

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JULY 1, 2026

[58]

JOURNAL OF THE SENATE

Wednesday, July 1, 2026.

Met at four minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

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

Pledge of
allegiance.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the following guests were introduced:

The Chair (Mr. Brownsberger) handed the gavel to Mr. Payano for the purpose of an introduction. Mr. Payano then introduced, in the rear of the Chamber, members of the Boston Chapter of the National Association of Hispanic Real Estate Professionals. This group of real estate professionals are champions for the Hispanic community and have been integral to housing availability, representation and access through their impressive network, business outreach and demographic research. The NAHREP Boston Chapter was also recognized for empowering local agents to close the racial wealth and homeownership gap, providing specific cultural competence, policy backing, and networking resources needed to advocate effectively for Hispanic buyers. The Senate welcomed them with applause and they withdrew from the Chamber.

National
Association of
Hispanic Real
Estate Professionals
Boston Chapter.

The Chair (Mr. Brownsberger) handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, on the Rostrum, the Director of the Center for Ethics in Government at the National Conference of State Legislatures, Mark Quiner. Mr. Quiner was recognized as the NCSL liaison for Massachusetts and for his work in restoring trust and confidence in representative government by promoting responsible behavior in legislatures and educating the public on the importance of the legislative process. He was visiting the State House for the next 2 days to meet with legislators and staff and assist them with navigating the resources available through the National Conference of State Legislatures. The Senate welcomed him with applause, he addressed the Senate from the Rostrum and he withdrew from the Chamber.

Mark Quiner.

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointments of Senator William J. Driscoll and Senator Dylan A. Fernandes (pursuant to Chapter 69 of the Acts of 2003) to the selection committee for the Madeline Amy Sweeney Award for Civilian Bravery (received July 1, 2026); and

Madeline Amy
Sweeney Award for
Civilian Bravery.

Communication from the Honorable Nick Collins, in compliance with Massachusetts General Laws Chapter 268A (received Wednesday, July 1, 2026, at five minutes past one o'clock P.M.).

Senator Nick
Collins,-- Chapter
268A.

Reports.

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

Report of the Office of the Comptroller (pursuant to Section 5G of Chapter 29 of the General Laws) submitting its fiscal year 2026 third quarter capital gains tax revenue transfers to the Stabilization Fund, the State Retiree Benefit Trust Fund, and the Pension Liability Fund report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received June 30, 2026);

Comptroller,-- 3rd
Quarter FY26
Capital Gains
Transfer report.
SD4027

Report of the Office of Consumer Affairs and Business Regulation (pursuant to Section 13 of Chapter 167 of the General Laws) submitting its Massachusetts Division of Banks 2025 annual report (received June 30, 2026);

DOB 2025 annual
report.
SD4029

Report of the Division of Capital Asset Management and Maintenance (pursuant to Section 6 of Chapter 7C of the General Laws) submitting its Supplier Diversity Affirmative Marketing Program for Design and Construction Fiscal Year 2025 annual report (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chair of the Joint Committee on State Administration and Regulatory Oversight) (received June 30, 2026);

DCAMM,--
affirmative
marketing program
FY25 report.
SD4030

Report of the Executive Office for Administration and Finance (pursuant to Section 41 of Chapter 101 of the Acts of 2026) submitting its Ballot Question Revenue Offsets report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received June 30, 2026);

A&F,-- Income Tax
Ballot report.
SD4032

Report of the Executive Office of Health and Human Services (pursuant to Section 109 of Chapter 9 of the Acts of 2025) submitting its Telehealth Task Force report (a copy having been forwarded to the Senate Chair of the Joint Committee on Health Care Financing) (received June 30, 2026); and

EOHHS,--
Telehealth Task
Force report.
SD4033

Report of Executive Office for Administration and Finance (pursuant to Section 2EEEEEE of Chapter 29 of the General Laws) submitting its Commonwealth Federal Match and Debt Reduction Fund report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received June 30, 2026).

A&F,-- Federal
Match report.
SD4034

Special Commission Report.

Report of the Special Commission on Access to Behavioral Health Services for Children and Families (pursuant to item 4000-0300 of Section 2 of Chapter 9 of the Acts of 2025) submitting its Access to Behavioral Health Services for Children and Families Special Commission report (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chairs of the Joint Committee on Children, Families and Persons with Disabilities, the Joint Committee on Health Care Financing and the Joint Committee on Mental Health, Substance Use and Recovery) (received June 30, 2026),-- **was placed on file.**

Special Commission
BHAC final report.
SD4028

Petition.

Mr. Finegold presented a petition (accompanied by bill) (subject to Joint Rule 12) of Barry R. Finegold for legislation to authorize the Massachusetts Department of Transportation to acquire interests in certain portions of land owned by the town of Andover which were acquired by the town for Article XCVII purposes,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Andover,--
easements.
SD4031

Report of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Bill creating a special commission to examine school bus safety (Senate, No. 2861),-- ought to pass;

School bus safety,--
commission.

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Ms. Friedman, for the committee on Health Care Financing, that the Senate Bill enhancing access to abortion care (Senate, No. 1244),-- ought to pass with an amendment, substituting a new draft entitled “An Act enhancing hospital emergency services” (Senate, No. 3125) [Estimated cost: greater than \$100,000];

Abortion care,--
access.

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Ms. Rausch, for the committee on Environment and Natural Resources, on Senate, No. 560, an Order relative to authorizing the joint committee on Environment and Natural Resources to make an investigation and study of a certain current Senate document relative to facilitating climate resiliency (Senate, No. 3156);

Environment and
Natural Resources,--
study.

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

By Mr. Feeney, for the committee on Financial Services, on petition, a Bill regulating certain mortgages (Senate, No. 731);

Mortgages,--
regulations.

By the same Senator, for the same committee, on petition, a Bill to protect equity in real estate transactions (Senate, No. 833);

Mortgages,-- real
estate transactions.

By Mr. Cronin, for the committee on the Public Safety and Homeland Security, on petition, a Bill requiring seat belts on school buses (Senate, No. 1662); and

School buses,--
seatbelts.

By Mr. Velis, for the committee on the Veterans and Federal Affairs, on petition, a Bill authorizing amending, updating, and aligning the Commonwealth’s definition of veteran (Senate, No. 2467);

Veterans,-- needs of
present and future.

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

By Mr. Velis, for the committee on the Veterans and Federal Affairs, on petition, a Bill relative to recognition of the “Honor and Remember” flag in the Commonwealth (Senate, No. 2500);

Honor and
Remember Flag.

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

Committee Discharged.

Ms. Lovely, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Community Development and Small Businesses to make an investigation and study of a certain current Senate document relative to creating the engaging neighborhoods, organizations, unions, governments, and households fund (Senate, No. 3127), reported, in residue, asking to be discharged from further consideration of the joint petition (accompanied by bill, Senate, No. 3022) of Sal N. DiDomenico and Pavel M. Payano for legislation relative to creating the engaging neighborhoods, organizations, unions, governments, and households fund,-- **and recommending that the same be recommitted to the committee on Community Development and Small Businesses.**

Community
Development and
Small Businesses,--
study.

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

PAPERS FROM THE HOUSE.

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

A joint petition of Alan Silvia of Fall River and Senator Michael J. Rodrigues (accompanied by bill, House, No. 5556) of Alan Silvia and Carole A. Fiola (with the approval of the mayor and city council) relative to Fall River polling places;

Fall River,-- polling
places.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 5544) of Dennis C. Gallagher (with the approval of the town council) relative to the citizen referendum petition timeframe in the charter of the city known as the town of Bridgewater; and

Bridgewater,--
charter.

Petition (accompanied by bill, House, No. 5545) of Dennis C. Gallagher (with the approval of the town council) relative to the town Manager term of office in the charter of the city known as the town of Bridgewater;

Id.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5537) of Manny Cruz (with the approval of the mayor and city council) that the city of Salem be authorized to increase the limit of a local excise tax for the purpose of funding school and municipal facilities; and

Salem,-- local
excise tax.

Petition (accompanied by bill, House, No. 5538) of Manny Cruz (with the approval of the mayor and city council) that the city of Salem be authorized to increase the short-term rental community impact fee in said city for the purpose of school and municipal facilities;

Salem,-- short-term
rental fee.

Severally to the committee on Revenue.

A Bill authorizing Bradford G. Merkel to take the state police examination notwithstanding the maximum age requirement (House, No. 5189,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Bradford G.
Merkel,-- state
police.

A Bill relative to the town of Grafton's senior tax exemption (House, No. 5035,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Grafton,-- senior tax
exemption.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order, granting the committee on Consumer Protection and Professional Licensure until July 13, 2026, within which time to make its final report on a current Senate document numbered 3082, relative to animal telehealth (Senate, No. 3149),-- ought to be adopted.

Consumer
Protection and
Professional
Licensure,--
extension order.

The rules were suspended, on motion of Mr. Durant, and the order was considered forthwith and adopted.

Matter Taken Out of the Notice Section of the Calendar.

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

The House Bill amending the charter of the city known as the town of Randolph regarding compensation of town council and school committee members and meetings of multiple-member bodies (House, No. 4891),-- **was read a third time and passed to be engrossed, in concurrence.**

Randolph,-- charter.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Amending the charter of the city of Pittsfield (House, No. 4716);

Second reading
bills.

Authorizing the town of South Hadley to grant additional licenses for the sale of all alcoholic beverages (House, No. 5343);

Authorizing the town of Westford to grant an additional license for the sale of all alcoholic beverages to be drunk off the premises (House, No. 5345);

Authorizing the city of Newton to place municipal charges liens on property in the city of Newton for nonpayment of and local charge, fee or fine (House, No. 5358); and

Authorizing the transfer of a certain parcel of land in the town of Marion from the Open Space Acquisition Commission to the Select Board (House, No. 5388);

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

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at twenty-nine minutes before one o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation, to wit:

Directing the city of Boston police department to waive the maximum age requirement for police officers for Adam Watt (see House, No. 3928);

Directing the city of Boston police department to waive the maximum age requirement for police officers for Rodney Alcindor (see House, No. 4254);

Directing the city of Boston police department to waive the maximum age requirement for police officers for Jonathan Telfort (see House, No. 4255);

Amending the charter of the town of Hudson (see House, No. 4782);

Authorizing the town of Plymouth to establish a special revenue account for land acquisition (see House, No. 4887); and

Authorizing the town of Falmouth to expend funds to offset certain costs associated with the installation of low pressure pumps on private property in future sewer service areas (see House, No. 5109).

Bills laid before the Governor.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was read a second time.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3143 entitled "An Act to save people money, repair the climate and grow the economy" and pending the main question on ordering the bill to a third reading Ms. Lovely moved that the proposed new text be amended by inserting after section ____ the following section:-

"SECTION XX. Section 4 of chapter 775 of the acts of 1975 is hereby amended by striking out subsection (a) and inserting in place thereof the following text:-

'(a) Except as otherwise provided in this act, the powers of the corporation shall be exercised by a board of thirteen directors. The governor shall appoint four directors who shall serve at the pleasure of the governor including: (1) one individual, from a nonprofit organization, with expertise in environmental justice; (2) one individual, from a nonprofit

Clean energy.

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organization, with expertise in clean energy and climate policy; (3) one individual from the executive office of energy and environmental affairs. The member cities and towns shall elect seven directors from among their respective managers of municipal lighting and members of their municipal light boards, who shall serve for a term of one year and until their successors are chosen and qualified. At least three of the seven elected directors shall be members of municipal light boards. Three of the seven elected directors shall be elected by the member cities and towns each of whom shall have one equal vote. The remaining four of the seven elected directors shall be elected by the member cities and towns each of whom shall have a vote which shall be given weight in the same proportion which its annual kilowatt-hour sales as most recently reported to the department under chapter one hundred and sixty-four of the General Laws or as otherwise determined or estimated in accordance with the by-laws bears to the total of such sales by all member cities and towns. Such an elected director may be removed at any time by the member cities and towns with or without cause or for cause by the board. The member cities and towns shall elect a successor to fill any vacancy among the elected directors for the unexpired term. No vacancy in the membership of the board shall impair the right of a quorum to exercise the powers of the board. A majority of the full membership of the board shall constitute a quorum and a majority of such quorum shall be necessary for any action by the board. The directors shall not be entitled to compensation for their services as such, but they shall be reimbursed for actual expenses necessarily incurred in the performance of their duties.’

SECTION XX. Section 17 of chapter 775 of the acts of 1975 is hereby amended by inserting after ‘public interest’ the following text:- ‘which, in such cases, shall include considerations of safety, security, reliability of service, affordability, equity, greenhouse gas emissions reductions, the project’s compliance under Massachusetts statewide greenhouse gas emissions limits as defined in section 3 of chapter 21N, and local emissions limits as defined in section 11F3/4 of chapter 25A’.

SECTION XX. Section 19 of chapter 775 of the acts of 1975 is hereby amended, in paragraph (a), by inserting after ‘energy’ the following text:- ‘, and there is reasonable and available evidence suggesting that this determination is justified.’.”

The amendment was *rejected*.

Ms. Lovely and Mr. Eldridge moved that the proposed new text be amended by inserting after section ____ the following section:-

“SECTION XX. Chapter 25 of the General Laws is hereby amended by adding the following section:-

Section 24. (a) Every applicant seeking a permit from the department for any project shall, within 30 days of filing the application, notify the city or town in which the proposed project will be located, to be known for the purposes of this section as the ‘host community’, and all abutting cities and towns of the proposed project application. Acceptable forms of notice shall include email communication to the mayor and city council of the host community and all abutting cities and the select board and town administrator or town manager of the host community and all abutting towns. The words ‘Proposed Project Siting’ shall appear in the subject line of the notice email.

(b) The department shall send, within 60 days of receipt of any application for a permit or approval of a proposed project, written notice to the mayor or town administrator or town manager, city council or select board and the state representatives and state senators of the host community and abutting cities and towns of the application for the proposed project. The written notice pursuant to this subsection shall include the applicant name, address and contact information and shall state the right of the public to give testimony on the project and shall include instructions for participating in the public hearing, including the date, time and location of the hearing.

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(c) Any applicant for a permit or approval from the department shall appear as requested at a public hearing convened by the legislative body of a host community or abutting city or town to describe the proposed project. Failure to appear as requested shall be communicated by the legislative body requesting the hearing and shall be grounds for the department to grant intervenor status to any entity that was previously excluded from the meeting.”

The amendment was *rejected*.

Ms. Comerford and Mr. Eldridge moved that the proposed new text be amended by adding the following section:-

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“SECTION X. Notwithstanding any general or special law to the contrary, any project undertaken by a distribution company, as defined in section 1 of chapter 164 of the General Laws, within an electric transmission or distribution right-of-way for the purpose of reliability improvement, vegetation management, system hardening, infrastructure replacement or related right-of-way improvement activities, shall avoid or minimize or, if impacts cannot be avoided or minimized, mitigate negative impacts to the environment, people and the commonwealth's goals and objectives for climate mitigation, resilience, biodiversity and protection of natural and working lands, to the extent practicable.

Before undertaking any minimization or mitigation measure, the distribution company shall submit documentation, in writing, to the Massachusetts environmental policy act office demonstrating that environmental impacts cannot reasonably be avoided. Before undertaking any mitigation measure, the distribution company shall submit documentation, in writing, to the Massachusetts environmental policy act office that environmental impacts cannot reasonably be minimized.

Distribution companies shall not use cost as the sole factor in determining the feasibility of avoidance, minimization or mitigation measures.

To the maximum extent practicable, mitigation measures shall be implemented within the municipality in which the adverse impacts occur.”

The amendment was *rejected*.

Ms. Rausch and Mr. Moore moved that the proposed new text be amended by adding the following section:-

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“SECTION XX. Chapter 143 of the General Laws is hereby amended by striking section 101 and inserting in place thereof the following section:-

Section 101. Notwithstanding any provision of the state building code, specialized code or any other general or special law to the contrary, refrigerants identified as an alternative for use in accordance with 42 U.S.C. 7671k shall be acceptable for use in the commonwealth; provided, however, that the department of environmental protection may adopt regulations restricting, conditioning, or prohibiting the use of any such refrigerants where the department determines that such action is necessary to protect public health, safety, or the environment, or to meet statewide greenhouse gas emission limits and sublimits established under chapter 21N.”

The amendment was *rejected*.

Mr. Driscoll moved that the proposed new text be amended by adding the following section:-

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“SECTION XX. Chapter 25A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following section:-

Section 22.

(a) Notwithstanding any general or special law to the contrary, the department shall ensure equity, accessibility, and promote participation by renters and low-income retail electric customers in the solar incentive program established in section 11 of chapter 75 of the acts of 2016, and in any successor solar incentive program.

(b) For the purposes of any such solar incentive program, a low-income multi-residential building shall qualify as one Low Income Customer if such building:

(i) meets the definition of low or moderate income housing pursuant to chapter 40B, section 20; or

(ii) receives an allocation of federal low-income housing tax credits pursuant to section 42 of the Internal Revenue Code.

(c) A building qualifying under subsection (b) shall be treated as a single Low Income Customer without regard to the number of dwelling units, utility meters, or accounts located therein, and electric distribution companies shall administer billing credits, incentive eligibility, and capacity allocations consistent with this section.

Section 2. The department shall promulgate regulations to implement this section within 180 days.

(d) The Department shall consider and implement methodologies to allow the tenants of master-metered residential facilities to participate in the program and benefit directly from any associated electric bill savings.”

The amendment was *rejected*.

Mr. Gómez, Ms. Jehlen, Ms. Kennedy, Ms. Howard and Mr. Keenan moved that the proposed new text be amended by inserting the text contained in Senate document numbered 3163, relative to Halting Gas Expansion.

The amendment was *rejected*.

Ms. Rausch and Mr. Eldridge moved that the proposed new text be amended by adding the following section:-

“SECTION XX. Chapter 214 of the General Laws is hereby amended by inserting after section 7A the following section:-

Section 7B. (a) There shall be a task force known as the environmental enforcement task force. The task force shall consist of: the secretary of energy and environmental affairs or a designee, who shall serve as co-chair; the attorney general, or a designee, who shall serve as co-chair; the commissioner of the department of environmental protection, or a designee; the commissioner of the department of utilities, or a designee; the commissioner of the department of fish and game, or a designee; the colonel of the Massachusetts environmental police, or a designee; the chairs of the joint committee on the judiciary, or their designees; the chairs of the joint committee on environment and natural resources, or their designees; the chief justice of supreme judicial court, or a designee; someone from the Massachusetts Bar Association, or a designee; an individual experienced in environmental law enforcement; and an individual with experience representing environmental justice communities in legal proceedings. The chair may invite officials from other state or federal agencies to provide legal and technical input and shall have responsibility for coordinating the task force. The task force shall convene its first meeting no later than December 2026. The task force shall meet not less than monthly.

(b) The task force shall: (i) study the commonwealth’s capacity to enforce environmental laws; (ii) developments in case law that have impacted the ability of individuals to enforce state and federal environmental laws; (iii) identify state agency enforcement needs; (iv) study the scope and use of civil actions under Massachusetts General Law Chapter 214, Section 7A; (v) identify challenges, including but not limited to financial barriers, facing individuals in bringing a civil action; and (vi) make recommendations to improve the environmental enforcement process in the commonwealth, including improving access to the civil action process, in order to limit damage to the environment.

(c) The task force shall file its findings, recommendations and accompanying legislation, if any, with the clerks of the house of representatives and the senate, the joint committee on the judiciary and the joint committee on environment and natural resources not later than December 31, 2027.”

The amendment was *rejected*.

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Ms. Rausch, Mr. Collins, Ms. Jehlen, Ms. Edwards and Messrs. Keenan, Eldridge and Feeney moved that the proposed new text be amended in section 2 by striking out lines 7 through 10, inclusive, and inserting in place thereof the following:-

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Section 3B. No later than 180 days before the department approves a new plan under section 21 of chapter 25, the secretary shall set a goal, expressed in tons of carbon dioxide equivalent, for the plan's necessary contribution to meeting each statewide greenhouse gas emissions limit and sublimit adopted pursuant to this chapter.; and

In section 15, in lines 269 and 270, by striking out the words "there is a corresponding decrease in said sector such that no increase occurs in either the plan or a sector within the plan" and inserting in place thereof the following:- "the department determines that said increase will yield net savings for ratepayers or cost-effective emissions reduction."

The amendment was *rejected*.

Mr. Brady moved that the proposed new text be amended by adding the following sections:-

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"SECTION X. The General Laws, as appearing in the 2024 Official Edition, are hereby amended by inserting after Chapter 210 the following new chapter:-

'CHAPTER 21P. DIGITAL INFRASTRUCTURE ENVIRONMENTAL PROTECTION AND PFAS ACCOUNTABILITY

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

'Cooling system blowdown water', water intentionally discharged from a cooling tower, closed-loop chilling system, or manufacturing cooling infrastructure to reduce or remove accumulated dissolved solids, minerals, scaling, or chemical additives.

'Data center', a facility primarily constructed, optimized, operated, or used to house a group of networked computer servers, graphics processing units, or data storage systems for the purpose of centralizing the storage, management, processing, or dissemination of digital data.

'Department', the department of environmental protection.

'Per- and polyfluoroalkyl substances' or 'PFAS', a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

'Semiconductor fabrication facility', a manufacturing plant, facility, or shop wherein electronic components, integrated circuits, microchips, or semiconductor devices are produced.

Section 2. (a) No data center or semiconductor fabrication facility that commences new construction, expands existing operations, or undergoes a substantial modification within the commonwealth after January 1, 2027, shall utilize per- and polyfluoroalkyl substances as a primary or secondary coolant fluid, refrigerant gas, or immersion fluid within its server infrastructure or facility cooling systems; provided, however, that the department may grant a temporary variance if the operator demonstrates by clear and convincing evidence that no viable alternative technology exists.

(b) A data center or semiconductor fabrication facility operating within the commonwealth prior to January 1, 2027, that utilizes PFAS-based refrigerants or immersion fluids shall, within 180 days of the effective date of this act, submit a technology transition and remediation plan to the department. Said plan shall outline a verifiable timeline to achieve a complete transition to non-PFAS cooling alternatives, which may include closed-loop water cooling or direct liquid air cooling, on or before January 1, 2031.

Section 3. (a) A data center or semiconductor fabrication facility that discharges wastewater, including cooling system blowdown water, into a public water system, a municipal stormwater or sewer system, or directly into the surface waters or groundwaters of the commonwealth, shall conduct monthly testing of such wastewater for the presence of PFAS compounds. All sampling and laboratory analysis shall be performed at the sole

expense of the operator and in compliance with testing standards prescribed by the department.

(b) The results of all tests conducted pursuant to subsection (a) shall be reported within 10 days of receipt to the department and to the board of health of the municipality in which the facility is located. If any testing reveals a PFAS concentration exceeding the maximum contaminant level or health advisory standard established by the department or the United States Environmental Protection Agency, the facility shall immediately suspend all wastewater discharges and implement a department-approved containment and remediation plan.

Section 4. Any data center that draws water from or discharges wastewater into the surface waters of the commonwealth shall implement cooling tower technologies, retention basins, or heat exchangers to ensure that wastewater discharge temperatures do not alter the ambient temperature of the receiving water body by more than 1° Celsius.’

SECTION XX. Chapter 66 of the General Laws, as so appearing, is hereby amended by inserting after Section 10B the following section:- Section 10C. (a) Notwithstanding any general or special law to the contrary, no governmental entity, local authority, political subdivision, municipal utility, or public agency within the commonwealth shall enter into a nondisclosure agreement, confidentiality agreement, or contractual clause that prevents, restricts, or delays the public disclosure of water consumption data, electricity consumption data, or chemical and wastewater discharge metrics submitted by an operator of a data center or semiconductor fabrication facility.

(b) Any records, data, logs, or reports concerning the daily, monthly, or annual water withdrawals, public utility consumption, and chemical or thermal discharge profiles of a data center or semiconductor fabrication facility shall be considered public records as defined in clause Twenty-sixth of section 7 of chapter 4. The department of environmental protection shall maintain a public, searchable, and electronically accessible registry of all reports filed pursuant to section 3 of chapter 21P.”

The amendment was *rejected*.

Ms. Jehlen, Ms. Miranda and Mr. Eldridge moved that the proposed new text be amended by inserting the following section:-

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“SECTION XX. Chapter 164 of the General Laws, as appearing in the 2022 official edition, is hereby amended by inserting after section 151 the following section:-

Section 152. To the greatest extent possible, considering relevant legal precedents, the need to protect the financial integrity of the utilities and the best interest of ratepayers, the Department shall not allow gas utilities with more than fourteen thousand residential gas customers to pass on to ratepayers any costs that: (i) are a product of gas or capacity supply agreements which are not regulated under Section 7 of the Natural Gas Act, (ii) are clearly in excess of what could reasonably result from a competitive solicitation of supply in a competitive market, (iii) are worth in excess of \$10 million per year, and (iv) have beyond a reasonable doubt been increased due to a failure on the part of the utility or utilities involved to take reasonable actions to end their dependence on the relevant supplier despite those utilities having had an adequate amount of time to do so.”

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended in section 33, by inserting after the word “solar”, in line 704, the following words:- “and land-based wind”.

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The amendment was *rejected*.

Messrs. Crighton and Keenan moved that the proposed new text be amended in section 79, by striking out, in line 2666, the figure “9” and inserting in place thereof the following figure:- “10”; and

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In section 79 by adding the following section:-

“Section 161. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Bidirectional electric vehicle’, an electric vehicle that is capable of both receiving and discharging electricity.

‘Electric vehicle supply equipment’ or ‘EVSE’, a device or system designed and used specifically to transfer electrical energy between an electric vehicle and the electric grid.

‘V2G AC’, a bidirectional electric vehicle that discharges AC power from a vehicle by converting DC energy from the battery to AC power via an onboard inverter.

‘V2G DC’, a bidirectional electric vehicle that discharges DC power from a vehicle which is then converted to AC power via an offboard inverter.

‘V2G system interconnection’, a process by which a distribution company allows a V2G system to interconnect to the electric distribution grid for the purpose of operating in parallel with the grid.

‘Vehicle-to-grid system’ or ‘V2G system’, a combination of hardware and software in or around the EVSE and bidirectional electric vehicle that forms a distributed energy resource for the purposes of communication with and programmed flow of energy into an out-of-the-vehicle battery in support of electrical loads or systems offboard the electric vehicle, including the electric grid.

(b) Each distribution company shall offer a comprehensive process for the interconnection of a V2G system at residential buildings which shall:

(i) provide a pathway for interconnection for V2G systems supporting V2G AC and V2G DC electric vehicles;

(ii) utilize standards adopted by a nationally recognized testing laboratory certified by the United States Occupational Safety and Health Administration, including, but not limited to, the standards developed by Underwriters Laboratories, Inc., UL 1741 CRD for Grid Support Distributed Energy Resource Systems and UL 1741 SC;

(iii) be as consistent as practicable across all distribution company service territories;

(iv) not require an interconnection application or interconnection agreement for bidirectional electric vehicles and associated electric vehicle supply equipment that are not configured to operate in parallel with the grid; and

(v) utilize best practices from comprehensive V2G system interconnection processes adopted by other states and utilities, as practicable.

(c) The department shall issue guidance to the distribution companies as needed regarding the development of the V2G system interconnection process.

(d) The distribution companies shall file proposed tariff provisions or tariff revisions and any other documents necessary to implement the required V2G system interconnection process with the department.

(e) Not later than 120 days after the effective date of this act, the department of public utilities shall issue guidance to the distribution companies as needed regarding the development of the V2G system interconnection process pursuant to subsection (c) of section 161 of chapter 164 of the General Laws.

(f) Not later than 180 days after the effective date of this act, distribution companies shall file with the department of public utilities proposed tariff provisions or tariff revisions and any other documents necessary to implement the V2G interconnection process, pursuant to subsection (d) of said section 161 of said chapter 164.

(g) Not later than 1 year after the effective date of this act, the department of public utilities shall approve, deny or modify and approve the proposed tariff provisions or tariff revisions submitted by the distribution companies pursuant to subsection (d) of said section 161 of said chapter 164. A V2G system proposal filed pursuant to said subsection (d) shall be deemed approved if the department does not approve, deny or modify and approve such

proposed tariff provisions or tariff revisions not later than 1 year after the effective date of this act.”

The amendment was *rejected*.

Mr. Crighton moved that the proposed new text be amended by inserting after section XX the following section:-

40

“SECTION XX. The attorney general shall, not later than 180 after the effective date of this act, promulgate regulations pursuant to section 2 of chapter 93A of the General Laws for the prevention of price gouging by providers of electricity for electric vehicles; provided, that said regulations shall provide for the prevention of price gouging during market emergencies, declared statewide and national emergencies and non-emergency market conditions; and provided further, that wherever applicable, protections established under said regulations shall be equivalent to those established for petroleum products.”

The amendment was *rejected*.

Mr. Mark moved that the proposed new text be amended by inserting after section XX, the following sections:-

42

“SECTION XX. Chapter 183A of the General Laws is hereby amended by inserting after Section 12 the following section:

Section 12A. Installation of Energy-Conserving Windows

(a) A condominium unit owner may submit a written request to the organization of unit owners for permission to install a window in a new location on an exterior wall of the unit, provided that:

(1) The unit owner certifies in writing that the window is intended to improve the energy efficiency of the unit by increasing natural light, ventilation, or passive solar gain; and

(2) A registered architect licensed in the Commonwealth has certified in writing that the proposed installation would be structurally sound and architecturally compatible with the existing building.

(b) The organization of unit owners must respond to the request within forty-five days and shall not unreasonably withhold or condition approval of such a request. Any denial must be in writing and must state specific reasons demonstrating that the proposed installation would pose a material threat to health, safety, structural integrity, or architectural harmony.

(c) Any provision in the master deed, trust, bylaws, or rules and regulations that purports to prohibit or unreasonably restrict such installations shall be deemed void and unenforceable as contrary to public policy of the Commonwealth.

(d) This section shall not be construed to prevent the organization of unit owners from adopting reasonable uniform guidelines consistent with this Chapter, provided they do not undermine the right of unit owners to install energy-conserving windows.

(e) A unit owner aggrieved by an unreasonable denial may seek relief in the Superior Court or Housing Court and the court may award declaratory and injunctive relief and reasonable attorney’s fees to a prevailing unit owner.

SECTION XX. The General Laws are hereby amended by inserting after Chapter 183C the following chapter:

Chapter 183D Homeowners’ Associations – Energy Conservation Improvements

Section 1. Definitions

‘Homeowners’ association’ means any association of property owners formed under recorded covenants or restrictions governing a residential development, including but not limited to planned unit developments and cooperatives, but excluding condominiums governed by Chapter 183A.

Section 2. Right to Install energy-conserving windows

(a) A homeowner may submit a written request to a homeowners' association for permission to install a window in a new location on the homeowner's dwelling, provided that:

(1) The homeowner certifies in writing that the window is intended to reduce energy consumption by improving natural lighting, passive solar heating, or ventilation; and

(2) A registered architect licensed in the Commonwealth certifies that the installation would be structurally sound and architecturally compatible with the proximate surrounding residences.

(b) The homeowners' association must respond to the request within forty-five days and shall not unreasonably deny or condition such request. A denial must be in writing and based on specific findings that the installation would pose a material threat to health, safety, structural integrity, or architectural harmony.

(c) Any recorded restriction or rule that purports to prohibit or unreasonably limit such window installations shall be deemed void and unenforceable as contrary to the public policy of the Commonwealth.

(d) The association may adopt reasonable uniform guidelines consistent with this Chapter, provided they do not undermine the right of homeowners to install energy-conserving windows.

(e) A homeowner aggrieved by an unreasonable denial may petition the Superior Court or Housing Court for declaratory and injunctive relief and may recover attorney's fees if successful."

The amendment was *rejected*.

Mr. Mark moved that the proposed new text be amended by inserting after section XX, the following section:-

43

"SECTION XX. Notwithstanding any general or special law to the contrary, any municipality with a population of fewer than 10,000 residents and a non-professional fire department shall be permitted to adopt a temporary moratorium on the use of land or structures for Industrial Ground-Mounted Solar Photovoltaic Installations and BESS, which shall not apply for residential installations. The moratorium shall be in effect for up to 24 months after the date the municipality adopts a moratorium in accordance with this section, or the date on which the municipality adopts amendments to the Zoning Bylaws concerning Industrial Ground-Mounted Solar Photovoltaic Installations and BESS, whichever occurs earlier. During the moratorium period, the municipality shall undertake a planning process to study, review, analyze, and address what revisions to the Zoning Bylaws relative to Industrial-Ground Mounted Solar Photovoltaic Installations and BESS are needed or desirable to allow for and regulate such use consistent with applicable law while protecting the ecological resources, providing for local public safety preparedness, and furthering the planning goals of the municipality."

The amendment was *rejected*.

Messrs. Mark and Eldridge moved that the proposed new text be amended by inserting after section XX, the following sections:-

44

"SECTION XX. Section 138 of Chapter 164 of the General Laws is hereby amended in the definition of 'Class III net metering facility' by adding at the end thereof the following words:- ' ; provided further, that a Class III net metering facility that is a solar net metering facility located on built land may have a generating capacity of more than 1 megawatt but less than or equal to 5 megawatts.'

SECTION XX. Section 138 of Chapter 164 of the General Laws is hereby amended by adding the following definitions:

'Disturbed land', land containing pavement, compacted urban soils, gravel pits, junkyards, abandoned dumping grounds, and other land that is barren of native plant growth due to human activity before January 1, 2026, and land that is part of a parcel containing a

building and is not and has not been forest or tree covered or used for agriculture or zoned for agriculture since January 1, 2012.

‘Built land’ parking lots over which a solar canopy can be installed, structures, brownfields, landfills, roadway cuts or disturbed land.

SECTION XXXX. Section 139(i) of Chapter 164 of the General Laws, as amended by Chapter 8 of the Acts of 2021 and amended by Section 54 of Chapter 179 of the Acts of 2022 is hereby further amended by adding the following sentence:

A Class I net metering facility on built land with a capacity greater than 25 kilowatts, a Class II net metering facility on built land or Class III solar net metering facility on built land shall be exempt from subsections (b1/2) and (k) and from the aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity under subsection (f) and may net meter and, irrespective of size, accrue Class II net metering credits if it is generating renewable energy.

SECTION XX. Chapter 75 of the Acts of 2016, as amended by section 63 of Chapter 179 of the acts of 2022, is hereby further amended by inserting after 11A the following three new sections:

Section 11B. The Department of Energy Resources shall promulgate regulations to include in the solar incentive program established in section 11 and in any successor solar incentive program, additional adders for solar facilities located on built land, including parking lot canopies, and remove declining incentive blocks for solar facilities located on built land. The Department of Energy Resources shall promulgate regulations that allow adjustment of incentives for solar energy based on market conditions for energy, labor, steel, other materials associated with the manufacturing of solar panels, and other solar development cost realities. By December 31, 2027, the Department of Energy Resources and the Department of Public Utilities shall finalize these changes for built land.

Section 11C. The executive office of environmental affairs shall investigate and report on appropriate uses of federal funds and funds held in the transitional escrow account, specifically funds transferred pursuant to section 259 of chapter 268 of the acts of 2022 to the Transitional Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, and any funds remaining in the federal COVID-19 response fund established in section 2JJJJ of chapter 29 of the General Laws to encourage the equitable deployment of solar facilities located on built land. The executive office of energy and environmental affairs shall transmit the report to the house and senate chairs of the joint committee on telecommunications, utilities and energy, and the chairs of the house and senate committees on ways and means no later than December 31, 2027.

Section 11D. The Massachusetts Clean Energy Center shall create an incentive for roof repair or replacement as part of a rooftop solar project if needed to make solar an economically sound choice, either as a grant program or a feed in tariff via the solar incentive program established in section 11 and in any successor solar incentive program, with priority for buildings in environmental justice communities. By December 31, 2027 the Massachusetts Clean Energy Center shall implement an incentive.

SECTION XX. By December 31, 2027 the Department of Public Utilities shall implement SECTION XXXX.”

The amendment was *rejected*.

Ms. Creem and Mr. Eldridge moved that the proposed new text be amended in section 96, in line 3364, by striking the figure “11” and inserting in place thereof the figure:- “12”; and

In said section 96, in line 3368, by inserting after the word “plants” the following:- “, 1 of whom shall be a regional planning agency”.

After remarks, the amendment was adopted.

Mr. Brady moved that the proposed new text be amended by striking, in line 1678, the word:- “separate”.

64

The amendment was adopted.

Mr. Mark, Ms. Kennedy and Messrs. Keenan and Feeney moved that the proposed new text be amended in section 79 by inserting before the words “section 157(a)” the following words:-

66

“The department of energy resources shall establish and maintain a Just Employer Transition List of employers, contractors, subcontractors and firms qualified to perform work, including but not limited to work on clean energy, energy efficiency, building decarbonization, solar, energy storage and related infrastructure supported in whole or in part by the commonwealth, in furtherance of the commonwealth’s just transition efforts. To be listed, an employer, contractor, subcontractor or firm shall participate in a registered apprenticeship program approved by the division of apprentice standards or the United States Department of Labor in each apprenticeable trade it performs and utilize registered apprentices consistent with applicable apprentice-to-journeyworker ratios; pay the prescribed rates of wages determined under sections 26 to 27H, inclusive, of chapter 149 on all work to which those sections apply; remain in good standing under the wage, labor, licensing, tax, insurance and workplace safety laws of the commonwealth; and not, within the preceding 5 years, have been debarred or found by a court or agency of competent jurisdiction to have committed willful or repeated violations involving prevailing wage, wage theft, employee misclassification, fraud or worker safety. Any agency, authority, public instrumentality, program administrator, council, commission or committee of the commonwealth may use the list, as warranted, to advance the commonwealth’s just transition, workforce development and responsible procurement objectives, including as a responsible contractor standard, eligibility requirement, scoring preference, expedited review criterion or other requirement in any program, procurement, incentive, financing or initiative it administers. The department may issue guidance or regulations to implement this section.”

The amendment was *rejected*.

Messrs. Cronin, Fattman and Tarr moved that the proposed new text be amended by striking section 35 in its entirety.

67

The amendment was *rejected*.

Mr. Eldridge, Ms. Edwards and Ms. Howard moved that the proposed new text be amended in section 61, by inserting after the words “plans approved by the department”, in line 2092, the following words:- “provided that such targets shall demonstrate a growing share of peak demand met by distributed energy resources relative to the prior plan period; and provided further, that such targets shall include specific sub-targets for enrollment of low-income households in load management and virtual power plant programs.”;

72

In said section 61, by inserting after the words “in subsection (a),”, in line 2223, the following words:- “As a further condition for approval, a plan shall specify programs and investments to implement distributed energy resources and virtual power plants in all cases where such resources are identified as cost-effective alternatives to proposed transmission or distribution infrastructure investments to the extent practicable and consistent with the provisions of subsection (b).”; and

In said section 61, by inserting after the words “utility customers”, in line 2243, the following words:- “The department shall also establish financial penalties applicable to electric companies that fail to meet the quantitative peak load reduction targets and low-income household enrollment sub-targets established pursuant to subsection (a)(A)(2); such penalties shall be determined by the department by regulation and shall be proportionate to the magnitude and duration of the shortfall.”

After remarks, the amendment was *rejected*.

Mr. Eldridge, Ms. Jehlen and Mr. Driscoll moved that the proposed new text be amended by inserting after section 105 the following section:- 73

“SECTION X. Chapter 21N of the General Laws, as so appearing, is hereby amended by inserting after Section 12, the following:

Section 13. After December 31st of 2026, the Department shall not require any entity to procure, buy, or show any environmental attributes from a nuclear or hydroelectric generation unit with a nameplate capacity greater than 30 megawatts that were built before 2011, unless the Department is enforcing an obligation that an entity incurred as part a Department-managed program prior to January 1st 2027, or the environmental attributes are connected to a procurement process which was initiated by the legislature.”

After remarks, the amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting after section 105 the following sections:- 75

“SECTION X. Notwithstanding any special law to the contrary, the department of energy resources shall update its regulations implementing the alternative energy portfolio standard as required by section 11F1/2 of chapter 25A to ensure that there is a smooth transition for qualified generation units prior to its repeal on January 1, 2028. As it develops transition guidance and regulations, the department of energy resources may take into consideration, among other issues, any contracts and associated obligations of existing qualified generating units and impacts on said existing qualified generating units. The department of energy resources is authorized to take actions to address issues identified as needing consideration during the transition to mitigate identified impacts on qualified generating units, including waiving requirements of section 11F1/2 of chapter 25A of the General Laws and adjusting program parameters for individual categories of qualified generating units, but in no circumstance shall it be authorized to extend compensation to existing qualified generating units for generation occurring in 2028 or later.

SECTION A. Section 11F1/2 of chapter 25A is hereby repealed.

SECTION X. Section A shall take effect on January 1, 2028.

SECTION X. The department of energy resources shall implement a grant program for geothermal energy project located at facilities including but not limited to municipal buildings, affordable housing, or commercial or industrial facilities. The program shall be funded using Alternative Compliance Payments; provided, that no grant amount shall exceed \$5,000,000; and provided further, that grants shall be awarded in geographically diverse areas of the commonwealth.”

After remarks, the amendment was *rejected*.

Ms. Rausch, Mr. Mark, Ms. Jehlen, Ms. Kennedy, Ms. Edwards, Ms. Comerford, Ms. Howard and Messrs. Oliveira and Eldridge moved that the proposed new text be amended in section 79 by striking out lines 2988 through 2994, inclusive. 82

The amendment was *rejected*.

Mr. Eldridge, Ms. Edwards and Mr. Driscoll moved that the proposed new text be amended by adding the following section:- 86

“SECTION XX. Chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 39M the following new section:-

Section 39N. (a) Notwithstanding any general or special law to the contrary, a city, town, water district, wastewater district, stormwater utility or statutory authority created to operate a water distribution or wastewater collection system or stormwater system which accepts this section may collect a reasonable fee to be used exclusively for measures to remedy and offset the impacts on the natural environment of new or increased water withdrawals, sewerage, wastewater discharges, stormwater discharges or impairment of recharge of groundwater through depletion of ground or surface waters, and to sustain the quantity, quality and ecological health, of waters of the commonwealth. Such measures to

remedy and offset these impacts include without limitation, local recharge of stormwater and wastewater; redundant water sources; reductions in loss from drinking water systems, treatment of drinking water or interconnections with other systems for the purposes of optimizing water supply sources for environmental benefit; expansion of stormwater treatment and wastewater treatment systems; reuse of water; removal of sewer infiltration and inflow; water conservation; retrofits of existing buildings and parking lots with low impact development methods; removal of dams; improvements to aquatic habitat; development of integrated water resources management plans, studies and planning to mitigate environmental impacts; and, land acquisition for the protection of public water supply sources, siting of decentralized wastewater facilities, stormwater recharge sites or for riparian habitat. The fee, which may be based on retaining within the basin or saving at least one gallon, but no more than ten gallons, for every gallon of increased water or sewer demand, or net impairment of recharge shall be assessed in a fair and equitable manner and separate fees may be established for different types of uses, such as residential and commercial uses.

(b) When adopting this section, the city, town, district or statutory authority shall designate the board, commission, or official responsible for assessing, collecting, and expending such fee. Fees assessed pursuant to this section shall be deposited by the designated board, commission, or official in separate accounts classified as “Sustainable Water Resource Funds” for drinking water, wastewater or stormwater. The principal and interest thereon shall be expended at the direction of the designated board, commission, or official without further appropriation. These Funds shall not be used for any purpose not provided in this section. These Funds may also receive monies from public and private sources as gifts, grants, and donations to further water conservation, water return or water loss prevention; from the federal government as reimbursements, grants-in-aid or other receipts on account of water infrastructure improvements; or fines, penalties or supplemental environmental projects. Any interest earned from whatever source shall be credited to and become part of said Fund.

(c) A city, town, district, or authority that has accepted this section may in the same manner revoke its acceptance. Monies remaining in the fund shall be expended in a manner consistent with this section.”

The amendment was *rejected*.

Mr. Brady, Ms. Edwards and Mr. Driscoll moved that the proposed new text be amended by adding the following sections:-

99

“SECTION X. Chapter 7C of the Massachusetts General Laws, as appearing in the 2020 Official Edition 2 is hereby amended by adding the following section:-

Section 73. (a) For the purposes of this section, the following terms shall have the following meanings unless the context clearly requires otherwise:

‘Awarding authority’ (i) a state agency for a contract for a public works project as defined in Section 44A of chapter 149 of the Massachusetts General laws; (ii) Institutions of higher education; (iii) Natural resource agencies, including the department of conservation and recreation, and the department of environmental protection; (iv) other state entities that receive funding from any state, general, supplemental or capital appropriations for a public works project contracted directly by the state agency; and (v) The department of transportation.

‘Covered product’ (i) Structural concrete products, specifically ready mix, shotcrete, precast, and concrete masonry units; (ii) Reinforcing steel products, specifically rebar and post tensioning tendons; (iii) Structural steel products, specifically hot rolled sections, hollow sections, plate, and metal deck; and (iv) Engineered wood products including mass timber products such as laminated veneer lumber, parallel strand lumber, cross-laminated

timber, dowel laminated timber, nail laminated timber, glulam laminated timber, glulam beams and columns, and structural sawn lumber.

‘Cradle-to-gate’, activities associated with a product or building’s life cycle from the extraction stage through production stage, and covering modules A1 through A3 in accordance with ISO Standards 14025 and 21930.

‘Cradle-to-grave’, activities associated with a product or building’s life cycle from the extraction stage through disposal stage, and covering modules A1 through C4 in accordance with ISO Standards 14025 and 21930.

‘Construction contractor’, the business entity, a general contractor or joint venture contractor, holding the prime contract with the governmental entity to construct the eligible project.

‘Department’, the division of capital asset management and maintenance.

‘Designer of record’, licensed design professional, who is responsible for leading the design team, who shall oversee and manage the design, specification, or both, of the eligible products.

‘Eligible project’, a construction project larger than 50,000 gross square feet of space as defined in the state building code; or a building renovation project with a greater than 50 percent of the assessed value and the project is larger than 20,000 gross square feet of occupied or conditioned space as defined in the state building code.

‘Embodied carbon’, greenhouse gas emissions from the harvesting, extracting, manufacturing, transportation, installation, maintenance, replacement, and disposal of eligible products.

‘Environmental product declaration’, a type III environmental product declaration, as defined by the ISO 14025. Other equally robust life-cycle assessment methods and metrics that have uniform standards in data collection consistent with the ISO 14025, industry acceptance, and integrity may also be used. For consistency in the required calculations, only the impacts from life-cycle stages A1 through A3, also referred to as “cradle-to-gate,” may be included.

‘Global warming potential’, a numeric value that measures the total contribution to global warming from the emission of greenhouse gases, or the elimination of greenhouse gas sinks.

‘Greenhouse gas’ as defined in Chapter 298 of the acts of 2008.

‘LCA Commons’, federally managed LCA Commons, an interagency community of practice for Life Cycle Assessment (LCA) research methods. This community of practice collaborates to share expertise and methods to move toward common Federal data modeling conventions and make Federal data sets freely available through a web-based data repository.

‘Responsible bidder’, the eligible product supplier, the subcontractor that manufactures or provides for installation, or both, of the eligible product.

‘Whole Building Life Cycle Assessment’, a cradle-to-gate whole building life cycle assessment performed in accordance with ISO 14040 and ISO 14044, excluding operating energy, that can be compared to a reference baseline building. The reference building shall be of the same size, geographic location, and thermal performance as the proposed building, and shall be functionally equivalent per ASTM E2921-22.

SECTION XX. On or before the date one year following enactment, the department shall promulgate rules that will result in embodied carbon reductions of at least 30% in eligible projects. The rules must establish that an awarding authority shall include in a specification for bids for an eligible project that the responsible bidder will comply with one of the following embodied carbon reduction compliance pathways to achieve the reduction in embodied carbon emissions:

(a) Performance pathway: comparative whole building life cycle assessment at design:

(i). projects shall conduct a cradle-to-grave whole building life cycle assessment performed in accordance with ISO 14040 and ISO 14044, excluding operating energy, and demonstrating a minimum 30 percent reduction in global warming potential (GWP) as compared to a reference baseline building from the LCA commons and/or database established in SECTION (3). The reference baseline building shall be of the same size, geographic location, and thermal performance as the proposed building, and shall be functionally equivalent per ASTM E2921-22. The products and product quantities in the proposed building and the reference building are permitted to vary;

(ii). software used to conduct the whole building life cycle assessment, including reference baseline building, shall have a data set compliant with ISO-14044, and ISO 21930 and the software shall conform to ISO 21931. The software tools and datasets shall be the same for evaluation of both the baseline building and the proposed building;

(b) Re-use pathway: building re-use wherein at least 45% of the existing structure is maintained.

(i). An alteration or addition to an existing building shall maintain at a minimum 45 percent combined of the existing building's primary structural elements (foundations; columns, beams, walls, and floors; and lateral elements) and existing building enclosure (roof framing, wall framing and exterior finishes). Window assemblies, insulation, portions of buildings deemed structurally unsound or hazardous, and hazardous materials that are remediated as part of the project shall not be included in the calculation;

(c) Prescriptive pathway: Comparison of Type III Environmental Product Declarations at procurement. Each product that is permanently installed and listed as a covered product shall have a Type III environmental product declaration (EPD). Eligible projects shall demonstrate that the project's embodied carbon, averaged across 90 percent of covered products, is lower than industry average by 30%. To achieve this reduction, eligible projects must use project-specific material quantities and environmental product declarations to demonstrate that the products specified in contract documents have a lower global warming potential than the industry average as defined by the United States environmental protection agency by 30%, industry-wide environmental product declarations applicable to the product, or as established by an appropriate state agency.

(d) Verification of compliance with a pathway will be confirmed with the department and awarding authority through the following methods:

(i) For the performance pathway, a summary of the GWP analysis produced by the software and signed by the design professional of record shall be provided in the construction documents as documentation of compliance;

(ii) For the building reuse pathway, documentation shall be provided in the construction documents and signed by the design professional of record to demonstrate compliance;

(iii) For the prescriptive pathway, calculations to demonstrate compliance, Type III EPDs for products required to comply if included in the project, and signature of the design professional of record shall be provided on the construction documents. Updated EPDs for products used in construction shall be provided to the owner at the close of construction and to the department or awarding authority upon request. The department may require inspection during and at completion of construction to demonstrate substantial conformance. Inspection shall be performed by the design professional of record or third party acceptable to the enforcing agency.

(e) Data collected through any of the three compliance pathways described under subsections (a-c) of this section must be consistently transferred by the department or awarding authority to the federal LCA Commons and/or database established by the department in Section 3. The project details will be anonymized, except for each eligible project's global warming potential.

(f) The Department will conduct biennial reviews, starting 2 years after the rules promulgated pursuant to Section 2 are finalized, to determine further reduction goals over time, consistent with the intent of achieving net zero emissions by 2050, and will accordingly establish by rules increased embodied carbon emission reduction targets across all three pathways. In these reviews, the department may also consider adding additional compliance pathways.

SECTION XXX. On or before the date one year following enactment, the department shall establish a database of representative Whole Building Life Cycle Assessments and/or elect to rely on the federally managed LCA Commons, reflecting an appropriate range of size, function, location, and occupancy conditions. This database and/or the LCA Commons, will be used to identify baseline buildings to evaluate improvements on global warming potential for covered projects.”

The amendment was *rejected*.

Mr. Crighton moved that the proposed new text be amended in section 33, by striking out, in line 719, the words “existing clean energy generation” and inserting in place thereof the following words;- “existing energy generation and storage”.

103

The amendment was *rejected*.

Messrs. Fernandes and Collins, Ms. Comerford, Ms. Edwards and Messrs. Keenan and Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-

105

“SECTION X. Chapter 164 of the General Laws is hereby amended by adding the following section:

Section 69J 1/8. Notwithstanding any general or special law, rule or regulation to the contrary, high voltage transmission line installations on highways with full control of access shall be permitted and may be constructed, placed, or maintained across any public right of way or along state highways with full and limited control of access, including the interstate system, as defined in 700 CMR 3.01, subject to such limitations as the department of transportation deems necessary to protect public safety or ensure the proper function of the state highway.

(1) The utility owner or developer shall in each case submit an application to the energy facilities siting board and department of transportation that demonstrates: (i) the accommodation will not adversely affect the safety, durability, construction, traffic operations, maintenance, or service life of the highway, (ii) the accommodation will not unduly interfere with or impair the present use of the highway; iii) access for constructing and servicing utility facility will not adversely affect safety and traffic operations or damage any highway facility; and (iv) consideration is given to planned future expansion of the highway.

(2) In all cases of new installations of high voltage transmission lines along state highways, the electric company shall obtain a state highway access permit or other required approvals and install the high voltage transmission line in accordance with the approved permit.

(3) If the energy facilities siting board denies a high voltage transmission line co-location request, the reasons for the denial shall be submitted to the department, the department of public utilities and be made publicly available, within 90 days of the denial.

(4) Prior to selecting a route for any high voltage transmission line, the electric company shall conduct a transmission line corridor analysis, which shall consider the following corridors in order of priority: (i) existing utility corridors; (ii) interstate, freeway and state highways and railroad corridors; and (iii) new utility corridors.

(5) Permitting on such corridors shall be consistent, to the greatest extent feasible, to the following criteria: (i) economic and engineering considerations; (ii) reliability of the electric system; (iii) public safety; and (iv) the protection of the environment.”

The amendment was *rejected*.

108

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

“SECTION X. Chapter 23A of the General Laws is hereby amended by striking out section 70 in its entirety and replacing it with the following section:-

Section 70. (a) The terms defined in paragraph (zz) of section 6 of chapter 64H shall apply to this section unless the context clearly requires otherwise.

(b) The secretary of the executive office of economic development, in consultation with the commissioner of revenue, shall determine qualifications for qualified data centers, to qualify for a sales and use tax exemption pursuant to paragraph (zz) of section 6 of chapter 64H.

(c) To apply for the sales and use tax exemption pursuant to paragraph (zz) of section 6 of chapter 64H, the owner or operator of a data center shall submit to the secretary of economic development an application on a form prescribed by the commissioner of revenue that shall include:

(i) the name, address and telephone number of the owner or operator;

(ii) the address of the site where the qualified data center is or will be located, including, but not limited to, information sufficient to identify the facility composing the data center, and the expected commercial operations date of each data center building that will be located at the data center facility;

(iii) the anticipated aggregate square feet of the qualified data center for which the sales and use tax exemption is being sought; provided, that in determining whether the facility has the required square footage, the total square footage of the data center facility shall include the space that houses the computer information technology equipment, networking, data processing or data storage, including, but not limited to, servers and routers and the following spaces that support the operation of enterprise information technology equipment including, but not limited to, office space, meeting space, loading dock space and mechanical and other support facilities;

(iv) the anticipated investment associated with the qualified data center for which the sales and use tax exemption is being sought;

(v) the anticipated number of jobs that the data center will create and maintain within 1 year, 5 years and 10 years of operations after certification; and

(vi) all project labor and labor peace agreements or proof that prevailing wage was paid;

(vii) community benefits agreement;

(viii) an affirmation, signed by an authorized executive representing the owner or operator, that the data center is expected to satisfy the certification requirements in this section as a qualified data center;

(ix) an estimate of the annual electricity consumption of the proposed Qualified Data Center; and

(x) an estimate of the annual consumption of water and chemical discharge.

(d)(1) Within 60 days after receiving a completed application, the secretary of economic development shall review the application submitted by the owner or operator of a data center and certify the data center as a certified qualified data center if the data center meets all requirements of this section.

(2) The secretary shall issue a written certification that the data center qualifies for the sales and use tax exemption or provide written reasons for its denial and an opportunity for the applicant to cure any deficiencies.

(3) Failure to approve or deny the application within 60 days after the date the owner or operator submits the application to the secretary shall constitute approval of the qualified data center and the secretary shall issue written certification to the owner or operator within 14 days.

(4) The certification shall provide the following information related to each data center:

(i) the effective date of the certification;

(ii) the total square footage of the qualified data center;

(iii) the total amount of land costs, construction costs, refurbishment costs and eligible data center equipment; and

(iv) the beginning and ending dates of the sales and use tax exemption for the first data center building, which shall begin on the effective date of the certification and be valid for qualification period, and for a qualified data center that is comprised of more than 1 data center building, the expected commercial operations dates and expected qualification periods for subsequent data center buildings expected to be located at the qualified data center

(5) The secretary shall send a copy of the certification to the commissioner of revenue.

(e) The effective date of the certification shall be the date on which the application was submitted to the secretary or a prospective date stated in the application that does not exceed 5 years after the date on which the application was submitted; provided, that the certification shall be valid through the qualification period.

(f) The secretary and commissioner shall review the certification after 4 years.

(g)(1) For the purposes of this section, the term “material noncompliance” shall mean the failure of a qualified data center to substantially achieve the investment requirements and minimum number of jobs or to comply with this section or paragraph (zz) of section 6 of chapter 64H.

(2) The secretary may revoke the certification of a qualified data center after an investigation by the executive office of economic development, in consultation with the department of revenue, and a written determination that the qualified data center is in material noncompliance with this section, paragraph (zz) of section 6 of chapter 64H or the certification.

(3) Revocation shall take effect on the first day of the tax year in which the executive office of economic development determines the qualified data center to be in material noncompliance. The commissioner of revenue shall, as of the effective date of the revocation, disallow any credits, exemptions or other tax benefits allowed by the original certification of tax benefits pursuant to paragraph (zz) of section 6 of chapter 64H.

(h) Each qualified data center shall file an annual report with the secretary and commissioner detailing its progress towards the requirements established pursuant to this section, the specific investment requirements pursuant to paragraph (zz) of section 6 of chapter 64H.

(i) Qualified data centers shall also meet the following requirements. The secretary and commissioner shall revoke the certification of a qualified data center and require the qualified data center to pay the department of revenue all sales tax exempted since the effective date of certification for failure to comply with the requirements enumerated below.

(1) The qualified data center shall execute project labor agreements and labor peace agreements or pay prevailing wage for the construction and operation of a qualified data center and any associated power generation built to serve the qualified data center.

(2) The qualified data center shall execute a community benefits agreement entered into by member of the community in which the qualified data center is located.

(3) The qualified data center shall meet or exceed the building energy requirements of the most recent data center building standard adopted by the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

(4) The qualified data center shall install and maintain a solar photovoltaic system or systems on all permanent buildings, where possible, for at least the duration of the qualification period. All solar photovoltaic systems must enroll, when eligible, in any solar incentive program established pursuant to section 25 of chapter 25A.

(5) The qualified data center shall only utilize clean energy generation sources eligible for backup generation and shall not utilize any source of back-up generation that is fueled by a fossil fuel.

(6) The qualified data center must enroll in all available energy efficiency and load management programs provided by their electric company.

(7) The qualified data center must limit waste thermal energy vented to the air, ground, or water by capturing and delivering waste heat as a thermal energy source to outside loads such as through thermal energy networks, networked geothermal districts, or to adjacent buildings. If the qualified data center believes that capturing and delivering waste heat to outside loads is cost prohibitive, it must present a technical and financial analysis for demonstrating the reason for it being cost prohibitive.

(8) Each July 1, the qualified data center must make an annual energy source report to the department of energy resources that identifies the amount of energy, disaggregated by the source of energy, consumed by the data center in the previous calendar year. In such report, the qualified data center must demonstrate that the equivalent of one hundred percent of its electricity is provided by new clean energy generation sources and that at least sixty percent of the electricity generated by such sources matches the data center electricity consumption on an hourly basis. Such clean energy generation sources must be incremental to existing resources and be built as a result a contract or other financial commitment made by the data center.

(j) Each qualified data center shall pay an annual fee to based on the qualified data center's peak electricity demand: (1) \$750,000 for facilities with demand above 20 megawatts and at or below 75 megawatts; and (2) \$3,000,000 for facilities with demand above 75 megawatts.

(k) The secretary, in consultation with the commissioner of revenue, shall promulgate regulations and shall issue instructions or forms necessary for the implementation of this section. Such regulations may require qualified data centers to pay sales tax exempted for non-compliance.

SECTION X+1. Chapter 164 of the General Laws is hereby amended by inserting after section 151 the following section:-

Section 152. (a) Notwithstanding any other provision of this chapter, costs to serve the load of a qualified data center, as defined in paragraph (zz) of section 6 of chapter 64H, shall not be charged to any other customer.

(b) Each electric company shall develop a load flexibility program for qualified data centers to reduce peak load.

(c) On or before January 1, 2027, each electric company shall file with the department tariffs, as necessary, to implement subsections (a) and (b)."

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in line 645 by inserting after the word "donations" the following words:- " , provided that no entity providing gifts, grants, or donations shall be eligible to be a vendor or provide goods or services to the department"; and

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In line 855 by inserting after the word "donations" the following words:- " , provided that no entity providing gifts, grants, or donations shall be eligible to be a bidder for a long-term contract, vendor or provide goods or services to the department".

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by inserting, after section ___, the following section:-

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"SECTION ___. Section 139 of chapter 164 is hereby amended by striking out subsections (a), (b) and (b1/2) and inserting in place thereof the following subsections:-

Section 139. (a) A distribution company customer that uses electricity generated by a Class I or Class II net metering facility may elect net metering as follows:

(1) If the electricity generated by the Class I or Class II net metering facility during a billing period exceeds the customer's kilowatt-hour usage during the billing period, the customer shall be billed for 0 kilowatt-hour usage and the excess Class I or Class II net metering credits shall be credited to the customer's account. Credits may be carried forward from month to month. A Class I or Class II net metering facility may designate customers of the same distribution company to which the Class I or Class II net metering facility is interconnected and that are located in the same ISO-NE load zone to receive such credits in amounts attributed by the Class I or Class II net metering facility. If the electricity generated by a residential Class I net metering facility exceeds the customer's kilowatt-hour usage for 12 consecutive billing periods, the customer thereafter may elect to receive in lieu of net metering credits payments equal to the distribution company's kilowatt hour applicable rate for each billing period during which the electricity generated by the net metering facility exceeds the customer's kilowatt hour usage. Written notice of the identities of the customers so designated and the amounts of the credits to be attributed to such customers shall be in a form as the distribution company shall reasonably require.

(2) If the customer's kilowatt-hour usage exceeds the electricity generated by the Class I or Class II net metering facility during the billing period, the customer shall be responsible for the balance at the distribution company's applicable rate.

(b) A distribution company customer that uses electricity generated by a Class III net metering facility may elect net metering as follows:

(1) If the electricity generated by the Class III net metering facility during a billing period exceeds the customer's kilowatt-hour usage during the billing period, the customer shall be billed for 0 kilowatt-hour usage and the excess Class III net metering credits shall be credited to the customer's account. Credits may be carried forward from month to month. A Class III net metering facility may designate customers of the same distribution company to which the Class III net metering facility is interconnected and that are located in the same ISO-NE load zone to receive such credits in amounts attributed to such customers by the Class III net metering facility. If the electricity generated by a residential Class I net metering facility exceeds the customer's kilowatt-hour usage for 12 consecutive billing periods, the customer thereafter may elect to receive in lieu of net metering credits payments equal to the distribution company's kilowatt hour applicable rate for each billing period during which the electricity generated by the net metering facility exceeds the customer's kilowatt hour usage. Written notice of the identities of the customers so designated and the amounts of the credits to be attributed to such customers shall be in a form as the distribution company shall reasonably require. A distribution company may elect not to allocate such credits and instead may purchase net metering credits from the facility at the rates provided for in this subsection.

(2) If the customer's kilowatt-hour usage exceeds the electricity generated by the Class III net metering facility during the billing period, the customer shall be responsible for the balance at the distribution company's applicable rate.

(b1/2) Upon a determination by the department of energy resources that the aggregate nameplate capacity of solar net metering facilities qualified under subsection (g) of section 11F of chapter 25A, is equal to or greater than 1,600 megawatts direct current, the department shall certify the date that capacity has been reached and provide a date of notification after which all new Class I, Class II and Class III solar net metering facilities shall generate market net metering credits only. A distribution company customer that uses electricity generated by a solar net metering facility that generates market net metering credits may elect net metering as follows:

(1) If the electricity generated by the solar net metering facility under this subsection during a billing period exceeds the customer's kilowatt-hour usage during the billing period, the customer shall be billed for 0 kilowatt-hour usage and the excess market net metering credits shall be credited to the customer's account. Credits may be carried forward from month to month. A solar net metering facility may designate customers of any distribution company located in the commonwealth to receive such credits in amounts attributed by the solar net metering facility. If the electricity generated by a residential Class I net metering facility exceeds the customer's kilowatt-hour usage for 12 consecutive billing periods, the customer thereafter may elect to receive in lieu of net metering credits payments equal to the distribution company's kilowatt hour applicable rate for each billing period during which the electricity generated by the net metering facility exceeds the customer's kilowatt hour usage. Written notice of the identities of the customers so designated and the amounts of the credits to be attributed to those customers shall be in such a form as the distribution company shall reasonably require.

(2) If the customer's kilowatt-hour usage exceeds the electricity generated by the solar net metering facility during the billing period, the customer shall be responsible for the balance at the distribution company's applicable rate."

After remarks, the amendment was *rejected*.

Mr. Fernandes moved that the proposed new text be amended in paragraph (c) of section 33, in line 705, by striking the figure "2040", and inserting in place thereof the following figure:- "2035".

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The amendment was *rejected*.

Messrs. Fernandes and Montigny moved that the proposed new text be amended by inserting at the end thereof the following section:-

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"SECTION X. Chapter 25A of the General Laws, as so appearing, is hereby further amended by inserting after section 11F1/2 the following section:-

Section 11F2/3. The department, in consultation with the department of revenue, the department of public utilities, and the Massachusetts clean energy center, shall return rebates to qualifying electric ratepayers totaling not less than 70 per cent of alternative compliance payments pursuant to sections 11F, 11F¹/₂, 17 and any portfolio standard adopted by the department of environmental protection pursuant to chapter 21N. Qualifying electric ratepayers shall include those who (i) do not receive discounted rates from their electricity provider and (ii) those whose household income does not exceed \$200,000 annually. Qualifying electric ratepayers shall receive their percentage share of the total compliance payments as said rebate. The department shall annually send said rebates by check or through another appropriate reimbursement mechanism. The rebate shall be known as the 'Massachusetts Energy Rebate Check from the 2026 Act to save people money, repair the climate and grow the economy'."

The amendment was *rejected*.

Mr. Fernandes moved that the proposed new text be amended by inserting at the end thereof the following section:-

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"SECTION X. There shall be a special commission investigating the current and future operations of the MassSave program. The commission shall evaluate the governance, oversight, administration, and delivery of the program, including the feasibility and potential benefits of alternative administrative and governance structures. The commission shall publish a report containing recommendations for best management practices, improvements to the oversight and administration of the program, and any recommended changes to the governance or administration of the program, including recommendations for legislative or regulatory action, and shall submit said report to the Clerks of the House and Senate by July 1, 2027. The commission shall be chaired by the Secretary of Energy and Environmental Affairs or their designee, and the membership shall be composed of the senate president or

her designee; the house speaker or his designee; the chairs of the joint committee on telecommunications, utilities and energy, or their designees; the CEO of the Massachusetts Clean Energy Center; one additional member to be appointed by the senate president; one additional member to be appointed by the house speaker; one member to be appointed by the minority leader of the senate; one member to be appointed by the minority leader of the house; two members appointed by the attorney general representing rate-payer advocates; the commissioner of the department of energy resources, or her designee; the chair of the commonwealth utilities commission, or his designee; and three members to be appointed by the Governor, who shall represent energy distribution companies.”

The amendment was *rejected*.

Messrs. Fernandes and Keenan, Ms. Edwards and Messrs. Collins and Eldridge moved that the proposed new text be amended by inserting at the end thereof the following section:-

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“SECTION X. Section 19 of Chapter 25A of the General Laws, as so appearing, is hereby amended by striking paragraph (g) in its entirety, and inserting in place thereof the following new paragraphs:-

(g) Eligibility for a rebate according to the provisions of this section shall be limited to households making no more than 200% of the area median household income as defined by the United States Department of Housing and Urban Development. Qualifying consumers seeking to purchase a vehicle and avail themselves of this rebate shall affirm their eligibility at sale, under the pains and penalties of perjury.

(h) The department may promulgate regulations to implement this section, and shall require submission of a simple form to satisfy the provision described in paragraph (g).”

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended in section 33, by striking out the word “and” in line 882, and by inserting after the word “infrastructure”, in line 883, the following words:- “; and (ix) onshore real estate associated with interconnection”.

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The amendment was *rejected*.

Mr. Gómez, Ms. Kennedy and Ms. Edwards moved that the proposed new text be amended in section 9, in line 63, by striking out the following words:- “building decarbonization through the elimination of fossil fuel end uses or the reduction of energy use through energy efficiency and load management resources” and inserting in place thereof the following words:- “energy efficiency, demand reduction and building decarbonization, including the reduction of energy use through energy efficiency and load management resources and the elimination of fossil fuel end uses”;

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In section 21, in subsection (a)(1), by striking the following words:- “the electric distribution companies and municipal aggregators with certified energy plans shall, in coordination with the energy efficiency advisory council established in section 22, jointly prepare” and inserting in place thereof the following words:- “a single independent administrator, competitively procured by the department, shall prepare, subject to the approval of the energy efficiency management review and financial oversight board established in section 86 of this act and with the input of the energy efficiency advisory council established in section 22”;

In said subsection further striking the words:- “building decarbonization through the elimination of fossil fuel end uses or the reduction of fossil fuel energy use through energy efficiency and load management resources” and inserting in place thereof the following words:- “energy efficiency, demand reduction and building decarbonization, including the reduction of energy use through energy efficiency and load management resources and the elimination of fossil fuel end uses”;

In section 21, in line 166, by inserting after the word “programs” the following words:- “, with weatherization, insulation and building-shell air sealing measures designated as a funding priority within the plan,”;

In section 21, subsection (a)(4), by striking out the words:- “The plan shall not allow for expenditures on program planning and administration to exceed 5 per cent of the total energy efficiency expenditures of the 3-year term” and inserting in place thereof the following words:- “The plan shall not allow total non-incentive overhead expenditures, which shall include administration, marketing, program planning, program delivery, and lead vendor and implementation costs, to exceed 15 per cent of the total expenditures of the 3-year term. The plan shall direct not less than 85 per cent of the total expenditures of the 3-year term to direct customer incentives and energy assessments. The state auditor shall annually audit compliance with this paragraph and shall report the results to the board, the department, and the clerks of the senate and house of representatives”;

In section 21, subsection (d), by striking out the words:- “(1) A gas distribution company shall not administer building decarbonization or energy efficiency programs pursuant to the statewide plan. (2) A gas distribution company that is not owned by a corporate parent company that operates an electric distribution company in the commonwealth may provide support, marketing or customer outreach services to the electric distribution company or municipal aggregator with a certified energy plan in their administration of the statewide plan and may be eligible to earn performance incentives associated with its services provided pursuant to this section” and inserting in place thereof the following words:- “No gas or electric distribution company shall administer building decarbonization or energy efficiency programs pursuant to the statewide plan. A distribution company may provide support, marketing or customer outreach services to the administrator and may be eligible to earn performance incentives associated with such services”; and

In section 21, subsection (f)(3), by striking out the following words:- “Mid-term modifications to a sector that propose an increase to a sector budget shall not be approved unless there is a corresponding decrease in said sector such that no increase occurs in either the plan or a sector within the plan” and inserting in place thereof the following words:- “The administrator may, with the approval of the board, make mid-term modifications and recalibrate incentive levels within the total approved plan budget in order to meet customer demand”.

The amendment was *rejected*.

Mr. Gómez and Ms. Edwards moved that the proposed new text be amended in section 86, in subsection (b), by striking the following figure:- “5” and inserting in place thereof the following figure:- “7”;

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In said subsection, in line 3062, by striking the words:- “3 of whom shall be appointed by the governor, 1 of whom shall serve as chair” and inserting in place thereof the following words:- “5 of whom shall be appointed by the governor, 1 of whom shall serve as chair and not fewer than 2 of whom shall be program contractors actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures;”;

In said section 86, by inserting after subsection (d) the following subsection:- “(e) Notwithstanding the review and recommendation functions described in this section, the board shall have the following binding powers and duties with respect to the building decarbonization, energy efficiency, load management and demand reduction programs established pursuant to sections 19, 21 and 22 of chapter 25 of the General Laws: (i) to approve, modify and approve, or reject the statewide plan prepared under section 21 of chapter 25, the program budgets, and the ratepayer charge that funds the programs; (ii) to set the ratepayer charge, which shall be established by the board outside of, and shall not be subject to, the standard rate case proceedings of the department of public utilities; (iii) to directly supervise the administrator and the performance of the statewide plan; (iv) to establish a framework for fostering an open and competitive market and (vi) to direct the administrator with respect to the terms of program delivery. The energy efficiency advisory council established in section 22 of chapter 25 shall advise and inform, but shall not control,

the exercise of these powers. Except as otherwise provided in this section, the department of public utilities and the department of energy resources shall retain their respective authorities, and the administrator shall prepare the statewide plan and execute the programs subject to the board's approval and supervision.”;

By striking section 87; and

By striking section 103.

The amendment was *rejected*.

Mr. Brady, Ms. Edwards and Mr. Montigny moved that the proposed new text be amended by striking out, in section 9, lines 64 to 69, inclusive, and inserting in place thereof the following text:- “proposals for the reduction of greenhouse gas emissions, the advancement of environmental justice, the promotion of energy efficiency, and the maximization of demand reduction; provided, however, that energy efficiency and demand reduction shall be treated as co-equal priorities with decarbonization in all program designs, funding allocations, and performance metrics.”;

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By striking out, in Section 21, subsection (a)(1), lines 128 to 134, inclusive, and inserting in place thereof the following text:-

“(1) To achieve the goals set forth in section 19, there shall be a statewide energy efficiency, demand reduction, and clean energy plan, hereinafter referred to as the plan, which shall restore energy efficiency and demand reduction as co-equal with decarbonization. The department shall competitively procure a single independent administrator, hereinafter referred to as the administrator, to prepare, implement, and administer the plan, subject to the approval of the energy efficiency management review and financial oversight board and stakeholder input from the energy efficiency advisory council. Distribution companies, current or former lead vendors, and municipal aggregators shall not prepare or administer the plan.”

By inserting, in Subsection (a)(3) of section 21, as appearing in lines 173 to 211, inclusive, after the words “clean energy technologies”, the following words:- “; provided, however, that weatherization and building shell measures shall be designated as a primary funding priority within said programs”.

By striking out, in Subsection (a)(4) of section 21, as appearing in lines 216 to 218, inclusive, the words “program planning and administration shall not exceed 5 per cent of the total budget” and inserting in place thereof the following text:- “total non-incentive overhead expenditures—which shall include all administration, marketing, program planning and delivery, lead vendor, and implementation costs—shall be capped at fifteen per cent of the total budget to be determined by the board; provided, however, that a defined minimum share of every dollar expended under the plan shall flow directly to direct incentives and technical assessments; and provided further, that all expenditures under this section shall be subject to an annual financial and performance audit conducted by the state auditor.”

By striking out, in section 21, subsection (d), in lines 248 to 255, inclusive, in its entirety;

By striking out, in section 21, subsection (f)(3) and inserting in place thereof the following text:-

“(3) The administrator is authorized to recalibrate incentive levels within the approved total budget to dynamically meet market demand; provided, however, that the administrator may adjust sector allocations to optimize program delivery without being subject to a restriction requiring an equal budgetary offset.”;

By striking out, in section 22, subsection (a), in lines 337 to 350, inclusive, and inserting in place thereof a text that provides that the roster of the energy efficiency advisory council and the energy efficiency management review and financial oversight board shall include not fewer than two participating energy efficiency or clean energy program contractors

actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures;

By striking out section 86 in its entirety and inserting in place thereof the following section:-

“SECTION 86. The energy efficiency management review and financial oversight board shall possess final approval authority over the statewide plan, all associated program budgets, and the designated ratepayer energy efficiency charge. Said ratepayer charge shall be reviewed, adjusted, and set by the board independently and outside of a standard department of public utilities rate case proceeding.

To ensure administrative clarity, the chain of authority shall be executed as follows: (i) the energy efficiency advisory council shall serve as the primary vehicle for stakeholder input and policy recommendations; (ii) the energy efficiency management review and financial oversight board shall maintain ultimate governance, budget approval, and regulatory oversight authority; (iii) the department of energy resources shall provide technical coordination and alignment with Commonwealth climate mandates; (iv) the independent administrator shall hold exclusive authority to execute and perform day-to-day operations of the plan; and (v) the department of public utilities shall perform an appellate and ministerial enforcement role to ensure compliance with established statutory boundaries, but shall not alter budgets or charges approved by the board.”

By striking out section 87 in its entirety, and

By striking out, in section 103, the words “and shall sunset on December 31, 2030”.

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended by adding the following section:-

“SECTION X. Chapter 470 of the acts of 1973, as most recently amended by chapter 239 of the acts of 2024, is hereby amended, by inserting after the third paragraph of section 4 the following words: - ‘The commission shall, by December 31 of each year, file a report with the clerks of the house of representatives and the senate and the house and senate chairs of the committee on telecommunications, utilities and energy. Said report shall include the following information: ‘(1) the total number of applications for certificates of appropriateness for solar energy system installations; (2) the location of each application for said certificate of appropriateness for the installation of a solar energy system; (3) the outcome of each application and the principal basis for the committee’s decision, including whether the decision was based on: (i) the historic significance or architectural integrity of the structure; (ii) the visibility of the proposed installation from a public way or publicly accessible location; (iii) the impact on a significant scenic vista or viewshed; (iv) the compatibility of the proposed installation with surrounding historic resources; (v) the availability of alternative locations or designs for the installation; and (vi) any other factor considered by the committee; and (4) the total number of appeals filed to the commission for the denial of a certificate of appropriateness for a solar energy system installation and the outcome of such appeals’; and, in section 10, by inserting the following clause:-‘(d) The committee shall, for each application for a certificate of appropriateness for the installation of a solar energy system, make and maintain written findings and document all information necessary to prepare the annual report required pursuant to section 4.’”

The amendment was *rejected*.

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

“SECTION X. Section 21 of Chapter 25 of the General Laws, as so appearing, is hereby amended by striking paragraph (4), and inserting in place thereof the following paragraph:-

“(4). Notwithstanding the requirements of paragraph (1) of subsection (b), the plans shall be constructed to meet or exceed the goal set by the secretary pursuant to section 3B of

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chapter 21N, provided that the plans shall be constructed so as to limit funding for Mass Save to no more than funding levels for Mass Save in the 2025 to 2027 funding plan, adjusted triennially for inflation’.

SECTION XX. Section 22 of Chapter 25 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following new paragraph:-

‘The council shall approve no budgets that increase the funding of the MassSave program beyond funding available to the program in the 2025 to 2027 funding plan, provided that future funding levels may be adjusted for inflation.’.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended by adding the following section:-

“SECTION X. Notwithstanding any other special or general law to the contrary, any funding previously obligated from the Massachusetts Offshore Wind Industry Investment Trust Fund established in section 9A of chapter 23J for a project or purpose subsequently cancelled by a company awarded such funds shall be competitively awarded to one or more shovel-ready projects to carry out the purposes set forth in section 9A within 180 days of the effective date of this act.”

The amendment was *rejected*.

Messrs. Montigny and Keenan moved that the proposed new text be amended in section 17 by inserting, in line 409, after the word “mechanism” the following:- “The dashboard shall also include the net income, earnings per share, and dividends paid per share for each gas company and electric company over the previous three calendar years or annual reports”.

After remarks, the amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 74 by striking lines 2642 through 2645 in its entirety and inserting in place thereof the following:-

“(1) on or after November 1, 2026, and before October 31, 2027, shall be 1.5 percent;
(2) on or after November 1, 2027, and before October 31, 2028, shall be 1.0 percent;
(3) on or after November 1, 2028, and before October 31, 2029, shall be 0.5 percent;
and (4) on or after November 1, 2029, shall be 0 percent.”

After remarks, the amendment was *rejected*.

Mr. Fernandes moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION X. Subsection (k) of section 21 of said chapter 25A is hereby amended by striking the first sentence in its entirety, and inserting in place thereof the following words:-

‘A consolidated small clean energy infrastructure permit application submitted pursuant to this section shall include a commitment to include the following certification and disclosure requirements within a bid to a solicitation issued by the department or within an application to a statewide solar incentive program administered by the department.’.”

The amendment was *rejected*.

Ms. Comerford, Messrs. Collins and Mark, Ms. Jehlen, Ms. Edwards, Ms. Kennedy, Mr. Gómez, Ms. Howard, Ms. Miranda, Messrs. Keenan, Tarr, Oliveira, Feeney, Eldridge, Moore, Montigny and Driscoll and Ms. Rausch moved that the proposed new text be amended by inserting after section 96 the following section:-

“SECTION 96A. The department of public utilities shall investigate and review best practices for setting allowed rates of return on common equity for electric and local distribution companies; provided, however, that the department shall ensure that rates of return on common equity preserve an electric or gas company’s financial integrity and allow the company to attract capital on reasonable terms and support returns on investments comparable to returns on investments of similar risk and shall consider whether and how departmental practice may: (i) have allowed rates of return that are higher than necessary; (ii) have led to overinvestment in infrastructure; (iii) be modified to employ a wider range

of proxy groups and a wider range of inputs to model or estimate the potential rates of return for the purpose of reducing the gap between allowed rates of return and the cost of equity; (iv) be modified to facilitate comparisons with independent third-party return forecasts and financial benchmarks, including, but not limited to, United States Department of the Treasury bond yields of appropriate maturity and capital market assumptions published by reputable financial institutions and investment analysts; (v) be modified to include other regulatory mechanisms, including, but not limited to, performance-based mechanisms; and (vi) otherwise mitigate ratepayer impacts by more closely aligning the return on equity with the cost of capital.

The department shall complete the investigation required under this section and shall submit a report and any draft legislation to the joint committee on telecommunications, utilities and energy, the senate and house committees on ways and means and the clerks of the senate and the house of representatives not later than October 1, 2027.”

After remarks, the amendment was adopted.

Ms. Comerford and Messrs. Keenan and Eldridge moved that the proposed new text be amended by inserting after section 35 the following section:-

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“SECTION 35A. Section 53G of chapter 44 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 2, the word ‘section’ and inserting in place thereof the following words:- ‘section 21 of chapter 25A, section’”

After remarks, the amendment was adopted.

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

Matter Taken Out of the Notice Section of the Calendar.

The Senate Bill to improve outdoor lighting, conserve energy, and increase dark-sky visibility (Senate, No. 3145),-- was read a third time.

Energy efficient,--
outdoor lighting.

After remarks, and, pending the question on passing the bill to be engrossed, Mr. Keenan moved to amend the bill in section 2, in line 86, by inserting, after the word “safety”, the following words:- “, wildlife safety”.

The amendment was adopted.

Mr. Rodrigues moved to amend the bill in section 1, by striking out, each time it appears, in lines 45 and 46, the word “fully”.

The amendment was adopted.

The question on passing the bill (Senate, No. 3145, amended) to be engrossed was determined by a call was determined by a call of the yeas and nays at seven minutes before three o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 198]:**

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Dooner, Kelly A.
Driscoll, Jr., William J.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.

Durant, Peter J.
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.

Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Velis, John C. – 39.

NAYS – 0.

The yeas and nays having been completed at one minute before three o'clock P.M., the bill was passed to be engrossed. [For text of Senate bill, printed as amended, see Senate, No. 3162].

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill amending the charter of the city known as the town of Randolph regarding compensation of town council and school committee members and meetings of multiple-member bodies (see House, No. 4891) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation.**

Bill laid before the Governor.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Clean energy.

Ms. Creem in the Chair, Mr. Gómez, Ms. Comerford, Ms. Jehlen, Mr. Oliveira, Ms. Howard, Messrs. Eldridge, Driscoll and Payano and Ms. Lovely moved that the proposed new text be amended by inserting after section 27 the following section:-

25

“SECTION 27A. Section 11F $\frac{3}{4}$ of said chapter 25A, as so appearing, is hereby amended by striking out, in line 39, the words ‘(10) biomass fuel; and (11)’ and inserting in place thereof the following words:- and (10).”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at nineteen minutes past three o'clock P.M., on motion of Mr. Gómez, as follows, to wit (yeas 35 – nays 4) **[Yeas and Nays No. 199]:**

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.

Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.

Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.
Gómez, Adam

Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Velis, John C. – 35.

NAYS.

Dooner, Kelly A.
Durant, Peter J.

Fattman, Ryan C.
O'Connor, Patrick M. – 4.

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

Mr. Brownsberger moved that the proposed new text be amended in section 96, by inserting after the word “sources”, in line 3376, the following words:- “, including the definition, protection and development of thermal commons of the commonwealth”.

71

After remarks, the amendment was adopted.

Ms. Comerford and Messrs. Keenan and Eldridge moved that the proposed new text be amended in section 79, by striking out, in line 2666, the figure “9” and inserting in place thereof the following figure:- “10”; and

4

In said section 79, by adding the following section:-

“Section 161. No transmission company shall own or control transmission facilities located in the commonwealth unless such company participates in and transfers control of such facilities to ISO –New England.”

After remarks, the amendment was adopted.

Messrs. Cyr and Fernandes moved that the proposed new text be amended by inserting after section 32 the following section:-

30

“SECTION 32A. Subsection (d) of section 21 of said chapter 25A, as so appearing, is hereby amended by adding the following paragraph:-

(3) Where projects are proposed in municipalities under the jurisdiction of the Cape Cod commission or Martha’s Vineyard commission, upon certifying an application is complete, the municipality shall file such application with the applicable commission as required by chapter 716 of the acts of 1989 or chapter 831 of the acts of 1977. The commission shall complete its review and issue a decision within 90 days of receipt of such application from the municipality, at which time the municipality shall commence its review process. If a municipality under the jurisdiction of the Cape Cod commission or Martha’s Vineyard commission fails to issue a final decision within 11 months of the commission issuing its decision, a constructive approval permit shall be issued by the local government that includes the common conditions and requirements established by the department for the type of small clean energy infrastructure facility under review.”

After remarks, the amendment was adopted.

Recess.

There being no objection, at twenty-nine minutes past three o’clock P.M., the Chair (Ms. Creem) declared a recess subject to the call of the Chair; and, at twelve minutes past six o’clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

PAPER FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2027 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (House, No. 5501) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 3100) ,-- reported in part, a “Bill making appropriations for the fiscal year 2027 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements” [Total appropriation: \$63,416,035,455.00] (House, No. 5555),-- came from the House, and was read.

After remarks, the report was accepted, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Clean energy.

There being no objection, the following amendments were considered as one, and rejected as follows:

Messrs. Moore, Eldridge and Montigny moved to amend the proposed new text by inserting after section __ the following sections:-

2

“SECTION XX. Notwithstanding any general or special law to the contrary, prior to November 1, 2027, a municipality, a quasi-independent state entity or any state agency shall not accept an application for or issue a permit, certificate or other approval for the development, construction or operation of a data center with a load of 20 megawatts or more. For the purposes of this section, “data center” means any facility in the commonwealth, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

SECTION YY. (a) The Department of Energy Resources shall convene a Massachusetts Data Center Coordination Council to provide strategic input, facilitate coordinated state planning considerations and evaluate policy tools to address data center opportunities and related benefits and risks to the commonwealth. For the purposes of this section, “data center” means any facility in the commonwealth, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(b) The Commissioner of the Department of Energy Resources or the commissioner's designee shall serve as chair of the council. The council shall include the following additional members:

- (1) The director of the Governor's office of community affairs or the director's designee;
- (2) The secretary of the executive office of economic development or the secretary's designee;
- (3) The rate payer advocate in the Attorney General's office of ratepayer advocacy, or the rate payer advocate's designee;
- (4) The chair of the Department of Public Utilities or the chair's designee;
- (5) The director of the Massachusetts Broadband Institute or the director's designee;

(6) The Commissioner of the Department of Environmental Protection or the commissioner's designee;

(7) A member appointed by the Massachusetts Municipal Association;

(8) One representative from an investor-owned transmission and distribution utility in the commonwealth and one representative of municipally owned utilities in the commonwealth appointed by the governor;

(9) One representative of an environmental advocacy organization appointed by the governor;

(10) One representative of a labor organization appointed by the governor; and

(11) One member of the public who is a resident of a city or town that is a host community for a data center appointed by the governor.

The Commissioner of Energy Resources or the commissioner's designee may invite additional agency representatives, experts or stakeholders to provide comment or provide assistance to the council as the commissioner determines appropriate to address technical, economic, community, and environmental factors of data center development.

(c) The council shall evaluate issues related to data centers located or proposed to be located in the commonwealth, with the goals of protecting ratepayers, maintaining electric grid reliability, minimizing environmental and community impacts and enabling responsible and appropriately sited economic development. In conducting its evaluation, the council shall consider the commonwealth's policy goals related to renewable energy, greenhouse gas reduction objectives, goals for broadband service, and the state economic development strategy. In carrying out its work, the council shall:

(1) Review and consider legislation or regulations related to data centers that have been considered or adopted in other states;

(2) Evaluate projections of electric load growth, infrastructure needs and system reliability and resource adequacy impacts associated with data centers in the commonwealth and the ISO-New England region;

(3) Identify strategies to protect ratepayers from rate inflation or negative financial effects resulting from data centers, including, but not limited to, cost allocation approaches, rate design changes, impact fees, efficiency standards, energy supply obligations and demand response and load flexibility during periods of high demand or grid emergencies;

(4) Review applicability of existing state programs and financial tools to data centers;

(5) Assess potential community, environmental and natural resource impacts, including, but not limited to, water use, emissions, land use, noise, vibrations, light and other impacts on host communities, and identify strategies to minimize adverse impacts;

(6) Consider data-sharing requirements and processes for proposed data centers, including use of nondisclosure agreements and identify information essential to grid operators, electric utilities, state agencies and policy makers regarding electric load, peak demand, water use and other operational characteristics necessary to inform state and local planning;

(7) Offer guidance to assist municipalities in assessing potential data center impacts and benefits, including the use of community benefit agreements; and

(8) Develop recommendations to clarify roles, responsibilities, information-sharing practices and timelines among state agencies, utilities, municipalities and other governmental entities to support coordinated, timely and well-informed responses to data center development inquiries.

(d) The council shall hold at least 5 meetings in geographically diverse locations. The council shall provide an opportunity for public comment on the council's draft findings prior to submitting the final report described in subsection (e).

(e) Not later than October 1, 2027, the council shall submit a final report with the findings of its evaluation and any recommendations, including any proposed legislation, to

the Governor and the chairs of the joint committee on Telecommunications, Utilities and Energy and the clerks of the house of representatives and senate.

SECTION __. Section XX shall be effective upon passage.”

The amendment was *rejected*.

Messrs. Moore and Montigny moved to amend the proposed new text by inserting after section __ the following sections:-

5

“SECTION __. Chapter 164 as so appearing is hereby further amended by adding the following section:-

Section 163. (a) As used in this section, ‘data center’ shall mean a facility that is designed to have a load of not less than 20 megawatts and whose primary purpose is the storage, management and processing of digital data via the interconnection and operation of information technology and network telecommunications equipment, including all related facilities and infrastructure for backup electricity generation, power distribution, environmental control, cooling and security.

(b) Any new or expanded data center seeking any permit from the department or the energy facilities siting board shall procure sufficient electricity supply to meet their operational needs using not less than 90 per cent renewable energy resources.

(c) Any new or expanded data center seeking any permit from the department of environmental protection for operation of fossil-fuel generation equipment as backup source of power shall first demonstrate infeasibility of battery energy storage facilities on their site.

(d) Each electric company shall file an application with the department to establish a tariff for the provision of electricity to data centers. The tariff shall be designed to: (i) ensure that non-data center ratepayers are protected from any increased costs that result from increased electricity demand caused by data centers; and (ii) incentivize data centers to develop and utilize methods to increase energy efficiency, including through the use of technologies that capture and utilize the heat produced by the data centers.

(e) The department shall review each application submitted pursuant to this section and shall approve the application if it determines that it complies with the requirements of this section and all other applicable laws, rules and regulations.

SECTION __. (a) Not later than 1 year after the effective date of this act, all electric companies, as defined in section 1 of chapter 164 of the General Laws, shall apply the tariff developed pursuant to section 163 of said chapter 164 to each data center within the electric company’s service area.

(b) Not later than 180 days after the effective date of this act, each electric company shall file an application with the department of public utilities to establish a tariff for the provision of electricity to data centers pursuant to said section 163 of said chapter 164.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after section __ the following sections:-

16

“SECTION XX. The Secretary of Energy and Environmental Affairs, in consultation with the Massachusetts Clean Energy Center, is hereby authorized and directed to develop and implement the framework of a regional compact among the states of Massachusetts, New Hampshire, Maine, Vermont, and Connecticut for the purposes of research and development regarding energy produced by nuclear fusion. Said compact shall include, but not be limited to, the mission of the compact, specific focus areas, personnel and financial requirements, and other elements necessary to the operation of the compact.

SECTION XX. The compact shall include the development and implementation of a comprehensive plan to obtain all necessary regulatory approvals for, finance, and operate, one or more nuclear fusion reactors for research, provided that the costs of such actions shall be addressed by a formula to facilitate fair contributions from each member state, together with any gifts or grants, including but not limited to those provided by the United States

Department of Energy. Such plan may include recommendations for regulatory or statutory measures to assess regulated energy companies for costs associated with the compact.

SECTION XX. The secretary shall establish a Fusion Research Council to provide guidance in carrying out the provisions of this act. Said council shall consist of the secretary, who shall serve as its chair, the executive director of the clean energy center, the secretary of economic development or a designee, the commissioner of the department of environmental protection or a designee, and 7 members appointed by the governor, whom shall include individuals representing 3 institutions of higher learning in the commonwealth, 1 of which shall be the University of Massachusetts and 1 of which shall be the Massachusetts Institute of Technology, 1 member representing employers in the commonwealth, 1 member representing organized labor in the commonwealth, 1 member representing an organization engaged in independent nuclear energy research in the commonwealth, and 1 member representing the taxpayers of the commonwealth. The council shall convene as deemed necessary by its chair, but not less than quarterly.

SECTION XX. The secretary, in accordance with the plan developed pursuant to this act, and subject to the approval of the governor and the great and general court, shall solicit member states for participation in the compact, provided that such states shall designate representatives according to the terms of the compact. Representatives shall serve for a term, and under such conditions, as the state being represented shall establish.

SECTION XX. The secretary shall submit the plan developed pursuant to section 1 in the form of legislation filed with the clerk of the Senate not later than 12 months following the passage of this act, the passage of which shall constitute the approval prescribed in section 4.

SECTION XX. The secretary shall file reports detailing the progress made in the development of the compact, any costs estimates for its implementation, and any recommendations for legislative or regulatory actions to advance the mission of the compact, not less than every three months, with the clerks of the House and Senate, the Joint Committee on Telecommunications and Energy, and the House and Senate Committees on Ways and Means.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after section _ the following section:-

18

“SECTION _ . Section 3 of said chapter 25A, as so appearing, is hereby amended by striking out the definition of ‘Qualified RPS resource’ and inserting in place thereof the following definition:-

‘Qualified RPS resource’, a renewable energy generating source, as defined in subsection (c) or subsection (d) of section 11F, that has: (i) installed a qualified energy storage system at its facility; or (ii) commenced operation on or after January 1, 2019, provided, however, that a qualified RPS resource that commenced operation prior to January 1, 2019 shall be considered to have the commercial operation date of when the resource is co-located or contractually paired with a qualified energy storage system that commenced operation after January 1, 2019 and having a minimum nominal useful energy capacity of not less than 25 per cent of the nameplate power rating of the qualified RPS resource for 4 hours.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after section _ the following section:-

20

“SECTION _ . Subsection (f) of section 11F of chapter 25A, as appearing in the 2024 Official Edition, is hereby amended by adding the following sentences:-

Not less than fifty per cent of alternative compliance payments made pursuant to this section shall be credited directly to electric ratepayers. The department of energy resources,

in consultation with the department of public utilities, shall establish by regulation a mechanism to ensure that: (1) all such payments are returned to ratepayers in the service territory of the retail electricity supplier or municipal aggregator that submitted the payment, on a per kilowatt-hour basis or other equitable crediting method; and (2) the credits shall appear as bill reductions or refunds to ratepayers within 90 days of the close of the compliance year in which the payment was made. Any administrative costs associated with implementing this subsection shall be minimized and may be deducted from such payments prior to their return to ratepayers, provided that such deductions do not exceed reasonable expenses as approved by the department of public utilities.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after section _ the following sections:-

21

“SECTION 1. Section 6 of chapter 62 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking the definition of ‘Real estate tax payment’ as appearing in lines 391 through 410, inclusive, and inserting in place thereof the following:-

‘Real estate tax payment’, the real estate tax levied pursuant to chapter 59 on the taxpayer's residence and actually paid by the taxpayer during the taxable year, including water and sewer debt service charges assessed pursuant to subsection (n) of section 21C of chapter 59, exclusive of special assessments and delinquent interest, and less any abatement granted. For owners of residential property located in communities which have not exercised the option to assess water or sewer debt service charges pursuant to subsection (n) of section 21C of chapter 59, the real estate tax payment to be considered for purposes of calculating this credit shall also include 50 per cent of the owner's water and sewer charges actually paid in the taxable year for which the credit is sought, as well as 50 per cent of the owner's home energy utility bills actually paid in the taxable year for which the credit is sought. In the case of a multi-unit dwelling, a land area in excess of one acre or a multi-purpose building or land area, the real estate tax payment, including the water and sewer charges as applicable, shall constitute that portion of the real estate tax levied and paid, and that portion of applicable water and sewer charges actually paid, on the entire building or area, which corresponds to the portion of the area or building used and occupied as the residence of the taxpayer, in accordance with procedures established by the commissioner.

SECTION 2. Said section 6 of said chapter 62 is hereby further amended by striking the definition of ‘Rent constituting real estate tax payment’ as appearing in lines 411 through 414, inclusive, and inserting in place thereof the following:-

‘Rent constituting real estate tax payment’, 25 per cent of the rent actually paid by the taxpayer, under a good faith rental agreement, for the right of occupancy of the residence during the taxable year or a portion thereof, as well as 50 per cent of the home energy utility bills actually paid by the taxpayer, under a good faith rental agreement, for the right of occupancy of the residence during the taxable year or a portion thereof.

SECTION 3. Said section 6 of said chapter 62 is hereby further amended by inserting after the definition of ‘Head of household’ the following paragraph:-

‘Real estate tax payment’, the real estate tax levied pursuant to chapter 59 on the taxpayer's residence and actually paid by the taxpayer during the taxable year, including water and sewer debt service charges assessed pursuant to subsection (n) of section 21C of chapter 59, exclusive of special assessments and delinquent interest, and less any abatement granted. For owners of residential property located in communities which have not exercised the option to assess water or sewer debt service charges pursuant to subsection (n) of section 21C of chapter 59, the real estate tax payment to be considered for purposes of calculating this credit shall also include 50 per cent of the owner's water and sewer charges actually paid in the taxable year for which the credit is sought. In the case of a multi-unit dwelling, a land

area in excess of one acre or a multi-purpose building or land area, the real estate tax payment, including the water and sewer charges as applicable, shall constitute that portion of the real estate tax levied and paid, and that portion of applicable water and sewer charges actually paid, on the entire building or area, which corresponds to the portion of the area or building used and occupied as the residence of the taxpayer, in accordance with procedures established by the commissioner.

SECTION 4. Said section 6 of said chapter 62 is hereby further amended by inserting after the definition of ‘Real estate tax payment’ the following paragraph:–

‘Rent constituting real estate tax payment’, 25 per cent of the rent actually paid by the taxpayer, under a good faith rental agreement, for the right of occupancy of the residence during the taxable year or a portion thereof.

SECTION 5. Sections 1 and 2 shall be effective for the tax year beginning on January 1, 2026.

SECTION 6. Sections 1 and 2 are hereby repealed.

SECTION 7. Sections 3, 4, and 6 shall take effect on January 1, 2029.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking section 44 in its entirety.

The amendment was *rejected*.

Mr. Moore moved to amend the proposed new text by inserting after section __ the following section:–

“SECTION __. Subsection (m) of section 22 of chapter 186, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following two sentences:– Except as provided in subsection (n) with respect to the accuracy of water submeters, in the event of any overcharge by the landlord due to any violation of this section 22 or any violation of the state sanitary code concerning the water supply system of submetered water, or any violation of chapters 111, 186 or 239 of the general laws, the tenant’s sole remedy shall be limited to recovery of billing overages, plus an additional twenty-five percent of the total overage amount charged to tenant, inclusive of all attorney’s fees and costs of litigation. This shall be the exclusive remedy for any such violation.”

The amendment was *rejected*.

Mr. Moore moved to amend the proposed new text by striking out section 71 and inserting in place thereof the following section:–

“SECTION 71. Section 139 of said chapter 164, as so appearing, is hereby amended by striking out subsection (l) and inserting in place thereof the following section:–

(l) A Class I, Class II or Class III solar net metering facility shall be eligible to, or shall continue to, receive net metering credits as otherwise provided by this section if such facility is on the same parcel as any number of other such solar net metering facilities and is a Class I net metering facility with a nameplate capacity equal to or less than 25 kilowatts, or if: (i) the net metering facilities are placed on a government-owned parcel; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 10 megawatts; (ii) the net metering facilities are placed on a single parcel of land where all buildings on that parcel comprise low or moderate income housing as defined in section 20 of chapter 40B or where the single parcel contains multi-family housing in a zoning district that is compliant with section 3A of Chapter 40A.; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 10 megawatts; (iii) each net metering facility is placed on a separate and distinct rooftop where no 2 systems occupy the same rooftop; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 2 megawatts; (iv) each net metering facility installed on the same rooftop is interconnected behind a meter of a separate customer; provided, however, that all the facilities on the single parcel do not exceed an aggregate limit of 10 megawatts; or (v) the additional net metering facilities are installed not less than 1 year after any previously installed facility was placed

into service; provided, however, that all facilities on the single parcel do not exceed an aggregate limit of 2 megawatts. If all the net metering facilities located on a single parcel are net metering facilities of a municipality, the aggregate limit shall be 10 megawatts per single parcel. For purposes of this subsection, a solar net metering facility installed as a canopy over a parking area shall be considered to be installed on a rooftop.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking section 12 in its entirety.

53

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting in line 321 after the words “chapter 66” the following:- “No plan developed pursuant to this section shall take effect prior to 90 days following the development and promulgation of a detailed description of costs to ratepayers of each element of the plan, provided that such description shall be posted electronically in a conspicuous location, and filed with the clerks of the House and Senate, the Joint Committee on Telecommunications Utilities and Energy, and the House and Senate Committees on Ways and Means.”

54

The amendment was *rejected*.

Mr. Keenan moved to amend the proposed new text in line 323 by striking out the figure “19” and inserting in place thereof the following figure:- “20”; and

57

In line 333 by striking out the words “and (xvii)” and inserting in place thereof the following words:- “(xvii) the Massachusetts Association of Regional Planning Agencies; and (xviii)”.

The amendment was *rejected*.

Mr. Cronin moved to amend the proposed new text by striking out section 100, as so appearing, and inserting in place thereof the following section:-

59

“SECTION 100. (a) Notwithstanding any general or special law to the contrary, there shall be a working group on residential solar consumer protection for the purposes of producing a comprehensive written assessment of, and proposing policy, legislative, or regulatory changes to improve the consumer experience between residential solar customers and potential customers and solar system manufacturers, wholesalers, retailers, lenders and installers. The working group shall aim to facilitate affordable solar system adoption and improve system performance, customer satisfaction and consumer protection over the entire lifecycle of residential solar system products and contracts.

(b) The working group shall be convened not later than 45 days after the effective date of this act and shall consist of: the attorney general or a designee, who shall serve as co-chair; the chair of the department of public utilities or a designee, who shall serve as cochair; the undersecretary of the office of consumer affairs and business regulation or a designee; the commissioner of the department of energy resources or a designee; 1 person to be appointed by the president of the senate; 1 person to be appointed by the speaker of the house of representatives; and 11 persons to be appointed by the governor, 3 of whom shall be selected from a list of persons submitted by each of the following organizations: (i) the National Consumer Law Center, Inc.; (ii) the Green Energy Consumers Alliance, Inc.; and (iii) the League of Women Voters of Massachusetts; 6 of whom shall be selected from a list of persons submitted by each of the following organizations: (A) the Solar Energy Industries Association; (B) the Solar Energy Business Association of New England, Inc. and (C) Vote Solar, Inc.; and 2 persons with expertise in relevant aspects of law and finance. A vacancy on the working group shall be filled in the same manner in which the original appointment was made. Members of the working group shall receive no compensation for their services.

(c) The working group may request from all industry, nonprofit, academic and government sources such information and assistance as it may require. Its responsibilities shall include, but not be limited to, (i) canvassing all public, nonprofit and for-profit sources

to compile a comprehensive inventory of applicable laws, regulations, licenses, and other consumer protections that apply to residential and community solar products and (ii) assessing the sufficiency of information that is available and provided to consumers in publicly available educational materials, solar contracts, disclosure forms, or other applicable consumer-facing materials regarding topics including, but not limited to, net metering, solar and energy storage technologies, state programs and incentives, interconnection, and residential and community solar financial products; (iii) identifying common consumer issues related to the marketing and sales, financing, installation, monitoring and servicing, and repair or replacement of residential solar systems, or in the marketing and sales, contracting, and management of community solar agreements, and evaluate options for addressing those consumer issues, including whether regulatory or legislative changes would be necessary, feasible, and appropriate; (iv) developing recommendations for minimum contract and disclosure form requirements for residential and community solar contracts which may include, but are not limited to, disclosure of cost and payment terms, equipment, workmanship, and roof penetration warranties, maintenance and repair obligations, performance guarantees, consumer remedies in event of product or service deficiencies, participation in virtual power plant programs, and disclosure of fees that may be charged over the term of the agreement.

(d) The working group shall meet at regular intervals and conduct not fewer than three public hearings in conveniently accessible locations throughout the commonwealth. The department of energy resources shall provide administrative support for the operations of the working group. The working group shall convene its first meeting not later than February 1, 2027, and shall submit a report, along with any recommendations for legislative and regulatory action at the state, regional and federal level, not later than January 31, 2028, to the governor, the clerks of the senate and the house of representatives, and the chairs of the joint committee on telecommunications, utilities and energy.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in line 577 the following:–“; and (F) Nuclear Power”.

The amendment was *rejected*.

Ms. Howard, Ms. Comerford, Messrs. Collins and Mark, Ms. Jehlen, Ms. Kennedy, Ms. Edwards, Mr. Gómez, Ms. Miranda, Messrs. Keenan, Oliveira, Feeney, Montigny, Moore and Driscoll, Ms. Rausch and Mr. Payano moved to amend the proposed new text in section 79, in line 2666, by striking out the figure “9” an inserting in place thereof the figure “10”; and

In line 2994 by inserting after the word “customers.” the following:–

“Section 161. (a) (i) As used in this section, “data center” shall mean a facility whose total highest electricity demand during the most recent 12 consecutive monthly billing periods, or a forecast of its next 12 consecutive monthly billing periods was or is not less than 20 megawatts and whose primary purpose is the storage, management and processing of digital data via the interconnection and operation of information technology and network telecommunications equipment, including all related facilities and infrastructure for backup electricity generation, power distribution, environmental control, cooling and security.

(ii) As used in this section, “new clean energy resources” shall mean energy that is (i) generated by non-carbon emitting renewable sources and meet the RPS Class I eligibility criteria outlined in 225 CMR 14.05; (ii) tracked by the New England Power Pool Generation Information System; (iii) generated in the compliance period in which it is used; and (iv) generates renewable energy certificates that are retired within 6 months after the end of the compliance period in which energy is used.

(b) Any new or expanded data center seeking any permit from any state or local permitting authorities shall procure sufficient electricity supply to meet their operational

needs using not less than 100 per cent new clean energy resources that are located on the same site as the data center or that are connected to the ISO New England Inc. system.

(c) Any new or expanded data center seeking any permit from any state or local permitting authorities for operation of fossil-fuel generation equipment as backup source of power shall first demonstrate infeasibility of solar plus battery energy storage facilities on its site and commit to replacing said infrastructure with backup generation from battery energy storage facilities or other new clean energy resources to provide at least 25 per cent of backup energy needs by January 1, 2030, 50 per cent by January 1, 2035, and 100 per cent by January 1, 2040.

(d) Any new or expanded data center seeking any permit from state or municipal permitting authorities for operation of on site fossil-fuel generation equipment shall be responsible for all costs associated with any expansion of fossil-fuel delivery infrastructure such as, but not limited to, distribution or transmission gas pipelines.

(e) Before issuing any water management act permit or any local permits such as an occupancy permit for construction or expansion of a data center, the department of environmental protection shall certify that (i) water resources of the state are utilized in the public interest and that public health, safety, and welfare are adequately protected; (ii) water runoff or discharge does not impact local water quality; (iii) technologies that promote water conservation and the efficient use of water are utilized where possible, including but not limited to using water efficient fixtures and practices, recycling water before discharging, partnering with local water utilities to use discharged water from the data center, using reclaimed water, installing closed-loop systems, and supporting water restoration and replenishment in local watersheds; and (iv) water use conflicts are addressed with priorities given to residential users.

(f) Any new or expanded data center shall submit a water resources management plan to the department and the department of environmental protection for approval. Said plan shall include provisions and mitigation as necessary to ensure that sensitive watersheds are not adversely impacted by said data center's water use, that water ratepayers will not see cost increases associated with increased demand, and that said data center's water use will not adversely impact the development of housing in the service territory of the center's water supplier. The department of environmental protection may issue guidance for the development of plans that comply with this subsection.

(g) Any new or expanded data center shall conduct pre-filing engagement and a cumulative impact analysis, as defined in sections 69G, 69H, 69J, 69J^{1/4}, 69T, 69U, and 69V and the regulations implementing those provisions for all energy infrastructure it utilizes or constructs. Any new or expanded data center shall also conduct a cumulative impact analysis of the project's air quality impacts, as defined in 310 CMR 7.02. The department of environmental protection shall also certify that any new or expanded data center complies with noise regulations, as defined in 310 CMR 7.10, during both construction and regular operation.

Any new or expanded data center seeking any permit from any state or local governmental authority for data center construction or expansion shall avoid environmental impacts with a sequential mitigation hierarchy that first avoids impacts, impacts that cannot be avoided are minimized, and impacts that cannot be minimized would require compensatory mitigation fees for the value of nature's service and functions, as determined by the local authorities.

(h) Any new or expanded data center shall establish a community benefit plans and agreement pursuant to the guidelines established by the office of environmental justice and equity as required by section 29 of chapter 21A.

(i) No later than December 1, 2026 and every December 1 thereafter, all data centers must report to the department of energy resources and department of public utilities

information about the data center, including information about the data center's annual electricity and water consumption. No later than March 1, 2027 and every March 1 thereafter, the departments must compile the information reported and publish a publicly available report on the department of public utilities' website. No state agency shall enter an agreement such as a non-disclosure agreement, that contains any provision, clause or language that provides that the contract or agreement or any of its terms are confidential or that the parties to the agreement or contract are prohibited from disclosing, discussing, describing or commenting upon the terms of the agreement or contract.

(j) Notwithstanding section 39M of chapter 30, chapter 149, and chapter 149A, the department shall require a project labor agreement on contracts for data center construction or expansion and may require project labor agreements as a condition of state or local permit approvals.

(k) State and local permits shall not be issued nor renewed for data center projects that fail to meet the requirements of subsections (b) through (j), inclusive.

(l) Any data center that fails to meet the requirements of subsections (b) through (j), inclusive shall be ineligible to qualify for a sales and use tax exemption established in section 6 of chapter 64H.

(m) Within 90 days after the effective date of this Act, each electric company shall file an application with the department to establish a tariff for the provision of electricity to data centers. The tariff shall be designed to: (i) ensure that non-data center ratepayers are protected from any increased costs that result from infrastructure to serve increased electricity demand caused by data centers; (ii) include appropriate contract terms, including but not limited to minimum charges, minimum contract length, minimum monthly billing demand, time-variant rates, collateral requirements, mandatory notice periods for contract reduction or termination, fees for large reductions in contract capacity, premature exit or termination fees, and other similar provisions to mitigate the risk of stranded costs for other customers; (iii) include large load interconnection technical requirements to ensure the safety and reliability of electric service in the state; and (iv) incentivize data centers to develop and utilize methods to increase energy efficiency, including through the use of technologies that capture and utilize the heat produced by the data centers.

(n) The department shall review each application submitted pursuant to this section and shall approve the application within 240 days after the application filing if it determines that it complies with the requirements of this section and all other applicable laws, rules and regulations. If the department rejects an application, it shall require the electric company to refile a corrected application within no more than 90 days.

(o) As a condition of permitting and ongoing eligibility for the sales and use tax exemption established in section 6 of chapter 64H, all new and existing data centers shall implement continuous environmental monitoring systems to measure and publicly report facility-level air emissions, water usage, and other environmental indicators in real time. Such monitoring data shall be made accessible to the public and relevant regulatory authorities and shall be tied to enforceable performance thresholds established through the permitting process. Permits shall require the establishment of clear compliance and enforcement mechanisms, including defined penalties, corrective action requirements, and suspension or revocation authorities in the event of noncompliance with monitoring, environmental standards, or community benefit obligations. Monitoring frameworks shall be designed to ensure transparency, protect public health, and provide meaningful oversight of cumulative impacts on surrounding communities, with particular consideration for environmental justice populations. The department, in consultation with the department of environmental protection, may promulgate regulations to ensure compliance with this subsection."

The amendment was *rejected*.

Mr. Moore moved to amend the proposed new text by inserting after section __ the following section:-

63

“SECTION __. Chapter 146 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out section 53A, and inserting in place thereof the following section:-

Section 53A. There shall be in the department a board to be known as the board of hoisting machinery regulations, which shall consist of six members to be appointed by the governor, with the advice and consent of the council, for terms of four years each. One such member shall be the chief inspector in said department, who shall serve as chair and act as a nonvoting member of said board, except in the case of a tie vote, one shall be an employee of a public utility who is actively engaged in hoisting machinery operations in the Commonwealth, one shall be a member from a private construction contractor who is actively engaged in hoisting machinery operations in the Commonwealth, one shall be a safety trainer who is authorized by the department to do continuing education classes for hoisting licenses in Massachusetts, one shall be an expert in the Occupational Safety and Health Administration who is actively involved in hoisting machinery related operations, and one shall be from the International Union of Operating engineers Local with jurisdictions in Massachusetts who has been actively engaged in hoisting machinery related operations in the commonwealth for not less than five years immediately preceding appointment.

Said board shall promulgate rules and regulations, pursuant to chapter 30A, embodying the classifications of hoisting machinery and establishing criteria and procedures for the issuance, denial, renewal, suspension and revocation of licenses of apprentice operators of such machinery. However, a final adjudication that there has been a violation of federal or state occupational safety and health regulations, or any rule or regulation adopted by the department, shall be cause for the denial, revocation or suspension of any license issued under this section. Criteria for issuance of such licenses shall include, but not be limited to, training and experience requirements appropriate to the categories of machinery for which the license is intended, and registration with the apprenticeship council within the department of labor standards. A holder of such apprentice license may operate hoisting machinery only under the guidance and supervision of a holder of a license to operate for the category of hoisting machinery to be operated by the apprentice

A majority of said board, constituted as above provided, may transact business, but a lesser number may adjourn from time to time.

The board may, subject to appropriation and with the approval of the commissioner, employ an executive secretary who shall not be subject to the provisions of chapter thirty-one and may employ such clerical, technical and other assistants as may be required by said board.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in line 323 the number, “19” and inserting in place thereof the following:- “21”; and

70

By inserting in line 334 after the word, “organizations” the following:- “(xviii) a representative of small business ratepayers, including but not limited to a business with fewer than 50 employees located in the commonwealth; and (xix) representative of an independent, non-utility-affiliated ratepayer advocacy organization with demonstrated expertise in residential and small business energy affordability”.

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after section_ the following section:-

87

“SECTION_. Notwithstanding any general or special law to the contrary, the provisions of this act that require, direct, or result in the electrification of residential, commercial, or industrial heating systems shall not take effect until the Secretary of Energy and

Environmental Affairs certifies in writing, that the Commonwealth's energy systems are capable of supporting the additional electric load associated with electrification without compromising reliability, safety, or affordability. Such certification shall include findings that the natural gas system has sufficient supply and pipeline capacity to meet projected demand; that the electric grid has adequate generation, transmission, distribution, and interconnection capacity to meet year round load, including winter and summer peaks, with appropriate reserve margins; and that implementation of electrification measures will minimize any new costs to ratepayers and shall not impose any new category of charges or surcharges on customer bills. The Secretary shall file this certification with the clerks of the House and Senate and the Joint Committee on Telecommunications, Utilities and Energy."

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after the word "programs" in line 166 the following:- "with weatherization, insulation, and building-shell air sealing measures designated as a funding priority within the plan,".

89

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking sections 87 and 103 in their entirety.

90

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking the number "5" in line 3061 and inserting in place thereof the following:- "7",

91

By striking in lines 3062-3063 the following words "; 3 of whom shall be appointed by the governor, 1 of whom shall serve as chair" and inserting in place thereof the following:- "chair 5 of whom shall be appointed by the governor, 1 of whom shall serve as chair and not fewer than 2 of whom shall be program contractors actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures."; and

By inserting after subsection (d) in line 3101 the following:- "(e) Notwithstanding the review and recommendation functions described in this section, the board shall have the following binding powers and duties with respect to the building decarbonization, energy efficiency, load management and demand reduction programs established pursuant to sections 19, 21 and 22 of chapter 25 of the General Laws: (i) to approve, modify and approve, or reject the statewide plan prepared under section 21 of chapter 25, the program budgets, and the ratepayer charge that funds the programs; (ii) to set the ratepayer charge, which shall be established by the board outside of, and shall not be subject to, the standard rate case proceedings of the department of public utilities; (iii) to directly supervise the administrator and the performance of the statewide plan; (iv) to establish a framework for fostering an open and competitive market and (vi) to direct the administrator with respect to the terms of program delivery. The energy efficiency advisory council established in section 22 of chapter 25 shall advise and inform, but shall not control, the exercise of these powers. Except as otherwise provided in this section, the department of public utilities and the department of energy resources shall retain their respective authorities, and the administrator shall prepare the statewide plan and execute the programs subject to the board's approval and supervision."

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in line 323 the number "19" and inserting in place thereof the following:- "21";

92

By striking "." in line 334 and inserting in place thereof the following:- "; and (xviii) not fewer than 2 members who are participating contractors actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures."; and

By striking in lines 342-345 the following words "There shall be 1 non-voting, ex-officio member from each of the electric and natural gas distribution companies, 1 from each of the municipal aggregators, 1 from the heating oil industry, 1 from ISO New England and

1 from the Massachusetts clean energy technology center established pursuant to section 2 of chapter 23J.” and inserting in place thereof the following:- “There shall be 1 nonvoting, ex-officio member from the program administrator established in section 21.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in lines 208-210 the following words “The plan shall not allow for expenditures on program planning and administration to exceed 5 per cent of the total energy efficiency expenditures of the 3-year term.” and inserting in place thereof the following:- “The plan shall not allow total non-incentive overhead expenditures, which shall include administration, marketing, program planning, program delivery, and lead vendor and implementation costs, to exceed 15 per cent of the total expenditures of the 3-year term. The plan shall direct not less than 85 per cent of the total expenditures of the 3-year term to direct customer incentives and energy assessments. The state auditor shall annually audit compliance with this paragraph and shall report the results to the board, the department, and the clerks of the senate and house of representatives.”

93

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in lines 122-124 the following “the electric distribution companies and municipal aggregators with certified energy plans shall, in coordination with the energy efficiency advisory council established in section 22, jointly prepare” and inserting in place thereof the following:- “a single independent administrator, competitively procured by the department, shall prepare, subject to the approval of the energy efficiency management review and financial oversight board established in section 86 of this act and with the input of the energy efficiency advisory council established in section 22,” and

95

By striking in lines 126-128 the following “building decarbonization through the elimination of fossil fuel end uses or the reduction of fossil fuel energy use through energy efficiency and load management resources” and inserting in place thereof the following:- “energy efficiency, demand reduction and building decarbonization, including the reduction of energy use through energy efficiency and load management resources and the elimination of fossil fuel end uses;”.

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in lines 626-627 the following words “at a reasonable cost to ratepayers” and inserting in place thereof the following:- “with no or minimal cost to ratepayers”; and

96

By inserting at the end of line 640 the following:- “Any program so developed shall be filed in a report with the Clerks of the House and Senate, and the Joint Committee on Telecommunications Utilities and Energy, not later than 120 days before its implementation.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting at the end of line 119 the following:- “; provided further that no ratepayer funds shall be contributed to the fund”.

98

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking section 22 in its entirety.

100

The amendment was *rejected*.

Messrs. Eldridge and Keenan, Ms. Edwards and Mr. Collins moved to amend the proposed new text in section 15, line 309 by adding after the words “implementation partners” the following words- “, including municipalities”.

104

The amendment was *rejected*.

Messrs. Eldridge and Collins, Ms. Jehlen, Ms. Edwards, Mr. Gómez, Ms. Howard and Mr. Feeney moved to amend the proposed new text in section 94, by inserting after the words “moderate-income rebates and incentive”, in line 3322, the following words:- “Moderate-

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income eligibility for residents within a Designated Equity Community (DEC) may be established by (a) self-attestation of income under penalty of perjury; (b) categorical eligibility for a rate class defined by the Department of Public Utilities as moderate income; or (c) through categorical eligibility based on residence in an identified high-energy-burden census tract, building, or existing participation in state or municipal public benefit programs.”; and

In said section 94, by striking after the words “moderate-income rebates and incentive”, in line 3322, the following words:- “Household income verification shall not be required for low-income eligible customers and renters and incentives shall remain accessible to residents in affordable housing.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in line 455 the word “and” and by inserting, in line 460, after the word “level” the following:- “; and (vi) a division of ratepayer relief and affordability, which shall monitor, analyze and report on the impacts of energy policies, programs and procurement activities on residential, commercial and industrial ratepayers; evaluate the affordability of electric and gas service across income groups and regions; identify opportunities to reduce or avoid ratepayer costs; review proposed actions of the department and the department of public utilities for their effects on customer bills; and recommend strategies to minimize energy burdens and prevent the imposition of new charges or surcharges on ratepayers. The division shall serve as the principal point of contact within the department for matters relating to ratepayer affordability and shall coordinate with other divisions, state agencies and stakeholders to ensure that ratepayer impacts are fully considered in all departmental actions.”

128

The amendment was *rejected*.

Messrs. Cyr and Collins, Ms. Jehlen, Mr. Eldridge, Ms. Edwards, Ms. Howard and Ms. Miranda moved to amend the proposed new text in section 79 by inserting in line 2846, the following section:-

129

“Section 154A. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Individual geothermal heating and cooling system’, a non-networked system that utilizes a geothermal heat pump to provide heating and cooling to an individual building.

(b) A gas company may make, sell or distribute geothermal energy to individual customers, if approved by the department. A gas company may aggregate, purchase, and own third-party developed individual geothermal heating and cooling systems.

(c) Gas companies may develop programs to build, own and operate geothermal energy infrastructure for individual customers in their existing service territories if the infrastructure is designed and built to interconnect with future adjacent geothermal energy infrastructure or the geothermal heating and cooling system has a thermal capacity greater than 1 megawatt. Gas companies shall prioritize commercial customers that currently receive all or a significant amount of their energy from natural gas-powered combined heat and power facilities. Said programs may also include processes for the aggregation, purchase and ownership of third-party developed individual geothermal heating and cooling systems for residential and non-residential customers, regardless of the amount of energy used by an individual customer, if cost beneficial.

(d) The department shall review and approve any program pursuant to subsection (c).

(e) A gas company shall recover all prudently incurred costs of offering a program approved by the department pursuant to this section via tariffs designed to recover costs via rates charged to participating customers.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking lines 268-270 in their entirety and inserting in place thereof the following:- “The administrator may, with the

132

approval of the board, make mid-term modifications and recalibrate incentive levels within the total approved plan budget in order to meet customer demand.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking lines 238-244 in their entirety and inserting in place thereof the following:- “(d) No gas or electric distribution company shall administer building decarbonization or energy efficiency programs pursuant to the statewide plan. A distribution company may provide support, marketing or customer outreach services to the administrator and may be eligible to earn performance incentives associated with such services.”

133

The amendment was *rejected*.

Mr. Gómez, Ms. Kennedy, Ms. Edwards and Mr. Payano moved to amend the proposed new text in section 22, subsection (a), by striking out the figure:- “19” and inserting in place thereof the following figure:- “21”;

137

In said section, in line 334, inserting after the word “organizations” the following words:- “; and (xviii) not fewer than 2 members who are participating contractors actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures.”; and

In said subsection by striking the words:- “There shall be 1 non-voting, ex-officio member from each of the electric and natural gas distribution companies, 1 from each of the municipal aggregators, 1 from the heating oil industry, 1 from ISO New England and 1 from the Massachusetts clean energy technology center established pursuant to section 2 of chapter 23J” and inserting in place thereof the following words:- “There shall be 1 non voting, ex-officio member from the program administrator established in section 21”.

The amendment was *rejected*.

Mr. Velis moved to amend the proposed new text by inserting after section 105, the following section:-

140

“SECTION XX. Chapter 164 of the General Laws is hereby amended by inserting after section 1L the following section:-

Section 1M. Electric Service Requirements for Data Centers; Ratepayer Protections.

(a) For purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Data center’, a facility, campus of facilities, or array of interconnected facilities used to operate, manage, or maintain computers, servers, networking equipment, or other hardware and software systems for the purpose of processing, storing, retrieving, or transmitting data, with a peak annual electric demand of twenty megawatts (20 MW) or greater.

‘Qualified data center’, as defined in section 6 of Chapter 64H.

‘Distribution company’ as defined in Section 1 of Chapter 164.

‘Department’, as defined in Section 1 of Chapter 164.

(b) Every contract between an electric distribution company and a data center or qualified data center for the provision of electric service shall include terms and conditions designed to protect residential and commercial retail ratepayers from costs associated with data center construction and operation, including but not limited to: (i) a prohibition on cost-shifting, ensuring that no costs associated with the planning, siting, permitting, construction, upgrade, expansion, interconnection, or operation of electric infrastructure primarily required to serve a data center or qualified data center shall be allocated to, recovered from, or otherwise imposed upon residential or commercial retail ratepayers; (ii) full cost responsibility requirements under which the data center or qualified data center shall bear all direct and indirect utility system costs, including but not limited to local system upgrades, substations, transformers, feeders, or transmission extensions, network capacity increases, ongoing operation and maintenance costs attributable to serving the facility, and

any stranded or under-recovered costs resulting from a reduction in load, cessation of operations, or failure to meet projected usage; (iii) cost-recovery agreements requiring the data center or qualified data center to enter into binding contractual commitments that ensure electric distribution companies remain fully indifferent to the facility's load over the expected useful life of any infrastructure installed to serve it; (iv) financial assurance mechanisms requiring the data center or qualified data center to provide adequate financial security—such as insurance instruments, bonds, letters of credit, or exit-fee arrangements—to guarantee the recovery of all infrastructure-related costs in the event the facility shuts down, reduces load, or otherwise fails to meet contracted obligations; (v) transparency and reporting obligations requiring electric distribution companies to track and separately account for all costs associated with serving the data center or qualified data center and to make such information available to the Department upon request, including engineering studies, cost-allocation methodologies, and interconnection agreements.

(c) Prior to the execution of any contract between a municipality or water supplier and a data center or qualified data center, the applicant shall obtain a written Water Compatibility Statement from the applicable municipal or regional water supplier certifying that: (i) the projected water demand of the data center or qualified data center is compatible with existing system capacity; (ii) based on reasonably available information, the projected demand can be accommodated without materially reducing the reliability of drinking water service for existing customers in the host or neighboring communities; (iii) the proposed water use is consistent with applicable municipal, regional, or state drought management plans. Nothing in this subsection shall be construed to require the creation of a new or separate state permitting program.

(d) During any period in which the Commonwealth or the applicable municipality declares a drought under state or local law, a data center or qualified data center shall implement water-use reductions consistent with the municipal or regional drought-management requirements applicable to similarly situated large commercial or industrial users.

(e) A data center or qualified data center shall provide the municipal or regional water supplier, on an annual basis, with a report summarizing total water withdrawals, the use of reclaimed or non-potable water sources, and estimated consumptive losses. Any proprietary, technical, or security-sensitive information contained in such reports shall be treated as confidential and exempt from public disclosure to the fullest extent permitted by law.

(f) The requirements of this section shall be implemented in a manner that promotes predictability, supports continued data center development in the Commonwealth, and ensures protections of ratepayers and communities.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting after section _ the following section:-

158

“SECTION_. There is hereby established, within, but not subject to the control of, the executive office of energy and environmental affairs, a Ratepayer Relief Commission, whose purpose shall be to identify, evaluate and recommend actions that will reduce the cost of energy for residential, commercial and industrial consumers in the commonwealth. The commission shall examine electric and gas rates, distribution and transmission charges, reconciling charges, any other charges appearing on utility bills, procurement practices, utility cost recovery mechanisms, and any other factor contributing to ratepayer energy burdens. Recommendations of the commission shall focus on reducing costs to consumers and shall not focus exclusively on recommendations whose primary purpose is the reduction of energy consumption or behavioral changes in energy use.

The commission shall consist of the following members: the secretary of energy and environmental affairs or a designee, who shall serve as chair; the attorney general or a

designee with expertise in ratepayer advocacy; and 9 members appointed by the governor, including, one representative of small business ratepayers; one representative of residential ratepayers from an independent, non utility affiliated consumer advocacy organization; one representative of municipal light plants; one representative of an electric distribution company; one representative of a natural gas distribution company; one representative of organized labor with experience in utility or energy sector employment; one representative of low income consumer advocates; and one academic or technical expert in utility management, and one academic or technical expert in energy supply and economics.

Members shall serve without compensation but may receive reimbursement for reasonable expenses. The commission shall meet at least quarterly and may hold public hearings as necessary.

The commission shall file an initial report of its findings and recommendations with the clerks of the house and senate, the joint committee on telecommunications, utilities and energy, and the house and senate committees on ways and means not later than 12 months following the passage of this act and shall file annual reports thereafter, not later than December 31st of each year. The commission shall terminate 3 years following the date of the passage of this act, unless otherwise extended modified or terminated.”

The amendment was *rejected*.

Mr. Tarr, Ms. Edwards and Mr. Eldridge moved to amend the proposed new text by striking in line 3498, the words “11 members” and inserting in place thereof the following:- “not more than 15 members”;

164

By inserting in line 3506, after the words “1 shall be a representative of a nonprofit environmental organization” the following:- “1 shall be a representative of a utility that is building or operating a geothermal network, 1 shall be a representative of a geothermal company, and 1 shall be a representative of a district energy company.”; and

By striking in line 3520, the words “September 30, 2027” and inserting in place thereof the following:- “one year from the date of the enactment of this act”.

The amendment was *rejected*.

Mr. Fernandes and Ms. Miranda moved to amend the proposed new text by inserting at the end thereof the following section:-

167

“SECTION X. Chapter 23J of the General Laws is hereby amended by adding the following section:-

Section 16. (a) There shall be established and set up on the books of the Massachusetts clean energy technology center a separate, non-budgeted special revenue fund to be known as the Offshore Wind Pre-Development and Project Acceleration Fund. The fund shall be administered by the center, without further appropriation, exclusively to fund the state-led offshore wind pre-development and project acceleration program established pursuant to section 24 of chapter 25A, provided that funds may be expended to support the requirements of the department of energy resources under this section.

(b) In order to accelerate project timelines, streamline the readiness of offshore wind generation projects, and reduce project risks, the fund shall be credited with an initial capitalization of not less than \$10,000,000.

(c) To satisfy the funding requirement established in subsection (b), the comptroller shall transfer not less than \$10,000,000 to the fund from one or a combination of the following sources: (1) Alternative compliance payments collected pursuant to sections 11F, 11F 1/2, and 17 of chapter 25A, and any portfolio standard adopted by the department of environmental protection pursuant to chapter 21N, currently held by the center; or (2) Funds made available pursuant to section 2EEEEEE of chapter 29.

(d) Amounts credited to the fund shall be expended by the center, in coordination with the department of energy resources, for eligible pre-development activities including, but not limited to: permitting and site assessment studies, fisheries and environmental science

studies, pre-front end engineering design, transmission planning, and support for the timely utilization of regional supply chain and port infrastructure.

(e) Eligibility for monies from this fund shall be limited to offshore wind projects that can demonstrate an ability to access federal tax credits for the benefit of commonwealth ratepayers.

(f) Any financial arrangement executed using monies from this fund shall include a mechanism to ensure recovery of any co-investment capital provided by the commonwealth upon the project reaching commercial operation. Revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the following fiscal year.”

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking out subsection (d) of section 14 lines 114-119. 168

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by inserting at the end of line 3104 the following:- “(e) the board shall consult with and receive testimony from providers of building decarbonization, energy efficiency, load management and demand reduction programs established pursuant to sections 19, 21 and 22 of chapter 25 of the General Laws, not less than quarterly.” 169

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by adding, in line 3061, after the words “finances,” the following:- “reduce cost burdens to ratepayers,”. 172

The amendment was *rejected*.

As previously stated, the above amendments were considered as one and *rejected*.

There being no objection, the following amendments were considered as one, and adopted as follows:

Ms. Friedman, Ms. Comerford, Ms. Edwards, Messrs. Tarr, Eldridge and Driscoll and Ms. Lovely moved to amend the proposed new text in section 100, by striking out, in line 3493, the words “and (viii)” and inserting in place thereof the following words:- “(viii) evaluating the effects of the elimination of federal solar tax credits on the solar market in the commonwealth and providing an analysis of actions to mitigate negative impacts associated with the expiration or reduction of federal solar tax incentives; and (ix)”. 11

The amendment was adopted.

Mr. Lewis moved to amend the proposed new text by inserting after section 34 the following section:- 33

“SECTION 34A. Section 9 of said chapter 25B, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If any efficiency conservation standard issued or approved for publication by the Office of the United States Secretary of Energy pursuant to the Energy Policy and Conservation Act, 10 C.F.R. §§ 430–431, is withdrawn, repealed or otherwise voided between January 1, 2018 and January 21, 2021, inclusive, or is withdrawn, repealed or otherwise voided between January 20, 2025 and January 31, 2029, inclusive, the minimum efficiency or conservation requirement permitted for any product covered by such standard shall be the minimum efficiency or conservation requirement in effect most recently for the product other than those in effect for the periods between January 1, 2018, and January 21, 2021, inclusive, and between January 20, 2025 and January 31, 2029, inclusive, and no such product may be sold or offered for sale in the commonwealth unless it complies with such minimum efficiency or conservation requirement.”

The amendment was adopted.

Messrs. Mark and Cronin moved to amend the proposed new text by inserting after section 72 the following section:- 45

“SECTION 72A. Subsection (a) of section 139A of said chapter 164, as so appearing, is hereby amended by striking out the definition of ‘Small hydroelectric power net metering facility’ and inserting in place thereof the following definition:-

‘Small hydroelectric power net metering facility’, a turbine-generator unit with either a nameplate or demonstrated operational capacity of not more than 2 megawatts, using water to generate electricity that is connected to a distribution company; provided, however, turbine-generator units sharing a common point of interconnection or parcel shall be treated as individual facilities rather than in the aggregate.”

The amendment was adopted.

Messrs. Velis, Cronin and Tarr and Ms. Lovely moved to amend the proposed new text in section 24, by striking out the proposed fourth paragraph of section 7 of chapter 25A of the General Laws, and inserting in place thereof the following paragraph:- 83

“The department may require resellers of petroleum products, including retail heating oil and propane suppliers, doing business in the commonwealth to report reasonable data on price, inventory and product delivery in a form determined by the department and may promulgate rules or regulations ensuring residential heating oil or propane prices are provided to consumers in a clear and conspicuous manner. The department shall maintain the data and may only publicly disclose the data in an aggregate and deidentified manner.”.

The amendment was adopted.

Ms. Edwards moved to amend the proposed new text in section 93, by inserting after the word “equipment”, in line 3256, the second time it appears, the following words:- “hot water tank insulation, electric vehicle chargers and heat pumps”. 101

The amendment was adopted.

Messrs. Fernandes and Driscoll moved to amend the proposed new text by inserting after section 99 the following section:- 113

“SECTION 99A. (a) The secretary of energy and environmental affairs, in consultation with the executive office of economic development and the executive office of housing and livable communities, shall establish a program to provide additional support to communities that host large clean energy infrastructure facilities, as defined in section 69G of chapter 164 of the General Laws, that support the deployment of offshore wind, solar, battery storage and geothermal, in accordance with the emissions reduction goals established by chapter 21N of the General Laws, which may include giving qualifying host communities priority consideration to applications submitted to programs managed through the Community One Stop for Growth and state programs including, but not limited to, the Seaport Economic Council and any other state grant program identified by the secretary; provided, however, that the terms of the programs shall be consistent with regulations promulgated by the energy facilities siting board. Qualifying communities shall also be eligible for program benefits established in section 10 of chapter 25A of the General Laws.

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

The amendment was adopted.

Mr. Cyr moved to amend the proposed new text by inserting after section 35 the following section:- 135

“SECTION 35A. Chapter 143 of the General Laws is hereby amended by inserting after section 96 the following section:-

Section 96A. Notwithstanding any general or special law to the contrary, the local energy code in effect at the time a building permit application is deemed complete by the

local permit granting authority shall govern the design, construction and inspection of the project authorized by such permit for the duration of construction; provided, however, that work authorized under the permit proceeds in good faith continuously to completion. For purposes of this section, temporary delays resulting from weather, labor shortages, material shortages, financing, litigation, governmental action or other circumstances beyond the permit holder's reasonable control shall not, by themselves, constitute a failure to proceed in good faith continuously to completion.

Nothing in this section shall prohibit a permit holder from voluntarily electing to comply with a subsequently adopted energy code."

The amendment was adopted.

Mr. Cronin moved to amend the proposed new text in section 33, by striking out, in lines 689 and 690, the words "benefits and risks" and inserting in place thereof the following words:- "costs and benefits".

The amendment was adopted.

As previously stated, the above amendments were considered as one and adopted.

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

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2027 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (see House, No. 5555), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 15 to 0.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Messrs. Moore, Mark, Fattman, Tarr, Montigny, Driscoll and O'Connor moved to amend the proposed new text by inserting after section __ the following section:-

"SECTION __. Section 116C of Chapter 164 of the General Laws, as inserted by Section 79 of Chapter 239 of the Acts of 2024, is hereby amended by striking subsection (c) and inserting in place thereof the following subsection:-

Section 116C: Smart/wireless utility meter information.

a) As used in this section, the following terms shall have the following meanings:

(1) 'Electromechanical analog meter', means a purely electric and mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna, and no radio frequency emissions.

(2) 'Utility company', shall mean an electric or gas company, or town or city owned utility, or other utility provider.

(3) 'Wireless meter' shall mean: Any transmitting metering device with electronic components and/or any electric or battery operated meter that is capable of measuring,

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recording, and sending data by means of a wireless signal from a utility consumer or member to a utility company, municipality, or cooperative association in a manner utilizing one-way communication, two-way communication, or a combination of one-way and two-way communication either through the meter itself or through a device ancillary to the meter. Common names include, but are not limited to, AMR, ERT, smart, advanced metering infrastructure (AMI), and comprehensive advanced metering plan (CAMP) meter.

(4) 'Equivalent technology' shall mean utility infrastructure that communicates data using wireless frequencies, but which may be undisclosed due to proprietary rights.

b) Utility customers may opt out of inclusion in the implementation of advanced metering infrastructure with notice to the distribution company. Upon receiving such notice, the distribution company shall remove the customer from the implementation plan and notify the department of the customer's decision to opt out of such implementation plan in a manner determined by the department.

c) The department of public utilities shall direct utility companies to provide the following to ratepayers who opt out of inclusion in the implementation of advanced metering infrastructure:

(1) a choice of the type of utility meters to be installed and operated on their places of residence, property or business; among the choices offered shall be the installation and ongoing operation of an 'electromechanical analog meter'; and

(2) the ability to retain and operate an "electromechanical analog meter" on an ongoing basis at no cost; and

(3) the right to replacement of a wireless meter with a non-transmitting electromechanical meter at no cost.

d) The utility companies shall provide written notice to ratepayers within 90 days of the effective date of this act for the purpose of informing said ratepayers if wireless meters or 'equivalent technology' has been installed on their properties. Ratepayers shall have the right to request that the utility companies remove said wireless meters or "equivalent technology" and install in their place electromechanical analog meters that emit no radiofrequency electromagnetic radiation. There shall be no cost or other periodic usage charges to the ratepayer for such removal, replacement installation, and use of a non-wireless utility meter. The utility company shall promptly comply with such removal and replacement installation request made by the ratepayer to said company.

e) Utility companies are:

(1) prohibited from shutting off service to a ratepayer based on the ratepayer's utility usage or on the ratepayer having electromechanical analog meters;

(2) prohibited from imposing any disincentive on a ratepayer for not consenting to the installation or use of wireless meters;

(3) required to notify ratepayers in writing that the installation and use of wireless meters are not mandated by state or federal law and are not permitted if the ratepayer chooses to opt out of inclusion in the implementation of advanced metering infrastructure;

(4) prohibited from discriminating against ratepayers who may have medical conditions that are exacerbated by exposures to pulsed microwave radio frequencies;

(5) prohibited from installing 'equivalent technology', such as direct wireless connection to devices in the home or business, on poles or in any other manner near the home or business of an individual requesting a non-transmitting meter; and

(6) prohibited from altering the functionality of existing utility meters without providing 90 days' notice to ratepayers and without providing an opportunity for ratepayers to opt out of said altered functionality.

f) The department of public utilities shall establish terms and conditions to comply with the requirements of this section.

g) This section shall take effect on November 1, 2026."

After remarks, the amendment was *rejected*.

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

PAPER FROM THE HOUSE

Engrossed Bill— Land Taking for Conservation Etc.

An engrossed Bill making appropriations for the fiscal year 2027 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (see House, No. 5555) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past seven o'clock P.M., as follows, to wit (yeas 39 - nays 1) [**Yeas and Nays No. 200**]:

General
Appropriations bill.

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Dooner, Kelly A.
Driscoll, Jr., William J.
Durant, Peter J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.
Gómez, Adam

Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Velis, John C. – **39**.

NAYS.

Fattman, Ryan C. – **1**.

The yeas and nays having been completed at eighteen minutes past seven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Clean Energy.

Mr. Oliveira moved to amend the proposed new text in section 86, by striking out, in line 3059, the words “ensuring effective access across geographic areas” and inserting in place thereof the following words:- “ensure regional equity and effective access”.

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After remarks, the amendment was adopted.

Mr. Durant moved to amend the proposed new text by adding the following section:-
“SECTION XX. Chapter 40A of the General Laws, as appearing in the most recent edition, is hereby amended by adding the following new section:

56

Local Approval Requirement for Battery Storage Facilities.

(a) Definitions- As used in this section, the following words shall have the following meanings:

‘Battery storage facility’- a facility that uses batteries to store and distribute electrical energy.

‘Municipal governing body’- the elected city council, selectboard, or other legislative authority of a municipality.

‘State permitting authority’- any state agency responsible for granting permits related to energy infrastructure, including but not limited to the Department of Public Utilities and the Energy Facilities Siting Board.

(b) Local Approval Requirement- No state permitting authority shall approve a battery storage facility unless the municipal governing body of the municipality in which the facility is proposed has voted to approve the project. Municipalities shall have the authority to establish additional siting, safety, and environmental requirements for battery energy storage facilities, provided such requirements do not conflict with state law.

(c) Public Hearing Requirement- Prior to any municipal vote on a proposed battery storage facility, the municipality shall hold at least one public hearing to solicit input from residents and stakeholders. The project applicant shall be required to present detailed plans, including risk assessments, emergency response protocols, and environmental impact analyses, at the public hearing. The municipal governing body shall consider public input in making its determination on the project.

(d) Coordination with State Agencies- The state permitting authority shall provide technical assistance to municipalities in evaluating proposed projects but shall not override a municipality’s decision to deny a project. Municipalities and state agencies shall coordinate to ensure compliance with all applicable safety, environmental, and zoning regulations.

(e) Enforcement and Penalties- Any battery storage facility constructed or operated without municipal approval in violation of this section shall be subject to fines of up to \$100,000 per violation and shall be required to cease operations until compliance is achieved. The Attorney General shall have the authority to enforce this section and seek injunctive relief where necessary.”

After remarks, the amendment was *rejected*.

Messrs. Cronin and Collins moved to amend the proposed new text in section 61, by inserting after the word “to,” in line 2113, the following words:- “distributed energy resource management system dispatch schedule,”;

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In said section 61, by striking out, in line 2114, the words “compensation structures” and inserting in place thereof the following words:- “compensation and non-performance penalty structures aligned with local distribution system grid needs”; and

In section 79, by striking out, in line 2918, the word “distribute” and inserting in place thereof the following word:- “deliver”.

After remarks, the amendment was adopted.

Suspension of Senate Rule 38A.

Mr. Barrett 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.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Clean Energy.

Mr. Tarr, Mrs. Dooner and Mr. Fattman moved to amend the proposed new text by inserting after section 56 the following section:-

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“SECTION 56A. Said chapter 164 of hereby further amended by inserting after section 69I the following section:-

Section 69I½. (a) The department, in consultation with the department of energy resources, based on long-range plans approved pursuant to section 69I, shall establish and maintain rolling 3-year projections of statewide natural gas demand. The projections shall include, but not be limited to: (i) requirements for electric generation; (ii) anticipated residential, commercial and industrial consumption; (iii) winter and summer peak requirements; (iv) firm and interruptible load; and (v) any expected changes resulting from electrification, energy efficiency or economic trends.

(b) The secretary of energy and environmental affairs, in consultation with the department, shall develop and annually update a plan that: (i) matches natural gas supply with projected demand; (ii) ensures pipeline capacity and system reliability measures in a manner that does not result in excessive consumer cost burdens; (iii) minimizes potential service interruptions; and (iv) is consistent with the commonwealth’s decarbonization goals. In developing said plan, the secretary shall conduct not less than 3 public hearings in geographically diverse locations in the commonwealth, provided, however, that at least 1 such hearing shall accommodate remote participation.

(c) The projections and plan required by subsections (a) and (b) shall be filed annually with the clerks of the senate and house of representatives and the joint committee on telecommunications, utilities and energy.”

After remarks, the amendment was adopted.

Mr. Tarr, Mrs. Dooner and Messrs. Durant, Fattman and O'Connor moved that the proposed new text be amended by inserting the text contained in Senate, No. 3167 relative to Mass-Save Three-year Plan.

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After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at eight minutes past eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 – nays 30) [**Yeas and Nays No. 201**]:

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.
Finegold, Barry R.
Montigny, Mark C.

Moore, Michael O.
O'Connor, Patrick M.
Tarr, Bruce E.
Velis, John C. – 9.

NAYS.

Barrett, Michael J.
Brady, Michael D.

Friedman, Cindy F.
Gómez, Adam

Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.

Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F. – 30.

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

Mr. Tarr, Mrs. Dooner and Messrs. Durant, Fattman and O'Connor moved to amend the proposed new text by inserting after section _ the following section:-

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“SECTION _ . Subsection (i) of said section 139 of said chapter 164, as so appearing, is hereby amended by striking out the figure ‘25’, each time it appears, and inserting in place there of the following figure:- ‘35’.”;

By striking in line 577 the following :- “; and (F) Nuclear Power”;

By inserting at the end the following section:-

“SECTION __ . Section 139 of said chapter 164, as so appearing, is hereby amended by striking out, in line 106, the figure ‘10’ and inserting in place thereof the following figure:- ‘20’.”; and

By inserting after the word “programs” in line 166 the following:- “with weatherization, insulation, and building-shell air sealing measures designated as a funding priority within the plan.”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at half past eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 34) [**Yeas and Nays No. 202**]:

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E. – 5.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Oliveira, Jacob R.
Payano, Pavel

Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.

Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – 34.

34

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

Mr. Tarr, Mrs. Dooner and Messrs. Durant, Fattman and O'Connor moved to amend the proposed new text by adding in line 845 after the word "protection." the following:- "Not less than twice annually, the department shall file a report with the clerks of the senate and house of representatives and the chairs of the joint committee on telecommunications, utilities and energy detailing the cost to electric ratepayers of any procurements made by the department pursuant to this section.";

By striking sections 35 in its entirety;

By striking section 12 in its entirety;

By striking in line 323 the number, "19" and inserting in place thereof the following:- "21";

By inserting in line 334 after the word, "organizations" the following:- "(xviii) a representative of small business ratepayers, including but not limited to a business with fewer than 50 employees located in the commonwealth; and (xix) representative of an independent, non utility affiliated ratepayer advocacy organization with demonstrated expertise in residential and small business energy affordability";

By striking sections 87 and 103 in their entirety;

By striking the number "5" in line 3061 and inserting in place thereof the following:- "7";

By striking in lines 3062-3063 the following words "3 of whom shall be appointed by the governor, 1 of whom shall serve as chair" and inserting in place thereof the following:- "chair 5 of whom shall be appointed by the governor, 1 of whom shall serve as chair and not fewer than 2 of whom shall be program contractors actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures.";

By inserting after subsection (d) in line 3101 the following:--- "(e) Notwithstanding the review and recommendation functions described in this section, the board shall have the following binding powers and duties with respect to the building decarbonization, energy efficiency, load management and demand reduction programs established pursuant to sections 19, 21 and 22 of chapter 25 of the General Laws: (i) to approve, modify and approve, or reject the statewide plan prepared under section 21 of chapter 25, the program budgets, and the ratepayer charge that funds the programs; (ii) to set the ratepayer charge, which shall be established by the board outside of, and shall not be subject to, the standard rate case proceedings of the department of public utilities; (iii) to directly supervise the administrator and the performance of the statewide plan; (iv) to establish a framework for fostering an open and competitive market and (vi) to direct the administrator with respect to the terms of program delivery. The energy efficiency advisory council established in section 22 of chapter 25 shall advise and inform, but shall not control, the exercise of these powers. Except as otherwise provided in this section, the department of public utilities and the department of energy resources shall retain their respective authorities, and the administrator shall prepare the statewide plan and execute the programs subject to the board's approval and supervision.";

By striking in line 323 the number "19" and inserting in place thereof the following:- "21";

By striking “.” in line 334 and inserting in place thereof the following:- “; and (xviii) not fewer than 2 members who are participating contractors actively engaged in the installation of building decarbonization, energy efficiency or weatherization measures.”;

By striking section 22 in its entirety;

By striking in line 3498, the words “11 members” and inserting in place thereof the following:- “not more than 15 members”;

By inserting in line 3506, after the words “1 shall be a representative of a nonprofit environmental organization” the following:- “1 shall be a representative of a utility that is building or operating a geothermal network, 1 shall be a representative of a geothermal company, and 1 shall be a representative of a district energy company.”; and

By striking in line 3520, the words “September 30, 2027” and inserting in place thereof the following:- “one year from the date of the enactment of this act”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes before nine o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 34) **[Yeas and Nays No. 203]**:

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E. – **5.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – **34.**

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

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

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection in memory of Robert Najarian.

Moment of silence.

Report of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order, granting the committee on The Judiciary until July 31, 2026, within

The Judiciary,--
extension order.

which time to make its final report on certain current Senate documents numbered 1039, 1041, 1143, 1205, 1221, 1247, 1276, and 1284, relative to judicial matters (Senate, No. 3146).

The rules were suspended, on motion of Mr. Barrett, and the order was considered forthwith.

Pending the question on adoption of the order, Ms. Edwards presented an amendment removing the following bills S1205 and S1221.

The amendment was adopted.

After remarks, the order (Senate, No. 3146, amended) was adopted.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Clean Energy.

Mr. Eldridge, Ms. Jehlen, Ms. Kennedy, Ms. Comerford, Ms. Howard, Mr. Gómez and Ms. Miranda moved to amend the proposed new text by inserting the following section:-

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“SECTION X. Chapter 164 of the General Laws is hereby amended by striking section 141 in its entirety and replacing it with the following:-

Section 141 (a). For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Applicant’, a person who requests to become a customer of natural gas service to real property and who owns the real property requesting the service, including a developer, builder, legal entity, or other person that has legal authority over the property.

‘Line extension’, any extension of a gas distribution main, service lateral, or associated infrastructure within a city or town served by a gas company installed for the purpose of connecting a new customer to the gas distribution system of a gas company, as defined in section 1 of this chapter.

‘Line extension allowance’, a bundle of costs, including but not limited to construction allowances for line extensions, meters, and other infrastructure associated with the addition of a new customer to a gas company’s gas distribution system.

(b) In all decisions or actions regarding rate designs, the department shall consider the impacts of such actions on: (i) on-site generation; (ii) the replacement of gas infrastructure with clean thermal energy infrastructure; (iii) the reduction of greenhouse gases as mandated by chapter 21N to reduce energy use; (iv) efforts to increase efficiency and encourage non-emitting renewable sources of energy; (v) the findings of utility-scale clean thermal energy pilots approved by the department of public utilities pursuant to section 99 of chapter 8 of the acts of 2021; (vi) data collected related to the design and operation of networked geothermal demonstration projects approved by the department of public utilities pursuant to chapter 102 of the acts of 2021, including data on any reduction of lost and unaccounted for gas as defined in section 147; and (vii) the use of new financial incentives to support energy efficiency efforts. The department shall not approve, in any rate proceeding, tariff filing, or other proceeding, a rate design, tariff provision, or cost recovery mechanism that allows a gas company to recover from ratepayers the capital costs of a line extension undertaken to connect a new customer to the gas distribution system other than pursuant to subsection (c). An applicant applying for new gas service shall pay the full capital cost of any line extension unless such applicant demonstrates to the satisfaction of the department or the secretary of the executive office of energy and environmental affairs, acting pursuant to subsection (c), that an exception should apply.

(c) Notwithstanding subsection (b), a gas company may provide an applicant seeking a line extension a line extension allowance if: (i) the applicant can demonstrate to the department's satisfaction that it has no technically feasible alternative, electrification included, to the use of natural gas; (ii) the secretary of the executive office of energy and environmental affairs, in consultation with the secretary of the executive office of economic development, declares in writing that the line extension allowance in question is needed to advance a project of critical economic importance to the commonwealth; or (iii) the applicant is in a commercial and industrial rate class and can demonstrate one or more of the following to the department's satisfaction: (1) the end use requires sustained temperatures above approximately 300 degrees Celsius; (2) the end use requires direct combustion characteristics; or (3) the end use involves a demonstrable use of gas in tandem with a substantial decarbonization strategy.

(d) On or before January 31, 2029, the department shall establish, by regulation or order, timelines and a process according to which a gas company or the department, as the case might be, shall receive, evaluate, and adjudicate petitions filed pursuant to subsection (c), which process shall include, at a minimum, (i) a requirement that the applicant submit to the gas company and the department a site assessment, prepared by a qualified professional, documenting the basis for the claimed absence of a technically feasible alternative; (ii) an opportunity for the gas company and any interested party to respond to such petition; (iii) a standard of proof applicable to the applicant's burden of demonstration; and (iv) a timeline for departmental action on any such petition; provided, that the burden of demonstrating that no technically feasible alternative exists shall rest with the applicant.

(e) If the department grants an exemption pursuant to this section, it may, in its discretion, authorize partial ratepayer cost recovery of line extension costs, subject to such conditions as the department deems appropriate, and consistent with the policy objectives of this section.

(f) On or before April 30, 2029, each gas company shall file with the department tariff updates, to be effective July 31, 2029, to reflect the removal of line extension allowances and any other incentives for an applicant to establish gas service to real property. As of July 31, 2029, any provision of a gas company's tariff on file with the department as of the effective date of this section that is inconsistent with this section, including any line extension tariff authorizing recovery of line extension costs from ratepayers, shall be deemed superseded by this section and of no further force or effect with respect to line extensions initiated after July 31, 2029.

(g) This section shall apply to all line extensions for which an application is submitted to a gas company after July 31, 2029. Nothing in this section shall be construed to affect cost recovery obligations with respect to line extensions initiated on or before such date.

(h) The department may promulgate regulations to effectuate the purposes of this section."

Recess.

At thirteen minutes before ten o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Brownsberger) declared a recess; and, at five minutes past ten o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to energy affordability, clean power and economic competitiveness (House, No. 5175),-- was further considered, the main question being on ordering the bill to a third reading.

Clean Energy.

The following amendment was again considered:

Mr. Eldridge, Ms. Jehlen, Ms. Kennedy, Ms. Comerford, Ms. Howard, Mr. Gómez and Ms. Miranda moved to amend the proposed new text by inserting the following section:-

“SECTION X. Chapter 164 of the General Laws is hereby amended by striking section 141 in its entirety and replacing it with the following: -

Section 141 (a). For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Applicant’, a person who requests to become a customer of natural gas service to real property and who owns the real property requesting the service, including a developer, builder, legal entity, or other person that has legal authority over the property.

‘Line extension’, any extension of a gas distribution main, service lateral, or associated infrastructure within a city or town served by a gas company installed for the purpose of connecting a new customer to the gas distribution system of a gas company, as defined in section 1 of this chapter.

‘Line extension allowance’, a bundle of costs, including but not limited to construction allowances for line extensions, meters, and other infrastructure associated with the addition of a new customer to a gas company’s gas distribution system.

(b) In all decisions or actions regarding rate designs, the department shall consider the impacts of such actions on: (i) on-site generation; (ii) the replacement of gas infrastructure with clean thermal energy infrastructure; (iii) the reduction of greenhouse gases as mandated by chapter 21N to reduce energy use; (iv) efforts to increase efficiency and encourage non-emitting renewable sources of energy; (v) the findings of utility-scale clean thermal energy pilots approved by the department of public utilities pursuant to section 99 of chapter 8 of the acts of 2021; (vi) data collected related to the design and operation of networked geothermal demonstration projects approved by the department of public utilities pursuant to chapter 102 of the acts of 2021, including data on any reduction of lost and unaccounted for gas as defined in section 147; and (vii) the use of new financial incentives to support energy efficiency efforts. The department shall not approve, in any rate proceeding, tariff filing, or other proceeding, a rate design, tariff provision, or cost recovery mechanism that allows a gas company to recover from ratepayers the capital costs of a line extension undertaken to connect a new customer to the gas distribution system other than pursuant to subsection (c). An applicant applying for new gas service shall pay the full capital cost of any line extension unless such applicant demonstrates to the satisfaction of the department or the secretary of the executive office of energy and environmental affairs, acting pursuant to subsection (c), that an exception should apply.

(c) Notwithstanding subsection (b), a gas company may provide an applicant seeking a line extension a line extension allowance if: (i) the applicant can demonstrate to the department’s satisfaction that it has no technically feasible alternative, electrification included, to the use of natural gas; (ii) the secretary of the executive office of energy and environmental affairs, in consultation with the secretary of the executive office of economic development, declares in writing that the line extension allowance in question is needed to advance a project of critical economic importance to the commonwealth; or (iii) the applicant is in a commercial and industrial rate class and can demonstrate one or more of the following to the department’s satisfaction: (1) the end use requires sustained temperatures above approximately 300 degrees Celsius; (2) the end use requires direct combustion characteristics; or (3) the end use involves a demonstrable use of gas in tandem with a substantial decarbonization strategy.

(d) On or before January 31, 2029, the department shall establish, by regulation or order, timelines and a process according to which a gas company or the department, as the case might be, shall receive, evaluate, and adjudicate petitions filed pursuant to subsection (c), which process shall include, at a minimum, (i) a requirement that the applicant submit to the

gas company and the department a site assessment, prepared by a qualified professional, documenting the basis for the claimed absence of a technically feasible alternative; (ii) an opportunity for the gas company and any interested party to respond to such petition; (iii) a standard of proof applicable to the applicant's burden of demonstration; and (iv) a timeline for departmental action on any such petition; provided, that the burden of demonstrating that no technically feasible alternative exists shall rest with the applicant.

(e) If the department grants an exemption pursuant to this section, it may, in its discretion, authorize partial ratepayer cost recovery of line extension costs, subject to such conditions as the department deems appropriate, and consistent with the policy objectives of this section.

(f) On or before April 30, 2029, each gas company shall file with the department tariff updates, to be effective July 31, 2029, to reflect the removal of line extension allowances and any other incentives for an applicant to establish gas service to real property. As of July 31, 2029, any provision of a gas company's tariff on file with the department as of the effective date of this section that is inconsistent with this section, including any line extension tariff authorizing recovery of line extension costs from ratepayers, shall be deemed superseded by this section and of no further force or effect with respect to line extensions initiated after July 31, 2029.

(g) This section shall apply to all line extensions for which an application is submitted to a gas company after July 31, 2029. Nothing in this section shall be construed to affect cost recovery obligations with respect to line extensions initiated on or before such date.

(h) The department may promulgate regulations to effectuate the purposes of this section."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes past ten o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 19 – nays 20) **[Yeas and Nays No. 204]:**

YEAS.

Barrett, Michael J.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Fernandes, Dylan A.
Friedman, Cindy F.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Kennedy, Robyn K.
Lewis, Jason M.
Miranda, Liz
Payano, Pavel
Rausch, Rebecca L.
Rush, Michael F. – **19.**

NAYS.

Brady, Michael D.
Crighton, Brendan P.
Cronin, John J.
Dooner, Kelly A.
Driscoll, Jr., William J.
Durant, Peter J.
Edwards, Lydia
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.

Keenan, John F.
Lovely, Joan B.
Mark, Paul W.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Oliveira, Jacob R.
Rodrigues, Michael J.
Tarr, Bruce E.
Velis, John C. – **20.**

The yeas and nays having been completed at a quarter past ten o'clock P.M., the amendment was *rejected*.

Mr. Payano moved to amend the proposed new text in section 79, by striking out, in line 2671, the word "all" and inserting in place thereof the following words:- "non-discount rate eligible".

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The amendment was adopted.

Mr. Collins moved to amend the proposed new text by inserting after section 56 the following section:-

141

"SECTION 56A. Said section 69H of said chapter 164, as so appearing, is hereby further amended by striking out, in line 52, the words 'and (v)' and inserting in place thereof the following words:- '(v) due consideration has been given to locating facilities underground and away from residential areas; and (vi)'."

The amendment was adopted.

Ms. Howard, Ms. Comerford, Mr. Mark, Ms. Jehlen, Ms. Kennedy, Ms. Edwards, Mr. Gómez, Ms. Miranda, Messrs. Collins, Eldridge, Moore, Feeney, Driscoll and Payano, Ms. Lovely and Ms. Rausch moved to amend the proposed new text by inserting after section 2 the following section:-

162

"SECTION 2A. Section 70 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out subsection (i) and inserting in place thereof the following 4 subsections:-

(i) As a condition of receiving, maintaining or renewing the tax benefits pursuant to paragraph (zz) of section 6 of chapter 64H, an applicant shall be required to demonstrate compliance with requirements established by the executive office relating to: (i) energy supply and clean energy procurement, including, but not limited to, measures that support energy affordability and reliability and meet the requirements established in chapter 21N; (ii) energy efficiency, load flexibility and grid optimization, including, but not limited to, practices that reduce energy system impacts and infrastructure costs; (iii) water resource protection and infrastructure capacity, including, but not limited to, conservation, reuse, wastewater management and protection of existing users; (iv) public health, air quality, environmental protection and mitigation of cumulative impacts; (v) responsible labor practices, including, but not limited to, requirements relative to registered apprenticeship opportunities, and the use of project labor agreements or labor peace agreements; (vi) community engagement and community benefit commitments, including, but not limited to, investments aligned with local needs and priorities; (vii) economic development objectives, including, but not limited to, support for businesses, innovation, job creation and long-term economic competitiveness in the commonwealth; and (viii) transparency, reporting, disclosure, independent verification and accountability measures.

(j) The executive office of economic development may condition, suspend, revoke, limit, or decline to grant an exemption under paragraph (zz) of section 6 of chapter 64H upon a finding that an applicant has failed to satisfy requirements established pursuant to this section.

(k) Nothing in this section shall be construed to alter, replace or limit any other applicable federal, state, regional or local permitting, siting, regulatory, environmental, public health, zoning or land-use requirement affecting a data center seeking an exemption under paragraph (zz) of section 6 of chapter 64H.

(l) The secretary, in consultation with the commissioner of revenue, the secretary of energy and environmental affairs and other relevant agencies, shall promulgate regulations and shall issue instructions or forms necessary for the implementation of this section."; and

By inserting after section 105 the following section:-

“SECTION 106. Notwithstanding chapter 30A of the General Laws, the executive office of economic development shall promulgate emergency regulations pursuant to subsection (l) of section 70 of chapter 23A of the General Laws and shall amend any existing regulations implementing paragraph (zz) of section 6 of chapter 64H of the General Laws not later than 60 days after the effective date of this act. Such emergency regulations shall take effect immediately upon filing in accordance with said chapter 30A and shall remain in effect until superseded by final regulations.”

The amendment was adopted.

Mr. Fernandes and Ms. Edwards moved to amend the proposed new text in section 73, in proposed section 142 of chapter 164 of the General laws, by striking out the definition of “Eligible system” and inserting in place thereof the following definition:-

166

“‘Eligible system’, a plug-in solar photovoltaic system that is certified by UL LLC, formerly known as Underwriters Laboratories, or an equivalent nationally recognized testing laboratory.”;

In said section 73, in said proposed section 142 of said chapter 164, by striking out subsection (c) and inserting in place thereof the following subsection:- “(c) An eligible system that has a maximum power output to a standard electrical outlet of not more than 391 watts shall be exempt from product listing provisions from UL LLC, formerly known as Underwriters Laboratories, or an equivalent nationally recognized testing laboratory that would require alterations to the building's premises, wiring or electrical panels.”;

In said section 73, in said proposed section 142 of said chapter 164, by striking out subsections (h) and (i) and inserting in place thereof the following 3 subsections:-

“(h) A person shall neither directly nor indirectly unreasonably prohibit the installation, use or operation of a portable-scale solar generation device.

(i) A covenant or restriction that explicitly or indirectly unreasonably prohibits or restricts the installation, use or operation of a small portable solar generation device is unenforceable and void as a matter of public policy.

(j) A tenant shall be responsible for any damages sustained to the rental dwelling unit or the premises as a result of any small portable solar generation device installed pursuant to this section. A tenant’s liability shall be limited strictly to instances of documented gross negligence or intentional misuse. The landlord shall carry the burden of proof to demonstrate that the damage was caused by an affirmative act of the tenant outside the scope of ordinary residential use.”; and

By inserting after section 104 the following section:-

“SECTION 104A. Not later than 6 months after the effective date of this section, the board of building regulations and standards shall determine whether changes to the building code are required to permit the use of plug-in battery systems or plug-in photovoltaic systems. If the board determines that changes to the building code are required, the board shall consider such changes within 6 months of the date of such determination.”

The amendment was adopted.

Mr. Rodrigues moved to amend the proposed new text by striking out section 1 and inserting in place thereof the following section:-

159

“SECTION 1. Paragraph (1) of subsection (c) of section 22 of chapter 21A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out clause (ii) and inserting in place thereof the following 2 clauses:-

(i) to fund the Electric Vehicle Adoption Incentive Trust Fund established in section 19 of chapter 25A;

(ii) to fund the green communities program established in subsection (b) of section 10 of said chapter 25A.”;

In section 15, by striking out, in line 170, the words “MassDevelopment, through” and inserting in place thereof the following word:- “MassDevelopment for”;

In section 33, in the proposed second paragraph of subsection (e) of section 24 of chapter 25A of the General Laws, by adding the following sentence:- “Annually, not later than December 31, the department shall submit a report to the joint committee on telecommunications, utilities and energy and the senate and house committees on ways and means detailing the variation between estimated and actual costs and the adjustment made pursuant to such variation.”

In said section 33, in proposed section 25 of chapter 25A of the General Laws, by striking out subsections (c) to (f), inclusive, and inserting in place thereof the following 3 subsections:-

(c) Attributes, as defined by the department, of the solar photovoltaic facilities receiving incentives pursuant to this section shall be eligible for use by retail electric suppliers pursuant to their obligations pursuant to section 11F and section 17, as applicable.

(d) The department may establish a land use and mitigation plan, including establishing fees for mitigating impacts caused by solar development and projects participating in the program and receiving incentives pursuant to this section. The department may establish requirements for solar incentive program and eligibility requirements for pollinator-friendly solar installations participating in the program pursuant to this section.

(e) The department shall review solar incentive rates and overall cost impact to ratepayers to determine if any revisions to the program are necessary. Such review shall occur on a timetable to be established by the department; provided, however, that such review shall occur not less than once every 3 years.”;

In section 35, by striking out, in lines 1180 and 1181, the words “This section shall not apply to, or otherwise affect, any” and inserting in place thereof the following words:- “Such prohibition shall not apply to, or otherwise affect, any supplier selected by a”; and

In section 40, by striking out, in lines 1278 and 1279, the words “no less” and inserting in place thereof the following words:- “not more”.

The amendment was adopted.

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

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at twenty-one minutes past ten o’clock P.M., on motion of Mr. Barrett, as follows, to wit (yeas 32 to Nay 8) **[Yeas and Nays 205]**:

YEAS.

Barrett, Michael J.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Velis, John C. – **32.**

NAYS.

Brady, Michael D.
Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.

Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Tarr, Bruce E. – 8.

The yeas and nays having been completed at twenty-eight minutes past ten o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment printed as amended, see Senate, No. 3166].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Tarr,--

Time of meeting.

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

Adjournment in Memory of Robert G. Najarian.

The Senator from Norfolk and Plymouth, Mr. Keenan, moved that when the Senate adjourns today, it does so in memory of Robert G. Najarian.

Robert G. Najarian passed away peacefully on May 27, 2026, surrounded by his family.

Robert, affectionately known as Bob, Nudge (Mr., Uncle, Coach) and Boom Boom, was born in Boston in 1942 to George and Helen (Camuso) Najarian. He was the proud older brother of his sister, Diane Andrews (deceased) and his brother, Kenny Najarian of Duxbury.

Growing up in South Boston and Brighton, Bob was known for being sharp, tough and full of personality. He impressed his teachers, played catcher on the baseball team and loved shooting pool whenever he could.

He attended St. Columbkille School in Brighton from kindergarten through high school. Bob graduated from Boston College and became a certified public accountant. He held various jobs before eventually finding his professional home at The Wingate Management Company. At Wingate he was instrumental in the expansion of operations throughout the United States.

At eleven years old, Bob met the love of his life, Denise O'Connell. Their paths diverged and eventually overlapped, and Bob and Denise married in 1964. They immediately headed west to California to begin their life together. Their son, Robert Jr., was born in 1965, and not long after they returned home to Massachusetts and settled in Hanover.

Their family continued to grow with the arrival of their daughters, Daryce in 1968 and Heather in 1972, followed by their youngest son, Daniel, in 1976.

Life was filled with baseball and hockey games, dance recitals, gymnastics competitions, golf tournaments and many weekends spent coaching and cheering from the sidelines.

There were countless vacations with family and friends. Up north to ski in the winter and boat in the summer and treasured trips to Cape Cod.

Boating and golfing were two of Bob's greatest passions. Gradually working his way from smaller ski boats to cabin cruisers and then his Sea Ray, he christened them as "Mrs. Nudge". In the early 1980s, he joined Oakley Country Club, where he proudly served as Club President for two years. Oakley Country Club played a significant role in Bob's life for more than forty years.

Bob was incredibly smart - truly brilliant. He was generous beyond measure, often quietly so, and had a quick, understated sense of humor. He treated everyone with kindness and respect.

His family will forever remember the things that made him Boom Boom: education, the Red Sox, Hershey bars, walnut ice cream, popcorn, roasted chicken and rice, apple pie with vanilla ice cream.

His grandchildren: Alexandra, Samantha, Robert III, Max, Christian, Connor, Manning, Rachael, Matthew, Daniel, Annabelle, Rose, and Hank were truly his be-all and end-all. They were his legacy, and his love for them was endless.

Survived by his wife of 63 years, Denise, son Robert and his wife Traci of Duxbury, daughters Daryce and husband Chris Morris, Heather both of Hanover and son Daniel and his wife Marlene of Duxbury, and thirteen grandchildren.

He is also survived by his loving brother Kenny and countless cousins, in-laws, nieces and nephews.

Accordingly, as a mark of respect to the memory of Robert G. Najarian, at twenty-nine minutes past ten o'clock P.M., on motion of Mr. Barrett, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.
