

# SENATE . . . . . No. 2842

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Senate, April 14, 2022 -- Text of the Senate amendment to the House Bill advancing offshore wind and clean energy (House, No. 4524) (being the text of Senate, No. 2819, printed as amended)

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

1 SECTION 1. Chapter 6C of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 78. The department shall create an anonymized and aggregated database of motor  
4 vehicle types and locations. In so doing, the department shall consult with at least 1 member  
5 organization of the Massachusetts Association of Regional Planning Agencies and with the  
6 department of energy resources. The database shall consist of data for the most recently  
7 available 12 months, shall be updated annually, shall consist of data readily sortable by  
8 municipality and zip code and shall contain the: (i) total number of passenger fossil fuel-powered  
9 vehicle registrations; (ii) total number of passenger hybrid vehicle registrations; (iii) total number  
10 of passenger zero-emission vehicle registrations; (iv) total number of commercial fossil fuel-  
11 powered vehicle registrations; (v) total number of commercial hybrid vehicle registrations; (vi)  
12 total number of commercial zero-emission vehicle registrations; (vii) total number of vehicle  
13 miles traveled by passenger fossil fuel-powered vehicles over a defined 12-month period; (viii)  
14 total number of vehicle miles traveled by passenger hybrid vehicles over a defined 12-month  
15 period; (ix) total number of vehicle miles traveled by passenger zero-emission vehicles over a

16 defined 12-month period; (x) total number of vehicle miles traveled by commercial fossil fuel-  
17 powered vehicles over a defined 12-month period; (xi) total number of vehicle miles traveled by  
18 commercial hybrid vehicles over a defined 12-month period; and (xii) the total number of vehicle  
19 miles traveled by commercial zero-emission vehicles over a defined 12-month period. Annually,  
20 not later than June 30, the department shall update the database for the previous calendar year.  
21 Annually, not later than September 30, the department shall compile a summary report of the  
22 data in the database and post the report on its website.

23           Upon request, the department shall provide the data to a member organization of the  
24 Massachusetts Association of Regional Planning Agencies or a municipality to aid in the  
25 deployment of electric vehicles and related infrastructure.

26           SECTION 2. Section 1 of chapter 23J of the General Laws, as appearing in the 2020  
27 Official Edition, is hereby amended by striking out the definitions of “Clean energy” and “Clean  
28 energy research” and inserting in place thereof the following 2 definitions:-

29           “Clean energy”, advanced and applied technologies that significantly reduce or eliminate  
30 the use of energy from non-renewable sources including, but not limited to: (i) energy efficiency;  
31 (ii) demand response; (iii) energy conservation; or (iv) technologies powered, in whole or in part,  
32 by the sun, wind, water, geothermal energy, including networked geothermal and deep  
33 geothermal energy, hydrogen produced by non-fossil fuel sources and methods, alcohol, fuel  
34 cells, nuclear fusion or any other renewable, non-depletable or recyclable fuel; provided,  
35 however, that “clean energy” shall include an alternative energy generating source as defined in  
36 clauses (i) to (vi), inclusive, of subsection (a) of section 11F ½ of chapter 25A.

37 "Clean energy research", advanced and applied research in new clean energy technologies  
38 including: (i) solar photovoltaic; (ii) solar thermal; (iii) wind power; (iv) geothermal energy,  
39 including networked geothermal and deep geothermal energy; (v) wave and tidal energy; (vi)  
40 advanced hydropower; (vii) energy transmission and distribution; (viii) energy storage; (ix)  
41 renewable biofuels, including ethanol, biodiesel and advanced biofuels; (x) renewable,  
42 biodegradable chemicals; (xi) advanced thermal-to-energy conversion; (xii) nuclear fusion; (xiii)  
43 hydrogen produced by non-fossil fuel sources and methods; (xiv) carbon capture and  
44 sequestration; (xv) energy monitoring; (xvi) green building materials; (xvii) energy efficiency;  
45 (xviii) energy-efficient lighting; (xix) gasification and conversion of gas to liquid fuels; (xx)  
46 industrial energy efficiency; (xxi) demand-side management; and (xxii) fuel cells; provided,  
47 however, that "clean energy research" shall not include advanced and applied research in coal,  
48 oil, natural gas or nuclear power other than nuclear fusion.

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

52 SECTION 4. Said section 8 of said chapter 23J, as so appearing, is hereby further  
53 amended by striking out the third sentence and inserting in place thereof the following sentence:-  
54 The grants shall include matching grants to such public institutions of higher education,  
55 municipally-owned institutions of higher education, public elementary and secondary schools  
56 and such vocational technical schools for the development of small-scale renewable clean energy  
57 generating sources, energy storage technologies, energy efficiency innovations and energy  
58 transmission and distribution innovations including, but not limited to: (i) photovoltaic  
59 installations; (ii) wind energy; (iii) ocean thermal, wave or tidal energy; (iv) fuel cells; (v)

60 hydrogen produced by non-fossil fuel sources and methods; (vi) landfill gas; (vii) natural flowing  
61 water and hydroelectric; (viii) low-emission advanced biomass power conversion technologies  
62 using biomass fuels including, but not limited to, agricultural or food wastes; (ix) renewable  
63 biogas, biodiesel or organic refuse-derived fuel; (x) geothermal energy, including networked  
64 geothermal and deep geothermal energy; and (xi) nuclear fusion; provided, however, that the  
65 matching grants shall not be awarded for such development if it includes as sources coal, oil or  
66 natural gas resources other than the sources enumerated here or nuclear power other than nuclear  
67 fusion.

68 SECTION 5. Said section 8 of said chapter 23J, as so appearing, is hereby further  
69 amended by inserting after the word “section”, in line 20, the following words:- , public  
70 elementary and secondary schools.

71 SECTION 6. Section 9 of said chapter 23J is hereby amended by striking out, in line 55,  
72 as so appearing, the words “and (vi)” and inserting in place thereof following words:- “(vi) the  
73 achievement of the greenhouse gas reduction limits and sublimits established in chapter 21N;  
74 (vii) the facilitation of clean energy supply chain opportunities; and (viii).

75 SECTION 7. Said section 9 of said chapter 23J is hereby further amended by striking  
76 out, in line 118, as so appearing, the words “biomass thermal and” and inserting in place thereof  
77 the following words:- including networked geothermal and deep geothermal energy, and.

78 SECTION 8. Section 13 of said chapter 23J, added by section 14 of chapter 8 of the acts  
79 of 2021, is hereby amended by striking out subsection (a) and inserting in place thereof the  
80 following subsection:-

81 (a) There shall be within the center a clean energy equity workforce and market  
82 development program to provide workforce training, educational and professional development,  
83 job placement, startup opportunities and grants to: (i) certified minority-owned and women-  
84 owned small business enterprises; (ii) individuals residing within an environmental justice  
85 community; (iii) current and former workers from the fossil fuel industry; (iv) any other business  
86 or community that is underrepresented in the clean energy workforce or clean energy industry;  
87 and (v) federally recognized tribes within the commonwealth. The program shall promote  
88 participation, inclusive of federally-recognized tribes in the commonwealth, in the  
89 commonwealth's energy efficiency, clean energy and clean heating and cooling industries and  
90 promote access to the benefits of clean energy, clean transportation, electrification, energy  
91 efficiency and reducing the energy burden. The program shall: (i) identify the employment  
92 potential of the energy efficiency and clean energy industries and the skills and training needed  
93 for workers in those fields; (ii) maximize energy efficiency and clean energy employment  
94 opportunities for members of federally-recognized tribes in the commonwealth, certified  
95 minority-owned and women-owned small business enterprises, individuals residing within an  
96 environmental justice community and any other business or community that is underrepresented  
97 in the clean energy workforce or clean energy industry; (iii) provide grants and support to  
98 federally-recognized tribes in the commonwealth, community-based organizations and  
99 organizations serving environmental justice communities to expand access to clean energy, clean  
100 transportation, building electrification and energy efficiency or reduce the energy burden in such  
101 communities, including organizations promoting climate resilience in those communities with a  
102 focus on mitigating the impacts of extreme heat and other climate-driven disasters; (iv) identify  
103 barriers to deployment of clean energy and energy storage resources to federally-recognized

104 tribes in the commonwealth and certified minority-owned and women-owned small business  
105 enterprises; (v) identify near-term deployment targets consistent with the state's clean energy and  
106 climate change requirements and award incentives to deploy such resources; (vi) make  
107 recommendations to the general court for policies to promote employment growth and access to  
108 jobs in the clean energy industry; and (vii) identify opportunities for collaboration and  
109 mentorship between grant recipients and vocational schools receiving grants under section 8.

110 SECTION 9. Said chapter 23J is hereby further amended by adding the following  
111 section:-

112 Section 15. (a) There shall be established and placed within the center a separate fund to  
113 be known as the Clean Energy Investment Fund to be administered by the center. The fund shall  
114 be credited with: (i) revenue from appropriations or other money authorized by the general court  
115 and specifically designated to be credited to the fund; (ii) interest earned on such revenue; and  
116 (iii) funds from public and private sources and other gifts, grants and donations for the  
117 establishment and expansion of workforce training and development initiatives to support the  
118 clean energy industry. All amounts credited to the fund shall be used solely for activities and  
119 expenditures consistent with the public purposes of the fund as set forth in subsection (b),  
120 including the ordinary and necessary expenses of administration and operation associated with  
121 the fund. Amounts credited to the fund shall not be subject to further appropriation and any  
122 money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

123 (b) The center shall make expenditures from the fund for the purposes of:

124 (i) advancing clean energy research and technologies to federally recognized tribes  
125 within the commonwealth and commonwealth-based investors, entrepreneurs and institutions  
126 that are involved in the clean energy industry;

127 (ii) providing workforce development and technical training programs for public higher  
128 education and vocational-technical education institutions;

129 (iii) developing a regional strategy, inclusive of federally recognized tribes within the  
130 commonwealth, for regional employment boards to support the development of the clean energy  
131 industry; provided, however, that the regional employment boards shall publish their findings as  
132 an addendum to their workforce development blueprints;

133 (iv) supporting infrastructure including, but not limited to, port and canal infrastructure,  
134 development related to supporting the clean energy industry in the commonwealth, including on  
135 tribal lands;

136 (v) matching funds to secure future federal funding to support the clean energy industry  
137 and clean energy research in the commonwealth, including on tribal lands;

138 (vi) supporting research and development in the clean energy industry including, but not  
139 limited to, the interrelationship between clean energy infrastructure and existing natural habitats,  
140 ecosystems and dependent species;

141 (vii) supporting improved outcomes from the development of clean energy resources;

142 (viii) supporting the long-term coexistence and sustainability of the fishing and clean  
143 energy industries; and

144 (ix) providing for the necessary and reasonable administrative and personnel costs of the  
145 center or of the executive office of energy and environmental affairs related to administering the  
146 fund.

147 (c) The fund's activity shall be included in the annual report required by the second  
148 paragraph of section 5.

149 SECTION 10. Section 1 of chapter 23M of the General Laws, as appearing in the 2020  
150 Official Edition, is hereby amended by striking out the definition of "Commercial energy  
151 improvements" and inserting in place thereof the following definition:-

152 "Commercial energy improvements", any new construction, renovation or retrofitting of  
153 a qualifying commercial or industrial real property to reduce energy consumption or installation  
154 of renewable energy systems to serve qualifying commercial or industrial property; provided,  
155 however, that such new construction, renovation, retrofit or installation is permanently fixed to  
156 such qualifying commercial or industrial property."

157 SECTION 11. Section 21 of chapter 25 of the General Laws is hereby amended by  
158 striking out, in lines 9 and 91, as so appearing, the words "April 30" and inserting in place  
159 thereof, in each instance, the following words:- March 31.

160 SECTION 12. Said section 21 of said chapter 25 is hereby further amended by inserting  
161 after the word "technologies", in line 58, as so appearing, the following words:- including, but  
162 not limited to, programs that combine efficiency and electrification with renewable generation  
163 and storage.



164 SECTION 13. Said section 21 of said chapter 25 is hereby further amended by inserting  
165 after the word “plan”, in line 63, as so appearing, the following words:- , including separate  
166 incentives for their performance on specific metrics.

167 SECTION 14. Said section 21 of said chapter 25 is hereby further amended by striking  
168 out the word “and”, inserted by section 24 of chapter 8 of the acts of 2021, the last time it  
169 appears.

170 SECTION 15. The first sentence of paragraph (2) of subsection (b) of said section 21 of  
171 said chapter 25, as most recently amended by said section 24 of said chapter 8, is hereby further  
172 amended by adding the following 3 clauses:- ; (xi) no spending on incentives, programs or  
173 support for systems, equipment, workforce development or training as it relates to new fossil fuel  
174 equipment unless such spending is for a backup thermal energy source for a heat pump; (xii)  
175 consideration of historic and present program participation by low and moderate-income  
176 households, including households that rent; and (xii) strategies and investments that the  
177 programs will undertake to achieve equitable access and reduce or eliminate any disparities in  
178 program uptake; and (xiii) a method for capturing the following data to assess the plan’s services  
179 to low-income ratepayers: (A) the total number of ratepayers per municipality served; (B) the  
180 total energy efficiency surcharge dollars paid by ratepayers as part of their utility bills per  
181 municipality served; and (C) the total energy efficiency surcharge dollars recovered by  
182 ratepayers in the form of incentives per municipality served, delineated by utility and sector,  
183 including residential, residential low-income, commercial and industrial.

184 SECTION 16. Said section 21 of said chapter 25 is hereby further amended by inserting  
185 after the word “bodies,” in line 75, as appearing in the 2020 Official Edition, the following  
186 words:- maximizing net climate, environmental and equity impacts.

187 SECTION 17. Said section 21 of said chapter 25 is hereby further amended by striking  
188 out, in line 80, as so appearing, the word “with” and inserting in place thereof the following  
189 words:- including, but not limited to, climate, environmental and equity benefits, with.

190 SECTION 18. Said section 21 of said chapter 25 is hereby further amended by striking  
191 out, in line 121, as so appearing, the figure “90” and inserting in place thereof the following  
192 figure:- 120.

193 SECTION 19. Said section 21 of said chapter 25, as most recently amended by section 28  
194 of chapter 8 of the acts of 2021, is hereby further amended by adding the following subsection:-

195 (f) The need for a program administrator to prepare for meetings with the council during  
196 the department’s 120-day review period after submission of a plan shall not constitute good  
197 cause in a motion for an extension of time to respond to discovery or in a motion for an  
198 extension of time to respond to a record request.

199 SECTION 20. Section 22 of said chapter 25 is hereby amended by striking out subsection  
200 (d), as amended by section 30 of said chapter 8, and inserting in place thereof the following  
201 subsection:-

202 (d) The electric and natural gas distribution companies and municipal aggregators shall  
203 provide quarterly reports to the council on the implementation of their respective plans. The  
204 reports shall include: (i) a description of the program administrator’s progress in implementing

205 the plan; (ii) a summary of the savings secured to date; (iii) a quantification of the degree to  
206 which the activities undertaken pursuant to each plan contribute to meeting all greenhouse gas  
207 emission limits and sublimits imposed by law or regulation; (iv) in order to assess the plan’s  
208 services to low-income ratepayers: (A) the total number of ratepayers per municipality served;  
209 (B) the total energy efficiency surcharge dollars paid by ratepayers as part of their utility bills per  
210 municipality served; and (C) the total energy efficiency surcharge dollars recovered by  
211 ratepayers in the form of incentives per municipality served, delineated by utility and sector,  
212 including residential, residential low-income, commercial and industrial; and (v) such other  
213 information as the council shall determine. The council shall provide an annual report to the  
214 department and the joint committee on telecommunications, utilities and energy on the  
215 implementation of the plan. The annual report shall include descriptions of the programs,  
216 expenditures, cost-effectiveness and savings and other benefits during the previous year and a  
217 quantification of the degree to which the activities undertaken pursuant to each plan contribute to  
218 meeting all greenhouse gas emission limits and sublimits imposed by law or regulation. The  
219 quarterly and annual reports shall be made available to the public.

220 SECTION 21. Section 6 of chapter 25A of the General Laws is hereby amended by  
221 inserting after the word “improvements”, in line 52, as appearing in the 2020 Official Edition,  
222 the second time it appears, the following words:-, exceed required energy code requirements at  
223 the time of project permitting or the project meets another nationally-recognized building  
224 standard for energy performance as deemed appropriate by the department of energy resources in  
225 coordination with the Massachusetts Development Finance Agency.

226 SECTION 22. Section 11F of chapter 25A of the General Laws is hereby amended by  
227 striking out, in line 40, 81 and 82 and 114, as so appearing, the word “biomass”.

228 SECTION 23. Said section 11F of said chapter 25A is hereby further amended by  
229 striking out, in lines 41, 82 and 115, as so appearing, the word “wood, by-products” and inserting  
230 in place thereof, in each instance, the following word:- by-products.

231 SECTION 24. Subsection (b) of said section 11F of said chapter 25A, as so appearing, is  
232 hereby amended by striking out the second sentence.

233 SECTION 25. Said section 11F of said chapter 25A is hereby further amended by  
234 inserting after the word “gas”, in line 145, as so appearing, the following words:- , woody  
235 biomass.

236 SECTION 26. Section 11F½ of said chapter 25A, as so appearing, is hereby amended by  
237 striking out, in line 16, the word “, biomass”.

238 SECTION 27. Said section 11F½ of said chapter 25A, as so appearing, is hereby further  
239 amended by striking out, in lines 22 to 25, inclusive, the words “; provided, however, that  
240 facilities using biomass fuel shall be low emission, use efficient energy conversion technologies  
241 and fuel that is produced by means of sustainable forestry practices”.

242 SECTION 28. Said section 11F½ of said chapter 25A, as so appearing, is hereby further  
243 amended by striking out the, in line 33, the words “and (F)” and inserting in place thereof the  
244 following words:- ; (F) biomass; and (G).

245 SECTION 29. Said section 11F½ of said chapter 25A, as so appearing, is hereby further  
246 amended by striking out, in lines 36 and 37, and in lines 41 and 47, the words “eligible biomass,  
247 biogas” and inserting in place thereof, in each instance, the following word:- biogas.

248 SECTION 30. Said section 11F½ of said chapter 25A, as so appearing, is hereby further  
249 amended by striking out, in lines 50 to 58, inclusive, the words “(iv) for eligible biomass, biogas  
250 and liquid biofuel technologies, fuel conversion efficiency performance standards achievable by  
251 best-in-class commercially-feasible technologies; and (v) in consultation with the department of  
252 conservation and recreation, for forest-derived biomass, requirements that fuel shall be provided  
253 by means of sustainable forestry practices; provided, however, that the department shall adopt  
254 any existing or new biomass fuel sustainability standards if deemed appropriate by the  
255 department after a public comment process” and inserting in place thereof the following words:-  
256 and (iv) for biogas and liquid biofuel technologies, fuel conversion efficiency performance  
257 standards achievable by best-in-class commercially-feasible technologies.

258 SECTION 31. Section 14 of said chapter 25A, as so appearing, is hereby amended by  
259 striking out, in line 3, the words “total project cost of \$100,000 or less” and inserting in place  
260 thereof the following words:- maximum total project cost as set by the commissioner every 2  
261 years.

262 SECTION 32. Section 16 of said chapter 25A, as so appearing, is hereby amended by  
263 inserting after the word “section”, in line 1, the following words:- and section 19.

264 SECTION 33. Subsection (a) of said section 16 of said chapter 25A, as so appearing, is  
265 hereby amended by adding the following 2 definitions:-

266 “Qualifying zero-emission vehicle”, a new or used motor vehicle: (i) that is a zero-  
267 emission vehicle; (ii) that has been manufactured primarily for use on public streets, roads and  
268 highways; (iii) that is registered within the commonwealth; (iv) whose purchaser’s primary  
269 residence or business location is within the commonwealth; and (v) whose purchaser files proof

270 of primary residency and each qualifying vehicle's registration within the commonwealth not  
271 later than 90 days after purchase.

272 "Zero-emission vehicle", a motor vehicle that produces no engine exhaust carbon  
273 emissions.

274 SECTION 34. Said chapter 25A is hereby further amended by adding the following  
275 section:-

276 Section 19. (a) There shall be an Electric Vehicle Adoption Incentive Trust Fund to be  
277 expended, without further appropriation, by the department of energy resources for funding  
278 electric vehicle incentive programs consistent with this section. The fund shall be credited with:  
279 (i) money from public and private sources, including gifts, grants and donations; (ii) interest  
280 earned on such money; (iii) any other money authorized by the general court and specifically  
281 designated to be credited to the fund; and (iv) any funds provided from other sources. No  
282 expenditure from the fund shall cause the fund to be deficient at the close of a fiscal year.  
283 Revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to  
284 the General Fund and shall be available for expenditure in the following fiscal year.

285 (b)(1) The department shall establish a program of rebates and other financial incentives  
286 to parties, including federally recognized tribes in the commonwealth, that purchase or lease a  
287 new or used qualifying zero-emission vehicle in the commonwealth. The program shall apply to  
288 individual and corporate fleet purchases of passenger cars and light duty, medium duty and  
289 heavy duty trucks, buses and vans; provided, however, that no rebate or other financial incentive  
290 shall be made available under this section for a used zero-emission vehicle that was bought new  
291 or used within the previous 24 months, a zero-emission vehicle that is a passenger car or light

292 duty truck with a sales price that exceeds \$50,000 or for a zero-emission vehicle that is leased for  
293 a period of less than 36 months. The department shall set a maximum sales price for medium  
294 duty or heavy duty trucks, busses and vans.

295 (2) The program shall include a point-of-sale rebate model that offers consumers savings  
296 at the point of purchase. The department shall offer a program to provide low-income  
297 individuals with a \$1,500 rebate which shall be provided at the point of sale and which shall be  
298 in addition to the rebate provided for in subsection (c); provided, however, that the department  
299 shall establish income guidelines and other program requirements for the program.

300 (c) The department shall offer rebates of not less than \$3,500 and not more than \$5,000  
301 for a qualifying zero-emission vehicle that is a passenger car or a light duty truck and meets the  
302 requirements under subsection (b). The department shall provide rebates of not less than \$4,500  
303 and not more than \$6,000 for the purchase or lease of: (i) a qualifying zero-emission vehicle that  
304 is a medium duty or heavy duty truck, bus or van; or (ii) a qualifying zero-emission vehicle  
305 under said subsection (b) if an individual is purchasing or leasing the vehicle and trading in a  
306 vehicle with market value that has an internal combustion engine that is not an electric vehicle as  
307 defined in section 16; provided, however, that the vehicle with an internal combustion engine has  
308 been continuously registered for the previous 2 years: (A) in the commonwealth; and (B) to the  
309 consumer or the consumer's immediate family.

310 (d) The department shall publish and regularly update cumulative data regarding usage of  
311 the programs established in this section including, but not limited to, the number and dollar value  
312 per calendar year of rebates and incentives provided, sortable by: (i) zip code, municipality,  
313 make, model, dealership and whether ownership is personal or corporate; (ii) vehicle type; and

314 (iii) vehicle weight. Such information shall be published annually, not later than September 30,  
315 on a website maintained by or provided for the department. Annually, the department shall  
316 compile the data required to be collected under this paragraph in a report to be filed not later than  
317 September 30 for the previous calendar year with the senate and house committees on ways and  
318 means, the joint committee on transportation and the joint committee on telecommunications,  
319 utilities and energy. The report shall include an analysis of the programs established in this  
320 section including, but not limited to, examining historic and present program participation of  
321 low-income and moderate-income households, by examining by moderate-income households  
322 and usage among demographic groups, including data by user race and ethnicity, and  
323 recommending strategies and investments to reduce or eliminate any disparities in program  
324 uptake; provided, however, that, not less than every 4 years, the report shall also include 3-year  
325 cost effectiveness reviews examine the cost-effectiveness of the programs in reducing  
326 greenhouse gas . Annually, not later than June 30, the department shall provide the underlying  
327 disaggregated dataset used to populate the database including, but not limited to, vehicle-level  
328 data, to the Massachusetts Department of Transportation.

329 (e) The department shall establish a linguistically diverse and culturally competent  
330 outreach campaign, which shall be print accessible and accessible to English language learners,  
331 to inform dealers, vehicle salespeople and consumers and businesses in underserved  
332 communities, communities with high percentages of low-income households and communities  
333 with high proportions of high emissions vehicles about the programs and incentives established  
334 pursuant to this section. The department may expend not more than 5 per cent of money in the  
335 fund for the outreach campaign.

336 (f) The department may promulgate regulations to implement this section.



337 Section 20. (a) For purposes of this section, the following words shall have the following  
338 meanings, unless the context clearly requires otherwise:-

339 “Building”, a building or multiple buildings on a parcel, or any grouping of buildings  
340 designated by the department as an appropriate reporting unit for the purposes of this section.

341 “Department”, the department of energy resources.

342 “Energy”, electricity, natural gas, steam, hot or chilled water, heating oil, propane or  
343 other products designated by the department that are used for heating, cooling, lighting,  
344 industrial and manufacturing processes, water heating, cooking, clothes drying and other  
345 purposes.

346 “Gross floor area”, the total floor area contained within a building measured to the  
347 external face of the external walls.

348 “Large building”, a building with at least 25,000 square feet of gross floor area; provided,  
349 however, that the department may establish by regulation a lower threshold for a building to be  
350 considered a large building under this section.

351 “Owner”, the owner of record of a building or a designated agent thereof including, but  
352 not limited to, an association or organization of unit owners responsible for management of a  
353 condominium, the board of directors of a cooperative apartment corporation and the net lessee of  
354 a building subject to a net lease with a term of not less than 30 years, inclusive of all renewal  
355 options.

356 (b) Annually, not later than June 30, electric and gas distribution companies shall report  
357 to the department the total amounts of natural gas and electricity used during the previous  
358 calendar year by each large building that has an account with the distribution company.

359 (c) Annually, not later than June 30, owners of large buildings shall report to the  
360 department any energy used during the previous calendar year that is not covered by subsection  
361 (b); provided, however, that an owner shall not be required to report energy ordered, delivered  
362 and charged directly to a tenant if the owner requested energy use information from the tenant in  
363 writing not later than April 30 of the same year, the tenant did not respond and the owner  
364 provides evidence of the written request for information to the department.

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

368 (e) Annually, not later than October 31, the department shall make available on its  
369 website energy use information for the previous calendar year for each large building on a  
370 building-specific basis. The department shall use appropriate practices to prevent the public  
371 disclosure of personally identifying information regarding owners and tenants. The information  
372 shall be published in database format, fully text-searchable and readily sortable by municipality,  
373 zip code and all the data elements in the database. The department shall also prepare an annual  
374 comprehensive report on large building energy performance utilizing the information and data  
375 collected under this subsection. The database and each annual report shall be public records.

376 (f) The department shall ensure that electric and gas distribution companies provide  
377 owners of buildings subject to this section with up-to-date information about energy efficiency  
378 opportunities, including incentives in utility-administered or other energy efficiency programs.

379 (g) The department may establish civil penalties for failure to comply with the  
380 requirements of this section; provided, however, that no such penalty shall be assessed on or  
381 passed through to a lessee of a unit within a large building that comprises less than 5 per cent of  
382 the total gross floor area of the large building; and provided further, that civil penalties under this  
383 subsection shall not exceed \$300 per day.

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

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

389 SECTION 35. Section 2A of chapter 61A of the General Laws is hereby amended by  
390 striking out subsections (b) and (c), as appearing in the 2020 Official Edition, and inserting in  
391 place thereof the following 3 subsections:-

392 (b) In addition to the use provided for in subsection (a), land used primarily and directly  
393 for agricultural purposes pursuant to section 1 or land used primarily and directly for  
394 horticultural use pursuant to section 2 may, in addition to being used primarily and directly for  
395 agriculture or horticulture, be used to site a renewable energy generating source as defined in  
396 subsection (b) of section 11F of chapter 25A that qualifies in accordance with a solar incentive  
397 program for agriculture or horticulture sectors developed by the department of energy resources,

398 if such renewable energy generating source does not impede the continued use of the land for  
399 agricultural or horticultural purposes pursuant to this chapter.

400 (c) Land used primarily and directly for agricultural purposes pursuant to section 1 or  
401 land used primarily and directly for horticultural purposes pursuant to section 2 shall be deemed  
402 to be in agricultural or horticultural use pursuant to this chapter if used to simultaneously site a  
403 renewable energy generating source pursuant to subsection (a) or subsection (b).

404 (d) Renewable energy generating sources located on land used primarily and directly for  
405 agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural  
406 purposes pursuant to section 2 shall be subject to the provisions afforded to land used for  
407 agriculture under section 3 of chapter 40A.

408 SECTION 36. Section 13 of said chapter 61A, as so appearing, is hereby amended by  
409 inserting after the word “years”, in line 35, the following words:- , or 10 years where the land has  
410 been used to simultaneously site a renewable energy generating source pursuant to section 2A.,.

411 SECTION 37. Section 4 of chapter 93B of the General Laws, as so appearing, is hereby  
412 amended by adding the following subsection:-

413 (e) It shall be a violation of subsection (a) of section 3 for a motor vehicle dealer to sell  
414 in-state any new vehicle that is not a zero-emission vehicle. For the purposes of this paragraph,  
415 “vehicle” shall mean a passenger car or light duty truck and “zero-emission vehicle” shall have  
416 the same meaning as defined in section 16 of chapter 25A.

417 SECTION 38. Section 94 of chapter 143 of the General Laws, as amended by section 96  
418 of chapter 39 of the acts of 2021, is hereby further amended by adding the following 2 clauses:

419 (s) In consultation with the department of energy resources, to adopt and fully integrate  
420 into the state building code a requirement that new construction of commercial and residential  
421 buildings with not less than 10 parking spaces, and any major reconstruction, renovation and  
422 repair of such buildings, include building electrical service and conduit systems sufficient to  
423 support the minimum number of parking spaces for zero-emission vehicles, as defined in section  
424 16 of chapter 25A; provided, however, that the minimum number of zero-emission vehicle  
425 parking spaces shall be at least 1 parking space or not less than 10 per cent of the total number of  
426 parking spaces, whichever is greater.

427 (t) In consultation with the department of energy resources, to adopt and fully integrate  
428 into the state building code a requirement that new construction of parking facilities with not less  
429 than 10 parking spaces, and any major reconstruction, renovation and repair of such facilities,  
430 include building electrical service and conduit systems sufficient to support the minimum  
431 number of parking spaces for zero-emission vehicles, as defined in section 16 of chapter 25A;  
432 provided, however, that the minimum number of zero-emission vehicle parking spaces shall be at  
433 least 1 parking space or not less than 10 per cent of the total number of parking spaces,  
434 whichever is greater.

435 SECTION 39. Chapter 159A½ of the General Laws is hereby amended by adding the  
436 following section:-

437 Section 12. The division shall establish a program to reduce greenhouse gas emissions  
438 from transportation network vehicles. To the extent permitted under federal law, the program  
439 shall establish requirements for transportation network companies including, but not limited to,  
440 vehicle electrification and greenhouse gas emissions requirements. Such requirements shall

441 require a transportation network company to submit biennial plans to gradually increase zero  
442 emission transportation network vehicles and reduce greenhouse gas emissions to meet goals set  
443 by the executive office of energy and environmental affairs. The division shall, to the extent  
444 practicable, minimize any negative impacts of the program on drivers from low-income and  
445 moderate-income communities and support the goal of clean mobility in such communities.

446 The division shall establish regulations to implement the program required by this  
447 section.

448 SECTION 40. Section 5 of chapter 161A of the General Laws, as appearing in the 2020  
449 Official Edition, is hereby amended by inserting after the word “standards”, in line 105, the  
450 following words:- , climate and the reduction of greenhouse gas emissions, environmental  
451 resiliency.

452 SECTION 41. Said section 5 of said chapter 161A, as so appearing, is hereby further  
453 amended by inserting after the words “act,” in line 111, the following words:- capital  
454 investments that result in reductions of greenhouse gas emissions.

455 SECTION 42. Said section 5 of said chapter 161A, as so appearing, is hereby further  
456 amended by inserting after the word “maintenance,” in line 116, the following words:- address  
457 climate change-related vulnerabilities.

458 SECTION 43. The fourth paragraph of subsection (g) of said section 5 of said chapter  
459 161A, as so appearing, is hereby amended by inserting after the first sentence the following 3  
460 sentences:- The program shall include a clear, comprehensive and specific plan to implement the  
461 requirements under section 6A of chapter 448 of the acts of 2016, which shall include, but not be  
462 limited, to alterations, updates, land acquisitions and new construction of bus garages,

463 maintenance facilities and charging and fueling equipment, as may be necessary to meet the  
464 requirements. The plan shall prioritize the deployment of zero-emission buses on routes that  
465 serve underserved communities and communities with a high percentage of low-income  
466 households. Each rolling 5-year plan shall report on the progress in meeting the requirements  
467 under said section 6A of said chapter 448 including, but not limited to, the number of zero-  
468 emission passenger buses operated, the number of non-zero emission passenger buses operated,  
469 barriers to increased numbers of zero-emission passenger buses, if any, and recommended  
470 legislative or regulatory action needed to address barriers or otherwise promote compliance.

471 SECTION 44. Section 139 of chapter 164 of the General Laws is hereby amended by  
472 striking out, in lines 141 to 143, inclusive, as so appearing, the words “(1) equal to or less than  
473 10 kilowatts on a single-phase circuit or (2) 25 kilowatts on a 3-phase circuit” and inserting in  
474 place thereof the following words:- equal to or less than 25 kilowatts.

475 SECTION 45. Said section 139 of said chapter 164 is hereby further amended by  
476 inserting after subsection (i), as amended by section 85 of chapter 8 of the acts of 2021, the  
477 following subsection:-

478 (i 1/2) A Class I net metering facility greater than 25 kilowatts in nameplate capacity, a  
479 Class II net metering facility or a Class III net metering facility shall be exempt from the  
480 aggregate net metering capacity of net metering facilities and may net meter and accrue market  
481 net metering credits if it is generating renewable energy and serves on-site load, other than  
482 parasitic load.

483 SECTION 46. Said section 139 of said chapter 164 is hereby further amended by adding  
484 the following subsection:-

485 (l) A Class I, Class II or Class III solar net metering facility, as defined in section 138,  
486 shall be eligible to or shall continue to receive Class I, Class II or Class III net metering credits  
487 as otherwise provided by this section if such facility is on the same parcel as any number of other  
488 such solar net metering facilities if the systems are:

489 (i) placed on a government-owned parcel; provided, however, that all systems on the  
490 single parcel do not exceed an aggregate limit of 2 megawatts;

491 (ii) placed on a single parcel of land where all buildings on that parcel comprise low or  
492 moderate-income housing as defined in section 20 of chapter 40B of the General Laws;

493 (iii) each placed on a separate and distinct rooftop where no 2 systems occupy the same  
494 rooftop; provided, however, that all systems on the single parcel do not exceed an aggregate limit  
495 of 2 megawatts; or

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

499 SECTION 47. Said chapter 164 is hereby further amended by inserting after section  
500 139A the following section:-

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



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

509 (i) mass power outages caused by a single event;

510 (ii) documented workforce or resource shortages;

511 (iii) limitations to the electric grid; or

512 (iv) any state or federal law or regulation that prevents connection of the solar panels to  
513 the electric grid.

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

518 SECTION 48. Said chapter 164 is hereby further amended by adding the following  
519 section:-

520 Section 149. The department of energy resources shall include in the solar incentive  
521 program established in section 11 of chapter 75 of the acts of 2016, and in any successor solar  
522 incentive program, additional incentives for pollinator-friendly solar installations that have been  
523 certified by a recognized pollinator-friendly solar photovoltaic certification program at a higher  
524 education institution in the commonwealth or that have obtained another equivalent certification

525 as determined by the department. The department shall promulgate regulations to implement this  
526 section.

527 SECTION 49. Section 83B of chapter 169 of the acts of 2008, inserted by section 12 of  
528 chapter 188 of the acts of 2016, is hereby amended by striking out the definition of “Long-term  
529 contract” and inserting in place thereof the following 3 definitions:-

530 “Long-duration energy storage system”, an energy storage system, as defined in section 1  
531 of chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity  
532 for a period of 12 hours or greater, up to 24 hours.

533 “Long-term contract”, a contract for a period of 15 to 20 years for offshore wind energy  
534 generation pursuant to section 83C or for clean energy generation pursuant to section 83D;  
535 provided, however, that a contract for offshore wind energy generation pursuant to said section  
536 83C may include terms and conditions for renewable energy credits associated with the offshore  
537 wind energy generation that exceed the term of generation under the contract.

538 “Multi-day energy storage system”, an energy storage system, as defined in section 1 of  
539 chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity  
540 for a period greater than 24 hours.

541 SECTION 50. Section 83C of said chapter 169 is hereby amended by striking out  
542 subsections (a) to (e), inclusive, as most recently amended by section 69 of chapter 24 of the acts  
543 of 2021, and inserting in place thereof the following 5 subsections:-

544 (a) To facilitate the financing of offshore wind energy generation resources in the  
545 commonwealth, every distribution company shall jointly and competitively, in coordination with

546 the department of energy resources, solicit proposals for offshore wind energy generation. If  
547 reasonable proposals have been received, each distribution company shall enter into long-term  
548 contracts that are cost-effective and promote economic development in the commonwealth.  
549 Long-term contracts executed pursuant to this section shall be subject to the approval of the  
550 department of public utilities and shall be apportioned among the distribution companies;  
551 provided, however, that the department of public utilities shall not approve a long-term contract  
552 that results from a solicitation and procurement if the levelized price per megawatt hour, plus  
553 associated transmission costs, is greater than or equal to the levelized price per megawatt hour  
554 plus transmission costs of the previous procurement; provided further, that increased costs from  
555 the contract compared to the previous approved contract for documented, direct and  
556 performance-based economic development and employment opportunities for economically  
557 distressed areas and for low-income and middle-income populations and for diversity, equity and  
558 inclusion and supplier diversity programs shall not be factored into the levelized price per  
559 megawatt hour; and provided further, that such economic development costs shall not result in a  
560 contract being approved if the total cost of the procurement is greater than a 10 per cent increase  
561 from the previous procurement.

562 (b) The timetable and method for solicitations of long-term contracts shall be proposed  
563 by the department of energy resources in coordination with the distribution companies using a  
564 competitive bidding process and shall be subject to review and approval by the department of  
565 public utilities. The department of energy resources shall consult with the distribution companies  
566 and the attorney general regarding the choice of solicitation methods. A solicitation may be  
567 coordinated and issued jointly with other New England states or entities designated by those  
568 states. The distribution companies, in coordination with the department of energy resources, may

569 conduct 1 or more competitive solicitations through a staggered procurement schedule developed  
570 by the department of energy resources; provided, however, that the schedule shall ensure that the  
571 distribution companies enter into cost-effective long-term contracts for offshore wind energy  
572 generation equal to approximately 5,600 megawatts of aggregate nameplate capacity not later  
573 than June 30, 2027, including capacity authorized pursuant to section 21 of chapter 227 of the  
574 acts of 2018; and provided further, that individual solicitations shall seek proposals for not less  
575 than 400 megawatts of aggregate nameplate capacity of offshore wind energy generation  
576 resources. The staggered procurement schedule shall be developed by the department of energy  
577 resources and shall specify that any subsequent solicitation shall occur within 24 months of a  
578 previous solicitation. Proposals received pursuant to a solicitation under this section shall be  
579 subject to review by the department of energy resources and the executive office of housing and  
580 economic development, in consultation with the independent evaluator and the electric  
581 distribution companies for technical advice. The department of energy resources shall, in  
582 consultation with the independent evaluator, issue a final, binding determination of the winning  
583 bid; provided, however, that the final contract executed shall be subject to review by the  
584 department of public utilities. The department of energy resources may require additional  
585 solicitations to fulfill the requirements of this section. If the department of energy resources, in  
586 consultation with the independent evaluator, determines that reasonable proposals were not  
587 received pursuant to a solicitation, the department may terminate the solicitation and may require  
588 additional solicitations to fulfill the requirements of this section.

589 (c) In developing proposed long-term contracts, the distribution companies shall consider  
590 long-term contracts for renewable energy certificates, for energy and for a combination of both  
591 renewable energy certificates and energy. A distribution company may decline to pursue a

592 contract if the contract's terms and conditions would require the contract obligation to place an  
593 unreasonable burden on the distribution company's balance sheet after consultation with the  
594 department of energy resources; provided, however, that the distribution company shall take all  
595 reasonable actions to structure the contracts, pricing or administration of the products purchased  
596 under this section to prevent or mitigate an impact on the balance sheet or income statement of  
597 the distribution company or its parent company, subject to the approval of the department of  
598 public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a  
599 distribution company deems all contracts to be unreasonable, the distribution company shall  
600 consult with the department of energy resources and, within 20 days of the date of its decision,  
601 submit a filing to the department of public utilities. The filing shall include, in the form and  
602 detail prescribed by the department of public utilities, documentation supporting the distribution  
603 company's decision to decline the contract. Following a distribution company's filing, and  
604 within 4 months of the date of filing, the department of public utilities shall approve or reject the  
605 distribution company's decision and may order the distribution company to reconsider any  
606 contract. The department of public utilities shall take into consideration the department of energy  
607 resources' recommendations on the distribution company's decision. The department of energy  
608 resources may require additional solicitations to fulfill the requirements of this section.

609 (d) The department of public utilities shall promulgate regulations consistent with this  
610 section. The regulations shall: (i) allow offshore wind developers of offshore wind energy  
611 generation to submit proposals for long-term contracts consistent with this section; (ii) require  
612 that a proposed long-term contract executed by the distribution companies under a proposal be  
613 filed with and approved by the department of public utilities before becoming effective; (iii)  
614 provide for an annual remuneration for the contracting distribution company of 1.25 per cent of

615 the annual payments under the contract to compensate the company for accepting the financial  
616 obligation of the long-term contract; provided, however, that such provision shall be acted upon  
617 by the department of public utilities at the time of contract approval; (iv) require associated  
618 transmission costs to be incorporated into a proposal; provided, however, that, to the extent there  
619 are transmission costs included in a bid, the department of public utilities may authorize or  
620 require the contracting parties to seek recovery of such transmission costs of the project through  
621 federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory  
622 Commission if the department finds such recovery is in the public interest; and (v) require that  
623 offshore wind energy generating resources to be used by a developer under the proposal: (A)  
624 where feasible, create and foster employment and economic development in the commonwealth;  
625 (B) provide enhanced electricity reliability, system safety and energy security; (C) contribute to  
626 reducing winter electricity price spikes; (D) are cost effective and beneficial to electric  
627 ratepayers in the commonwealth over the term of the contract, taking into consideration potential  
628 costs and benefits to the ratepayers, including potential economic and environmental benefits;  
629 (E) avoid line loss and mitigate transmission costs to the extent possible and ensure that  
630 transmission cost overruns, if any, are not borne by ratepayers; (F) adequately demonstrate  
631 project viability in a commercially reasonable timeframe; (G) allow offshore wind energy  
632 generation resources to be paired with energy storage systems; (H) include an initial  
633 environmental and fisheries mitigation plan for the construction and operation of such offshore  
634 wind facilities, including consideration of commercial, recreational and aboriginal fishing rights;  
635 and (I) mitigate impacts to the marine environment by providing financial and technical  
636 assistance to support robust monitoring of wildlife and habitat through contributions to regional  
637 and tribal research efforts. The department of energy resources shall give preference to

638 proposals that demonstrate benefits from: (i) documented, direct or performance-based economic  
639 development and employment activity, including opportunities for diversity, equity and  
640 inclusion; (ii) mitigation and avoidance of detrimental environmental and socioeconomic  
641 impacts, including through meaningful consultation with impacted environmental and  
642 socioeconomic stakeholders, including federally-recognized tribes and commercial fishing; (iii)  
643 proposals that support workforce harmony and community benefits by workforce agreements  
644 with appropriate labor organizations; provided, however, that preference shall be given to such  
645 agreements that facilitate employment opportunities for members of federally-recognized tribes  
646 in the commonwealth, low-income and moderate-income employment opportunities for workers  
647 from underrepresented communities and certified minority-owned and women-owned small  
648 business enterprises; and (iv) benefits to environmental justice communities and low-income  
649 ratepayers in the commonwealth.

650 (e) A proposed long-term contract shall be subject to the review and approval of the  
651 department of public utilities. As part of its approval process, the department of public utilities  
652 shall consider recommendations by the attorney general, which shall be submitted to the  
653 department of public utilities within 45 days following the filing of a proposed long-term  
654 contract with the department of public utilities. The department of public utilities shall take into  
655 consideration the department of energy resources' recommendations on the potential costs and  
656 benefits to the rate payers, including economic and environmental benefits, and the requirements  
657 of chapter 298 of the acts of 2008 and chapter 21N of the General Laws. The department of  
658 public utilities shall consider the potential costs and benefits of the proposed long-term contract  
659 and shall approve a proposed long-term contract if the department finds that the proposed  
660 contract is a cost-effective mechanism for procuring beneficial, reliable renewable energy on a

661 long-term basis, taking into account the factors outlined in this section. A distribution company  
662 shall be entitled to cost recovery of payments made under a long-term contract approved under  
663 this section.

664 SECTION 51. Section 3 of chapter 448 of the acts of 2016 is hereby amended by striking  
665 out the words “may include requirements for electric vehicle charging for residential and  
666 appropriate commercial buildings as amendments to the state building and electric code” and  
667 inserting in place thereof the following words:- shall include requirements for electric vehicle  
668 charging for residential and commercial buildings as amendments to the state building code and  
669 the state electric code pursuant to clauses (s) and (t) of section 94 of chapter 143 of the General  
670 Laws.

671 SECTION 52. Said chapter 448 is hereby further amended by inserting after section 6  
672 the following section:-

673 Section 6A. (a) Each purchase or lease of a passenger bus by the Massachusetts Bay  
674 Transportation Authority shall be a zero-emission vehicle.

675 (b) Not later than December 31, 2040, all passenger buses operated by the Massachusetts  
676 Bay Transportation Authority shall be exclusively zero-emission passenger buses.

677 SECTION 53. (a) The Massachusetts Bay Transportation Authority shall develop and  
678 implement short-term, medium-term and long-term plans for each line of the rail system ensuring  
679 that the rail is fully integrated into the commonwealth’s transportation system and designed to  
680 make the system more productive, equitable and decarbonized. Each plan shall maximize the  
681 ridership returns on investment and shall be designed to meet statewide greenhouse gas  
682 emissions limits established in chapter 21N of the General Laws.



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

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

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

706 SECTION 54. Notwithstanding any general or special law to the contrary, beginning on  
707 January 1, 2023, no supplier as defined in section 1 of chapter 164 of the General Laws shall  
708 execute a new contract or renew an existing contract for generation services with any individual  
709 residential retail customer. This section shall not apply to, or otherwise affect, any government  
710 body that aggregates the load of residential retail customers as part of a municipal aggregation  
711 energy plan pursuant to section 134 of chapter 164 of the General Laws. A violation of this  
712 section shall be an unfair and deceptive act pursuant to chapter 93A of the General Laws and the  
713 attorney general may bring an action under section 4 of said chapter 93A to enforce this section  
714 and to seek restitution, civil penalties, injunctive relief and any other relief awarded pursuant to  
715 said chapter 93A.

716 SECTION 55. (a) The department of energy resources, in consultation with the  
717 Massachusetts clean energy technology center, shall study the current and developing  
718 technologies of energy storage systems and make recommendations on how such systems may  
719 be deployed in the commonwealth. The study shall examine: (i) currently available energy  
720 storage systems; (ii) energy storage systems currently in development; (iii) cost effective  
721 deployment of energy storage systems including, but not limited to, energy storage systems with  
722 a 4 to 12-hour capacity, long duration and multi-day energy storage systems and energy storage  
723 peak renewable power; provided, however, that “energy storage peak renewable power” shall  
724 mean the generation transferred to higher demand on-peak periods by an energy storage system;  
725 (iv) the cost effectiveness of providing tax incentives under section 5 of chapter 59 or section 6  
726 of chapter 64H for energy storage systems; (v) the cost effectiveness of financing mechanisms  
727 and incentives, including the use of alternative compliance payments and the use of energy  
728 efficiency funds provided under section 19 of chapter 25 of the General Laws to pay for energy

729 storage systems installed at a customer's premises; (vi) location patterns of energy storage  
730 systems currently in use; (vii) opportunities for future expansion in energy storage; and (viii). the  
731 necessity, costs and benefits of requiring distribution companies as defined in section 1 of  
732 chapter 164 of the General Laws to jointly and competitively conduct energy storage systems  
733 solicitation and procurements from renewable generation delivered in periods of high demand or  
734 other methods to help increase the utilization of energy storage systems.

735 (b) In making its recommendations, the department shall consider the extent to which the  
736 storage systems: (i) contribute to compliance with the statewide greenhouse gas emissions limits  
737 and sublimits under chapter 21N of the General Laws including, but not limited to, the sublimit  
738 of electric power pursuant to section 3A of said chapter 21N; (ii) promote the integration of  
739 offshore wind energy and other renewable sources; (iii) enable firm energy delivery from  
740 renewable energy resources during periods of low energy demand to periods of high energy  
741 demand; (iv) enhance the reliable delivery and security of electricity to consumers; (v) minimize  
742 ratepayer costs; (vi) contribute to decarbonization and operational resilience of critical  
743 emergency infrastructure including, but not limited to, cooling centers designed to provide relief  
744 for vulnerable urban residents from extreme heat that are co-located in schools, senior centers,  
745 libraries and health centers; and (vii) contribute to the decarbonization of healthcare institutions  
746 including, but not limited to, hospitals and other healthcare providers. The study shall determine  
747 the performance of the systems under frequent deployment, barriers to deployment or utilization  
748 and incentives and programs that could facilitate their deployment or utilization. The department  
749 of energy resources shall provide recommendations to the secretary of energy and environmental  
750 affairs not later than 6 months after the effective date of this act, including numerical deployment  
751 targets for both new and existing long-duration and multi-day energy storage systems, energy

752 storage systems with a 4 to 12-hour capacity and energy storage peak renewable power to  
753 optimize the use of these systems, which the secretary shall incorporate into the setting of  
754 numerical benchmarks for energy storage capacity pursuant to clause (xi) of section 5 of said  
755 chapter 21N; provided, however, that said benchmarks shall not include hydrogen produced by  
756 fossil fuel sources and methods. Not later than December 31, 2023, the department of energy  
757 resources shall submit its recommendations to the clerks of the senate and house of  
758 representatives and the joint committee on telecommunications, utilities and energy.

759 SECTION 56. Not later than July 1, 2023, the Massachusetts Department of  
760 Transportation shall install and maintain electric vehicle charging stations for public use at: (i) all  
761 service plazas located on the Massachusetts Turnpike; (ii) parking lots of at least 5 commuter rail  
762 stations; (iii) parking lots of at least 5 subway stations; and (iv) a parking lot of at least 1 ferry  
763 terminal.

764 SECTION 57. (a) There shall be within the executive office of energy and environmental  
765 affairs, but not subject to the control of the executive office, an interagency coordinating council  
766 to implement an electric vehicle charging infrastructure deployment plan. The council shall  
767 consist of a designee from the following persons: the secretary of energy and environmental  
768 affairs, who shall designate the chair of the council; the commissioner of environmental  
769 protection; the commissioner of energy resources; the secretary of transportation; the secretary of  
770 housing and economic development; the secretary of administration and finance; and the  
771 commissioner of public utilities. The council shall assess and report on strategies and plans  
772 necessary to deploy electric vehicle charging infrastructure to establish an equitable,  
773 interconnected, accessible and reliable electric vehicle charging network. The deployment plan  
774 shall facilitate: (i) compliance with the greenhouse gas emissions limits and sublimits set

775 pursuant to sections 3 and 3A of chapter 21N of the General Laws, with emphasis on compliance  
776 with the emissions limits and sublimits set for 2025 and 2030; (ii) attainment of the numerical  
777 benchmarks for electric vehicles and electric vehicle charging stations set pursuant to section 5  
778 of said chapter 21N; (iii) the cessation, by December 31, 2035, of in-state sales of non-zero-  
779 emission vehicles; and (iv) advance access to, and the affordability of, electric vehicle charging  
780 and fueling.

781           The assessment shall include, but not be limited to: (i) the present condition of, and future  
782 needs for, road and highway electrification; (ii) estimates of the number and types of electric  
783 vehicle charging stations needed in public and private sector settings including, but not limited  
784 to, parking lots for public transit stations, commercial and industrial settings and single  
785 occupancy, double occupancy and multiple-occupancy residential structures; (iii) suggestions for  
786 optimal locations for electric vehicle charging stations in urban, suburban and rural areas  
787 including, but not limited to, low-income and moderate-income communities; (iv) discussion of  
788 distribution, transmission and storage infrastructure and technology needed; (v) discussion of  
789 present and projected future costs and methods of financing those costs; (vi) technological  
790 advances in charging stations and related infrastructure, equipment and technology including, but  
791 not limited to, advances that may aid in data collection, connecting via remote communications,  
792 assisting in grid management and assisting in the integration of renewable energy resources; (vii)  
793 recommendations to assist governmental and private sector officials in installing charging  
794 stations and related infrastructure, equipment and technology, including within proximity of on-  
795 street parking; and (viii) identification and discussion of current policies and recommendations  
796 for policies, laws and regulatory actions that may facilitate the provision of charging stations and

797 related infrastructure, equipment and technology including, but not limited to, cybersecurity  
798 requirements and best practices.

799 (b) The council shall regularly seek data and input relating to electric vehicle charging  
800 stations, fueling stations and related infrastructure, equipment and technology from stakeholders  
801 including, but not limited to, investor-owned and publicly-owned electric utilities, state and local  
802 transportation agencies, companies involved in products, services, technologies and data  
803 collection related to clean energy charging and fueling, automobile manufacturers, groups  
804 representing environmental, energy and climate perspectives and groups representing consumers  
805 including, but not limited to, low-income consumers.

806 (c) In conducting and updating the assessment under this section, the council shall hold at  
807 least 5 public hearings in geographically diverse areas of the commonwealth.

808 (d) The council shall issue its initial assessment to the senate and house committees on  
809 ways and means and the joint committee on telecommunications, utilities and energy not later  
810 than 12 months after the effective date of this act and shall reconsider and revise its assessment  
811 at least once every 2 years. The council shall make its assessments publicly available on each  
812 secretariat's website.

813 (e) The council shall coordinate grant programs under each secretariat to ensure a  
814 holistic, coordinated and comprehensive deployment of electric vehicle charging infrastructure.  
815 The council may further accept appropriations, federal funds, grants, gifts and loans to further  
816 the development and objectives of the deployment plan and may establish grant programs to  
817 expend funds received. The council shall annually submit a report on disbursements from the  
818 grant program including, but not limited to, grant awardees and amounts awarded, to the clerks

819 of the senate and house of representatives and the joint committee on telecommunications,  
820 utilities and energy not later than December 31.

821 (f) There shall be a Charging Infrastructure Deployment Fund to be administered by the  
822 council for the purposes of ensuring a holistic, coordinated and comprehensive deployment of  
823 electric vehicle charging infrastructure. The fund shall be credited with: (i) revenue from  
824 appropriations or other money authorized by the general court and specifically designated to be  
825 credited to the fund; (ii) interest earned on such revenue; and (iii) funds from public and private  
826 sources and other gifts, grants and donations. All amounts credited to the fund shall be used  
827 solely for activities and expenditures consistent with the purposes of this section, including the  
828 ordinary and necessary expenses of administration and operation associated with the fund.  
829 Amounts credited to the fund shall not be subject to further appropriation and any money  
830 remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

831 SECTION 58. (a) Not later than 6 months after the effective date of this act, distribution  
832 companies as defined in section 1 of chapter 164 of the General Laws shall submit proposals to  
833 the department of public utilities for approval to offer rate credits or rebates to consumers that  
834 charge their electric vehicles during off-peak hours. The rebate or credit amount shall include  
835 the value of: (i) avoided energy and capacity costs; (ii) avoided transmission costs; (iii) avoided  
836 distribution costs; (iv) improved grid reliability; (v) capacity benefits in the form of demand-  
837 induced price reduction effects; (vi) avoided greenhouse gas emissions; and (vii) public health  
838 benefits. The department shall coordinate rate credits and rebate amounts to minimize  
839 unnecessary differences and shall approve the rebates not later than June 30, 2023.

840 (b)(1) For the purposes of this subsection, “time-of-use rate” shall mean a rate designed  
841 to reflect the cost of providing electricity to a consumer charging an electric vehicle at an electric  
842 vehicle charging station at different times of the day.

843 (2) Not later than 12 months after the effective date of this act, distribution companies as  
844 defined in section 1 of chapter 164 of the General Laws shall submit proposals to the department  
845 for approval to offer a time-of-use rate. The proposals shall not include additional demand  
846 charges. The proposals shall include a separate opt-in residential time-of-use rate for electric  
847 vehicle owners or lessees. In evaluating proposals for approval, the department shall consider the  
848 effect of the proposal on: (i) energy conservation, optimal and efficient use of a distribution  
849 company’s facilities and resources; (ii) benefits to transmission and distribution systems; (iii)  
850 equitable rates for electric consumers; and (iv) greenhouse gas emissions reductions. The  
851 proposals shall ensure equitable participation by all electric vehicle owners and lessees. Not later  
852 than October 31, 2025, the department shall issue at least 1 order that responds to distribution  
853 company proposals to offer a time-of-use rate.

854 SECTION 59. Notwithstanding any general or special law or rule, regulation or order to  
855 the contrary, the department of public utilities shall not approve any company-specific plan, filed  
856 pursuant to the DPU Docket No. 20-80, Investigation by the Department of Public Utilities on its  
857 own Motion into the Role of Gas Local Distribution Companies as the Commonwealth Achieves  
858 its Target 2050 Climate Goals, prior to conducting an adjudicatory proceeding with respect to  
859 such plan.

860 SECTION 60. The department of public utilities shall convene a stakeholder working  
861 group to develop recommendations for regulatory and legislative changes that may be necessary



862 to align gas system enhancement plans developed pursuant to section 145 of chapter 164 of the  
863 General Laws with the applicable statewide greenhouse gas emission limits and sublimits  
864 established pursuant to chapter 21N of the General Laws and the commonwealth's emissions  
865 strategies. The working group shall be convened not later than October 1, 2022 and shall  
866 include: the attorney general, or a designee; the commissioner of energy resources, or a designee;  
867 the chairman of the department of public utilities, or a designee; the commissioner of  
868 environmental protection, or a designee; the chairs of the joint committee on  
869 telecommunications, utilities and energy, or their designees; and 9 members appointed by the  
870 secretary of energy and environmental affairs, 1 of whom shall be a representative of a natural  
871 gas local distribution company, 1 of whom shall be an advocate for low-income residents of the  
872 commonwealth, 1 of whom shall be an advocate for middle-income residents of the  
873 commonwealth, 1 of whom shall be a representative of municipalities or groups of  
874 municipalities, 1 of whom shall be a representative of a labor union representing gas distribution  
875 workers, 1 of whom shall be a representative of a nonprofit organization with expertise in energy  
876 supply and demand, 1 of whom shall be a representative of a nonprofit organization with  
877 expertise in the transition to clean thermal energy, 1 of whom shall be a representative of a  
878 nonprofit organization with expertise in public health and 1 of whom shall be a representative of  
879 a nonprofit environmental organization. The working group shall consider the gas system  
880 enhancement plans' impacts on, and implications for, public health, safety, equity, affordability,  
881 reliability, reductions in greenhouse gas emissions and cost recovery for repair and replacement  
882 of pipeline infrastructure including, but not limited to, embedded costs, potential stranded assets  
883 and opportunity costs and benefits; provided, however, that said working group shall evaluate  
884 opportunities to advance utility-scale renewable thermal energy under said section 145 of said

885 chapter 164; and provided further, that any change recommended shall enable natural gas local  
886 distribution companies to maintain a safe and reliable gas distribution system during the  
887 commonwealth's transition to net zero emissions. The working group shall submit its report to  
888 the department of public utilities, the joint committee on telecommunications, utilities and  
889 energy, the senate and house committees on global warming and climate change and the clerks of  
890 the senate and house of representatives not later than July 31, 2023.

891 SECTION 61. The department of energy resources, in consultation with the secretary of  
892 energy and environmental affairs, shall make recommendations to the general court on a  
893 successor program to the solar incentive program established in section 11 of chapter 75 of the  
894 acts of 2016. In developing recommendations, the department shall consider: (i) the benefits  
895 provided by distributed generation facilities including, but not limited to: (A) avoided energy  
896 purchases; (B) avoided capacity purchases; (C) avoided transmission and distribution costs; (D)  
897 avoided line losses; (E) avoided environmental compliance costs; (F) avoided damages from  
898 greenhouse gas emissions; (G) enhanced reliability; (H) equity and environmental justice  
899 benefits; and (I) any other benefits as may be determined by the department; (ii) time  
900 differentiated rates and alternative rates that encourage equity and alignment with the  
901 commonwealth's energy, climate and natural resources programs and policies; (iii) the siting of  
902 clean energy projects in underserved communities and within the built environment on  
903 developed or degraded land including, but not limited to, rooftops, parking lots and other low-  
904 impact areas with minimal ecosystem service values; (iv) avoiding or minimizing impacts to  
905 natural and working lands and waters; and (v) potential solutions to challenges faced by  
906 municipalities relative to the deployment of solar within the built environment, including the

907 provision of guidelines, technical assistance and incentives for municipalities to update local  
908 land use regulations to facilitate within-development siting.

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

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

914           SECTION 62. The department of energy resources shall study and make  
915 recommendations to the general court on the potential costs and benefits of coordinating with  
916 other New England states undertaking competitive solicitation for approximately 1,750,000  
917 megawatt hours of long-term clean energy generation. In developing its recommendations, the  
918 department shall consider the ability of such solicitation to: (i) provide enhanced electricity  
919 reliability in the commonwealth and the region; (ii) provide cost-effective clean energy to  
920 electric ratepayers in the commonwealth and the region over the term of the contract, taking into  
921 consideration the potential economic and environmental benefits to ratepayers; (iii) avoid line  
922 loss and mitigate transmission costs to the extent possible and ensure that transmission cost  
923 overruns, if any, are not borne by ratepayers in the commonwealth or the region; (iv) adequately  
924 demonstrate project viability in a commercially-reasonable timeframe; (v) mitigate  
925 environmental impacts; and (vi) where feasible, create and foster employment and economic  
926 development in the commonwealth and in New England states. The department shall submit its  
927 recommendations to the clerks of the senate and house of representatives and the joint committee  
928 on telecommunications, utilities and energy not later than September 1, 2022.

929 SECTION 63. Notwithstanding any general or special law to the contrary, the executive  
930 office of energy and environmental affairs shall promulgate regulations to implement section 2A  
931 of chapter 61A of the General Laws within 6 months after the effective date of this act. The  
932 regulations shall include, but not be limited to: (i) appropriate construction practices and  
933 allowable building materials for renewable energy generating sources installed pursuant to said  
934 section 2A of said chapter 61A to protect the water and soil quality of the land and minimize  
935 adverse environmental impacts; (ii) appropriate data collection and reporting requirements for  
936 land sited for renewable energy generation under said section 2A of said chapter 61A; and (iii) a  
937 definition of “continued use” of agricultural and horticultural land under subsection (b) of said  
938 section 2A of said chapter 61A. The executive office shall at least 3 public hearings to receive  
939 feedback on the draft regulations in geographically-diverse regions throughout the  
940 commonwealth.

941 SECTION 64. (a) The department of public health, the department of elementary and  
942 secondary education and the department of energy resources, in consultation with the  
943 Massachusetts School Building Authority, shall assess and report on strategies to implement  
944 green and healthy school standards for renovations and rehabilitation of existing school buildings  
945 and for new school building construction and shall make recommendations for such standards.  
946 The standards shall: (i) describe: (A) opportunities to shift to fossil-free fuels; (B) opportunities  
947 to increase energy efficiency and efficient use of resources including, but not limited to, low  
948 flow fixtures; (C) ventilation and air circulation standards, including adequate outdoor air  
949 exchange, filtration and circulation; (D) healthy indoor air quality standards, including limits on  
950 pollutants, dust, mold, allergens, exposure to toxic substances, chemical emissions and vapor  
951 intrusion; (E) appropriate thermal comfort, humidity and temperature controls; (F) adequate

952 availability of clean and safe water and water fountains; (G) appropriate artificial lighting and  
953 plentiful natural light; and (H) the proper maintenance requirements of mechanical systems; (ii)  
954 prioritize schools with the greatest needs; (iii) consider the unique environmental differences of  
955 schools located in urban, industrial, rural and other areas facing site challenges; and (iv) consider  
956 the need to address historic patterns of inequity in education and schools including, but not  
957 limited to, the needs of students in special education programs.

958 (b) The department of public health, the department of elementary and secondary  
959 education and the department of energy resources shall issue a joint report, including findings of  
960 the assessment and recommendations for implementing green and healthy school standards for  
961 renovation and rehabilitation, to the house and senate committees on ways and means, the joint  
962 committee on telecommunication, utilities and energy, the joint committee on public health and  
963 the joint committee on education not later than December 31, 2023. The findings of the  
964 assessment and the initial recommendations for strategies and standards shall be published on the  
965 public websites of the department of public health, the department of elementary and secondary  
966 education and the department of energy resources and shall be submitted to the house and senate  
967 committees on ways and means, the joint committee on telecommunication, utilities and energy,  
968 the joint committee on public health and the joint committee on education not later than July 1,  
969 2024.

970 SECTION 65. (a) For the purposes of this section, the following terms shall have the  
971 following meanings unless the context clearly requires otherwise:

972 “Fossil fuel-free”, as defined by a city or town to include, but not be limited to, an entire  
973 building or entire condominium unit that does not, in support of its operation after construction,

974 utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other  
975 fossil fuels.

976 “Local approval”, by a majority vote of the: (i) city council with the approval of the  
977 mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city;  
978 (ii) city council in every other city; (iii) annual town meeting or a special meeting called for that  
979 purpose in the case of a municipality with a town meeting form of government; or (iv) town  
980 council in the case of a municipality with a town council form of government.

981 (b) Notwithstanding chapter 40A, section 13 of chapter 142 and chapter 164 of the  
982 General Laws or any other general or special law to the contrary, the department of energy  
983 resources shall establish a demonstration project in which cities and towns adopt and amend  
984 general or zoning by-laws that restrict or prohibit new building construction or major renovation  
985 projects that are not fossil fuel-free and enforce restrictions and prohibitions on new building  
986 construction and major renovation projects that are not fossil fuel-free, including through the  
987 withholding or conditioning of building permits.

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

994 If 10 or fewer communities qualify for participation by virtue of having submitted a home  
995 rule petition to the general court by the effective date of this section, the department shall

996 consider the regional and demographic diversity of the communities applying for participation in  
997 approving the application. No city or town shall apply for acceptance into the demonstration  
998 project until it has received local approval.

999           The department shall act upon an application from a city or town within 30 days after  
1000 receiving its application

1001           Nothing in this section shall inhibit or interfere with the department’s obligation to  
1002 promulgate a municipal opt-in specialized stretch energy code that includes, but shall not be  
1003 limited to, net-zero building performance standards and a definition of net-zero building under  
1004 section 31 of chapter 8 of the acts of 2021 nor shall anything in this section limit the ability for  
1005 any community to opt in to such specialized code following its promulgation; provided,  
1006 however, that nothing in this section shall interfere with the department’s authority to set  
1007 restrictions or limitations on fossil fuel construction necessary to meet the department’s  
1008 obligation to promulgate the specialized stretch energy code’s net-zero building performance  
1009 standards and definition of net-zero building designed to achieve compliance with the  
1010 commonwealth’s statewide greenhouse gas emission limits and sublimits established pursuant to  
1011 chapter 21N of the General Laws. The department shall collect data from cities and towns  
1012 approved under this section to monitor impacts to emissions, building costs, operating costs and  
1013 other criteria as set by the department in consultation with participating cities and towns.

1014 Electric and gas distribution companies shall collect and annually report to the department, in a  
1015 form approved by the department, the anonymized monthly totals of electricity and gas  
1016 consumed, and corresponding electricity and gas bill amount, for each consumer in: (i) each  
1017 municipality participating in the demonstration; and (ii) comparable municipalities not  
1018 participating in the demonstration as selected by the department. The department shall make the

1019 data available on its website in a machine-readable format and annually update the data for the  
1020 duration of the demonstration.

1021 SECTION 66. There shall be a commission to examine opportunities for farms and  
1022 agricultural lands to increase their involvement in the commonwealth's response to climate  
1023 change and make recommendations for policies, laws and regulatory actions that may facilitate  
1024 the increased involvement and opportunities for farms and agricultural lands.

1025 The commission shall examine: (i) the use of composting including, but not limited to,  
1026 the feasibility of a statewide grid of composting sites run by licensed operators utilizing local  
1027 feedstocks; (ii) the impact of increasing the amount of organic feedstock being composted and  
1028 sequestered in farm soils, turf areas and forest lands; and (iii) the extent to which farms should  
1029 receive priority access to supplies, technical supports and financial subsidies to prioritize  
1030 operational decarbonization. The commission shall also develop metrics to increase carbon soil  
1031 content over an established base line over 5-year intervals.

1032 The commission shall consist of: the commissioner of agricultural resources, or a  
1033 designee, who shall serve as chair; the chairs of the joint committee on environment, natural  
1034 resources and agriculture; a representative of the Massachusetts Municipal Association, Inc.; a  
1035 representative of the Massachusetts Farm Bureau Federation, Incorporated; and 4 members to be  
1036 appointed by the governor who shall have experience in agricultural activities. The commission  
1037 shall convene its first meeting not later than May 1, 2023 and shall file a report, along with any  
1038 recommended legislation, not later than October 31, 2024 with the clerks of the senate and house  
1039 of representatives, the senate and house committees on ways and means and the joint committee  
1040 on environment, natural resources and agriculture.



1041 SECTION 67. Notwithstanding any general or special law to the contrary, not later than  
1042 14 days after the effective date of this act, the state comptroller shall transfer from the General  
1043 Fund: (i) \$100,000,000 to the Clean Energy Investment Fund established in section 15 of chapter  
1044 23J of the General Laws; (ii) \$100,000,000 to the Electric Vehicle Adoption Incentive Trust  
1045 Fund established in section 19 of chapter 25A of the General Laws; and (iii) \$50,000,000 to the  
1046 Charging Infrastructure Deployment Fund established in section 46.

1047 SECTION 68. Notwithstanding any general or special law to the contrary, the department  
1048 of energy resources shall strive to achieve the goal of not less than 10,000 megawatts of offshore  
1049 wind capacity by not later than 2035, including capacity required by section 83C of chapter 169  
1050 of the acts of 2008, section 21 of chapter 227 of the acts 2018 and section 91 of chapter 8 of the  
1051 acts of 2021, if it finds it is necessary to meet the statewide greenhouse gas emissions limits  
1052 established in chapter 21N of the General Laws. Not less than 180 days prior to initiating any  
1053 process of acquiring capacity in addition to that authorized under said section 83C of said  
1054 chapter 169, the department shall submit to the clerks of the senate and house of representatives  
1055 a report on the department's preferred method of soliciting additional offshore wind including,  
1056 but not limited to, an analysis of solicitation methods, and any modifications, under said section  
1057 83C of said chapter 169 and advantages and disadvantages of using or participating in regional  
1058 or multi-state competitive market mechanisms or structures to facilitate the development of clean  
1059 energy generation resources.

1060 SECTION 69. (a) For the purposes of this section, an "independent retirement system"  
1061 shall mean any public pension system under the oversight, monitoring and regulation of the  
1062 public employee retirement administration commission, except the state employees retirement  
1063 system, the state teachers' retirement system, and the Boston retirement system in so far as the

1064 assets attributable to teachers who are members of that system, and “fossil fuel company” shall  
1065 mean a company identified by a Global Industry Classification Standard code in any of the  
1066 following sectors: (i) coal and consumable fuels; (ii) integrated oil and gas; or (iii) oil and gas  
1067 exploration and production.

1068 (b) Notwithstanding any general or special law to the contrary, an independent retirement  
1069 system may, in accordance with the procurement process under section 23B of chapter 32 of the  
1070 General Laws, divest in whole or in part from any investment in fossil fuel companies, the assets  
1071 of which remain under the direct control and management of the independent retirement system  
1072 and are not separately managed or invested by the pension reserves investment management  
1073 board. In accordance with this section, the board of an independent retirement system may, after  
1074 following the procurement process under said section 23B of said chapter 32, invest in index  
1075 funds or other investment vehicles that may not include fossil fuel companies.

1076 (c) Notwithstanding any general or special law to the contrary, with respect to actions  
1077 taken in compliance with this section, the public fund shall be exempt from any conflicting  
1078 statutory or common law obligations, including any such obligations with respect to choice of  
1079 asset managers, investment funds or investments for the public fund’s securities portfolios and  
1080 all good faith determinations regarding companies as required by this section.

1081 SECTION 70. The executive office of energy and environmental affairs shall study and  
1082 report on the sustainability of the commonwealth’s energy portfolio in relation to achieving the  
1083 greenhouse gas emission limits established in section 3 of chapter 21N of the General Laws. The  
1084 study shall examine: (i) energy supply and demand; (ii) consumer affordability; and (iii)  
1085 environmental impacts including, but not limited to, the environmental impacts of electricity

1086 generation, recent and ongoing electricity load and demand reports and the ability for portfolio  
1087 standards to meet future energy demands. The executive office shall file its report with the clerks  
1088 of the senate and house of representatives and the joint committee on telecommunications,  
1089 utilities and energy not later than December 31, 2023.

1090 SECTION 71. Not later than 6 months after the effective date of this section, the  
1091 executive office of transportation and public works, in consultation with the regional transit  
1092 authorities, shall develop and issue recommendations for a comprehensive program of incentives  
1093 for the authorities to develop and maintain buses and other vehicles that produce zero emissions.  
1094 The recommendations shall be submitted to the clerks of the senate and house of representatives.

1095 SECTION 72. The Massachusetts clean energy technology center shall develop a guide  
1096 and website to provide information about the costs and availability of electric vehicles and shall  
1097 develop an annual projection of the availability of such vehicles in the next year. The projection  
1098 shall be posted electronically and filed with the clerks of the senate and house of representatives.

1099 SECTION 73. (a) Notwithstanding any general or special law to the contrary, the  
1100 department of energy resources shall assess the solar incentive program established in section 11  
1101 of chapter 75 of the acts of 2016 to review and make recommendations on whether adjustments  
1102 to the existing incentives may improve the commonwealth's ability to achieve its greenhouse gas  
1103 reduction goals, accelerate the implantation of renewable energy or provide increased benefits to  
1104 ratepayers.

1105 (b) In its review, the department shall consider whether: (i) incentives should be adjusted  
1106 in response to changes in the solar power industry including, but not limited to, increased  
1107 material costs, supply chain disruptions, increased labor costs and interconnection upgrade costs;

1108 and (ii) unsubscribed or underutilized incentive blocks exist in the solar incentive program that  
1109 could be reallocated within the program to mitigate project backlogs, provide increased ratepayer  
1110 benefits or accelerate the implementation of solar energy . The department shall conduct the  
1111 review and issue a report on its findings not later than 180 days after the effective date of this  
1112 act; provided, however, that the department shall update the report annually until the existing  
1113 solar incentive program is fully replaced by a successor program.

1114 (c) The department shall seek to implement any changes to the solar incentive program  
1115 recommended as part of the review conducted under this section. The department shall submit  
1116 drafts of any legislation necessary to implement its recommendations by filing the same with the  
1117 clerks of the senate and house of representatives.

1118 SECTION 74. For purposes of this section, “zero-emission school bus” shall mean a  
1119 school bus that produces no engine exhaust carbon emissions.

1120 The department of elementary and secondary education, in consultation with the  
1121 department of energy resources, shall prepare a report that analyzes: (i) the number of fossil fuel-  
1122 powered school buses in use in the commonwealth, delineated by school district; (ii) the number  
1123 of zero-emission school buses in use in the commonwealth, delineated by school district; (iii) the  
1124 annual cost of operation for fossil fuel-powered school buses including, but not limited to, the  
1125 cost of the purchase or contracted use of a fossil fuel-powered bus and the purchase of fossil  
1126 fuels; (iv) the annual cost of operation for zero-emission school buses including, but not limited  
1127 to, the cost of the purchase or contracted use of a zero-emission bus and the cost of the purchase  
1128 or contracted use of charging stations and related charging infrastructure; (v) the projected cost  
1129 differential between the sale or contracted use of fossil fuel-powered and zero-emission school

1130 buses; (vi) the estimated cost to replace fossil fuel-powered school buses with zero-emission  
1131 school buses; (vii) the estimated environmental benefits of replacing fossil fuel-powered school  
1132 buses with zero-emission school buses including, but not limited to, carbon reductions and  
1133 related health benefits; (viii) the number of school districts that own their school bus fleets and  
1134 the number of school districts that rent, lease or contract for school bus services; (ix)  
1135 recommendations on how to structure a state incentive program to replace or support the  
1136 replacement of all school buses from fossil fuel powered-school buses to zero-emission school  
1137 buses; and (x) additional information relevant to informing a statewide plan to replace or support  
1138 the conversion of all school buses from fossil fuel-powered school buses to zero-emission school  
1139 buses. The department shall file the report with the clerks of the senate and house of  
1140 representatives, the house and senate committees on ways and means, the joint committee on  
1141 education, the joint committee on telecommunications, utilities and energy and the joint  
1142 committee on transportation not later than December 15, 2022.

1143           SECTION 75. Notwithstanding any special or general law to the contrary, the  
1144 Massachusetts Department of Transportation shall provide each regional transit authority  
1145 established under chapter 161B of the General Laws with assistance to create an electric bus  
1146 rollout plan that includes: (i) a goal to transition to zero-emission buses; provided, however, that  
1147 the goal shall not require an internal combustion engine bus to be unnecessarily retired before the  
1148 end of its useful life; (ii) identification of the types of zero-emission bus technologies a regional  
1149 transit agency may deploy; (iii) a schedule for construction of facilities and related infrastructure  
1150 modifications or upgrades required to deploy and maintain a zero-emission bus fleet including,  
1151 but not limited to, charging, fueling and maintenance facilities; provided, however, that the  
1152 schedule shall identify potential sites for each facility; (iv) a schedule for zero-emission and

1153 conventional internal combustion engine bus purchases and lease options identifying: (A) the bus  
1154 and fuel type; (B) the number of zero-emission buses being purchased; and (C) the number of  
1155 internal combustion engine buses being retired; (v) prioritization of the deployment of zero-  
1156 emission busses on routes in underserved communities and communities with a high percentage  
1157 of low-income households; (vi) a training plan for zero-emission bus operators and maintenance  
1158 and repair staff; and (vii) the identification of potential funding sources.

1159 SECTION 76. The department of environmental protection, in consultation with the  
1160 executive office of energy and environmental affairs and bureau of environmental health, shall  
1161 convene a technical advisory committee that shall consist of not less than 9 individuals, at least 1  
1162 of whom shall represent residents of communities disproportionately impacted by air pollution  
1163 living adjacent to a major highway, at least 1 of whom shall represent academics with expertise  
1164 in air monitoring, environmental health, air toxics and air pollution and at least 1 of whom shall  
1165 represent organized labor. The committee shall: (i) identify communities with high cumulative  
1166 exposure burdens for toxic air contaminants and criteria pollutants, including “ultrafine particles”  
1167 as defined by the Environmental Protection Agency; (ii) identify the likely air pollution hotspots  
1168 and corridors due to high concentrations of traffic-related air pollution throughout the  
1169 commonwealth that should be equipped with new or expanded air monitors; and (iii) establish  
1170 definitions for “air quality” and “air quality target pollutants” that shall include, but not be  
1171 limited to, consideration of criteria pollutants, black carbon and ultrafine particulate matter.

1172 Not later than June 30, 2023, the department of environmental protection shall install and  
1173 operate air monitors in not less than 8 air pollution hotspots or corridors that measure at least 1 of  
1174 each of the following pollutants: (i) black carbon; (ii) nitrogen oxides; and (iii) ultrafine  
1175 particulate matter. Not later than December 31, 2023, the department of environmental

1176 protection shall establish baseline air quality in air pollution hotspots and corridors. Data from  
1177 the air monitors shall be publicly accessible and provide near-time information. The department  
1178 of environmental protection shall work with residents from disproportionately impacted  
1179 communities to conduct participatory action research where residents can use mobile air sensors  
1180 to expand the number of locations where residents can track air quality.

1181           The department shall convene the technical advisory committee by December 1, 2022.

1182           The department of environmental protection shall file a report of the technical advisory  
1183 committee's findings, including the baseline air quality levels and recommendations to reduce air  
1184 pollution in those identified locations by 50 per cent below the baseline by December 31, 2030,  
1185 with the clerks of the senate and house of representatives, the joint committee on public health  
1186 and the joint committee on environment, energy and natural resources not later than June 30,  
1187 2024.

1188           SECTION 77. Notwithstanding any general or special law to the contrary, there shall be a  
1189 commercial fisheries commission to develop and recommend strategies, methods and tools to  
1190 promote the sustainability of the commonwealth's commercial fishing industry including, but not  
1191 limited to, harvesting, processing and production and sales and distribution. The commission  
1192 shall address subjects including the responsible development of offshore energy projects,  
1193 mitigation and support strategies to ensure the long-term sustainability of fisheries in the  
1194 commonwealth, the creation of a comprehensive infrastructure to enable effective dialogue  
1195 between fishing industry stakeholders and those involved in the development of marine-based  
1196 energy generation and transmission projects including, but not limited to, the offshore generation  
1197 and transmission. The commission shall consist of: the director of marine fisheries, who shall

1198 serve as chair; the secretary of energy and environmental affairs or the secretary's designee; and  
1199 14 members appointed by the governor, 1 of whom shall be from the Massachusetts Seafood  
1200 Collaborative from a list of 3 nominees submitted by its board of directors, 1 of whom shall be  
1201 from the Massachusetts Fishing Partnership from a list of 3 nominees submitted by its board of  
1202 directors, 1 of whom shall be from the Stellwagen Bank Charter Boat Association from a list of 3  
1203 nominees submitted by its board of directors, 1 of whom shall be from the Responsible Offshore  
1204 Development Alliance from a list of 3 nominees submitted by its board of directors, 1 of whom  
1205 shall be from the Fisheries Survival Fund from a list of 3 nominees submitted by its board of  
1206 directors, 1 of whom shall be from the Northeast Seafood Coalition from a list of 3 nominees  
1207 submitted by its board of directors, 1 of whom shall be from the Gloucester Fishermen's Wives  
1208 from a list of 3 nominees submitted by its board of directors, 1 of whom shall be from the  
1209 Massachusetts Lobstermen's Association from a list of 3 nominees submitted by its board of  
1210 directors, 1 of whom shall be from the Gloucester Fishing Community Preservation Fund from a  
1211 list of 3 nominees submitted by its board of directors, 1 of whom shall be from the Cape Cod  
1212 Commercial Fishermen's Alliance from a list of 3 nominees submitted by its board of directors, 1  
1213 of whom shall be from the Center for Sustainable Fisheries, Inc from a list of 3 nominees  
1214 submitted by its board of directors, 1 of whom shall be from the Gloucester Fisheries  
1215 Commission from a list of 3 nominees submitted by its board of directors, 1 of whom shall be  
1216 from the School for Marine Science and Technology at the University of Massachusetts  
1217 Dartmouth, 1 of whom shall be from the Harbor Development Commission doing business as  
1218 the New Bedford Port Authority from a list of 3 nominees submitted by the commissioners.

1219           The commission shall meet not less than 4 times each year and shall produce a report  
1220 annually that shall be published electronically by the executive office of energy and



1221 environmental affairs. The executive office shall provide administrative support for the  
1222 operations of the commission and file its report with the clerks of the senate and house of  
1223 representatives. This section shall expire 5 years after the effective date of this act.

1224 SECTION 78. The division established in section 23 of chapter 25 of the General Laws  
1225 shall promulgate the regulations pursuant to section 12 of chapter 159A½ of the General Laws  
1226 not later than January 1, 2023 and shall implement the vehicle electrification and greenhouse gas  
1227 emissions requirements for transportation network companies pursuant to said section 12 of said  
1228 chapter 159A½ not later than January 1, 2024.

1229 SECTION 79. The state board of building regulations and standards shall amend the state  
1230 building and electrical codes pursuant to clauses (s) and (t) of section 94 of chapter 143 of the  
1231 General Laws not later than January 1, 2024.

1232 SECTION 80. The point-of-sale rebate model for electric vehicle sales required by  
1233 subsection (b) of section 19 of chapter 25A of the General Laws shall be established not later  
1234 than on October 1, 2022.

1235 SECTION 81. Section 15 shall take effect upon its passage and shall apply to energy  
1236 efficiency plans beginning with the 2025 to 2027 plan.

1237 SECTION 82. Sections 22 to 30, inclusive, shall take effect upon their passage and shall  
1238 not apply to any biomass facility qualified by the department of energy resources as a renewable  
1239 energy generating source pursuant to section 11F of chapter 25A of the General Laws or as an  
1240 alternative energy generating source pursuant to section 11F ½ of said chapter 25A as of January  
1241 1, 2022.

1242 SECTION 83. Section 20 of chapter 25A of the General Laws, inserted by section 34,  
1243 shall take effect on January 1, 2024.

1244 SECTION 84. Section 37 shall take effect upon the secretary of energy and  
1245 environmental affairs' certification in writing to the state secretary that a similar requirement  
1246 regarding the sale of zero-emission vehicles has taken effect in the state of California; provided,  
1247 however, that said section 37 shall not take effect prior to January 1, 2035 unless otherwise  
1248 authorized by section 142k of chapter 111 of the General Laws.