



Acts
2008

CHAPTER 307 AN ACT RELATIVE TO GREEN JOBS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote forthwith job creation and clean energy technology, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Chapter 10 of the General laws is hereby amended by striking out section 35FF, inserted by section 10 of chapter 140 of the acts of 2007, and inserting in place thereof the following section:-

Section 35FF. (a) There is hereby established and placed within the Massachusetts clean energy technology center established in section 2 of chapter 23J, hereinafter referred to as the center, a fund to be known as the Massachusetts Alternative and Clean Energy Investment Trust Fund, hereinafter referred to as the fund, to be held by the center separate and apart from its other funds, to finance the activities of the center. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the center, any pension funds, federal grants or loans, royalties, equity ownership in public or private companies or private investment capital which may properly be applied in furtherance of the objectives of the fund, any proceeds from the sale of qualified investments secured or held by the fund, any fees and charges imposed relative to the making of qualified investments, as the same shall be defined by the center, secured or held by the fund and any other monies which may be available to the center for the purposes of the fund from any other source or sources. Any revenues, deposits, receipts or funds received through the receipt of royalties, dividends, equity ownership in public or private companies or the sale of equity instruments, inclusive, shall be deposited in the fund and shall be available expressly to the center without further appropriation.

(b) The center shall, in consultation with the advisory committee established in subsection (d) and the secretary of administration and finance, invest and reinvest the fund and the income thereof only as follows: (1) in the making of qualified investments approved by the board established in subsection (b) of section 2 of chapter 23J, pursuant to rules approved by said board; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the center; provided, however, that said administrative and operational expenses shall not exceed 15 per cent of the total assets of the fund in any 1 fiscal year; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the

commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity.

(c) The fund shall be held and applied by the center, subject to the approval of the board, and in consultation with said advisory committee to make qualified investments designed to advance the following public purposes in the commonwealth: (1) to stimulate increased financing for the expansion of state-of-the-art clean energy research and development facilities by leveraging private financing and providing financing related thereto including, without limitation, financing for the construction or expansion of such facilities; (2) to provide grants to state educational institutions to develop a curriculum relative to clean energy and clean energy technology; (3) to make targeted investments in clean energy research and to promote manufacturing activities for new or existing advanced clean energy technologies; (4) to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant-funding sources to fund the expansion of research and development in clean energy; (5) to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of grants of the type described in clause (4) awarded or to be awarded by the federal government, industry or other sources; (6) to promote programs and investments that lead to pathways towards economic self-sufficiency for low and moderate-income communities in the clean energy industry; provided, however, that said programs shall prioritize investments that serve individuals in families with incomes that do not exceed 300 per cent of the federal poverty level, as determined by the United States Census Bureau or a self-sufficiency standard, as determined by the executive office of administration and finance that shall include but not be limited to, the income needs of families, family size, the number and ages of children in the family and geographical considerations; and (7) to make any other expenditure provided by this section.

The center shall not make a qualified investment under clause (1) of subsection (b) unless: (i) said qualified investment has been approved by a majority vote of the board; and (ii) the center finds that, to the extent possible, said qualified investment is such that a defined benefit to the economy of the commonwealth may reasonably be expected therefrom; provided, however, that in evaluating a request or application for funding, the center shall consider whether: (1) the proposed project fulfills the public purposes of the center; (2) the project has significant potential to expand clean energy related employment in the commonwealth; (3) the project has the potential to enhance technological advancements in clean energy; (4) the project has the potential to result in the development of advancements in environmental protection and reduce the cost of energy; (5) the project has the potential to leverage additional funding or to attract additional energy resources to the commonwealth; (6) the project has the potential to stimulate clean energy manufacturing in the commonwealth; (7) the project includes a plan to facilitate collaboration with state and local workforce development programs; or (8) the program leads to pathways towards economic self-sufficiency for low and moderate-income communities in the clean energy industry as established provided in clause (6).

The center shall not make a qualified investment under said clause (1) of said subsection (b) unless such qualified investment is in conformity with rules adopted by the center and approved by the board. Said rules shall set the terms and conditions for investments which constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments, equity ownership in public or private companies, grants made pursuant to clause (4) of subsection (c) or other financing or credit enhancing devices, as made by the center directly or on its own behalf or in conjunction with other public instrumentalities, private institutions or the federal government.

Said rules shall also set forth the terms, procedures, standards and conditions which the center shall employ to identify qualified applications, process applications, make investment determinations, safeguard the fund, advance the objective of increasing employment opportunities in the commonwealth, oversee the progress of qualified investments and secure the participation of other public instrumentalities, private institutions or the federal government in such qualified investments; provided, however, that said rules shall provide for negotiated intellectual property agreements between the center and each recipient of a qualified investment which shall include the terms and conditions by which the fund's support thereof may be reduced or withdrawn; and provided further, that all revenues or financial interests of any kind received by the center as a result of said intellectual property agreements shall be placed, in their entirety, in the fund.

Copies of the approved rules, and any modifications thereto, shall be submitted annually to the clerks of the house of representatives and the senate, who shall forward the same to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on telecommunication, utilities and energy and the joint committee on environment, natural resources and agriculture.

(d) There shall be an advisory committee to be appointed by the governor consisting of 15 individuals with an interest and knowledge in matters related to the general purpose and activities of the fund and with expertise and experience in at least 1 of the following areas: clean energy technology research, clean energy technology development, clean energy investing, management of clean energy companies, making or advancing clean energy policy, clean energy curriculum development or workforce training in the field of clean energy or energy efficiency. The board shall consult with the advisory committee in matters related to the fund and in the implementation of this section.

(e) Qualified investment transactions undertaken by the center pursuant to this section shall not, except as specified in this section, be subject to chapter 175, and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the center or any subdivision of the commonwealth and shall be payable solely from the Massachusetts Alternative and Clean Energy Investment Trust Fund.

All available moneys in the Massachusetts Alternative and Clean Energy Investment Trust Fund that are unexpended at the end of each fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

SECTION 2. The General Laws are hereby amended by inserting after chapter 23I the following chapter:-

Chapter 23J
Massachusetts Clean Energy Technology Center

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

“Board”, the board of directors of the center.

“Bonds”, when used in reference to the center, any bonds, notes, debentures, interim certificates or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements.

“Center”, the Massachusetts clean energy center established by section 2.

“Clean energy”, advanced and applied technologies that significantly reduce or eliminate the use of energy from non-renewable sources, including, but not limited to: energy efficiency; demand response; energy conservation and those technologies powered in whole or in part by the sun, wind, water, biomass, alcohol, wood, fuel cells any renewable, non-depletable or recyclable fuel and for purposes of this Act, an alternative energy generating source as defined in clauses (1) to (5), inclusive, of subsection (a) of section 11F1/2 of chapter 25A.

“Clean energy research”, advanced and applied research in new clean energy technologies including: solar photovoltaic; solar thermal; wind power; geothermal; wave and tidal energy; advanced hydropower; energy storage for automotive applications; energy storage for grid applications; biofuels, including ethanol, biodiesel and advanced biofuels; renewable, biodegradable chemicals; advanced thermal-to-energy conversion; hydrogen; carbon capture and sequestration; energy monitoring; green building materials; energy-efficient lighting; gasification and conversion to liquids fuels; industrial energy efficiency; demand-side management; fuel cells; and other technologies that the board considers to qualify under the definitions herein; provided, however, that “clean energy research” shall not include coal, oil, natural gas except when used in fuel cells or nuclear power.

“Contribution agreement”, an agreement authorized under this chapter in which a private entity or public entity other than the commonwealth agrees to provide to the center contributions for the purpose of promoting clean energy research.

“Federal agency”, an office, agency, division, department, board or commission of the United States government.

“Fund”, the Massachusetts Alternative and Clean Energy Investment Trust Fund established in subsection (a) of section 35FF of chapter 10.

“Person”, a natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations and partnerships and subordinate instrumentalities of any 1 or more political subdivisions of the commonwealth.

“Public body”, the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds or assets, including any municipality or district for which the issuance of debt is governed or limited by chapter 44.

“Revenues”, any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the center including, without limitation: equity ownership in public or private companies; income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the center in connection with any project; and amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof; proceeds of foreclosure; and any other fees, charges or other income received or receivable by the center.

Section 2. (a) There is hereby established a body politic and corporate to be known as the Massachusetts clean energy technology center. The center is hereby constituted a public instrumentality and the exercise by the center of the powers conferred by this chapter shall be considered to be the performance of an essential governmental function.

The center is hereby placed in the executive office of energy and environmental affairs, but shall not be subject to the supervision or control of said office, or of any board, bureau, department or other center of the commonwealth, except as specifically provided for in this chapter.

The center shall promote and advance the commonwealth’s public interests by: (i) acting as the commonwealth’s lead agency, in collaboration with the Massachusetts Renewable Energy Trust Fund established in section 4E of chapter 40J, in the promotion and development of jobs in the clean energy sector; (ii) promoting research and workforce training in clean energy technology at the commonwealth’s public institutions of higher education, as defined in section 5 of chapter 15A, and vocational technical schools, as established in sections 14 and 15, chapter 74 or any vocational technical school that meets the programmatic requirements established by the department of elementary and secondary education; (iii) stimulating the creation and development of new clean energy ventures that will form the foundation of a strong clean energy industry sector or cluster in the commonwealth; (iv) providing support to existing clean energy companies to expand their operations within the commonwealth; (v) attracting new capital and research facilities from institutions outside the commonwealth; (vi) fostering collaboration between industry, state government, research universities and the financial sector to advance clean energy technology commercialization and venture development; (vii) conducting market research to identify barriers to creating and expanding a clean technology industry, including job training needs; (viii) supporting demonstration projects that are evaluated by independent, third-party peer research institutions; (ix) serving as the clearinghouse for information related to the clean energy industry in the commonwealth; (x) promoting programs and investments that lead to pathways towards economic self sufficiency for low and moderate-income individuals and communities in the clean energy industry; and (xi) performing any other actions necessary to effectuate the state’s public interests.

(b) The center shall be governed and its corporate powers exercised by a board of directors consisting of 14 directors: 1 of whom shall be the secretary of energy and environmental affairs or his designee;

1 of whom shall be the secretary of housing and economic development or his designee; 1 of whom shall be the secretary of labor and workforce development or his designee; 1 of whom shall be the president of the University of Massachusetts or his designee; 1 of whom shall be a chair of the New England Clean Energy Council; 1 of whom shall be the chair of the Massachusetts Renewable Energy Trust; 1 of whom shall be the executive director of the Massachusetts Technology Collaborative; 1 of whom shall be the executive director of the Massachusetts Workforce Alliance; and 6 of whom shall be appointed by the governor, 2 of whom shall be presidents of private colleges or universities in the commonwealth or their designees, 1 of whom shall be an engineer or scientist with expertise in clean energy technology, 1 of whom shall be a venture capitalist with expertise in clean energy technologies in the commonwealth, 1 of whom shall be the president of a Massachusetts community college or his designee, and 1 of whom shall be a chief executive officer of a Massachusetts-based clean energy corporation. Each of the 6 directors appointed by the governor shall serve for a term of 5 years, except that in making his initial appointments, the governor shall appoint 1 director to serve for a term of 1 year, 1 director to serve for a term of 2 years, 1 director for a term of 3 years, 1 director for a term of 4 years and 2 directors for a term of 5 years. The secretary of energy and environmental affairs or his designee shall serve as chairperson. A director shall be eligible for reappointment. A director may be removed from his appointment by the governor for cause. A person appointed to fill a vacancy in the office of an appointed director of the board shall be appointed in a like matter and shall serve for only the unexpired term of such director.

(c) Six directors shall constitute a quorum and the affirmative vote of a majority of directors present at a duly-called meeting where a quorum is present shall be necessary for any action to be taken by the board. An action required or permitted to be taken at a meeting of the directors may be taken without a meeting if all of the directors consent in writing to such action and such written consents are filed with the records of the minutes of the meeting of the board. Such consents shall be treated for all purposes as a vote at a meeting.

The directors of the board shall serve without compensation, but each director shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(d) Chapter 268A shall apply to all directors.

(e) The board may appoint and employ an executive director, and fix his compensation and conditions of employment. The executive director shall have a full range of previous experience in the clean energy industry, including previous executive experience within the clean energy industry. The executive director shall be the chief executive, administrative and operational officer of the center and shall direct and supervise the administrative affairs and the general management of the center. The executive director may, subject to the general supervision of the board, employ other employees, consultants, agents, including legal counsel and advisors, and shall attend meetings of the board.

(f) The board shall elect a secretary and a treasurer. The secretary shall keep a record of the proceedings of the board and shall be the custodian of all books, documents and papers filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the center and shall certify that such copies are true copies, and all

persons dealing with the center may rely upon such certification. The treasurer shall be the chief financial and accounting officer of the center and shall be in charge of its funds, books of account and accounting records. The books and records of the center shall be subject to a biennial audit by the auditor of the commonwealth.

(g) All officers and employees of the center having access to its cash or negotiable securities shall give bond to the center, at its expense, in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in 1 or more blanket or scheduled bonds.

(h) The directors and officers of the board who are not compensated employees of the center shall not be liable to the commonwealth, to the center or to any other person as a result of their activities, whether ministerial or discretionary, as such directors or officers except for willful dishonesty or intentional violations of law. Neither members of the center nor any person executing bonds or policies of insurance shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The board of directors may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims by others.

(i) The center shall continue as long as it shall have bonds or insurance or guarantee commitments outstanding and until its existence is terminated by law. Upon the termination of the existence of the center, all rights, title and interest in and to its assets and its obligations, duties, covenants, agreements and obligations shall vest in and be possessed, performed and assumed by the commonwealth.

(j) An action of the center may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the board shall be subject to section 11A1/2 of chapter 30A; but said section 11A1/2 shall not apply to any meeting of members of the center serving ex officio in the exercise of their duties as officers of the commonwealth so long as no matters relating to the official business of the center are discussed and decided at the meeting. The center shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the center shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the center shall be considered to be public funds for purposes of chapter 12A. The operations of the center shall be subject to chapters 268A and 268B and all other operational or administrative standards or requirements to the same extent as the office of state treasurer.

(k) Any documentary materials or data whatsoever made or received by a member or employee of the center and consisting of, or to the extent that such materials or data consist of, trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for any form of assistance which the center is empowered to render or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records of the center and shall not be subject to section 10 of chapter 66. Any discussion or consideration of such trade secrets or commercial or financial information may be held by the board in executive sessions closed to the public, notwithstanding section 11A1/2 of chapter 30A, but the purpose of any such executive session shall be set forth in the official minutes of the center and no business which is not directly related to such purpose shall be transacted nor shall any vote be taken during such executive session.

Section 3. (a) The center shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the powers:

- (1) to adopt and amend by-laws, regulations and procedures for the governance of its affairs and the conduct of its business, notwithstanding chapter 30A;
- (2) to establish standards requiring that any grant, loan or other appropriation of funds pursuant to this chapter be subject to an intellectual property agreement between the center and the recipient person; provided, however, that said intellectual property agreements shall balance the opportunity for the commonwealth to benefit from the patents, royalties and equity ownership in public and private companies and licenses with the need to ensure that essential clean energy research shall not be unreasonably hindered by the intellectual property agreements; and provided further, that all revenues or financial interests of any kind received by the center as a result of said intellectual property agreements shall be placed, in their entirety, in the fund.
- (3) to adopt an official seal;
- (4) to maintain offices within the commonwealth as it may determine and to conduct meetings of the center in accordance with the by-laws of the center and the second paragraph of section 59 of chapter 156B;
- (5) to sue and be sued, to prosecute and defend actions relating to its properties and affairs and to be liable in tort in the same manner as a private person; provided, however, that the center is not authorized to become a debtor under the United States Bankruptcy Code;
- (6) to appoint officers and employees and to engage consultants, agents and advisors;
- (7) to enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of this chapter; provided, however, that such contracts and agreements may include, without limiting the foregoing, construction agreements, purchase or acquisition agreements, loan or lease agreements, partnership agreements including limited partnership agreements, joint ventures, participation agreements, service agreements with clean energy entities, environmental, educational or other financial institutions or intermediaries and agreements with 1 or more persons for the servicing of loans made by the center, including the receipt by such servicer of payments made by a user under a financing document and provided further, that any such payments shall constitute trust funds to be held and applied solely as provided in such agreement for the servicing of loans, shall constitute pledged funds of the center and shall be entitled to the same protection when received by a person for the servicing of loans, without the need for filing and recording of the servicing agreement under chapter 106 or otherwise, except in the records of the center, as is afforded to funds received by an issuer and pledged to a trustee under section 14 of chapter 40D;
- (8) to acquire real and personal property, or any interest in real or personal property, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage any interest owned by it or under its control, custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals,

- proceed with foreclosure actions or take any other actions necessary or incidental to the performance of its corporate purposes;
- (9) to invest funds held in reserves or sinking funds, or the Massachusetts Alternative and Clean Energy Investment Trust Fund, or funds not required for immediate disbursement, in such investments as may be provided in a financing document relating to the use of such funds, or, if not so provided, as the board may determine;
- (10) to review and recommend changes in laws, rules, programs and policies of the commonwealth and its agencies and subdivisions to further the enhancement of clean energy financing, infrastructure, siting, manufacturing and development within the commonwealth;
- (11) to appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (12) to obtain insurance;
- (13) to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes; provided, however, that the center shall not accept funding from any source, including any federal agency, if the receipt of said funding would limit the center's ability to promote its public purposes; and provided further, that all such funds shall be placed, in their entirety, in the fund;
- (14) to enter into agreements with public and private entities that deal primarily with clean energy technologies, in order to distribute and provide leveraging of monies or services for the purposes of furthering research and development, aiding in the promotion of environmental protection, creating jobs in clean energy and promoting overall economic growth by fostering collaboration and investments in clean energy in the commonwealth;
- (15) to provide and pay for such advisory services and technical assistance as may be necessary or desired to carry out the purposes of this chapter;
- (16) to establish and collect such fees and charges as the center without further appropriation shall determine to be reasonable, and to receive and apply revenues from fees and charges to the purposes of the center or allotment by the commonwealth or any political subdivision thereof; provided, however, that all said revenues shall be placed, in their entirety, in the fund;
- (17) to make loans to any person for the acquisition, construction, alteration or any combination thereof, or other financing of a project including, but not limited to, loans to lending institutions under terms and conditions requiring the proceeds of such loans to be used by such lending institutions for the making of loans to users for qualified projects;
- (18) to disburse, appropriate, grant, loan or allocate funds for the purposes of investing in clean energy as directed in this chapter;
- (19) to provide assistance to local entities and authorities, public bodies and private corporations for the purposes of maximizing opportunities for expanding clean energy technologies, attracting new clean energy entities and advanced technology investments, fostering new innovative research and creating new manufacturing and development initiatives in the commonwealth;
- (20) to prepare, publish and distribute, with or without charge, as the center may determine, such studies, reports and bulletins and other material as the center deems appropriate;

- (21) to exercise any other powers of a corporation organized under chapter 156B;
- (22) to engage accountants, architects, attorneys, engineers, planners, real estate experts and other consultants as may be necessary in its judgment to carry out the purposes of this act and to fix their compensation;
- (23) to take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this chapter;
- (24) to enter into agreements or other transactions with any person, including without limitation any public entity or other governmental instrumentality or agency in connection with its powers and duties under this chapter;
- (25) to make qualified investments to ensure the success of clean energy industry clusters;
- (26) to institute and administer the Massachusetts Alternative and Clean Energy Investment Trust Fund for the purposes of making appropriations, allocations, grants or loans to leverage development and investments in clean energy research, workforce training and job creation; provided, however, that the center shall implement an application and grant process for these purposes;
- (27) to promote programs and investments that lead to pathways towards economic self-sufficiency for low and moderate-income individuals and communities in the clean energy industry;
- (28) to research and establish, if the center so chooses, the Massachusetts Hydrogen and Fuel Cell Institute, to be housed at the Worcester Polytechnic Institute, and to serve as a joint venture among institutes of higher education in the commonwealth providing a focal point for research, education and commercialization activities in the hydrogen fuel cell sector; provided, however, that said institute responsibilities may include, but not be limited to: (i) working with the University of Massachusetts and private higher education institutions in the commonwealth to coordinate and strengthen hydrogen and fuel cell research activities in the commonwealth; (ii) strengthening collaborative research and development between universities and companies located within the commonwealth; (iii) addressing critical technological barriers facing the hydrogen and fuel cell companies; (iv) strengthening existing educational programs and introducing new curriculum in Massachusetts universities to produce graduates who are conversant in hydrogen and fuel cell technologies; and (5) promoting partnerships between Massachusetts universities and companies to jointly demonstrate hydrogen and fuel cell technologies and attract greater amounts of federal funding to the commonwealth;
- (29) to allocate, if the center so chooses, up to \$2 million annually for 5 years for the Massachusetts Hydrogen and Fuel Cell Institute; provided, however, that said funding shall begin in the fiscal year that said institute shall be established and shall end in the fifth fiscal year following the establishment of said institute; and
- (30) to establish, if the center so chooses, a program to be known as the entrepreneurial fellowship program, which shall award grants to entrepreneurs from business sectors other than clean energy sectors to enroll in programs to foster knowledge and expertise of clean energy technology; provided, however, that the clean energy technology programs shall be based upon intensive technology, market and policy curriculum and; provided, further, that the center shall establish public-private partnerships and enter into contribution agreements with commonwealth-based companies and venture capitalists to support programs designed to mentor and train entrepreneurs from other business sectors in the areas of clean energy technology and development to increase investment in

the commonwealth's clean energy sector.

Section 4. (a) The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the commonwealth and for the improvement of their health and living conditions. The operation of the center shall constitute the performance of essential governmental functions and the center shall not be required to pay any taxes or assessments, except as otherwise provided by this chapter and the notes or bonds issued under this chapter, their transfer and the income therefrom, including any profit made on the sale thereof shall be free from taxation by and within the commonwealth.

(b) The lands and tangible personal property of the center shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments.

Section 5. The center shall annually submit a report setting forth, relative to its operations, its receipts and expenditures during such fiscal year and its assets and liabilities during the fiscal year to the governor, the secretary of administration and finance, the comptroller and the clerks of the house of representatives and senate, who shall forward the same to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on telecommunications, utilities and energy and the joint committee on environment, natural resources and agriculture annually on or before June 1.

Section 6. Based on recommendations included in the clean energy study, the center shall, within 100 days of said study's completion, develop a statewide plan for the installation and operation of renewable energy generating facilities on real property owned by the commonwealth. Any renewable energy generating facility sited on state land shall be made available for state and local workforce development and training initiatives.

Section 7. There is hereby established and placed within the center a program to be known as the clean energy seed grant program. Said program shall award grants to clean energy researchers, companies, nonprofit organizations, community-based organizations and institutions. The center shall establish public-private partnerships with commonwealth-based investors, entrepreneurs and institutions that are involved in the clean energy industry for the purposes of facilitating matching grants for recipients of funding from the center.

Section 8. There is hereby established and placed within the center an initiative to be known as the green jobs initiative. Said initiative shall award grants to the commonwealth's public institutions of higher education as defined in section 5 of chapter 15A, and vocational technical schools, as established in sections 14 and 15 of chapter 74 or any vocational-technical school that meets the programmatic requirements established by the department of elementary and secondary education, to facilitate workforce development efforts and train and retain students in clean energy industries. The grants shall include matching grants to said public institutions of higher education and said vocational

technical schools for the development of small-scale renewable energy generating sources, including, but not limited to: photovoltaic installations; wind energy; ocean thermal, wave or tidal energy; fuel cells; landfill gas; natural flowing water and hydroelectric; low-emission advanced biomass power conversion technologies using such biomass fuels as wood, agricultural or food wastes; biogas, biodiesel or organic refuse-derived fuel; and geothermal energy. The center shall assist said public institutions of higher education as defined in this section and the commonwealth's vocational technical schools as defined in this section in developing a curriculum for clean energy and energy efficiency, and shall assist students seeking employment in the clean energy sector.

SECTION 3. Section 4B of chapter 40J of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 35 and 36, the word "inducing" and inserting in place thereof the following words:- working in collaboration with the Massachusetts clean energy technology center established in section 2 of chapter 23J, state to induce.

SECTION 4. Said section 4B of said chapter 40J, as so appearing, is hereby further amended by inserting after the word "industries", in line 39, the following words:- , the Massachusetts clean energy technology center.

SECTION 5. Subsection (b) of section 4E of said chapter 40J, as so appearing, is hereby amended by adding the following sentence:- The board shall consult with the Massachusetts clean energy technology center established in section 2 of chapter 23J, prior to making any funds available to said renewable energy projects and facilities for the purpose of clean energy job creation.

SECTION 6. Said section 4E of said chapter 40J, as so appearing, is hereby further amended by inserting after the word "technologies", in line 41, the following words:- by collaborating with the Massachusetts clean energy technology center established in section 2 of chapter 23J.

SECTION 7. Subsection (d) of said section 4E of said chapter 40J, as so appearing, is hereby amended by adding the following sentence:- In developing and revising said plan, the board shall consult with the Massachusetts clean energy technology center established in section 2 of chapter 23J to ensure a comprehensive and effective approach to clean energy job creation.

SECTION 8. Subsection (a) of section 6A of said chapter 40J, as so appearing, is hereby amended by inserting after the eighth sentence the following sentence:- The governing board shall consult with the Massachusetts clean energy technology center established in section 2 of chapter 23J, to ensure a comprehensive and effective approach to clean energy cluster growth and development.

SECTION 9. The state comptroller shall annually transfer from the Massachusetts Renewable Energy Trust Fund, established in section 4E of chapter 40J of the General Laws, not less than \$5,000,000 annually for deposit in the Massachusetts Alternative and Clean Energy Investment Trust Fund

established in section 35FF of chapter 10. The secretary of energy and environmental affairs may allocate up to 15 per cent of said \$5,000,000 in fiscal year 2009 to defray the ordinary and necessary expenses of administration and operation associated with the center.

SECTION 10. The secretary of energy and environmental affairs may allocate \$1,000,000 in fiscal year 2009 from the Massachusetts Alternative and Clean Energy Investment Trust Fund for a seed grant program to be administered by the secretary or his designee. Said seed grant program shall award grants to clean energy companies, institutions or nonprofit organizations.

A report detailing the expenditure of said \$1,000,000 shall be submitted on or before May 30, 2009 to the clerks of the house of representatives and the senate, who shall forward the same to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on telecommunication, utilities and energy, and the joint committee on environment, natural resources and agriculture.

SECTION 11. The secretary of energy and environmental affairs, in consultation with the secretary of labor and workforce development, may allocate \$1,000,000 in fiscal year 2009 from the Massachusetts Alternative and Clean Energy Investment Trust Fund, established by section 35FF of chapter 10 of the General Laws, for a workforce development grant program to be administered by the secretary or his designee. Said program shall award grants to the commonwealth's higher education institutions, vocational technical schools, or community-based organizations that have existing workforce development programs in clean energy industry skills or the capacity to create such programs.

A report detailing the expenditure of said \$1,000,000 shall be submitted on or before May 30, 2009 to the clerks of the house of representatives and the senate, who shall forward the same to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on telecommunication, utilities and energy, and the joint committee on environment, natural resources and agriculture.

SECTION 12. The secretary of energy and environmental affairs may allocate \$100,000 in fiscal year 2009 from the Massachusetts Alternative and Clean Energy Investment Trust Fund, established by section 35FF of chapter 10 of the General Laws, to commission a study to investigate the clean energy sector in the commonwealth. The study shall include, but not be limited to, an examination of: (i) the future workforce needs of the commonwealth's clean energy sector; (ii) the current growth rate of said sector, including the number of in state jobs and businesses; (iii) the current levels of private investment in said sector; (iv) real property owned by the commonwealth available and suited for the installation and operation of renewable energy generating facilities; (v) energy efficiency opportunities on real property owned by the commonwealth; and (vi) the future funding requirements of the center.

A copy of said study shall be submitted on or before February 1, 2009 to the clerks of the house of

representatives and the senate, who shall forward the same to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on telecommunication, utilities and energy, and the joint committee on environment, natural resources and agriculture.

SECTION 13. The secretary of energy and environmental affairs in consultation with the secretary of labor and workforce development may allocate \$1,000,000 from the Massachusetts Alternative and Clean Energy Investment Trust Fund, established by section 35FF of chapter 10 of the General Laws, for an initiative to be known as the pathways out of poverty initiative. Said initiative shall be administered by said secretary or his designee. Under said initiative, the secretary shall award 5 competitive grants to clean energy companies, community-based nonprofit organizations, educational institutions or labor organizations to enable said entities to carry out training programs associated with the clean energy industry that lead to economic self-sufficiency. The center shall give funding priority to entities that serve individuals in families with incomes that do not exceed 300 per cent of the poverty level, as determined by the United States Census Bureau, or a self-sufficiency standard for the local areas where the training is conducted that specifies the income needs of families, family size, the number and ages of children in the family and geographical considerations.

Said grants shall be awarded so as to ensure geographic diversity within the commonwealth with consideration given to the commonwealth's gateway cities, which shall include Brocton, Fall River, Fitchburg, Haverhill, Holyoke, Lawrence, Lowell, New Bedford, Pittsfield, Springfield and Worcester. A report detailing the expenditure of said \$1,000,000 shall be submitted on or before May 30, 2009 to the clerks of the house of representatives and the senate, who shall forward the same to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on telecommunication, utilities and energy, and the joint committee on environment, natural resources and agriculture..

Approved August 12 , 2008
