

SENATE No. 2131

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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

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

An Act establishing a Climate Policy Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Maria Duaime Robinson</i>	<i>6th Middlesex</i>	<i>2/23/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/23/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/3/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/11/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/17/2021</i>

SENATE No. 2131

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2131) of Michael J. Barrett, Joanne M. Comerford, Lindsay N. Sabadosa, Maria Duaine Robinson and other members of the General Court for legislation to establish a Climate Policy Commission. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act establishing a Climate Policy Commission.

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

1 The General Laws are hereby amended by inserting after chapter 21O the following
2 chapter:-

3 Chapter 21Q. Climate Policy Commission.

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

6 “Commission”, the climate policy commission established pursuant to section 2.

7 “Greenhouse gas emissions”, emission of a greenhouse gas as defined in section 1 of
8 chapter 21N.

9 “State agency”, a state agency as defined in section 1 of chapter 29.

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

(b) There shall be a board, with duties and powers established pursuant to this chapter, that shall govern the commission and that shall consist of: the secretary of energy and environmental affairs, who shall serve ex officio; 2 members appointed by the attorney general who shall have expertise in energy economics, public health, climate science or statistics, and 1 of whom shall reside in an environmental justice community as defined in section 62 of chapter 30 of the General Laws; and 6 members appointed by the governor, 3 of whom shall reside in an environmental justice community as defined in section 62 of chapter 30 of the General Laws, and 4 of whom shall be selected from a list comprised of 1 individual nominated by each president or chancellor of an institution of higher education in the commonwealth classified by the Carnegie Classification System as a doctorate-granting university with very high research activity, 1 of whom shall have expertise in energy economics, public health, climate science or statistics and 1 of whom shall be selected from a list of not less than 3 individuals nominated by the greenhouse gas emissions reduction measures advisory committee established under section 8 of chapter 21N. All persons appointed to the commission shall be selected without regard to political affiliation and solely on the basis of the qualifications and experience that the appointing authorities determine are necessary to fulfilling the mission of the commission.

A vacancy occurring on the commission shall be filled within 90 days by the original appointing authority. A person appointed to fill a vacancy shall serve initially only for the unexpired term. Members of the commission shall be eligible for reappointment. The

commission shall annually elect 1 of its members to serve as chair and 1 member to serve as vice-chair.

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

(c) Any action of the commission may take effect immediately and need not be published or posted unless otherwise provided by law. All moneys of the commission shall be considered to be public funds for purposes of chapter 12A. Except as otherwise provided in this section, the operations of the commission shall be subject to chapter 268A and chapter 268B.

The commission shall not be required to obtain the approval of any officer or employee of any executive agency in connection with the collection or analysis of any information. The commission shall not be required to obtain the approval of any officer or employee of any executive agency with respect to the substance of any reports that the commission has prepared under this chapter before publication.

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

54 The executive director may, with the approval of the commission, appoint other officers and
55 employees of the commission necessary to the functioning of the commission.

56 The executive director shall not be required to obtain the approval of any other executive
57 agency in connection with appointment of employees. Sections 9A, 45, 46 and 46C of chapter
58 30, chapter 31 and chapter 150E shall not apply to the executive director of the commission.
59 Sections 45, 46 and 46C of chapter 30 shall not apply to any employee of the commission. The
60 executive director may establish personnel regulations for the officers and employees of the
61 commission.

62 Annually, not later than the first Wednesday in February, the executive director shall file
63 a personnel and operations report with the clerks of the senate and house of representatives and
64 the senate and house committees on ways and means. The report shall contain the job
65 classifications, duties and salary of each officer and employee within the commission, personnel
66 regulations applicable to the officers and employees and the revenue and expenditures of the
67 commission. The executive director shall file amendments to the report with the clerks of the
68 senate and house of representatives and the senate and house committees on ways and means
69 when any such amendment becomes effective.

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

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

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

83 The commission may approve the use of funds from receipt of up to 2 per cent, not to
84 exceed \$5,000,000, of any monies collected by the commonwealth from market-based
85 compliance mechanisms used to address greenhouse gas emissions, including, but not limited to,
86 the regional greenhouse gas initiative established under section 22 of chapter 21A, to support the
87 annual budget of the commission, in addition to funds from any other source and any funds
88 appropriated therefor by the general court. The commission shall not be required to obtain the
89 approval of another executive agency in connection with the development and administration of
90 its annual budget.

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

93 Section 3. The commission shall be responsible for tracking and assessing public and
94 private sector progress, or the lack thereof, towards meeting any and all limits, sublimits,

95 benchmarks, goals and milestones set pursuant to chapter 21N with respect to greenhouse gas
96 emissions and reductions thereto and facilitating such progress.

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

101 The commission shall:

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

105 (ii) assess, comment and issue recommendations on any roadmap, plan, policy, program,
106 initiative, regulation, law or certification issued, proposed, prepared, promulgated, noticed,
107 undertaken or completed by the commonwealth or any of its political subdivisions with respect
108 to matters within the purview of the commission, including the implications for, and risks to,
109 underserved communities, communities with a high percentage of low-income households,
110 populations and regions of the commonwealth, and environmental justice communities, together
111 with a summary and review of past actions taken to protect, mitigate and, where feasible,
112 improve the condition of low-income and moderate-income persons;

113 (iii) monitor the affordability, effectiveness, equity implications, and adoption of
114 products, practices, services, solutions, standards, improvements and technologies that either
115 reduce or hinder the reduction of emissions of greenhouse gases, as greenhouse gas is defined in
116 section 1 of chapter 21N of the General Laws;

(iv) assess, comment, and issue recommendations with respect to any of the subject matter of the foregoing subsection (iii);

(v) report periodically to the governor, the senate president, the speaker of the house of representatives, the senate and house committees on ways and means, the senate and house committees on global warming and climate change, the joint committee on telecommunications, utilities and energy and the joint committee on environment, natural resources and agriculture on the matters within its purview, including, but not limited to, the commonwealth's progress towards meeting any and all limits, sublimits, benchmarks, goals and milestones set pursuant to chapter 21N with respect to greenhouse gas emissions and the reduction of greenhouse gas emissions; provided, however, that the commission shall report not less than twice a year; provided, further, that said reports shall be public and be posted on the commission's website.

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

(vii) assess, comment, and issue recommendations to state agencies with respect to changes in collection practices or scope related to any of the subject matter of this section; and

(viii) conduct hearings and undertake inquiries with respect to any of the subject matter of this section.

(ix) meet at least biannually with the advisory council established under section 5;

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

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

Section 4. (a) The commission shall hold not less than 3 public hearings in geographically diverse locations on each certification filed under section 4 of chapter 21N, not less than 2 of which shall be held in underserved communities, communities with a high percentage of low-income households, and environmental justice communities.

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

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

Section 5. There shall be an advisory council to the commission. The advisory council shall provide advice and input on the overall operation and policy of the commission. The council shall be appointed by the governor and comprised of members representing: (i) environmental protection; (ii) low-income and moderate-income population advocacy; (iii) persons of less than 18 years of age; (iv) persons from communities disproportionately impacted by climate change; (v) employees of small business in the green energy sector; (vi) electric

159 power generation and distribution; (vii) transportation; (viii) the distinguishing characteristics
160 and vulnerabilities of rural, suburban and urban households; (ix) farming; (x) consumer
161 protection; (xi) housing; (xii) commercial development; (xiii) industrial and manufacturing; (xiv)
162 sectors that may displace workers through emission reductions efforts and advancements in
163 green technology; (xv) transportation; (xvi) land use; and (xvii) local government.