

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



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND EIGHTEEN

AN ACT PROMOTING CLIMATE CHANGE ADAPTATION, ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION, AND INVESTMENT IN RECREATIONAL ASSETS AND OPPORTUNITY

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to provide for climate change adaptation and the immediate preservation and improvement of the environmental and energy assets of the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for a program of climate change adaptation, and the preservation and improvement of the environmental and energy assets of the commonwealth, the sums set forth in this act, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds, which sums shall be in addition to any other amounts previously made available for these purposes; provided, that the amounts specified for a particular project may be adjusted in order to facilitate projects authorized in this act.

SECTION 2.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

- 2000-7071. For improvements and replacements to the infrastructure and holdings of the executive office of energy and environmental affairs and its departments and divisions; provided, that these improvements and replacements may include, but shall not be limited to, buildings, equipment, vehicles and communication and technology equipment; 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; and provided further, that any expenditures for communication and technology equipment under this item shall be considered in consultation with the secretary of technology services and security.....\$10,000,000
- 2000-7072. For grant programs for land, soil, water and natural resource conservation; open space preservation; watershed remediation; coastal resource protection; recreation; environmental equity and wildlife and endangered species protection, including, but not limited to, the local acquisition for natural diversity grant program, the parkland acquisition and renovation for communities grant program, conservation partnership grant programs including programs to support landscape-scale land conservation projects, the drinking water supply protection grant program, grant programs to assist and provide funding to conservation

districts, and grants to support local, regional and state land use planning and management capabilities to advance smart growth efforts, all pursuant to rules or regulations adopted by the secretary of energy and environmental affairs to effectuate this item; 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; and provided further, that all projects shall provide appropriate public access as determined by the secretary.....\$125,000,000

2000-7073. For the design, construction, reconstruction, rehabilitation, retrofitting, repair or removal of coastal infrastructure and resiliency measures, including, but not limited to, seawalls, jetties, revetments, retaining walls, beach nourishment and natural solutions; provided, that costs payable from this item may include, but shall not be limited to, the costs of engineering and other technical assistance and planning services essential to these projects rendered by the office of coastal zone management in the executive office of energy and environmental affairs, the office of waterways in the department of conservation and recreation and other commonwealth employees or consultants; provided further, that grants and loans may be made to local government units to carry out this item; 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.....\$25,000,000

2000-7074. For the design, construction, reconstruction, rehabilitation, retrofitting, repair or removal of municipally-owned dams, publicly-owned dams and other dams for which emergency action or statewide hazard mitigation is required and for inland flood control projects and projects for any related facilities and equipment, including, but not limited to, seawalls, jetties, revetments, retaining walls, beach nourishment and natural solutions, on publicly-owned land or related to state or municipal climate change adaptation and preparedness or for which emergency action or statewide hazard mitigation is required; provided, that the secretary of energy and environmental affairs shall give priority to dams and flood control projects that pose the greatest risk to public health or safety, or to the environment; provided further, that funds shall be available for a program of planning, permitting and construction of fish ways and other aquatic habitat improvements, including the removal or breaching of selected dams and impoundments on state-owned land and waterways; and provided further, that the secretary 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.....\$65,000,000

2000-7075. For the acquisition of land and interests in land by the executive office of energy and environmental affairs and its departments and divisions and for associated costs, including planning, study, due diligence, title and appraisal services, site

restoration, monitoring and stewardship, including, but not limited to, agricultural preservation restrictions under sections 23 to 26, inclusive, of chapter 20 of the General Laws, and acquisitions for open space, recreation, conservation, wildlife and endangered species protection, and forest land protection; for related costs and activities in support of conservation goals, including, but not limited to, capitalization of the Transfer of Development Rights Revolving Fund established under section 35GGG of chapter 10; provided, that funds under this item may be used to develop and implement a stewardship program on lands under the care and control of the executive office or its departments and divisions or subject to conservation restrictions or other related interests in land purchased through this item, including, but not limited to, resource and land use monitoring, signage, boundary delineation and monitoring, preparation of baseline documentation, stewardship planning, ecological monitoring and enforcement of conservation or other related restrictions or detection and resolution of encroachments on land and rights in land, and repair of damage to property related to illegal uses, including off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of acquired land, including demolition of structures, removal of debris, eradication of non-native species and other services essential to these reclamation efforts; and provided further, that the secretary of energy and environmental affairs may provide guidance for preservation, maintenance, and acquisition of land and interests in land in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard

mitigation and climate change adaptation plan and may expend funds under this item for such purposes.....\$30,000,000

2000-7079. For natural resource restoration and protection and in compliance with laws and regulations, and for purposes of improvements and costs associated with site assessment, containment, cleanup, control, disposal, removal or exchange of or response actions concerning hazardous materials or substances.....\$60,000,000

Department of Environmental Protection

2200-7022. For investment in water and air quality protection, including but not limited to investments necessary to meet the legislative and regulatory requirements of the Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands Protection Act; to provide for integrated energy and environmental projects to optimize and preserve environmental quality and public health and provide for appropriate protection, restoration, management and best use of air, energy, water and land resources, assets and infrastructure, including upgrades to laboratory equipment; to provide for research, studies and the collection of data to support investment in environmental assets, including sampling and analysis of water and air quality, monitoring cumulative environmental impacts in environmental justice communities, the development of Geographic Information System maps for wetlands conservancy and tidelands, stormwater infrastructure and public water supplies, the development of water quality analyses known as Total Maximum Daily Loads, the assessment of water quality health and impaired use of waterways, and projects related to nonpoint

and point sources of water pollution and the wetlands circuit rider program; to provide for local grants and research for implementation of the commonwealth's sustainable water management initiative, including grants and research to provide the data necessary for municipalities to invest in efficient and effective mitigation practice to restore and preserve the commonwealth's water resources, assets and infrastructure; to provide for sustainable water management initiative related research and implementation projects conducted by the department of fish and game and its divisions; to provide for the department's statewide air monitoring network, upgrades of air monitoring equipment to comply with federal requirements, implementation of a water quality monitoring network and eelgrass mapping to track water quality improvements; to provide for investments in water quality restoration of degraded estuarine habitat for projects deemed consistent with a current area-wide water resources management plan adopted under section 208 of the federal Clean Water Act; to fund pilot projects that test innovative and green wastewater management technologies and approaches; for sustainable technologies at wastewater treatment facilities; for long-term monitoring and stewardship of restoration projects developed under the oversight of natural resources damages trustees; to provide grants and technical assistance to public water suppliers for energy efficiency improvements for drinking water systems; to provide for municipal grants for water and air quality protection, including to support training and workforce development for drinking water and wastewater treatment facilities; to support the preparation and implementation of geographic response plans for the commonwealth's inland waterways; and to provide grants

to municipalities to support compliance with the federal Municipal Separate Storm Sewer System permit; 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.....\$45,000,000

2200-7024. For discovery, assessment, containment, monitoring, cleanup and closure of existing or closed solid waste facilities causing or threatening to cause pollution as authorized by section 4 of chapter 21H of the General Laws; and for capital expenditure associated with composting and recycling programs consistent with the comprehensive statewide solid waste master plan authorized by section 21 of chapter 16 of the General Laws.....\$7,500,000

2200-7016. For the assessment, containment, monitoring, cleanup, control, removal of or response actions concerning oil or hazardous materials or for any other actions necessary to implement chapter 21E of the General Laws and the Massachusetts Contingency Plan.....\$36,000,000

Department of Fish and Game

2300-7019. For planning, design, engineering, construction, reconstruction, renovation, repair, demolition, acquisition, enhancements, improvements, removal and replacement of the infrastructure, facilities and equipment under the care and control of the department of fish and game and its divisions, including, but not limited to buildings and other structures, education centers, district headquarters, hatchery

facilities, offices, storage buildings, shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels, and site clearance; provided, that any such facilities supported by this item may incorporate energy efficiency and renewable technologies to decrease energy use and greenhouse gas emissions, such as solar, wind and geothermal power; provided further, that funds shall also be available for investments for protection, remediation and restoration of aquatic and marine fisheries, wildlife species, land and marine plants, and the habitats that support them; 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.....\$45,000,000

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

agreements with state and federal government agencies and municipalities, may contract for services related to this item including, but not limited to, engineering and monitoring, and may award grants to public and nonpublic entities to foster and carry out this item.....\$30,000,000

Department of Agricultural Resources

2500-7021. For the purpose of developing and implementing programs designed to address agricultural economic and environmental sustainability, urban agriculture, research, industry promotion, technology transfer and education and to facilitate improvements to agricultural infrastructure, energy conservation and efficiency, and climate change adaptation and resiliency; provided, that a grant program shall be established to provide grants to public and nonpublic entities for the development and implementation of new procedures for energy conservation and efficiency and for renewable and alternative energy sources to assist the agricultural community to grow and develop; provided further, that there shall be established a program to assist in the preservation and rehabilitation of facilities and land resources of agricultural fairs through short-term preservation covenants, grants, demonstration projects and other means; provided further, that funds in this item may be expended for infrastructure and equipment upgrades to prevent or reduce food safety risk, programs to control invasive species and provide pesticide disposal, and programs to support aquaculture, dairy digesters and agricultural composters; provided further, that funds in this item may be expended for the agricultural environmental enhancement program on the abatement of all

forms of pollution generated from agricultural activities; provided further, that funds in this item may be allocated by the commissioner through competitive grants pursuant to rules or regulations adopted by the commissioner to implement this item.....\$20,000,000

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

2800-7025. For the design, construction, reconstruction, rehabilitation, retrofitting, repair or removal of state-owned dams for which emergency action or statewide hazard mitigation is required and for inland flood control projects and projects for any related facilities and equipment, including, but not limited to, seawalls, jetties, revetments, retaining walls, beach nourishment and natural solutions, on state-owned land or related to state climate change adaptation and preparedness or for which emergency action or statewide hazard mitigation is required; provided, that the department of conservation and recreation shall give priority to dams and flood control projects that pose the greatest risk to public health or safety, or to the environment; provided further, that funds shall be available for a program of planning, permitting and construction of fish ways and other aquatic habitat improvements, including the removal or breaching of selected dams and impoundments on state-owned land and waterways; 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.....\$80,000,000

2840-7025. For the planning, design, acquisition, construction, reconstruction, repair, removal, demolition, improvement, furnishing, equipping or rehabilitation of department reservations, forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate parks, swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts, ball fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic sites, beaches and related facilities, storage buildings, office buildings, visitor centers, fire towers, maintenance facilities and other park buildings, and equipment, including upgrades to information technology equipment to be considered in consultation with the secretary of technology services and security, and for the planning, design, acquisition, construction, reconstruction, repair, removal, improvement or rehabilitation of department bike paths, greenways, recreational trails and related facilities and equipment; 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; provided further, that the department of conservation and recreation may expend funds in this item for technical assistance and grants to cities and towns in accordance with rules or regulations adopted by the department to implement this item; and provided further, that in the expenditure of funds under this item, the commissioner will

prioritize public health and safety and capital maintenance needs of
commonwealth facilities.....\$350,000,000

2890-7034. For the planning, design, construction, reconstruction, repair, improvement or
rehabilitation of department of conservation and recreation parkways, boulevards,
multi-use trails, internal state park roads and recreational trails, pedestrian bridges
and related appurtenances and equipment including, but not limited to, the costs
of planning, design and engineering and other services for those projects rendered
by commonwealth employees or by consultants; provided, that funds may be
expended for pedestrian and bicycle safety, traffic calming, landscape
improvements, street lighting, safety equipment, and accessibility; provided
further, that all work funded by this item shall be carried out according to
standards developed by the department pursuant to historic parkways preservation
treatment guidelines to protect the scenic and historic integrity of the bridges and
parkways under its control; 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.....\$150,000,000

SECTION 2A.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

- 2000-7080. For implementation of the integrated state hazard mitigation and climate change adaptation plan; provided, that the secretary of energy and environmental affairs shall give priority to critical actions and strategies identified in the plan.....\$60,000,000
- 2000-7081. For the municipal vulnerability preparedness grant program to support and provide technical assistance for cities and towns to complete climate-related vulnerability assessments, develop action-oriented resiliency plans, and complete integrated climate change adaptation plans and local hazard mitigation plans; and to implement local and regional adaptation solutions identified through such plans, including changes to policies, bylaws, and plans, municipal infrastructure improvements, nature-based climate adaptation strategies, and repairs to address vulnerability and improve resiliency.....\$50,000,000
- 2000-7084. To capitalize the Global Warming Solutions Trust Fund established in section 35EEE of chapter 10 of the General Laws.....\$3,000,000
- 2000-7085. For the climate change science and data program to support the development and maintenance of data including statewide, basin scale, and other relevant climate change projections and data, the establishment of datasets to track and monitor ongoing impacts from climate change, and the maintenance and expansion of the climate change clearinghouse data and tools available to cities and towns; provided, that any expenditures for communication and technology equipment under this item shall be considered in consultation with the secretary of technology services and security.....\$5,000,000

Department of Environmental Protection

2200-7019. For the Massachusetts Electric Vehicle Incentive Program to provide grants to public entities to acquire passenger plug-in vehicles for fleets, install charging stations for public electric vehicles, and promote the establishment of vehicle charging stations.....\$4,000,000

EXECUTIVE OFFICE OF EDUCATION

Office of the Secretary

7009-2007. To close workforce skills gaps across a range of occupations where climate change impacts such as extreme weather are likely to require adaptation to reduce risks and vulnerability from the impacts of climate change, by providing skills capital and workforce training grants to support education and training providers, in consultation with the workforce skills cabinet and the secretary of energy and environmental affairs.....\$2,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

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 attainment of environmental equity, including planning related to these parks; provided, that funds shall be available for the completion of urban forestry and tree planting projects, assessment and remediation of brownfield and grayfield sites intended for reuse as parks, drafting of architectural renderings, construction documents and other technical documents necessary for parks construction, acquisition of land or interests in land for the creation of parks pursuant to article

97 of the amendments to the state constitution and for the construction, rehabilitation and improvement of parks including, but not limited to, all related facilities, landscaping, monuments and features, parking areas and roadways; provided, that the secretary of energy and environmental affairs may issue grants to public and nonpublic entities to implement these projects; and provided further, that the secretary may provide guidance for planning, prioritization, selection of parks to promote environmental equity and in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan.....\$47,000,000

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

leases where necessary to advance trail projects; provided further, that a match from the funding recipient may be required at the discretion of the secretary of energy and environmental affairs; and provided further, that funds expended from this item for the cost of employees shall not exceed 5 percent of funds expended from this item in any fiscal year.....\$25,000,000

Department of Conservation and Recreation

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

SECTION 2D.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

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

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

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

shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

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

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

payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

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

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

Section 35EEE. (a) There shall be established upon the books of the commonwealth a separate fund to be known as the Global Warming Solutions Trust Fund into which shall be deposited any revenues or other financing sources directed to the fund by appropriation; bond revenues or other monies authorized by the general court and specifically designated to be credited to the fund; any income derived from the investment of amounts credited to the fund or repayment of loans from the fund; funds from public or private sources, including, but not limited to, gifts, federal or private grants, donations, rebates and settlements received by the

commonwealth that are specifically designated to be credited to the fund; and all other amounts credited or transferred into the fund from any other source. The fund shall be administered by the secretary of energy and environmental affairs.

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

Section 35FFF. (a) There shall be established upon the books of the commonwealth a separate fund to be known as the Boston Harbor Mitigation Trust Fund into which shall be deposited mitigation funds received pursuant to licenses issued under chapter 91 which require

payment of such funds to enhance public access to the Boston Harbor waterfront or expand water transportation to, from, or within Boston Harbor in order to mitigate for unavoidable interference with certain water-related public rights caused by the licensed activities. The fund may also accept private contributions, publicly or privately-funded grants or other funds appropriated by the state or federal government, and funds paid to the commonwealth from any other source to enhance public access to the Boston Harbor waterfront. The fund shall be administered by the commissioner of environmental protection.

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

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

other amounts credited or transferred into the fund from any other source. The fund shall be administered by the secretary of energy and environmental affairs.

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

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

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

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

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

A person notified to appear before the clerk of a district court, as provided in said section 10G, for any violation of sections 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A,

100B or 100C of chapter 130 may so appear within the time specified and pay, in addition to the applicable base fine specified in this section for a violation of any of the sections listed above, a supplemental fine of \$10 per fish for a violation of each said section. For the purpose of this paragraph, the term “fish” shall be defined as provided in section 1 of chapter 130, except that it shall not include bi-valve shellfish.

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

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

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

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

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

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

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

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

(iv) Provides reasonable assurance that areas designated for receipt of transferred development rights are properly sized based on the potential increase in growth that may result from the transfers to them, and that they are appropriate for additional growth based on their

location, availability of infrastructure or planned infrastructure development, and access to municipal services; and

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

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

report on these transactions and fund balances to the secretary in a manner directed by the secretary.

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

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

“Adaptation”, adjustments in natural or human systems in response to actual or expected climatic stimuli and associated impacts, including but not limited to changes in processes,

practices, and built and natural structures to increase resiliency, moderate potential damages, or benefit from opportunities associated with climate change.

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

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

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

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

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

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

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

Section 10. (a) The secretary and the secretary of the executive office of public safety and security shall coordinate efforts across the commonwealth to strengthen the resilience of our communities, prepare for the impacts of climate change, and prepare for and mitigate damage from extreme weather events. In order to facilitate this coordination, the secretaries shall publish, every 5 years, a state plan that includes a statewide adaptation strategy incorporating (1) observed and projected climate trends based on the best available data, including but not limited to, extreme weather events, drought, coastal and inland flooding, sea level rise and increased storm surge, wildfire, and extreme temperatures; (2) risk analysis and vulnerability assessment of key physical assets and functions of state government, natural resources, local economies, municipalities, and the built environment, to identify impacts and opportunities from climate change; provided, however this analysis and assessment shall include key findings from vulnerability assessments conducted pursuant to subsection (b); (3) an evaluation of the commonwealth's adaptive capacity to respond and make adjustments to adapt to climate change impacts and opportunities; (4) guidance and strategies for state agencies and authorities, municipalities and regional planning agencies to proactively address these impacts through adaptation and resiliency measures, including guidance regarding changes to plans, by-laws, regulations, and policies; (5) clear goals, expected outcomes, and a path to achieving results; (6) approaches for the commonwealth to lead by example to increase the resiliency of state government operations; (7) policies and strategies for ensuring that adaptation and resiliency efforts complement efforts to reduce greenhouse gas emissions and contribute to meeting statewide emission limits, established pursuant to this chapter; and (8) strategies that conserve and sustainably employ the natural resources of the commonwealth to enhance climate adaptation, build resilience and mitigate climate change.

(b) The secretary and the secretary of the executive office of public safety and security shall further (1) establish and maintain a framework for each executive office, established under section 2 of chapter 6A, to complete a vulnerability assessment for such office and each agency under the jurisdiction of such office to be incorporated continuously into the state plan; (2) establish and maintain a framework enabling each municipality in the commonwealth that so chooses to complete a vulnerability assessment that can be incorporated continuously into the state plan; (3) continuously implement the state plan; and (4) incorporate information learned from implementing the state plan in plan updates, including the experiences of executive offices, agencies, and municipalities in assessing and responding to climate change vulnerability.

(c) The secretary of each executive office established under section 2 of chapter 6A shall designate an employee to serve as the climate change coordinator of such office. Each climate change coordinator shall: (1) serve as such office's principal liaison regarding climate change mitigation, adaptation, and resiliency efforts; (2) assist in the development and implementation of the state plan under the leadership of personnel from the executive office of energy and environmental affairs and the executive office of public safety and security; (3) work with agencies under the jurisdiction of such office to complete vulnerability assessments for each agency and assist in incorporating these assessments into the state plan, on a schedule determined by the executive office of energy and environmental affairs and the executive office of public safety and security; (4) complete vulnerability assessments for such office, informed by the vulnerability assessments of each agency under the jurisdiction of such office and assist in incorporating these assessments into the state plan, on a schedule determined by the executive office of energy and environmental affairs and the executive office of public safety and security;

and (5) continuously implement priority strategies and recommendations from the vulnerability assessment, to moderate risk from climate change.

Section 11. (a) The secretary shall develop and support a municipal vulnerability preparedness grant program. The program shall consist of: (1) financial assistance to municipalities to complete a community-led resilience building process and vulnerability assessment that enables climate change information and adaptation actions to be directly incorporated into existing municipal plans, policies, and spending programs; (2) technical planning guidance to increase resilience in municipalities through climate vulnerability assessments; (3) a statewide catalogue of municipal climate vulnerabilities and impacts identified through the assessment process that may be incorporated into the state plan; and (4) support for implementation projects to address vulnerabilities identified through the planning process.

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

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

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

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

SECTION 18. Said subsection (g) of said section 3 chapter 23M, as so appearing, is hereby further amended by inserting after the sixth sentence the following sentence:- In the event a lien for property taxes of the municipality is foreclosed, the betterment assessment lien shall be extinguished solely with regard to any installments that were due and owing on the date of foreclosure of such tax lien, and the betterment assessment lien shall otherwise survive such foreclosure.

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

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

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

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

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

SECTION 24. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the words “management programs,” in line 34, the following words:- including energy storage and other active demand management technologies, and strategic electrification, such as measures that are designed to result in cost-effective reductions in greenhouse gas emissions through the use of expanded electricity consumption while minimizing ratepayer costs;.

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

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

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

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

“Clean peak period”, one or more discrete time periods during a calendar year, as determined by the department pursuant to subsection (j) of section 11F, when electrical consumption results in a significant increase in greenhouse gas emissions, or an increase in electrical prices or transmission and distribution costs to end-use electricity customers of the commonwealth; provided, however, that the total numbers of hours constituting the clean peak period for a particular year shall not exceed 10 per cent of the projected total hours of electricity demand of all end-user customers in the commonwealth in that year; and provided further, that the department may rely on forecasting by the independent service operator for the New England service area in determining the clean peak period.

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

(j) The department shall establish a clean peak standard for all retail electricity suppliers selling electricity to end-use customers in the commonwealth. Such standard shall require all retail electricity suppliers to provide a minimum percentage of kilowatt-hour sales to end-use customers in the commonwealth from clean peak energy resources, which amount shall be

determined by the department through regulations. A retail electricity supplier may satisfy its annual obligation under this subsection with Class I renewable energy generating sources used to satisfy its annual obligation under subsection (a). In developing the clean peak standard, the department may consider using market-based program designs to facilitate long-term investment in clean peak energy resources; provided, however, that the clean peak standard shall be designed to lower the overall costs to the commonwealth's ratepayers over the period in which the clean peak standard is in effect and, to the maximum extent practicable, shall ensure that any rate increase for an individual electricity customer, regardless of customer class, resulting from the clean peak standard does not exceed 0.5 cents per kilowatt-hour in the aggregate for any particular year. The department shall promulgate regulations to implement this subsection, including, at a minimum, provisions regarding: (1) the methodology for defining the clean peak period for electricity demand in a given year; (2) the minimum amount of clean peak energy resources required to satisfy the clean peak standard; and (3) an alternative compliance mechanism for retail electricity suppliers. The clean peak standard established under this subsection shall terminate on December 31, 2040.

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

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

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

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

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

CHAPTER 40X. Public Private Partnerships

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

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

“Material default”, a default by the operator in the performance of its duties under a public-private partnership agreement which jeopardizes delivery of adequate service to the public from an eligible project and remains unsatisfied after a reasonable period of time after the operator has received written notice from the public agency of the failure, or any other default

that has a material adverse financial impact on the public agency or the users of the eligible project as determined by the public agency pursuant to procedures set forth in the public-private partnership agreement.

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

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

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

“Public agency”, a municipality or two or more municipalities acting together, a redevelopment authority, or a fire, water, sewer, or water pollution abatement district, howsoever named, formed for the purpose of carrying out any of the aforementioned functions, whether established under general law or special act or otherwise authorized by law.

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

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

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

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

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

Section 2. Notwithstanding any general or special law to the contrary, a public agency may solicit proposals and enter into a public-private partnership agreement for an eligible project in accordance with this chapter; provided, however, that the public-private partnership agreement shall not be subject to sections 14 to 21, inclusive, of chapter 149A and the competitive bid requirements set forth in sections 44 to 57, inclusive, of chapter 7C, section 39M of chapter 30, or sections 44A to 44J, inclusive, of chapter 149; and provided further, that each such public-private partnership agreement shall be awarded pursuant to this chapter and chapter 30B of the General Laws, except for clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) of said section 6, paragraph (g) of said section 6, and sections 13 and 16 of said chapter 30B.

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

Section 4. (a) No public agency shall enter into a public-private partnership agreement for an eligible project without first soliciting proposals as set forth in this section. The request for proposals for an eligible project shall specify the method for comparing proposals to determine which offerors are responsible offerors and which proposal from a responsible offeror

best meets the factors listed in subsection (a) of section 5. If the public agency awards the public-private partnership agreement to a responsible offeror who did not submit the proposal with the lowest overall cost, including but not limited to all capital financing, operating and maintenance and life-cycle costs, the public agency shall explain the reason for the award in writing as provided in paragraph (h) of section 6 of chapter 30B. The request for proposals shall set forth mandatory performance guarantees, which the selected responsible offeror will be required to meet in operating the eligible project as constructed or improved. The public-private partnership agreement that is negotiated with the selected offeror based on the request for proposals shall obligate the selected responsible offeror to meet such mandatory performance guarantees, in addition to any other terms required by section 6, and shall set forth the minimum design requirements for such construction or improvements and the acceptance tests to be conducted upon the completion of the construction or improvements in order to demonstrate that the eligible project is capable of meeting the performance guarantees.

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

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

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

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

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

- (1) price;
- (2) estimated life-cycle costs;
- (3) lower user charges proposed over the term of the agreement;
- (4) form and reliability of the performance guarantee proposed;
- (5) financial commitment;
- (6) innovative financing;
- (7) bonding capacity;
- (8) technical, scientific, technological or socioeconomic merit and innovation;
- (9) proposed design, operation and feasibility of the eligible project;
- (10) public reputation, qualifications, industry experience, and financial strength of the private entity;

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

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

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

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

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

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

public agency shall award the contract to the most advantageous proposal from a responsible offeror taking into consideration price, the evaluation criteria set forth in the request for proposals, and the terms of the negotiated contract.

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

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

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

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

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

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

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

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

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

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

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

(b) The public-private partnership agreement may provide for a user fee or service payment, or both. When negotiating a user fee under this section, the parties shall establish

payments or fees that are the same for a person using the facility under like conditions and that will not materially discourage use of the eligible project. A user fee established in the public-private partnership agreement as a source of revenue may be in addition to or in lieu of a service payment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. (a) Upon the occurrence of a material default by the operator not caused by an event of force majeure, the public agency may exercise all rights and remedies available to it pursuant to the public private partnership agreement, including without limitation the termination of the public private partnership agreement. In addition to such rights and remedies, if the public agency determines that the operator has failed or will fail to provide adequate and reasonable service to the persons served by the eligible project, the public agency may, by written notice to the operator, temporarily assume some or all of the responsibilities and duties of the operator, at the sole expense of the operator. If a public agency shall temporarily assume the responsibilities of the operator pursuant to this subsection (a), the public agency may design, construct, improve, renovate, operate, expand, equip or maintain the eligible project, impose user fees, collect revenue and comply with service contracts as if it were the operator. Revenue subject to a pre-existing lien shall be collected for the benefit of and paid to secured parties, as their interests may appear, to the extent necessary to satisfy the operator's obligations to secured parties, including the maintenance of reserves; provided, however, that revenue shall first be allocated to pay current operation and maintenance costs of the eligible project, including compensation to the

public agency for its services in operating and maintaining the eligible project. Assumption of operation of the eligible project shall not obligate the public agency to pay any obligation of the operator from sources other than revenue from such eligible project.

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

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

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

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

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

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

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

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

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

“Qualifying agricultural land”, land which meets the definition of forest land under chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational land under chapter 61B that is also used for farming or agriculture, as defined in section 1A of chapter 128, and has been devoted to such use or uses for at least 2 of the tax years immediately preceding the death of the decedent; provided, however, that the land need not be classified by municipal assessors as forest land under chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter

61A or recreational land under chapter 61B to qualify for valuation as closely held agricultural land under this subsection.

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

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

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

(3) Unless the property is restricted by a non-development covenant that (i) is approved by the commissioner of agriculture, (ii) is for the purposes of maintaining the land in agricultural use, (iii) precludes non-agricultural development of the land, (iv) is recorded at the registry of deeds in the counties or districts in which the property is located and (v) does not expire within 10 years of the applicable date, the commissioner shall forthwith cause to be recorded in the registry of deeds of the counties or districts in which the property is situated a statement which

shall constitute a lien upon the land covered by election under this subsection. The statement shall include the owner or owners of record, the savings as a result of such election, the fair market value of the property and a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien.

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

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

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

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

(ii) If an election has been made with respect to qualifying non-committed land which, on the applicable date, fails to meet the definition of forest land under chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational land under chapter 61B that is also used for farming or agriculture, as defined in section 1A of chapter 128, an assessment shall be due the commonwealth and payable by the

owner or owners within 30 days of the applicable date; provided, however, that the land need not be classified by municipal assessors as forest land under chapter 61, land actively devoted to agricultural, horticultural or agricultural and horticultural uses under chapter 61A or recreational land under chapter 61B. Such assessment shall be equal to the sum of (A) 100 per cent of the savings; (B) interest calculated at a simple interest rate of 5 per cent per annum on the savings from the date of death of the decedent; and (C) an additional assessment equal to 30 per cent of the savings.

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

(iv) In the case of sale for other use of closely held agricultural land, other than qualifying non-committed land sold for other use before the applicable date, assessments imposed by this subsection shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance. In the case of qualifying non-committed and sold for other use before the applicable date, assessments imposed by this subsection shall be due and payable by the grantor on the applicable date. In the case of change to a non-qualifying

use, assessments imposed by this subsection shall be due and payable by the owner or owners within 30 days of the of the last date of use as closely held agricultural land, regardless of the date on which the commissioner was notified by said owner or owners of such change of use.

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

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

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

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

operating area. The designated portion shall be the minimum distance necessary to permit such travel or access, but in no event shall exceed 4 miles.

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

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

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

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

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

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

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

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

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

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

Section 23. Except in the case of emergency imperiling life or property or an unavoidable accident or except in accordance with the terms of a permit issued pursuant to state or federal

water pollution control laws, no person shall, from any source, put, throw, discharge or suffer or permit to be discharged or escape into any coastal waters any oil, poisonous or other injurious substance, including but not limited to, sawdust, shavings, garbage, ashes, acids, sewage and dye-stuffs, whether simple, mixed or compound, or heated effluent, which directly or indirectly materially injure fish, fishspawn or seed therein, or takes any such fish by such means, or whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or takes any such fish in such waters by such means, or explodes dynamite or other explosive in such waters.

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

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

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

Section 31. No person shall, without the consent of the owner, take or use or destroy, injure or molest any weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear, or any fish car or other contrivance used for the purpose of storing fish, including any such fishing gear which is swept ashore by storm or tide or other natural causes and

deposited upon the shore, beaches or flats, whether public or private, or take fish therefrom without the consent of the owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 66. No person shall willfully injure, deface, destroy or remove any mark or bound used to define the extent of any shellfish license or grant, or place any unauthorized mark thereon, or tie or fasten any boat or vessel thereto. Any person who violates this section shall be liable in tort for double damages and costs to the licensee or transferee injured by such act.

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

Section 67. No person shall work a dredge, oyster tongs or rakes, or any other implement for the taking of shellfish of any description upon any shellfish grounds or beds covered by a license granted under section 57 or corresponding provisions of earlier laws, or in any way disturb the growth of the shellfish thereon, or discharge any substance which may directly or indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee or transferee, as the case may be, or, while upon or sailing over any such grounds or beds, cast,

haul, or have overboard any such dredge, tongs, rake or other implement for the taking of shellfish of any description, under any pretense or for any purpose whatever, without the consent of the licensee or transferee, as the case may be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 79. The fifth paragraph of section 11 of chapter 131 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-

The director, with the approval of the fisheries and wildlife board, may discount the fees charged for sporting, hunting, fishing, and trapping licenses issued to veterans, as defined in section 6A of chapter 115.

SECTION 80. Subdivision (2) of section 2D of chapter 132A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The commissioner may also

offer discounts or waive charges or fees for parking passes for veterans, as defined in section 6A of chapter 115.

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

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

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

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

This penalty shall be assessed in addition to any other civil penalty otherwise provided for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in hand, or by certified mail, return receipt requested, and shall state the amount of the administrative penalty, the date the penalty shall be due, a statement of the violator's right to an adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the actions the person may take in order to avoid assessment of additional penalties or to avoid

waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an election to waive a hearing is made.

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

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

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

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

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

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

SECTION 89. Notwithstanding any general or special law to the contrary, the director of the division of marine fisheries, in consultation with the commissioner of the department of fish and

game, shall, by June 14, 2019, conduct and publish a study of the current lobster fishery and provide a recommendation as to the advisability of enacting statutory and regulatory changes to allow the processing of lobster parts, other than lobster tails weighing 3 ounces or more, for sale in the commonwealth. The study shall include an economic and market analysis of potential impacts and benefits, assessment of potential state and federal law enforcement issues associated with a change in legislation or regulations, an assessment on the impacts of such changes on inter-jurisdictional fisheries management and a review and analysis of the potential biological and population dynamics of the species known as *Homarus americanus* as a result of such changes.

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

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

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

SECTION 93. The sums made available pursuant to sections 2 to 2D, inclusive, shall be available for expenditure in the 5 fiscal years following June 30 of the calendar year in which the appropriation is made and any portion of such appropriation representing encumbrances outstanding on the records of the state comptroller's office at the close of the fifth fiscal year may be applied to the payment thereof any time thereafter.

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

amount not to exceed the actual purchase price paid by the organization for the land or interest in land in addition to any reimbursement received under this section.

SECTION 95. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the unexpended balances of the following capital accounts are hereby extended through June 30, 2023, for the purposes of and subject to the conditions stated for these items in the original authorizations and any amendments to such authorizations: 2000-2010, 2000-2011, 2000-2012, 2000-2013, 2000-2014, 2000-2015, 2000-2016, 2000-2017, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-2024, 2000-2025, 2000-2026, 2000-2028, 2000-2029, 2000-2035, 2000-6966, 2000-6967, 2000-6969, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-7024, 2000-7025, 2000-7026, 2000-7028, 2000-7029, 2000-7031, 2000-7051, 2000-7052, 2000-7053, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-7058, 2000-7059, 2000-7060, 2000-7061, 2000-7062, 2000-7063, 2000-7066, 2000-7070, 2200-2011, 2200-2014, 2200-2015, 2200-2017, 2200-2019, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-7018, 2200-7021, 2200-7023, 2200-7025, 2200-7991, 2240-8820, 2250-8820, 2250-8822, 2300-2010, 2300-2011, 2300-2012, 2300-2014, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-7014, 2300-7016, 2300-7017, 2300-7018, 2300-7020, 2300-7021, 2300-7023, 2300-7024, 2300-7025, 2300-7026, 2300-7027, 2300-7028, 2500-7011, 2500-7012, 2500-7013, 2500-7014, 2500-7023, 2500-7024, 2800-0103, 2800-0109, 2800-0611, 2800-2019, 2800-7011, 2800-7012, 2800-7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7027, 2800-7031, 2800-7032, 2800-7035, 2800-7097, 2800-7098, 2800-7107, 2800-7108, 2800-7109, 2810-3302, 2810-7872, 2810-8802, 2820-1420, 2820-2011, 2820-2012, 2820-8861, 2840-2013, 2840-2014, 2840-2019, 2840-2023, 2840-7017, 2840-7024, 2840-7026, 2840-7027, 2840-7993, 2850-

6967, 2850-9951, 2890-2023, 2890-2040, 2890-7010, 2890-7011, 2890-7020, 2890-7035, 9300-3909, 9300-7010, 9300-7030, 9300-7031, 9300-7909, 9300-7918, 9300-7919.

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

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

SECTION 98. Any person serving as an inspector of animals on the date of enactment shall, within one year of enactment, complete all state-funded training that the director of animal health determines is required for newly appointed inspectors of animals under the authority of section 36.

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

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

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