

Data Center Tax Credits

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

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

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

accountability measures.

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

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

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

by inserting after section 105 the following section:-

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