

HOUSE No.

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

March 15, 2018

To the Honorable Senate and House of Representatives,

In September 2016, I issued Executive Order No. 569, Establishing an Integrated Climate Change Strategy for the Commonwealth. As part of this strategy, the Secretary of Energy and Environmental Affairs and the Secretary of Public Safety are leading the Baker-Polito Administration’s efforts to mitigate and adapt to climate change while safeguarding our residents, municipalities and businesses and building a more resilient state. Recent extreme weather events have underscored the importance of our ongoing efforts and the necessity of immediate strategic investments to ensure a safe, sustainable and resilient Commonwealth.

With this in mind, I am pleased to submit for your consideration “An Act Promoting Climate Change Adaptation, Environmental and Natural Resource Protection, and Investment in Recreational Assets and Opportunity.” This legislation codifies key principles of Executive Order No. 569, while providing over \$1.4 billion in capital authorizations. This money will not only allow us to invest in our integrated approach to climate change adaptation and resilience, but also allow us to support both state and community investment in environmental protection and environmental and recreational asset maintenance.

The legislation includes \$300 million in authorizations for critical infrastructure and the prevention, adaptation and mitigation of climate change. Recognizing the importance of supporting critical investments in coastal and inland infrastructure, such as dams and seawalls, as

well as nature based solutions for climate change resilience, this legislation authorizes an additional \$170 million for these programs. But it is not enough to simply keep doing more of what we have in the past. Accordingly, this legislation includes an additional \$130 million of authorization for new climate change initiatives, including \$60 million for continuous implementation of the integrated state hazard and climate adaptation plan and an additional \$50 million to partner with cities and towns planning and taking adaptation action through the municipal vulnerability preparedness program. Other key capital authorizations to address climate change include:

- \$6 million for the Executive Office of Public Safety and Security to develop and support climate-oriented emergency response and natural hazards preparedness programs
- \$5 million for a climate change science and data program to inform our climate change strategy
- \$4 million to provide grants to public entities that own fleets of vehicles to purchase passenger plug-in vehicles and to install charging stations
- \$3 million for a new Global Warming Solutions Act fund to provide grants or loans for costs incurred in implementing the Global Warming Solutions Act, the Clean Energy and Climate Plan and state and local strategies for climate change adaptation
- \$2 million for a climate change workforce skills capital grant program

In addition to climate-focused authorizations, this legislation authorizes \$580 million of investment in deferred maintenance and recreational resource stewardship across state government. This includes \$25 million for the expansion and interconnection of trails through the MassTrails program and \$350 million for recreational facilities through the Department of Conservation and Recreation (DCR). DCR acts as the steward of over 450,000 acres of parks, forests, beaches, playgrounds, bike trails, and watersheds. These funds are essential to the maintenance and expansion of these resources so that the Commonwealth's residents and visitors can continue to enjoy them.

The legislation also provides for over \$290 million of authorization for investments in communities across the Commonwealth, including \$125 million for community investment grant programs for municipalities, regional planning agencies and other eligible entities to partner with the Executive Office of Energy and Environmental Affairs (EEA). An additional \$25 million is allocated for tree planting and forest land protection programs. In addition to the grant program administered by EEA, the legislation includes \$50 million for the Massachusetts Department of Transportation's Complete Streets Program.

Lastly, this legislation includes over \$270 million for environmental protection. These funds will support programs at the Department of Environmental Protection and other agencies

ranging from air and water quality monitoring to hazardous waste cleanup to the restoration of rivers, wetlands, streams, and lakes. This authorization also includes an additional \$60 million for the Commonwealth's Clean Water Trust to continue its partnership with cities and towns in developing water infrastructure projects.

In addition to providing authorization for these vital investments, this legislation amends the laws of the Commonwealth to improve the effectiveness of environmental and energy agencies, increase access to recreational resources, expand natural resource protection and asset stewardship, protect Massachusetts ratepayers, and provide additional tools to support municipalities. By codifying key portions of Executive Order No. 569 in statute, this legislation will ensure climate change adaptation and resiliency continue to be prioritized and our integrated hazard mitigation and climate adaptation plan is continuously updated and implemented for the benefit of future generations.

This legislation also improves agency operations, strengthening natural resource protection, and increases recreational opportunities. The Department of Agricultural Resources would be able to require training for municipal animal inspectors and receive enhanced authority to enforce laws relating to pesticide use. This bill would also improve the Division of Marine Fisheries' ability to enforce marine fishery laws, protecting Commonwealth fisheries by updating decades old criminal and civil fines and penalties. Lastly, the Department of Conservation and Recreation and Division of Fisheries and Wildlife would be authorized to provide discounted parking passes and fishing and hunting licenses for veterans.

In order to protect the interests of Massachusetts ratepayers, this legislation empowers the Department of Public Utilities to review proposed rate changes within the context of other anticipated changes to ratepayers' bills, and take steps to mitigate the impact on utility customers. The Department of Energy Resource would also be directed to create a new clean peak standard for electricity suppliers to increase the usage of clean energy during periods of high, carbon intensive, and expensive electricity demand, with the long-term goal of reducing ratepayer costs while lowering greenhouse gas emissions.

Municipalities would also benefit from new resources included in this legislation, such as a revolving fund to help implement transfer of development rights zoning and a general authorization and framework for public-private partnerships for water infrastructure projects.

Investing in our environmental resources and agencies is a critical component of securing our Commonwealth's future. I urge your prompt enactment of this legislation.

Respectfully submitted

Charles D. Baker,
Governor

11 2000-7071. For improvements and replacements to the infrastructure and holdings of
12 the executive office of energy and environmental affairs and its departments and divisions;
13 provided, that these improvements and replacements may include, but shall not be limited to,
14 buildings, equipment, vehicles and communication and technology equipment; provided further,
15 that the secretary of energy and environmental affairs may provide guidance for planning,
16 prioritization, selection and implementation of projects in furtherance of the goals of climate
17 change mitigation and adaptation and consistent with the integrated state hazard mitigation and
18 climate change adaptation plan; and provided further, that any expenditures for communication
19 and technology equipment under this item shall be considered in consultation with the secretary
20 of technology services and
21 security.....\$10,000,000

22 2000-7072. For grant programs for land, soil, water and natural resource conservation;
23 open space preservation; watershed remediation; coastal resource protection; recreation;
24 environmental equity and wildlife and endangered species protection, including, but not limited
25 to, the local acquisition for natural diversity grant program, the parkland acquisition and
26 renovation for communities grant program, conservation partnership grant programs including
27 programs to support landscape-scale land conservation projects, the drinking water supply
28 protection grant program, grant programs to assist and provide funding to conservation districts,
29 and grants to support local, regional and state land use planning and management capabilities to
30 advance smart growth efforts, all pursuant to rules or regulations adopted by the secretary of
31 energy and environmental affairs to effectuate this item; provided, that the secretary of energy
32 and environmental affairs may provide guidance for planning, prioritization, selection and
33 implementation of projects in furtherance of the goals of climate change mitigation and

34 adaptation and consistent with the integrated state hazard mitigation and climate change
35 adaptation plan; and provided further, that all projects shall provide appropriate public access as
36 determined by the
37 secretary.....\$125,000,000

38 2000-7073. For the design, construction, reconstruction, rehabilitation, retrofitting,
39 repair or removal of coastal infrastructure and resiliency measures, including, but not limited to,
40 seawalls, jetties, revetments, retaining walls, beach nourishment and natural solutions; provided,
41 that costs payable from this item may include, but shall not be limited to, the costs of engineering
42 and other technical assistance and planning services essential to these projects rendered by the
43 office of coastal zone management in the executive office of energy and environmental affairs,
44 the office of waterways in the department of conservation and recreation and other
45 commonwealth employees or consultants; provided further, that grants and loans may be made to
46 local government units to carry out this item; and provided further, that the secretary of energy
47 and environmental affairs may provide guidance for planning, prioritization, selection and
48 implementation of projects in furtherance of the goals of climate change mitigation and
49 adaptation and consistent with the integrated state hazard mitigation and climate change
50 adaptation plan.....\$25,000,000

51 2000-7074. For the design, construction, reconstruction, rehabilitation, retrofitting,
52 repair or removal of municipally-owned dams, publicly-owned dams and other dams for which
53 emergency action or statewide hazard mitigation is required and for inland flood control projects
54 and projects for any related facilities and equipment, including, but not limited to, seawalls,
55 jetties, revetments, retaining walls, beach nourishment and natural solutions, on publicly-owned
56 land or related to state or municipal climate change adaptation and preparedness or for which

57 emergency action or statewide hazard mitigation is required; provided, that the secretary of
58 energy and environmental affairs shall give priority to dams and flood control projects that pose
59 the greatest risk to public health or safety, or to the environment; provided further, that funds
60 shall be available for a program of planning, permitting and construction of fish ways and other
61 aquatic habitat improvements, including the removal or breaching of selected dams and
62 impoundments on state-owned land and waterways; and provided further, that the secretary may
63 provide guidance for planning, prioritization, selection and implementation of projects in
64 furtherance of the goals of climate change mitigation and adaptation and consistent with the
65 integrated state hazard mitigation and climate change adaptation
66 plan.....\$65,000,000

67 2000-7075. For the acquisition of land and interests in land by the executive office of
68 energy and environmental affairs and its departments and divisions and for associated costs,
69 including planning, study, due diligence, title and appraisal services, site restoration, monitoring
70 and stewardship, including, but not limited to, agricultural preservation restrictions under
71 sections 23 to 26, inclusive, of chapter 20 of the General Laws, and acquisitions for open space,
72 recreation, conservation, wildlife and endangered species protection, and forest land protection;
73 for related costs and activities in support of conservation goals, including, but not limited to,
74 capitalization of the Transfer of Development Rights Revolving Fund established under section
75 35GGG of chapter 10; provided, that funds under this item may be used to develop and
76 implement a stewardship program on lands under the care and control of the executive office or
77 its departments and divisions or subject to conservation restrictions or other related interests in
78 land purchased through this item, including, but not limited to, resource and land use monitoring,
79 signage, boundary delineation and monitoring, preparation of baseline documentation,

102 infrastructure, including upgrades to laboratory equipment; to provide for research, studies and
103 the collection of data to support investment in environmental assets, including sampling and
104 analysis of water and air quality, monitoring cumulative environmental impacts in
105 environmental justice communities, the development of Geographic Information System maps
106 for wetlands conservancy and tidelands, stormwater infrastructure and public water supplies, the
107 development of water quality analyses known as Total Maximum Daily Loads, the assessment of
108 water quality health and impaired use of waterways, and projects related to nonpoint and point
109 sources of water pollution and the wetlands circuit rider program; to provide for local grants and
110 research for implementation of the commonwealth's sustainable water management initiative,
111 including grants and research to provide the data necessary for municipalities to invest in
112 efficient and effective mitigation practice to restore and preserve the commonwealth's water
113 resources, assets and infrastructure; to provide for sustainable water management initiative
114 related research and implementation projects conducted by the department of fish and game and
115 its divisions; to provide for the department's statewide air monitoring network, upgrades of air
116 monitoring equipment to comply with federal requirements, implementation of a water quality
117 monitoring network and eelgrass mapping to track water quality improvements; to provide for
118 investments in water quality restoration of degraded estuarine habitat for projects deemed
119 consistent with a current area-wide water resources management plan adopted under section 208
120 of the federal Clean Water Act; to fund pilot projects that test innovative and green wastewater
121 management technologies and approaches; for sustainable technologies at wastewater treatment
122 facilities; for long-term monitoring and stewardship of restoration projects developed under the
123 oversight of natural resources damages trustees; to provide grants and technical assistance to
124 public water suppliers for energy efficiency improvements for drinking water systems; to provide

147 replacement of the infrastructure, facilities and equipment under the care and control of the
148 department of fish and game and its divisions, including, but not limited to buildings and other
149 structures, education centers, district headquarters, hatchery facilities, offices, storage buildings,
150 shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels, and site
151 clearance; provided, that any such facilities supported by this item may incorporate energy
152 efficiency and renewable technologies to decrease energy use and greenhouse gas emissions,
153 such as solar, wind and geothermal power; provided further, that funds shall also be available
154 for investments for protection, remediation and restoration of aquatic and marine fisheries,
155 wildlife species, land and marine plants, and the habitats that support them; and provided further,
156 that the secretary of energy and environmental affairs may provide guidance for planning,
157 prioritization, selection and implementation of projects in furtherance of the goals of climate
158 change mitigation and adaptation and consistent with the integrated state hazard mitigation and
159 climate change adaptation plan.....\$45,000,000

160 2300-7022. For river and wetland restoration programs in the division of ecological
161 restoration, riverways program and the commissioner’s office within the department of fish and
162 game; provided, that funds authorized in this item may be utilized for river, wetland and river
163 corridor revitalization, ecological restoration and protection of aquatic ecosystems and functions
164 throughout the commonwealth including, but not limited to, dam and barrier removal, instream
165 improvements, flow, water quality, riverine habitat, protection of high quality riparian and
166 wetland habitat, assessment and mitigation of threats from climate change and improving
167 recreational opportunities; provided further, that these costs may include, but shall not be limited
168 to, equipment to implement these programs; provided further, that the commissioner or a
169 designee may enter into cooperative agreements with state and federal government agencies and

170 municipalities, may contract for services related to this item including, but not limited to,
171 engineering and monitoring, and may award grants to public and nonpublic entities to foster and
172 carry out this item.....\$30,000,000

173 *Department of Agricultural Resources*

174 2500-7021. For the purpose of developing and implementing programs designed to
175 address agricultural economic and environmental sustainability, urban agriculture, research,
176 industry promotion, technology transfer and education and to facilitate improvements to
177 agricultural infrastructure, energy conservation and efficiency, and climate change adaptation
178 and resiliency; provided, that a grant program shall be established to provide grants to public and
179 nonpublic entities for the development and implementation of new procedures for energy
180 conservation and efficiency and for renewable and alternative energy sources to assist the
181 agricultural community to grow and develop; provided further, that there shall be established a
182 program to assist in the preservation and rehabilitation of facilities and land resources of
183 agricultural fairs through short-term preservation covenants, grants, demonstration projects and
184 other means; provided further, that funds in this item may be expended for infrastructure and
185 equipment upgrades to prevent or reduce food safety risk, programs to control invasive species
186 and provide pesticide disposal, and programs to support aquaculture, dairy digesters and
187 agricultural composters; provided further, that funds in this item may be expended for the
188 agricultural environmental enhancement program on the abatement of all forms of pollution
189 generated from agricultural activities; provided further, that funds in this item may be allocated
190 by the commissioner through competitive grants pursuant to rules or regulations adopted by the
191 commissioner to implement this
192 item.....\$20,000,000

193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215

Department of Conservation and Recreation

2800-7020. For natural resource restoration and protection, including protection and rehabilitation of lakes, ponds, rivers and streams and associated watersheds, and for improvements and costs associated with site assessment, containment, cleanup, control, removal of or response actions concerning hazardous materials or substances at forests, parks, reservations, waterbodies and other properties of the department of conservation and recreation; provided, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan.....\$20,000,000

2800-7014. For the design, construction, reconstruction, improvement or rehabilitation of department or navigable coastal and inland waterways projects including, but not limited to, design, permitting, operation, maintenance of waterways, operation and maintenance of state piers, coastal protection, dredging, river and stream cleaning, coastal structure maintenance, piers, dune stabilization, culvert repair, renourishment, erosion control, waterfront access and transportation improvements and improvements to related facilities and equipment; provided, that funds from this item may be expended to support state coordination with a cooperative federal-state program with the United States Geological Survey, Department of Interior, for continuous data collection and analysis regarding water resources; and provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan.....\$15,000,000

216 2800-7025. For the design, construction, reconstruction, rehabilitation, retrofitting,
217 repair or removal of state-owned dams for which emergency action or statewide hazard
218 mitigation is required and for inland flood control projects and projects for any related facilities
219 and equipment, including, but not limited to, seawalls, jetties, revetments, retaining walls, beach
220 nourishment and natural solutions, on state-owned land or related to state climate change
221 adaptation and preparedness or for which emergency action or statewide hazard mitigation is
222 required; provided, that the department of conservation and recreation shall give priority to dams
223 and flood control projects that pose the greatest risk to public health or safety, or to the
224 environment; provided further, that funds shall be available for a program of planning,
225 permitting and construction of fish ways and other aquatic habitat improvements, including the
226 removal or breaching of selected dams and impoundments on state-owned land and waterways;
227 and provided further, that the secretary of energy and environmental affairs may provide
228 guidance for planning, prioritization, selection and implementation of projects in furtherance of
229 the goals of climate change mitigation and adaptation and consistent with the integrated state
230 hazard mitigation and climate change adaptation plan.....\$80,000,000

231 2840-7025. For the planning, design, acquisition, construction, reconstruction, repair,
232 removal, demolition, improvement, furnishing, equipping or rehabilitation of department
233 reservations, forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate
234 parks, swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts,
235 ball fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic
236 sites, beaches and related facilities, storage buildings, office buildings, visitor centers, fire
237 towers, maintenance facilities and other park buildings, and equipment, including upgrades to
238 information technology equipment to be considered in consultation with the secretary of

239 technology services and security, and for the planning, design, acquisition, construction,
240 reconstruction, repair, removal, improvement or rehabilitation of department bike paths,
241 greenways, recreational trails and related facilities and equipment; provided, that the secretary of
242 energy and environmental affairs may provide guidance for planning, prioritization, selection
243 and implementation of projects in furtherance of the goals of climate change mitigation and
244 adaptation and consistent with the integrated state hazard mitigation and climate change
245 adaptation plan; provided further, that the department of conservation and recreation may expend
246 funds in this item for technical assistance and grants to cities and towns in accordance with rules
247 or regulations adopted by the department to implement this item; and provided further, that in the
248 expenditure of funds under this item, the commissioner will prioritize public health and safety
249 and capital maintenance needs of commonwealth
250 facilities.....\$350,000,000

251 2890-7034. For the planning, design, construction, reconstruction, repair,
252 improvement or rehabilitation of department of conservation and recreation parkways,
253 boulevards, multi-use trails, internal state park roads and recreational trails, pedestrian bridges
254 and related appurtenances and equipment including, but not limited to, the costs of planning,
255 design and engineering and other services for those projects rendered by commonwealth
256 employees or by consultants; provided, that funds may be expended for pedestrian and bicycle
257 safety, traffic calming, landscape improvements, street lighting, safety equipment, and
258 accessibility; provided further, that all work funded by this item shall be carried out according to
259 standards developed by the department pursuant to historic parkways preservation treatment
260 guidelines to protect the scenic and historic integrity of the bridges and parkways under its
261 control; and provided further, that the secretary of energy and environmental affairs may provide

262 guidance for planning, prioritization, selection and implementation of projects in furtherance of
263 the goals of climate change mitigation and adaptation and consistent with the integrated state
264 hazard mitigation and climate change adaptation plan.....\$150,000,000

265 SECTION 2A.

266 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

267 *Office of the Secretary*

268 2000-7080. For implementation of the integrated state hazard mitigation and climate
269 change adaptation plan; provided, that the secretary of energy and environmental affairs shall
270 give priority to critical actions and strategies identified in the
271 plan.....\$60,000,000

272 2000-7081. For the municipal vulnerability preparedness grant program to support and
273 provide technical assistance for cities and towns to complete climate-related vulnerability
274 assessments, develop action-oriented resiliency plans, and complete integrated climate change
275 adaptation plans and local hazard mitigation plans; and to implement local and regional
276 adaptation solutions identified through such plans, including changes to policies, bylaws, and
277 plans, municipal infrastructure improvements, nature-based climate adaptation strategies, and
278 repairs to address vulnerability and improve
279 resiliency.....\$50,000,000

280 2000-7084. To capitalize the Global Warming Solutions Trust Fund established in
281 section 35EEE of chapter 10 of the General Laws.....\$3,000,000

303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323

Office of the Secretary

8000-2007. For the development and support of climate oriented emergency response and natural hazard preparedness programs and climate change coordination with the executive office of energy and environmental affairs.....\$6,000,000

SECTION 2B.

OFFICE OF THE TREASURER AND RECEIVER GENERAL

0620-1002. For the Clean Water Trust established in section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established in section 2L of chapter 29 of the General Laws for application by the trust to the purposes specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the federal Clean Water Act or for deposit in the Drinking Water Revolving Fund established in section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under the federal Safe Drinking Water Act.....\$60,333,000

SECTION 2C.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-7077. For the acquisition, development, construction and improvement of parks in urban and suburban neighborhoods currently underserved with parks consistent with

324 attainment of environmental equity, including planning related to these parks; provided, that
325 funds shall be available for the completion of urban forestry and tree planting projects,
326 assessment and remediation of brownfield and grayfield sites intended for reuse as parks,
327 drafting of architectural renderings, construction documents and other technical documents
328 necessary for parks construction, acquisition of land or interests in land for the creation of parks
329 pursuant to article 97 of the amendments to the state constitution and for the construction,
330 rehabilitation and improvement of parks including, but not limited to, all related facilities,
331 landscaping, monuments and features, parking areas and roadways; provided, that the secretary
332 of energy and environmental affairs may issue grants to public and nonpublic entities to
333 implement these projects; and provided further, that the secretary may provide guidance for
334 planning, prioritization, selection of parks to promote environmental equity and in furtherance of
335 the goals of climate change mitigation and adaptation and consistent with the integrated state
336 hazard mitigation and climate change adaptation plan.....\$47,000,000

337 2000-7078. For investment in trails to include planning, engineering, design,
338 permitting, construction, repair, technical assistance and improvement of trails and the
339 acquisition of property interests for trail purposes; provided, that funds may be granted at the
340 discretion of the secretary of energy and environmental affairs to public and non-public entities
341 including municipalities, regional planning agencies, and non-profit organizations, or expended
342 directly by the executive office of energy and environmental affairs and its departments and
343 division; provided further, that trails are to be broadly defined to include water, recreational,
344 multi-use, and motorized for use by recreational and snow vehicles, and may be paved,
345 improved, natural surface, or on-road for limited distances when necessary to make key
346 connections; provided further that any project funded under this item is to be open to the public;

347 provided further that wherever practicable property interests acquired are to be permanently
348 conserved such that the trail thereon is permanently accessible to the public, but may be long-
349 term leases where necessary to advance trail projects; provided further, that a match from the
350 funding recipient may be required at the discretion of the secretary of energy and environmental
351 affairs; and provided further, that funds expended from this item for the cost of employees shall
352 not exceed 5 percent of funds expended from this item in any fiscal
353 year.....\$25,000,000

354 *Department of Conservation and Recreation*

355 2800-7023. For a forestry and tree planting program for projects throughout the
356 commonwealth, including, but not limited to, the evaluation and planning of forestry and tree
357 planting projects, tree stock and planting and the care and protection of trees and forests;
358 provided, that the secretary of energy and environmental affairs shall give priority to the planting
359 of trees in areas underserved with tree cover, affected by severe weather events or insect
360 infestation, in areas where aquifers, recharge areas, wells, reservoirs and other water bodies are
361 located that will improve water quality as part of a natural ecosystem, and in furtherance of
362 environmental equity, climate change mitigation, adaptation and resiliency strategies; provided
363 further, that funds from this item may be expended to provide technical assistance and support to
364 landowners to engage in sustainable forest management and long-term conservation practices
365 and to undertake projects and activities to protect the ecological integrity of the commonwealth's
366 forestlands under the forest vision plan.....\$25,000,000

367 SECTION 2D.

368 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

369 6121-1315. For the complete streets program established pursuant to chapter 90I of the
370 General Laws, as amended, for complete streets grants to
371 municipalities.....\$50,000,000

372 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state
373 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
374 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
375 \$1,113,500,000. All such bonds issued by the commonwealth shall be designated on their face,
376 Environmental Loan Act of 2018, and shall be issued for a maximum term of years, not
377 exceeding 20 years, as the governor may recommend to the general court under section 3 of
378 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
379 June 30, 2043. All interest and payments on account of principal on these obligations shall be
380 payable from the General Fund. Bonds and interest thereon issued under this section shall,
381 notwithstanding any other provision of this act, be general obligations of the commonwealth.

382 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state
383 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
384 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
385 \$130,000,000. All such bonds issued by the commonwealth shall be designated on their face,
386 Climate Change Preparedness Loan Act of 2018, and shall be issued for a maximum term of
387 years, not exceeding 20 years, as the governor may recommend to the general court under
388 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not
389 later than June 30, 2043. All interest and payments on account of principal on these obligations
390 shall be payable from the General Fund. Bonds and interest thereon issued under this section

391 shall, notwithstanding any other provision of this act, be general obligations of the
392 commonwealth.

393 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state
394 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
395 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
396 \$60,333,000. All such bonds issued by the commonwealth shall be designated on their face,
397 Clean Water Loan Act of 2018, and shall be issued for a maximum term of years, not exceeding
398 20 years, as the governor may recommend to the general court under section 3 of Article LXII of
399 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2043.
400 All interest and payments on account of principal on these obligations shall be payable from the
401 General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any
402 other provision of this act, be general obligations of the commonwealth.

403 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state
404 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
405 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
406 \$97,000,000. All such bonds issued by the commonwealth shall be designated on their face,
407 Commonwealth 21st Century Parks and Trails Act of 2018, and shall be issued for a maximum
408 term of years, not exceeding 20 years, as the governor may recommend to the general court
409 under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be
410 payable not later than June 30, 2043. All interest and payments on account of principal on these
411 obligations shall be payable from the General Fund. Bonds and interest thereon issued under this
412 section shall, notwithstanding any other provision of this act, be general obligations of the
413 commonwealth.

414 SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state
415 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
416 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
417 \$50,000,000. All such bonds issued by the commonwealth shall be designated on their face,
418 Complete Streets Grants Act of 2018, and shall be issued for a maximum term of years, not
419 exceeding 10 years, as the governor may recommend to the general court under section 3 of
420 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
421 June 30, 2033. All interest and payments on account of principal on these obligations shall be
422 payable from the General Fund. Bonds and interest thereon issued under this section shall,
423 notwithstanding any other provision of this act, be general obligations of the commonwealth.

424 SECTION 8. Chapter 10 of the General Laws is hereby amended by inserting, after
425 Section 35DDD, the following 3 sections:-

426 Section 35EEE. (a) There shall be established upon the books of the commonwealth a
427 separate fund to be known as the Global Warming Solutions Trust Fund into which shall be
428 deposited any revenues or other financing sources directed to the fund by appropriation; bond
429 revenues or other monies authorized by the general court and specifically designated to be
430 credited to the fund; any income derived from the investment of amounts credited to the fund or
431 repayment of loans from the fund; funds from public or private sources, including, but not
432 limited to, gifts, federal or private grants, donations, rebates and settlements received by the
433 commonwealth that are specifically designated to be credited to the fund; and all other amounts
434 credited or transferred into the fund from any other source. The fund shall be administered by the
435 secretary of energy and environmental affairs.

436 (b) Amounts credited to the fund may be used, without further appropriation, to provide
437 grants or loans to governmental, quasi-governmental or non-profit entities for costs incurred in
438 relation to implementation of the Global Warming Solutions Act, chapter 298 of the acts of
439 2008, as subsequently amended; the Clean Energy and Climate Plan published by the executive
440 office of energy and environmental affairs, as subsequently amended; and state and local
441 strategies for climate change adaptation. Such expenditures may include, but are not limited to,
442 payment of costs associated with planning, monitoring, and managing carbon reduction
443 measures; development and deployment of mitigation strategies and best practices to reduce
444 carbon emissions; planning, monitoring and managing strategies to adapt to and prepare for the
445 impacts of climate change; priority adaptation projects with potential co-benefits for climate
446 change mitigation, environmental protection, public health, or other factors, as determined by the
447 secretary of energy and environmental affairs; and pilot projects for new technologies or
448 strategies to support carbon emission reductions. The amounts expended from the fund during
449 any fiscal year for the costs of employees shall not exceed 5 per cent of total funds expended
450 from the fund in that fiscal year. Monies deposited into the fund that are unexpended at the end
451 of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the
452 subsequent fiscal year.

453 Section 35FFF. (a) There shall be established upon the books of the commonwealth a
454 separate fund to be known as the Boston Harbor Mitigation Trust Fund into which shall be
455 deposited mitigation funds received pursuant to licenses issued under chapter 91 which require
456 payment of such funds to enhance public access to the Boston Harbor waterfront or expand water
457 transportation to, from, or within Boston Harbor in order to mitigate for unavoidable interference
458 with certain water-related public rights caused by the licensed activities. The fund may also

459 accept private contributions, publicly or privately-funded grants or other funds appropriated by
460 the state or federal government, and funds paid to the commonwealth from any other source to
461 enhance public access to the Boston Harbor waterfront. The fund shall be administered by the
462 commissioner of environmental protection.

463 (b) Amounts credited to the fund may be used, without further appropriation, to
464 reimburse or pay any governmental, quasi-governmental or non-profit entity for costs incurred in
465 relation to activities or purposes set forth in any license issued under chapter 91 from which the
466 mitigation funds originated, or otherwise to support enhanced public access to the Boston Harbor
467 waterfront or expand water transportation to, from, or within Boston Harbor. Monies deposited
468 in the Fund that are unexpended at the end of the fiscal year shall not revert to the General Fund
469 and shall be available for expenditure in the subsequent fiscal year.

470 Section 35GGG. (a) There shall be established and set up on the books of the
471 commonwealth a separate fund to be known as the Transfer of Development Rights Revolving
472 Fund into which shall be deposited any revenues or other financing sources directed to the fund
473 by appropriation; bond revenues or other monies authorized by the general court and specifically
474 designated to be credited to the fund; any income derived from the investment of amounts
475 credited to the fund or repayment of loans from the fund; funds from public or private sources,
476 including, but not limited to, gifts, federal or private grants, donations, rebates and settlements
477 received by the commonwealth that are specifically designated to be credited to the fund; and all
478 other amounts credited or transferred into the fund from any other source. The fund shall be
479 administered by the secretary of energy and environmental affairs.

480 (b) Amounts credited to the fund may be used, without further appropriation, to provide
481 loans to municipalities for the acquisition of transferable development rights as provided in
482 section 27 of chapter 21A. Monies deposited into the fund that are unexpended at the end of the
483 fiscal year shall not revert to the General Fund and shall be available for expenditure in the
484 subsequent fiscal year.

485 SECTION 9. Section 10H of chapter 21A of the General Laws, as appearing in the 2016
486 Official Edition, is hereby amended by striking out the sixth, seventh and eighth paragraphs, and
487 inserting in place thereof the following 4 paragraphs:-

488 A person notified to appear before the clerk of a district court, as provided in said section
489 10G, for any violation of sections 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69, 70, 71, 72,
490 100C or 102 of chapter 130 may so appear within the time specified and pay a fine of \$100.

491 A person notified to appear before the clerk of a district court, as provided in said section
492 10G, for any violation of sections 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47,
493 49, 80, 81, 82, 92, 100A, 100B or 106 of chapter 130 may so appear within the time specified
494 and pay a fine of \$200.

495 A person notified to appear before the clerk of a district court, as provided in said section
496 10G, for any violation of sections 23, 25, 67, 68, 75, 95 or 100D of chapter 130 may so appear
497 within the time specified and pay a fine of \$400.

498 A person notified to appear before the clerk of a district court, as provided in said section
499 10G, for any violation of sections 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A,
500 100B or 100C of chapter 130 may so appear within the time specified and pay, in addition to the
501 applicable base fine specified in this section for a violation of any of the sections listed above, a

502 supplemental fine of \$10 per fish for a violation of each said section. For the purpose of this
503 paragraph, the term “fish” shall be defined as provided in section 1 of chapter 130, except that it
504 shall not include bi-valve shellfish.

505 SECTION 10. Said chapter 21A of the General Laws is hereby amended by adding the
506 following section:-

507 Section 27. (a) There shall be established within the executive office of energy and
508 environmental affairs a program to facilitate the transfer of development rights, as defined in
509 section 1A of chapter 40A, through municipal ordinances or bylaws as a way to protect
510 conservation values and encourage development through market incentives. The secretary, in
511 consultation with the secretary of housing and economic development and other agencies or
512 offices as appropriate, shall manage and oversee the program, including the administration of the
513 Transfer of Development Rights Revolving Fund established in section 35GGG of chapter 10.
514 The secretary may promulgate regulations to carry out the provisions of this section.

515 (b) To be eligible for a loan from the Transfer of Development Rights Revolving Fund, a
516 municipality shall:

517 (1) Establish a municipal transfer of development rights revolving fund under section
518 53E½ of chapter 44 to be used in connection with the purchase and sale of transferable
519 development rights, as defined in section 1A of chapter 40A; and

520 (2) Enact a transfer of development rights zoning bylaw or ordinance approved by the
521 secretary, in consultation with the secretary of housing and economic development and other
522 agencies or offices as appropriate, that, at a minimum:

523 (i) Enables the acquisition, retention, and disposition of transferable development rights;

524 (ii) Provides reasonable assurance that areas designated for preservation through the
525 transfer of development rights have ample natural resource, agricultural, recreational, historic, or
526 other conservation value such that their protection will be of sufficient public benefit to meet the
527 standards for approval of a conservation, agricultural preservation, watershed protection,
528 preservation, or other use restriction as provided in the following paragraphs;

529 (iii) Requires that the land from which development rights will be extinguished be
530 subject to a permanent conservation, watershed preservation, agricultural preservation, or
531 preservation restriction in accordance with sections 31 to 33, inclusive, of chapter 184, which
532 shall be recorded with the registry of deeds or registered in the registry district of the land court
533 for the county or district wherein the land lies; or, if the land is submitted for approval by the
534 appropriate state official but does not qualify, or is otherwise not approved, for a restriction
535 under these sections, shall be subject to a restrictive covenant extended in perpetuity in
536 accordance with sections 26 to 30, inclusive, of said chapter 184, which shall be approved by the
537 planning board and the city council or board of selectmen, as appropriate, held by the
538 municipality or a non-profit organization permitted to hold restrictions pursuant to section 32 of
539 said chapter 184, and as applicable duly recorded or registered;

540 (iv) Provides reasonable assurance that areas designated for receipt of transferred
541 development rights are properly sized based on the potential increase in growth that may result
542 from the transfers to them, and that they are appropriate for additional growth based on their
543 location, availability of infrastructure or planned infrastructure development, and access to
544 municipal services; and

545 (v) Establishes a procedure for the planning board to issue development rights
546 certificates, in a form specified by the secretary, indicating ownership of transferable
547 development rights, and to provide for and document the creation, acquisition, disposition,
548 exercise and redemption of transferable development rights, including procedures for the filing
549 of development rights certificates with the municipal clerk and recording with the registry of
550 deeds or registration in the registry district, as applicable, for both the land from which
551 development rights are extinguished and the land to which such rights are transferred; procedures
552 for documenting the recording or registration of the original restriction or restrictive covenant as
553 required in clause (iii); and procedures, including limitations if any, for the exercise of
554 transferable development rights in the event of subsequent amendments to zoning ordinances and
555 bylaws affecting the development authorized by the transferable development right.

556 (c) To apply for a loan from the Transfer of Development Rights Revolving Fund, an
557 eligible municipality shall submit an application that certifies, at a minimum, that the
558 municipality will: (1) follow the provisions of chapter 30B when acquiring or disposing of
559 transferable development rights; (2) commit, through approval of the local legislative body, to
560 repay any loan from the Transfer of Development Rights Revolving Fund under the terms then
561 specified; (3) keep permanent records of all restrictions recorded and transferable development
562 rights created, acquired, held, sold or disposed, and exercised, and report on these activities to
563 the secretary in a manner directed by the secretary; and (4) keep permanent records of all
564 financial transactions involving the municipal transfer of development rights revolving fund and
565 report on these transactions and fund balances to the secretary in a manner directed by the
566 secretary.

567 (d) Loans from the Transfer of Development Rights Revolving Fund shall carry 0 per
568 cent interest for the first 5 years from the date of origination, and the prime rate plus 1 per cent
569 from the sixth to the tenth year from the date of origination. A municipality that has not repaid its
570 loan within 10 years of the origination date shall be considered in default. In addition to other
571 remedies specified under any loan agreement, if any municipality shall fail to pay to the
572 Transferable Development Rights Revolving Fund when due and after demand any principal,
573 interest or other charges payable under a loan or loan agreement, the secretary may certify to the
574 state treasurer the amount owing to the Transferable Development Rights Revolving Fund by
575 said municipality, and may request that the state treasurer reduce annual local aid to the recipient
576 by the amount necessary to repay the principal, interest or other charges in arrears over 10 years.
577 The state treasurer shall promptly pay over to the secretary for deposit in the Transferable
578 Development Rights Fund without further appropriation any local aid distributions in the
579 amounts requested by the secretary and otherwise certified to the state treasurer as payable to the
580 municipality. The loan terms set forth in this subsection may be modified by regulations
581 promulgated by the secretary; provided, however, that no such modification shall be made before
582 January 1, 2022.

583 SECTION 11. Section 1 of chapter 21N of the General Laws, as appearing in the 2016
584 Official Edition, is hereby amended by inserting after the first paragraph the following
585 definition:-

586 “Adaptation”, adjustments in natural or human systems in response to actual or expected
587 climatic stimuli and associated impacts, including but not limited to changes in processes,
588 practices, and built and natural structures to increase resiliency, moderate potential damages, or
589 benefit from opportunities associated with climate change.

590 SECTION 12. Said section 1 of said chapter 21N, as so appearing, is hereby further
591 amended by inserting after the definition of “Greenhouse gas emissions source” the following
592 definition:-

593 “Hazard mitigation”, actions that reduce or eliminate long-term risks caused by natural or
594 man-made disasters.

595 SECTION 13. Said section 1 of said chapter 21N, as so appearing, is hereby further
596 amended by inserting after the definition of “Secretary” the following definition:-

597 “State plan”, the integrated state climate adaptation and hazard mitigation plan which
598 shall include the state hazard mitigation plan, required by the Robert T. Stafford Disaster Relief
599 and Emergency Assistance Act, Public Law 93-288; 42 U.S.C. 5121 et seq., and any subsequent
600 revisions of the plan developed pursuant to this chapter.

601 SECTION 14. Said section 1 of said chapter 21N, as so appearing, is hereby further
602 amended by adding the following definition:-

603 “Vulnerability assessment”, an evaluation of degree of susceptibility to, or ability to cope
604 with, adverse effects of climate change, such as climate variability and extremes, including an
605 evaluation of adaptive capacity and subsequent adaptation strategies and options for the asset,
606 system, institution or other subject being assessed.

607 SECTION 15. Said chapter 21N is hereby amended by adding the following 2 sections:-

608 Section 10. (a) The secretary and the secretary of the executive office of public safety and
609 security shall coordinate efforts across the commonwealth to strengthen the resilience of our
610 communities, prepare for the impacts of climate change, and prepare for and mitigate damage

611 from extreme weather events. In order to facilitate this coordination, the secretaries shall publish,
612 every 5 years, a state plan that includes a statewide adaptation strategy incorporating (1)
613 observed and projected climate trends based on the best available data, including but not limited
614 to, extreme weather events, drought, coastal and inland flooding, sea level rise and increased
615 storm surge, wildfire, and extreme temperatures; (2) risk analysis and vulnerability assessment of
616 key physical assets and functions of state government, natural resources, local economies,
617 municipalities, and the built environment, to identify impacts and opportunities from climate
618 change; provided, however this analysis and assessment shall include key findings from
619 vulnerability assessments conducted pursuant to subsection (b); (3) an evaluation of the
620 commonwealth's adaptive capacity to respond and make adjustments to adapt to climate change
621 impacts and opportunities; (4) guidance and strategies for state agencies and authorities,
622 municipalities and regional planning agencies to proactively address these impacts through
623 adaptation and resiliency measures, including guidance regarding changes to plans, by-laws,
624 regulations, and policies; (5) clear goals, expected outcomes, and a path to achieving results; (6)
625 approaches for the commonwealth to lead by example to increase the resiliency of state
626 government operations; (7) policies and strategies for ensuring that adaptation and resiliency
627 efforts complement efforts to reduce greenhouse gas emissions and contribute to meeting
628 statewide emission limits, established pursuant to this chapter; and (8) strategies that conserve
629 and sustainably employ the natural resources of the commonwealth to enhance climate
630 adaptation, build resilience and mitigate climate change.

631 (b) The secretary and the secretary of the executive office of public safety and security
632 shall further (1) establish and maintain a framework for each executive office, established under
633 section 2 of chapter 6A, to complete a vulnerability assessment for such office and each agency

634 under the jurisdiction of such office to be incorporated continuously into the state plan; (2)
635 establish and maintain a framework enabling each municipality in the commonwealth that so
636 chooses to complete a vulnerability assessment that can be incorporated continuously into the
637 state plan; (3) continuously implement the state plan; and (4) incorporate information learned
638 from implementing the state plan in plan updates, including the experiences of executive offices,
639 agencies, and municipalities in assessing and responding to climate change vulnerability.

640 (c) The secretary of each executive office established under section 2 of chapter 6A shall
641 designate an employee to serve as the climate change coordinator of such office. Each climate
642 change coordinator shall: (1) serve as such office's principal liaison regarding climate change
643 mitigation, adaptation, and resiliency efforts; (2) assist in the development and implementation
644 of the state plan under the leadership of personnel from the executive office of energy and
645 environmental affairs and the executive office of public safety and security; (3) work with
646 agencies under the jurisdiction of such office to complete vulnerability assessments for each
647 agency and assist in incorporating these assessments into the state plan, on a schedule
648 determined by the executive office of energy and environmental affairs and the executive office
649 of public safety and security; (4) complete vulnerability assessments for such office, informed by
650 the vulnerability assessments of each agency under the jurisdiction of such office and assist in
651 incorporating these assessments into the state plan, on a schedule determined by the executive
652 office of energy and environmental affairs and the executive office of public safety and security;
653 and (5) continuously implement priority strategies and recommendations from the vulnerability
654 assessment, to moderate risk from climate change.

655 Section 11. (a) The secretary shall develop and support a municipal vulnerability
656 preparedness grant program. The program shall consist of: (1) financial assistance to

657 municipalities to complete a community-led resilience building process and vulnerability
658 assessment that enables climate change information and adaptation actions to be directly
659 incorporated into existing municipal plans, policies, and spending programs; (2) technical
660 planning guidance to increase resilience in municipalities through climate vulnerability
661 assessments; (3) a statewide catalogue of municipal climate vulnerabilities and impacts identified
662 through the assessment process that may be incorporated into the state plan; and (4) support for
663 implementation projects to address vulnerabilities identified through the planning process.

664 (b) A grant of financial assistance issued under this section shall be used to advance
665 efforts to adapt land use, zoning, infrastructure, financial decision-making, policies and programs
666 to reduce the vulnerability of the built and natural environment to changing environmental
667 conditions that are a result of climate change.

668 (c) The secretary shall develop and implement an outreach and education program about
669 climate change and its effects for low-income, environmental justice and urban communities to
670 increase participation in the grant program established in this section.

671 SECTION 16. Subsection (a) of section 3 of chapter 23M of the General Laws, as
672 appearing in the 2016 Official Edition, is hereby amended by inserting after the word “entity,” in
673 line 4, the following words:- and to establish and administer a third-party financing program.

674 SECTION 17. Subsection (g) of said section 3 of said chapter 23M, as so appearing, is
675 hereby amended by striking out, in lines 130 to 131, the words “and remedies”.

676 SECTION 18. Said subsection (g) of said section 3 chapter 23M, as so appearing, is
677 hereby further amended by inserting after the sixth sentence the following sentence:- In the event
678 a lien for property taxes of the municipality is foreclosed, the betterment assessment lien shall be

679 extinguished solely with regard to any installments that were due and owing on the date of
680 foreclosure of such tax lien, and the betterment assessment lien shall otherwise survive such
681 foreclosure.

682 SECTION 19. Said subsection (g) of said section 3 of said chapter 23M, as so appearing,
683 is hereby further amended by striking out, in line 141, the words “judgment of”.

684 SECTION 20. Said subsection (g) of said section 3 of said chapter 23M, as so appearing,
685 is hereby further amended by striking out, in lines 143 to 144, the word “judgment,” and
686 inserting in place thereof the following word:- foreclosure.

687 SECTION 21. Subsection (h) of said section 3 of said chapter 23M, as so appearing, is
688 hereby amended by striking out, in lines 158 to 159, the words “and a suit on the debt,” and
689 inserting in place thereof the following words:- in a manner consistent with the rights afforded a
690 mortgagee under the provisions of section 21 of chapter 183, and an action of contract or any
691 other appropriate action, suit or proceeding.

692 SECTION 22. Section 21 of chapter 25 of the General Laws, as so appearing, is hereby
693 amended by striking out in lines 4, 14, 19, 24, and 101, the word “reduction,” and inserting in
694 place thereof, in each instance, the following word:- management.

695 SECTION 23. Said section 21 of said chapter 25, as so appearing, is hereby further
696 amended by striking out, in line 11, the word “electric” and inserting in place thereof the
697 following word:- energy.

698 SECTION 24. Said section 21 of said chapter 25, as so appearing, is hereby further
699 amended by inserting after the words “management programs,” in line 34, the following words:-

700 including energy storage and other active demand management technologies, and strategic
701 electrification, such as measures that are designed to result in cost-effective reductions in
702 greenhouse gas emissions through the use of expanded electricity consumption while minimizing
703 ratepayer costs;.

704 SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further
705 amended by striking out, in line 51, the word “and”.

706 SECTION 26. Said section 21 of said chapter 25, as so appearing, is hereby further
707 amended by inserting after the word “management,” in line 52, the following words:- ; and (J)
708 programs that result in customers switching to renewable energy sources.

709 SECTION 27. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby
710 amended by inserting after the definition of “Building authority” the following new definitions:-

711 “Clean peak energy resources”, any clean energy resource, as determined by the
712 department of energy resources, that may be utilized to satisfy the clean peak standard
713 established by the department under subsection (j) of section 11F, including, but not be limited
714 to, Class I renewable energy generating sources as defined in subsection (c) of said section 11F,
715 demand response resources, and energy storage systems, as defined in section 1 of chapter 164.

716 “Clean peak period”, one or more discrete time periods during a calendar year, as
717 determined by the department pursuant to subsection (j) of section 11F, when electrical
718 consumption results in a significant increase in greenhouse gas emissions, or an increase in
719 electrical prices or transmission and distribution costs to end-use electricity customers of the
720 commonwealth; provided, however, that the total numbers of hours constituting the clean peak
721 period for a particular year shall not exceed 10 per cent of the projected total hours of electricity

722 demand of all end-user customers in the commonwealth in that year; and provided further, that
723 the department may rely on forecasting by the independent service operator for the New England
724 service area in determining the clean peak period.

725 SECTION 28. Section 11F of said chapter 25A, as so appearing, is hereby amended by
726 adding the following subsection:-

727 (j) The department shall establish a clean peak standard for all retail electricity suppliers
728 selling electricity to end-use customers in the commonwealth. Such standard shall require all
729 retail electricity suppliers to provide a minimum percentage of kilowatt-hour sales to end-use
730 customers in the commonwealth from clean peak energy resources, which amount shall be
731 determined by the department through regulations. A retail electricity supplier may satisfy its
732 annual obligation under this subsection with Class I renewable energy generating sources used to
733 satisfy its annual obligation under subsection (a). In developing the clean peak standard, the
734 department may consider using market-based program designs to facilitate long-term investment
735 in clean peak energy resources; provided, however, that the clean peak standard shall be
736 designed to lower the overall costs to the commonwealth's ratepayers over the period in which
737 the clean peak standard is in effect and, to the maximum extent practicable, shall ensure that any
738 rate increase for an individual electricity customer, regardless of customer class, resulting from
739 the clean peak standard does not exceed 0.5 cents per kilowatt-hour in the aggregate for any
740 particular year. The department shall promulgate regulations to implement this subsection,
741 including, at a minimum, provisions regarding: (1) the methodology for defining the clean peak
742 period for electricity demand in a given year; (2) the minimum amount of clean peak energy
743 resources required to satisfy the clean peak standard; and (3) an alternative compliance

744 mechanism for retail electricity suppliers. The clean peak standard established under this
745 subsection shall terminate on December 31, 2040.

746 SECTION 29. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
747 amended by inserting after the definition of “Special permit granting authority” the following 2
748 definitions:-

749 “TDR zoning”, zoning that authorizes transfer of development rights by permitting
750 landowners in specific preservation areas identified as sending areas to sell their development
751 rights to landowners in specific development districts identified as receiving areas.

752 “Transfer of development rights”, the regulatory procedure whereby the owner of a
753 parcel may convey development rights, extinguishing those rights on the first parcel, and where
754 the owner of another parcel may obtain and exercise those rights in addition to the development
755 rights already existing on that second parcel.

756 SECTION 30. Section 9 of said chapter 40A, as so appearing, is hereby amended by
757 inserting after the word “interests,” in line 34, the following words:- ; provided, however, that
758 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of
759 development rights to be permitted as of right, without the need for a special permit or other
760 discretionary zoning approval.

761 SECTION 31. The General Laws are hereby amended by inserting after chapter 40W the
762 following chapter:-

763 CHAPTER 40X. Public Private Partnerships

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

766 “Eligible project”, a building or facility, including associated collection and distribution
767 infrastructure, used for public water supply or treatment, storm water treatment and disposal,
768 waste water treatment and disposal, or flood control.

769 “Material default”, a default by the operator in the performance of its duties under a
770 public-private partnership agreement which jeopardizes delivery of adequate service to the
771 public from an eligible project and remains unsatisfied after a reasonable period of time after the
772 operator has received written notice from the public agency of the failure, or any other default
773 that has a material adverse financial impact on the public agency or the users of the eligible
774 project as determined by the public agency pursuant to procedures set forth in the public-private
775 partnership agreement.

776 “Offeror”, a private entity that submits a proposal under this chapter.

777 “Operator”, a private entity that has entered into a public-private partnership agreement
778 with a public agency under this chapter.

779 “Private entity”, an individual, corporation, limited liability company, general or limited
780 partnership, joint venture, business trust, public benefit corporation, non-profit entity or other
781 private business entity.

782 “Public agency”, a municipality or two or more municipalities acting together, a
783 redevelopment authority, or a fire, water, sewer, or water pollution abatement district, howsoever

784 named, formed for the purpose of carrying out any of the aforementioned functions, whether
785 established under general law or special act or otherwise authorized by law.

786 “Public-private partnership agreement”, an agreement between a public agency and a
787 private entity for the lease, operation and maintenance, repair or replacement, financing, design,
788 construction, modifications, or installation, or any combination thereof, of an eligible project
789 necessary to ensure adequate services and ensure the ability of the public agency to operate in
790 full compliance with all applicable requirements of federal, state and local law, as determined by
791 the public agency in its sole discretion.

792 “Responsible offeror”, an offeror that has submitted a responsive proposal that conforms
793 in all material respects to the public agency’s solicitation for bids, as determined by the public
794 agency in its sole discretion, and that possesses the capability to fully perform the contract
795 requirements in all respects and the integrity and reliability to assure good faith performance.

796 “Revenue”, a user fee or service payment, or both, generated by an eligible project.

797 “Service payment”, a performance-based payment to the operator made by a public
798 agency, pursuant to a public-private partnership agreement.

799 “User fee”, a rate or other charge imposed by the operator or the public agency, as
800 applicable, pursuant to a public-private partnership agreement for use of the eligible project.

801 Section 2. Notwithstanding any general or special law to the contrary, a public agency
802 may solicit proposals and enter into a public-private partnership agreement for an eligible project
803 in accordance with this chapter; provided, however, that the public-private partnership agreement
804 shall not be subject to sections 14 to 21, inclusive, of chapter 149A and the competitive bid

805 requirements set forth in sections 44 to 57, inclusive, of chapter 7C, section 39M of chapter 30,
806 or sections 44A to 44J, inclusive, of chapter 149; and provided further, that each such public-
807 private partnership agreement shall be awarded pursuant to this chapter and chapter 30B of the
808 General Laws, except for clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) of
809 said section 6, paragraph (g) of said section 6, and sections 13 and 16 of said chapter 30B.

810 Section 3. A public agency that receives an unsolicited proposal for a public-private
811 partnership agreement may, in its sole discretion, reject the unsolicited proposal. A public
812 agency shall not approve an unsolicited proposal or enter into a public-private partnership
813 agreement with the entity submitting the unsolicited proposal, unless the public agency follows
814 the procedures set forth in sections 4 and 5 of this chapter.

815 Section 4. (a) No public agency shall enter into a public-private partnership agreement
816 for an eligible project without first soliciting proposals as set forth in this section. The request
817 for proposals for an eligible project shall specify the method for comparing proposals to
818 determine which offerors are responsible offerors and which proposal from a responsible offeror
819 best meets the factors listed in subsection (a) of section 5. If the public agency awards the
820 public-private partnership agreement to a responsible offeror who did not submit the proposal
821 with the lowest overall cost, including but not limited to all capital financing, operating and
822 maintenance and life-cycle costs, the public agency shall explain the reason for the award in
823 writing as provided in paragraph (h) of section 6 of chapter 30B. The request for proposals shall
824 set forth mandatory performance guarantees, which the selected responsible offeror will be
825 required to meet in operating the eligible project as constructed or improved. The public-private
826 partnership agreement that is negotiated with the selected offeror based on the request for
827 proposals shall obligate the selected responsible offeror to meet such mandatory performance

828 guarantees, in addition to any other terms required by section 6, and shall set forth the minimum
829 design requirements for such construction or improvements and the acceptance tests to be
830 conducted upon the completion of the construction or improvements in order to demonstrate that
831 the eligible project is capable of meeting the performance guarantees.

832 (b) The chief procurement officer or other designated official of the public agency shall
833 solicit proposals through a request for proposals which shall include, at a minimum, the items in
834 subsection (a) of section 4 of this chapter, the items in paragraphs (1) and (2) of subsection (b) of
835 section 6 of chapter 30B, and the proposed key contractual terms and conditions for the public-
836 private partnership agreement, some of which may be mandatory or non-negotiable. The request
837 for proposals may also request proposals to address other contractual terms and other matters as
838 may be determined by the public agency. The request for proposals shall provide for the
839 submission of a separate price proposals and shall indicate when and how the offerors shall
840 submit the price proposal.

841 (c) A public agency may establish procedures for the distribution of a request for
842 proposals, and may charge a reasonable fee to cover the costs of processing, reviewing and
843 evaluating the proposal, including reasonable attorney fees and fees for financial and other
844 reasonably necessary advisers or consultants.

845 (d) Offerors shall submit their sealed proposals to ensure that they are received prior to
846 the time and date established for receipt of the proposals. Sealed proposals shall be submitted in
847 the format required by the public agency. All sealed proposals shall be opened at the time, and
848 date designated in the request for proposals.

849 Section 5. (a) A public agency shall evaluate each proposal to make a preliminary
850 determination as to which one, if any, is the most advantageous proposal for the public agency.

851 In making this determination, a public agency may consider any of the following:

852 (1) price;

853 (2) estimated life-cycle costs;

854 (3) lower user charges proposed over the term of the agreement;

855 (4) form and reliability of the performance guarantee proposed;

856 (5) financial commitment;

857 (6) innovative financing;

858 (7) bonding capacity;

859 (8) technical, scientific, technological or socioeconomic merit and innovation;

860 (9) proposed design, operation and feasibility of the eligible project;

861 (10) public reputation, qualifications, industry experience, and financial strength of the
862 private entity;

863 (11) compatibility of the proposal with existing and future land use plans of the public
864 agency;

865 (12) compatibility of the proposal with applicable statutory, regulatory, and planning
866 requirements; and

867 (13) any other factors deemed appropriate by the public agency and identified in the
868 request for proposals.

869 (b) The relative importance of each evaluation factor shall be ranked prior to issuing the
870 request for proposals.

871 (c) The request for proposals shall provide an opportunity for the public agency to engage
872 in negotiations with responsible offerors for the purpose of clarifying bid responses and
873 obtaining best and final offers. Responsible offerors shall be accorded fair and equal treatment
874 with respect to any opportunity for negotiation and revision of proposals. In conducting such
875 negotiations, the public agency shall not disclose any information derived from proposals
876 submitted by competing offerors.

877 (d) The responsible offeror whose proposal is preliminarily determined under subsection
878 (a) to be the most advantageous for the public agency, taking into consideration all relevant
879 evaluation factors, shall be selected for negotiation of the public-private partnership agreement.
880 The public agency may negotiate all terms of the agreement not deemed mandatory or non-
881 negotiable with such offeror. If after negotiation with such offeror, the public agency determines
882 that it is in the best interests of the public agency, the public agency may determine the proposal
883 which is the next most advantageous proposal from a responsible offeror taking into
884 consideration the evaluation criteria set forth in the request for proposals, and initiate
885 negotiations regarding the terms of a public-private partnership agreement with such offeror. The
886 public agency shall award the contract to the most advantageous proposal from a responsible
887 offeror taking into consideration price, the evaluation criteria set forth in the request for
888 proposals, and the terms of the negotiated contract.

889 (e) A request for proposals may be canceled or modified when it is in the best interests of
890 the public agency, as determined by the agency at its sole discretion, at any time prior to the time
891 a public private partnership agreement is executed by all parties. Subject to the provisions of
892 subsection (c), the public agency may also terminate negotiations with any offeror over the terms
893 of a public-private partnership agreement, at any time prior to execution of such agreement.

894 Section 6. (a) Prior to delivering applicable services for an eligible project, the selected
895 responsible offeror shall enter into a comprehensive public-private partnership agreement with
896 the public agency in accordance with this section. A public agency may enter into a private-
897 partnership agreement if authorized by a simple majority vote of its governing body and, in the
898 case of a public agency that is one or more municipalities, if authorized by a simple majority
899 vote of each municipality's governing body. The public-private partnership agreement shall
900 provide for all of the following:

901 (1) delivery of maintenance, performance and payment bonds or letters of credit, or other
902 security for the selected offeror's obligations under the public-private partnership agreement for
903 the eligible project, in the forms and amounts satisfactory to the public agency;

904 (2) obligation of the selected offeror to meet mandatory performance guarantees,
905 including the minimum design requirements for any construction or improvements and the
906 acceptance tests to be conducted upon the completion of the construction or improvements in
907 order to demonstrate that the eligible project is capable of meeting the performance guarantees;

908 (3) review of plans and specifications for the eligible project by the public agency and
909 approval by the public agency if the plans and specifications conform to standards acceptable to
910 the public agency;

911 (4) inspection and auditing of the eligible project by the public agency to ensure that the
912 operator's activities are acceptable to the public agency in accordance with the public-private
913 partnership agreement, including all performance guarantees set forth in the request for
914 proposals;

915 (5) maintenance of policies of liability insurance, copies of which shall be filed with the
916 public agency accompanied by proofs of coverage, self-insurance, in form and amount
917 satisfactory to the public agency and reasonably sufficient to insure coverage of tort liability to
918 the public and employees and to enable the continued operation of the eligible project;

919 (6) monitoring of the practices of the operator by the public agency to ensure that the
920 eligible project is properly maintained;

921 (7) reimbursement to be paid to the public agency for services provided by the public
922 agency;

923 (8) filing of appropriate financial statements on a periodic basis; and

924 (9) policies and procedures governing the rights and responsibilities of the public agency
925 and the operator in the event the public-private partnership agreement is terminated or there is a
926 material default by the operator, including conditions governing assumption of the duties and
927 responsibilities of the operator by the public agency and the transfer of property or other interests
928 of the operator by the public agency.

929 (b) The public-private partnership agreement may provide for a user fee or service
930 payment, or both. When negotiating a user fee under this section, the parties shall establish
931 payments or fees that are the same for a person using the facility under like conditions and that

932 will not materially discourage use of the eligible project. A user fee established in the public-
933 private partnership agreement as a source of revenue may be in addition to or in lieu of a service
934 payment.

935 (c) In the public-private partnership agreement, the public agency may agree to make a
936 grant or loan or otherwise direct funds to the operator from an amount received pursuant to a
937 grant or loan from the federal or state government or a political subdivision or agency thereof, if
938 the terms of the grant or loan so allow.

939 (d) For the purpose of providing funds to carry out this chapter with respect to the
940 development, financing or operation of an eligible project or the refunding of any bonds or notes,
941 together with any costs associated with the transaction: (1) a public agency may authorize, issue
942 and sell general obligations bonds or notes, to the extent and in the manner otherwise provided
943 by law; or (2) a public agency may authorize, issue and sell revenue bonds or notes in the
944 manner provided in section 4 of chapter 40Q. For the purpose of financing an eligible project, the
945 public agency may apply for, obtain, issue and use private activity bonds available under any
946 federal law or program. Any bonds, debt, other securities or other financing issued for the
947 purposes of this chapter shall not be considered a debt of the commonwealth or a pledge of the
948 full faith and credit of the commonwealth.

949 (e) The public-private partnership agreement shall incorporate the duties of the operator
950 under this chapter and may contain other terms and conditions that the public agency determines
951 serve the public purpose.

952 (f) The public agency shall establish a date for the commencement of activities under the
953 public-private partnership agreement related to the eligible project. The public agency may

954 extend the date, pursuant to the applicable provisions in the public-private partnership
955 agreement.

956 (g) A public-private partnership agreement entered into under this chapter shall not
957 enlarge, diminish or affect the authority otherwise possessed by the public agency to take action
958 that would impact the debt capacity of the commonwealth or any of its political subdivisions and
959 this chapter shall not be construed to authorize indebtedness in an amount exceeding the limits
960 established by section 10 of chapter 44.

961 Section 7. (a) Notwithstanding any general or special law to the contrary, public-private
962 partnership agreements awarded under this chapter may provide for a term, not exceeding 20
963 years, and an option for renewal or extension of operations and maintenance services for 2
964 additional terms, not exceeding 10 years. The renewal or extension shall be at the sole discretion
965 of the public agency in accordance with the original contract terms and conditions or with
966 contract terms and conditions which are more favorable to and acceptable to the public agency.

967 (b) Upon the end of the term of the public-private partnership agreement or in the event
968 of termination of the public-private partnership agreement, the duties of the parties thereto shall
969 cease, except for any duties and obligations that extend beyond the termination as provided in the
970 public-private partnership agreement, and all the rights and interests associated with such eligible
971 project shall revert to the public agency and shall be dedicated to the agency for public use.

972 Section 8. (a) The operator shall have the authority to conduct the activities identified in
973 the public-private partnership agreement and to impose and collect a user fee or a service
974 payment, or both, as set forth in such agreement.

975 (b) (1) Notwithstanding paragraph (2), any financing of the eligible project may be in an
976 amount and upon terms and conditions as may be determined by the operator consistent with the
977 public-private partnership agreement.

978 (2) The operator may issue debt, equity or other securities or obligations, enter into sale
979 and leaseback transactions and secure any financing with a pledge of, security interest in or lien
980 on any or all of its property, including any property interests in the eligible project.

981 (c) In operating the eligible project, the operator may do any of the following, to the
982 extent permitted by the public-private partnership agreement:

983 (1) make classifications according to reasonable categories for assessment of user fees;

984 (2) with the consent of the public agency, make and enforce reasonable rules to the same
985 extent that the public agency may make and enforce rules with respect to similar facilities;

986 (d) In operating the eligible project, the operator shall:

987 (1) design, construct, improve, renovate, expand, equip, maintain, operate or finance the
988 eligible project in accordance with the public-private partnership agreement;

989 (2) keep the eligible project open for use by members of the public as appropriate based
990 upon the use of the facility after its initial opening upon payment of the applicable user fee or
991 service payment; provided, however, that the operator may temporarily close the eligible project,
992 because of emergencies or with the consent of the public agency, to protect the safety of the
993 public or for reasonable construction or maintenance procedures as set forth under the public-
994 private partnership agreement;

995 (3) maintain or provide by contract for the maintenance of the eligible project, if required
996 by the public-private partnership agreement;

997 (4) cooperate with the public agency in making best efforts to establish any
998 interconnection with the eligible project requested by the public agency; and

999 (5) comply with the public private-partnership agreement and any service contract.

1000 (e) This section does not prohibit an operator of an eligible project from providing
1001 additional services for the eligible project to private entities or local agencies other than the
1002 public agency that is party to the public-private partnership agreement, if the provision of
1003 additional service does not impair the operator's ability to meet its commitments to the public
1004 agency under the public-private partnership agreement.

1005 Section 9. (a) Upon the occurrence of a material default by the operator not caused by an
1006 event of force majeure, the public agency may exercise all rights and remedies available to it
1007 pursuant to the public private partnership agreement, including without limitation the termination
1008 of the public private partnership agreement. In addition to such rights and remedies, if the public
1009 agency determines that the operator has failed or will fail to provide adequate and reasonable
1010 service to the persons served by the eligible project, the public agency may, by written notice to
1011 the operator, temporarily assume some or all of the responsibilities and duties of the operator, at
1012 the sole expense of the operator. If a public agency shall temporarily assume the responsibilities
1013 of the operator pursuant to this subsection (a), the public agency may design, construct, improve,
1014 renovate, operate, expand, equip or maintain the eligible project, impose user fees, collect
1015 revenue and comply with service contracts as if it were the operator. Revenue subject to a pre-
1016 existing lien shall be collected for the benefit of and paid to secured parties, as their interests may

1017 appear, to the extent necessary to satisfy the operator's obligations to secured parties, including
1018 the maintenance of reserves; provided, however, that revenue shall first be allocated to pay
1019 current operation and maintenance costs of the eligible project, including compensation to the
1020 public agency for its services in operating and maintaining the eligible project. Assumption of
1021 operation of the eligible project shall not obligate the public agency to pay any obligation of the
1022 operator from sources other than revenue from such eligible project.

1023 (b) A public agency which is a party to a public-private partnership agreement, and
1024 which has the power of condemnation under state law, may exercise the power of condemnation
1025 to acquire the operator's rights and interests in the eligible project as may be needed to cure a
1026 material default or otherwise to advance a public purpose. Upon such taking, the public entity
1027 shall succeed to the operator's rights and interests in the eligible project, subject to any liens on
1028 revenue previously granted by the operator to any person providing financing. The operator and
1029 any person who has a lien on the revenue generated by the eligible project shall have standing to
1030 intervene in the condemnation proceedings.

1031 (c) The public agency may make or cause to be made, at any time, any appropriate
1032 claims under maintenance, performance or payment bonds, lines of credit or other forms of
1033 security required under this chapter.

1034 Section 10. This chapter shall not be construed or deemed to constitute a waiver of the
1035 governmental immunity of a public agency.

1036 SECTION 32. Section 6F of chapter 62 of the General Laws, as appearing in the 2016
1037 Official Edition, is hereby amended by inserting after the word "under," in line 52, the following
1038 words:- subsections (a) or (c) of.

1039 SECTION 33. Section 5 of chapter 65C, as so appearing, is hereby amended by adding
1040 the following subsection:-

1041 (d)(1) As used in this subsection, the following words shall have the following
1042 meanings:-

1043 “Applicable date”, the date upon which the 10 year period that the estate shall be liable
1044 for assessment under paragraph (4) of this subsection begins. For qualifying agricultural land and
1045 associated land, the applicable date shall be the date of death of the decedent. For qualifying non-
1046 committed land, the applicable date shall be 2 years from the date of death of the decedent.

1047 “Associated land”, land under the same ownership as and contiguous to qualifying
1048 agricultural land and which, as of the date of death of the decedent, is not committed to
1049 residential, industrial or commercial use. Land shall be deemed contiguous if it is separated from
1050 other land under the same ownership only by a public or private way or waterway. Land under
1051 the same ownership shall be deemed contiguous if it is connected to other land under the same
1052 ownership by an easement for water supply. Any such land in excess of 100 per cent of the
1053 acreage of qualifying agricultural land shall be deemed qualifying non-committed land.

1054 “Closely held agricultural land”, qualifying agricultural land, associated land and
1055 qualifying non-committed land for which an election is made under this subsection.

1056 “Qualifying agricultural land”, land which meets the definition of forest land under
1057 chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural
1058 uses under chapter 61A or recreational land under chapter 61B that is also used for farming or
1059 agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for
1060 at least 2 of the tax years immediately preceding the death of the decedent; provided, however,

1061 that the land need not be classified by municipal assessors as forest land under chapter 61, land
1062 actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter
1063 61A or recreational land under chapter 61B to qualify for valuation as closely held agricultural
1064 land under this subsection.

1065 “Qualifying non-committed land”, land which is not qualifying agricultural land and is
1066 not committed to residential, industrial or commercial use, including associated land in excess of
1067 100 per cent of the acreage of qualifying agricultural land.

1068 “Savings”, the difference between the estate taxes paid as a result of an election made
1069 under this subsection and the estate taxes that would have otherwise been paid had the election
1070 not been made.

1071 (2) If the gross estate of a decedent includes real property that is qualifying agricultural
1072 land, associated land or qualifying non-committed land, the estate may elect, in lieu of the
1073 election available under subsection (c) of this section, to value such property, or any portion
1074 thereof, as closely held agricultural land pursuant to the valuation set by the farmland valuation
1075 advisory commission established pursuant to section 11 of chapter 61A for the fiscal year of the
1076 most recent growing season. The value of closely held agricultural land as determined pursuant
1077 to such election shall only be for the purposes of computing the tax due under this chapter. Such
1078 election shall be subject to the provisions of paragraphs (3) through (5), inclusive, of this
1079 subsection.

1080 (3) Unless the property is restricted by a non-development covenant that (i) is approved
1081 by the commissioner of agriculture, (ii) is for the purposes of maintaining the land in agricultural
1082 use, (iii) precludes non-agricultural development of the land, (iv) is recorded at the registry of

1083 deeds in the counties or districts in which the property is located and (v) does not expire within
1084 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the
1085 registry of deeds of the counties or districts in which the property is situated a statement which
1086 shall constitute a lien upon the land covered by election under this subsection. The statement
1087 shall include the owner or owners of record, the savings as a result of such election, the fair
1088 market value of the property and a description of the land adequate for identification. Unless
1089 such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser
1090 or other transferee without actual knowledge of such lien.

1091 Upon application by any record owner, such liens shall be released by the commissioner
1092 with respect to any property upon the facts being established by their records or by affidavits or
1093 otherwise that all assessments have been paid, or it being more than 10 years past the applicable
1094 date, no assessment being due. All recording fees paid under this subsection whether for
1095 statements of liens, certificates, releases or otherwise shall be borne by the owner of record of the
1096 land. Property restricted by an agricultural preservation restriction as defined by section 31 of
1097 chapter 184 and signed by the commissioner of agriculture shall be deemed to be restricted by a
1098 non-development covenant that (i) is approved by the commissioner of agriculture, (ii) is for the
1099 purposes of maintaining the land in agricultural use, (iii) precludes non-agricultural development
1100 of the land, (iv) is recorded at the registry of deeds in the counties or districts in which the
1101 property is located and (v) does not expire within 10 years of the applicable date.

1102 (4)(i) When land valued as closely held agricultural land under this subsection, within a
1103 period of 10 years from the applicable date, is sold for other use or no longer qualifies as closely
1104 held agricultural land, the owner or owners shall immediately notify the commissioner of such
1105 sale or change of use and an assessment shall be due the commonwealth. Such assessment shall

1106 be calculated with interest based on the date of sale for other use or based on the last date of use
1107 as closely held agricultural land as follows:

1108 The assessment shall be equal to 100 per cent of the savings if such date is within 1 year
1109 of the applicable date; 90 per cent of the savings if such date is within 2 years, but more than 1
1110 year, of the applicable date; 80 per cent of the savings if such date is within 3 years, but more
1111 than 2 years, of the applicable date; 70 per cent of the savings if such date is within 4 years, but
1112 more than 3 years, of the applicable date; 60 per cent of the savings if such date is within 5 years,
1113 but more than 4 years, of the applicable date; 50 per cent of the savings if such date is within 6
1114 years, but more than 5 years, of the applicable date; 40 per cent of the savings if such date is
1115 within 7 years, but more than 6 years, of the applicable date; 30 per cent of the savings if such
1116 date is within 8 years, but more than 7 years, of the applicable date; 20 per cent of the savings if
1117 such date is within 9 years, but more than 8 years, of the applicable date; 10 per cent of the
1118 savings if such date is within 10 years, but more than 9 years, of the applicable date; and no
1119 assessment shall be due if such date is more than 10 years from the applicable date.

1120 Such assessment shall also include interest calculated at a simple interest rate of 5 per
1121 cent per annum on the savings from the applicable date. There shall be an additional assessment
1122 equal to 30 per cent of the savings if the date of sale for other use or the last date of use while
1123 qualified as closely held agricultural land occurs within 1 year of the applicable date; and 15 per
1124 cent of the savings if such date occurs within 2 years, but more than 1 year, of the applicable
1125 date.

1126 (ii) If an election has been made with respect to qualifying non-committed land which, on
1127 the applicable date, fails to meet the definition of forest land under chapter 61, land actively

1128 devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or
1129 recreational land under chapter 61B that is also used for farming or agriculture, as defined in
1130 section 1A of chapter 128, an assessment shall be due the commonwealth and payable by the
1131 owner or owners within 30 days of the applicable date; provided, however, that the land need not
1132 be classified by municipal assessors as forest land under chapter 61, land actively devoted to
1133 agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational
1134 land under chapter 61B. Such assessment shall be equal to the sum of (A) 100 per cent of the
1135 savings; (B) interest calculated at a simple interest rate of 5 per cent per annum on the savings
1136 from the date of death of the decedent; and (C) an additional assessment equal to 30 per cent of
1137 the savings.

1138 (iii) Notwithstanding this paragraph, there shall be no assessment if the land involved, or
1139 a lesser interest in the land, is acquired for a natural resource by the commonwealth or by a
1140 nonprofit conservation organization; provided, however, that if any portion of the land is sold or
1141 converted to commercial, residential or industrial use within 10 years after the applicable date by
1142 a nonprofit conservation organization, an assessment shall be imposed against the nonprofit
1143 conservation organization in the amount that would have been imposed at the time of acquisition
1144 of the subject parcel by the nonprofit conservation organization had the transaction been subject
1145 to an assessment or, in the case of qualifying non-committed land acquired by a nonprofit
1146 conservation organization before the applicable date, the amount that would have been imposed
1147 on the applicable date under clause (ii) of this paragraph.

1148 (iv) In the case of sale for other use of closely held agricultural land, other than
1149 qualifying non-committed land sold for other use before the applicable date, assessments
1150 imposed by this subsection shall be due and payable by the grantor at the time of transfer of the

1151 property by deed or other instrument of conveyance. In the case of qualifying non-committed
1152 and sold for other use before the applicable date, assessments imposed by this subsection shall be
1153 due and payable by the grantor on the applicable date. In the case of change to a non-qualifying
1154 use, assessments imposed by this subsection shall be due and payable by the owner or owners
1155 within 30 days of the of the last date of use as closely held agricultural land, regardless of the
1156 date on which the commissioner was notified by said owner or owners of such change of use.

1157 (v) An assessment shall be imposed on only that portion of land on which the use has
1158 changed. If, by conveyance or other action of the owner thereof, a portion of land which is
1159 valued as closely held agricultural land under this subsection is separated for other use, the land
1160 separated shall be subject to liability for assessment, interest and additional assessment under this
1161 paragraph based on the proportion which the acreage of the land so separated bears to the total
1162 acreage of land valued as closely held agricultural land under this subsection.

1163 (5) The commissioner shall promulgate regulations as necessary to carry out the
1164 provisions of this subsection.

1165 SECTION 34. Section 25 of chapter 90B of the General Laws, as so appearing, is hereby
1166 amended by inserting after the word “way,” in line 44, the following words:- , or upon but to the
1167 extreme right of such travelled portion,.

1168 SECTION 35. The fourth paragraph of said section 25 of said chapter 90B, as so
1169 appearing, is hereby amended by adding the following sentence:- This paragraph shall also apply
1170 to any portion of a public way designated by the governmental entity with jurisdiction over such
1171 public way, with approval of the chief of police of the municipality in which such portion lies, to
1172 permit travel by a recreational vehicle from one authorized operating area to another, or permit

1173 access by a recreational vehicle to essential services such as fuel, food, and lodging from an
1174 authorized operating area. The designated portion shall be the minimum distance necessary to
1175 permit such travel or access, but in no event shall exceed 4 miles.

1176 SECTION 36. Section 18 of chapter 129 of the General Laws, as so appearing, is hereby
1177 amended by adding the following sentence:- An inspector, within 12 months of appointment,
1178 shall be required to complete all state-funded training courses as determined by the director and
1179 shall be further required to renew such training on a schedule determined by the director.

1180 SECTION 37. Section 2 of chapter 130 of the General Laws, as so appearing, is hereby
1181 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the
1182 following paragraph:-

1183 Whoever violates any provision of this chapter or regulation made under the authority of
1184 this chapter, unless otherwise provided, shall be (a) punished by a fine of not less than \$400 or
1185 more than \$10,000, or by imprisonment in the house of correction for not more than 2 ½ years,
1186 or both; or (b) liable for a civil penalty not to exceed \$10,000 for each such violation. Such civil
1187 penalty may be assessed in an action brought on behalf of the commonwealth in the superior or
1188 district court.

1189 SECTION 38. Section 13 of said chapter 130, as so appearing, is hereby amended by
1190 striking out the third paragraph.

1191 SECTION 39. Said chapter 130 is hereby further amended by striking out section 18, as
1192 so appearing, and inserting in place thereof the following section:-

1193 Section 18. No person shall, without right, enter in or upon any building or other structure
1194 or any area of land, flats or water, set apart and used by or under authority of the director for
1195 conducting scientific experiments or investigations or for propagation or protection of fish, or
1196 contrary to regulations fish in waters so set apart and used after the director has caused printed
1197 notices of such occupation and use and the purposes thereof to be placed in a conspicuous
1198 position upon any such building or other structure or adjacent to any such area of land, flats or
1199 water, or injure or deface any such building or other structure or any notice posted as aforesaid,
1200 or injure or deface any property used in such experiments or investigations or for such purposes,
1201 or otherwise interfere therewith.

1202 SECTION 40. Section 19 of said chapter 130, as so appearing, is hereby amended by
1203 striking out the fifth paragraph.

1204 SECTION 41. Said section 19 of said chapter 130, as so appearing, is hereby further
1205 amended by striking out the third sentence of the sixth paragraph.

1206 SECTION 42. Section 21 of said chapter 130, as so appearing, is hereby amended by
1207 striking out the fifth paragraph.

1208 SECTION 43. Said chapter 130 is hereby amended by striking out section 23, as so
1209 appearing, and inserting in place thereof the following section:-

1210 Section 23. Except in the case of emergency imperiling life or property or an unavoidable
1211 accident or except in accordance with the terms of a permit issued pursuant to state or federal
1212 water pollution control laws, no person shall, from any source, put, throw, discharge or suffer or
1213 permit to be discharged or escape into any coastal waters any oil, poisonous or other injurious
1214 substance, including but not limited to, sawdust, shavings, garbage, ashes, acids, sewage and

1215 dye-stuffs, whether simple, mixed or compound, or heated effluent, which directly or indirectly
1216 materially injure fish, fishspawn or seed therein, or takes any such fish by such means, or
1217 whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or takes
1218 any such fish in such waters by such means, or explodes dynamite or other explosive in such
1219 waters.

1220 SECTION 44. Section 29 of said chapter 130, as so appearing, is hereby amended by
1221 striking out the second paragraph and inserting in place thereof the following paragraph:- No
1222 person shall construct or maintain a weir, pound net or a fish trap in the tide water except in
1223 accordance with the requirements of this section.

1224 SECTION 45. Section 30 of said chapter 130, as so appearing, is hereby amended by
1225 striking out the second sentence.

1226 SECTION 46. Said chapter 130 is hereby amended by striking out section 31, as so
1227 appearing, and inserting in place thereof the following section:-

1228 Section 31. No person shall, without the consent of the owner, take or use or destroy,
1229 injure or molest any weir, pound net, fish trap, seine, set net or lobster or crab pot or other
1230 fishing gear, or any fish car or other contrivance used for the purpose of storing fish, including
1231 any such fishing gear which is swept ashore by storm or tide or other natural causes and
1232 deposited upon the shore, beaches or flats, whether public or private, or take fish therefrom
1233 without the consent of the owner.

1234 SECTION 47. Section 33 of said chapter 130, as so appearing, is hereby amended by
1235 striking out the sixth sentence.

1236 SECTION 48. Section 34 of said chapter 130, as so appearing, is hereby amended by
1237 striking out the first sentence and inserting in place thereof the following sentence:- Between
1238 March 15 and the following June 15 of any year, no person shall catch or take any smelt from the
1239 waters of the commonwealth, or buy, receive, sell or offer or expose for sale, transport or possess
1240 a smelt so taken.

1241 SECTION 49. Section 35 of said chapter 130, as so appearing, is hereby amended by
1242 striking out the first paragraph and inserting in place thereof the following paragraph:-

1243 No person shall take or attempt to take a smelt in any other manner than by angling. This
1244 section shall not apply to smelt inadvertently taken in a seine or net during the time and in the
1245 manner in which fishing is allowed for perch, herring or alewives; provided, that such smelt so
1246 taken shall be immediately liberated alive in the waters from which taken.

1247 SECTION 50. Section 36 of said chapter 130, as so appearing, is hereby amended by
1248 striking out the second sentence and inserting in place thereof the following sentence:- No person
1249 shall violate the provisions of this section or molest or disturb smelt or their spawn within such
1250 closed areas.

1251 SECTION 51. Section 37 of said chapter 130, as so appearing, is hereby amended by
1252 striking out the first sentence of the fourth paragraph.

1253 SECTION 52. Section 38 of said chapter 130, as so appearing, is hereby amended by
1254 striking out, in lines 82 to 84, the words “, and upon failure to do so shall be punished by a fine
1255 of not less than twenty-five nor more than one hundred dollars or imprisonment for one month or
1256 both”.

1257 SECTION 53. Section 38A of said chapter 130, as so appearing, is hereby amended by
1258 striking out the third paragraph.

1259 SECTION 54. Section 39 of said chapter 130, as so appearing, is hereby amended by
1260 striking out the second sentence.

1261 SECTION 55. Section 40 of said chapter 130, as so appearing, is hereby amended by
1262 striking out the second sentence.

1263 SECTION 56. Section 47 of said chapter 130, as so appearing, is hereby amended by
1264 striking out the third sentence.

1265 SECTION 57. Said chapter 130 is hereby amended by striking out section 49, as so
1266 appearing, and inserting in place thereof the following section:-

1267 Section 49. No carrier shall knowingly receive or carry from place to place any lobster or
1268 lobster meat in barrels, boxes or other containers not marked as provided in section 47.

1269 SECTION 58. Section 51 of said chapter 130, as so appearing, is hereby amended by
1270 striking out the second sentence.

1271 SECTION 59. Section 51A of said chapter 130, as so appearing, is hereby amended by
1272 striking out the third sentence.

1273 SECTION 60. Said chapter 130 is hereby amended by striking out section 66, as so
1274 appearing, and inserting in place thereof the following section:-

1275 Section 66. No person shall willfully injure, deface, destroy or remove any mark or
1276 bound used to define the extent of any shellfish license or grant, or place any unauthorized mark

1277 thereon, or tie or fasten any boat or vessel thereto. Any person who violates this section shall be
1278 liable in tort for double damages and costs to the licensee or transferee injured by such act.

1279 SECTION 61. Said chapter 130 is hereby amended by striking out section 67, as so
1280 appearing, and inserting in place thereof the following section:-

1281 Section 67. No person shall work a dredge, oyster tongs or rakes, or any other implement
1282 for the taking of shellfish of any description upon any shellfish grounds or beds covered by a
1283 license granted under section 57 or corresponding provisions of earlier laws, or in any way
1284 disturb the growth of the shellfish thereon, or discharge any substance which may directly or
1285 indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee
1286 or transferee, as the case may be, or, while upon or sailing over any such grounds or beds, cast,
1287 haul, or have overboard any such dredge, tongs, rake or other implement for the taking of
1288 shellfish of any description, under any pretense or for any purpose whatever, without the consent
1289 of the licensee or transferee, as the case may be.

1290 SECTION 62. Section 68 of said chapter 130, as so appearing, is hereby amended by
1291 striking out the second paragraph and inserting in place thereof the following paragraph:-

1292 No person shall, without the consent of the licensee or transferee, dig or take any
1293 shellfish or shells from any waters, flats or creeks described in any license granted under section
1294 57, or corresponding provisions of earlier laws, during the continuance of such license or of any
1295 renewal thereof.

1296 SECTION 63. Section 70 of said chapter 130, as so appearing, is hereby amended by
1297 striking out the seventh sentence.

1298 SECTION 64. Section 71 of said chapter 130, as so appearing, is hereby amended by
1299 striking out the second sentence.

1300 SECTION 65. Section 72 of said chapter 130, as so appearing, is hereby amended by
1301 striking out the second sentence.

1302 SECTION 66. Section 75 of said chapter 130, as so appearing, is hereby amended by
1303 striking out the first and second sentences of the second paragraph and inserting in place thereof
1304 the following sentence:-

1305 Whoever, without a permit as provided in this section or contrary to the provisions of
1306 such permit, digs or takes shellfish for any purpose from any area determined under section 74 or
1307 section 74A or under corresponding provisions of earlier laws to be contaminated, while such
1308 determination is in force, or knowingly transports or causes to be transported or has in his or her
1309 possession or offers for sale shellfish so dug or taken, shall be punished by imprisonment in the
1310 house of correction for not more than 2 ½ years, by imprisonment in the state prison for not more
1311 than 3 years, a fine of not less than \$500 and not more than \$10,000, or by both such fine and
1312 imprisonment.

1313 SECTION 67. Section 80 of said chapter 130, as so appearing, is hereby amended by
1314 striking out, in line 73, the words “ten dollars” and inserting in place thereof the following
1315 figure:- \$400.

1316 SECTION 68. Section 81 of said chapter 130, as so appearing, is hereby amended by
1317 striking out, in lines 21 to 22, the words “one hundred nor more than ten thousand dollars” and
1318 inserting in place thereof the following words:- \$400 nor more than \$10,000.

1319 SECTION 69. Section 82 of said chapter 130, as so appearing, is hereby amended by
1320 striking out, in line 18, the words “one hundred” and inserting in place thereof the following
1321 figure:- \$400.

1322 SECTION 70. Section 92 of said chapter 130, as so appearing, is hereby amended by
1323 striking out the first two paragraphs and inserting in place thereof the following paragraph:-

1324 No person shall sell, exchange, transport or deliver, or offer or expose for sale, exchange
1325 or deliver, or have in his custody or possession with intent to sell, exchange, transport or deliver,
1326 any scallops or sea scallops which have been soaked and shall tag such scallops in accordance
1327 with regulations promulgated by the director.

1328 SECTION 71. Said chapter 130 is hereby amended by striking out section 95, as so
1329 appearing, and inserting in place thereof the following section:-

1330 Section 95. No person shall take, kill or haul onshore or disturb, injure, hinder or obstruct
1331 the passage of any herring, alewives or other swimming marine food fish in a fishery created by
1332 a city or town, without its permission or that of its lessees, or in a fishery legally created by a
1333 corporation, without the permission of such corporation, or in a public fishery regulated and
1334 controlled by a city or town, contrary to its regulations. Prosecutions under this section shall be
1335 commenced within 30 days after the commission of the offence.

1336 SECTION 72. Section 99 of said chapter 130 is hereby repealed.

1337 SECTION 73. Section 100A of said chapter 130, as appearing in the 2016 Official
1338 Edition, is hereby amended by striking out the second sentence.

1339 SECTION 74. Section 100B of said chapter 130, as so appearing, is hereby amended by
1340 striking out the second sentence.

1341 SECTION 75. Section 100C of said chapter 130, as so appearing, is hereby amended by
1342 striking out the second sentence.

1343 SECTION 76. Section 100D of said chapter 130, as so appearing, is hereby amended by
1344 striking out the third paragraph.

1345 SECTION 77. Said chapter 130 is hereby amended by striking out section 102, as so
1346 appearing, and inserting in place thereof the following section:-

1347 Section 102. No person shall harvest for sale or engage in the aquaculture of marine
1348 plants except in accordance with any regulations adopted by the director and subject to a permit
1349 or written approval issued by the director.

1350 SECTION 78. Section 103 of said chapter 130 is hereby repealed.

1351 SECTION 79. The fifth paragraph of section 11 of chapter 131 of the General Laws, as
1352 appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-
1353 The director, with the approval of the fisheries and wildlife board, may discount the fees charged
1354 for sporting, hunting, fishing, and trapping licenses issued to veterans, as defined in section 6A
1355 of chapter 115.

1356 SECTION 80. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so
1357 appearing, is hereby amended by adding the following sentence:- The commissioner may also
1358 offer discounts or waive charges or fees for parking passes for veterans, as defined in section 6A
1359 of chapter 115.

1360 SECTION 81. Section 14A of chapter 132B of the General Laws, as so appearing, is
1361 hereby amended by striking out subsections (a) and (b) and inserting in place thereof the
1362 following 2 subsections:-

1363 (a) Notwithstanding any other section in this chapter, the department may assess a civil
1364 administrative penalty, not to exceed \$1,000 per violation, on any person who violates any
1365 provision of this chapter or any regulations promulgated under this chapter. Each day a violation
1366 continues shall constitute a separate violation.

1367 (b) The remedies provided in this section are available in addition to, and without
1368 limiting, any other penalties or remedies provided by law or equity. The department may adopt
1369 and promulgate such regulations as may be necessary to effectuate the purposes of this section.

1370 SECTION 82. Subsection (c) of said section 14A of said chapter 132B, as so appearing,
1371 is hereby amended by striking out the first paragraph and inserting in place thereof the following
1372 paragraph:-

1373 This penalty shall be assessed in addition to any other civil penalty otherwise provided
1374 for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in
1375 hand, or by certified mail, return receipt requested, and shall state the amount of the
1376 administrative penalty, the date the penalty shall be due, a statement of the violator's right to an
1377 adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the
1378 actions the person may take in order to avoid assessment of additional penalties or to avoid
1379 waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an
1380 election to waive a hearing is made.

1381 SECTION 83. Section 1B of chapter 164 of the General Laws, as so appearing, is hereby
1382 amended by inserting, in line 79, after the word “bidding,” the following words:- utilizing, when
1383 practicable, advanced competitive auction methods, including but not limited to reverse auctions,
1384 that are designed to maximize benefits to all default service customers.

1385 SECTION 84. Said section 1B of said chapter 164 of the General Laws, as so appearing,
1386 is hereby further amended by striking out, in lines 81 to 82, the words “all bids shall” and
1387 inserting in place thereof the following words:- the default service rate may.

1388 SECTION 85. Said section 1B of said chapter 164 of the General Laws, as so appearing,
1389 is hereby further amended by inserting, in line 83, after the word “months,” the following
1390 words:- and may vary by time of electricity use, as reviewed periodically by the department.

1391 SECTION 86. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as
1392 most recently amended by section 127 of chapter 46 of the acts of 2015, is hereby further
1393 amended by inserting after the words “in the city of Canton” the following words:- Randolph
1394 Avenue Stables, so called, at 1333 Randolph Avenue in the Blue Hills State Reservation in the
1395 Town of Milton, 7 Brainard Street, in the Stonybrook State Reservation in the Hyde Park
1396 neighborhood of the City of Boston.

1397 SECTION 87. Notwithstanding any general or special law to the contrary, the
1398 commissioner of conservation and recreation may expend, without further appropriation, sums
1399 collected and held in accordance with chapter 673 of the acts of 1950 on repairs, replacements
1400 and improvements to the facilities and buildings on the Dilboy Stadium property in the city of
1401 Somerville.

1402 SECTION 88. Notwithstanding any general or special law to the contrary, when an
1403 electric or gas distribution company files with the department of public utilities, pursuant to
1404 section 94 of chapter 164 of the General Laws, any schedules of rates, prices or charges to be
1405 charged to or collected from customers in the commonwealth for the sale and distribution of gas
1406 or electricity, and said schedules would result in significant customer bill impacts if approved,
1407 the electric or gas distribution company shall also file a list of all other rates, prices or charges
1408 likely to increase or decrease within 90 days of the effective date of the rates, prices or charges
1409 within the schedules under review; provided, however, that the gas or electric distribution
1410 company shall supplement the information in said list as additional information becomes
1411 available. In its review of the schedules that would result in significant customer bill impacts if
1412 approved, the department shall consider, to the maximum extent practicable without causing
1413 material delay in the review of said schedules, the aggregate impact of both the rates, prices and
1414 charges in said schedules and all other increases and decreases likely to occur within 90 days of
1415 the effective date thereof. The department shall also consider requiring measures to mitigate
1416 aggregate impacts, including but not limited to additional customer notice and education.

1417 SECTION 89. Notwithstanding any general or special law to the contrary, the director of
1418 the division of marine fisheries, in consultation with the commissioner of the department of fish
1419 and game, shall, by June 14, 2019, conduct and publish a study of the current lobster fishery and
1420 provide a recommendation as to the advisability of enacting statutory and regulatory changes to
1421 allow the processing of lobster parts, other than lobster tails weighing 3 ounces or more, for sale
1422 in the commonwealth. The study shall include an economic and market analysis of potential
1423 impacts and benefits, assessment of potential state and federal law enforcement issues associated
1424 with a change in legislation or regulations, an assessment on the impacts of such changes on

1425 inter-jurisdictional fisheries management and a review and analysis of the potential biological
1426 and population dynamics of the species known as *Homarus americanus* as a result of such
1427 changes.

1428 SECTION 90. Notwithstanding section 30 of chapter 29 of the General Laws or section
1429 65 of chapter 30 of the General Laws, a portion of the funds authorized under this act may be
1430 used for the costs associated with the purchase of title insurance and services for title
1431 examinations, reports and certifications; provided, that any executive department or state agency
1432 expending such funds shall maximize efforts and utilize all available means to minimize use of
1433 capital funds for such purposes.

1434 SECTION 91. Notwithstanding any general or special law to the contrary, any executive
1435 department or state agency expending funds authorized in this act shall maximize efforts and
1436 utilize all available means to minimize use of capital funds to pay for services rendered by
1437 agency employees or by consultants.

1438 SECTION 92. Notwithstanding any general or special law to the contrary, upon acquiring
1439 any fee interest in land for purposes pursuant to Article XCVII of the Amendments to the
1440 Constitution, all state agencies, commissions and boards expending or receiving state funds
1441 under this act shall obtain the approval of the secretary of energy and environmental affairs
1442 before implementing or endorsing any prohibition of fishing, hunting or trapping on that land
1443 and shall provide the secretary with written justification of the prohibition.

1444 SECTION 93. The sums made available pursuant to sections 2 to 2D, inclusive, shall be
1445 available for expenditure in the 5 fiscal years following June 30 of the calendar year in which the
1446 appropriation is made and any portion of such appropriation representing encumbrances

1447 outstanding on the records of the state comptroller's office at the close of the fifth fiscal year
1448 may be applied to the payment thereof any time thereafter.

1449 SECTION 94. Each agency acquiring land or an interest in land under this act may
1450 expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the
1451 purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable
1452 expenses directly associated with the acquisition of land or interests in land subsequently
1453 conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency.
1454 The secretary of energy and environmental affairs shall determine by regulation what shall
1455 constitute reasonable expenses. If the commonwealth does not take title to the property through
1456 no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse
1457 the nonprofit organization for reasonable expenses associated with due diligence. An
1458 organization receiving a reimbursement under this section shall convey the land or interest in
1459 land to the agency for an amount not to exceed the actual purchase price paid by the organization
1460 for the land or interest in land in addition to any reimbursement received under this section.

1461 SECTION 95. To provide for the continued availability of certain bond-funded spending
1462 authorizations which otherwise would expire, the unexpended balances of the following capital
1463 accounts are hereby extended through June 30, 2023, for the purposes of and subject to the
1464 conditions stated for these items in the original authorizations and any amendments to such
1465 authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-
1466 2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-
1467 2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-
1468 6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-
1469 7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-

1470 7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-
1471 7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-
1472 2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-
1473 7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-
1474 2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-
1475 7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-
1476 7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-
1477 7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-
1478 7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-
1479 7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-
1480 3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-
1481 2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-
1482 6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 9300-
1483 3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-7918, 9300-7919.

1484 SECTION 96. The first state plan required by section 15 of this act shall be completed by
1485 September 16, 2018.

1486 SECTION 97. The department of energy resources shall promulgate regulations to
1487 establish the clean peak standard pursuant to sections 27 and 28 of this act by no later than
1488 December 31, 2019.

1489 SECTION 98. Any person serving as an inspector of animals on the date of enactment
1490 shall, within one year of enactment, complete all state-funded training that the director of animal

1491 health determines is required for newly appointed inspectors of animals under the authority of
1492 section 36.

1493 SECTION 99. Sections 9, 37 to 71, inclusive, 73 to 77, inclusive, and 81 and 82 shall
1494 take effect 90 days after enactment.

1495 SECTION 100. Section 33 shall take effect for estates of decedents dying on or
1496 after January 1, 2019.

1497 SECTION 101. Except as otherwise specified, this bill shall become effective upon
1498 enactment.