

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, JUNE 14, 2018**

[58]

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## JOURNAL OF THE SENATE.

Thursday, June 14, 2018.

Met at ten minutes past eleven o'clock A.M. (Mr. Pacheco in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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The Chair (Mr. Pacheco), members, guests and staff then recited the pledge of allegiance to the flag.

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Pledge of allegiance.

### *Distinguished Guests.*

There being no objection, the Chair (Mr. Pacheco) introduced, in the rear of the Chamber, Meghan Rubadou from Taunton. Meghan was recognized for being Miss Taunton 2018 and will be competing in the Miss Massachusetts pageant at the Hanover Theater in Worcester. She is a senior at Boston University's Wheelock College of Education and Human Development. Meghan was also recognized for having interned in Senator O'Connor's office this past spring. The Senate welcomed her with applause, she addressed the Chamber from the Rostrum in a rendition of "America the Beautiful" and she withdrew from the Chamber.

Meghan Rubadou.

There being no objection, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, the 7<sup>th</sup> graders on the Purple Team from Ashland Middle School. The students were on a field trip to the State House participating in a ceremony honoring Flag Day. They were welcomed with applause and they withdrew from the Chamber. They were accompanied by teachers Scott Soderberg, Tammy Knoff, Geri Anagnostaras, Sonya Choinski and Keith Truesdale.

Ashland Middle School.

There being no objection, the President handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced, in the rear of the Chamber, a group of graduate students from ZHAW Zurich University of Applied Sciences in Switzerland. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Dr. Anna-Lena Majkovic.

ZHAW Zurich University of Applied Sciences.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the 5<sup>th</sup> grade class from West Elementary School in Stoughton. The students were on a field trip to the State House participating in a ceremony honoring Flag Day. They were welcomed with applause and they withdrew from the Chamber. They were also guests of Representatives Galvin of Canton and Kafka of Stoughton.

West Elementary School.

### *Communications.*

The following communications were severally received and placed on file, to wit:

Communication from Andriane D. Crouse, Secretary of the Senate, on behalf of the Missouri State Senate and House of Representatives of the 99<sup>th</sup> General Assembly, Second Regular Session, transmitting Senate Concurrent Resolution No. 40, relating to an application to Congress for the calling of an Article V convention of states by the Congress of the United States regarding term limits for members of

Article V Convention to require term limits for members of Congress..

Congress,-- was placed on file.

*Reports.*

The following reports were severally received and placed on file, to wit:

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-9408 of Chapter 47 of the Acts of 2017 and Section 1J(z) of Chapter 69 of the General Laws) submitting its 2016-2017 Intervention and Targeted Assistance report (received June 13, 2018);

Report of the Department of Public Health ( pursuant to line item 4510-0108 of Chapter 47 of the Acts of 2017) submitting its Pharmacy Services 2018 report (received June 13, 2018); and

Report of the Norfolk County Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forward to the Senate Committees on Ways and Means and Post Audit and Oversight) (received June 14, 2018).

DESE, -- targeted assistance report.  
SD2682

DPH, -- pharmacy 2018 report.  
SD2683

Norfolk, -- Registry of Deeds.  
SD2685

*Petition.*

Mr. Keenan presented a petition (accompanied by bill) (subject to Joint Rule 12) of John F. Keenan for legislation relative to easements by the Division of Capital Asset Management and Maintenance to the city of Quincy to support a flood control plan;

Quincy,-- flood control plan.  
SD2684

**Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Reports of Committees.*

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 100, 102, 103, 105, 117, 121, 122, 123, 125, 126, 132, 133, 138, 140, 141, 145, 147, 149, 150, 152, 158, 159, 160, 161, 162, 163, 164, 166, 168, 169, 1235 and 2095, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection issues (Senate, No. 2552); and

Consumer Protection and Professional Licensure committee,-- study.

By Mr. Welch, for the committee on Health Care Financing, on Senate, Nos. 350, 354 and 363, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to financing and delivery of elder care services (Senate, No. 2551) [Senator Tran dissents inasmuch as relates to Senate, No. 363];

Health Care Financing committee,-- study.

**Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Ms. L'Italien, for the committee on Elder Affairs, on petition, a Bill relative to stabilizing the Commonwealth's nursing facilities (Senate, No. 336);

Nursing facilities,-- stabilize.

By the same Senator, for the same committee, on petition, a Bill relative to the Nursing Home Quality Jobs Initiative (Senate, No. 358);

Nursing Home Quality Jobs Initiative.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 345), a Bill authorizing the option of providing basic common sense health services for residents of assisted living residences (Senate, No. 2557) [Senator Fattman dissenting]; and

Assisted living,-- health services.

By the same Senator, for the same committee, on Senate, No. 352 and House,

Home care,--

No. 350, a Bill relative to home care workforce initiatives (Senate, No. 2558);

workforce initiatives.

**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Eldridge, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 587), a Bill modernizing the Credit Union Laws (Senate, No. 2556); and

Credit Union Laws,-- modernization.

By Mr. Welch, for the committee on Health Care Financing, on petition, a Bill relative to the utilization of public health benefits by large employers (Senate, No. 631) [Estimated cost: greater than \$100,000];

Public health benefits,-- employers.

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Crighton, for the committee on Municipalities and Regional Government, on petition, a Bill relative to a certain parcel of conservation land in the city of Boston (Senate, No. 2540) [Local approval received];

Boston,-- conservation land.

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Committee Discharged.*

Mr. Welch, for the committee on Health Care Financing, reported, asking to be discharged from further consideration of the Senate Bill regarding spouses as caregivers (printed as House, No. 336),-- and recommending that the same be referred to the committee on Ways and Means;

Caregivers,-- spouses.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

**Sent to the House for concurrence in the discharge of the joint committee.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4598) of Mike Connolly and Sal N. DiDomenico (with the approval of the city council) that the city of Cambridge be authorized to use certain recreational land for traffic reconfiguration purposes,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Cambridge,-- land..

A Bill authorizing the appointment of special police officers in the city of Springfield (House, No. 4478,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Springfield,-- special police officers.

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Melvin Maldonado, an employee of the Department of Mental Health (see Senate, No. 2444), 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 3 to 0.

Melvin Maldonado,-- sick leave.

**The bill was signed by the Acting President (Mr. Pacheco) and sent to the House for enactment.**

An engrossed Bill designating the boardwalk at Heritage State Park in the city of Fall River as the Robert Correia Boardwalk (see House, No. 4166, amended),

Robert Correia Boardwalk,-- Fall

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 4 to 0.

**The bill was signed by the Acting President (Mr. Pacheco) and sent to the House for enactment.**

*Petition.*

On motion of Mr. DiDomenico, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Chandler, (accompanied by bill) (subject to Joint Rule 12) of Harriette L. Chandler, Michael O. Moore and Kate D. Campanale for legislation to establish a sick leave bank for Elizabeth Fontaine, an employee of the Department of Children and Families,-- **and the same was referred to the committee on Public Service.**

**Sent to the House for concurrence.**

*Resolutions.*

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

Resolutions (filed by Mr. Brownsberger) “celebrating the Fenway Porchfest, the Fenway Alliance, the Fenway Civic Association, and the Fenway Community Development Corporation and their mission”;

Resolutions (filed by Mr. O’Connor) “congratulating Aidan Sandler of the town of Hingham on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Messrs. Rodrigues, Pacheco, Montigny and Feeney) “congratulating Kathleen Garganta on her retirement.”

At a quarter past eleven o’clock A.M, Mr. DiDomenico doubted the presence of a quorum. The Chair (Mr. Pacheco), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-nine minutes before twelve o’clock noon, a quorum was declared present.

PAPERS FROM THE HOUSE.

The President in the Chair, a Bill authorizing the town of Boylston to convey a certain parcel of land (House, No. 4197,-- on petition)[Local approval received],-- was read.

**There being no objection, the rules were suspended, on motion of Mr. Brady, and the bill was read a second time and ordered to a third reading.**

A Bill establishing a sick leave bank for Sandra Elizabeth Smith, an employee of the Department of Developmental Services (House, No. 4509,-- on petition),-- was read.

**There being no objection, the rules were suspended, on motion of Mr. Boncore, and the bill was read a second time and ordered to a third reading.**

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4616) of Jonathan D. Zlotnik and

River.

Elizabeth Fontaine,--  
sick leave.  
SD2681

Fenway  
organizations.

Aidan Sandler.

Kathleen Garganta.

Quorum.

Boylston,-- land  
conveyance.

Sandra Elizabeth  
Smith,-- sick leave.

Keri Volk,-- sick

Dean A. Tran for legislation to establish a sick leave bank for Keri Volk, an employee of the Department of Correction;

leave.

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4615) of Christine P. Barber (with the approval of the mayor and city council) that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain land in the city of Somerville to the Somerville Housing Authority;

Somerville Housing Authority.

**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to protect children and families from harmful flame retardants (Senate, No. 1175),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2555).

Flame retardants,-- protection.

*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 to protect children and families from harmful flame retardants (Senate, No. 1175) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2555) shall be placed in the Orders of the Day for a second reading on Thursday, June 21, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Monday, June 18, 2018. All such amendments shall be second-reading amendments to Senate, No. 2555, 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 Mr. O'Connor, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, June 21, 2018, 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 relative to ivory and rhino horn trafficking (Senate, No. 2382),-- ought to pass, with an amendment substituting a new draft entitled "An Act relative to ivory and rhinoceros horn trafficking" (Senate, No. 2553).

Trafficking,-- ivory and rhino horns.

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That, notwithstanding Senate Rule 7 or any other rule to the contrary,

Procedural order.

the Senate Bill relative to ivory and rhino horn trafficking (Senate, No. 2382) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2553) shall be placed in the Orders of the Day for a second reading on Thursday, June 21, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Monday, June 18, 2018. All such amendments shall be second-reading amendments to Senate, No. 2553, 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 Mr. Feeney, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, June 21, 2018, 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 to modernize the Commonwealth's administration of unemployment insurance (Senate, No. 2450),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2554).

Unemployment insurance,-- modernization.

*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 to Modernize the Commonwealth's Administration of Unemployment Insurance (Senate, No. 2450) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2554) shall be placed in the Orders of the Day for a second reading on Thursday, June 21, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 18, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2554) 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 Ms. Lovely, and the order was considered forthwith and adopted.**



The bill will be placed in the Orders of the Day for Thursday, June 21, 2018, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE

Engrossed *Bills*.

The following engrossed bills (the first of which originated in the Senate), 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 President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Melvin Maldonado, an employee of the Department of Mental Health (see Senate, No. 2444);

Relative to the ownership and occupancy deadline for residential property exemptions in the city of Boston (see House, No. 4073); and

Designating the boardwalk at Heritage State Park in the city of Fall River as the Robert Correia Boardwalk (see House, No. 4166, amended).

Bills laid before the Governor.

An engrossed Bill ratifying the adoption of the charter of the town of Abington (see Senate Bill, printed in Senate, No. 2278) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the President and laid before the Governor for his approbation.**

Bill laid before Governor.

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

Concerning Health Insurance Benefits for Surviving Spouses of Firefighters in the City of Boston (printed as House, No. 4057);

Repealing a certain act increasing the expenditure limit on revolving funds in the city of Attleboro (House, No. 4299);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels to the town of Shrewsbury (House, No. 4312);

Increasing the annual compensation of the Peabody Municipal Light Plant (House, No. 4447, amended);

Relative to Water Meter Ordinance Violations – Penalties and Liens in the City of Revere (House, No. 4458); and

Authorizing the town of Falmouth to transfer a parcel of land commonly known as the Farley Bog (House, No. 4561);

**Were severally read a second time and ordered to a third reading.**

Second reading bills.

There being no objection, the following matters were taken out of order and considered as follows:

The Senate Bill to prevent wage theft and promote employer accountability (Senate, No. 2327),-- was read a second time.

Wage theft,-- prevention.

**Pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2546), and pending the main question on ordering the bill to a third reading, on motion of Mr. Tarr, the further consideration thereof was postponed until the next session.**



The Senate Resolutions for a United States constitutional amendment and amendments convention (Senate, No. 2243),-- was considered, the question being on adoption.

Constitutional amendment,-- convention.

**Pending the question on adoption of the resolutions, Mr. Eldridge moved that the matter be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed without question until the next session.**

*Recess.*

There being no objection, at eleven minutes before twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at twelve minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 479),-- was read a second time.

Clean energy.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, that the pending Bonding, Capital Expenditures and State Assets pending new draft (Senate, No. 2302) be amended by substituting a new draft with the same title (Senate, No. 2545), and pending the main question on ordering the bill to a third reading, Messrs. DiDomenico and Feeney, Ms. L'Italien and Messrs. Eldridge, O'Connor, Lewis, Timilty and Tarr moved that the proposed new draft be amended in section 144 of Chapter 164 of the General Laws, as appearing in the 2014 Official Edition, by striking out subsection (c) and inserting in place thereof the following subsection:-

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"(c)(1) Upon the undertaking of a significant project on a public way exposing confirmed natural gas infrastructure, and with sufficient notice, a municipality or the commonwealth shall submit written notification of the project to a gas company. The gas company shall survey the project area for the presence of Grade 1 or Grade 2 leaks and set repair and replacement schedules for all known or newly detected Grade 1 or Grade 2 leaks. The gas company shall ensure that any shut off valve in the significant project area has a gate box installed upon it or a reasonable alternative that would otherwise ensure continued public safety and that any critical valve that has not been inspected and tested within the past 12 months is verified to be operational and accessible. The gas company shall provide the repair and replacement schedule of gas leaks to the municipality or the commonwealth.

(2) 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.

(3) 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.

(4) 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.

(5) 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. Pacheco and Lewis and Ms. L'Italien moved that the proposed new draft be amended by inserting the following sections:-

"SECTION \_\_. The Department of Environmental Protection shall promulgate regulations requiring producers, importers, and wholesale distributors that sell, supply, or offer for sale transportation fuels in Massachusetts to report all Massachusetts transportation fuel sales, and the source of any fuel sold, to the Department of Environmental Protection. The regulations shall require the Department of Environmental Protection to compute and track the individual and collective lifecycle greenhouse gas emissions of all fuels, as well as the carbon intensity of each fuel, that are reported by regulated entities on an annual basis.

SECTION \_\_. All sales, lifecycle greenhouse gas emissions, and carbon intensity data collected or computed by the Department of Environmental Protection pursuant to the regulations required by Section \_\_ shall be published by the Department in an annual report that is available to the public.

SECTION \_\_. The regulations required by Section \_\_ shall be promulgated within 180 days of passage of this Act, and must take effect within 180 days of promulgation."

After remarks, the amendment was adopted.

Ms. Jehlen, Messrs. Keenan, Eldridge, Lewis, O'Connor and Timilty, Ms. Gobi, Messrs. Pacheco, Feeney and Montigny, Ms. Friedman and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 15 the following section:-

"SECTION 15A. Section 94A of chapter 164 of the General Laws, as appearing in the 2016 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."

After remarks, the amendment was adopted.

Messrs. Lewis, Eldridge, O'Connor and Pacheco and Ms. L'Italien moved that the proposed new draft be amended by inserting the following sections:-

"SECTION XX. Section 69H of chapter 164 of the General Laws, as so appearing, is hereby amended by inserting in line 6 after the word 'environment', the following:- 'and public health'.

SECTION XX. Section 69H of chapter 164 of the General Laws, as so appearing, is hereby amended by striking, in lines 20 and 21, the words '2 commissioners of the commonwealth utilities commission', and inserting in place thereof the following words:- 'the commissioner of public health, 1 commissioner of the department of public utilities,'."

Ms. Creem in the Chair, after remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended in line 86 by inserting after the word "emissions" the following text:- " , provided such regulations do not

violate section 177 of the federal clean air act, (42 U.S.C § 7507)”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 30) [**Yeas and Nays No. 417**]:

**YEAS.**

deMacedo, Viriato M.  
Fattman, Ryan C.  
Humason, Donald F., Jr.  
O'Connor, Patrick M.

Ross, Richard J.  
Tarr, Bruce E.  
Tran, Dean A. – 7.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
Eldridge, James B.  
Feeney, Paul R.  
Friedman, Cindy F.  
Gobi, Anne M.

Hinds, Adam G.  
Jehlen, Patricia D.  
Lesser, Eric P.  
Lewis, Jason M.  
L'Italien, Barbara A.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor Ives, Kathleen  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Timilty, Walter F.  
Welch, James T. – 30.

**ABSENT OR NOT VOTING.**

Keenan, John F. – 1.

The yeas and nays having been completed at twelve minutes before three o’clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section 19 the following 3 sections:-

“SECTION 19A. Section 83B of chapter 169 of the acts of 2008, inserted by section 12 of chapter 188 of the acts of 2016, is hereby amended by adding the following definition:-

‘Offshore wind energy transmission’, transmission that delivers electricity from offshore wind energy generation to the transmission system on the mainland.

‘Offshore wind energy transmission developer’, a provider of electric transmission for offshore wind energy generation.

SECTION 19B. Subsection (b) of section 83C of said chapter 169, as appearing in said section 12 of said chapter 188, is hereby amended by striking out, in lines 16 and 17, the words ‘; provided, however’ and inserting in place thereof the following words:- and may specify that the distribution companies in coordination with the department of energy resources may competitively procure and that the distribution companies may select any proposals for offshore wind energy transmission sufficient to deliver energy generation procured pursuant to this section from designated wind energy areas for which an initial federal lease was issued on a competitive basis after January 1, 2012 that may be developed independent of such offshore wind energy generation; provided, however, that such transmission service shall be made available for use by more than 1 wind energy generation project and

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shall not exceed the generation capacity required by this section; provided further, that any selection of offshore wind energy transmission shall be the most cost-effective mechanism for procuring reliable, low-cost offshore wind energy transmission service for ratepayers in the commonwealth; and provided further.

SECTION 19C. Subsection (d) of said section 83C of said chapter 169, as so appearing, is hereby amended by inserting after the word ‘bid’, in line 11, the following words :- or independently as offshore wind energy transmission.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 418]:**

**YEAS.**

|                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.     |
| 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.         |
| Chang-Diaz, Sonia        | Montigny, Mark C.       |
| Collins, Nick            | Moore, Michael O.       |
| Creem, Cynthia Stone     | O'Connor, Patrick M.    |
| Crighton, Brendan P.     | O'Connor Ives, Kathleen |
| Cyr, Julian              | Pacheco, Marc R.        |
| deMacedo, Viriato M.     | Rodrigues, Michael J.   |
| DiDomenico, Sal N.       | Ross, Richard J.        |
| Eldridge, James B.       | Rush, Michael F.        |
| Fattman, Ryan C.         | Spilka, Karen E.        |
| Feeney, Paul R.          | Tarr, Bruce E.          |
| Friedman, Cindy F.       | Timilty, Walter F.      |
| Gobi, Anne M.            | Tran, Dean A.           |
| Hinds, Adam G.           | Welch, James T. – 37.   |
| Humason, Donald F., Jr.  |                         |

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Keenan, John F. – 1.

The yeas and nays having been completed at seven minutes before three o’clock P.M., the amendment was adopted.

Messrs. Hinds and O'Connor, Ms. Gobi, Mr. Pacheco, Ms. Friedman and Mr. Brady moved that the proposed new draft be amended in section 12, by striking in lines 91 and 92, the words “and (ii) be designed to minimize disproportionate impacts on low-income households” and inserting in place thereof the following words: “(ii) be designed to minimize disproportionate impacts on low-income households; (iii) be designed to identify, with special attention to manufacturing, economic sectors, economic sub-sectors, or individual employers at risk of serious negative impacts due to the market-based compliance mechanisms established pursuant to this section; and (iv) be designed to mitigate impacts identified in (iii)”.

After remarks, the amendment was adopted.

Messrs. O'Connor, Feeney, Keenan, Pacheco and Ross, Ms. L'Italien and Mr. Timilty moved that the proposed new draft be amended by inserting the following:-  
“SECTION XX. Chapter 111 of the General Laws as so appearing is hereby amended by adding the following new section:-

14

17

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 remarks, the amendment was adopted.

The President in the Chair, Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting after section \_\_\_\_ the following 2 sections:-

23

“SECTION XX. Section 3 of chapter 25A of the general laws, as appearing in the 2016 official edition, is hereby amended by inserting after the definition of ‘Building authority’ the following definitions:

‘Clean peak energy resources’, any Class I renewable energy generating sources as defined in subsection (c) of section 11F, demand response resources, and energy storage systems, as defined in section 1 of chapter 164.

‘Clean peak period’, one or more discrete time periods during a calendar year, as determined by the department pursuant to subsection (j) of section 11F, when electrical consumption results in a significant increase in greenhouse gas emissions, or an increase in electrical prices or transmission and distribution costs to end-use electricity customers of the commonwealth; provided, however, that the total numbers of hours constituting the clean peak period for a particular year shall not exceed 10 per cent of the projected total hours of electricity demand of all end-user customers in the commonwealth in that year; and provided further, that the department may rely on forecasting by the independent service operator for the New England service area in determining the clean peak period.

SECTION XX. Section 11F of chapter 25A of the general laws, as appearing in the 2016 official edition, is hereby amended by adding the following subsection:-

(j) The department shall establish a clean peak standard for all retail electricity suppliers selling electricity to end-use customers in the commonwealth. Such standard shall require all retail electricity suppliers to provide a minimum percentage of kilowatt-hour sales to end-use customers in the commonwealth from clean peak energy resources, which amount shall be determined by the department through regulations. A retail electricity supplier may satisfy its annual obligation under this subsection with Class I renewable energy generating sources used to satisfy its annual obligation under subsection (a). In developing the clean peak standard, the department may consider using market-based program designs to facilitate long-term investment in clean peak energy resources; provided, however, that the clean peak standard shall be designed to lower the overall costs to the commonwealth’s ratepayers over the period in which the clean peak standard is in effect and, to the maximum extent practicable, shall ensure that any rate increase for an individual electricity customer, regardless of customer class, resulting from the clean peak standard does not exceed 0.5 cents per kilowatt-hour in the aggregate for any particular year. The department shall promulgate regulations to implement this subsection, including, at a minimum, provisions regarding: (1) the methodology for defining the clean peak period for electricity demand in a given year; (2) the minimum amount of clean peak energy resources required to satisfy the clean peak standard; and (3) an alternative compliance mechanism for retail electricity suppliers. This section shall be in effect until January 1, 2041.”

After remarks, the amendment was *rejected*.

Messrs. Feeney and Pacheco moved that the proposed new draft be amended by inserting after section 28 the following sections:-

“SECTION 28A. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Board’, the pension reserves investment management board established in section 23 of chapter 32 of the General Laws.

‘Company’, a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies or affiliates of such entities or business associations that exist for profit-making purposes.

‘Direct holdings’, all securities of a company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

‘Fossil fuel company’, a company identified by a Global Industry Classification System code in 1 of the following sectors: (i) coal and consumable fuels; (ii) integrated oil and gas; or (iii) oil and gas exploration and production.

‘Indirect holdings’, all securities of a company held in an account or fund, including a mutual fund, managed by at least 1 person not employed by the public fund and in which the public fund owns shares or interests together with other investors not subject to this section.

‘Public fund’, the Pension Reserves Investment Trust Fund established in subdivision (8) of section 22 of chapter 32 of the General Laws or the pension reserves investment management board charged with managing the pooled investment fund consisting of the assets of the State Employees’ and Teachers’ Retirement Systems and the assets of local retirement systems under the control of the board.

‘Thermal coal’, coal used to generate electricity, including coal which is burned to create steam to run turbines; provided, however, ‘thermal coal’ shall not include metallurgical coal or coking coal used to produce steel.

‘Thermal coal company’, a publicly-traded company that generates at least 50 per cent of its revenue from the mining of thermal coal as determined by the board.

(b) Notwithstanding any general or special law to the contrary, within 30 days after the effective date of this act, the public fund shall facilitate the identification of all thermal coal and fossil fuel companies in which the fund owns direct or indirect holdings.

(c) Notwithstanding any general or special law to the contrary, the public fund shall take the following actions in relation to thermal coal companies in which the fund owns direct or indirect holdings:

(i) sell, redeem, divest or withdraw all publicly-traded securities of each thermal coal company identified pursuant to subsection (b) before December 31, 2020;

(ii) if recommended by the commission established in subsection (d), sell, redeem, divest or withdraw all publicly-traded securities of each fossil fuel company identified pursuant to subsection (b) according to the following schedule: (i) at least 33 per cent of such assets shall be removed from the public fund’s assets under management before December 31, 2022; (ii) 67 per cent of such assets shall be removed from the public fund’s assets under management before December 31, 2024; and (iii) 100 per cent of such assets shall be removed from the public fund’s assets under management before December 31, 2025.

The public fund shall not acquire new assets or securities of thermal coal companies or, if so recommended by the commission established in subsection (d), fossil fuel companies.



(d) There shall be a special commission to investigate and study divestment of the public fund from fossil fuel companies, but not including thermal coal companies, as proposed by the schedule in subsection (c). The commission shall evaluate the benefits of divestment from fossil fuels, not including thermal coal, compared to any potential increased risk that divestment may pose to the commonwealth's pension funds and retirees.

The commission shall consist of: the state treasurer or a designee who shall serve as chair; the executive director of the public employee retirement administration commission or a designee; a member of the Retired State, County and Municipal Employees Association of Massachusetts; an active member of the Service Employees International Union who shall be designated by the state council; and 3 private citizens to be appointed by the governor who shall have expertise and current employment in environment, social and governance-related finance, institutional divestment or climate science.

The commission shall consult with experts in the relevant fields of economics, wealth management, fiduciary law and environmental sciences. The report shall include, but not be limited to: (i) recommendations on defining fossil fuel companies; (ii) a sensitivity analysis of the potential impact of divestment on the fund's return on investment, including an analysis of the potential impact that divestment from fossil fuel companies may have on the amortization schedules for the commonwealth's pension funds; (iii) an analysis and recommendations as to how to best incorporate assessment of carbon risk into the investment policy statement; (iv) an analysis of the potential environmental and policy benefits derived from divestment from fossil fuel companies; (v) recommendations on divestment of indirect holdings, particularly regarding potential exceptions for mutual funds and index funds that may invest in fossil fuel companies; (vi) analysis of the potential impact that divestment may pose to companies and employees based in the commonwealth; and (vii) recommendations on effective administration and oversight of fossil fuel divestment.

The commission shall file its report and its recommendations, together with an actuarial analysis, if any, with the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means and the chairs of the joint committee on public service not later than April 1, 2019.

This subsection shall also apply to any divestment of the public fund from fossil fuel companies.

(g) Present, future and former board members of the public fund, jointly and individually, state officers and employees and investment managers under contract with the public fund shall be indemnified from the General Fund and held harmless by the commonwealth from all claims, demands, suits, actions, damages, judgments, costs, charges and expenses, including court costs and attorneys' fees, and against all liability, losses and damages of any nature whatsoever that such present, future or former board members, state officers and employees and investment managers shall or may at any time sustain by reason of any decision to restrict, reduce or eliminate investments in fossil fuel companies.

(e) Notwithstanding this section, any requirement to divest the public fund from thermal coal or other fossil fuel companies shall not apply to indirect holdings in actively-managed investment funds; provided, however, that the public fund shall submit letters to the managers of the investment funds containing thermal coal or other fossil fuel companies requesting that they consider removing remove such companies from the investment fund or create a similar actively-managed fund with indirect holdings devoid of such companies. If the manager creates a similar fund,



the public fund shall replace all applicable investments with investments in the similar fund in an expedited timeframe consistent with prudent investing standards. For the purposes of this section, private equity funds shall be deemed to be actively-managed investment funds.

(f) Notwithstanding any general or special law to the contrary, the public fund may cease divesting from companies under subsection (c), reinvest in companies from which it divested under said subsection (c) or continue to invest in companies from which it has not yet divested upon clear and convincing evidence showing that the total and aggregate value of all assets under management by or on behalf of the public fund becomes: (i) equal to or less than 99.5 per cent; or (ii) 100 per cent less 50 basis points of the net value of all assets under management by or on behalf of the public fund in the previous year as a direct result of divestment. Cessation of divestment, reinvestment or any subsequent ongoing investment authorized by this section shall be strictly limited to the minimum steps necessary to avoid the contingency set forth in the preceding sentence. For any cessation of divestment and in advance of any cessation authorized by this subsection, the public fund shall provide a written report to the attorney general, the senate and house committees on ways and means and the joint committee on public service, updated semi-annually thereafter as applicable, setting forth the reasons and justification, supported by clear and convincing evidence, for its decisions to cease divestment, to reinvest or to remain invested in thermal coal.

(h) The public fund shall file a copy of the lists of thermal coal in which the fund owns direct or indirect interests with the clerks of the senate and the house of representatives and the attorney general within 30 days after of the effective date of this act. Annually thereafter, the public fund shall file a report with the clerks of the senate and the house of representatives and the attorney general which shall includes: (i) all investments sold, redeemed, divested or withdrawn in compliance with subsection (c); and (ii) all prohibited investments from which the public fund has not yet divested under said subsection (c). This subsection shall also apply to any divestment of the public fund from fossil fuel companies.”

After remarks, the amendment was adopted.

Messrs. Cyr and O'Connor, Ms. Gobi and Mr. Pacheco moved that the proposed new draft be amended by adding the following section:-

27

“SECTION XX. Section 4 of chapter 21N of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word ‘secretary’, in line 29, the following words:- ‘, in consultation with the department of public health.’”

After remarks, the amendment was adopted.

Messrs. Tarr, O'Connor and Ross moved that the proposed new draft be amended by inserting after section \_\_ the following new section:-

37

"SECTION\_. Clause (c) of section 11F of chapter 25A as appearing in the 2016 official edition is hereby amended by inserting in line 77 after ‘energy’ the following:- ‘(10) energy generated from large scale hydroelectric facilities; provided, however, that (i) necessary to meet the goals of the 2008 global warming solutions act; (ii) subject to a contract for twenty years or more; and (iii) it is cost-effective’.”

After remarks, the amendment was *rejected*.

Mr. Tran moved that the proposed new draft be amended by striking out section 14 in its entirety and inserting in place thereof the following section:-

39

“SECTION 14. Subsection (a) Section 11F of chapter 25A of the general laws, as appearing in the 2016 official edition, is hereby amended by striking out, in lines

16 and 17, the words ‘and (3) an additional 1 per cent of sales every year thereafter’ and inserting in place thereof the following words:- (3) an additional 1 per cent of sales every year until December 31, 2021; (4) an additional 2 per cent of sales every year thereafter.”

The amendment was *rejected*.

Mr. deMacedo moved that the proposed new draft be amended by inserting at the end thereof the following sections:-

40

“SECTION XX. Section 1 of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, after the definition of ‘Mitigation,’ the following definition:-

‘Nantucket Sound’, the water and seabed located below the mean low-water line that lie between the southern shore of Cape Cod, between Monomoy and Mashpee, and the Islands of Martha’s Vineyard and Nantucket.

SECTION XX. Said chapter 164 is hereby amended by inserting after section 69S the following section:-

The board may not authorize, fund, or take any action to carry out development of an offshore wind electric generating facility located in whole or in part within Nantucket Sound or any transmission facility connected thereto, regardless of whether such wind energy generation facility is subject to the jurisdiction of the board. Nothing in this section shall limit the ability of the board to authorize, fund, or take action on development of electric transmission facilities that exclusively serve or support offshore wind electric generating facilities not located within Nantucket Sound.”

The amendment was *rejected*.

Messrs. Eldridge, Lewis, Moore and Welch, Ms. L’Italien, Ms. Friedman, Ms. Jehlen and Mr. Lesser moved that the proposed new draft be amended by adding the following section:-

41

“SECTION XX. Section 138 of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 94 to 96, the words ‘that credits shall only be allocated to an account of a municipality or government entity.’ and inserting in place thereof the following:- ‘that credits shall only be allocated to an account of a municipality or government entity or publicly-assisted housing or its residents.’; and by striking out, in lines 121 to 123, the words ‘(2) of which the municipality or other governmental entity is assigned 100 per cent of the output.’ and inserting in place thereof the following:- ‘(2) of which the municipality or other governmental entity or publicly-assisted housing or its residents are assigned 100 per cent of the output or net metering credits’.”; and

By inserting after the definition for “net metering facility of a municipality or other governmental entity” the following definition:-

“‘Publicly-assisted housing’, housing as defined in Section 1 of chapter 40T.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 419**]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia

Jehlen, Patricia D.  
Lesser, Eric P.  
Lewis, Jason M.  
L’Italien, Barbara A.  
Lovely, Joan B.  
Montigny, Mark C.

Collins, Nick  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Friedman, Cindy F.  
Gobi, Anne M.  
Hinds, Adam G.  
Humason, Donald F., Jr.

Moore, Michael O.  
O'Connor, Patrick M.  
O'Connor Ives, Kathleen  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Ross, Richard J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. – 37.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Keenan, John F. – 1.

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

Messrs. Eldridge and Lewis, Ms. Chang-Diaz, Messrs. Moore and Welch, Ms. L'Italien, Ms. Friedman, Ms. Jehlen and Mr. Lesser moved that the proposed new draft be amended by adding the following section:-

“SECTION XX. Section 139 of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 60 to 64, the words ‘A solar net metering facility may designate customers of the same distribution company to which the solar net metering facility is interconnected and that are located in the same ISO-NE load zone to receive such credits in amounts attributed by the solar net metering facility’ and inserting in place thereof the following words:- A solar net metering facility may designate customers of the same distribution company to which the solar net metering facility is interconnected, regardless of which ISO-NE load zone the customers are located in, to receive such credits in amounts attributed by the solar net metering facility.”

After remarks, the amendment was adopted.

Ms. Creem, Messrs. O'Connor, Pacheco and Lewis, Ms. L'Italien and Mr. Tarr moved that the proposed new draft be amended by inserting the following new section:-

“SECTION XX. Section 1B of Chapter 164 of the General Laws is amended by inserting after subsection (f), as appearing in the 2016 Official Edition, the following section:

(g)(1) Beginning on July 1, 2019, each distribution company shall offer to residential and small commercial and industrial customers at least one option for a time of use rate, including differentials for energy supply, transmission, and distribution, designed to reflect the cost of providing electricity at different times of the day and year, but shall not include demand charges. Peak time periods for each rate shall be no longer than 6 hours in length per day and, as consistent with cost causation, price differentials must be sufficient to motivate customer response. Each distribution company shall provide each customer, not less than once per year, a summary of available rate options with a calculation of expected bill impacts under each. Options for a time of use rate shall be posted prominently on the website of each distribution company, including the ability to opt into such a rate online, and additional educational material. Should a customer opt into a time of use rate, the

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10

distribution company shall install all necessary equipment within 60 days of request. A customer may choose a different rate schedule after one year.

(2) If the Department approves rates that include time-varying pricing on an opt-out basis, the opt-in time of use rate structure may be discontinued, but each distribution company must offer a time-varying rate to all residential and all small commercial and industrial customers at all times. In considering an opt-out time-varying rate structure, the Department must consider the impacts of such a structure on low-income and vulnerable consumers and take appropriate mitigating actions, including the consideration of continuing low-income discount and other selected categories of customers on non-time-varying rate structures, and allowing these categories of customers to opt into time-varying rates.

(3) The Department is hereby authorized and directed to promulgate rules and regulations necessary to carry out the provisions of this subsection, including, but not limited to, (i) the procedure for procurement of time-varying default service offerings and (ii) separately accounting for the reconciliation of expenses for time-varying default service procurement from customers on time-varying default service.”

After remarks, the amendment was adopted.

Messrs. Pacheco and Lewis, Ms. L'Italien and Mr. Rodrigues moved that the proposed new draft be amended in section 15, by striking out subsection (a) of proposed section 17 and inserting in place thereof the following subsection:-

45

“(a) The department shall establish an energy storage system target program for the deployment of energy storage systems by distribution company customers, distribution companies and municipal lighting plants to achieve a statewide energy storage deployment target of 2,000 megawatts by January 1, 2030 and a subsequent statewide energy storage deployment target to be achieved by January 1, 2035. The department shall set annual statewide deployment targets to be achieved in each distribution company’s and municipal lighting plant’s service territory in order to reach the energy storage system targets required under this section.”;

In said section 15, by inserting after the word “targets”, in line 138, the following words:- “; provided, however, that the department shall ensure that no distribution company shall prevent or interfere with a customer or developer’s ability to enter into agreements to own or operate behind the meter energy storage systems.”;

In said section 15, by striking out subsection (e) of proposed section 17 and inserting in place thereof the following subsection:-

“(e) The department shall promulgate regulations to: (i) establish a carve-out of the alternative energy portfolio standard obligation under section 11F1/2 for energy storage systems as defined in section 1 of chapter 164; and (ii) allow each distribution company and municipal lighting plant to discharge its obligations under this section by either procuring attributes from energy storage systems that qualify under the carve-out established pursuant to this section or by making an alternative compliance payment in an amount to be established by the department. The regulations shall require distribution companies and municipal lighting plants to annually submit to the department a report that shows it is in compliance with this section.”; and

By inserting after section 28 the following section:-

“SECTION 28A. The department of energy resources shall establish the subsequent statewide energy storage deployment target required pursuant to subsection (a) of section 17 of chapter 25A of the General Laws not later than December 31, 2020.”

After remarks, the amendment was adopted.

Messrs. Eldridge, Lewis, O'Connor and Pacheco and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 22 the following 2 sections:-

"SECTION 22A. The Massachusetts Department of Transportation, in consultation with the department of state police, shall conduct a feasibility study on authorizing an electric vehicle as defined in section 16 of chapter 25A of the General Laws to travel in lanes designated for use by high-occupancy vehicles notwithstanding the number of occupants in the vehicle. The study shall include, but not be limited to: (i) an examination of existing capacity in lanes designated for use by high-occupancy vehicles; (ii) the impact of additional electric vehicles in the lanes; and (iii) a plan to properly differentiate eligible electric vehicles to ensure appropriate access to the designated lanes. The department shall file a report on the results of the study with the clerks of the senate and the house of representatives and the chairs of the joint committee on transportation not later than July 31, 2019.

SECTION 22B. The Massachusetts Department of Transportation, in consultation with the executive office of energy and environmental affairs, shall develop and implement a program to promote private electric vehicle ownership with the goal of ensuring that 25 per cent of motor vehicles owned or leased in the commonwealth shall be electric vehicles by December 31, 2028. The department shall promulgate regulations necessary to implement this program."

After remarks, the amendment was adopted.

Ms. Gobi and Ms. Friedman moved that the proposed new draft be amended by inserting after section 18 the following section:-

"SECTION XX. Said section 139 of chapter 164, as so appearing, is hereby amended by striking the first sentence of the third paragraph of subsection (j) and inserting in place thereof the following:- The department shall exempt any monthly minimum reliability contribution for municipal ratepayers, low-income ratepayers, ratepayers living in income-restricted housing and community solar ratepayers."

After remarks, the amendment was *rejected*.

Ms. O'Connor Ives and Messrs. Feeney, O'Connor, Pacheco, Tarr and Lesser moved that the proposed new draft be amended by adding the following section:-

"SECTION XX: Section 21 of Chapter 25 of the General Laws is hereby amended by adding the following section:-

(b)(4) The natural gas and electric utilities and energy efficiency service companies shall distribute information about MassSave programs via billing statements to customers at a minimum of once annually."

After remarks, the amendment was adopted.

Mr. DiDomenico moved that the proposed new draft be amended by inserting after section 5 the following section:-

"SECTION 5A. Subsection (a) of section 2 of Chapter 21N, as so appearing, is hereby amended by inserting after clause (7) the following new clause:-

(8) shall provide for the targeted reduction of statewide greenhouse gas emissions by phasing out the burning of coal and oil for electricity generation during periods of supply constraint by December 31, 2025."

The amendment was *rejected*.

Messrs. O'Connor and Timilty moved that the proposed new draft be amended by inserting the following:-

"SECTION XX. Section 5 of Chapter 59 of the General Laws is hereby amended by inserting, after '1996' in line 298, the following new sentence:- 'Any

conduits, wires and pipes that extend above ground and compress, transport, or directly assist with the compression or transportation of natural gas will not be exempt from taxation of the corporations or limited liability companies described in this section or of limited liability companies engaged in the transportation of natural gas.’.”; and by inserting the following:-

“SECTION XX. Section 38A of Chapter 59 of the General Laws is hereby further amended by inserting at the end the following:-

The commissioner shall promulgate regulations to reclassify inventory reporting and assessment procedures conducted by natural gas transportation corporations or limited liability companies in municipalities that contain a natural gas compressor station. Any such regulations shall require assessments to differentiate the value for allocation between pipelines and compressor station equipment, provided that any value assessed on compressor station equipment be allocated to a municipality. The portion of the value assessed on compressor station equipment shall be allocated to a municipality based on the municipality’s respective percentage of the gross investment for compressor station equipment. The commissioner shall prescribe a manner for the allocations and expenditures of the funds that are received by a municipality containing a compressor station pursuant to this section. The commissioner shall promulgate all regulations and guidelines established in this section no later than December 31, 2018.”

The amendment was *rejected*.

Messrs. Cyr, O'Connor and Tarr moved that the proposed new draft be amended by adding the following section:-

58

“SECTION XX. Section 5 of chapter 59 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after clause Forty-fifth A, the following clause:-

Forty-fifth B, A solar powered system that is located on land owned by a municipality or that generates solar power that is distributed in kind or in value by net metering credits to a municipality or governmental entity.”

The amendment was *rejected*.

Messrs. Hinds, Eldridge, Lewis and Timilty, Ms. Gobi, Messrs. Pacheco, Feeney and Welch, Ms. Friedman, Ms. L'Italien and Ms. Jehlen moved that the proposed new draft be amended by inserting after section 15 the following 2 sections:-

60

“SECTION 15A. Chapter 30A of the General Laws is hereby amended by inserting after section 10A the following section:-

Section 10B. Notwithstanding section 10, in any adjudicatory proceeding regarding a petition, request for approval or investigation of a gas company or electric company, as those terms are defined in section 1 of chapter 164, the following shall be permitted to participate as full parties in the proceeding: (i) a municipality that is within the service area of such company; (ii) a member of the general court whose district includes ratepayers of such company; and (iii) a group of not less than 50 persons who are immediately and significantly impacted by such a petition or request for approval or investigation and whose involvement would not unduly broaden the issues in the proceeding.

SECTION 15B. Section 94A of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

As part of the review of a contract with a term of more than 1 year for new gas pipeline capacity, the department shall determine whether such contract is in the public interest. The department shall not approve such a contract unless, as part of its public interest determination, the department finds that: (i) such contract is



necessary to satisfy demand for gas by, and is cost-effective for, in-state ratepayers; (ii) such contract compares favorably to other reasonably available options in terms of its impact on rates, the economy, environment, climate, local communities, public health, safety and welfare; (iii) the parties to the proposed contract have attempted, in good faith, to identify and evaluate alternatives that would reduce or eliminate the need for private land takings or public land disposition including, but not limited to, expanded and more long-term utilization of existing gas infrastructure, distribution system repairs and upgrades, contracts for gas storage along unconstrained pipeline corridors, enhancement of peak-shaving measures and colocation of gas infrastructure with major roadways; and (iv) for contracts exceeding a term of 3 years, the parties to the proposed contract have attempted, in good faith, to identify and evaluate demand-side options to reduce or eliminate the need for new gas infrastructure.”

After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting after the word "feasible" in line 178 the following words:- ", and cost-effective,".

61

Pending the question on adoption of the amendment, Mr. O'Connor moved that the amendment (Tarr-Ross) be amended by inserting at the end the following:-

61.1

By inserting, after the word "Laws" in line 180, the following:-

"Solar Mobility System Networks shall be included in the evaluation of technically, economically-feasible and cost-effective pathways, using the following standards: 1) built and operated by private enterprise without government subsidies, 2) exceed 120 passenger miles per gallon or equivalent energy efficiency, 3) gather more than 2 megawatt-hours of renewable energy per network mile per typical day, 4) use system design, fabrication, installation, safety, insurance and inspection practices consistent with the American Society for Testing and Materials International Committee F24 on Amusement Rides and Devices as used by theme parks, 5) pay up to 5 per cent of the gross revenues to the aggregate rights-of-way holders. The evaluation of Solar Mobility Systems shall include a pilot program."

The further amendment (O'Connor) was *rejected*.

The pending amendment (Tarr-Ross) was then considered, and it was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after the first sentence of section 21 in line 180 the following words:- "Said modeling and analysis shall include whether or not any additional supplies of natural gas are necessary and or cost-effective as a means to ensure the reliability and stability of electric production, space conditioning and transportation in order to meet the requirement of the global warming solutions act and to support the transition of the commonwealth to the reliance on, and utilization of, 100% renewable energy."

66

The amendment was *rejected*.

Messrs. Hinds, Tarr, Brady and Lesser moved that the proposed new draft be amended by adding the following section:-

68

"SECTION XX. Section 5 of chapter 21N of the General Laws, as so appearing, is hereby amended by inserting, after the words 'low-income communities', the words 'including, but not limited to, economically distressed manufacturing, economic sectors, economic sub-sectors, or individual employers located within said communities'."

The amendment was adopted.

*Recess.*



There being no objection, at twenty-six minutes before five o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-four minutes before six o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 479),-- was further considered, the main question being on ordering the bill to a third reading.

Clean energy

Ms. Creem, Messrs. Eldridge, Keenan, O'Connor, Pacheco and Lewis and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 19 the following section:-

5

"SECTION 19A. Chapter 164 of the General Laws is hereby amended by adding the following section:-

Section 146. (a) For the purposes of this section, 'lost and unaccounted for gas' shall mean an amount of gas that is the difference between the total gas purchased by a gas company and the sum of: (i) total gas delivered to customers; and (ii) total gas used by a gas company in the conduct of its operations.

(b) The department shall issue regulations requiring all gas companies to report to the department, in a uniform manner, lost and unaccounted for gas for each year. Such standards shall include: (i) a method using operational and billing data to determine the total amount of lost and unaccounted for gas and to identify and measure each of its components; and (ii) a method using engineering characteristics and operational data to identify and measure all sources and locations where lost and unaccounted for gas occurs in the natural gas systems.

(c) The department may grant waivers from regulatory requirements as necessary for the development of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a waiver shall include the goals of the innovative project, the expected cost, the expected benefit to ratepayers and the expected reduction in greenhouse gas emissions."; and

By adding the following section:-

"SECTION 33. Section 146 of chapter 164 of the General Laws shall take effect on January 1, 2020; provided, however, that the regulations required to implement said section 146 of said chapter 164 shall be promulgated and in effect not later than December 31, 2019."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before six o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 420**]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Creem, Cynthia Stone  
Crighton, Brendan P.

Jehlen, Patricia D.  
Lesser, Eric P.  
Lewis, Jason M.  
L'Italien, Barbara A.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor, Patrick M.  
O'Connor Ives, Kathleen

Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Friedman, Cindy F.  
Gobi, Anne M.  
Hinds, Adam G.  
Humason, Donald F., Jr.

Pacheco, Marc R.  
Rodrigues, Michael J.  
Ross, Richard J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. – 37.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Keenan, John F. – 1.

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

Ms. Creem in the Chair, Messrs. Barrett and Eldridge moved that the proposed new draft be amended by inserting the following section:-

“SECTION XX. Subsection (i) of said section 139 of said chapter 164, as so appearing, is hereby further amended by adding the following sentences:- ‘Any facility at least 75% owned by, or at least 75% of which is producing net metering credits for, 3 or more individual residential customers, including a neighborhood net metering facility, in which no one residential customer owns more than 60 kilowatts of design capacity, or receives more credits than the amount of credits produced annually by a facility with a 60 kilowatt design capacity, shall be exempt from subsections (b½) and (k) of this section, and may net meter and accrue Class I net metering credits. Any such facility shall also be exempt from any limit on the aggregate net metering capacity set by subsection (f) of this section.’.”

After remarks, the amendment was adopted.

Messrs. Cyr, O'Connor, Lewis and Pacheco, Ms. Friedman and Ms. L'Italien moved that the proposed new draft be amended by adding the following section:-

“SECTION XX. Section 134 of chapter 164, as appearing in the General Laws, 2016 Official Edition, is hereby amended by adding, after subsection (b), the following subsection:-

(c)(1) As used in this subsection, the following words shall have the following meanings unless the context otherwise requires:

‘Alternative Compliance Payment,’ or ‘ACP,’ an amount established by the department of energy resources that retail electricity suppliers may pay in order to discharge their Renewable Portfolio Standard obligation, as required under section 11F of chapter 25A.

‘Community empowerment contract’ or ‘contract’, an agreement between a municipality and the developer, owner or operator of a renewable energy project.

‘Customer’, an electricity end-use customer of an electric utility distribution company regardless of how that customer receives energy supply services.

‘Department’, the department of public utilities.

‘Large commercial customer’, a large commercial, industrial or institutional customer as further defined by the department of energy resources utilizing existing usage-based tariff structures.

‘Municipality’, a city or town or a group of cities or towns which is not served by a municipal lighting plant, that meet the eligibility criteria under paragraph (9).

‘Participant’, a customer within a municipality that has entered into a

16

22

community empowerment contract, so long as that customer did not opt out of, or is prevented from participating in, the community empowerment contract under subsection (d).

‘Renewable energy certificate’, a certificate representing the environmental attributes of 1 megawatt hour of electricity generated by a renewable energy project, the creation, use and retirement of which is administered by ISO New England, Inc.

‘Renewable energy portfolio standard’, the renewable energy portfolio standard established in section 11F of chapter 25A.

‘Renewable energy project’ or ‘project’, a facility that generates electricity using a Class 1 renewable energy resource and is qualified by the department of energy resources as eligible to participate in the renewable energy portfolio standard under section 11F of chapter 25A and to sell renewable energy certificates under the program.

‘Residential customer’, a utility distribution customer that is a private residence or group of residences as further defined by the department of energy resources utilizing existing usage-based tariff structures.

‘Small commercial customers’, a small or medium commercial, industrial or institutional utility distribution customer as further defined by the department of energy resources utilizing existing usage-based tariff structures.

(2) A municipality may, on behalf of the electricity customers within the municipality, enter into a community empowerment contract with a company that proposes to construct a renewable energy project. A municipality may enter into more than one (1) community empowerment contract and may enter into new contracts at any time.

(3) A community empowerment contract shall be subject to the following conditions:

(i) the contract shall be between the municipality and the company proposing to construct a renewable energy project; provided, however, that this section shall not authorize a municipality to utilize its collateral, credit or assets as collateral or credit support to the counterparty of the contract and a municipality may do so only as otherwise authorized by law;

(ii) the renewable energy project specified in the contract shall not have begun construction prior to the contract having been entered into by the municipality;

(v) the contract shall have a term of not less than 10 years from the time the specified renewable energy project commences operation;

(vii) the contract may exempt for differences mechanism residents of the municipality who receive low-income electric rates.

(6) The department shall promulgate regulations, guidelines or orders, required by paragraph (6) of subsection (c) of section 134 of chapter 164 of the General Laws within 6 months after the effective date of this act, that:

(i) establish the manner in which a municipality may request from a distribution utility, and which the distribution utility shall provide in a timely manner, the summary historic load and payment information of the electricity customers within the municipality that is necessary for a municipality to request and analyze a proposal for a community empowerment contract; provided, however, that the distribution utility may charge the municipality for verifiable, reasonable and direct costs associated with providing the information as approved by the department generally or on a case-by-case basis;

The department of energy resources shall also provide technical assistance to a municipality regarding a community empowerment contract upon request.

(iii) the contract shall be structured as a contract for differences so as to stabilize

electricity prices for participants and shall specify a fixed price for the energy and renewable energy certificates to be generated by the project; provided, however, that the contract shall also specify a means by which the project's contracted amount of energy and renewable energy certificates shall be sold to a third party, at a price established by the wholesale market or an index and as agreed by the parties to the contract, and the proceeds from which shall be credited to the amount owed from the participants to the project; provided further, that if the amount earned in a sale exceeds the agreed fixed price, the participants shall be credited from the project for the difference between the sale price and the contracted fixed price; and provided further, that a contract shall not be an agreement to physically deliver electric energy to the participants but it may require delivery of renewable energy certificates;

(iv) the contract shall specify whether renewable energy certificates from the renewable energy project are to be provided and, if so provided, shall specify how the renewable energy certificates are to be transmitted and disposed of or retired; provided, however, that renewable energy certificates purchased through a contract may be: (A) assigned to the load of each participant or subset of participants, as stipulated in the contract, so as to increase the amount of renewable energy attributed to use by the participants in the aggregate; or (B) sold in a transparent, competitive process, the proceeds from which shall be applied to the contract for differences mechanism under clause (iii); and provided further, that a renewable energy certificate purchased through a contract shall not be used by a basic service supply provider or competitive supply provider to meet its requirements under the renewable energy portfolio standard unless the renewable energy certificate is first sold to the supplier in a competitive, transparent process under this clause;

(ii) establish a procedure by which a municipality shall have a community empowerment contract approved by the department; provided, however, that a community empowerment contract shall not take effect until so approved and the department shall be obligated to and shall approve a contract that meets the requirements under this section; and provided further, that in establishing the approval procedure, the department shall adopt means to minimize the administrative and legal costs to municipalities to the maximum extent possible;

(iii) establish guidelines or standards by which the contract administrator under clause (vi) of paragraph (3) shall: (A) provide utility adjustments to charges to the distribution or credits to participants via a line item on the distribution utility bill; and (B) provide information to the distribution utility that is necessary to enable it to make or receive payments to or from the project and to others as necessary;

(7) The department of energy resources shall promulgate regulations or guidelines, required by paragraph (7) of subsection (c) of section 134 of chapter 164 of the General Laws within 6 months after the effective date of this act, that:

(vi) the contract shall describe the calculations by which a charge or credit to a participant or to the renewable energy project are calculated based on the contract for differences mechanism under clause (iii); provided, however, that the calculations shall ensure full payment or credit to the renewable energy project even if a participant does not make full payment of the participant's distribution utility bill; provided further, that if there is a nonpayment of all or a portion of a distribution utility bill, an increase in charges to the contract participants may be used to ensure sufficient revenue to meet obligations to the project; and provided further, that the contract shall specify a contract administrator who shall perform the calculations under this subsection and determine, for implementation by the distribution utility, the charges and credits due to the project, participants, distribution utility and others as required by the contract; and

(4) A town may enter into a community empowerment contract upon authorization by a majority vote of town meeting, town council or other municipal legislative body. A city may authorize a community empowerment contract by a majority vote of the city council or municipal legislative body, with the approval of the mayor or the city manager in a Plan D or Plan E form of government. Two or more municipalities may initiate a process jointly to authorize community empowerment contracting by a majority vote of each municipality under this paragraph. Prior to an authorizing vote, a public hearing shall be held to inform the municipalities of the proposed contract, the impact on residents and information on how to opt out of the contract if it proceeds. This hearing shall specify the proposed project under the contract and the length of the contract. An entity that is not a party to the contract shall estimate the contract's rate impacts under reasonable scenarios for future energy prices and the estimates shall be presented. The proposed project and contract information, estimated rate impact on constituents, procedure for customers to opt out of the proposed contract and information regarding the public hearing shall also be mailed to the residents of the municipalities 30 days before the hearing.

(i) establish the manner in which, in the case of a community empowerment contract in which the renewable energy certificates are to be assigned to participants, the renewable energy certificates may be transmitted and retired appropriately and the energy source disclosure information accurately provided to participants; and

(ii) establish recommended practices to ensure transparency and accountability on the part of a municipality in entering into and managing a community empowerment contract, including the means by which an executed community empowerment contract shall be available for public inspection and recommendations for a municipality to follow in order to ensure compliance with the requirements for entering into a community empowerment contract.

(8) A community empowerment contract shall be in addition to, and aside from, an electricity supply contract that a customer may have at the time of the contract or that that the customer may later seek to establish. A municipality that enters into a community empowerment contract under this subsection shall not be considered a wholesale or retail electricity supplier. A community empowerment contract shall not require participants to change their choice of electricity supplier regardless of whether the supplier is a competitive supplier or a basic service supplier;

(5) The electricity customers within a municipality shall be required to participate in a community empowerment contract; provided, however, that a customer may opt not to participate in a contract if the customer provides notice to an administrator designated by the municipality within 90 days after the vote authorizing a contract or, in the case of a residential user receiving a low-income electric rate, at any time. No customer shall be a participant in a contract if that customer uses more than 5 per cent of the total annual electricity usage of the electricity customers located within a single municipality that is a party to the contract or, in the case of a contract with a group of municipalities, 5 per cent of the total annual electricity usage of the electricity customers located in the group of municipalities that are parties to the contract. Residential and small commercial customers that establish service within a municipality after the municipality enters into a community empowerment contract shall be required to participate in any community empowerment contracts in effect for the municipality at the time the new service is established. A large commercial customer within a municipality may become a participant unless otherwise prohibited and, upon electing to become a participant, shall remain a participant for the remainder of the community

empowerment contract as long as the large commercial customer continues to be located within the municipality.

provided, however, that each community empowerment contract shall be indicated on a participant's distribution utility bill by a line item specific to the contract; and provided further, that a distribution utility may recover verifiable and reasonable costs for the implementation of this subsection from a contract party or participant except as provided for in clause (iv). Should implementation of this subsection require changes to the distribution utility company's billing system that would not otherwise be incurred, the cost of implementing such changes shall, upon approval by the department as being verifiable, reasonable, and necessary to implement this subsection, be paid for by ACP funds or, if available ACP funds are insufficient, by the Massachusetts Renewable Energy Trust Fund, as established by General Laws chapter 23J, section 9.

(iv) establish guidelines or standards by which distribution company customers may receive or access accurate energy source disclosure information, taking into account the renewable energy certificates that may be ascribed to each customer's electricity usage and regardless of the source from which the renewable energy certificates were supplied or purchased. Should implementation of this subsection require changes to the distribution utility company's billing system that would not otherwise be incurred, the cost of implementing such changes shall, upon approval by the department as being verifiable, reasonable, and necessary to implement this subsection, be paid for by ACP funds or, if available ACP funds are insufficient, by the Massachusetts Renewable Energy Trust Fund, as established by General Laws chapter 23J, section 9."

After remarks, the amendment was adopted.

Ms. Gobi and Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting after section 15 the following section:-

28

"SECTION 15A. Section 16 of chapter 71 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following subsection:-

(s) To lease or license land to a business or other organization for periods not exceeding 30 years for the purpose of generating renewable energy; provided, however, that such use shall not interfere with the educational programs being conducted by the district; provided further, that no lease or license shall be executed until the expiration of 60 days after the date on which the lease or license was voted on by the district committee; and provided further, that before the expiration of this period, any member town of the regional school district may hold a town meeting to express disapproval of the lease or license authorized by the district committee and if at that meeting a majority of the voters present and voting disapprove of the lease or license authorized by the district committee, the lease or license shall not be executed."

After remarks, the amendment was adopted.

Mr. Boncore moved that the proposed new draft be amended by inserting before section 1 the following section:-

30

"SECTION A1. Section 9A of chapter 7 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the last 4 paragraphs and inserting in place thereof the following 3 paragraphs:

The commonwealth shall ensure that 50 per cent of the motor vehicles owned or leased by the commonwealth in the state fleet, including vehicles owned or leased by quasi-public agencies, shall be zero emission vehicles by June 30, 2025. "Zero emission vehicle" shall mean a battery electric vehicle, a plug-in hybrid vehicle or a fuel cell vehicle. In reaching that requirement, the secretary shall prioritize for



electrification any vehicles cited as medium or high priority by the study commissioned by section 6 of chapter 448 of the acts of 2016.

The secretary shall submit to the clerks of the senate and house of representatives and the chairs of the joint committee on transportation a statement annually, not later than July 1, detailing the progress made in meeting the requirements of this section. The report shall include: (i) a complete listing of vehicles leased, owned or assigned to each agency; and (ii) a description of each vehicle, including the year, make and model, whether the vehicle is powered by an internal combustion engine, a mild hybrid engine, a plug-in hybrid motor, a fully battery electric motor, a hydrogen fuel cell electric motor, a compressed liquefied natural gas engine, a propane engine or other means of propulsion. If a zero emission vehicle is not purchased or leased, the secretary shall provide, in each instance, a specific explanation as to why a zero emission vehicle could not have sufficiently fulfilled the intended functions.

Beginning in fiscal year 2026, the secretary shall ensure that 100 per cent of new motor vehicles purchased or leased each year by the commonwealth shall be zero emission vehicles. The secretary shall provide a written report to the clerks of the senate and house of representatives and the chairs of the joint committee on transportation annually, not later than July 1, explaining in detail all instances where a zero emission vehicle was not purchased or leased and the reasons therefor.”; and

By inserting after section 28 the following section:-

“SECTION 28A. The secretary of transportation and the Massachusetts Bay Transportation Authority control board established in section 200 of chapter 46 of the acts of 2015, in consultation with the executive office of energy and environmental affairs, shall develop and complete a detailed plan for the full electrification of all of the authority’s passenger vehicles, including buses, ferries and commuter rail lines. The plan for electrification of the commuter rail shall include the procurement by purchase, lease or other method of electric locomotives, electric multiple unit equipment or a combination of both. The plan shall include the design and construction of high level platforms at all stations on each line. The overall plan shall include a detailed project schedule including all necessary procurement activities, leading to all of the authority’s passenger vehicles being electric by December 31, 2030. The plan shall be filed with the clerks of the senate and house of representatives and the chairs of the joint committee on transportation and shall be made publicly available on the Massachusetts Department of Transportation’s website not later than December 31, 2019.”

After remarks, the amendment was adopted.

Ms. Gobi and Messrs. O'Connor, Pacheco and Lesser moved that the proposed new draft be amended by adding in the following section:

“SECTION XX. Subsection (i) of section 139 of chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following sentence: - An agricultural net metering facility utilizing anaerobic digestion technology or an anaerobic digestion net metering facility shall be exempt from aggregate net metering capacity caps under subsection (f), and may net meter and accrue Class I, II, or III net metering credits.”

The amendment was adopted.

Ms. Gobi and Messrs. Keenan, Tran, Moore, Crighton, Lewis, Rush, Ross, Feeney and Welch moved that the proposed new draft be amended by striking out section 13 in its entirety.

After remarks, the amendment was adopted.

34

24



Messrs. Tarr, Montigny and O'Connor moved that the proposed new draft be amended by inserting after section 32 the following section:-

52

"SECTION XX. In considering, evaluating or otherwise analyzing any renewable energy generation project in state waters or adjacent federal waters, any agency of the commonwealth shall identify and analyze any potential adverse impacts on the commercial and recreational marine fisheries of the commonwealth, provided that such identification and analysis shall be performed by the division of marine fisheries.

Pending the question on adoption of the amendment, Messrs. Montigny, Tarr, Pacheco and O'Connor moved that the amendment (Tarr et al) be amended by striking the text thereof and inserting in place thereof the following:

52.1

In section 22, after the word "capacity" in line 195 the following new words:- "the effect on commercial fisheries and operations,";

By inserting after the words "subsection (c)." in line 198 the following sentence:- "Said plan shall also identify any potential adverse impacts on the commercial and recreational marine fisheries of the commonwealth in addition to potential methods to mitigate said impacts."; and

By inserting after the word "subsection" in line 204 the following new words:- "the commonwealth's fisheries and commercial fishing industry,".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 421**]:

**YEAS.**

|                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.     |
| 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.         |
| Chang-Diaz, Sonia        | Montigny, Mark C.       |
| Collins, Nick            | Moore, Michael O.       |
| Creem, Cynthia Stone     | O'Connor, Patrick M.    |
| Crighton, Brendan P.     | O'Connor Ives, Kathleen |
| Cyr, Julian              | Pacheco, Marc R.        |
| deMacedo, Viriato M.     | Rodrigues, Michael J.   |
| DiDomenico, Sal N.       | Ross, Richard J.        |
| Eldridge, James B.       | Rush, Michael F.        |
| Fattman, Ryan C.         | Spilka, Karen E.        |
| Feeney, Paul R.          | Tarr, Bruce E.          |
| Friedman, Cindy F.       | Timilty, Walter F.      |
| Gobi, Anne M.            | Tran, Dean A.           |
| Hinds, Adam G.           | Welch, James T. – 37.   |
| Humason, Donald F., Jr.  |                         |

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Keenan, John F. – 1.

The yeas and nays having been completed at seventeen minutes past six o'clock P.M., the amendment was adopted.

The pending amendment (Tarr et al), as amended, was then adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting after

55

section 32 the following section:-

"SECTION XX. The secretary of energy and environmental affairs, in consultation with the the secretary of administration and finance, shall file with the with the clerks of the senate and house of representatives a cost-benefit analysis report, including but not limited to an analysis of environmental and climate change implications, on the impacts to consumers and state, municipal government and school districts of any and all actions taken to comply with the global warming solutions act, chapter 298 of the acts of 2008. The report shall be filed no later than December 31, 2021. "

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 422]:**

**YEAS.**

|                          |                              |
|--------------------------|------------------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.          |
| 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.              |
| Chang-Diaz, Sonia        | Montigny, Mark C.            |
| Collins, Nick            | Moore, Michael O.            |
| Creem, Cynthia Stone     | O'Connor, Patrick M.         |
| Crighton, Brendan P.     | O'Connor Ives, Kathleen      |
| Cyr, Julian              | Pacheco, Marc R.             |
| deMacedo, Viriato M.     | Rodrigues, Michael J.        |
| DiDomenico, Sal N.       | Ross, Richard J.             |
| Eldridge, James B.       | Rush, Michael F.             |
| Fattman, Ryan C.         | Spilka, Karen E.             |
| Feeney, Paul R.          | Tarr, Bruce E.               |
| Gobi, Anne M.            | Timilty, Walter F.           |
| Hinds, Adam G.           | Tran, Dean A.                |
| Humason, Donald F., Jr.  | Welch, James T. – <b>36.</b> |

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

|                    |                             |
|--------------------|-----------------------------|
| Friedman, Cindy F. | Keenan, John F. – <b>2.</b> |
|--------------------|-----------------------------|

The President in the Chair, the yeas and nays having been completed at twenty-five minutes before seven o'clock P.M., the amendment was adopted.

Messrs. Cyr and Eldridge moved that the proposed new draft be amended by inserting after section 28 the following section:-

"SECTION 28A. Notwithstanding any general or special law to the contrary, the state board of building regulations and standards established in section 93 of chapter 143 of the General Laws shall form a working group that may include representatives of the following trades: planning; real estate sales and brokerage; homebuilding; and solar installation to study the feasibility of requiring the installation of solar powered systems in newly-constructed housing as amendments to the state building and electric codes, and the feasibility of regulatory methods to promote housing that consumes a total amount of annual energy that is substantially equivalent to the amount of renewable energy generated on site, also known as net-zero housing. The working group shall report to the general court the result of its study and its recommendations, if any, together with drafts of legislation or

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regulations necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives not later than July 1, 2019.”

After remarks, the amendment was adopted.

Messrs. Humason and Ross moved that the proposed new draft be amended in section 15, by adding the following section:-

11

“SECTION 18. (a) The department shall a establish an incentive program to support non-solar renewable energy resources that are less than 5 megawatts and that qualify for the class I renewable energy portfolio standard under section 11F. The program shall be designed to finance the development, construction, and operation of renewable-energy distributed-generation projects through a fixed price performance-based incentive that is designed to achieve annual megawatt targets at reasonable cost through competitive processes established by the department.

(b) The incentive program shall be tariff-based and the department shall promulgate regulations that, at a minimum: (i) establish the eligibility criteria for facilities to qualify under the program; (ii) establish the methodology for establishing incentives; and (iii) direct the distribution companies to jointly file a model tariff to implement the program with department of public utilities, for its review and approval.

(c) The methodology for establishing incentive levels shall: (i) take into consideration underlying system installation, soft, and fuel costs; (ii) take into account electricity revenues and any federal or state incentives; (iii) rely on market-based mechanisms or price signals as much as possible; (iv) differentiate incentives levels by size, location, and project type; (v) establish annual targets for each technology type; (vi) ensure that the costs of the program are shared collectively among all ratepayers of the distribution companies; and (vii) promote investor confidence through long-term incentive revenue certainty and market stability.

(d) Attributes, as defined by the department, of the Class I renewable energy generating sources that qualify under regulations established pursuant to this section shall be eligible for use by retail electric suppliers pursuant to their obligations under section 11F.” and

By inserting after section 28 the following 2 sections:-

“SECTION 28A. Anaerobic digestion facilities that are both operational and qualified as Class I renewable energy generating sources under section 11F of chapter 25A of the General Laws prior to the effective date of section 17 of said chapter 25A shall be eligible to participate in the incentive program via a one-time procurement for the class I renewable generation attributes created by existing anaerobic digestion facilities. The department shall determine eligibility criteria for existing anaerobic digestion facilities to participate in the one-time procurement, with the total megawatts being procured equal to the combined capacity of all eligible facilities. The one-time procurement shall include a ceiling price equal to or greater than the alternative compliance payment rate, not to exceed double the alternative compliance payment rate established by the department under said section 11F of said chapter 25A.

SECTION 28B. The department shall also establish a pilot program for anaerobic digestion technology that utilizes solid waste or organic materials otherwise eligible under section 138 of chapter 164 up to six megawatts.”

After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting in line 109 after the word "thereafter" the following:- “provided that any increase occurs only after the secretary of energy and environmental affairs certifies that an adequate supply is or will be available to meet the requirements of any

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increase”.

The amendment was *rejected*.

Messrs. O'Connor, Keenan and Pacheco and Ms. L'Italien moved that the proposed new draft be amended by inserting the following sections:-

38

“SECTION \_\_. Section 26A of chapter 21 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word ‘effluent’, in line 67, the following words:- ‘, hydraulic fracturing fluid’.

SECTION \_\_. Section 27 of said chapter 21, as so appearing, is hereby amended by adding the following clause:-

(14) Enforce restrictions on drilling, waste treatment and disposal and mining activities which have been enacted to protect the water quality and the natural resources of the commonwealth.

SECTION \_\_. Section 42 of said chapter 21, as so appearing, is hereby amended by inserting after the word ‘commonwealth’, in line 3, the following words:- , or into an injection well or into a treatment works in the commonwealth.

SECTION \_\_. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Fluid’, any material or substance which flows or moves whether in semi-solid, liquid, sludge, gas or any other form or state.

‘Gas’, all natural gas, whether hydrocarbon or nonhydrocarbon, including hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas and all other fluid hydrocarbons not defined as oil.

‘Hydraulic fracturing’, the process of pumping a fluid into or under the surface of the ground in order to create fractures in rock to produce or recover oil or gas.

‘Oil’, crude petroleum, oil and all hydrocarbons, regardless of specific gravity, that are in the liquid phase in the reservoir and are produced at the wellhead in liquid form.

‘Oil and gas’, oil and gas collectively, or either oil or gas, as the context may require to give effect to the purposes of this chapter.

(b) For the period from January 1, 2019 to December 31, 2028, inclusive, a person shall not engage in hydraulic fracturing.

(c) For the period from January 1, 2019 to December 31, 2028, inclusive, a person shall not collect, store, treat or dispose of wastewater hydraulic fracturing fluid, wastewater solids, drill cuttings or other byproducts from hydraulic fracturing.”

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Messrs. Eldridge, Lewis, Welch, Brady and Rush, Ms. L'Italien, Ms. Friedman, Ms. Jehlen and Messrs. Collins, DiDomenico, Lesser, Boncore and Cyr moved that the proposed new draft be amended by inserting after section 14 the following sections:

43

"SECTION XX. Section 3 of chapter 25A is hereby amended by inserting after the definition of ‘wholesaler’ the following definitions:-

‘Environmental justice’, the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of race, income, national origin or English language proficiency. Environmental justice shall include the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits.

‘Environmental justice population’, a neighborhood or a population (1)(i) determined by the executive office of energy and environmental affairs or its subordinate agencies to have experienced a disproportionate environmental impact

since Jan, 1, 1998, or to have otherwise been denied its enjoyment of environmental justice; (ii) in which the annual median household income is equal to or less than 110 per cent of the statewide median; or (iii) in which minorities comprise 25 per cent or more of the population; or (2) identified by the executive office of energy and environmental affairs, or its subordinate agencies in an environmental justice strategy issued pursuant to this act; provided that the definition shall meet at least 1 of the requirements of clauses (i) through (iii) of paragraph (1) of this definition.

‘Environmental justice household’, households within environmental justice populations.

‘Low-income households’, low-income households as defined under section 1 of chapter 40T.

SECTION XX. Chapter 25A of the General Laws is hereby amended by inserting after section 11I the following section:-

Section 11J. (a) When creating, pursuant to general law, session law, or other authority, any solar incentive program, including but not limited to, the solar incentive program created pursuant to chapter 75 of the Acts of 2016, the department of energy resources shall design a program whose economic and environmental benefits are equitably shared by low-income households, environmental justice populations, and other communities facing barriers to accessing the program. Nothing in this section shall delay the commencement of the program or the implementation prior to the first program review. The department may, at its discretion, dedicate part of the program to resolving other barriers to access if such barriers are identified. The department shall also specify in program design its plans to reach communities whose primary language is not English.

(b) In designing and modifying the program pursuant to subsection (a), the department of energy resources shall consider (i) the proportion of benefits received by low-income households, environmental justice households, and other communities with barriers to access compared to benefits received by other communities under the solar incentive program, and (ii) the distribution of benefits received pursuant to other requirements and set-asides in any solar incentive program, including set-asides for solar units less than or equal to 25 kW. In determining the minimum portion, the department shall hold at least three public hearings in environmental justice communities or other communities with barriers to access.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past seven o’clock P.M., on motion of Ms. Chang-Díaz, as follows, to wit (yeas 34 – nays 0) **[Yeas and Nays No. 423]:**

**YEAS.**

|                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.     |
| Boncore, Joseph A.       | Lesser, Eric P.         |
| Brady, Michael D.        | Lewis, Jason M.         |
| Brownsberger, William N. | Lovely, Joan B.         |
| Chandler, Harriette L.   | Montigny, Mark C.       |
| Chang-Díaz, Sonia        | Moore, Michael O.       |
| Collins, Nick            | O'Connor, Patrick M.    |
| Crighton, Brendan P.     | O'Connor Ives, Kathleen |
| Cyr, Julian              | Pacheco, Marc R.        |
| deMacedo, Viriato M.     | Rodrigues, Michael J.   |
| DiDomenico, Sal N.       | Ross, Richard J.        |
| Eldridge, James B.       | Rush, Michael F.        |

Fattman, Ryan C.  
Feeney, Paul R.  
Gobi, Anne M.  
Hinds, Adam G.  
Humason, Donald F., Jr.

Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. – 34.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Creem, Cynthia Stone  
Friedman, Cindy F.

Keenan, John F.  
L'Italien, Barbara A. – 4.

The yeas and nays having been completed at nineteen minutes past seven o'clock P.M., the amendment was adopted.

Messrs. Tarr, O'Connor and Ross moved that the proposed new draft be amended by inserting after section 28 the following section:-

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"SECTION 28A. Not later than September 30, 2023 and every 5 years thereafter, the secretary of energy and environmental affairs or a designee shall publish a comprehensive energy plan which shall include and be based upon reasonable projections of the commonwealth's energy demands for electricity, transportation and thermal conditioning and shall also include strategies for meeting those demands in a regional context, prioritizing meeting energy demand through conservation, energy efficiency and other demand-reduction resources in a manner that contributes to the commonwealth meeting the limits for 2030 and 2040 pursuant to subsection (b) of section 3 of chapter 21N of the General Laws."

After remarks, the amendment was adopted.

Messrs. Welch and Lewis, Ms. Gobi and Mr. Pacheco moved that the proposed new draft be amended by inserting before section 1 the following section:-

8

"SECTION A1. The first paragraph of subsection (a) of 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 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 chapter 164, 164A, 164B, 165, or 166."; and by inserting after section 15 the following section:-

"SECTION 15A. Chapter 164 of the General Laws is hereby amended by inserting after section 1K the following section:-

Section 1L. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

'Low-income customer', a retail customer who is on a residential low-income discount distribution rate as set forth in subsection (4) of section 1F or who participates in a low-income energy assistance program.

'Residential retail customer', a retail customer in the commonwealth who is on a residential distribution rate.

(b) No supplier or entity acting on the supplier's behalf shall:

(1) extend an electricity supply agreement with a residential retail customer beyond the agreement's stated term without receiving the customer's affirmative written consent to do so at least 2 months prior to the end of the electricity supply agreement's stated term unless the rate provided for the extended term is equal to or less than the rate applied to the stated terms; or



(2) charge a cancellation fee of greater than \$50 to a residential retail customer.

(c) As a condition of licensure under paragraph (1) of section 1F, each supplier shall:

(1) not less than quarterly, provide to the department: (i) a list detailing each rate the supplier charged to residential retail customers; and (ii) the number of residential retail customers charged each rate included in such list by rate class; provided, however, that the department shall publish the list on the department's website, [energyswitchma.gov](http://energyswitchma.gov) or a successor website;

(2) not less than annually, provide data to the department concerning any renewable energy certificates retired in connection with the generation service provided to individual residential retail customers; provided, however, that such data shall include the geographic location and fuel type of each such renewable energy certificate, the total cost of each renewable energy certificate and whether each certificate is RPS Class I eligible pursuant to section 11F of chapter 25A; and provided further, that the department shall publish such information on its website, [energyswitchma.gov](http://energyswitchma.gov) or a successor website;

(3) provide on its bills, if the electric supplier chooses to provide its own billing and collection services, at a minimum, the requirements listed in subsection (d); and

(i) the electric generation service rate;

(ii) the term and expiration date of such rate;

(iii) the cancellation fee, if applicable;

(iv) notification that such rate is variable, if applicable;

(v) the fixed basic service rate for the same period;

(vi) the term and expiration date of the fixed basic service rate;

(vii) the dollar amount that would have been billed for the electric generation service component had the residential retail customer been receiving fixed basic service;

(4) guarantee that each low-income customer shall pay a rate that is either equal to or less than the fixed basic service rate charged by the low-income customer's electric distribution company for the same period of time.

(d) Each electric distribution company who bills on behalf of a supplier pursuant to section 1D shall include the following information on the first page of each bill for each residential customer receiving electric generation service from a supplier:

(viii) an electronic link or internet web site address to the department's website, [energyswitchma.gov](http://energyswitchma.gov) or a successor website and a toll-free telephone number and other information necessary to enable the residential retail customer to obtain further information or make the switch to another supplier or to basic service; and

(ix) if a residential retail customer is enrolled in automatic electronic bill payments and does not receive a bill through United States mail, a link to the customer's bill in electronic mail with confirmation of bill payment.

An electric distribution company that implements the billing information requirements of this subsection may recover from electric suppliers all reasonable costs for such implementation.

(e) Each electric distribution company shall submit a report to the department and to the attorney general semi-annually that details the numbers of low-income customers and all other residential retail customers, by supplier, for each zip code in the electric distribution company's service territory. This report shall be published on the department's website, [energyswitchma.gov](http://energyswitchma.gov) or a successor website.

(f) A violation of the conditions of licensure under this section shall be punished pursuant according to subsection (7) of section 1F of not less than \$1,000 per



violation per day. In addition, the attorney general may bring an action under section 4 of chapter 93A to enforce the consumer protection provisions of this section and to obtain restitution, civil penalties, injunctive relief and any other relief awarded pursuant to said chapter 93A.

(g) Not less than quarterly, the department shall publish each supplier's complaint data, sourced from complaints made to the department and those made to the attorney general and the distribution companies, as provided to the department annually, on the department's website, energyswitchma.gov or a successor website. The complaint data shall include, but not be limited to, the total number of complaints received regarding the supplier, the number of complaints received for misleading or false marketing, the number of complaints for unauthorized switching, the number of complaints for Do Not Call list violations and the number of complaints for aggressive marketing.

(h) This section shall not apply to a supplier in the course of providing generation services pursuant to sections 134, 136 and 137."; and

By adding the following section:-

"SECTION 33. Section 1L of chapter 164 of the General Laws shall take effect on January 1, 2019; provided, however, that the department shall promulgate regulations to implement said section 1L of said chapter 164 not later than January 1, 2019."

After remarks, the amendment was adopted.

Messrs. Pacheco, Eldridge and Lewis moved that the proposed new draft be amended by striking out section 7 and inserting in place thereof the following:-

"SECTION 7. Subsection (a) of section 4 of said chapter 21N, as so appearing, is hereby amended by inserting after the first sentence the following 2 sentences:- The secretary shall further adopt the 2030 statewide greenhouse gas emissions limit pursuant to clause (2) of subsection (b) of section 3 which shall be no less than 43 per cent below the 1990 emissions level and shall plan to achieve that reduction pursuant to subsection (h) of section 4. The secretary shall further adopt the 2040 statewide greenhouse gas emissions limit pursuant to clause (3) of said subsection (b) of said section 3 which shall be no less than 62 per cent below the 1990 emissions level and shall plan to achieve that reduction pursuant to said subsection (h) of said section 4.";

By striking out section 11 and inserting in place thereof the following words:-

"SECTION 11. Said section 4 of said chapter 21N, as so appearing, is hereby further amended by striking out subsection (h) and inserting in place thereof the following subsection:-

(h) The secretary shall issue a 2050 emissions reduction plan that shall describe in detail the commonwealth's actions and methods for achieving the 2030, 2040 and 2050 emissions limit required by subsection (b) of section 3. The 2050 emissions reduction plan shall: (i) address all sources and categories of sources that emit greenhouse gas emissions; (ii) take into account the imposition of market-based compliance mechanisms required in section 7A; (iii) indicate for each source or category of sources how, to what extent and when the commonwealth will act to reduce its emissions in order to achieve the 2050 emissions limit required by said subsection (b) of said section 3 of said chapter 21N; and (iv) include or be accompanied by any analysis quantitatively assessing proposed and planned actions, methods, regulations and programs designed to reduce greenhouse gas emissions for their economic, environmental, and public health impacts particularly those that may benefit or burden low or moderate income people. The 2050 emission reduction plan shall be developed following public hearings. The secretary shall evaluate, adjust if

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necessary and publish updates to the 2050 emissions reduction plan at least once every 30 months, including assessments of the effectiveness, to date, of all actions, methods, regulations and programs designed to reduce greenhouse gas emissions and the extent to which the actions, methods, regulations and programs disproportionately impact low-income households and minimize administrative burdens and leakage.";

In section 21, by striking out, in lines 180 and 181, the words “may employ back-casting methodology” and inserting in place thereof the following words:- "shall include back-casting planning considerations";

By striking out section 23;

In section 27, by striking out, in line 261, the figure “2031” and inserting in place thereof the following figure:- “2021”;

By striking out section 32 and inserting in place thereof the following section:-

“SECTION 32. Said chapter 21N is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. In implementing its 2050 emissions reduction plan, the commonwealth and its agencies shall promulgate regulations not later than December 31, 2023 regarding all sources or categories of sources and all greenhouse gas-emitting priorities that are consistent with the plan required by subsection (h) of section 4 and sufficient to achieve the statewide emissions limits pursuant to section 3. The regulations shall be designed to ensure that the commonwealth achieves its required emissions reductions equitably and in a manner that protects and, where feasible, improves the condition of low and moderate-income persons while creating, where feasible, additional employment and economic development in the commonwealth."; and

By adding the following section:-

“SECTION 33. The 2050 emissions reduction plan required pursuant to subsection (h) of section 4 of chapter 21N of the General Laws shall be completed not later than December 31, 2025.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes before eight o’clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 34 – nays 0) [**Yeas and Nays No. 424**]:

**YEAS.**

|                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.     |
| Boncore, Joseph A.       | Lesser, Eric P.         |
| Brady, Michael D.        | Lewis, Jason M.         |
| Brownsberger, William N. | Lovely, Joan B.         |
| Chandler, Harriette L.   | Montigny, Mark C.       |
| Chang-Diaz, Sonia        | Moore, Michael O.       |
| Collins, Nick            | O'Connor, Patrick M.    |
| Crighton, Brendan P.     | O'Connor Ives, Kathleen |
| Cyr, Julian              | Pacheco, Marc R.        |
| deMacedo, Viriato M.     | Rodrigues, Michael J.   |
| DiDomenico, Sal N.       | Ross, Richard J.        |
| Eldridge, James B.       | Rush, Michael F.        |
| Fattman, Ryan C.         | Spilka, Karen E.        |
| Feeney, Paul R.          | Tarr, Bruce E.          |
| Gobi, Anne M.            | Timilty, Walter F.      |
| Hinds, Adam G.           | Tran, Dean A.           |

Humason, Donald F., Jr.

Welch, James T. – 34.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Creem, Cynthia Stone

Keenan, John F.

Friedman, Cindy F.

L'Italien, Barbara A. – 4.

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

*Suspension of Senate Rule 38A*

Ms. Lovely 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.

Senate Rule 38A.

Messrs. Tarr, O'Connor and Ross moved that the proposed new draft be amended by inserting after section 15 after the following section:-

50

“SECTION X. The Massachusetts Bay Transportation Authority shall issue a report on the development of a power management system to capture and reuse energy produced from regenerative braking with MBTA trains. The report shall be filed with the clerks of the house of representatives and the senate not later than December 31, 2019.”

After remarks, the amendment was adopted.

Messrs. Tarr, Eldridge, O'Connor and Ross moved that the proposed new draft be amended by adding at the end thereof the following section:-

18

“SECTION XX. Section 9A of Chapter 7 of the Massachusetts General Laws, as so appearing, is hereby amended by striking the last four paragraphs in their entirety, and inserting in place thereof the following paragraphs:-

When purchasing new motor vehicles, the commonwealth shall purchase zero emission vehicles to the maximum extent feasible and consistent with the ability of such vehicles to perform their intended functions. For the purposes of this section, a ‘zero emission vehicle’, shall mean a battery electric vehicle, a plug-in hybrid electric vehicle, or a fuel cell vehicle. For fiscal year 2019, the division of operational services will ensure that not less than 15 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2020, the division of operational services will ensure that not less than 20 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2021, the division of operational services will ensure that not less than 25 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2022, the division of operational services will ensure that not less than 30 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2023, the division of operational services will ensure that not less than 35 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2024, the division of operational services will ensure that not less than 40 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2025, the division of operational services will ensure that not less than 45 percent of all vehicle purchases are zero emission vehicles. For fiscal year 2026, the division of operational services will ensure that not less than 50 percent of all vehicle purchases are zero emission vehicles.

The division of operational services shall forward to the department of energy resources all requests for motor vehicle acquisitions by agencies of the commonwealth. The department of energy resources shall thereafter report to the division of operational services regarding the availability of a zero emission vehicles

that shall achieve the intended use designated by the requesting agency. The division of operational services, in consultation with the departments of energy resources and environmental protection, shall adopt a fuel efficiency standard for passenger vehicles owned or operated by the commonwealth.

The operational services division, in consultation with the department of energy resources, shall develop a system of protocols for the acquisition of zero emission vehicles, including identifying the potential for acquisition of heavy, medium and light-duty vehicles, based on the anticipated mileage and usage of such vehicles.

The division of operational services, jointly with the department of energy resources, and the executive office of energy and environmental affairs shall submit to the secretary of administration and finance, the clerks of the senate and house of representatives and, the joint committee on state administration and regulatory oversight, the senate committee on global warming and climate change, and the house committee on global warming and climate change an annual statement on or before July 1 each year detailing the progress in meeting the requirements of this section. This report shall include a complete listing of vehicles leased, owned, or assigned to each agency. A description of each vehicle will be provided, including the year, make, and model of each vehicle; whether the vehicle is powered by an internal combustion engine, a mild hybrid engine, a plug-in hybrid motor, a fully battery electric motor, a hydrogen fuel cell electric motor, a compressed or liquefied natural gas engine, a propane engine, or other means of propulsion; whether the vehicle is equipped with two or four wheel drive; and whether the vehicle type is a passenger vehicle, a sport utility vehicle, a light duty truck, a medium duty truck, or a heavy duty truck. In each instance wherein a non zero emission vehicle is purchased or leased, the division will provide specific explanation as to why a zero emission vehicle could not have sufficiently fulfilled the intended functions.”

Pending the question on adoption of the amendment, Mr. Tran moved that the amendment (Tarr et al) be amended by striking the underlying text and inserting in place thereof the following section:-

18.1

"SECTION\_. Notwithstanding any general or special law to the contrary the department of public utilities in consultation with the department of energy resources shall develop a plan to facilitate the authorization and regulation of the creation of new municipal light districts in municipalities that choose to undertake such action. The plan shall include but not be limited to the acquisition or creation of the necessary infrastructure and mechanisms to acquire and deliver electricity to customers within the district.

Said plan shall be submitted to the clerks of the house and senate and the joint committee on telecommunications, utilities and energy by December 31, 2018.”

After remarks, the further amendment (Tran) was adopted.

The pending amendment (Tarr et al), as amended, was then adopted.

Messrs. O'Connor, Keenan, Timilty and Rush moved that the proposed new draft be amended by inserting after section 22\_ the following section:-

35

“SECTION 22A\_. Notwithstanding any general or special law to the contrary, no new natural gas compressor stations shall be located in an area which is less than 0.5 miles in linear distance from: (i) a playground; (ii) a licensed day care center; (iii) a school; (iv) a church; (v) an environmental justice population neighborhood; (vi) an area of critical environmental concern as determined by the secretary of environmental affairs under 301 CMR 12.00; (vii) a waterway preserved and protected for water-dependent uses under chapter 91; or (viii) an area occupied by residential housing. Linear distance shall be measured from any point along a natural gas compressor station to the outermost point of buildings or areas in clauses (i) to

(viii), inclusive; provided, however, that repairs or replacements that do not increase the capacity of a natural gas compressor station in operation prior to January 1, 2019, shall not be subject to this section. For the purposes of this section, ‘environmental justice population neighborhood’ shall mean a neighborhood with an annual median household income of not more than 65 per cent of the statewide median income or with a segment of the population that consists of residents that is not less than 25 per cent minority, foreign born or lacking in English language proficiency based on the most recent United States census.”; and

By adding the following section:-

“SECTION 33. Section 22A shall take effect upon a determination by the attorney general that the section is constitutional.”

The amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended in section 11, by striking out, in line 79, the word “of”;

65

In section 15, by striking out, in line 130 the words “subsection (f)” and inserting in place thereof the following words:- “subsection (e)”;

In section 22, by striking out, in line 189, the word “determine” and inserting in place thereof the following word:- “analyze”;

By striking out, in line 208, the word “determine” and inserting in place thereof the following word:- “analyze”; and

By inserting, in line 209, after the word “than” the following word:- “the”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The Global Warming and Climate Change amendment was then adopted, as amended (Ways and Means).

The bill (Senate, No. 2545, amended) was then ordered to a third reading.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes before nine o’clock P.M., on motion of Mr. Barrett, as follows, to wit (yeas 35 – nays 0) **[Yeas and Nays No. 425]:**

#### **YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.

Lesser, Eric P.  
Lewis, Jason M.  
L'Italien, Barbara A.

Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Crighton, Brendan P.  
Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Gobi, Anne M.  
Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.

Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor, Patrick M.  
O'Connor Ives, Kathleen  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Ross, Richard J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. – **35.**

NAYS – 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone  
Friedman, Cindy F.

Keenan, John F. – 3.

**The yeas and nays having been completed at twenty-one minutes before nine o'clock P.M., the bill was passed to be engrossed [For text of Senate Bill, printed as amended, see Senate, No. 2564].**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Brownsberger,--

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

Time of meeting.

On motion of Mr. Montigny, at nineteen minutes before nine o'clock P.M, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.