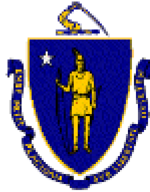
NOTICE: *While reasonable efforts have been made to assure the accuracy of the data herein, this is* ***NOT*** *the official version of Senate Journal. It is published to provide information in a timely manner, but has* ***NOT*** *been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.*

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 30, 2016.

Met at one minute past eleven o'clock A.M.

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE.

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town election held in the town of Blandford (House, No. 4449),-- **was referred, in concurrence, to the committee on Election Laws.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4444) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to issue an additional license for the sale of wine and malt beverages to be drunk on the premises;
To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4445) of John V. Fernandes (by vote of the town) that the town of Mendon be authorized to convey a certain parcel of land, in said town, to John D. Gannett, Jr., and Ute D. Gannett;
Petition (accompanied by bill, House, No. 4446) of David Paul Linsky and Richard J. Ross (by vote of the town) relative to the procedures for municipal acceptance of subdivision roads in the town of Natick; and
Petition (accompanied by bill, House, No. 4447) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) relative to authorizing the town of Orleans to amend a certain conservation restriction;
Severally, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4448) of Todd M. Smola, Anne M. Gobi and Donald R. Berthiaume, Jr. (by vote of the town) relative to the appointment of David A. Powers to the position of fire fighter in the town of Ware, notwithstanding the maximum age requirements;
To the committee on Public Service.

Bills
Relative to the judicial enforcement of noncompetition agreements (House, No. 4434, amended,-- on House, No. 1701); and
Relative to the sale of alcoholic beverages at in-house cafes (House, No. 4452,-- on House, No. 220);
Were severally read and, under Senate Rule 26, referred to the committee on Rules.

Report of the committee on Bonding, Capital Expenditures and State Assets asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 22) of the Department of the State Treasurer relative to explosive bonds,-- **and recommending that the same be referred to the committee on Financial Services,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Ross) "congratulating Liam Jacob Tallman of the town of Plainville on his elevation to the rank of Eagle Scout."

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4454) of José F. Tosado and Eric P. Lesser that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Springfield,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill authorizing the town of North Andover to grant an additional liquor license for the sale of alcoholic beverages not to be drunk on the premises (House, No. 3714),-- **was read a second time and ordered to a third reading.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill clarifying municipal authority regarding cash sureties and foreclosures (Senate, No. 41) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time.**
Ms. Creem, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft entitled "An Act clarifying municipal authority regarding cash sureties and foreclosures" (Senate, No. 2396).
The report was accepted.
The bill (Senate, No. 2396) was then passed to be engrossed.
Sent to the House for concurrence.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Patricia Barry, an employee of the Department of Public Health (House, No. 4266).
There being no objection, the rules were suspended, on motion of Mr. Donnelly, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Rick Freni, an employee of the Massachusetts Department of Transportation (House, No. 4267).
There being no objection, the rules were suspended, on motion of Mr. Boncore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Jean Barron, an employee of the Executive Office of Public Safety and Security (House, No. 4301).
There being no objection, the rules were suspended, on motion of Ms. Spilka, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, on petition (accompanied by bill, Senate, No. 729), a Bill relative to parole eligibility (Senate, No. 2391).

Order Adopted.

Ms. Spilka offered the following order, to wit:
Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to parole eligibility (Senate, No. 2391) shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2016.
All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M, on Tuesday, July 5, 2016. All such amendments shall be second-reading amendments to Senate, No. 2391, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
Under the rules, referred to the committee on Rules.
Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of same Senator, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Thursday, July 7, for a second reading.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the Uniform Child Custody Jurisdiction and Enforcement Act (Senate, No. 746),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2392).**

Order Adopted.

Ms. Spilka offered the following order, to wit:
Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to the Uniform Child Custody Jurisdiction and Enforcement Act (Senate, No. 746) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2392) shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2016.
All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 PM, on Tuesday, July 5, 2016. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2392), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
Under the rules, referred to the committee on Rules.
Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of same Senator, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Thursday, July 7, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill creating higher education opportunities for students with intellectual and developmental disabilities (Senate, No. 2157),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2393).**

Order Adopted.

Ms. Spilka offered the following order, to wit:
Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill creating higher education opportunities for students with intellectual and developmental disabilities (Senate, No. 2157) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2393), shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2016.
All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, July 5, 2016. All such amendments shall be second-reading amendments to Senate, No. 2393, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
Under the rules, referred to the committee on Rules.
Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of same Senator, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Thursday, July 7, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill regulating the use of credit reports by employers (Senate, No. 2271),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2394).**

Order Adopted.

Ms. Spilka offered the following order, to wit:
Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill regulating the use of credit reports by employers (Senate, No. 2271) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2394) shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2016.
All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, July 5, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2394) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
Under the rules, referred to the committee on Rules.
Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of same Senator, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Thursday, July 7, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill protecting the rights of probationers (Senate, No. 2278),-- **ought to pass.**

Order Adopted.

Ms. Spilka offered the following order, to wit:
Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill protecting the rights of probationers (Senate, No. 2278) shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2016.
All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, July 5, 2016. All such amendments shall be second-reading amendments to Senate, No. 2278, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
Under the rules, referred to the committee on Rules.
Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of same Senator, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Thursday, July 7, for a second reading.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill for language opportunity for our kids (Senate, No. 2288),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2395).**

Order Adopted.

Ms. Spilka offered the following order, to wit:
Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill for language opportunity for our kids (Senate, No. 2288) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2395) shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2016.
All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, July 5, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2395) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
Under the rules, referred to the committee on Rules.
Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of same Senator, and the order was considered forthwith and adopted.
The bill will be placed in the Orders of the Day for Thursday, July 7, for a second reading with the amendment pending.

PAPER FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Falmouth to convey certain land to the West Falmouth Library, Inc. (see House, No. 3976, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before twelve o'clock noon, as follows, to wit *(yeas 37 - nays 0)* **[Yeas and Nays No. 377]:**

YEAS.

Barrett, Michael J.

Boncore, Joseph A.

Brady, Michael D.

Brownsberger, William N.

Chandler, Harriette L.

Creem, Cynthia Stone

deMacedo, Viriato M.

DiDomenico, Sal N.

Donnelly, Kenneth J.

Donoghue, Eileen M.

Downing, Benjamin B.

Eldridge, James B.

Fattman, Ryan C.

Flanagan, Jennifer L.

Gobi, Anne M.

Humason, Donald F., Jr.

Jehlen, Patricia D.

Joyce, Brian A.

Lesser, Eric P.

Lewis, Jason M.

L'Italien, Barbara A.

Lovely, Joan B.

McGee, Thomas M.

Montigny, Mark C.

Moore, Michael O.

O'Connor Ives, Kathleen

OConnor, Patrick M.

Pacheco, Marc R.

Rodrigues, Michael J.

Ross, Richard J.

Rush, Michael F.

Spilka, Karen E.

Tarr, Bruce E.

Timilty, James E.

Welch, James T.

Wolf, Daniel A. – **37.**

Keenan, John F.

NAYS − 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia	Forry, Linda Dorcena − **2.**

The yeas and nays having been completed at twenty-three minutes before twelve o'clock noon, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill to promote energy diversity (House, No. 4385),-- **was read a second time.**
Mr. Donnelly in the Chair, after remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2372), and pending the main question on ordering the bill to a third reading, at sixteen before one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at ten minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

At nine minutes before two o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at four minutes before two o'clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill to promote energy diversity (House, No. 4385),-- **was considered, the main question being on ordering the bill to a third reading.**
Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2372), and pending the main question on ordering the bill to a third reading, Ms. Jehlen, Messrs. Keenan, Montigny, Timilty and Joyce, Ms. Creem, Mr. Brady, Ms. L'Italien, Ms. Gobi, Ms. O'Connor Ives, Ms. Chang-Diaz and Messrs. Lewis, Pacheco, Moore and Ross moved that the proposed new text be amended by inserting the following section:-
"SECTION X. Section 94A of chapter 164 of the general laws, as appearing in the 2014 official edition, is hereby amended by adding the following paragraph:-
Nothing in this section shall be construed to authorize the department to review and approve contracts for natural gas pipeline capacity filed by electric companies."
Subsequently, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty minutes past two o'clock P.M., on motion of Ms. Jehlen, as follows, to wit *(yeas 39 – nays 0)* **[Yeas and Nays No. 378]:**

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Boncore, Joseph A.	Lewis, Jason M.
Brady, Michael D.	L'Italien, Barbara A.
Brownsberger, William N.	Lovely, Joan B.

Chandler, Harriette L.	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – **39.**
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at a twenty-three minutes past two o'clock P.M., the amendment was **adopted.**

There being no objection, during consideration of the Orders the Day, the following matters were considered as follows:

PAPERS FROM THE HOUSE
Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Patricia Barry, an employee of the Department of Public Health (see House, No. 4266, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements**

of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 20 to 0.
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Rick Freni, an employee of the Massachusetts Department of Transportation (see House, No. 4267), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 20 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Jean Barron, an employee of the Executive Office of Public Safety and Security (see House, No. 4301, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 22 to 0.**
The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were further considered as follows:
The House Bill to promote energy diversity (House, No. 4385),-- **was further considered, the main question being on ordering the bill to a third reading.**
Mr. Wolf and Ms. L'Italien moved that the proposed new text be amended by inserting after section ___, the following new section:-
“SECTION ___. Any public utility, state agency or authority that maintains a right-of-way through a municipality or through property under the control of a water district shall offer a no- spray agreement, with reasonable provisions, for the municipality or water district to consider if it desires. Any such agreement negotiated may include but is not limited to the responsibilities of the parties, the allocation of costs and the rights and remedies of the parties in the event of default and may apply to all or any part of the right-of-way within the municipality or over which a water district has authority. Any agreement reached under this section must be negotiated in good faith, written, and signed by all parties. As part of the no-spray agreement the municipality or water district may either perform the vegetation control work to standards as provided in the agreement or contract with the public utility or others to conduct the work.
If the municipality or water district and the entity seeking to control the vegetation are unable to come to an agreement regarding a no-spray approach to vegetation management within 60 days of beginning discussions, the disputed issues shall be decided by arbitration using an arbitrator mutually agreed to by the parties. If the parties are unable to agree to an arbitrator within 15 days, each party shall choose one arbitrator each and those selected arbitrators shall, within 15 days of being selected, agree upon a third arbitrator. The panel of three arbitrators shall then determine the disputed issues within 15 days from the date the third arbitrator agrees to participate. Nothing in this section shall prevent the parties form using an organization such as the American Arbitration Association or a similar entity.
If a reasonable no-spray agreement is offered to a municipality and an agreement is not reached within 90 days after the date of the offer, the public utility, at its own option may apply pesticides, approved by the Massachusetts Department of Agriculture, in its right-of-way or use other methods to control the vegetation. If the municipality or water district agrees to perform vegetation control work but does not perform it by the agreed upon date or another date reasonably negotiated as the result of weather or other unforeseen events causing delay, the public utility, after 90 days written notice to the municipality or water district, at its own option may apply approved herbicides in its right of way or use other methods to control the vegetation.
It is the intent of this section that an alternative right-of-way maintenance procedure without the use of pesticides is made available to municipalities and water districts. This section does not affect a municipality’s right to enact by-laws or ordinances not the public utilities to maintain its right-of-way clear of unwanted vegetation in the absence of a no-spray agreement.”
The amendment was *rejected.*

Messrs. Moore and Lewis, Ms. Gobi and Mr. Ross moved that the proposed new text be amended by inserting after section _____, the following section:-
“SECTION ____. Chapter 164 of the General Laws is hereby amended by inserting after section 116B the following section:-
SECTION 116C: SMART/WIRELESS UTILITY METER INFORMATION
a) As used in this section, the following terms shall have the following meanings:
(1) ‘Electromechanical analog meter’, means a purely mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna, and no radio frequency emissions
(2) ‘Utilities’, shall mean an electric, gas, or water company, or town or city-owned utility or other utility provider.
(3) ‘Wireless meter’ shall mean: Any transmitting metering device with electronic components and/or any electric or battery operated meter that is capable of measuring, recording, and sending data from a utility consumer or member to a public utility, municipality, or cooperative association in a manner utilizing one−way communication, two −way communication, or a combination of one−way and two−way communication with any entity or device, or a device ancillary to the meter. (Common names include, but are not limited to, AMR, ERT, smart, AMI, and Comprehensive Advanced Metering Plan CAMP)
(4) ‘Equivalent Technology’ shall mean utility infrastructure such as WiMax that extracts data using wireless frequencies, but

which may be undisclosed due to proprietary rights (eg NStar)
b) The department of public utilities shall direct utilities to provide to ratepayers the following:
(1) a choice of the type of utility meters to be installed and operated on their places of residence, property or business;
(2) the ability to retain 'Electromechanical analog meter' at no cost
(3) the right to replacement of a wireless meter with a non-transmitting electromechanical meter at no cost
c) The utilities shall be required to obtain the ratepayer's written consent
(1) before installing wireless meters or equivalent technology on the ratepayer's property
(2) before altering the functionality of said meters
d) The utilities shall provide written notice to ratepayers within 90 days of the effective date of this act for the purpose of informing said ratepayers if wireless meters have been installed on their properties. Ratepayers shall have the right to request that the utility companies remove said wireless meters and the replacement installation of electromechanical analog meters that emit no radiofrequency electromagnetic radiation at no cost or other periodic usage charges to the ratepayer for such removal, replacement installation, and use of a non-wireless utility meter. The utility company shall promptly comply with such removal and replacement installation request made by the ratepayer to said company.
e) Utility Companies are:
(1) prohibited from shutting off service to a ratepayer based on the amount of utility usage the ratepayer uses or the ratepayer having wireless meters;
(2) prohibited from imposing any disincentive on a ratepayer for not consenting to the installation or use of wireless meters;
(3) required to notify ratepayers in writing that the installation and use of wireless meters are not mandated by state or federal law and are not permitted without the ratepayer's consent;
(4) prohibited from discriminating against ratepayers who may have medical conditions that are exacerbated by exposures to pulsed microwave radio frequencies;
(5) prohibited from installing wireless repeaters or nodes on poles in lieu of a wireless utility meter on or near the home or business of an individual requesting a non-transmitting meter.
f) The DPU shall insure that MA residents, including those who live in multi-family residences, are not adversely impacted by proximity to wireless utility meters and infrastructure.
g)The DPU shall monitor the safety of utility wireless infrastructure for all MA residents, in accordance with
(1) its mandate to provide the safe and reliable delivery of electricity for all ratepayers
(2) the Universal Declaration of Human Rights, including Article 17 (No one shall be arbitrarily deprived of his property)
(3) requirements for informed consent specified in Federal Regulations for Human Subjects Research, federal regulations (45CFR46) prohibiting experimentation without knowledge or consent
(4) the Precautionary Principle
(5) recommendations of the Jan. 2015 European Economic and Social Committee on Electromagnetic Hypersensitivity
h) The DPU shall establish terms and conditions to comply with the requirements of this section."
After remarks, the amendment was *rejected.*

Mr. OConnor moved that the proposed new text be amended by inserting at the end the following:-
"Chapter 21A of the Massachusetts General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following new section:-
SECTION 27. (a) Non-exclusive access to rights-of-way in the Commonwealth of Massachusetts may be granted to mobility network providers meeting the following criteria: (1) Privately funded construction; (2) Privately operated without government subsidies; (3) Exceed 120 passenger-miles per gallon, or equivalent energy efficiency; (4) Exceed safety performance of transportation modes already approved for use, and; (5) Gather more than 2 megawatt-hours of renewable energy per network-mile per typical day.
(b) The office of energy and environmental affairs shall promulgate rules or regulations for alternative mobility networks based on the following criteria:
(1) System design, fabrication, installation, safety, insurance, inspection practices consistent with the American Society for Testing and Materials International Committee F24 on Amusement Rides and Devices; (2) Environmental approvals will be granted based on a ratio of energy consumed per passenger-mile of the innovation versus transport modes approved to operate in the rights-of-way, and; (3) All taxes and fees assessed on the transport systems providers, passengers and cargo shall be limited to 5% of gross revenues and paid to the aggregate rights-of-way holders by Personal Rapid Transit providers."
After remarks, the amendment was *rejected.*

Ms. Flanagan, Ms. Gobi, Messrs. Ross and OConnor moved that the proposed new text be amended by striking sections 1, 2, 3, 10, 13, and 14.
The amendment was *rejected.*

Mr. Wolf, Ms. L'Italien, Messrs. Lewis and Donnelly, Ms. Gobi, Ms. Jehlen and Ms. O'Connor Ives moved that the proposed new text be amended by inserting after section ___, the following section:-
"SECTION XX: Section 144 of Chapter 164 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-
(c)(1) Upon the undertaking of any planned project involving excavation for purposes of performing maintenance on or construction involving any gas mains or services by gas company employees, or any blasting work, the gas company shall ensure

that its employees first locate and identify and mark all gas gates and valves, and verify that all are cleared, operational and accessible in clear sight at ground level in advance of any excavation; and that said gas gates and valves are left cleared, and operational following any such project.
(2) The gas company shall ensure that any shut off valve in the significant project area has a gate box installed upon it by its employees to ensure continued public safety.
(3) The gas company shall provide the municipality or the commonwealth with written confirmation that the gas gates and valves have been cleared, inspected and tested by its employees and found to be capable of accepting a gate key; and, shall provide the municipality or commonwealth with undated, correct information if the location of gates or valves is determined to have been previously improperly located.
(4) Failure to undertake verification that gas gates and valves have been cleared, and are both operational and accessible prior to the start of and following an excavation, or blasting work, shall be subject to a fine of up to $10,000. Failure to submit written confirmation of such verification shall be subject to a fine of $200 per day."
The amendment was *rejected.*

Messrs. Tarr and OConnor moved that the proposed new text be amended by striking sections 6, 7 and 8, and inserting the following 3 sections:-
"SECTION 6. Said section 11F½ of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 24, the words 'or (v)' and inserting in place thereof the following words:- (v) fuel cells; (vii) linear generators; or (viii).
SECTION 7. Said section 11F½ of said chapter 25A, as so appearing, is hereby further amended by inserting after the word 'energy', in line 30, the following words:- fuel cell or linear generator technology.
SECTION 8. Said section 11F½ of said chapter 25A, as so appearing, is hereby further amended by inserting after the word 'for', in line 70, the following words:- fuel cells, linear generators and."
The amendment was *rejected.*

Messrs. Tarr and OConnor moved that the proposed new text be amended in section 12, in line 119, by striking the word "approximately" and inserting in place thereof the following words:- "at minimum".
The amendment was *rejected.*

Mr. Lewis moved that the proposed new text be amended by adding the following section:-
"SECTION X: Chapter 25 of the General Laws, as appearing in the 2014 official edition, is hereby amended by adding the following section:-
Section 23. (a) Upon written request to the department from a municipal official, the utilities regulated by the department shall make available the following data:
(1) Aggregate annual energy consumption data by municipality for each of the residential, commercial, industrial, and municipal sectors in that municipality for up to 5 prior years;
(2) Anonymized annual energy consumption data by household at the zip code level for up to 5 prior years;
(3) Anonymized annual energy consumption data by household at the census tract level for up to 5 prior years;
(4) Daily 15-minute peak demand data for commercial and municipal buildings for up to one prior year; and
(5) Aggregate daily 15-minute peak demand data for the residential sector for up to one prior year.
(b) The utility shall acknowledge the written request for data within 5 working days, and respond with the requested data within 21 working days. The department shall define special measures for expedited data delivery to municipalities as well as avenues for recourse if the data is not delivered within the parameters established herein.
(c) The department may promulgate rules and regulations, as necessary, for the implementation of this section."
After remarks, the amendment was *rejected.*

Messrs. OConnor and Keenan, Ms. L'Italien and Ms. Gobi moved that the proposed new text be amended by inserting, after section 18, the following new section:-
"SECTION 19. Chapter 111 of the General Laws as so appearing, is hereby amended by adding the following new section:-
SECTION 142P. There shall be at least one Air Monitoring Station within a one-mile radius of any working natural gas compressor station to collect data and verify compliance with the National Ambient Air Quality Standards. Construction and maintenance of Air Monitoring Stations shall be funded through the building permit paid for by the operating energy corporation to the state Department of Environmental Protection. Personnel shall be staffed through the state Department of Environmental Protection to collect data on a weekly basis, varying between morning and evening collection times."
After debate, the amendment was *rejected.*

Mr. Rodrigues moved that the proposed new text be amended by adding the following section:-
"SECTION XX. Section 22 of chapter 21A of the General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting at the end of subsection (b) the following:-
Parcels of land on which electric generating plants previously were operated shall be designated as preferred sites for reuse as electric generation sites for all technologies. With such designation, the owner of the new generation facility, one which receives a Capacity Supply Obligation in the ISO-NE's Forward Capacity Market No. 10 or later, shall receive on January 1 of each of the first five years that the new facility has achieved commercial operation, from the Commonwealth at no cost to the owner, emission allowances to be used under the Regional Greenhouse Gas Initiative, or successor program, during such first five years

of commercial operation, if said new electric generation facility is able to demonstrate documented reduction in the emissions rate of 33 1/3 percent using as a baseline the average emission rate of the electric generating plant previously operated on such site during its last 24 months of operation. The total number of the emission allowances that may be granted by the commonwealth in any calendar year under this section shall be limited to one-third of the total number of allowances allocated to the commonwealth, with no new facility receiving more than 1,000,000 allowances in any such calendar year."
The amendment was *rejected.*

Mr. Rodrigues moved that the proposed new text be amended by adding the following section:-
"SECTION XX. Section 69H of Chapter 164 of the General Laws, as so appearing in the 2014 Official Edition, is hereby amended by inserting at the end of the first paragraph the following:- ; provided, however, repowered facilities demonstrating at least a 33 1/3 percent reduction in CO_2 emissions compared to the previous 10 year average of said facility shall not be subject to sections 69H to 69Q, inclusively."
The amendment was *rejected.*

Mr. Rodrigues and Ms. Gobi moved that the proposed new text be amended by inserting after section 11, the following 5 sections:-
"SECTION 11A. Section 69G of chapter 164 is hereby amended by inserting after the definition of 'Construction' the following clause:
'Decommission(ing),' the permanent closure and discontinuation of the generation of electric power, at a generating facility, as defined in Section 69G of chapter 164, including the dismantlement, demolition, and removal of associated structures and equipment and remediation of site contamination as required by applicable regulatory requirements prior to reuse of the site for power generation and/or redevelopment for other commercial, industrial, residential, or public uses.
Section 69G of chapter 164 is hereby amended by inserting after the definition of 'Oil facility' the following clause:
'Owner,' means any person who alone or in conjunction with others has legal ownership, a leasehold interest, or effective control over the real property upon which a generating facility is located, or the airspace above said real property; "owner" does not mean a mortgagee.
SECTION 11B. The sixth paragraph of Section 69H of chapter 164 is hereby amended by inserting after the clause 'to approve or reject petitions to construct facilities and notices of intention to construct an oil facility in accordance with the provisions of section sixty-nine J;' the following clause:- to either approve, with or without conditions, or reject petitions to decommission a generating facility, fueled in whole or part by petroleum products, gas, or coal during some period of its operations, in accordance with the provisions of section 69H¼;
SECTION 11C. Chapter 164 of the general laws, as so appearing, is hereby amended by inserting after Section 69H, the following section:-
Section 69H¼. (a) The owner of a generating facility, fueled in whole or part by petroleum products, gas, or coal during some period of its operations, hereinafter 'decommissioned facility,' shall decommission any such decommissioned facility in a timely manner and in accordance with the conceptual decommissioning plan required pursuant to subsection (b) and the final decommissioning plan approved by the board pursuant to subsection (c). Notwithstanding any general or special law to the contrary, no owner of a generating facility may seek recovery of any costs under this section in any rate proceeding before the department.
Before an owner may decommission a decommissioned facility, the owner shall submit a petition, in accordance with subsection (c), to the energy facility siting board. After considering the environmental impacts consistent with the minimization of costs associated with the mitigation, control, and reduction of the environmental impacts of decommissioning the decommissioned facility, the board may either approve, with or without conditions, or reject the petition. The owner shall not proceed with decommissioning the decommissioned facility until it receives written approval from the board. A decommissioned facility shall be deemed decommissioned on the date of the board's written determination approving the owner's petition to decommission. Upon written approval by the board, the owner shall comply with the board's written determination approving the petition to decommission.
(b) No later than one year after the effective date of regulations promulgated by the board in accordance with subsection (d), the owner of a decommissioned facility shall submit to the board for review and comment, a conceptual decommissioning plan that includes a narrative description of the activities necessary to decommission the generating facility described in subsection (a), and includes the following features:
i. all actions necessary to remediate all oil and hazardous materials, hazardous waste, solid waste and asbestos containing material, in accordance with chapter 21, chapter 21C, chapter 21E, sections 150A, and 150A ½ of chapter 111 and sections 142A-N of chapter 111 of the general laws;
ii. an environmental site assessment and plans for removal and proper disposal of all plant, property, and equipment in accordance with all applicable local and/or state building codes and other requirements; and
iii. a financial assurance mechanism, in a form acceptable to the board, to fulfill the terms of the conceptual decommissioning plan.
The board may submit comments to the owner within 60 days from receipt of the conceptual decommissioning plan.
(c) When the owner proceeds to decommission its generating facility, then prior to said decommissioning, the owner shall submit a petition to the board that shall include, at a minimum: (1) acknowledgment by the ISO New England, Inc. that such facility is or will be decommissioned and is no longer necessary for the reliable supply of electric power to the New England region; (2) an

environmental site assessment to evaluate the extent of any adverse site impacts on the environment as a result of construction and operation of a decommissioned facility and prior uses of the site; and (3) a final decommissioning plan that includes:
i. a final report containing the findings of the environmental site assessment required under Section (b)(ii) above;
ii. a proposed schedule of remedial or corrective actions, as required based on the final assessment or other information as required in the previous subsection and in accordance with chapter 21, chapter, 21C, chapter 21E, sections 150A and 150A1/2 of chapter 111, and sections 142A-N of chapter 111 of the general laws;
iii. a commitment by the owner of the decommissioned facility/ to fulfill a proposed schedule of required actions necessary to dismantle, demolish and remove plant structures and equipment associated with said decommissioned facility;
iv. final plans, if necessary, based upon deviations from the conceptual decommissioning plans and/or the actions required under chapter 21, chapter 21C, chapter 21E, sections 150A and 150A1/2 of chapter 111, and sections 142A-N of chapter 111 of the general laws;
v. a description and schedule of proposed post-closure maintenance, monitoring and assessment activities necessary to protect the public health, safety and the environment;
vi. all actions necessary to remediate all oil and hazardous waste, hazardous material, solid waste and asbestos containing material, in accordance with chapter 21, chapter 21C, chapter 21E, sections 150A and 150A1/2 of chapter 111, and sections 142A-N of chapter 111of the general laws;
vii. a redevelopment plan prepared in consultation with the appropriate municipal officials, such as the mayor, city council, selectmen or town manager, wherein said decommissioned facility is located that identifies beneficial and feasible future uses of the site and the intended process to effect such uses;
viii. a financial assurance mechanism, in a form acceptable to the board, to fulfill the terms of the decommissioning plan;
ix. a commitment by the owner to make payments in lieu of taxes for a period of not less than five years after decommissioning; and
x. due consideration of any comments submitted to the owner after board review of the conceptual decommissioning plan submitted pursuant to subsection (b), and how those comments have been addressed.
If the owner of the decommissioned facility fails to comply with the approved final decommissioning plan, then the board may take the appropriate action to enforce the requirements contained in the approved final decommissioning plan.
(d) Within nine months from the effective date of this section, the board, in consultation with the Department of Environmental Protection, shall promulgate such rules and regulations as are necessary to carry out the provisions of this section.
SECTION 11D. Section 69J¼ of Chapter 164 of the general laws, as so appearing, is hereby amended by inserting the following replacement clause at the end of the third paragraph: (v) any other information necessary to demonstrate that the generating facility meets the requirements for approval specified in this section, including the development of a financial assurance mechanism ensure the proper decommissioning of the facility; and advance preparations for the submission to the board of a decommissioning plan upon retirement of the generating facility. Before an owner retires a generating facility that filed a petition and received approval from the board under this section on or after June 15, 2013, the owner shall submit a petition to decommission to the board, which the board may either approve, with or without conditions, or reject, in accordance with chapter 164 section 69H1/4(a) -(c). The owner shall not proceed with decommissioning until it receives approval of the Board. The board may consult with other agencies of the Commonwealth or affected municipalities in reviewing the decommissioning plan.
SECTION 11E. Section 69J¼ of Chapter 164 of the general laws, as so appearing, is hereby amended by repealing the (iv) clause of the first sentence of the fifth paragraph and inserting the following replacement (iv) clause of the first sentence of the fifth paragraph: (iv) such plans, including the eventual decommissioning of the generating facility, fueled in whole or part by petroleum products, gas, or coal during some period of its operations ,which minimize the environmental impacts consistent with the minimization of costs associated with the mitigation, control, and reduction of the environmental impacts of the proposed generating facility;."
After remarks, the amendment was *rejected.*

Mr. Rodrigues moved that the proposed new text be amended in section 12, by striking out the proposed second paragraph of proposed subsection (b) of proposed section 83C of chapter 169 of the acts of 2008 and inserting in place thereof the following paragraph:- "The department of public utilities shall not approve a long-term contract that results from a subsequent solicitation and procurement period if the levelized cost of energy or the net present value of the contract price per megawatt hour in constant dollars that results from that subsequent procurement is greater than or equal to the levelized cost of energy or net present value of the contract price per megawatt hour in constant dollars that resulted from the previous procurement. The department of public utilities shall make a final approved long-term contract price public. For the purposes of this section, "levelized cost of energy" shall include transmission and renewable energy certificates.".
After remarks, the amendment was **adopted.**

Messrs. deMacedo and OConnor moved that the proposed new text be amended in section 12, in line 93, by inserting after the words "generation project" the following words:- " that is located on the Outer Continental Shelf and for which no turbine is located within 10 miles of any inhabited area"; and in said section 12, by striking lines 96 through 97, inclusive, and inserting in place thereof the following words:- " chapter 25A of the General Laws; (ii) have a commercial operations date on or after January 1, 2018 that has been verified by the department of energy resources; and (iii) operate in a designated wind energy area for which an initial federal lease was issued on a competitive basis after January 1, 2012.".
After remarks, the amendment was *rejected.*

Mr. Rodrigues moved that the proposed new text be amended in section 12 by striking out, in lines 136, the words "renewable energy certificates for energy and for"; and in said section 12 by inserting, in line 137, after the word "energy" the following word:- "only".
The amendment was *rejected.*

Messrs. OConnor and Ross moved that the proposed new text be amended by striking sections 1, 2, 3, 10, 13, and 14 in their entirety.
The amendment was *rejected.*

Messrs. deMacedo and OConnor moved that the proposed new text be amended in section 12, by striking lines 80 through 82, inclusive, and inserting in place thereof the following words:- "'Clean energy generation', either: (1) firm service hydroelectric generation from hydroelectric generation alone; or (2) new Class I RPS eligible resources that are firmed up with firm service hydroelectric generation."; and in said section 12, in line 84, by inserting after the words "General Laws." the following words: - "'Firm service hydroelectric generation', hydroelectric generation that is: (i) in full commercial operation by December 31, 2020; (ii) provided without interruption for a period designated in a long-term contract, including but not limited to multiple hydroelectric run-of-the-river generation units managed in a portfolio that creates firm service though the diversity of multiple units."
The amendment was *rejected.*

Mr. Keenan moved that the proposed new text be amended by inserting after the word "needs" in line 55 the words:- "on a per household basis and on a per occupant basis regardless of occupant behavior".
The amendment was *rejected.*

Mr. Pacheco moved that the proposed new text be amended in section 5, by striking out, in lines 35 and 36, the words "regardless of the commercial operation date of the waste-to energy facility"; and by inserting after section 18 the following section:- "SECTION 18A. Waste-to-energy shall be eligible under section 5 regardless of the commercial operation date of the waste-to-energy facility; provided, however, that the facility shall have been in operation as of January 1, 2016.".
After remarks, the amendment was **adopted.**

Messrs. OConnor and Lewis moved that the proposed new text be amended by inserting after section 18, the following section:- "SECTION 19. Notwithstanding any special or general law there shall be a special commission on Rapid Transit Systems to determine the feasibility of permitting non-exclusive access to rights-of-way to mobility network providers meeting the following criteria: (1) Privately funded construction; (2) Privately operated without government subsidies; (3) Exceed 120 passenger-miles per gallon, or equivalent energy efficiency; (4) Exceed safety performance of transportation modes already approved for use, and; (5) Gather more than 2 megawatt-hours of renewable energy per network-mile per typical day.
The commission shall include, but not be limited to, the secretary of the executive office of energy and environmental affairs, the commissioner of the department of energy resources, the secretary of the department of transportation, the general manager of the Massachusetts Bay transportation authority, the chief executive officer of the Massachusetts clean energy center, 2 members of the Bay State Sunway group, 1 member of the senate, appointed by the senate president, 1 member of the senate, appointed by the senate minority leader, 1 member of the house of representatives, appointed by the speaker of the house, and 1 member of the house of representatives, appointed by the house minority leader.
The commission shall submit a report to the Governor, the speaker of the house of representatives, the president of the senate, the joint committee on transportation, and the department of transportation no later than December 31, 2017, setting forth the commission's findings, together with any recommendations for regulatory or legislative action with a timeline for planning, construction, implementation, economic impact, and integration of zero carbon emission transportation systems."
After remarks, the amendment was **adopted.**

Mr. Rodrigues moved that the proposed new text be amended in section 12, by inserting after the words, in lines 186-187 and 327, "shall jointly select" the following words:- ", and the department of energy resources shall contract with,".
The amendment was **adopted.**

Messrs. Keenan and Tarr moved that the proposed new text be amended by striking in lines 9 through 11, the words "and the residential dwelling's energy rating and label, as established by the department of energy resources in section 11G1/2 of chapter 25"; and by striking section 14.
After remarks, the amendment was *rejected*.

Messrs. Tarr and OConnor moved that the proposed new text be amended in section 12 by inserting in line 158 after the words "require transmission costs to be incorporated into a proposal" the following words ", whether the costs are a part of the bid price or related to the delivery of the assigned energy via a federally-regulated transmission tariff; provided, however, that the department of public utilities may authorize or require the relevant parties to seek recovery of the transmission costs of the project through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the extent the department of public utilities finds that recovery is in the public interest".
The amendment was *rejected.*

Ms. Gobi and Mr. Pacheco moved that the proposed new text be amended by adding the following new section:
“SECTION XX. (a) For the purposes of this section, the following words shall have the following meanings:
‘Small hydropower facility’, a facility in the commonwealth with a Federal Energy Regulatory Commission-rated capacity of 2 megawatts or less, using water to generate electricity that is connected to a distribution company.
‘Small hydro tariff’, the default service kilowatt-hour rate of the local distribution company, as defined in section 1 of chapter 164 of the General Laws, that receives electricity from a small hydropower facility.
(b) Notwithstanding any general or special law, rule, regulation or procedure to the contrary, there is hereby created a small hydro tariff program for small hydropower facilities in the commonwealth. An electric distribution company shall pay a small hydropower facility monthly for electricity it received from such a facility based on the kilowatt hours of electricity the distribution company received from the facility multiplied by the small hydro tariff. A participating small hydropower facility shall notify a distribution company that it intends to deliver electricity pursuant to the small hydro tariff program and shall comply with the distribution company’s applicable reporting and interconnection requirements; provided, however that no more than 50 megawatts of small hydropower aggregate capacity state wide shall be permitted to participate in the small hydro tariff.”
After remarks, the amendment was **adopted.**

Ms. Flanagan moved that the proposed new text be amended in line 326 by inserting after the words “firm service.” the words “To fulfill the requirements of chapter 21N of the General Laws, the distribution companies shall solicit proposals for long term contracts that will be delivered directly into the Commonwealth through the use of high voltage direct current facilities.”
The amendment was *rejected*

Messrs. Eldridge and Lewis moved that the proposed new text be amended by inserting after the word “(F)” in lines 169 and 323 the following words:- “avoid, minimize, and”.
After remarks, the amendment was adopted.
Mr. Humason moved that the proposed new text be amended by striking section 17 in its entirety.
The amendment was *rejected.*

Messrs. Tarr and OConnor moved that the proposed new text be amended in section 12, by striking lines 225-235 inclusive, and inserting in place thereof the following words:-
“(h) A distribution company shall sell any energy and capacity purchased under a long-term contract in the wholesale market through a competitive bid process in order to minimize the costs to ratepayers under the contract. A distribution company may elect to retain renewable energy certificates to meet the applicable annual renewable portfolio standard requirements under said section 11F of said chapter 25A. If renewable energy certificates are not so used, such companies shall sell such purchased renewable energy certificates through a competitive bid process to minimize the costs to ratepayers under the contract; provided, however the department of energy resources shall conduct periodic reviews to determine the impact on the energy and renewable energy certificate markets of the disposition of energy and renewable energy certificates under this section. The department may issue reports recommending legislative changes if it determines that said disposition of energy and renewable energy certificates is adversely affecting the energy and renewable energy certificate markets” ; and in said section 12, by striking lines 366-377 inclusive, and inserting in place thereof the following words: -
“(h) A distribution company shall sell any energy and capacity purchased under long-term contracts or delivery commitments in the wholesale market through a competitive bid process in order to minimize the costs to ratepayers under the contract. A distribution company may elect to retain renewable energy certificates to meet the applicable annual RPS requirements under said section 11F of said chapter 25A. If the renewable energy certificates are not so used, such companies shall sell such purchased renewable energy certificates attributed to new class I RPS eligible resources through a competitive bid process to minimize the costs to ratepayers under the contract; provided, however, a distribution company shall retain renewable energy certificates that are not attributed to Class I RPS eligible resources. The department of energy resources shall conduct periodic reviews to determine the impact on the energy and renewable energy certificate markets of the disposition of energy and renewable energy certificates under this section. The department may issue reports recommending legislative changes if it determines that said disposition of energy and renewable energy certificates is adversely affecting the energy and renewable energy certificate markets.”
After remarks, the amendment was **adopted.**

Mr. deMacedo, Ms. Gobi and Messrs. Ross and OConnor moved that the proposed new text be amended in section 83D subsection (d) by striking out, in bullet (B), line 318, the word “include”; and in said section 83D subsection (d), by inserting after the word “requirements”, in line 319, the following words:- “including, to the extent that projects include hydroelectric generation, by providing maximum output during winter peak pricing period;”.
After remarks, the amendment was **adopted.**

Mr. Moore moved that the proposed new text be amended by inserting at the end thereof the following three new sections:-
“SECTION__. Subsection (a) of section 22 of Chapter 186 of the General Laws is hereby amended by striking the definition, ‘water company’, and replacing it with the following new definition:-
‘water company’, a company, as defined in section 1 of chapter 165 or a municipal utility or any other waterworks system owned, leased, maintained, operated, managed or controlled by any unit of local government under any general or special law, which company, utility or system supplies water to a landlord through metered measurement. Water company shall also include

companies that lease, operate, maintain, treat, monitor and/or test private septic systems or private water wells. Any landlord imposing charges on tenants or otherwise engaging in any activity permitted under this section shall not be deemed thereby to be functioning as a water company as defined herein or to be subject to any laws or regulations regulating any such company.
SECTION_: Subsection (c) of said section 22 of Chapter 186 is hereby amended by inserting at the end thereof the following:-
If a landlord who is not the original owner when submetering began cannot locate the original certificate after a good faith effort he may verify such certification by filing a new form prior to January 1, 2017 and such certification shall apply as though it was obtained prior to the installation of the submeters. Any landlord that purchases a building shall have one year after the date of purchase to obtain verification of such certification (which, if an original certificate cannot be located after a good faith effort, may be done by filing a new) and such certification shall apply as though it was obtained prior to the installation of the submeters.
SECTION__: Subsection (g) of said section 22 of Chapter 186 is hereby amended by striking said section and replacing it with the following:-
(g)A landlord shall determine a calculated cost per unit of water consumption by dividing the total amount of any bill or invoice provided to the landlord from the water company for water usage, the customer service charge and taxes, but not including any interest for the late payment, penalty fees or other discretionary assessments or charges, for all water provided to the premises through the water company meter in that billing period, by the total amount of water consumption for the entire premises. The total amount charged to each submetered dwelling unit for water usage for any billing period shall not exceed such calculated cost per unit of water multiplied by the number of units of water delivered exclusively to the particular dwelling unit for the same billing period, provided that the landlord has verified that the total costs of water usage billed to all dwelling units does not exceed the total costs of water usage charged by the water company to the landlord for the same period. In the event that a submeter read is not available, the landlord may estimate the dwelling unit consumption for no more than three consecutive months and at a consumption level no higher than 70% of the lesser of (1) the current resident's average historical consumption; or (2) the average historical consumption of all dwelling units during the prior twelve months."
The amendment was *rejected.*

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting the following new section:-
"SECTION XX. For the Class I renewable energy generating source requirement that applies to retail electricity suppliers selling electricity to end-use customers in the commonwealth, the department of energy resources shall not impose any incremental obligations resulting from Section 4 of this Act on the kilowatt-hour sales to end-use customers in the commonwealth resulting from contracts executed prior to January 1, 2017, provided the retail electric supplier provides the department of energy resources with satisfactory documentation of the terms of such contracts including, but not limited to, the execution and expiration dates of the contract and the annual volume of kilowatt-hour sales supplied.".
After remarks, the amendment was **adopted.**

Mr. Moore moved that the proposed new text be amended in section 12, by adding after subsection (c) in the proposed section 83D, the following new subsection:-
"(_)Contracts for the supply of four-tenths of one per cent of each distribution company's load shall be reserved for newly developed, small, emerging or diverse renewable energy distributed generation facilities, as determined by the department of energy resources, which are located within each distribution company's service territory. Notwithstanding this section to the contrary, each distribution company shall be required to solicit proposals beginning on January 1, 2017 for such distributed generation facilities separately through a competitive bidding process subject to the provisions of sections (b) and (c) above. Distributed generation projects qualifying under this paragraph shall have a nameplate capacity not larger than 6 megawatts, shall not qualify as a Class I, II or III net metering facility, as defined in section 138 of said chapter 164; provided, however, that long-term contracts reserved for newly developed, small, emerging or diverse renewable energy distributed generation facilities shall not be awarded to any technology which had more than 30 megawatts of capacity installed in the commonwealth before April 1, 2012."
The amendment was *rejected.*

Messrs. Rodrigues, deMacedo, Timilty and Montigny moved that the proposed new text be amended by inserting the following section:-
"SECTION__. Notwithstanding any general or special law to the contrary, within 30 days after the effective date of this act, the department of public utilities shall open a docket to investigate the need for additional capacity in the Southeastern Massachusetts load zone region within the next 10 years. This investigation shall be completed by March 15, 2017. If there is a demonstration that the ISO-New England forward capacity auction immediately preceding March 15, 2017 concluded with total capacity, including excess generating capacity, in such load zone in an amount less than the capacity expected to be needed to reliably serve the load to such load zone during the next subsequent auction after taking into account any delist or retirement bids, the department shall determine whether there is a need for additional electric generating capacity in the Southeastern Massachusetts load zone region. Such a demonstration shall be conclusive proof of the need for additional electric generating capacity in the Southeastern Massachusetts load zone region. In making its determination, the department shall include consideration of ISO-New England findings and of the anticipated function of the capacity market in New England.
If the department issues a finding that there is need for additional electric generating capacity in the SEMA region within the next 10 years, the department may consider the findings prior to the approval of any long-term contract under sections 83B through 83D, inclusive, of chapter 169 of the acts of 2008 and, to the extent practicable, require that any new long term contract

reasonably demonstrate the delivery of new energy resources to meet said need."
The amendment was **adopted.**

Mr. Keenan moved that the proposed new text be amended by striking in lines 408 through 410 the words "The department shall also provide recommendations for the implementation of an energy rating and labeling system for residential rental property transactions not later than June 30, 2017."
The amendment was *rejected.*

Messrs. deMacedo and OConnor moved that the proposed new text be amended by striking section 16 in its entirety and inserting in place thereof the following section:-
"SECTION 16. There shall be an energy efficiency task force to develop recommendations and proposed statutory changes to improve future 3-year, statewide energy efficiency plans developed pursuant to section 21 of chapter 25 of the General Laws. In making its recommendations, the task force shall consider: the successes, challenges and shortcomings of the current program design; the role of the program administrators; the designation or creation of a single entity, other than a gas or electric company or municipal aggregator, to run the program; other ways to increase market competition with program administrators in their current role; alternative funding mechanisms for gas and electric energy efficiency; the impact of proposed recommendation on cost, savings, and customer participation, and additional opportunities for cost effective system load reduction; and alternative program design and best practices implemented in other states and countries.
The task force shall consist of the following members or their designees: the commissioner of the department of energy resources and the chairman of the department of public utilities, who shall serve as co-chairs; the attorney general; the commissioner of the department of environmental protection; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; a representative from the low-income weatherization and fuel assistance program network; a representative from the Northeast Energy Efficiency Partnerships, Inc.; and 5 members who shall be appointed by the governor, 1 of whom shall be a representative of the business community, including large commercial and industrial end-users, 1 of whom shall be a representative of an energy efficiency business, 1 of whom shall be a representative of an electric distribution company, 1 of whom shall be a representative of a natural gas distribution company, and 1 of whom shall be a representative of a municipal aggregator with a certified energy efficiency plan pursuant to M.G.L. c. 164, §134(b).
The task force shall convene its first meeting by October 1, 2016. The task force may retain the assistance of experts to conduct research or facilitate the task force process. The task force shall report on its recommendations, which may include draft legislation, to the house and senate chairs of the joint committee on telecommunications, utilities and energy by June 1, 2017."
The amendment was *rejected.*

Mr. Humason and Ms. L'Italien moved that the proposed new text be amended by inserting at the end thereof the following new section:-
"SECTION XX. Section 11E of chapter 12 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence in first paragraph of subsection (a), and inserting in place thereof the following sentence:-
The attorney general, through the office of ratepayer advocacy, may intervene, appear and participate in administrative, regulatory, or judicial proceedings on behalf of any group of consumers in connection with any matter involving a company doing business in the commonwealth and subject to the jurisdiction of the department of public utilities or the department of telecommunications and cable under chapters 164, 164A, 164B, 165, or 166."
The amendment was **adopted.**

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting at the end thereof the following:-
"SECTION _. Any contract entered under this act may have term longer than 20 years if the department of public utilities finds that it would be more cost-effective for ratepayers when compared to other, shorter-term contracts."
After debate, the amendment was *rejected.*

Ms. Gobi moved that the proposed new text be amended in section 15 by striking in line 421 the following words:- "11H of Chapter 25A" and inserting in place thereof the following words:- "19 of Chapter 25"; and by inserting the following 2 sections:-
"SECTION XX. Section 21 of chapter 25 of the General Laws, as appearing in the 2014 Official Edition, is hereby further amended in subsection (2) by inserting in subsection (iv) after the words 'advisory council;' the following: '; (J) energy storage system programs designed to enhance demand side management;.
SECTION YY. Section 1 of chapter 164 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end of the definition for "generation facility" the following sentence: 'For the purpose of this chapter, an energy storage system procured by a distribution company for support in delivering energy services to end users shall not be deemed a generation facility.'."
After remarks, the amendment was **adopted.**

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting before section 4 the following:-
"SECTION_. Clause (b) (1) of section 21 of chapter 25 as appearing in the 2014 Official Edition is hereby amended by inserting at the end thereof the following:- 'For purposes of this chapter, "available from municipalities and other governmental bodies" shall mean all energy efficiency and demand resources determined to be cost effective, even if the specific customer account

associated with said resource does not pay the demand side management surcharge under section 19, so long as at least one of the accounts of said municipality or other governmental entity does pay the efficiency surcharge under said section 19.'."
The amendment was *rejected.*

Mr. Brady moved that the proposed new text be amended in line 82, after the definition of "clean energy generation" by adding the following definition:--
"'Clean energy request for proposals', a request for proposals issued jointly by state agencies and electric distribution utilities in Massachusetts, Connecticut and Rhode Island dated November 12, 2015.";
In line 273 after the word "states" by inserting the following:-- "which shall take into account any generation under the clean energy request for proposal not yet contracted at the date of enactment of this bill".;
In line 273 after the words "1 or more" by inserting the word "additional"; and
In line 277 after term "2018", by inserting the following:- "including generation contracted under the clean energy request for proposals".
After remarks, the amendment was *rejected.*

Mr. Rodrigues moved that the proposed new text be amended by striking section 17 and inserting in place thereof the following:-
"SECTION 17. The department of energy resources, in consultation with the department of public utilities, shall conduct a study on the need to modernize the electric grid with the goal of reducing demand, reducing energy costs to ratepayers, integrating distributed energy resources, reducing carbon emissions and enhancing reliability and resiliency. As part of the study, the department shall consider alternative regulatory, incentive and ratemaking structures and market design, including the creation of an open market for third-party services, to achieve these goals. The department shall also consider ways to enhance consumer knowledge regarding energy use and provide energy customers with tools to support effective management of their energy bills, which shall include but not be limited to supplier complete billing.
As part of the study, the department shall engage in an extensive, open and transparent stakeholder process. Stakeholders shall consist of, but not be limited to: the attorney general in the role of the ratepayer advocate or a designee; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; an appointee from the Massachusetts Municipal Association, Inc.; an appointee from the Associated Industries of Massachusetts, Inc.; an appointee from the National Consumer Law Center, Inc.; and an appointee from the Northeast Clean Energy
Council, Inc.; an appointee representing the retail electricity supplier interests; and an appointee representing environmental interests.
The department shall conduct at least 2 public hearings in geographically diverse locations and shall submit a report, along with proposed statutory and regulatory changes, which shall include drafts of legislation, to the clerks of the senate and house of representatives and the house and senate chairs of the joint committee on telecommunications, utilities and energy not later than July 1, 2017."
The amendment was *rejected.*

Messrs. Tarr, deMacedo, Wolf and OConnor moved that the proposed new text be amended by inserting at the end thereof the following:-
"SECTION_. (a) There shall be a Pilgrim Nuclear Power Station decommissioning advisory panel. The advisory panel shall ensure best practices, engage citizens and advise state and local officials and residents on matters related to the decommissioning and postclosure activities of the Pilgrim Nuclear Power Station. The advisory panel shall be convened not later than the date a written certificate of permanent cessation of operations at Pilgrim Nuclear Power Station is submitted to the Nuclear Regulatory Commission.
The advisory panel shall consist of the following members: the attorney general or a designee, who shall serve as chair; 1 member of the senate; 1 member of the house of representatives; the commissioner of public health or a designee; the commissioner of environmental protection or a designee; the chair of the department of public utilities or a designee; the director of the Massachusetts emergency management agency or a designee; the executive director of the Old Colony Planning Council or a designee; the executive director of the Cape Cod commission or a designee; 1 person appointed by the board of selectmen in the town of Plymouth; 1 person appointed by Entergy Nuclear Generation Company; the president of the Utility Workers Union-America local 369 or a designee; 2 persons who shall be members of the public, 1 to be appointed by the president of the senate and 1 to be appointed by the minority leader of the senate, 1 of whom shall reside within the emergency planning zone surrounding Pilgrim Nuclear Power Station, but not in the town of Plymouth; 2 persons who shall be members of the public, 1 to be appointed by the speaker of the house of representatives and 1 to be appointed by the minority leader of the house of representatives, 1 of whom shall reside within the emergency planning zone surrounding Pilgrim Nuclear Power Station, but not in the town of Plymouth; 2 members of the public to be appointed by the governor, at least 1 of whom shall reside in Barnstable county; and 1 person with expertise in decommissioning and post-closure activities appointed by the attorney general. The advisory panel shall invite the Nuclear Regulatory Commission to appoint a designee, who may serve ex officio. Vacancies on the advisory panel shall be filled by the appointing authority.
(b) The advisory panel shall: (i) hold annual public meetings to discuss issues relating to post closure activities; (ii) advise the governor, the general court, executive agencies and the public on issues related to postclosure activities; (iii) serve as a conduit for public information and education and encouraging community involvement in matters related to postclosure activities; (iv) receive reports on the Decommissioning Trust Fund as defined by the Nuclear Regulatory Commission and other funds

associated with post closure activities, including fund balances, expenditures made and reimbursements received; (v) receive reports regarding postclosure activities, including site assessments and postclosure decommissioning reports, providing a forum for receiving public comment on assessments and reports and providing comment on these assessments and reports as the advisory panel deems appropriate to state agencies, interested stakeholders and the owner of the Pilgrim Nuclear Power Station; (vi) post all documents related to decommissioning and postclosure activities promptly on a publicly accessible website; and (v) file a report annually with the clerks of the senate and house of representatives who shall forward the report to the governor and to the chairs of the joint committee on telecommunication, utilities and energy.
The advisory panel shall cease operations when the site is released to the public for unrestricted use or upon a majority vote of the members of the advisory panel that the advisory panel has served its purpose and its continued existence is no longer necessary."
After remarks, the amendment was **adopted.**

Messrs. OConnor and Lewis moved that the proposed new text be amended by adding, after section 18, the following new section:-
"SECTION 19. Notwithstanding any special or general law there shall be a special commission on the integration of non-polluting transit vehicles to determine the feasibility of integrating emission-free vehicles into public transportation systems. The focus of the commission's work shall include, but not be limited to, the establishment of a large-scale state of the art transit bus manufacturing facility in Massachusetts and the development of methods and equipment that will permit local airport ground support systems to become emission free.
The commission shall include, but not be limited to, the secretary of the department of transportation, the executive director of the Massachusetts port authority, the general manager of the Massachusetts Bay transportation authority, the director of the university of Massachusetts Lowell's department of civil and environmental engineering, 2 members of the senate, appointed by the senate president, and 2 members of the house of representatives, appointed by the house speaker.
The commission shall submit a report to the Governor, the speaker of the house of representatives and the president of the senate, the joint committee on transportation, and the Massachusetts department of transportation no later than December 31, 2018, setting forth findings, together with any recommendations for regulatory or legislative action with a timeline for implementation, cost estimates and finance mechanisms."
The amendment was *rejected.*

Recess.

There being no objection, at twenty minutes before four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at seventeen minutes past five o'clock P.M., the Senate reassembled, Ms. Chandler in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).
There being no objection, during consideration of the Orders the Day, the following matters were considered as follows:

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:
The House Bill authorizing the conveyance of a certain parcel of land in the town of Lynnfield (House, No. 3834),-- **was read a third time.**
Pending the question on passing the bill to be engrossed, Mr. McGee moved that the bill be amended in section 1, by inserting after the word "convey", in line 3, the following words:- "to Kelly Brian Kelly, Trustee of the 353-365 Broadway Realty Trust under declaration of trust dated January 9, 2012,";
In said section 1, by striking out the second and third sentences and inserting in place thereof the following sentence:- "The board of selectmen and conservation commission may sell the parcel upon such terms and conditions and for such consideration as they deem to be in the best interests of the town."; and
By striking out section 2 and inserting in place thereof the following 2 sections:-
"SECTION 2. (a) As a condition of the conveyance authorized in section 1, Brian Kelly, trustee of the 353-365 Broadway Realty Trust under declaration of trust dated January 9, 2012, shall convey to the Lynnfield board of selectmen to be held under the care, custody and control of the conservation commission for passive outdoor recreational purposes a permanent access easement containing 13,431 square feet from United States highway route 1 to the remaining portion of the 2.29 acre Bow Ridge Conservation Area. The permanent access easement shall be held by the conservation commission and shall allow for 5 parking spaces for the public to provide public access to the Bow Ridge Conservation Area and Lynn Woods for passive outdoor recreational use. The permanent access easement is described on a plan entitled 'Conceptual Plan/Kelly Jeep, Masserati & Alfa Romeo/Lynnfield, Mass.', prepared by Hayes Engineering, Inc., dated April 23, 2016 and is over a parcel described in a deed recorded in the Essex south district registry of deeds in book 13666, page 224.
(b) As a further condition of the conveyance in section 1, Brian Kelly, trustee of the 353-365 Broadway Realty Trust shall pay to the town not less than $170,000 which shall be deposited in the town's Conservation Land Fund to be used for acquiring and maintaining town conservation land.
SECTION 3. This act shall take effect upon its passage."
The amendment was **adopted.**

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.

The Senate Bill authorizing the town of Salisbury to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2201) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Chandler) and laid before the Governor for his approbation, to wit:
Establishing a sick leave bank for Patricia Barry, an employee of the Department of Public Health (see House, No. 4266, amended);
Establishing a sick leave bank for Rick Freni, an employee of the Massachusetts Department of Transportation (see House, No. 4267); and
Establishing a sick leave bank for Jean Barron, an employee of the Executive Office of Public Safety and Security (see House, No. 4301, amended).

Committee of Conference Reports.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4201) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2305), reported, in part, the accompanying bill (House, No. 4450).
The rules were suspended, on motion of Mr. Humason, and the report was accepted, in concurrence.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No.4201) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2305),- reported, in part, a Bill relative to Nickerson State Park (House, No. 4451)-- **came from the House, and was read.**
The rules were suspended, on motion of Mr. Donnelly, and the report was considered forthwith and, accepted, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4450), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.**
The bill was signed by the Acting President (Ms. Chandler) and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were further considered as follows:
The House Bill to promote energy diversity (House, No. 4385),-- **was further considered, the main question being on ordering the bill to a third reading.**
Messrs. Tarr, Ross and OConnor moved that the proposed new text be amended by inserting before section 4 the following new section:-
"SECTION XX. Chapter 21A of the General Laws as appearing in the 2014 official edition is hereby amended by inserting after section 26 the following new section:-
Section 27. (a) Not later than June 1, 2017, and every three years thereafter the Secretary of Energy and Environmental Affairs or their designee the Secretary of Transportation or their designee and the Commissioner of the Department of Environmental Protection or their designee ('the Board'), with the participation of the Department of Energy Resources and the Department of Public Utilities, together with such other agencies as the Board may designate, and in consultation with such other secretariats as the Governor may determine, shall promulgate a comprehensive energy plan for the Commonwealth ('the Plan'). In developing

the Plan, the board shall also consult with ISO-NE and with the Commonwealth's electric and gas utilities.
(b) The plan shall be consistent with the climate adaption plan established in this act and shall include but not be limited to the following goals and requirements:
(i) The plan should comply with all U.S. and Massachusetts laws and policies governing energy, including the requirements of the state's Global Warming Solutions Act;
(ii) The plan shall prioritize meeting energy needs first through conservation and cost-effective energy efficiency and other cost-effective demand-reduction resources, and to the maximum extent feasible should be met with cost-effective renewable resources and cogeneration ;
(iii) The relationship of energy needs for electricity, transportation, and building heat, as well as the reduction of greenhouse gas and other air pollution emissions from the transportation and building heating sector, shall be considered; and
(iv)The plan should provide for reliable and accessible energy that is as cost-effective as is reasonably achievable
(c) The plan shall include and be based upon, reasonable projections of the state's energy demands for electricity, thermal conditioning, transportation, and shall be designed to respond to those needs and timely and cost-effective ways which meet the targets for reduction in greenhouse gas emissions set forth in the Global Warming Solutions Act
(d) The plan shall consider the energy demands of states that border the commonwealth, and strategies to capture economics of scale and other benefits that may be derived from collaboration and/or regional initiatives
(e) Upon the adoption of the Plan, all certificates, licenses, permits, authorizations, grants, and other actions and activities by a state agency or authority shall be consistent, to the maximum extent feasible, with the Plan.
(f) There shall be a fifteen member Energy Plan Advisory Committee to assist in the development of the Plan: 1 of whom shall be the secretary of energy and environmental affairs, who shall serve as chair; 1 of whom shall be the secretary of administration and finance; 1 of whom shall be appointed by speaker of the house of representatives; 1 of whom shall be appointed by the house minority leader; 1 of whom shall be appointed by the president of the senate; 1 of whom shall be appointed by the senate minority leader and 9 of whom shall be appointed by the governor: 1 of whom shall represent consumers, 1 of whom who shall represent low income residents, 1 of whom who shall represent large employers, 1 of whom who shall represent small employers, 1 of whom who shall represent the renewable energy industry, 1 of whom who shall be from an environmental organization, 1 of whom shall represent investor owned local distribution company, and 1 of whom shall represent a municipal owned local distribution company. The Energy Plan Advisory Committee shall prepare a report to the Board to be delivered to it every three years, six months prior to the triennial June 1 promulgation date for the Plan.
After receiving the report of the Energy Plan Advisory Committee, the Board shall modify the Plan if appropriate, and shall provide for public notice and comment on the Plan, with no less than five hearings on the Plan across the Commonwealth. After receiving public comments, the Board shall further modify the Plan if appropriate, shall issue a final Plan, and shall file the final Plan, together with proposed legislation necessary to implement the Plan, if any, with the clerks of the House of Representatives and Senate, and the joint committee on telecommunications, utilities and energy."

Pending the question on adoption of the amendment, Messrs. Pacheco and Tarr moved that the amendment (Tarr et al) be amended by striking out the text and inserting in place thereof the following:
By inserting before SECTION 4 the following new section:-
"SECTION XX. Chapter 21A of the General Laws as appearing in the 2014 official edition is hereby amended by inserting after section 26 the following new section:-
Section 27. (a) Not later than June 1, 2017, and every three years thereafter the Secretary of Energy and Environmental Affairs or their designee the Secretary of Transportation or their designee and the Commissioner of the Department of Environmental Protection or their designee ('the Board'), with the participation of the Department of Energy Resources and the Department of Public Utilities, together with such other agencies as the Board may designate, and in consultation with such other secretariats as the Governor may determine, shall promulgate a comprehensive energy plan for the Commonwealth ('the Plan'). In developing the Plan, the board shall also consult with ISO-NE and with the Commonwealth's electric and gas utilities.
(b) The Plan shall be consistent with any climate adaption plan and shall include but not be limited to the following goals and requirements:
(i) The Plan should comply with all U.S. and Massachusetts laws and policies governing energy, including the requirements of the state's Global Warming Solutions Act;
(ii) The Plan shall prioritize meeting energy needs first through conservation and cost-effective energy efficiency and other cost-effective demand-reduction resources, and to the maximum extent feasible should be met with cost-effective renewable resources and cogeneration ;
(iii) The relationship of energy needs for electricity, transportation, and building heat, as well as the reduction of greenhouse gas and other air pollution emissions from the transportation and building heating sector, shall be considered; and
(iv) The Plan should provide for reliable and accessible energy that is as cost-effective as is reasonably achievable
(c) The Plan shall include and be based upon, reasonable projections of the state's energy demands for electricity, thermal conditioning, transportation, and shall be designed to respond to those needs and timely and cost-effective ways which meet the targets for reduction in greenhouse gas emissions set forth in the Global Warming Solutions Act
(d) The Plan shall consider the energy demands of states that border the commonwealth, and strategies to capture economics of scale and other benefits that may be derived from collaboration and/or regional initiatives
(e) Upon the adoption of the Plan, all certificates, licenses, permits, authorizations, grants, and other actions and activities by a state agency or authority shall be consistent, to the maximum extent feasible, with the Plan.

(f) There shall be a seventeen member Energy Plan Advisory Committee to assist in the development of the Plan: 1 of whom shall be the secretary of energy and environmental affairs, who shall serve as chair; 1 of whom shall be the secretary of administration and finance; 1 of whom shall be the secretary of transportation; 1 of whom shall be appointed by the attorney general; 1 of whom shall be appointed by speaker of the house of representatives; 1 of whom shall be appointed by the house minority leader; 1 of whom shall be appointed by the president of the senate; 1 of whom shall be appointed by the senate minority leader and 9 of whom shall be appointed by the governor: 1 of whom shall represent consumers, 1 of whom who shall represent low income residents, 1 of whom who shall represent large employers, 1 of whom who shall represent small employers, 1 of whom who shall represent the renewable energy industry, 1 of whom who shall be from an environmental organization, 1 of whom shall represent investor owned local distribution company, 1 of whom shall represent the energy efficiency industry, and 1 of whom shall represent a municipal owned local distribution company. The Energy Plan Advisory Committee shall prepare a report to the Board to be delivered to it every three years, six months prior to the triennial June 1 promulgation date for the Plan. The Energy Plan Advisory Committee may retain expert consultants; provided, however, that such consultants shall not have any contractual relationship with an electric or natural gas distribution company doing business in the commonwealth or any affiliate of such company.
After receiving the report of the Energy Plan Advisory Committee, the Board shall modify the Plan if appropriate, and shall provide for public notice and comment on the Plan, with no less than five hearings on the Plan across the Commonwealth. After receiving public comments, the Board shall further modify the Plan if appropriate, shall issue a final Plan, and shall file the final Plan, together with proposed legislation necessary to implement the Plan, if any, with the clerks of the House of Representatives and Senate, and the joint committee on telecommunications, utilities and energy."
After remarks, the further amendment was **adopted.**
After further remarks, the question on adoption of the pending amendment (Tarr), as amended (Pacheco), was determined by a call of the yeas and nays at eleven minutes past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit *(yeas 38 – nays 0)* **[Yeas and Nays No. 379]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Creem, Cynthia Stone
deMacedo, Viriato M.
DiDomenico, Sal N.
Donnelly, Kenneth J.
Donoghue, Eileen M.
Downing, Benjamin B.
Eldridge, James B.
Fattman, Ryan C.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor Ives, Kathleen
OConnor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.

Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. − **38.**

NAYS − 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia − **1.**

The yeas and nays having been completed at a quarter past six o'clock P.M., the amendment, as amended, was **adopted.**

Messrs. Wolf and Pacheco, Ms. Creem, Ms. Lovely and Mr. Lewis moved that the proposed new text be amended by inserting the text of Senate document numbered 2401, relative to community empowerment.
After remarks, the amendment was **adopted.**

Messrs. Tarr, Pacheco and OConnor moved that the proposed new text be amended by inserting in line 120 after the word "capacity" the following:-"provided, however that the department of energy resources may determine and require subsequent solicitations and procurements beyond 2000 megawatt-hours if in the best of the commonwealth and to ensure compliance with Chapter 298 of the Acts of 2008. If the departments so determines additional solicitations are necessary, the department shall submit a report to the Legislature explaining its rationale, provided that in the event that the department seeks to undertake such actions, it shall submit a report containing the rationale therefore to the legislature and shall provide 60 days for the review of the report and any response";
In section 12, in line 277, by striking the words "of not more than" and inserting in place thereof the following words: - "for an annual amount of electricity of at least"; and
In said section 12, in line 277, by inserting after the words "December 31, 2018" the following words: - "; provided, however the 12,450,000 megawatt-hours shall be in commercial operation by December 31, 2020; provided, further that the department of energy resources may determine and require subsequent solicitations and procurements beyond 12,450,000 megawatt-hours if in the best interest to the commonwealth and to ensure compliance with Chapter 298 of the Acts of 2008. If the departments so determines additional solicitations are necessary, the department shall submit a report to the Legislature explaining its rationale, provided that in the event that the department seeks to undertake such actions, it shall submit a report containing the rationale therefore to the legislature and shall provide 60 days for the review of the report and any response".
After remarks, the amendment was **adopted.**

Messrs. Pacheco and Brady, Ms. L'Italien, Mr. Lewis, Ms. Gobi, Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by inserting the text of Senate document numbered 2402, relative to climate adaptation management plan.
The amendment was **adopted.**

The President in the Chair, Ms. Chandler, Ms. Gobi, Ms. L'Italien, Messrs. Rodrigues, Brady, Lewis, OConnor and Pacheco and Ms. O'Connor Ives moved that the proposed new text be amended by adding after section 4, the following Section:-
"SECTION 4A. Subsection (f) of said section 139 of said chapter 164, as so amended, is hereby further amended by inserting after the second sentence the following sentence: Notwithstanding the total aggregate capacity of net metering facilities in this subsection, there shall also be an additional 50 megawatts alternating current of capacity in a separate and distinct cap across all distribution companies' service territories for anaerobic digestion net metering facilities, provided, however that the aggregate capacity of such facilities shall be distinguished on the basis of whether each facility is a net metering facility of a municipality or other governmental entity so that a distribution company may calculate the appropriate net metering credit. If the separate and distinct anaerobic digestion cap of 50 megawatts alternating current is met, then anaerobic digestion facilities have the option of

seeking a cap allocation from the all-technology cap.
This section shall be effective 60 days after the effective date of this act."
After remarks, the question on adoption of the pending amendment was determined by a call of the yeas and nays at twenty-six minutes past six o'clock P.M., on motion of Ms. Chandler, as follows, to wit *(yeas 38 – nays 0)* **[Yeas and Nays No. 380]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. − **38.**

NAYS − 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at a twenty-nine minutes past six o'clock P.M., the amendment was **adopted.**

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting at the end thereof the following:-
"SECTION _. Notwithstanding any general or special law to the contrary the executive office of energy and environmental affairs shall develop a pilot program proposal to field test and deploy superconducting or solid state fault current limiter technologies in order to maximize reliability and capacity.
The executive office of energy and environmental affairs shall submit to the clerks of the house and senate and the joint committee on telecommunications, utilities and energy the details of the pilot program and any legislative recommendations within 6 months of the passage of this act."
After remarks, the amendment was **adopted.**

Messrs. Pacheco and Tarr moved that the proposed new text be amended in section 12, in the proposed third paragraph of proposed subsection (b) of proposed section 83C of chapter 169 of the acts of 2008 by adding the following sentence:- "Each subsequent solicitation shall seek proposals of approximately 400 to 800 megawatts, inclusive, of aggregate nameplate capacity."; and
In said section 12, in said proposed subsection (b) of said proposed section 83C of said chapter 169 by adding the following paragraph:-
"The department of energy resources shall give preference to a subsequent proposal in which the net present value of the contract price per megawatt hour that results from the subsequent procurement, plus associated total transmission costs, has decreased by at least 15 per cent from the net present value of the contract price, plus associated total transmission costs, that resulted from the previous procurement.".
After remarks, the amendment was **adopted.**

Messrs. deMacedo and Wolf, Ms. Gobi and Mr. OConnor moved that the proposed new text be amended by inserting before section 1 the following section:-
"SECTION A1. Chapter 10 of the General Laws is hereby amended by adding the following section:-
Section 76. (a) For the purposes of this section the following words shall have the following meanings unless the context clearly requires otherwise:
'Affiliate', a business that directly or indirectly controls or is controlled by or is under direct or indirect common control with another business including, but not limited to, a business with whom a business is merged or consolidated, or which purchases all or substantially all of the assets of a business.
'Decommissioning', closing and decontaminating a nuclear power station and nuclear power site including dismantling the facility, removing the nuclear fuel, coolant and nuclear waste from the site, releasing the site for unrestricted use and terminating the license; provided however, that, for the purposes of this section, SAFSTOR is not decommissioning.
'Nuclear power station', a commercial facility that uses or used nuclear fuel to generate electric power.
'Post-closure', the period beginning when a nuclear power station has ceased generating electric power and ending when the nuclear power station and station site have been completely decommissioned.
'Post-closure activities', the activities at or in connection with a nuclear power station and station site during post-closure including, but not limited to, moving spent nuclear fuel into dry casks, job training, site and environmental cleanup, off-site emergency planning, SAFSTOR and decommissioning.
(b) Each nuclear power station shall pay an annual post-closure funding fee of $25,000,000 if the station is not fully decommissioned within 5 years of the time the power station ceases generating electric power. The fee shall be assessed by the executive office of energy and environmental affairs annually on the owner or affiliate of each nuclear power station on March 1 and shall be paid to the state treasurer for deposit into the Nuclear Power Station Decommissioning Trust Fund established in subsection (c). The fee shall be paid until: (i) the nuclear power station is fully decommissioned as required under regulations promulgated by the United States Nuclear Regulatory Commission; and (ii) the executive office of energy and environmental affairs issues, after notice and an opportunity to be heard, an order finding that post-closure activities have been completed.
(c) There shall be a Nuclear Power Station Post-closure Trust Fund. The state treasurer shall serve as trustee of the fund and shall make expenditures from the fund to support decommissioning measures including: (i) payments for not less than 1 post-closure activity completed at a nuclear power station site, but only after the money in a federal decommissioning trust fund is exhausted; and (ii) payments to a person or entity named in an issuance of authorization from the executive office of energy and environmental affairs stating the amount to be disbursed and the completed post-closure activities to which the amount applies. The fund shall consist of: (i) the fee collected under subsection (b); and (ii) the interest earned on the money in the fund. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the close of a fiscal year shall not revert to the General Fund.
(d) The executive office of energy and environmental affairs shall not issue authorization for payment except upon the receipt of:

(i) an affidavit or declaration, executed by an entity or person responsible for completing the relevant post-closure activity at a nuclear power station under the pains and penalties of perjury, identifying completed post-closure activity with respect to which a disbursement is requested and setting forth facts establishing that each such activity has been completed and the costs incurred by the nuclear power station owner with respect to each such activity; and (ii) verification of the facts in the affidavit or declaration by the executive office of energy and environmental affairs or another appropriate state agency.
The secretary of energy and environmental affairs shall determine the appropriate form, content and supporting information necessary for the affidavit or declaration. Money disbursed under this section in reliance on a false certification to the secretary of energy and environmental affairs may be recovered from the entity or person receiving the disbursement, with interest, through an action by the attorney general. A false certification shall be subject to section 5B of chapter 12.
(e) The balance of the Nuclear Power Station Post-closure Trust Fund shall be returned to the owner or affiliate of the nuclear power station upon the issuance of an order, after notice and opportunity for hearing, finding that the post-closure activities at the station have been completed by the executive office of energy and environmental affairs."; and
By inserting after section 18 the following section:-
"SECTION 18A. Section A1 shall take effect on January 1, 2017."
After remarks, the amendment was **adopted.**

Messrs. Tarr, Pacheco and OConnor moved that the proposed new text be amended by inserting after section 4 the following:-
"SECTION __. Section 11F of chapter 25A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 99, the word '7.5' and inserting in place thereof the following word: '12.5'."
After remarks, the amendment was *rejected.*

Mr. Keenan moved that the proposed new text be amended by striking the words "and (vi)" in line 162 and inserting in place thereof the words:- "(vi) allow for a periodic review and revision of long-term contracts, by the mutual agreement of the developer and the distribution companies, when such revisions would increase economic and environmental benefits through the adoption of upgraded technologies that were not available when the contracts were originally signed; and (vii)"; and by striking the words "and (vi)" in line 317 and inserting in place thereof the words:- "(vi) allow for a periodic review and revision of long-term contracts, by the mutual agreement of the developer and the distribution companies, when such revisions would increase economic and environmental benefits through the adoption of upgraded technologies that were not available when the contracts were originally signed; and (vii)".
The amendment was *rejected.*

Mr. Eldridge, Ms. Forry and Mr. Tarr moved that the proposed new text be amended by inserting the text of Senate document numbered 2403, relative to energy efficiency and green jobs.
After remarks, the amendment was **adopted.**

Mr. Moore and Ms. Gobi moved that the proposed new text be amended by adding, in lines 164 and 319, before the words "electric ratepayer" the following:- "Massachusetts".
After remarks, the amendment was **adopted.**

Ms. O'Connor Ives moved that the proposed new text be amended in section 12, by striking out, in lines 146 and 147, the words "department of public utilities shall initiate a docket to examine the distribution company's decision for declining the proposals and may order the distribution" and inserting in place thereof the following words:- "distribution company shall, within 20 days of the date of its decision, submit a filing to the department of public utilities. The filing shall include, in the form and detail prescribed by the department of public utilities, documentation supporting the distribution company's decision to decline the proposals. Following a distribution company's filing, and within 4 months of the date of the filing, the department of public utilities shall approve or reject the distribution company's decision and may order the distribution"; and
In said section 12, by striking out, in lines 296 and 297, the words "department of public utilities shall initiate a docket to examine the distribution company's decision for declining the proposals and may order the distribution" and inserting in place thereof the following words:- "distribution company shall, within 20 days of the date of its decision, submit a filing to the department of public utilities. The filing shall include, in the form and detail prescribed by the department of public utilities, documentation supporting the distribution company's decision to decline the proposals. Following a distribution company's filing, and within 4 months of the date of the filing, the department of public utilities shall approve or reject the distribution company's decision and may order the distribution".
After remarks, the amendment was **adopted.**

Mr. Brownsberger moved that the proposed new text be amended in section 1, by striking out, in line 3, the word "documents" and inserting in place thereof the following words:- "the results of a home energy audit and the residential dwelling's energy rating and label as established by the department of energy resources in section 11G½ of chapter 25A";
By striking out section 2 and inserting in place thereof the following section:-
"SECTION 2. Said section 97A of said chapter 13, as so appearing, is hereby further amended by striking out, in lines 8 and 9, the words 'closing, outlining the procedures and benefits of a home energy audit; provided however, that' and inserting in place thereof the following words:- 'listing; provided, however, that if there is no public listing, the home energy audit and the residential dwelling's energy rating and label shall be made available prior to the time of the signing of the purchase and sale

agreement; provided further, that the home energy audit and residential dwelling's energy rating shall be valid under this section for 3 years; and provided further, that'."; in section 10, in proposed section 11G 1/2, by striking out subsection (b) and inserting in place thereof the following 2 subsections:-
"(b) The home energy rating and label shall be provided to the owner of a single-family residential dwelling, a multi -family residential dwelling with less than 5 units and a condominium as part of: (i) a home energy assessment or in-home visit by qualified home energy assessors provided as part of the energy efficiency investment plan pursuant to section 21 of chapter 25 of the General Laws; (ii) a RESNET Home Energy Rating System rating assessment, by a RESNET-qualified home energy rater; or (iii) any other qualified energy assessment as determined by the department. A home energy rating and label provider shall provide an electronic record to the department with sufficient data to reproduce each unit's home energy rating and label within 30 days after the completion of the label.
(c) The department may promulgate regulations that are necessary to implement this section."; and by striking out section 16 and inserting in place thereof the following section:-
"SECTION 16. There shall be an energy efficiency task force to develop recommendations and propose statutory changes for the creation of a successor energy efficiency program or improvements to be made to the current energy efficiency program and such program or improvements shall be implemented beginning in 2018 at the conclusion of the current 3-year, statewide energy efficiency plan developed pursuant to section 21 of chapter 25 of the General Laws. In making its recommendations, the task force shall consider: (i) the successes, challenges and shortcomings of the current program design; (ii) the role of the program administrators; (iii) the designation or creation of a single entity, other than a gas or electric company or municipal aggregator, to run the program; (iv) additional ways to increase market competition; (v) alternative funding mechanisms for gas and electric energy efficiency; (vi) the identification of targets for energy efficiency customer participation and cost effective system load reduction; and (vii) alternative program design and best practices implemented in other states and countries. The task force shall also consider the cost impact upon the ratepayers.
The task force shall consist of the following members or their designees: the commissioner of the department of energy resources, who shall serve as chair; the attorney general; the chair of the department of public utilities; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; a representative from the low-income weatherization and fuel assistance program network; a representative from the Northeast Energy Efficiency Partnerships, Inc.; and 8 members who shall be appointed by the governor, 1 of whom shall be a representative of the business community, which may include large commercial and industrial end users, 1 of whom shall be a representative of an energy-efficiency business, 1 of whom shall be a representative of an electric distribution company, 1 of whom shall be a representative of a natural gas distribution company, 1 of whom shall be a representative of a municipal aggregator with a certified energy-efficiency plan pursuant to subsection (b) of section 134 of chapter 164 of the General Laws, 1 of whom shall be a representative of an energy services company, 1 of whom shall be a representative of environmental interests and 1 of whom shall be a representative of labor interests.
The task force shall convene its first meeting by October 1, 2016. The task force may retain the assistance of experts to conduct research or facilitate the task force process. The task force shall report on its recommendations, which shall include drafts of legislation, to the senate and house chairs of the joint committee on telecommunications, utilities and energy by June 1, 2017."
The amendment was **adopted.**

Messrs. Montigny and Pacheco moved that the proposed new text be amended by striking out, in line 98, the word "October" and inserting in place thereof the following word:- "April"; by striking out, in line 118, the figure "2030" and inserting in place thereof the following figure:- "2027"; and by inserting after the word "capacity" in line 120 the following words:- "; provided, however, that subsequent solicitations shall occur within approximately 24 months of a previous solicitation".
After remarks, the amendment was **adopted.**

Ms. O'Connor Ives moved that the proposed new text be amended in section 12, by striking lines 153 through 170, inclusive, and inserting in place thereof the following words:- "(d) The department of public utilities shall promulgate regulations consistent with this section. The regulations shall: (i) allow offshore wind developers of offshore wind energy generation to submit proposals that are consistent with this section for long-term contracts; (ii) require that a proposed long-term contract executed by the distribution companies under a proposal be filed with and approved by the department of public utilities before becoming effective; (iii) require transmission costs to be incorporated into a proposal, whether the costs are a part of the bid price or related to the delivery of the assigned energy via a federally-regulated transmission tariff; provided, however, that the department of public utilities may authorize or require the relevant parties to seek recovery of the transmission costs of the project through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the extent the department of public utilities finds that recovery is in the public interest; (iv) after the approval by the department of public utilities of a long-term contract, require an offshore wind developer to proceed with reasonable promptness and diligence to provide offshore wind energy resources; (v) allow offshore wind energy generation resources to be paired with energy storage systems as defined in section 1 of chapter 164; and (vi) require that offshore wind energy generating resources to be used by a developer under the proposal: (A) provide enhanced electricity reliability; (B) are cost effective to electric ratepayers over the term of the contract by providing reliability and economic and environmental benefits to Massachusetts ratepayers, to the extent that they are quantifiable, that outweigh any costs; (C) avoid line loss and mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if any, are not borne by ratepayers; (D) moderate system peak load requirements; (E) adequately demonstrate project viability in a commercially reasonable timeframe; (F) mitigate environmental impacts; and (G)

promote additional employment and economic development.";
In said section 12, in line 285, by inserting after the words "independent evaluator." the following words:- "The department shall give preference to proposals that include both hydroelectric generation and new Class 1 eligible resources and give preference to proposals that include firm service."; and
In said section 12, in lines 303 through 326, inclusive, and inserting in place thereof the following words:-
"(d) The department of public utilities shall promulgate regulations consistent with this section. The regulations shall: (i) allow developers of clean energy generation resources to submit proposals that are consistent with this section for long-term contracts; (ii) require that contracts executed by the distribution companies under the proposals are filed with, and approved by, the department of public utilities before they become effective; (iii) require transmission costs to be incorporated into a proposal, whether the costs are a part of the bid price or related to the delivery of the assigned energy via a federally-regulated transmission tariff; provided, however, that the department of public utilities may authorize or require the relevant parties to seek recovery of the transmission costs of the project through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the extent the department of public utilities finds that recovery is in the public interest; (iv) allow long-term contracts for clean energy generation resources to be paired with energy storage systems as defined in section 1 of chapter 164; (v) after the approval by the department of public utilities of a long-term contract, require a developer to proceed with reasonable promptness and diligence to provide clean energy generation resources; and (vi) require that the clean energy resources to be used by a developer under the proposal: (A) provide enhanced electricity reliability; (B) include moderate system peak load requirements; (C) are cost effective to electric ratepayers over the term of the contract by providing reliability and economic and environmental benefits to Massachusetts ratepayers, to the extent that they are quantifiable, that outweigh any costs; (D) avoid line loss and mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if any, are not borne by ratepayers; (E) adequately demonstrate project viability in a commercially reasonable timeframe; (F) mitigate environmental impacts; and (G) promote additional employment and economic development.".
The amendment was *rejected.*

Messrs. deMacedo and OConnor moved that the proposed new text be amended in section 12, by inserting after the word "or", in line 182, the following words:- ", if mutually agreed upon, the".
The amendment was **adopted.**

Messrs. Tarr, Ross and OConnor moved that the proposed new text be amended in section 12, by striking out, in lines 249 and 250, the words "each require" and inserting in place thereof the following words:- "jointly develop requirements for"; and in said section 12, by striking out, in lines 391 and 392, the words "each require" and inserting in place thereof the following words:- "jointly develop requirements for".
After remarks, the amendment was **adopted.**

Ms. Forry moved that the proposed new text be amended in section 12, by striking out, in line 171, the words "public utilities" and inserting in place thereof the following words:- "energy resources"; and
In said section 12, by inserting after the word " department", in line 173, the first time it appears, the following words:- "of public utilities";
In said section 12, by inserting after the word "department", in line 173, the second time it appears, the following words:- "of energy resources";
In said section 12, by inserting after the word "department", in line 176, each time it appears, the following words:- "of energy resources"; and
In said section 12, by inserting after the word "department", in lines 178 and 184, each time it appears, the following words:- "of energy resources".
After remarks, the amendment was **adopted.**

Mr. Moore moved that the proposed new text be amended by inserting in line 220, after the word "Laws" the following words:- "The distribution companies shall be entitled to cost recovery of payments made under any long-term contracts approved under this section."; and by inserting in line 361, after the word "Laws" the following words:- "The distribution companies shall be entitled to cost recovery of payments made under any long-term contracts approved under this section."
After remarks, the amendment was **adopted.**

There being no objection, during consideration of the Orders the Day, the following matters were considered as follows:

PAERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4450) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. The question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes before eight o'clock P.M., on motion of Ms. Spilka, as follows, to wit *(yeas 38 - nays 1)* **[Yeas and Nays No. 381]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – **38.**

NAYS – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at twenty-six minutes before eight o'clock P.M., the bill was passed to be enacted, two thirds of the members present having agreed to pass the same, and it was signed by the President.

Suspension of Senate Rule 38A.

Ms. Chandler moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill to promote energy diversity (House, No. 4385),-- was further considered, the main question being on ordering the bill to a third reading.
Mr. Pacheco moved that the proposed new text be amended in section 12, by striking out the first sentence of the proposed third paragraph of proposed subsection (b) of proposed section 83C of chapter 169 of the acts of 2008 and inserting in place thereof the following 2 sentences:- "The department of energy resources shall require that bidding offshore wind developers demonstrate that the bidding offshore wind developers have the ability and financial means to complete their proposed project. If the department of energy resources determines that no reasonable proposal was received in response to a solicitation, the department may terminate the solicitation. If the department, in consultation with the independent evaluator, deems all proposals under a solicitation to be unreasonable, it shall issue public, written findings and the independent evaluator shall review the findings and issue an independent assessment of the decision by the department of energy resources to deem every proposal unreasonable.".
The amendment was **adopted.**

Messrs. Eldridge and Brady, Ms. L'Italien and Messrs. Lewis, Tarr and Moore moved that the proposed new text be amended by inserting the text of Senate document numbered 2404, relative to zero emissions vehicles.
After remarks, the amendment was **adopted.**

Messrs. Montigny and Pacheco moved that the proposed new text be amended by inserting after the last sentence, in line 170, the following words:- "The department of energy resources shall give preference to proposals that demonstrate a benefit to low-income ratepayers in Massachusetts, without adding cost to the project."; and
By striking the last sentence in subsection (d) of section 83D and inserting in place thereof the following:- "The department of energy resources shall give preference to proposals that include both hydroelectric generation and new Class 1 eligible resources; give preference to proposals that include firm service; and give preference to proposals that demonstrate a benefit to low-income ratepayers in Massachusetts, without adding cost to the project."
After remarks, the amendment was **adopted.**

Mr. Montigny and Ms. L'Italien moved that the proposed new text be amended by adding the following section:-
"SECTION __. Notwithstanding any general or special law to the contrary, no new or expanded liquefied natural gas storage facilities shall be located in an area which is less than 1 mile in linear distance from: (i) a residentially zoned area; (ii) a school; (iii) a licensed day care center; (iv) a licensed long term care facility; or (v) a hospital. Linear distance shall be measured from any point along a liquefied natural gas storage facility to the outermost point of buildings or areas in clauses (i) to (v), inclusive; provided, however, that repairs or replacements that do not increase the capacity of a liquefied natural gas storage facility in operation prior to January 1, 2017, shall not be subject to this section."
The amendment was *rejected.*

Ms. L'Italien moved that the proposed new text be amended by inserting the following section:-
"SECTION X. Notwithstanding, the minimum mandatory charge per kilowatt-hour as established by the department of public utilities in sections 19 and section 20, inclusive, of chapter 25 of the general laws, shall not apply to any end use customer whose monthly use of electricity reaches or exceeds 1,000,000 kWh; provided, however, the previous sentence shall not apply unless said customer executes a memorandum of understanding with electric distribution companies serving the utility service territory that any mandatory charges above 1,000,000 kWh shall be directly used for any qualified energy efficiency measures approved and recognized by the department of public utilities, in coordination with the department of energy resources, involving the modification of or change in the operating procedures of a building or facility in a manner likely to improve the efficiency of energy use and reduce energy consumption, and shall include energy conservation measures and any process to audit or identify and specify energy and cost savings. For purposes of this section, multiple facilities owned by the eligible end use customer shall not be aggregated or combined unless said customer owns similar facilities within the same utility service territory."
The amendment was *rejected.*

Mr. Tarr moved that the proposed new text be amended by striking subsection (j) in section 12 in proposed section 83C in its entirety and inserting in place thereof the following:-
"(j) A long-term contract procured under this section shall utilize an appropriate tracking system to ensure a unit specific accounting of the delivery of clean energy, to enable the department of environmental protection in consultation with the department of energy resources, to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the acts of 2008 or chapter 21N of the General Laws; provided, however, for purposes of this section only, a long-term contract procured under this section shall also require an accounting of life-cycle emissions from the clean energy generation resource, to be reported to the department of environmental protection on an annual basis." and
By striking subsection (j) in section 12 in proposed section 83D in its entirety and inserting in place thereof the following:-
"(j) A long-term contract procured under this section shall utilize an appropriate tracking system to ensure a unit specific accounting of the delivery of clean energy, to enable the department of environmental protection in consultation with the department of energy resources, to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the acts of 2008 or chapter 21N of the General Laws; provided, however, for purposes of this section only, a long-term contract procured under this section shall also require an accounting of life-cycle emissions from the clean energy generation resource, to be reported to the department of environmental protection on an annual basis."
After remarks, the amendment was **adopted.**

Mr. Eldridge, Ms. Creem, Messrs. Wolf and Donnelly, Ms. O'Connor Ives, Ms. L'Italien, Ms. Forry, Messrs. Welch, Boncore, Brady, Joyce, Keenan and Barrett, Ms. Chang-Diaz, Mr. Lewis, Ms. Gobi and Ms. Jehlen and Messrs. Ross and Pacheco moved that the proposed new text be amended by inserting after section 11 the following section:-
"SECTION 11A. Section 144 of said chapter 164, as so appearing, is hereby amended by inserting after the word 'leaks', in lines 37 and 39, each time it appears, the following words:-and grade 3 leaks identified as having a significant environmental impact." and
By inserting after section 18 the following section:-
"SECTION 18A. The department of public utilities, in consultation with the department of environmental protection, shall open an investigation to establish specific criteria for the identification of the environmental impact of gas leaks that have been classified as Grade 3 pursuant to section 144 of chapter 164 of the General Laws and to establish a plan to repair leaks that are determined to have a significant environmental impact. The department, in consultation with the department of environmental protection, shall promulgate rules regarding the timeline and acceptable methods for remediation and repair of a Grade 3 leak determined to have significant environmental impact; provided, however, that no rule shall abrogate or impair a provision existing in a collective bargaining agreement relative to the timeline and methods for remediation and repair of grade 3 leaks during the terms of such agreement. The department of public utilities shall provide for the recovery of expenses incurred for repairs as part of the most cost-effective timeline for repairs under a plan submitted under section 145 of chapter 164 of the General Laws, without a reduction to the recovery for eligible pipe replacement."
After remarks, the question on adoption of the pending amendment was determined by a call of the yeas and nays at ten minutes before eight o'clock P.M., on motion of Mr. Eldridge, as follows, to wit *(yeas 38 – nays 0)* **[Yeas and Nays No. 382]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.

Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. − **38.**

NAYS − 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia − **1.**

The yeas and nays having been completed at eight minutes before eight o'clock P.M., the amendment was **adopted.**

Ms. Spilka moved that the proposed new text be amended in section 12, by inserting after the word “reduction”, in line 104, the following words:- “targets and”;
In said section 12, by striking out, in line 240, the word “reconciling” and inserting in place thereof the following words:- “a uniform fully reconciling annual factor in”;
In said section 12, by inserting after the word “targets”, in line 264, the following words:- “and goals”;
In said section 12, in proposed subsection (b) of proposed section 83D of chapter 169 of the acts of 2008 by adding the following paragraph:-
“The department of energy resources shall give preference to proposals that include both hydroelectric generation and new Class 1 eligible resources and give preference to proposals that include firm service.”;
In said section 12, in proposed subsection (d) of said proposed section 83D of said chapter 169 by striking out the third sentence; and
In said section 12, by striking out, in line 382, the word “reconciling” and inserting in place thereof the following words:- “a uniform fully reconciling annual factor in”.
The amendment was **adopted.**
The Ways and Means amendment, as amended, was then adopted.
The bill, as amended, was then ordered to a third reading and read a third time.
The question on passing the bill to be engrossed was determined by a call of the yeas and nays at two minutes before eight o’clock P.M., on motion of Mr. Downing, as follows, to wit *(yeas 39 – nays 0)* **[Yeas and Nays No. 383]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. − **38.**

NAYS − 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at eight o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2400].
Sent to the House for concurrence in the amendment.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of David Martin.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjourn In Memory of David Martin

The senator from Norfolk and Suffolk, Mr. Rush, moved that when the Senate adjourns today, it adjourn in memory of David Martin.

David Martin, of Dedham passed away on June 25, at the age of 52. After battling a rare form of cancer "pseudomyxoma peritonei" impacting the abdomen, he battled the disease with the same quiet grace and humor in which he lived his life. David was the loving husband to Gemma and the father to his three daughters Allison, Emily and Vivian.

Throughout his life he has played an active role with Massachusetts Democratic leaders on course through his steady counsel, passion for public service and brilliance with the arcane rules that govern politics. David's political roots go back to his hometown of Colorado, where he graduated from Colorado College with a degree in political science. His political involvement began at a young age with Democratic Congressman Timothy Wirth, who represented the suburbs of Denver and he later joined U.S. Senator Gary Hart's campaign for President in 1988. He then went on to join the campaign of Massachusetts Governor Michael S. Dukakis and moved from Iowa to Boston. Upon arriving to Boston, David worked in finance and accounting roles for Attorney General Francis Bellotti's 1990 campaign for Governor and was manager of information technology in the Norfolk County District Attorney's Office. David was Deputy Campaign Manager for Senator John F. Kerry's 1996 reelection campaign against Governor William F. Weld. For a decade, he was director of finance and administration at Mass Inc., later he worked in senior roles at two public policy and advocacy nonprofits, the green roundtable and second nature, while continuing to work in senior roles on local and state political campaigns. In 2003, he and his wife Gemma took their side job in political accounting and compliance and turned it into their successful consulting firm, the Chick Montana Group. For the past 13 years and continuing today, the Chick Montana group is the go-to source for financial and reporting practices for politicians and nonprofit organizations!

David is pre-deceased by his parents, Dick and Ellen Martin. His brother Chris and his wife, Kathy Davis, his niece, Elle, and aunts uncles and cousins. David will be truly missed in state government and the town of Dedham.
Accordingly, as a mark of respect in memory of David Martin, at one minute past eight o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.