

SENATE No. 2132

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 instituting a governance structure for Mass Save.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/23/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/23/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>

SENATE No. 2132

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2132) of Michael J. Barrett, Joanne M. Comerford, Lindsay N. Sabadosa, Maria Duaine Robinson and other members of the General Court for legislation to institute a governance structure for Mass Save. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act instituting a governance structure for Mass Save.

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

1 SECTION 1. The General Laws are hereby amended by inserting after section 11I of
2 chapter 25A the following section:-

3 Section 11J. Mass Save Board of Directors.

4 (a) A board, with duties and powers established pursuant to this section, shall govern
5 Mass Save, the commonwealth’s residential conservation service program, and among its
6 members shall be: the secretary of energy and environmental affairs or her designee; 1 individual
7 appointed by the energy efficiency advisory council; 1 individual appointed by the Department
8 of Public Utilities; 1 representative of each program administrator; the director of the energy
9 efficiency division of the Department of Energy Resources; the sustainability program developer
10 from the Department of Housing and Community Development; 1 individual appointed by the
11 Metropolitan Area Planning Council; and 8 individuals appointed by the governor, 3 of whom

12 shall reside in environmental justice communities as defined in section 62 of chapter 30, 1 of
13 whom shall be an expert in building envelope performance, 1 of whom shall have expertise in
14 energy efficiency, 1 of whom shall have expertise in appliance efficiency, and 2 of whom shall
15 have expertise in the economics of greenhouse gas reductions.

16 A vacancy occurring on the board shall be filled within 90 days by the original
17 appointing authority. A person appointed to fill a vacancy shall serve initially only for the
18 unexpired term. Members of the board shall be eligible for reappointment.

19 (b) The board shall work with the executive director appointed pursuant to this section to
20 plan, coordinate, oversee, review, and advise with respect to, the Mass Save program of the
21 commonwealth. The board shall be responsible for tracking and assessing said program's role in,
22 and contributions to, the commonwealth's achieving limits and sublimits set pursuant to chapter
23 21N, with respect to greenhouse gas emissions and reductions thereto, including the progress of
24 the program in meeting all goals set by the secretary pursuant to section 3B of chapter 21N. The
25 board shall be further responsible for optimizing the cost-effectiveness of Mass Save program
26 expenditures in relation to their role in, and contributions to, achieving such greenhouse gas
27 emissions limits and sublimits and in relation to improving the energy and emissions efficiency
28 of the building stock of the commonwealth.

29 (c) Meetings of the board shall be subject to sections 18 to 25, inclusive, of chapter 30A.
30 The board shall be subject to all other provisions of said chapter 30A and records pertaining to
31 the administration of the board shall be subject to section 42 of chapter 30 and section 10 of
32 chapter 66. Except as otherwise provided in this section, the operations of the board shall be
33 subject to chapter 268A and chapter 268B.

34 (d) The board shall appoint an executive director by a majority vote. The executive
35 director shall be selected without regard to political affiliation and solely on the basis of the
36 qualifications and experience that the board determines necessary to fulfill the mission of the
37 Mass Save program. The executive director may not hold an affiliation with any participating
38 utility. The executive director shall supervise the administrative affairs and general management
39 and operations of the board and Mass Save program. The executive director shall receive a salary
40 commensurate with the duties of the office. The executive director may, with the approval of the
41 board, appoint other officers and employees of the board necessary to the functioning of the
42 Mass Save program.

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

47 The board may remove the executive director from office, for cause, by a majority vote.
48 The reasons for removal of the executive director shall be stated in writing and shall include the
49 basis for such removal.

50 (e) The executive director shall, with the approval of the board: (i) plan, direct,
51 coordinate and execute administrative functions in conformity with the policies and directives of
52 the Mass Save program; (ii) employ professional and clerical staff as necessary; (iii) report to the
53 board on all operations under their control and supervision; (iv) prepare an annual budget and
54 manage the administrative expenses of said program; (v) oversee coordination between the
55 energy efficiency advisory council, the participating utilities, and the Department of Public

56 Utilities; and (vi) undertake any other activities necessary to implement the powers and duties of
57 said program, pursuant to chapter 25 of the General Laws, section 11A of chapter 25A, section
58 11G of chapter 25A, and section 134 of chapter 164.

59 Annually, the executive director shall file an operations report with the Secretary of
60 Energy and Environmental Affairs and with the chairs of the joint committee on
61 telecommunications, utilities and energy of the senate and house of representatives and the
62 senate and house committees on ways and means. The report shall contain, but not be limited to,
63 an analysis of the cost-effectiveness of the program in relation to reducing greenhouse gas
64 emissions and an analysis of the contribution of the Mass Save program, expressed in tons of
65 carbon dioxide equivalent, to meeting any and all statewide greenhouse gas emissions limits and
66 sublimits. The executive director shall file amendments to the report with the secretary, the
67 clerks of the senate and house of representatives and the senate and house committees on ways
68 and means when any such amendment becomes effective.