

SENATE No. 2081

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a Climate Policy Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2023</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/7/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>

SENATE No. 2081

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2081) of Michael J. Barrett, Lindsay N. Sabadosa, Jason M. Lewis, Mark C. Montigny and others for legislation to establish a Climate Policy Commission. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing a Climate Policy Commission.

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

1 The General Laws are hereby amended by inserting after chapter 21O the following
2 chapter:-

3 Chapter 21Q. Climate Policy Commission.

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

6 “Commission”, the climate policy commission established pursuant to section 2.

7 “Greenhouse gas emissions”, emissions of a greenhouse gas as defined in section 1 of
8 chapter 21N.

9 “State agency”, a state agency as defined in section 1 of chapter 29.

10 Section 2. (a) There shall be established a state agency known as the climate policy
11 commission. The commission shall be an independent public entity not subject to the supervision
12 and control of any other executive office, department, commission, board, bureau, agency or
13 political subdivision of the commonwealth.

14 (b) There shall be a board, with duties and powers established pursuant to this chapter,
15 that shall govern the commission and that shall consist of: the secretary of energy and
16 environmental affairs, who shall serve ex officio; 2 members appointed by the attorney general
17 who shall have expertise in energy economics, environmental law, public health, climate science
18 or statistics, and 1 of whom shall reside in a low-income community, the city of Boston, or a
19 gateway municipality as defined in section 3A of chapter 23A of the General Laws; and 6
20 members appointed by the governor, 2 of whom shall reside in a low-income community, the
21 city of Boston, or a gateway municipality as defined in section 3A of chapter 23A of the General
22 Laws, and 4 of whom shall be selected from a list comprised of 1 individual nominated by each
23 president or chancellor of an institution of higher education in the commonwealth classified by
24 the Carnegie Classification System as a doctorate-granting university with very high research
25 activity, 1 of whom shall have expertise in energy economics, public health, climate science or
26 statistics and 1 of whom shall be selected from a list of not less than 3 individuals nominated by
27 the greenhouse gas emissions reduction measures advisory committee established under section
28 8 of chapter 21N. All persons appointed to the commission shall be selected without regard to
29 political affiliation and solely on the basis of the qualifications and experience that the
30 appointing authorities determine are necessary to fulfilling the mission of the commission.

31 A vacancy occurring on the commission shall be filled within 90 days by the original
32 appointing authority. A person appointed to fill a vacancy shall serve initially only for the

33 unexpired term. Members of the commission shall be eligible for reappointment. The
34 commission shall annually elect 1 of its members to serve as chair and 1 member to serve as
35 vice-chair.

36 Members shall serve without pay, but shall be reimbursed for actual expenses necessarily
37 incurred in the performance of their duties. No appointed member shall hold full or part-time
38 employment in the executive or legislative branch of state government. Each member of the
39 commission shall be a resident of the commonwealth.

40 (c) Any action of the commission may take effect immediately and need not be published
41 or posted unless otherwise provided by law. All moneys of the commission shall be considered
42 to be public funds for purposes of chapter 12A. Except as otherwise provided in this section, the
43 operations of the commission shall be subject to chapter 268A and chapter 268B.

44 The commission shall not be required to obtain the approval of any officer or employee
45 of any executive agency in connection with the collection or analysis of any information. The
46 commission shall not be required to obtain the approval of any officer or employee of any
47 executive agency with respect to the substance of any reports that the commission has prepared
48 under this chapter before publication.

49 (d) The commission shall appoint an executive director by a majority vote. The executive
50 director shall be selected without regard to political affiliation and solely on the basis of the
51 qualifications and experience that the commission determines necessary to fulfill the mission of
52 the commission. The executive director shall supervise the administrative affairs and general
53 management and operations of the commission and also serve as secretary of the commission, ex
54 officio. The executive director shall receive a salary commensurate with the duties of the office.

55 The executive director may, with the approval of the commission, appoint other officers and
56 employees of the commission necessary to the functioning of the commission.

57 The executive director shall not be required to obtain the approval of any other executive
58 agency in connection with appointment of employees. Sections 9A, 45, 46 and 46C of chapter
59 30, chapter 31 and chapter 150E shall not apply to the executive director of the commission.
60 Sections 45, 46 and 46C of chapter 30 shall not apply to any employee of the commission. The
61 executive director may establish personnel regulations for the officers and employees of the
62 commission.

63 Annually, not later than the first Wednesday in February, the executive director shall file
64 a personnel and operations report with the clerks of the senate and house of representatives and
65 the senate and house committees on ways and means. The report shall contain the job
66 classifications, duties and salary of each officer and employee within the commission, personnel
67 regulations applicable to the officers and employees and the revenue and expenditures of the
68 commission. The executive director shall file amendments to the report with the clerks of the
69 senate and house of representatives and the senate and house committees on ways and means
70 when any such amendment becomes effective.

71 If the position of executive director is vacant, a successor shall be appointed in the same
72 manner as the original appointment for the unexpired term. The executive director shall serve for
73 a term of 5 years. No person shall be appointed as the executive director for more than 2
74 consecutive 5-year terms.

75 The commission may remove the executive director from office, for cause, by a majority
76 vote. The reasons for removal of the executive director shall be stated in writing and shall
77 include the basis for such removal.

78 The executive director shall, with the approval of the commission: (i) plan, direct,
79 coordinate and execute administrative functions in conformity with the policies and directives of
80 the commission; (ii) employ professional and clerical staff as necessary; (iii) report to the
81 commission on all operations under their control and supervision; (iv) prepare an annual budget
82 and manage the administrative expenses of the commission; and (v) undertake any other
83 activities necessary to implement the powers and duties under this chapter.

84 The commission may approve the use of funds from receipt of up to 2 per cent, not to
85 exceed \$5,000,000, of any monies collected by the commonwealth from market-based
86 compliance mechanisms used to address greenhouse gas emissions, including, but not limited to,
87 the regional greenhouse gas initiative established under section 22 of chapter 21A, to support the
88 annual budget of the commission, in addition to funds from any other source and any funds
89 appropriated therefor by the general court. The commission shall not be required to obtain the
90 approval of another executive agency in connection with the development and administration of
91 its annual budget.

92 The commission shall adopt and amend rules and regulations for the administration of its
93 duties and powers and to effectuate this chapter pursuant to chapter 30A.

94 Section 3. The commission shall be responsible for tracking and assessing public and
95 private sector progress, or the lack thereof, towards meeting any and all limits, sublimits,

96 benchmarks, goals and milestones set pursuant to chapter 21N with respect to greenhouse gas
97 emissions and reductions thereto, and for facilitating such progress.

98 The focus of the commission shall be comprehensive and economy-wide, including, but
99 not limited to, the specific sectors of electric power, transportation, commercial and industrial
100 heating and cooling, residential heating and cooling, industrial processes, solid waste,
101 agriculture, natural and working lands, and natural gas transmission, distribution and service.

102 The commission shall:

103 (i) assess, comment on, and make recommendations with respect to, the content, design,
104 management and likely effectiveness of specific policies, programs and initiatives proposed or
105 undertaken to reduce or avoid greenhouse gas emissions and meet any and all limits, sublimits,
106 benchmarks, goals and milestones set pursuant to chapter 21N with respect to greenhouse gas
107 emissions.

108 (ii) assess, comment on, and make recommendations with respect to, any roadmap plan,
109 policy, program, federal grants, initiative, regulation, law or certification issued, proposed,
110 prepared, promulgated, noticed, undertaken or completed by the commonwealth or any of its
111 political subdivisions with respect to matters within the purview of the commission, including
112 the implications for, and risks to low-income communities, the city of Boston, and gateway
113 municipalities as defined in section 3A of chapter 23A of the General Laws, together with a
114 summary and review of past actions taken to protect, mitigate and, where feasible, improve the
115 condition of low-income and moderate-income persons;

116 (iii) assess, comment on, and make recommendations with respect to, electric power and
117 natural gas transmission and distribution system planning;

118 (iv) assess, comment on, make recommendations with respect to, and monitor the
119 affordability, effectiveness, equity implications, and adoption of products, practices, services,
120 solutions, standards, improvements and technologies that may reduce or hinder reductions of
121 emissions of greenhouse gases, as greenhouse gas is defined in section 1 of chapter 21N of the
122 General Laws;

123 (v) report periodically to the governor, the secretary of energy and environmental affairs,
124 the chief of the office of climate innovation and resilience, the environmental justice council, the
125 global warming solutions implementation advisory committee, the energy efficiency advisory
126 council, the senate president, the speaker of the house of representatives, the senate and house
127 committees on ways and means, the senate and house committees on global warming and climate
128 change, the joint committee on telecommunications, utilities and energy and the joint committee
129 on environment, natural resources and agriculture on the matters within the commission's
130 purview, including, but not limited to, the commonwealth's progress towards meeting any and all
131 limits, sublimits, benchmarks, goals and milestones set pursuant to chapter 21N with respect to
132 greenhouse gas emissions and the reduction of greenhouse gas emissions; provided, however,
133 that the commission shall report not less than twice a year; provided, further, that said reports
134 shall be public and be posted on the commission's website.

135 (vi) examine, retain and publish all documents and data produced, collected or kept by
136 any state agency that the commission deems relevant to carrying out its charge; provided,
137 however, that a document that a state agency deems not to be a public record under section 3 of
138 chapter 66 shall remain not a public record under the control of the commission.

139 (vii) assess, comment, and make recommendations to, state agencies with respect to
140 changes in collection practices or scope related to any of the subject matter of this section; and

141 (viii) conduct hearings and undertake inquiries with respect to the subject matter of this
142 section.

143 (ix) meet at least biannually with the advisory council established under section 5;

144 (x) review the comprehensive reports prepared under section 18 of chapter 25A and
145 recommend actions to reduce energy consumption and greenhouse gas emissions in buildings
146 subject to said section; and

147 (xi) serve as a central repository for and disseminate data and analysis to the public and
148 policymakers from any and all sources that the commission deems relevant to carrying out its
149 charge. In collaboration with the executive office of energy and environmental affairs, the
150 commission shall establish an accessible and standardized format according to which to receive
151 data collected or reported pursuant to this chapter. The commission shall annually review the
152 completeness and accuracy of data, data collection methodology, and data analyses. The
153 commission shall identify any incomplete or inaccurate data, data collection methodology, and
154 data analyses and make recommendations for improvement.

155 Section 4. There shall be an advisory council to the commission. The advisory council
156 shall provide advice and input on the overall operation and policy of the commission. The
157 council shall be appointed by the governor and comprised of members representing: (i)
158 environmental protection; (ii) low-income and moderate-income population advocacy; (iii)
159 persons of less than 18 years of age; (iv) persons from communities disproportionately impacted
160 by climate change; (v) employees of small business in the green energy sector; (vi) electric

161 power generation and distribution; (vii) transportation; (viii) the distinguishing characteristics
162 and vulnerabilities of rural, suburban and urban households; (ix) farming; (x) consumer
163 protection; (xi) housing; (xii) commercial development; (xiii) industrial and manufacturing; (xiv)
164 sectors that may displace workers through emission reductions efforts and advancements in
165 green technology; (xv) transportation; (xvi) land use; and (xvii) local government.

166 Section 5. (a) The commission shall hold not less than 3 public hearings in
167 geographically diverse locations on each certification filed under section 4 of chapter 21N, not
168 less than 2 of which shall be held in low-income communities, the city of Boston, or gateway
169 municipalities as defined in section 3A of chapter 23A of the General Laws.

170 (b) Not later than 60 days after the department of public utilities issues a certificate of
171 compliance under section 21 of chapter 25, the commission shall hold a public hearing
172 examining the degree to which the activities undertaken pursuant to each plan contributed to
173 meeting statewide greenhouse gas emission limits imposed by statute or regulation.