditures and
242 investments of monies from the fund and the trust fund shall be subject to a biennial audit by the
243 auditor of the commonwealth.

244 SECTION 12. Section 20 of chapter 25 of the General Laws, as so appearing, is hereby
245 amended by striking out, in line 8, the words “4E of chapter 40J” and inserting in place thereof
246 the following words:- 9 of chapter 23J.

247 SECTION 13. Said section 20 of said chapter 25 of the General Laws, as so appearing, is
248 hereby further amended by striking out, in lines 21-23, inclusive, the words “Technology Park
249 Corporation, doing business as the Massachusetts Technology Collaborative, or the governing
250 board, as applicable”, and inserting in place thereof the following words:- clean energy
251 technology center.

252 SECTION 14. Said section 20 of said chapter 25 of the General Laws, as so appearing, is
253 hereby further amended by striking out, in lines 28 and 29, the word “collaborative”, and
254 inserting in place thereof, in each instance, the following words:- Massachusetts clean energy
255 technology center.

256 SECTION 15. Section 10 of chapter 25A of the General Laws, as so appearing, is hereby
257 amended by striking out, in lines 58 through 59, inclusive, the words “4E of chapter 40J” and
258 inserting in place thereof the following words:- 9 of chapter 23J

259 SECTION 16. Section 3 of chapter 40J of the General Laws, as so appearing, is hereby
260 amended by striking out the second and third paragraphs and inserting in place thereof the
261 following paragraphs :-

262 The corporation shall be governed and its corporate powers exercised by a board of
263 directors, which shall consist of the secretary of housing and economic development or his
264 designee, the secretary of administration and finance or his designee, and the commissioner of
265 higher education or his designee, and 20 persons to be appointed by the governor, 2 of whom
266 shall be appointed from a list of persons nominated by the president of the senate, 2 of whom
267 shall be appointed from a list of persons nominated by the speaker of the house of
268 representatives, 8 of whom shall be chief executive officers of post-secondary educational
269 institutions or distinguished members of the engineering or scientific faculties of those
270 institutions, or members of other appropriate faculties, and among said 6, at least 2 shall be
271 representatives of public post-secondary educational institutions, and 6 of whom shall be chief
272 executive officers, chairpersons or chief engineers of businesses concerned with any technology
273 which may come within the purview of this chapter, and 2 of whom shall be recommended by
274 the Massachusetts AFL-CIO. Each director appointed from the list of nominations recommended
275 by the president of the senate and the speaker of the house of representatives shall serve a term of
276 2 years to be coterminous with the legislative session of the general court. Each director
277 appointed by the governor shall serve for a term of 5 years and thereafter until his successor is
278 appointed. Any person appointed to fill a vacancy on the board shall be appointed in a like
279 manner and shall serve for the unexpired term of the predecessor director. Any director shall be
280 eligible for reappointment. Any director may be removed by the governor for cause. Twelve
281 directors shall constitute a quorum and the affirmative vote of a majority of the directors present

282 and eligible to vote at a meeting shall be necessary for any action to be taken by the board. The
283 directors shall serve without compensation, but each director shall be entitled to reimbursement
284 for actual and necessary expenses incurred in the performance of official duties. The board shall
285 meet at least 4 times in each year and shall have final authority over the activities of the
286 corporation.

287 The board shall annually elect from among its members a chairperson and a vice-
288 chairperson, and may designate a treasurer and a secretary, who need not be members of the
289 board. The secretary shall keep a record of the proceedings of the corporation and shall be the
290 custodian of all books, documents, and papers filed with the corporation, and its official seal.
291 The secretary shall cause copies to be made of all minutes and other records and documents of
292 the corporation and shall certify that such copies are true copies and all persons dealing with the
293 corporation may rely upon such certification. The treasurer shall be the chief financial and
294 accounting officer of the corporation and shall be in charge of its funds, books of account, and
295 accounting records. The chairperson and the vice-chairperson, together with the secretary of
296 housing and economic development, and not less than 2 individuals elected annually by the
297 board from among its members, 1 of whom shall be a board member from a post-secondary
298 educational institution and 1 of whom shall be a board member from a business, shall constitute
299 the executive committee of the board. The executive committee shall have all the powers of the
300 board between the meetings of the board, to be exercised in accordance with by-laws established
301 by the board. The executive committee shall meet as often as considered necessary by the
302 committee.

303 SECTION 17. Section 4 of chapter 40J of the General Laws, as so appearing, is hereby
304 amended by striking out, in line 20, the words “establish advisory boards to” and inserting in

305 place there of the following words:- , without limitation, establish advisory boards in furtherance
306 of the purposes of this chapter including advisory boards to

307 SECTION 18. Section 4A of said chapter 40J of the General Laws, as so appearing, is
308 hereby amended by striking out, in line 7, the word “five” and inserting in place thereof the
309 following figure:- 30.

310 SECTION 19. Section 4B of said chapter 40J of the General Laws, as so appearing, is
311 hereby amended by striking out, in lines 36 through 37, inclusive, the words “working in
312 collaboration with the Massachusetts clean energy technology center established in section 2 of
313 chapter 23J, state to induce” and inserting in place thereof the following word:- inducing

314 SECTION 20. Said section 4B of said chapter 40J of the General Laws, as so appearing,
315 is hereby further amended by striking out, in line 41, the words “Massachusetts clean energy
316 technology center,”

317 SECTION 21. Section 6A of said chapter 40J of the General Laws, as so appearing, is
318 hereby amended by striking out, in lines 34 through 37, inclusive, the words “The governing
319 board shall consult with the Massachusetts clean energy technology center established in section
320 2 of chapter 23J, to ensure a comprehensive and effective approach to clean energy cluster
321 growth and development.”

322 SECTION 22. Section 4E of chapter 40J of the General Laws is hereby repealed.

323 SECTION 23. Section 134 of chapter 164 of the General Laws, as appearing in the 2008
324 Official Edition, is hereby amended by striking out, in lines 90 through 92, inclusive, the words
325 “Technology Park Corporation for monies from the Massachusetts Renewable Energy Trust

326 Fund, established pursuant to subsection (a) of chapter 40J” and inserting in place thereof the
327 following words:- clean energy technology center for monies from the Massachusetts Renewable
328 Energy Trust Fund, established pursuant to section 9 of chapter 23J

329 SECTION 24. Said section 134 of said chapter 164 of the General Laws, as so appearing,
330 is hereby amended by striking out, in line 97, the words “Technology Park Corporation” and
331 inserting in place thereof the following words: clean energy technology center

332 SECTION 25. Sections 3 through 8, inclusive, of chapter 307 of the acts of 2008 are
333 hereby repealed.

334 SECTION 26. Notwithstanding any general or special law to the contrary, the
335 Massachusetts technology park corporation established pursuant to section 3 of chapter 40J of
336 the General Laws and the Massachusetts clean energy technology center established pursuant to
337 section 2 of chapter 23J of the General Laws shall execute a memorandum of understanding
338 pursuant to which the Massachusetts technology park corporation shall transfer to the
339 Massachusetts clean energy technology center: (i) all moneys credited to the Massachusetts
340 Renewable Energy Trust Fund and held by the Massachusetts technology park corporation ,
341 except for amounts allocated by the Massachusetts technology park corporation pursuant to the
342 last sentence of subsection (l) of section 4E of chapter 40J of the General Laws prior to the
343 effective date of this act; and (ii) all associated equipment, employees, records, investments,
344 contracts, agreements and other assets funded by the trust fund, as further indentified in said
345 memorandum of understanding. In furtherance of the transfer of the Massachusetts Renewable
346 Energy Trust Fund, the Massachusetts technology park corporation shall transfer or otherwise
347 assign, and the Massachusetts clean energy technology center shall assume, all rights,

348 responsibilities, obligations and liabilities of said corporation arising out of the Massachusetts
349 Renewable Energy Trust Fund and the Massachusetts technology park corporation shall
350 thereafter be discharged from all administrative, legal and financial responsibility arising from its
351 administration of Massachusetts Renewable Energy Trust Fund, except as expressly provided
352 otherwise in the memorandum of understanding between the Massachusetts technology park
353 corporation and the Massachusetts clean energy technology center,; provided, however, that the
354 memorandum of understanding entered into between the Massachusetts technology park
355 corporation and the Massachusetts clean energy technology center shall provide for the orderly
356 transfer of the trust fund to the Massachusetts clean energy technology center and shall include a
357 plan and schedule to implement the transfer of the trust fund to the Massachusetts clean energy
358 technology center; and provided further, that to the extent practicable, the transfer of the trust
359 fund shall be completed no later than October 31, 2009.

360 SECTION 27. Notwithstanding any general or special to the contrary, in making his
361 initial appointments to the board of the Massachusetts clean energy and technology center
362 pursuant to section 2 of chapter 23J of the General Laws, the governor shall appoint 1 member to
363 serve for a term of 1 year, 1 member to serve for a term of 2 years, 1 member to serve for a term
364 of 3 years, 1 member to serve for a term of 4 years, and 1 member to serve for a term of 5 years.