

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 30, 2020.

JOURNAL OF THE SENATE

Thursday, January 30, 2020.

Met at twenty-one minutes past eleven o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Brady for the purpose of an introduction. Mr. Brady then introduced in the rear of the Chamber, Mayor Robert Sullivan, the newly elected mayor of the city of Brockton. The Senate welcomed him with applause, congratulated him on his new role and he withdrew from the Chamber.

Mayor Robert Sullivan.

There being no objection, the President handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely, then introduced in the rear of the Chamber, John and Nancy Frates, the parents of Pete Frates, III. John and Nancy were presented, on the Rostrom, with Resolutions recognizing their tireless advocacy for ALS research, patients and their families and for having raised over \$220 million dollars to fund ALS research through the ice bucket challenge. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Parisella of Beverly.

John and Nancy Frates.

There being no objection, the President handed the gavel to Ms. DiZoglio for the purpose of an introduction. Ms. DiZoglio then introduced, on the Rostrum, Director of the Massachusetts Office of Campaign and Political Finance Michael J. Sullivan. Mr. Sullivan was recognized for his 25 years of service to the Office of Campaign and Political Finance and for having led the office to a nearly paperless agency. The Senate congratulated him on his upcoming retirement, presented him with Resolutions and he withdrew from the Chamber.

Michael J. Sullivan.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, Izzy Arbeiter from Newton. Izzy was recognized as a survivor of the Auschwitz Concentration Camp and also as the founder of the New England Holocaust Memorial in Boston. He was accompanied by Consul General of Israel to New England Zeev Boker, Consul General of Germany Nicole Menzenbach, Executive Director of the Jewish Community Relations Council Jeremy Burton, American Jewish Congress Director Lital Carmel and Regional Director of the IAC Robert Leikind. The group was visiting the State House in recognition of Holocaust Remembrance Day and the 75th anniversary of the liberation of the Auschwitz Concentration Camp. They were presented with Resolutions on the Rostrum and Izzy Arbeiter and Consul General Nicole Menzenbach signed the guest book. Consul General Zeev Boker then signed the guest book, addressed the Senate and they withdrew from the Chamber.

Izzy Arbeiter.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Ms. Comerford for the purpose of an introduction. Ms. Comerford then introduced, in the rear of the Chamber, Sudi (Jimmy) and Asmani Jumapili. Jimmy and Asmani escaped from the Democratic Republic of the Congo, and lived in a refugee camp in Burundi while waiting for the refugee process to be completed by the United Nations. They are now

Sudi (Jimmy) and
Asmani Jumapili.

settled in Northampton. All this has been facilitated by a Circle of Care, a group of Northampton residents who have volunteered their time to help Jimmy and Asmani. They were accompanied by Dale Melcher and Lucy Hartry, who are part of Jimmy and Asmani’s Circle of Care. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. O’Connor for the purpose of an introduction. Mr. O’Connor then introduced, in the rear of the Chamber, Owen Colley, a 6-year-old student from Hingham. Owen made international headlines by making Little Clay Koalas to raise money for The Wildlife Rescue South Coast and assist animals affected by the Australian brushfires. Since launching his campaign on January 11th, Owen has raised over \$280,000 and has committed to making 3,000 clay koalas. He was accompanied by his parents Caitlin and Simon. He was presented with Senate Citations on the Rostrum and they withdrew from the Chamber.

Owen Colley.

Communications.

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

Communication from the Massachusetts Clean Energy Center (pursuant to Section 5 of Chapter 23J of the General Laws) submitting its 2019 annual report on the Center's energy trusts and its 2019 Clean Energy Industry Report (received January 27, 2020);

MassCEC,-- annual reports.
SD2778

Communication from the Massachusetts Convention Center Authority (pursuant to Section 4 of Chapter 195 of the Acts of 2014) submitting a copy of its “Boston Convention & Exhibition Center Expansion, 2019 Final Report” (received January 24, 2020);

MCCA,-- BCEC project report.
SD2780

Communication from the Department of Elementary and Secondary Education (pursuant to line item 7061-9611 of Section 2 of Chapter 41 of the Acts of 2019) submitting its report on the After-School and Out-of-School Time Grants (received January 30, 2020); and

DESE,-- school grants.
SD2783

Communication from the Department of Elementary and Secondary Education (pursuant to line item 7053-1925 of Section 2 of Chapter 41 of the Acts of 2019) submitting its report on School Based Nutrition and Child Hunger Relief Programs (received January 30, 2020).

DESE,-- hunger relief.
SD2784

Communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 61A of Chapter 31 and Section 5(3)(e) of Chapter 32 of the General Laws) submitting revisions to regulations for initial hire medical and physical fitness standards tests of municipal public safety personnel (Senate, No. 2485) (received January 27, 2020),-- **was referred to the committee on Public Service.**

Public safety personnel,-
- fitness standards.

Sent to the House for concurrence.

Reports.

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

Report of the Department of Mental Health (pursuant to Section 35 of Chapter 123 of the General Laws) submitting its annual report on whether a facility other than the Massachusetts Correctional Institution at Bridgewater (MASAC) is being used for treatment of males committed to MASAC (received January 27, 2020); and

DMH,-- MASAC treatment report.
SD2777

Report of the Department of Transitional Assistance (pursuant to Sections 2(B) and 5 of Chapter 18 and Section 3C(d) of Chapter 118 of the General Laws) submitting its “Transitional Aid to Families with Dependent Children Consolidated Report” (received January 27, 2020).

DTA,-- TAFDC consolidated report.
SD2779

UNCORRECTED PROOF.

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 66), a Bill relative to workplace safety (Senate, No. 2482);

Perinatal,-- substance use.

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

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to cueing and supervision in the PCA program (Senate, No. 60);

PCA program,-- supervision.

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Chang-Diaz, for the committee on Children, Families and Persons, on petition, a Bill establishing a diaper benefits pilot program (Senate, No. 65);

Diaper benefits,-- pilot program.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 467 and 488, a Bill relative to the use of crossbows in hunting (Senate, No. 467);

Crossbows,-- hunting.

By the same Senator, for the same committee, on Senate, Nos. 508 and 515, a Bill relative to community preservation funds for coastal infrastructure (Senate, No. 515);

Seawalls,-- funds.

By the same Senator, for the same committee, on petition, a Bill relative to information technology producer responsibility (Senate, No. 518);

IT producers,-- responsibility.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 159), a Bill regarding raw milk (Senate, No. 2483); and

Raw milk,-- shared animals.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 159), a Bill to protect innovation and entrepreneurship in the Commonwealth (Senate, No. 2484);

Entrepreneurship,-- patent infringement.

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 435 and House, No. 840, a Bill regarding agricultural composting programs (Senate, No. 435); and

Agriculture,-- composting programs.

By the same Senator, for the same committee, on petition, a Bill to promote solar hot water installations (Senate, No. 517);

Solar hot water,-- installations.

Severally read and, under Senate Rule 26, referred to the committee on Rules.

Committee Discharged.

Mr. Hinds, for the committee on Revenue, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2464) of William N Brownsberger and Walter F. Timilty for legislation to modernize property tax abatements for veterans,-- and recommending that the same be referred to the committee on Veterans and Federal Affairs.

Veterans,-- property tax.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4328) of John H. Rogers and Michael F. Rush (by vote of the town) that the town of Norwood be authorized to grant a license for

Norwood,-- liquor license.

the sale of all alcoholic beverages to be drunk on the premises to the Skating Club of Boston;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4329) of Paul W. Mark and Joanne M. Comerford (with the approval of the mayor and city council) relative to the charter of the city known as the town of Greenfield;

Greenfield,-- charter.

Petition (accompanied by bill, House, No. 4330) of Lindsay N. Sabadosa and Joanne M. Comerford (with the approval of the mayor and city council) that the city of Northampton be exempt from appointing weighers of hay, weighers of coal, and fence viewers in said city;

Northampton,-- city appointment exemptions.

Severally to the committee on Municipalities and Regional Government.

A message from His Excellency the Governor recommending legislation relative to financing improvements to municipal roads and bridges (House, No. 4326),-- **was referred, in concurrence, to the committee on Transportation.**

Roads and bridges.

Bills

Providing for alternate members of the conservation commission of the town of Clinton (House, No. 4167,-- on petition) [Local approval received]; and

Clinton,-- conservation commission.

Amending the charter of the town of Chelmsford to change the name of the board of selectmen to select board (House, No. 4222,-- petition) [Local approval received];

Chelmsford,-- charter.

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

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

Resolutions (filed by Ms. Creem, Messrs. Barrett, Boncore, Brady and Brownsberger, Ms. Chandler, Ms. Chang-Díaz, Mr. Collins, Ms. Comerford, Messrs. Crighton, Cyr and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Fattman, Feeney and Finegold, Ms. Friedman, Ms. Gobi, Mr. Hinds, Ms. Jehlen, Messrs. Keenan, Kennedy, Lesser and Lewis, Ms. Lovely, Messrs. Montigny, Moore, O'Connor and Pacheco, Ms. Rausch, Messrs. Rodrigues and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Tran, and Welch) “recognizing the seventy-fifth anniversary of the Liberation of the Auschwitz Concentration Camp and International Holocaust Remembrance Day”; and

The Liberation of the Auschwitz Concentration Camp and International Holocaust Remembrance Day.

Resolutions (filed by Ms. Lovely) “commending Dr. Charles F. Desmond for his contributions to public service.”

Dr. Charles F. Desmond.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Paul R. Feeney for legislation to establish a holiday known as “John F. Kennedy Day” to promote civic engagement and voter participation in the Commonwealth.

Voter participation,-- JFK Day. SD2661

Senate Rule 36 was suspended, on motion of Ms. Comerford, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco for legislation relative to gas infrastructure and public safety.

Public safety,-- gas infrastructure. SD2633

UNCORRECTED PROOF.

Senate Rule 36 was suspended, on motion of Ms. Comerford, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunication, Utilities and Energy. Severally sent to the House for concurrence.

By Mr. Finegold, for the committee on Public Service, on petition, a Bill establish leave bank for Jennifer Capone, an employee of the Department of Children and Families (Senate, No. 2462).

Jennifer Capone,-- sick leave.

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

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of John Peter Frates III.

Moment of silence.

Matters Taken Out of the Notice Section.

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

The House Bill authorizing the conveyance of an interest in a certain parcel of park land in the town of Fairhaven (House, No. 4009) (its title having been changed by the committee on Bills in the Third Reading),-- was read a s third time.

Fairhaven,-- park land.

Pending the question on passing the bill to be engrossed, Mr. Montigny moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2486.

The amendment was adopted.

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

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Karyn Buckley, an employee of the Trial Court of the Commonwealth (House, No. 4251,-- on petition),-- was read.

Karen Buckley,-- sick leave.

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

The Senate Bill to protect persons with intellectual or developmental disability from abuse (Senate, No. 2367),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4296; and by striking out the title and inserting in place thereof the following title: "An Act to protect persons with intellectual or developmental disabilities from abuse."

Caretakers,-- abuse registry.

The rules were suspended, on motion of Ms. Gobi, and the House amendment was adopted, in concurrence.

Orders of the Day.

Mr. Brownsberger in the Chair, the Orders of the Day were considered as follows:

Bills

Allowing Robert G. Gaynor to continue to serve in the position of Special Police

Second reading bills.

Officer for the town of Halifax (Senate, No. 2393);

Relative to appointments to city offices in the city of Gloucester (Senate, No. 2411);

Authorizing removing an easement interest in a certain portion of parkland located at 0 Elm Street in the City of Fitchburg from the protection of Article 97 of the Constitution (Senate, No. 2419);

Repealing Chapter 46 of the Acts of Two Thousand and Seventeen, wherein certain parcels of land in the city of Lowell were transferred for the construction of a high school (Senate, No. 2445);

Exempting the police chief of the town of Plainville from the civil service law (House, No. 4053);

Exempting certain positions in the police department of the town of Plainville from the civil service law (House, No. 4054);

Providing for special police officers in the city of Leominster (House, No. 4098);

Establishing the appointed office of town clerk in the town of Pelham (House, No. 4101);

Authorizing the city of Salem to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4117);

Authorizing the town of Holliston to convert a certain liquor license (House, No. 4118); and

Authorizing the granting of 1 additional license for the sale of all alcoholic beverages, not to be drunk on the premises, in the city of Methuen (House, No. 4142);

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

The House Bill authorizing Scott Wood to take the civil service examination for the position of police officer in the City of Haverhill notwithstanding the maximum age requirement (House, No. 3994),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Ms. DiZoglio, and the bill was read a third time and passed to be engrossed, in concurrence.**

Scott Wood,-- civil service exam.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to encourage the deployment of heat pumps (Senate, No. 1925),-- was read a second time.

Climate policy.

The President in the Chair, after debate, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, Mr. Tarr moved to recommit the bill to the committee on Senate Ways and Means.

Motion to recommit.

The question on recommitting the bill was determined by a call of the yeas and nays at four minutes before one o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 4 to nays 33) **[Yeas and Nays 159]**

YEAS.

Fattman, Ryan C.
O'Connor, Patrick M.

Tarr, Bruce E.
Tran, Dean A. - 4.

NAYS.

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

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.

Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 33.

The yeas and nays having been completed at two minutes before one o'clock P.M., the motion to recommit was *negatived*.

Recess.

There being no objection, at sixteen minutes before two o'clock P.M., the President declared a recess subject to the call of the Chair; and at twenty-seven minutes before three o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Quorum.

At twenty-five minutes before three o'clock P.M, Mr. O'Connor doubted the presence of a quorum.

Quorum.

The Chair (Mr. Brownsberger), 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-four minutes before three o'clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to encourage the deployment of heat pumps (Senate, No. 1925),-- was further considered, the main question being on ordering the bill to a third reading.

Climate policy.

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

1

“SECTION _ . Section 83B of chapter 169 of the Acts of 2008, as amended by chapter 188 of the acts of 2016, is hereby amended by adding after the definition of ‘Distribution company’ the following definitions:- ‘Expandable transmission’, a facility comprised of wires and substations that gathers power from one or more sources of offshore wind energy generation and delivers it to the regional wholesale power grid for distribution and can be expanded incrementally to deliver additional quantities of offshore wind energy generation. ‘Expandable transmission developer’, a developer selected by the department of energy resources to permit, construct and operate an expandable transmission facility pursuant to subsection (k) of section 83C.

SECTION _ . Section 83C is hereby amended by adding after subsection (j) the following subsection:- (k) In order to provide for the reliable and efficient delivery of electric power from offshore wind energy generation, the department of energy resources, in consultation with the distribution companies, the attorney general and representatives of the fishing industry and not later than December 31, 2020, may competitively solicit

proposals for expandable transmission that will deliver power produced by offshore wind energy generation located in federal offshore wind energy lease sites to the commonwealth. A solicitation for expandable transmission proposals issued under this subsection may be coordinated and issued jointly with other New England states or entities designated by those states. Provided that reasonable proposals have been received, the department, in consultation with the distribution companies, the Attorney General and representatives of the fishing industry, shall select one of these proposals for delivery of said power. A developer of an expandable transmission project selected according to this subsection shall apply to the Federal Energy Regulatory Commission to recover the costs of said project through an approved federal tariff. A developer of an expandable transmission project selected under this subsection shall obtain all necessary permits and approvals for construction of the entire project within a timeframe determined by the department; provided, however, that said developer shall not construct any portion of said project until authorized and directed to do so by the department of energy resources and shall only construct that portion of the project needed to reliably and efficiently deliver power from wind energy generation produced under contracts approved by the department of energy resources and the department of public utilities pursuant to this section.

SECTION _. Section 83C is hereby further amended by striking (k) and replacing with the following:- (l) Section 83C is hereby further amended by striking (l) and replacing with the following:- (m) Section 83C is hereby further amended by striking (m) and replacing with the following:- (n).”

The amendment was *rejected*.

Ms. DiZoglio, Messrs. Pacheco and O'Connor, Ms. Gobi and Mr. Tarr moved that the proposed new draft be amended by inserting the following sections:-

14.

“SECTION XX. Section 144 of chapter 164 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:- (b)(1) Gas companies shall assess a grade to all reported natural gas leaks based on the system provided in this section.(2) A Grade 1 leak shall be a leak that represents an existing or probable hazard to persons or property. Grade 1 leaks require repair immediately and continuous action until the conditions are no longer hazardous. Upon identifying a Grade 1 leak, the gas company shall immediately schedule repairs, such repair to continue until completed, and the condition shall be kept under continuous surveillance until the hazard or source of the leak is eliminated. A gas company shall notify within 1 hour of detection of the leak the fire department and chief law enforcement officer in each city or town where a Grade 1 leak is identified.

(3) A Grade 2 leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection, but justifies scheduled repair based on probable future hazard. Upon identifying a Grade 2 leak, the gas company shall immediately schedule repairs or replacement of the main, such repair or replacement to be completed as immediately as possible but not later than 6 months from the date of classification of the leak, and the condition shall be reevaluated at least once every two months until the hazard or source of the leak is eliminated; provided, however, that the frequency of reevaluation shall be determined by the location and magnitude of the leakage condition. A gas company shall notify as soon as feasible but within 3 days of detection of the leak the fire department and chief law enforcement officer in each city or town where a Grade 2 leak is identified. (4) A Grade 3 leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection and can be reasonably expected to remain non-hazardous. The gas company shall reevaluate Grade 3 leaks during the next scheduled survey, or within 6 months from the date last evaluated, whichever occurs first, until the leak is eliminated or the main is replaced. A municipal or state public safety official may request a reevaluation of a Grade 3 leak prior to the next scheduled survey, or sooner than

6 months of the date last evaluated, if the official reasonably believes that the Grade 3 leak poses a threat to public safety. A gas company shall notify as soon as feasible but within 7 days of detection of the leak the fire department and chief law enforcement officer in each city or town where a Grade 3 leak is identified.

SECTION XX. Subsection (c) of said section 144 of said chapter 164, as so appearing, is hereby amended by adding the following sentence:- In the event that a gas company is responsible for any significant project on a public way, the gas company shall repair the site in compliance with all applicable codes and at the expense of the gas company. The gas company shall monitor, maintain, and be financially responsible for repairing the site for a period of not less than 5 years.

SECTION XX. Said section 144 of said chapter 164, as so appearing, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:- (e) As part of the annual service quality standards report required by section 11, each gas company shall report to the department the following data as of the time of the report: (i) the specific address, or other clearly identifiable location information where no street address exists, of each Grade 1, Grade 2 and Grade 3 leak; (ii) the date and time each Grade 1, Grade 2 and Grade 3 leak was detected; (iii) the date each Grade 1, Grade 2 and Grade 3 leak was classified; (iv) the dates of repairs performed on each Grade 1, Grade 2 and Grade 3 leak; (v) the individuals who responded to the gas leak; (vi) the steps taken to mitigate the gas leak and its effect on area residents and businesses, if any; and (vii) the cost to ratepayers of lost and unaccounted for gas, system maintenance, leak-prone infrastructure repairs, leak-prone infrastructure replacements, cost comparison of the two options, and safety violations. A gas company shall specify any reclassification of previously identified leaks in its annual report. The annual service quality standards report shall be made available to the public by being posted electronically by the gas company and by the department within 30 days after the due date of such report. Costs related to the compilation, maintenance, and distribution of this information shall be borne by the gas company.

SECTION XX. Said section 144 of said chapter 164, as so appearing, is hereby amended by adding the following 3 subsections:- (g) Annually, or more frequently if the department deems appropriate, the department shall review the number of pipeline inspectors certified in the commonwealth to ensure that a sufficient number of inspectors are actively engaged in pipeline inspection throughout the commonwealth.

(h) Failure to comply with any provision of this section shall be a factor for the department to negatively consider, reduce or deny a gas company's request for a rate increase.

(i) The department shall be authorized to establish and enforce financial penalties for failure to comply with any provision of this section.

After remarks, the amendment was *rejected*.

Ms. Chandler, Messrs. Pacheco and O'Connor and Ms. Gobi moved that the proposed new draft be amended in section 46 (ii), by adding after the words "systems or technologies" the following words: "including renewable natural gas generated through anaerobic digestion of organic waste and bio mass,". 20.

The amendment was *rejected*.

Ms. DiZoglio, Messrs. Pacheco and O'Connor moved that the proposed new draft be amended by inserting the following sections:- 21.

"SECTION XX. Chapter 25 of the General Laws is hereby amended by inserting after section 12R the following section:-

Section 12S. Whereas, the deferred operation of this act would tend to defeat its purpose, which is to establish a fund to mitigate the instance of ratepayer increases after emergency events, therefore it is hereby declared to be an emergency law, necessary for

the immediate preservation of the public convenience.

There shall be established and set up on the books of the commonwealth a separate fund to be known as the Department of Public Utilities Disaster Mitigation Trust Fund. There shall be credited to this fund all amounts collected under the fourth paragraph of section 18 of chapter 25, paragraph (d) of section 18B of chapter 25, paragraph (i) of section 144 of chapter 164, any other assessments determined by the department for this purpose, and any income derived from the investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust and shall be available for expenditure, without further appropriation, by the department of public utilities to mitigate any rate increases following a declared disaster, emergency, accident, insolvency, bankruptcy or other event of a gas company that would otherwise result in rate increases. The intent of the fund is to secure sufficient monies, notwithstanding any insurance policies, to ensure that the enumerated events will not result in rate increases being passed along to ratepayers. Any unexpended balance in the fund at the close of a fiscal year shall remain in the fund and shall be available for expenditure in the following fiscal year.

SECTION XX. Section 18 of said chapter 25 of the General Laws is hereby amended by inserting after the third paragraph the following paragraph:- For the purpose of providing the department with additional operating funds for mitigating any increases following emergency events on the rates paid by ratepayers to gas companies doing business in the commonwealth, the commission may make a separate assessment proportionally against each gas company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each of the companies derived from sales within the commonwealth of gas service, as shown in the annual report of each of the companies to the department. The assessment shall be made at a rate that shall be determined and certified annually by the commission as sufficient to protect ratepayers from rate increases following emergency events. The amount of the assessment may be increased by the commission annually by a rate not to exceed the most recent annual consumer price index as calculated for the northeast region for all urban consumers. Notwithstanding any general or special law to the contrary, no gas company may seek recovery of any assessments made under this paragraph in any rate proceeding before the department. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the Department of Public Utilities Disaster Mitigation Trust Fund established in section 12S.

The amendment was *rejected*.

Ms. DiZoglio, Mr. Pacheco and Ms. Gobi moved that the proposed new draft be amended by inserting the following section:-

23.

“SECTION XX. Chapter 25 of the General Laws is hereby amended by inserting after section 18A the following section:-

Section 18B. (a) Each investor-owned utility company, whether publicly traded or privately owned, licensed to do business in the commonwealth shall determine and disclose the value of the total annual compensation, including, but not limited to, base salary, bonuses, equity appreciation, new equity/option grants, benefits and perquisites, of its Chief Executive Officer for operations within the commonwealth even if such operations are performed under a subsidiary or division of a larger publicly traded utility company required by the Dodd-Frank Wall Street Reform and Consumer Protection Act to disclose compensation information of the parent company and not its subsidiaries or divisions. (b) Each such utility company shall also determine and disclose the value of the total annual compensation of the median employee of the company, excluding its Chief Executive Officer. For purposes of determining the compensation value of the median

employee pursuant to this paragraph, the calculation shall take into account all employees and non-employee contractors of the utility company working within the commonwealth. Each utility company must determine the compensation value of its own median employee and may not rely on industry estimates or Bureau of Labor Statistics. Utility companies may seek guidance from the Securities and Exchange Commission's interpretation of calculating the compensation value of the median employee for purposes of the Dodd-Frank Wall Street Reform and Consumer Protection Act. (c) Each such utility company shall determine and disclose the ratio of the compensation value determined in paragraph (a) of this section to the compensation value determined in paragraph (b) of this section, and the methodology used in calculating both compensation values. (d) Each such utility company subject to taxation in the commonwealth shall pay a surtax on the state corporate excise tax paid if the CEO-to-median employee compensation ratio is equal to or exceeds 100:1. If the ratio is equal to or exceeds 100:1 but is less than 250:1, the surtax rate shall be 10%. If the ratio is equal to or exceeds 250:1, the surtax rate shall be 25%. All surtaxes collected under this section shall be deposited into the Department of Public Utilities Disaster Mitigation Trust Fund, created pursuant to section 12S. (e) Any such utility company subject to the surtax assessed pursuant to paragraph (d) of this section shall be prohibited from raising rates until such time as the CEO-to-median employee compensation ratio is less than 100:1."

The amendment was *rejected*.

Ms. Creem, Mr. Eldridge, Ms. Jehlen, Ms. Comerford, Messrs. Pacheco and Welch moved that the proposed new draft be amended by inserting the following section:-

24.

"SECTION __. Section 1 of chapter 21N of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of 'Statewide greenhouse gas emissions' and inserting in place thereof the following definition:- 'Statewide greenhouse gas emissions', the total annual emissions of greenhouse gases in the commonwealth, including (i) all emissions of greenhouse gases from the generation of electricity delivered to and consumed in the commonwealth, accounting for transmission and distribution line losses, whether the electricity is generated in the commonwealth or imported; (ii) all emissions of greenhouse gases from the distribution and consumption of natural gas in the commonwealth; (iii) all emissions of greenhouse gases from any energy source derived from fossil fuels; and (iv) all emissions from production, distribution and consumption of biomass, biogas, liquid biofuel, renewable natural gas technologies, and emitting sources of renewable energy; provided, however, that statewide greenhouse gas emissions shall be expressed in tons of carbon dioxide equivalents."

The amendment was *rejected*.

Ms. Creem moved that the proposed new draft be amended by inserting the following section:-

25.

"SECTION __. Subsection (a) of section 2 of Chapter 21N of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking all after the words '(6)' and inserting in place thereof the following:- require reporting of greenhouse gas emissions from the natural gas system; (7) ensure rigorous and consistent accounting of emissions and provide reporting tools and formats to ensure collection of necessary data; and (8) ensure that greenhouse gas emissions sources maintain comprehensive records of all reported greenhouse gas emissions."

The amendment was *rejected*.

Messrs. Cyr and Pacheco moved that the proposed new draft be amended by inserting after section 43 the following section:-

26.

"SECTION 43A. The second paragraph of subsection (b) of section 134 of said

chapter 164, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 3 sentences:- ‘Notwithstanding any other general or special law to the contrary, a municipality or group of municipalities with a certified energy plan shall not be prohibited from proposing an energy plan that contains enhancements that are more specific, detailed or comprehensive or that cover additional subject areas than those contained in a jointly prepared energy plan submitted in accordance with section 21 of chapter 25. Enhancements may be funded by any funding source authorized by subsection (a) of section 19 of chapter 25. The department shall not withhold approval of an energy plan submitted under this subsection due to considerations of cost efficiency or ratepayer impact if such enhancements are cost effective in accordance with the department’s cost effectiveness screening.’.”

After remarks, the amendment was adopted.

Ms. Creem moved that the proposed new draft be amended by inserting the following section:-

27.

“SECTION _ . Section 3 of chapter 21N of the General Laws, as appearing in 2018 Official Edition, is hereby amended by striking out section (c) and by inserting in place thereof the following:- (c) Emissions levels and limits associated with the electric sector and the natural gas sector shall be established by the executive office and the department, in consultation with the department of energy resources, based (i) on the consumption and purchases of electricity from the regional electric grid, taking into account the regional greenhouse gas initiative and the renewable portfolio standard, (ii) on the consumption and purchases of natural gas entering the commonwealth, and (iii) on the consumption and purchases of any other source of greenhouse gases.

The amendment was *rejected*.

Messrs. Tarr, Feeney, Pacheco and O'Connor and Ms. Gobi moved that the proposed new draft be amended by inserting after section _ there following:-

38.

“SECTION _ . Section 5 of chapter 59 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 13, the words ‘or Forty-fifth’ and inserting in place thereof the following words:- , Forty-fifth or Forty-fifth B.

SECTION _ . Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after clause Forty-fifth A the following clause:- Forty-fifth B, Any qualified fuel cell powered system, the construction of which was commenced after January 1, 2020, that is capable of producing not more than 125 per cent of the annual energy needs of the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner. Any other qualified fuel cell powered system shall be exempt provided that the owner has made to the city or town where the system is located a payment in lieu of taxes. A city or town, acting through the board or officer authorized by its legislative body, may execute an agreement for the payment in lieu of taxes with the owner of a qualified fuel cell powered system in the municipality where the qualified fuel cell powered system is located. Unless otherwise provided by such agreement, (1) a notice of the payment in lieu of tax owed for each fiscal year shall be mailed to the owner and due on the dates by which a tax assessed under this chapter would be payable without interest; (2) all provisions of law regarding billing and collecting a tax assessed under this chapter shall apply to the payment in lieu of taxes, including the payment of interest; and (3) upon issuance of the notice, the owner shall have the remedies provided by section 59, section 64 and all other applicable provisions of law for the abatement and appeal of taxes upon real estate. An exemption under this clause shall be allowed only for a period of 20 years from the date of completion of the construction of the qualified fuel cell powered system; provided, however, that no exemption shall be allowed for any year within that period when the qualified fuel cell powered system is not capable of producing energy as required by this clause. Each owner

shall annually, on or before March 1, make a declaration under oath to the assessors regarding the system and power generated for the previous calendar year. This clause shall not apply to projects developed under section 1A of chapter 164. For the purposes of this clause, ‘qualified fuel cell powered system’ shall mean an integrated system comprised of a fuel cell stack assembly and associated components that utilizes and converts natural gas or renewable fuels into electricity and is being utilized as the primary or auxiliary power system for the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner, or in which the owner otherwise holds an interest.

SECTION _ . Subsection (b) of section 38H of said chapter 59, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For purposes of this subsection, a generation facility shall not include a facility powered by a qualified fuel cell powered system, as defined in clause Forty-fifth B of section 5, to generate electricity.

After remarks, the amendment was *rejected*.

Ms. Creem, Mr. Eldridge, Ms. Jehlen, Ms. Comerford, Messrs. Pacheco, O'Connor, Moore, Tarr and Tran moved that the proposed new draft be amended in section 46, by inserting after the word “emissions”, in line 593, the following words:- “that satisfy the mandates of greenhouse gas reductions set forth in chapter 21N of the General Laws. The department may, within such a pilot, permit a gas company to bill for thermal energy”; and in said section 46, by inserting after the fourth sentence the following sentence:- “The department shall ensure transparency and validity of the outcomes of the pilot projects through a third-party evaluation and report by the department of energy resources.”

39.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at a half past three o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 160**]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Welch, James T. – 37. |
| Gobi, Anne M. | |

NAYS – 0.

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

Ms. Rausch and Mr. Pacheco moved that the proposed new draft be amended in section 31, by inserting in line 524 after the words “energy use benchmarking program” the following words:- “, or from setting and enforcing energy performance standards for buildings”. 42.

The amendment was adopted.

Ms. Rausch, Ms. Comerford and Mr. Pacheco moved that the proposed new draft be amended in section 31, by inserting after subsection (c) the following new subsection:- 44.

“(d) Annually, not later than September 1, the department shall transmit to each municipality with at least one building covered by this section the raw data for all such buildings within the municipality. For each building, the information transmitted shall include, but not be limited to: (i) the address at which the building is located; (ii) the building’s energy intensity in kBtu per square foot and greenhouse gas emissions per square foot in pounds of carbon dioxide equivalent per square foot; (iii) the breakdown of the building’s energy sources by electricity, gas, steam and other sources; (iv) an energy performance rating or assessment score, where available, as determined by the energy use benchmarking tool; and (v) the building type.”

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting after section _ the following section:- 46

“SECTION _. Notwithstanding any general or special law to the contrary the executive office of energy and environmental affairs in consultation with the massachusetts clean energy center shall conduct a feasibility study on increasing the renewable energy portfolio as established under section 11F of chapter 25A and said study shall also ensure that an adequate supply is or will be available to meet the requirements of any increase. Said study shall be submitted to the clerks of the house and senate.”

After remarks, the amendment was *rejected*.

Messrs. Cyr and Tarr moved that the proposed new draft be amended by inserting after the word “region” in line 456 the following words:- “, status within a historic district established under M. G.L. c. 40C and historic district commissions in Massachusetts established by a special act of the legislature”, 48.

After remarks, the amendment was adopted.

Mr. Eldridge and Ms. Jehlen moved that the proposed new draft be amended by inserting after the word “emissions”, in line 37, the following words:- “, including the combustion of any fuel for the purpose of generating energy”. 54.

The amendment was *rejected*.

Ms. Gobi moved that the proposed new draft be amended by inserting in line 99, after the words “source hearing pumps” the words: “anaerobic digestion;”. 59.

After remarks, the amendment was adopted.

Ms. Gobi moved that the proposed new draft be amended by inserting in line 119, after the word “trucks,” the words: “with the exception of farm vehicles”. 60.

The amendment was *rejected*.

Messrs. Hinds and Pacheco moved that the proposed new text be amended by adding at the end thereof the following sections: 64.

“SECTION XX. Section 138 of Chapter 164 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 37, after the word ‘less’, the following words:- ‘provided, however, that a Class I net metering facility of a municipality or other governmental entity may have a generating capacity of less than or equal to 60 kilowatts per unit’.”

SECTION XX. Section 138 of Chapter 164 of the General Laws is hereby further amended by striking out in line 120 the words ‘Class II or III’ and replacing them with

the words ‘Class I, II or III.’”

The amendment was adopted.

Mr. Hinds, Ms. Comerford, Mr. Pacheco and Ms. Gobi moved that the proposed new draft be amended by adding at the end thereof the following sections:

65.

“SECTION XX. 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, in 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, fuller 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.

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

Section 10B. Notwithstanding the provisions of section 10, in any adjudicatory proceeding regarding any 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:

- (a) any municipality that is within the service area of such company; and
- (b) any member of the general court whose district includes ratepayers of such company.”

The amendment was *rejected*.

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

66.

"SECTION XX. On or before January 1, 2021, the department of energy resources shall establish and maintain an incentive program supporting the installation of energy storage systems, as defined in Chapter 188 of the Acts of 2016, on customer premises. The department may consider the following funding sources for said incentive program, including but not limited to: the use of alternative compliance payments and the use of energy efficiency funds under section 19 of chapter 25 of the General Laws if the department determines that the energy storage system installed at a customer's premises provides sustainable peak load reductions on either the electric or gas distribution systems or is otherwise cost-effective and consistent with section 11G of chapter 25A of the General Laws. The department shall implement this program consistent with its authority under section 11G of chapter 25A of the General Laws and may promulgate regulations consistent with this section.”

The amendment was *rejected*.

Mr. Hinds, Ms. Comerford and Mr. Pacheco moved that the proposed new draft be amended by adding at the end thereof the following section:

67.

“SECTION XX. Chapter 23J of the General Laws is hereby amended by inserting after section 6 the following new section:-

Section 6A. Statewide plan for protecting carbon sequestration in public and private woodlands and woodlots. The Center shall undertake a study of public and private woodlands and woodlots in the Commonwealth to measure the aggregate amount of carbon sequestered in said woodlands and woodlots in the trees, roots and soil. Within 240 days of said study's completion, the Center shall develop and implement a comprehensive statewide plan for the protection of both public and private woodlands and woodlots that shall include policies for maintaining, enhancing and protecting the carbon sequestered. The Center shall also work in collaboration with the Executive Office of Energy and the Environment to establish policies and procedures where the aggregate amount of the annual estimate of carbon sequestered in public and private woodlands and woodlots shall be included as part of the Commonwealth's climate change goals and renewable energy targets, and carbon emission reduction goals as provided in the Green Communities Act."

The amendment was *rejected*.

Messrs. Eldridge, Pacheco and Moore moved that the proposed new draft be amended by adding the following section:-

68.

"Chapter 143 of The General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following chapter:-

CHAPTER 143A. SOLAR HOMES AND BUSINESSES.

Section 1. As used in this chapter the following words shall have the following meanings unless the context clearly requires otherwise:-"

'Board', state board of building regulations and standards.

'Department', department of public safety.

'Developer', any person or company that constructs residential or commercial buildings.

'Effective solar area', the portion of a building roof on which the output from a solar energy system, taking into account shading from existing permanent natural or manmade barriers external to the building (including but not limited to trees, hills, and adjacent structures), would be equivalent to 70 percent or greater of the output of an unshaded solar energy system on an annual basis.

'Large commercial building', a commercial building of 10,000 or more square feet.

'Multi-family dwelling', a building intended to be inhabited as a primary or secondary residence by multiple individuals or groups of individuals living in separate apartments.

'New construction', any newly constructed residential or commercial building that requires a building permit to proceed.

'Single-family dwelling'. a building intended to be inhabited as a primary or secondary residence by one individual or group of individuals.

'Solar energy system', any system that uses solar energy to provide all or a portion of the electrical needs of a residential or commercial building.

'Solar hot water heater', any system that uses solar energy to heat water for use in a residential or commercial building.

'Substitute renewable energy system', any system that uses renewable energy resources other than solar energy to provide for all or a portion of the electrical needs of a residential or commercial building; provided, that a renewable energy system shall use a technology eligible for the renewable portfolio standard under subsection (c) of section 11F of chapter 25A of the General Laws.

Section 2. (a) All new construction shall be built to accommodate the installation of a solar energy system. The board shall promulgate regulations within 1 year from the passage of this act to amend the state building code to establish minimum standards that must be met for new construction to accommodate a solar energy system. (b) In drafting

the regulations, the board shall take into account existing building code requirements and compliance costs. The board shall also consult with scientists, engineers, and professional societies with relevant expertise in solar energy systems and building construction. (c) At a minimum, the board shall include requirements for: (1) static load roof strength, with a requirement that roofing where solar equipment could be placed be capable of supporting a minimum of 6 pounds per square foot; (2) placement of non-solar related rooftop equipment, taking into account positioning that avoids shading of solar equipment and maximization of continuous roof space; (3) sizing and provision of extra electrical panels to accommodate the addition of an appropriately sized future solar energy system; and (4) provision of space for a solar energy system DC-AC inverter in the utility room or on an outside wall; (d) The board shall also consider including requirements for: (1) roof orientation and angle; (2) roof types that are compatible with a solar installation mounting strategy that will require minimal or no roof penetrations; and (3) a conduit for wiring from roof to electric panel. (e) To the extent necessary, the board shall promulgate separate standards for residential and commercial construction. (f) In developing these regulations, the board shall consult with the department of energy resources, the Massachusetts Clean Energy Center, and other state agencies with relevant expertise.

Section 3. (a) The board shall promulgate regulations within 1 year from the passage of this act to amend the state building code to require certain types of new construction, as specified in this section, to have a solar energy system. (b) Single-family dwellings shall have a solar energy system producing sufficient electricity on an annual basis to meet 100 percent of the average electricity demand of dwellings of a similar size and type. (c) Multi-family dwellings and large commercial buildings up to ten stories in height shall have a solar energy system producing sufficient electricity on an annual basis to meet minimum standards established by the board. (d) The board may require other categories of new construction or renovated buildings to have a solar energy system, and set minimum standards for the capacity of the solar energy system. (e) The board may reduce the required minimum capacity of solar energy systems for single-family and multi-family dwellings by up to 25 percent if installed in conjunction with a battery storage system with a minimum capacity of 7.5 kilowatt-hours per dwelling unit. (f) The board shall determine the average electricity consumption for the types of buildings described in this section and revise its determination at least every three years, taking into account changes in electricity consumption due to energy efficiency improvements, electric vehicle charging, air source heat pumps and other electric heating technologies, and other factor.

Section 4. (a) Developers may seek an exemption from the inspector of buildings or building commissioner from the requirement under sections 2 and 3 of this chapter upon a sufficient showing that the effective solar area is less than 80 contiguous square feet. (b) Developers may seek an exemption from the inspector of buildings or building commissioner from the requirements under sections 2 and 3 of this chapter upon a sufficient showing that a substitute renewable energy system will be installed at the time of construction, producing an equal or greater amount of electricity on an annual basis as the minimum required solar installation under section 3 of this chapter. Developers may seek a reduction in the required size of a solar energy system upon a sufficient showing that a substitute renewable energy system will be installed at the time of construction, producing sufficient electricity on an annual basis to offset the reduction in electricity produced by the solar energy system. (c) Developers may seek an exemption from the inspector of buildings or building commissioner from the requirements under sections 2 and 3 of this chapter, or a reduction in the required size of a solar energy system, upon a sufficient showing that a solar hot water heater will be installed at the time of construction. Such exemption or reduction shall only be granted to the extent that the installation of a solar hot water heater will reduce the portion of the effective solar area available for a

solar energy system. (d) The board may allow exemptions for affordable housing developments, after consulting with affordable housing developers and operators, organizations that represent affordable housing residents, and other stakeholders. (e) The board shall promulgate regulations within 1 year of the passage of this act that clearly define the process for seeking an exemption.

Section 5. (a) All future editions and amended versions of the building code, as adopted by the board, shall include regulations meeting the requirements of sections 2, 3, and 4 of this chapter. (b) The board may from time to time revise the regulations promulgated under sections 2, 3, and 4 of this chapter, in accordance with changes in technology and building practices.

Section 6. Compliance with the provisions of this chapter shall not impair a building's eligibility for any incentives, rebates, credits, or other programs in existence to encourage development of renewable energy resources.

Section 7. A building permit for new construction shall not be granted without a wing that the building complies with the requirements of this chapter.

Section 8. Any person who fails to comply with or otherwise violates this chapter shall be liable for a civil administrative penalty not to exceed \$10,000 for each violation, or twice the estimated additional cost that would have been incurred by constructing a building to meet the requirements of this chapter, whichever is greater."

The amendment was *rejected*.

Messrs. O'Connor and Pacheco and Ms. Gobi moved that the proposed new text be amended by inserting at the end the following:-

70.

"SECTION 62. Section 11F of Chapter 25A of the General Laws, as amended by Chapter 188 of the Acts of 2016, is hereby further amended by adding the following subsection: (j) The department shall adopt regulations that provide that 25 megawatts of electric energy renewable generating sources that qualify as Class I under subsection (c)(7) by utilizing anaerobic digestion technology with by-products or waste from agricultural crops, food or animals and located on land used for agriculture, as defined under section 1A of chapter 128, shall count double with respect to the minimum percentage calculated under subsection (a).

SECTION 63. Subsection (i) of Section 139 of Chapter 164 of the General Laws, as amended by Chapter 75 of the Acts of 2016, is hereby further 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, provided further that only the first 25 megawatts in aggregate generated by any such facilities shall be exempt from said net metering caps under subsection (f)."

After remarks, the amendment was *rejected*.

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

74.

"SECTION _ . Notwithstanding any general or special law to the contrary, not later than 1 year after the effective date of this act, the department of energy resources shall publish a guide to assist cities and towns in developing processes and policies to reduce carbon emission, including the development of municipal carbon reduction plans."

The amendment was *rejected*.

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

78.

"SECTION _ . Notwithstanding any general or special law to the contrary, clause (f) of section 139 of chapter 164 shall be phased out in a fair, consistent and equitable manner

over five years.”

After remarks, the amendment was *rejected*.

Ms. Chang-Diaz, Ms. Jehlen, Messrs. Collins, Eldridge, Pacheco, Timilty and Feeney, Ms. Comerford, Mr. Brady, Ms. Rausch and Mr. Moore moved that the proposed new draft be amended in line 131 after the word “commonwealth” inserting the following:- “; and (vi) by investing at least 30% of revenues raised from market-based mechanisms in investment projects that reduce greenhouse gas emissions. This shall include, but is not limited to, investments in renewable energy, clean transportation, energy efficiency, microgrids, local energy storage, and other innovative technologies. Not less than 40% of said investment revenue shall be directed to benefit low or moderate income people”.

80.

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new draft be amended by inserting at the end the following:-

85.

“SECTION 62. Chapter 21A of the Massachusetts General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following new section:-

Section 27. (a) Non-exclusive access to rights-of-way in the Commonwealth of Massachusetts may be granted to mobility network providers meeting the following criteria: (1) Privately funded construction; (2) Privately operated without government subsidies; (3) Exceed 120 passenger-miles per gallon, or equivalent energy efficiency; (4) Exceed safety performance of transportation modes already approved for use, and; (5) Gather more than 2 megawatt-hours of renewable energy per network-mile per typical day.

(b) The office of energy and environmental affairs shall promulgate rules or regulations for alternative mobility networks based on the following criteria: (1) System design, fabrication, installation, safety, insurance, inspection practices consistent with the American Society for Testing and Materials International Committee on Amusement Rides and Devices; (2) Environmental approvals will be granted based on a ratio of energy consumed per passenger-mile of the innovation versus transport modes approved to operate in the rights-of-way, and; (3) All taxes and fees assessed on the transport systems providers, passengers and cargo shall be limited to 5% of gross revenues and paid to the aggregate rights-of-way holders by Personal Rapid Transit providers.”

The amendment was *rejected*.

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

90.

“SECTION_ . Subsection (j) of section 83C as appearing in chapter 188 of the acts of 2016 is hereby amended by inserting at the end thereof the following:- 'provided, however, for purposes of this section only, a long-term contract procured under this section shall also require an accounting of life-cycle emissions from the clean energy generation resource, to be reported to the department of environmental protection on an annual basis'.

SECTION_ . Subsection (j) of section 83D as appearing in chapter 188 of the acts of 2016 is hereby amended by inserting at the end thereof the following:- 'provided, however, for purposes of this section only, a long-term contract procured under this section shall also require an accounting of life-cycle emissions from the clean energy generation resource, to be reported to the department of environmental protection on an annual basis'.”

After remarks, the amendment was *rejected*.

Messrs. Fattman and O'Connor moved that the proposed new draft be amended by inserting, in line 182, after the word “executive” the following words:- “or legislative”.

91.

UNCORRECTED PROOF.

After remarks, the amendment was adopted.

Messrs. Fattman and O'Connor and Ms. Gobi moved that the proposed new draft be amended by inserting after the word "extension", in line 453, the following words: "or hardship waiver"; and by inserting after the word "extension", in line 454, the following words: " or hardship waiver" 92.

The amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by striking the following:- "Any action of the commission may take effect immediately and need not be published or posted unless otherwise provided by law." 93.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 – nays 29) [**Yeas and Nays No. 161**]:

YEAS.

DiZoglio, Diana
Fattman, Ryan C.
Gobi, Anne M.
Moore, Michael O.

O'Connor, Patrick M.
Pacheco, Marc R.
Tarr, Bruce E.
Tran, Dean A. – **8.**

NAYS.

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

Friedman, Cindy F.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **29.**

The yeas and nays having been completed at thirteen minutes past four o'clock P.M., the amendment was *rejected*.

Messrs. Tarr, O'Connor and Pacheco moved that the proposed new draft be amended by striking out in line 165 the words "6 members appointed by the governor", and inserting the following new text:- "8 members appointed by the governor, 2 of whom will represent consumers and ratepayers" 96.

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in line 233 after the word "may" the following:- "subject to appropriation"; and by striking in line 238 the following:- "The commission shall not be required to obtain the approval of another executive agency in connection with the development and administration of its annual budget." 97.

The amendment was *rejected*.

Messrs. Tarr, O'Connor and Pacheco move that the proposed new draft be amended by inserting after section _ the following new section_:- 99

"SECTION _Chapter 169 of the acts of 2008 is hereby amended by inserting after

the final sentence of section 83C(b), inserted by chapter 188 of the acts of 2016, the following:- ; provided, further that the department of energy resources may determine and require solicitations and procurements beyond 1,600 megawatts of aggregate nameplate capacity of offshore wind energy resources if the departments determines additional solicitations are necessary to ensure compliance with Chapter 298 of the Acts of 2008 and this act, the department shall submit a report to the legislature explaining its rationale, provided that in the event that the department seeks to undertake such actions, it shall submit a report containing the rationale therefore to the legislature not less than 60 days prior to such solicitation.”;

By inserting after section _ the following new section:-

“SECTION _Chapter 169 of the acts of 2008 is hereby amended by inserting after the final sentence of section 83D(b), inserted by chapter 188 of the acts of 2016, the following:- ; provided, further the department of energy resources may determine and require subsequent solicitations and procurement beyond 9,450,000 megawatt-hours if in the best interest to the commonwealth and necessary to ensure compliance with Chapter 298 of the Acts of 2008 and this act . If the departments so determines additional solicitations are necessary, the department shall submit a report to the Legislature explaining its rationale, provided that in the event that the department seeks to undertake such actions, it shall submit a report containing the rationale therefore to the legislature not less than 60 days prior to such solicitation.”

After remarks, the amendment was *rejected*.

Messrs. Eldridge and O'Connor moved that the proposed new draft be amended by inserting after section X the following section:- 100.

“SECTION X. Subsection (a) of Section 20 of Chapter section 25 of the General Laws as appearing in the 2016 Official Edition, is hereby amended in the first sentence; striking out the figure ‘0.5’ and inserting in place thereof the following figure ‘1.5’.”

The amendment was *rejected*.

Ms. Chang-Diaz, Messrs. Collins and Eldridge, Ms. Jehlen, Mr. Welch, Ms. Comerford, Messrs. Pacheco and Brady and Ms. Rausch moved that the proposed new draft be amended in line 315 by inserting after the word “affordability” the following:- , “equity”, 105.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-nine minutes past four o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 162]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |

Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

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

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by striking lines 214-219 and inserting in place thereof the following:- “Annually, not later than the first Wednesday in February, the executive director shall file a personnel, and operations report with the clerks of the house and senate, the senate and house committees on ways and means containing the job classifications, duties and salary of each officer and employee within the commission, together with personnel regulations applicable to the officers and employees, and the revenue and expenditures of the commission. The executive director shall file amendments to the report with the clerks of the house and senate, and the senate and house committees on ways and means whenever any changes become effective”.

After remarks, the amendment was adopted.

Ms. Comerford, Ms. Jehlen and Mr. Pacheco moved that the proposed new draft be amended by inserting after the words “moderate income persons” in line 114 the words:- “, in a manner that prioritizes regional equity and protects rural residents, and”.

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in line 272 at the end thereof the following new text :- “(viii) annually calculate the unit cost per metric ton of carbon emissions avoided, reduced or eliminated pursuant to this act.”

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in line 320 at the end thereof the following:-“and ratepayer impacts”;

By inserting in line 324 at the end thereof the following:- “and ratepayer impacts”;

By inserting in line 328 at the end thereof the following:- “and ratepayer impacts”;

By inserting in line 332 at the end thereof the following:- “and ratepayer impacts”;

By inserting in line 336 at the end thereof the following:- “and ratepayer impacts”;

By inserting in line 340 at the end thereof the following:- “and ratepayer impacts”;

and

By inserting in line 344 at the end thereof the following:- “and ratepayer impacts”.

After remarks, the amendment was *rejected*.

Ms. Comerford and Mr. Pacheco moved that the proposed new draft be amended in section 43, by inserting after the word “regulation” in line 567 the following:- “The department shall not approve a contract unless the department finds that: (i) such contract is necessary and cost-effective for 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 applicant has identified and evaluated alternatives that would reduce or eliminate the need for private land takings or public land disposition including, but not limited to, fuller and more long-term utilization of existing infrastructure, distribution system repairs, and enhancement of peak shaving measures; and (iv) for contracts exceeding a term of 3 years, the applicant has reasonably evaluated demand-side options to reduce or eliminate the need for new infrastructure. To aid in the department's determination under this section, any gas company seeking department review of a contract that requires the construction or expansion of gas infrastructure shall first hold a competitive solicitation for non-gas

alternatives. Such competitive solicitations shall seek energy solutions that reduce greenhouse gas emissions and that address the considerations enumerated in subpart (i) through (iv) above.”.

The amendment was *rejected*.

Messrs. Eldridge, Collins, Feeney, Keenan and Montigny, Ms. Jehlen, Mr. Welch, Ms. Comerford, Mr. Brady, Ms. Rausch and Messrs. Timilty and Pacheco moved that the proposed new draft be amended by removing subsection (b), of section 11, and inserting in place thereof the following:-

113.

“(b) There shall be a board, with duties and powers established pursuant to this chapter, that shall govern the commission and that shall consist of: the secretary of energy and environmental affairs who shall serve ex officio; 2 members appointed by the attorney general who shall have expertise in energy economics, public health, climate science or statistics, 1 of whom shall be selected from a list of not less than 3 individuals nominated by the energy efficiency advisory council under section 22 of chapter 25; and 8 members appointed by the governor, 4 of whom shall be selected from a list comprised of 1 individual nominated by each president or chancellor of an institution of higher education in the commonwealth classified by the Carnegie Classification System as a doctorate-granting university with very high research activity, 1 of whom shall have expertise in energy economics, public health, climate science or statistics, 1 of whom shall be selected from a list of not less than 3 individuals nominated by the greenhouse gas emissions reduction measures advisory committee established under section 8 of chapter 21N, 1 of whom is a member of an environmental justice group, and 1 of whom belongs to a youth climate organization and is under the age of 22. All persons appointed to the commission shall be selected without regard to political affiliation and solely on the basis of the qualifications and experience that the appointing authorities determine are necessary to fulfilling the mission of the commission.”

After remarks, the amendment was *rejected*.

Messrs. Lewis, Collins and Pacheco, Ms. Jehlen, Messrs. Eldridge, Timilty and Feeney, Ms. Comerford and Ms. Gobi moved that the proposed new draft be amended by inserting after section 30 the following section:-

116.

“SECTION 30A. Section 10 of said chapter 25a, as so appearing, is hereby further amended by striking subsection (b) and inserting in place thereof the following:-

(b) The division shall establish a green communities program. The purpose of the program shall be to provide technical and financial assistance, in the form of grants and loans, to municipalities and other local governmental bodies that qualify as green communities under this section. These loans and grants shall be used to finance all or a portion of the costs of studying, designing, constructing and implementing energy efficiency activities, including but not limited to, energy conservation measures and projects; procurement of energy management services; installation of energy management systems; adoption of demand side reduction initiatives; deployment of energy storage, microgrids, or district energy systems connected to renewable energy generation; installation of zero-emissions vehicles, charging equipment or infrastructure, or related technologies; coordination of residential or small business clean energy outreach, technical assistance, or financing programs; and the adoption of energy efficiency policies. They shall also be used to finance the siting and construction of renewable and alternative energy projects on municipally-owned land.”

After remarks, the amendment was adopted.

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

117.

“SECTION_ . Notwithstanding any general or special law to the contrary the Clean

Energy Center, in collaboration with the Executive Office of Energy and Environmental Affairs, shall conduct a feasibility study of utilizing carbon sequestration programs executed in the tropic zone to be utilized to offset carbon emission from the Commonwealth.”.

The amendment was *rejected*.

Messrs. Tarr and Montigny moved that the proposed new draft be amended by inserting after section_ the following section:- 119.

“SECTION_ . Notwithstanding any general or special law to the contrary 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.”.

The amendment was *rejected*.

Ms. Comerford moved that the proposed new draft be amended in section 11, by striking out the words “and comprised of” in line 299 and inserting in place thereof the following words:- “; provided, that 1 of member shall be a person of less than 18 years of age, 1 member shall be a low-income person, 1 member shall be a person from a community that is disproportionately impacted by climate change; 1 member shall be an employee of a small business in the green energy sector; and 9 additional”.

The amendment was *adopted*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section _ the following section: 121.

“SECTION_ .Notwithstanding any general or special law to the contrary the department of public utilities shall develop performance standards relative to alternative energy generator inter connection to the electric grid by public utilities, and shall utilize those standards when considering any rate filing and shall include such standard in any such filing approved.”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 104 the word “consider” and inserting in place thereof the word:- “determine”. 122.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section _ the following section:- 123.

“SECTION_ . Subsection (h) of section 83C in chapter 188 of the acts of 2016 is hereby amended by striking in its entirety and inserting in place thereof the following:-

‘(h) A distribution company shall sell any energy and capacity purchased under a long-term contract in the wholesale market through a competitive bid process in order to minimize the costs to ratepayers under the contract. A distribution company may elect to retain renewable energy certificates to meet the applicable annual renewable portfolio standard requirements under said section 11F of said chapter 25A. If renewable energy certificates are not so used, such companies shall sell such purchased renewable energy certificates through a competitive bid process to minimize the costs to ratepayers under the contract; provided, however the department of energy resources shall conduct periodic reviews to determine the impact on the energy and renewable energy certificate markets of the disposition of energy and renewable energy certificates under this section. The department may issue reports recommending legislative changes if it determines that said disposition of energy and renewable energy certificates is adversely affecting the energy and renewable energy certificate markets.’.”; and by inserting after section _ the following section:-

“SECTION __. Subsection (h) of section 83D in chapter 188 of the act of 2016 is hereby amended by striking in its entirety and inserting in place thereof the following:-

‘(h) A distribution company shall sell any energy and capacity purchased under long-term contracts or delivery commitments in the wholesale market through a competitive bid process in order to minimize the costs to ratepayers under the contract. A distribution company may elect to retain renewable energy certificates to meet the applicable annual RPS requirements under said section 11F of said chapter 25A. If the renewable energy certificates are not so used, such companies shall sell such purchased renewable energy certificates attributed to new class I RPS eligible resources through a competitive bid process to minimize the costs to ratepayers under the contract; provided, however, a distribution company shall retain renewable energy certificates that are not attributed to Class I RPS eligible resources. The department of energy resources shall conduct periodic reviews to determine the impact on the energy and renewable energy certificate markets of the disposition of energy and renewable energy certificates under this section. The department may issue reports recommending legislative changes if it determines that said disposition of energy and renewable energy certificates is adversely affecting the energy and renewable energy certificate markets.’”

The amendment was *rejected*.

Mr. Crighton, Ms. Rausch, Ms. Jehlen and Messrs. Pacheco, Eldridge and Moore moved that the proposed new draft be amended in section 31, in proposed section 18 of chapter 25A, by striking out subsection (d) and inserting in place thereof the following subsection:-

6.

“(d) Annually, not later than October 1, the department shall make available on its website energy use information and data for the preceding calendar year for each building subject to this section. For each building, the information made available shall include, but not be limited to: (i) the municipality in which the building is located; (ii) the building’s total energy use in MMBTU, total greenhouse gas emissions in pounds of carbon dioxide equivalent, total square footage, energy intensity in kBtu per square foot and greenhouse gas emissions per square foot in pounds of carbon dioxide equivalent per square foot; (iii) the breakdown of the building’s energy use by electricity, gas, steam and other sources; and (iv) an energy performance rating or assessment score, where available, as determined by the energy use benchmarking tool. The department shall maintain a privacy and quality assurance process to improve the accuracy and completeness of the available information, including, but not limited to, an opportunity for the owner to review and comment on the information. The department shall provide owners with the opportunity to submit contextual information related to energy use in their buildings and shall disclose such information upon request by the owner. The department shall annually publish summary statistics at the zip code or census tract level on its website.”; and

In said section 31, in proposed subsection (e) of section 18 of chapter 25A, by inserting after the second sentence the following sentence:- “The department shall make available to a regional planning agency, municipality or other public agency requesting such information any data set forth in this section, utilizing such practices as are necessary to prevent the public disclosure of personal information regarding owners and tenants.”.

After remarks, the amendment was adopted.

Ms. Friedman, Ms. Jehlen, Messrs. Collins, Eldridge, Pacheco and Welch, Ms. Comerford, Mr. Timilty, Ms. Chang-Diaz, Messrs. Feeney, O’Connor and Brady, Ms. Rausch, and Messrs. Tarr and Moore moved that the proposed new draft be amended in section 10, by striking out proposed section 6 of chapter 21N and inserting in place thereof the following section:-

11.

“Section 6. The secretary shall promulgate all regulations necessary to achieve the limits imposed by subsection (b) of section 3 and sublimits imposed by section 3A. The

regulations shall be designed to ensure that the commonwealth achieves the required emissions reductions equitably and in a manner that mitigates the effects of increased energy and transportation costs on low-income and moderate-income households, improves their economic condition, where feasible, and creates additional employment and economic development in the commonwealth.”.

After remarks, the amendment was adopted.

Ms. Chandler and Messrs. Eldridge, Pacheco, Brady and Moore moved that the proposed new draft be amended by inserting after section 46 the following section:-

15.

“SECTION 46A. The Massachusetts clean energy technology center shall administer a heat pump market development program to fund and offer training, which shall include, but not be limited to, heating oil dealers, for the purpose of expanding markets for space and water heating using efficient heat pump technology. The Massachusetts clean energy technology center may draw upon the Massachusetts Renewable Energy Trust Fund for such purpose if sufficient funds are available. The Massachusetts clean energy technology center may stop offering such program after January 1, 2026.”.

After remarks, the amendment was adopted.

Ms. Rausch and Mr. Pacheco moved that the proposed new draft be amended in section 11, by striking out, in lines 269 to 272, inclusive, the words “and (viii) gather, serve as a central repository for and disseminate data and analysis to the public and policymakers from any and all sources that the commission deems relevant to carrying out its charge” and inserting in place thereof the following words: - “(viii) review the comprehensive reports prepared under section 18 of chapter 25A and recommend actions to reduce energy consumption and greenhouse gas emissions in buildings subject to said section; and (ix) gather, serve as a central repository for and disseminate data and analysis to the public and policymakers from any and all sources that the commission deems relevant to carrying out its charge”;

16.

In section 31, by striking out, in line 452, the word “, but” and inserting in place thereof the following words:- “and the gas or electric distribution company shall report building-specific data to the department upon such authorization; provided, however, that”; and

In said section 31, in proposed paragraph (2) of subsection (c) of section 18, by adding the following sentence:- “If ownership of a building covered by this paragraph is transferred, the seller shall make reasonable efforts to provide the buyer with information necessary for the buyer to timely report benchmarking data for the entire calendar year, if practicable.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes past five o'clock P.M., on motion of Ms. Rausch, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 163]:**

YEAS.

- | | |
|--------------------------|----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |

DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

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

Ms. Comerford, Mr. Pacheco and Ms. Gobi moved that the proposed new draft be amended in section 10, by inserting after the word “technologies”, in line 98, the following words:- “, carbon sequestration from natural and working lands”.

After remarks, the amendment was adopted.

Ms. Comerford, Messrs. Eldridge, Collins, Pacheco, Timilty and Brady, Ms. Rausch and Mr. Moore moved that the proposed new draft be amended in section 47, by adding the following sentence:- “The specialized stretch energy code required by said section 6 of said chapter 25A shall be developed, adopted and incorporated as an appendix to the state building code not later than 1 year after the passage of this act.”.

After remarks, the amendment was adopted.

Ms. Gobi and Messrs. Pacheco and Moore moved that the proposed new draft be amended in section 11, by striking out, in line 300, the words “the following sectors”; and in said section 11, by inserting after the word “transportation”, in line 302, the following words:- “, the distinguishing characteristics and vulnerabilities of rural, suburban and urban households, farming”.

After remarks, the amendment was adopted.

Ms. Gobi, Messrs. Pacheco, Tarr and Lesser moved that the proposed new draft be amended in section 47, by striking out clause (i) and inserting in place thereof the following clause:-

“(i) hold not less than 5 public hearings in geographically diverse locations throughout the commonwealth that shall represent the distinguishing characteristics of rural, suburban and urban households, 1 of which shall be held in an underserved community or community with a high percentage of low-income households.”.

After remarks, the amendment was adopted.

Ms. Comerford, Messrs. Collins, O'Connor and Pacheco, Ms. Gobi, Messrs. Moore and Montigny and Ms. Chang-Diaz moved that the bproposed new draft be amended in section 10, by striking out, in line 101, the words “may be taken to” and inserting in place thereof the following words: “provide benefits or cost savings to such communities or otherwise”.

After remarks, the amendment was adopted.

Messrs. O'Connor, Pacheco and Tarr moved that the proposed new draft be amended by inserting after section 31 the following section:-

“SECTION 31A. Chapter 29 of the General Laws is hereby amended by inserting after section 2GGGGG the following section:-

Section 2HHHHH. There is hereby established and set up on the books of the commonwealth an expendable trust to be known as the Low-Income Support Service Solar Program. The secretary of energy and environmental affairs shall establish a grant program to provide solar energy technology to non-profit organizations offering support services related to food security, homelessness and emergency shelter. The amounts credited to the trust shall be available for expenditure, subject to appropriation, not to

exceed \$500,000 in a fiscal year, for the costs associated with purchasing and installing solar energy generating equipment for non-profit organizations that meet criteria set forth by the secretary.”.

After remarks, the amendment was adopted.

Ms. Comerford, Ms. Jehlen, Mr. Pacheco, Ms. Gobi and Mr. Moore moved that the proposed new draft be amended in section 10, by striking out, in line 130, the words “and (v)” and inserting in place thereof the following words:- “(v) address the distinguishing characteristics and vulnerabilities of rural, suburban and urban households; and (vi)”.

111.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before six o'clock P.M., on motion of Ms. Comerford, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 164]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Welch, James T. – 37. |
| Gobi, Anne M. | |

NAYS – 0.

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

Messrs. Lewis, Pacheco and Eldridge moved that the proposed new draft be amended by striking sections 17 through 21 inclusive and inserting in place thereof the following:-

76.

“SECTION 17. Said section 19 of said chapter 25, as so appearing, is hereby further amended by inserting after the word ‘program’, in line 58, the following words:- ‘; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions’.

SECTION 18. Section 21 of said chapter 25, as so appearing, is hereby amended by inserting after the word ‘supply’, in line 5, the following words:- ‘; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 19. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the figure ‘22’, in line 17, the following words:- ‘; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.

SECTION 20. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word ‘bodies’, in line 21, the following words:- ‘; provided, however, that when determining cost-effectiveness, the calculation of benefits shall

include calculations of the social value of greenhouse gas emissions reductions.

SECTION 21. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the word ‘supply’, in line 25, the following words:- ; provided, however, that when determining cost-effectiveness, the calculation of benefits shall include calculations of the social value of greenhouse gas emissions reductions.”

The amendment was adopted.

There being no objection, the following matter was taken out of the Orders of the Day, and considered, , as follows, to wit:

The Senate Bill relative to Energy Savings Efficiency (Energy SAVE) (Senate, No. 1986),-- was read a second time.

Appliances,-- efficiency.

After remarks, and 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. 2478), and pending the main question on ordering the bill to a third reading, Mr. Tran moved that the proposed new draft be amended by inserting after section 20 the following section:-

1.

“SECTION XX. 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, 2020.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in lines 154-164 in its entirety and inserting in place thereof the following:- “The executive office of energy and environmental affairs shall conduct a review of minimum efficiency standards for computers and computer monitors in other states, including but not limited to, California, and, based on said review, shall develop and implement such standards for the commonwealth not later than 9 months following the passage of this act.”.

2.

The amendment was *rejected*.

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

5.

“SECTION_ . The executive office of energy and environmental affairs shall annually, not later than December 31 for the first 5 years of this act, submit to the clerks of the house and senate, the house and senate committee on ways and means, and the joint committee on telecommunications, utilities, and energy a cost estimate to adopt and fully integrate the requirements under this act.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 30) [Yeas and Nays No. 165]:

YEAS.

- | | |
|-------------------|----------------------|
| DiZoglio, Diana | O'Connor, Patrick M. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Gobi, Anne M. | Tran, Dean A. – 7. |
| Moore, Michael O. | |

NAYS.

- | | |
|---------------------|--------------------|
| Barrett, Michael J. | Friedman, Cindy F. |
| Boncore, Joseph A. | Hinds, Adam G. |

Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.

Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 30.

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

Mr. Rodrigues moved that the proposed new draft be amended in section 2, in proposed section 2 of chapter 25B, by striking out the definition of "Electric vehicle supply equipment" and inserting in place thereof the following definition:-

4.

"'Electric vehicle supply equipment', an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle."

After debate, the amendment was adopted.

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

The bill (Senate, No. 2478, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was then determined by a call of the yeas and nays. at twelve minutes past six o'clock P.M., on motion of Mr. Lewis, as follows to wit (yeas 35 – nays 2) [**Yeas and Nays 166**]

YEAS.

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

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – 35.

NAYS.

Fattman, Ryan C.

Tran, Dean A. – 2.

The yeas and nays having been completed at fourteen minutes past six o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2499].

Sent to the House for concurrence.

The Senate Bill to encourage the deployment of heat pumps (Senate, No. 1925),-- was further considered, the main question being on ordering the bill to a third reading.

Climate policy.

Ms. Friedman, Ms. Jehlen, Mr. Collins, Ms. Comerford, and Messrs. Pacheco, O'Connor, Welch and Montigny moved that the proposed new draft be amended in section 11, by inserting after the word "commonwealth", in line 260, the following words:- " , together with a summary and review of past actions taken to protect, mitigate, and where feasible, improve the condition of low-income and moderate-income persons".

29.

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. Jehlen and Messrs. Pacheco and Brady moved that the proposed new draft be amended by inserting the following sections:-

53.

"SECTION XX. 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 2 per cent of sales every year thereafter until December 31, 2023; (4) an additional 4 per cent of sales every year thereafter until December 31, 2025; (5) an additional 5 per cent of sales every year thereafter until December 31, 2027; (6) an additional 7 per cent of sales every year thereafter until December 31, 2031; an additional 8 per cent of sales every year thereafter.

SECTION XX. Section 11F of chapter 25A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following words:- (b) For the purposes of this subsection, a renewable energy generating source is one which generates electricity using any of the following: (1) solar photovoltaic or solar thermal electric energy; (2) wind energy; (3) ocean thermal, wave or tidal energy; (4) fuel cells utilizing renewable fuels; (5) landfill gas; (6) naturally flowing water and hydroelectric; (7) low emission advanced biomass power conversion technologies using fuels such as by-products or waste from agricultural crops, food or animals, energy crops, biogas, liquid biofuel including but not limited to biodiesel, organic refuse-derived fuel, or algae; or (8) geothermal energy. A renewable energy generating source may be located behind the customer meter within the ISO-NE, as defined in section 1 of chapter 164, control area if the output is verified by an independent verification system participating in the New England Power Pool Generation Information System, in this section called NEPOOL GIS, accounting system and approved by the department.

SECTION XX. Section 11F of chapter 25A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the following words:- (c) New renewable energy generating sources meeting the requirements of this subsection shall be known as Class I renewable energy generating sources. For the purposes of this subsection, a Class I renewable energy generating source is one that began commercial operation after December 31, 1997, or represents the net increase from incremental new generating capacity after December 31, 1997 at an existing facility, where the facility generates electricity using any of the following: (1) solar photovoltaic or solar thermal electric energy; (2) wind energy; (3) ocean thermal, wave or tidal energy; (4) fuel cells utilizing renewable fuels; (5) landfill gas; (6) energy generated by new hydroelectric facilities, or incremental new energy from increased capacity or efficiency improvements at existing hydroelectric facilities; provided,

however, that (i) each such new facility or increased capacity or efficiency at each such existing facility must meet appropriate and site-specific standards that address adequate and healthy river flows, water quality standards, fish passage and protection measures and mitigation and enhancement opportunities in the impacted watershed as determined by the department in consultation with relevant state and federal agencies having oversight and jurisdiction over hydropower facilities; (ii) only energy from new facilities having a capacity up to 30 megawatts or attributable to improvements that incrementally increase capacity or efficiency by up to 30 megawatts at an existing hydroelectric facility shall qualify; and (iii) no such facility shall involve pumped storage of water or construction of any new dam or water diversion structure constructed later than January 1, 1998; (7) low emission advanced biomass power conversion technologies using fuels such as by-products or waste from agricultural crops, food or animals, energy crops, biogas, liquid biofuel including but not limited to biodiesel, organic refuse-derived fuel, or algae; (8) marine or hydrokinetic energy as defined in section 3; or (9) geothermal energy. A Class I renewable generating source may be located behind the customer meter within the ISO-NE control area if the output is verified by an independent verification system participating in the NEPOOL GIS accounting system and approved by the department.

SECTION XX. Section 11F of chapter 25A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following words:- (d) Every retail electric supplier providing service under contracts executed or extended on or after January 1, 2009, shall provide a minimum percentage of kilowatt-hour sales to end-use customers in the commonwealth from Class II renewable energy generating sources. For the purposes of this section, a Class II renewable energy generating source is one that began commercial operation before December 31, 1997 and generates electricity using any of the following: (1) solar photovoltaic or solar thermal electric energy; (2) wind energy; (3) ocean thermal, wave or tidal energy; (4) fuel cells utilizing renewable fuels; (5) landfill gas; (6) energy generated by existing hydroelectric facilities, provided that such existing facility shall meet appropriate and site-specific standards that address adequate and healthy river flows, water quality standards, fish passage and protection measures and mitigation and enhancement opportunities in the impacted watershed as determined by the department in consultation with relevant state and federal agencies having oversight and jurisdiction over hydropower facilities; and provided further, that only energy from existing facilities up to 7.5 megawatts shall be considered renewable energy and no such facility shall involve pumped storage of water nor construction of any new dam or water diversion structure constructed later than January 1, 1998; (7) low emission advanced biomass power conversion technologies using fuels such as by-products or waste from agricultural crops, food or animals, energy crops, biogas, liquid biofuel including but not limited to biodiesel, organic refuse-derived fuel, or algae; (8) marine or hydrokinetic energy as defined in section 3; or (9) geothermal energy. A Class II renewable generating source may be located behind the customer meter within the ISO-NE control area provided that the output is verified by an independent verification system participating in the NEPOOL GIS accounting system and approved by the department.”

The amendment was *rejected*.

Ms. Chang-Diaz, Messrs. Collins, Eldridge, Welch, O'Connor, Pacheco and Moore, Ms. Comerford and Ms. Rausch moved that the proposed new draft be amended in line 583 following section 46, by inserting the following sections:-

“SECTION X. Section 138 of chapter 164, as appearing in the 2016 Official Edition, is hereby amended by inserting after the definition of ‘customer’ the following definitions:-

‘Low-income’, includes low-income households as defined under section 1 of

79.

chapter 40T.

‘Low income solar net metering facility’, a solar net metering facility that allocates all of its output and net metering credits to (1) the providers or residents of publicly-assisted housing under section 1 of chapter 40T or (2) low income households; or (3) entities primarily serving such persons. The department of energy resources may establish an alternate minimum threshold or thresholds for allocation of output and net metering credits to determine project eligibility if the department determines a lower threshold is necessary in order to facilitate economic viability of low-income solar net metering facilities or to deliver meaningful economic benefit to recipients.

‘Community shared solar net metering facility’, a solar net metering facility with three or more eligible recipients of credits, provided that (1) no more than 50 per cent of the net metering credits produced by the facility are allocated to any one recipient, (2) no more than three recipients may receive net metering credits in excess of those produced annually by 25 kW of nameplate AC capacity and the combined share of said participants' capacity shall not exceed 50 per cent of the total capacity of the Generation Unit, unless otherwise allowed by the department of energy resources, and (3) the recipients have an interest in the production of the facility or the entity that owns the facility, in the form of formal ownership, a lease agreement, or a net metering allocation agreement.

SECTION X. Said section 138 of said chapter 164, as so appearing, is hereby further amended in the definition of ‘market net metering credit’ by striking out the following words:- ‘that credits shall only be allocated to an account of a municipality or government entity.’ and inserting in place thereof the following words:- ‘that credits shall only be allocated to an account of a municipality or government entity or low-income households’.

SECTION X. Said section 138 of said chapter 164, as so appearing, is hereby further amended in the definition of ‘Net metering facility of a municipality or other governmental entity’ by striking out the following words:- ‘or (2) of which the municipality or other governmental entity is assigned 100 per cent of the output.’ and inserting in place thereof the following words:- ‘or (2) of which the municipality, other governmental entity, or low income households are assigned 100 per cent of the output’.

SECTION X. Section 139 of said chapter 164, as so appearing, is hereby further amended by adding the following subsections:-

(l) Notwithstanding any provision of special or general law to the contrary, a low income solar net metering facility shall receive credits equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include the demand side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of chapter 25.

(m) Notwithstanding any provision of special or general law to the contrary, a community shared solar net metering facility that allocates at least 50 per cent of its credits to low income households or the providers or residents of publicly-assisted housing under section 1 of chapter 40T or (3) entities primarily serving such persons shall receive credits equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include the demand side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of chapter 25.

SECTION X. Said section 139 of said chapter 164, as so appearing, is hereby

amended by striking out in subsection (f) the following words:- ‘The aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity shall not exceed 7 per cent of the distribution company's peak load. The aggregate net metering capacity of net metering facilities of a municipality or other governmental entity shall not exceed 8 per cent of the distribution company's peak load.’ and inserting in place thereof the following words:- ‘The aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity shall not exceed 12 per cent of the distribution company's peak load. The aggregate net metering capacity of net metering facilities of a municipality or other governmental entity shall not exceed 13 per cent of the distribution company's peak load.’

SECTION X. Chapter 25A, as so appearing, is hereby amended by inserting after section 11I the following sections:-

Section 11J. For any solar incentive program created by the department of energy resources, under general law, session law, or other authority, the program shall include a mandatory portion of the incentive to equitably share the economic and environmental benefits of the program in communities facing barriers to access. This shall include low-income solar net metering facilities, as defined in section 138 of chapter 164, as well as rental housing or residents thereof. The department may, at its discretion, dedicate part of the incentive to resolve other barriers to equitable access to solar energy if such barriers are identified. The department shall also specify in program design its plans to reach communities whose primary language is not English.”

Pending the question on adoption of the amendment (Chang-Diaz et al), Messrs. Eldridge, Collins and Boncore, Ms. Comerford, Mr. Crighton, Ms. Chang-Diaz, Ms. Rausch, Messrs. DiDomenico, Finegold and Hinds and Ms. Jehlen moved that the pending amendment be amended by striking out the text and inserting in place thereof the following text:-

79.1

That the proposed new draft be amended in section 45, in proposed subsection (d) of section 11 of chapter 75, by adding the following sentence:- “In implementing the set-aside required by this section, the department shall also maintain solar incentives that benefit solar tariff generation units primarily serving low-income customers.”; and in said section 45, in proposed subsection (e) of section 11 of chapter 75, by adding the following 2 sentences:- “The department shall ensure that the outreach program is readily accessible, transparent and user-friendly to all users and potential users, including residents of communities whose primary language is not English. In developing an outreach program pursuant to this section, the department shall engage and consult with low-income residents and underserved customers and communities.”; and by adding the following section:-

“SECTION 62. The department of energy resources shall implement the requirements of subsection (d) of section 11 of chapter 75 of the acts of 2016 for the capacity block immediately succeeding the capacity block available on the effective date of this act.”

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-two minutes past six o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 167]:**

YEAS.

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

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.

Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

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

The pending amendment, as amended, was then adopted.

Ms. Comerford moved that the proposed new draft be amended in section 11, by inserting after the words “advocacy”, in line 300, the following words:- “, persons of less than 18 years of age, persons from communities disproportionately impacted by climate change, employees of small business in the green energy sector”.

The amendment was adopted.

Mr. Feeney, Ms. Jehlen, Mr. Collins, Ms. DiZoglio, Messrs. Eldridge, Keenan, Tarr, Pacheco, Welch and Timilty, Ms. Chang-Diaz, Ms. Comerford, Messrs. O'Connor and Brady, Ms. Rausch and Messrs. Moore, Lesser and Tran moved that the proposed new draft be amended by inserting after section 13 the following section:-

“SECTION 13A. Said chapter 23J is hereby further amended by adding the following section:-

Section 13. (a) There shall be within the center a Clean Energy Workforce Development and Training Program. The center shall operate the program in collaboration with the Commonwealth Corporation. The purpose of the program shall be to ensure that workers displaced due to emission reductions efforts and advancements in green technology will have access to advanced training and employment opportunities. The program shall promote training, education and other related prerequisites for employment opportunities that provide meaningful, stable employment, taking into consideration factors including, but not limited to, working conditions, benefits, wages, employee safety, engagement and job security.

(b) The department shall develop a workforce transition plan to help implement and inform the Clean Energy Workforce Development and Training Program. The transition plan shall include, but not be limited to, an analysis of: (i) education, training and support available for workers displaced or looking to transition from a job from which they are likely to be displaced due to emission reduction efforts and advancements in green technology; (ii) estimates of the total number of workers working at carbon-intensive emitting facilities in the energy and related construction and utility sectors; and (iii) average wage and benefits packages at such facilities. The center shall make the plan publicly available on its website and update it as necessary. Annually, the center shall submit the plan to the clerks of the senate and house of representatives.”; and

In section 11, by inserting after the word “manufacturing”, in line 302, the following words:- “, sectors that may displace workers through emission reductions efforts and advancements in green technology”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past six o'clock P.M., on motion of Mr. Feeney, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 168]:**

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 37.
Gobi, Anne M.	

NAYS – 0.

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

Messrs. Tarr, O'Connor, Pacheco and Tran moved that the proposed new draft be amended by inserting after section 59 the following section:-

“SECTION 59A. Not later than December 31, 2025, the secretary of energy and environmental affairs shall publish a comprehensive energy plan, as required under executive order no. 569. The plan may be prepared in accordance with other requirements of this act and shall be based upon reasonable projections and shall include: (i) the commonwealth’s energy demands for electricity, transportation and thermal conditioning; and (ii) strategies for meeting these demands in a regional context. The plan shall prioritize meeting energy demand through conservation, energy efficiency and other demand-reduction resources in a manner that contributes to the commonwealth meeting the limits and sublimits established pursuant to chapter 21N of the General Laws.”.

After remarks, the amendment was adopted.

Mr. Tarr, Ms. Jehlen, Messrs. Hinds, Cyr, Pacheco, Eldridge and Timilty, Ms. Comerford, Messrs. O'Connor, Brady and Moore, Ms. Gobi, Mr. Tran, Ms. Rausch and Ms. Creem moved that the proposed new draft be amended in section 1, in proposed section 1 of chapter 21N, by adding the following definition:-

“‘Natural and working lands’, lands that: (i) are actively used by an agricultural owner or operator for an agricultural operation that includes, but is not be limited to, active engagement in farming or ranching; (ii) produce forest products; (iii) consist of forests, grasslands, freshwater and riparian systems, wetlands, coastal and estuarine areas, watersheds, wildlands or wildlife habitats; and (iv) are used for recreational purposes, including parks, urban and community forests, trails and other similar open space land.”; in section 10, by inserting after the word “pollutants”, in line 102, the following words:- “, conservation, engagement and management of natural and working lands”; and in said section 10, by striking out, in line 109, the words “and (x)” and inserting in place thereof

UNCORRECTED PROOF.

the following words:- “(x) contain a statewide baseline quantification of the carbon sequestered in natural and working lands, accompanied by goals to increase and enhance the sequestration, and recommendations including, but not limited to, the conservation, enhancement and management of natural and working lands; and (xi)”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 169]:**

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 37.
Gobi, Anne M.	

NAYS – 0.

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

Messrs. Eldridge and Pacheco and Ms. Jehlen moved that the proposed new draft be amended in section 11, by inserting after the word “transportation”, in line 302, the following words:- “, land use”. 71.

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in line 399 at the end thereof the following:-"provided, that the governing body of the municipality shall have at least 1 public hearing". 114.

The amendment was *rejected*.

Mr. Pacheco, Ms. Jehlen, Ms. Rausch, Ms. Comerford, Ms. Chang-Diaz and Mr. Eldridge moved that the proposed new draft be amended by inserting before the enacting clause, the following emergency preamble:- 7.

“Whereas the deferred operation of this act would tend to defeat its purpose, which is to drastically lower our greenhouse gas emissions to confront our world and Commonwealth's climate emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, safety, health, and convenience.”

After remarks, the amendment was adopted.

Mr. Pacheco moved that the proposed new draft be amended by inserting after section 47 the following section:- 56.

“SECTION 47A. If the commonwealth participates in a market based mechanism

adopted pursuant to chapter 21N of the General Laws, the commonwealth may continue to comply with the terms of the market based mechanism notwithstanding any change in membership of the market based mechanism.”.

After remarks, the amendment was adopted.

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

55.

"SECTION_. Not later than 60 days prior to implementation of regulations promulgated pursuant to section 7 of chapter 21N, said regulations shall be submitted to the clerks of the house and senate, the joint committee on telecommunications, utilities, and energy, and the house and senate committee on ways and means, along with a projected cost impact on consumers, state government, municipal government and school districts."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 30) **[Yeas and Nays No. 170]:**

YEAS.

- | | |
|-------------------|----------------------|
| DiZoglio, Diana | O'Connor, Patrick M. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Gobi, Anne M. | Tran, Dean A. – 7. |
| Moore, Michael O. | |

NAYS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Friedman, Cindy F. |
| Boncore, Joseph A. | Hinds, Adam G. |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Edward J. |
| Chang-Diaz, Sonia | Lesser, Eric P. |
| Collins, Nick | Lewis, Jason M. |
| Comerford, Joanne M. | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crichton, Brendan P. | Pacheco, Marc R. |
| Cyr, Julian | Rausch, Rebecca L. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Welch, James T. – 30. |

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

Mr. Rodrigues moved that the proposed new draft be amended in section 26, by inserting after the word “meet”, in line 366, the following words: “or exceed”; and by striking out section 38 and inserting in place thereof the following section:-

118.

“SECTION 38. Section 94 of said chapter 143, as so appearing, is hereby amended by striking out, in lines 110 to 113, inclusive, the words ‘as part of the state building code, together with any more stringent energy-efficiency provisions that the board, in consultation with the department of energy resources, concludes are warranted’ and inserting in place thereof the following words:- ‘and any amendments thereto as part of the state building code, in consultation with the department of energy resources’; and

In section 46, by inserting after the word “emissions”, in line 593, the following words:- “ ; and provided, further, that the pilots shall not include the blending of other fuels with fossil-based natural gas”.

The amendment was adopted.

UNCORRECTED PROOF.

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

The bill (Senate, No. 2477, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was then determined by a call of the yeas and nays, at a half past seven o'clock P.M., on motion of Mr. Barrett, as follows to wit (yeas 36 – nays 2) [**Yeas and Nays 171**]

YEAS.

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

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – **36.**

NAYS.

Fattman, Ryan C.

Tran, Dean A. – **2.**

The yeas and nays having been completed at twenty-eight minutes before eight o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate No. 2500].

Sent to the House for concurrence.

Suspension of Senate Rule 38A.

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

Senate Rule 38A

Recess.

There being no objection, at twenty-six minutes before eight o'clock P.M., the President declared a recess subject to the call of the Chair; and at twenty-one minutes before nine 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 to advance electric vehicle adoption (Senate, No. 1923),-- was read a second time.

Carbon-free power.

After remarks, and pending the question on adoption of the amendment previously

1.

recommended by the committee on Ways and Means, substituting a new draft entitled “An Act to accelerate the transition of cars, trucks, and buses to carbon-free power” (Senate No 2476), and pending the main question on ordering the bill to a third reading, Messrs. Tarr and Pacheco moved that the proposed new draft be amended by inserting in line 10 after the word “incentives” the following:- “including but not limited to tax credits”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking out in line 6 the following:- “a motor vehicle that produces no engine exhaust emissions.” and inserting in place thereof the following:- “a battery electric vehicle, a plug-in hybrid vehicle or a fuel cell vehicle.”; and in line 35 by striking out the following:- “shall mean a motor vehicle that produces no engine exhaust emissions.” and inserting in place thereof the following:- “shall mean a battery electric vehicle, a plug-in hybrid vehicle or a fuel cell vehicle.” and in line 102 striking the following:- “shall mean a motor vehicle that produces no engine exhaust emissions.” and inserting in place thereof the following:- “shall mean a battery electric vehicle, a plug-in hybrid vehicle or a fuel cell vehicle.”.

2.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended in section 3, in proposed subsection (a) of section 18 of chapter 25A, by striking out clause (ii) and inserting in place thereof the following clause:- “(ii) have an engine that is not modified from the original manufacturer's specifications”;

3.

In section 6, by inserting after the word “submit”, in line 97, the following words:- “to the clerks of the senate and house of representatives and the joint committee on transportation and post on the Massachusetts Department of Transportation’s website”;

In said section 6, by inserting after the word “section”, in line 101, the following words:- “and the cost of simultaneously operating zero-emission passenger buses, including, but not limited to, staffing, training, maintenance and other mechanical equipment, facilities, financing and premiums attributable to the purchase of zero-emission passenger buses”; and

In said section 6, in proposed section 6B of chapter 448, by adding the following sentence:- “The study and subsequent revisions shall be submitted to the clerks of the senate and house of representatives, the joint committee on transportation and the joint committee on telecommunications, utilities and energy and posted on the department of energy resource’s website.”.

After remarks, the amendment was adopted.

Messrs. Tarr and Pacheco moved that the proposed new draft be amended by inserting after section _ the following section:-

7.

"SECTION _. Notwithstanding any general or special law to the contrary, the department of energy resources shall conduct, publish, and periodically update a study on increased electricity demands from the transition to zero-emission vehicles. The department of energy resources shall publish the study no later than 1 year after the effective date of this act and shall there publish revisions of the study not less than every 18 months. Said study shall be submitted to the clerks of the house and senate, the joint committee on transportation, and the joint committee on telecommunications, utilities and energy."

After remarks, the amendment was *rejected*.

Messrs. Keenan, Timilty, Pacheco and Tarr moved that the proposed new draft be amended in section 6, in proposed section 6A of chapter 448, by adding the following subsection:-

10.

“(f) Not later than January 1, 2021, the Massachusetts Department of Transportation,

in consultation with the department of energy resources, shall develop recommendations for the siting of zero-emission vehicle charging facilities to serve state-owned or leased zero-emission vehicles and zero-emission passenger buses across the commonwealth.

The recommendations shall consider locations across the commonwealth, including within municipal light plant territories, and shall consider the benefit and potential cost savings to ratepayers for potential locations.”

After remarks, the amendment was adopted.

Messrs. Crighton, Eldridge and Pacheco moved that the proposed new draft be amended in section 6, in proposed section 6B of chapter 448, by striking out the second and third sentences and inserting in place thereof the following 2 sentences:- “The study shall include, but not be limited to: (i) an analysis of the cost of vehicle electrification, associated equipment and supplies and possible methods of meeting such costs, including, but not limited to, state financial support, federal financial support and procurements by regional planning agencies and other entities made up of local and regional governments; (ii) recommendations for the allowance within the fleets of non-electric emergency vehicles; and (iii) opportunities to pair electrification with renewable energy resources, energy storage or demand response technology and policy. The department of energy resources shall publish the study on its website not later than 18 months after the effective date of this act and shall thereafter publish revisions of the study on its website not less than every 3 years”.

11.

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Messrs. Pacheco and Eldridge, Ms. Jehlen, Mr. Collins and Ms. Rausch moved that the proposed new draft be amended in section 6, in proposed subsection (e) of section 6A of chapter 448, by striking out the second sentence and inserting in place thereof the following sentence:- “With respect to early implementation, the plan shall mandate that a majority of buses purchased or leased serve routes serving low-income households and households in underserved communities.”; and in said section 6, by inserting after the word “operated”, in line 99, the second time it appears, the following words:- “, the number of zero-emission passenger buses operated on routes serving low-income households and households in underserved communities, the number of non-zero emission passenger buses operated on routes serving low-income households and households in underserved communities”; and in said section 6, by inserting after the word “emissions”, in line 103, the following words:- “For the purposes of this subsection, ‘Low-income’ shall mean low-income households as defined under section 1 of chapter 40T”.

12.

The amendment was adopted.

Messrs. Hinds, Pacheco, Brady and Tarr moved that the proposed new draft be amended by adding at the end thereof the following section:

15.

“SECTION XX. The department of transportation shall install and maintain electric vehicle charging stations at all service plazas located on the Massachusetts Turnpike for public use by December 31, 2022.”

After remarks, the amendment was adopted.

Ms. Comerford moved that the proposed new draft be amended in section 3, by striking out subsection (b) in lines 14 to 15, inclusive, and inserting in place thereof the following subsection:-

17.

“(b) A rebate under this section shall not be less than \$1,500 per vehicle; provided, that individuals with family incomes below 300 per cent of the federal poverty rate shall receive rebates of not less than \$4,000 per vehicle, and provided further, that no rebate shall be available for a vehicle with a sales price that exceeds \$50,000.”

The amendment was *rejected*.

Ms. Comerford moved that the proposed new draft be amended in section 3, by adding after the word "resale." in line 13 the following sentence:- "Both new and used qualifying vehicles shall be eligible for rebates under this section." 18.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 43 after the word, "greater" the following:- "The department of energy resources in consultation of the executive office of administration and finance and the executive office of energy and environment affairs shall provide a cost estimate for the implementation to adopt and fully integrate into the state building code Section 4 of this act annually for the first 5 years". 21.

After remarks, the amendment was rejected.

Messrs. Tarr and Pacheco moved that the proposed new draft be amended by inserting after section 7 the following section:- 23.

"SECTION 7A. The Massachusetts Bay Transportation Authority, in consultation with the executive office of energy and environmental affairs, shall develop a plan to reduce the carbon emissions of its commuter rail and light rail operations, including a numerical value of the plan's contribution to meeting statewide greenhouse gas emissions limits and sublimits set by statute or regulation. The plan shall include: (i) an analysis of the cost and benefits of meeting the statewide greenhouse gas emissions limits and sublimits; (ii) energy conservation methodologies, including, but not limited to, regenerative braking, flywheel, battery or capacitor storage and the use of alternative methods for generating electricity; (iii) evaluation of increased electricity demands resulting from steps taken by the authority to reduce greenhouse gas emissions; (iv) feasibility studies, where necessary; and (v) a recommended schedule for implementation. The authority shall post its plan on the authority's website not later than 6 months from the effective date of this act."

After remarks, the amendment was adopted.

Ms. Rausch and Mr. Pacheco moved that the proposed new draft be amended by adding the following section:- 9.

"SECTION XX. Section 7A of chapter 90 of the general laws is hereby amended by inserting after the fifth paragraph the following new paragraph:-

No later than January 1, 2022, and annually thereafter, the registry shall issue to a municipality, upon request, providing the following aggregate data for the previous 12 months: (a) the number of vehicles registered in said municipality, including the total numbers of gas powered vehicles, hybrid vehicles, and zero-emission vehicles; and (b) the average number of miles driven by said gas powered, hybrid, and zero-emission vehicles, respectively. The data shall be protective of privacy information."

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 2, by inserting after the word "exhaust", in line 6, the following word: "carbon"; 22.

In section 3, by inserting after the word "lease", in line 10, the following words: "and register and insure in the commonwealth"; and

In section 6, by inserting after the word "Transportation", in line 52, the following words: "and the executive office for administration and finance".

The amendment was adopted.

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

The bill (Senate, No. 2476, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was then determined by a call of the yeas and nays, at twenty-five minutes past nine o'clock P.M., on motion of Mr. Barrett,

as follows to wit (yeas 35 – nays 2) [Yeas and Nays 172]

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crichton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rush, Michael F. |
| Eldridge, James B. | Spilka, Karen E. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Welch, James T. – 35. |
| Gobi, Anne M. | |

NAYS.

- | | |
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| Fattman, Ryan C. | Tran, Dean A. – 2. |
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ABSENT OR NOT VOTING.

- Rodrigues, Michael J. – 1.

The yeas and nays having been completed at twenty-seven minutes past nine o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Kennedy,--

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.

Adjournment in Memory of John Peter Frates III

The Senator from Suffolk, Ms. Lovely, moved that when the Senate adjourns today, it do so in memory of John Peter Frates III.

John Peter Frates III, passed away on December 9, 2019, at his family's home in Beverly surrounded by his loved ones after a nearly eight year battle with Amyotrophic Lateral Sclerosis (ALS).

Pete was beloved worldwide as a champion and advocate for ALS. Diagnosed with the disease in March 2012, Pete refused to give in and accept what fate had cruelly dealt him. Instead, he was ready to put up a fight. Buoyed by his rallying cry to others, "Be passionate, be genuine, be hardworking, and don't be afraid to be great." Pete set about changing the world by bringing attention to ALS.

He and his family, friends and many, many supporters— collectively known as "Team FrateTrain"—made it their mission to raise education, awareness and funds for a cure for this dreaded disease. In doing so and helping to create the worldwide sensation

“Ice Bucket Challenge,” which raised over \$220 million dollars to fight ALS, Pete became an internationally known hero and inspiration to millions of people around the globe.

Pete was born in Beverly, Massachusetts on December 28, 1984. A naturally gifted athlete who possessed charm, wit, intelligence and a caring nature, Pete made friends easily— many of whom remained lifelong friends. He grew up playing baseball, football, and ice hockey, among other sports, and followed in his father John’s footsteps by attending high school at St. John’s Prep in Danvers. Pete’s academic and athletic prowess grew at St. John’s as he went on to serve as a varsity captain of the Eagles’ football, ice hockey, and baseball teams during his senior year, and was an all-star in the state’s best high school league, the Catholic Conference, before graduating in 2003.

Matriculating to his parents’ John and Nancy’s alma mater, Boston College, Pete’s prominence on the baseball field only grew in college at The Heights. A powerful left-handed slugger with a rocket of arm around from the outfield, he thought the game like a coach and could anticipate what would happen on the diamond before it did. He notably crushed a home run into the bullpen at Fenway Park during the Baseball Beanpot championship game against Harvard his junior year, and also knocked in a school record eight RBIs, which included a grand slam and a three-run homer, as a senior for the Maroon and Gold. Pete led the Eagles in home runs as both a junior and a senior, and led the squad in stolen bases (19) as a senior.

Pete’s baseball journey continued after he graduated from Boston College in 2007 with a bachelor’s degree in communications. He played in Connecticut, the Hawaiian League in Honolulu, and the German Baseball League in Hamburg. It was in Hamburg that, along with his teammate and best friend from St. John’s Prep, Pete had the opportunity to travel all over Europe and visit Italy and London, the latter city in which his older sister, Jenn, and her husband Dan were living.

Boston College named Pete its Director of Baseball Operations in 2012 and he started its Baseball Mentoring Program, helping to offer options and a glimpse at what pro ball was like for players who wanted to take that route, while also talking to former Eagles about what life after baseball entailed.

While baseball was an ultimate passion for Pete, his true love was his family, his wife Julie whom he married in 2013 and their beautiful daughter Lucy who was born in 2014. It was with their unwavering support, along with the tireless care provided by loving and patient doctors, nurses, and caregivers, that allowed Pete to further his mission to find a cure for such a horrific disease.

Although Pete will be most remembered for being the inspiration behind the Ice Bucket Challenge, those who knew him best will remember him for his friendship, leadership, determination, and kindness.

Pete is survived by his wife, Julie (Kowalik); his daughter, Lucy; parents John and Nancy Frates; sister Jenn Mayo and her husband, Daniel; brother, Andrew; his loving nieces and nephew Addie, Freya and Jack Mayo; in-laws Joseph Kowalik and Kate Finn; brother-in-law Joseph Kowalik; sister-in-law Dr. Bitia Zahedi; grandparents Gerald and Joan D’Alfonso, and Jack and the late Margaret Frates; aunts and uncles Judith and Arthur Cronin, Chris and Karin D’Alfonso, Dana D’Alfonso, Mary and David Cloyd, Joseph and Catherine Frates, Kathleen Holman, Margaret and Ken Fraser, and Christopher Frates; many cousins who he loved dearly; and legions of friends from Beverly, St. John’s Prep, Boston College and all over the globe.

“Be passionate, be genuine, be hardworking, and don’t be afraid to be great.” - Pete Frates.

Accordingly, as a mark of respect to the memory of John Peter Frates III, at twenty-seven minutes past nine o’clock P.M., on motion of Ms. Lovely, the Senate adjourned to

meet again on Monday next at eleven o'clock A.M.
