FILED ON: 2/11/2020

# SENATE . . . . . No. 2500

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court**
**(2019-2020)**

An Act setting next-generation climate policy.

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

SECTION 1. Section 1 of chapter 21N of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of "Market-based compliance mechanism" and inserting in place thereof the following 2 definitions:-

"Market-based compliance mechanism", a pricing or compliance mechanism or system, imposed on sources or categories of sources of greenhouse gas-emitting substances or on the distribution or sale of greenhouse gas-emitting substances, designed to reduce emissions as required by this chapter, including, but not limited to, any mechanism or system of: (i) market-based declining annual aggregate emissions limitations for sources or categories of sources that emit greenhouse gases; (ii) greenhouse gas emissions exchanges, banking, credits and other transactions governed by rules and protocols established by the secretary, a regional program or other interested states that results in the same greenhouse gas emissions reductions, over the same time period, as direct compliance with a greenhouse gas emissions limit or emissions reduction measure adopted pursuant to this chapter; or (iii) charges or exactions imposed to reduce statewide greenhouse gas emissions in whole or in part.

"Natural and working lands", lands that: (i) are actively used by an agricultural owner or operator for an agricultural operation that includes, but is not limited to, active engagement in farming or ranching; (ii) produce forest products; (iii) consist of forests, grasslands, freshwater and riparian systems, wetlands, coastal and estuarine areas, watersheds, wildlands or wildlife habitats; and (iv) are used for recreational purposes, including parks, urban and community forests, trails and other similar open space land.

SECTION 2. Subsection (a) of section 2 of said chapter 21N, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The department shall monitor and regulate emissions of greenhouse gases with the goal of reducing emissions in order to achieve the greenhouse gas emissions limits adopted pursuant to this chapter.

SECTION 3. Section 3 of said chapter 21N, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) To maximize the ability of the commonwealth to realize the 2050 emissions limit, the secretary shall, in consultation with the department and the department of energy resources, adopt the following statewide greenhouse gas emissions limits: (i) a 2020 statewide greenhouse gas emissions limit; (ii) a 2025 statewide greenhouse gas emissions limit; (iii) a 2030 statewide greenhouse gas emissions limit; (iv) a 2035 statewide greenhouse gas emissions limit; (v) a 2040 statewide greenhouse gas emissions limit; (vi) a 2045 statewide greenhouse gas emissions limit; and (vii) a 2050 statewide greenhouse gas emissions limit of not more than net-zero emissions. Each limit shall be accompanied by a comprehensive, clear and specific plan to realize the adopted limit.

SECTION 4. Said chapter 21N is hereby amended by inserting after section 3 the following 2 sections:-

Section 3A. (a) The secretary shall, in consultation with the secretary of housing and economic development and the secretary of transportation, adopt sector-based statewide greenhouse gas emissions sublimits as components of each statewide greenhouse gas emissions limit adopted pursuant to subsection (b) of section 3. Each source or category of sources of emissions shall be subject to statewide emissions sublimits, including, but not limited to, electric power, transportation, commercial and industrial heating and cooling, residential heating and cooling, industrial processes, solid waste, agriculture and natural gas distribution and service.

(b) Sector-based statewide greenhouse gas emissions sublimits for a given year shall not, in the aggregate, exceed the statewide greenhouse gas emissions limit for the year and shall be designed to allow the commonwealth to realize the 2050 statewide greenhouse gas emissions limit.

Section 3B. Not later than February 1 of every third year, the secretary shall, for each plan approved under section 21 of chapter 25, set a goal, expressed in tons of carbon dioxide equivalent, for the succeeding plan's necessary contribution to meeting each statewide greenhouse gas emissions limit and sublimit adopted pursuant to this chapter.

SECTION 5. Subsection (a) of section 4 of said chapter 21N, as appearing in the 2018 Official Edition, is hereby amended by inserting after the first sentence the following 2 sentences:- The 2030 statewide greenhouse gas emissions limit adopted pursuant to clause (iii) of said subsection (b) of said section 3 shall be not less than 50 per cent below the 1990 emissions

level. The 2040 statewide greenhouse gas emissions limit adopted pursuant to clause (v) of said subsection (b) of said section 3 shall be not less than 75 per cent below the 1990 emissions level.

SECTION 6. Said subsection (a) of said section 4 of said chapter 21N, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The 2020, 2025, 2030, 2035, 2040, 2045 and 2050 statewide greenhouse gas emissions limits and the accompanying plans for realizing the limits shall comply with the requirements of this section and section 5.

SECTION 7. Subsection (b) of said section 4 of said chapter 21N, as so appearing, is hereby amended by striking out, in line 17, the words "limit established in subsection (a)" and inserting in place thereof the following words:- limits adopted pursuant to subsection (b) of section 3.

SECTION 8. Subsection (g) of said section 4 of said chapter 21N, as so appearing, is hereby amended by striking out, in line 42, the words "emission limit and implementing plan" and inserting in place thereof the following words:- 2025, 2030, 2035, 2040, 2045 and 2050 statewide greenhouse gas emissions limits and the accompanying plans for realizing the limits.

SECTION 9. Said section 4 of said chapter 21N, as so appearing, is hereby further amended by striking out subsection (h) and inserting in place thereof the following subsection:-

(h) Not more than 18 months after the last day of 2020, 2025, 2030, 2035, 2040, 2045, 2050 and any other calendar year for which a statewide greenhouse gas emissions limit is adopted pursuant to statute or regulation, the secretary shall file a formal certificate of compliance with the climate policy commission established under chapter 21Q, the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the

joint committee on telecommunications, utilities and energy and the joint committee on the environment, natural resources and agriculture. The certificate shall certify, drawing upon the best available data and measurements, the commonwealth's compliance with, or failure to comply with, the statewide greenhouse gas emissions limit. The certificate shall include a quantification of the extent to which emissions exceed or do not exceed the limit and an analysis of the lessons learned from the success or failure to comply with the limit. If emissions exceeded the limit, the certificate shall include comprehensive, clear and specific remedial steps to offset the excess emissions and ensure compliance with the next upcoming limit adopted pursuant to statute or regulation.

SECTION 10. Said chapter 21N is hereby further amended by striking out sections 5 to 7, inclusive, as so appearing, and inserting in place thereof the following 3 sections:-

Section 5. (a) The secretary shall monitor the implementation of plans and regulations relative to climate change. To the extent practicable, the plans required by subsection (b) of section 3 for 2025, 2030, 2035, 2040 and 2045 shall be consistent with each other, cumulative in effect and constructed to realize the 2050 statewide greenhouse gas emissions limit imposed by said subsection (b) of said section 3. Each plan, including the 2050 plan, shall: (i) address each sector subject to a statewide greenhouse gas emissions sublimit imposed by section 3A of this chapter; (ii) indicate for each sector how, to what extent and when the commonwealth will act to reduce its emissions in order to realize the 2050 statewide greenhouse gas emissions limit; (iii) quantify the emissions reductions to be realized due to the electric and gas energy efficiency programs established under sections 19 and 21 of chapter 25; (iv) set numerical benchmarks and track adoption within the commonwealth of emissions reduction products, solutions and improvements used to achieve the statewide greenhouse gas emissions limits and sublimits,

including, but not limited to, electric vehicles, electric vehicle charging stations, solar photovoltaic and solar thermal technologies, carbon sequestration from natural and working lands, energy storage capacity, air-source and ground-source heat pumps and anaerobic digestion; (v) consider whether activities undertaken to comply with statewide greenhouse gas emissions limits and sublimits disproportionately impact low-income and moderate-income communities and recommend actions that provide benefits or cost savings to such communities or otherwise eliminate any such impacts; (vi) consider overall societal benefits, including reductions of other air pollutants, conservation, engagement and management of natural and working lands, diversification of energy sources and other benefits to the economy, environment and public health; (vii) consider whether activities undertaken to comply with statewide greenhouse gas emissions limits and sublimits minimize costs and administrative burdens and maximize total benefits to the commonwealth; (viii) consider whether activities undertaken to comply with statewide greenhouse gas emissions limits and sublimits minimize leakage; (ix) ensure that greenhouse gas emissions reductions are real, permanent, quantifiable, verifiable and enforceable; (x) contain a statewide baseline quantification of the carbon sequestered in natural and working lands, accompanied by goals to increase and enhance the sequestration, and recommendations including, but not limited to, the conservation, enhancement and management of natural and working lands; and (xi) make recommendations for future policy action.

Section 6. The secretary shall promulgate all regulations necessary to achieve the limits imposed by subsection (b) of section 3 and sublimits imposed by section 3A. The regulations shall be designed to ensure that the commonwealth achieves the required emissions reductions equitably and in a manner that mitigates the effects of increased energy and transportation costs

on low-income and moderate-income households, improves their economic condition, where feasible, and creates additional employment and economic development in the commonwealth.

Section 7. (a) The secretary shall promulgate regulations establishing market-based compliance mechanisms for: (i) the transportation sector; provided, however, that the regulations shall, at a minimum, be designed to reduce emissions from passenger vehicles and light duty trucks; (ii) the commercial, industrial and institutional sectors, including, but not limited to, buildings and industrial, manufacturing and other business processes; and (iii) the residential building sector.

(b) Market-based compliance mechanisms established pursuant to this section shall be designed to: (i) maximize the ability of the commonwealth to achieve the statewide greenhouse gas emissions limits established pursuant to this chapter; (ii) ensure that the commonwealth achieves the required emissions reductions equitably and in a manner that protects and, where feasible, improves the condition of low-income and moderate-income persons; (iii) prevent increases in the emissions of toxic air contaminants and criteria air pollutants, including, but not limited to, emissions of nitrous oxide, sulfur dioxide and mercury; (iv) identify manufacturing sectors, economic sectors, economic subsectors or individual employers at risk of adverse impacts due to such mechanisms and mitigate the impacts; (v) address the distinguishing characteristics and vulnerabilities of rural, suburban and urban households; and (vi)maximize additional environmental and economic benefits for the commonwealth.

(c) The executive office and the department may work with the participating regional greenhouse gas initiative states, other interested states and Canadian provinces to develop a plan to expand market-based compliance mechanisms such as the regional greenhouse gas initiative to

other sources and sectors necessary or desirable to facilitate the achievement of the statewide greenhouse gas emissions limits.

(d) The secretary may adopt regulations governing the use of market-based compliance mechanisms by regulated entities subject to the statewide greenhouse gas emissions limits and mandatory emissions reporting requirements to achieve compliance with such limits.

(e) The executive office shall monitor compliance with this chapter and enforce any rule, regulation, order, emissions limit, emissions reduction measure or market-based compliance mechanism adopted by the secretary or department under this chapter. The department may impose a civil administrative penalty pursuant to section 16 of chapter 21A for a violation of any rule, regulation, order, emissions limit, emissions reduction measure or other measure adopted by the secretary pursuant to this chapter.

SECTION 11. The General Laws are hereby amended by inserting after chapter 21O the following chapter:-

Chapter 21Q.

Climate Policy Commission.

Section 1. As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

"Commission", the climate policy commission established pursuant to section 2.

"Greenhouse gas emissions", emission of a greenhouse gas as defined in section 1 of chapter 21N.

"State agency", a state agency as defined in section 1 of chapter 29.

Section 2. (a) There shall be established a state agency known as the climate policy commission. The commission shall be an independent public entity not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency or political subdivision of the commonwealth.

(b) There shall be a board, with duties and powers established pursuant to this chapter, that shall govern the commission and that shall consist of: the secretary of energy and environmental affairs, who shall serve ex officio; 2 members appointed by the attorney general who shall have expertise in energy economics, public health, climate science or statistics, 1 of whom shall be selected from a list of not less than 3 individuals nominated by the energy efficiency advisory council under section 22 of chapter 25; and 6 members appointed by the governor, 4 of whom shall be selected from a list comprised of 1 individual nominated by each president or chancellor of an institution of higher education in the commonwealth classified by the Carnegie Classification System as a doctorate-granting university with very high research activity, 1 of whom shall have expertise in energy economics, public health, climate science or statistics and 1 of whom shall be selected from a list of not less than 3 individuals nominated by the greenhouse gas emissions reduction measures advisory committee established under section 8 of chapter 21N. All persons appointed to the commission shall be selected without regard to political affiliation and solely on the basis of the qualifications and experience that the appointing authorities determine are necessary to fulfilling the mission of the commission.

A vacancy occurring on the commission shall be filled within 90 days by the original appointing authority. A person appointed to fill a vacancy shall serve initially only for the

unexpired term. Members of the commission shall be eligible for reappointment. The commission shall annually elect 1 of its members to serve as chair and 1 member to serve as vice-chair.

Members shall serve without pay, but shall be reimbursed for actual expenses necessarily incurred in the performance of their duties. No appointed member shall hold full or part-time employment in the executive or legislative branch of state government. Each member of the commission shall be a resident of the commonwealth.

(c) Any action of the commission may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the commission shall be subject to sections 18 to 25, inclusive, of chapter 30A; provided, however, that said sections 18 to 25, inclusive, of said chapter 30A shall not apply to any meeting of members of the commission serving ex officio in the exercise of their duties as officers of the commonwealth if no matters relating to the official business of the commission are discussed and decided at the meeting. The commission shall be subject to all other provisions of said chapter 30A and records pertaining to the administration of the commission shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the commission shall be considered to be public funds for purposes of chapter 12A. Except as otherwise provided in this section, the operations of the commission shall be subject to chapter 268A and chapter 268B.

The commission shall not be required to obtain the approval of any officer or employee of any executive agency in connection with the collection or analysis of any information. The commission shall not be required to obtain the approval of any officer or employee of any

executive agency with respect to the substance of any reports that the commission has prepared under this chapter before publication.

(d) The commission shall appoint an executive director by a majority vote. The executive director shall be selected without regard to political affiliation and solely on the basis of the qualifications and experience that the commission determines necessary to fulfill the mission of the commission. The executive director shall supervise the administrative affairs and general management and operations of the commission and also serve as secretary of the commission, ex officio. The executive director shall receive a salary commensurate with the duties of the office. The executive director may, with the approval of the commission, appoint other officers and employees of the commission necessary to the functioning of the commission.

The executive director shall not be required to obtain the approval of any other executive agency in connection with appointment of employees. Sections 9A, 45, 46 and 46C of chapter 30, chapter 31 and chapter 150E shall not apply to the executive director of the commission. Sections 45, 46 and 46C of chapter 30 shall not apply to any employee of the commission. The executive director may establish personnel regulations for the officers and employees of the commission.

Annually, not later than the first Wednesday in February, the executive director shall file a personnel and operations report with the clerks of the senate and house of representatives and the senate and house committees on ways and means. The report shall contain the job classifications, duties and salary of each officer and employee within the commission, personnel regulations applicable to the officers and employees and the revenue and expenditures of the commission. The executive director shall file amendments to the report with the clerks of the

senate and house of representatives and the senate and house committees on ways and means when any such amendment becomes effective.

If the position of executive director is vacant, a successor shall be appointed in the same manner as the original appointment for the unexpired term. The executive director shall serve for a term of 5 years. No person shall be appointed as the executive director for more than 2 consecutive 5-year terms.

The commission may remove the executive director from office, for cause, by a majority vote. The reasons for removal of the executive director shall be stated in writing and shall include the basis for such removal.

The executive director shall, with the approval of the commission: (i) plan, direct, coordinate and execute administrative functions in conformity with the policies and directives of the commission; (ii) employ professional and clerical staff as necessary; (iii) report to the commission on all operations under their control and supervision; (iv) prepare an annual budget and manage the administrative expenses of the commission; and (v) undertake any other activities necessary to implement the powers and duties under this chapter.

The commission may approve the use of funds from receipt of up to 2 per cent, not to exceed $5,000,000, of any monies collected by the commonwealth from market-based compliance mechanisms used to address greenhouse gas emissions, including, but not limited to, the regional greenhouse gas initiative established under section 22 of chapter 21A, to support the annual budget of the commission, in addition to funds from any other source and any funds appropriated therefor by the general court. The commission shall not be required to obtain the

approval of another executive agency in connection with the development and administration of its annual budget.

The commission shall adopt and amend rules and regulations for the administration of its duties and powers and to effectuate this chapter pursuant to chapter 30A.

Section 3. The commission shall be responsible for tracking and assessing public and private sector progress, or lack thereof, towards meeting any and all limits, sublimits, goals and milestones set by statute or regulation with respect to greenhouse gas emissions and reductions thereto and facilitating such progress.

The focus of the commission shall be comprehensive and economy-wide, including, but not limited to, the specific sectors of electric power, transportation, commercial and industrial heating and cooling, residential heating and cooling, industrial processes, solid waste, agriculture and natural gas transmission, distribution and service.

The commission shall:

(i) assess, comment and issue recommendations on the content, design, management and likely effectiveness of specific policies, programs and initiatives proposed or undertaken to reduce or avoid greenhouse gas emissions or substitute non-emitting energy sources;

(ii) assess, comment and issue recommendations on any roadmap, plan, policy, program, initiative, regulation, law or certification issued, proposed, prepared, noticed, undertaken or completed by the commonwealth or any of its political subdivisions with respect to matters within the purview of the commission, including the implications for, and risks to, underserved communities and communities with a high percentage of low-income households, populations

and regions of the commonwealth, together with a summary and review of past actions taken to protect, mitigate and, where feasible, improve the condition of low-income and moderate-income persons;

(iii) monitor the adoption of the best available technology and the best standards and practices for reducing greenhouse gas emissions or substituting non-emitting energy sources;

(iv) conduct hearings and undertake inquiries;

(v) make recommendations to state agencies with respect to changes in an agency's data collection practices or scope;

(vi) review all certificates of compliance issued by the secretary of energy and environmental affairs under section 4 of chapter 21N or by the department of public utilities under section 21 of chapter 25;

(vii) meet at least annually with the advisory council established under section 7;

(viii) review the comprehensive reports prepared under section 18 of chapter 25A and recommend actions to reduce energy consumption and greenhouse gas emissions in buildings subject to said section; and

(ix) gather, serve as a central repository for and disseminate data and analysis to the public and policymakers from any and all sources that the commission deems relevant to carrying out its charge.

Section 4. (a) The commission shall hold not less than 3 public hearings in geographically diverse locations on each certification filed under section 4 of chapter 21N, not

less than 2 of which shall be held in underserved communities and communities with a high percentage of low-income households.

(b) Not later than 60 days after the department of public utilities issues a certificate of compliance under section 21 of chapter 25, the commission shall hold a public hearing examining the degree to which the activities undertaken pursuant to each plan contributed to meeting statewide greenhouse gas emission limits imposed by statute or regulation.

For each public hearing, the commission may require witnesses and testimony from stakeholders, as deemed appropriate by the commission.

Section 5. The commission shall periodically report to the governor, the senate president, the speaker of the house of representatives, the senate and house committees on ways and means, the senate and house committees on global warming and climate change, the joint committee on telecommunications, utilities and energy and the joint committee on environment, natural resources and agriculture on the matters within its purview, including, but not limited to, the commonwealth's progress towards meeting any and all limits, sublimits, goals and milestones set by statute or regulation with respect to greenhouse gas emissions and the reduction of greenhouse gas emissions; provided, however, that the commission shall report not less than twice a year. The reports shall be public and shall be posted on the commission's website.

Section 6. The commission shall have the authority to examine, retain and publish all documents and data produced, collected or kept by any state agency that the commission deems relevant to carrying out its charge; provided, however, that a document that a state agency deems not to be a public record under section 3 of chapter 66 shall remain not a public record under the control of the commission.

Section 7. There shall be an advisory council to the commission. The advisory council shall provide advice and input on the overall operation and policy of the commission. The council shall be appointed by the governor and comprised of members representing: (i) environmental protection; (ii) low-income and moderate-income population advocacy; (iii) persons of less than 18 years of age; (iv) persons from communities disproportionately impacted by climate change; (v) employees of small business in the green energy sector; (vi) electric power generation and distribution; (vii) transportation; (viii) the distinguishing characteristics and vulnerabilities of rural, suburban and urban households; (ix) farming; (x) consumer protection; (xi) housing; (xii) commercial development; (xiii) industrial and manufacturing; (xiv) sectors that may displace workers through emission reductions efforts and advancements in green technology; (xv) transportation; (xvi) land use; and (xvii) local government.

SECTION 12. Section 9 of chapter 23J of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 33, the words “and (iii) by” and inserting in place thereof the following words:- (iii) funding research, design and evaluation of pilots to promote energy innovation; and (iv).

SECTION 13. Said section 9 of said chapter 23J, as so appearing, is hereby further amended by inserting after the word “facilities”, in line 45, the following words:- and with the distribution and consumption of fossil fuels, including, but not limited to, oil and gases that contain methane and other hydrocarbon fuels.

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

Section 13. (a) There shall be within the center a Clean Energy Workforce Development and Training Program. The center shall operate the program in collaboration with the Commonwealth Corporation. The purpose of the program shall be to ensure that workers displaced due to emission reductions efforts and advancements in green technology will have access to advanced training and employment opportunities. The program shall promote training, education and other related prerequisites for employment opportunities that provide meaningful, stable employment, taking into consideration factors including, but not limited to, working conditions, benefits, wages, employee safety, engagement and job security.

(b) The department shall develop a workforce transition plan to help implement and inform the Clean Energy Workforce Development and Training Program. The transition plan shall include, but not be limited to, an analysis of: (i) education, training and support available for workers displaced or looking to transition from a job from which they are likely to be displaced due to emission reduction efforts and advancements in green technology; (ii) estimates of the total number of workers working at carbon-intensive emitting facilities in the energy and related construction and utility sectors; and (iii) average wage and benefits packages at such facilities. The center shall make the plan publicly available on its website and update it as necessary. Annually, the center shall submit the plan to the clerks of the senate and house of representatives.

SECTION 15. Chapter 25 of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1A. In discharging its responsibilities under this chapter and chapter 164, the department shall, with respect to itself and the entities it regulates, prioritize safety, security,

reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits established pursuant to section 3 of chapter 21N.

SECTION 16. Section 19 of said chapter 25, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “practicable”, in line 29, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of program benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 17. Said section 19 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “practicable”, in line 41, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of program benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 18. Said section 19 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “program”, in line 58, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 19. Section 21 of said chapter 25, as so appearing, is hereby amended by inserting after the word “supply”, in line 5, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 20. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the figure “22”, in line 17, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 21. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “bodies”, in lines 20 and 21, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 22. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “supply”, in line 25, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 23. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 69, the words “and (ix)”, and inserting in place thereof the following words:- (ix) an estimate of the social value of greenhouse gas emissions reductions that will result from the plan, including a numerical value of the plan’s contribution to meeting each statewide greenhouse gas emissions limit and sublimit set by statute or regulation, together with provisions for giving each value prominent display in communications and plan documents; and (x).

SECTION 24. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 73, the word “reducing”, the second time it appears, and inserting in place thereof the following words:- greenhouse gas emissions or.

SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “program”, in line 81, the first time it appears, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of

program benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 26. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “accordingly”, in line 113, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of program benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 27. Subsection (d) of said section 21 of said chapter 25, as so appearing, is hereby amended by adding the following 2 paragraphs:-

(4) The plans shall be constructed to meet or exceed the goal set by the secretary pursuant to section 3B of chapter 21N.

(5) Not later than 15 months after the conclusion of the final year of each plan, the department shall issue a formal certificate of compliance, drawing upon the most accurate and most complete data and measurements available, that certifies and quantifies the degree to which the activities undertaken pursuant to each plan contributed to meeting greenhouse gas emission limits imposed by statute or regulation.

SECTION 28. Section 22 of said chapter 25, as so appearing, is hereby amended by inserting after the word “date”, in line 63, the following words:- , a quantification of the degree to which the activities undertaken pursuant to each plan contribute to meeting any and all greenhouse gas emission limits imposed by statute or regulation.

SECTION 29. Said section 22 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “year”, in line 69, the following words:- and a quantification

of the degree to which the activities undertaken pursuant to each plan contribute to meeting any and all greenhouse gas emission limits imposed by statute or regulation.

SECTION 30. Section 6 of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out clauses (12) and (13) and inserting in place thereof the following 3 clauses:-

(12) intervene and advocate on behalf of small commercial and industrial users before the department of public utilities in any dispute between such businesses and generation or distribution companies, as defined pursuant to section 1 of chapter 164;

(13) plan, develop, oversee and operate the commercial sustainable energy program, with the Massachusetts Development Finance Agency, in accordance with the provisions of chapter 23M. In accordance with this section, the department shall approve each commercial PACE project prior to the issuance of a PACE bond under chapter 23M and in so doing shall consider whether the energy cost savings of the commercial energy improvements over the useful life of such improvements exceed the costs of such improvements; and

(14) develop and adopt, as an appendix to the state building code, in consultation with the board of building regulations and standards, a municipal opt-in specialized stretch energy code that includes, but is not limited to, a definition of net-zero building.

SECTION 31. Subsection (c) of section 10 of said chapter 25A, as so appearing, is hereby amended by striking out, in line 38, the words “and (6)” and inserting in place thereof the following words:- (6) opt-in to the specialized stretch energy code promulgated pursuant to clause (14) of section 6; and (7).

SECTION 32. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by striking subsection (b) and inserting in place thereof the following subsection:-

(b) The division shall establish a green communities program to provide technical and financial assistance, in the form of grants and loans, to municipalities and other local governmental bodies that qualify as green communities under this section. These loans and grants shall be used to finance all or a portion of the costs of studying, designing, constructing and implementing energy efficiency activities, including, but not limited to: (i) energy conservation measures and projects; (ii) procurement of energy management services; (iii) installation of energy management systems; (iv) adoption of demand side reduction initiatives; (v) deployment of energy storage, microgrids or district energy systems connected to renewable energy generation; (vi) installation of zero-emissions vehicles, charging equipment, infrastructure or related technologies; (vii) coordination of residential or small business clean energy outreach, technical assistance or financing programs; and (viii) the adoption of energy efficiency policies. The loans and grants shall also be used to finance the siting and construction of renewable and alternative energy projects on municipally-owned land.

SECTION 33. Said chapter 25A is hereby further amended by inserting after section 17 the following section:-

Section 18. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

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

"Energy use benchmarking tool", the ENERGY STAR Portfolio Manager, an online energy use benchmarking tool used by the United States Environmental Protection Agency for reporting and managing the energy performance, water efficiency and greenhouse gas emissions of building, or a tool capable of: (i) performing all the functions relevant to compliance with this section; (ii) allowing for reporting by third parties, including, but not limited to, gas distribution and electric distribution companies; and (iii) exchanging information and data with the ENERGY STAR Portfolio Manager.

"Gross floor area", the total number of square feet measured between the principal exterior surfaces of enclosing fixed walls.

"Nonresidential building", a building or multiple buildings on a parcel of which not less than 50 per cent of the gross floor area, including hallways or other common space, but excluding parking, is used for commercial, retail, office, professional, educational or other nonresidential purposes or any grouping of nonresidential buildings designated by the department as an appropriate reporting unit for the purposes of this chapter; provided, however, that "nonresidential building" shall not include a state-owned building.

"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 49 years, inclusive of all renewal options.

"Residential building", a building or multiple buildings on a parcel comprised of 35 or more individual dwelling units of which not less than 50 per cent of the gross floor area,

including hallways and other common space serving residents, but excluding parking, is used for dwelling purposes or any grouping of residential buildings designated by the department or a municipality as an appropriate reporting unit for the purposes of this chapter; provided, however, that "residential building" shall not include a state-owned building.

"State-owned building", a building: (i) owned by the commonwealth or an agency or political subdivision thereof; or (ii) for which the commonwealth or an agency or political subdivision thereof regularly pays all annual energy bills.

"Tenant", any tenant, tenant-stockholder of a cooperative apartment corporation or condominium unit owner.

(b) For any building identified in subsection (c), the department shall undertake energy use benchmarking to determine whether the building utilizes more or less energy, and emits more or less greenhouse gas, than buildings of comparable size, occupancies and uses. To conduct the benchmarking, the department shall create, procure or designate an energy use benchmarking tool and shall provide technical support and assistance on the use of the benchmarking tool to the owners of buildings subject to this section.

(c)(1) Not later than May 1 of each year, the owner of each residential building, each nonresidential building consisting of not less than 35,000 square feet of gross floor area and each state-owned building consisting of not less than 35,000 square feet of gross floor area shall utilize the energy use benchmarking tool to accurately report to the department, or cause to be accurately reported to the department, the building's energy use for the previous calendar year and any other building characteristics determined by the department to be necessary to establish the absolute and relative energy use of the building. The owner of a building subject to this

subsection may authorize a gas or electric distribution company or other third party to report building-specific data to the department and the gas or electric distribution company shall report building-specific data to the department upon such authorization; provided, however, that such authorization shall not relieve an owner from compliance with this section. The department shall establish a deadline extension or hardship waiver process for owners who, in the judgment of the department, demonstrate cause for a deadline extension or hardship waiver. To administer this section, the department may establish building types, including, but not limited to, classifications by region, status within a historic district established under chapter 40C and historic district commissions in the commonwealth established by a special act of the legislature, size and occupancy and use, including whether tenant-occupied units or spaces are separately metered, and may establish varying reporting requirements for each type.

(2) Annually, an owner of a building with separately-metered and tenant-occupied units or spaces shall request from each tenant of the building all information necessary to comply with the requirements of paragraph (1) and each tenant shall report the required information to the owner. Between January 1 and March 31, an owner shall, in a manner approved by the department, request information relative to a tenant's energy use in the previous calendar year. Upon receipt of an informational request pursuant to this subsection, a tenant of a building shall report to the owner the required information not later than May 31. If a separately-metered tenant has occupied all or a portion of a building subject to the reporting requirements of this section and has vacated the space before reporting energy use to the owner, the owner may immediately request such information for any period of occupancy relevant to the owner's obligation to report and the tenant shall respond within 30 days. The department shall develop values or formulas that an owner may use to estimate whole-building energy use where the owner has made good-

faith efforts to obtain required energy use information from a current or former tenant and has been unsuccessful. Failure of a tenant to report energy use information shall not relieve an owner from complying with this section. Failure of an owner to report energy use information to the department shall not impose liability on a tenant. If ownership of a building covered by this paragraph is transferred, the seller shall make reasonable efforts to provide the buyer with information necessary for the buyer to timely report benchmarking data for the entire calendar year, if practicable.

(3) The department shall allow a city or town to collect the energy use information required under paragraph (1) in lieu of collection by the department and to require owners of appropriate buildings within its borders to report the information to the city or town if the municipality: (i) notifies the department by October 31 that it will assume the reporting responsibilities required under this section; and (ii) utilizes an energy use benchmarking tool. Annually, not later than April 1, a city or town that collects energy use information under this paragraph shall collect and forward to the department, on a building-by-building basis, the required energy use information from the previous calendar year. The department may designate standardized units of measure and standardized formats to be utilized by a city or town in the reporting and collection of building energy use information. The department shall make reasonable efforts to streamline reporting requirements in a city or town that collects energy use information under this paragraph.

(4) If an occupied building subject to the requirements of this section is transferred, the buyer shall make reasonable efforts to report energy use information for the building for the entire calendar year, if practicable.

(d) Annually, not later than October 1, the department shall make available on its website energy use information and data for the preceding calendar year for each building subject to this section. For each building, the information made available shall include, but not be limited to: (i) the municipality in which the building is located; (ii) the building's total energy use in MMBTU, total greenhouse gas emissions in pounds of carbon dioxide equivalent, total square footage, energy intensity in kBTU per square foot and greenhouse gas emissions per square foot in pounds of carbon dioxide equivalent per square foot; (iii) the breakdown of the building's energy use by electricity, gas, steam and other sources; and (iv) an energy performance rating or assessment score, where available, as determined by the energy use benchmarking tool. The department shall maintain a privacy and quality assurance process to improve the accuracy and completeness of the available information, including, but not limited to, an opportunity for the owner to review and comment on the information. The department shall provide owners with the opportunity to submit contextual information related to energy use in their buildings and shall disclose such information upon request by the owner. The department shall annually publish summary statistics at the zip code or census tract level on its website.

(e) The department shall prepare an annual comprehensive report on the energy performance of buildings utilizing the information and data collected pursuant to this section. The report shall be protective of privacy information and include, but not be limited to, an analysis of energy performance and greenhouse gas emissions by building size, occupancy, use, energy source, region and, when available, energy performance and greenhouse gas emissions over time. The department shall make available to a regional planning agency, municipality or other public agency requesting such information any data set forth in this section, utilizing such practices as are necessary to prevent the public disclosure of personal information regarding

owners and tenants. The report shall be posted on the department's website and filed with the house and senate committees on ways and means and the joint committee on telecommunication, utilities and energy not later than December 31.

(f) On the basis of the comprehensive reports prepared by the department pursuant to subsection (e) and other information and data as deemed necessary by the secretary of energy and environmental affairs, the secretary shall conduct annual reviews of improvements or the lack thereof in the energy performance of buildings specified in subsection (c). If the reviews indicate a lack of substantial improvement from year to year in the energy performance of a building subject to this section, the secretary may recommend energy actions, assessments, audits and performance standards to improve the energy performance of the building.

(g) The department shall ensure that electric distribution companies and municipal aggregators provide to owners subject to this section up-to-date information regarding energy efficiency opportunities or actions available to increase energy efficiency, including incentives in utility-administered or other energy efficiency programs and changes in energy assessment technology. The department shall prioritize those buildings that have not displayed improvement year-to-year in reducing energy usage.

(g) Nothing in this section shall preempt a city or town from maintaining an energy use benchmarking program or from setting and enforcing energy performance standards for buildings.

SECTION 34. Chapter 29 of the General Laws is hereby amended by inserting after section 2GGGGG the following section:-

Section 2HHHHH. There is hereby established and set up on the books of the commonwealth an expendable trust to be known as the Low-Income Support Service Solar Program. The secretary of energy and environmental affairs shall establish a grant program to provide solar energy technology to nonprofit organizations offering support services related to food security, homelessness and emergency shelter. The amounts credited to the trust shall be available for expenditure, subject to appropriation, not to exceed $500,000 in a fiscal year for the costs associated with purchasing and installing solar energy generating equipment for nonprofit organizations that meet criteria set forth by the secretary.

SECTION 35. Section 93 of chapter 143 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 6, the word “eleven” and inserting in place thereof the following figure:- 15.

SECTION 36. Said section 93 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 8, the word “both” and inserting in place thereof the following words:- 1 of whom shall be the commissioner of energy resources or a designee and all 3.

SECTION 37. Said section 93 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 9, the word “nine” and inserting in place thereof the following figure:- 12.

SECTION 38. Said section 93 of said chapter 143, as so appearing, is hereby further amended by inserting after the word “department”, in line 17, the following words:- , 1 of whom shall be an expert in commercial building energy efficiency, 1 of whom shall be an expert in residential building energy efficiency, 1 of whom shall be an expert in advanced building technology.

SECTION 39. The second paragraph of said section 93 of said chapter 143, as so appearing, is hereby further amended by adding the following sentence:- The board shall keep detailed and accurate minutes of its meetings and shall publish such minutes within 30 days of each meeting.

SECTION 40. Said section 93 of said chapter 143, as so appearing, is hereby further amended by inserting after the word “designee”, in line 46, the following words:- , in consultation with the commissioner of energy resources,

SECTION 41. Section 94 of said chapter 143, as so appearing, is hereby amended by striking out, in lines 110 to 113, inclusive, the words “as part of the state building code, together with any more stringent energy-efficiency provisions that the board, in consultation with the department of energy resources, concludes are warranted” and inserting in place thereof the following words:- and any amendments thereto as part of the state building code, in consultation with the department of energy resources.

SECTION 42. Section 96 of said chapter 143, as so appearing, is hereby amended by inserting, in line 7, after the word “to” the following words:- , the specialized stretch energy code developed and adopted by the department of energy resources.

SECTION 43. Section 97 of said chapter 143, as so appearing, is hereby amended by striking out, in line 22, the words “a reasonable time” and inserting in place thereof the following words:- 45 days.

SECTION 44. Section 94 of chapter 164 of the General Laws, as so appearing, is hereby amended by inserting after the word “charge”, in line 54, the following words:- or the impact of said rate, price or charge on statewide greenhouse gas emissions and on the ability of the

commonwealth to achieve greenhouse gas emission limits and sublimits imposed by statute or regulation.

SECTION 45. Said section 94 of said chapter 164, as so appearing, is hereby further amended by inserting after the word “contract”, in line 71, the following words:- , or the emissions impacts of such contract,

SECTION 46. Section 94A of said chapter 164, as so appearing, is hereby amended by inserting after the word “review”, in line 17, the following words:- , taking into account the impact of the contract on statewide greenhouse gas emissions and on the ability of the commonwealth to achieve greenhouse gas emission limits and sublimits imposed by statute or regulation.

SECTION 47. The second paragraph of subsection (b) of section 134 of said chapter 164, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 3 sentences:-

Notwithstanding any other general or special law to the contrary, a municipality or group of municipalities with a certified energy plan shall not be prohibited from proposing an energy plan that contains enhancements that are more specific, detailed or comprehensive or that cover additional subject areas than those contained in a jointly prepared energy plan submitted in accordance with section 21 of chapter 25. Enhancements may be funded by any funding source authorized by subsection (a) of section 19 of said chapter 25. The department shall not withhold approval of an energy plan submitted under this subsection due to considerations of cost efficiency or ratepayer impact if such enhancements are cost effective in accordance with the department’s cost effectiveness screening.

SECTION 48. Section 138 of said chapter 164, as so appearing, is hereby amended by inserting after the word “less”, in line 37, the following words:- ; provided, however, that a “Class I net metering facility” of a municipality or other governmental entity may have a generating capacity of less than or equal to 60 kilowatts per unit.

SECTION 49. Said section 138 of said chapter 164, as so appearing, is hereby further amended by striking out, in line 120, the figure “II” and inserting in place thereof the following figures:- I, II.

SECTION 50. Section 16 of chapter 298 of the acts of 2008 is hereby amended by striking out the words “, and shall expire on December 31, 2020”.

SECTION 51. Section 11 of chapter 75 of the acts of 2016 is hereby amended by adding the following 2 subsections:-

(d) For any solar incentive program developed pursuant to this section, the department of energy resources shall set aside a portion of each capacity block to be allocated to solar tariff generation units that primarily serve low-income customers, including, but not limited to, low-income solar tariff generation units, low-income property solar tariff generation units and low-income community solar tariff generation units, as defined by the department, respectively. In implementing the set-aside required by this section, the department shall also maintain solar incentives that benefit solar tariff generation units primarily serving low-income customers.

(e) In implementing the set-aside required by subsection (d), the department of energy resources shall hold not less than 3 public hearings in communities with a high proportion of low-income customers, as defined by the department. The department shall develop and execute an outreach program to educate and inform low-income customers and residents of low-income

and moderate-income housing about the benefits and savings associated with participation in the solar incentive programs established pursuant to this section. The department shall ensure that the outreach program is readily accessible, transparent and user-friendly to all users and potential users, including residents of communities whose primary language is not English. In developing an outreach program pursuant to this section, the department shall engage and consult with low-income residents and underserved customers and communities.

SECTION 52. The department of public utilities may, upon application of a gas company as defined in section 1 of chapter 164 of the General Laws, authorize 1 or more pilot projects for the development of utility-scale renewable thermal energy. Such application shall be filed with the department on or before Jan. 1, 2023. The department may, under a pilot, approve recovery of costs for projects situated in the commonwealth that demonstrate the costs and benefits of: (i) utility-scale renewable thermal energy sources, systems or technologies capable of substituting for fossil-based natural gas; or (ii) utility-scale renewable thermal energy replacements for, or alternative uses of, infrastructure constructed originally to generate, transmit or distribute fossil-based natural gas; provided, however, that such substitute renewable thermal energy sources, systems or technologies, and such replacements or alternative uses, have a reasonable likelihood of facilitating substantial reductions in greenhouse gas emissions that satisfy the mandates of greenhouse gas reductions set forth in chapter 21N of the General Laws; and provided further, that the pilots shall not include the blending of other fuels with fossil-based natural gas. The department may, within such a pilot, permit a gas company to bill for thermal energy. The department shall ensure transparency and validity of the outcomes of the pilot projects through a third-party evaluation and report by the department of energy resources. In determining whether to approve a pilot project, the department shall consider the reasonableness of the size, scope and

scale of the pilot project and related budget and whether the benefits of the proposed pilot justify the proposed cost to both participating and non-participating customers; provided, however, that the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions. The department may promulgate rules or regulations to implement this section.

SECTION 53. The Massachusetts clean energy technology center shall administer a heat pump market development program to fund and offer training, which shall include, but not be limited to, heating oil dealers, for the purpose of expanding markets for space and water heating using efficient heat pump technology. The Massachusetts clean energy technology center may draw upon the Massachusetts Renewable Energy Trust Fund for such purpose if sufficient funds are available. The Massachusetts clean energy technology center may stop offering such program after January 1, 2026.

SECTION 54. To develop the specialized stretch energy code required by section 6 of chapter 25A of the General Laws, the department of energy resources shall: (i) hold not less than 5 public hearings in geographically diverse locations throughout the commonwealth that shall represent the distinguishing characteristics of rural, suburban and urban households, 1 of which shall be held in an underserved community or community with a high percentage of low-income households; and (ii) consider the development of a tiered implementation plan for the adoption of the stretch energy code including, but not limited to, phasing in requirements based on building type or uses. The specialized stretch energy code required by said section 6 of said chapter 25A shall be developed, adopted and incorporated as an appendix to the state building code not later than 1 year after the passage of this act.

SECTION 55. If the commonwealth participates in a market based mechanism adopted pursuant to chapter 21N of the General Laws, the commonwealth may continue to comply with the terms of the market based mechanism notwithstanding any change in membership of the market based mechanism.

SECTION 56. The secretary of energy and environmental affairs shall set the first goal required by section 3B of chapter 21N of the General Laws not later than February 1, 2021.

SECTION 57. The 2025 and 2030 statewide greenhouse gas emission limits required by subsection (b) of section 3 of chapter 21N of the General Laws, the 2025 and 2030 sector-based emissions sublimits required by section 3A of said chapter 21N and the 2030 emissions reduction plan required by said section 3 of said chapter 21N to realize the 2025 and 2030 limit and sublimits shall be adopted and published not later than January 1, 2022.

SECTION 58. The 2035 statewide greenhouse gas emissions limit required by subsection (b) of section 3 of chapter 21N of the General Laws, the 2035 sector-based emissions sublimits required by section 3A of said chapter 21N and the emissions reduction plan required by said section 3 of said chapter 21N to realize the 2035 limit and sublimits shall be adopted and published not later than January 1, 2028.

SECTION 59. The 2040 statewide greenhouse gas emissions limit required by subsection (b) of section 3 of chapter 21N of the General Laws, the 2040 sector-based emissions sublimits required by section 3A of said chapter 21N and the emissions reduction plan required by said section 3 of said chapter 21N to realize the 2040 limit and sublimits shall be adopted and published not later than January 1, 2033.

SECTION 60. The 2045 statewide greenhouse gas emissions limit required by subsection (b) of section 3 of chapter 21N of the General Laws, the 2045 sector-based emissions sublimits required by section 3A of said chapter 21N and the emissions reduction plan required by said section 3 of said chapter 21N to realize the 2045 limit and sublimits shall be adopted and published not later than January 1, 2038.

SECTION 61. The 2050 sector-based emissions sublimits required by section 3A of chapter 21N of the General Laws and the emissions reduction plan required by subsection (b) of section 3 of said chapter 21N to realize the 2050 limit and sublimits shall be adopted and published not later than January 1, 2023; provided, however, that the sublimits and plan shall be subject to revision and improvement by emissions reduction sublimits and plans adopted and published for 2030, 2035, 2040 and 2045.

SECTION 62. The regulations required pursuant to clause (i) of subsection (a) of section 7 of chapter 21N of the General Laws shall be promulgated and in effect not later than January 1, 2022.

SECTION 63. The regulations required pursuant to clause (ii) of subsection (a) of section 7 of chapter 21N of the General Laws shall be promulgated and in effect not later than January 1, 2025.

SECTION 64. The regulations required pursuant to clause (iii) of subsection (a) of section 7 of chapter 21N of the General Laws shall be promulgated and in effect not later than January 1, 2030.

SECTION 65. Not later than June 30, 2021, the department of energy resources shall: (i) create, procure or designate the energy use benchmarking tool required by subsection (b) of

section 18 of chapter 25A of the General Laws; and (ii) commence providing technical assistance and support to owners of buildings covered by said subsection (b) of said section 18 of said chapter 25A.

SECTION 66. The first year of energy use reporting required by subsection (c) of section 18 of chapter 25A of the General Laws shall be for the calendar year beginning on January 1, 2022. In said reporting year, the department of energy resources may make available on its website limited energy use information, including, but not limited to, whether the information provided for a given building is accurate and complete.

SECTION 67. Notwithstanding section 2 of chapter 21Q of the General Laws, 3 members of the climate policy commission shall be initially appointed for terms of 1 year, 3 members shall be appointed for terms of 3 years and 3 members shall be appointed for terms of 5 years, with the length of each term to be determined by the elected chair.

SECTION 68. Not later than December 31, 2025, the secretary of energy and environmental affairs shall publish a comprehensive energy plan, as required under Executive Order 569. The plan may be prepared in accordance with other requirements of this act, shall be based upon reasonable projections and shall include: (i) the commonwealth's energy demands for electricity, transportation and thermal conditioning; and (ii) strategies for meeting these demands in a regional context. The plan shall prioritize meeting energy demand through conservation, energy efficiency and other demand-reduction resources in a manner that contributes to the commonwealth meeting the limits and sublimits established pursuant to chapter 21N of the General Laws.

SECTION 69. Section 45 shall only apply to contracts entered into on or after the effective date of this act.

SECTION 70. The department of energy resources shall implement the requirements of subsection (d) of section 11 of chapter 75 of the acts of 2016 for the capacity block immediately succeeding the capacity block available on the effective date of this act.

SECTION 71. Sections 11, 37 and 38 shall take effect 90 days after the effective date of this act.

SECTION 72. Section 31 shall take effect on January 1, 2028.