

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes

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 supporting climate progress through sustainably developed offshore wind.

PETITION OF:

NAME:

Dylan A. Fernandes

DISTRICT/ADDRESS:

Plymouth and Barnstable

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act supporting climate progress through sustainably developed offshore wind.

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

1 SECTION 1. Chapter 21A of the General Laws, as appearing in the 2022 Official
2 Edition, is hereby amended by inserting after section 4A the following section:

3 Section 4A½. The secretary of the executive office of energy and environmental affairs
4 shall establish an advisory council on offshore wind wildlife habitat management, hereinafter
5 advisory council. The advisory council shall be comprised of experts and stakeholders in
6 wildlife monitoring and protection, representation from both federally recognized tribes in the
7 commonwealth, and relevant state and federal agencies.

8 The advisory council shall provide input to the office of coastal zone management on best
9 practices for offshore wind development for avoiding, minimizing and mitigating impacts to
10 wildlife, including, but not limited to, threatened or endangered species such as North Atlantic
11 right whales, avian wildlife, coastal and marine habitats, natural resources and ecosystems, and
12 traditional or existing water-dependent uses, by: (a) establishing baseline standards for
13 monitoring and mitigation plans required by sections 83C of chapter 169 of the acts of 2008; (b)

14 advising on and monitoring the expenditure of funds raised through any long-term contracts
15 dedicated for wildlife monitoring and mitigation; and (c) conducting an ongoing review of
16 implemented monitoring and mitigation programs. The advisory council shall provide feedback
17 and recommendations on an as-needed basis, to be considered by the office. Pre-construction
18 engagement of the advisory council shall correspond with project development, solicitation and
19 permitting and a process to determine federal consistency with approved coastal management
20 programs.

21 SECTION 2. Chapter 21N of the General Laws, as so appearing, is hereby amended by
22 adding the following section:-

23 Section 13. Support for offshore wind host communities

24 (a) The secretary, in consultation with the executive office of economic development and
25 the executive office of housing and livable communities, shall establish a program to provide
26 additional support to communities that host large clean energy infrastructure facilities, as defined
27 in section 69G of chapter 164, that support the deployment of offshore wind in accordance with
28 the emissions reduction goals established by chapter 21N. Qualifying communities shall receive
29 priority consideration of applications submitted to programs managed through the Community
30 One Stop for Growth, including, but not limited to, the MassWorks infrastructure program, the
31 Massachusetts Downtown Initiative, the Rural Redevelopment Fund, the Housing Choice grant
32 program, the Community Planning grant program, the HousingWorks infrastructure program, the
33 Underutilized Properties program, the Site Readiness program, the Brownfields redevelopment
34 program, the Collaborative Workspace program, and the Real Estate Services technical

35 assistance program. Qualifying communities shall also be eligible for program benefits
36 established in section 10B of chapter 25A.

37 (b) The secretary shall adopt rules, regulations and guidelines for the administration of
38 this section, including, but not limited to, establishing criteria for qualifying large clean energy
39 infrastructure and information for communities on program benefits.

40 SECTION 3. Section 3 of chapter 23J of the General Laws, as so appearing, is hereby
41 amended by striking the words “and (vii)” and inserting in place thereof the following: “(vii)
42 coordinating with state agencies, regional and tribal entities, and experts on wildlife monitoring
43 and mitigation planning associated with offshore wind activities, including, but not limited to,
44 the members of the advisory council established pursuant to section 4A1/2 of chapter 21A; and
45 (viii)”.

46 SECTION 4. Section 9 of chapter 23J of the General Laws, as most recently amended by
47 section 17 of chapter 179 of the acts of 2022, is hereby amended by striking the words “and
48 (viii)” and inserting in place thereof the words “(viii) the protection of coastal and marine
49 wildlife through monitoring and mitigation of habitat loss from threats posed by of offshore wind
50 development; and (ix)”.

51 SECTION 5. Section 9 of chapter 23J of the General Laws, as so appearing, is hereby
52 amended by adding the following words:- and coastal and marine wildlife and habitats.

53 SECTION 6. (a) There shall be a special commission established to study development of
54 the supply chain supporting the deployment of offshore wind and the economic benefits it brings
55 in the Commonwealth and throughout New England. The special commission shall convene not
56 later than January 1, 2026 and shall submit a report with recommendations to the House and

57 Senate not later than June 30, 2026 which shall offer recommendations on bolstering the
58 Massachusetts ecosystem for supply chain and manufacturing. The special commission may hold
59 hearings and invite testimony from experts and the public to solicit input and generate
60 recommendations. The commission shall consist of at least thirteen members, and must include
61 the following: the secretary of economic development or their designee and the secretary of
62 energy and environmental affairs or their designee, who shall serve as co-chairs; the House and
63 Senate chairs of the Telecommunications, Utilities, and Energy Committee or their designee; one
64 additional member of the House appointed by the Speaker of the House; one additional member
65 of the Senate appointed by the Senate President; the president of the Massachusetts AFL-CIO or
66 a designee; the executive director of the American Council of Engineering Companies of
67 Massachusetts or a designee; and five additional members to be appointed by the Governor,
68 including a labor representative with relevant experience in manufacturing; a representative from
69 the offshore wind developers; a representative from the manufacturing industry; a municipal
70 official from a Gateway City; and a representative from a community-based environmental
71 justice organization.

72 (b) Said commission shall assess and make recommendations on issues including, but not
73 limited to: (i) current manufacturing capabilities within Massachusetts that are potentially
74 suitable to support the offshore wind energy supply chain; (ii) gaps in the current supply chain
75 and workforce for achieving the in-state assembly and manufacturing targets; (iii) the geographic
76 distribution of relevant facilities, and estimating the number, geographic distribution, and types
77 of jobs that will be created; (iv) an analysis of the number and types of jobs required for
78 supporting in-state assembly and manufacturing targets, including, but not limited to,
79 environmental monitoring, research and development, construction, engineering and design, and

80 manufacturing, operations, and maintenance; and (v) incorporating equity, economic inclusion,
81 and environmental justice in economically and environmentally sustainable supply chain
82 development.

83 SECTION 7. Chapter 25A of the General Laws, as so appearing, is hereby amended by
84 inserting after section 10A the following section:-

85 Section 10B. Green communities supporting offshore wind

86 (a) The division shall develop and implement an incentive program for participating
87 communities that host small clean energy infrastructure facilities, as defined in section 21, that
88 support the deployment of offshore wind in accordance with the emissions reduction goals
89 established by chapter 21N. Said incentive program shall include, but not be limited to,
90 additional funding for qualifying communities and priority consideration of applications
91 submitted for all other financial assistance offered by the division.

92 (b) The division shall adopt rules, regulations and guidelines for the administration of this
93 section, including, but not limited to, establishing criteria for qualifying small clean energy
94 infrastructure and information for communities on program benefits.

95 SECTION 8. Section 83B of chapter 169 of the acts of 2008, as inserted by section 12 of
96 chapter 188 of the acts of 2016, is hereby amended by inserting the following four definitions:-

97 “Applicant,” Any natural person or business, whether incorporated or unincorporated,
98 who seeks a contract to provide labor or services under this chapter, and employs another to
99 work in the commonwealth, or contracts with another natural person or business to perform
100 labor, services or otherwise assist in the completion of a Project, under a contract, grant, subsidy,

101 or any other arrangement funded in part or in the whole by the commonwealth, and/or its
102 departments, offices, agencies, subdivisions, and quasi-public agencies, including, but not
103 limited to public authorities, subject to chapter 150A; or public utilities regulated under chapter
104 164, except when said utilities are employing workers directly to perform construction and
105 maintenance and other operational duties on its utility infrastructure and buildings.

106 “Covered project,” a project for offshore wind energy generation selected in a
107 competitive solicitation conducted by the department of energy resources.

108 “Labor peace agreement,” an agreement between an employer and labor organization
109 that, at a minimum, protects the state’s proprietary interests by prohibiting the labor organization
110 and its members from engaging in picketing, work stoppages, boycotts, strikes, and any other
111 economic interference with the employer’s business operations for the duration of the agreement.

112 SECTION 9. Section 83C of chapter 169 of the acts of 2008, inserted by section 12 of
113 said chapter 188 of the acts of 2016 and as most recently amended by section 61 of chapter 179
114 of the acts of 2022, is hereby amended by striking out the words “5,600 megawatts of aggregate
115 nameplate capacity not later than June 30, 2027, including capacity authorized pursuant to
116 section 21 of chapter 227 of the acts of 2018;” and inserting in place thereof the following:-

117 11,200 megawatts of aggregate nameplate capacity not later than June 30, 2035,
118 including capacity authorized pursuant to section 21 of chapter 227 of the acts of 2018 and
119 section 61 of chapter 179 of the acts of 2022; provided further, that after June 30, 2035, the
120 department of energy resources shall be able to make additional procurements in excess of
121 11,200 megawatts of aggregate nameplate capacity if it determines said procurements are
122 necessary to meet the goals required under section 21N;

123 SECTION 10. Said section 83C of chapter 169 of the acts of 2008, as so appearing, is
124 hereby amended by striking out subclause (I) of clause (v) of subsection (e)(1) and inserting in
125 place thereof the following:-

126 (I) contain comprehensive plans for wildlife monitoring and mitigation of adverse
127 wildlife impacts due to the construction and operation of offshore wind facilities that meet the
128 standards established by the office of coastal zone management based on input from the advisory
129 council on offshore wind wildlife habitat management established in section 4A½ of chapter 21A
130 of the General Laws;

131 SECTION 11. Said section 83C of chapter 169 of the acts of 2008, as so appearing, is
132 hereby amended by adding the following:-

133 (f) The department of energy resources shall require as a condition of contracting that all
134 work performed on a covered project be in conformance with sections 26 through 27D, inclusive,
135 of chapter 149 and shall include the certification and disclosure requirements included in these
136 sections;

137 (g) The department of energy resources shall require that an applicant's proposals provide
138 complete and accurate responses and disclosures to following certification and disclosure
139 requirements: (i) documentation reflecting the applicant's demonstrated commitment to
140 workforce development within the commonwealth; (ii) a statement of intent from said applicant
141 concerning efforts that it and its contractors and sub-contractors will take to promote workforce
142 development on the project if successful; (iii) documentation reflecting the applicant's
143 demonstrated commitment to economic development within the commonwealth; (iv) a statement
144 of intent from said applicant concerning efforts that it and its contractors and sub-contractors on

145 this project will take to promote economic development on the project if successful; (v)
146 documentation reflecting the applicant's demonstrated commitment to expand workforce
147 diversity, equity, and inclusion in its past projects within the commonwealth; (vi) a statement of
148 intent from said applicant concerning efforts that it and its contractors and sub-contractors on this
149 project, will undertake to expand workforce diversity, equity, and inclusion on the project if
150 successful; (vii) disclosure from said applicant of whether it and each of its contractors and
151 subcontractors on this project, have previously contracted with a labor organization as defined
152 under chapter 150A or the federal National Labor Relations Act in the Commonwealth or
153 elsewhere; (viii) a statement from said applicant specifying whether it and each of its contractors
154 and subcontractors on this project participates in a state or federally certified apprenticeship
155 program and the number of apprentices the apprenticeship program has trained to completion for
156 each of the last 5 years; (ix) a statement of intent from said applicant concerning the extent to
157 which the applicant, its contractors and sub-contractors on this project, intend to utilize
158 apprentices on the project if successful; (x) certification that the applicant and its contractors and
159 sub-contractors on this project, have complied with chapters 149, 151, 151A, 151B, and 152, 29
160 U.S.C. § 201, and federal anti-discrimination laws for the last 3 calendar years and intend to
161 remain in compliance for the duration of the project; (xi) certification that the applicant will
162 make its best effort to apply for all eligible state and federal grants, rebates, tax credits, loan
163 guarantees, or other similar benefits as are available; (xii) certification that the applicant will
164 maximize the use of skilled local labor, particularly with regard to the construction and
165 manufacturing components of the covered project, using methods including outreach, hiring or
166 referral methods that are affiliated with the federal Department of Labor or a federally
167 recognized state apprenticeship agency.

168 (h) Every request for proposals, solicitation, and advertisement for funding issued by the
169 commonwealth under this chapter shall notify applicants that they will be disqualified from this
170 project if they have been debarred by the federal government or commonwealth for the entire
171 term of the debarment.

172 (i) All applicants shall timely provide the above documentation and certifications as part
173 of their initial application. Failure to provide the same shall disqualify the applicant from
174 receiving funding for the project on which funding has been requested.

175 (j) A successful applicant's failure to provide complete accurate certifications and
176 documentation required under this section shall result in suspension from the project for a period
177 of 30 days, to provide an opportunity for the Applicant to address application deficiencies to the
178 satisfaction of the commonwealth. Failure to cure deficiencies thereafter shall result in
179 termination.

180 (k) In the event the commonwealth or any political subdivision thereof leases, sub-leases,
181 or conveys public land to an end user, developer, or operator for the construction, operation,
182 and/or maintenance of a manufacturing, marshalling, or staging facility for projects authorized
183 under this section, those leases and conveyances shall be conditioned upon the lessee or
184 awardee's agreement to enter into fully executed labor peace agreements with any bona fide labor
185 organization that seeks to represent employees working on the project, as permitted by federal
186 law. Any funding, including grants and loans made by the commonwealth or its subdivisions,
187 including, but not limited to, awards made by Massachusetts Clean Energy Center under chapter
188 23J, to support the construction, operation, and/or maintenance of a supply chain facility within
189 the commonwealth that will provide goods and services to be used in the construction and

190 maintenance of renewable energy generation, distribution, or transmission facility, shall be
191 conditioned upon the recipient's agreement to enter into a fully executed labor peace agreement
192 with any bona fide labor organization that seeks to represent the recipient's employees working
193 on the project as their exclusive bargaining representative, as permitted by federal law.

194 (l) The Attorney General shall enforce the provisions of subsections (f) through (k),
195 inclusive, and may enact regulations to support implementation.

196 SECTION 12. The rules, regulations, and guidelines required under sections 2 and 7 shall
197 be promulgated within 180 days of the effective date of this Act.