

The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

1 by striking all after the enacting clause and inserting in place thereof the following:-

2 SECTION 1. Chapter 21N is hereby amended by inserting at the following new section:-

3 SECTION 12. (a) The executive office of energy and environmental affairs shall develop  
4 policies, programs, grants, loans and incentives to meet the statewide natural and working lands  
5 goal as identified in the plan, including, but not limited to, a communities for a sustainable  
6 climate program. The executive office of energy and environmental affairs shall apply and  
7 disburse monies and revenues as provided in this section.

8 (b) The secretary shall establish a communities for a sustainable climate program.  
9 The purpose of the program shall be to provide technical and financial assistance, including  
10 incentives, grants and loans, to municipalities that qualify as sustainable communities under this  
11 section. These incentives, grants and loans shall be used to finance all or a portion of the costs of  
12 designing, constructing and implementing actions and strategies to reduce greenhouse gas  
13 emissions and increase carbon sequestration on natural and working lands.

14 (c) To qualify as a community for a sustainable climate, a municipality or other  
15 local governmental body shall comply with eligibility requirements developed by the secretary or  
16 his designee. Eligibility requirements are intended to incentivize communities to adopt policies

17 and practices that protect, enhance, and restore carbon stocks on natural and working lands  
18 beyond business as usual. The secretary shall set eligibility requirements from among, but not  
19 limited to, the following: (1) adopt a municipal tree retention and replacement by-law or  
20 ordinance; (2) adopt natural resource protection zoning, as defined by the secretary; (3) collect a  
21 reasonable fee to be used exclusively for measures to remedy and offset the generation of  
22 greenhouse gases caused by activities that convert forest, wetlands, and agricultural lands for  
23 development at a size and scale determined by the secretary; (4) adopt a municipal transfer of  
24 development rights by-law or ordinance; and (5) adopt and implement a municipal procurement  
25 policy for municipal purchasing and substituting wood products for municipal operations and  
26 assets, where feasible, including but not limited to, concrete and steel in buildings. The secretary  
27 may waive specified requirements based on a written finding that, due to unusual circumstances,  
28 a municipality cannot reasonably meet the requirements and that the municipality has committed  
29 to alternative measures that advance the purposes of the communities for a sustainable climate  
30 program as effectively as adherence to the requirements. The Secretary may adopt alternative  
31 eligibility requirements that provide opportunities to achieve the goals of the program.

32 (d) The secretary may develop policies to provide for consistency and  
33 predictability and to help offset the impacts of municipal ordinances and by-laws upon the  
34 private sector under the communities for a sustainable climate program that may be adopted by  
35 participating communities, including, but not limited to, grants, loans, incentives and tax credits  
36 and expedited permitting for practices and strategies consistent with the goals to reduce  
37 greenhouse gas emissions and increase carbon sequestration on natural and working lands.

38 (e) Funding for the communities for a sustainable climate program in any single  
39 fiscal year shall be available, without the need for further appropriation, from sources including,

40 but not limited to: (1) the global warming solutions trust fund established in section 35GGG of  
41 chapter 10 of the general laws; and (2) land management and restoration grant, loan and  
42 incentive programs administered by the executive office of energy and environmental affairs."

43 SECTION 2. Section 1 of chapter 23J of the General Laws, as appearing in the 2020  
44 Official Edition, is hereby amended by striking out the definitions of "Clean energy" and "Clean  
45 energy research" and inserting in place thereof the following 2 definitions: -

46 "Clean energy", advanced and applied technologies that significantly reduce or  
47 eliminate the use of energy from non-renewable sources, including, but not limited to: (i) energy  
48 efficiency; (ii) demand response; (iii) energy conservation; or (iv) technologies powered, in  
49 whole or in part, by the sun, wind, water, geothermal energy, including networked geothermal  
50 and deep geothermal energy, hydrogen produced by non-fossil fuel sources and methods,  
51 alcohol, fuel cells, nuclear fusion and fission or any other renewable, non-depletable or  
52 recyclable fuel; provided, however, that "clean energy" shall include an alternative energy  
53 generating source as defined in clauses (i) to (vi), inclusive, of subsection (a) of section 11F ½ of  
54 chapter 25A.

55 "Clean energy research", advanced and applied research in new clean energy  
56 technologies including: (i) solar photovoltaic; (ii) solar thermal; (iii) wind power; (iv) geothermal  
57 energy, including networked geothermal and deep geothermal energy; (v) wave and tidal energy;  
58 (vi) advanced hydropower; (vii) energy transmission and distribution; (viii) energy storage; (ix)  
59 renewable biofuels, including ethanol, biodiesel and advanced biofuels; (x) renewable,  
60 biodegradable chemicals; (xi) advanced thermal-to-energy conversion; (xii) nuclear fusion and  
61 fission; (xiii) hydrogen produced by non-fossil fuel sources and methods; (xiv) carbon capture

62 and sequestration; (xv) energy monitoring; (xvi) green building materials; (xvii) energy  
63 efficiency; (xviii) energy-efficient lighting; (xix) gasification and conversion of gas to liquid  
64 fuels; (xx) industrial energy efficiency; (xxi) demand-side management; and (xxii) fuel cells;  
65 provided, however, that "clean energy research" shall not include advanced and applied research  
66 in coal, oil, natural gas or nuclear power other than nuclear fusion and nuclear fission; (xxiii)  
67 energy storage.

68 SECTION 3. Section 8 of said chapter 23J, as so appearing, is hereby amended by  
69 striking out the third sentence and inserting in place thereof the following sentence:-

70 The grants shall include matching grants to such public institutions of higher  
71 education and such vocational technical schools for the development of small-scale renewable  
72 clean energy generating sources, energy storage technologies, energy efficiency innovations and  
73 energy transmission and distribution innovations, including, but not limited to: (i) photovoltaic  
74 installations; (ii) wind energy; (iii) ocean thermal, wave or tidal energy; (iv) fuel cells; (v)  
75 hydrogen produced by non-fossil fuel sources and methods; (vi) landfill gas; (vii) natural flowing  
76 water and hydroelectric; (viii) low-emission advanced biomass power conversion technologies  
77 using biomass fuels including, but not limited to, wood, agricultural or food wastes; (ix)  
78 renewable biogas, biodiesel or organic refuse-derived fuel; (x) geothermal energy, including  
79 networked geothermal and deep geothermal energy; (xi) nuclear fusion and fission, and (xii)  
80 energy storage; provided, however, that the matching grants shall not be awarded for such  
81 development if it includes as sources coal, oil or natural gas resources other than the sources  
82 enumerated here or nuclear power other than nuclear fusion.

83 SECTION 4. Section 9 of said chapter 23J is hereby amended by striking out, in line 118,  
84 as so appearing, the words “biomass thermal and” and inserting in place thereof the following  
85 words:- including networked geothermal and deep geothermal energy, and.

86 SECTION 5. Section 13 of said chapter 23J is hereby amended by striking out  
87 subsection (a), inserted by section 14 of said chapter 8, and inserting in place thereof the  
88 following subsection:-

89 (a) There shall be within the center a clean energy equity workforce and market  
90 development program to provide workforce training, educational and professional development,  
91 job placement, startup opportunities and grants to: (i) certified minority-owned and women-  
92 owned small business enterprises; (ii) individuals residing within an environmental justice  
93 community; (iii) current and former workers from the fossil fuel industry; and (iv) any other  
94 business or community that is underrepresented in the clean energy workforce or clean energy  
95 industry. The program shall promote participation in the commonwealth’s energy efficiency,  
96 clean energy and clean heating and cooling industries and promote access to the benefits of clean  
97 energy, clean transportation, electrification, energy efficiency and reducing the energy burden.  
98 The program shall: (i) identify the employment potential of the energy efficiency and clean  
99 energy industries and the skills and training needed for workers in those fields; (ii) maximize  
100 energy efficiency and clean energy employment opportunities for certified minority-owned and  
101 women-owned small business enterprises, individuals residing within an environmental justice  
102 community and any other business or community that is underrepresented in the clean energy  
103 workforce or clean energy industry; (iii) provide grants and support to community-based  
104 organizations and organizations serving environmental justice communities to expand access to  
105 clean energy, clean transportation, building electrification and energy efficiency or reduce the

106 energy burden in such communities; (iv) identify barriers to deployment of clean energy and  
107 energy storage resources to certified minority-owned and women-owned small business  
108 enterprises; (v) identify near-term deployment targets consistent with the state’s clean energy and  
109 climate change requirements and award incentives to deploy such resources; and (vi) make  
110 recommendations to the general court for policies to promote employment growth and access to  
111 jobs in the clean energy industry.

112 SECTION 6. Said chapter 23J is hereby further amended by adding the following  
113 section:-

114 Section 15. (a) There shall be established and placed within the center a separate  
115 fund to be known as the Clean Energy Investment Fund to be administered by the center. The  
116 fund shall be credited with: (i) revenue from appropriations or other money authorized by the  
117 general court and specifically designated to be credited to the fund; (ii) interest earned on such  
118 revenue; and (iii) funds from public and private sources and other gifts, grants and donations for  
119 the establishment and expansion of workforce training and development initiatives to support the  
120 clean energy industry; (iv) transfers from the Commonwealth Decarbonization and Energy  
121 Independence Fund established under section 2PPPPP of chapter 29. All amounts credited to the  
122 fund shall be used solely for activities and expenditures consistent with the public purposes of  
123 the fund as set forth in subsection (b), including the ordinary and necessary expenses of  
124 administration and operation associated with the fund. Amounts credited to the fund shall not be  
125 subject to further appropriation and any money remaining in the fund at the end of a fiscal year  
126 shall not revert to the General Fund.

127 (b) The center shall make expenditures from the fund for the purposes of:

- 128                   (i) advancing clean energy research and technologies to commonwealth-based  
129 investors, entrepreneurs and institutions that are involved in the clean energy industry;
- 130                   (ii) providing workforce development and technical training programs for public  
131 higher education and vocational-technical education institutions;
- 132                   (iii) developing a regional strategy for regional employment boards to support the  
133 development of the clean energy industry; provided, however, that the regional employment  
134 boards shall publish their findings as an addendum to their workforce development blueprints;
- 135                   (iv) supporting infrastructure, including, but not limited to, port infrastructure,  
136 development related to supporting the clean energy industry in the commonwealth;
- 137                   (v) matching funds to secure future federal funding to support the clean energy  
138 industry and clean energy research in the commonwealth;
- 139                   (vi) supporting research and development in the clean energy industry, including,  
140 but not limited to, the interrelationship between clean energy infrastructure and existing natural  
141 habitats, ecosystems and dependent species;
- 142                   (vii) supporting improved outcomes from the development of clean energy  
143 resources;
- 144                   (viii) supporting the long-term coexistence and sustainability of the fishing and  
145 clean energy industries; and
- 146                   (ix) providing for the necessary and reasonable administrative and personnel costs  
147 of the center or of the executive office of energy and environmental affairs related to  
148 administering the fund.

149 (c) The fund’s activity shall be included in the annual report required by the  
150 second paragraph of section 5.

151 SECTION 7. Subsection (a) of said section 16 of said chapter 25A, as so appearing, is  
152 hereby amended by adding the following 2 definitions: -

153 “Qualifying zero-emission vehicle”, a new or used motor vehicle: (i) that is a  
154 zero-emission vehicle; (ii) that has been manufactured primarily for use on public streets, roads  
155 and highways; (iii) that is registered within the commonwealth; (iv) whose purchaser’s primary  
156 residence or business location is within the commonwealth; and (v) whose purchaser files proof  
157 of primary residency and each qualifying vehicle’s registration within the commonwealth not  
158 later than 90 days after purchase.

159 “Zero-emission vehicle”, a motor vehicle that produces no engine exhaust carbon  
160 emissions.

161 SECTION 8. Said chapter 25A is hereby further amended by adding the following  
162 section:-

163 Section 19. (a) There shall be a Passenger Vehicle Decarbonization and Charging  
164 Station Fund to be expended, without further appropriation, by the department of energy  
165 resources for funding electric vehicle incentive programs and charging stations consistent with  
166 this section. The fund shall be credited with: (i) money from public and private sources,  
167 including gifts, grants and donations; (ii) interest earned on such money; (iii) any other money  
168 authorized by the general court and specifically designated to be credited to the fund; (iv) any  
169 funds provided from other sources; and (v) transfers from the Commonwealth Decarbonization  
170 and Energy Independence Fund established under section 2PPPPP of chapter 29. No expenditure



171 from the fund shall cause the fund to be deficient at the close of a fiscal year. Revenues  
172 deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the  
173 General Fund and shall be available for expenditure in the following fiscal year.

174 (b)(1) The department shall establish a program of rebates and other financial  
175 incentives to parties that purchase or lease a new or used qualifying zero-emission vehicle in the  
176 commonwealth. The program shall apply to individual and corporate fleet purchases of  
177 passenger cars and light duty, medium duty and heavy duty trucks, buses and vans; provided,  
178 however, that no rebate or other financial incentive shall be made available under this section for  
179 a zero-emission vehicle that is a passenger car or light duty truck with a sales price that exceeds  
180 \$60,000 or for a zero-emission vehicle that is leased for a period of less than 36 months. The  
181 department shall set a maximum sales price for medium duty or heavy-duty trucks, busses and  
182 vans.

183 (2) The program shall include a point-of-sale rebate model that offers consumers  
184 savings at the point of purchase.

185 (c) The department shall offer rebates of not less than \$3,500 and not more than  
186 \$5,000 for a qualifying zero-emission vehicle that is a passenger car or a light duty truck and  
187 meets the requirements under subsection (b). The department shall provide rebates of not less  
188 than \$4,500 and not more than \$6,000 for the purchase or lease of: (i) a qualifying zero-emission  
189 vehicle that is a medium duty or heavy duty truck, bus or van; or (ii) a qualifying zero-emission  
190 vehicle under said subsection (b) if an individual is purchasing or leasing the vehicle and trading  
191 in a vehicle with market value that has an internal combustion engine that is not an electric  
192 vehicle as defined in section 16; provided, however, that the vehicle with an internal combustion

193 engine has been continuously registered for the previous 2 years: (A) in the commonwealth; and  
194 (B) to the consumer or the consumer's immediate family.

195 (d) Consumers who install an electric vehicle charging stations. The rebate shall  
196 be \$500

197 (e) The department shall publish and regularly update cumulative data regarding  
198 usage of the programs established in this section, including, but not limited to, the number and  
199 dollar value per fiscal year of rebates and incentives provided, sortable by: (i) zip code,  
200 municipality, make, model, dealership and whether ownership is personal or corporate; (ii)  
201 vehicle type; and (iii) vehicle weight. Such information shall be published and regularly updated  
202 on a website maintained by or provided for the department. Annually, the department shall  
203 compile the data required to be collected under this paragraph in a report to be filed not later than  
204 September 1 for the previous fiscal year with the senate and house committees on ways and  
205 means, the joint committee on transportation and the joint committee on telecommunications,  
206 utilities and energy and the clerks of the house and senate. The report shall include an analysis  
207 of the programs established in this section, including, but not limited to, examining the cost-  
208 effectiveness of the programs in reducing greenhouse gas emissions.

209 (f) The department may promulgate regulations to implement this section

210 SECTION 9. Chapter 29 of the general laws is hereby amended by inserting after section  
211 200000 the following new section:-

212 Section 2PPPPP (a) There shall be established and set up on the books of the  
213 commonwealth the Commonwealth Decarbonization and Energy Independence fund the purpose  
214 of which shall be to provide funding for statewide, comprehensive, sustained efforts to reduce

215 and eliminate carbon emissions through a broad spectrum of strategies, mechanisms, and  
216 initiatives including but not limited to energy conservation, renewable energy generation and  
217 transmission, electric grid modernization, energy storage, the replacement of fossil fuel  
218 consuming vehicles and equipment and residential and commercial space conditioning  
219 equipment, and the promotion of any corresponding planning, design, construction and  
220 acquisition of facilities, technologies, or other means to achieve such goals and seek geographic  
221 equity and social and environmental justice.

222 The fund shall be administered by the Secretary of Administration and Finance, in  
223 consultation with the secretary of energy and environmental affairs, the secretary of  
224 transportation, and the secretary of housing and economic development, whom shall meet not  
225 less than quarterly for the purposes of such administration. The fund shall be credited with: (i)  
226 revenue from appropriations or other money authorized by the general court and specifically  
227 designated to be credited to the fund; (ii) interest earned on such revenues; and (iii) funds from  
228 public and private sources such as gifts, grants and donations. Amounts credited to the fund shall  
229 not be subject to further appropriation and any money remaining in the fund at the end of a fiscal  
230 year shall not revert to the General Fund.

231 (b) Amounts credited to the fund may be expended for purposes that assist the  
232 commonwealth in its efforts to a sustainable clean energy future including but not limited to the  
233 following funds (1) Clean Energy Investment Fund; (2) Passenger Vehicle Decarbonization and  
234 Charging Station Fund; (3) Fleet Modernization fund; and (4) Electric Grid Capacity, Reliability  
235 and Resilience Fund

236 (c) The Secretary of Administration and Finance shall annually develop an expenditure  
237 plan for the Commonwealth Decarbonization and Energy Independence Fund and said plan shall  
238 be submitted to the clerks of the house and senate 60 days prior to funds being expended

239 SECTION 10. Said Chapter 29 of the general laws is hereby further amended by inserting  
240 after section 2PPPPP the following new section:-

241 Section 2QQQQQ (a) There shall be established and set up on the books of the  
242 commonwealth the Fleet Modernization Fund, whose purpose shall be to provide funding for  
243 grants, subsidies, incentives, and other mechanisms to support and expedite the conversion of  
244 fleets of buses and other vehicles operated by regional transit authorities and public-school  
245 districts in the commonwealth from those powered by fossil fuels to zero emission vehicles, and  
246 to offset forgone revenue attributable to tax credits established by chapter 62 section 65 for  
247 commercial vehicle and equipment conversion to reduce emissions. The fund shall be credited  
248 with: (i) money from public and private sources, including gifts, grants and donations; (ii)  
249 interest earned on such money; (iii) any other money authorized by the general court and  
250 specifically designated to be credited to the fund; (iv) any funds provided from other sources;  
251 and (v) transfers from the Commonwealth Decarbonization and Energy Independence Fund  
252 established under section 2PPPPP of chapter 29. No expenditure from the fund shall cause the  
253 fund to be deficient at the close of a fiscal year. Revenues deposited in the fund that are  
254 unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available  
255 for expenditure in the following fiscal year.

256 The fund shall be administered by the Secretary of Transportation, in consultation with  
257 the Commissioner of the Department of Energy Resources and the chief executive officer of the

258 Massachusetts Clean Energy Center, pursuant to an annual plan, the development of which shall  
259 include not less than one public hearing, and which shall maximize geographic equity and social  
260 justice, provided that such plan shall be filed with the clerks of the House and Senate and the  
261 House and Senate Committees on Ways and Means and posted electronically not less than 60  
262 days prior to any expenditure prescribed by such plan. The secretary shall submit an annual  
263 accounting of all expenditures from the fund to the House and Senate Committees on Ways and  
264 Means, and the clerks of the House and Senate.

265 Mechanisms eligible for funding through the fund shall include, but not be  
266 limited to, grants or rebates for the purchase of zero emission vehicles, charging stations and  
267 related infrastructure, the planning, design and construction of necessary facilities and electrical  
268 system upgrades to support such vehicles, and energy storage infrastructure necessary to support  
269 the reliable operation of such vehicles and maximize opportunities for charging electric vehicles  
270 during periods of low electricity demand. Not more than 50% of any annual spending from the  
271 fund shall be allocated to either school districts or regional transit authorities.

272 SECTION 11. Said Chapter 29 of the general laws is hereby further amended by inserting  
273 after section 2QQQQQ the following new section:-

274 Section 2RRRRR. There shall be established and set up on the books of the  
275 commonwealth the Electric Grid Capacity, Reliability and Resilience Fund, whose purpose shall  
276 be to provide funding for grants, subsidies, incentives, and other mechanisms to support and  
277 expedite modernization of the electrical grid to ensure it can handle all of the new load, and all of  
278 the new renewable sources of electricity. The fund shall be credited with: (i) money from public  
279 and private sources, including gifts, grants and donations; (ii) interest earned on such money; (iii)

280 any other money authorized by the general court and specifically designated to be credited to the  
281 fund; (iv) any funds provided from other sources; and (v) transfers from the Commonwealth  
282 Decarbonization and Energy Independence Fund established under section 2PPPPP of chapter  
283 29. No expenditure from the fund shall cause the fund to be deficient at the close of a fiscal year.  
284 Revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to  
285 the General Fund and shall be available for expenditure in the following fiscal year.

286 The fund shall be administered by the Department of Energy Resources in consultation  
287 with the Department of Public Utilities, pursuant to an annual plan, the development of which  
288 shall include not less than one public hearing, and which shall maximize geographic equity and  
289 social justice, provided that such plan shall be filed with the clerks of the House and Senate and  
290 the House and Senate Committees on Ways and Means and posted electronically not less than 60  
291 days prior to any expenditure prescribed by such plan. The commissioner shall submit an annual  
292 accounting of all expenditures from the fund to the House and Senate Committees on Ways and  
293 Means, and the clerks of the House and Senate.

294 SECTION 12. Section 2A of chapter 61A of the General Laws is hereby amended by  
295 striking out subsections (b) and (c), as appearing in the 2020 Official Edition, and inserting in  
296 place thereof the following 3 subsections:-

297 (b) In addition to the use provided for in subsection (a), land used primarily and  
298 directly for agricultural purposes pursuant to section 1 or land used primarily and directly for  
299 horticultural use pursuant to section 2 may, in addition to being used primarily and directly for  
300 agriculture or horticulture, be used to site a renewable energy generating source as defined in  
301 subsection (b) of section 11F of chapter 25A that qualifies in accordance with a solar incentive

302 program for agriculture or horticulture sectors developed by the department of energy resources,  
303 if such renewable energy generating source does not impede the continued use of the land for  
304 agricultural or horticultural purposes pursuant to this chapter.

305 (c) Land used primarily and directly for agricultural purposes pursuant to section  
306 1 or land used primarily and directly for horticultural purposes pursuant to section 2 shall be  
307 deemed to be in agricultural or horticultural use pursuant to this chapter if used to simultaneously  
308 site a renewable energy generating source pursuant to subsection (a) or subsection (b).

309 (d) Renewable energy generating sources located on land used primarily and  
310 directly for agricultural purposes pursuant to section 1 or land used primarily and directly for  
311 horticultural purposes pursuant to section 2 shall be subject to the provisions afforded to land  
312 used for agriculture under section 3 of chapter 40A.

313 SECTION 13. Chapter 62 of the general laws is hereby amended by inserting after  
314 section 64 the following new section:-

315 Section 65. (a) There shall be a Massachusetts commercial vehicle and equipment tax  
316 credit. The department may authorize annually under this section together with section  
317 2QQQQQ of chapter 29 the total sum of \$10,000,000. The tax credits shall be available only for  
318 vehicles purchased to replace currently registered vehicles where such registered vehicles are  
319 being traded in or retired, and such new vehicles meet the requirement of Tier 3 emissions  
320 standards as defined by the Environmental Protection Agency under 40 CFR Parts 79, 80, 85, 86,  
321 600, 1036.

322 (b) The department of transportation in consultation with the department of revenue shall  
323 promulgate regulations to implement this section.

324 SECTION 14. section 139 of said chapter 164 is hereby further amended by inserting  
325 after subsection (i), as amended by section 85 of chapter 8 of the acts of 2021, the following  
326 subsection:-

327 (i 1/2) A Class I net metering facility greater than 25 kilowatts in nameplate  
328 capacity, a Class II net metering facility or a Class III net metering facility shall be exempt from  
329 the aggregate net metering capacity of net metering facilities and may net meter and accrue  
330 market net metering credits if it is generating renewable energy and serves on-site load, other  
331 than parasitic load.

332 SECTION 15. Section 83C of said chapter 169, as most recently amended by section 69  
333 of chapter 24 of the acts of 2021, is hereby further amended by striking out subsections (a) to (e),  
334 inclusive, and inserting in place thereof the following 5 subsections:-

335 (a) To facilitate the financing of offshore wind energy generation resources in the  
336 commonwealth, every distribution company shall jointly and competitively, in coordination with  
337 the department of energy resources, solicit proposals for offshore wind energy generation. If  
338 reasonable proposals have been received, each distribution company shall enter into long-term  
339 contracts that are cost-effective and promote economic development in the commonwealth.  
340 Long-term contracts executed pursuant to this section shall be subject to the approval of the  
341 department of public utilities and shall be apportioned among the distribution companies.

342 (b) The timetable and method for solicitations of long-term contracts shall be proposed  
343 by the department of energy resources in coordination with the distribution companies using a  
344 competitive bidding process and shall be subject to review and approval by the department of  
345 public utilities. The department of energy resources shall consult with the distribution companies



346 and the attorney general regarding the choice of solicitation methods. A solicitation may be  
347 coordinated and issued jointly with other New England states or entities designated by those  
348 states. The distribution companies, in coordination with the department of energy resources, may  
349 conduct 1 or more competitive solicitations through a staggered procurement schedule developed  
350 by the department of energy resources; provided, however, that the schedule shall ensure that the  
351 distribution companies enter into cost-effective long-term contracts for offshore wind energy  
352 generation equal to approximately 5,600 megawatts of aggregate nameplate capacity not later  
353 than June 30, 2027, including capacity authorized pursuant to section 21 of chapter 227 of the  
354 acts of 2018; and provided further, that individual solicitations shall seek proposals for not less  
355 than 400 megawatts of aggregate nameplate capacity of offshore wind energy generation  
356 resources. The staggered procurement schedule shall be developed by the department of energy  
357 resources and shall specify that any subsequent solicitation shall occur within 24 months of a  
358 previous solicitation. Proposals received pursuant to a solicitation under this section shall be  
359 subject to review by the department of energy resources and the executive office of housing and  
360 economic development, in consultation with the independent evaluator and the electric  
361 distribution companies for technical advice. The department of energy resources shall, in  
362 consultation with the independent evaluator, issue a final, binding determination of the winning  
363 bid; provided, however, that the final contract executed shall be subject to review by the  
364 department of public utilities. The department of energy resources may require additional  
365 solicitations to fulfill the requirements of this section. If the department of energy resources, in  
366 consultation with the independent evaluator, determines that reasonable proposals were not  
367 received pursuant to a solicitation, the department may terminate the solicitation and may require  
368 additional solicitations to fulfill the requirements of this section.

369 (c) In developing proposed long-term contracts, the distribution companies shall consider  
370 long-term contracts for renewable energy certificates, for energy and for a combination of both  
371 renewable energy certificates and energy. A distribution company may decline to pursue a  
372 contract if the contract's terms and conditions would require the contract obligation to place an  
373 unreasonable burden on the distribution company's balance sheet after consultation with the  
374 department of energy resources; provided, however, that the distribution company shall take all  
375 reasonable actions to structure the contracts, pricing or administration of the products purchased  
376 under this section to prevent or mitigate an impact on the balance sheet or income statement of  
377 the distribution company or its parent company, subject to the approval of the department of  
378 public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a  
379 distribution company deems all contracts to be unreasonable, the distribution company shall  
380 consult with the department of energy resources and, within 20 days of the date of its decision,  
381 submit a filing to the department of public utilities. The filing shall include, in the form and  
382 detail prescribed by the department of public utilities, documentation supporting the distribution  
383 company's decision to decline the contract. Following a distribution company's filing, and  
384 within 4 months of the date of filing, the department of public utilities shall approve or reject the  
385 distribution company's decision and may order the distribution company to reconsider any  
386 contract. The department of public utilities shall take into consideration the department of energy  
387 resources' recommendations on the distribution company's decision. The department of energy  
388 resources may require additional solicitations to fulfill the requirements of this section.

389 (d) The department of public utilities shall promulgate regulations consistent with this  
390 section. The regulations shall: (i) allow offshore wind developers of offshore wind energy  
391 generation to submit proposals for long-term contracts consistent with this section; (ii) require

392 that a proposed long-term contract executed by the distribution companies under a proposal be  
393 filed with and approved by the department of public utilities before becoming effective; (iii)  
394 provide for an annual remuneration for the contracting distribution company of 1.25 per cent of  
395 the annual payments under the contract to compensate the company for accepting the financial  
396 obligation of the long-term contract; provided, however, that such provision shall be acted upon  
397 by the department of public utilities at the time of contract approval; (iv) require associated  
398 transmission costs to be incorporated into a proposal; provided, however, that, to the extent there  
399 are transmission costs included in a bid, the department of public utilities may authorize or  
400 require the contracting parties to seek recovery of such transmission costs of the project through  
401 federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory  
402 Commission if the department finds such recovery is in the public interest; and (v) require that  
403 offshore wind energy generating resources to be used by a developer under the proposal: (A)  
404 where feasible, create and foster employment and economic development in the commonwealth;  
405 (B) provide enhanced electricity reliability, system safety and energy security; (C) contribute to  
406 reducing winter electricity price spikes; (D) are cost effective and beneficial to electric  
407 ratepayers in the commonwealth over the term of the contract, taking into consideration potential  
408 costs and benefits to the ratepayers, including potential economic and environmental benefits;  
409 (E) avoid line loss and mitigate transmission costs to the extent possible and ensure that  
410 transmission cost overruns, if any, are not borne by ratepayers; (F) adequately demonstrate  
411 project viability in a commercially reasonable timeframe; (G) allow offshore wind energy  
412 generation resources to be paired with energy storage systems; (H) include an initial  
413 environmental and fisheries mitigation plan for the construction and operation of such offshore  
414 wind facilities; and (I) mitigate impacts to the marine environment by providing financial and

415 technical assistance to support robust monitoring of wildlife and habitat through contributions to  
416 regional research efforts. The department of energy resources shall give preference to proposals  
417 that demonstrate benefits from: (i) documented, direct or performance-based economic  
418 development and employment activity, including opportunities for diversity, equity and  
419 inclusion; (ii) mitigation and avoidance of detrimental environmental and socioeconomic  
420 impacts; and (iii) benefits to environmental justice communities and low-income ratepayers in  
421 the commonwealth.

422 (e) A proposed long-term contract shall be subject to the review and approval of the  
423 department of public utilities. As part of its approval process, the department of public utilities  
424 shall consider recommendations by the attorney general, which shall be submitted to the  
425 department of public utilities within 45 days following the filing of a proposed long-term  
426 contract with the department of public utilities. The department of public utilities shall take into  
427 consideration the department of energy resources' recommendations on the potential costs and  
428 benefits to the rate payers, including economic and environmental benefits, and the requirements  
429 of chapter 298 of the acts of 2008 and chapter 21N of the General Laws. The department of  
430 public utilities shall consider the potential costs and benefits of the proposed long-term contract  
431 and shall approve a proposed long-term contract if the department finds that the proposed  
432 contract is a cost-effective mechanism for procuring beneficial, reliable renewable energy on a  
433 long-term basis, taking into account the factors outlined in this section. A distribution company  
434 shall be entitled to cost recovery of payments made under a long-term contract approved under  
435 this section."

436 SECTION 16. Notwithstanding any general or special law to the contrary by inserting  
437 after section \_ the following new section:- The department of energy resources shall make

438 recommendations to the general court on a successor program to the commonwealth's solar  
439 incentive program established in section 11 of chapter 75 of the acts of 2016. In developing  
440 recommendations, the department shall consider: (i) the benefits provided by distributed  
441 generation facilities including, but not limited to: (A) avoided energy purchases; (B) avoided  
442 capacity purchases; (C) avoided transmission and distribution costs; (D) avoided line losses; (E)  
443 avoided environmental compliance costs; (F) avoided damages from greenhouse gas emissions;  
444 (G) enhanced reliability; (H) equity and environmental justice benefits; and (I) any other benefits  
445 as may be determined by the department; (ii) time differentiated rates and alternative rates that  
446 encourage equity and alignment with the commonwealth's energy, climate and natural resources  
447 programs and policies; and (iii) the siting of clean energy projects in underserved communities  
448 and within the built environment on developed or degraded land. The department shall file the  
449 report with the clerks of the senate and house of representatives and the joint committee on  
450 telecommunications, utilities and energy not later than December 31, 2022.

451 SECTION 17. Notwithstanding any general or special law to the contrary there shall be  
452 established a Commercial Fisheries Commission, the purpose of which shall be to develop and  
453 recommend strategies, methods, and tools to promote the sustainability of the Commonwealth's  
454 commercial fishing industry, including but not limited to harvesting, processing and production,  
455 and sales and distribution. The commission shall address subjects including the responsible  
456 development of offshore energy projects, mitigation and support strategies to ensure the long  
457 term sustainability of Massachusetts Fisheries, the creation of a comprehensive infrastructure to  
458 enable effective dialogue between fishing industry stakeholders and those involved in the  
459 development of marine-based energy generation and transmission projects, including but not  
460 limited to the offshore generation and transmission. The commission shall consist of 15

461 members, whom shall be as follows:- the secretary of energy and environmental affair or their  
462 designee; the director of the division of marine fisheries who shall serve as chair; 12 members  
463 appointed by the Governor, 1 member from the Massachusetts Seafood Collaborative from a list  
464 of 3 nominees submitted by their board of directors, 1 member from the Massachusetts Fishing  
465 Partnership from a list of 3 nominees submitted by their board of directors, 1 member from the  
466 Stellwagen Bank Charter Boat Association from a list of 3 nominees submitted by their board of  
467 directors, 1 member from the Responsible Offshore Development Alliance from a list of 3  
468 nominees submitted by their board of directors, 1 member from the Fisheries Survival Fund from  
469 a list of 3 nominees submitted by their board of directors, 1 member from the Northeast Seafood  
470 Coalition from a list of 3 nominees submitted by their board of directors; 1 member from the  
471 Gloucester Fishermen's Wives from a list of 3 nominees submitted by their board of directors, 1  
472 member from the Massachusetts Lobstermen's Association from a list of 3 nominees submitted  
473 by their board of directors, 1 member from the Gloucester Fishing Community Preservation  
474 Fund from a list of 3 nominees submitted by their board of directors, 1 member from the Cape  
475 Cod Commercial Fishermen's Alliance from a list of 3 nominees submitted by their board of  
476 directors; 1 member from the Gloucester Fisheries Commission from a list of 3 nominees  
477 submitted by their board of directors; and 1 member from the Harbor Development Commission,  
478 dba New Bedford Port Authority from a list of 3 nominees submitted by commissioners.

479           The commission shall meet not less than 4 times each year, and shall produce a report  
480 annually, which shall be published electronically by the Executive Office of Energy and  
481 Environmental Affairs, whom shall provide administrative support for the operations of the  
482 commission, and filed with the clerks of the House and Senate. The provisions of this section

483 shall terminate 5 years following the passage of this act, unless otherwise terminated, modified,  
484 or extended.

485 SECTION 18. (a) Notwithstanding any general or special law to the contrary, the  
486 department of energy resources shall, not later than March 1, 2023, competitively solicit and  
487 procure proposals for offshore wind energy transmission sufficient to deliver energy generation  
488 procured pursuant to subsection (b) of section 83C of chapter 169 of the acts of 2008 from  
489 designated wind energy areas for which a federal lease was issued on or after January 1, 2012,  
490 that shall be developed independent of such offshore wind energy generation; provided, that  
491 offshore wind developers, as defined in section 83B of said chapter 169 shall be permitted to  
492 submit proposals pursuant to this section; provided further, that such transmission service shall  
493 be made available for use by more than 1 wind energy generation project; and provided further,  
494 that the department shall coordinate with the department of public utilities, electric distribution  
495 companies, other New England states or entities designated by those states and ISO New  
496 England, Inc. or a successor organization, in the solicitation and procurement of proposals for  
497 offshore wind energy transmission. The department shall be permitted to select 1 proposal,  
498 multiple proposals, or no proposals; provided, however, that the department may satisfy the  
499 requirement regarding proposal selection through federal funding in the form of a match, a grant,  
500 a loan, or through ownership and operation by the United States government that provides a  
501 comparable level of investment as would have otherwise been provided if the department had  
502 selected a single proposal or multiple proposals.

503 (b) In conducting the procurement for offshore wind energy transmission, the  
504 department of energy resources shall take into consideration the total amount of transmission  
505 needed to achieve the commonwealth's offshore wind and decarbonization goals as well as

506 demonstrable benefits to the consumer and environment and in terms of electric system  
507 reliability and avoided upgrade costs to the existing transmission grid. The department shall  
508 consider proposals that include, but shall not be limited to, upgrading the existing grid, extending  
509 the grid closer to offshore wind locations, determining optimal landfall approaches or  
510 interconnecting between offshore substations. If federal grants or other federal funding for  
511 transmission and distribution become available, the department may modify a procurement, prior  
512 to selecting a proposal, in order to satisfy federal eligibility criteria.

513 (c) Not later than September 31, 2023, the department of energy resources shall  
514 submit a report to the clerks of the house of representatives and the senate and the chairs of the  
515 joint committee on telecommunications, utilities and energy, that: (1) outlines the design and  
516 conduct of the solicitation and procurement process; (2) identifies and recommends any  
517 improvements to the solicitation and procurement process; and (3) provides, in the event that the  
518 department does not choose a proposal, a comprehensive explanation of their decision, including  
519 the extent to which the department's consideration of factors in subsection (b) played a role in  
520 said decision

521 SECTION 19. The department of energy resources, acting independently, in concert with  
522 the New England Energy Vision, or a combination thereof, shall conduct a comprehensive  
523 investigation, study, and analysis of the electric grid serving the commonwealth, for purposes  
524 including but not limited to making recommendations for statutory and regulatory changes and  
525 targeting investment so as to ensure the suitability of the grid to accommodate increased loads  
526 projected to result from the transition of vehicles from those powered by fossil fuels to those  
527 powered by electricity, from increased utilization of electricity for heating, ventilation and air  
528 conditioning , and other factors, and to accept and transmit, deliver, and distribute in a resilient



529 and efficient manner electricity from storage and renewable sources such as solar, wind, and  
530 hydroelectric generation. In carrying out the provisions of this section, the department shall give  
531 full consideration to factors including but not limited to consumer costs, the availability and  
532 geographic location of sources of electricity that are currently present and reliably projected to be  
533 available in the future, projected electric demand consistent with the commonwealth's 5 year  
534 energy plan, geographic equity, socio-economic equity and environmental justice.

535         The department shall carry out the provisions of this section in consultation with other  
536 relevant state agencies, including but not limited to the department of public utilities, the clean  
537 energy center, the executive office of transportation, the executive office of housing and  
538 economic development, the executive office of energy and environmental affairs, and the  
539 Independent System Operator for New England. (ISO New England) and may contract for the  
540 services of one or more entities with relevant and necessary experience and expertise in fulfilling  
541 its obligations contained herein, provided further that the department shall conduct stakeholder  
542 meetings as necessary and not less than three public hearings in geographically diverse regions  
543 of the commonwealth pursuant to this section.

544         Specific elements of focus by the department shall include but not be limited to the  
545 following:

546                     1. Components of the current electric grid that are vulnerable to  
547 disruption due to climate change, weather events such as storms and flooding, and terrorist or  
548 other subversive actions, and necessary steps to reduce or eliminate such vulnerability.

549                     2. Current and projected future supplies of electricity originating  
550 from renewable sources, including but not limited to storage, wind, solar, hydroelectric and

551 hydrogen - based mechanisms, the capacity of the grid to receive, transmit and distribute them.,  
552 and any necessary changes, improvements, or modifications necessary to ensure the capacity to  
553 accommodate such supplies.

554 3. Current load demands and those projected to reliably result  
555 from a transition from vehicles and equipment consuming fossil fuels to those powered by  
556 electricity, the ability of the grid to accommodate such loads, and any necessary changes,  
557 modifications, or improvements necessary to respond to such demands.

558 4. Requirements for the grid to facilitate the necessary import of  
559 electricity supplies from sources outside the commonwealth to meet the requirements of load  
560 demand and the Global Warming Solutions Act as established by chapter 169 of the acts of 2008,  
561 including but not limited to those produced by nuclear, hydroelectric, solar, and land and marine  
562 based wind generation, and physical, regulatory, statutory and other barriers, and steps to address  
563 those barriers.

564 5. Estimated costs attributable to the actions identified in items 1,  
565 2, 3, and 4 above, and mechanisms to fund such actions.

566 6. Obstacles to the interconnection to the grid of storage and  
567 renewable generation facilities in the commonwealth in a timely, efficient and effective manner,  
568 including but not limited to delays in timing and unduly burdensome costs for predicate activities  
569 for interconnection approvals such as studies and permitting, and remedial actions to address  
570 such obstacles, including but not limited to statutory and regulatory changes, and funding to  
571 expedite such interconnections.

572           The department shall produce one or more reports detailing its findings, the results of its  
573 analysis, investigation and study, together with recommendations and cost estimates and the  
574 means to address such costs, beginning not later than twelve months following the passage of  
575 this act, provided that all such reports shall be filed not later than 36 months following the  
576 passage of this act, provided further that the costs associated with this section shall be borne by  
577 funds dispersed from the Electric Grid Capacity, Reliability and Resilience Fund established  
578 under section 2RRRRR of chapter 29.

579           SECTION 20. Notwithstanding any general or special law to the contrary, not later than  
580 14 days after the effective date of this act, the state comptroller shall transfer from the General  
581 Fund \$250,000,000 to the Commonwealth Decarbonization and Energy Independence fund  
582 section 2PPPPP of chapter 29.

583           SECTION 21. At the request of the secretary of administration and finance, the  
584 comptroller shall transfer up to \$250,000,000 from the federal COVID-19 response fund  
585 established in section 2JJJJJ of chapter 29 of the General Laws to the Commonwealth  
586 Decarbonization and Energy Independence fund established in section 2PPPPP of chapter 29 of  
587 the General Laws. Prior to requesting such transfers, the secretary of administration and finance,  
588 in consultation with the secretary of energy and environmental affairs, shall assess the cash flow  
589 needs of the Commonwealth Decarbonization and Energy Independence fund. The secretary of  
590 administration and finance may request transfers on a periodic or ad hoc schedule so long as the  
591 cumulative amount of said transfers does not exceed the limit established in this section. The  
592 Massachusetts clean energy technology center shall be responsible, in conjunction with the  
593 executive office for administration and finance, in assuring that all policies and procedures  
594 necessary for the administration of the Commonwealth Decarbonization and Energy

595 Independence Fund comply with 2 CFR Part 200, 31 CFR Part 35, and all other applicable rules  
596 and regulations. The secretary of administration and finance shall report to the clerks of the  
597 house and senate and the house and senate ways and means committee at least 60 days prior to  
598 any transfer authorized under this section.

599 SECTION 22. The secretary of administration and finance shall transfer from the  
600 Commonwealth Decarbonization and Energy fund as established under section 2PPPPP of  
601 chapter 29 from the funds received under this act in the following manner, (i) not less than 30 per  
602 cent to the clean energy investment fund as established under section 15 of chapter 23J, (ii) not  
603 less than 30 per cent to the Passenger Vehicle Decarbonization and Charging Station Fund as  
604 established under section 19 of chapter 25A, (iii) not less than 30 percent to the Fleet  
605 Modernization Fund as established under section 2QQQQQ of chapter 29, and (iv) not more than  
606 5 per cent to the Electric Grid Capacity, Reliability and Resilience Fund as established under  
607 section 2RRRRR of chapter 29. The secretary of administration and finance shall report to the  
608 clerks of the house and senate and the house and senate ways and means committee at least 60  
609 days prior to any transfer authorized under this section

610 SECTION 23. Not later than 12 months following the passage of this act, the  
611 Massachusetts Bay Transportation Authority shall submit a plan to the Joint Committee on  
612 Transportation, the Committees on Ways and Means of the House and Senate, the Joint  
613 Committee on Environment, Natural Resources and Agriculture, the Joint Committee on  
614 Telecommunications and Energy and the clerks of the House and Senate, to ensure that all buses  
615 operated by the authority by 2032 are zero emission vehicles, provided that such plan shall  
616 include the estimated costs of achieving that goal, and the sources of funding to meet such costs.