

HOUSE No. 2612

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich

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

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

An Act to phase out coal burning.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|-----------------------|------------------|
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> | <i>1/20/2011</i> |
| <i>William N. Brownsberger</i> | | <i>1/21/2011</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>1/24/2011</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | <i>1/28/2011</i> |
| <i>Alice K. Wolf</i> | <i>25th Middlesex</i> | <i>1/28/2011</i> |
| <i>Michael D. Brady</i> | <i>9th Plymouth</i> | <i>2/3/2011</i> |
| <i>Susan C. Fargo</i> | | <i>2/3/2011</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>2/3/2011</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>2/4/2011</i> |
| <i>Tom Sannicandro</i> | <i>7th Middlesex</i> | <i>2/2/2011</i> |
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> | <i>2/2/2011</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>2/3/2011</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | <i>2/4/2011</i> |

HOUSE No. 2612

By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 2612) of Lori A. Ehrlich and others for legislation to phase out coal burning electric generating facilities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to phase out coal burning.

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: Chapter 25A of the general laws, as appearing in the 2002 edition, is hereby
2 amended by inserting after section 11I the following section:

3 Section 11J: Notwithstanding the provisions of this chapter or any law to the contrary, on
4 or before December 31, 2018, all persons (including but not limited to electric, gas, transmission,
5 generation, and distribution companies, and corporations to which chapter 164 of the general
6 laws applies) that own or operate coal-fired electric generation facilities or cogeneration facilities
7 in Massachusetts shall submit to the commissioner of energy resources a plan for (1) retiring
8 their coal-fired facilities by December 31, 2020, or (2) replacing such facilities with, or
9 repowering them for (a) renewable energy generating sources or (b) natural gas (so long as the
10 new or repowered facility’s carbon dioxide emissions are equivalent to or less than those of a
11 combined heat-and-power natural gas generating unit) by December 31, 2020.

12 The commissioner shall review the plan and enter an order allowing, denying, or
13 modifying the plan within 90 days.

14 There is hereby established within the department of energy resources and set upon the
15 books of the commonwealth a Community Repowering Fund for the purpose of mitigating
16 impacts of the retirement of coal-fired electric generation facilities on employees of such
17 facilities and on the municipalities where such facilities are located. There shall be credited to the
18 fund revenue from appropriations or other monies authorized by the general court and
19 specifically designated to be credited to the fund, and gifts, grants, private contributions,
20 repayment of loans, investment income earned on the fund's assets, and all other sources.
21 Money remaining in the fund at the end of a fiscal year shall not revert to the general fund.

22 The department shall maintain the fund as a separate fund, and shall cause it to be audited
23 by an independent accountant on an annual basis in accordance with accepted accounting
24 principles.

25 The commissioner shall be treasurer, trustee, and custodian of the fund, and shall
26 administer such fund in accordance with the provisions of this section, and shall pay all warrants
27 drawn upon it in accordance with the provisions of this section and with such regulations as the
28 department may promulgate.

29 A governing board of not less than nine individuals with an interest in matters relating to
30 the general purpose of the fund shall assist the department in matters related to the fund and in
31 the implementation of this section. The governing board shall include: the commissioner, who
32 shall serve as chair; the secretary of energy and environmental affairs or a designee; the secretary
33 of labor and workforce development or a designee; the secretary of housing and economic

34 development or a designee; a representative of a labor organization representing electric-
35 generation facilities workers recommended by the president of the Massachusetts AFL-CIO; a
36 representative of the Massachusetts Municipal Association; and three members to be appointed
37 by the governor, who shall have knowledge and experience in the following areas: regional
38 environmental concerns; academic issues related to power generation, distribution or the
39 development or commercialization of renewable energy sources; institutions of higher education;
40 vocational training; and renewable and alternative energy, and energy efficiency issues.

41 This statute shall not be construed so as to amend or alter the meaning of section 142D of
42 chapter 111 of the general laws.