

**HOUSE . . . . . No. 1726**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jennifer E. Benson***

*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 promote green infrastructure, reduce greenhouse gas emissions, and create jobs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/18/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/18/2017</i>
<i>Carmin L. Gentile</i>	<i>13th Middlesex</i>	<i>1/18/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/18/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/18/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/18/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/18/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/18/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/18/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>1/18/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/18/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/18/2017</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/18/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/18/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/18/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/18/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/18/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>1/18/2017</i>

<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/18/2017</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/18/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/18/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/18/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/18/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/18/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>1/18/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/18/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>1/18/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>1/18/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/18/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/18/2017</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>1/18/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/18/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/18/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/18/2017</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>1/18/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>1/18/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/18/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/18/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/18/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/18/2017</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>1/18/2017</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/18/2017</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/18/2017</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/18/2017</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/18/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/18/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/18/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/18/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/18/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/18/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/18/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/18/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/18/2017</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>1/18/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/18/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/18/2017</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/18/2017</i>

*Paul McMurtry*  
*William Driscoll*

*11th Norfolk*  
*7th Norfolk*

*1/18/2017*  
*1/18/2017*

**HOUSE . . . . . No. 1726**

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 1726) of Jennifer E. Benson and others relative to the establishment of certain funds for the promotion of green infrastructure, so-called, and the reduction of greenhouse gas emissions. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

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

An Act to promote green infrastructure, reduce greenhouse gas emissions, and create jobs.

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

1 SECTION 1. Section 3 of chapter 25A of the Massachusetts General Laws, as appearing  
2 in the 2012 Official Edition, is hereby amended by inserting the following definitions: —

3 “Adult,” a resident of the Commonwealth age 18 or above.

4 “Minor,” a resident of the Commonwealth age 17 or below.

5 “Quintile 1,” the 20 percent of households in the Commonwealth with the lowest after-  
6 tax incomes.

7 “Quintile 2,” the 20 percent of households in the Commonwealth with the next-to-lowest  
8 after-tax incomes; also termed those households with incomes from the 20th to 40th percentile of  
9 all households in the Commonwealth.

10 “Quintile 3,” the middle 20 percent of households in the Commonwealth based on after-  
11 tax incomes; also termed those households from the 40th to 60th percentile of all households in  
12 the Commonwealth.

13 “Quintile 4,” the next to highest 20 percent of households based on after-tax incomes;  
14 also termed those households from the 60th to 80th percentile of all households in the  
15 Commonwealth.

16 “Quintile 5,” the 20 percent of households with the highest after-tax incomes of all  
17 households in the Commonwealth.

18 “DOR Commissioner”, the Commissioner of the Department of Revenue.

19 "Greenhouse gas", carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O),  
20 hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF<sub>6</sub>), and any  
21 other matter identified by the department of energy resources as a likely contributor to climate  
22 change.

23 “Greenhouse gas-emitting priority”, matter that emits or is capable of emitting a  
24 greenhouse gas when burned or released to the atmosphere and is identified as a priority under  
25 the terms of this act, except that natural gas, petroleum, coal and any solid, liquid or gaseous fuel  
26 derived therefrom shall be greenhouse gas-emitting priorities.

27 “Greenhouse gas pollution charges”, the charges imposed on each ton of CO<sub>2</sub>e pursuant  
28 to this chapter.

29 “Employer”, any person, corporation, partnership, governmental body, or other entity that  
30 has employees working in the commonwealth.

31 “Green Infrastructure Fund”, a fund whose revenues are derived from the pollution  
32 charges defined in this section, and whose funds are used to finance the development of green  
33 infrastructure, according to section 13B.

34 “Greenhouse gas pollution charges fund”, the greenhouse gas pollution charges fund  
35 established under section 13C, also called the “pollution charges fund.” of this chapter.

36 “Lifecycle Emissions,” greenhouse gas emissions that are released during phases of a fuel  
37 or other product’s life, including those emissions released during extraction, processing,  
38 transportation, and disposal.

39 “Motor vehicle fuel”, fuel for the operation of a motor vehicle, provided, that “fuel” and  
40 “motor vehicle” shall have the same meanings as defined in section one of chapter 64A.

41 “Total rebate shares,” the sum of all Commonwealth residents age 18 or older, plus one-  
42 half the sum of all Commonwealth residents age 17 or younger.

43 “Resident” shall have the same meaning as defined in section one of chapter 62.

44 SECTION 2. Section 6 of chapter 25A of the General Laws, as so appearing, is hereby  
45 amended by inserting after the last paragraph the following:-

46 (13) administer the schedules of greenhouse gas pollution charges and the greenhouse gas  
47 pollution charges rebate fund, both established pursuant to this chapter. The department of  
48 energy resources shall delegate all collection of greenhouse gas pollution charges, distribution of  
49 rebates, and any other appropriate functions to the department of revenue. The department of  
50 revenue will carry out all functions delegated to it by the department of energy resources.

51 SECTION 3. Chapter 25A of the General Laws, as so appearing, is hereby amended by  
52 inserting after section 13 the following sections:-

53 25A:13A Greenhouse gas pollution schedule and charges

54 Section 13A. (a) The commissioner of energy resources shall, using the best information  
55 and science reasonably available, consider whether to identify any greenhouse gas-emitting  
56 matter, in addition to natural gas, petroleum, coal, and any solid, liquid or gaseous fuel derived  
57 therefrom, as a greenhouse gas-emitting priority for the purposes of this chapter; except that  
58 emissions from farm animals and crops shall not be designated greenhouse gas-emitting  
59 priorities.

60 (b) Government agencies whose primary purpose is to provide public transportation by  
61 bus, van, rail, ferry or other means that reduce the amount of driving by private motor vehicles  
62 shall be exempt from the greenhouse gas pollution charges.

63 (c) Greenhouse gas-producing substances used in power plants regulated by the Regional  
64 Greenhouse Gas Initiative, as defined in 310 CMR 7.70(1)(b), shall be exempt from the  
65 greenhouse gas pollution charges.

66 (d) The DOR commissioner, in consultation with the commissioner of energy resources  
67 shall collect greenhouse gas pollution charges on the distribution or sale of greenhouse gas-  
68 emitting priorities. The charge in the first year of operation shall be \$20 per ton of CO<sub>2</sub>e. Said  
69 charges shall increase by \$5 every year until the rate is \$40 per ton of CO<sub>2</sub>e. In the fourth year of  
70 implementation, and every two years thereafter, the commissioner of energy resources, in  
71 consultation with the commissioner of environmental protection, shall report to the house and  
72 senate committees on ways and means, the joint committee on telecommunications, utilities and

73 energy, and the house and senate committees on global warming and climate change. Said  
74 reports shall consider whether any increases or decreases in greenhouse gas pollution charges  
75 are recommended to account for inflation, to ensure progress towards reaching emissions  
76 limits for 2030, 2040, and 2050 included in or authorized by chapter 21N, the Climate  
77 Protection &  
78 Green Economy Act, or, pursuant to section 13C(h)(3) of this chapter, to mitigate serious  
79 harm to economic sectors, economic sub-sectors or individual employers of the commonwealth  
80 caused by collection of greenhouse gas pollution charges.

81 (e) The commissioner of energy resources shall determine the schedule of greenhouse gas  
82 pollution charges authorized under this chapter by multiplying the CO<sub>2</sub>e of each greenhouse gas-  
83 producing substance by the charge or charges established herein. For the purpose of calculating  
84 said schedule, the commissioner of energy resources, in consultation with the commissioner of  
85 environmental protection and the DOR commissioner, shall determine the average CO<sub>2</sub>e per unit  
86 of each greenhouse gas-producing substance. For substances where the CO<sub>2</sub>e per unit is not  
87 precisely known, because the rate of leakage of the substance into the atmosphere is uncertain or  
88 for other reasons, the commissioner shall use the best available information to estimate the  
89 average CO<sub>2</sub>e per unit of the substance used in the Commonwealth.

90 (f) The DOR commissioner shall undertake all reasonable efforts to collect charges  
91 authorized

92 pursuant to this chapter at the first point of distribution or sale within the commonwealth  
93 of a greenhouse gas-producing substance.

94 (g) Greenhouse gas-emitting priorities may produce GHG emissions prior to and  
95 subsequent to their combustion or other use within the Commonwealth, including emissions  
96 during extraction, refining, processing, transportation, and disposal. Such emissions may be  
97 significant in relation to the emissions from combustion or other use within the Commonwealth.  
98 Within three (3) years of this act coming into effect, the commissioner of energy resources shall  
99 issue a report and recommendations to the General Court as to whether such “lifecycle”  
100 emissions should have the greenhouse gas pollution charge applied to them.

101 (h) Notwithstanding any general or special law to the contrary, the charges authorized  
102 under this section shall not be imposed on any greenhouse gas-producing substance if such  
103 imposition is superseded by federal law or regulation.

104 25A:13B Green Infrastructure Fund

105 Section 13B

106 (a) There shall be established on the books of the commonwealth a separate fund to be  
107 known as the Green Infrastructure Fund (GIF). The DOR commissioner shall deposit 20% of  
108 proceeds collected under section 13A into said fund. The Green Infrastructure Fund will support  
109 investments in transportation, resiliency and clean energy projects that reduce greenhouse gas  
110 emissions, prepare for climate change impacts, assist low-income households and renters in  
111 reducing their energy costs, and create local economic development and employment.

112 (1) The Green Infrastructure Fund shall distribute 85 (eighty five) percent of its funds to  
113 municipalities, or to groups of municipalities acting together, or to regional agencies that  
114 represent municipalities or provide services to residents of municipalities, to accomplish the  
115 following purposes:

116 (i) Reduce greenhouse gas emissions from the transportation sector;  
117 (ii) Strengthen natural systems and harden critical infrastructure to increase resiliency to  
118 climate change impacts; and

119 (iii) Support municipal energy efficiency and renewable energy projects that reduce  
120 emissions and costs

121 (2) The Green Infrastructure Fund shall distribute 15 (fifteen) percent of its funds for  
122 measures and programs to improve the energy efficiency of renter-occupied dwellings and to  
123 reduce energy costs for the occupants of said dwellings.

124 (3) Disbursements shall be awarded following approval by the Green Infrastructure Fund  
125 Board of Directors.

126 (4) Priority disbursements will be awarded to projects that concur with investment  
127 principles established by the Board, in consultation with the Green Infrastructure Fund Task  
128 Force and the public.

129 (5) The commissioner of energy resources, in consultation with the DOR commissioner  
130 and the commissioner of environmental protection, may conclude that as the pollution charges  
131 grow in future years all the funds available cannot be cost-effectively spent by municipalities,  
132 groups of municipalities, or regional agencies and for energy efficiency measures in renter-  
133 occupied dwellings. Should the commissioner of energy resources make such a determination, he  
134 or she may order that a portion of the revenues designated for the Green Infrastructure Fund be  
135 used for programs that are authorized by state laws or regulations, and that reduce greenhouse  
136 gas pollution through funding energy efficiency, renewable energy, and/or public transportation.

137 (b) Equity

138 At least one-third of funding from the Green Infrastructure Fund shall be distributed to  
139 neighborhoods, municipalities, groups of municipalities, or regional agencies representing  
140 neighborhoods or municipalities whose median incomes per household are in the lowest third of  
141 median incomes for all municipalities in the Commonwealth. For purposes of this paragraph, to  
142 calculate the lowest third the median income of each municipality shall be weighted by the  
143 number of households in the municipality.

144 (c) Governance

145 (1) A Green Infrastructure Fund Board of Directors shall be created, with its members  
146 chosen by the Governor of the Commonwealth. The Secretary of the Executive Office of Energy  
147 and Environmental Affairs shall serve as Chair of the Green Infrastructure Fund Board,  
148 with 8 additional members: (i) two representatives from regional planning associations  
149 representing different regions of the state; (ii) the Department of Transportation; (iii) the  
150 Department of Environmental Protection, (iv) the Department of Energy Resources; (v) the  
151 Department of Housing and Community Development, (vi) the Office of the Treasurer, and (vii)  
152 the Massachusetts Clean Energy Center

153 (2) A Green Infrastructure Fund Task Force shall be created, with its members chosen by  
154 the Governor of the Commonwealth. It shall include 5 members representing the interests of:  
155 business, labor, the environment, low income, and community development organizations

156 (3) The Green Infrastructure Fund shall be administered by the Massachusetts Clean  
157 Energy Center using up to 5% of Green Infrastructure Fund proceeds to cover administrative  
158 costs, including support from expert consultants

159 25A:13C Greenhouse gas pollution charges fund

160 Section 13C. (a) There shall be established on the books of the commonwealth a separate  
161 fund to be known as the greenhouse gas pollution charges fund. The DOR commissioner shall  
162 deposit into said fund all proceeds collected under section 13A that remain after distribution of  
163 funds to the Green Infrastructure Fund. None of said proceeds shall fund government operations  
164 of the commonwealth, other than to pay for reasonable administrative costs as provided under  
165 sub-section (b) of this section.

166 (b) The DOR commissioner shall disburse all greenhouse gas pollution charge proceeds  
167 as follows. The aggregate amount of money attributable to purchase or use of greenhouse gas-  
168 emitting priorities by households shall be put into a household fund that is part of the greenhouse  
169 gas pollution charges fund. The aggregate amount of money attributable to purchase or use of  
170 greenhouse gas-emitting priorities by employers, or by other non-household entities, shall be put  
171 into an employers fund that is part of the greenhouse gas pollution charges fund. The DOR  
172 commissioner may retain a reasonable amount of charge proceeds to pay for the costs of  
173 administering the activities authorized by this chapter. Proceeds shall be available for the  
174 purposes enumerated in this section without appropriation.

175 (c) Of the funds remaining in the household fund after the transfer to the green  
176 infrastructure fund, 25 percent of the total funds shall be used as follows:

177 Ten (10) percent of the household rebate fund shall be distributed to households in  
178 quintile 1, as defined in Section 1 above. This 10 percent shall be divided by the sum of the  
179 adults in quintile one plus one-half the minors in quintile one, with the resulting number termed  
180 the “quintile 1 initial rebate.” Each household in quintile 1 shall receive a rebate equal to the  
181 number of adults in the household times the quintile 1 initial rebate, plus the number of children  
182 in the household times one-half the quintile 1 initial rebate.

183 Ten (10) percent of the household rebate fund shall be distributed to the households in  
184 quintile 2. This 10 percent shall be divided by the sum of the adults in quintile 2 plus one-half the  
185 minors in quintile 2, with the resulting number termed the “quintile 2 initial rebate.” Each  
186 household in quintile 2 shall receive a rebate equal to the number of adults in the household  
187 times the quintile 2 initial rebate, plus the number of children in the household times one-half the  
188 quintile 2 initial rebate.

189 Five (5) percent of the household rebate fund shall be distributed to the households in  
190 Quintile 3. This five (5) percent shall be divided by the sum of the adults in quintile 3 plus one-  
191 half the minors in quintile 3, with the resulting number termed the “quintile 3 initial rebate.”  
192 Each household in quintile 3 shall receive a rebate equal to the number of adults in the household  
193 times the quintile 3 initial rebate, plus the number of children in the household times one-half the  
194 quintile 3 initial rebate.

195 (d) The DOR commissioner shall calculate the funds that will remain in the household  
196 fund after the allocation of funds in Section 13B(c) is carried out. Of these remaining funds, the  
197 DOR commissioner shall calculate the funds that derive from charges collected on the sale of  
198 motor vehicle fuel to households and the funds that derive from charges collected on the sale of

199 heating fuels to households, based on the percentage that each constituted of the household fund  
200 before any allocations were made from it.

201 (e) From the funds that derive from charges collected on the sale of motor vehicle fuel to  
202 households, residents of rural municipalities shall receive a motor vehicle fuel rebate that is  
203 greater than the rebate provided for residents of non-rural households. For the purposes of this  
204 paragraph, a rural municipality is one in which the number of residents in the municipality is less  
205 than or equal to 500 per square mile of land in the municipality. The DOR Commissioner shall  
206 calculate the rebate shares of rural households by taking the sum of all adults in rural households  
207 and adding to it one-half the sum of minors in rural households. The DOR Commissioner shall  
208 calculate the rebate shares of non-rural households by taking the sum of all adults in non-rural  
209 households and adding to it one-half the sum of minors in non-rural households.

210 The DOR Commissioner shall divide the funds that derive from charges collected on the  
211 sale of motor vehicle fuel to households by the sum of the rebate shares of non-rural households  
212 and 1.3 times the rebate shares of rural households. The result shall be the rebate per non-rural  
213 adult attributable to charges collected on motor vehicle fuel. Each non-rural household shall  
214 receive a rebate equal to the rebate per non-rural adult times the number of adults in the  
215 household, plus the rebate per non-rural adult times one-half the number of minors in the  
216 household. Each rural household shall receive a rebate equal to 1.3 times the rebate per non-rural  
217 adult times the number of adults in the household, plus 1.3 times the rebate per non-rural adult  
218 times one-half the number of minors in the household.

219 (f) Ten (10) percent of the funds calculated in Section 13B(d) that derive from charges  
220 collected on the sale of heating fuels to households shall be allocated to the Commonwealth's

221 Low Income Home Energy Assistance Program and transferred to the department of housing and  
222 community development for incorporation into that program.

223 (g) The funds remaining in the household fund after the allocation of funds in Section  
224 13B(f) shall be divided by the total rebate shares, as defined in Section 1 above, with the  
225 resulting number termed the “remaining rebate per adult.” Each household shall receive a rebate  
226 equal to the remaining rebate per adult times the number of adults in the household plus the  
227 remaining rebate per adult times one-half number of children in the household.

228 (h) In rebating greenhouse gas pollution charge proceeds, the DOR Commissioner shall  
229 coordinate with officials of the department of energy resources, the executive office of health  
230 and human services, the executive office of housing and economic development and other  
231 agencies in making all reasonable efforts to identify the names and addresses of all residents,  
232 with special attention to the names and addresses of low-income residents, so that they can  
233 receive rebates expeditiously.

234 (i) After distribution of 20 (twenty) percent of the money in the employers fund to the  
235 green infrastructure fund, the DOR commissioner shall use the remaining money in the  
236 employers fund to provide rebates to employers.

237 (1) The DOR commissioner shall set each employer’s individual rebate based on the  
238 employer’s proportional share, in full-time equivalent employees, of statewide employment. The  
239 commissioner shall annually determine the employer rebate per full-time equivalent employee;  
240 provided, that the commissioner shall not count as an employee any person who would not be  
241 considered an employee under chapter 148B; provided, further, that the commissioner shall  
242 count only bona fide employees working in the commonwealth.

243 (2) The DOR commissioner, in consultation with the commissioner of energy resources  
244 and the commissioner of housing and economic development, shall, with special attention to  
245 manufacturing, identify economic sectors or economic sub-sectors at risk of serious negative  
246 impacts as a consequence of the charges collected pursuant to this chapter. The commissioner  
247 may, as mitigation, calculate the total proceeds collected from said sectors or subsectors and may  
248 apportion part or all of said proceeds to the affected sector or sub-sector. In order to provide such  
249 mitigation, the DOR commissioner shall show that such impacts are likely to occur, due to  
250 competition from employers outside the Commonwealth in combination with energy costs  
251 constituting a substantial fraction of total operating costs in the economic sector or sub-sector.

252 (3) In rebating greenhouse gas pollution charge proceeds, the DOR commissioner shall  
253 ensure that all employers in the commonwealth receive said rebate, including those employers  
254 otherwise exempt from taxes under chapter 63 due to their status as not-for-profit organizations  
255 or government entities.

256 (4) The DOR commissioner shall not be subject to penalties or lawsuits for damages if  
257 the charges collected under this chapter are not precisely equal to rebates returned under this  
258 chapter; provided, that the commissioner shall make all reasonable efforts to return to residents  
259 and employers in the aggregate all charges collected under this chapter, except for those funds  
260 placed in the fund for green infrastructure.

261 25A:13D Regulations; Miscellaneous

262 Section 13D. (a) The DOR commissioner, in consultation with the commissioner of  
263 energy resources and the commissioner of environmental protection, shall promulgate rules and  
264 regulations necessary to carry out the provisions of this chapter.

265 (b) The DOR commissioner shall consider alternative calendar schedules for distribution  
266 of the rebates authorized pursuant to this chapter, including partial or whole distributions early in  
267 the relevant revenue cycle and on a regular basis throughout the revenue cycle. The method and  
268 schedule of distributions shall take into account (1) the needs of residents and employers,  
269 particularly low-income households, to obtain rebates corresponding to the time schedule in  
270 which they will be paying greenhouse gas pollution charges; (2) the need to make clear to  
271 residents and employers that they are receiving a rebate of pollution charges that is separate from  
272 other transactions they may have with the Commonwealth; and (3) the need to keep  
273 administrative costs of the system low, given that purposes (1) and (2) of this paragraph are also  
274 achieved.

275 (c) The commissioner of energy resources, commissioner of revenue, and secretary of  
276 housing and economic development shall jointly identify, on an annual basis, measures and  
277 programs best calculated to ensure the provision of low-income energy assistance and  
278 improvements in the energy efficiency of renter-occupied dwellings in the commonwealth.

279 (d) The commissioner may issue additional rebates or declare exemptions from charges in  
280 instances where charges have been paid but no emissions occur or are anticipated to occur.

281 (e) The commissioner shall study the feasibility of imposing and collecting additional  
282 greenhouse gas emission charges on emissions, otherwise known as fugitive emissions,  
283 attributable to leakage from natural gas infrastructure. The report shall include an analysis of the  
284 feasibility and expense of (i) calculating a reasonably accurate current statistical baseline,  
285 specific to the Commonwealth, of such emissions, and (ii) developing and deploying a means of  
286 calculating reasonably accurate updates of progress or lack thereof in reducing such emissions.

287 Within nine months of the effective date of this act, the commissioner shall submit the report to  
288 the house and senate committees on ways and means, the joint committee on  
289 telecommunications, utilities, and energy, and the house and senate committees on global  
290 warming and climate change.

291 (f) Within three years of the effective date of this legislation, the commissioner of energy  
292 resources shall prepare a report on options for and the implications of collecting charges for  
293 emissions of CO<sub>2</sub>e resulting from carbon-generated electricity produced or distributed in the  
294 commonwealth. The implications considered shall include, but not be limited to, potential effects  
295 on the market for emission allowances created by the regional greenhouse gas initiative.